

Planning Board Item IV – GENERAL PUBLIC HEARING INFORMATION (PCUP1901)
Board of Commissioners / Planning Board Public Hearing Date February 26, 2019

General Rezoning Application PCUP19-01

Request: To rezone parcel from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use / General Commercial Zoning District (PCUP), in order to allow Contractor’s Office/Equipment Storage Yard

Applicant(s): Justin Dugan

Property Owner(s): Justin K. & Lori L. Dugan

Mailing Address of Applicant: 803 White Jenkins Rd., Bessemer City, NC 28016

Site Information and Description of Area

General Location: 163 Jennings Rd., Dallas

Parcel ID(s): 166155

Total Property Acreage: 26.43 acres

Acreage for Map Change: 1.89 acres

Current Zoning District(s): (R-1) Single Family Limited

General Area Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (R-3) Single Family General, (C-1) Light Commercial, (CU/R-2) Conditional Use / Single Family Moderate

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:

(CU/C-3) Conditional Use / General Commercial – The C-3 District is intended to accommodate the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any of the other commercial zoning districts. Like the C-2 district, the C-3 district is intended to accommodate the community’s larger and most intense commercial developments (outside of the central business district) and is generally located within the Urban Standards Overlay District.

(PCUP) – Parallel Conditional Use Permit – The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. The “parallel conditional use” district (PCUP) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable.

Comprehensive Land Use Plan (Small Area District)

Area 3: Riverfront Gaston / Northeast Gaston (Stanley, Mt. Holly, 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; maintaining the rural “feel” of the area; and, increased commercial opportunities.

Comprehensive Plan Future Land Use: 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

February 8, 2019

Information Attached

Rezoning application; zoning district uses (current and proposed); vicinity map, aerial map, zoning/subject area maps, and adjacent property map with 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 Phone: (704) 866-3195
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578 Fax: (704) 866-3966

PARALLEL CONDITIONAL USE APPLICATION

Complete by either typing or printing legibly in black or blue ink

Application Number: PCUP 19-01

A. * APPLICANT INFORMATION

Name of Applicant: Justin Dugan
(Print Full Name)
Mailing Address: 803 White Jenkins Rd, Bessemer City, NC 28016
(Include City, State and Zip Code)
Telephone Numbers: (704)689-9939 (Area Code) Business (Area Code) Home

** If the applicant and property owner are not the same individual or group, the Gaston County Zoning Ordinance requires written consent from the property owner or legal representative authorizing the Rezoning Application. An Authorization/Consent Form is a separate form, and shall be notarized. In addition, if there are additional property owners, please provide a list of those names with a complete mailing address including city, state and zip code along with a telephone number including area code.*

B. OWNER INFORMATION

Name of Owner: Justin K & Lori L Dugan
(Print Full Name)
Mailing Address: 803 White Jenkins Rd, Bessemer City, NC 28016
(Include City, State and Zip Code)
Telephone Numbers: (704)689-9939 (Area Code) Business (Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 163 Jennings Rd
Property Identification Number (PIN): 166155
Acreage of Parcel: 26.43 +/- Acreage to be Rezoned: 1.89 +/-
Current Zoning: (R-1) Proposed Zoning: (CU/C-3) Conditional Use ^{General} Light Commercial
Current Use: Vacant / Wooded Proposed Use(s): Contractor's Office/Equipment Storage Yard

D.

BURDEN OF PROOF

Section 5.16

Section 5.16.4 - F.2 Parallel Conditional Use District Burden of Proof

- a. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.
- b. The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:
 - i. The use will not materially endanger the public health or safety if located where proposed and developed according to plan; the site will be used only as an operation center for tree service; no customer traffic; no chemicals, hazardous materials, and/or tree debris stored on site at any time.
 - ii. The use meets all required conditions and specifications; working with zoning office to ensure site will be compliant with UDO standards regarding setbacks, buffering, building codes and all other requirements.
 - iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; operation should not be visible to adjoining neighbors or from the roadway; preservation of natural buffering (minimum of 50' - 70') ; and
 - iv. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners. located in the Rural Community of Small Area 3, the site will address key issues for this area which include "preservation of open space" and "increased job and commercial opportunities".

E.

CONDITIONS SETFORTH BY APPLICANT

F.

APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

Justin Dupon
Signature of property owner or authorized representative

11-20-18
Date

JKD Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.

FOR OFFICIAL USE ONLY

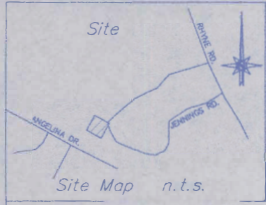
Date Received: 11/20/18 Application Number: PCUP: 18-05 Fee: \$512.00

Received by Member of Staff: SP (Initials) Date of Payment: 11/20/18 Receipt Number: 00003333

Copy of Plot Plan or Area Map Copy of Deed Notarized Authorization Payment of Fee

Parallel Conditional Use Application (PCUP19-01) Conditions

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. If the owner decides to change the proposed project boundary line into a real property parcel line, then the normal buffer yard type requirement shall be installed abutting any residential zoning districts and shall be on the proposed commercial zoning district property. No existing vegetation off the property will be permitted to contribute to the buffer yard.



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | S 28°50'04" W | 12.81' |

- LEGEND**
- = PROPERTY LINE
 - - - - SURROUNDING PROPERTY LINE
 - - - - RIGHT-OF-WAY
 - x - x - FENCE LINE
 - - - - POWER LINE
 - - - - WOODS LINE
 - CM = CONC. MONUMENT
 - EIP = EXISTING IRON PIN
 - IPS = IRON PIN SET
 - MNS = MAGNETIC NAIL SET
 - UP = UTILITY POLE



CURRENT ZONING R-1
SEE GASTON COUNTY UDO FOR ZONING INFORMATION

PROPOSED ZONING C-3
SEE GASTON COUNTY UDO FOR ZONING INFORMATION

PARKING SCHEDULE
VAN ACCESSIBLE HC SPACE = 1
REGULAR SPACES = 2
REQUIRED SPACES = 3

DISTURBED AREA
1.0786 Acres
46994.37 Sq. Feet

IMPERVIOUS AREA
1.0115 Acres
44060.53 Sq. Feet

APPROXIMATE COMPLETION TIME
FEBRUARY 2019

PROPERTY OWNER:
JUSTIN K. DUGAN
803 WHITE JENNINGS RD
BESSMER CITY, NC 28016
(704) 689-9939
PID# 166155

"REZONING & SITE PLAN"
DALLAS TOWNSHIP
GASTON COUNTY, N.C.
Survey made at the request of
JUSTIN K. DUGAN

NO GEODETIC MONUMENTATION WITHIN 2,000 FEET OF SUBJECT PROPERTY.
I HEREBY CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMPARISON OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION OF THE DEFINITION OF SUBDIVISION.
I HEREBY CERTIFY THAT THE SUBJECT STRUCTURE () IS (X) NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY N.C. FEMA PANEL # 3710356600J EFFECTIVE DATE: 9/28/2007 (NO FLOOD SURVEY MADE).

I, FRANKLIN E. TANNER CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION AND DEED DESCRIPTION(S) AS SHOWN. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 25,000:1 AND THE AREA DETERMINED BY D.M.D. WITNESS MY HAND AND SEAL, THIS 20TH DAY OF NOV., 2018

SURVEY BASED ON PHYSICAL EVIDENCE AND EXISTING IRON PINS.
PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAY OR EASEMENTS NOT OBSERVED.

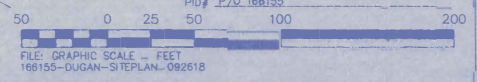


Franklin E. Tanner - PLS # 2534

Scale: 1"=50' Date: SEPT. 27, 2018
Survey By: REV: OCT. 10, 2018
REV: NOV. 20, 2018

TANNER AND McCONNAUGHEY, P.A.
Professional Surveyors
1361-C E. Garrison Blvd. Gastonia, N.C.
(704) 866-8421 OR (704) 864-2011

P/O D.B. 4979 PG. 970 Lots Block
Subd. P.B. PG.
Tax Map # 13 Page 35 Parcel P/O 9.02
PID# P/O 166155



Memorandum

To: Sarah Penley, Development Services Planner, Gaston County Dept. of Planning & Devpt. Services
From: Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO
Date: February 25, 2019
Subject: PCUP19-01 Justin Dugan—GCLMPO Comments

Thank you for the opportunity to provide transportation comments on a proposed site plan located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) geographic area. My comments are based on review of the proposed site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

1. The proposed development is located at 163 Jennings Rd, Dallas, NC 28034.
 - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network.
 - B. According to the 2020-2029 STIP and the 2045 MTP, there are no planned transportation improvement projects in the immediate vicinity of this development.
 - C. The CTP does not show any future improvements on any streets adjacent to the subject properties.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or juliop@cityofgastonia.com.







