



RESOLUTION TITLE: ZONING MAP CHANGE: Z21-05 JAMES WILLIAM KIRK (APPLICANT); PROPERTY PARCEL: 170590, LOCATED AT 2047 PUETTS CHAPEL RD., BESSEMER CITY, NC, REZONE FROM THE (R-2) SINGLE FAMILY MODERATE ZONING DISTRICT TO THE (R-3) SINGLE FAMILY GENERAL ZONING DISTRICT

WHEREAS, a County Zoning ordinance was adopted on April 24, 2008 and a public hearing was held on March 23, 2021 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 170590
Applicant: James William Kirk
Owner(s): James William Kirk
Property Location: 2047 Puetts Chapel Rd.
Request: Rezone Parcel 170590 from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General 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 disapproval of the map change for parcel: 170590, located at 2047 Puetts Chapel Rd., Bessemer City, NC, from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District on March 8, 2021 based on: the request is not reasonable and is not in the public interest and the request is not 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-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which allows for other housing types that are inconsistent with primary residential uses in the surrounding area.

Motion: Vinson Second: Fallon Vote: Unanimous
Aye: Ally, Fallon, Harris, Hollar, Horne, Houchard, Hurst, Vinson
Nay: None
Absent: Brooks, Sain
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	WVance	Vote
2021-070	03/23/2021	CB	RW	A	A	N	A	A	AB	A	5 - 1

DISTRIBUTION:

Laserfiche Users

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


Zoning Map Change: Z21-05 James William Kirk (Applicant); Property Parcel: 170590, Located at 2047 Puetts Chapel Rd., Bessemer City, NC, Rezone from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District
Page 2

NOW, THEREFORE, BE IT RESOLVED that the County Commission, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 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-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

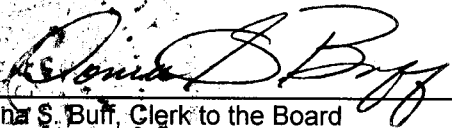
The Commission considers this action to be reasonable and in the public interest, based on: Planning staff recommendation and compatibility with existing land uses in the immediate area. Therefore the map change request for Property parcel: 170590 is hereby approved, effective with the passage of this 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

SEAL

General Rezoning Application (Z21-05)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District

Applicant:

James William Kirk

Property Owner(s):

James William Kirk

Parcel Identification (PID):

170590

Property Location:

2047 Puetts Chapel Rd. (Bessemer City)

Total Property Acreage:

4.63 ac

Acreage for Map Change:

4.63 ac

Current Zoning:

(R-2) Single Family Moderate

Proposed Zoning:

(R-3) Single Family General

Existing Land Use:

Single Family Residential (Manufactured)

Proposed Land Use:

Single Family Residential (Manufactured)

COMPREHENSIVE LAND USE PLAN

Area 2: North 321 Gaston / North Central 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; more transportation alternatives; preservation of agriculture and maintaining the rural “feel” of the community; and, steer development towards existing infrastructure and areas immediately surrounding towns and cities.

Comprehensive Plan future Land Use:

Rural – Rural areas are areas characterized by green rolling hills and plenty of open space. 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:

North Carolina Department of Transportation

AREA SALES DATA

Sales Summary (Valid Sales from January 2017):

