

# GASTON COUNTY REZONING APPLICATIONS

REZ-23-01-06-00138

## STAFF REPORT

### APPLICATION SUMMARY

**Requests:**

**REZ-23-01-06-00138: (Residential and Commercial Sites) -**

<b>Applicant(s):</b>	<b>Property Owner(s):</b>
Riverbend Preserve LLC	Riverbend Preserve LLC
<b>Parcel Identification (PID):</b>	<b>Property Location:</b>
Portion of 202649, 226548, and 304413	NC 16 and Killian Rd.
<b>Total Property Acreage:</b>	<b>Acreage for Map Change:</b>
All three parcels combined, according to tax records: 447.32 acres	Total acreage for development areas B, C, D, and E: 324.75 acres
<b>Current Zoning:</b>	<b>Proposed Zoning:</b>
(R-1) Single Family Limited with (SH) Special Highway and (US) Urban Standards overlays	(CD/C-1) Conditional Light Commercial and (CD/RS-8) Conditional Single Family 8,000 sqft. zoning districts with Special Highway (SH) and Urban Standards (US) overlays.
<b>Existing Land Use:</b>	<b>Proposed Land Use:</b>
Vacant and undeveloped	Planned Residential Development (PRD) and Commercial Retail

### COMPREHENSIVE LAND USE PLAN

**Area 3: Riverfront Gaston / Northeast Gaston**

This area has the potential for suburban development. The region is unique in that there are high numbers of trips along Highway 27 and NC 16; however, travelers either continue into Lincoln County or into other areas of Gaston County. There are pockets of rural communities and then the comprehensive land use plan envisioned this specific area (the project area) to consist of suburban development.

Key issues for citizens in this area include: the 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: Suburban Development**

The Suburban Development future land use envisions a significant presence of single-family residences that exist around commercial pockets representing a standard suburban center. This typically looks like subdivisions built around services for these communities.

**Comprehensive Land Use Goals:**

This rezoning meets the following goals of the Comprehensive Land Use Plan:

**Goal 3: Improve energy, water, and telecommunication throughout Gaston County.**

This development/request meets Goal 3 of the CLUP as the provision of utilities from Lincoln County into Gaston County meets the objectives of this goal.

**Objectives include:**

- Target funding for utilities to strategic areas where the return on investment will be the greatest
- Provide utilities in underserved areas to help increase improvement momentum.

**Goal 4: Enhance quality of life to absorb growth while focusing on commercial and community resources, walkability, and agricultural preservation.**

This development/request meets Goal 4 of the CLUP as the development of industrial and commercial uses near residential uses meet the objectives of this goal. The CLUP states that the County seeks to encourage resources being expanded into the unincorporated areas of the County to support the overall health and well-being of the County. Examples of this include creating different types of neighborhoods to suit different residents and creating better quality communities instead of just increasing quantity.

**Objectives include:**

- Set aside quality commercial areas along corridors for development to reduce pressure on sensitive natural resources areas
- Work to create a network of walkable communities that can support each other economically

**Goal 5: Foster communication and collaboration among the leadership of municipalities and the County to coordinate strategic investments.**

This development/request meets Goal 5 of the CLUP as the coordination with Lincoln County that will take place as a result of this development meets the objectives of Goal 5.

**Objectives include:**

- Encourage a county-wide partnership to support local and regional initiatives
- Take a regional approach to updating utilities for EPA requirements, maintenance needs, and expansion
- Municipalities working together with Gaston County to target areas for development

**Goal 7: Emphasize the importance of our natural resources through highlighting natural environments and encouraging the use of environmental recreation.**

This development/request meets Goal 7 of the CLUP as the developer/applicant is proposing large buffers and protective measures for the existing natural resources on the lot. They have also agreed to work with the Carolina Thread Trail to create a portion of the trail within the proposed development.

**Goal 8: Increase economic development throughout the County by supporting municipalities and improving viable job opportunities.**

The provision of space for industrial and commercial uses in the overall development site meet the objectives of goal 8 as the uses will allow for an increase in economic development and provide new job opportunities for Gaston County residents.

