

General Rezoning Application (Z22-16)

STAFF REPORT

APPLICATION SUMMARY

Request:

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

Applicant(s):

Farokh Ghassemi

Property Owner(s):

Farokh Ghassemi

Parcel Identification (PID):

175091

Property Location:

13460 Lucia Riverbend Hwy. (Mount Holly)

Total Property Acreage:

1 ac

Acreage for Map Change:

1 ac

Current Zoning:

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

Proposed Zoning:

(C-1) Light Commercial, (CH) Corridor Highway Overlay, (US) Urban Standards Overlay

Existing Land Use:

Commercial/Residential

Proposed Land Use:

Commercial/Residential

COMPREHENSIVE LAND USE PLAN

Area 3: Riverfront 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; increased job opportunities; maintaining the rural “feel” of the area; and, increased commercial opportunities.

Comprehensive Plan future Land Use: Gateway Center

Gateway Centers are specific places in Gaston County to capture the attention of people entering the County for various purposes. These areas are specifically located along major transportation routes just inside Gaston County’s jurisdiction. These centers carry the weight of introducing travelers to the County through the look, feel, and signage in the area.

***Gateway Center at NC 16** – This location offers an opportunity for those traveling on NC 16 from Mecklenburg or Lincoln Counties to get a small glimpse of Gaston County. While NC 16 is designed to keep traffic flowing and minimize on/off traffic, upon crossing the Catawba River, there is a small segment of the road that can be developed around the high traffic purpose to capture economic development. The center needs to be concentrated around NC 16 and the Catawba River crossing for commercial purposes associated with high traffic volume, as the existing conditions do not lend itself to future residential or mixed use development.*

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 north 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 with a residential structure located on site as well.

If approved, any uses allowed in the current zoning districts (C-1) 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 Gateway Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (R-1)(CH)(US) to (C-1)(CH)(US) will make the subject parcel commercial in nature, while preserving the allowance for residential, which is consistent with the Gateway Center designation. Additional Overlay districts would ensure enhanced standards are required.

The proposed rezoning is in the Gateway Center future land use plan. The area consists of significant mixed uses composed of residential and commercial businesses in nature. The use, going from (R-1)(CH)(US) to (C-1)(CH)(US) will make the subject parcel commercial in nature, which is not consistent with the Gateway 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 questions related to the existing home and accessory structure located on site. Staff explained that the applicant has expressed that the home is residential and had a commercial business on site prior to purchase. The home continues to be used as residential. If approved from the (R-1) to (C-1) Zoning District, this will allow the home to remain residential in a commercial district, while providing for uses allowed in the (C-1) Light Commercial Zoning District and bringing the accessory commercial building into compliance. The (CH) Corridor Highway and (US) Urban Standards Highway Overlays apply.

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 Community future land use plan. Residential homes are located on large lots and are set back from the roads they front upon. It is understood that this is the default use designation for Gaston County. The use, going from (R-1) to (C-1) will make the subject parcel commercial in nature, while allowing for residential uses to remain onsite. which is consistent with the Rural Community designation and is in harmony with uses within the immediate vicinity.*



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** 22-16

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Farokh Ghassemi

(Print Full Name)

Mailing Address: 201 Holdsworth Dr Mount Holly, NC 28120

(Include City, State and Zip Code)

Telephone Numbers: 704-458-1201

704-822-8281

(Area Code) **Business**

(Area Code) **Home**

Email: fg@earthamericallc.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: Farokh Ghassemi

(Print Full Name)

Mailing Address: 201 Holdsworth Dr Mount Holly, NC 28120

(Include City, State and Zip Code)

Telephone Numbers: 704-458-1201

704-822-8281

(Area Code) **Business**

(Area Code) **Home**

Email: fg@earthamericallc.com

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 13460 Lucia Riverbedn Hwy Mount Holly, NC 28120

Parcel Identification (PID): 175091

(R-1)(CH)(US)

Acreage of Parcel: 1 +/- Acreage to be Rezoned: 1 +/- Current Zoning: Residential

Current Use: Residential /Commercial

Proposed Zoning: Light Commercial (C-1)(CH)(US)

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.

Farrock ghassemi
Signature of Property Owner or Authorized Representative

04/20/2022
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: _____ Application Number: _____ Fee: _____

Received by Member of Staff: _____ 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: _____

Planning Board Review: _____ 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.

