

General Rezoning Application (Z22-17)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (C-3) General Commercial and (R-1) Single Family Limited Zoning Districts with (CH) Corridor Highway and (US) Urban Standards Overlays to the (C-3) General Commercial Zoning District with (CH) Corridor Highway and (US) Urban Standards Overlays.

Applicant(s):

Duncan & Smith LLC

Property Owner(s):

Duncan & Smith LLC

Parcel Identification (PID):

306776

Property Location:

5506 Union Rd. (Gastonia)

Total Property Acreage:

5.80 ac

Acreage for Map Change:

2.46 ac

Current Zoning:

(C-3) General Commercial, (R-1) Single Family Limited, (CH) Corridor Highway Overlay, (US) Urban Standards Overlay

Proposed Zoning:

(C-3) General Commercial, (CH) Corridor Highway Overlay, (US) Urban Standards Overlay
Note: to remove (R-1) Single Family Limited

Existing Land Use:

Commercial

Proposed Land Use:

Commercial

COMPREHENSIVE LAND USE PLAN

Area 4: The Garden Gaston

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 Center

Rural Centers are those rural community areas that serve a specific purpose for the immediate area. These can be civic-oriented, anchored by a church, a community center, historic structures, etc. Or these areas can also serve a commercial purpose, anchored by a rural market, small store, gas station, community daycare centers, related small businesses, etc. These areas exist where transportation and communities exist to support these services. Houses and businesses are closer together and are built closer to the roadway.

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 MPO had no comments for this application.

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

This property is located in a mixed use area of the south east region of the county. The location has a diversity of residential and commercial businesses in nature within close proximity to the application site. The application presented was formerly used as a business prior to zoning regulations and has currently been established as a commercial business. Additional acreage was acquired by the owner, combined by a local attorney via deed, without review by the County, thus creating split zoning on the applicants parcel (despite property owner's cautions to the attorney that he felt this should be reviewed by staff).

If approved, any uses allowed in the current zoning (C-3) zoning districts would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO). The (CH) Corridor Highway and (US) Urban Standards Overlay districts would ensure enhanced standards are required.

CONSISTENCY STATEMENTS

The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which is consistent with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.

The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel commercial in nature, which is not consistent with the Rural Center designation, nor in harmony with surrounding residential homes.

PLANNING BOARD RECOMMENDATION

Scheduled Meeting Date: June 6, 2022

Meeting Summary / Points of Discussion: Staff provided Board members with an overview of the application and property. Points of discussion included clarification that both Boards (Planning and Commission) had previously approved a rezoning for a portion of this property from the (R-1) Single Family Zoning District to the (C-3) General Commercial Zoning District. For history, the Planning Board was advised that the applicant acquired additional acreage, which was combined without the proper County review, at the assurance of the applicants questions. In summary, the attorney created the split zoning with the recombination of parcels and the applicant is requesting that the additional acreage be rezoned in order to have consistent zoning for the entirety of the property.

The Board voted to approved the application, with a vote of (7) to (0), based upon the following statement of consistency: *The proposed rezoning is in the Rural Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (C-3)(R-1)(CH)(US) to (C-3)(CH)(US) will make the subject parcel completely commercial in nature, which is consistent with the Rural Center designation. Additional Overlay districts would ensure enhanced standards are required.*

Attachments: Maps



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

GENERAL REZONING APPLICATION

Application Number: **Z 22-17**

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Duncan & Smith LLC

(Print Full Name)

Mailing Address: PO Box 39, Gastonia, NC 28053

(Include City, State and Zip Code)

Telephone Numbers: _____

(Area Code) Business

(Area Code) Home

Email: tonyduncan38@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: _____

Same

(Print Full Name)

Mailing Address: _____

(Include City, State and Zip Code)

Telephone Numbers: _____

(Area Code) Business

(Area Code) Home

Email: _____

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 5506 Union Rd (Gastonia)

Parcel Identification (PID): 306776 (portion of)

Acreage of Parcel: 5.80 +/- Acreage to be Rezoned: 2.46 +/- Current Zoning: (C-3)(R-1)(US)CH

Current Use: Commercial Proposed Zoning: (C-3)(US)(CH)

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: _____

(Area Code)

Telephone: _____

(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 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

4-29-2022
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: 04/29/2022 Application Number: Z22-17 Fee: \$500.00

Received by Member of Staff: SCP 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: 06/28/2022

Planning Board Review: 06/06/2022 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.

