



RESOLUTION TITLE: ZONING MAP CHANGE: CONDITIONAL DISTRICT CD19-02, T & L GRADING & HAULING (TERRY WHITESIDES) (APPLICANT); PROPERTY PARCEL: 226767, LOCATED AT 1225 OLD PROVIDENCE RD., GASTONIA, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT W/ (US) URBAN STANDARDS OVERLAY TO THE (CD/C-2) CONDITIONAL DISTRICT / HIGHWAY COMMERCIAL ZONING DISTRICT W/ (US) URBAN STANDARDS OVERLAY, IN ORDER TO ALLOW LANDFILL/LAND CLEARING (INERT DEBRIS), MAJOR

WHEREAS, a County Zoning ordinance was adopted on April 24, 2008 and a joint public hearing was held on August 27, 2019 by the County Commission and the Planning Board, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 226767
Applicant: T & L Grading & Hauling (Terry Whitesides)
Owner(s): T & D Whitesides Properties LLC
Property Location: 1225 Old Providence Rd., Gastonia, NC
Request: Rezone Parcel 226767 from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major

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 as conditioned of the map change for parcel: 226767, located at 1225 Old Providence Rd., Gastonia, NC, from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay on August 27, 2019, based on: the public hearing comment, staff recommendation, and the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan. The subject property is in a future land use designation of Rural. Rural areas support residential housing on large lots and some business, particularly businesses. The property rezoning is from (R-1) to (CD/C-2). The specific use of the property will be for landfill/land clearing for inert debris, referred to as an LCID. An LCID is not an intense development, and such use, along with the following conditions, will keep the rural nature of the general area.

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	JBrown	AFraley	BHovis	TKelgher	TPhillbeck	RWorley	Vote
2019-268	09/24/2019	RW	JB	A	A	AB	A	AB	A	A	U

DISTRIBUTION:

Laserfiche Users

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

Zoning Map Change: Conditional District CD19-02, T & L Grading & Hauling (Terry Whitesides) (Applicant);
Property Parcel: 226767, Located at 1225 Old Providence Rd., Gastonia, NC, Rezone from the (R-1) Single
Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District /
Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land
Clearing (Inert Debris), Major
Page 2

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 zoning district shall be void and no effect, and shall revert to the original zoning district prior to approval.
3. Development shall meet all local, state and federal requirements.
4. Arrange an onsite pre-operational meeting to include the North Carolina Department of Environmental Quality and Gaston County Zoning Office before any acceptance of waste is allowed.
5. At no time shall property owner, applicant, and/or any designee engage in the burning of Materials of any kind, as related to the active Landfill/Land Clearing (Inert Debris), Major. Nor shall the property owner, applicant, and/or any designee engage in the burning of materials brought to the property from an offsite location. The property owner of record (only) may, three years from the effective date of this resolution, and after notifying all pertinent permitting agencies in advance, including but not limited to the North Carolina Department of Environmental Quality, Gaston County Planning & Development Services, and Gaston County Zoning Office, be permitted to burn for the purposes and privileges afforded to all residents in the unincorporated areas of Gaston County.

Motion: Sain

Second: Hollar

Vote: Unanimous

Aye: Attaway, Barber, Hurst, Harris, Hollar, Horne, Houchar, Sain, Vinsion

Nay: None

Absent: Ally

Abstain: None

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the map change application, public hearing comment received on August 27, 2019 and the Planning Board recommendation:

- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The subject property is in a future land use designation of Rural. Rural areas support residential housing on large lots and some business, particularly agriculturally-related businesses. The property rezoning is from (R-1) to (CD/C-2). The specific use of the property will be for landfill/land clearing for inert debris, referred to as an LCID. An LCID is not an intense development, and such use, along with the attached revised conditions (Exhibit A), will keep the rural nature of the general area.

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. Property parcel: 226767, is hereby approved as conditioned, effective with the passage of this Resolution, this day, September 24, 2019.

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


Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Attest:

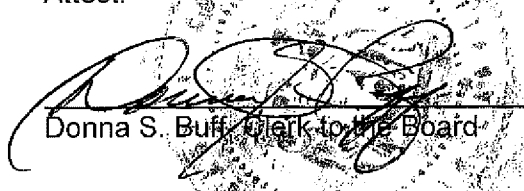
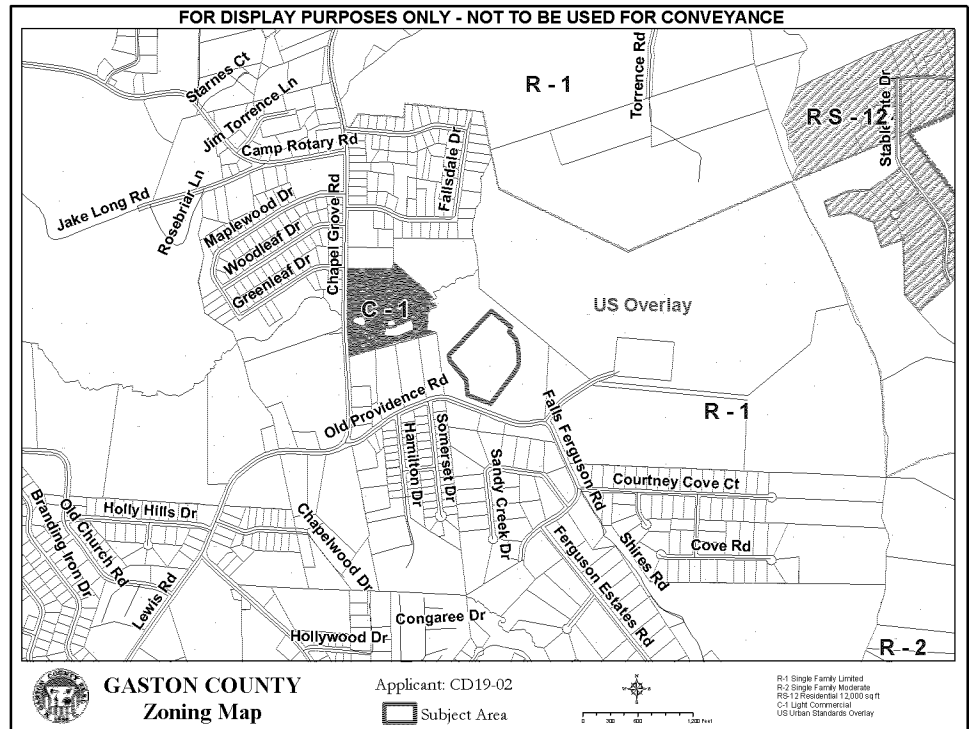
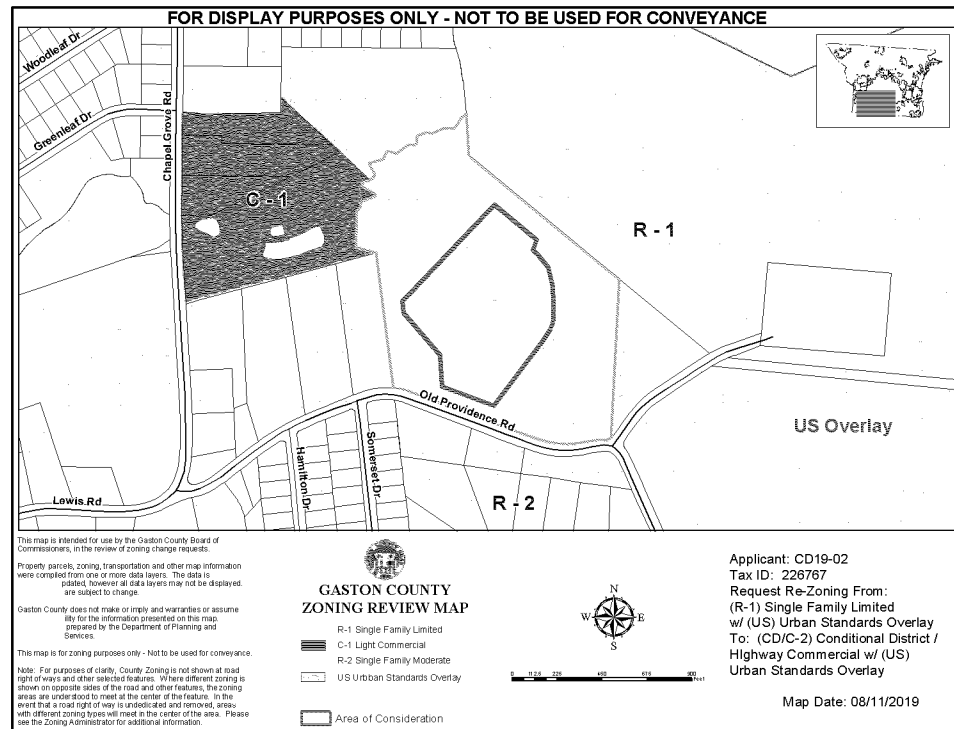
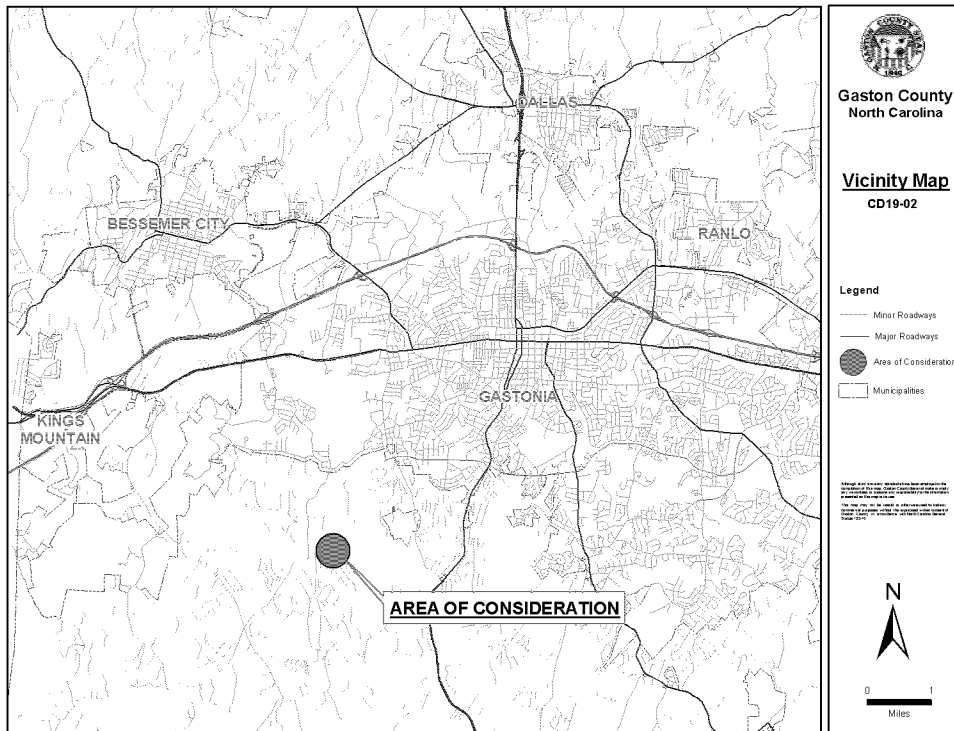

Donna S. Buff, Clerk to the Board

Exhibit A
Conditions of Approval
CD19-02

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 zoning district shall be void and no effect, and shall revert to the original zoning district prior to approval.
3. Development shall meet all local, state and federal requirements.
4. Arrange an onsite pre-operational meeting to include the North Carolina Department of Environmental Quality and Gaston County Zoning Office before any acceptance of waste is allowed.
5. The property owner shall be allowed to burn for the purposes of camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel on the entire parcel of land.
6. The property owner shall be allowed to burn for the purposes of land clearing, only after obtaining the proper burn permits and subject to the following requirements:
 - (1) prevailing winds are away from built up areas;
 - (2) the location of the burn is at least 500 feet from any occupied structure;
 - (3) the location of the burn is at least 250 feet from the edge of a roadway if the prevailing wind is toward the roadway;
 - (4) only kerosene distillate, or diesel fuel is used to start the fire; (5) burning shall commence between 8:00 a.m. and 6:00 p.m. and no additional material is added other than during those hours. No fires may be initiated or vegetation added to existing fires when the North Carolina Forest Service has banned burning for that area. The property owner shall also comply with any and all other local and State regulations regarding open burning not explicitly expressed herein.
7. The property owner shall not engage in the burning of any materials brought to the property from an offsite location.
8. Any reported complaint of a fire-related nuisance deemed valid by the Gaston County Zoning Administrator and that violates the conditions associated with this district shall nullify and void the approved Conditional District zoning and direct Planning staff to take necessary actions to revert the zoning back to its original zoning district.





Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-339

Commissioner Jack Brown - Planning & Development Services - Zoning Map Change: Conditional District CD19-02, T & L Grading & Hauling (Terry Whitesides) (Applicant); Property Parcel: 226767, Located at 1225 Old Providence Rd., Gastonia, NC, Rezone from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Planning Board and Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. T & L Grading & Hauling (Terry Whitesides) (Applicant); Rezone Parcel: 226767, from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial Zoning District w/ (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major. A joint public hearing was advertised and held on August 27, 2019 with the Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on the same date, 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 - CD19-02; Maps - CD19-02

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NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2019-268	09/24/2019	RW	JB	A	A	AB	A	AB	A	A	U

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