

Conditional District Zoning Application (CD21-06)

STAFF REPORT

APPLICATION SUMMARY	
Request:	
To rezone property from the (R-1) Single Family Limited Zoning District to the (CD/R-3) Conditional District / Single Family General Zoning District, in order to allow Machine, Metal, Wood Working, Welding Shop	
Applicant:	Property Owner(s):
Tyler Carpenter	Diane Kiser Carpenter, Wade L. Carpenter Jr.
Parcel Identification (PID):	Property Location:
157438 (part of)	Landers Chapel Rd. (Lincolnton)
Total Property Acreage:	Acreage for Map Change:
19.23 ac	8.5 ac
Current Zoning:	Proposed Zoning:
(R-1) Single Family Limited	(CD/R-3) Conditional District / Single Family General
Existing Land Use:	Proposed Land Use:
Vacant / Agriculture	Machine, Metal, Wood Working, Welding Shop

COMPREHENSIVE LAND USE PLAN
Area 1: Rural Gaston / Northwest 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; increased job opportunities; preservation of agriculture and maintaining the rural “feel” of the community; repurpose vacant buildings and facilities for new economic opportunities; and, steer development towards existing infrastructure.
Comprehensive Plan future Land Use:
Rural – areas are characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusinesses. Residential homes are located on large lots and are set back from the roads they front upon. There are many opportunities for agribusiness ventures in this designation as well, including farming, landscaping and associated nurseries, etc. It is understood that this is the default use designation for Gaston County.
Staff Recommendation:
Application, as presented, is consistent with the Comprehensive Land Use Plan. Should the Board approve the request, Staff recommends that the attached conditions are adopted, as the conditions are designed to mitigate some of the effects of the development.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE
Water/Sewer Provider:
Private well / private septic
Road Maintenance:
North Carolina Department of Transportation

PUBLIC INFORMATION MEETINGS (Required)

September 14, 2021 and September 15, 2021

- One (1) citizen was in attendance at meeting one; two (2) citizens were in attendance at meeting two.
- Highlights covered by applicant included: provided citizens with a copy of the site plan; answered questions as they related to his small welding business
- Notes of concern by attendees: initial concerns were geared towards potential lithium mining operations – once applicant confirmed his welding business was unrelated to any type of mining operation, citizens were supportive of application.
- Staff observation: Both meetings met the objective of providing information to attendees; residents in attendance conveyed that they lived in close proximity of the proposed site (immediately across the street); both attendees appeared supportive and stated no objectives to the proposed project.

TRANSPORTATION PLANNING INFORMATION

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

Highlights from the comments did not include any significant projects in the immediate area. (None provided)

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

Staff received this application for rezoning request in July 2021. Pre-design meetings and discussions with the applicant included: consideration for site design and Conditions for Approval; and, remaining acreage to continue as an agricultural farming use.

This property is located in a rural area of the north west region of the county. While its' location is primarily residential in nature, it is not far from the municipality of Cherryville and other major corridors in Lincoln County.

If approved, staff would recommend that the Conditions For Approval be implemented, as presented or modified by the Board, to mitigate any impact on surrounding properties.

PLANNING BOARD RECOMMENDATION

Scheduled Meeting Date: October 11, 2021

After staff presentation and summary, the Planning Board had no questions for staff but did ask the applicant what type of business he intended to conduct, to which the applicant responded "a welding shop". After a brief discussion regarding the number of employees – ten (10) or less – proposed Conditions for Approval (with staff recommendation), the Board voted to approve the application, based upon the following statement of consistency:

The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/R-3) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

Attachments: Maps



GASTON COUNTY Department of Building and Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052

Phone: (704) 866-3075

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

Fax: (704) 866-3966

CONDITIONAL ZONING (CD) APPLICATION

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

Application Number: CD 21- 06

A.

APPLICANT INFORMATION

Name of Applicant: Tyler Carpenter

Mailing Address: 3068 J E Carpenter Rd Lincolnton, NC 28092

Telephone Numbers: 704-802-9353

(Area Code) Business

(Area Code) Home

B.

OWNER INFORMATION

Name of Owner: Diane Kiser Carpenter & Wade L. Carpenter Jr.

