

**Planning Board Item II – GENERAL PUBLIC HEARING INFORMATION (PCUP19-05)**  
**Board of Commissioners / Planning Board Public Hearing Date June 25, 2019**

**Parallel Conditional Use Permit (PCUP19-05)**

Request: To rezone parcel from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

Applicant(s): Jeff Smith

Property Owner(s): Jeffrey L. Smith, Joshua Lee Springs

Mailing Address of Applicant: 2810 Rufus Ratchford Rd., Gastonia, NC 28056

**Site Information and Description of Area**

General Location: 2810 Rufus Ratchford Rd.

Parcel ID: 194355 (part of)

Total Property Acreage: 15.13 ac

Acreage for Map Change: 1.5 ac

Current Zoning District(s): (R-1) Single Family Limited with (SV) Scenic View and (US) Urban Standards Overlays

General Area Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (C-1) Light Commercial, (C-3) General Commercial, (SV) Scenic View Overlay, (US) Urban Standards Overlays, (CH) Corridor Highway Overlay

**Zoning District Information**

**Current Zoning District:**

**(R-1) Single Family Limited** – The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

**(SV) Scenic View Overlay** – The purpose of the SV District is to protect the scenic views from within the Daniel Stowe Botanical Garden. Gaston County hereby finds that the Daniel Stowe Botanical Garden has become a major asset to economic development, tourism, recreation, and natural resource conservation for Gaston County and the surrounding region. In order to preserve and enhance the natural scenery fostered by the Botanical Garden and enjoyed by visitors to the Garden, Gaston County finds it necessary to control the height of structures within the view from the Garden. Gaston County also finds that the erection of tall structures in areas within view of the Botanical Garden can result in the degradation of its natural scenic views and thus reduce its attraction as a natural scenic area and a retreat from urban development.

**(US) Urban Standards Overlay** – Areas of the County which are located outside their corporate limits and/or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the "Urban Standards Overlay District".

Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards addressed, but not limited to: building design, off-street parking, road, lot and subdivision standards.

**Note:** If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.

**Proposed Zoning District: (Parallel Conditional Use Permit)**

**(CU) Conditional Use** – There are many uses identified in Table 7.1-1 that are “uses by right” and that are allowed “by right” in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are “conditional uses” and subject to the issuance of a conditional use permit. The purpose of having conditional uses is to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as “uses by right” but now are allowed subject to a conditional use permit. For these uses, any expansion or modification to the uses would be subject to the issuance of a conditional use permit.

**(C-3) General Commercial** – The C-3 District is intended to accommodate the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any of the other commercial zoning districts. Like the C-2 district, the C-3 district is intended to accommodate the community’s larger and most intense commercial developments (outside of the central business district) and is generally located within the Urban Standards Overlay District.

**(PCUP) Parallel Conditional Use Permit** – The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. The “parallel conditional use” district (PCUP) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable.

#### **2035 Comprehensive Land Use Plan (Small Area District):**

##### **Area 4: The Garden Gaston / Southeast Gaston (Belmont, Cramerton, and surrounding area)**

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

It is staff’s opinion that the request is consistent with the Comprehensive Land Use Plan.

#### **Technical Review Committee (TRC)**

The request was reviewed by the TRC for comment and general compliance with applicable regulations and provisions. The TRC is made up of various land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO), County Fire Marshall, et cetera, which review all land use proposals and site plans requiring Planning Board approval and/or public hearing process.

#### **Notification**

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

#### **Zoning Sign Placement**

June 14, 2019

#### **Information Attached**

Rezoning application; vicinity map, aerial map, zoning/subject area maps, adjacent property map with property owner list; and site plan.

#### **Transportation Planning Information**

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

#### **Staff Contact**

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or [sarah.penley@gastongov.com](mailto:sarah.penley@gastongov.com)



# GASTON COUNTY

Department of Planning & 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

## PARALLEL CONDITIONAL USE APPLICATION

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

Application Number: PCUP

19-05

A.

