

General Rezoning Application (Z21-07)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (C-3) General Commercial Zoning District with (US) Urban Standards Overlay

Applicant:

Wilson Family Rentals LLC

Property Owner(s):

Wilson Family Rentals LLC

Parcel Identification (PID):

169183 (part of)

Property Location:

Dallas High Shoals Hwy. (Dallas)

Total Property Acreage:

12.82 ac

Acreage for Map Change:

10.76 ac

Current Zoning:

(R-1)(C-3)(US)

Proposed Zoning:

(C-3)(US)

Existing Land Use:

Vacant / Undeveloped

Proposed Land Use:

Commercial

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 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.

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: **11**

Total Value of Sales: **\$1.14 m**

Low Sale

High Sale

Average Sale

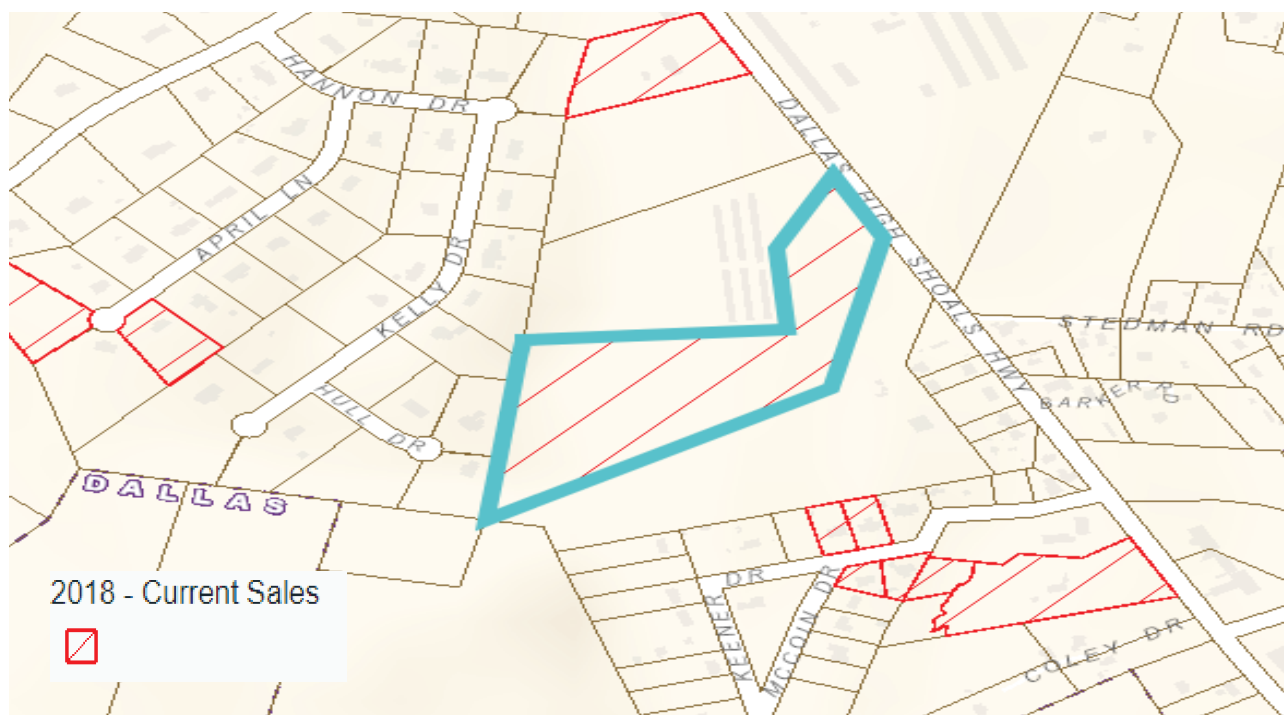
\$7,000

\$325,000

\$56,500

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 mixed use area of the north central region of the county. The location is primarily residential in nature with business and commercial uses scattered along the 321 Business corridor.

If approved, any uses allowed in the (C-3) General Commercial 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 the parcel is currently vacant and undeveloped. It presents as a parcel with “split zoning”, with two different zoning districts located on the property. With this application, the property owner is seeking to consolidate the zoning from two zoning districts into one for the entirety of the parcel.

Discussion and questions by Board members included uses on adjacent properties, to which staff referred to aerial and zoning maps used in presentation to confirm single-family residential and commercial uses along the 321 Business corridor. Clarification was also made that the parcel was zoned as two different districts with (C-3) General Commercial being located along the portion with road frontage and (R-1) Single Family Limited being located along the remainder. Questions were focused around similar parcels with zoning patterns that mimicked the same split zoning as the applicant.

