



TITLE: ZONING MAP CHANGE: REZ-24-04-18-00178, ANTHONY FRANCO (APPLICANT); PROPERTY PARCEL: 152045, LOCATED AT 157 FRALEY RD., GASTONIA, NC, REZONE FROM THE (I-2) GENERAL INDUSTRIAL ZONING DISTRICT TO THE (RS-12) SINGLE FAMILY 12,000 SQUARE FEET ZONING DISTRICT

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008, and a public hearing was held on July 23, 2024, by the County Commission, to take citizen comments into a map change application, as follows:

Tax Parcel Number(s): 152045
Applicant(s): Anthony Franco
Owner(s): Jaime Xavier Castro
Property Location: 157 Fraley Rd., Gastonia
Request: Rezone from the (I-2) General Industrial Zoning District to the (RS-12) Single Family 12,000 Square Feet Zoning 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 request for parcel 152045, located at 157 Fraley Rd., Gastonia, NC, to be rezoned from the (I-2) General Industrial Zoning District to the (RS-12) Single Family 12,000 Square Feet Zoning District on July 1, 2024, based on: staff recommendation; and the request is reasonable and in the public interest and is consistent with the goals of the Comprehensive Land Use Plan as it will keep the parcel residential in nature and maintain the rural "feel" of the community, as envisioned by the rural future land use designation.

Motion: Marcantel Second: Magee Vote: 7-0
Aye: Brooks, Crane, Harris, Horne, Magee, Marcantel, Vinson
Nay: None
Absent: Houchard, Hurst, Sadler
Abstain: None

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFraley	BHovis	KJohnson	Tkeigher	RWorley	Vote
2024-239	07/23/2024	BH	TK	A	AB	A	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

WHEREAS, the Unified Development Ordinance allows the Planning Board and the Board of Commissioners to do one of the following:

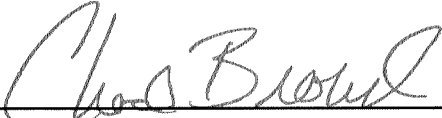
- a. Grant the rezoning as requested.
- b. Grant the rezoning with a reduction of the area requested.
- c. Grant the rezoning to a more restrictive general zoning district or districts.
- d. Grant the rezoning with a combination of Subsections (b) and (c) above.
- e. Deny the rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Gaston County Board of Commissioners, 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 as it will keep the parcel residential in nature and maintain the rural "feel" of the community, as envisioned by the rural future land use designation.


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: 152045, is hereby approved, effective with the passage of this Ordinance to be rezoned to the (RS-12) Single Family 12,000 Square Feet Zoning District.

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

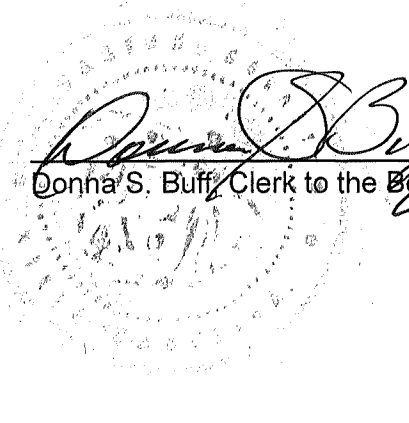


Chad Brown, Chairman
Gaston County Board of Commissioners

ATTEST:



Donna S. Buff, Clerk to the Board



GASTON COUNTY REZONING APPLICATION (REZ-24-04-18-00178)

STAFF REPORT

APPLICATION SUMMARY	
Request:	
To rezone the property from the (I-2) General Industrial Zoning District to the (RS-12) Single-Family 12,000 Zoning District.	
Applicant(s):	Property Owner(s):
Anthony Franco	Jaime Xavier Castro
Parcel Identification (PID):	Property Location:
152045	157 Fraley Rd.
Total Property Acreage:	Acreage for Map Change:
0.46 acres	0.46 acres
Current Zoning:	Proposed Zoning:
(I-2) General Industrial	(RS-12) Single-Family 12,000 square feet
Existing Land Use:	Proposed Land Use:
Vacant	Residential