Source: Gaston County Tax Department

Total Number of Sales: 4

Total Value of Sales: **\$371,000**

Low Sale

High Sale

Average Sale

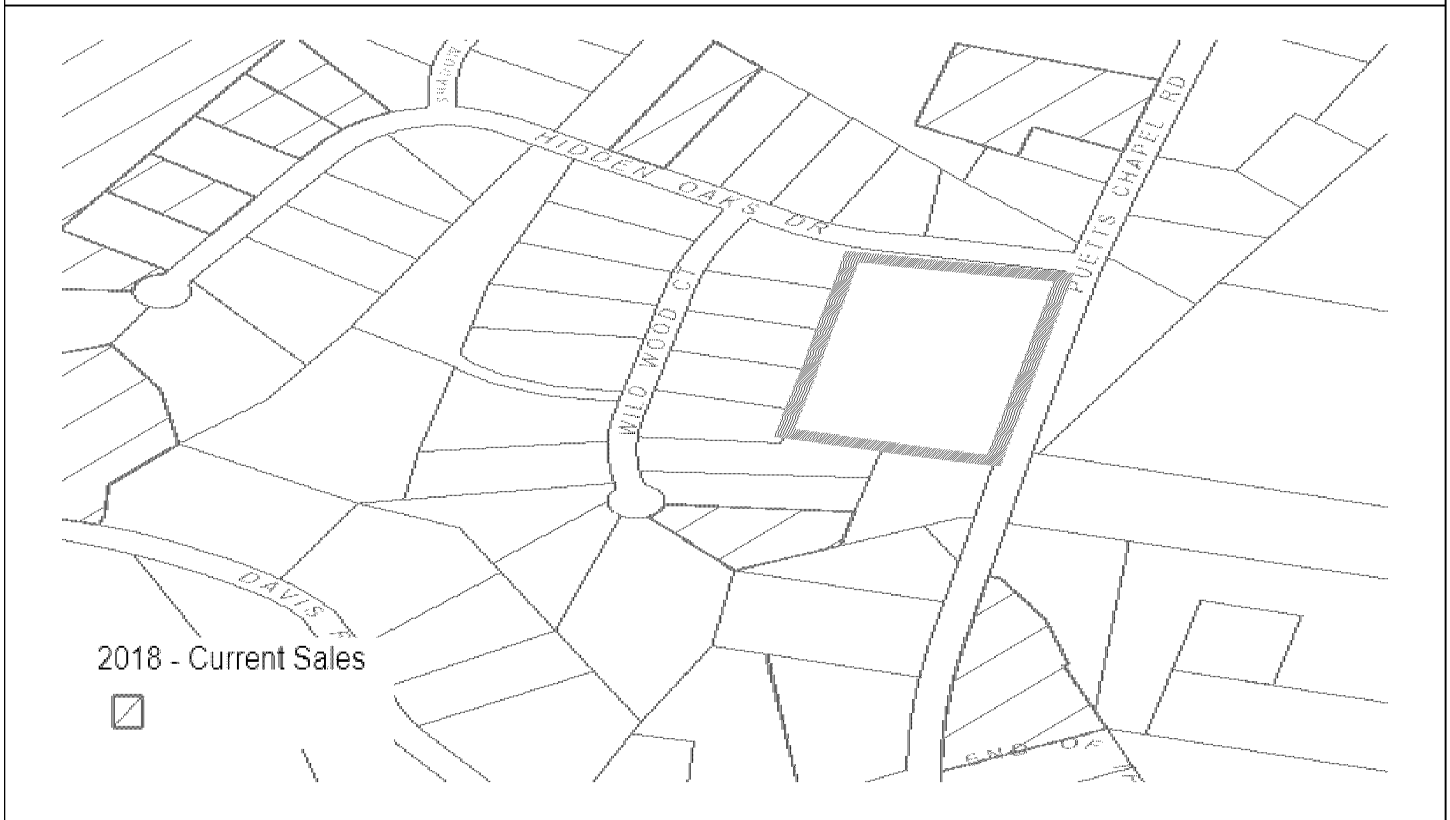
\$80,000

\$108,000

\$91,500

AREA SALES MAP

Source: Gaston County Tax Department (GIS Website 2018)



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. (See attached)

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

This property is located in a residential area of the north central region of the county. The location is primarily residential in nature with mixture of different housing types (site built, modular, and manufactured) which is not uncommon in a rural area and setting.

If approved, any uses allowed in the (R-3) 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 RECOMMENDATION

Scheduled Meeting Date: March 8, 2021

Meeting Summary / Points of Discussion: Staff provided Board members with a history of the property, which included that a non-conforming single-wide manufactured home currently occupies the property. The applicant has indicated that he has inherited a second single-wide manufactured home from his deceased mother and wishes to locate that home on the same parcel (after subdividing).

