

Planning Board Item II – GENERAL PUBLIC HEARING INFORMATION (Z18-11)
Board of Commissioners / Planning Board Public Hearing Date December 11, 2018

General Rezoning Application Z18-11

Request: To rezone property parcel 162149 from the (R-1) Single Family Limited Zoning District to the (C-1) Light Commercial Zoning District
Applicant(s): Teramore Development LLC
Property Owner(s): Sarah Pless Simmons
Mailing Address of Applicant: PO Box 6460, Thomasville, GA 31758

Site Information and Description of Area

General Location: 1832 Martin Rd.
Parcel ID(s): 162149
Total Property Acreage: 2.17 ac
Acreage for Map Change: 2.17 ac
Current Zoning District(s): (R-1) Single Family Limited
General Area Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (C-1) Light Commercial, (I-2) General Industrial

Zoning District Information

Current Zoning District:

(R-1) Single Family Limited – The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

Proposed Zoning District:

(C-1) Light Commercial – The C-1 Light Commercial District is designed to accommodate 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 therefore relatively small in size and are designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district is not intended to accommodate retail uses which attract persons from outside the neighborhood or which attract large numbers of passing motorists.

Comprehensive Land Use Plan (Small Area District)

Area 1: Rural Gaston / Northwest Gaston (Cherryville and surrounding area)

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; preservation of agriculture and maintaining the rural “feel” of the area; repurpose vacant buildings and facilities for new economic opportunities; and steer development towards existing infrastructure.

Comprehensive Plan Future Land Use: Rural, Rural Center, and Rural Community

It is staff’s opinion that the request is consistent with the Comprehensive Land Use Plan.

Technical Review Committee (TRC)

The request was reviewed by the TRC for comment and general compliance with applicable regulations and provisions. The TRC is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization

(GCLMPO), County Fire Marshall, et cetera, which review all land use proposals and site plans requiring Planning Board approval and/or public hearing process.

Notification

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

Zoning Sign Placement

November 20, 2018

Information Attached

Rezoning application; zoning district uses (current and proposed); zoning/subject area maps, aerial map, vicinity map, and adjacent property map and property owner list.

Transportation Planning Information

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Staff Contact

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or sarah.penley@gastongov.com



GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Phone: (704) 866-3195
Fax: (704) 866-3966

GENERAL REZONING APPLICATION

Application Number: **Z 18-11**

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

Robert J. Brown

A. *APPLICANT INFORMATION

The Jonas Law Firm, PLLC

Name of Applicant: Teramore Development, LLC - through counsel: 1258 NC 16 Bus., Denver, NC 28037
(Print Full Name)

Mailing Address: PO Box 6460, Thomasville, GA 31758
(Include City, State and Zip Code)

Telephone Numbers: 229-516-4289 Robert J. Brown
(Area Code) Business office: 704-483-2016
(Area Code) Home

** 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: Sarah Pless Simmons
(Print Full Name)

Mailing Address: 212 Todd Reece Ln, Gastonia, NC 28056
(Include City, State and Zip Code)

Telephone Numbers: 704-671-4083
(Area Code) Business (Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 1832 Martin Road

Parcel Identification (PID): 162149

Acreage of Parcel: 2.17 +/- Acreage to be Rezoned: 2.17 +/- Current Zoning: R-1

Current Use: vacant land Proposed Zoning: C-1

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: _____ Telephone: _____
(Area Code) (Area Code)

Parcel: _____ Parcel: _____
(If Applicable) (If Applicable)

(Signature)

(Signature)

See Reverse Side For Completion of Additional Sections

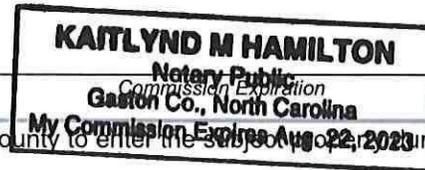
E. AUTHORIZATION AND CONSENT SECTION

(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) 162149 hereby give TERANGRE DEVELOPMENT, LLC consent to execute this proposed action.
 (Name of Applicant)

Sarah Pless Simmons (Signature) 9.29.2018 (Date)
 _____ (Signature) _____ (Date)

I, Kaitlynd M Hamilton a Notary Public of the County of Gaston State of North Carolina, hereby certify that Sarah Pless Simmons personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 29 day of September, 2018.

Kaitlynd M Hamilton
 Notary Public Signature



(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.