COMPREHENSIVE LAND USE PLAN
Area 5: Scenic Gaston/Southwest Gaston
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
Rural – Rural areas are areas characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusiness. This designation exemplifies Gaston County and the existing natural resources that exist throughout the jurisdiction. Residential homes are located on large lots and are setback from the roads they front upon. There are many opportunities for agribusiness ventures in this designation as well, including farming, landscaping, and associated nurseries, etc. It is understood that this is the default use designation for Gaston County.
Staff Recommendation:
Application, as presented, is consistent with the Comprehensive Land Use Plan.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE
Water/Sewer Provider:
Private well / private septic
Road Maintenance:
North Carolina Department of Transportation

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

The Gaston County TRC did not have any comments regarding this request at this time. A letter from the GCLMPO has been included in the staff packet. Comments from the GCLMPO included:

- According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
- A proposed 4-lane freeway from US 321 to I-85 is included in the MPO's CTP. The proposed thoroughfare is an unfunded project. For more information on this potential project, the MPO letter was included in your staff packet.

STAFF SUMMARY

Prepared By: Peyton Wiggins, Planner II

This property is within the northwest area of the county on Fraley Road, off Bessemer City Road in Gastonia. For background, this parcel (along with surrounding parcels along Fraley Road) was in the city of Gastonia's ETJ until 2012, when it was released to Gaston County. Upon release, the county tried to place either the same zoning or similar zoning to the areas released. In this case, this area was zoned (I-2) General Industrial.

Fraley Road is a heavily residential area that falls under the (I-2) General Industrial zoning district, which has led to numerous nonconformities as single-family dwellings are not allowed within this district. If approved, this request will bring this property into compliance by allowing a single-family dwelling use for the property.

If approved, any uses allowed in the (RS-12) Single-Family 12,000 square feet Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

PLANNING BOARD MEETING DATE

The Planning Board met in regular session on July 1, 2024, and recommended approval of the request by a unanimous 7-0 vote based on the following:

- This is a reasonable request and in the public interest; and
- It is consistent with the goals of the comprehensive land use plan as it will keep the parcel residential in nature and maintain the rural "feel" of the community, as envisioned by the rural future land use designation.



GASTON COUNTY PLANNING BOARD

Statement of Consistency

In considering the general rezoning case REZ-24-04-18-00178, the planning board finds:

1. This is a reasonable request and in the public interest; and
2. It is consistent with the goals of the comprehensive land use plan as it will keep the parcel residential in nature and maintain the rural “feel” of the community, as envisioned by the rural future land use designation.

These findings are supported by a 7 - 0 vote by the Gaston County Planning Board during its July 1, 2024, meeting.



GASTON COUNTY Department of Building & Development Services

GASTON COUNTY

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: REZ-

As a: ☒ Applicant ☐ Planning Director/Staff ☐ Board of Commissioners/Agencies ☐ Other

A. *APPLICANT INFORMATION

Name of Applicant Anthony Franco

(Print Full Name)

Mailing Address 103 Ace Ave Dallas NC 28034

(Include City, State and Zip Code)

Telephone Numbers 9805223703

(Area Code) Business

(Area Code) Home

Email tonycontractingllc@gmail.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 JAIHE YAVIER CASTRO

(Print Full Name)

Mailing Address 12006 691 Wylie Trace Charlotte NC 28278

(Include City, State and Zip Code)

Telephone Numbers 704-564-7590

(Area Code) Business

(Area Code) Home

Email chicho1980-30@hotmail.com

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property 157 Fraley Rd Gastonia, NC 28052

Parcel Identification (PID) 152045

Acreage of Parcel 0.49 +/- Acreage to be Rezoned 49 +/- Current Zoning I-2

Current Use NO USE Proposed Zoning Residential

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

Telephone

(Area Code)

(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 her(s) of the subject property referenced on the Gaston County Rezoning Application and having authorization/interest of property parcel(s) 157 TALLEY RD, GASTONIA NC 28052 hereby give Anthony FRANCO (Name of Applicant) consent to execute this proposed action

Jaime X. CASTRO
(Signature)

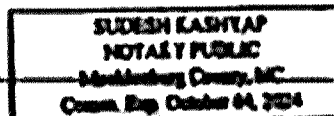
04/15/2024
(Date)

(Signature)

(Date)

I, SUDESH KASHYAP, a Notary Public of the County of Mecklenburg County, State of North Carolina, hereby certify that JAIME X. CASTRO personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 15 day of APRIL, 2024

