



RESOLUTION TITLE: ZONING MAP CHANGE: CONDITIONAL DISTRICT CD21-06 TYLER CARPENTER (APPLICANT); PROPERTY PARCEL: 157438 (PART OF), LOCATED AT LANDERS CHAPEL RD., LINCOLNTON, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (CD/R-3) CONDITIONAL DISTRICT / SINGLE FAMILY GENERAL ZONING DISTRICT, IN ORDER TO ALLOW MACHINE, METAL, WOOD WORKING, WELDING SHOP

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on October 26, 2021 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 157438 (part of)
Applicant: Tyler Carpenter
Owner(s): Diane K. & Wade L. Carpenter Jr.
Property Location: Landers Chapel Rd.
Request: Rezone Parcel 157438 (part of), from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop

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: 157438 (part of), located at Landers Chapel Rd., Lincolnton, NC, from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop, on October 11, 2021 based on: staff recommendation, and the request is reasonable and in the public interest and in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/R-3) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

Motion: Horne Second: Hurst Vote: Unanimous
Ayes: Brooks, Fallon, Hollar, Horne, Hurst
Nay: None
Absent: Ally, Harris, Houchard, Vinson
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	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-274	10/26/2021	CB	AF	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

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

Zoning Map Change: Conditional District CD21-06 Tyler Carpenter (Applicant); Property Parcel: 157438 (part of), Located at Landers Chapel Rd., Lincolnton, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop
Page 2

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the map change application, public hearing comment and Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/R-3) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

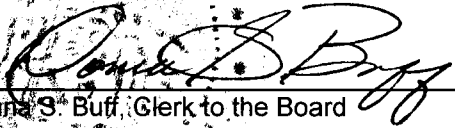
The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Property parcel: 157438 (part of), is hereby approved as conditioned (Exhibit A), effective with the passage of this resolution.

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



Tom Keigher, Chairman
Gaston County Board of Commissioners

ATTEST:



Donna S. Buff, Clerk to the Board

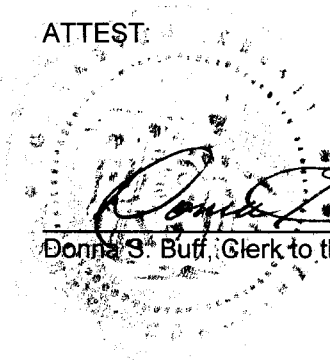


Exhibit A
Conditions of Approval
CD21-06

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto or any part thereof is held invalid or void, then this zoning district shall be void and no effect.
3. Development shall meet all local, state, and federal requirements.
4. The zoning is conditioned upon the conceptual site plan.
5. In accordance with Section 5.16.5(I) of the Unified Development Ordinance, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. The Administrator may only make minor changes to the approved site plan administratively.
6. The parking area shall remain as shown on the conceptual site plan, unless such a time occurs that the business expands to include more than twenty (20) employees, to which the parking area, aisles, driveways and surfaces must be brought to Unified Development Ordinance (UDO) regulations and standards.
7. The buffer and landscaping shall remain as shown on the conceptual site plan, unless such a time occurs that the business expands to include future structures, as proposed and shown on the plan, to which the buffers and landscaping must be brought to conformance with a Type A buffer yard.

Conditional District Zoning Application (CD21-06)

STAFF REPORT

Request:	
To rezone property from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop	
Applicant:	Property Owner(s):
Tyler Carpenter	Diane Kiser Carpenter, Wade L. Carpenter Jr.
Parcel Identification (PID):	Property Location:
157438 (part of)	Landers Chapel Rd. (Lincolnton)
Total Property Acreage:	Acreage for Map Change:
19.23 ac	8.5 ac
Current Zoning:	Proposed Zoning:
(R-1) Single Family Limited	(CD/R-3) Conditional District / Single Family General
Existing Land Use:	Proposed Land Use:
Vacant / Agriculture	Machine, Metal, Wood Working, Welding Shop

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 – areas are characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusinesses. 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. Should the Board approve the request, Staff recommends that the attached conditions are adopted, as the conditions are designed to mitigate some of the effects of the development.