A question was posed as to the intended use, if known, by the applicant. Staff responded that the applicant did indicate the use of mini warehouse storage.

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

The proposed rezoning is in the Rural Center future land use plan. Rural Center areas can serve a commercial purpose and can be anchored by a rural market, allowing for residential homes and business to be closer to the roadway. The use, going from (R-1) to (C-3) will make the subject parcel commercial in nature, which is consistent within the immediate vicinity.

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** 21-07

Applicant ☒ Planning Board (Administrative) ☐ Board of Commission (Administrative) ☐ ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Wilson Family Rentals LLC
(Print Full Name)
Mailing Address: P. O. Box 1422, Gastonia, NC 28053
(Include City, State and Zip Code)
Telephone Numbers: (704)747-5031
(Area Code) Business (Area Code) Home
Email: wilsonfamilybuilders@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: Dallas High Shoals Hwy. (Dallas)
Parcel Identification (PID): 169183
Acreage of Parcel: 12.82 +/- Acreage to be Rezoned: 10.76 +/- Current Zoning: (R-1)(C-3) (US)
Current Use: Vacant / Undeveloped Proposed Zoning: (C-3) (US)

D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner: _____	Name of Property Owner: _____
Mailing Address: _____ (Include City, State and Zip Code)	Mailing Address: _____ (Include City, State and Zip Code)
Telephone: _____ (Area Code)	Telephone: _____ (Area Code)
Parcel: _____ (If Applicable)	Parcel: _____ (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

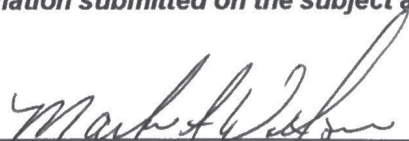
(I/We), also agree to grant permission to allow employees of Gaston County to enter the subject property during reasonable hours for the purpose of making **Zoning Review**.

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

2/3/21

Date

Note: Approval of this request does not constitute a zoning permit. All requirements must be met within the UDO.

OFFICE USE ONLY

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Date Received: 02/03/2021 Application Number: Z21-07 Fee: \$500

Received by Member of Staff: SCP Date of Payment: _____ Receipt Number: INV-00022847
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP
☐ NOTARIZED AUTHORIZATION

☒ COPY OF DEED
☒ 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: Z21-07 - 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 along Dallas High Shoals Highway (Dallas). PID: 169183. 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. Neither the GCLMPO 2045 MTP nor Highway CTP include any future improvements on any streets adjacent to the subject property.
3. 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.