Sudesh Kashyap
Notary Public Signature



10/04/2024
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 of Property Owner or Authorized Representative

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 _____ Application Number _____ Fee _____

Received by Member of Staff _____ Date of Payment _____ Receipt Number _____
(Initials)

☐ 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 _____

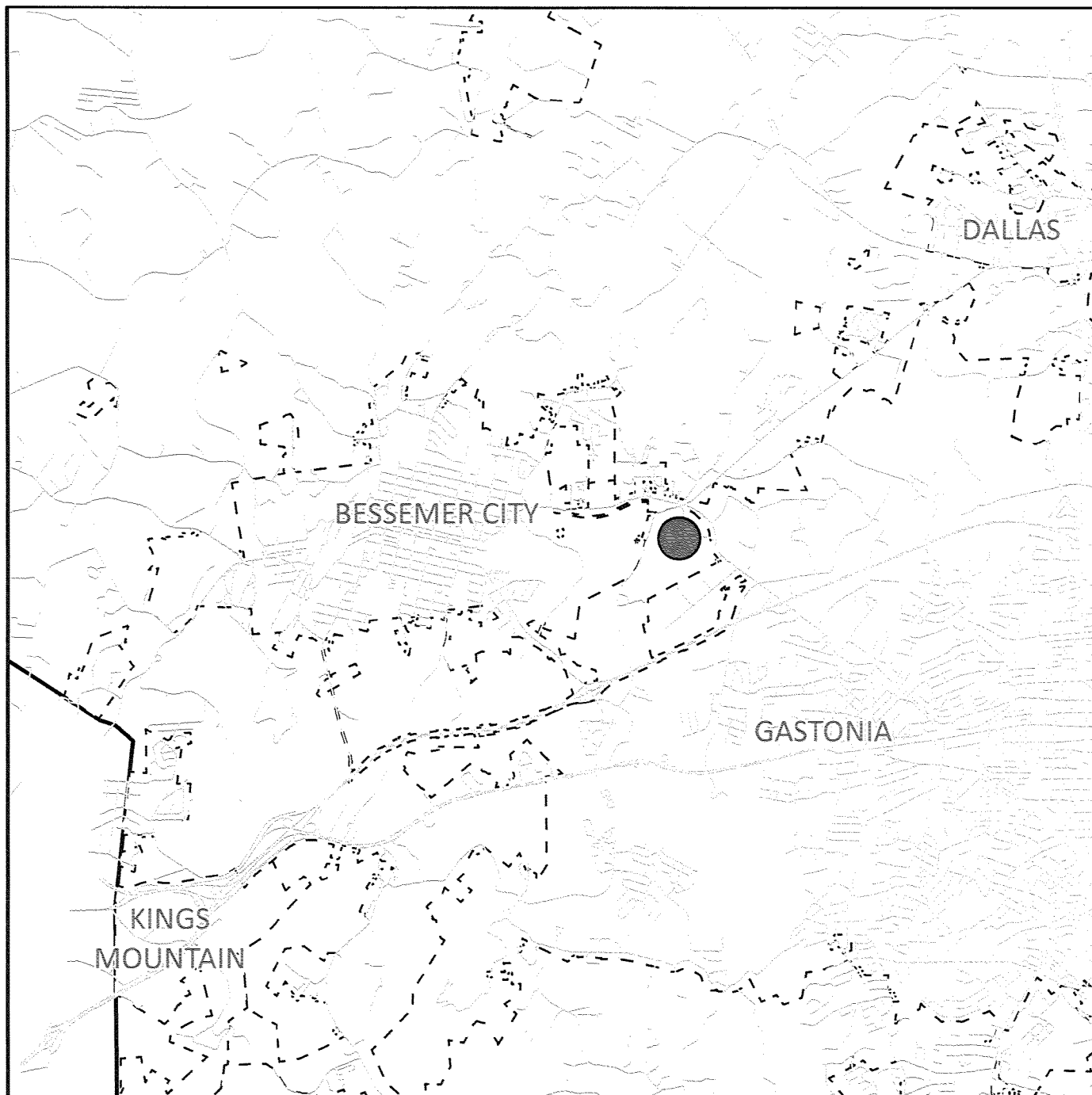
Scanned with CamScanner

Gaston County does not discriminate on the basis of race, color, sex, religion, national origin, or marital status in its policies and procedures. Any person who believes they have been discriminated against should contact the County Administrator at (704) 853-1234.