Water/Sewer Provider:
Private well / private septic
Road Maintenance:
North Carolina Department of Transportation

September 14, 2021 and September 15, 2021

- One (1) citizen was in attendance at meeting one; two (2) citizens were in attendance at meeting two.
- Highlights covered by applicant included: provided citizens with a copy of the site plan; answered questions as they related to his small welding business
- Notes of concern by attendees: initial concerns were geared towards potential lithium mining operations – once applicant confirmed his welding business was unrelated to any type of mining operation, citizens were supportive of application.
- Staff observation: Both meetings met the objective of providing information to attendees; residents in attendance conveyed that they lived in close proximity of the proposed site (immediately across the street); both attendees appeared supportive and stated no objections to the proposed project.

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

Highlights from the comments did not include any significant projects in the immediate area. (None provided)

Prepared By: Sarah Carpenter Penley, Senior Planner

Staff received this application for rezoning request in July 2021. Pre-design meetings and discussions with the applicant included: consideration for site design and Conditions for Approval; and, remaining acreage to continue as an agricultural farming use.

This property is located in a rural area of the north west region of the county. While its' location is primarily residential in nature, it is not far from the municipality of Cherryville and other major corridors in Lincoln County.

If approved, staff would recommend that the Conditions For Approval be implemented, as presented or modified by the Board, to mitigate any impact on surrounding properties.

Scheduled Meeting Date: October 11, 2021

After staff presentation and summary, the Planning Board had no questions for staff but did ask the applicant what type of business he intended to conduct, to which the applicant responded "a welding shop". After a brief discussion regarding the number of employees – ten (10) or less – proposed Conditions for Approval (with staff recommendation), the Board voted to approve the application, based upon the following statement of consistency:

The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/R-3) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

Attachments: Maps



GASTON COUNTY *Department of Building and Development Services*

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052 Phone: 704-535-1578
 Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578 Fax: 704-535-1578

CONDITIONAL ZONING (CD) APPLICATION

Complete by either typing or printing legibly in black or blue ink

Application Number: **CD 21- 06**

A.

APPLICANT INFORMATION

Name of Applicant: Tyler Carpenter

Mailing Address: 3068 J E Carpenter Rd Lincolnton, NC 28092

Telephone Numbers: 704-802-9353

B.

OWNER INFORMATION

Name of Owner: Diane Kiser Carpenter & Wade L. Carpenter Jr.

Mailing Address: 2230 Gaston Webbs Chapel Rd., Lincolnton, NC 28092

Telephone Numbers: 980-429-0678

704-735-9890

C.

PROPERTY INFORMATION

Physical Address or General Street Location of Property: Landers Chapel Rd. (Lincolnton)

Property Identification Number (PID): 157438 (part of)

Acreage of Parcel: 19.23

+/- Acreage to be Rezoned: 8.5

Current Zoning: (R-1)

Proposed Zoning: (CD/R-3) Conditional District/Single Family General

Current Use: Vacant / Farming

Proposed Use(s): Machine, Metal, Wood Working, Welding Shop

D.

ADDITIONAL INFORMATION REQUIRED

☒ Copy of Plot Plan or Area Map

☒ Copy of Deed

☒ Notarized Authorization

☒ Payment of Fee

☒ PIM 1st. Meeting Date: 09/14/2021

☒ PIM 2nd. Meeting Date: 09/15/2021

☒ PIM Comments to Planning: 09/16/2021

E.

CONDITIONS SET FORTH BY APPLICANT

See site plan

F.

APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

[Signature]
 Signature of property owner or authorized representative

7/6/21

Date

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

Date Received: 07/09/2021

Application Number: PCUP 221-06

Fee: \$840.00

Received by Member of Staff: SCP

Date of Payment: 08/23/2021

Receipt Number: INV-00027984



GASTON COUNTY Department of Building & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28053 Phone: (704) 795-1378
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578 Fax: (704) 795-1378

Public Hearing Consent Form

To: Gaston County Board of Adjustment / Planning Board / Board of Commissioners

From: **Diane Kiser Carpenter & Wade L. Carpenter Jr.**
2230 Gaston Webbs Chapel Rd., Lincolnton, NC 28092

Subject:

☐ Commercial Use ☐ Conditional Use ☐ Any Use ☐ Off-Street Parking ☐ Lot Line Etc. ☒ Other

Date:

I, Wade L. Carpenter Jr., being the property owner of parcel(s) 67038, do hereby give consent to the Board of Adjustment to act on my behalf in applying for the **PUBLIC HEARING REQUEST** under consideration.

