

RESOLUTION TITLE: ZONING MAP CHANGE: Z22-17 DUNCAN & SMITH LLC (APPLICANT); PROPERTY PARCEL: 306776 (PORTION OF), LOCATED AT 5506 UNION RD., GASTONIA, NC. REZONE FROM THE (R-1) SINGLE FAMILY LIMITED AND (C-3) GENERAL COMMERCIAL ZONING DISTRICTS WITH (CH) CORRIDOR HIGHWAY AND (US) URBAN STANDARDS OVERLAYS TO THE (C-3) GENERAL COMMERCIAL ZONING DISTRICT WITH (CH) CORRIDOR HIGHWAY AND (US) URBAN STANDARDS OVERLAYS (THUS ELIMINATING THE R-1 DISTRICT AND REPLACING WITH THE C-3 DISTRICT)

WHEREAS.

a County Zoning Ordinance was adopted on April 24, 2008 and a Public Hearing was held on June 28, 2022 by the County Commission, to take citizen comment into a map change application, as follows:

> Tax Parcel Number(s): Applicant(s): Owner(s): Property Location: Request:

306776 Duncan & Smith LLC Duncan & Smith LLC 5560 Union Rd. Rezone Parcel 306776 (portion of) from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays (thus eliminating the R-1 district and replacing with the C-3 district)

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended approval of the map change for parcel: 306776 (portion of), located at 5506 Union Rd., Gastonia, NC, from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays (thus eliminating the R-1 district and replacing with the C-3 district, on June 6, 2022 based on: staff recommendation; and the request is reasonable and in the public interest and the request is in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (R-1)(C-3)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which is consistent with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.

	Motion: Sadler Second: Houchard Aye: Brooks, Harris, Horne, Houchard, Hurst, Sadler, Vi							Vote: Unanimous son			
	Abs			lagee				;			
	. Buff, Clerk t ne Board of C			ty Commi	ssion, do h	BELOW THIS	S LINE fy that the a	bove is a	true and correct copy of action		
NO.	DATE	M 1	М2	CBrown	AFraley	BHovis	KJohnson	' TKeigher	TPhilbeck RWorley Vote		
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Zoning Map Change: Z22-17 Duncan & Smith LLC (Applicant); Property Parcel: 306776 (portion of), Located at 5506 Union Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays (thus eliminating the R-1 district and replacing with the C-3 district) Page 2

- NOW, THEREFORE, BE IT RESOLVED by the County Commission, upon consideration of the map change application, public hearing comment and recommendation from the Planning Board and Planning staff; finds:
 - 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (R-1)(C-3)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which is consistent with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 306776 (portion of), is hereby approved, effective with the passage of this Resolution.

2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

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Chad Brown, Chairman Gaston County Board of Commissioners

ATTEST:

onna S. Bu Clerk

General Rezoning Application (Z22-17) STAFF REPORT

nd (R-1) Single Family Limited Zoning Districts with (CH)
the (C-3)General Commercial Zoning District with (CH)
Property Owner(s):
Duncan & Smith LLC
Property Location:
5506 Union Rd. (Gastonia)
Acreage for Map Change:
2.46 ac
Proposed Zoning:
(C-3) General Commercial, (CH) Corridor Highway
Overlay, (US) Urban Standards Overlay
Note: to remove (R-1) Single Family Limited
Proposed Land Use:
Commercial

Area 4: The Garden Gaston

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

Comprehensive Plan future Land Use: Rural Center

Rural Centers are those rural community areas that serve a specific purpose for the immediate area. These can be civic-oriented, anchored by a church, a community center, historic structures, etc. Or these areas can also serve a commercial purpose, anchored by a rural market, small store, gas station, community daycare centers, related small businesses, etc. These areas exist where transportation and communities exist to support these services. Houses and businesses are closer together and are built closer to the roadway.

