



RESOLUTION TITLE: ZONING MAP CHANGE: Z21-11 SAMUEL B. CANNON JR. (APPLICANT); PROPERTY PARCEL: 206987, LOCATED AT 1203 FREEDOM MILL RD., GASTONIA, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT WITH (US) URBAN STANDARDS OVERLAY TO THE (R-2) SINGLE FAMILY MODERATE ZONING DISTRICT WITH (US) URBAN STANDARDS OVERLAY

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on May 25, 2021 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 206987
Applicant(s): Samuel B. Cannon Jr.
Owner(s): Joan Foy Cannon
Property Location: 1203 Freedom Mill Rd.
Request: Rezone Parcel 206987 from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS, the Planning Board recommended approval of the map change for parcel: 206987, located at 1203 Freedom Mill Rd., Gastonia, NC, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay on May 10, 2021 based on: staff recommendation; and the request is reasonable and in the public interest and the request is in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Rural Community future land use plan. Rural communities are areas in the largely Rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway. Driving through these areas, you feel like you are in a neighborhood and, these areas may not serve a purpose other than providing homes, but still maintain a neighborhood look and feel. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural Community designation and is in harmony with other residential uses within the immediate vicinity.

Motion: Vinson Second: Ally Vote: 6-3
Ayes: Ally, Harris, Hollar, Houchard, Hurst, Vinson
Nays: Brooks, Fallon, Horne
Absent: None
Abstain: None

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-134	05/25/2021	TK	BH	A	N	A	A	A	AB	A	5 - 1

DISTRIBUTION:

Laserfiche Users

Zoning Map Change: Z21-11 Samuel B. Cannon Jr. (Applicant); Property Parcel: 206987, Located at 1203 Freedom Mill Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay
Page 2

NOW, THEREFORE, BE IT RESOLVED that the County Commission, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural Community future land use plan. Rural communities are areas in the largely Rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway. Driving through these areas, you feel like you are in a neighborhood and, these areas may not serve a purpose other than providing homes, but still maintain a neighborhood look and feel. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural Community designation and is in harmony with other residential uses within the immediate vicinity.

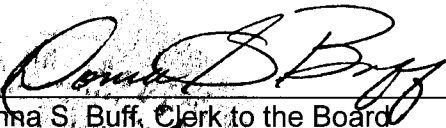
The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore the map change request for Property parcel: 206987, is hereby approved, effective with the passage of this Resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.



Tom Keigher, Chairman
Gaston County Board of Commissioners

Attest:



Donna S. Buff, Clerk to the Board



SEAL

General Rezoning Application (Z21-11)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

Applicant:

Samuel B. Cannon Jr.

Property Owner(s):

Joan Foy Cannon

Parcel Identification (PID):

206987

Property Location:

1203 Freedom Mill Rd. (Gastonia)

Total Property Acreage:

0.53 ac

Acreage for Map Change:

0.53 ac

Current Zoning:

(R-1) Single Family Limited with (US) Urban Standards Overlay

Proposed Zoning:

(R-2) Single Family Moderate with (US) Urban Standards Overlay

Existing Land Use:

Vacant / Residential

Proposed Land Use:

Residential / Single Family (Manufactured Double Wide)

COMPREHENSIVE LAND USE PLAN

Area 5: Scenic Gaston / Southwest Gaston

Key issues for citizens in this area include : preservation of open space; road improvements and better connectivity to other areas of the County; preservation of existing conditions while allowing low to moderate growth; repurpose vacant buildings and facilities for new economic opportunities; and, increased commercial opportunities along existing major thoroughfares.

Comprehensive Plan future Land Use:

Rural Community – areas in the largely Rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway; driving through these areas, you feel like you are in a neighborhood; and, these areas may not serve a purpose other than providing homes, but still maintain a neighborhood look and feel.

