

GASTON COUNTY REZONING APPLICATION (Z22-21)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone the property from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District.

Applicant(s):

Federico Pinto

Property Owner(s):

Federico Pinto and Kevin Pinto

Parcel Identification (PID):

307281

Property Location:

164 Clarks Gap, Crouse

Total Property Acreage:

1 acre

Acreage for Map Change:

1 acre

Current Zoning:

(R-1) Single Family Limited

Proposed Zoning:

(R-2) Single Family Moderate

Existing Land Use:

Vacant

Proposed Land Use:

Residential

COMPREHENSIVE LAND USE PLAN

Area 1: Rural Gaston / Northwest Gaston

Key issues for citizens in this area include: preservation of open space, road improvements and better connectivity to other areas of the County and throughout the region, increased job opportunities, preservation of agriculture and maintaining the rural “feel” of the community, repurposing vacant buildings and facilities for new economic opportunities, and steering development towards existing infrastructure

Comprehensive Plan future Land Use: Rural

Rural areas are characterized as having plenty of open space with farmstead style housing and plenty of open space and agribusiness. Residential homes are located on large lots and are set back from the roads they front upon. This is the default designation for the 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:

Clarks Gap is a private easement

Technical Review Committee (TRC) comments:From Gaston Cleveland Lincoln Metropolitan Planning Organization:

There are no funded transportation improvement projects in the immediate vicinity of this site on the STIP, the MTP, or the CTP.

From Health Department:

A well permit was issued in 2020. There is no application on file for a septic permit.

STAFF SUMMARY**Prepared By: Jamie Mendoza Kanburoglu, Long Range Planner**

This property is in a residential area in the northern region of the county. It is heavily surrounded by residential lots with a few general commercial zoned lots to the west and southwest. The 2022 orthophoto collection shows a mix of single and double wide manufactured housing in the area as well as some site-built homes. This parcel was created through the minor subdivision process back in April of this year. The lot is surrounded by a larger parcel that is owned by the applicant. The applicant did not want to rezone the entire parcel and intends to keep the larger parcel as a working farm. The applicant has secured a well and the builder has stated that he has a septic permit from the Health Department. Staff finds that the request is consistent with the vision of the Comprehensive Land Use Plan as it will keep the subject parcel rural in nature which is the future land use designation for this area. The proposed use also meets the goals of the Rural Gaston area as well as the rezoning would continue preservation of open space and maintaining the rural “feel” of the community.

If approved, any uses allowed in the (R-2) Single Family Moderate Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

The following table shows the difference in Residential Uses allowed in the (R-1) and (R-2) zoning districts.

<u>Residential Uses Allowed in (R-1) and (R-2) Districts</u>	R-1	R-2
Camping and Recreational Vehicle Park		SPs
Dwelling, Manufactured Home Class A		X
Dwelling, Manufactured Home Class B		
Dwelling, Manufactured Home Class C	Es	Es
Dwelling, Manufactured Home Class D	Es	Es
Dwelling, Mixed Use		
Dwelling, Single Family	X	X
Dwelling, Two Family	Xs	Xs
Family Care Home	Xs/SPs	Xs/SPs
Group Home		Xs
Manufactured Home Park	Es	Es
Multi Family Development		
Planned Residential Development (PRD)	Xs/CDs	Xs/CDs
Private Residential Quarters (PRQ)	Xs	Xs
Residential Infill Development		
Small House Community	SP	SP
Traditional Neighborhood Development (TND)	Xs/CDs	Xs/CDs

X = Allowed by Right, E = Existing Use subject to additional regulations, SP = Special Use Permit Required, CD = Conditional Rezoning Required, s = supplemental regulations

PLANNING BOARD RECOMMENDATION

Scheduled Meeting Date: August 1, 2022

The Planning Board recommended approval of the request (5-1) as the proposed zoning district is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it will keep the subject parcel residential in nature as envisioned by the rural future land use designation for the lot. Rural areas are characterized as having residential homes on large lots that are set back from main roads. The proposed district will also allow for the preservation of open space as envisioned for the Rural Gaston area of the County.