Staff Recommendation:

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

Water/Sewer Provider:

Private well / private septic

Road Maintenance:

North Carolina Department of Transportation

Prepared By: Sarah Carpenter Penley, Senior Planner

This property is located in a mixed use area of the south east region of the county. The location has a diversity of residential and commercial businesses in nature within close proximity to the application site. The application presented was formerly used as a business prior to zoning regulations and has currently been established as a commercial business. Additional acreage was acquired by the owner, combined by a local attorney via deed, without review by the County, thus creating split zoning on the applicants parcel (despite property owner's cautions to the attorney that he felt this should be reviewed by staff).

If approved, any uses allowed in the current zoning (C-3) zoning districts would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO). The (CH) Corridor Highway and (US) Urban Standards Overlay districts would ensure enhanced standards are required.

The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which <u>is consistent</u> with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.

The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel commercial in nature, which is not consistent with the Rural Center designation, nor in harmony with surrounding residential homes.

Scheduled Meeting Date: June 6, 2022

Meeting Summary / Points of Discussion: Staff provided Board members with an overview of the application and property. Points of discussion included clarification that both Boards (Planning and Commission) had previously approved a rezoning for a portion of this property from the (R-1) Single Family Zoning District to the (C-3) General Commercial Zoning District. For history, the Planning Board was advised that the applicant acquired additional acreage, which was combined without the proper County review, at the assurance of the applicants questions. In summary, the attorney created the split zoning with the recombination of parcels and the applicant is requesting that the additional acreage be rezoned in order to have consistent zoning for the entirety of the property.

The Board voted to approved the application, with a vote of (7) to (0), based upon the following statement of consistency: The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which is consistent with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.

Attachments: Maps

GENERAL REZONING APPLICATION Application Number: Z 2-47 Applicant Planning Board (Administrative) Board of Commission (Administrative) ETJ A. *APPLICANT INFORMATION Image: Commission (Administrative) ETJ A. *Applicant: Duncan & Smith LLC (Print Ful Name) Mailing Address: PO Box 39, Gastonia, NC 28053 (Print Ful Name) Mailing Address: PO Box 39, Gastonia, NC 28053 (Print Ful Name) Mailing Address: (Area Code) Bualness (Area Code) Home Email: tonyduncan38@@mail on the same individual or group, the Gaston County Zoning Ordinance mouther written from the property commer(s) or legal representative authorizing the Rezoning Application. Please complete the Authorization/Consent Section on the reverse side of the epplication. Placetion of Womer: Same (Include City, State and Zip Code) Telephone Numbers: (Include City, State and Zip Code) Mailing Address: (Include City, State and Zip Code) Telephone Numbers: (Area Code) Bualnese (Include City, State and Zip Code) (Area Code) Home Email: (Area Code) Bualnese (Area Code) Home Email: C (Area Code) Bualnese (Area Code) Home Ema	S.		Street Address: Mailing Address		e, Gastonia, North Carolina 28052 tonia, N.C. 28053-1578	Phone: (704) 866-319 Fax: (704) 866-396
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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)
hereby give
consent to execute this proposed

reby give		con	sent to execute this prop	useu au
	(Name of Applicant)			
(Signature	3)		(Date)	
(Signature	a)		(Date)	
Ι,	, a Notaŋ	Public of the Cou	inty of	
State of North Carolina, hereby certif				
personally appeared before me this of	day and acknowledged the d	execution of the	e foregoing instrument.	
Witness my hand and notarial seal, t	his the day of _			
Notary Public Signatu	ure	Commis	sion Expiration	
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Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe socure and healthy community, an environment for economic growth, and promote a favorable quality of life.

C3 GENERAL COMMERCIAL

(1) Uses allowed by right:

