

Planning Board Item II- GENERAL PUBLIC HEARING INFORMATION (Rezoning – Z15-10)
Board of Commissioners/Planning Board Public Hearing Date January 26, 2016

General Rezoning Application-Z15-10 for Parcels 2215329 and 221533(portion)

Request: To rezone parcel number 221532 and 221533 (portion) from the (R-1) Single Family Limited w/US Overlay and (CU/C-2) Conditional Use Highway Commercial Zoning District w/CH and US Overlay (portion) to the (C-3) Light Commercial Zoning District w/CH (portion) and US Overlay

Applicant: Flat Creek, LLC (Lynn (Trip) McLean, III – Manager)

Property Owner: Marty H. Murphy and Deana K. Murphy

Mailing Address of Applicant: 5910 South New Hope Road, Belmont, NC 28012

Site Information and Description of Area:

General Location (see attached map): 1322 South Point Road, Belmont, NC 28012

Tax Parcel Number(s): 221532 and 221533(portion)

Township: South Point Township

Current Use of Property vacant/undeveloped

Total Acreage in Parcel(s): 5.86 acres (221532) and 8.10 acres (221533)

Acreage for Map Change: 5.86 acres (221532) and 4.42 acres (221533) portion

Current Zoning District(s): (R-1) Single Family Limited w/US Overlay and (CU/C-2) Conditional Use Highway Commercial Zoning w/CH (portion) and US Overlay

General Area Zoning Districts: (R-1) Single Family Limited, Belmont ETJ, (CU/C-2) Conditional Use Highway Commercial Urban Standards Overlay (US), Corridor Highway Overlay (CH)

General/Adjacent Land Use(s): commercial/industrial, residential, undeveloped

Zoning District Information:

Current Zoning District(s):

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.

CU/C-2 Condition Use/Highway Commercial (Parallel Conditional Use District): 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.

Parallel Conditional Use Districts (P-CUP): *The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and/or on the entire community that cannot be predetermined and controlled by general district standards or the criteria governing planned developments.*

USO URBAN STANDARDS OVERLAY DISTRICT

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.

CH Corridor Highway Overlay (CH) District

The purpose of the CH District is to preserve and enhance the streetscape along designated corridor highways in Gaston County. A CH District may exist along the entire length of a roadway or along any identifiable segment of a roadway. Any CH District initially established shall contain a minimum length of at least one thousand (1,000) linear feet as measured along one side of a designated corridor highway. The CH District shall consist of all lots fronting on the corridor highway for a depth of two hundred-fifty (250) feet as measured from the centerline of the corridor highway (for a total width of five hundred (500) feet), unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape.

Proposed Zoning District:**C-3 GENERAL COMMERCIAL**

The C-3 District is intended to accommodate the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any of the other commercial zoning districts. Like the C-2 district, the C-3 district is intended to accommodate the community's larger and most intense commercial developments (outside of the central business district) and is generally located within the Urban Standards Overlay District.

USO URBAN STANDARDS OVERLAY DISTRICT

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

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The purpose of the CH District is to preserve and enhance the streetscape along designated corridor highways in Gaston County. A CH District may exist along the entire length of a roadway or along any identifiable segment of a roadway. Any CH District initially established shall contain a minimum length of at least one thousand (1,000) linear feet as measured along one side of a designated corridor highway. The CH District shall consist of all lots fronting on the corridor highway for a depth of two hundred-fifty (250) feet as measured from the centerline of the corridor highway (for a total width of five hundred (500) feet), unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape.

STAFF COMMENTS:

The overlay districts would remain in effect, regardless of whether the request is approved or not.

COMPREHENSIVE PLAN:

Small Area Districts: Southeast Area of the Comprehensive Plan Strategy Map.

Key Issues: Farmland, availability of water, sewer, etc, retaining existing businesses

It is staff's opinion the request is consistent with the Comprehensive Plan.

