



RESOLUTION TITLE: ZONING MAP CHANGE: Z22-02 CLEROY & SANDRA DUNLAP (APPLICANTS); PROPERTY PARCEL: 142291, LOCATED AT 538 QUEENS RD., GASTONIA, NC, REZONE FROM THE (RS-12) SINGLE FAMILY 12,000 SQ FT ZONING DISTRICT TO THE (R-3) SINGLE FAMILY GENERAL ZONING DISTRICT

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on January 25, 2022 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 142291
Applicant(s): Cleroy & Sandra Dunlap
Owner(s): Cleroy & Sandra Dunlap
Property Location: 538 Queens Rd.
Request: Rezone Parcel 142291 from the (RS-12) Single Family 12,000 sq ft Zoning District to the (R-3) Single Family General Zoning District

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 disapproval of the map change for parcel: 142291, located at 538 Queens Rd., Gastonia, NC, from the (RS-12) Single Family 12,000 sq ft Zoning District to the (R-3) Single Family General Zoning District on January 10, 2022 based on: the request is not reasonable and in the public interest and the request is not in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Suburban Development future land use plan. Suburban Development consists of significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Suburban centers can also include multi-family houses and support services as well. The use, going from (RS-12) to (R-3) will make the subject parcel residential in nature, which is inconsistent with the Suburban Development designation and the primary commercial uses in the surrounding corridor.

Motion: Vinson Second: Ally Vote: Unanimous
Ayes: Ally, Harris, Houchard, Sadler, Vinson
Nay: None
Absent: Brooks, Fallon, Horne, Hurst
Abstain: None

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	AFraley	BHovis	KJohnson	TKelgher	JPhillbeck	RWorley	Vote
2022-005	01/25/2022	RW	AF	A	A	N	AB	AB	AB	A	3 - 1

DISTRIBUTION:

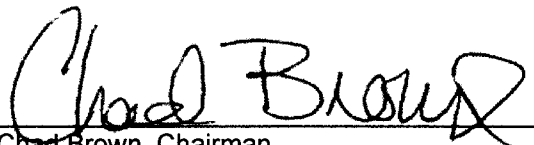
Laserfiche Users

NOW, THEREFORE, BE IT RESOLVED by the County Commission, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

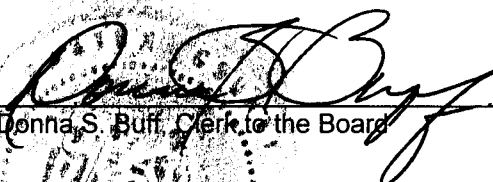
- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Suburban Development future land use plan. Suburban Development consists of significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Suburban centers can also include multi-family houses and support services as well. The use, going from (RS-12) to (R-3) will make the subject parcel residential in nature, which is consistent with the Suburban Development designation and is in harmony with the diversity of housing types and styles in the area.

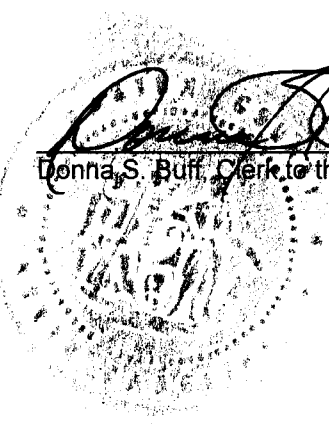
The Commission considers this action to be reasonable and in the public interest, based on: compatibility with existing land uses in the immediate area. Therefore the map change request for property parcel: 142291, is hereby approved, effective with the passage of this Resolution.

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


Chad Brown, Chairman
Gaston County Board of Commissioners

ATTEST:


Donna S. Buff, Clerk to the Board



General Rezoning Application (Z22-02)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (RS-12) Single Family 12,000 sq ft Zoning District to the (R-3) Single Family General Zoning District.

Applicant(s):

Cleroy & Sandra Dunlap

Property Owner(s):

Cleroy & Sandra Dunlap

Parcel Identification (PID):

142291

Property Location:

538 Queens Rd. (Gastonia)

Total Property Acreage:

0.79 ac

Acreage for Map Change:

0.79 ac

Current Zoning:

(RS-12) Single Family 12,000 sq ft

Proposed Zoning:

(R-3) Single Family General

Existing Land Use:

Vacant

Proposed Land Use:

Single Family Residential (Manufactured)

COMPREHENSIVE LAND USE PLAN

Area 5: Scenic Gaston

Key issues for citizens in this area include: preservation of open space; road improvements and better connectivity to other areas of the County; preservation of existing conditions while allowing low to moderate growth; repurpose vacant buildings and facilities for new economic opportunities; and, increased commercial opportunities along existing major thoroughfares.