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

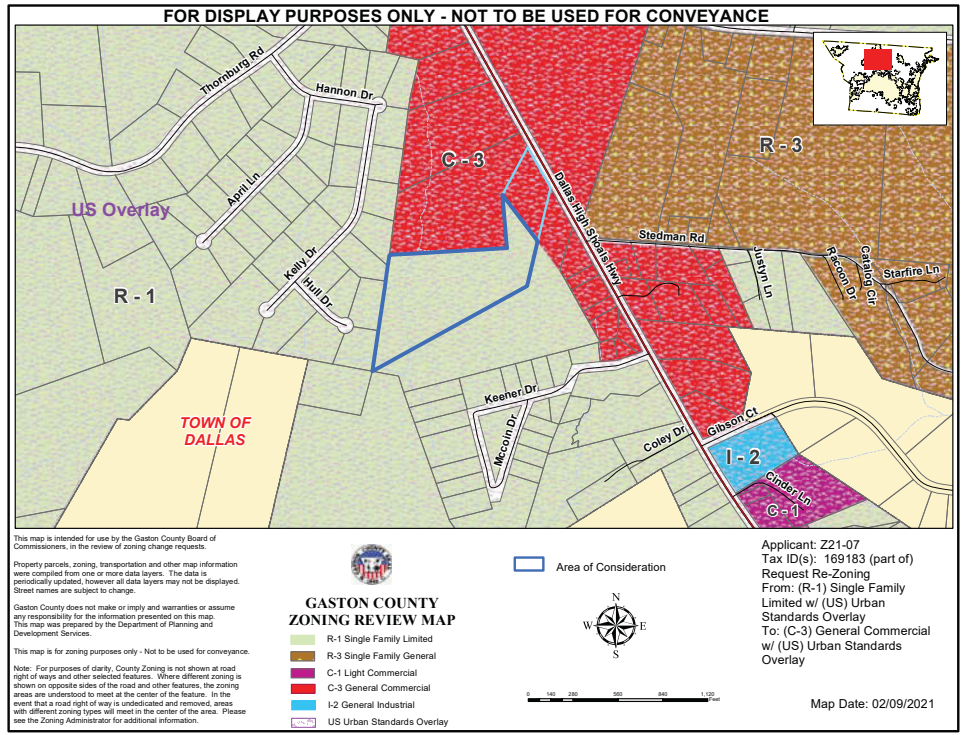
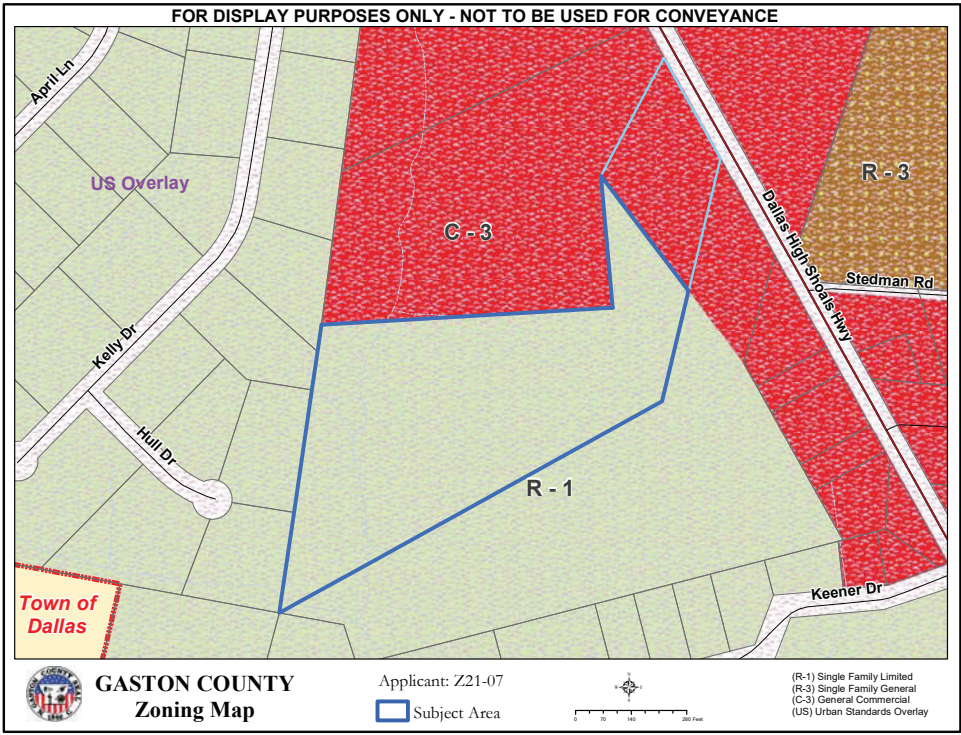
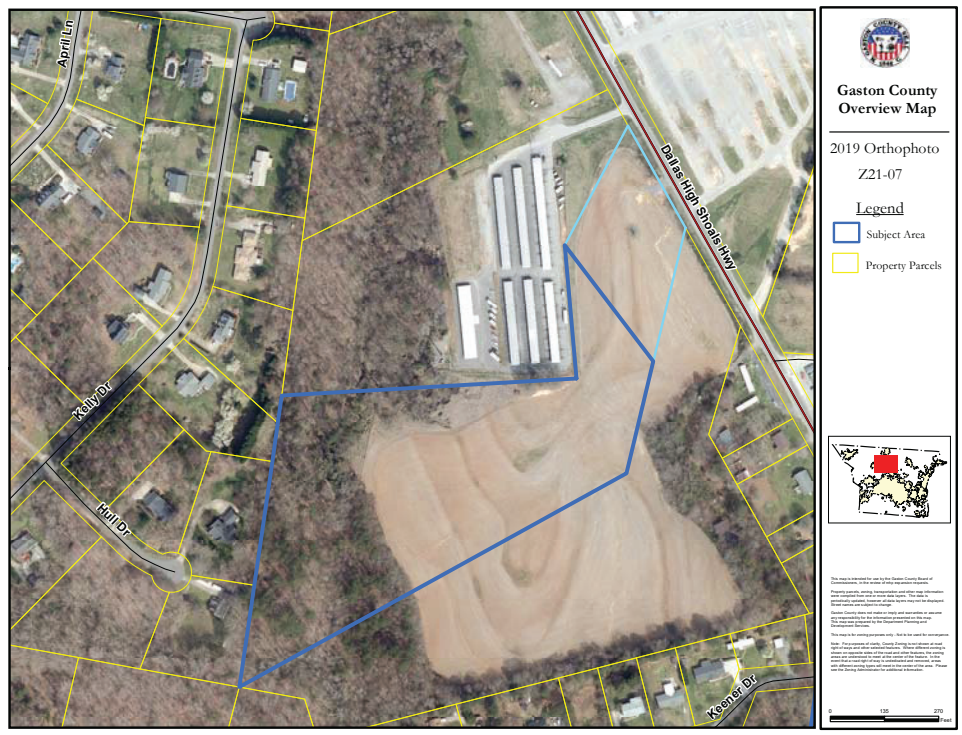
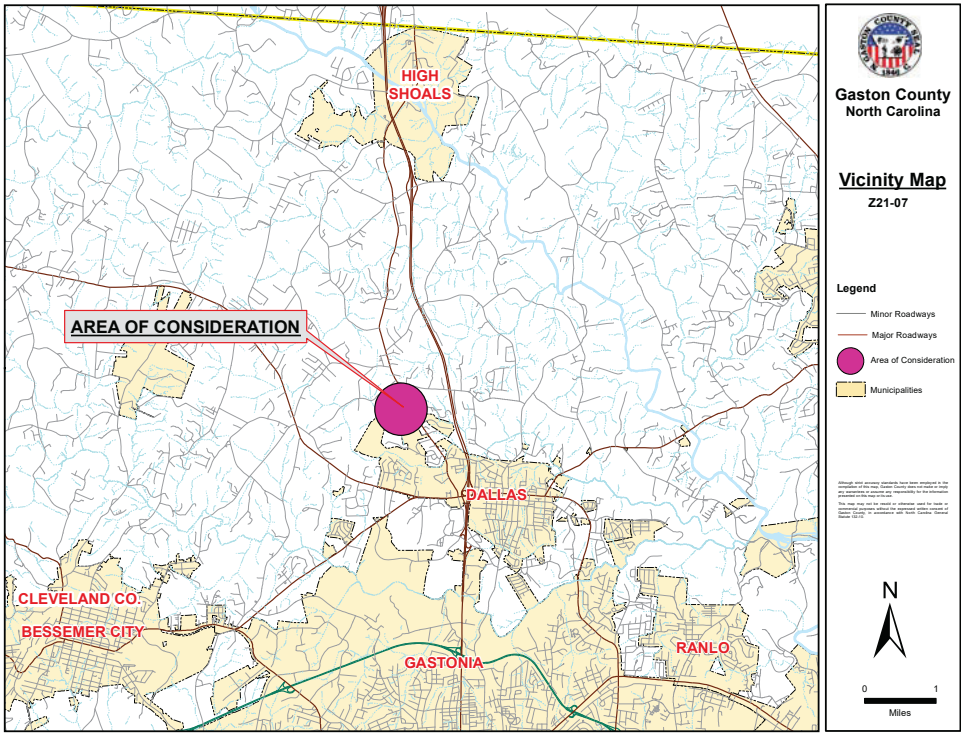
(6) By Conditional Zoning: None