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: 0

Total Value of Sales: \$0

Low Sale

High Sale

Average Sale

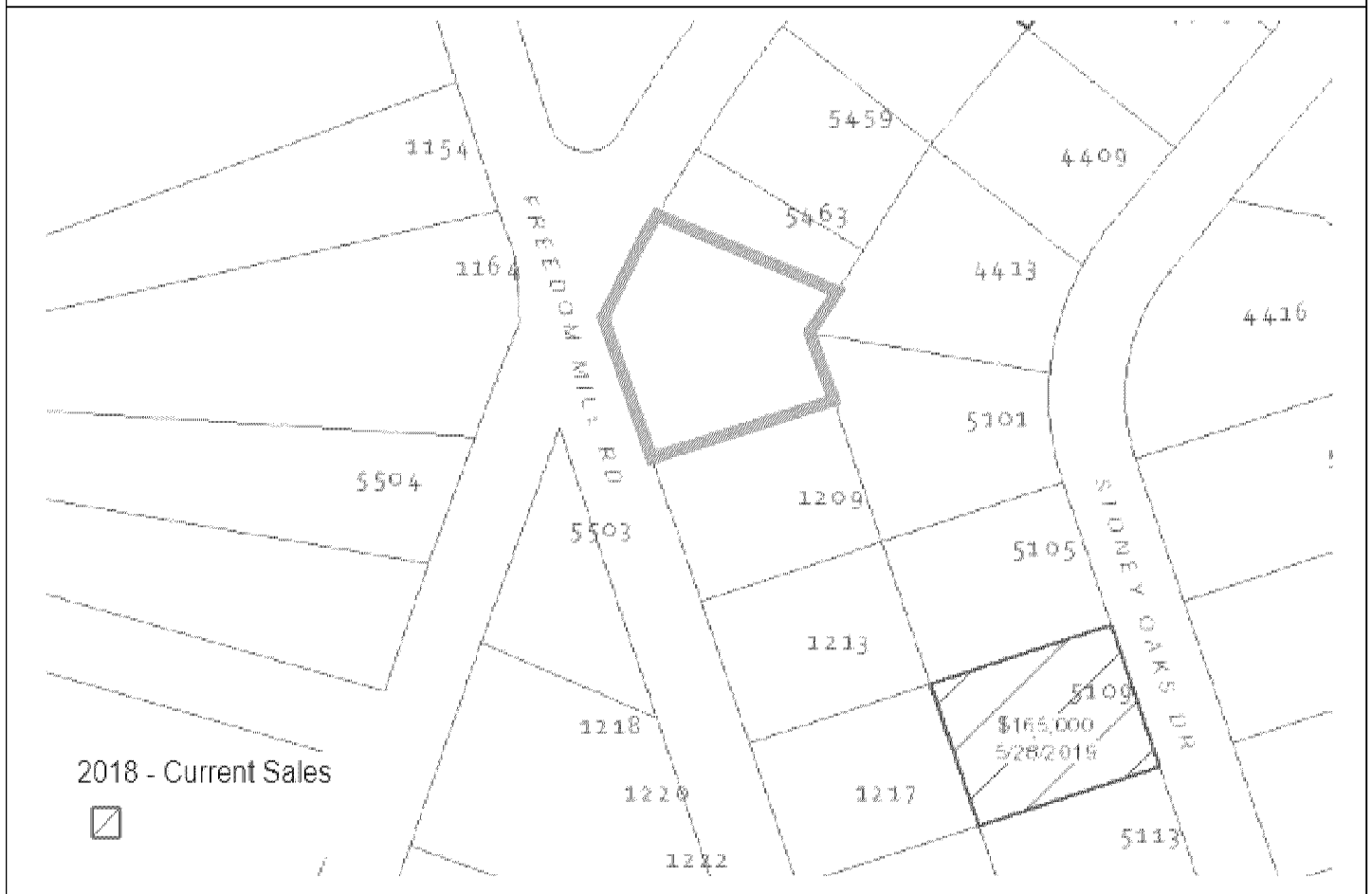
\$0

\$0

\$0

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 residential area of the south western region of the county. The location is primarily residential in nature, with a commercial uses in the immediate vicinity. While the majority of housing styles are site built in nature, there are non-conforming homes close to the subject site (single-wide manufactured), providing a variety of housing types in the community.