Scanned with CamScanner

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 X, CD, E, SP

Use	RS-12
Automobile Hobbyist	Xs
Bed and Breakfast Inn	SPs
Bona Fide Farms	Xs
Cemetery	SPs
Church / Place of Worship	Xs
Country Club	SPs
Day Care Center, Class A	Xs
Dwelling, Manufactured Home Class C	Es
Dwelling, Manufactured Home Class D	Es
Dwelling, Mixed Use	Xs
Dwelling, Single Family	X
Dwelling, Two Family	Xs
Essential Services Class 1	X
Essential Services Class 2	Xs
Essential Services Class 4	Xs/SPs
Family Care Home	Xs/SPs
Flex Space	Xs
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0 - 9,999sqft GFA	SPs
Golf Course; Golf Driving Range; Golf Miniature	SPs
Home Occupation, Customary	Xs
Home Occupation, Rural	Xs
Library	SP
Manufactured Home Park	Es
Marina, Accessory	Xs
Museum	SP
Park	Xs/SPs
Parking Lot	SPs
Planned Residential Development (PRD)	Xs/CDs
Private Residential Quarters (PRQ)	Xs
Produce Stand	Xs
Recreation Center and Sports Center	SPs
Recycling Deposit Station, accessory	X
Residential Infill Development	Xs/CDs
Restaurant, within other facilities	Xs
School, Elementary & Middle (public & private)	Xs
School, Senior High (public & private)	Xs
Small House Community	SP
Stadium	Xs/SPs
Telecommunication Antennae & Equipment Buildings	Xs
Telecommunication Tower & Facilities	SPs
Tourist Home	X
Traditional Neighborhood Development (TND)	Xs/CDs
Transit Station	SP



GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

VICINITY MAP
REZ-24-04-18-00178

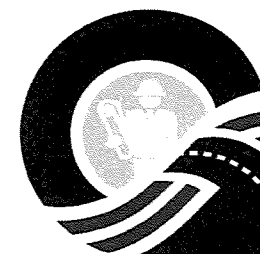
LEGEND

- Roads
- [- - -] Municipalities
- Subject Parcel

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.

