

Planning Board Item III – GENERAL PUBLIC HEARING INFORMATION (Z18-06)

Board of Commissioners / Planning Board Public Hearing Date August 28, 2018

General Rezoning Application Z18-06:

Request: To rezone property parcel 207350 from the (CD/C-2) Conditional Zoning District, Highway Commercial Zoning District to the (RMF) Residential Multi Family District.

Applicant: David W. Smith, III, (Attorney for all Owners)

Property Owner(s): Sakron, LLC (10%); Bent Twig Living Trust (30%); Giuseppe Trunfio et ux. (10%); Mahmoud H. Zeidan et ux. (50%)

Applicant Address: P.O. Box 2636, Gastonia, NC 28054

Mailing Address of Owner: 6865 Fairview Road, Suite C, Charlotte, NC 28210

Site Information and Description of Area

General Location: Union Road, Gastonia, NC

Parcel ID: 207350

Current Use of Property: vacant/undeveloped

Total Property Acreage: 7.72

Acreage for Map Change: 7.72

Current Zoning District(s): (CD/C-2) Conditional Zoning District/Highway Commercial Zoning District

General Area Zoning District(s): (R-1) Single Family Limited, (C-1) Light Commercial, (CD/C-2) Conditional Zoning District/ Highway Commercial Zoning District

Zoning District Information:

Current Zoning District:

C-2 HIGHWAY COMMERCIAL

The C-2 Highway Commercial District is primarily intended to accommodate those retail service and distributive uses that are typically located along or adjacent to principal or minor arterials and which require high visibility, good road access, and which cater primarily to passing motorists. Development in this district is designed to promote aesthetics and the safe and efficient movement of traffic so as to not unduly burden adjacent thoroughfares. As larger and/or more intensive developments normally will create more significant impacts on adjoining neighborhoods and road and utility infrastructures, larger developments may be allowed in this zoning district. Most C-2 zoning districts will be located within the Urban Standards Overlay District.

CONDITIONAL ZONING (CD) DISTRICTS

The Conditional Zoning (CD) District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning district process. The process for approval of a CD Zoning District is explained in Section 5.16.5. The rezoning of any parcel of land to a CD district shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD district shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the County. A conditional zoning district is not intended for securing early zoning for a proposal. Once a property has been rezoned to a CD district, it shall be referenced with the letters "CD" in front of the name of the applicable general zoning district listed in Section 6.2. Thus, a property rezoned to a C-2 Conditional District shall appear on the Zoning Map as "CD/ C-2".

Proposed Zoning District:**RMF RESIDENTIAL MULTI FAMILY**

The purpose of this district is intended primarily as a residential district for the location of single family, two family and multifamily dwellings along with their customary accessory uses so as to establish areas where development patterns are somewhat denser than surrounding areas

2035 Comprehensive Land Use Plan:**Small Area District:**

Area 4: The Garden Gaston/Southeast Gaston (Belmont, Cramerton, and surrounding area)

Key issues for citizens in this area include; road improvements and better connectivity to other areas of the County and throughout the region, another bridge crossing the Catawba River, increased walkability and connectivity between communities, continued coordination amongst local government agencies, maintaining enhanced quality of life.

Comprehensive Plan Future Land Use: Suburban Development

It is staff's opinion 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 Gaston Gazette in accordance with County policy.

Zoning Sign Placement

August 17, 2018

Information Attached

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

Transportation Planning Information

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Staff Contact:

Willie King, Jr., Development Services Manager, (704)862-5510 or willie.king@gastongov.com

Rez 18-07-11-20007



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 18-06**

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

A. *APPLICANT INFORMATION

Name of Applicant: David W. Smith, III, Attorney for all Owners (consents to follow; OK'ed by S. Shames 7/11/18)
(Print Full Name)

Mailing Address: P. O. Box 2636, Gastonia, NC 28054
(Include City, State and Zip Code)

