

Planning Board Item II – GENERAL PUBLIC HEARING INFORMATION (PCUP18-01)
Board of Commissioners / Planning Board Public Hearing Date November 13, 2018

Parallel Conditional Use Permit (PCUP18-01)

Request: To rezone parcels from the (R-1) Single Family Limited Zoning District w/ (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District w/ (US) Urban Standards Overlay (PCUP) in order to allow Business Services (Small Business/Accounting)

Applicant(s): Patricia T. Vaughan

Property Owner(s): Patricia T. & Timothy R. Vaughan

Mailing Address of Applicant: 4743 Dallas High Shoals Hwy., Dallas, N.C. 28034

Site Information and Description of Area

General Location: 4739 & 4743 Dallas High Shoals Hwy.

Parcel ID: 226220, 167219, 201957

Total Property Acreage: 226200 (1.24 ac) + 167219 (0.89 ac) + 201957 (0.71 ac) = 2.84 ac

Acreage for Map Change: 2.84 ac

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

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

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.

(US) Urban Standards Overlay – Areas of the County which are located outside their corporate limits and/or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the “Urban Standards Overlay District”.

Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards addressed, but not limited to: building design, off-street parking, road, lot and subdivision standards.

Note: If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.

Proposed Zoning District: (Parallel Conditional Use Permit)

(CU/C-1) Conditional Use / Light Commercial Zoning District – The purpose of this district is to accommodate a large variety of retail uses designed to meet the needs of individual neighborhoods, or

other relatively small geographic areas. Stores and shopping complexes are therefore relatively small in size and are designed to be compatible and integrated with adjoining residential neighborhoods. This zoning district is not intended to accommodate retail uses which attract persons from outside the neighborhood or which attract large numbers of passing motorists.

2035 Comprehensive Land Use Plan (Small Area District):

Area 2: North 321 Gaston / North Central Gaston (High Shoals, Dallas, 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; more transportation alternatives; preservation of agriculture and maintaining the rural “feel” of the community; and steer development towards existing infrastructure and areas immediately surrounding towns and cities.

Comprehensive Plan Future Land Use: Rural Center

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 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

October 12, 2018

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
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Phone: (704) 866-3195
Fax: (704) 866-3966

PARALLEL CONDITIONAL USE APPLICATION

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

Application Number: **PCUP** 18-01

A. * APPLICANT INFORMATION

Name of Applicant: Patricia T. Vaughan
(Print Full Name)

Mailing Address: 4743 Dallas High Shoals Hwy, Dallas, NC 28034
(Include City, State and Zip Code)

Telephone Numbers: (704)674-8861 (Area Code) Business (704)922-3189 (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: Patricia T. & Timothy R. Vaughan
(Print Full Name)

Mailing Address: 4743 Dallas High Shoals Hwy, Dallas, NC 28034
(Include City, State and Zip Code)

Telephone Numbers: (704)674-8861 (Area Code) Business (704)922-3189 (Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 4739 & 4743 Dallas High Shoals Hwy

Property Identification Number (PIN): 226220 (4739), 167219 (4743), 201957 (Vacant)

Acreage of Parcel: 2.84 +/- Acreage to be Rezoned: 2.84 +/-

Current Zoning: (R-1) with (US) Overlay Proposed Zoning: (C-1) with (US) Overlay

Current Use: Residential / Home Occupation Proposed Use(s): Small Business (Accounting)

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 existing structure will be compliant with ADA restroom, paved parking, marked handicap parking, and equipped with steps/ramp combination.
- ii. The use meets all required conditions and specifications; Owner will be working with Building Inspections to ensure structure will be compliant with commercial up-fits that meet NC Building Code.
- iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; The existing business has been in use as a home occupation for eighteen (18) years with no undue impact on adjoining properties; enhancements to property will be more appealing. ; 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. The business is located in Small Area 2 (North 321 Gaston) on a major thoroughfare (US 321 Business) that, while primarily residential, has small business scattered along this corridor.

E.