0 0.42 0.85 1.7 Miles





GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

ORTHOPHOTO MAP
REZ-24-04-18-00178

LEGEND

— Roads

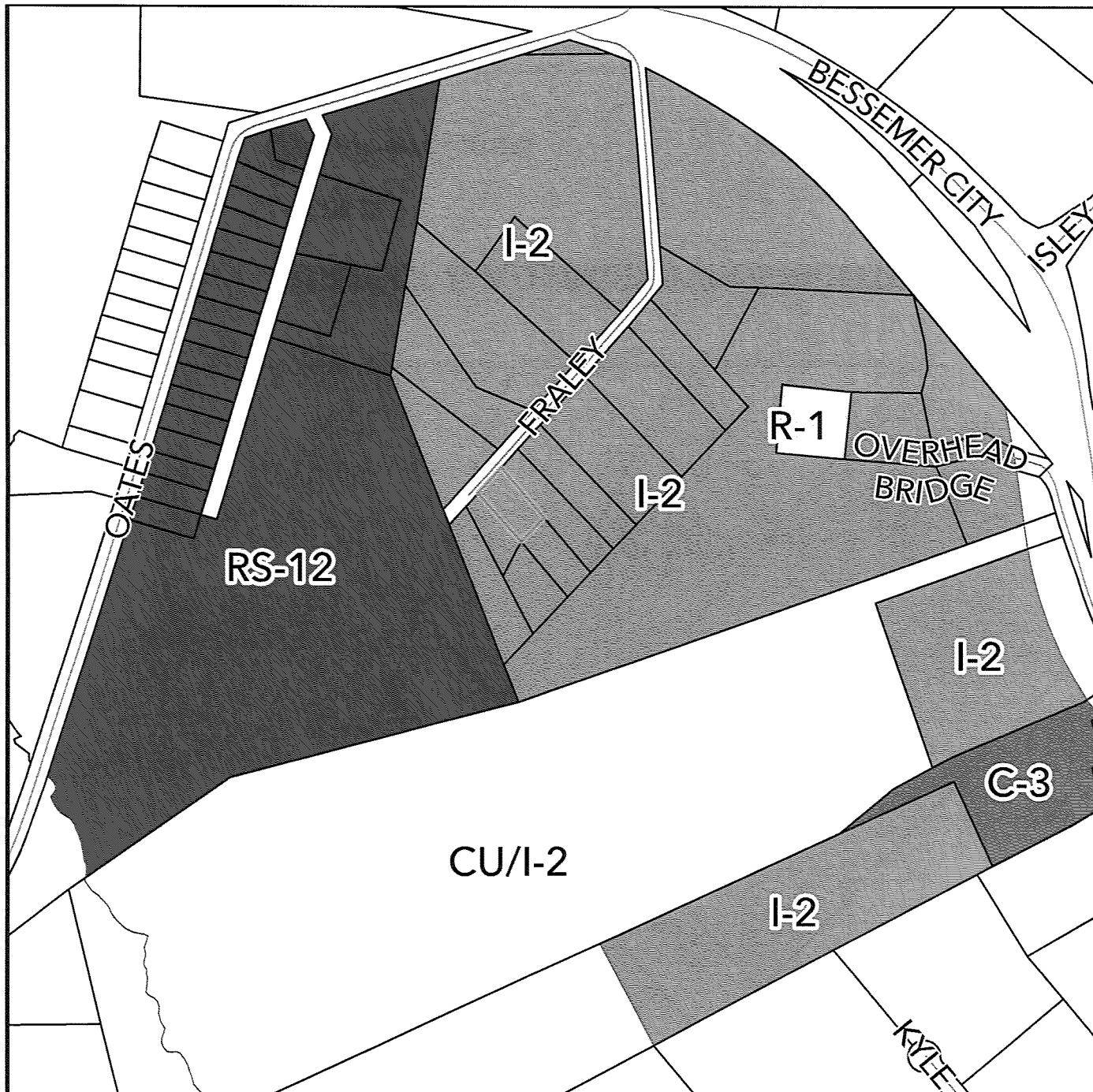
□ Parcels

□ Subject Parcel

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.

