

GASTON COUNTY REZONING APPLICATION (REZ-25-11-19-00236)

STAFF REPORT

| APPLICATION SUMMARY | |
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| Request: | |
| To rezone the property from the (R-1) Single Family Limited Zoning District with (US) and (CH) Overlays to the (CD/C-1) Light Commercial Conditional District with (US) and (CH) Overlays | |
| Applicant(s): | Property Owner(s): |
| TKC Land Development II, LLC | Kay Tallent |
| Parcel Identification (PID): | Property Location: |
| 146880 | 5113 Union Road |
| Total Property Acreage: | Acreage for Map Change: |
| 4.97 acres | 1.5 acres |
| Current Zoning: | Proposed Zoning: |
| (R-1) Single Family Limited Zoning District with (US) and (CH) Overlays | (CD/C-1) Light Commercial Conditional District with (US) and (CH) Overlays |
| Existing Land Use: | Proposed Land Use: |
| Residential/Vacant | Retail Store |

| COMPREHENSIVE LAND USE PLAN |
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| Area 4: The Garden Gaston/Southeast 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 |
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| Water/Sewer Provider: |
| Public water / private septic |
| Road Maintenance: |
| Union Road – North Carolina Department of Transportation |

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

The request went before the Gaston County TRC on Tuesday, February 17th, and received “no comments” from the following departments:

- Building Inspections

Natural Resources stated the site will require a full erosion control and stormwater plan at the time of permitting.

Environmental Health noted that a registered cemetery, Evans Cemetery, is located on the subject property near the area associated with the rezoning request.

- *Staff Response: The conditional rezoning site plan shows a general buffer area around the cemetery based on available information. A condition of approval has been added requiring the exact location of the cemetery to be surveyed and confirmed prior to the issuance of a zoning permit. In accordance with state requirements, a minimum 15-foot setback must be maintained between the cemetery and any development. If the surveyed location differs from what is generally shown on the site plan, the layout may be adjusted administratively at the time of permitting to ensure compliance with all applicable setback and regulatory requirements.*

The GCLMPO reviewed this request and provided the following statements:

- According to the 2026-2035 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
- There is a widening project for Union Road within the MPO’s CTP. However, this has not yet received funding at this time.
- The CTP also shows recommended bicycle and pedestrian facilities along Union Road, but these improvements are unfunded at this time.

STAFF SUMMARY

Prepared By: Peyton Wiggins, Land Development Manager

This property is located on Union Road in Gastonia, within the southern portion of the county. The subject parcel totals 4.96 acres, but the applicants are requesting approval to establish a retail store on only 1.36 acres of the site.

According to the submitted site plan, the proposal includes the construction of a 10,640-square-foot Dollar General retail store. The proposed building meets all required setbacks, and the site complies with the general buffer requirements outlined in Chapter 11 of the UDO. Parking is provided in both the front and side yards. Additional site features include a designated dumpster location, a monument sign, and a loading area for store operations.

General Applicable Ordinance Sections

| UDO Section | Proposal |
|--------------------------------------|---|
| Section 2.7 – Definitions | Retail – a building, property, or activity the principal use or purpose of which the retail sale of goods, products, or merchandise directly to the consumer. Such a retail establishment shall not be classified as a “Retail” use, if listed elsewhere in the Table of Uses in this Ordinance. Examples of excluded uses include: restaurants and convenience stores, etc. |
| Section 6.2.3 – Commercial Districts | (C-1) Light Commercial – This district accommodates a large variety of retail uses designed to meet the needs of individual neighborhoods or other relatively small geographic areas. Stores and shopping complexes are relatively small in size and designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district was not created to accommodate retail uses that attract persons from outside the neighborhood or attract large numbers of passing motorists. |