C3 GENERAL COMMERCIAL**(1) Uses allowed by right:**

ABC Store; Amusement & Sporting Facility, indoor; Amusement Arcade; Animal Grooming Service for household pet, indoor kennels; Art Gallery; Auction House; Auditorium, Assembly Hall, Amphitheater, Community Center, <500 seats; Bail Bond; Baseball Hitting Range; Billiard Parlor; Bowling Lanes; Building Material & Lumber Sales; Business Services; Check Cashing Establishment, closed 12AM to 5AM; Cleaning & Maintenance Service; College / University; Contractor's Office & Operation Center; Crematorium; Day Care Center, Accessory; Distribution / Wholesale / Storage Operation; Electric, Heating, Air conditioning, Ventilating, Plumbing Supplies & Equipment Sales; Essential Services Class 1; Essential Services Class 4; Exterminators Office; Farm Supply Store, with outdoor storage; Farm Supply Store, without outdoor storage; Financial Institution (excluding principal use ATMs); Food Pantry; Food Store, 0-9,999sqft GFA; Food Store, 10,000+sqft GFA; Funeral Homes; Furriers; Game Room; Glass & Mirror Shop; Grooming Services; Gunsmith, Gun & Ammunition Sales; Hardware Store; Health Club, Spa Gymnasium (principle use); Heavy, Industrial, Farm Equipment Sales / Service; Laboratories – Dental, Medical; Lawn & Garden Center; Library; Medical Offices, 0-49,999sqft GFA; Medical Offices, 50,000-99,999sqft GFA; Monument Sales; Moving & Storage Facilities; Museum; Offices, excluding Medical, 0-49,999sqft GFA; Offices, excluding Medical, 50,000-99,999sqft GFA; Personal Business Services; Photo Finish Laboratory; Post Office; Recycling Deposit Station, accessory; School for the Arts; Sign Shop; Theater, indoor movie; Upholstery Shop; Warehouse, 0-99,999sqft GFA; Warehouse, 100,000+sqft GFA

(2) Uses allowed by right with supplemental regulations:

Adult Establishments; Animal Hospital, indoor kennel; Assisted Living Center; ATM (Automated Teller Machine); Automobile Body Shop; Automobile Detail Shop; Automobile Hobbyist; Automobile Repair Shop; Automobile Service Station; Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental; Automobile Towing & Wrecker Service; Bona Fide Farms; Car Wash, Automatic; Car Wash, Self Service; Cemetery; Charitable Service Facility; Church / Place of Worship; Club, private (without adult entertainment); Commercial Vehicle & Truck Storage; Convenience Store, closed 12AM to 5AM; Convenience Store, open up to 24 hours; Country Club; Day Care Center Class B; Day Care Center Class C; Dwelling, Mixed Use; Essential Services Class 2; Firing Range, indoors, principal use; Flea Market, indoor; Flea Market, outdoor; Flex Space; Food Catering Facility; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0-9,999sqft GFA; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+sqft GFA; Golf Course, Golf Driving Range, Golf Miniature; Health & Behavioral Care Facility; Hotel or Full Service Hotel; Landfill, Beneficial Fill; Landfill, LCID, minor; Laundromat, closed 12AM to 5AM; Laundromat, open up to 24 hrs; Lounge / Nightclub; Machine, Metal, Wood Working, Welding Shop; Manufactured Goods, class 1; Maternity Home; Military Reserve Center; Mini-Warehouse; Nursery (Garden); Nursing Home, Rest Home; Paint Ball Facility; Park; Parking Lot; Planned Unit Development (PUD); Portable Toilet Service; Produce Stand; Race Track, small; Recreation Center & Sports Center; Recycling Deposit Station, principle use; Restaurant; Restaurant, with drive thru; Restaurant, within other facilities; Retail, 0-24,000sqft GFA; Retail, 25,000-49,999sqft GFA; Retail, 50,000-99,999sqft GFA; School, vocational; Shopping Center, 0-24,999sqft GFA; Shopping Center, 25,000-49,999sqft GFA; Shopping Center, 50,000-99,999sqft GFA; Stadium; Swimming Pool, Sales, Service & Supplies; Telecommunication Antennae & Equipment Buildings; Telecommunication Tower, freestanding monopole, up to 199.9ft; Tire Sales, new or used; Wood Waste Grinding Operation