**Gaston County
North Carolina**

Vicinity Map

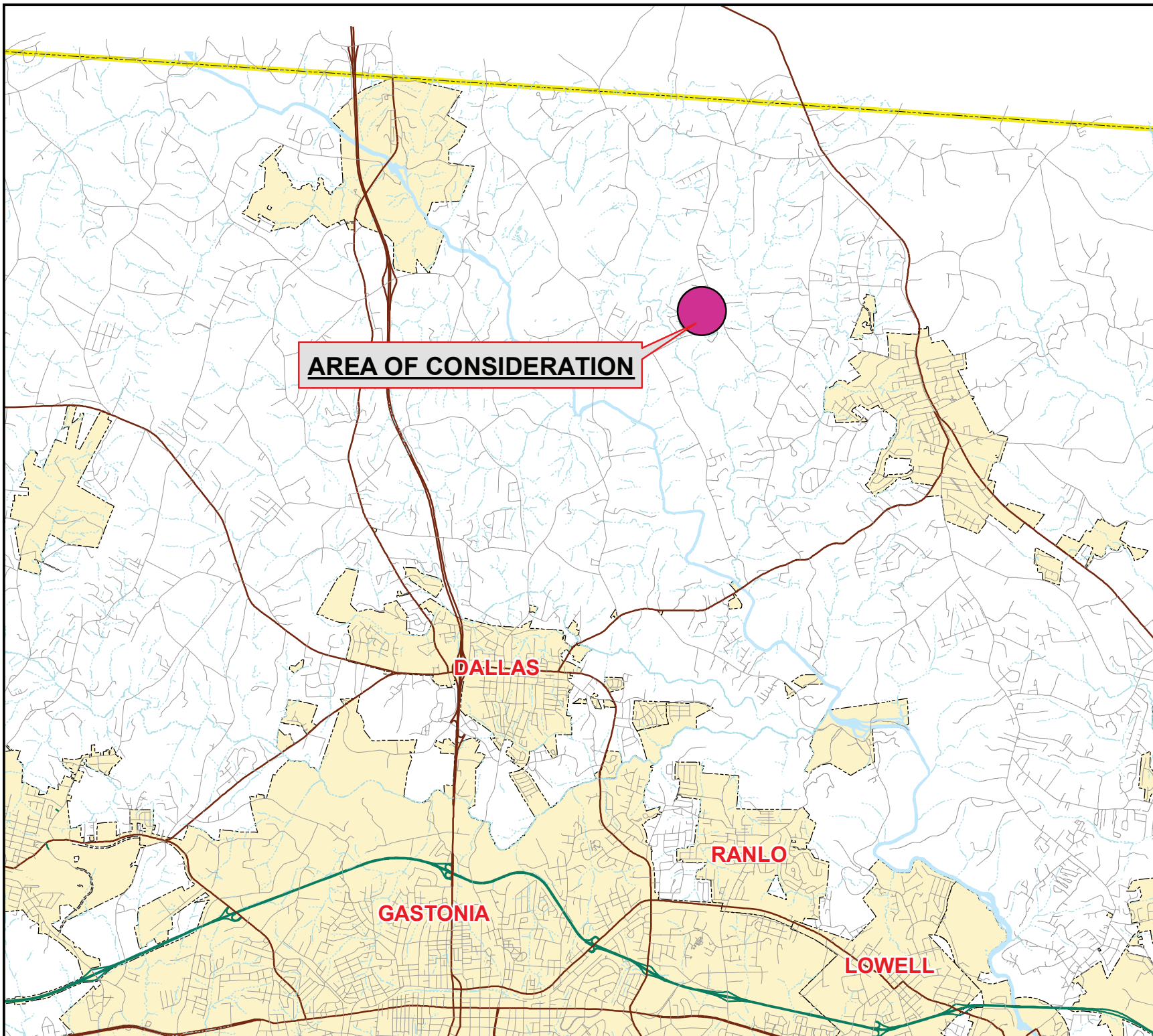
PCUP19-01