If approved, any uses allowed in the (R-2) Single Family Moderate Zoning District, with (US) Urban Standards Overlay), 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: May 10, 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 that a residential structure was formerly in place, prior to burning and being demolished.

The applicant and property owner was not present tonight. Staff conveyed that the applicant had expressed an interest in placing a double-wide manufactured home on the property in order for a family member (sister) to live adjacent to their mother.

A motion was made for approval and seconded. Discussion followed immediately, to which Board members discussed in length, the effects a manufactured home might have on adjoining properties; the architecture and aesthetics of manufactured homes; whether staff could discourage applicants from choosing to purchase manufactured homes and guide them towards site built homes; and, whether the ordinance could be changed to provide for more regulations regarding manufactured homes.

Board members were reminded that this application is a general rezoning and that all uses within the (R-2) Single Family Moderate zoning district should be considered. It was further reiterated by the Director that staff cannot discourage any applicant from a housing type and that word choices should be considered and careful. It was decided, through discussion, that regulations could be revisited at another time, and the topic was redirected to the application.

The Board voted (6) to (3) in favor of approval based upon the following statement of consistency:

The proposed rezoning is in the Rural Community future land use plan. Rural communities are areas in the largely Rural areas where there is a number of residential buildings on smaller lots, built closer to the roadway. Driving through these areas, you feel like you are in a neighborhood and, these areas may not serve a purpose other than providing homes, but still maintain a neighborhood look and feel. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural Community designation and is in harmony with other residential uses within the immediate vicinity.

Board members in attendance: Ally, Brooks, Fallon, Harris, Hollar, Horne, Houchard, Hurst, Vinson

Attachments: Maps, MPO Comments



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 21-11**

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

A. *APPLICANT INFORMATION

Name of Applicant: Samuel B. Cannon Jr.
(Print Full Name)
Mailing Address: 1844 Crowders Creek Rd., Gastonia, NC 28052
(Include City, State and Zip Code)
Telephone Numbers: (704) 860-3917 Gastonia NC 28052
(Area Code) **Business** (Area Code) **Home**
Email: barney.cannon@mme.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: Joan Foy Cannon
(Print Full Name)
Mailing Address: 5459 Lewis Rd., Gastonia, NC 28052
(Include City, State and Zip Code)
Telephone Numbers: 704-864-5659 Gastonia NC 28052
(Area Code) **Business** (Area Code) **Home**
Email: NA

C. PROPERTY INFORMATION

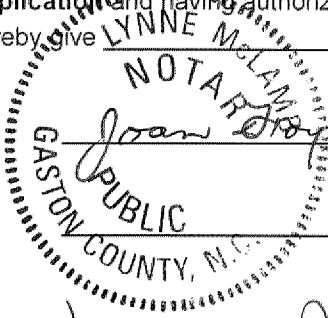
Physical Address or General Street Location of Property: 1203 Freedom Mill Rd. (Gastonia)
Parcel Identification (PID): 206987
Acreage of Parcel: 0.53 +/- Acreage to be Rezoned: 0.53 +/- Current Zoning: (R-1)(US)
Current Use: Vacant / Residential Proposed Zoning: (R-2)(US)

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) 206987
hereby give Samuel B. Cannon Jr. consent to execute this proposed action.
(Name of Applicant)



Joan Foy Cannon
(Signature)

3-19-21
(Date)

(Signature)

(Date)

I, Lynne McLamb, a Notary Public of the County of Gaston
State of North Carolina, hereby certify that Joan Foy Cannon
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and notarial seal, this the 19th day of March, 2021.

Lynne McLamb
Notary Public Signature

2/26/24
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.