0 0.00 0.01 0.02 Miles





ZONING MAP REZ-24-04-18-00178

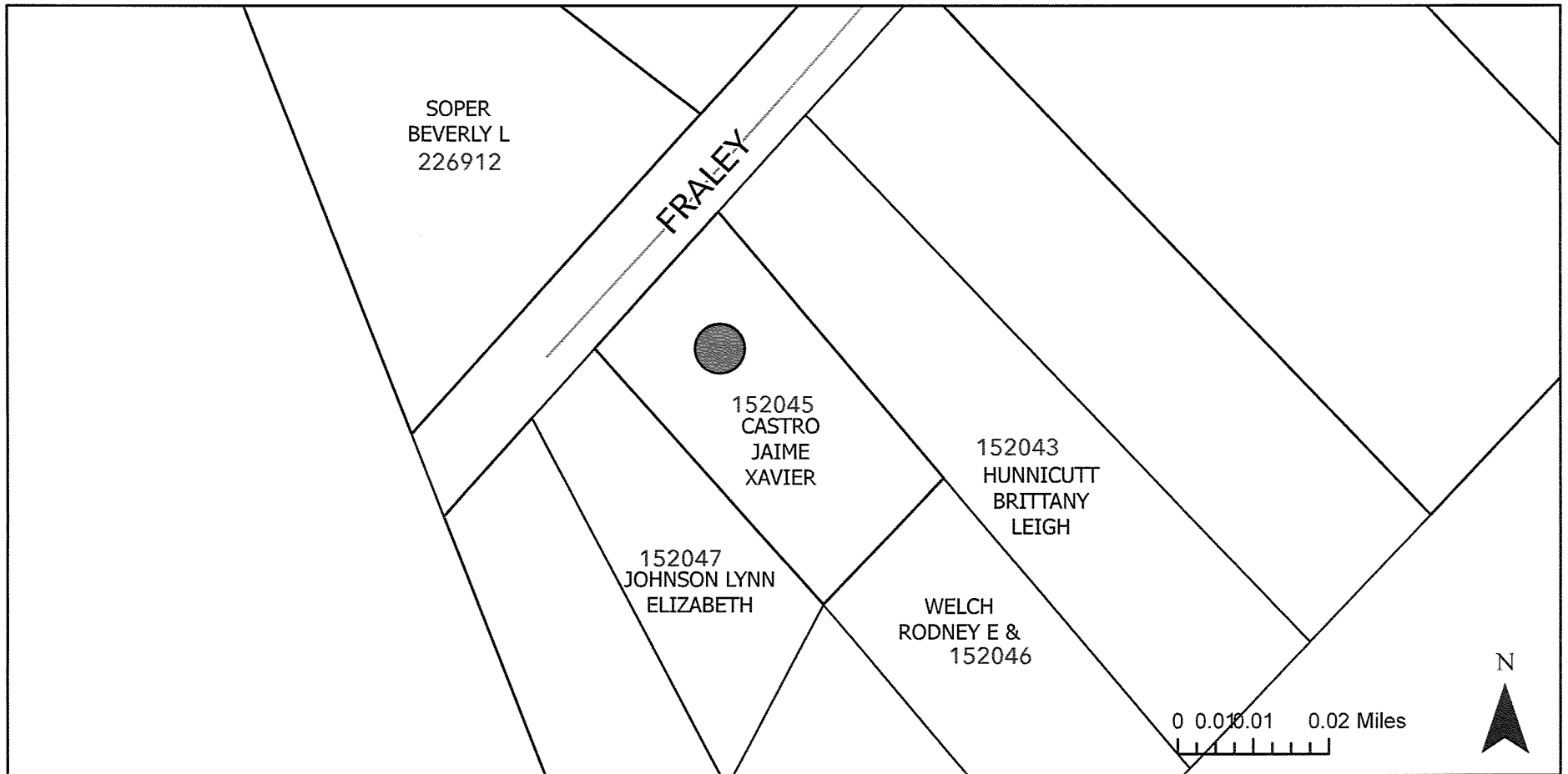
LEGEND

- Roads
- Parcels
- ZONE TYPE**
- CU/I-2
- I-2
- R-1
- C-3
- RS-12
- Subject Parcel(s)

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.

0 0.030.06 0.11 Miles





SUBJECT & ADJACENT PROPERTIES MAP | REZ-24-04-18-00178

LEGEND

 Subject Parcel

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.



Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

150 South York Street
Gastonia, North Carolina 28052
Fax (704) 869-1960

Memorandum

To: Peyton Wiggins CZO, Planner II Building & Development Services
From: Julio Paredes, AICP, Senior Planner, Gaston—Cleveland—Lincoln MPO
Date: June 17, 2024
Subject: TRC Review for General Rezoning REZ-178 – Frailey Rd- GCLMPO Site Plan Review

Thank you for the opportunity to provide comments on a proposed rezoning application for special-use permit within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on review of the site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at 157 Fraley Rd Gastonia, NC 28052. PID: 152045. On behalf of the GCLMPO, I offer the following comments:

- A. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
- B. A proposed 4-lane freeway from US-321 to I-85 is included in the MPO's CTP. The proposed thoroughfare is an unfunded project. The CTP does not include specific transportation projects or improvement schedules, but instead represents the status or completeness of the comprehensive transportation system that may be required to support anticipated growth and development.
- C. By establishing the region's future transportation needs, the CTP offers an organized way to identify, and eventually prioritize, the transportation projects that may be built in the communities within the GCLMPO area.
- D. CTP projects shown as "Needs Improvement" or "Recommended" could become a funded project in the future, part of a development project, or may never become a funded project.
- E. The centerline for this proposed thoroughfare as currently shown on the CTP is from the once funded Garden Parkway. The proposed thoroughfare, if re-established as a funded project in the future, would go back through the Environmental Impact Study process with a new centerline defined. It could be a similar centerline, or it could be something different.