### \* APPLICANT INFORMATION

Name of Applicant: Jeff Smith

(Print Full Name)

Mailing Address: 2810 Rufus Ratchford Road, Gastonia, NC 28056

(Include City, State and Zip Code)

Telephone Numbers: (704) 913-7400

(Area Code) Business

(Area Code) Home

*\* If the applicant and property owner are not the same individual or group, the Gaston County Zoning Ordinance requires written consent from the property owner or legal representative authorizing the Rezoning Application. An Authorization/Consent Form is a separate form, and shall be notarized. In addition, if there are additional property owners, please provide a list of those names with a complete mailing address including city, state and zip code along with a telephone number including area code.*

B.

### OWNER INFORMATION

Name of Owner: Jeff Smith

(Print Full Name)

Mailing Address: PO Box 1467, Belmont, NC 28012

(Include City, State and Zip Code)

Telephone Numbers: (704) 913-7400

(Area Code) Business

(Area Code) Home

C.

### PROPERTY INFORMATION

Physical Address or General Street Location of Property:

2810 Rufus Ratchford Road, Gastonia, NC 28056

Property Identification Number (PIN): 194355

Acreage of Parcel: 1.5 acres +/-

Acreage to be Rezoned: 1.5 acres +/-

Current Zoning: R-1 (Rural)

Proposed Zoning: C-3

Current Use: Rural / undeveloped

Proposed Use(s): Contractor's Office and Equipment / Storage

D.

**BURDEN OF PROOF**

Section 5.16

**Section 5.16.4 - F.2 Parallel Conditional Use District Burden of Proof**

- a. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.
- b. The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:
- i. The use will not materially endanger the public health or safety if located where proposed and developed according to plan; Please see attached sheet.
  - ii. The use meets all required conditions and specifications; Please see attached sheet.
  - iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; Please see attached sheet. ; and
  - iv. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners. Please see attached sheet.

E.

**CONDITIONS SET FORTH BY APPLICANT**

N/A

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.

Jeff Smith  
Signature of property owner or authorized representative

4/23/19  
Date

JS Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.

Date Received: 04/24/19 FOR OFFICIAL USE ONLY Application Number: PCUP: 19-05 Fee: \_\_\_\_\_  
Received by Member of Staff: SP Date of Payment: \_\_\_\_\_ Receipt Number: \_\_\_\_\_  
(Initials)  
Copy of Plot Plan or Area Map ☒ Copy of Deed ☒ Notarized Authorization N/A Payment of Fee ☒

Jeff Smith / 2810 Rufus Ratchford Rd., Gastonia, NC

**Burden of Proof attachment to Parallel Conditional Use Application**

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan:

**The proposed site will be used solely as a contractor's office and equipment storage facility. There will be no additional public or customer traffic. No additional police or fire services are expected to be created by this request. To the best of our knowledge, adequate water and sewer facilities and hook ups are already in place or will be provided. The proposed plan includes sufficient parking spaces such that there will not be any street parking or significant increase in traffic. Applicant will work with the NC DOT for proper permitting of the driveway cut and right of way entrance.**

2. The use meets all required conditions and specifications:

**The proposed re-zoning meets all the requirements and specifications for C-3/ Contractor's Office and Equipment Storage Yard zoning. The equipment the Applicant intends to store is considered small commercial equipment ordinarily allowed under C-3 zoning. The building will be situated such that all required set back or other development specifications are met. The office will have accessible bathroom and parking facilities, and otherwise comply with the requirements of the Gaston County Building Code. The Applicant will continue to own the property surrounding the re-zoned site, providing greater buffering than would ordinarily be required. Applicant will work with the Gaston County Planning and Zoning and Building Departments with respect to proper permitting for the construction and development of the site.**

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity:

**Most of the adjoining property is owned by the Applicant and will remain undeveloped and subject to R-1 zoning. This will provide more natural buffering than required for commercial properties. The office equipment will not be visible from the roadway. The conditional re-zoning also includes development of a private right of way that will serve the subject property, the surrounding R-1 property owned by the Applicant and the property to the West owned by the Marvin Benfield Trust. The addition of the right of way is reasonably expected to improve the value of Applicant's remaining property and the Trust property.**