Mailing Address: 2230 Gaston Webbs Chapel Rd., Lincolnton, NC 28092

Telephone Numbers: 980-429-0678

(Area Code) Business

704-735-9890

(Area Code) Home

C.

PROPERTY INFORMATION

Physical Address or General Street Location of Property: Landers Chapel Rd. (Lincolnton)

Property Identification Number (PID): 157438 (part of)

Acreage of Parcel: 19.23

+/-

Acreage to be Rezoned: 8.5

+/-

Current Zoning: (R-1)

Proposed Zoning: (CD/R-3) Conditional District/Single Family Genera

Current Use: Vacant / Farming

Proposed Use(s): Machine, Metal, Wood Working, Welding Shop

D.

ADDITIONAL INFORMATION REQUIRED

☒ Copy of Plot Plan or Area Map

☒ Copy of Deed

☒ Notarized Authorization

☒ Payment of Fee

☒ PIM 1st. Meeting Date: 09/14/2021

☒ PIM 2nd. Meeting Date: 09/15/2021

☒ PIM Comments to Planning 09/16/2021

E.

CONDITIONS SETFORTH BY APPLICANT

See site plan

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.

Signature of property owner or authorized representative

7/6/21

Date

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

Date Received: 07/09/2021

Application Number: PCUP: Z21-06

Fee: \$840.00

Received by Member of Staff: SCP

(Initials)

Date of Payment: 08/23/2021

Receipt Number: INV-00027984



GASTON COUNTY Department of Building & 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

Public Hearing Consent Form

To: Gaston County Board of Adjustment / Planning Board / Board of Commissioners

From: Diane Kiser Carpenter & Wade L. Carpenter Jr.

2230 Gaston Webbs Chapel Rd., Lincolnton, NC 28092

Subject:

☐ consent for variance / ☐ conditional use / ☐ appeal / ☐ subdivision variance / ☐ watershed variance / ☒ rezoning

Date: _____

I, Wade L. & Diane K. Carpenter, being the property owner of parcel(s) 157438, give consent to Tyler K. Carpenter to act on my behalf in applying for the **PUBLIC HEARING REQUEST** under consideration.

Wade L. Carpenter
Diane K. Carpenter
Signature (owner)

7/8/2021
7/8/2021
Date

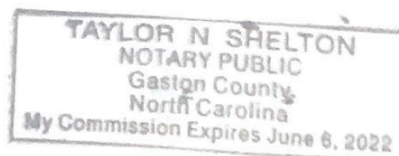
North Carolina
Gaston County

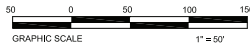
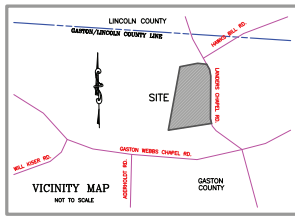
I, Taylor N. Shelton, a Notary Public for the said County and State, do hereby certify that Wade L. Carpenter & Diane K. Carpenter personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 8th of July, 20 21.

Taylor N. Shelton
Notary Signature

My commission expires: June 16, 2022





APPLICANT INFORMATION:

TYLER CARPENTER
3088 J.E. CARPENTER ROAD
LINCOLNTON, NC 28092
CONTACTS: TYLER CARPENTER
(704) 802-0933
tyler@tylcarindustries.com

PARCEL INFORMATION:

PARCEL ID #: 157438
PARCEL PIN #S: 3821018955
OWNER: WADE L. & DIANE K. CARPENTER, JR.
2230 GASTON WEBBS ROAD
LINCOLNTON, NC 28092
ADDRESS: LANDERS CHAPEL ROAD
CHERRYVILLE, NC
GASTON COUNTY
TOTAL ACREAGE: 19.23 AC (ENTIRE TRACT)
+/- 8.68 AC (TO BE REZONED)
DEED BOOK/PAGE: 3155 DEED PAGE: 0840
EXISTING ZONING: R-1
PROPOSED ZONING: CD/R-3
PROPOSED USES: MACHINE, METAL, WOOD
WORKING, WELDING SHOP
PROPOSED BUILDING TYPE:
PRE-ENGINEERED METAL BUILDING
PROPOSED BUILDING HEIGHT: +/- 24' HEIGHT
WATERSHED: SOUTH FORK WSA-47 PROTECTED
FLOODPLAIN: NO FLOODPLAIN ON-SITE
IMPERVIOUS AREA:
EXISTING IMPERVIOUS: 0 S.F.
PROPOSED IMPERVIOUS: 49,905 S.F.
% PROPOSED IMPERVIOUS ON TRACT: 13.2%
(PROPOSED REZONED TRACT)
PARKING REQUIREMENTS:
1 SPACE PER EMPLOYEE 4 SPACES
1 SPACE PER WORK VEHICLE 1 SPACE
2 VISITOR SPACES 2 SPACES
TOTAL REQUIRED SPACES 7 SPACES
TOTAL SPACES PROVIDED 7 SPACES

PLAN DESIGN INFORMATION:

SITE DEVELOPMENT:
J. DAVID LEDFORD, RLA
2730 MAIDEN HIGHWAY
LINCOLNTON, NC 28092
CONTACT: DAVID LEDFORD, RLA
(704) 530-7880

PARCEL ID#: 209032
GAR-MAC PROPERTIES, LLC
DEED BOOK/PAGE: 4736-2162
ZONING: R-1
CURRENT USE: VACANT FARMLAND



PARCEL ID#: 157434
MICHAEL R. & KELLY M. PLUNKETON
DEED BOOK/PAGE: 4488-0860
ZONING: R-3
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157497
CHRISTOPHER A. & DIANE H. DUNNOMAN
DEED BOOK/PAGE: 4488-0860
ZONING: R-3
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157458
CONYER D. & DIANE H. DUNNOMAN
DEED BOOK/PAGE: 4488-0860
ZONING: R-3
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157459
ROBBIE L. & JILL M. PLUNKETON
DEED BOOK/PAGE: 4488-0860
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157460
MICHAEL R. & KELLY M. PLUNKETON
DEED BOOK/PAGE: 4488-0860
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 211145
DENNIS D. & DIANE H. DUNNOMAN
DEED BOOK/PAGE: 5111-1848
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157458
MICHAEL R. & KELLY M. PLUNKETON
DEED BOOK/PAGE: 4488-0860
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157457
MICHAEL R. & KELLY M. PLUNKETON
DEED BOOK/PAGE: 4488-0860
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157452
GERALD & JENNIFER C. KEEVER
DEED BOOK/PAGE: 4457-2347
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157446
TIMOTHY W. WEBB
DEED BOOK/PAGE: 2027-0814
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157445
KATHY C. GONS
DEED BOOK/PAGE: 2903-0839
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157443
TROY P. COCHRAN
DEED BOOK/PAGE: 2775-0943
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157442
TROY P. COCHRAN
DEED BOOK/PAGE: 2775-0945
ZONING: R-2
CURRENT USE: VACANT