**Staff Recommendation:**

Staff finds that the application, as presented, is consistent with the goals and future land use designation listed in the Comprehensive Land Use Plan. Staff has provided a list of recommended conditions of approval for consideration by the Board of Commissioners.

**UTILITIES AND ROAD NETWORK INFRASTRUCTURE****Water/Sewer Provider:**

Public water and sewer systems will be provided by Lincoln County.

**Road Maintenance:**

All proposed streets shall be built to NCDOT standards and petitioned to be turned over to NCDOT for maintenance. If NCDOT does not accept the roads, all roads will be recorded as private roads with maintenance to be completed by the tenants or the development team.

NC 16 is an NCDOT-owned and maintained right-of-way.

**Technical Review Committee (TRC) comments:**

The following departments did not have any comments at this time:

- Building and Development Services Site Plan Review Team
- Health Department

Comments from the Natural Resources Department:

- All development will need erosion control approval and stormwater approval
- Chewacla Loam soils are on the site. This soil is generally not used for building sites, sanitary facilities, and recreational development as it is frequently flooded
- The Soil & Water Conservation District Board has concerns with the density of this development in the Mountain Island Watershed – IV – they would like to see reduced density and increased stream buffers

*Planning and Zoning Staff Input: The comments from the Natural Resources Department have been addressed in the proposed conditions for each of the rezoning requests for this development.*

Comments from the Gaston Cleveland Lincoln MPO:

- Letter from the GCLMPO has been included in the staff packet

Gaston County Police and GEMS:

No objections to land dedication for a potential substation.

*Planning and Zoning Staff Input: The condition stating that one acre shall be given to Gaston County for the purpose of a police and/or EMS station has been left in the Overall Notes of the site plan. (Item 7)*

Gaston County Fire did not have comments, however they received comments from the Fire Chief of the Lucia Riverbend Volunteer Fire Department.

Comments/Concerns from David Toomey:

- Need for another fire station
- Need 6 additional personnel
- Will need at least 1,000 gal/min. on the last fire hydrant \*
- Concerns over traffic
- Poor access to the different parcels with no road upgrades
- Hydrant Placement \*

*Planning and Zoning Staff Input:*

*\*These items are required by fire code and will be addressed during the construction/final site plan review if the rezoning requests are approved.*

## STAFF SUMMARY

**Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning**

Development Areas B, C, and D will have access off of Killian Rd. Development area E will have access off of NC Business 16. The proposed uses for these areas are residential and light commercial.

This project was originally brought before the county in 2019, however no action was taken on the request. Since the initial submittal, the following changes have been made:

- Eliminated multi-family housing
- Decreased from 1,100 residential units
- Enhanced water quality measures
- Relocated access on Killian Rd. (east side of NC 16)

The applicant/developer's team advertised and held two public interest meetings as required by the UDO. The first meeting was held on-site on February 22<sup>nd</sup> from 4 pm to 6 pm. The second meeting was held on March 3<sup>rd</sup> from 6 pm to 8 pm at the Mount Holly Municipal Building. The following topics were brought up by the neighbors who attended the meetings in regard to Development Areas B, C, D, and E:

Planning and Zoning Staff Comments are in Blue

- Stormwater Runoff – The applicant's team is proposing what is required for a high-density development without knowing if a high-density permit will be required. If the development ends up being high-density, then all requirements for stormwater and erosion control measures will be reviewed during the construction plan phase and all requirements will have to be met before permits will be issued by the Natural Resources Department
- Concerns about the existing traffic on NC 16 – The TIA that was completed in 2019 and 2020 takes into account pre Covid-19 pandemic traffic numbers and mitigation efforts were based on the development's original proposal which included 1,100 residential units
- Concerns about water being brought in from Lincoln County – the UDO requires public water and sewer systems for a development of this size and does not restrict where the utilities come from
- Concerns as to whether or not there will be a bike lane on NC 16 (Traffic consultant stated that this would be up to NCDOT to require) – this would have to be required by NCDOT since NC 16 is their road
- Proposed lot width – The proposed lot width meets the required road frontage for lots within the county. The required lot width for lots in the (RS-8) zoning district is 60'. The 60' is measured at the front building plane of the house, however, lots in the (RS-8) district (and any district) are only required 50' of road frontage.
- Entrances on Killian Rd. on the east side of NC 16 being dangerous – Killian Rd. is owned and maintained by NCDOT, so any changes to it would have to be required by NCDOT
- Potential Cemetery on the east side of the residential development area – the applicant has offered to have a cultural survey completed to look for any signs of an existing cemetery on the land. If evidence of a cemetery is found then the applicant/developer will take all necessary measures to protect and maintain the existing cemetery.
- Overall TIA Concerns and what is being recommended by NCDOT – the NCDOT approved the TIA that was completed by the applicant's traffic engineer
- Potential House Sizes – The UDO does not have a minimum/maximum on square footage for single family dwellings. It does cap building height, but that was not brought up as a concern during the PIMs
- Impact this development will have on schools – Staff reached out to Gaston County Schools and shared the proposed site plan. Gaston County Schools stated that they are able and prepared to handle any students that could come from this development.
- EMS/Police Response Times – The applicant is proposing to give one acre of land to Gaston County to be used for a police and/or EMS station
- BMP locations – These will be reviewed during the construction plan and final site plan review phase only if the rezoning requests are approved

- Construction material of the proposed houses – The applicant has agreed that vinyl will not be used as a siding option for the residential structures. Because a builder has not been selected, staff recommended a condition that states at least two materials will need to be used on the front facade of the residential structures, and an architectural package will need to be submitted for review once a builder has been selected.
- Impact development will have on the existing wells in the area – Staff does not believe that the development will have a significant impact on the existing well and septic systems in the area.
- Location of potential construction entrances – This is something that can be addressed in the conditions of approval if the developer is okay with it.
- Potential sound barriers – The UDO only requires landscape buffers, not sound barriers.
- Killian Rd. not being large enough for commercial vehicles – This is not something staff can regulate as Killian Rd. is a NCDOT maintained road.
- Potential endangered species in the development project site – The applicant is proposing to have an Environmental Phase 1 survey of the land completed. Staff has also recommended a condition of approval that states if species of special concern are found within the development site then the applicant/developer will need to obtain Wildlife Development Friendly Certification through the North Carolina Wildlife Resources Commission.

### **Traffic Impact Analysis (TIA)**

This project was first brought to the County in 2019. A Traffic Impact Study for the development was completed between 2019 and 2020. Lincoln County and NCDOT both accepted the study. They did not require a new study to be completed as the traffic numbers used in the original TIA were higher than what the numbers would have been if they redid the study as the newer data would have reflected traffic counts during the Covid-19 pandemic and the “Great Recession”, where there was significantly less traffic. The original TIA was also completed with the original number of proposed housing units which was 1,100. The number of proposed lots has come down to 725.

Since the NCDOT has reviewed and accepted the proposed traffic improvements, Gaston County staff did not require a new TIA to be completed. A copy of the TIA documents are available for review. The TIA does reflect the original site entrances that were being proposed in 2019. The access roads on Killian, east of NC 16, have been adjusted since the original TIA was completed.



Figure 1 - Access Points for East Side of the Development  
- the Industrial site will only have access off if NC 16 on the Lincoln County side of the County Line