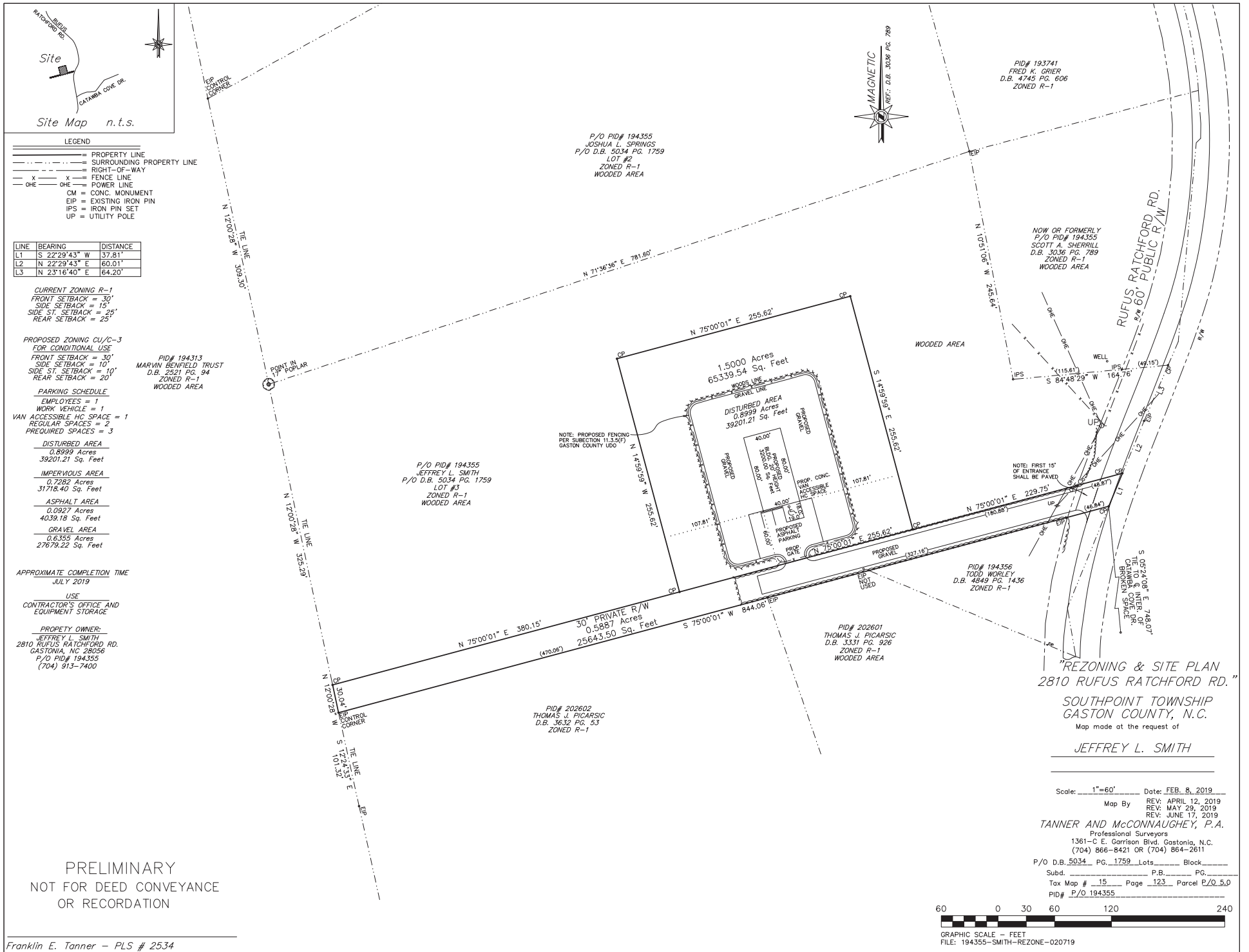
**Most of the surrounding properties are currently zones R-1 / "Rural," though there are a couple of small commercial properties nearby. Review of property values calculated by the**

**Gaston County Tax Department pursuant to the 2019 re-valuation demonstrates that the value of nearby R-1 / "Rural" properties has not been substantially injured by allowing of small, commercial activities or uses in the area.**

4. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners:

**The proposed conditional rezoning is located in south east Gaston County in an area currently zoned or identified as "rural." The conditional re-zoning will allow the applicant to store commercial equipment for his landscaping business. The conditional re-zoning is consistent with the Future Land Use Plan which provides that rural areas include "many opportunities for agribusiness ventures, including landscaping." There are other smaller commercial buildings located nearby, and the size and design of the applicant's building will be consistent with these other commercial buildings which serve to store or repair equipment or vehicles like golf carts and recreational boats.**





### PCUP19-05 CONDITIONS

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 of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.