PARCEL ID#: 157437
HEAFNER FARMS, LLC
DEED BOOK/PAGE: 4826-2313
ZONING: R-2
CURRENT USE: GARAGE

PARCEL ID#: 157439
TROY P. COCHRAN
DEED BOOK/PAGE: 2775-0943
ZONING: R-2
CURRENT USE: RESIDENTIAL

PARCEL ID#: 157492
KENNETH W. & KATHERINE MCCURRY
DEED BOOK/PAGE: 4488-0860
ZONING: R-3
CURRENT USE: RESIDENTIAL

CONDITIONAL ZONING SITE PLAN
CARPENTER PROPERTY
LANDERS CHAPEL ROAD, CHERRYVILLE, NC

PLAN DATE: 07/09/21

DRAWN BY: JDL
CHECKED BY: JDL

REVISIONS:
#1 09/29/21 JDL



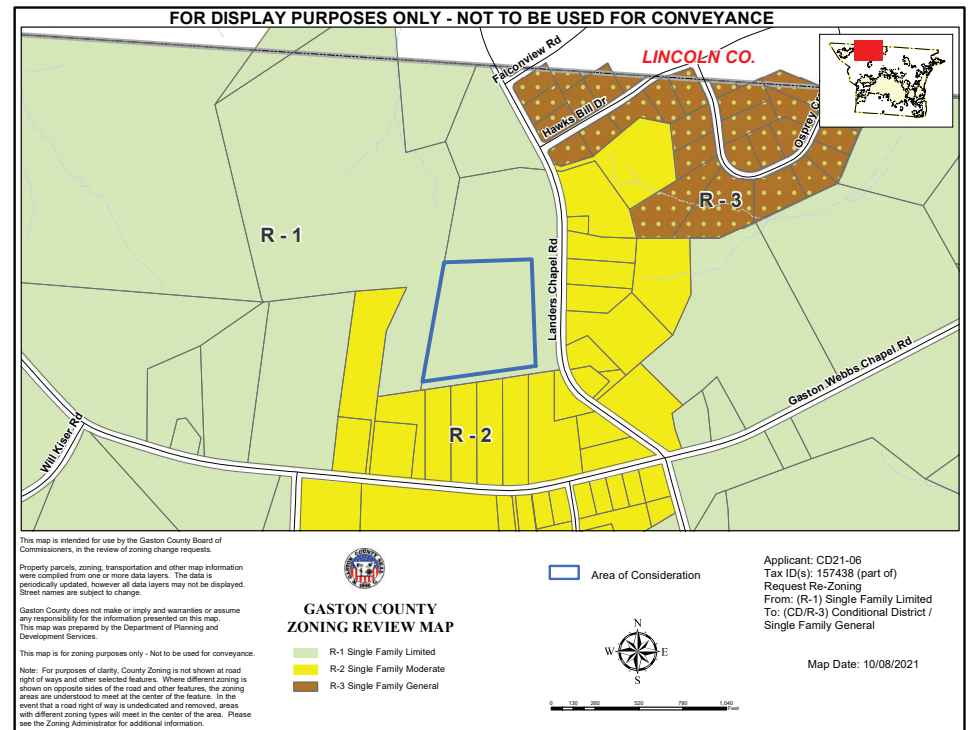
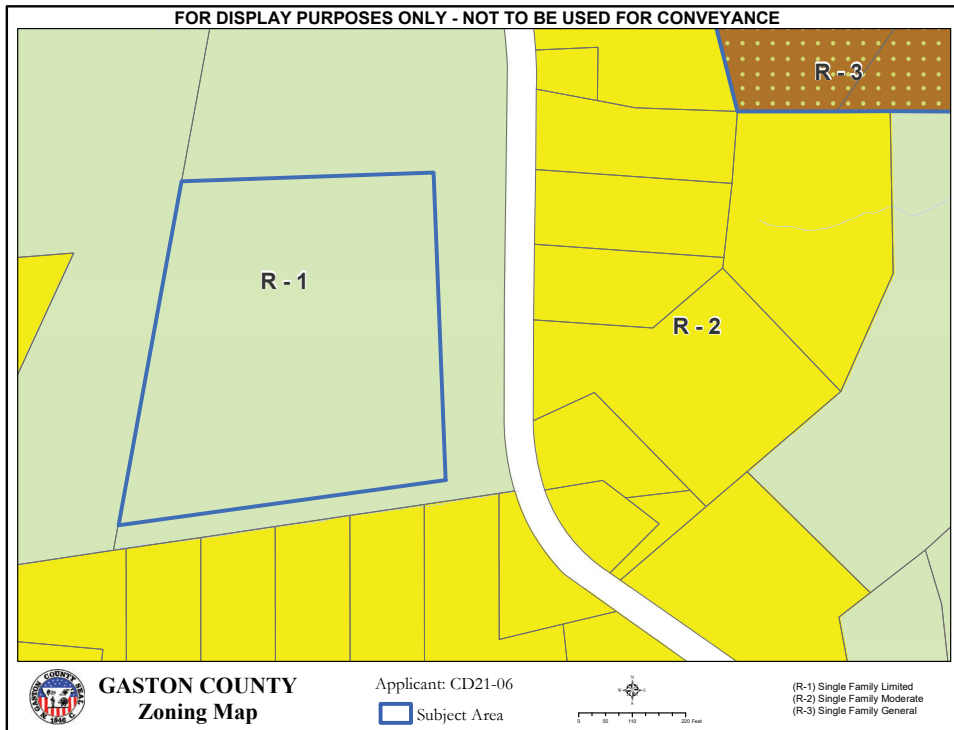
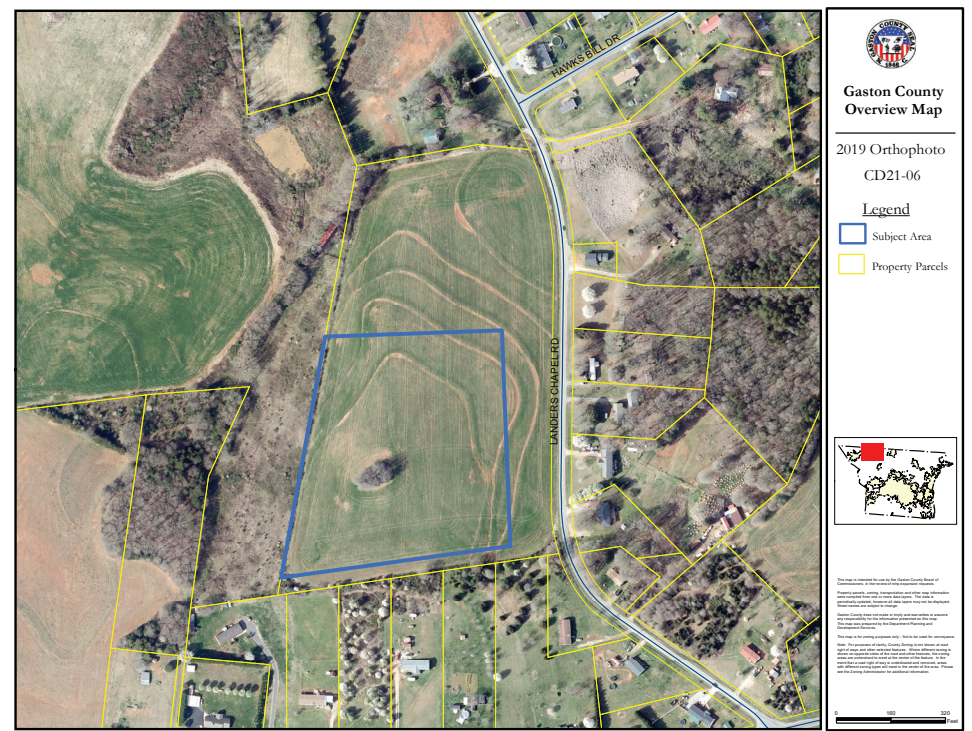
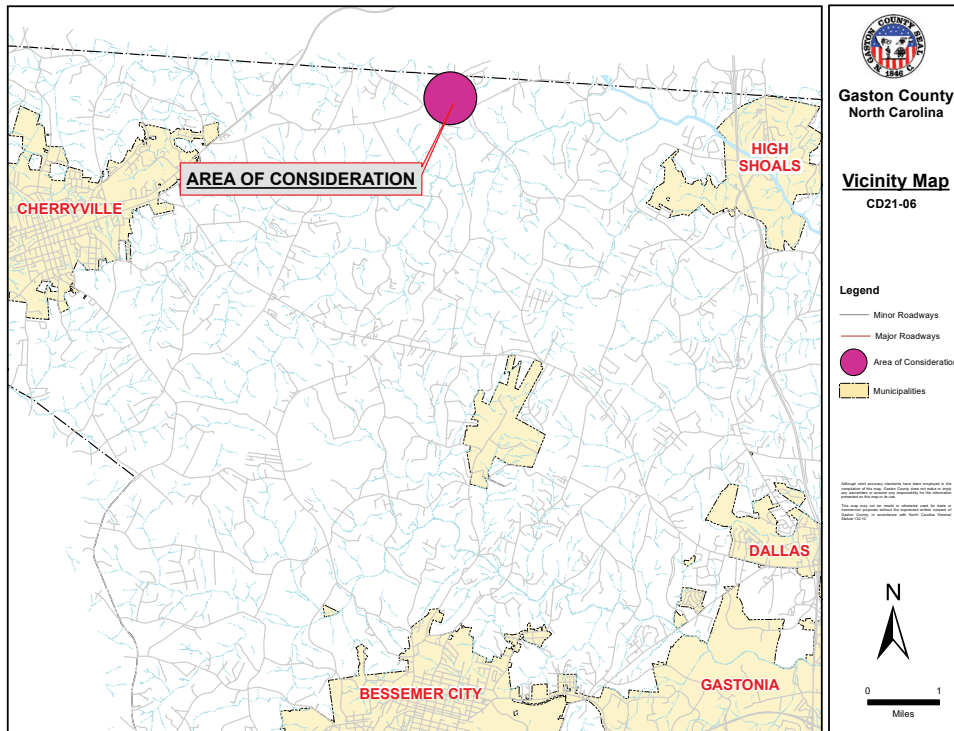
J. DAVID LEDFORD, RLA