Sarah Pless Simmons (Signature of Property Owner or Authorized Representative) 9.29.2018 (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

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Date Received: 10/16/18 Application Number: 218-11 Fee: \$500.00

Received by Member of Staff: SCP (Initials) Date of Payment: 10/16/18 Receipt Number: 000283-0004

- COPY OF PLOT PLAN OR AREA MAP
- NOTARIZED AUTHORIZATION

- COPY OF DEED
- PAYMENT OF FEE

Date of Staff Review: _____ Date of Public Hearing: 12/11/18
 Planning Board Review: _____ Recommendation: _____ Date: _____
 Commissioner's Decision: _____ Date: _____

CURRENT ZONING:

(R-1) SINGLE FAMILY LIMITED
<u>(1) Uses allowed by right:</u> Dwelling, Single-Family; Essential Services Class 1; Recycling Deposit Station, accessory; and Taxidermy.
<u>(2) Uses allowed by right with supplemental regulations:</u> Automobile Hobbyist; Bona Fide Farms, Botanical Garden; Churches/ Place of Worship; Day Care Center, Class A; Day Care Center, Class B; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Landfill, Land Clearing and Inert Debris, Minor; Marina, Accessory; Maternity Home; Park; Planned Residential Development (PRD); Private Residential Quarters (PRQ); Produce Stand; Restaurant within other facilities; Schools, Elementary & Middle (public & private); School, Senior High (public & private); Stadium; Telecommunication Antennae and Equipment Buildings; and Traditional Neighborhood Development (TND).
<u>(3) Uses allowed with a conditional use permit:</u> Library; Museum; and Zoo
<u>(4) Uses allowed with a conditional use permit, with supplemental regulations:</u> Bed and Breakfast; Cemetery; Country Club; Day Care Center, Class B; Essential Services Class 4; Fraternal & Service Organization Meeting Facility (non- or not-for profit) 0-9,999 sq. ft. GFA; Golf Course, Golf Driving Range, Golf Miniature; Maternity Home; Park; Parking Lot; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Stadium; Tower and/or Station, Radio; and Wood Waste Grinding Operation.
<u>(5) Existing Use subject to supplemental regulations:</u> Dwelling, Manufactured Home Class C; and Dwelling, Manufactured Home Class D, Manufactured Home Park.
<u>(6) By Conditional Zoning:</u> Marina, Commercial
<u>(7) By Conditional Zoning with supplemental regulations:</u> Planned Residential Development (PRD); and Planned Unit Development (PUD), and Traditional Neighborhood Development (TND).
<u>(8) By Special exception:</u> None
<u>(9) By Special exception with supplemental regulations:</u> Family Care Home

PROPOSED ZONING:

(C-1) 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 sq. ft. 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+ sq. ft. 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 sq. ft. GFA; Shopping Center, 25,000-49,999 sq. ft. 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+ sq. ft. GFA; Medical Offices,50,000-99,999sqft GFA; Offices, excluding Medical, 50,000-99,999sqft GFA; Transit Station

<p>(4) <u>Uses allowed with a conditional use permit, with supplemental regulations:</u> 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+ sq. ft. 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</p>
<p>(5) <u>Existing Use subject to supplemental regulations:</u> Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park</p>
<p>(6) <u>By Conditional Zoning:</u> None</p>
<p>(7) <u>By Conditional Zoning with supplemental regulations:</u> Multi Family Development; Planned Residential Development (PRD); Planned Unit Development (PUD); Residential Infill Development; Traditional Neighborhood Development (TND)</p>
<p>(8) <u>By Special Exception:</u> None</p>
<p>(9) <u>By Special Exception with supplemental regulations:</u> Family Care Home</p>