## Gaston County North Carolina

### Vicinity Map

PCUP19-05

#### Legend

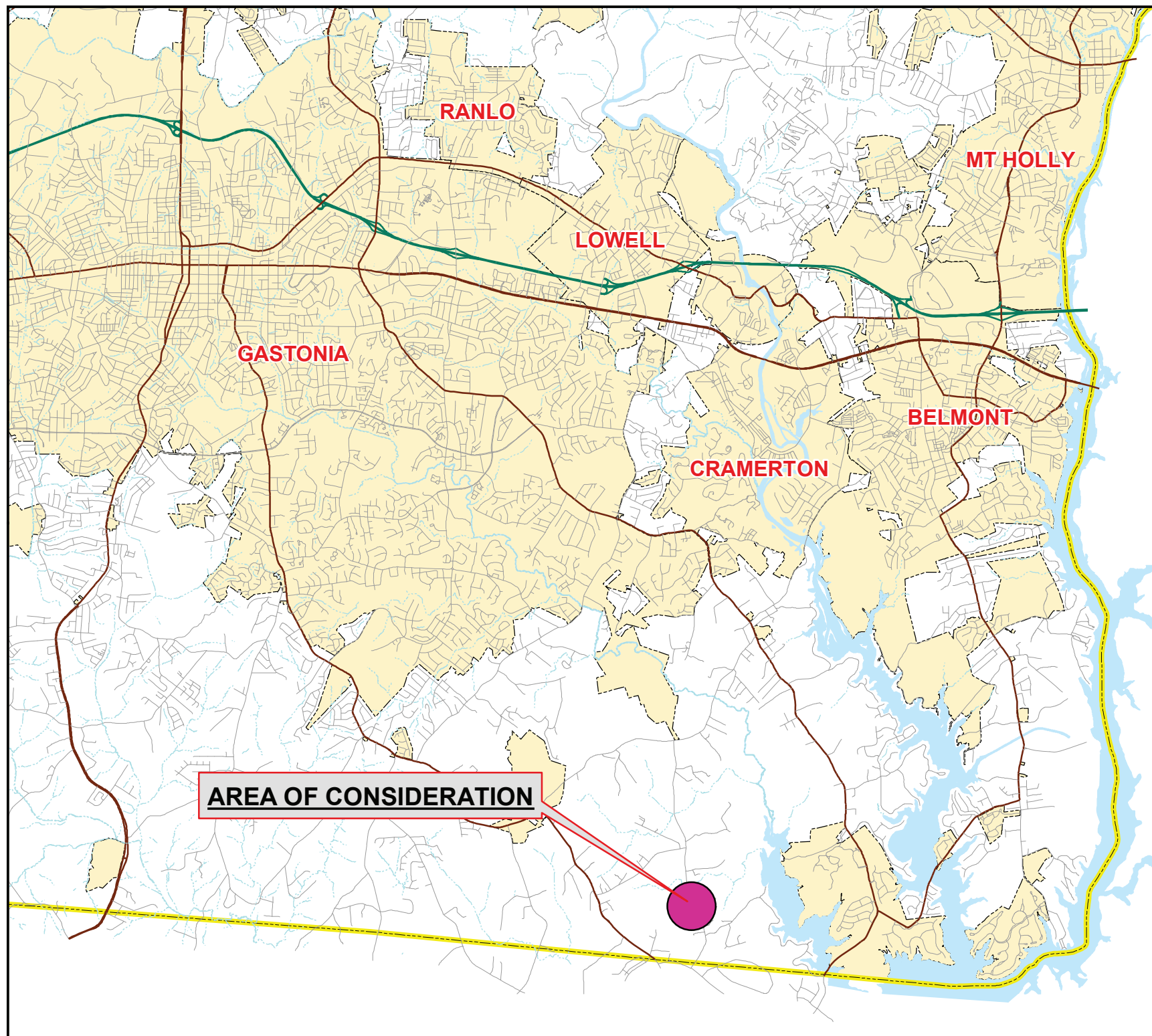
- Minor Roadways
- Major Roadways
- Area of Consideration
- Municipalities

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 used or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 150-10.