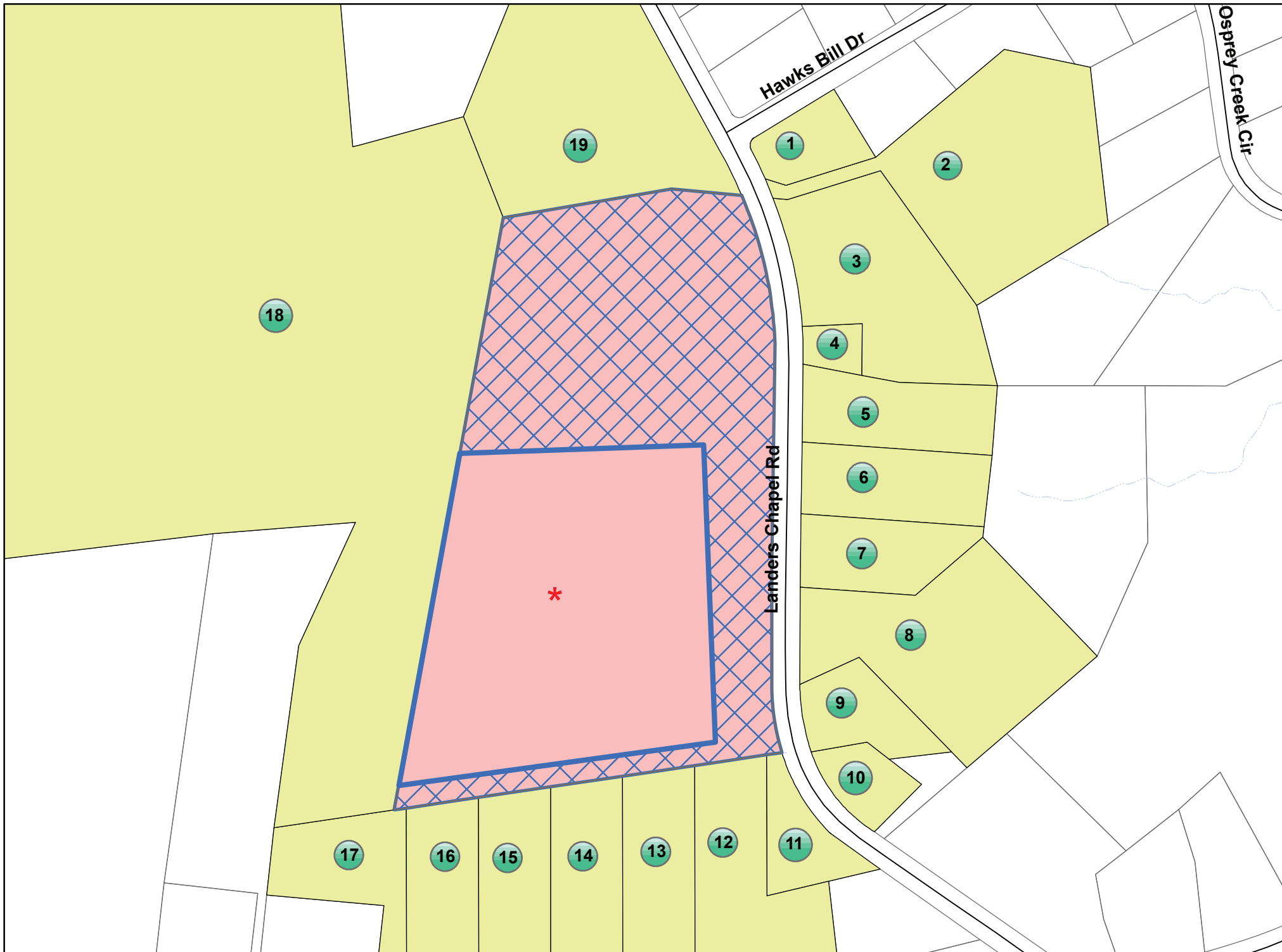
LANDSCAPE ARCHITECTURE LAND PLANNING SOIL/EROSION CONTROL STORMWATER PLANNING
2730 Maiden Highway
Lincolnton, NC 28092
jdavidledford@yahoo.com
CELL (704) 530-7880