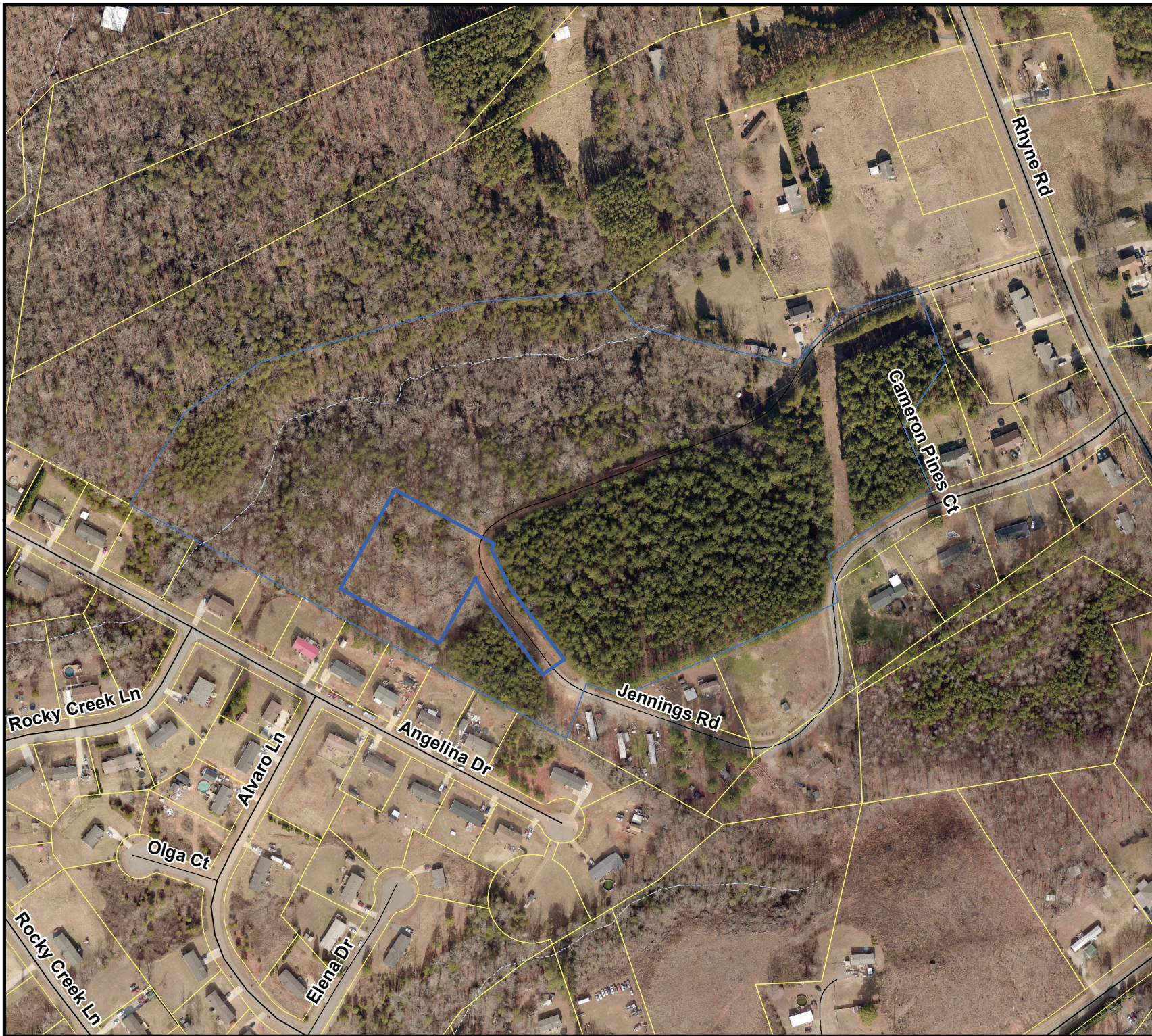
Legend

-  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 152-10.