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Miles










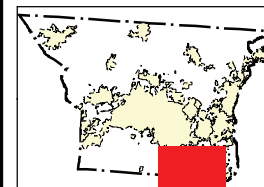
# Gaston County Zoning Review Overview Map

2018 Pictometry

PCUP19-05

## Legend

-  Subject Area
-  Parcel 194355
-  Property Parcels



This map is intended for use by the Gaston County Board of Commissioners, in the review of mhp expansion requests.

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

Gaston County does not make or imply and warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department Planning and Development Services.

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

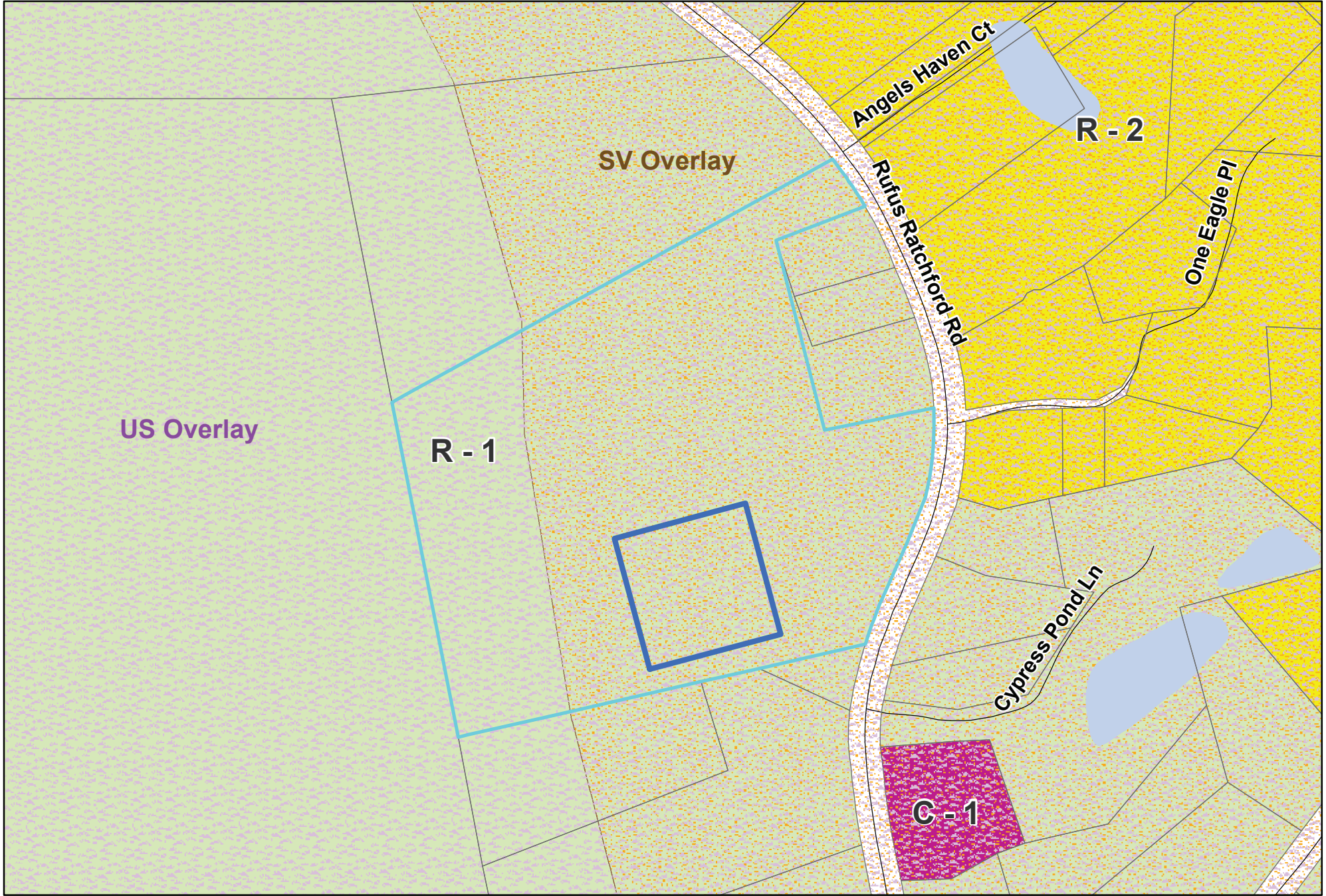
Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undelineated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