(3) Uses allowed with a conditional use permit:

Abattoir Class 1, Abattoir Class 2, Aircraft Sales & Service, Essential Services Class 3, Marina, Commercial, Offices, Excluding Medical, 100,000-199,999sqft GFA, Offices, Excluding Medical, 200,000+sqft GPA), School, Elementary & Middle (public & private), School, Senior High (public & private), Septic Tank Cleaning Service, Theater, outdoor movie, Transit Station, Zoo, Amusement Park, Check Cashing Establishment, open up to 24 hrs; Railroad Terminal & Yard, Truck Stop

(4) Uses allowed with a conditional use permit, with supplemental regulations:

Airport, Airstrip, Freight & Flying Service, Amusement and Sporting Facility, Outdoor, Animal Hospital (Indoor kennel) Animal Hospital (Outdoor kennel), Animal Kennel, Animal Shelter, Auditorium/Assembly Hall/Amphitheater/Community Center, 500 or more seats, Automobile Service Station, Automobile Towing and Wrecker Service, Bus and Train Terminal, Passenger, Camping and Recreational Vehicle Park, Car Wash, Self Service, Club, Private (without Adult Entertainment), Commercial Vehicle and Truck Storage, Continuing Care Facility, Correctional Facility, Farmers Market, Firing Range, Indoors, principal use, Food Catering Facility, Fraternal & Service Organization Meeting Facility (non- or not-for profit), 0-9,999sqft GFA, Fraternal & Service Organization Meeting Facility (non- or not-for profit), 10,000+sqft GFA, Landfill, Land Clearing and Inert Debris, Lounge / Nightclub, Major, Motel, Park, Race Track, Large, restaurant, with drive thru, Retail, 100,000+sqft GFA, Rodeo/Accessory Rodeo, Shopping Center, 100,000+sqft GFA, Solid Waste & Septic Tank Vehicle Storage Facility, Stadium, Telecommunication Tower & Facilities, Tower and/or Station, Radio & Television Broadcast

(5) Existing Use subject to supplemental regulations:

Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park

(6) By Conditional Zoning: None**(7) By Conditional Zoning with supplemental regulations:**


Planned Unit Development (PUD),

(8) By Special exception: None**(9) By Special exception with supplemental regulations:** None