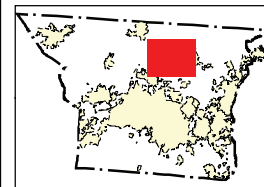
Gaston County Zoning Review Overview Map

2018 Pictometry

PCUP19-01

Legend

-  Subject Area
-  Property Parcels



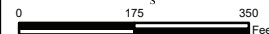
This map is intended for use by the Gaston County Board of Commissioners, in the review of mhp expansion requests.

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.

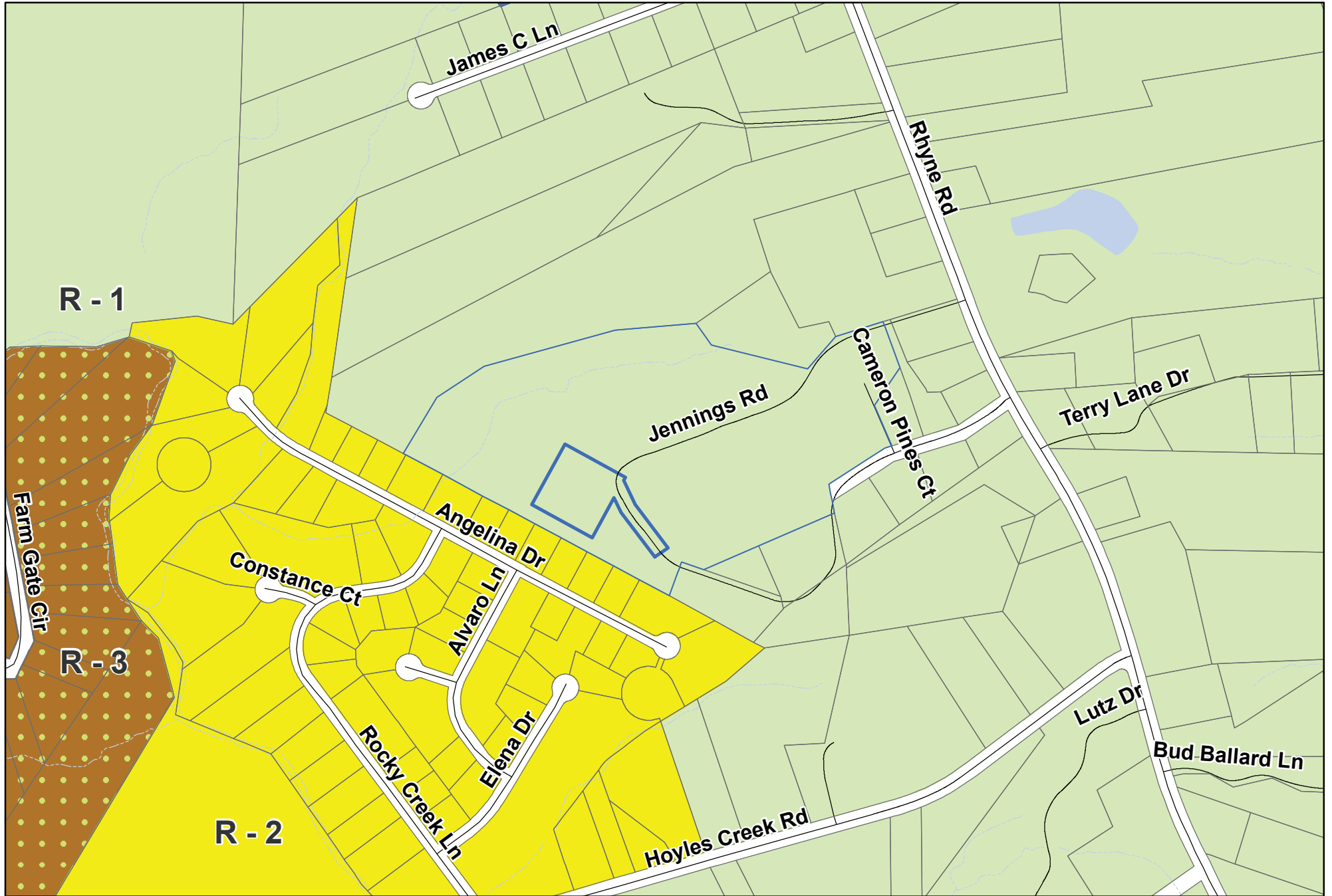
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This map is for zoning purposes only - Not to be used for conveyance.