0 95 190 Feet









**GASTON COUNTY**  
**Zoning Map**

Applicant: PCUP19-05

-  Subject Area
-  Parcel 194355

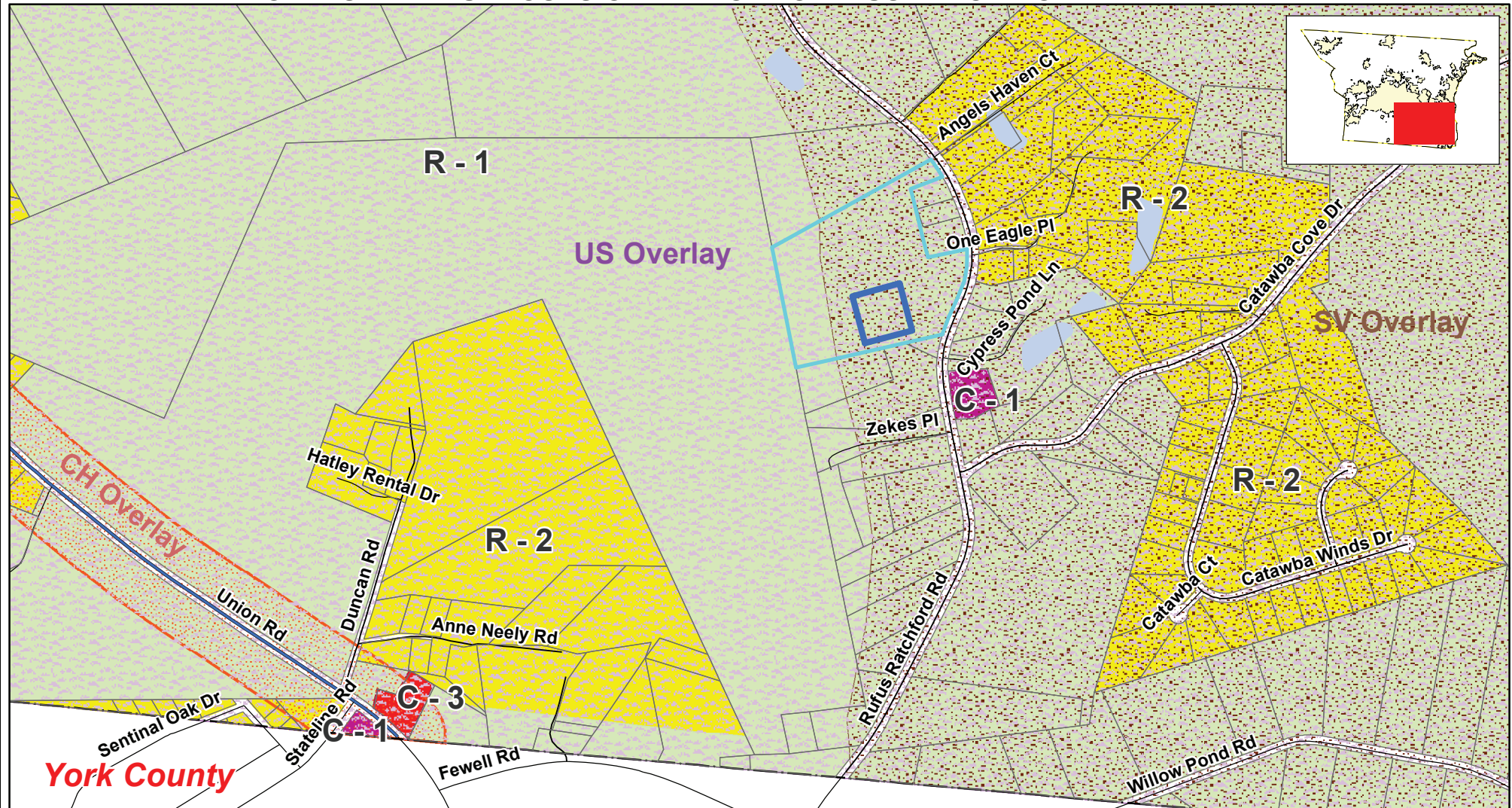


0 75 150 300 Feet

- R-1 Single Family Limited
- R-2 Single Family Moderate
- C-1 Light Commercial
- US Urban Standards Overlay
- SV Scenic View Overlay



