

Planning Board Item II – GENERAL PUBLIC HEARING INFORMATION (Z19-01)
Board of Commissioners / Planning Board Public Hearing Date February 26, 2019

General Rezoning Application Z19-01

Request: To rezone property parcel 154004 from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (C-1) Light Commercial Zoning District with (US) Urban Standards Overlay

Applicant(s): Jay Oliver

Property Owner(s): William B. Shuford Jr.

Mailing Address of Applicant: PO Box 1, Lowell, NC 28098

Site Information and Description of Area

General Location: Linwood Rd., Kings Mountain

Parcel ID(s): 154004

Total Property Acreage: 53.48 acres

Acreage for Map Change: 53.48 acres

Current Zoning District(s): (R-1) Single Family Limited with (US) Urban Standards Overlay

General Area Zoning District(s): (R-1) Single Family Limited, (C-1) Light Commercial, (C-3) General Commercial, (I-1) Light Industrial, (US) Urban Standards Overlay, (CH) Corridor Highway Overlay

Zoning District Information

Current Zoning District:

(R-1) Single Family Limited – The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

(US) Urban Standards Overlay – Areas of the County which are located outside their corporate limits and/or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the “Urban Standards Overlay District”.

Note: If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.

Proposed Zoning District:

(C-1) Light Commercial – The C-1 Light Commercial District is designed to accommodate a large variety of retail uses designed to meet the needs of individual neighborhoods, or other relatively small geographic areas. Stores and shopping complexes are therefore relatively small in size and are designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district is not intended to accommodate retail uses which attract persons from outside the neighborhood or which attract large numbers of passing motorists.

Comprehensive Land Use Plan (Small Area District)

Area 5: Scenic Gaston / Southwest Gaston (Crowders Mountain State Park, Gastonia, and surrounding area)

Key issues for citizens in this area include preservation of open space; road improvements and better connectivity to other areas of the County; preservation of existing conditions while allowing low to moderate growth; repurpose vacant buildings and facilities for new economic opportunities; and, increased commercial opportunities along existing major thoroughfares.

Comprehensive Plan Future Land Use: Rural

It is staff's opinion that the request *is not consistent* with the Comprehensive Land Use Plan. The proposed use, as presented to staff by the applicant, is allowed by right under the current zoning with the issuance of a Conditional Use Permit by the Board of Adjustment.

Technical Review Committee (TRC)

The request was reviewed by the TRC for comment and general compliance with applicable regulations and provisions. The TRC is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO), County Fire Marshall, et cetera, which review all land use proposals and site plans requiring Planning Board approval and/or public hearing process.

Notification

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

Zoning Sign Placement

February 8, 2019

Information Attached

Rezoning application; zoning district uses (current and proposed); vicinity map, aerial map, zoning/subject area maps, and adjacent property map with property owner list.

Transportation Planning Information

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Staff Contact

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or sarah.penley@gastongov.com



GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052

Phone: (704) 866-3195

Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Fax: (704) 866-3966

GENERAL REZONING APPLICATION

Application Number: Z19-01

Applicant

Planning Board (Administrative)

Board of Commission (Administrative)

ETJ

A. *APPLICANT INFORMATION

Name of Applicant: Jay Oliver

(Print Full Name)

Mailing Address: P.O. Box 1, Lowell, N.C. 28098

(Include City, State and Zip Code)

Telephone Numbers: (704)915-1132

(Area Code) Business

Same

(Area Code) Home

Email: JAY@CROWDERSRidge.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: William B. Shuford Jr.

(Print Full Name)

Mailing Address: P.O. Box 6618, Gastonia, N.C. 28053

(Include City, State and Zip Code)

Telephone Numbers: 704-864-5352

(Area Code) Business

SAME

(Area Code) Home

Email: N/A

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: Linwood Rd. (Kings Mountain 28086)

Parcel Identification (PID): 154004

Acreage of Parcel: 53.48 +/- Acreage to be Rezoned: 53.48 +/- Current Zoning: R-1

Current Use: Vacant / Wooded Proposed Zoning: C-1

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)

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) 154004 hereby give JAY OLIVER (Name of Applicant) consent to execute this proposed action.