CONDITIONS SETFORTH BY APPLICANT

Requesting to improve existing structure and allow for additions to residence in order to expand small business that has outgrown its Home Occupation use.

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.

Dalicia Vaughan
Signature of property owner or authorized representative

9-27-18
Date

pt Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval. *Done by Will*

FOR OFFICIAL USE ONLY

Date Received: 9/27/18 Application Number: PCUP: 18-01 Fee: WAIVED

Received by Member of Staff: SP (Initials) Date of Payment: N/A Receipt Number: N/A

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

Parallel Conditional Use Application (PCUP 18-01) 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 Commission.
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 Commission 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 Condition Use Permit.
4. Development shall meet all local, state and federal requirements.



Gaston County North Carolina

Vicinity Map

PCUP18-01

Legend

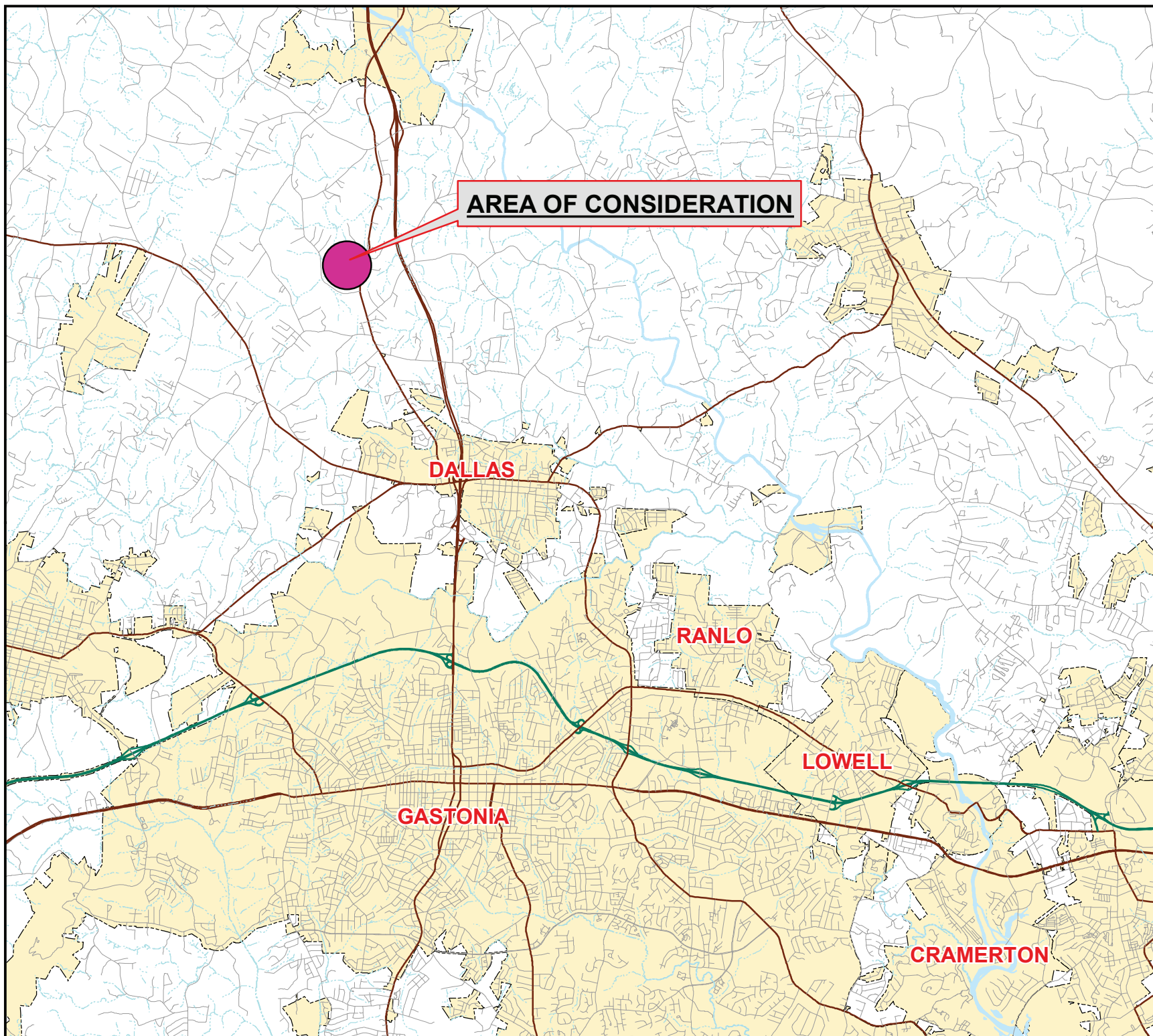
- Minor Roadways
- Major Roadways
- Area of Consideration
- Municipalities