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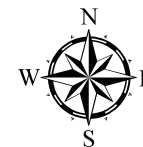
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## GASTON COUNTY ZONING REVIEW MAP

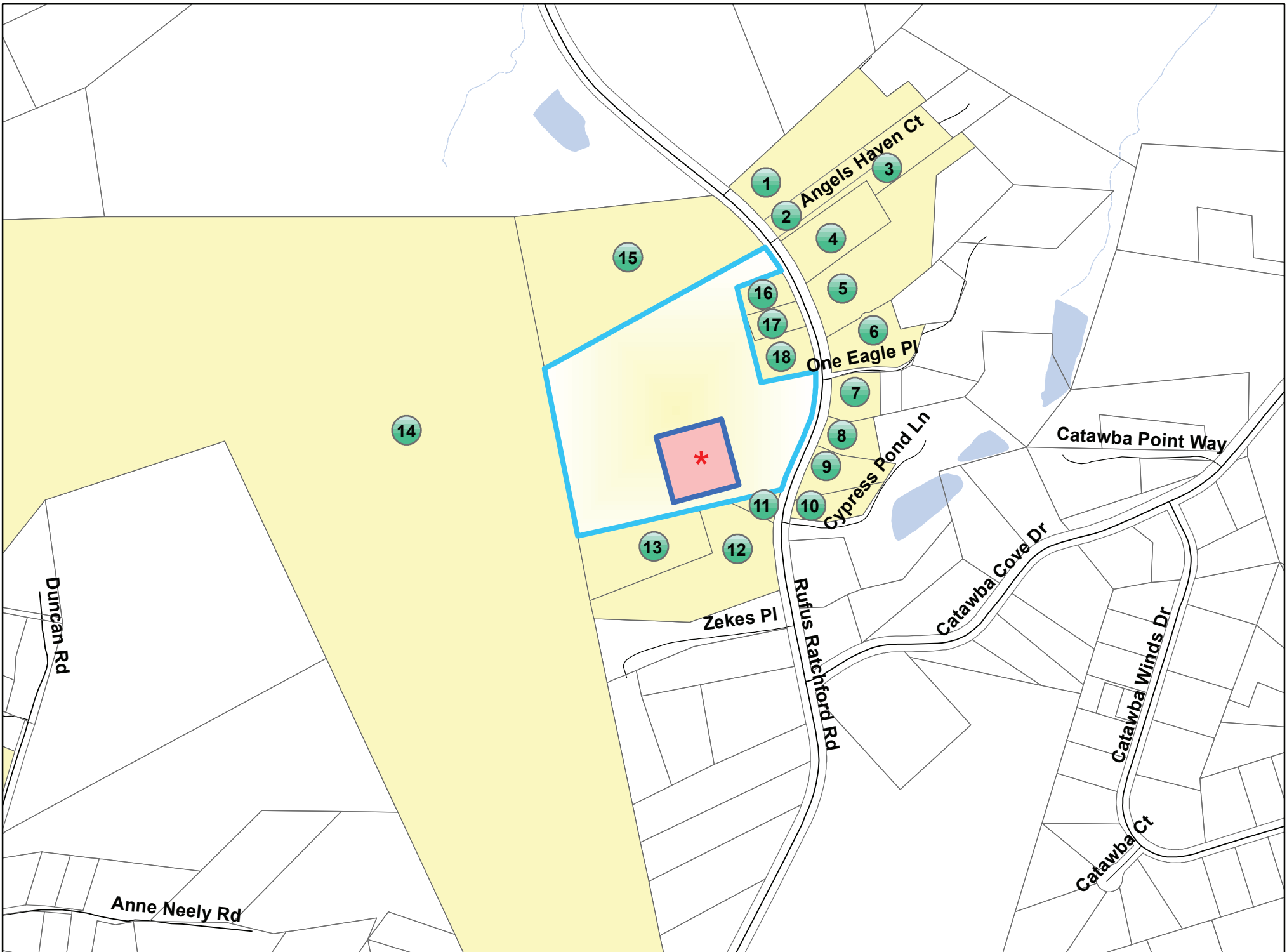
- R-1 Single Family Limited
- R-2 Single Family Moderate
- C-1 Light Commercial
- C-3 General Commercial
- Area of Consideration
- Parcel 194355