Vicinity Map

Z22-17

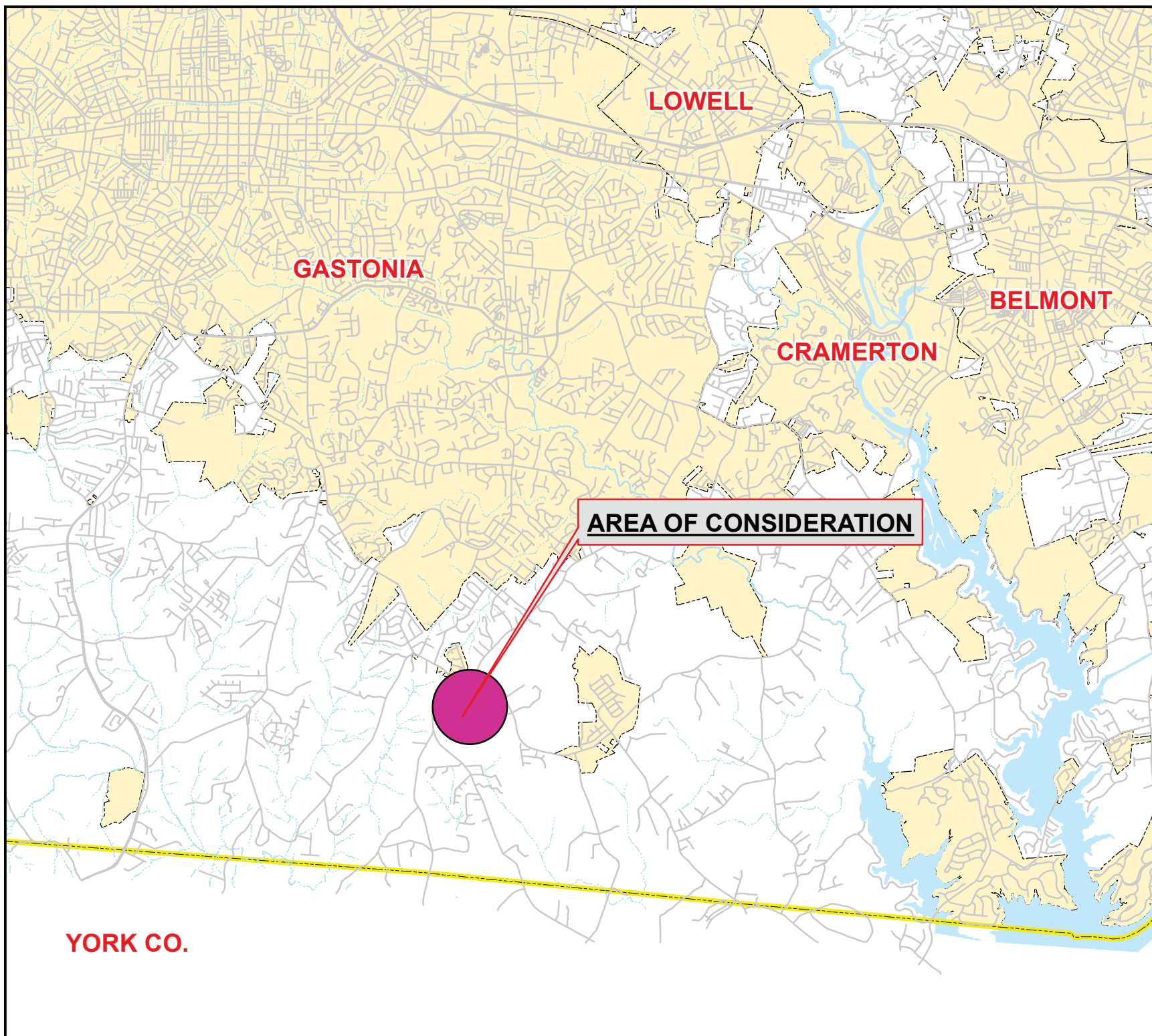
 Area of Consideration

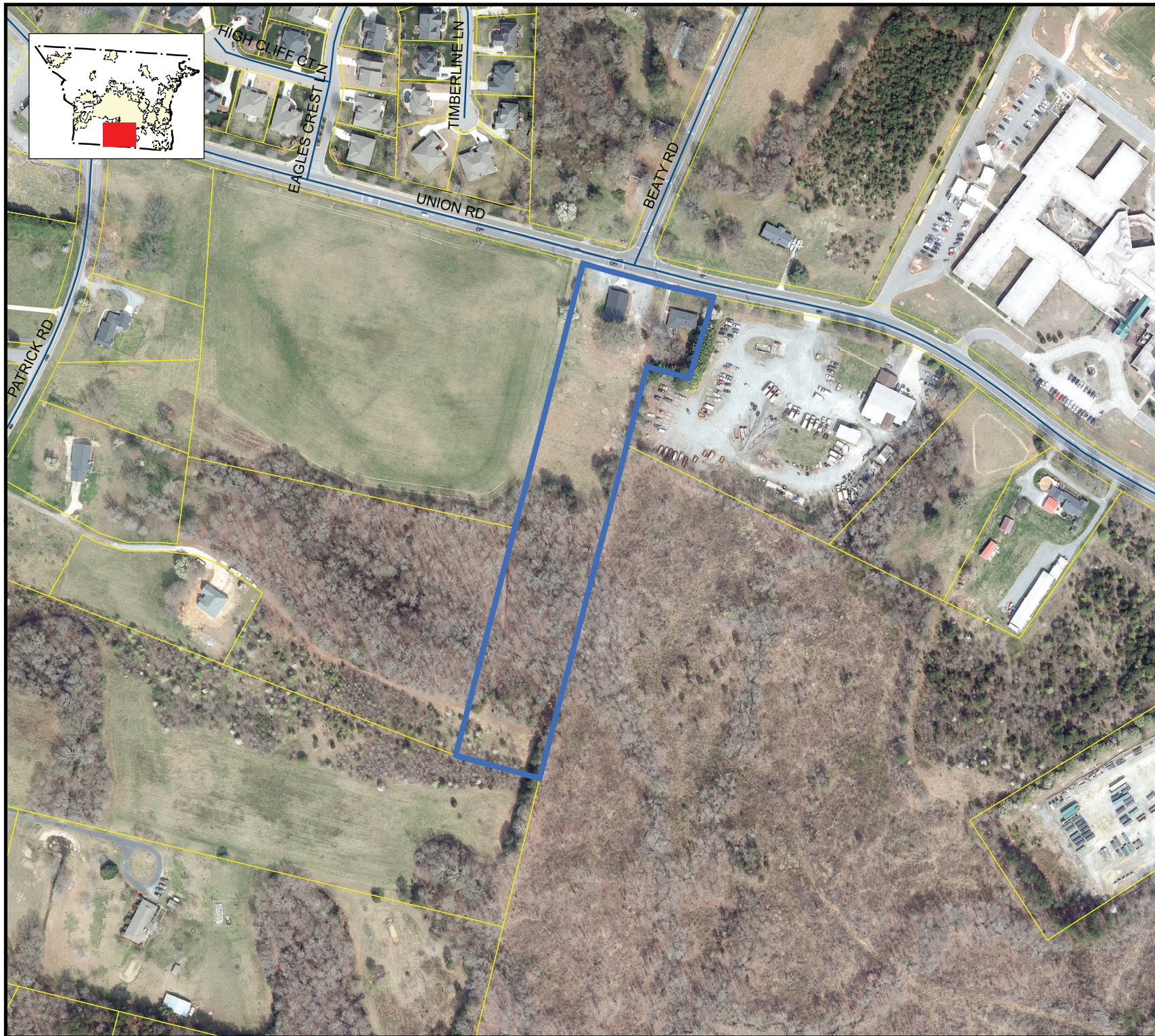
Legend