C1 LIGHT COMMERCIAL

(1) Uses allowed by right:

ABC Store; Amusement & Sporting Facility, indoor; Amusement Arcade; Animal Grooming Service for household pet, indoor kennels; Art Gallery; Auditorium, Assembly Hall, Amphitheater, Community Center, <500 seats; Baseball Hitting Range; Building Material & Lumber Sales; Business Services; Check Cashing Establishment, closed 12AM to 5AM; Cleaning & Maintenance Service; Contractor's Office & Operation Center; Day Care Center, Accessory; Dwelling, Single Family; 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, 0-9,999 sqft GFA; Funeral Homes; Furriers; Game Room; Glass & Mirror Shop; Grooming Services; Gunsmith, Gun & Ammunition Sales; Hardware Store; Health Club, Spa Gymnasium (principle use); Laboratories – Dental, Medical; Lawn & Garden Center; Library; Medical Offices, 0-49,999sqft GFA; Monument Sales; Museum; Offices, excluding Medical, 0-49,999sqft GFA; Personal Business Services; Photo Finish Laboratory; Post Office; Recycling Deposit Station, accessory; School for the Arts; Sign Shop; Upholstery Shop

(2) Uses allowed by right with supplemental regulations:

Animal Hospital, indoor kennel; ATM (Automated Teller Machine); Auction House; Automobile Hobbyist; Automobile Repair Shop; Automobile Service Station; Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental; Bed and Breakfast Inn; Bona Fide Farms; Car Wash, Self Service; Church / Place of Worship; Club, private (without adult entertainment); Convenience Store, closed 12AM to 5AM; Day Care Center Class A; Day Care Center Class B; Day Care Center Class C; Dwelling, Mixed Use; Dwelling, Two Family; Essential Services Class 2; Family Care Home; Flea Market, indoor; 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; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Laundromat, closed 12AM to 5AM; Lounge / Nightclub; Machine, Metal, Wood Working, Welding Shop; Manufactured Goods, class 1; Maternity Home; Multi Family Development; Nursery (Garden); Nursing Home, Rest Home; Paint Ball Facility; Park; Parking Lot; Planned Residential Development (PRD); Planned Unit Development (PUD); Private Residential Quarters (PRQ); Produce Stand; Recreation Center & Sports Center; Recycling Deposit Station, principle use; Residential Infill Development; Restaurant; Restaurant, with drive thru; Restaurant, within other facilities; Retail, 0-24,000sqft GFA; School, Elementary & Middle (public / private); School, Senior High (public / private); Shopping Center, 0-24,999 sqft GFA; Shopping Center, 25,000-49,999 sqft GFA; Stadium; Swimming Pool, Sales, Service & Supplies; Telecommunication Antennae & Equipment Buildings; Traditional Neighborhood Development (TND)

(3) Uses allowed with a conditional use permit:

Billiard Parlor; College / University; Food Store, 10,000+ sqft GFA; Medical Offices, 50,000-99,999sqft GFA; Offices, excluding Medical, 50,000-99,999sqft GFA; Transit Station

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

Amusement & Sporting Facility, Outdoor; Animal Hospital, indoor kennel; Animal Hospital, outdoor kennel; Assisted Living Center; Auction House; Auditorium, Assembly Hall, Amphitheater, Community Center, 500 or more seats; Automobile Service Station; Body Piercing Establishment & Tattoo Parlor; Bus & Train Terminal, Passenger; Car Wash, Self Service; Club, Private (without adult entertainment); Convenience Store, open up to 24 hrs; Farmers Market; Flea Market, Outdoor; 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; Group Home; Health & Behavioral Care Facility; Hotel or Full Service Hotel; Laundromat, open up to 24 hrs; Lounge / Nightclub; Maternity Home; Mini-Warehouse; Park; Restaurant, with drive thru; Riding Stables; Rodeo / Accessory Rodeo; School, Vocation; Stadium; Telecommunication Tower & Facilities; 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