TECHNICAL REVIEW COMMITTEE (TRC):

Request was reviewed by TRC for comment and general compliance with applicable regulations and provisions. The Technical Review Committee 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); Fire Marshall, etc. which reviews all land use proposals and site plans requiring Planning Board approval, and/or public hearing process.

NOTIFICATION:

Newspaper advertisement of public hearing was advertised in Gaston Gazette in accordance with County policy.

ZONING SIGN PLACED ON PROPERTY: January 15, 2016

MAIL NOTIFICATION:

Notice of the hearing was sent to adjacent property owners on January 15, 2016. Comments, if any, from the notification will be provided during public hearing.

INFORMATION ATTACHED:

Rezoning application (copy), proposed zoning district list of uses; zoning review map, subject area map, aerial map, vicinity map, adjacent property owner's map

TRANSPORTATION PLANNING INFORMATION:

GCLMPO (Gaston, Cleveland, Lincoln Metropolitan Planning Organization)

STAFF CONTACT:

Ron Smith, Development Services Planner (704-866-3072), email: ron.smith@gastongov.com



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 15 - 10**

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Flat Creek, LLC (Lynn (Tripp) McLean, III - manager)
(Print Full Name)

Mailing Address: 5910 South New Hope Road, Belmont, NC 28012
(Include City, State and Zip Code)

Telephone Numbers: 704.913.2788

(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: Marty H. Murphy & Deana K. Murphy
(Print Full Name)

Mailing Address: 4614 Valley View Drive, Belmont, NC 28012
(Include City, State and Zip Code)

Telephone Numbers: 704.691.5221

(Area Code) Business

(Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 1322 South Point Road, Belmont, NC 28012

Parcel Identification (PID): # 221532 & # 221533 (portion)

Acreage of Parcel: 5.86/8.10 +/- Acreage to be Rezoned: 5.86/4.42 +/- Current Zoning: CU/C-2 & R-1 w/ CH & US Overlays

Current Use: PCUP for Lawn & Garden Center (Vacant) Proposed Zoning: C-3 w/ CH & US 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: _____

(Area Code)

Telephone: _____

(Area Code)

Parcel: _____

(If Applicable)

Parcel: _____

(If Applicable)

(Signature)

(Signature)

See Reverse Side For Completion of Additional Sections

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) 221532 + 221533 hereby give FLAT CREEK, LLC consent to execute this proposed action.
(Name of Applicant)

Marty H. Murphy
(Signature)

10-21-15
(Date)

Deana Cherry
(Signature)

10-21-15
(Date)

Denice Nichols, a Notary Public of the County of Gaston State of North Carolina, hereby certify that Marty Murphy and Deana Murphy personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 21st day of Oct, 2015.

Denice Nichols
Notary Public Signature

DENICE NICHOLS
NOTARY PUBLIC, NORTH CAROLINA
COUNTY OF GASTON

2/24/19
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.

Flat Creek, LLC Manager Lynn L. McLean, Jr.
Signature of Property Owner or Authorized Representative

10/21/15
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

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Date Received: 10-26-2015 Application Number: 215-10 Fee: \$ 500.00

Received by Member of Staff: [Signature] Date of Payment: 10-26-15 Receipt Number: 1627
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP

☐ COPY OF DEED

☐ NOTARIZED AUTHORIZATION

☒ PAYMENT OF FEE

Date of Staff Review: 11-6-15 Date of Public Hearing: 1/26/16

Planning Board Review: 1/26/16 Recommendation: _____ Date: _____

Commissioner's Decision: _____ Date: _____

Mission Statement

Gaston County seeks to be among the finest counties in North Carolina. It will provide effective, efficient and affordable services leading to a safe, secure and healthy community, an environment for economic growth, and promote a favorable quality of life.

Below is a list of the uses allowed in the light commercial district:

The Gaston County Zoning Ordinance allows certain uses in the zoning districts: 1) by right; 2) by right, with supplemental regulations; 3) only with a conditional use permit; 4) only with a conditional use permit, with supplemental regulations; 5) Existing use subject to supplemental regulation; 6) By Conditional Zoning; 7) By Conditional Zoning with supplemental regulations; 8) By Special Exception; or 9) By Special Exception with supplemental regulations. Below are uses allowed in this district, broken down in the aforementioned categories.

C3 LIGHT COMMERCIAL

(1) Uses allowed by right:

ABC Store; Amusement and Sporting Facility, Indoor (unless use specifically listed); Amusement Arcade; Animal Grooming Service for household pet (indoor kennels); Art Gallery; Auditorium/Assembly Hall/Amphitheater/Community Center less than 500 seats; Baseball Hitting Range; Building Material and Lumber Sales; Business Services; Check Cashing Establishment, Closed 12 a.m. – 5 a.m.; Cleaning and Maintenance Service; Contractor's Office and Operation Center; Day Care Center Accessory; Dwelling, Single-Family, Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies and 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 of ATMs); Food Pantry; Food Store, 0-9,999 square feet gross floor area; Funeral Home; Furriers; Game Room; Glass and Mirror Shop; Grooming Services; Gunsmith, Gun and Ammunition Sales; Hardware Store; Health Club, Spa, Gymnasium Recycling (principal use); Laboratories – Dental, Medical; Lawn and Garden Center; Library; Medical Offices, 0 -49,000 square feet gross floor area; Monument Sales; Museum; Offices, Excluding Medical, 0-49,999 square feet gross floor area; Personal Business Services; Photo Finish Laboratory; Post Office; Recycling Deposit Station, accessory; School for the Arts; Sign Shop; Skating Rink, indoor; Upholstery Shop;

(2) Uses allowed by right with supplemental regulations:

Adult Establishment; Aircraft Sales and Service; Landfill, Beneficial Fill, Laundromat, Closed 12 a.m. – 5 a.m.; Lounge/Nightclub; Machine, Metal Wood Working, Welding Shop; Manufactured Goods, Class 1; Maternity Home; Multi-Family Development, Nursery (Garden); Nursing Home, Rest Home; Planned Residential Development (PRD), Paint Ball Facility; Park; Parking Lot; Planned Unit Development (PUD), Private Residential Quarters (PRQ), Produce Stand, Recreation Center and Sports Center; Recycling Deposit Station, principal use; Residential Infill Development; Restaurant, with drive thru; Schools, Restaurant within other facilities; Retail, 0-24,999 square feet gross floor area; Elementary and Junior High (Public and Private), School, Senior High (Public and Private), Shopping Center, 25,000-49,000 square feet gross floor area; Shopping Center, 0-24,999 square feet gross floor area; Stadium, Swimming Pool, Sales, Service and Supplies; Telecommunication Antennae and Equipment Buildings, Traditional Neighborhood Development (TND).

(3) Uses allowed with a conditional use permit:

Abattoir; Aircraft Sales and Service; Amusement Park;

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

Airport, Airstrip, Freight and Flying Service; Amusement and Sporting Facility, Outdoor; Animal Hospital (Outdoor Kennel), Animal Hospital (Indoor Kennel), Assisted Living Center; Auction House; Auditorium/Assembly Hall/Amphitheater/Community Center 500 or more seats; Automobile Service Station; Body Piercing Establishment and Tattoo Parlor; Bus and Train Terminal, Passenger; Car Wash, Self Service; Club, Private (Without Adult Entertainment); Convenience Store, open up to 24 hours; Day Care Center, Class B, Day Care Center, Class C, Farmers Market; Flea Market, Outdoor; Food Catering Facility; Fraternal and Service Organization Meeting Facility (non-or not for profit), 0- 9,999 Square Feet Gross Floor Area; Fraternal and Service Organization Meeting Facility (non-or not for profit), 10,000 Square Feet Gross Floor Area, Golf Course; Golf Driving Range; Golf Miniature, Group Home; Hotel or Full Service Hotel; Laundromat, open up to 24 hours; Lounge/Nightclub; Maternity Home, Mini-Warehouse; Military Reserve, Center, Nursery (Garden), Nursing Home, Rest Home, Park; Restaurant with drive thru; Riding Stables; Rodeo/Accessory Rodeo; School, Vocation; Stadium, Telecommunication Tower and Facilities; Wood Waste Grinding Operation.

(5) Existing Use subject to supplemental regulations:

Dwelling, Manufactured Home Class C, and Dwelling, Manufactured Home Class D, Manufactured Home Park

(6) By Conditional Zoning: None

(7) By Conditional Zoning with supplemental regulations:

Multi-Family Development; Planned Residential Development (PRD), and Planned Unit Development (PUD);
Residential Infill Development; and Traditional Neighborhood Development (TND)

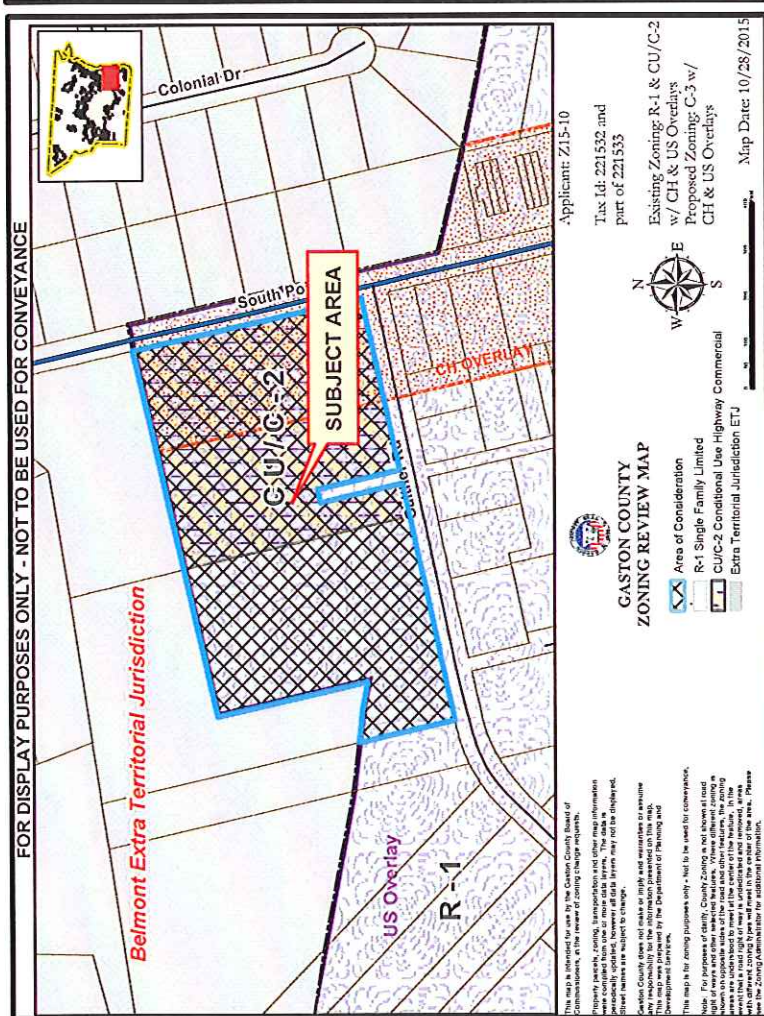
(8) By Special exception: None

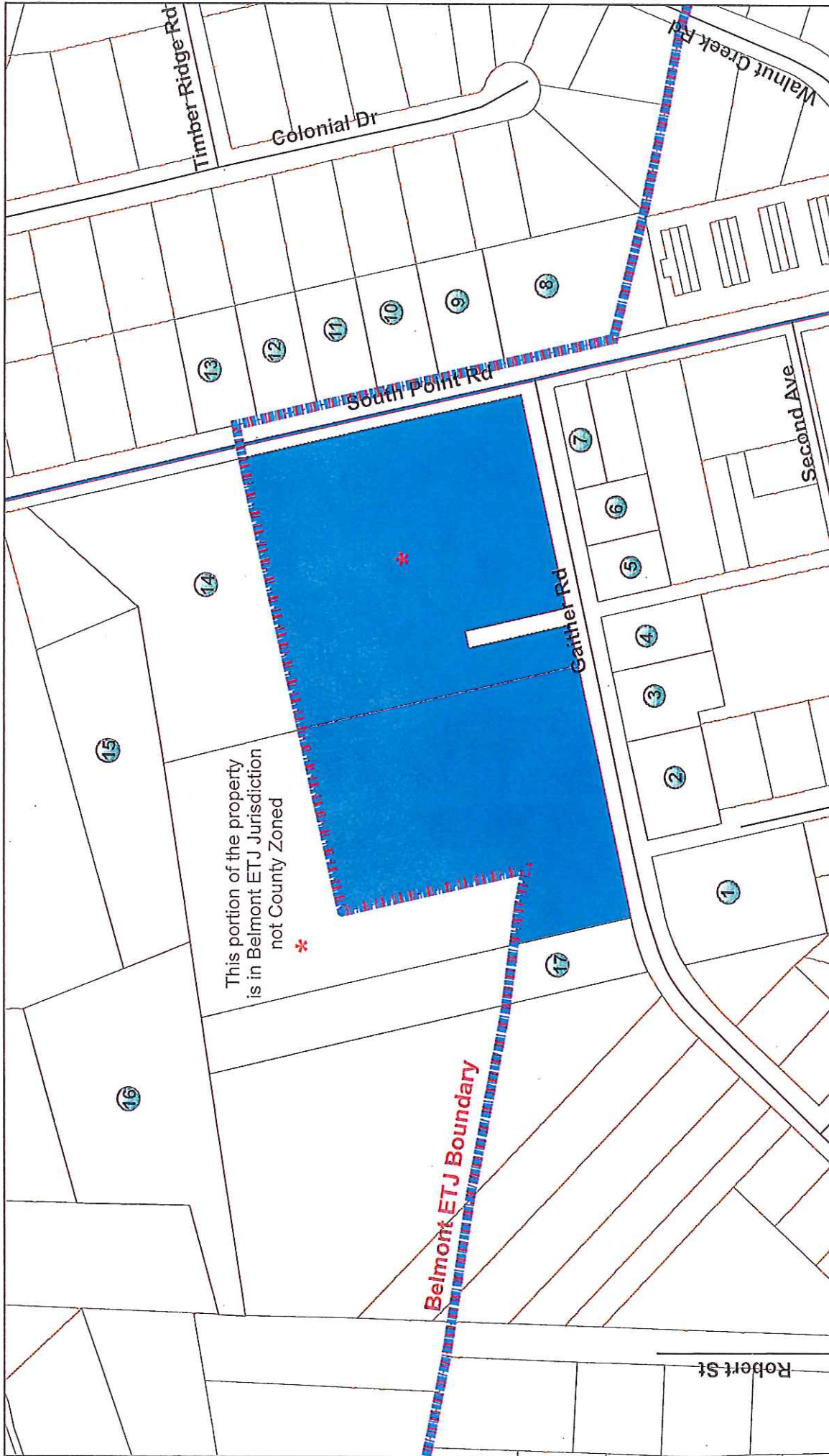
(9) By Special exception with supplemental regulations:

Family Care Home

ATTACHED: Map of property under consideration and surrounding properties.

FOR DISC





Adjacent Owners Z15-10

NO.	PARCEL	OWNER NAME	OWNER NAME 2	ADDRESS	CITY	STATE	ZIP	NO.	PARCEL	OWNER NAME	OWNER NAME 2	ADDRESS	CITY	STATE	ZIP
1	221532	MURPHY MARTIN H JR	MURPHY DEANA K	4614 VALLEY VIEW LN	BELMONT	NC	28012	8	189769	SIMPSON EVERETT	SIMPSON SHELLY	1423 SOUTH POINT RD	BELMONT	NC	28012-0000
2	221533	MURPHY MARTIN H JR	MURPHY DEANA K	4614 VALLEY VIEW LN	BELMONT	NC	28012	9	189753	BOONE JEFFREY	RHOADES MARGOT	1321 SOUTH POINT RD	BELMONT	NC	28012-8540
3	189877	SOUTH POINT FREEWILL BAPTIST *		297 GAITHER RD	BELMONT	NC	28012	10	189752	STEWART LYDIA DAVIS		1313 SOUTH POINT RD	BELMONT	NC	28012
4	189876	SOUTH POINT FREEWILL BAPTIST *		297 GAITHER RD	BELMONT	NC	28012	11	189751	MCDIVITT PATRICK JAMES	MCDIVITT DIANA CRABTREE	1317 SOUTH POINT RD	BELMONT	NC	28012-0000
5	189874	LATTANZI JO-AN		243 GAITHER RD	BELMONT	NC	28012-0000	12	189750	LINGAFELDT EARL	LINGAFELDT MOZELLE	5117 RIALTO ST	BELMONT	NC	28012-3778
6	189873	MCJUNKINS ERNEST JR		107 GAITHER ROAD	BELMONT	NC	28012-0000	13	189749	PREDIT SUZANNE JO		1313 SOUTH POINT RD	BELMONT	NC	28012-8540
7	189863	WHITE NANCY MCJUNKINS		2516 SHAGGY BARK CT	BELMONT	NC	28012	14	189859	SOUTHPOINT STORAGE INC		1308 SOUTH POINT RD	BELMONT	NC	28012-8540
8	189865	WHITE NANCY MCJUNKINS		2516 SHAGGY BARK CT	BELMONT	NC	28012	15	189711	OWENBY TOMMY R	OWENBY BILLIE J	1300 SOUTH POINT RD	BELMONT	NC	28012-8539
9	189864	PELL ALLISON III	PELL KATHRYN W	2166 STANLEY LUCIA RC MOUNT HOLLY	BELMONT	NC	28012	16	189719	OWENBY MICHAEL SHANE	JOHNSON JO ANN	1300 SOUTHPOINT RD	BELMONT	NC	28012-8539
10								17	189856	TAYLOR BOBBIE &		298 GAITHER RD	BELMONT	NC	28012-0000



Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6837

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

MEMORANDUM

TO: Ron Smith, Gaston County Senior Planner
FROM: Bernard L. Yacobucci, Gaston – Cleveland – Lincoln Urban Area MPO
SUBJECT: Rezoning Application Z15-10
DATE: January 7, 2016

I am extremely pleased to provide comments regarding transportation issues for Z15-10.

Please note the following regarding the Rezoning Application Z15-10:

There are no traffic counts in this area nor are there any 2016-2025 Metropolitan Transportation Improvement Plan (MTIP) projects in this area.

The 2045 Metropolitan Transportation Plan (MTP) indicates that intersection improvements will be done in this area by the year 2040.

The Comprehensive Transportation Plan (CTP) indicates that South Point Road in this area will be a four-lane road in the future. There is currently 75 (approximate) feet of road Right-Of-Way at this location. North Carolina's Department of Transportation "typical" four-lane divided road cross section ROW requirements are a minimum of one-hundred and ten feet. Therefore, the applicant should be aware that this property may be required to cede the necessary property for the future road.

Please feel free to contact me if you have any questions.

Bernard L. Yacobucci