ABC Store; Amusement & Sporting Facility, indoor; Amusement Arcade; Animal Grooming Service for household pet, indoor kennels; Art Gallery; Auction House; Auditorium, Assembly Hall, Amphitheater, Community Center, <500 seats; Bail Bond; Baseball Hitting Range; Billiard Parlor; Bowling Lanes; Building Material & Lumber Sales; Business Services; Check Cashing Establishment, closed 12AM to 5AM; Cleaning & Maintenance Service; College / University; Contractor's Office & Operation Center; Crematorium; Day Care Center, Accessory; Distribution / Wholesale / Storage Operation; Electric, Heating, Air conditioning, Ventilating, Plumbing Supplies & Equipment Sales; Essential Services Class 1; Essential Services Class 4; Exterminators Office; Farm Supply Store, with outdoor storage; Farm Supply Store, without outdoor storage ; Financial Institution (excluding principal use ATMs); Food Pantry; Food Store, 0-9,999sqft GFA; Food Store, 10,000+sqft GFA; Funeral Homes; Furriers; Game Room; Glass & Mirror Shop; Grooming Services; Gunsmith, Gun & Ammunition Sales; Hardware Store; Health Club, Spa Gymnasium (principle use); Heavy, Industrial, Farm Equipment Sales / Service; Laboratories – Dental, Medical; Lawn & Garden Center; Library; Medical Offices, 0-49,999sqft GFA; Medical Offices, 50,000-99,999sqft GFA; Monument Sales; Moving & Storage Facilities; Museum; Offices, excluding Medical, 0-49,999sqft GFA; Offices, excluding Medical, 50,000-99,999sqft GFA; Personal Business Services; Photo Finish Laboratory; Post Office; Recycling Deposit Station, accessory; School for the Arts; Sign Shop; Theater, indoor movie; Upholstery Shop; Warehouse, 0-99,999sqft GFA; Warehouse, 100,000+sqft GFA

(2)Uses allowed by right with supplemental regulations:

Adult Establishments; Animal Hospital, indoor kennel; Assisted Living Center; ATM (Automated Teller Machine); Automobile Body Shop; Automobile Detail Shop; Automobile Hobbyist; Automobile Repair Shop; Automobile Service Station; Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental; Automobile Towing & Wrecker Service; Bona Fide Farms; Car Wash, Automatic; Car Wash, Self Service; Cemetery; Charitable Service Facility; Church / Place of Worship; Club, private (without adult entertainment); Commercial Vehicle & Truck Storage; Convenience Store, closed 12AM to 5AM; Convenience Store, open up to 24 hours; Country Club; Day Care Center Class B; Day Care Center Class C; Dwelling, Mixed Use; Essential Services Class 2; Firing Range, indoors, principal use; Flea Market, indoor; Flea Market, outdoor; Flex Space; Food Catering Facility; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0-9,9999sqft GFA; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+sqft GFA; Golf Course, Golf Driving Range, Golf Miniature; Health & Behavioral Care Facility, Hotel or Full Service Hotel; Landfill, Beneficial Fill; Landfill, LCID, minor; Laundromat, closed 12AM to 5AM; Laundromat, open up to 24 hrs; Lounge / Nightclub; Machine, Metal, Wood Working, Welding Shop; Manufactured Goods, class 1; Maternity Home; Military Reserve Center; Mini-Warehouse; Nursery (Garden); Nursing Home, Rest Home; Paint Ball Facility, Park; Parking Lot; Planned Unit Development (PUD); Portable Toilet Service; Produce Stand; Race Track, small; Recreation Center & Sports Center; Recycling Deposit Station, principle use: Restaurant: Restaurant, with drive thru; Restaurant, within other facilities; Retail, 0-24,000soft GFA; Retail, 25,000-49,999sqft GFA; Retail, 50,000-99,999sqft GFA; School, vocational; Shopping Center, 0-24,999sqft GFA; Shopping Center, 25,000-49,999sqft GFA; Shopping Center, 50,000-99,999sqft GFA; Stadium; Swimming Pool, Sales, Service & Supplies; Telecommunication Antennae & Equipment Buildings; Telecommunication Tower, freestanding monopole, up to 199.9ft; Tire Sales, new or used; Wood Waste Grinding Operation

(3)Uses allowed with a conditional use permit:

Abattoir Class 1, Abattoir Class 2, Aircraft Sales & Service, Essential Services Class 3, Marina, Commercial, Offices, Excluding Medical, 100,000-199,999sqft GFA, Offices, Excluding Medical, 200,000+sqft GPA), School, Elementary & Middle (public & private), School, Senior High (public & private), Septic Tank Cleaning Service, Theater, outdoor movie, Transit Station, Zoo, Amusement Park, Check Cashing Establishment, open up to 24 hrs; Railroad Terminal & Yard, Truck Stop