Wade L. Carpenter Jr.
Signature (owner)

Date:

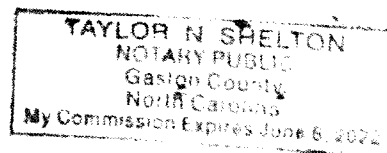
Notary Public
Gaston County

Taylor N. Shelton a Notary Public for the State of North Carolina
Wade L. Carpenter & Diane K. Carpenter personally appeared before me this day of June, 2022.
I know the above signers and the contents of the foregoing instrument.

Witness my hand and the seal of the County of Gaston on the 8th day of July, 2022.

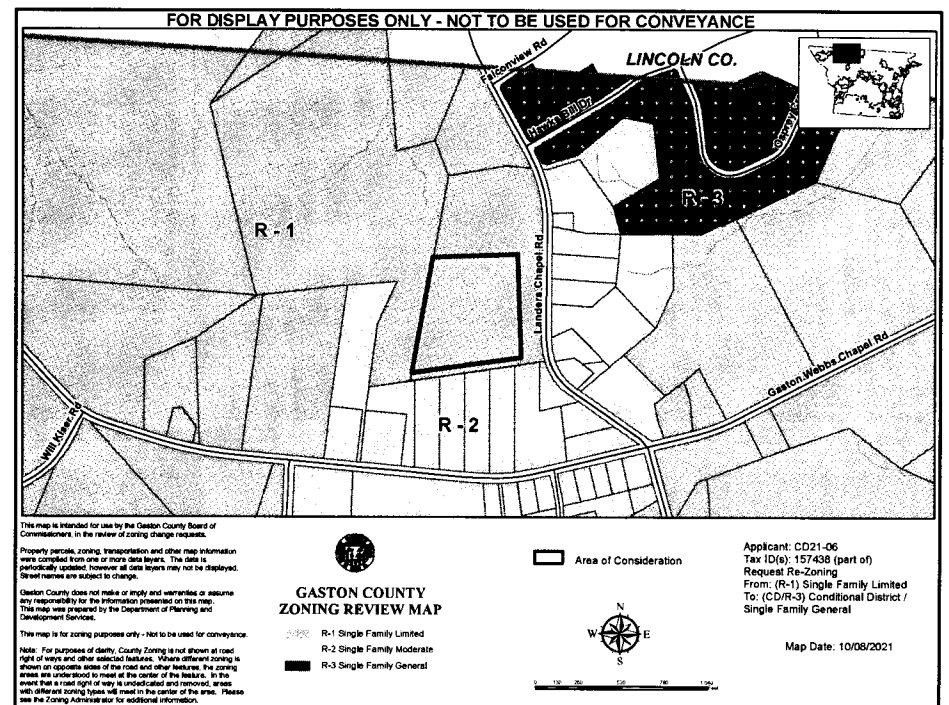
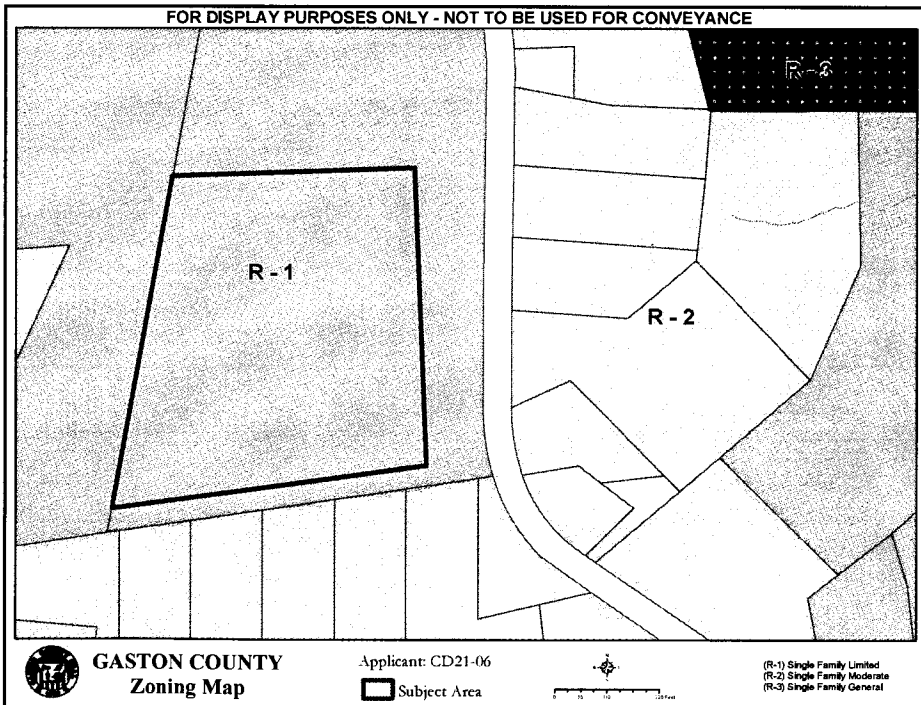
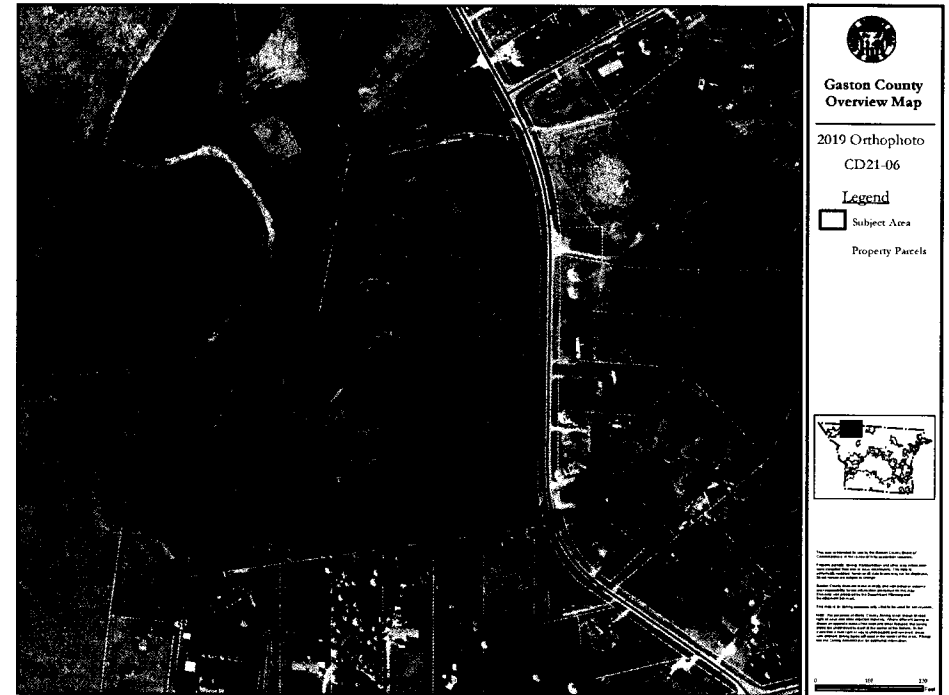
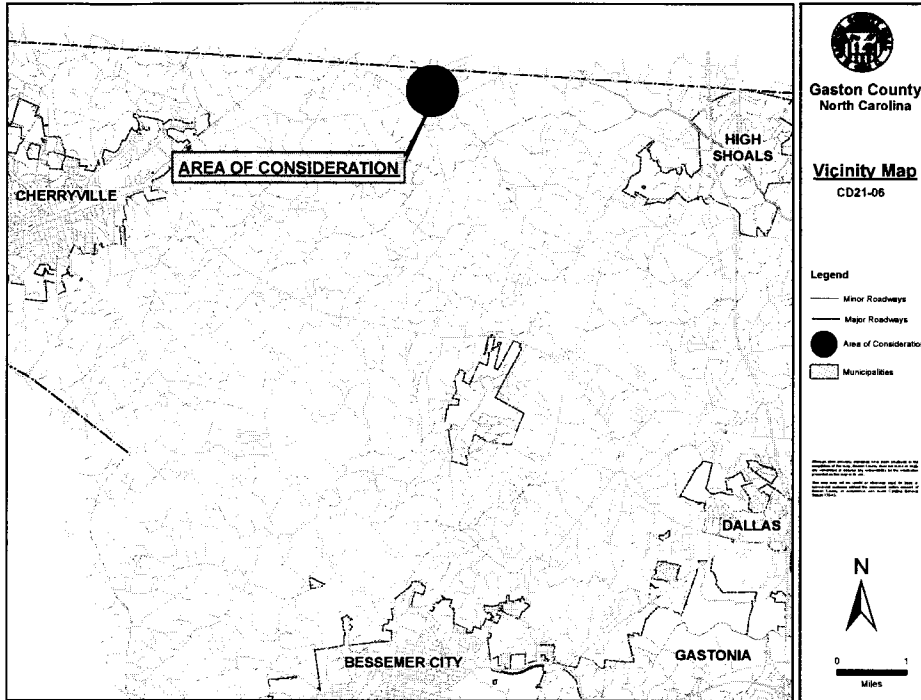
Taylor N. Shelton
Notary Public