Attachments: Application and Maps



GASTON COUNTY Department of Building & 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: **Z**

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

A. *APPLICANT INFORMATION

Name of Applicant: FEDERICO PINTO
(Print Full Name)
Mailing Address: 164 CLARK GAP DR. GROUND 28033
(Include City, State and Zip Code)
Telephone Numbers: 704 441-3318
(Area Code) Business (Area Code) Home
Email: EPatroncito@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: FEDERICO PINTO
(Print Full Name)
Mailing Address: 164 CLARK GAP DR. GROUND, NC. 28033
(Include City, State and Zip Code)
Telephone Numbers: 704-441-3318
(Area Code) Business (Area Code) Home
Email: EPatroncito@gmail.com

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 164 CLARK GAP DR.
GROUND N.C. 28033
Parcel Identification (PID): 307281
Acreage of Parcel: 1 +/- Acreage to be Rezoned: 1 +/- Current Zoning: R1
Current Use: FARM Proposed Zoning: R-2

D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner: <u>FEDERICO PINTO</u>	Name of Property Owner: _____
Mailing Address: <u>164 CLARK GAP DR</u> <u>GROUND NC 28033</u> (Include City, State and Zip Code)	Mailing Address: _____ (Include City, State and Zip Code)
Telephone: <u>704-441-3318</u> (Area Code)	Telephone: _____ (Area Code)
Parcel: <u>307281</u> (If Applicable)	Parcel: _____ (If Applicable)
<u>Federico Pinto</u> (Signature)	<u>Federico Pinto</u> (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) _____ hereby give _____ consent to execute this proposed action.
(Name of Applicant)

(Signature) (Date)

(Signature) (Date)

I, _____, a Notary Public of the County of _____
State of North Carolina, hereby certify that _____
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 _____, 20_____.

Notary Public Signature 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

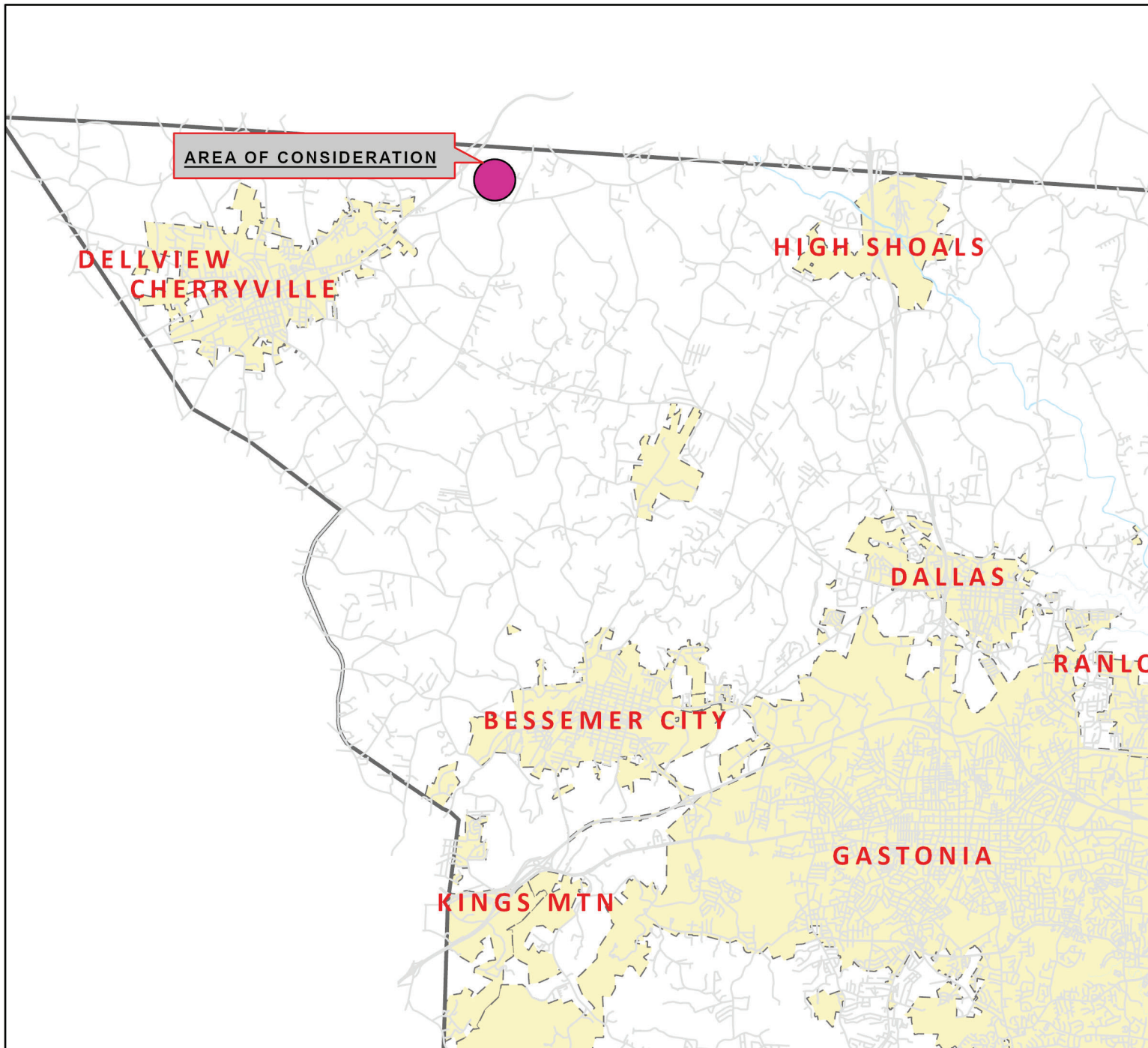
Date Received: 7-22-22 Application Number: _____ Fee: 791.00