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.



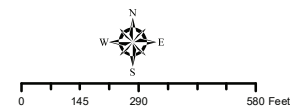
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GASTON COUNTY
Zoning Map

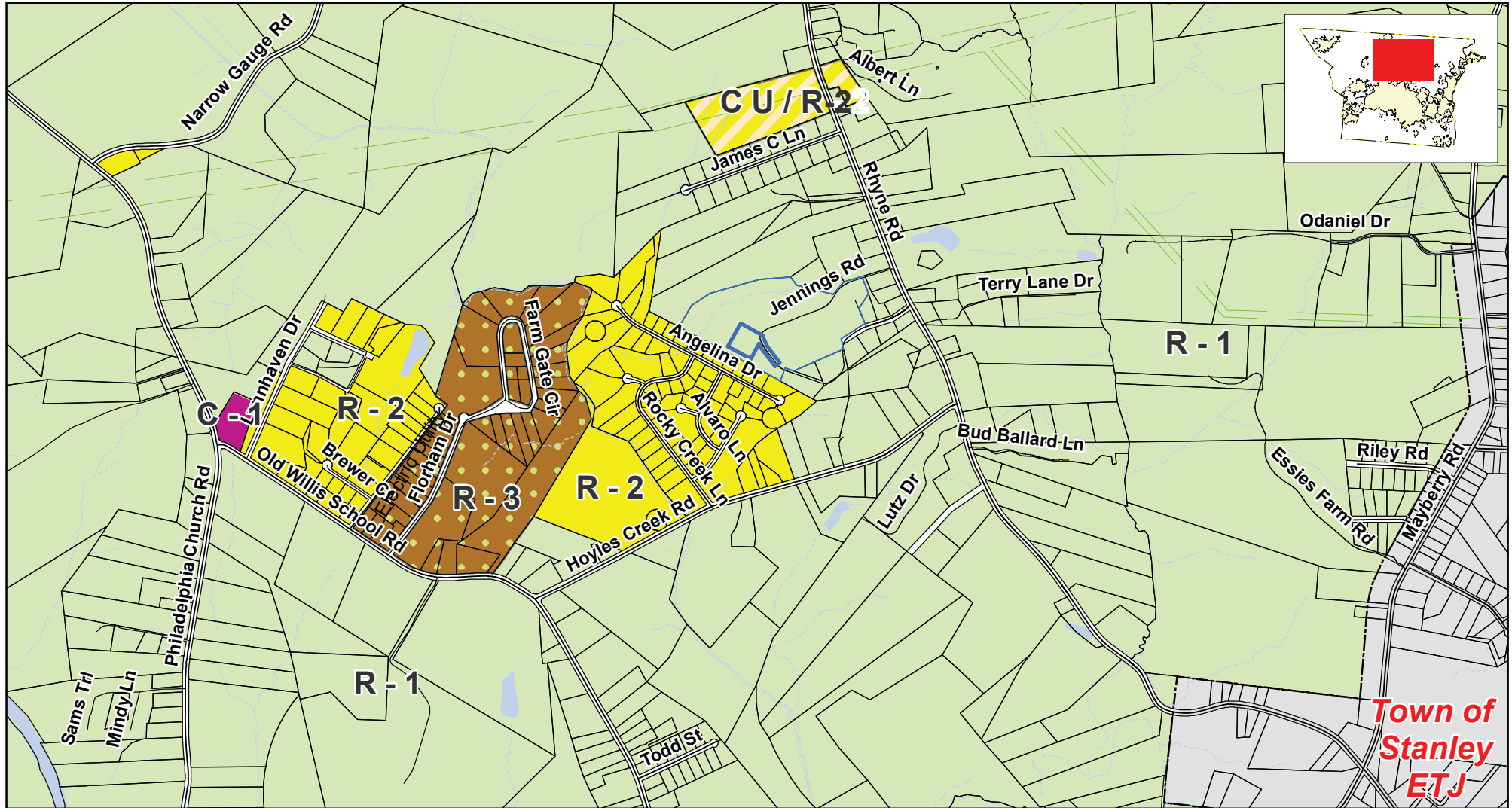
Applicant: PCUP19-01

 Subject Area



R-1 Single Family Limited
R-2 Single Family Moderate
R-3 Single Family General

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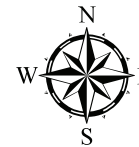
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**GASTON COUNTY
ZONING REVIEW MAP**