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 used 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.



0 1
Miles





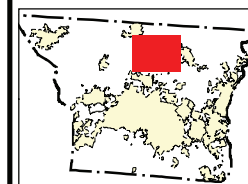
Gaston County Zoning Review Overview Map

2018 Pictometry

PCUP18-01

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.

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 Planning and Development Services.

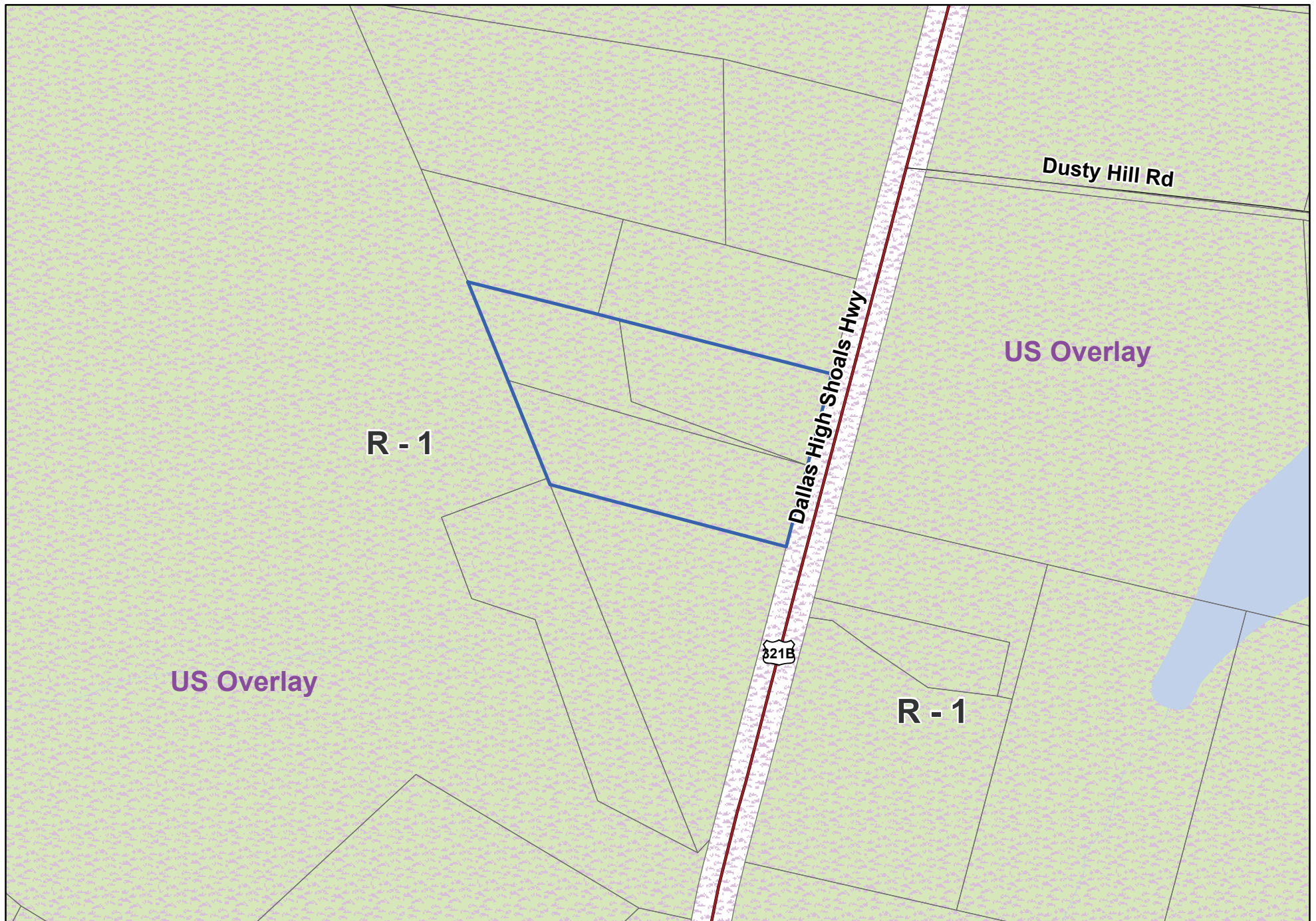
This map is for zoning purposes only - Not to be used for conveyance.