**Gaston County
North Carolina**

Vicinity Map

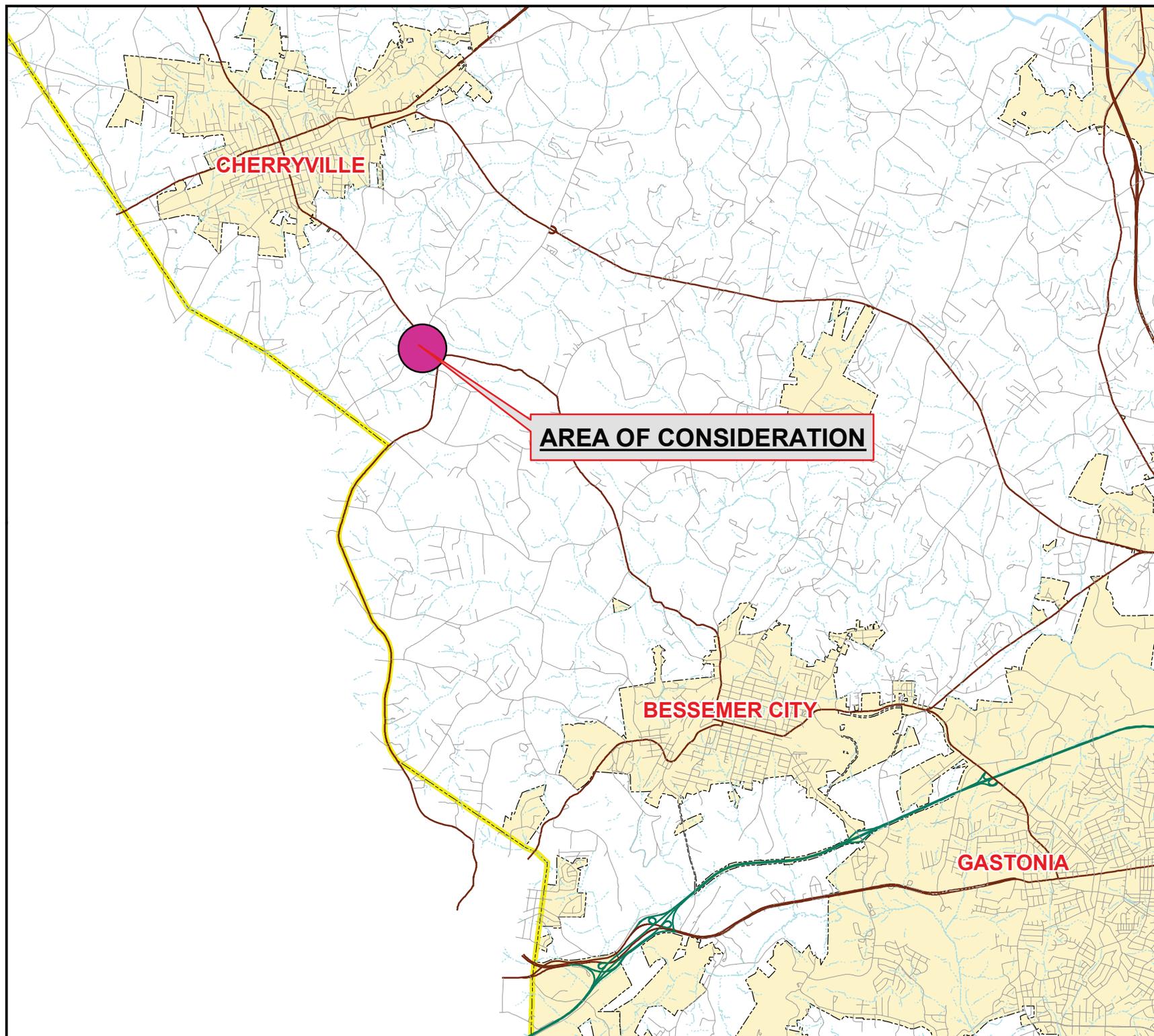
Z18-11

Legend

-  Minor Roadways
-  Major Roadways
-  Area of Consideration
-  Municipalities

Although strict accuracy standards have been employed in the compilation of this map, Gaston County does not make or imply any warranties or assume any responsibility for the information presented on this map or its use.

This map may not be read or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 132-10.





Gaston County Zoning Review Overview Map

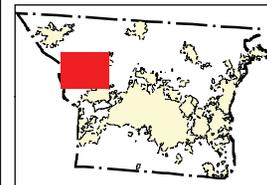
2018 Pictometry

Z18-11

Legend

 Subject Area

 Property Parcels



This map is intended for use by the Gaston County Board of Commissioners, in the review of mhp expansion requests.