-  Minor Roadways
-  Major Roadways
-  Municipalities



0 1
Miles







Overview Map

2019 Orthophoto
Z22-17

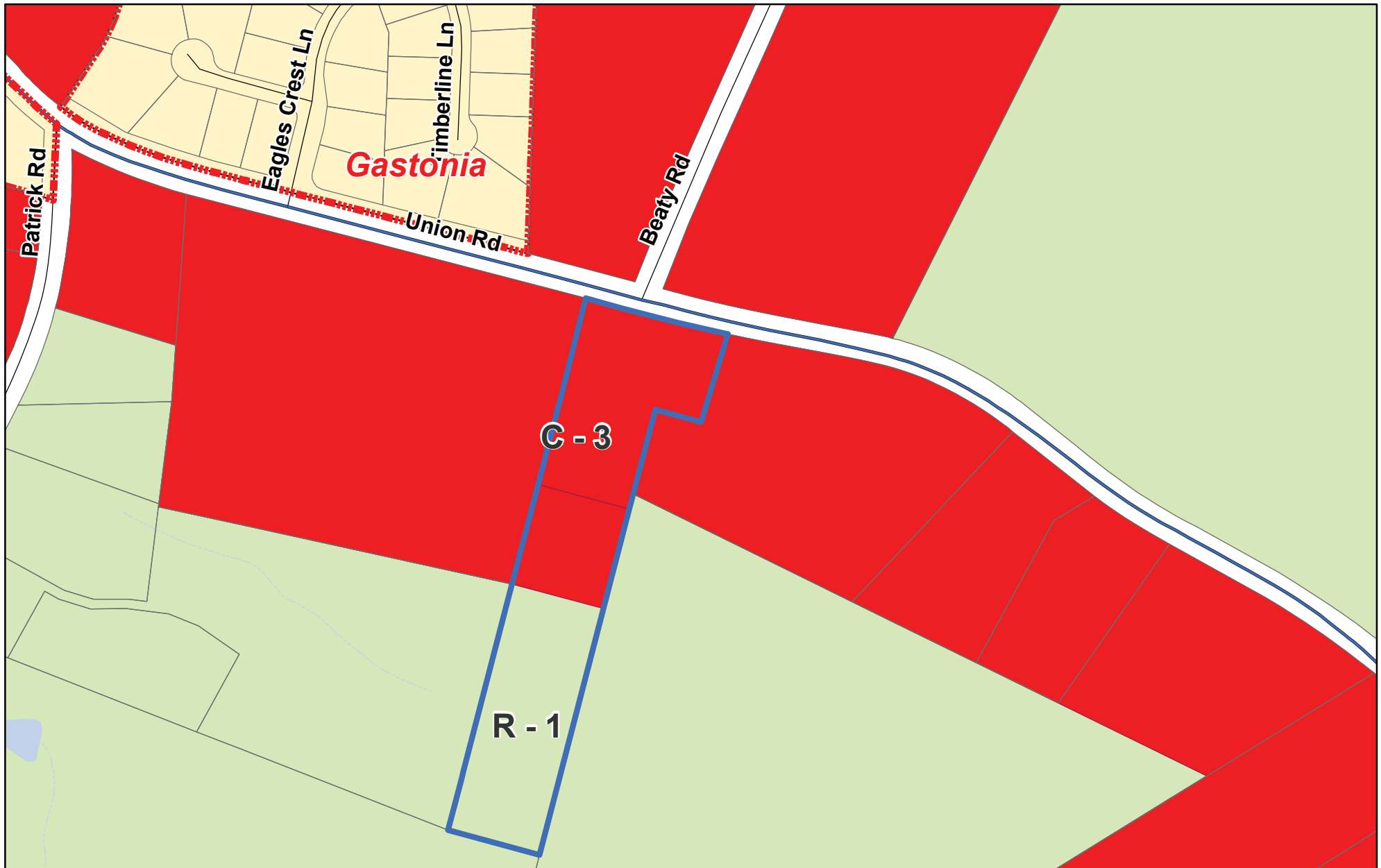
