

GASTON COUNTY REZONING APPLICATION (REZ-22-11-22-00133)

STAFF REPORT

APPLICATION SUMMARY	
Request:	
General Rezoning	
Applicant(s):	Property Owner(s):
Juan Garcia	Juan Garcia
Parcel Identification (PID):	Property Location:
162401	105 Jos Ln
Total Property Acreage:	Acreage for Map Change:
1.273	1.273
Current Zoning:	Proposed Zoning:
I-2 / CH	R-1 / CH
Existing Land Use:	Proposed Land Use:
Commercial	residential

COMPREHENSIVE LAND USE PLAN
Area 2: North 321 Gaston
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, more transportation alternatives, preservation of agriculture and maintaining the rural “feel” of the community, steer development towards existing infrastructure and areas immediately surrounding towns and cities
Comprehensive Plan future Land Use:
Industrial – This area is primarily for industrial and manufacturing based uses, currently and projected in the future
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:
Private easement

Technical Review Committee (TRC) comments provided by Gaston Lincoln Cleveland Metropolitan Planning Organization (MPO)
See attached.

STAFF SUMMARY

Prepared By: Laura Hamilton, Land Use Coordinator

This property is in a residential / industrial / commercial area in the northern region of the county. This parcel is off Dallas Cherryville Hwy at Old NC 277 Loop Rd. There are industrial and commercial uses in the vicinity along with many home styles and two Manufactured Home Parks. This parcel had a single wide manufactured home (MH) on it; it was then changed to a commercial use with the MH removed in 2005; now it is trying to be changed to a residential use. All the while the zoning has been industrial.

If approved, any uses allowed in the (R-1) Single Family Limited Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

PLANNING BOARD RECOMMENDATION

The Planning Board met in regular session on January 9, 2023, and unanimously recommended approval of this request based on the following:

The proposed use is consistent with the vision and goals of the Comprehensive Land Use Plan (CLUP) as it maintains the Rural characteristics of green rolling hills with plenty of open space as envisioned by the CLUP. The proposed use also meets Goal of residential homes being located on large lots and are set back from the roads they front upon.

Attachments: Application, GCLMPO Comment Letter, Approved Uses in the (R-1) zoning District, Maps



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: **REZ-22-11-22-00133**

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

A. *APPLICANT INFORMATION

Name of Applicant: Juan Garcia (Print Full Name)

Mailing Address: 105 JOS LANE BESSEMER CITY NC (Include City, State and Zip Code)

Telephone Numbers: 631 575 8820 (Area Code) Business (Area Code) Home

Email: Juangarcia8758@gmail.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: SAME (Print Full Name)

Mailing Address: _____ (Include City, State and Zip Code)

Telephone Numbers: _____ (Area Code) Business (Area Code) Home

Email: _____

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 105 JOS LANE BESSEMER CITY

Parcel Identification (PID): 162401

Acreage of Parcel: 1.273 +/- Acreage to be Rezoned: SAME +/- Current Zoning: R2 / CH overlay

Current Use: RESIDEN Proposed Zoning: R1 / CH overlay

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)

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) _____ hereby give _____ consent to execute this proposed action.

 (Name of Applicant)

 (Signature) _____ (Date)

 (Signature) _____ (Date)

I, _____, a Notary Public of the County of _____ State of North Carolina, hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the _____ day of _____, 20____.

 Notary Public Signature _____ 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.

 _____
 Signature of Property Owner or Authorized Representative

 11/22/22
 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: 11-22-22	Application Number: REZ-22-11-22-00133	Fee: 789 ⁰⁰
Received by Member of Staff: LH (Initials)	Date of Payment: 11-22-22	Receipt Number: _____
<input checked="" type="checkbox"/> COPY OF PLOT PLAN OR AREA MAP	<input type="checkbox"/> COPY OF DEED	
<input type="checkbox"/> NOTARIZED AUTHORIZATION	<input type="checkbox"/> PAYMENT OF FEE	

Date of Staff Review: _____ Date of Public Hearing: _____
 Planning Board Review: _____ Recommendation: _____ Date: _____
 Commissioner's Decision: _____ Date: _____

Memorandum

To: Jamie Mendoza Kanburoglu, Director of Planning and Zoning/
Building & Development Services
From: Julio Paredes, Planner
Date: Dec 7, 2022
Subject: GCLMPO Rezoning Review – Dallas-Cherryville Hwy - REZ-22-11-22-00133

Thank you for the opportunity to provide comments on a proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on review of the site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at Dallas-Cherryville Hwy (Bessemer City). Parcel ID# 162401. On behalf of the GCLMPO, I offer the following comments:

1. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
2. A proposed unfunded Boulevard Improvement to Dallas-Cherryville Hwy is included in the MPO's CTP. The typical cross section for a four-lane divided road involves a minimum of 100 ft. right-of-way. The existing right-of-way along Dallas-Cherryville Hwy is 100 ft.

The CTP does not include specific transportation projects or improvement schedules, but instead represents the status or completeness of the comprehensive transportation system that may be required to support anticipated growth and development.

By establishing the region's future transportation needs, the CTP offers an organized way to identify, and eventually prioritize, the transportation projects that may be built in the communities within the GCLMPO area.

CTP projects shown as "Needs Improvement" or "Recommended" could become a funded project in the future, part of a development project, or may never become a funded project.

3. The CTP shows a recommended multi-use path along Dallas-Cherryville Hwy.



Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

150 South York Street
Gastonia, North Carolina 28052
Fax (704) 869-1960

4. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the property owner/developer should work with NCDOT on any required driveway permits or any TIA requirements.

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

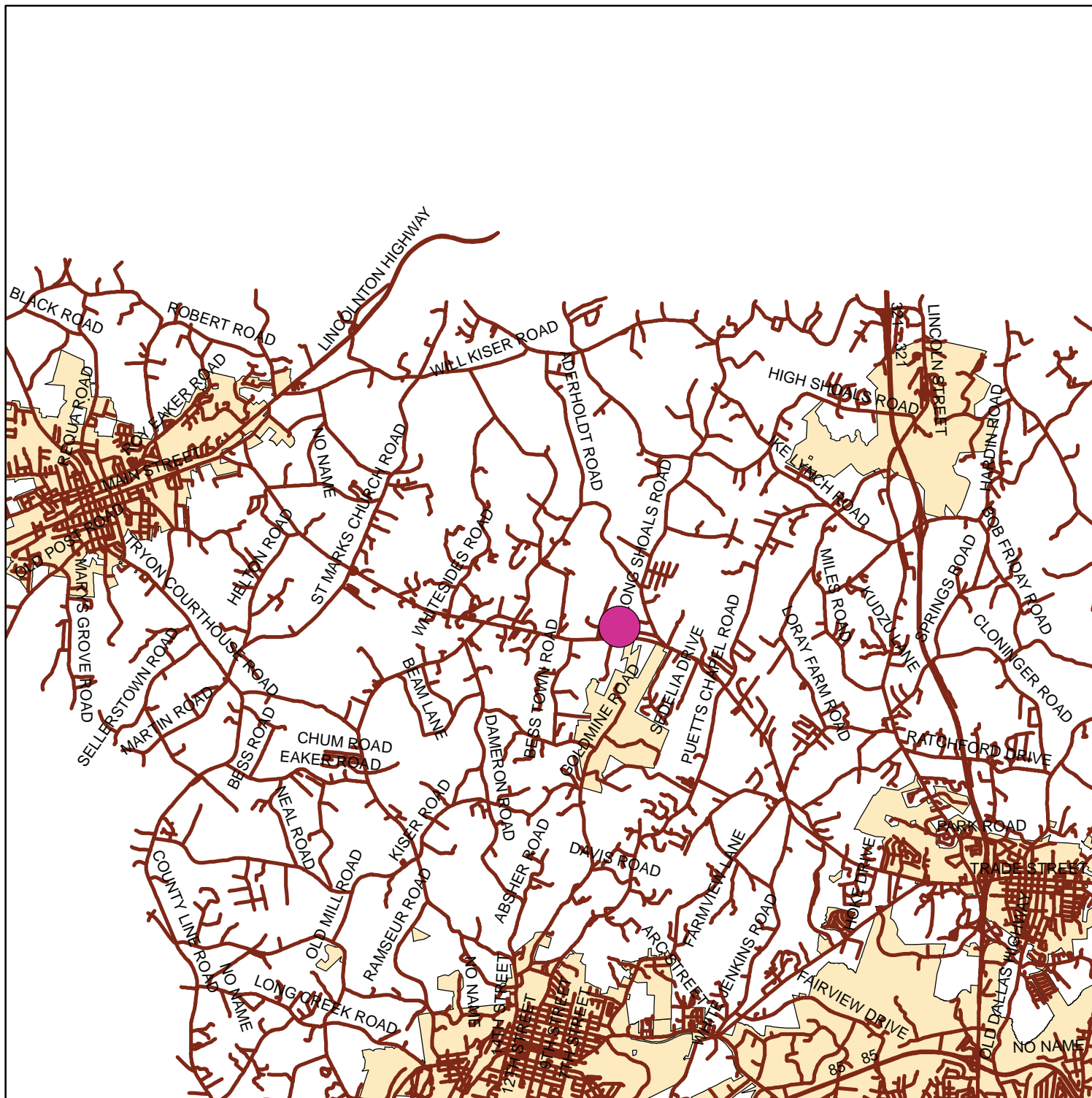
Uses Allowed in the (R-1) Zoning District

X = Permitted use by right; CD = Conditional Zoning required; E = Existing use subject to limitations; SP =	
Use	R-1
Automobile Hobbyist	Xs
Bed and Breakfast Inn	SPs
Bona Fide Farms	Xs
Botanical Garden	Xs
Cemetery	SPs
Church / Place of Worship	Xs
Conference / Retreat / Event Center	SPs
Country Club	SPs
Day Care Center, Class A	Xs
Day Care Center, Class B	Xs/ SPs
Dwelling, Manufactured Home Class C	Es
Dwelling, Manufactured Home Class D	Es
Dwelling, Single Family	X
Dwelling, Two Family	Xs
Essential Services Class 1	X
Essential Services Class 2	Xs
Essential Services Class 4	Xs/SPs
Family Care Home	Xs/SPs
Flex Space	Xs
Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0 - 9,999sqft GFA	SPs
Golf Course; Golf Driving Range; Golf Miniature	SPs
Home Occupation, Customary	Xs
Home Occupation, Rural	Xs
Library	SP
Manufactured Home Park	Es
Marina, Accessory	Xs
Marina, Commercial	CD
Maternity Home	Xs/ SPs
Museum	SP
Paint Ball / Laser Tag Facility	SPs
Park	Xs/SPs
Parking Lot	SPs
Planned Residential Development (PRD)	Xs/CDs
Private Residential Quarters (PRQ)	Xs
Produce Stand	Xs
Recreation Center and Sports Center	SPs
Recycling Deposit Station, accessory	X
Recycling Deposit Station, principal use	SPs
Restaurant, within other facilities	Xs
School, Elementary & Middle (public & private)	Xs
School, Senior High (public & private)	Xs
Small House Community	SP
Special Events Facility	SPs
Special Events Facility, Accessory	SPs
Stadium	Xs/SPs
Taxidermy	X
Telecommunication Antennae & Equipment Buildings	Xs
Telecommunication Tower & Facilities	SPs
Tourist Home	X
Tower and/or Station, Radio & Television Broadcast	SPs
Traditional Neighborhood Development (TND)	Xs/CDs
Wood Waste Grinding Operation	SPs
Zoo	SP



GASTON COUNTY VICINITY MAP

REZ-22-11-22-00133

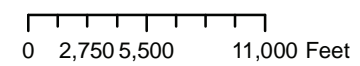
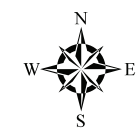


Legend

- 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 resold 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.



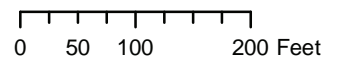
REZ-22-11-22-00133 Aerial Map



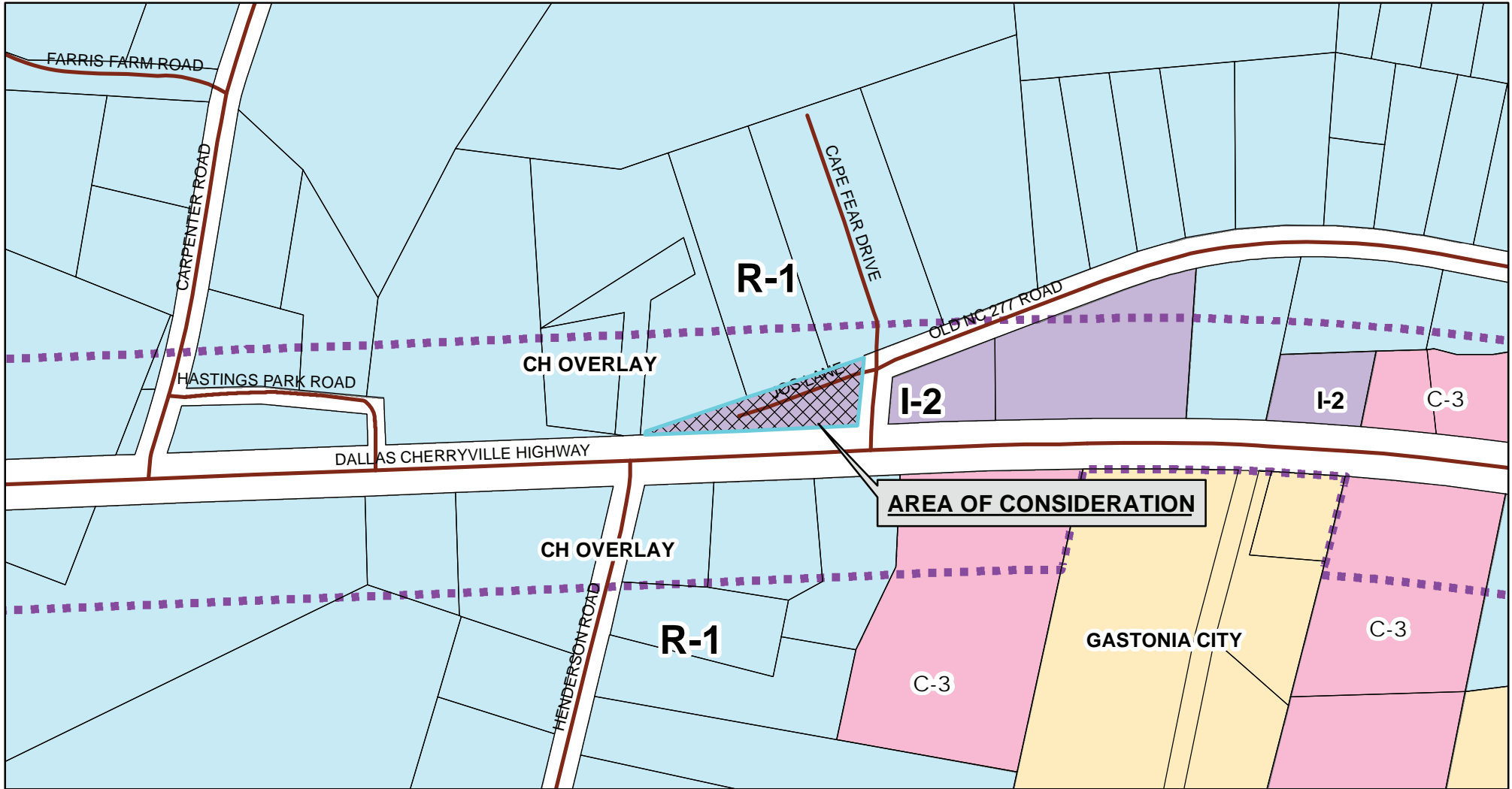
 Area of Consideration

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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 rezoning 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 Building & Development Services Department.

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.

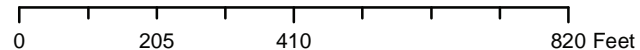
Please see the Zoning Administrator for additional information.




GASTON COUNTY REZONING REVIEW MAP

R-1 Single Family Limited
I-2 General Industrial

C-3 General Commercial
C-H Corridor Highway



 Area of Consideration

REZ - 22-11-22-00133

Applicant:

Juan Garcia

Owner:

Juan Garcia

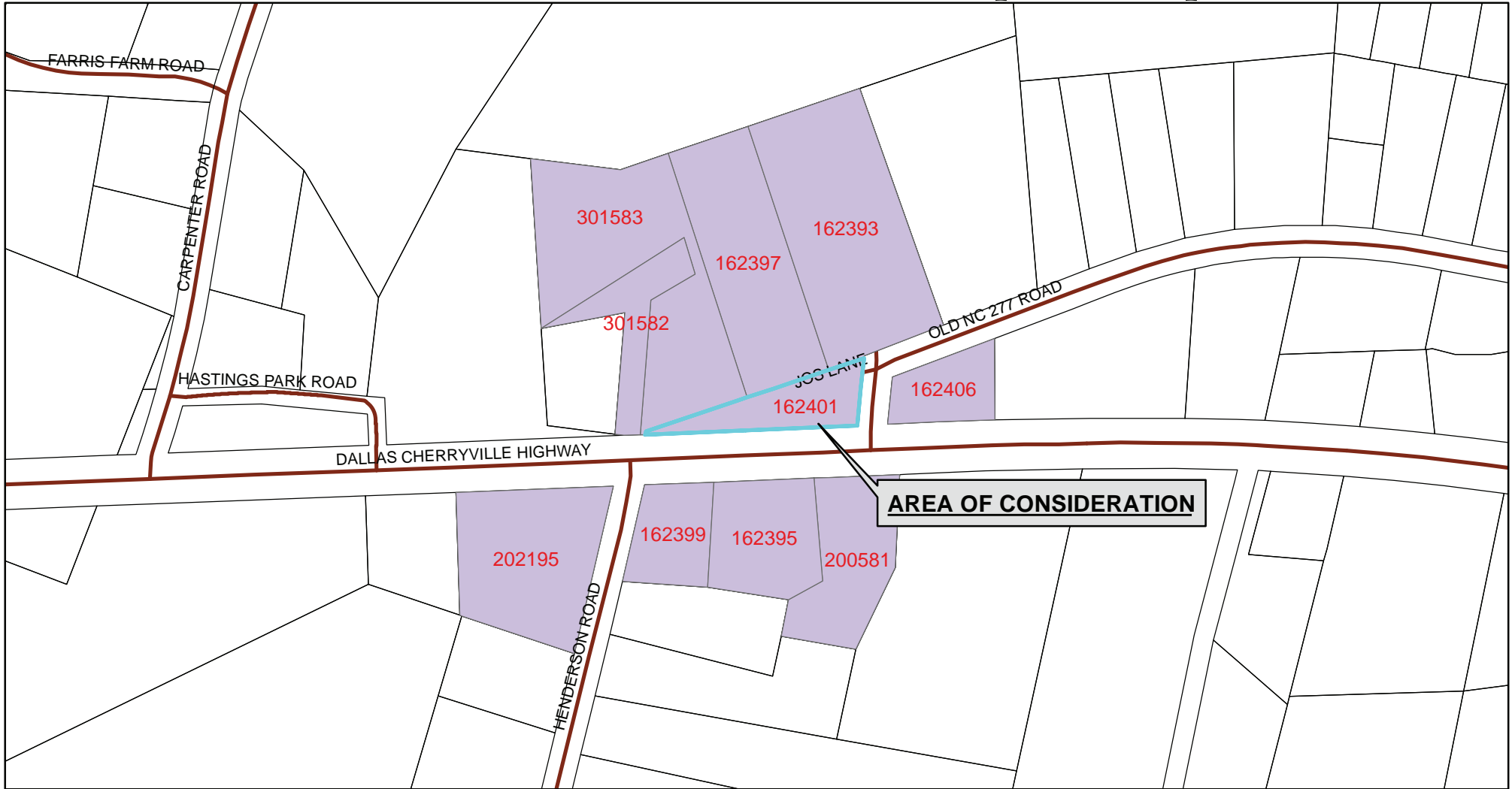
PID: 162401

Existing Zoning: I-2/CH

Proposed Zoning: R-1/CH

Map Date: 11/30/22

REZ-22-11-22-00133 Subject and Adjacent Properties Map



AKPAR	CURR_NAME1	CURR_ADDR1	CURR_CITY	CURR_S	CURR_ZIPCO	PHYSSTRADD
162397	LEE THOMAS XAO	106 JOES LN	BESSEMER CITY	NC	280167788	106 JOS LN
162393	KPR HOLDINGS LLC	6440 SHAFTESBURY ROAD	CHARLOTTE	NC	28270	1 CAPE FEAR DR
162399	CARPENTER J DEAN	3613 DALLAS CHERRYVILLE HWY	DALLAS	NC	28034	4521 DALLAS CHERRYVILLE HWY
162401	VILLATORO JUAN J GARCIA	105 JOES LN	BESSEMER CITY	NC	28016	105 JOS LN
202195	CURLEY DONNA L	4607 DALLAS CHERRYVILLE HWY	BESSEMER CITY	NC	28016	4607 DALLAS CHERRYVILLE HWY
200581	COSTNER BRENDA CAMPBELL	4501 DALLAS CHERRYVILLE HWY	BESSEMER CITY	NC	280167731	4501 DALLAS CHERRYVILLE HWY
301583	ALLISON WAYNE D	114 JOES LANE	BESSEMER CITY	NC	28016	114 JOS LN
162395	STOWERS MICHAEL DAVID	4511 DALLAS-CHERRYVILLE HWY	BESSEMER CITY	NC	28016	4511 DALLAS CHERRYVILLE HWY
162406	BRITT JIMMIE ANDREWS	149 PINE HOLLOW DR	DALLAS	NC	280340000	4426 DALLAS CHERRYVILLE HWY
301582	ALLISON WAYNE D	114 JOES LANE	BESSEMER CITY	NC	28016	118 JOS LN