Discussion included the existing non-conforming use (existing single-wide manufactured home) and the future intent by the owner. Clarification was made by staff that the home was currently occupied and that the owner did not indicate removal of that home. There was confusion regarding the existing home and the second home for placement. Staff explained that the current home was non-conforming and would remain; any approval would bring the use into compliance; and, the second home, if approved, would require the property to be subdivided to allow for placement. Questions were then centered among housing types in the area. A review of the maps by staff indicated the proximity of an adjacent subdivision zoned for double-wide manufactured homes, and, non-conforming single-wide mobile homes in the immediate area across the street from the subject site.

A question was posed as to how many mobile homes could potentially be placed on the property, if approved. It was estimated by staff, that approximately four (4) parcels could be subdivided out of the parcel based solely upon the acreage calculations and no other factors, totaling four (4) potential single-wide manufactured home sites.

It is important to note that this is speculation by staff and that the applicant was not present to provide and/or confirm any additional facts or supportive data.

The Board did state that if the applicant resubmitted with *only* the minimum acreage required provided for the two (2) intended single-wide manufactured homes, and left the remainder of the property in the current zoning district, that they would feel more comfortable with a more favorable decision.

The Board unanimously voted to disapprove the application, with a vote of (8) to (0), based upon the following statement of inconsistency:

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-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which allows for other housing types that are inconsistent with primary residential uses in the surrounding area.

Board members in attendance: Ally, Fallon, Harris, Hollar, Horne, Houchard, Hurst, Vinson

Board members absent: Brooks, Sain

Attachments: MPO Comments, Proposed Uses, 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 21-05**

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: James William Kirk

(Print Full Name)

Mailing Address: 219 McGregor Rd., Gastonia, NC 28056

(Include City, State and Zip Code)

Telephone Numbers:

(704)860-0060

(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:

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: 2047 Puetts Chapel Rd. (Bessemer City)

Parcel Identification (PID): 170590

Acreage of Parcel: 4.63 +/- Acreage to be Rezoned: 4.63 +/- Current Zoning: (R-2)

Current Use: Residential / Undeveloped

Proposed Zoning: (R-3)

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

1-28-21
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: 01/28/2021 Application Number: Z21-05 Fee: \$500.00

Received by Member of Staff: SCP Date of Payment: 01/28/2021 Receipt Number: INV-00022438
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP

☒ COPY OF DEED

☐ NOTARIZED AUTHORIZATION

☒ PAYMENT OF FEE

Date of Staff Review: _____

Date of Public Hearing: 03/23/2021

Planning Board Review: 03/08/2021 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.



Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

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

Memorandum

To: Sarah Carpenter Penley, Senior Planner, Subdivision Administrator, Gaston County Planning & Development Services
From: Julio Paredes, Planner
Date: March 8, 2021
Subject: 2047 Puetts Chapel Rd, Bessemer City NC – Z21-05 - GCLMPO Rezoning Review

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

The proposed rezoning is located at 2047 Puetts Chapel Rd, Bessemer City. On behalf of the GCLMPO, I offer the following comments:

1. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
2. The widening of Puetts Chapel Rd —minor needs improvement (2 lanes)— is included in the MPO's CTP. The typical cross section for a 2 lane road involves a minimum of 60 ft. right-of-way. The existing right-of-way along Puetts Chapel Rd. is 60 ft.
3. The CTP does not include specific transportation projects or improvement schedules, but instead represents the status or completeness of the comprehensive transportation system that may be required to support anticipated growth and development. By establishing the region's future transportation needs, the CTP offers an organized way to identify, and eventually prioritize, the transportation projects that may be built in the communities within the GCLMPO area. CTP projects shown as "Needs Improvement" or "Recommended" could become a funded project in the future, part of a development project, or may never become a funded project.
4. Please note that for 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.

R3 SINGLE FAMILY GENERAL

(1) Uses allowed by right:

Dwelling, Manufactured Home Class A; Dwelling Manufactured Home Class B; Dwelling, Single-Family; Essential Services, Class 1; Recycling Deposit Station, Accessory; Taxidermy.