William B. Shuford Jr. (Signature) 11-29-18 (Date)

I, Christie A. Dellinger, a Notary Public of the County of Gaston State of North Carolina, hereby certify that William B. Shuford Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 29th day of November, 2018.

Christie A. Dellinger (Notary Public Signature) November 29 2023 (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.

[Signature] (Signature of Property Owner or Authorized Representative) 11-29-18 (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: <u>11/29/18</u>	Application Number: <u>219-01</u>	Fee: <u>\$500.00</u>
Received by Member of Staff: <u>SCP</u> (Initials)	Date of Payment: <u>11/29/18</u>	Receipt Number: <u>INV-00003511</u>
<input checked="" type="checkbox"/> COPY OF PLOT PLAN OR AREA MAP	<input checked="" type="checkbox"/> COPY OF DEED	
<input checked="" type="checkbox"/> NOTARIZED AUTHORIZATION	<input checked="" type="checkbox"/> PAYMENT OF FEE	

Date of Staff Review: _____ Date of Public Hearing: 2/26/19
 Planning Board Review: _____ Recommendation: _____ Date: _____
 Commissioner's Decision: _____ Date: _____

CURRENT USES:

<p>(R-1) SINGLE FAMILY LIMITED</p>
<p><u>(1) Uses allowed by right:</u> Dwelling, Single-Family; Essential Services Class 1; Recycling Deposit Station, accessory; and Taxidermy.</p>
<p><u>(2) Uses allowed by right with supplemental regulations:</u> Automobile Hobbyist; Bona Fide Farms, Botanical Garden; Churches/ Place of Worship; Day Care Center, Class A; Day Care Center, Class B; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Landfill, Land Clearing and Inert Debris, Minor; Marina, Accessory; Maternity Home; Park; Planned Residential Development (PRD); Private Residential Quarters (PRQ); Produce Stand; Restaurant within other facilities; Schools, Elementary & Middle (public & private); School, Senior High (public & private); Stadium; Telecommunication Antennae and Equipment Buildings; and Traditional Neighborhood Development (TND).</p>
<p><u>(3) Uses allowed with a conditional use permit:</u> Library; Museum; and Zoo</p>
<p><u>(4) Uses allowed with a conditional use permit, with supplemental regulations:</u> Bed and Breakfast; Cemetery; Country Club; Day Care Center, Class B; Essential Services Class 4; Fraternal & Service Organization Meeting Facility (non- or not-for profit) 0-9,999 sq. ft. GFA; Golf Course, Golf Driving Range, Golf Miniature; Maternity Home; Park; Parking Lot; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Stadium; Tower and/or Station, Radio; and Wood Waste Grinding Operation.</p>
<p><u>(5) Existing Use subject to supplemental regulations:</u> Dwelling, Manufactured Home Class C; and Dwelling, Manufactured Home Class D, Manufactured Home Park.</p>
<p><u>(6) By Conditional Zoning:</u> Marina, Commercial</p>
<p><u>(7) By Conditional Zoning with supplemental regulations:</u> Planned Residential Development (PRD); and Planned Unit Development (PUD), and Traditional Neighborhood Development (TND).</p>
<p><u>(8) By Special exception:</u> None</p>
<p><u>(9) By Special exception with supplemental regulations:</u> Family Care Home</p>

(USO) URBAN STANDARDS OVERLAY DISTRICT

Areas of the County which are located outside their corporate limits and/or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the "Urban Standards Overlay District".

Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards addressed, but not limited to: building design, off-street parking, road, lot and subdivision standards.

Note: If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.