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

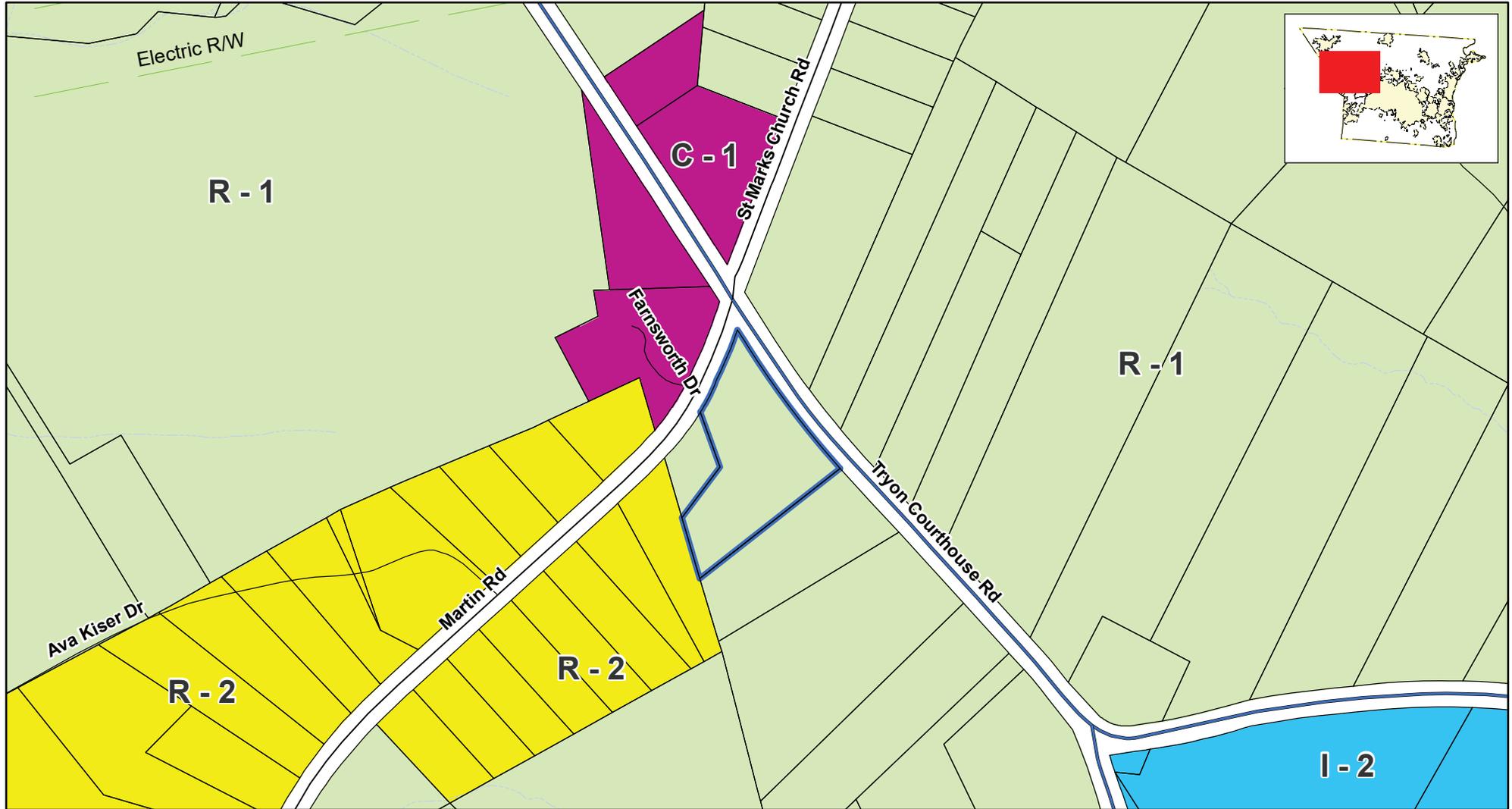
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This map is for zoning purposes only - Not to be used for conveyance.

Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undesignated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



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**GASTON COUNTY
ZONING REVIEW MAP**

