

# General Rezoning Application (Z21-05)

## STAFF REPORT

### APPLICATION SUMMARY

**Request:**

To rezone property from the (R-2) Single Family Moderate Zoning District to the (R-3) Single Family General Zoning District

**Applicant:**

James William Kirk

**Property Owner(s):**

James William Kirk

**Parcel Identification (PID):**

170590

**Property Location:**

2047 Puetts Chapel Rd. (Bessemer City)

**Total Property Acreage:**

4.63 ac

**Acreage for Map Change:**

4.63 ac

**Current Zoning:**

(R-2) Single Family Moderate

**Proposed Zoning:**

(R-3) Single Family General

**Existing Land Use:**

Single Family Residential (Manufactured)

**Proposed Land Use:**

Single Family Residential (Manufactured)

### COMPREHENSIVE LAND USE PLAN

**Area 2: North 321 Gaston / North Central 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; 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 – Rural areas are areas characterized by green rolling hills and plenty of open space. 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.

### UTILITIES AND ROAD NETWORK INFRASTRUCTURE

**Water/Sewer Provider:**

Private well / private septic

**Road Maintenance:**

North Carolina Department of Transportation

## AREA SALES DATA

**Sales Summary (Valid Sales from January 2017):**

**Source: Gaston County Tax Department**

Total Number of Sales: **4**

Total Value of Sales: **\$371,000**

Low Sale

High Sale

Average Sale

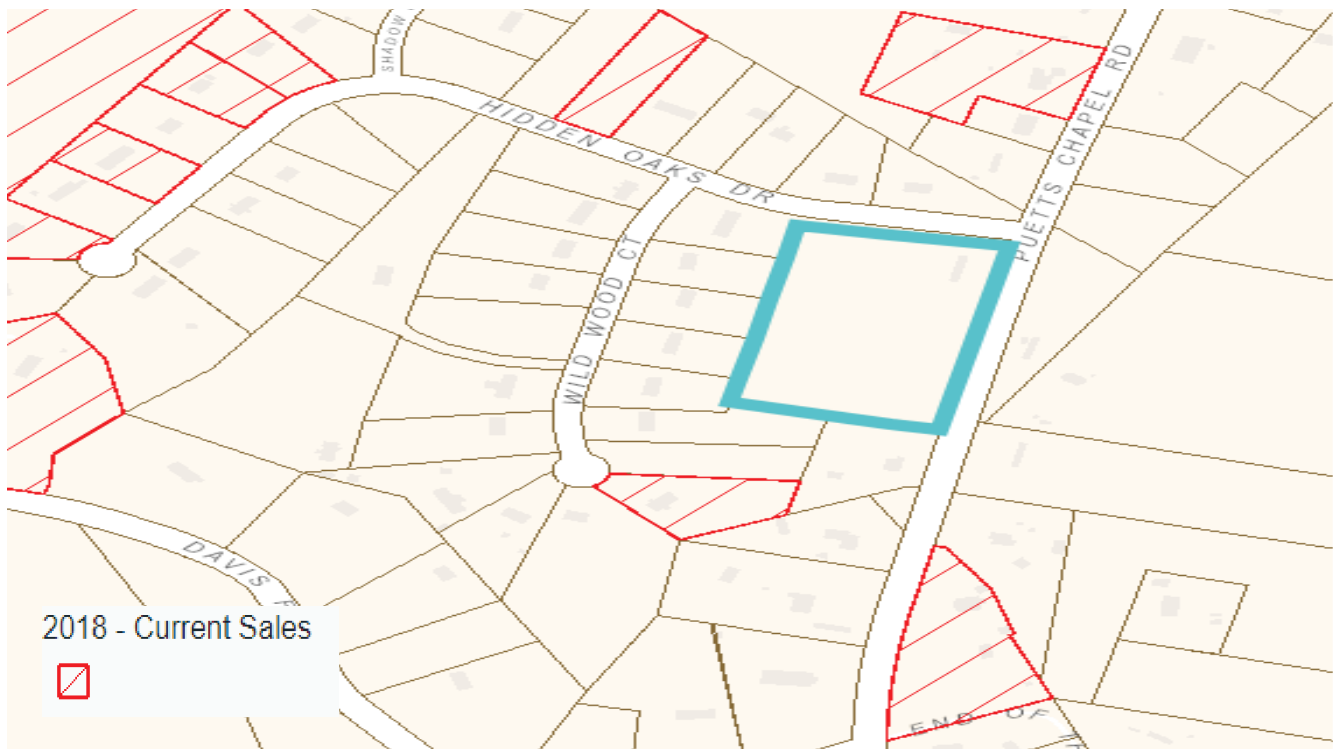
**\$80,000**

**\$108,000**

**\$91,500**

## AREA SALES MAP

**Source: Gaston County Tax Department (GIS Website 2018)**



## 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. (See attached)

## STAFF SUMMARY

**Prepared By: Sarah Carpenter Penley, Senior Planner**

This property is located in a residential area of the north central region of the county. The location is primarily residential in nature with mixture of different housing types (site built, modular, and manufactured) which is not uncommon in a rural area and setting.

If approved, any uses allowed in the (R-3) Single Family Moderate 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: March 8, 2021**

Meeting Summary / Points of Discussion: Staff provided Board members with a history of the property, which included that a non-conforming single-wide manufactured home currently occupies the property. The applicant has indicated that he has inherited a second single-wide manufactured home from his deceased mother and wishes to locate that home on the same parcel (after subdividing).

Discussion included the existing non-conforming use (existing single-wide manufactured home) and the future intent by the owner. Clarification was made by staff that the home was currently occupied and that the owner did not indicate removal of that home. There was confusion regarding the existing home and the second home for placement. Staff explained that the current home was non-conforming and would remain; any approval would bring the use into compliance; and, the second home, if approved, would require the property to be subdivided to allow for placement. Questions were then centered among housing types in the area. A review of the maps by staff indicated the proximity of an adjacent subdivision zoned for double-wide manufactured homes, and, non-conforming single-wide mobile homes in the immediate area across the street from the subject site.

A question was posed as to how many mobile homes could potentially be placed on the property, if approved. It was estimated by staff, that approximately four (4) parcels could be subdivided out of the parcel based solely upon the acreage calculations and no other factors, totaling four (4) potential single-wide manufactured home sites.

It is important to note that this is speculation by staff and that the applicant was not present to provide and/or confirm any additional facts or supportive data.

The Board did state that if the applicant resubmitted with *only* the minimum acreage required provided for the two (2) intended single-wide manufactured homes, and left the remainder of the property in the current zoning district, that they would feel more comfortable with a more favorable decision.

The Board unanimously voted to disapprove the application, with a vote of (8) to (0), based upon the following statement of inconsistency:

*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-2) to (R-3) will allow the subject parcel to continue as a residential use in nature, which allows for other housing types that are inconsistent with primary residential uses in the surrounding area.*

Board members in attendance: Ally, Fallon, Harris, Hollar, Horne, Houchard, Hurst, Vinson

Board members absent: Brooks, Sain

**Attachments: MPO Comments, Proposed Uses, Maps**



# 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

## GENERAL REZONING APPLICATION

Application Number: **Z 21-05**

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

### A. \*APPLICANT INFORMATION

Name of Applicant: James William Kirk

(Print Full Name)

Mailing Address: 219 McGregor Rd., Gastonia, NC 28056

(Include City, State and Zip Code)

Telephone Numbers:

(704)860-0060

(Area Code) Business

(Area Code) Home

Email: \_\_\_\_\_

*\* 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: 2047 Puetts Chapel Rd. (Bessemer City)

Parcel Identification (PID): 170590

Acreage of Parcel: 4.63 +/- Acreage to be Rezoned: 4.63 +/- Current Zoning: (R-2)

Current Use: Residential / Undeveloped Proposed Zoning: (R-3)

### 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) \_\_\_\_\_ 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.

  
Signature of Property Owner or Authorized Representative

1-28-21  
Date

*Note: Approval of this request does not constitute a zoning permit. All requirements must be met within the UDO.*

### OFFICE USE ONLY

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Date Received: 01/28/2021 Application Number: Z21-05 Fee: \$500.00

Received by Member of Staff: SCP Date of Payment: 01/28/2021 Receipt Number: INV-00022438  
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP

☒ COPY OF DEED

☐ NOTARIZED AUTHORIZATION

☒ PAYMENT OF FEE

Date of Staff Review: \_\_\_\_\_

Date of Public Hearing: 03/23/2021

Planning Board Review: 03/08/2021 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.

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, Senior Planner, Subdivision Administrator, Gaston County Planning & Development Services  
**From:** Julio Paredes, Planner  
**Date:** March 8, 2021  
**Subject:** 2047 Puetts Chapel Rd, Bessemer City NC – Z21-05 - GCLMPO Rezoning Review

Thank you for the opportunity to provide comments on a proposed rezoning located 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 proposed rezoning is located at 2047 Puetts Chapel Rd, Bessemer City. 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. The widening of Puetts Chapel Rd —minor needs improvement (2 lanes)— is included in the MPO's CTP. The typical cross section for a 2 lane road involves a minimum of 60 ft. right-of-way. The existing right-of-way along Puetts Chapel Rd. is 60 ft.
3. The CTP does not include specific transportation projects or improvement schedules, but instead represents the status or completeness of the comprehensive transportation system that may be required to support anticipated growth and development. By establishing the region's future transportation needs, the CTP offers an organized way to identify, and eventually prioritize, the transportation projects that may be built in the communities within the GCLMPO area. CTP projects shown as "Needs Improvement" or "Recommended" could become a funded project in the future, part of a development project, or may never become a funded project.
4. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the 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](mailto: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.to 5p.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

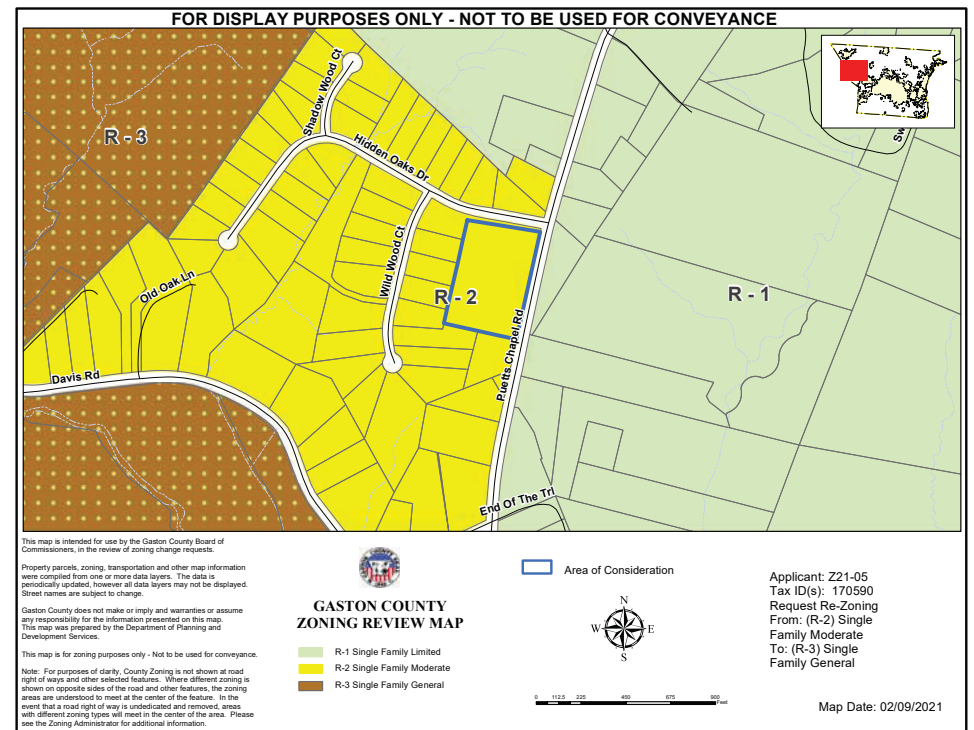
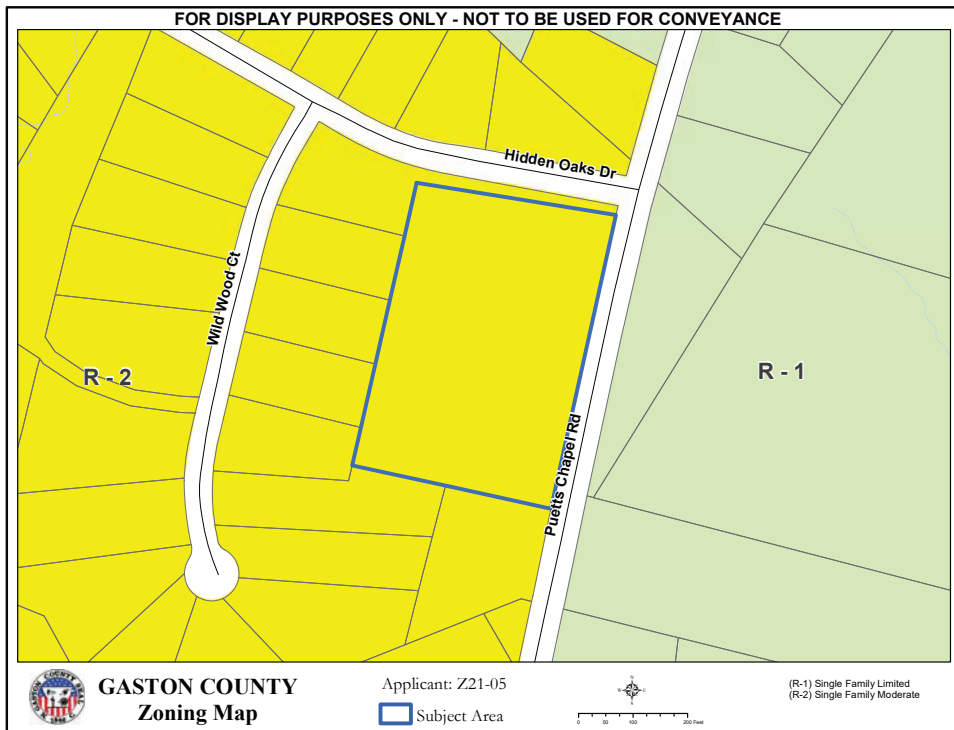
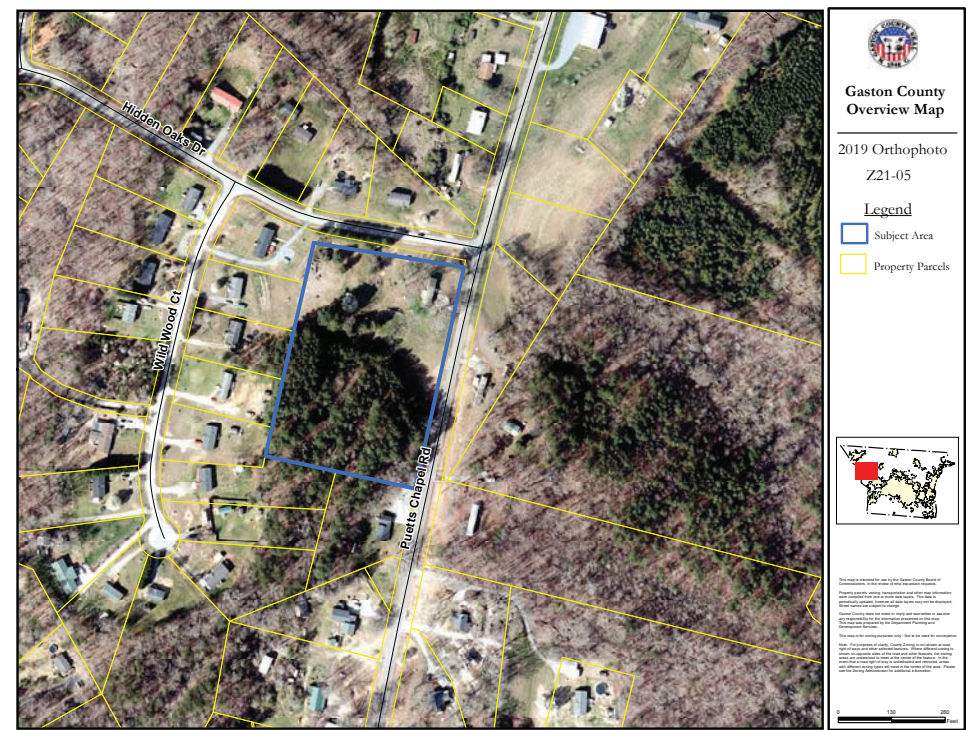
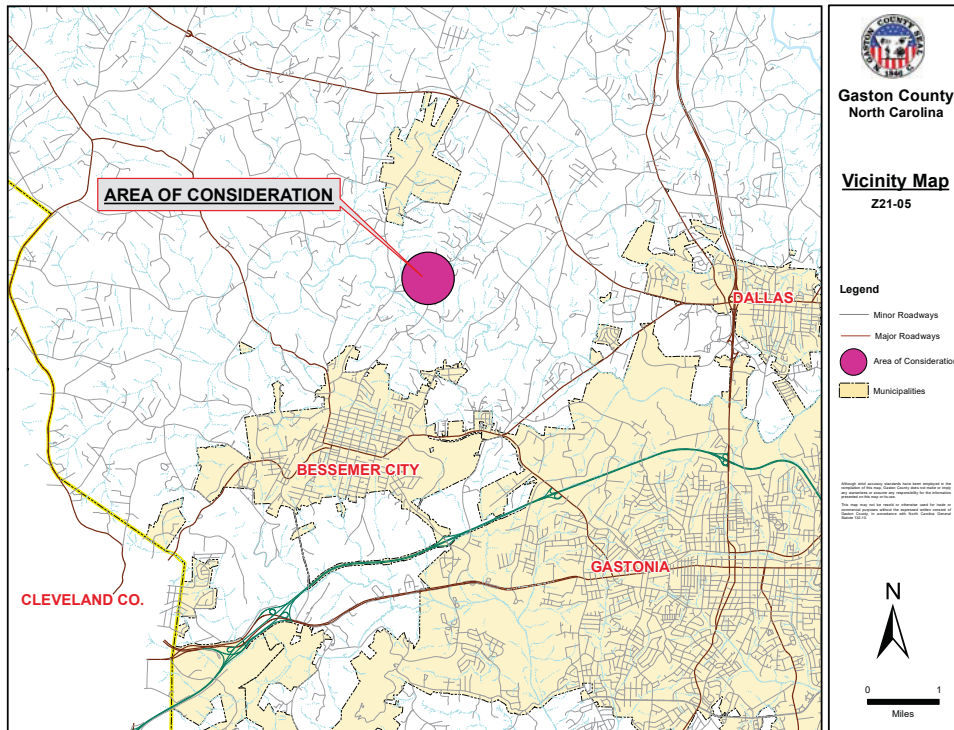
**(6) By Conditional Zoning: None****(7) By Conditional Zoning with supplemental regulations:**

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

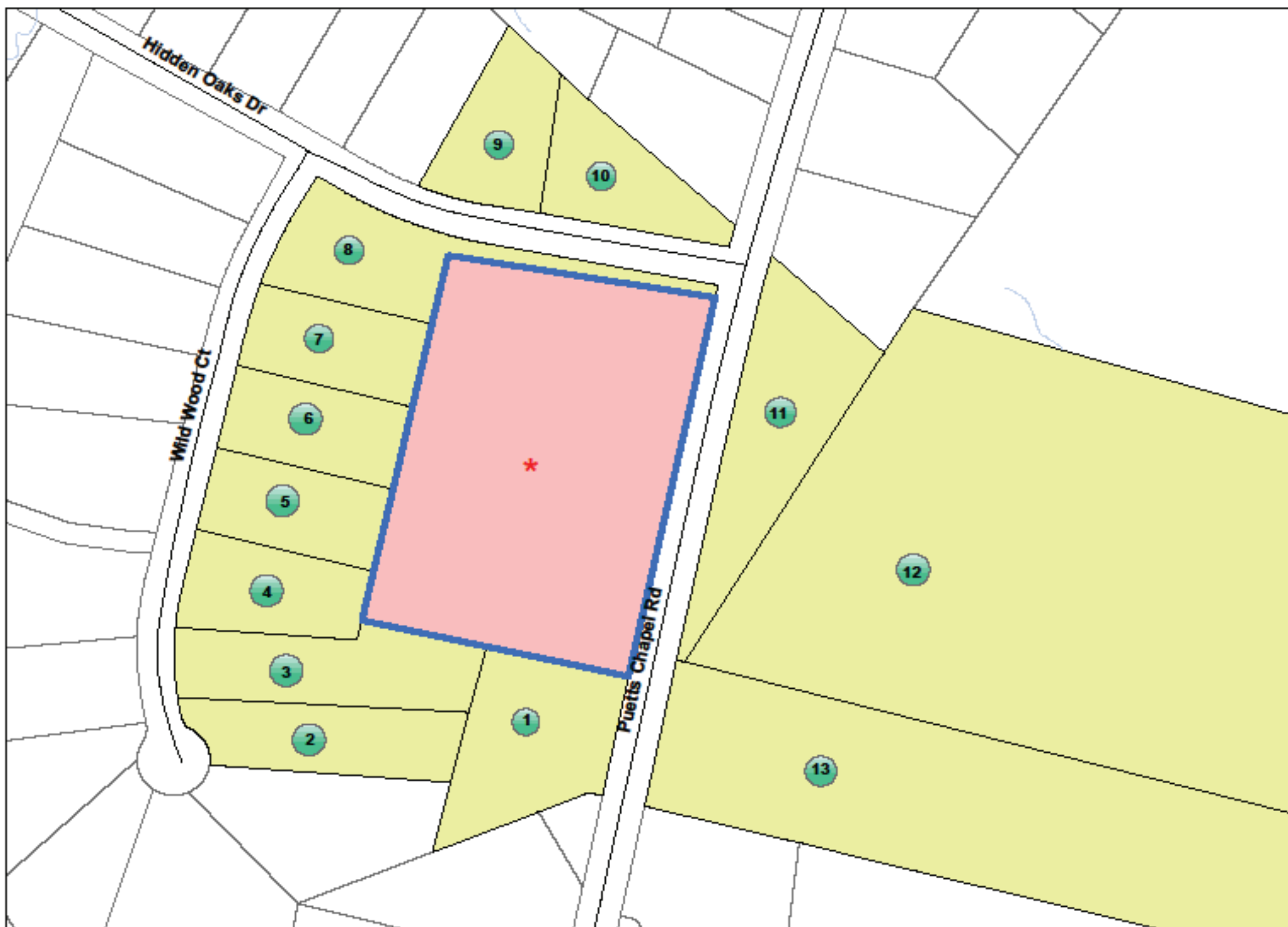
**(8) By Special exception: None****(9) By Special exception with supplemental regulations:**

Family Care Home










**Z21-05 Subject and Adjacent Properties Map**  
See reverse side for listing of property owners

 **Area of consideration**

# **Z21-05 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> |
|------------|---------------|----------------------------|-----------------------|----------------------------|---------------|--------------|------------|
| *          | 170590        | KIRK JAMES WILLIAM         |                       | 219 MCGREGOR RD            | GASTONIA      | NC           | 28056      |
| 1          | 170684        | ZOLLO SHANE V              | ZOLLO THERESA L       | 209 PILOTS RIDGE DR        | BESSEMER CITY | NC           | 28016      |
| 2          | 170625        | CALLAHAN JACKSON JAMES     | CALLAHAN ANGELA MARIE | 5641 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 3          | 170623        | VELAZQUEZ FERDINAND        | RUIZ LESLIE           | 5629 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 4          | 170622        | CULBRETH JAMES             | CULBRETH MYRA F       | 5625 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 5          | 170620        | HUFFSTETLER RODNEY G       | HUFFSTETLER TONI J    | 5621 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 6          | 170619        | DIAMONDBACK PROPERTIES LLC |                       | PO BOX 8                   | LITTLE RIVER  | SC           | 29566      |
| 7          | 170617        | RAINES KENNETH JAMES       | RAINES PAMELA JANE    | 5609 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 8          | 170616        | LEE DANIEL BRITT           | LEE WANDA E           | 5605 WILDWOOD CT           | BESSEMER CITY | NC           | 28016      |
| 9          | 170678        | CARTER JASON M             | CARTER JENNIFER       | 5510 HIDDEN OAKS DR        | BESSEMER CITY | NC           | 28016      |
| 10         | 170680        | KLEM DEVELOPERS INC        |                       | 6135 PARK SOUTH DR STE 510 | CHARLOTTE     | NC           | 28210      |
| 11         | 170589        | MADISON MATTHEW WAYNE      |                       | 217 LAUREL CREEK DR        | BESSEMER CITY | NC           | 28016      |
| 12         | 170708        | DOUGAN RANDALL I           |                       | PO BOX 109                 | DALLAS        | NC           | 28034      |
| 13         | 170709        | DOUGAN RANDALL I           |                       | PO BOX 106                 | DALLAS        | NC           | 28034      |