Memorandum

To: Sarah Penley, Development Services Planner, Gaston County Dept. of Planning & Devpt. Services
From: Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO
Date: February 25, 2019
Subject: Z19-01 Jay Oliver—GCLMPO Comments

Thank you for the opportunity to provide transportation comments on a proposed site located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) geographic area. My comments are based on review of the proposed site in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

1. The proposed development is located at Linwood Rd (Kings Mountain 28086) PID: #154004.
 - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network.
 - B. According to the 2020-2029 STIP and the 2045 MTP, there are no planned transportation improvement projects in the immediate vicinity of this development.
 - C. The CTP does not show any future improvements on any streets adjacent to the subject properties.



**Gaston County
North Carolina**

Vicinity Map

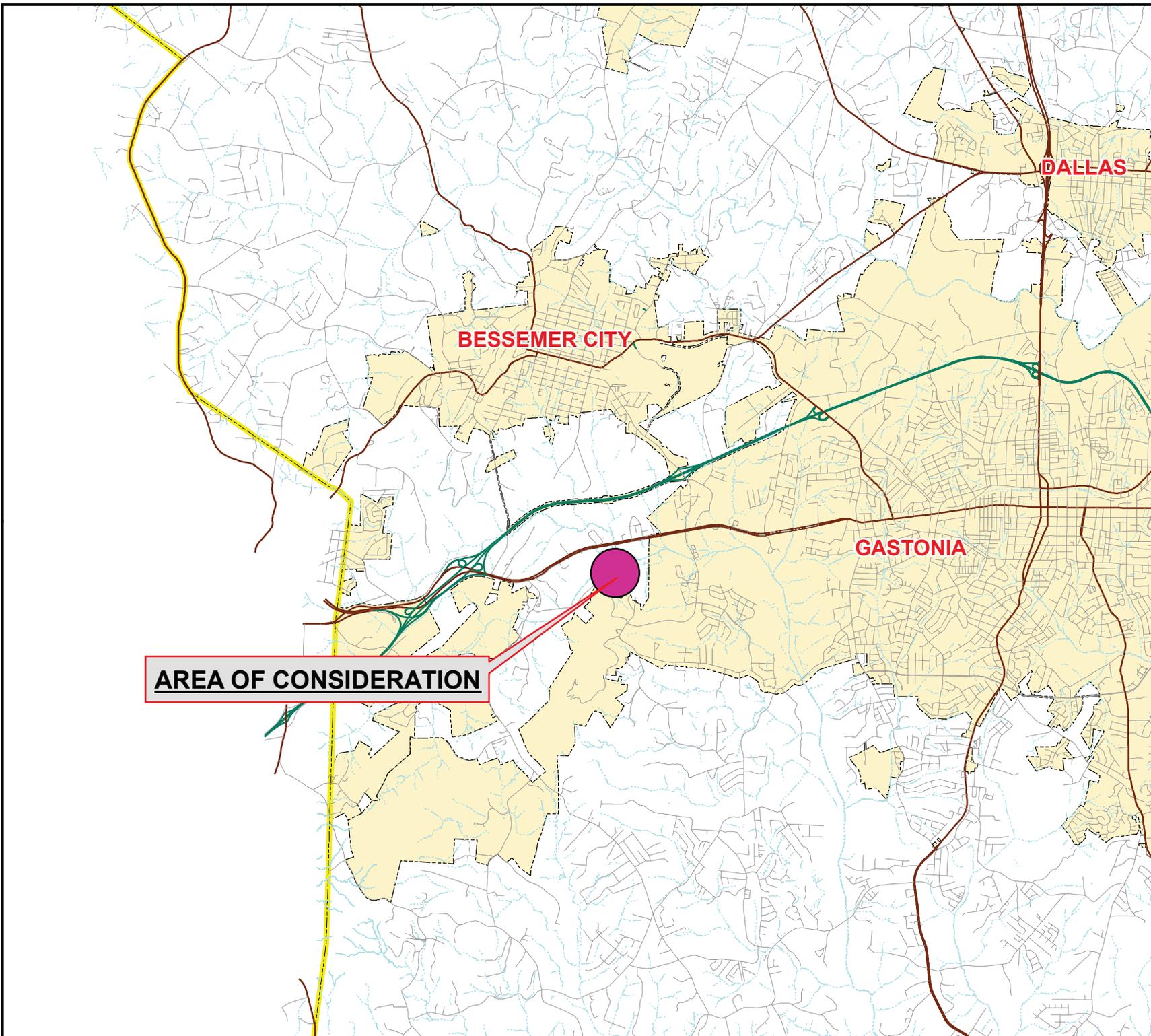
Z19-01

Legend

-  Minor Roadways
-  Major Roadways
-  Area of Consideration
-  Municipalities

Although strict accuracy 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 read or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 132-10.



AREA OF CONSIDERATION



Gaston County Zoning Review Overview Map

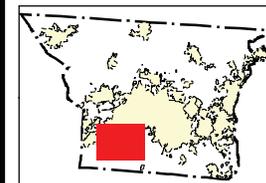
2018 Pictometry

Z19-01

Legend

 Subject Area

 Property Parcels



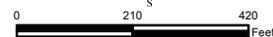
This map is intended for use by the Gaston County Board of Commissioners, in the review of mhp expansion requests.

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.

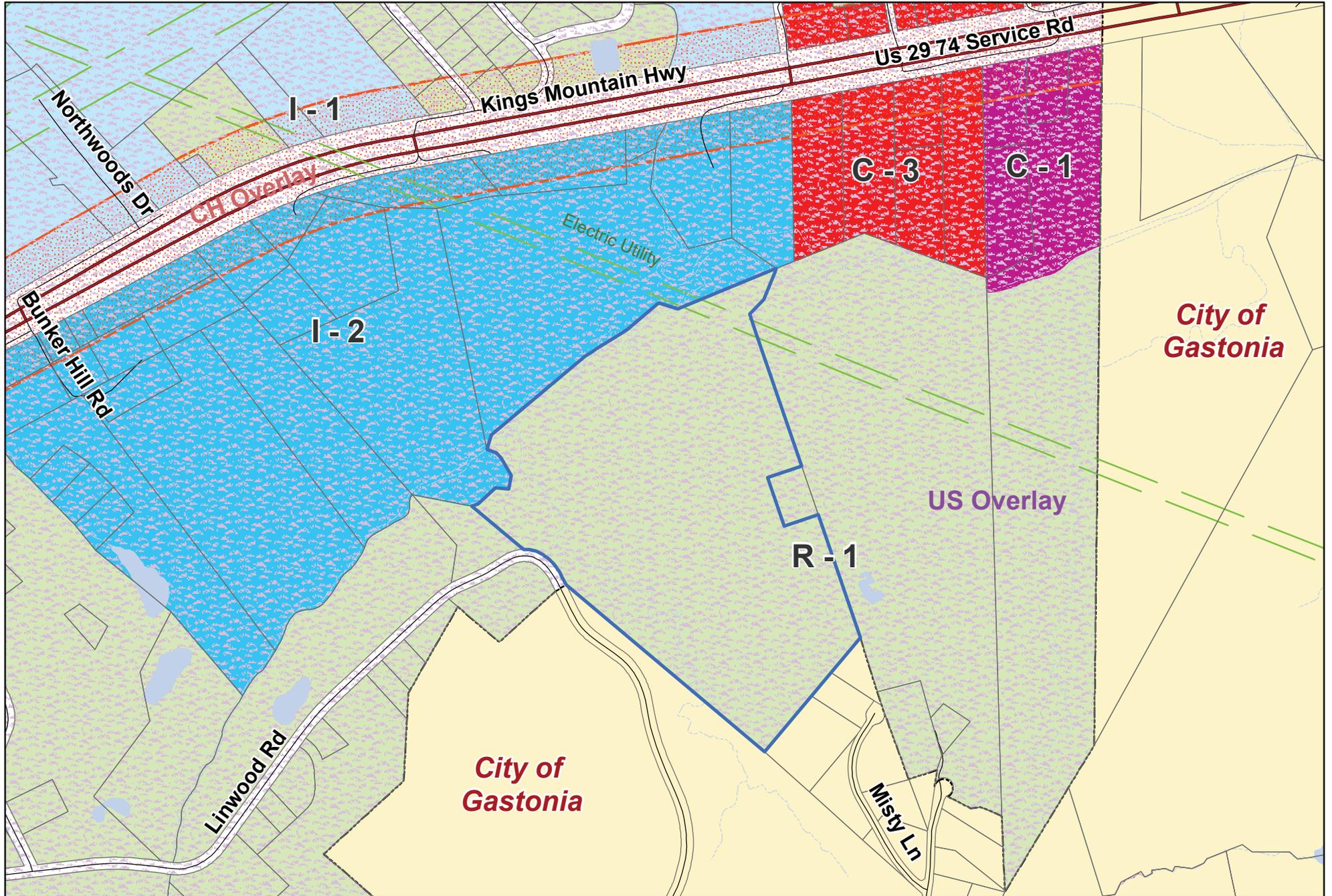
Gaston County does not make or imply and warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department Planning and Development Services.