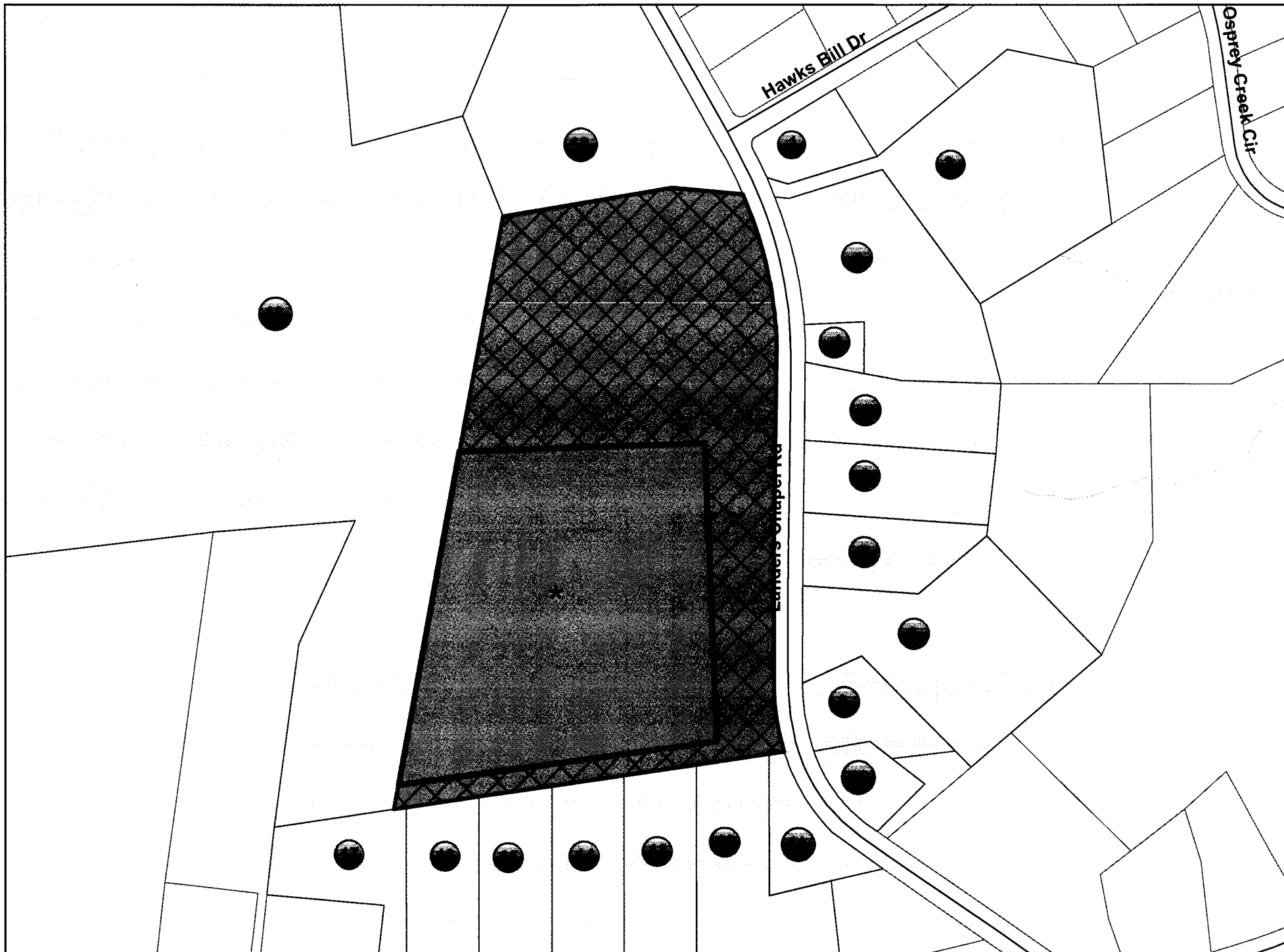
My Commission Expires June 6, 2022



(CD21-06) CARPENTER
CONDITIONS FOR APPROVAL

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CD21-06 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

CD21-06 Owner and Adjacent Property Listing

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	157438	CARPENTER DIANE KISER	CARPENTER WADE L JR	2230 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
1	157492	MCCURRY KENNETH M	MCCURRY KATHERINE	735 WISE RD	LINCOLNTON	NC	28092
2	157466	RICHTER CHRISTIAN ERIC	RICHTER KAREN RENEE	908 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
3	157439	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
4	157437	HEAFNERS FARM LLC		2671 E MAIN ST	LINCOLNTON	NC	28092
5	157442	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
6	157443	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
7	157445	GOINS KATHY CLARK		126 OAK POINT DR	CHERRYVILLE	NC	28021
8	157446	WEBB TIMOTHY W	C/O KEVIN E WEBB	810 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
9	157452	KEEVER JENNIFER C	KEEVER GERALD	804 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
10	157447	RICKARD JONATHAN PAUL		423 HELTON RD	CHERRYVILLE	NC	28021
11	157465	MOSES MATTHEW E		725 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
12	211145	STEWART DENNIS D	STEWART DAWN L	2974 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
13	157460	PILKINGTON MICHAEL R	PILKINGTON KELLY M	3006 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