(4)Uses allowed with a conditional use permit, with supplemental regulations:

Airport, Airstrip, Freight & Flying Service, Amusement and Sporting Facility, Outdoor, Animal Hospital (Indoor kennel) Animal Hospital (Outdoor kennel), Animal Kennel, Animal Shelter, Auditorium/Assembly Hall/Amphitheater/Community Center, 500 or more seats, Automobile Service Station, Automobile Towing and Wrecker Service, Bus and Train Terminal, Passenger, Camping and Recreational Vehicle Park, Car Wash, Self Service, Club, Private (without Adult Entertainment), Commercial Vehicle and Truck Storage, Continuing Care Facility, Correctional Facility, Farmers Market, Firing Range, Indoors, principal use, Food Catering Facility, Fraternal & Service Organization Meeting Facility (non- or not-for profit), 0-9,999sqft GFA, Fraternal & Service Organization Meeting Facility (non- or not-for profit), 10,000+sqft GFA, Landfill, Land Clearing and Inert Debris, Lounge / Nightclub, Major, Motel, Park, Race Track, Large, restaurant, with drive thru, Retail, 100,000+sqft GFA, Rodeo/Accessory Rodeo, Shopping Center, 100,000+sqft GFA, Solid Waste & Septic Tank Vehicle Storage Facility, Stadium, Telecommunication Tower & Facilities, Tower and/or Station, Radio & Television Broadcast

(5) Existing Use subject to supplemental regulations:

Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park

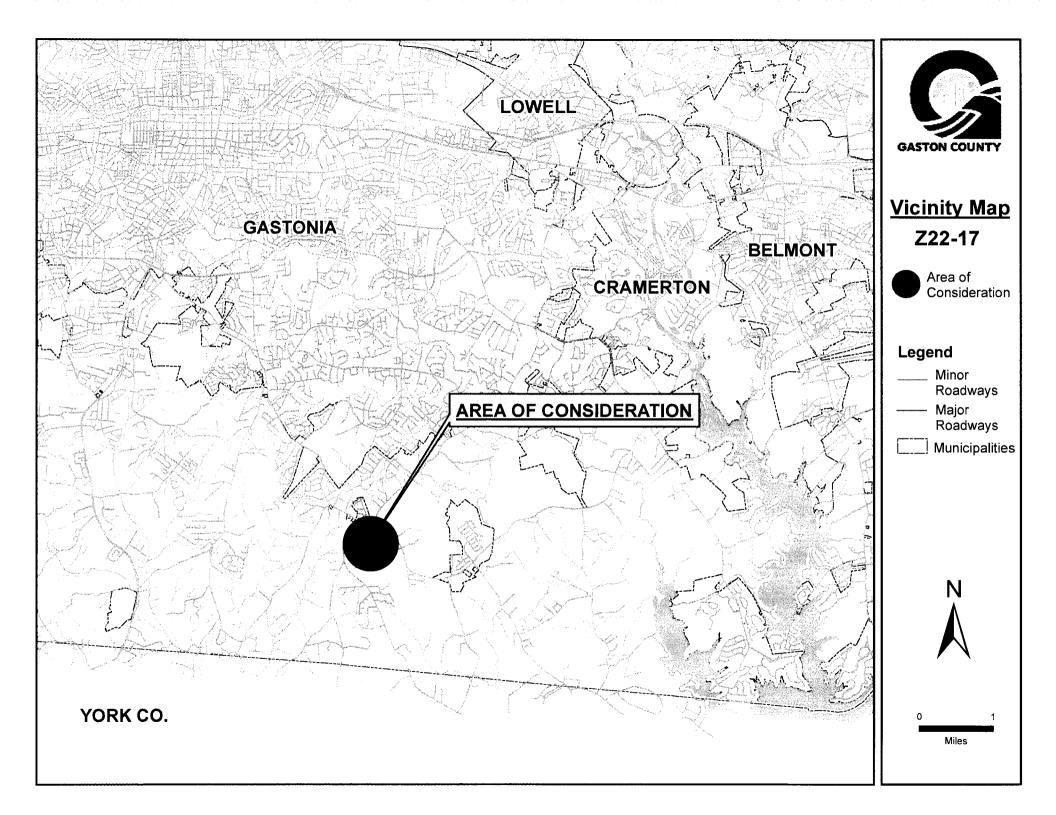
(6) By Conditional Zoning: None

(7) By Conditional Zoning with supplemental regulations:

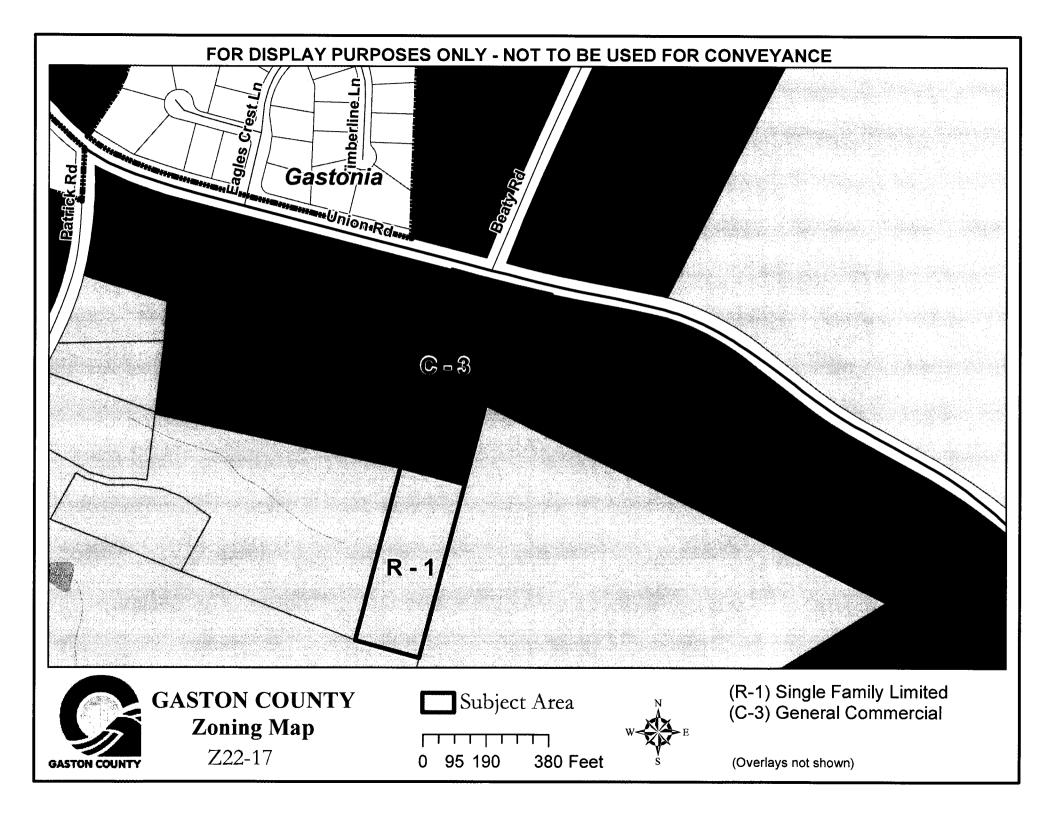
Planned Unit Development (PUD),

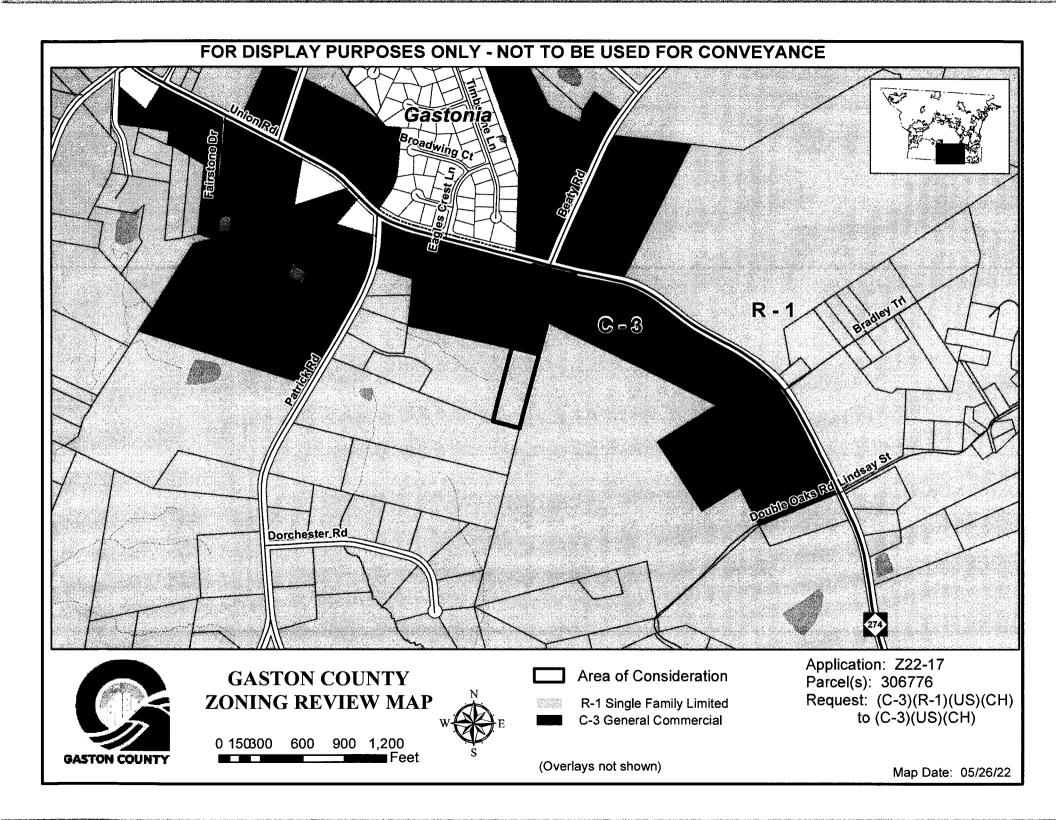
(8) By Special exception: None

(9) By Special exception with supplemental regulations: None











Z22-17 Subject and Adjacent Properties Map



Z22-17 OWNER & ADJACENT PROPERTY OWNER LISTING

<u>NO:</u>	PARCEL	OWNER NAME	OWNER NAME 2	ADDRESS	<u>CITY</u>	STATE	<u>ZIP</u>
*	306776	DUNCAN & SMITH LLC		PO BO 39	GASTONIA	NC	28053
1	212549	BEATTY AND UNION LLC		6428 WILKINSON BLVD STE 128	BELMONT	NC	28012
2	192591	MOTEN FARMS LLC		604 LARKSPUR CT	GASTONIA	NC	28056
3	192585	MCHENRY-PUTNAM		PO BOX 688	KINGS MOUNTAIN	NC	28086
4	192579	WILSON LEONARD M	WILSON PATRICIA J	160 DOUBLE OAKS RD	GASTONIA	NC	28056
5	192564	VARNER HAROLD III		4438 GINGER DR	GASTONIA	NC	28056
6	203556	GLENN JUDY GLOVER		121 PATRICK RD	GASTONIA	NC	28056
7	192555	GLENN HARRY NEIL & OTHERS	GLENN JUDY GLOVER	136 PATRICK RD	GASTONIA	NC	28056



Building and Development Services

Board Action

File #: 22-262

Commissioner Worley - Building & Development Services - Zoning Map Change: Z22-17 Duncan & Smith LLC (Applicant); Property Parcel: 306776 (portion of), Located at 5506 Union Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays (Thus Eliminating the R-1 District and Replacing with the C-3 District)

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Duncan & Smith LLC (Applicant); Rezone Parcel: 306776 (portion of), from the (R-1) Single Family Limited and (C-3) General Commercial Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays (thus eliminating the R-1 district and replacing with the C-3 district). A public hearing was advertised and held on June 28, 2022 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on June 6, 2022, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the map change.

ATTACHMENTS

Resolution, Staff Report & Application Packet

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NO.	DATE	M1	M2	CBrown	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck RWorley Vote
2022-173 <i>DISTRIBL</i> Laserfiche		тк	КJ	A	AB	Α	A	A	A