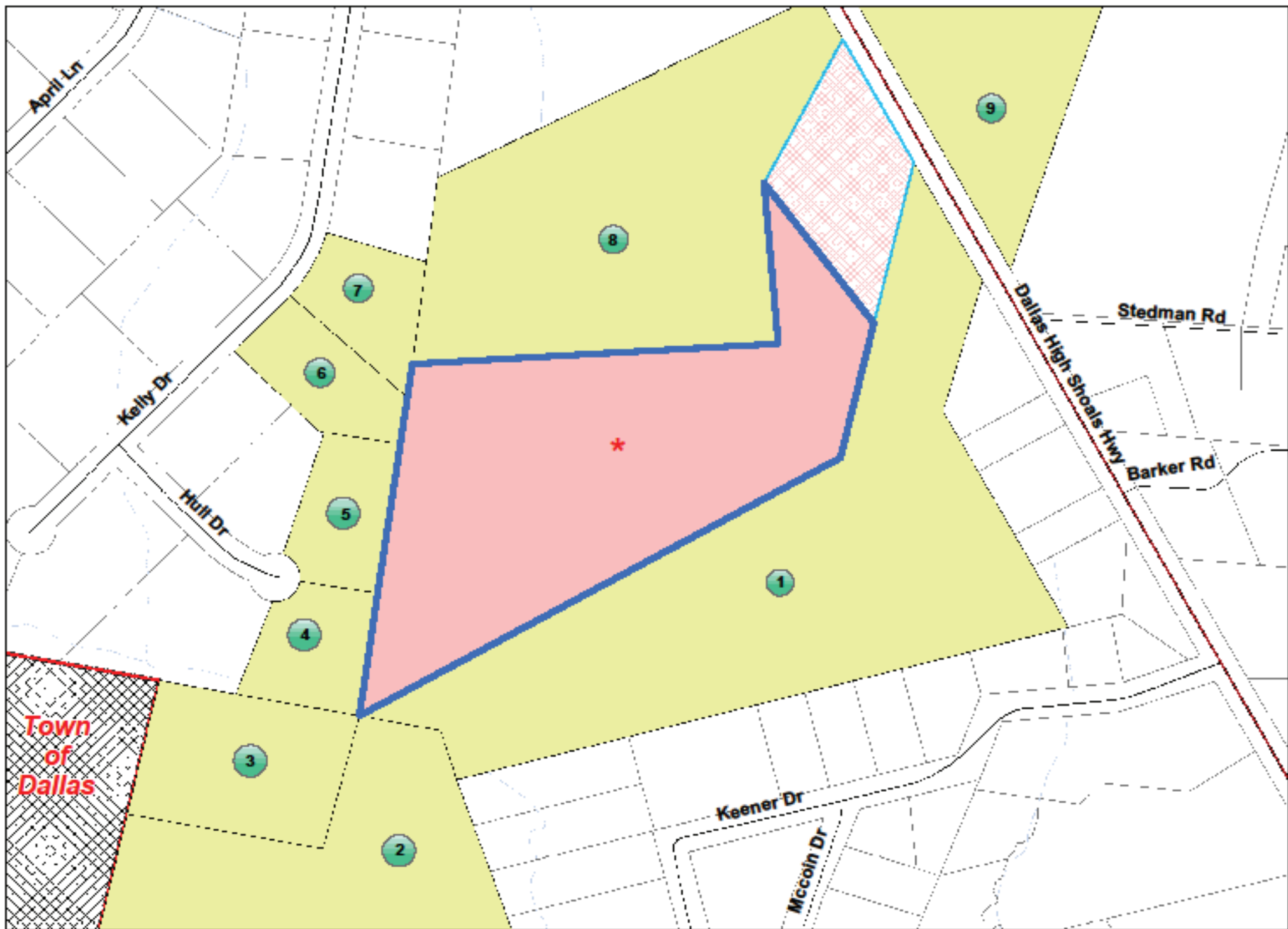
(7) By Conditional Zoning with supplemental regulations:

Planned Unit Development (PUD),

(8) By Special exception: None

(9) By Special exception with supplemental regulations: None





Z21-07 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 **Area of consideration**

Z21-07 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>
*	169183	WILSON FAMILY RENTALS LLC		P O BOX 1422	GASTONIA	NC	28053
1	169184	RHYNE HELEN P		3633 DALLAS CHERRYVILLE HWY	DALLAS	NC	28034
2	170287	MARILYN S FINGER IRREVOC TRUST		2701 JACKSON SQUARE	ANDERSON	SC	29625
3	169122	MARILYN S FINGER IRREVOC TRUST		2701 JACKSON SQUARE	ANDERSON	SC	29265
4	169115	BULLER JERRY WAYNE	BULLER PAMELA A	110 HULL DR	DALLAS	NC	28034
5	169116	HUFFSTETLER WILLIAM C	HUFFSTETLER CHRISTY B	105 HULL DR	DALLAS	NC	28034
6	169119	MCMILLIAN HUEY A	MCMILLAN JENNY H	117 KELLY DR	DALLAS	NC	28034
7	169120	HIGH FRANCES CHARLENE		113 KELLY DR	DALLAS	NC	28034
8	212591	EZ STORE LLC		252 WILL GREEN RD	MARSHALL	NC	28753
9	169177	GASTONIA FLEA MARKET LLC	C/O BARNYARD FLEA MARKET-DALLAS	P O DRAWER 12187	COLUMBIA	SC	29211