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

☐ COPY OF PLOT PLAN OR AREA MAP ☐ COPY OF DEED
☐ NOTARIZED AUTHORIZATION ☐ PAYMENT OF FEE

Date of Staff Review: _____ Date of Public Hearing: _____
Planning Board Review: _____ Recommendation: _____ Date: _____
Commissioner's Decision: _____ Date: _____

36642



GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

VICINITY MAP

Z22-21

LEGEND

-  Roads
-  Municipalities
-  Area of Consideration

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 resold 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.



0 1 2 Miles





GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

ORTHOPHOTO MAP Z22-21

LEGEND

-  Subject Area
-  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 of more data layers. the data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

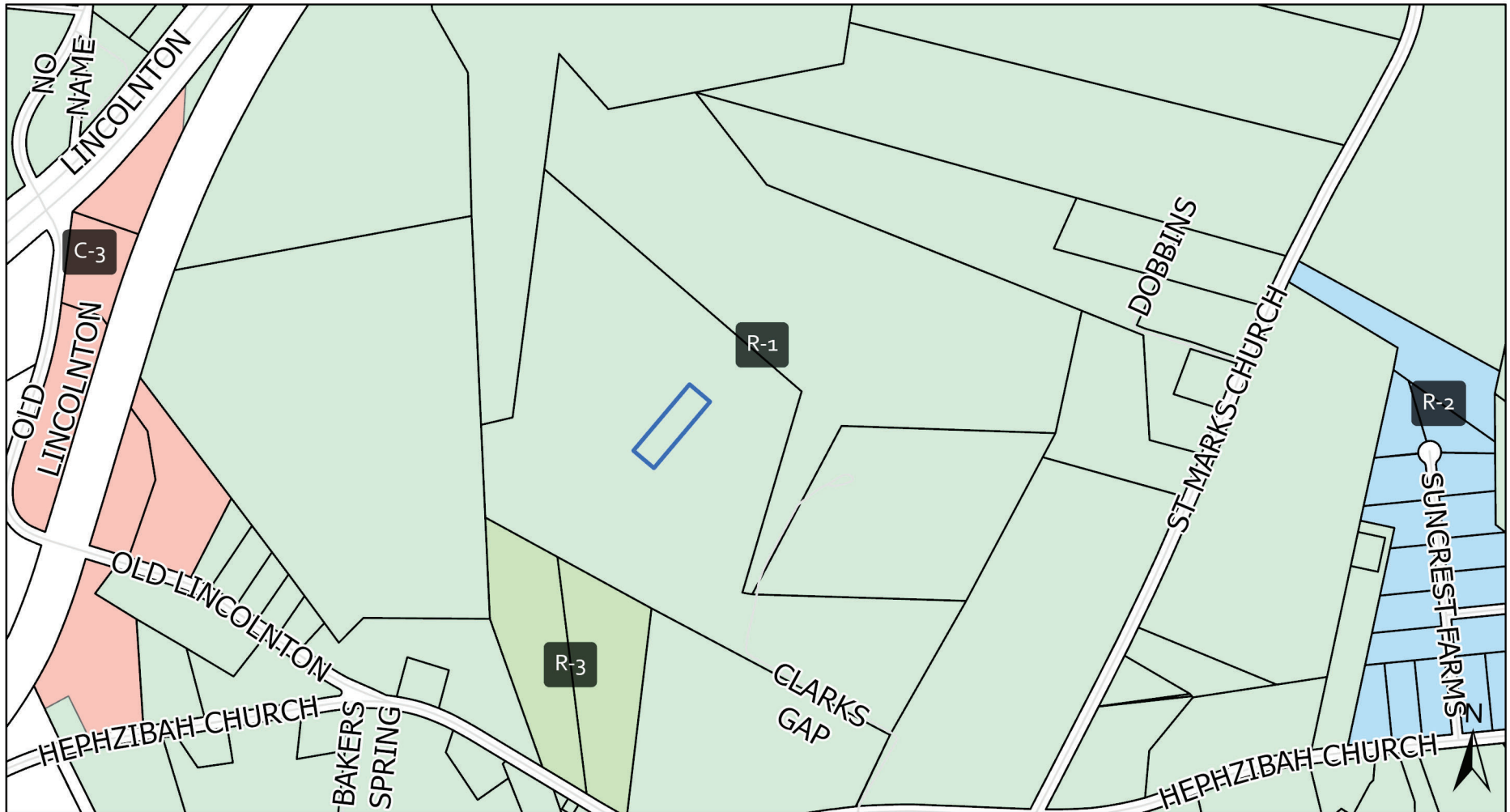
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This map is for zoning purposes only - Not to be used for conveyance.



0 500
Feet

FOR DISPLAY PURPOSES ONLY -- NOT TO BE USED FOR CONVEYANCE



ZONING REVIEW MAP



Application: Z22-21
Tax ID: 307281
Request: General Rezoning
From: (R-1) Single Family Limited
To: (R-2) Single Family Moderate