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

Area of Consideration



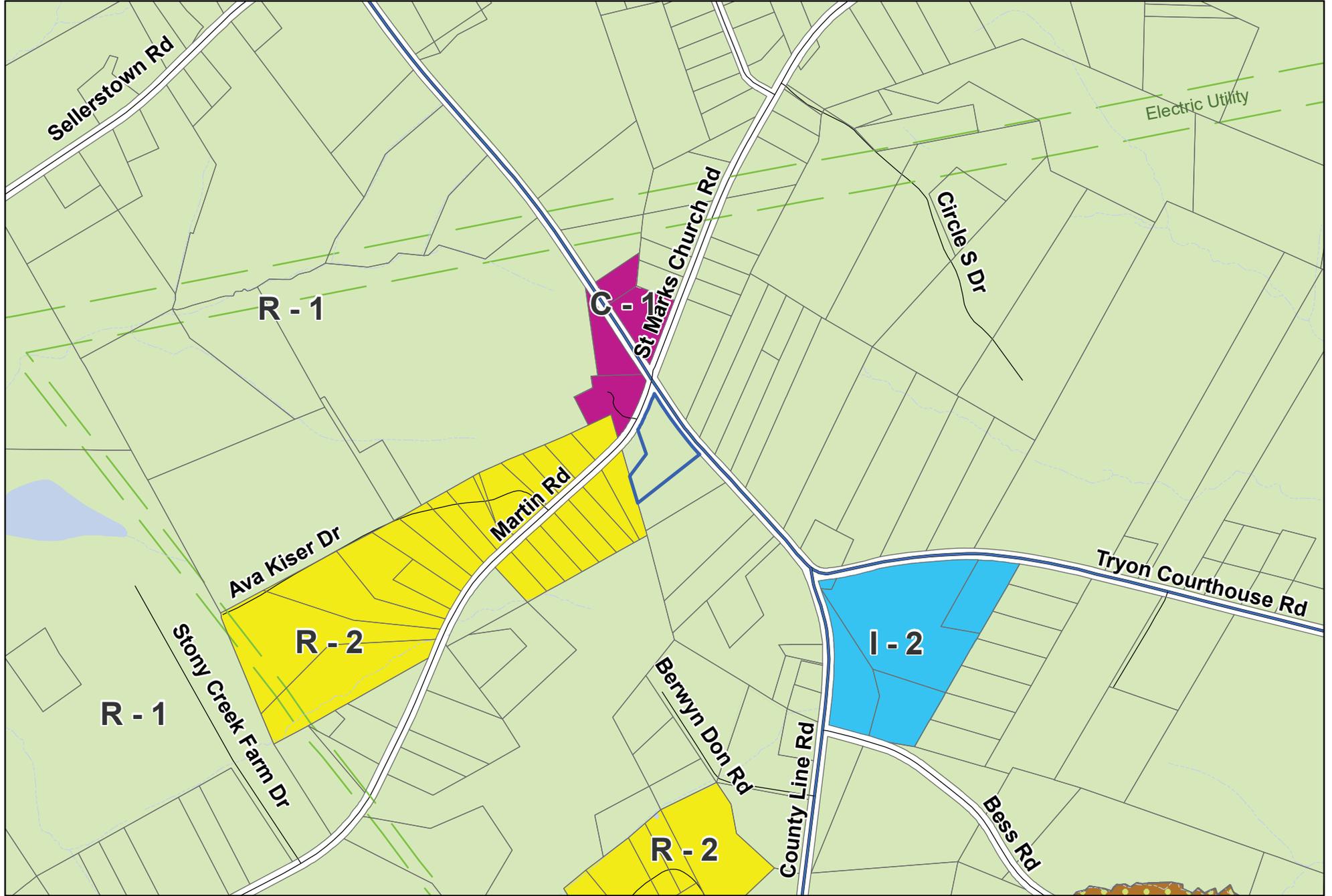
0 80 160 320 480 640 Feet

Applicant: Z18-11
Parcel Id: 162149

Request Re- Zoning from:
R-1 Single Family Limited
To: C-1 Light Commercial

Map Date: 11/19/2018

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY Zoning Map

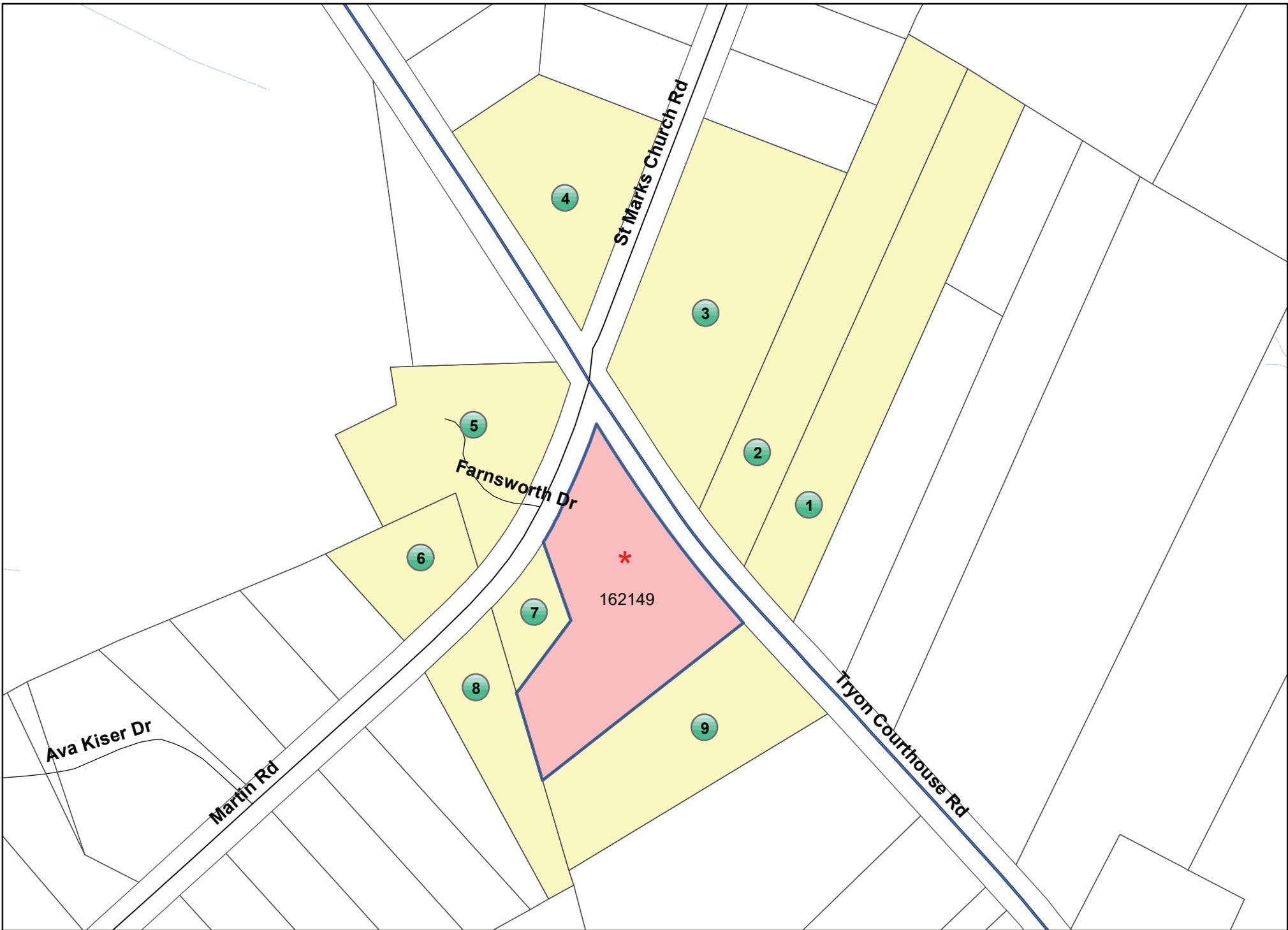
"Applicant: Z18-11"

 Subject Area



0 205 410 820 Feet

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



Z18-11 Subject and Adjacent Properties Map

See reverse side for listing of property owners

 Subject Property

Z18-11 Owner and Adjacent Property Listing

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME 1</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	162149	SIMMONS SARAH PLESS		212 TODD REECE LANE	GASTONIA	NC	28056