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




0 87.5 175 Feet





GASTON COUNTY Zoning Map

"Applicant: PCUP18-01"

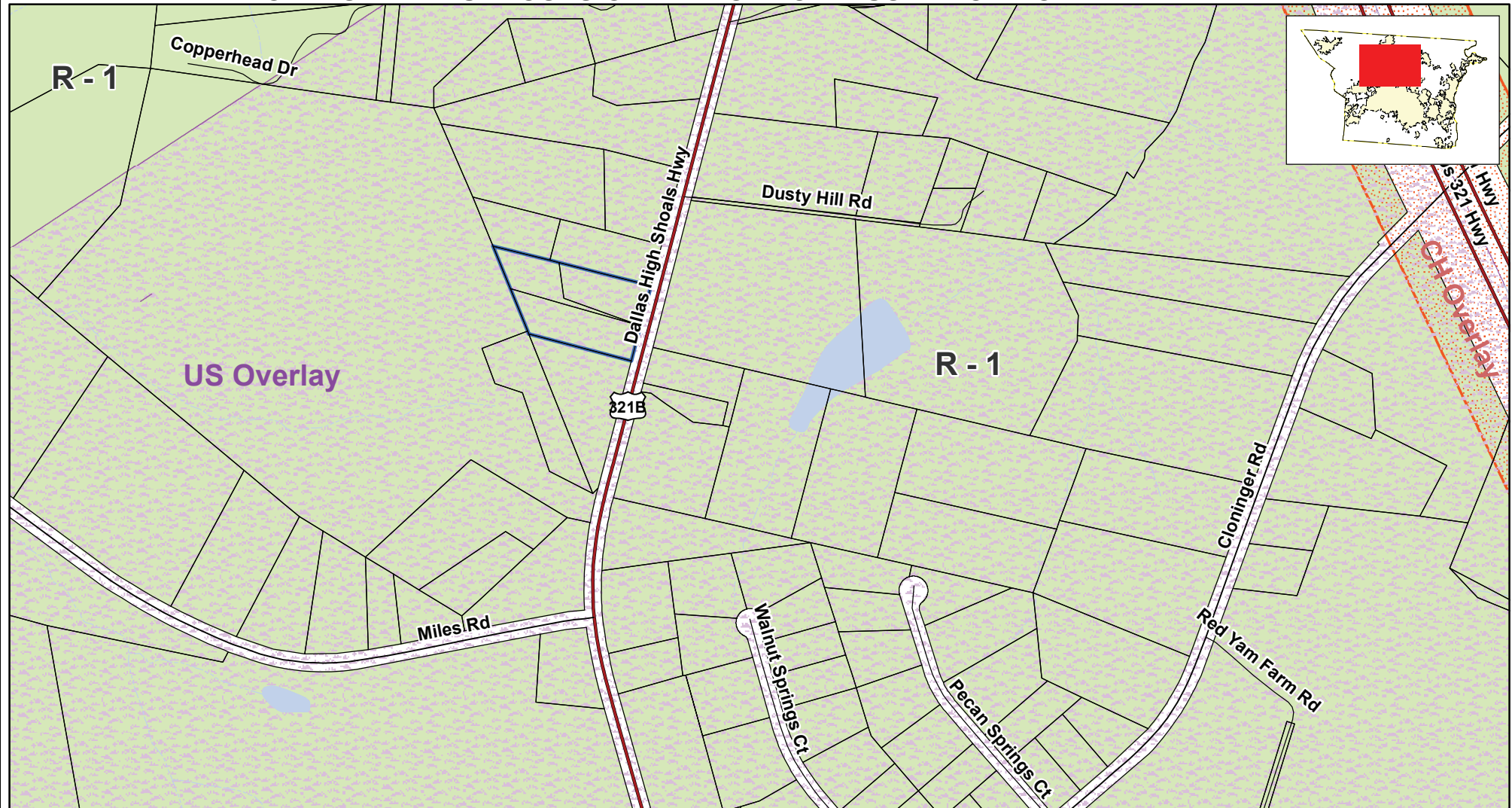
 Subject Area



0 62.5 125 250 Feet

R-1 Single Family Limited
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.

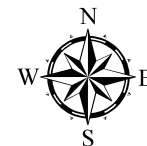
Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is 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
- US Urban Standards Overlay
- CH Corridor Highway Overlay

Area of Consideration



0 125 250 500 750 1,000 Feet

Applicant: PCUP18-01
Tax Id: 226220, 167219, 201957
Request Re-Zoning From:
R-1 Single Family Zoning District
w/ US Urban Standards Overlay
To: CU/C-1 Conditional Use /
Light Commercial Zoning District
w/ US Urban Standards Overlay

Map Date: 10/01/2018



PCUP18-01 Subject and Adjacent Properties Map

See reverse side for listing of property owners

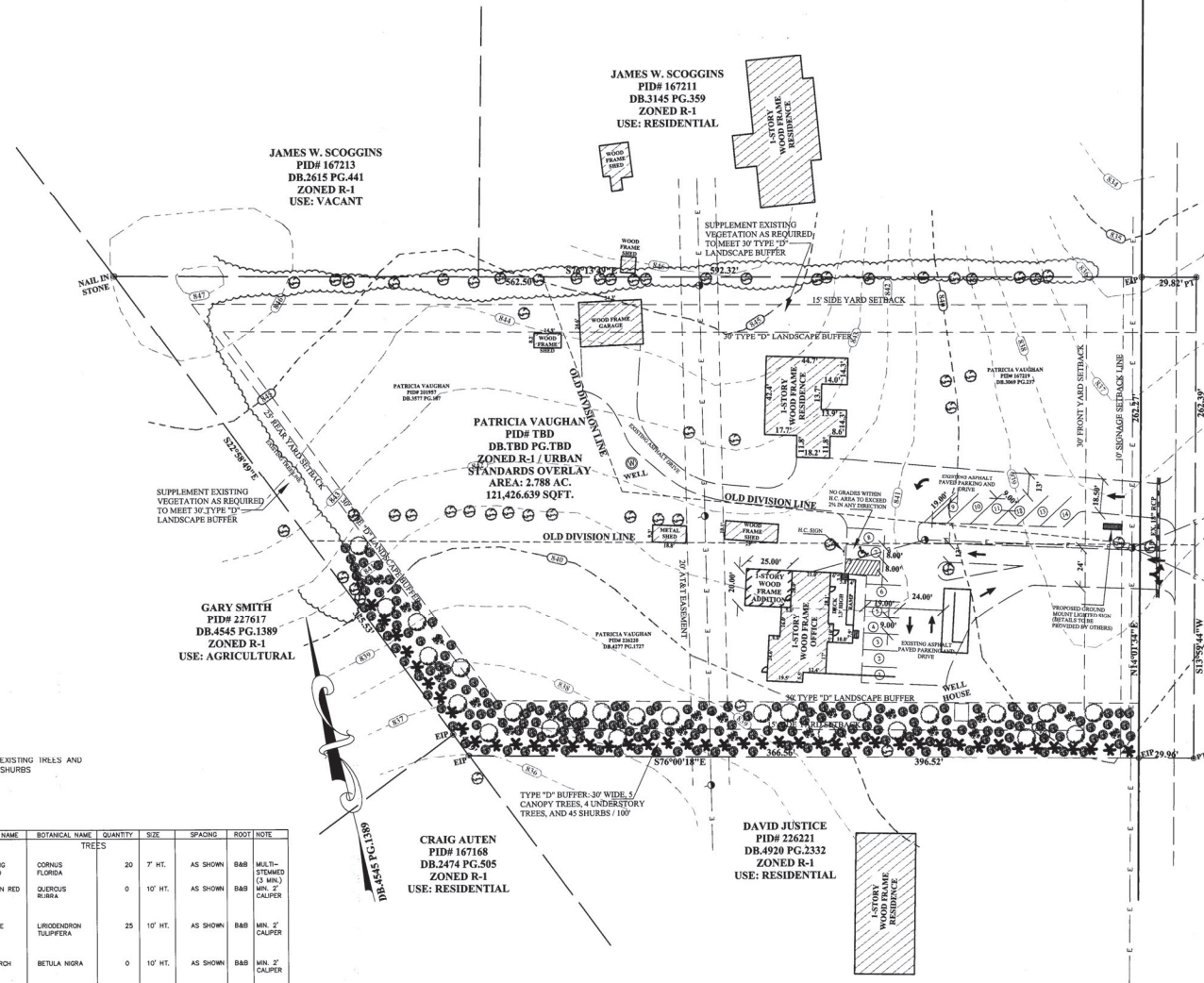
 **Subject Property**

Z18-08 SUBJECT AND ADJACENT PROPERTIES

<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>
	226220 /						
*	167219 /						
	201957	VAUGHAN TIMOTHY R	VAUGHAN PATRICIA T	4743 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
1	167211	SCOGGINS JAMES W	SCOGGINS BEVERLY B	4749 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
2	167213	SCOGGINS JAMES W	SCOGGINS BEVERLY B	4749 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
3	227617	SMITH GARY G	SMITH SUSAN S	128 MILES RD	DALLAS	NC	28034
4	167168	AUTEN CRAIG W	AUTEN ANEARL C	6161 TAYLOR DR	MACON	GA	31216
5	226221	JUSTICE BEVERLY	DAVID FOSTER	4729 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