Comprehensive Plan future Land Use:

Suburban Development – consists of significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Typically, this would resemble subdivisions built around services for those communities. Suburban centers can also include multi-family houses and support services as well. These centers are larger than the rural centers and tend to not serve a significant civic or commercial purpose, aside from immediate neighborhood needs.

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:

North Carolina Department of Transportation

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

Pending

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

This property is located in a residential area of the south west region of the county. The location is primarily residential in nature with different housing types and styles included.

If approved, any uses allowed in the (R-3) Single Family General Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

PLANNING BOARD RECOMMENDATION

Scheduled Meeting Date: January 10, 2022

Meeting Summary / Points of Discussion: Staff provided Board members with an overview of the application and the property. Board members had questions and concerns regarding existing manufactured homes being grandfathered and the small size of the lot, if approved for a larger zoning district.

The Board voted to disapprove the application, with a vote of (5) to (0), based upon the following statement of inconsistency:

The proposed rezoning is in the Suburban Development future land use plan. Suburban Development consists of significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Suburban centers can also include multi-family houses and support services as well. The use, going from (RS-12) to (R-3) will make the subject parcel residential in nature, which is inconsistent with the Suburban Development designation and the primary commercial uses in the surrounding corridor.

Attachments: Maps



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 22-02**

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Cleroy and Sandra Dunlap

(Print Full Name)

Mailing Address: 2237 Richland Ave Gastonia, NC 28052

(Include City, State and Zip Code)

Telephone Numbers: 704-574-3947

(Area Code) Business

(Area Code) Home

Email: Sandra_dunlap2237@msn.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: 538 Queens Rd

Gastonia NC 28052

Parcel Identification (PID): 142291

Acreage of Parcel: .79 +/-

Acreage to be Rezoned: .79 +/-

Current Zoning: RS12

Current Use: Vacant / Undeveloped

Proposed Zoning: B3

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)

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.

Clervy Dunlap

Signature of Property Owner or Authorized Representative

11/15/2021

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: 11/17/2021

Application Number: Z22-02

Fee: \$500.00

Received by Member of Staff: SCP
(Initials)

Date of Payment: _____

Receipt Number: _____

- ☐ COPY OF PLOT PLAN OR AREA MAP
☐ NOTARIZED AUTHORIZATION

- ☐ COPY OF DEED
☐ PAYMENT OF FEE

Date of Staff Review: _____

Date of Public Hearing: 01/25/2022

Planning Board Review: _____

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

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

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

Memorandum

To: Sarah Carpenter Penley, Gaston County Senior Planner/Subdivision Administrator
From: Julio Paredes, Planner
Date: January 18, 2022
Subject: GCLMPO Rezoning Review – Z22-02 - Queens Rd. (Gastonia)

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 in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at 538 Queens Rd. (Gastonia). 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. Neither the GCLMPO 2045 Highway MTP nor Highway CTP include any proposed improvements to any streets adjacent to the subject property.
3. 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.

R3 SINGLE FAMILY GENERAL

(1) Uses allowed by right:

Dwelling, Manufactured Home Class A; Dwelling Manufactured Home Class B; Dwelling, Single-Family; Essential Services, Class 1; Recycling Deposit Station, Accessory; Taxidermy.

(2) Uses allowed by right with supplemental regulations:

Automobile Hobbyist; Bona Fide Farms; Botanical Gardens; Churches/ Place of Worship; Day Care Center, Class A; Day Care Center, Class B; Dwelling, Two Family; Essential Services Class 2; Essential Services Class 4; Family Care Home; Flex Space; Group Home; Home Occupation, Customary; Home Occupation, Rural; Landfill, Beneficial Fill; Landfill, Land Clearing and Inert Debris, Minor; Marinas, Accessory; Maternity Home; Park; Planned Residential Development (PRD); Planned Unit Development (PUD); Private Residential Quarters (PRQ); Produce Stand; Restaurant, within other facilities; Schools, Elementary and Junior High (Public and Private); School, Senior High (Public and Private); Stadium; Telecommunication Antennae and Equipment Buildings; Traditional Neighborhood Development (TND).

(3) Uses allowed with a conditional use permit:

Animal Grooming Service for household pet (Indoor Kennels); College/University; Essential Services Class 3; Fish Hatcheries; Library; Marina, Commercial; Museum; Post Office; School for the Arts; Upholstery Shop; Zoo.

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

Abattoir Class 1; Animal Hospital (Outdoor Kennel); Animal Hospital (Indoor Kennel); Animal Kennel; Animal Shelter; Assisted Living Center; Automobile Repair Shop; Automobile Towing and Wrecker Service; Bed and Breakfast Inn; Camping and Recreational Vehicle Park; Cemetery; Continuing Care Facility; Convenience Store, Closed 12 a.m.to5p.m; Country Club; Day Care Center, Class B; Day Care Center, Class C; Essential Services Class 4; Firing Range, Indoors, principle use; Firing Range, outdoors, principle use; Fraternal and Service Organization Meeting Facility (non-or not for profit), 0- 9,999sf GFA; Fraternal and Service Organization Meeting Facility (non-or not for profit), 10,000sf GFA; Golf Course; Golf Driving Range; Golf Miniature; Machine, Metal, Wood Working, Welding Shop; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Park; Paint Ball Facility; Parking Lot; Race Track, Small; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Riding Stables; Rodeo/Accessory Rodeo; Stadium, Telecommunication Tower and Facilities; Tower and/or Station, Radio and Television Broadcast; Wood Waste Grinding Operation.

(5) Existing Use subject to supplemental regulations:

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

(6) By Conditional Zoning: None

(7) By Conditional Zoning with supplemental regulations:

Planned Residential Development (PRD); Planned Unit Development (PUD); Traditional Neighborhood Development (TND)

(8) By Special exception: None

(9) By Special exception with supplemental regulations:

Family Care Home







Gaston County North Carolina

Vicinity Map

Z22-02

Legend

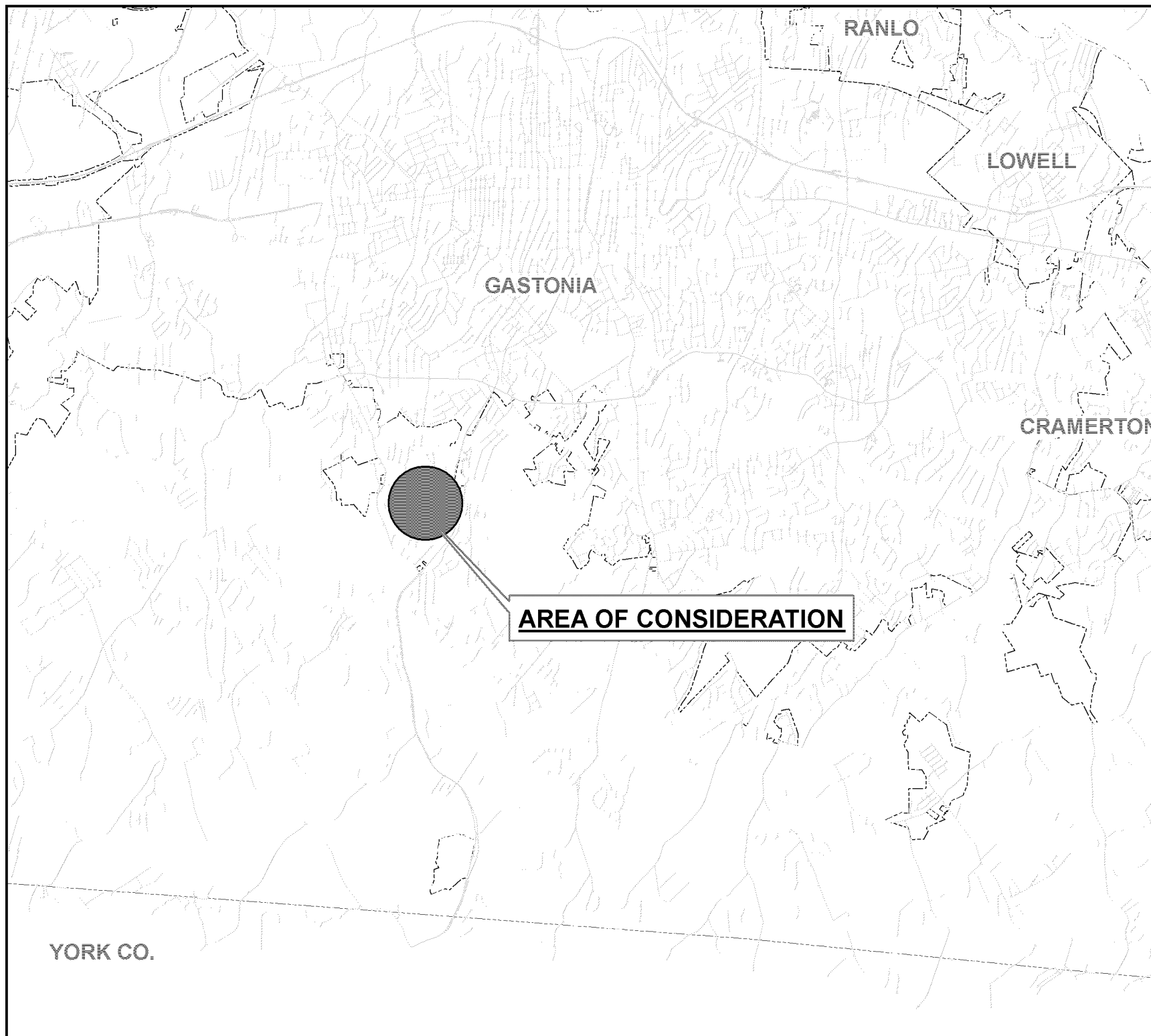
-  Minor Roadways
-  Major Roadways
-  Area of Consideration
-  Municipalities

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 132-10.



0 1
Miles





Gaston County Overview Map

2019 Orthophoto

Z22-02

Legend



Subject Area

Property Parcels



This map is intended for use by the Gaston County Board of Commissioners, in the review of nmp 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 any 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 undelineated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.

0 65 130
Feet



GASTON COUNTY Zoning Map

Z22-02

 Subject Area



0 70 140 280 Feet

(RS-12) Single Family 12,000 sq ft

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



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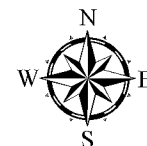
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GASTON COUNTY ZONING REVIEW MAP

- R-1 Single Family Limited
- RS-8 Single Family 8,000 sq ft
- RS-12 Single Family 12,000 sq ft
- C-1 Light Commercial
- US Urban Standards Overlay

Area of Consideration



0 140 280 560 840 1,120 Feet

Applicant: Z22-02
Tax ID(s): 142291
Request Re-Zoning
From: (RS-12) Single
Family 12,000 sq ft
To: (R-3) Single Family General

Map Date: 01/06/2022



Z22-02 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

Z22-02 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>
*	142291	DUNLAP CLEROY DAVID	DUNLAP SANDRA DARLENE	2237 RICHLAND AVE	GASTONIA	NC	28052
1	142290	FERMIN DELIS		619 W 2ND AVE	GASTONIA	NC	28052
2	205143	ROBINSON T LAMAR JR	SPARKS NANCY R	PO BOX 96	GASTONIA	NC	28053
3	142292	DUNLAP CLEROY DAVID	DUNLAP SANDRA DARLENE	2237 RICHLAND AVE	GASTONIA	NC	28052
4	142364	MCDOWELL JIMMY L	MCDOWELL MARGARET T	539 QUEENS RD	GASTONIA	NC	28052
5	142362	ADAMS ALBERTA T	C/O LORETTA SANDERS	543 QUEENS RD	GASTONIA	NC	28052
6	142357	ADAMS TRESSA V L		545 QUEENS RD	GASTONIA	NC	28052



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 22-025

Commissioner Johnson - Building & Development Services - Zoning Map Change: Z22-02 Cleroy & Sandra Dunlap (Applicants); Property Parcel: 142291, Located at 538 Queens Rd., Gastonia, NC, Rezone from the (RS-12) Single Family 12,000 sq ft Zoning District to the (R-3) Single Family General Zoning District

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

BACKGROUND

Chapter 5 of the Unified Development Ordinance requires a public hearing by the Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Cleroy & Sandra Dunlap (Applicants); Rezone Parcel: 142291, from the (RS-12) Single Family 12,000 sq ft Zoning District to the (R-3) Single Family General Zoning District. A public hearing was advertised and held on January 25, 2022 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on January 10, 2022, 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, Staff Report & Application Packet

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	AFraley	BHovis	KJohnson	TKeigher	TPhillbeck	RWarley	Vote
2022-005	01/25/2022	RW	AF	A	A	N	AB	AB	AB	A	3 - 1

DISTRIBUTION:

Laserfiche Users

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