Map Date: 7/22/22

Gaston County UDO

ZONE TYPE

- C-3
- R-1
- R-2
- R-3
- Subject Parcel

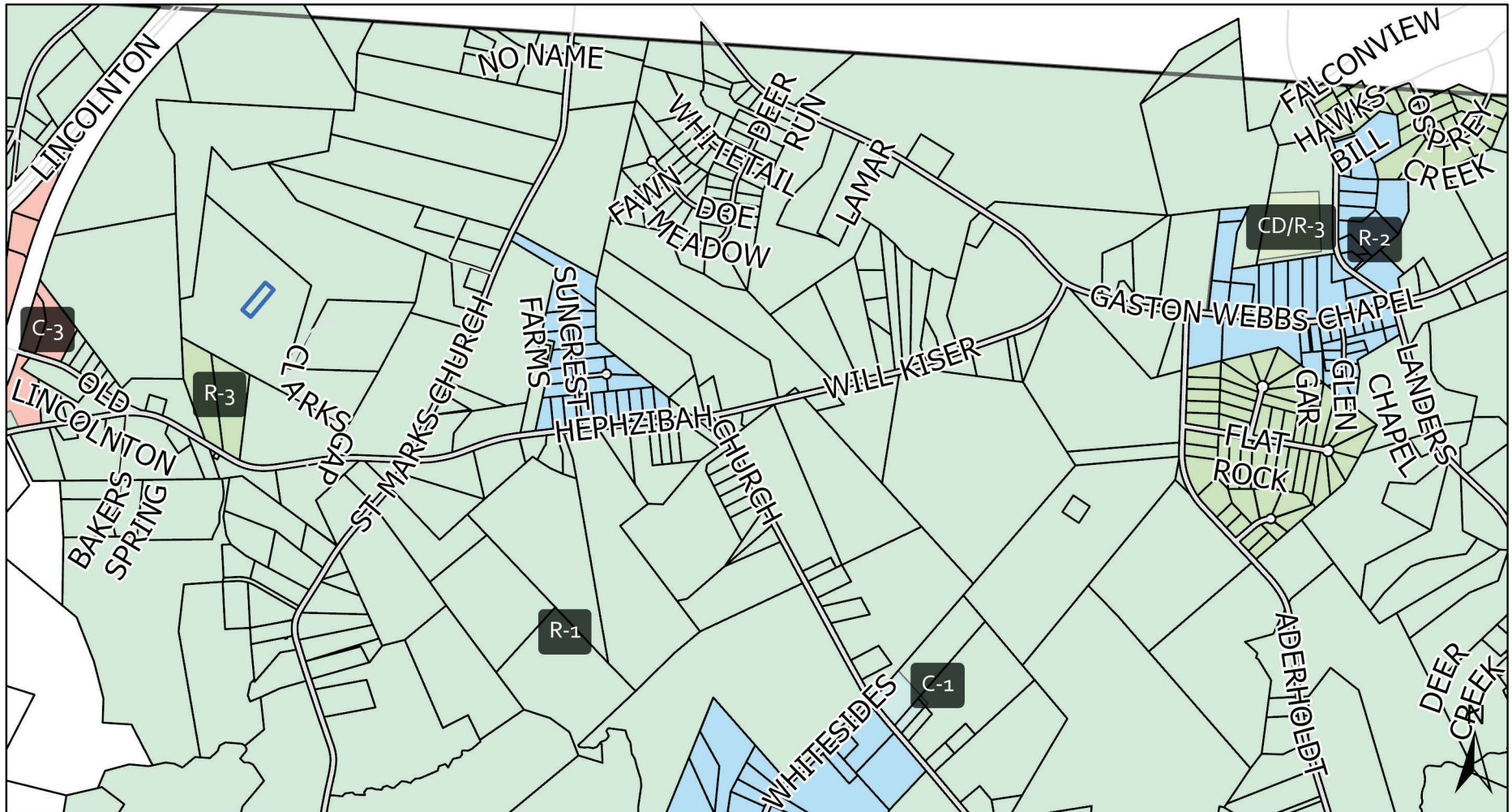
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Gaston County UDO