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

Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undesignated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY Zoning Map

Applicant: Z19-01

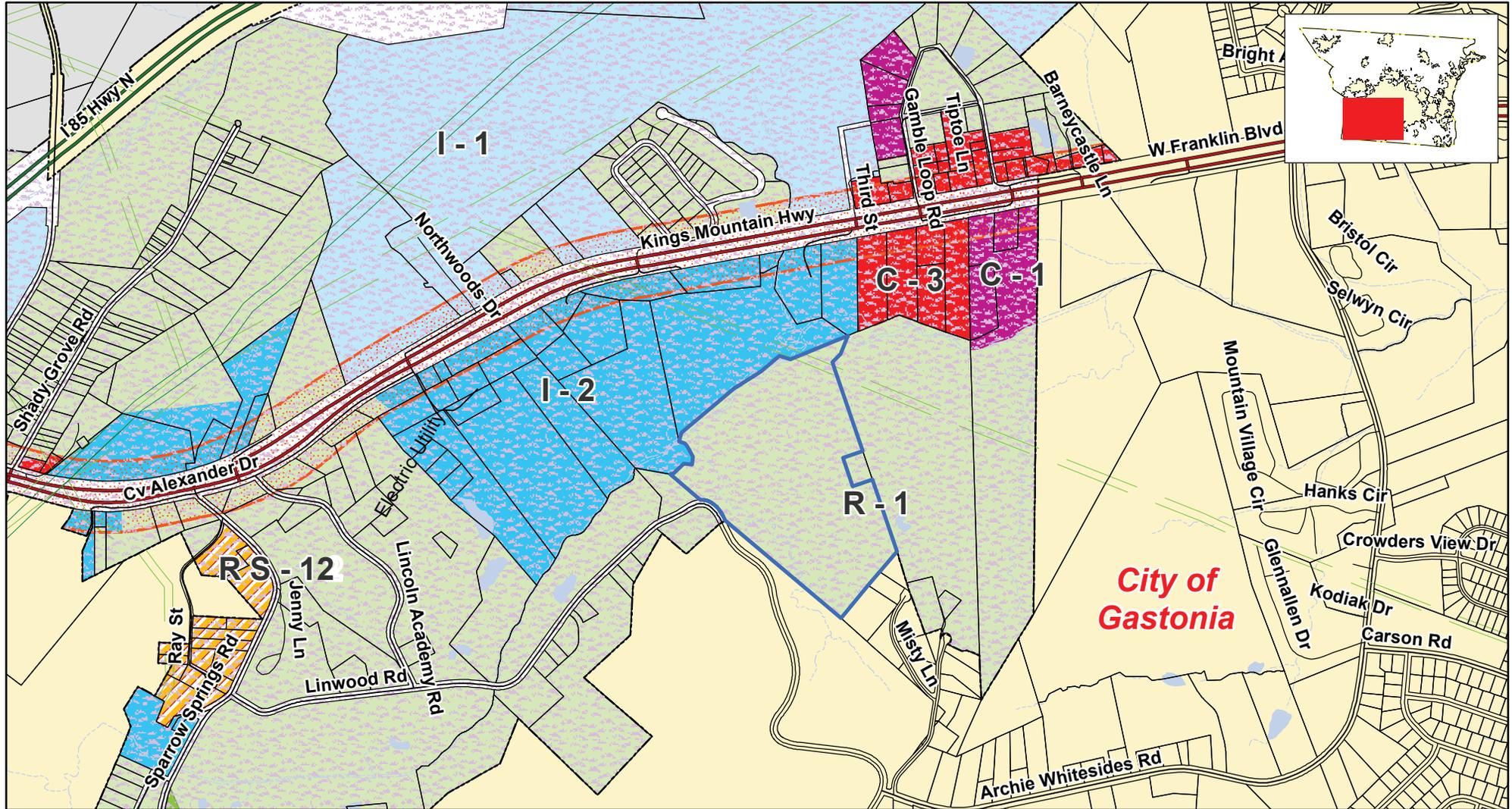
 Subject Area



0 195 390 780 Feet

- R-1 Single Family Limited