(2) Uses allowed by right with supplemental regulations:

Automobile Hobbyist; Bona Fide Farms; Botanical Gardens; Churches/ Place of Worship; Day Care Center, Class A; Day Care Center, Class B; Dwelling, Two Family; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Group Home; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Landfill, Land Clearing and Inert Debris, Minor; Marinas, Accessory; Maternity Home; Park; Planned Residential Development (PRD); Planned Unit Development (PUD); Private Residential Quarters (PRQ); Produce Stand; Restaurant, within other facilities; Schools, Elementary and Junior High (Public and Private); School, Senior High (Public and Private); Stadium; Telecommunication Antennae and Equipment Buildings; Traditional Neighborhood Development (TND).

(3) Uses allowed with a conditional use permit:

Animal Grooming Service for household pet (Indoor Kennels); College/University; Essential Services Class 3; Fish Hatcheries; Library; Marina, Commercial; Museum; Post Office; School for the Arts; Upholstery Shop; Zoo.

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

Abattoir Class 1; Animal Hospital (Outdoor Kennel); Animal Hospital (Indoor Kennel); Animal Kennel; Animal Shelter; Assisted Living Center; Automobile Repair Shop; Automobile Towing and Wrecker Service; Bed and Breakfast Inn; Camping and Recreational Vehicle Park; Cemetery; Continuing Care Facility; Convenience Store, Closed 12 a.m.to5p.m; Country Club; Day Care Center, Class B; Day Care Center, Class C; Essential Services Class 4; Firing Range, Indoors, principle use; Firing Range, outdoors, principle use; Fraternal and Service Organization Meeting Facility (non-or not for profit), 0- 9,999sf GFA; Fraternal and Service Organization Meeting Facility (non-or not for profit), 10,000sf GFA; Golf Course; Golf Driving Range; Golf Miniature; Machine, Metal, Wood Working, Welding Shop; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Park; Paint Ball Facility; Parking Lot; Race Track, Small; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Riding Stables; Rodeo/Accessory Rodeo; Stadium, Telecommunication Tower and Facilities; Tower and/or Station, Radio and Television Broadcast; Wood Waste Grinding Operation.