Legend

-  Subject Area
-  Property Parcels




0 180 360
Feet

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY
Zoning Map
Z22-17

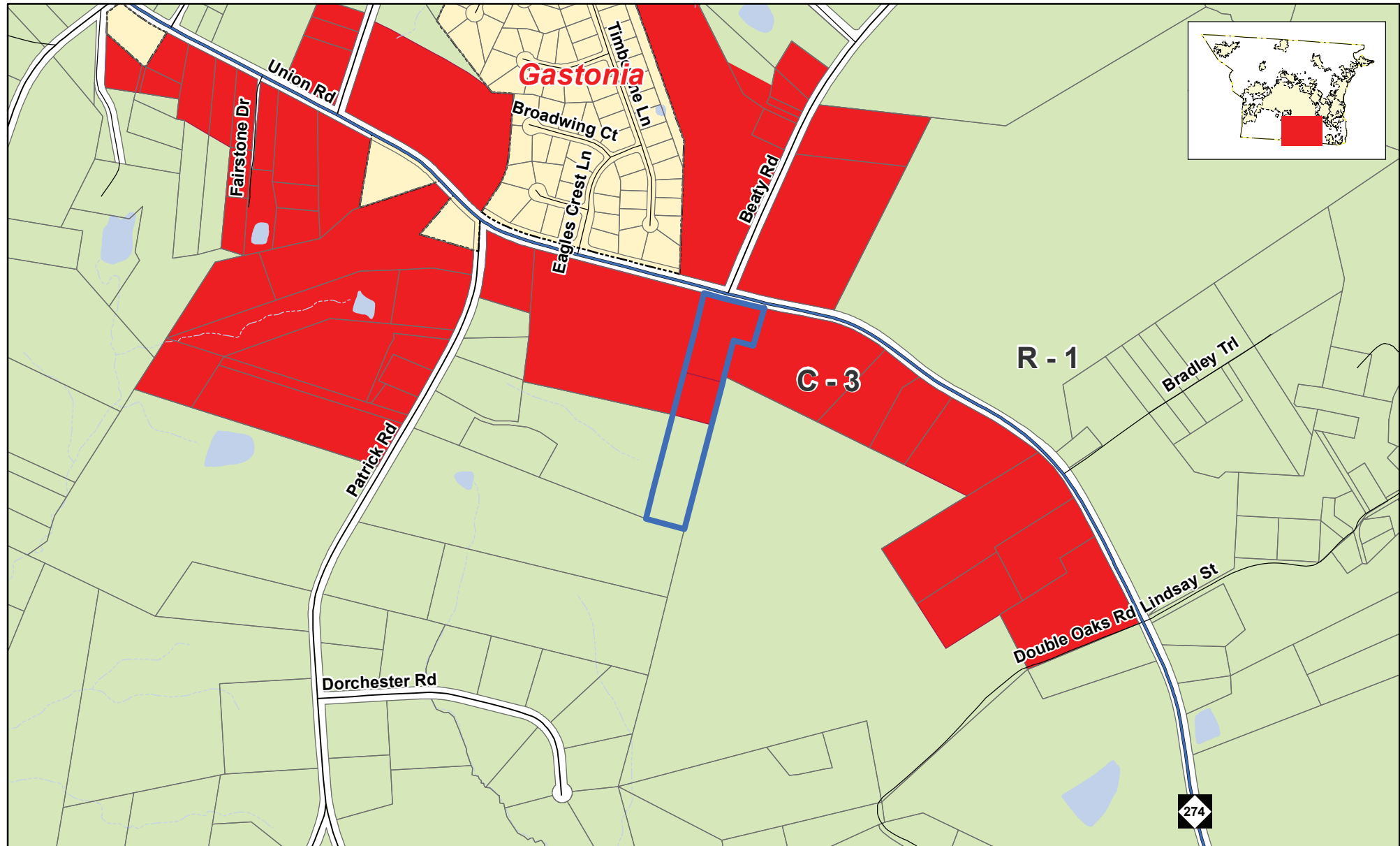
 Subject Area
0 95 190 380 Feet



(R-1) Single Family Limited
(C-3) General Commercial

(Overlays not shown)