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| Section 6.3.6 – US Urban Standards Overlay District | This district provides for areas of the County located outside their corporate limits and 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. This district calls for standards traditionally found in urban areas as opposed to rural areas. Standards addressed include, but are not limited to: building design, off-street parking, road, lot, and subdivision standards. |
| Section 6.3.11 – CH Corridor Highway Overlay District | This district preserves and enhances the streetscape along designated corridor highways in Gaston County. A (CH) district may exist along the entire length of a roadway or any identifiable segment of a roadway. Any (CH) District initially established shall contain a minimum length of at least 1,000 linear feet as measured along one side of a designated corridor highway. The (CH) district shall consist of all lots fronting on the corridor highway for a depth of 250 feet as measured from the centerline of the corridor highway for a total width of 500 feet, unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape. |
| Section 6.5 – Conditional District (CD) | The Conditional District (CD) zoning process allows for the establishment of specific uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. Any area rezoned to a (CD) district shall be in general compliance with the goals, objectives, and implementation strategies of the adopted Comprehensive Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. This review process provides for the accommodation of such uses by a reclassification of property into a (CD) district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), to ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the County. |
| Section 7.5 – Table of Uses | The proposed use for this site includes “Retail,” which is allowed in the proposed underlying zoning district of (C-1) Light Commercial. |

Proposed Features

| UDO Section | Required | Proposed |
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| Section 7.6.6 – Corridor Highway Overlay District – Setbacks | The following setbacks are required for the (CH) overlay district, which are more restrictive than the underlying district setbacks. They are: <ul style="list-style-type: none"> - Front: 50 ft - Side: 25 ft - Rear: 25 ft | The proposal meets or exceeds all required setbacks for the (CH) overlay district. |
| Section 8.2.32 – Retail | This section outlines the supplemental regulations for the Retail use. | No listed supplemental regulations apply to a retail establishment within this zoning district or this size. Therefore, the applicant, by default, meets the supplemental regulations for the proposed use. |

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| Section 11.3.2 – Buffer yard requirements | Screening and buffering shall be required under the following situations: When a lot is: - In a commercial district and abuts a lot in a residential district, screening must be provided on the commercial lot in the form of a Type D Screen/Buffer. | The applicants are complying with all buffer yard requirements by installing a Type D buffer – option 1 - along the side and rear property lines. |
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Requested Area of Relief

| UDO Section | Required | Proposed |
|-------------------------------------|---|--|
| Section 10.5 – Parking Requirements | 1.27 – One space per 250 square feet Spaces Required: 43 | Spaces Provided: 33 The applicants are requesting a reduction in the number of required parking spaces for the proposed retail store to accommodate other site features, including the proposed septic field stormwater management area. This request is supported by Dollar General Corporate, and a letter of support has been included as an attachment to the staff report. |

Proposed Conditions of Approval

If approved, planning staff recommends the following conditions of approval be applied, as presented:

- A subdivision plat must be processed prior to the issuance of the zoning permit.
- The proposed septic field location may be adjusted during construction document review as needed. Final placement shall be coordinated with and approved by Gaston County Environmental Health and must be finalized prior to the issuance of the zoning permit.
- The applicant shall provide a survey confirming the exact location of the cemetery prior to the issuance of a zoning permit. Based on the confirmed location, the final site plan may be administratively revised as necessary to comply with all applicable setback and regulatory requirements, provided the overall intent and layout of the approved conditional rezoning site plan is maintained.
- *Planning & Zoning Board’s Additional Condition: A decorative four (4) foot tall aluminum fence shall be installed around Evans Cemetery, in accordance with the approved buffer boundary, upon confirmation that the cemetery is located on the subject property.*

Public Engagement

This case has been added to the Planning and Zoning Current Pages page on engagegaston.com. So far, there have been no questions or concerns posted on the project page.

PLANNING & ZONING BOARD RECOMMENDATION

The Planning and Zoning Board met at its regular meeting on March 2, 2026, and recommended approval by a 10 to 0 vote based on:

- This is a reasonable request and in the public interest; and
- It is consistent with the goals of the comprehensive land use plan as it will serve a commercial purpose for the immediate area, as envisioned by the rural center future land use designation.