6	167221	CLONINGER RAYMOND SCOTT	CLONINGER BETTY C	4736 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
7	218876	HOLLAND JOSEPH MICHAEL	HOLLAND REBECCA BRANDY ROLLINS	4750 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034

SYMBOL	COMMON NAME	BOTANICAL NAME	QUANTITY	SIZE	SPACING	ROOT	NOTE
TREES							
	FLOWERING DOGWOOD	CORNUS FLORIDA	20	7" HT.	AS SHOWN	B&B	MULTI-STEMMED (3 MIN.) MIN. 2' CALIPER
	NORTHERN RED OAK	QUERCUS RUBRA	0	10" HT.	AS SHOWN	B&B	
	TULIP TREE	LIRIODENDRON TULIPIFERA	25	10" HT.	AS SHOWN	B&B	MIN. 2' CALIPER
	RIVER BIRCH	BETULA NIGRA	0	10" HT.	AS SHOWN	B&B	MIN. 2' CALIPER
	WAXMYRTLE	MYRTICA CORIFERA	0	5 GAL.	AS SHOWN	CONT.	18" HT.
	LEYLAND CYPRESS	X. CUPRESSODIOPHYLLA LEYLANDII	44	5 GAL.	AS SHOWN	CONT.	18" HT.
	GRAPE MYRTLE	LAGERSTROEMIA INDICA	0	5 GAL.	AS SHOWN	CONT.	18" HT.
	EASTERN REDBUD	CECIS CANADENSIS	0	5 GAL.	AS SHOWN	CONT.	18" HT.
	DWARF YAUPON HOLLY	LEX VOMITORIA	177	3 GAL.	12/100 LF	CONT.	18" HT.

EXISTING TREES AND SHRUBS

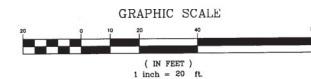


GENERAL INFORMATION:
CURRENT ZONING: R-1 / URBAN STANDARDS OVERLAY
SETBACKS: FRONT = 30'
SIDE = 15'
REAR = 25'
PROPOSED USE: ACCOUNTING SERVICES
TOTAL BUILDING RESIDENTIAL: 1917.00 SQFT
TOTAL BUILDING OFFICE EXISTING: 12582.6 SQFT
TOTAL BUILDING OFFICE PROPOSED: 500 SQFT
BUILDING HEIGHT: 1 STORY / 16' HIGH
REQUIRED PARKING: 1 SPACE/500 SQFT + 1/EMPLOYEE
2052.6/500 = 4 + 5 EMPLOYEES = 9 REQUIRED
PARKING PROVIDED: 14 SPACES
HANDICAPPED SPACES: 1 SPACE
TYPICAL PARKING SPACE: 9' X 19'
WATER USAGE: WELL
SANITARY SEWER USAGE: SEPTIC
TOTAL SITE: 2.79 AC
DENuded AREA: NA
IMPERVIOUS AREA: NA

NOTES:
1. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES BEFORE BEGINNING CONSTRUCTION.
2. LIGHT SHALL NOT BE DIRECTED TOWARD OR SHINE UPON ANY RESIDENTIAL ZONED OR ENDANGER MOTORISTS TRAVELING ON ANY STREET.
3. THIS PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHT-OF-WAYS OR EASEMENT NOT SHOWN.
4. THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO THE COMMUNITY PANEL NUMBERS 37103549001, EFFECTIVE DATE SEPTEMBER 28, 2007, FLOOD INSURANCE RATE MAP, FEDERAL EMERGENCY MANAGEMENT AGENCY.
5. THE LANDSCAPE BUFFER YARD SHALL BE MADE IN COMPLIANCE WITH THE UDO REQUIREMENTS. GASTON COUNTY SHALL INSPECT THE BUFFER AND IF FOUND OUT OF COMPLIANCE SHALL BE BROUGHT INTO COMPLIANCE BEFORE FINAL ZONING APPROVAL IS GIVEN.

PROPOSED REZONING DISTRICT
IF GRANTED IS G-1 ZONING-
DISTRICT SETBACKS SHALL
BE AS FOLLOWS:
FRONT = 30'
SIDE = 10'
REAR = 30'

DALLAS - HIGH/SHOALS HWY.
(US HWY 321 BUSINESS) - 60' R/W



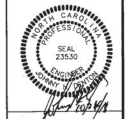
XPRESS TAX & ACCOUNTING
BUILDING ADDITION
SITE PLAN
PATRICIA VAUGHAN
4739 DALLAS / HIGH SHOALS HWY.
DALLAS, N.C. 28034

DIAMOND ENGINEERING, PLLC
CIVIL ENGINEERING & SURVEYING
SITE & SUBDIVISION ENGINEERING
PLANNING
MUNICIPAL ENGINEERING

440 OLD HWY. 277 LOOP RD.
DALLAS, N.C. 28034
PHONE: 704-922-0024

A Cut Above The Rest
NC License P-0263

Revisions:
18-12-18 REVISION REV.
18-12-18 CORRECTING LOTS
18-12-18 REVIEW COMMENTS



Drawn By: JHD
Checked By: JHD

Scale: 1" = 20'

Date: 10-5-18

File # 18-1005

SHEET NO. 2