- R-1 Single Family Limited
- R-2 Single Family Moderate
- R-3 Single Family General
- C-1 Light Commercial
- CU/R-2 Conditional Use/Single Family Moderate

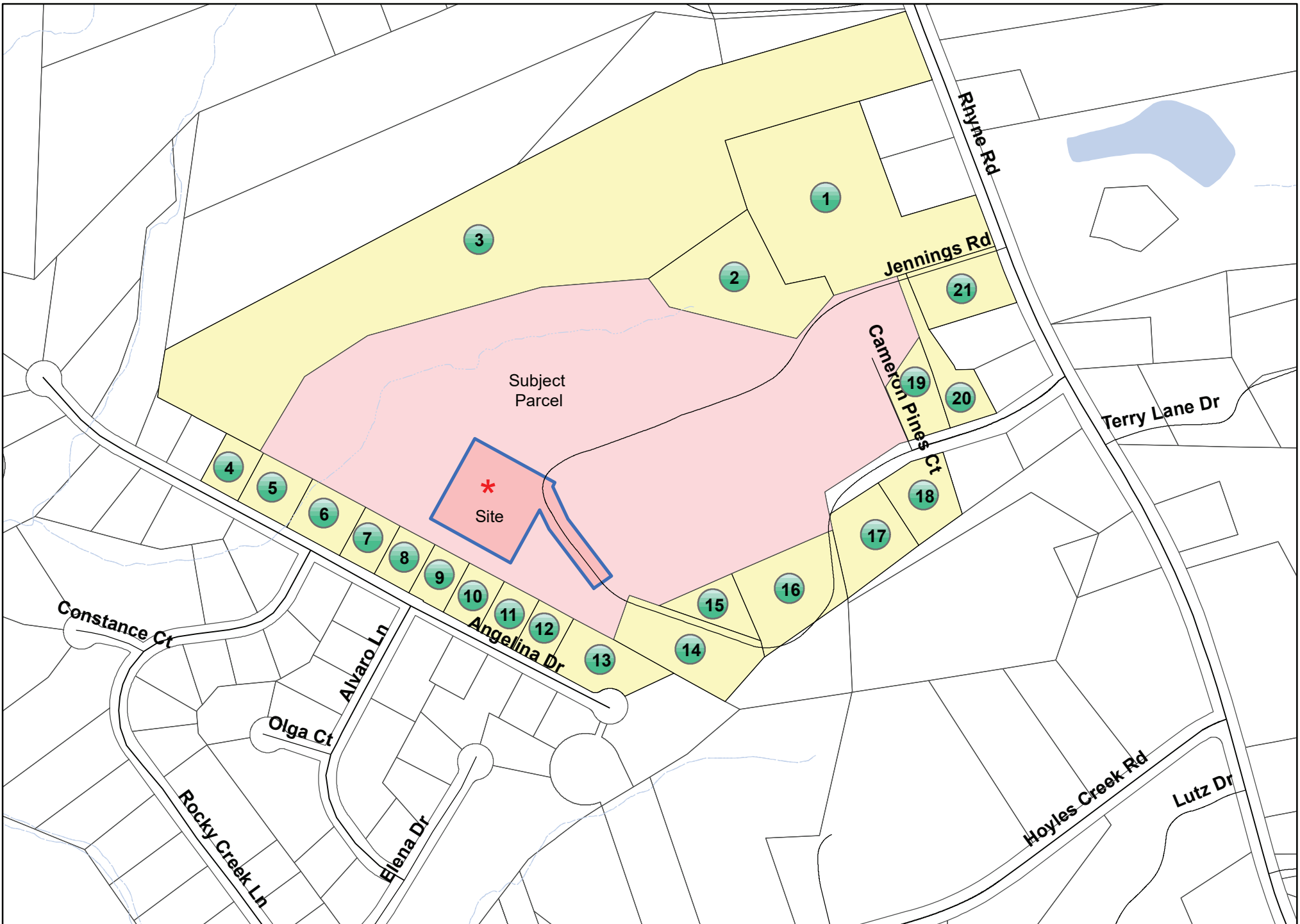
Area of Consideration



Applicant: PCUP19-01
 Tax ID: 166155
 Request Re-Zoning From:
 (R-1) Single Family Moderate
 to (CU/C-3) Conditional Use/
 General Commercial in order to
 allow Contractor's Office/
 Equipment Storage Yard