14	157459	BRYANT JULIAN DANA	BRYANT ROBIN LEE MOFFITT	119 COUNTRY WAY DR	LINCOLNTON	NC	28092
15	157458	CARTER JON ERIC		112 CRICKET CREEK DR	CHERRYVILLE	NC	28021
16	157457	CUNNINGHAM DEBRA HALEY	CUNNINGHAM CHRISTOPHER A	3052 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
17	157434	MOSES BERTA BARQUERO		3074 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
18	209032	GAROMAC PROPERTIES LLC		3848 CROUSE SCHOOL RD	CROUSE	NC	28033
19	157435	BEJARANO-LOPEZ GRETTELY ARLENE		624 TYVOLA RD STE 103	CHARLOTTE	NC	28217



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 21-392

Commissioner Fraley - Building & Development Services - Zoning Map Change: Conditional District CD21-06 Tyler Carpenter (Applicant); Property Parcel: 157438 (part of), Located at Landers Chapel Rd., Lincolnton, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop

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. Tyler Carpenter (Applicant); Rezone Parcel: 157438 (part of), from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop. A public hearing was advertised and held on October 26, 2021 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on October 11, 2021, 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

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	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	GWorley	Vote
2021-274	10/26/2021	CB	AF	A	A	A	A	A	AB	A	U

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