Samuel B. Cannon Jr.
Signature of Property Owner or Authorized Representative

3-19-21
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: 03/19/2021 Application Number: Z21-11 Fee: \$500

Received by Member of Staff: SCP Date of Payment: _____ Receipt Number: INV-00024347
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP
☒ NOTARIZED AUTHORIZATION

☒ COPY OF DEED
☒ PAYMENT OF FEE

Date of Staff Review: _____ Date of Public Hearing: 05/25/2021
Planning Board Review: 05/10/2021 Recommendation: _____ Date: _____
Commissioner's Decision: _____ Date: _____

MPO Comments
(Placeholder)

R2 SINGLE FAMILY MODERATE**(1) Uses allowed by right:**

Dwelling, Manufactured Home Class A; Dwelling, Single-Family; Essential Services, Class 1; Recycling Deposit Station, Accessory; Taxidermy.

(2) Uses allowed by right with supplemental regulations:

Automobile Hobbyist; Bona Fide Farms; Botanical Gardens; Churches/ Place of Worship; Day Care Center, Class A; Day Care Center, Class B; Dwelling, Two Family; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Group Home; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Landfill, Land Clearing and Inert Debris, Minor; Marinas, Accessory; Maternity Home; Park; Planned Residential Development (PRD); Planned Unit Development (PUD); Private Residential Quarters (PRQ); Produce Stand; Restaurant, within other facilities; Schools, Elementary and Junior High (Public and Private); School, Senior High (Public and Private); Stadium; Telecommunication Antennae and Equipment Buildings; Traditional Neighborhood Development (TND).

(3) Uses allowed with a conditional use permit:

Animal Grooming Service for household pet (Indoor Kennels); College/University; Essential Services Class 3; Library; Marina, Commercial; Museum; School for the Arts; Upholstery Shop; Zoo.

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

Animal Hospital (Outdoor Kennel); Animal Hospital (Indoor Kennel); Animal Kennel; Bed and Breakfast Inn; Camping and Recreational Vehicle Park; Cemetery; Continuing Care Facility; Country Club; Day Care Center, Class B; Day Care Center, Class C; Essential Services Class 4; Fraternal and Service Organization Meeting Facility (non-or not for profit), 0- 9,999sf GFA; Fraternal and Service Organization Meeting Facility (non-or not for profit), 10,000sf GFA; Golf Course; Golf Driving Range; Golf Miniature; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Park; Parking Lot; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Riding Stables; Rodeo/Accessory Rodeo; Stadium; Tower and/or Station, Radio and Television Broadcast; Wood Waste Grinding Operation.

(5) Existing Use subject to supplemental regulations:

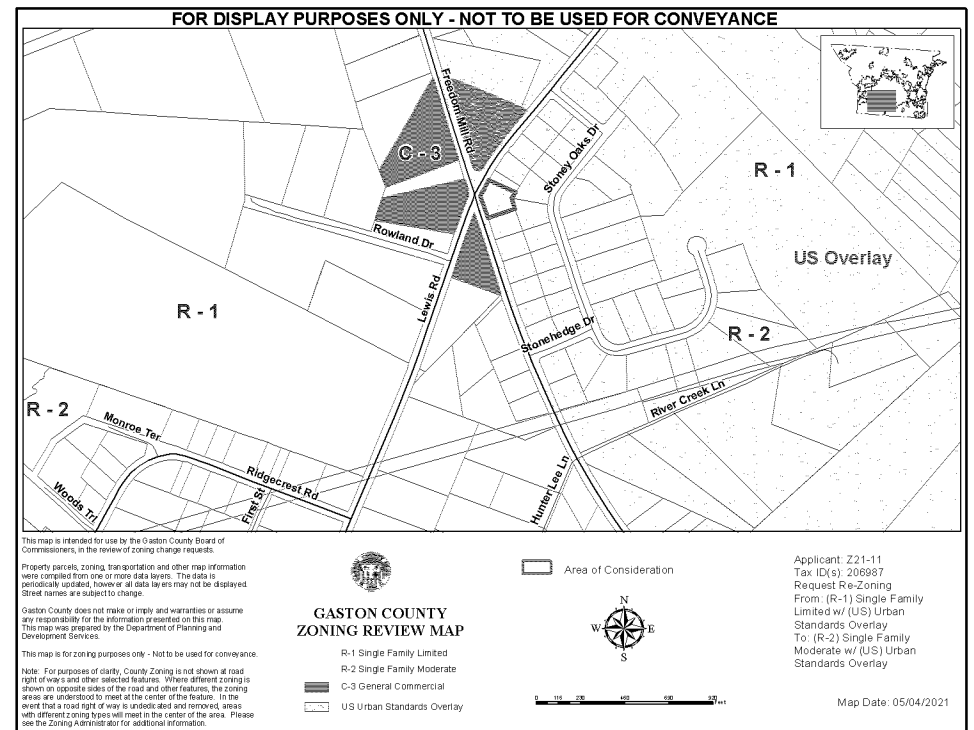
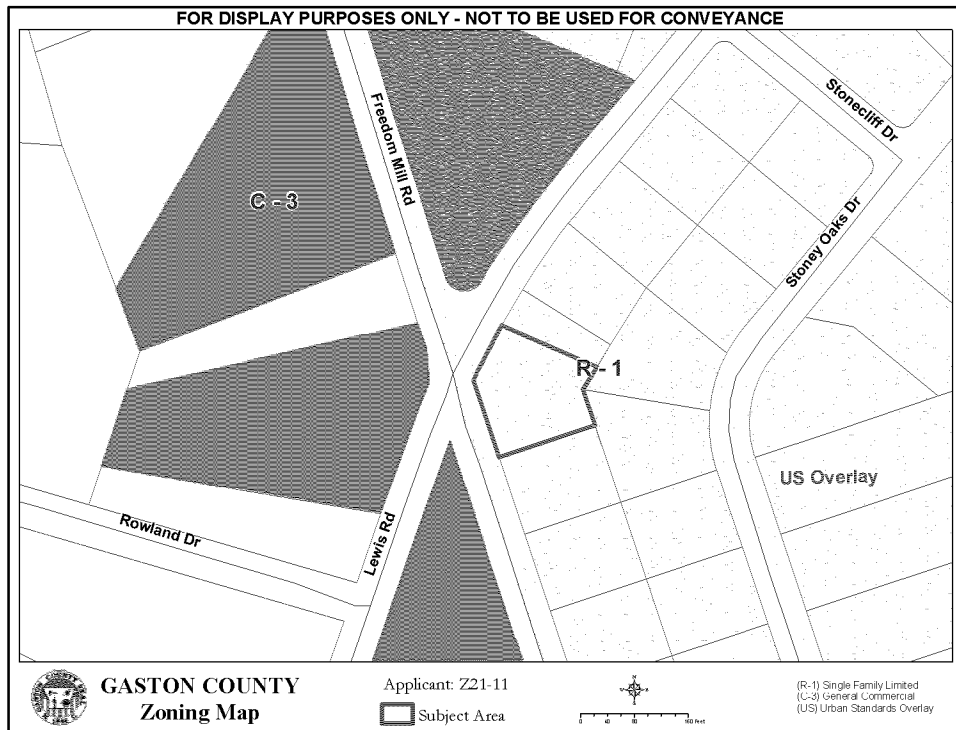
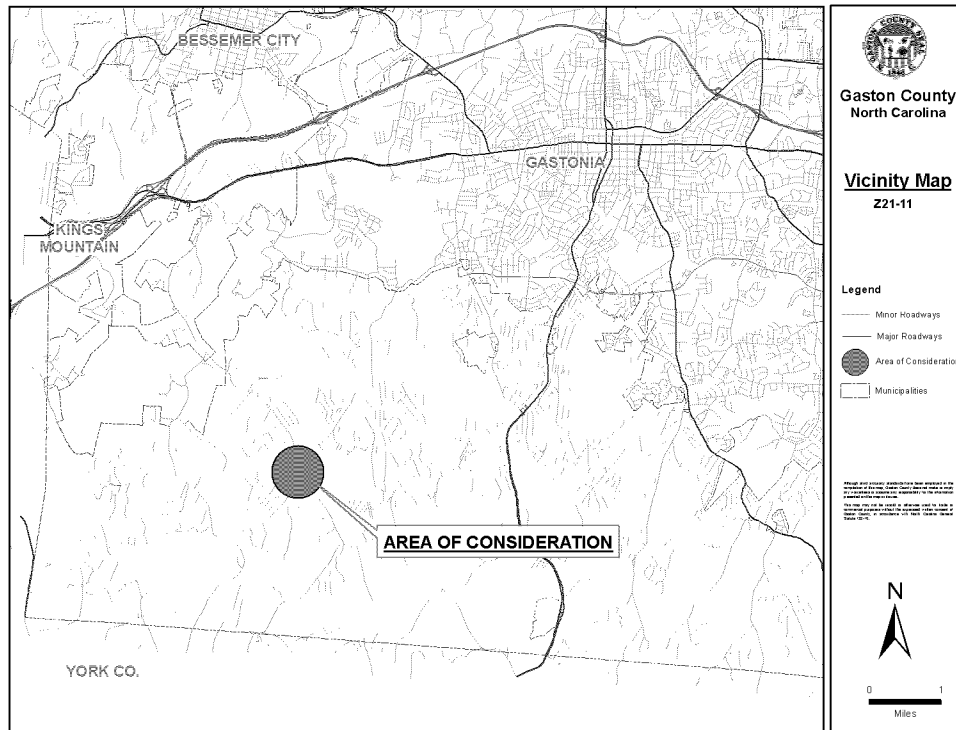
Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park