- C-1 Light Commercial
- C-3 General Commercial
- I-1 Light Industrial
- I-2 General Industrial
- CH Corridor Highway Overlay
- US Urban Standards Overlay

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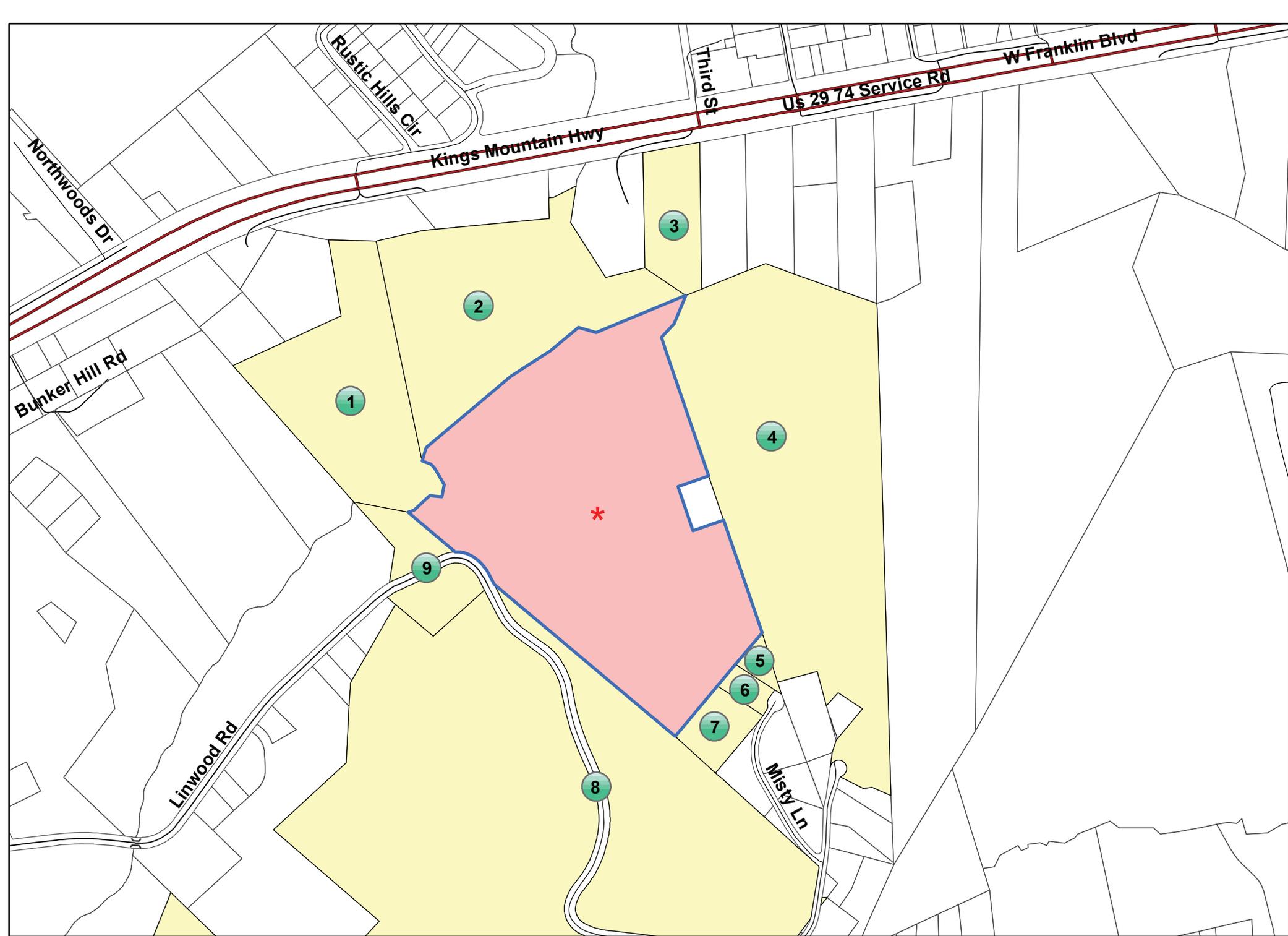
**GASTON COUNTY
ZONING REVIEW MAP**