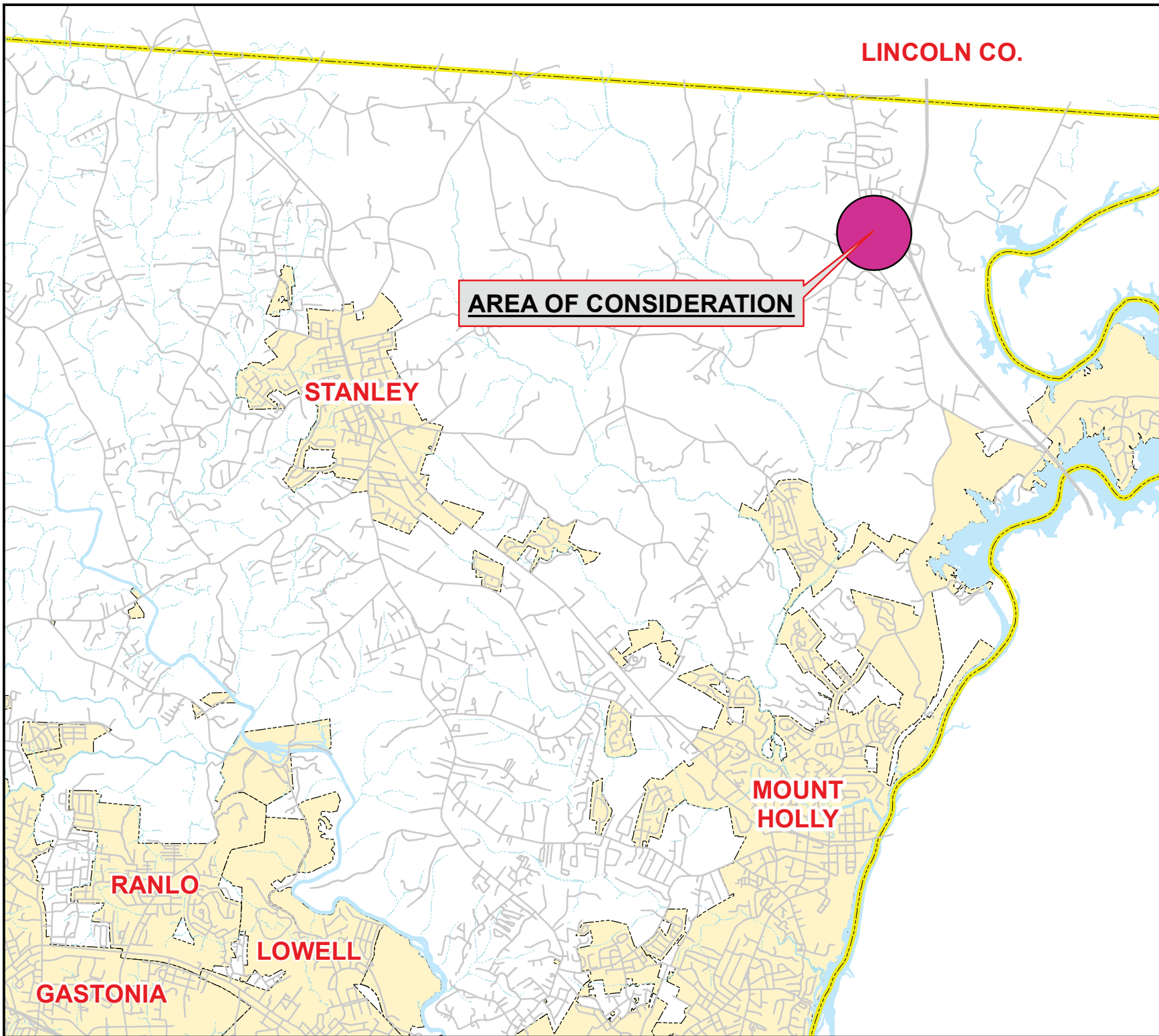
(7) By Conditional Zoning with supplemental regulations:

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

(8) By Special exception: None


(9) By Special exception with supplemental regulations:

Family Care Home






Vicinity Map

Z22-16

 Area of Consideration

Legend

-  Minor Roadways
-  Major Roadways
-  Municipalities





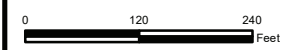


Overview Map

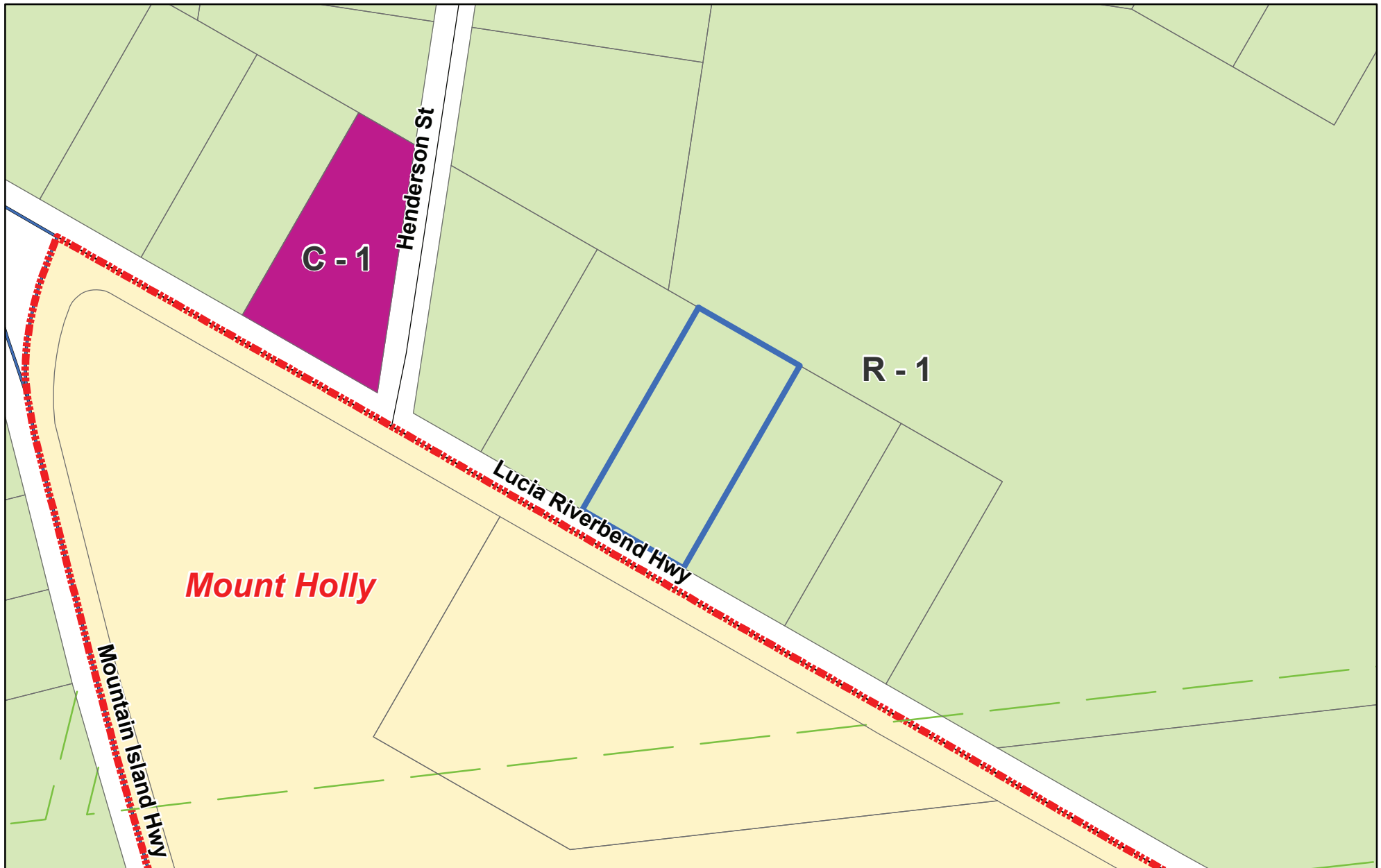
2019 Orthophoto
Z22-16

Legend

-  Subject Area
-  Property Parcels



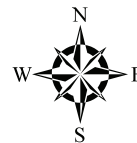
FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY
Zoning Map
Z22-16