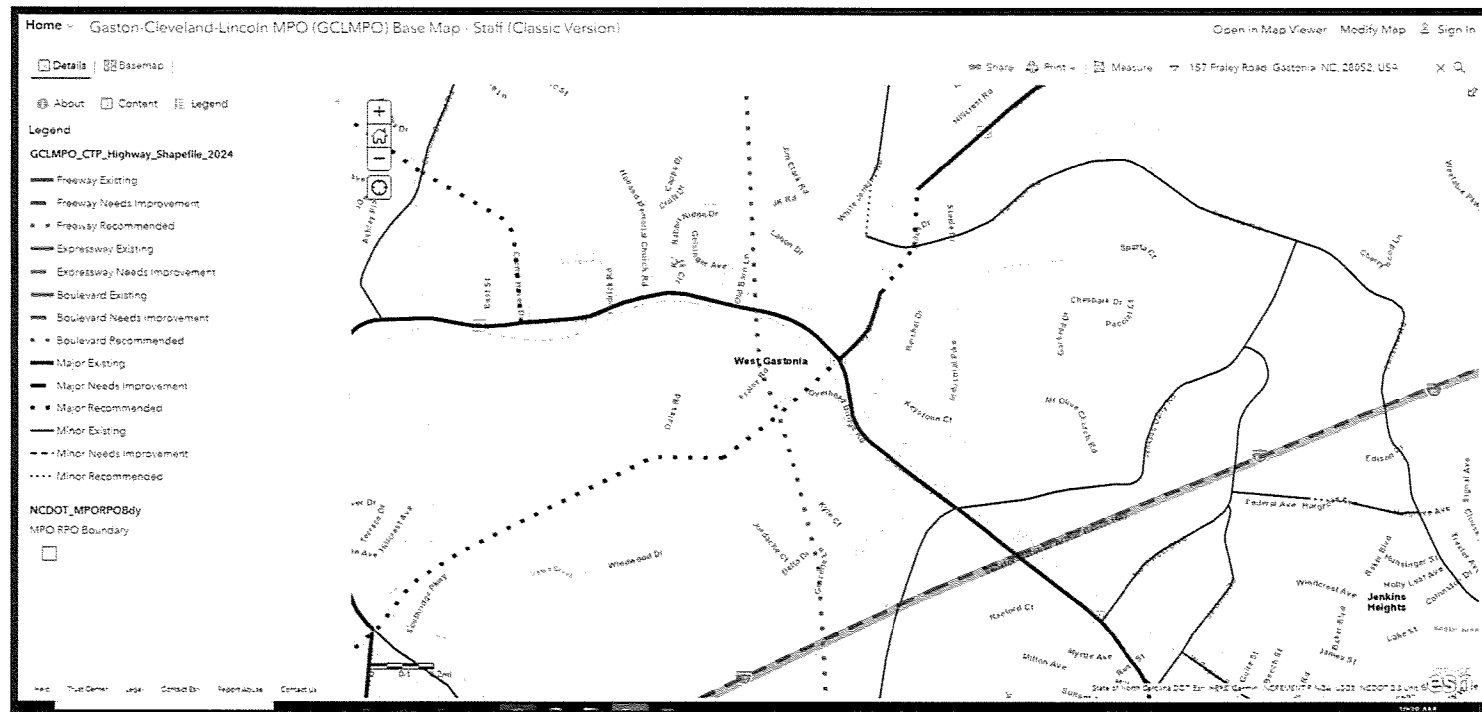
Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

150 South York Street
Gastonia, North Carolina 28052
Fax (704) 869-1960

- F. Please note that any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the developer should work with NCDOT on any required driveway permits or any TIA requirements.

Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

150 South York Street
Gastonia, North Carolina 28052
Fax (704) 869-1960



If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or julio.paredes@gastonianc.gov.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 24-307

Commissioner Hovis - Building & Development Services - Zoning Map Change: REZ-24-04-18-00178, Anthony Franco (Applicant); Property Parcel: 152045, Located at 157 Fraley Rd., Gastonia, NC, Rezone from the (I-2) General Industrial Zoning District to the (RS-12) Single Family 12,000 Square Feet Zoning District

STAFF CONTACT

Peyton Wiggins - Planner II - 704-866-3530

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. Anthony Franco (Applicant); Property Parcel: 152045, Located at 157 Fraley Rd., Gastonia, NC, Rezone from the (I-2) General Industrial Zoning District to the (RS-12) Single Family 12,000 Square Feet Zoning District. A public hearing was advertised and held on July 23, 2024, with public hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on July 1, 2024, 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

Ordinance, Staff Report, Application Packet, Maps, and GCLMPO Comments

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFraley	BHovis	KJohnson	TKelgher	RWorley	Vote
2024-239	07/23/2024	BH	TK	A	AB	A	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS