

TITLE: ZONING MAP CHANGE: REZ-24-04-02-00177, JOSHUA WESLEY PIERCE (APPLICANT); PROPERTY PARCEL: 308225, LOCATED ON JAKIE BLACK RD., CHERRYVILLE, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (R-2) SINGLE FAMILY MODERATE 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): 308225
Applicant(s): Joshua Wesley Pierce
Owner(s): Joshua Wesley Pierce
Property Location: Jakie Black Rd., Cherryville
Request: Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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 308225, located on Jakie Black Rd., Cherryville, NC, to be rezoned from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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 Gaston area of the Comprehensive Land Use Plan.

Motion: Horne Second: Brooks 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
2024-238	07/23/2024	AF	RW	A	AB	A	A	A	A	A	U

DISTRIBUTION:

Laserfiche Users

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

Zoning Map Change: REZ-24-04-02-00177, Joshua Wesley Pierce (Applicant); Property Parcel: 308225, Located on Jakie Black Rd., Cherryville, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District
Page 2

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

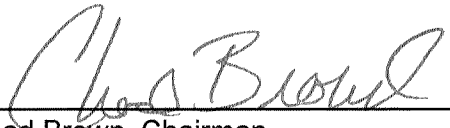
- a. Grant the rezoning as requested.
- b. Grant the rezoning with a reduction of the area requested.
- c. Grant the rezoning to a more restrictive general zoning district or districts.
- d. Grant the rezoning with a combination of Subsections (b) and (c) above.
- e. Deny the rezoning.

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 Gaston area of the Comprehensive Land Use Plan.

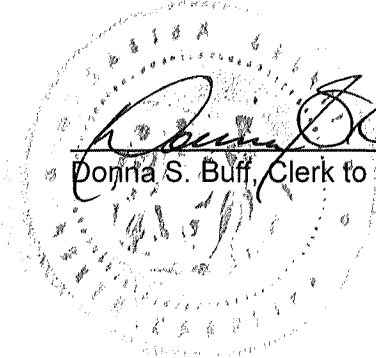
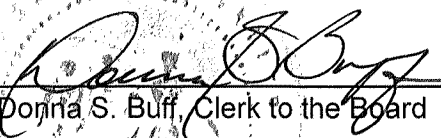
The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 308225, is hereby approved, effective with the passage of this Ordinance to be rezoned to the (R-2) Single Family Moderate 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:

Dorrita S. Buff, Clerk to the Board

GASTON COUNTY REZONING APPLICATION (REZ-24-04-02-00177)

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):

Joshua Wesley Pierce

Property Owner(s):

Joshua Wesley Pierce

Parcel Identification (PID):

308225

Property Location:

Jakie Black Road

Total Property Acreage:

2 acres

Acreage for Map Change:

2 acres

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, repurpose vacant buildings and facilities for new economic opportunities, and steer development towards existing infrastructure.

Comprehensive Plan Future Land Use: Rural

Rural – Rural areas are 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 set back 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:

Jakie Black Road – Privately Owned & Maintained

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. A letter from the GCLMPO has been included in the staff packet.

STAFF SUMMARY

Prepared By: Peyton Wiggins, Planner II

This property is in a residential area in the northwestern region of the county. The location is primarily residential in nature with different housing types and styles included.

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).

PLANNING BOARD MEETING DATE

The Planning Board met in regular session on July 1st, 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 Gaston area of the comprehensive land use plan.



GASTON COUNTY PLANNING BOARD

Statement of Consistency

In considering the general rezoning case REZ-24-04-02-00177, 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 Gaston area of the comprehensive land use plan.

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

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: REZ-

Applicant: / Planning Board / Administrative Board of Commissioners (Administrative) /

A. *APPLICANT INFORMATION

Name of Applicant: John P. Ponce (Print Full Name)

Mailing Address: 633 Main Street NE, Charlotte NC 28061
(Include City, State and Zip Code)

Telephone Numbers: 704-214-0157
(Area Code) Business (Area Code) Home

Email: _____

* 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: John P. Ponce (Print Full Name)

Mailing Address: 633 Main Street NE, Charlotte NC 28061
(Include City, State and Zip Code)

Telephone Numbers: 704-214-0157
(Area Code) Business (Area Code) Home

Email: _____

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: TBD Jodie Hill Rd Charlotte NC 28061

Parcel Identification (PID): 308225

Acreage of Parcel: 2 +/- Acreage to be Rezoned: 2 +/- Current Zoning: R-1

Current Use: Vacant Proposed Zoning: R-2

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: _____ Parcel: _____
(If Applicable) (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) _____ 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: _____ 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: _____

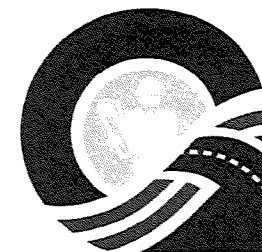
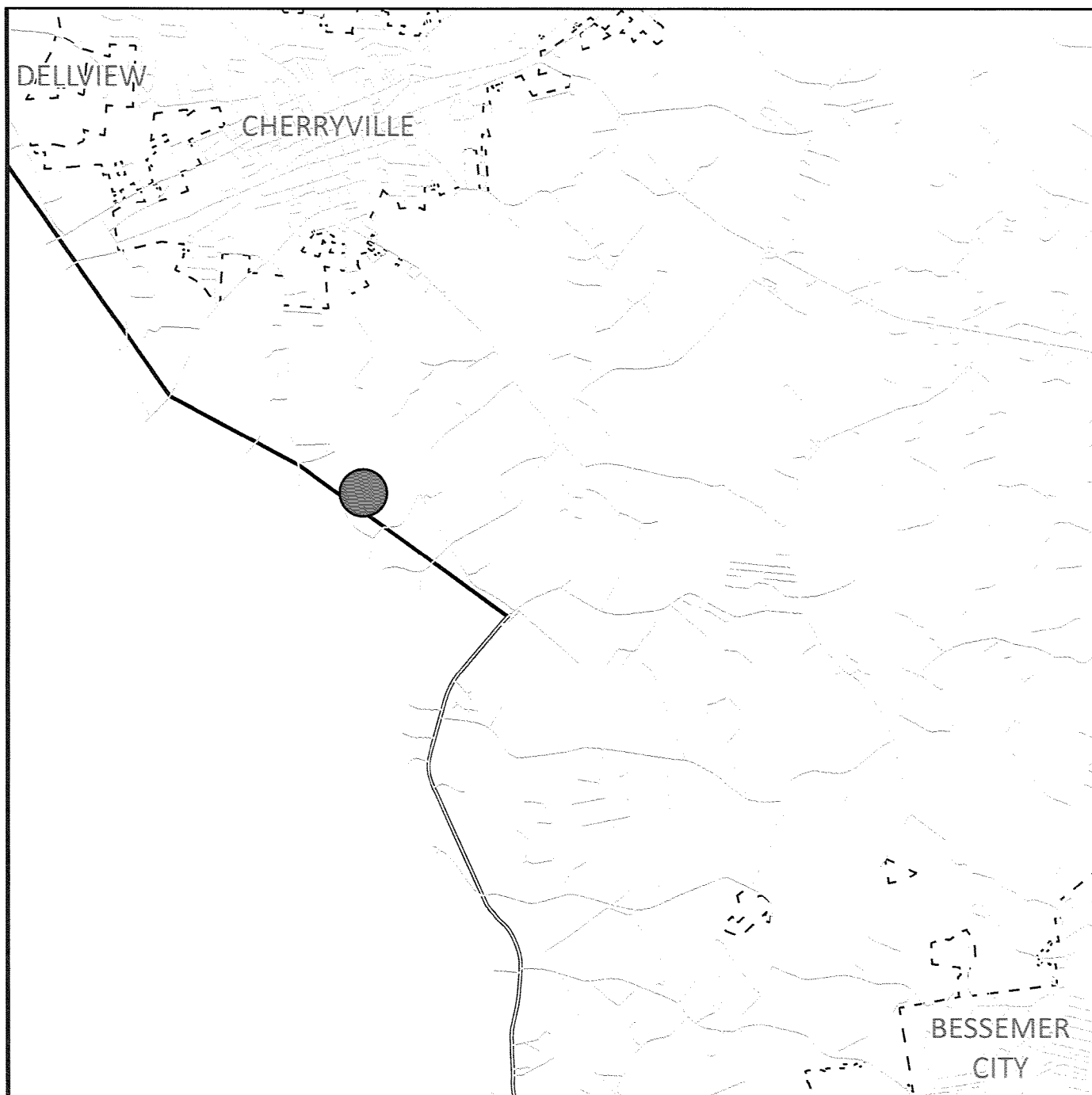
Mission Statement

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.

Uses Allowed in the (R-2) Zoning District

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

Animal Grooming Service for household pet (indoor kennels)	SP	Dwelling, Manufactured Home Class A		X	Manufactured Home Park	Es	Es	Restaurant, within other facilities	Xs	Xs
Animal Hospital (Outdoor kennel)	SPs	Dwelling, Manufactured Home Class C	Es	Es	Marina, Accessory	Xs	Xs	Riding Stables		SPs
Animal Hospital, (Indoor kennel)	SPs	Dwelling, Manufactured Home Class D	Es	Es	Marina, Commercial	CD	SP	Rodeo / Accessory Rodeo		SPs
Animal Kennel	SPs	Dwelling, Single Family	X	X	Maternity Home	Xs/ SPs	Xs/SPs	School for the Arts		SP
Automobile Hobbyist	Xs	Dwelling, Two Family	Xs	Xs	Military Reserve Center		SPs	School, Elementary & Middle (public & private)	Xs	Xs
Bed and Breakfast Inn	SPs	Essential Services Class 1	X	X	Museum	SP	SP	School, Senior High (public & private)	Xs	Xs
Bona Fide Farms	Xs	Essential Services Class 2	Xs	Xs	Nursery (Garden)		SPs	Small House Community	SP	SP
Botanical Garden	Xs	Essential Services Class 3		SP	Nursing Home, Rest Home		SPs	Special Events Facility	SPs	SPs
Camping and Recreational Vehicle Park	SPs	Essential Services Class 4	Xs/SPs	Xs/SPs	Paint Ball / Laser Tag Facility	SPs	SPs	Special Events Facility, Accessory	SPs	SPs
Cemetery	SPs	Family Care Home	Xs/SPs	Xs/SPs	Park	Xs/SPs	Xs/SPs	Stadium	Xs/SPs	Xs/SPs
Church / Place of Worship	Xs	Flex Space	Xs	Xs	Parking Lot	SPs	SPs	Taxidermy	X	X
College / University	SP	Fraternal & Service Organization Meeting Facility (non- or not-for profit), 0 - 9,999sqft GFA	SPs	SPs	Planned Residential Development (PRD)	Xs/CDs	Xs/CDs	Telecommunication Antennae & Equipment Buildings	Xs	Xs
Conference / Retreat / Event Center	SPs	Fraternal & Service Organization Meeting Facility (non- or not-for profit), 10,000+sqft GFA		SPs	Planned Unit Development (PUD)		Xs/CDs	Telecommunication Tower & Facilities	SPs	SPs
Continuing Care Facility	SPs	Golf Course; Golf Driving Range; Golf Miniature	SPs	SPs	Private Residential Quarters (PRQ)	Xs	Xs	Tourist Home	X	X
Country Club	SPs	Group Home		Xs	Produce Stand	Xs	Xs	Tower and/or Station, Radio & Television Broadcast	SPs	SPs
Day Care Center, Class A	Xs	Home Occupation, Customary	Xs	Xs	Recreation Center and Sports Center	SPs	SPs	Traditional Neighborhood Development (TND)	Xs/CDs	Xs/CDs
Day Care Center, Class B	Xs/SPs	Home Occupation, Rural	Xs	Xs	Recycling Deposit Station, accessory	X	X	Wood Waste Grinding Operation	SPs	SPs
Day Care Center, Class C	SPs	Library	SP	SP	Recycling Deposit Station, principal use	SPs	SPs	Zoo	SP	SP



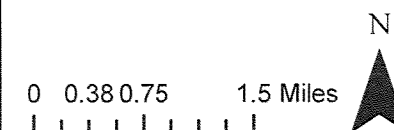
GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

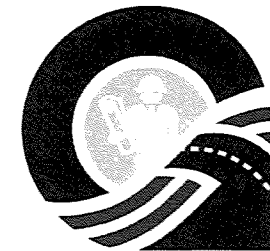
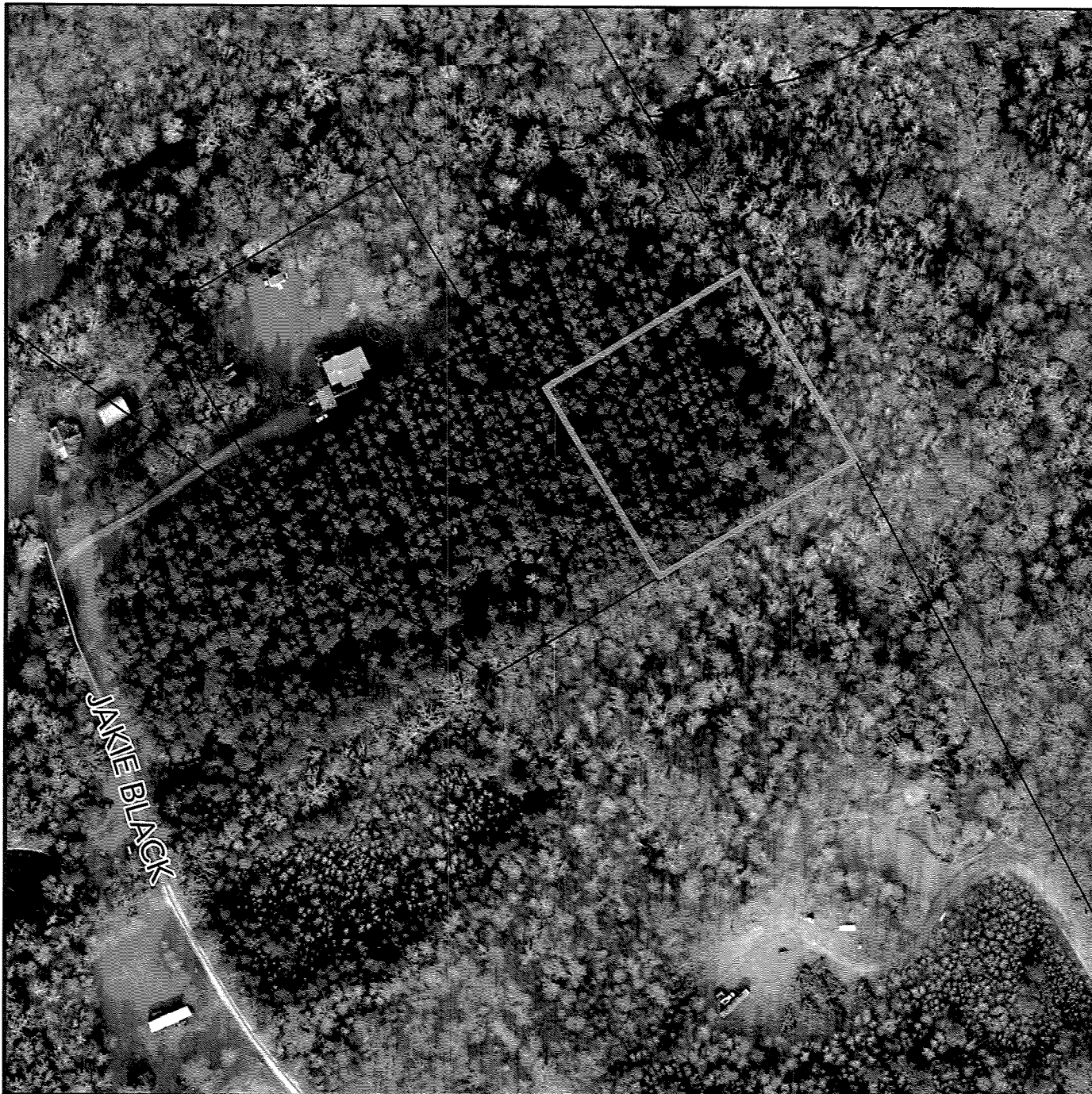
VICINITY MAP
REZ-24-04-02-00177

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.





GASTON COUNTY
BUILDING AND DEVELOPMENT SERVICES

ORTHOPHOTO MAP
REZ-24-04-02-00177

LEGEND

— Roads

□ Parcels

□ Subject Parcel

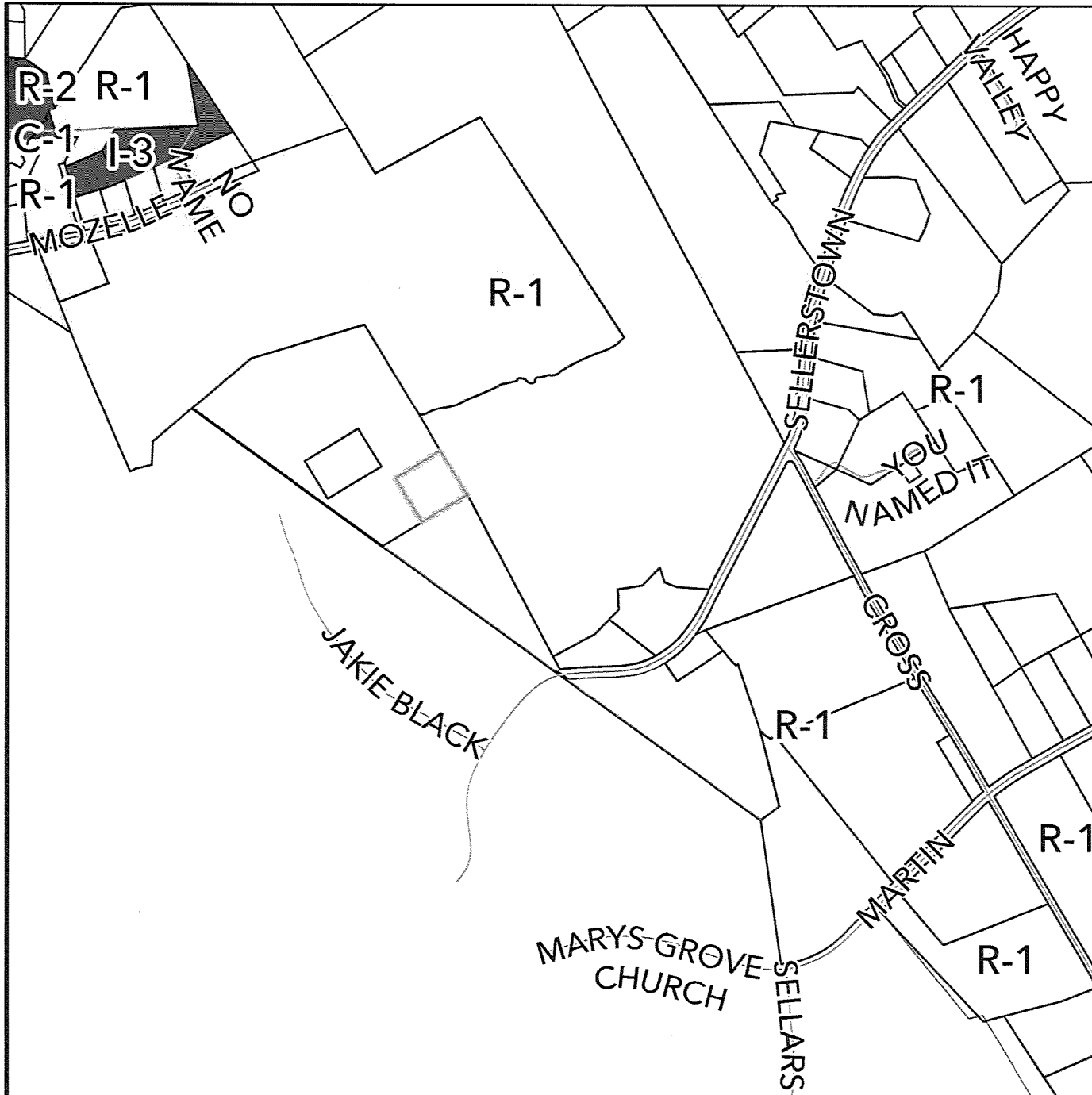
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0 0.010.03 0.05 Miles



N





ZONING MAP

REZ-24-04-02-00177

LEGEND

— Roads

□ Parcels

ZONE TYPE

■ C-1

■ I-3

□ R-1

■ R-2

□ Subject Parcel

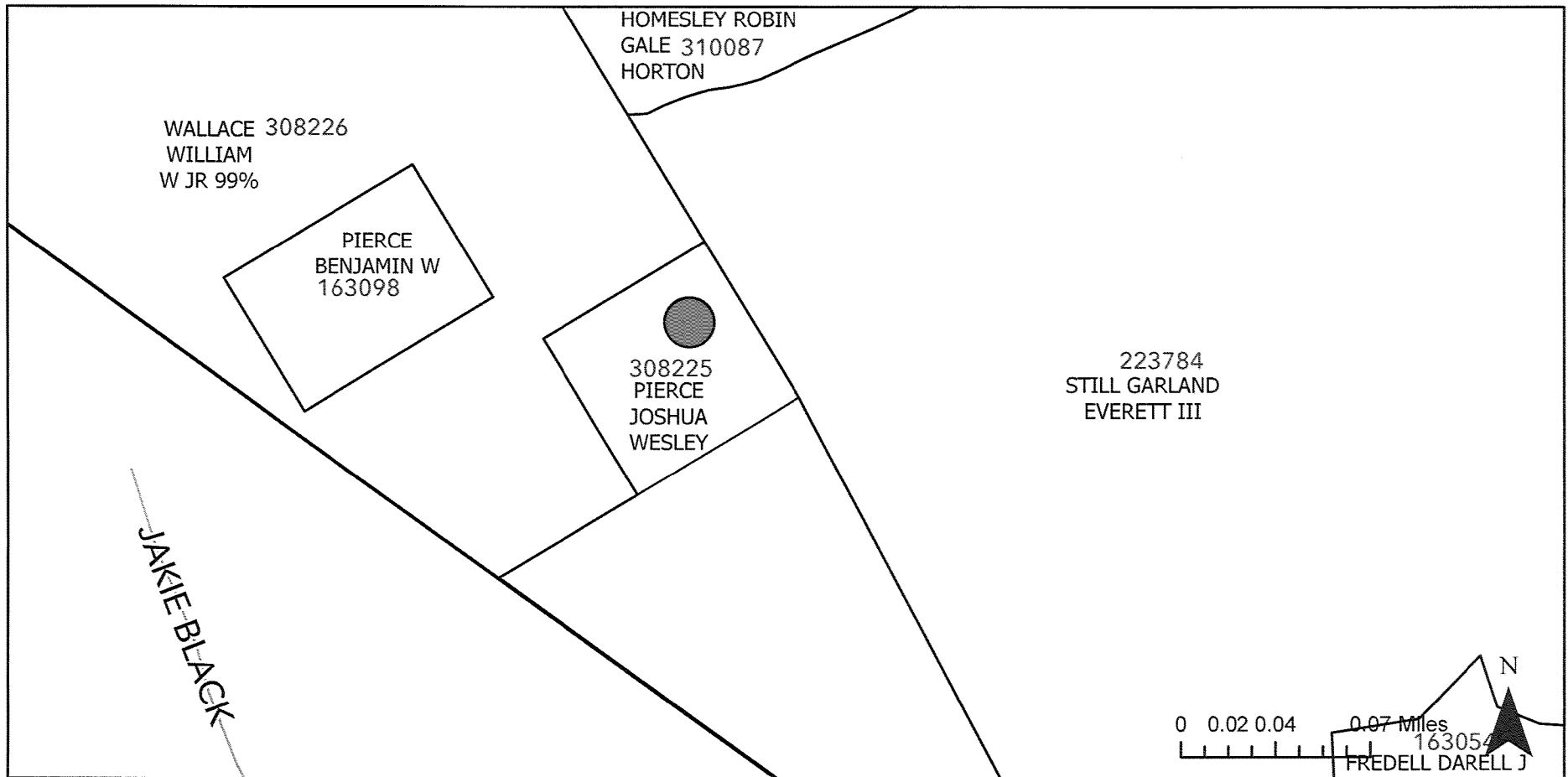
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0 0.05 0.1 0.2 Miles



N





SUBJECT & ADJACENT PROPERTIES MAP | REZ-24-04-02-00177

LEGEND

 Subject Parcel

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Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6837

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

Memorandum

To: Peyton Ratchford, Planner II, Building & Development Services
From: Julio Paredes, AICP, Planner, Gaston—Cleveland—Lincoln MPO
Date: April 15th, 2024
Subject: REZ-00177 Jakie Black Rd, Cherryville—GCLMPO Comments

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

1. The proposed development is located at PID: 308225
 - A. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
 - B. Neither the GCLMPO 2050 Highway MTP nor Highway CTP include any proposed improvements to any streets adjacent to the subject property.
 - C. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the property owner/developer should work with NCDOT on any required driveway permits or any TIA requirements.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or juliop@cityofgastonia.com.



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 24-227

Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-24-04-02-00177, Joshua Wesley Pierce (Applicant); Property Parcel: 308225, Located on Jakie Black Rd., Cherryville, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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. Joshua Wesley Pierce (Applicant); Property Parcel: 308225, Located on Jakie Black Rd., Cherryville, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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	TKeigher	RWorley	Vote
2024-238	07/23/2024	AF	RW	A	AB	A	A	A	A	A	U

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