(CD21-06) CARPENTER
CONDITIONS FOR APPROVAL

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 or any part thereof is held invalid or void, then this zoning district shall be void and no effect.
3. Development shall meet all local, state, and federal requirements.
4. The zoning is conditioned upon the conceptual site plan.
5. In accordance with Section 5.16.5(I) of the Unified Development Ordinance, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. The Administrator may only make minor changes to the approved site plan administratively.
6. The parking area shall remain as shown on the conceptual site plan, unless such a time occurs that the business expands to include more than twenty (20) employees, to which the parking area, aisles, driveways and surfaces must be brought to Unified Development Ordinance (UDO) regulations and standards.
7. The buffer and landscaping shall remain as shown on the conceptual site plan, unless such a time occurs that the business expands to include future structures, as proposed and shown on the plan, to which the buffers and landscaping must be brought to conformance with a Type A buffer yard.





CD21-06 Subject and Adjacent Properties Map

See reverse side for listing of property owners

 **Area of consideration**

CD21-06 Owner and Adjacent Property Listing

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	157438	CARPENTER DIANE KISER	CARPENTER WADE L JR	2230 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
1	157492	MCCURRY KENNETH M	MCCURRY KATHERINE	735 WISE RD	LINCOLNTON	NC	28092
2	157466	RICHTER CHRISTIAN ERIC	RICHTER KAREN RENEE	908 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
3	157439	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
4	157437	HEAFNERS FARM LLC		2671 E MAIN ST	LINCOLNTON	NC	28092
5	157442	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
6	157443	COCHRAN TROY PATTON		824 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
7	157445	GOINS KATHY CLARK		126 OAK POINT DR	CHERRYVILLE	NC	28021
8	157446	WEBB TIMOTHY W	C/O KEVIN E WEBB	810 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
9	157452	KEEVER JENNIFER C	KEEVER GERALD	804 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
10	157447	RICKARD JONATHAN PAUL		423 HELTON RD	CHERRYVILLE	NC	28021
11	157465	MOSES MATTHEW E		725 LANDERS CHAPEL RD	LINCOLNTON	NC	28092
12	211145	STEWART DENNIS D	STEWART DAWN L	2974 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
13	157460	PILKINGTON MICHAEL R	PILKINGTON KELLY M	3006 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
14	157459	BRYANT JULIAN DANA	BRYANT ROBIN LEE MOFFITT	119 COUNTRY WAY DR	LINCOLNTON	NC	28092
15	157458	CARTER JON ERIC		112 CRICKET CREEK DR	CHERRYVILLE	NC	28021
16	157457	CUNNINGHAM DEBRA HALEY	CUNNINGHAM CHRISTOPHER A	3052 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
17	157434	MOSES BERTA BARQUERO		3074 GASTON WEBBS CHAPEL RD	LINCOLNTON	NC	28092
18	209032	GAROMAC PROPERTIES LLC		3848 CROUSE SCHOOL RD	CROUSE	NC	28033
19	157435	BEJARANO-LOPEZ GRETTELY ARLENE		624 TYVOLA RD STE 103	CHARLOTTE	NC	28217