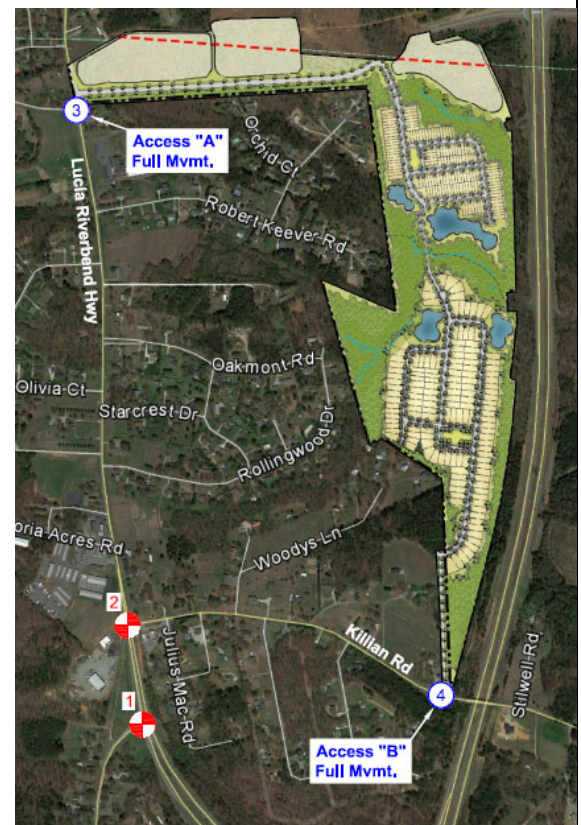


Figure 2 - Access Points for West Side of the Development



### **Open Space**

The applicant is providing more than the required amount of open space for the development as a whole. A breakdown of the required and proposed open space is provided in the table below.

### **Stormwater and Erosion Control Measures**

The applicant is providing what is required for a high-density development in the Mountain Island Protected IV Watershed. If the development is not classified as high density (which will be determined during final site plan/construction document review), then the proposed measures will exceed what is required by the ordinance.

### **Schools**

The applicant is proposing to provide \$1,000.00 for each single-family home that is built on the development site to go towards Gaston County Schools. Planning and Zoning staff reached out to Gaston County Schools, who stated, *"Gaston County Schools remain prepared to accommodate and adjust to meet the needs of a changing population and look forward to a growing and diverse student population."*

### **Proposed Features and Relief Requests**

<b><u>UDO Section</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Section 7.5 – Bulk and Dimensional Standards	<u>Zoning District: (C-1)</u> Lot Area: 5,000 sqft. Lot Width: 70' Front Yard Setback: 30' Side Yard setback: 7' Rear Yard Setback: 20'  <u>Zoning District: (RS-8)</u> Minimum Lot Size: 8,000 sqft. Lot Width: 60' Front Yard Setback: 30' Side Yard Setback: 7' Rear Yard Setback: 20'  Note: The by-right minimum lot size for single-family homes in the (R-1) zoning district with access to public water and sewer systems is 12,000 sqft.	All required dimensional standards will be met for the commercial uses in Development Area E  Relief is being requested for the residential development areas:  <u>Zoning District: (RS-8)</u> Minimum Lot Size: 6,000 sqft. Lot Width: 50' Front Yard Setback: 20' Side Yard Setback: 5' – 10' on corner lots Rear Yard Setback: 25' (greater than what is required – no relief)
Section 7.6.5 - Special Highway (SH) Overlay Standards		Relief <i>may</i> be needed from Section 7.5.6 (E) for Yard Requirements of the residential lots that will be against the Special Highway Overlay. These measurements will be reviewed by staff during the final site plan and plat phase. A minimum of 75' shall be required from the road right-of-way- to the property lines of the residential areas.
Section 7.6.3 – Urban Standards (US) Overlay Standards	Residential Uses: Sidewalks are required on one side of existing	Residential Uses: Sidewalks are being shown on both sides of the streets in the residential areas.