- R-1 Single Family Limited
- RS-12 Residential 12,000 SQ FT
- C-1 Light Commercial
- C-3 General Commercial
- I-1 Light Industrial
- I-2 General Industrial
- Area of Consideration



Applicant: Z19-01
 Tax ID: 154004
 Request Re-Zoning From:
 (R-1) Single Family Limited w/
 (US) Urban Standards Overlay
 To: (C-1) Light Commercial w/
 (US) Urban Standards Overlay

Map Date: 02/04/2019



Z19-01 Subject and Adjacent Properties Map

See reverse side for listing of property owners

 **Subject Property**

Z19-01 Owner and Adjacent Property Listing

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME 1</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	154004	SHUFORD JR WILLIAM B		PO BOX 6618	GASTONIA	NC	28053
*	154004	OLIVER JAY		PO BOX 1	LOWELL	NC	28098
1	153984	YOUNG ERIC P LIFE ESTATE		255 LINCOLN ACADEMY RD	KINGS MOUNTAIN	NC	28086
2	201940	STARNES WILLIAM S A		945 NORTHWOOD DR	CHARLOTTE	NC	28216
3	153666	GADDIS KENNETH V		2705 LAKEWOOD DR	GASTONIA	NC	28052-4468
4	208871	JENKINS DAVID KEVIN & OTHERS		308 OLD PEACH ORCHARD RD	GASTONIA	NC	28052-8468
5	154007	MASON TAMMY PARKER		401 MISTY LN	GASTONIA	NC	28052-8419
6	154008	PRICE LARRY V	PRICE MARY E	407 MISTY LN	GASTONIA	NC	28052-0000
7	154009	CLEMMER PERLIE L HEIRS		416 MISTY LN	GASTONIA	NC	28052-8419
8	154420	STATE OF NORTH CAROLINA	C/O STATE PROPERTY OFFICE	1321 MAIL SERVICE CENTER	RALEIGH	NC	27699-1321
9	154002	STEVENSON ALFREDA & OTHERS		3000 BRONX PARK E APT 11M	BRONX	NY	10467-6733