0 190 380 760 1,140 1,520 Feet

Applicant: PCUP19-05  
Tax ID: 194355  
Request Re-Zoning From:  
(R-1) Single Family Limited w/  
(SV) Scenic View and  
(US) Urban Standards Overlays  
to (CU/C-3) Conditional Use /  
General Commercial w/  
(SV) Scenic View and  
(US) Urban Standards Overlays  
(PCUP) in order to Contractor's  
Office / Equipment Storage Yard

Map Date: 06/09/2019



**PCUP19-05 Subject and Adjacent Properties Map**  
See reverse side for listing of property owners

 **Subject Property**

**PCUP 19-05 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>
*	194355	JEFFREY L SMITH	JOSHUA LEE SPRINGS	2810 RUFUS RATCHFORD RD	GASTONIA	NC	28056
1	219895	DANIEL R HALL JR	DEBRA A HALL	2691 RUFUS RATCHFORD RD	GASTONIA	NC	28056
2	193748	ANDREA S NORMAN	CHARLES W NORMAN	6050 ANGELS HAVEN CT	GASTONIA	NC	28056
3	218914	ANDREA S NORMAN	CHARLES W NORMAN	6050 ANGELS HAVEN CT	GASTONIA	NC	28056
4	219089	KORBUS SCOTT LIFE ESTATE		2709 RUFUS RATCHFORD RD	GASTONIA	NC	28056
5	218916	ANDREA S NORMAN	CHARLES W NORMAN	6050 ANGELS HAVEN CT	GASTONIA	NC	28056
6	193756	WILLIAM K THOMPSON		131 ONE EAGLE PL	GASTONIA	NC	28056
7	193747	RUTH L CHESHIRE	SHERRILL CHESHIRE	2805 RUFUS RATCHFORD RD	GASTONIA	NC	28056
8	194360	JEREME JOE WATSON		2809 RUFUS RATCHFORD RD	GASTONIA	NC	28056
9	194357	LISA A COLLINS		815 CYPRESS POND LN	GASTONIA	NC	28056
10	194367	LISA ALDRIDGE COLLINS		815 CYPRESS POND LN	GASTONIA	NC	28056
11	194356	SHERRY PAYTON	TODD WORLEY & OTHERS	2818 RUFUS RATCHFORD RD	GASTONIA	NC	28056
12	202601	SHARON A PICARSIC	THOMAS JOSEPH PICARCIS	2824 RUFUS RATCHFORD RD	GASTONIA	NC	28056
13	202602	SHARON A PICARSIC	THOMAS JOSEPH PICARCIS	2824 RUFUS RATCHFORD RD	GASTONIA	NC	28056
14	194313	JAMES K YELTON		8034 CATAWBA COVE RD	BELMONT	NC	28012
15	193737	JAMIE SAYLOR	SHAWN ALEXANDER SAYLORS	113 ONE EAGLE PL	GASTONIA	NC	28056
16	193739	JACQUELYN H HEITZMAN		2710 RUFUS RATCHFORD RD	GASTONIA	NC	28056
17	193738	ETHAN R JOHNSON	STEPHANIE JOHNSON	2714 RUFUS RATCHFORD RD	GASTONIA	NC	28056
18	193741	FRED K GRIER		2718 RUFUS RATCHFORD RD	GASTONIA	NC	28056

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:** Sarah Carpenter Penley, Senior Planner, Gaston County Dept. of Planning & Devpt. Services  
**From:** Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO  
**Date:** June 19, 2019  
**Subject:** PCUP19-05—GCLMPO Comments

Thank you for the opportunity to provide transportation comments on a proposed site plan located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) geographic area. My comments are based on review of the proposed site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

1. The proposed development is located at 2810 Rufus Ratchford Road, Gastonia NC 28056
  - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network.
  - B. According to the 2020-2029 STIP and the 2045 MTP, there are no planned transportation improvement projects in the immediate vicinity of this development.
  - C. The CTP does not show any future improvements on any streets adjacent to the subject properties.
  - D. 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.

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