(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

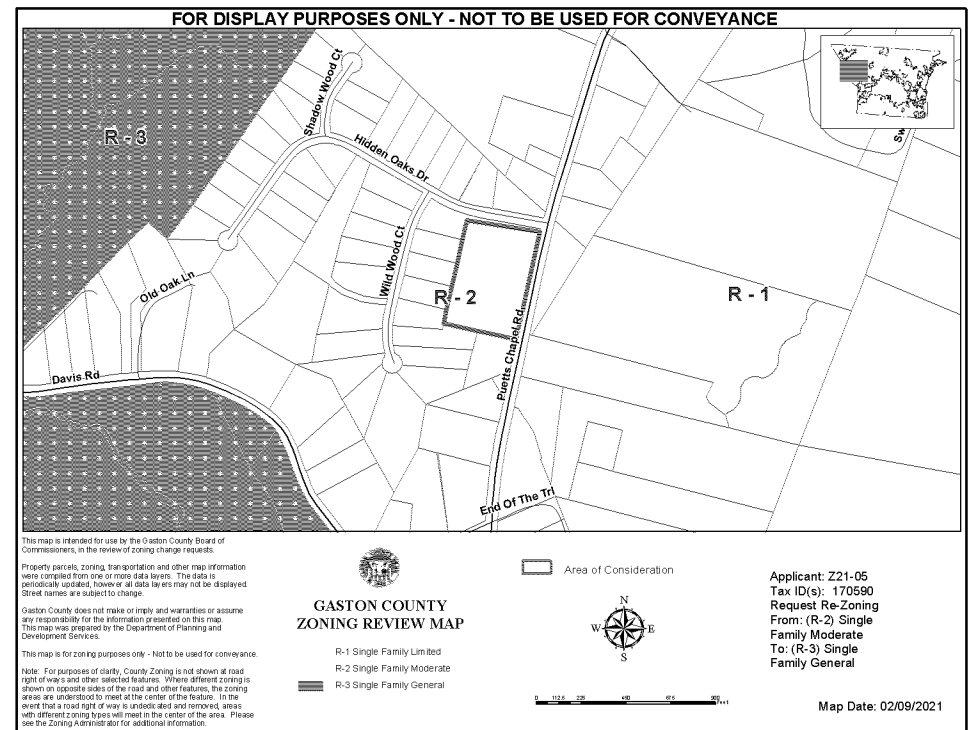
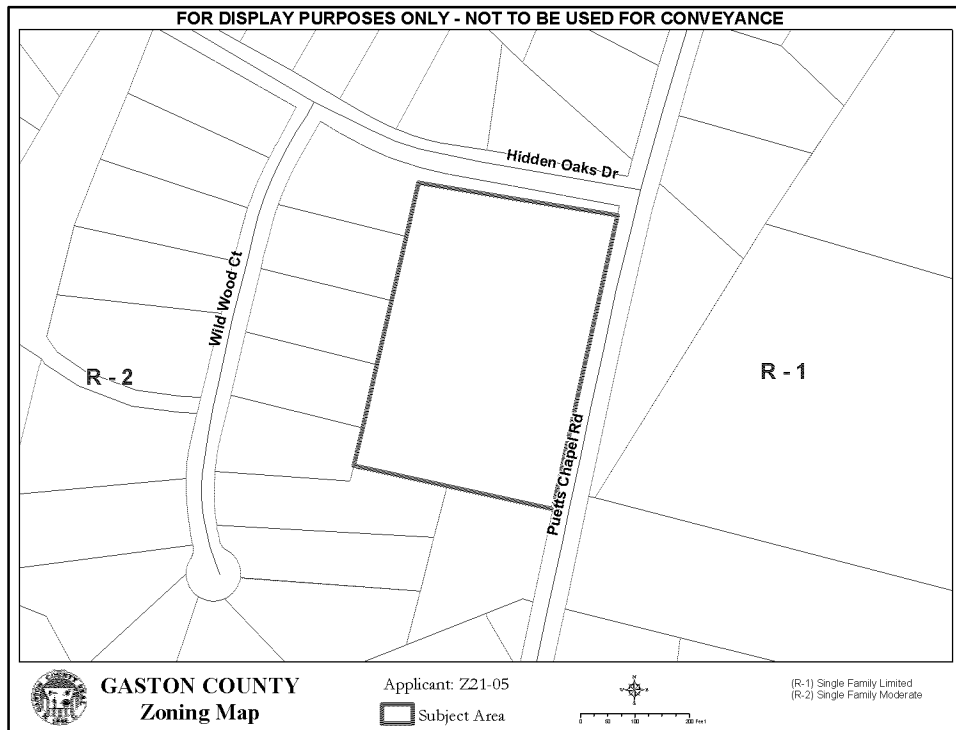
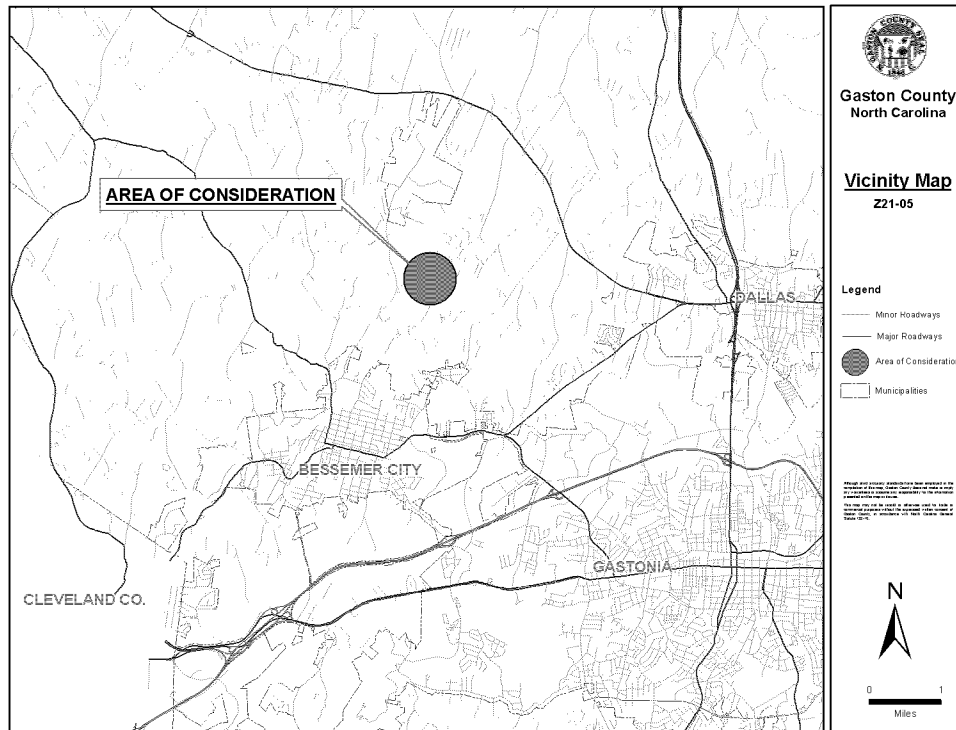
(7) By Conditional Zoning with supplemental regulations:

Planned Residential Development (PRD); Planned Unit Development (PUD); Traditional Neighborhood Development (TND)

(8) By Special exception: None

(9) By Special exception with supplemental regulations:

Family Care Home





Z21-05 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

Z21-05 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>
"	170590	KIRK JAMES WILLIAM		219 MCGREGOR RD	GASTONIA	NC	28056
1	170684	ZOLLO SHANE V	ZOLLO THERESA L	209 PILOTS RIDGE DR	BESSEMER CITY	NC	28016
2	170625	CALLAHAN JACKSON JAMES	CALLAHAN ANGELA MARIE	5641 WILDWOOD CT	BESSEMER CITY	NC	28016
3	170623	VELAZQUEZ FERDINAND	RUIZ LESLIE	5629 WILDWOOD CT	BESSEMER CITY	NC	28016
4	170622	CULBRETH JAMES	CULBRETH MYRA F	5625 WILDWOOD CT	BESSEMER CITY	NC	28016
5	170620	HUFFSTETLER RODNEY G	HUFFSTETLER TONI J	5621 WILDWOOD CT	BESSEMER CITY	NC	28016
6	170619	DIAMONDBACK PROPERTIES LLC		PO BOX 8	LITTLE RIVER	SC	29566
7	170617	RAINES KENNETH JAMES	RAINES PAMELA JANE	5609 WILDWOOD CT	BESSEMER CITY	NC	28016
8	170616	LEE DANIEL BRITT	LEE WANDA E	5605 WILDWOOD CT	BESSEMER CITY	NC	28016
9	170678	CARTER JASON M	CARTER JENNIFER	5510 HIDDEN OAKS DR	BESSEMER CITY	NC	28016
10	170680	KLEM DEVELOPERS INC		6135 PARK SOUTH DR STE 510	CHARLOTTE	NC	28210
11	170589	MADISON MATTHEW WAYNE		217 LAUREL CREEK DR	BESSEMER CITY	NC	28016
12	170708	DOUGAN RANDALL I		PO BOX 109	DALLAS	NC	28034
13	170709	DOUGAN RANDALL I		PO BOX 106	DALLAS	NC	28034



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 21-103

Commissioner Philbeck - Building & Development Services - Zoning Map Change: Z21-05 James William Kirk (Applicant); Property Parcel: 170590, Located at 2047 Puetts Chapel Rd., Bessemer City, NC, Rezone from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Planning Board and Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. James William Kirk (Applicant); Rezone Parcel: 170590, from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District. A public hearing was advertised and held on March 23, 2021 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on March 8, 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	RWorley	Vote
2021-070	03/23/2021	CB	RW	A	A	N	A	A	AB	A	5-1

DISTRIBUTION:

Laserfiche Users

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