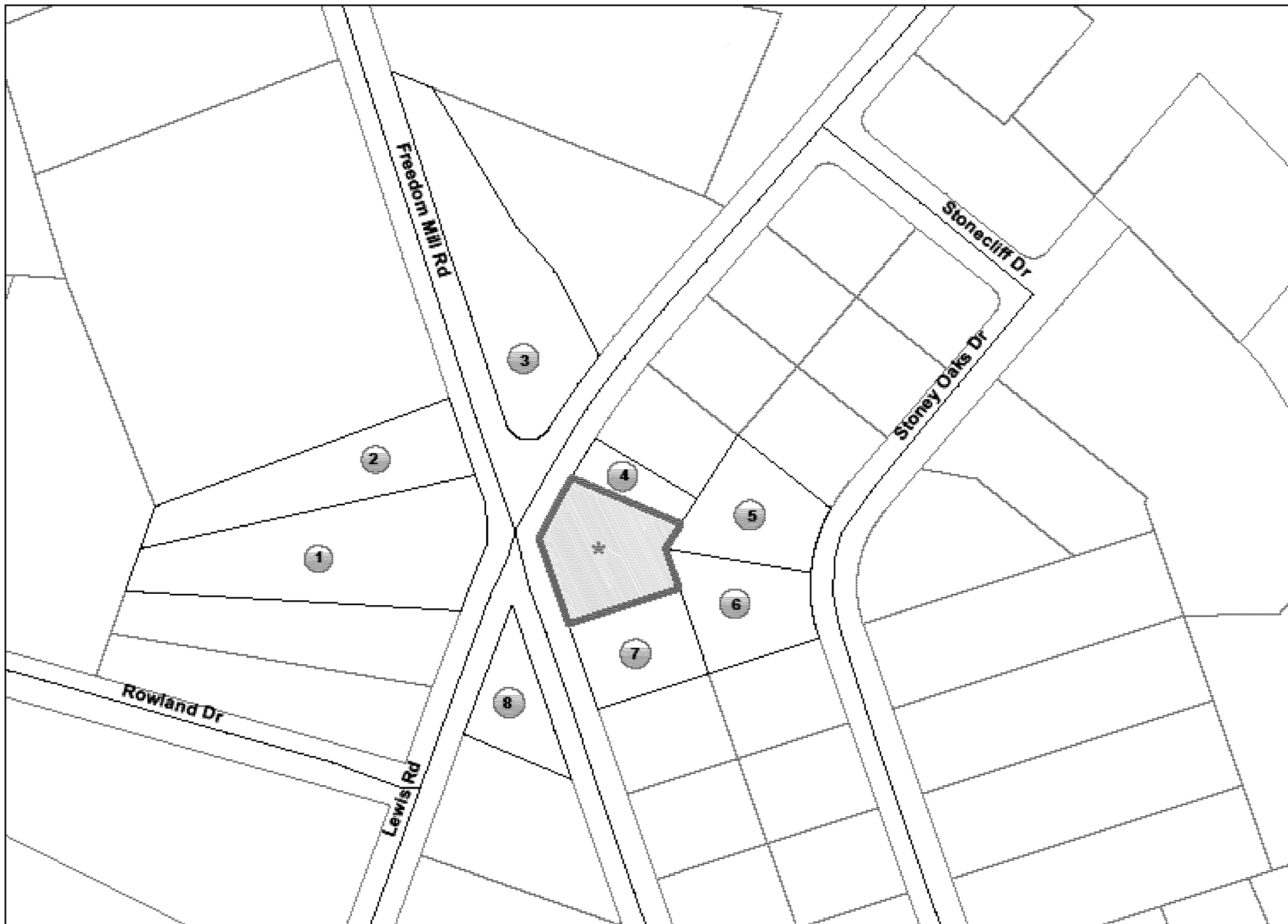
(6) By Conditional Zoning: None**(7) By Conditional Zoning with supplemental regulations:**