Telephone Numbers: 704 865 4400 704 790 6004 (direct)
(Area Code) Business (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: Sakron, LLC (10%); Bent Twig Living Trust (30%); Giuseppe Trunfio et ux. (10%); Mahmoud H. Zeidan et ux. (50%)
(Print Full Name)

Mailing Address: 6865 Fairview Road, Suite C, Charlotte, NC 28210
(Include City, State and Zip Code)

Telephone Numbers: 704 366 4144
(Area Code) Business (Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: Union Road, Gastonia

Parcel Identification (PID): 207350

Acreage of Parcel: 7.72 +/- Acreage to be Rezoned: 7.72 +/- Current Zoning: C2/CD

Current Use: vacant Proposed Zoning: RMF

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)

Current Zoning

(C-2) HIGHWAY COMMERCIAL

(1) Uses allowed by right:

ABC Store; Amusement & Sporting Facility, indoor; Amusement Arcade; Animal Grooming Service for household pet, indoor kennels; Art Gallery; Auction House; Auditorium, Assembly Hall, Amphitheater, Community Center, <500 seats; Bail Bond; Baseball Hitting Range; Billiard Parlor; Bowling Lanes; Building Material & Lumber Sales; Business Services; Check Cashing Establishment, closed 12AM to 5AM; Cleaning & Maintenance Service; College / University; Contractor's Office & Operation Center; Crematorium; Day Care Center, Accessory; Distribution / Wholesale / Storage Operation; 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; Food Store, 10,000+ 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; Medical Offices, 50,000-99,999sqft GFA; Monument Sales; Moving & Storage Facilities; 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; Theater, indoor movie; Upholstery Shop

(2) Uses allowed by right with supplemental regulations:

Adult Establishments; Animal Hospital, indoor kennel; Assisted Living Center; ATM (Automated Teller Machine); Automobile Body Shop; Automobile Detail Shop; Automobile Hobbyist; Automobile Repair Shop; Automobile Service Station; Automobile, Truck , Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental; Automobile Towing & Wrecker Service; Bona Fide Farms; Car Wash, Automatic; Car Wash, Self Service; Cemetery; Charitable Service Facility; Church / Place of Worship; Club, private (without adult entertainment); Convenience Store, closed 12AM to 5AM; Convenience Store, open up to 24 hours; Country Club; Day Care Center Class B; Day Care Center Class C; Dwelling, Mixed Use; Essential Services Class 2; Firing Range, indoors, principal use; 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; Hotel or Full Service Hotel; Landfill, Beneficial Fill; Landfill, Land Clearing & Inert Debris, minor; Laundromat, closed 12AM to 5AM; Laundromat, open up to 24 hrs; Lounge / Nightclub; Machine, Metal, Wood Working, Welding Shop; Manufactured Goods, class 1; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Paint Ball Facility; Park; Parking Lot; Planned Unit Development (PUD); Produce Stand; Race Track, small; Recreation Center & Sports Center; Recycling Deposit Station, principle use; Restaurant; Restaurant, with drive thru; Restaurant, within other facilities; Retail, 0-24,000sqft GFA; Retail, 25,000-49,999sqft GFA; Retail, 50,000-99,999sqft GFA; School, vocational; Shopping Center, 0-24,999 sqft GFA; Shopping Center, 25,000-49,999 sqft GFA; Shopping Center, 50,000-99,999sqft GFA; Stadium; Swimming Pool, Sales, Service & Supplies; Telecommunication Antennae & Equipment Buildings; Tire Sales, new or used; Warehouse, 0-99,999 sqft GFA; Warehouse, 100,000+ sqft GFA; Wood Waste Grinding Operation

(3) Uses allowed with a conditional use permit:

Check Cashing Establishment, open up to 24 hrs; Fish Hatcheries; Marina, commercial; Offices, excluding medical, 50,000-99,999sqft GFA; Offices, excluding Medical, 100,000-199,999sqft GFA; Offices, excluding Medical, 200,000+ sqft GFA; Railroad Terminal & Yard; School, elementary & middle (public & private); School, senior high (public & private); Septic Tank Cleaning Service; Transit Station; Zoo