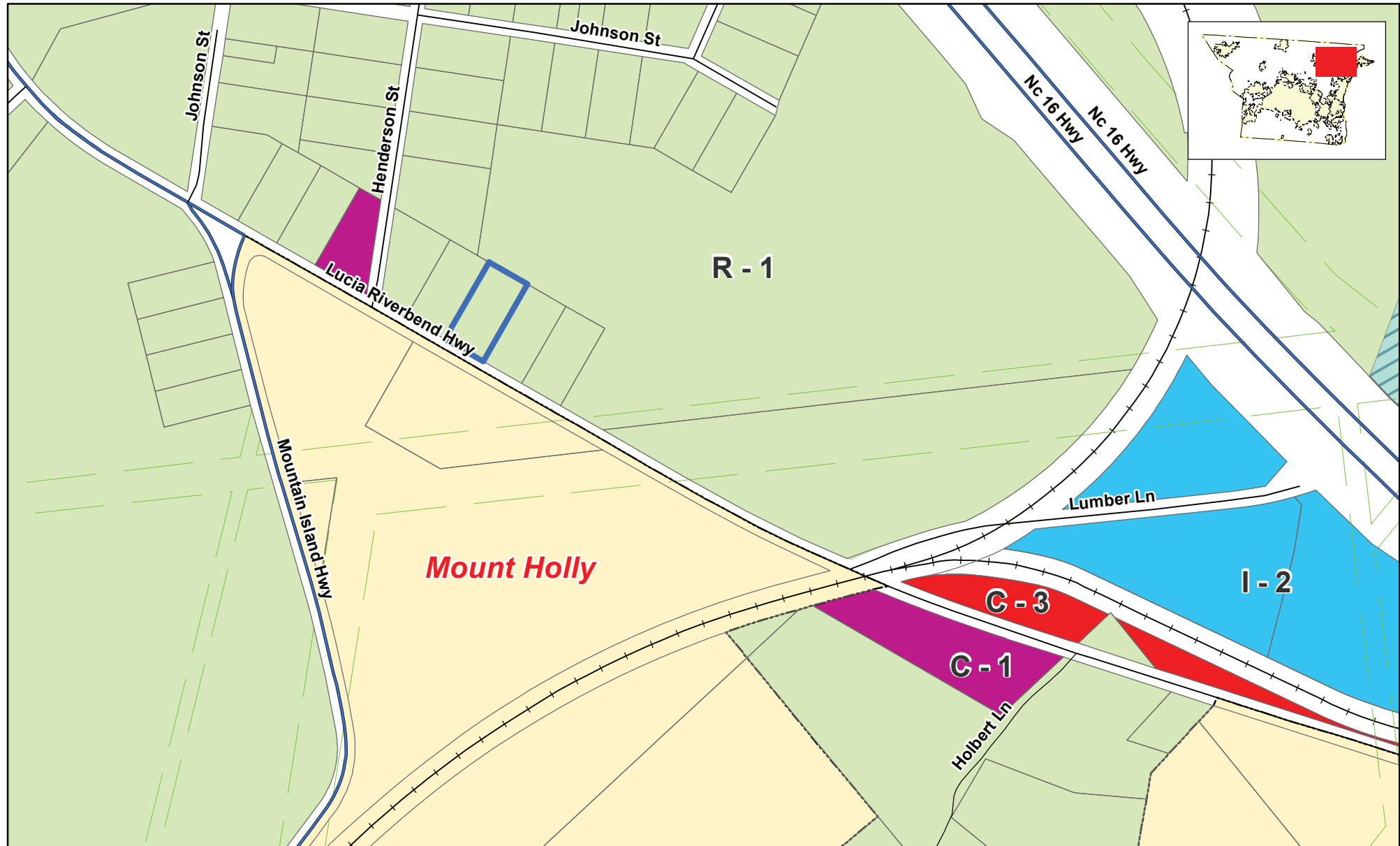
 Subject Area

0 55 110 220 Feet



(R-1) Single Family Limited
(C-1) Light Commercial

(Overlays not shown)