ZONE TYPE

C-1
C-3

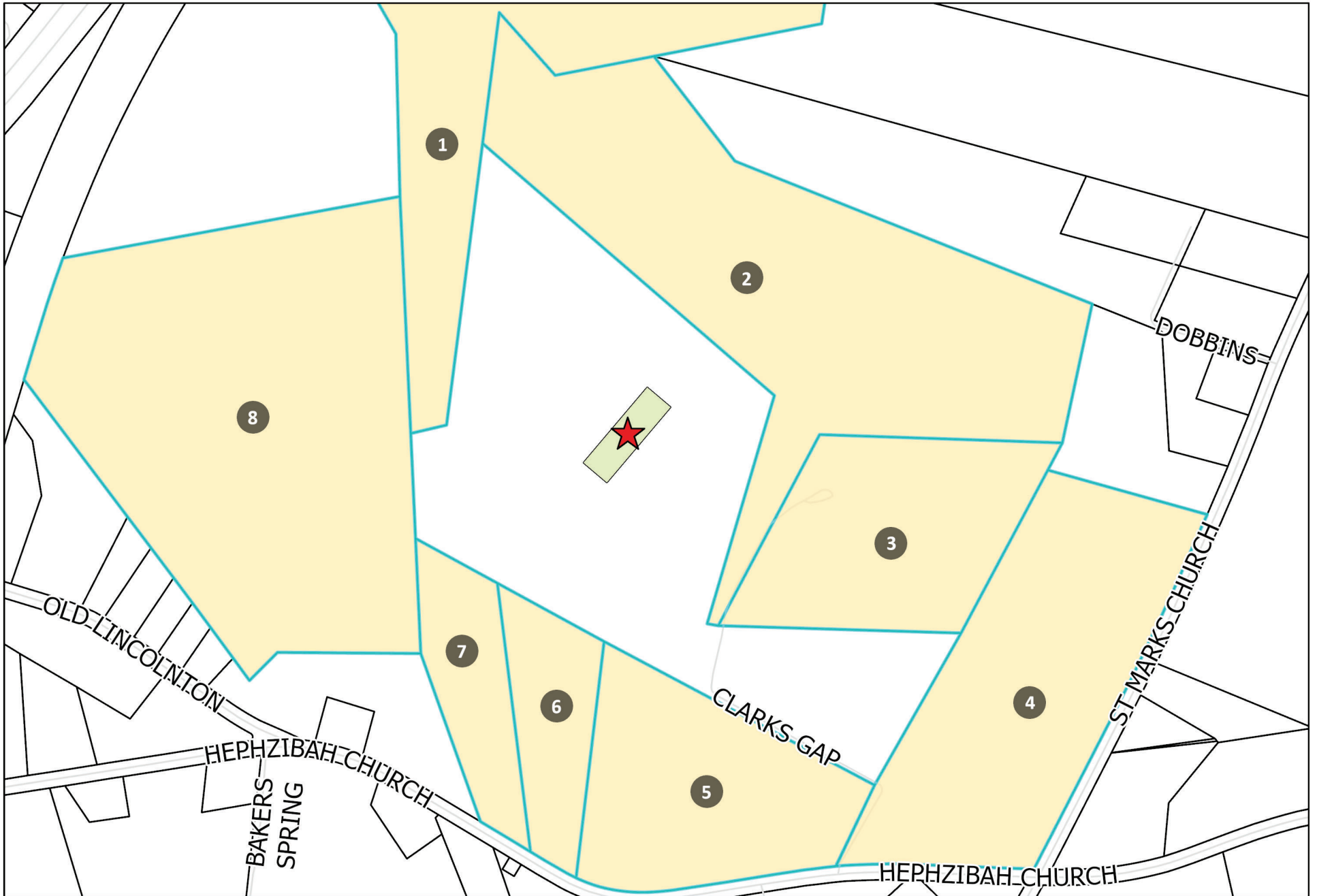
CD/R-3
R-1
R-2
R-3
Subject Parcel

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222-21 Subject and Adjacent Properties Map

See reverse side or next page for listing of property owners.

 SUBJECT PROPERTY

Z22-21 - 164 CLARKS GAP

NO	PARCEL ID	NAME 1	NAME 2	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIPCODE
*	307281	PINTO FEDERICO B	PINTO KEVIN NOE	239 LONG CREEK PRWY		CHARLOTTE	NC	28214
1	157350	CARPENTER KERN A &	BERRY DENISE C	18285 SW 264 ST		HOMESTEAD	FL	33031
2	300892	STROUP MARTHA CLARK LIFE ESTATE		C/O DENISE STROUP SELLERS	560 SIXTH ST NW	HICKORY	NC	28601
3	157928	MAUNEY PHILLIP R		165 CLARKS GAP		CROUSE	NC	28033
4	300893	CLARK FAMILY IRREVOCABLE TRUST		PO BOX 4		CROUSE	NC	28033
5	301678	EDWARDS KIMBERLY ANN		621 HEPHZIBAH CHURCH ROAD		CROUSE	NC	28033
6	209212	CABANISS RANDY D & BETTY J &	MOORE CATHERINE ELIZABETH	605 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
7	209213	CABANISS RANDY D & BETTY J &	MOORE CATHERINE ELIZABETH	605 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
8	158059	CABINESS WAYNE KEITH		4347 OLD LINCOLNTON ROAD		CROUSE	NC	28033