1	162142	SMITH CHRISTOPHER DAVID	SMITH NICOLE P	119 CIRCLE S DR	CHERRYVILLE	NC	28021-8433
2	162143	GRAHAM GREGORY F	GRAHAM RENAE R	3042 TRYON COURTHOUSE RD	BESSEMER CITY	NC	28016-0000
3	222602	ROLLINS GARY AARON	ROLLINS HEATHER	1229 YARN MILL RD	SHELBY	NC	28150-8327
4	162092	WRIGHT JERRY D	WRIGHT CATHY B	414 ST MARKS CHURCH RD	BESSEMER CITY	NC	28016-0000
5	162145	GANTT DENNIS W	GANTT ROBIN G	439 CHESTNUT RIDGE RD	KINGS MOUNTAIN	NC	28086-0000
6	162932	PAYNE CONLEY WILLARD LIFE EST	ATTN: JONATHAN EDWARDS	1817 MARTIN ROAD	KINGS MOUNTAIN	NC	28086
7	162146	FARRIS RICHARD B		2463 CAMP CREEK ROAD	UNION MILLS	NC	28167
8	162933	MAYHUE AMY J		1816 MARTIN RD	KINGS MOUNTAIN	NC	28086-0000
9	162148	BRAZIL KEITH F		3029 TRYON COURTHOUSE RD	BESSEMER CITY	NC	28016-7650