GASTON COUNTY ZONING REVIEW MAP

0 100 200 400 600 800
Feet

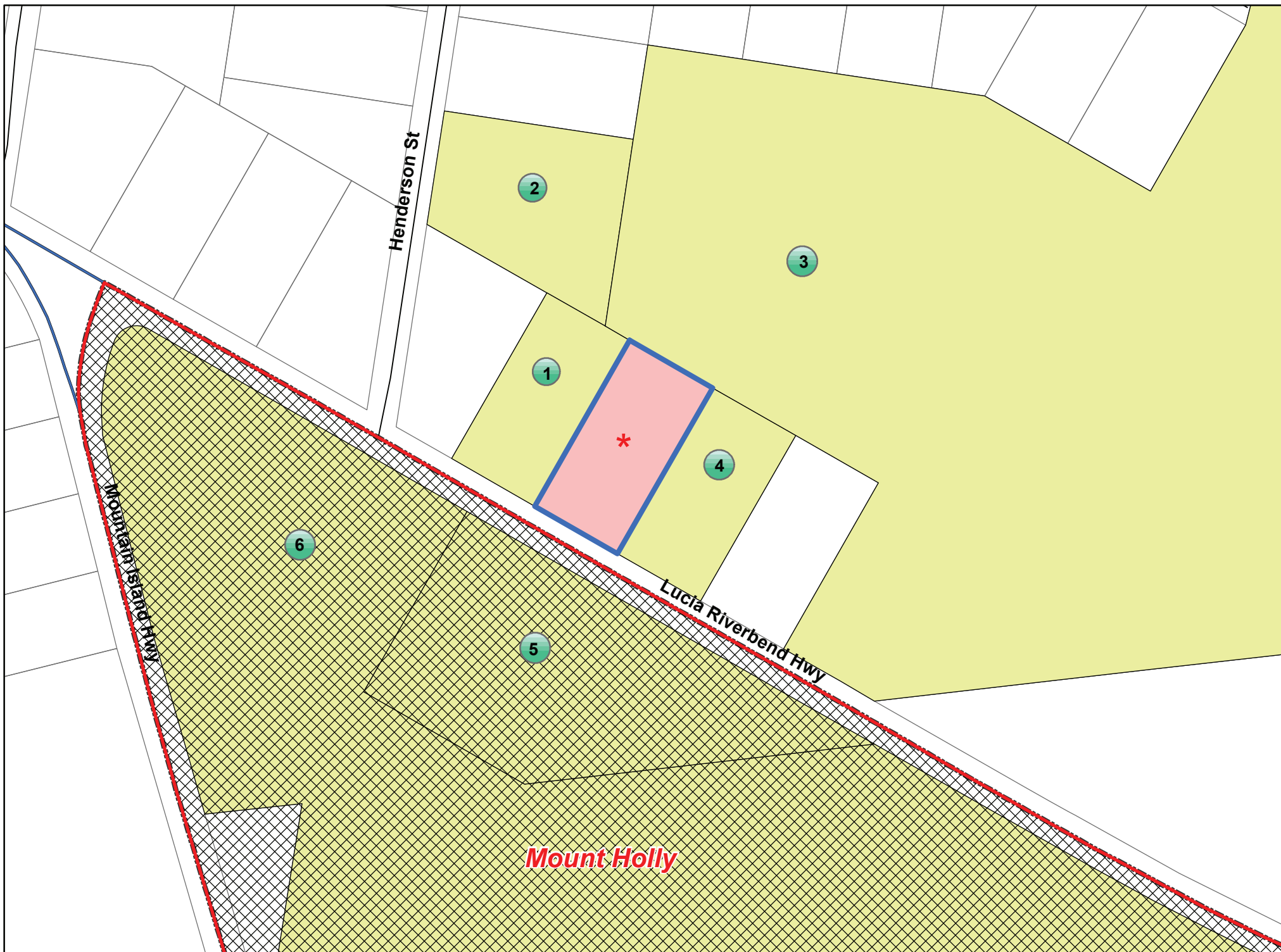


Area of Consideration

- R-1 Single Family Limited
- C-1 Light Commercial
- C-3 General Commercial
- I-2 General Industrial

Application: Z22-16
Parcel(s): 175091
Request: (R-1)(CH)(US)
to (C-1)(CH)(US)

Map Date: 05/26/22



Z22-16 Subject and Adjacent Properties Map

 **Area of consideration**

Z22-16 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>
*	175091	GHASSEMI FAROKH		201 HOLDSWORTH DR	MOUNT HOLLY	NC	28120
1	175090	RANKIN JAMES E JR	RANKIN RENDY L	PO BOX 213	MOUNT HOLLY	NC	28120
2	175094	COBB JOY ANNETTE P		116 HENDERSON ST	MOUNT HOLLY	NC	28120
3	217091	MOUNTAIN ISLAND CH SCH SOAR FN		13440 LUCIA RIVERBEND HWY	MOUNT HOLLY	NC	28120
4	175092	COX CHARLES T JR		13452 LUCIA RIVERBEND HWY	MOUNT HOLLY	NC	28120
5	222497	MT HOLLY CITY OF		PO BO 406	MOUNT HOLLY	NC	28120
6	222496	PROVIDENT DEV GROUP INC &	SAMUEL J STIGLER JR REV	6707 FARIVIEW RD SUITE B	CHARLOTTE	NC	28210