Map Date: 02/05/2019

**Town of Stanley
ETJ**



PCUP19-01 Subject and Adjacent Properties Map

See reverse side for listing of property owners

 PCUP Location

PCUP19-01 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> |
|------------|---------------|----------------------------|---------------------|----------------------|---------------|--------------|------------|
| * | 166155 | DUGAN JUSTIN K | DUGAN LORI L | 803 WHITE JENKINS RD | BESSEMER CITY | NC | 28016-8749 |
| 1 | 300085 | HANDSEL WILLIE MOORE HEIRS | | 1909 RHYNE RD | DALLAS | NC | 28034-7621 |
| 2 | 166156 | STONE CHERRY LACKEY | | 223 JENNINGS RD | DALLAS | NC | 28034-7673 |
| 3 | 166165 | JOHNSON ALVIN K | JOHNSON JANICE B | PO BOX 99 | ALEXIS | NC | 28006-0099 |
| 4 | 197700 | WATSON JAMES S | WATSON RUTH H | 9704 ASHMORE LN | HARRISBURG | NC | 28075-6631 |
| 5 | 197699 | DIAMONDBACK PROPERTIES LLC | | PO BOX 8 | LITTLE RIVER | SC | 29556-0000 |
| 6 | 197698 | JOHNSON SONDA H | | 5036 ANGELINA DR | DALLAS | NC | 28034-0000 |
| 7 | 197697 | REED RACHEL A | | 5028 ANGELINA DR | DALLAS | NC | 28034-0000 |
| 8 | 197696 | REED RACHEL A | | 5028 ANGELINA DR | DALLAS | NC | 28034-0000 |
| 9 | 197695 | GATLIN ASHLEY | | 5024 ANGELINA DR | DALLAS | NC | 28034-0000 |
| 10 | 197694 | PERKINS DWIGHT L | PERKINS ANNA H | 5020 ANGELINA DR | DALLAS | NC | 28034-6639 |
| 11 | 197693 | PREAST STEVEN SETH | | 5016 ANGELINA DR | DALLAS | NC | 28034-6639 |
| 12 | 197692 | ALDRIDGE JERIE D | | 5012 ANGELINA DR | DALLAS | NC | 28034-0000 |
| 13 | 210734 | MCWILLIAMS JOSHUA DAVID | | 5004 ANGELINA DR | DALLAS | NC | 28034-6639 |
| 14 | 166170 | HENSLEY DALE | HENSLEY JOAN G | 135 JENNINGS RD | DALLAS | NC | 28034-0000 |
| 15 | 166164 | HENSLEY PONDER DALE | HENSLEY JOAN G | 135 JENNINGS RD | DALLAS | NC | 28034-7672 |
| 16 | 166168 | HENSLEY P DALE | HENSLEY JOAN G | 135 JENNINGS RD | DALLAS | NC | 28034-0000 |
| 17 | 166163 | EVERTS KEITH M | EVERTS CATHELEEN M | 127 JENNINGS RD | DALLAS | NC | 28034-0000 |
| 18 | 166162 | OSBORNE JANET F | OSBORNE JIMMY | 119 JENNINGS RD | DALLAS | NC | 28034-0000 |
| 19 | 166177 | TURNER CARMEN K | | 116 JENNINGS RD | DALLAS | NC | 28034-0000 |
| 20 | 166176 | ROBERTS JR TOMMY F | ROBERTS TAMMY | 110 JENNINGS RD | DALLAS | NC | 28034-7672 |
| 21 | 166174 | HOFFER SHIRLEY MILLER | | 1819 RHYNE RD | DALLAS | NC | 28034-7620 |