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

Amusement & Sporting Facility, Outdoor; Animal Hospital, indoor kennel; Animal Hospital, outdoor kennel; Animal Kennel; Animal Shelter; Auditorium, Assembly Hall, Amphitheater, Community Center, 500 or more seats; Automobile Service Station; Automobile Towing & Wrecker Service; Body Piercing Establishment & Tattoo Parlor; Bus & Train Terminal, Passenger; Camping & RV Park; Car Wash, Self Service; Club, Private (without adult entertainment); Continuing Care Facility; Correctional Facility; Farmers Market; Firing Range, Indoors, principal use; 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; Landfill, LCID, major; Lounge / Nightclub; Mini-Warehouse; Motel; Park; Race Track, large; Restaurant, with drive thru; Retail, 100,000+sqft GFA; Riding Stables; Rodeo / Accessory Rodeo; Shopping Center, 100,000+sqft GFA; Stadium; Telecommunication Tower & Facilities; Warehouse, 100,000+sqft GFA

(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 Unit Development (PUD)

(8) By Special Exception: None

(9) By Special Exception with supplemental regulations: None

Current Zoning

(CD) CONDITIONAL ZONING DISTRICTS

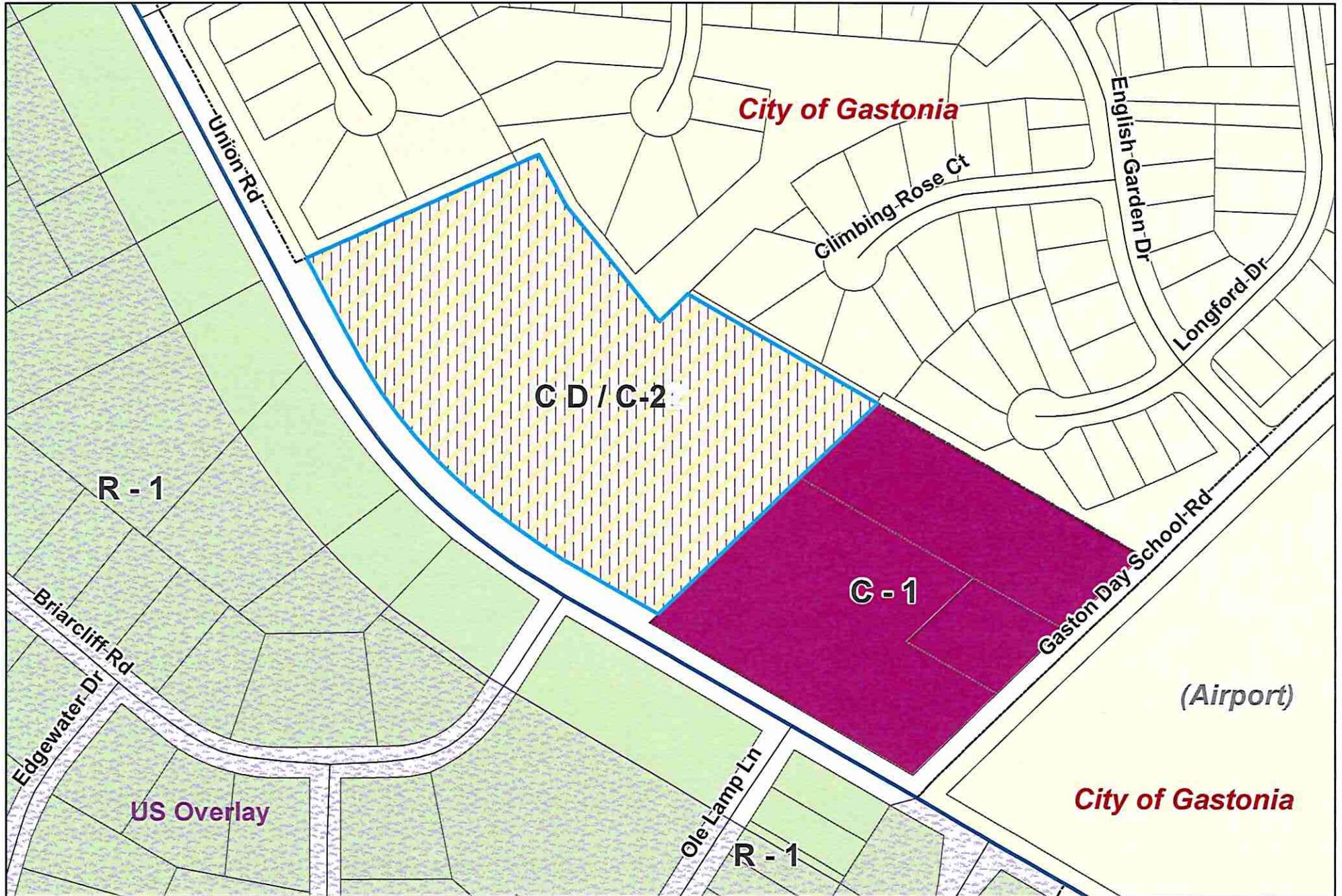
The Conditional Zoning (CD) District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning district process. The process for approval of a CD Zoning District is explained in Section 5.16.5. The rezoning of any parcel of land to a CD district shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD district shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the County. A conditional zoning district is not intended for securing early zoning for a proposal.

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Proposed Zoning

(RMF) RESIDENTIAL MULTI FAMILY
<u>(1) Uses allowed by right:</u> Dwelling, Single-Family; Essential Services Class 1; Recycling Deposit Station, Accessory
<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; Dwelling, Mixed Use; Dwelling, Two Family; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Home Occupation, Customary; Landfill, Beneficial Fill; Marina, Accessory; Multi Family Development; Park; Planned Residential Development (PRD); Planned Unit Development (PUD); 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; Post Office; Transit Station
<u>(4) Uses allowed with a conditional use permit, with supplemental regulations:</u> Assisted Living Center; Bed and Breakfast Inn; Cemetery; Continuing Care Facility; Country Club; Day Care Center, Class B; Day Care Center, Class C; 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; Nursing Home, Rest Home; Park; Parking Lot; Recreation Center and Sports Center; Stadium
<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> None
<u>(7) 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)
<u>(8) By Special exception:</u> None
<u>(9) By Special exception with supplemental regulations:</u> Family Care Home

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY Zoning Map

"Applicant: Z18-06"

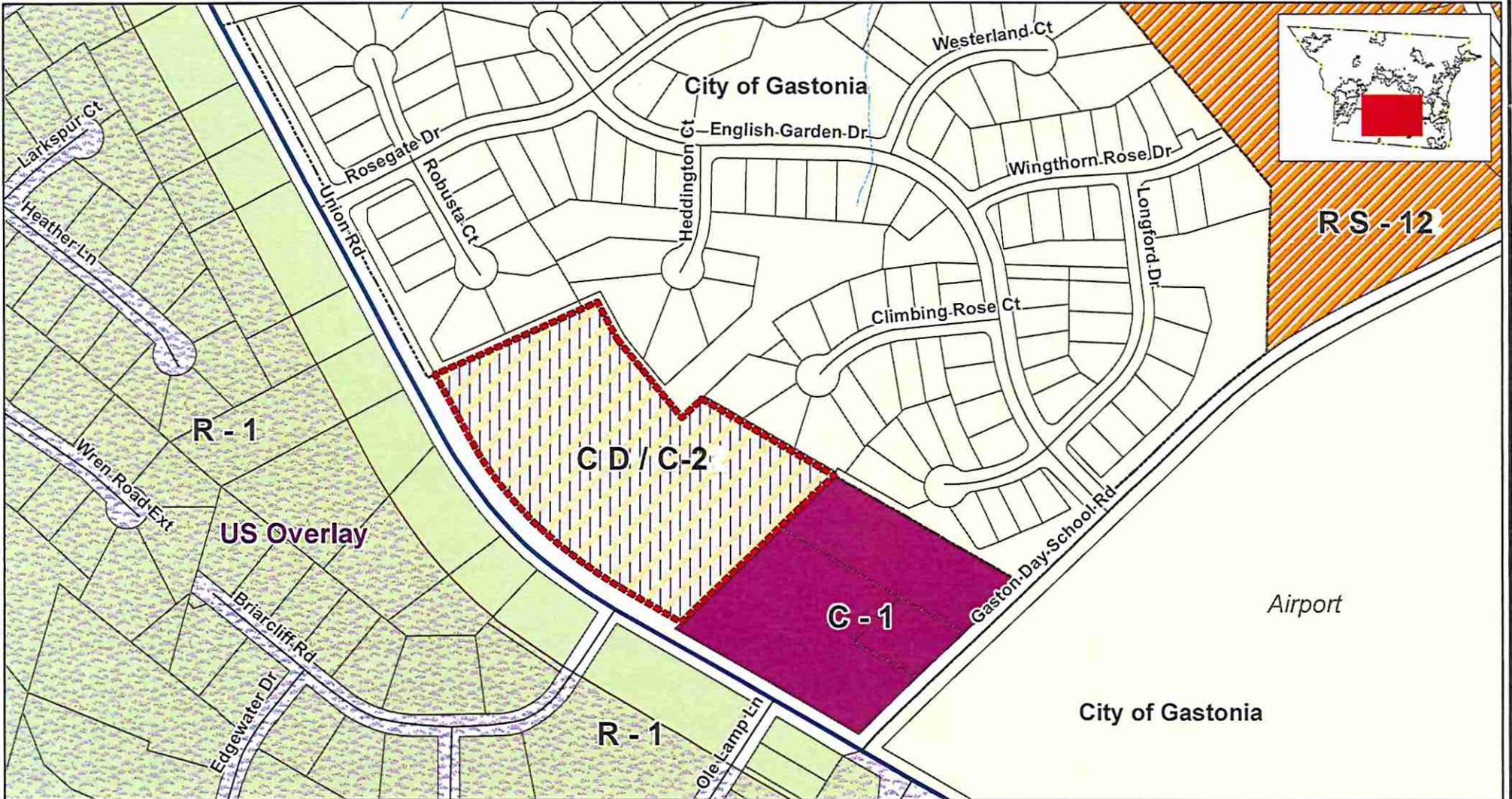
 Subject Area



0 62.5 125 250 Feet

- R-1 Single Family Limited
- C-1 Light Commercial
- CD/C-2 Conditional District
- Highway Commercial
- US Urban Standards Overlay

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



This map is intended for use by the Gaston County Board of Commissioners, in the review of zoning change 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.

Gaston County does not make or imply and warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department of Planning and Development Services.

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 undedicated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



**GASTON COUNTY
ZONING REVIEW MAP**

- R-1 Single Family Limited
- Light Commercial
- CD/C-2 Cond. Dist Highway Commercial
- RS-12 Residential 12,000 sqft.
- US Urban Standards Overlay
- City of Gastonia

Area of Consideration



0 80 160 320 480 640 Feet

Applicant: Z18-06
Tax Id: 207350
Request Re- Zoning

From: CD/C-2
Conditional District
Highway Commercial
To: RMF
Residential Multi-Family

Map Date: 7/25/2018



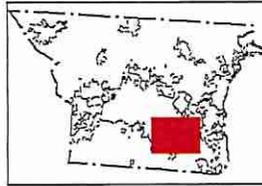
Gaston County
Zoning Review
Overview Map

2018 Pictometry

Z18-06

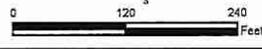
Legend

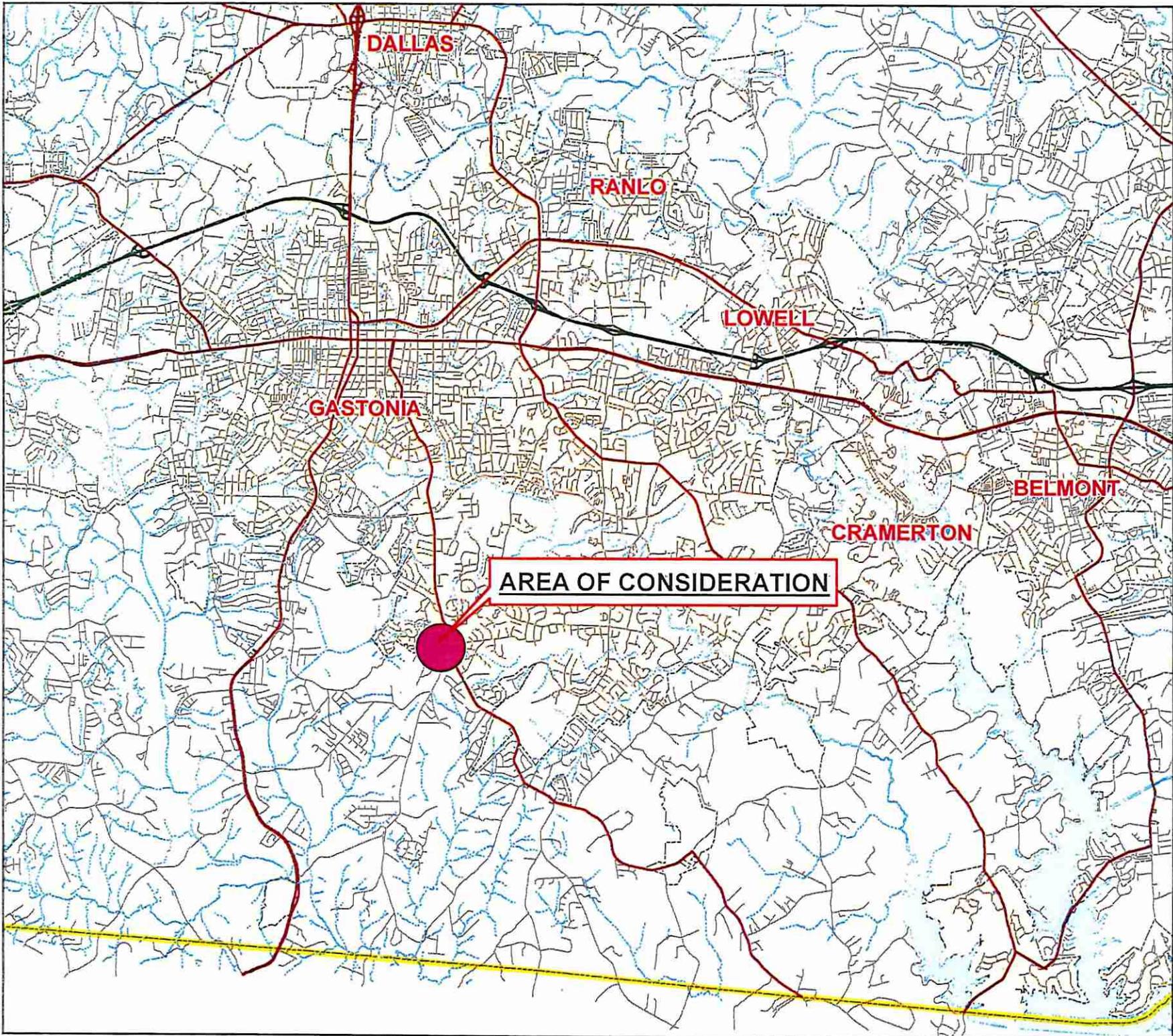
-  Subject Area
-  Property Parcels



This map is intended for use by the Gaston County Board of Commissioners, in the review of map 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. Gaston County does not make or imply any warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department of Planning and Development Services.

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**Gaston County
North Carolina**

Vicinity Map

Z18-06

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 used or otherwise used for state or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 152-16.





Z18-06 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Subject Property

Z18-06 SUBJECT AND ADJACENT PROPERTIES

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME 1</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>ADDRESS 2</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	207350	SAKRON 10% & OTHERS		1610 WAYBRIDGE LN		CHARLOTTE	NC	28210-5767
1	220735	GCGA LLC		3715 UNION RD		GASTONIA	NC	28056-8044
2	220736	GCGA II LLC		3715 UNION RD		GASTONIA	NC	28056-8044
3	225468	ROSEGATE GASTON CO HMOWNR AS: INC		4500 CAMERON VALLEY PKWY #350		CHARLOTTE	NC	28211-3553
4	223756	ROSEGATE BOWMAN LLC		13815 CINNABAR PL		HUNTERSVILLE	NC	28078-5329
5	223743	WALKER DAVID E JR	WALKER LISA	709 CLIMBING ROSE CT		GASTONIA	NC	28056-0000
6	223742	DOYLE SAMUEL J	DOYLE ROSALIE T	701 CLIMBING ROSE CT		DALLAS	NC	28056-0000
7	223741	PARKER CYNTHIA L	PARKER JEFFERY W	700 CLIMBING ROSE CT		GASTONIA	NC	28056-0000
8	211394	ROSEGATE GASTON CO HMOWNR ASSC		C/O KUESTER MANAGEMENT	PO BOX 3340	FORT MILL	SC	29716
9	211387	STANCIL CHARLES J &	WHITWORTH JEANNIE NICOLE	725 HEDDINGTON CT		GASTONIA	NC	28056-0000
10	211388	COOK TRAVIS S	COOK MICHELLE L	716 HEDDINGTON CT		GASTONIA	NC	28056-7081
11	209758	SMITH HOWARD KENNETH	SMITH LISA L	3074 ROBUSTA CT		GASTONIA	NC	28056-8068
12	209757	AINO NC LLC		103 FOULK RD STE 900		WILMINGTON	DE	19803-3742
13	209762	ROSEGATE GASTON CO HMOWNR ASSC		C/O KUESTER MANAGEMENT	PO BOX 3340	FORT MILL	SC	29716
14	144459	GULLIFORD FAYE J REV LIV TRUST		3650 UNION ROAD		GASTONIA	NC	28056-0000
15	144550	HARBIN ALLISON N &	TRUDNAK BENJAMIN A	3656 S UNION RD		GASTONIA	NC	28056-0000
16	144551	CALDWELL MYRA R		3668 UNION RD		GASTONIA	NC	28056-0000
17	144553	KIRBY DICKY H LIFE ESTATE	KIRBY MARY ANN LIFE ESTATE	3672 UNION RD		GASTONIA	NC	28056-0000
18	144554	ANGE ERIC ALAN	ANGE ASHLEY WHITENER	602 BRIARCLIFF RD		GASTONIA	NC	28056-7086
19	205148	SUMMER ELIZABETH HOLBROOK	SUMMER BENJAMIN HAL	601 BRIARCLIFF RD		GASTONIA	NC	28056

Memorandum

To: Willie King, Land Use Administrator, Gaston County Planning & Development Services
From: Julio Paredes, Planner
Date: July 30, 2018
Subject: Comments for Rezoning Application Z18-06 TRC Smith

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

1. The proposed development is located at Union Rd, Gastonia, NC (PID# 207350)
 - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network. A traffic count was performed on Union Rd. in 2016 with an average daily traffic count of 14,000 vehicles.
 - B. According to NCDOT's 2018-2027 State Transportation Improvement Program (STIP) and the 2045 MTP, there are no funded transportation improvement projects in the immediate vicinity of this project.
 - C. A proposed major-road improvement on Union Road from Robinwood Rd to Gaston Day School Rd. is also part of the GCLMPO's CTP. Please refer to the map attached. Note that this is a very preliminary identification of a route, which is subject to change upon further design.
 - D. The widening of Union Road—a major road improvement (five lanes divided)—is included in the MPO's CTP. The typical cross section for a five-lane divided road involves a minimum of 100 ft. right-of-way. The existing right-of-way along Union Road at this location is 80 ft. Therefore, the GCLMPO requests that any development on this parcel be notified that if the road widens does occur in the future, additional ROW may be needed.

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