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY ZONING REVIEW MAP

0 150 300 600 900 1,200
Feet

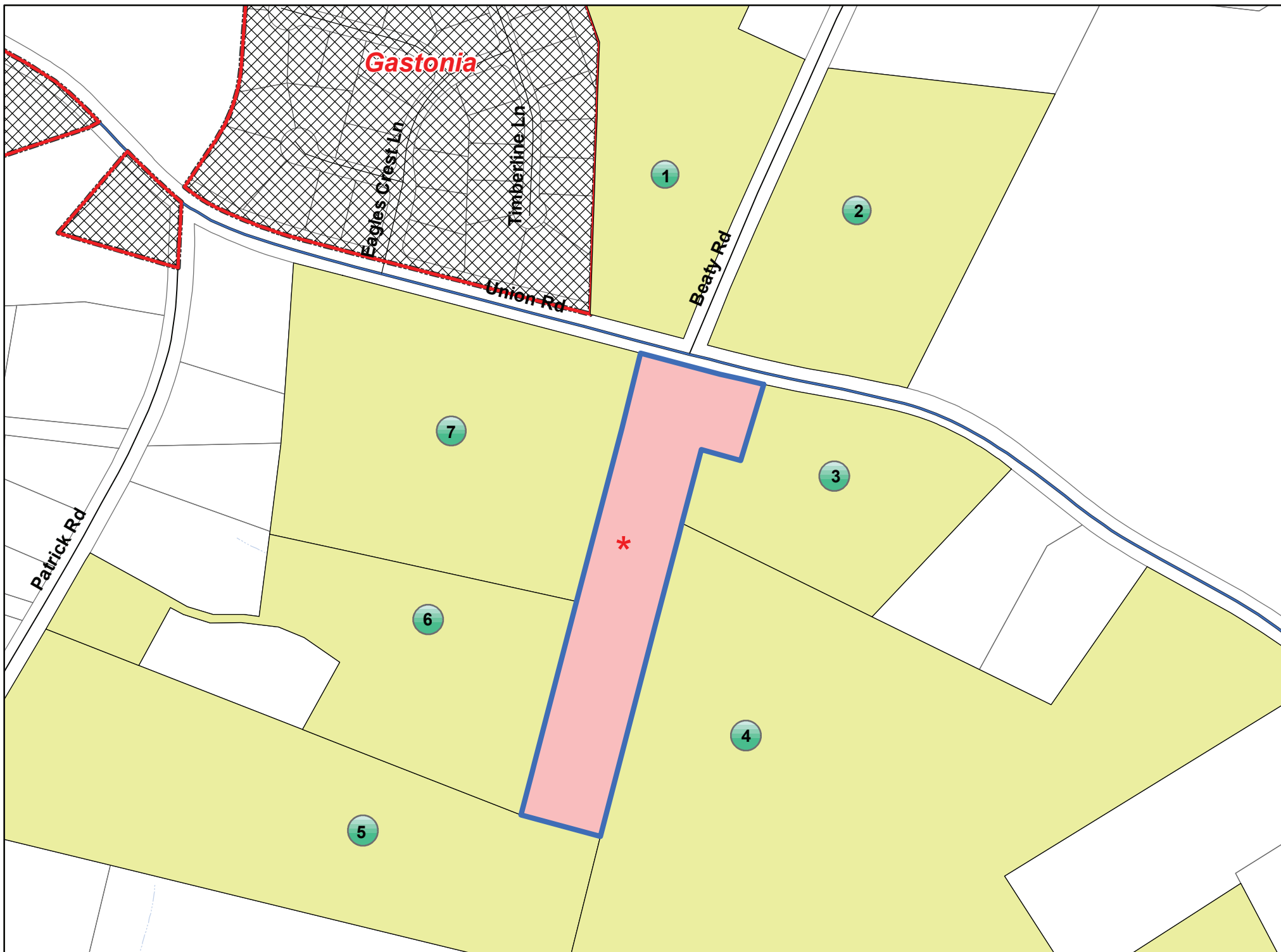


- Area of Consideration
- R-1 Single Family Limited
- C-3 General Commercial

(Overlays not shown)

Application: Z22-17
Parcel(s): 306776
Request: (C-3)(R-1)(US)(CH)
to (C-3)(US)(CH)

Map Date: 05/26/22



Z22-17 Subject and Adjacent Properties Map

*** Area of consideration**

Z22-17 OWNER & ADJACENT PROPERTY OWNER 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>
*	306776	DUNCAN & SMITH LLC		PO BO 39	GASTONIA	NC	28053
1	212549	BEATTY AND UNION LLC		6428 WILKINSON BLVD STE 128	BELMONT	NC	28012
2	192591	MOTEN FARMS LLC		604 LARKSPUR CT	GASTONIA	NC	28056
3	192585	MCHENRY-PUTNAM		PO BOX 688	KINGS MOUNTAIN	NC	28086
4	192579	WILSON LEONARD M	WILSON PATRICIA J	160 DOUBLE OAKS RD	GASTONIA	NC	28056
5	192564	VARNER HAROLD III		4438 GINGER DR	GASTONIA	NC	28056
6	203556	GLENN JUDY GLOVER		121 PATRICK RD	GASTONIA	NC	28056
7	192555	GLENN HARRY NEIL & OTHERS	GLENN JUDY GLOVER	136 PATRICK RD	GASTONIA	NC	28056