	principal or minor arterial streets and both sides of extensions thereof	All standards in the (US) overlay for commercial uses will be met and reviewed during site plan review for each individual structure in Development Area E.
Section 8.1.11 – Planned Residential Development (PRD) Supplemental Regulations	<p>Utilities: Shall be served by a public or community water and sewer system</p> <p><b>Density</b> Max. Density for high development in the Mountain Island IV watershed for a development with a curb and gutter system is 3 dwelling units per acre or 36%.</p> <p><b>Open Space</b> 20% of the gross acreage</p> <p><u>Development Area B:</u> Total Acreage: 193.24 AC Required Open Space: 38.65 AC</p> <p><u>Development Area C:</u> Total Acreage: 65.02 AC Required Open Space: 13.00 AC</p> <p><u>Development Area D:</u> Total Acreage: 33.31 AC Required Open Space: 6.66 AC</p> <p><b>Screening</b> Type B at the fringes of the PRD – Type B Option 1 requires a 20' width buffer, Option 2 requires a 10' width, and Option 3 requires a 5' width</p>	<p>Development is proposing public utilities</p> <p><b>Density</b> Applicant is proposing the following dwelling units per acre:</p> <p>Area B: 193.24 acres - 400 units = 2.07 du/a Area C: 65.02 acres - 175 units = 2.69 du/a Area D: 33.18 acres - 150 units = 4.52 du/a</p> <p><u>The overall residential density for Areas B, C, and D is 2.49</u></p> <p><b>Open Space</b></p> <p><u>Development Area B:</u> Proposed Open Space: 39 AC</p> <p><u>Development Area C:</u> Proposed Open Space: 13 AC</p> <p><u>Development Area D:</u> Proposed Open Space: 7 AC</p> <p><b>Screening</b> Applicant is proposing a buffer that exceeds the requirements outlined in the UDO for PRDs – Type D and 50' landscape buffers in certain areas</p>
Section 9.5 – Minimum Lot Width	<p>50' road frontage to a depth on the lot at which the required minimum lot width is established</p> <p>Minimum lot width required in (RS-8) zoning district: 60'</p>	<p>50' road frontage and lot widths for all single-family homes in Development Areas B, C, and D.</p> <p>Lot widths and road frontage may vary in Development Area D if townhomes are built. (Note: Townhomes are an exception to the lot width requirement)</p>

Signage – Chapter 10		Applicant will submit a separate signage package to be reviewed and approved by Building and Development Services Planning and Zoning staff during the final site plan review phase. Signage for this project may allow for up to 200 sqft. Per sign, landscape lighting, and a height up to 10’ for primary/entrance signage – secondary signage for this project may allow for up to 150 sqft. Per sign, landscape lighting, and a height up to 8’
PLANNING BOARD MEETING DATE		
<b>Meeting Date: March 6, 2023</b> The Planning Board unanimously did not recommend approval of this request.		



**Recommended Conditions of Approval for REZ-23-01-06-00138 (Residential and Commercial Site):**

1. The development shall meet all federal, state, and local codes and the requirements and conditions outlined in the attached site plan.
2. A reduced setback from Hwy NC 16 may be granted administratively for all residential and commercial uses but shall never be less than 75'. This setback area shall be heavily landscaped or left as wooded area.
3. Sidewalks shall be a minimum of 5' in width and built to NCDOT standards. The location of sidewalks may be reviewed by staff during the final site plan phase. Staff may waive the sidewalk requirement in specific areas of the development if the proposed sidewalk location is not feasible or will not serve a logical purpose for the development's residents.
4. Engineered and approved by NCDOT plans for all TIA mitigation infrastructure will be required during the final site plan review phase.
5. Block lengths within the PRD shall be reviewed by Building and Development Planning staff during the final site plan and final plat review phase. The block length requirement in Section 8.1.11 Section 12.e may be waived administratively.
6. Architectural requirements for single-family homes and attached residences shall meet the standards in Section 8.1.11. The applicant/development team shall provide an architectural package to the Building and Development Planning and Zoning staff once a builder has been selected for the residential development areas. The architectural package shall be reviewed and approved administratively prior to the issuance of any zoning permits.
7. A cultural resources inventory/assessment shall be conducted during final site plan review phase. If evidence of a cemetery is produced, the developer shall provide a maintenance and protection plan to be reviewed and approved by Building and Development Services Planning and Zoning staff.
8. Slab on grade will not be allowed for any residential products.
9. A copy of the proposed and actual timbering plan shall be provided to Building and Development Services prior to final site plan review to allow staff the opportunity to review the limits of disturbance. If disturbance exceeded the 100' buffer from top of stream bank on each side, the developer shall restore the riparian area using native species as approved by Gaston County Natural Resources Department.
10. If the environmental site survey returns any evidence of species of special concern, then the developer shall follow all recommendations of the environmental impact study and shall obtain Wildlife Friendly Development Certification through North Carolina Wildlife Resources Commission.
11. Reword condition 11 under the Overall Notes Section on page RZ-5 to ensure that 2 and 10-year post-construction stormwater detention requirements as outlined in the NCDEQ stormwater design manual.