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

(8) By Special exception: None**(9) By Special exception with supplemental regulations:**

Family Care Home





Z21-11 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

Z21-11 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>
=	206987	CANNON JOAN FOY LIFE ESTATE		5459 LEWIS RD	GASTONIA	NC	28052
1	155841	SUMMEY NANCY JO ROWLAND	C/O NANCY S RABER	1164 FREEDOM MILL RD	GASTONIA	NC	28052
2	155840	FALLS CARL F JR	ADAMS ANGELA D	1307 LONGBRANCH RD	GROVER	NC	28073
3	201865	RHOM CLARENCE R		5460 LEWIS RD	GASTONIA	NC	28052
4	155924	CANNON JOAN FOY LIFE ESTATE		5459 LEWIS RD	GASTONIA	NC	28052
5	155927	BEAVER TIMOTHY KEITH		4409 STONEY OAKS DR	GASTONIA	NC	28052
6	155926	GRIGG TERRY L	GRIGG PATRICIA C	5105 STONEY OAKS DR	GASTONIA	NC	28052
7	206986	GRIGG TERRY L	GRIGG PATRICIA C	5105 STONEY OAKS DR	GASTONIA	NC	28052
8	155830	RHOM CLARENCE R		5460 LEWIS RD	GASTONIA	NC	28052



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 21-199

Commissioner Hovis - Building & Development Services - Zoning Map Change: Z21-11 Samuel B. Cannon Jr. (Applicant); Property Parcel: 206987, Located at 1203 Freedom Mill Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Samuel B. Cannon Jr. (Applicant); Rezone Parcel: 206987, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (R-2) Single Family Moderate Zoning District with (US) Urban Standards Overlay. A public hearing was advertised and held on May 25, 2021 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on May 10, 2021, and the Commission is requested to consider the public hearing comment, Planning Board recommendation and other pertinent information, then (approve), (disapprove) or (modify) the map change.

ATTACHMENTS

Resolution, Staff Report & Application Packet

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	AFrale	BHovis	KJohnson	TKeigher	TPhillips	Worley	Vote
2021-134	05/25/2021	TK	BH	A	N	A	A	A	AB	A	5-1

DISTRIBUTION:

Laserfiche Users

A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS