



RESOLUTION TITLE: ZONING MAP CHANGE: REZ-23-02-16-00140 GASTON COUNTY PLANNING BOARD (APPLICANT); PROPERTY PARCELS: 158034, 158037, 158038, 158072, AND 307416, LOCATED NEAR THE INTERSECTION OF HEPHZIBAH CHURCH RD. AND ANTHONY GROVE RD. CHERRYVILLE, NC, TO ACCEPT THE PARCELS FROM CHERRYVILLE'S ETJ AND TO PLACE THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT ON THE PARCELS

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on July 27, 2023 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 158034, 158037, 158038, 158072, and 307416
Applicant(s): Gaston County Planning Board
Owner(s): PLNC Land LLC and Gaston Land Company LLC
Property Location: Intersection of Hephzibah Church Rd. and Anthony Grove Rd. in Cherryville
Request: To Accept Parcel IDs 158034, 158037, 158038, 158072, and 307416 from Cherryville's ETJ and to place the (R-1) Single Family Limited Zoning District on the Parcels.

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 approval of the map change at its meeting on March 6, 2023, for parcel IDs: 158034, 158037, 158038, 158072, and 307416, located near the Intersection of Hephzibah Church Rd. and Anthony Grove Rd., Cherryville, NC, from Cherryville's relinquished ETJ and to place the (R-1) Single Family Limited Zoning District on the parcels based on: staff recommendation; the request is reasonable and in the public interest and is in accordance with the County's Comprehensive Land Use Plan; is in accordance with NCGS 160D-202, which regulates extraterritorial jurisdiction; and is in line with the future land use and goals and vision for the area as outlined in the County's Comprehensive Land Use Plan, as it will keep the parcels residential in nature as envisioned by the rural future land use designation. Rural areas are characterized as having plenty of open space, farmstead housing, and agribusiness.

Motion: Sadler Second: Hurst Vote: Unanimous
Aye: Brooks, Harris, Horne, Hurst, Magee, Sadler
Nay: None
Absent: Crane, Houchard, Vinson
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	CCloninger	AFraley	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-217	07/27/2023	BH	AF	A	A	A	A	A	A	A	U

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Zoning Map Change: REZ-23-02-16-00140 Gaston County Planning Board (Applicant); Property Parcels: 158034, 158037, 158038, 158072, and 307416, Located near the Intersection of Hephzibah Church Rd. and Anthony Grove Rd. Cherryville, NC, To Accept the Parcels from Cherryville's ETJ and to Place the (R-1) Single Family Limited Zoning District on the Parcels

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


- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan; is in accordance with NCGS 160D-202, which regulates extraterritorial jurisdiction; and is in line with the future land use and goals and vision for the area as outlined in the County's Comprehensive Land Use Plan, as it will keep the parcels residential in nature as envisioned by the rural future land use designation. Rural areas are characterized as having plenty of open space, farmstead housing, and agribusiness.

The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcels: 158034, 158037, 158038, 158072, and 307416 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

GASTON COUNTY REZONING APPLICATION REZ-23-02-16-00140

STAFF REPORT

APPLICATION SUMMARY	
Request:	
To accept parcel IDs 158034, 158037, 158038, 158072, and 307416 from Cherryville's ETJ area and place the (R-1) zoning district on all the parcels.	
Applicant(s):	Property Owner(s):
Gaston County Planning Board	PID 158034: George Bennett Allen PID 158037: Andrew Green / Madison Leigh Freeman PID 158038 and 158072: Jeffrey Lee Freeman Jr. / Kelly Brazell Freeman PID 307416: Gaston Land Company
Parcel Identification (PID):	Property Location:
158034, 158037, 158038, 158072, and 307416	Near the intersection of Hephzibah Church Rd. and Anthony Grove Rd.
Total Property Acreage:	Acreage for Map Change:
137.15 acres	137.15 acres
Current Zoning:	Proposed Zoning:
General Manufacturing and Commercial and R-40 (Cherryville Zoning)	(R-1) Single Family Limited (Gaston County Zoning)

STAFF SUMMARY
Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning
<p>The City of Cherryville received a request for ETJ relinquishment on December 9, 2022. Their Planning Board reviewed and recommended action to be taken on January 16, 2023. Cherryville's Planning Board unanimously recommended approval of the relinquishment to Cherryville City Council.</p> <p>Cherryville City Council met on May 8, 2023, and unanimously agreed to relinquish the subject parcels from their ETJ area. A letter from the City of Cherryville Planning Director confirming the relinquishment has been included with this report. General Statute states that when a city relinquishes jurisdiction over an area to the County, the city development regulations and powers of enforcement remain in effect until the county adopts such development regulation or a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. The 60-day deadline for these parcels was July 7, 2023. If approved, this request would place the (R-1) zoning district on the parcels. (R-1) is the county's most similar zoning district to Cherryville's R-40 zoning district. It is also the most restrictive zoning district.</p> <p>Staff presented this request to the Planning Board back in March. When Cherryville's City Council voted to continue the case in March, staff removed the request from the Board of Commissioners' March meeting agenda.</p>
PLANNING BOARD MEETING DATE
March 6, 2023
The planning board unanimously recommended approval of this request at their March meeting.

Attachments: Resolution, Staff Report, Maps



GASTON COUNTY PLANNING BOARD

Statement of Consistency

In considering the general rezoning case REZ-23-02-16-00140, the planning board finds:

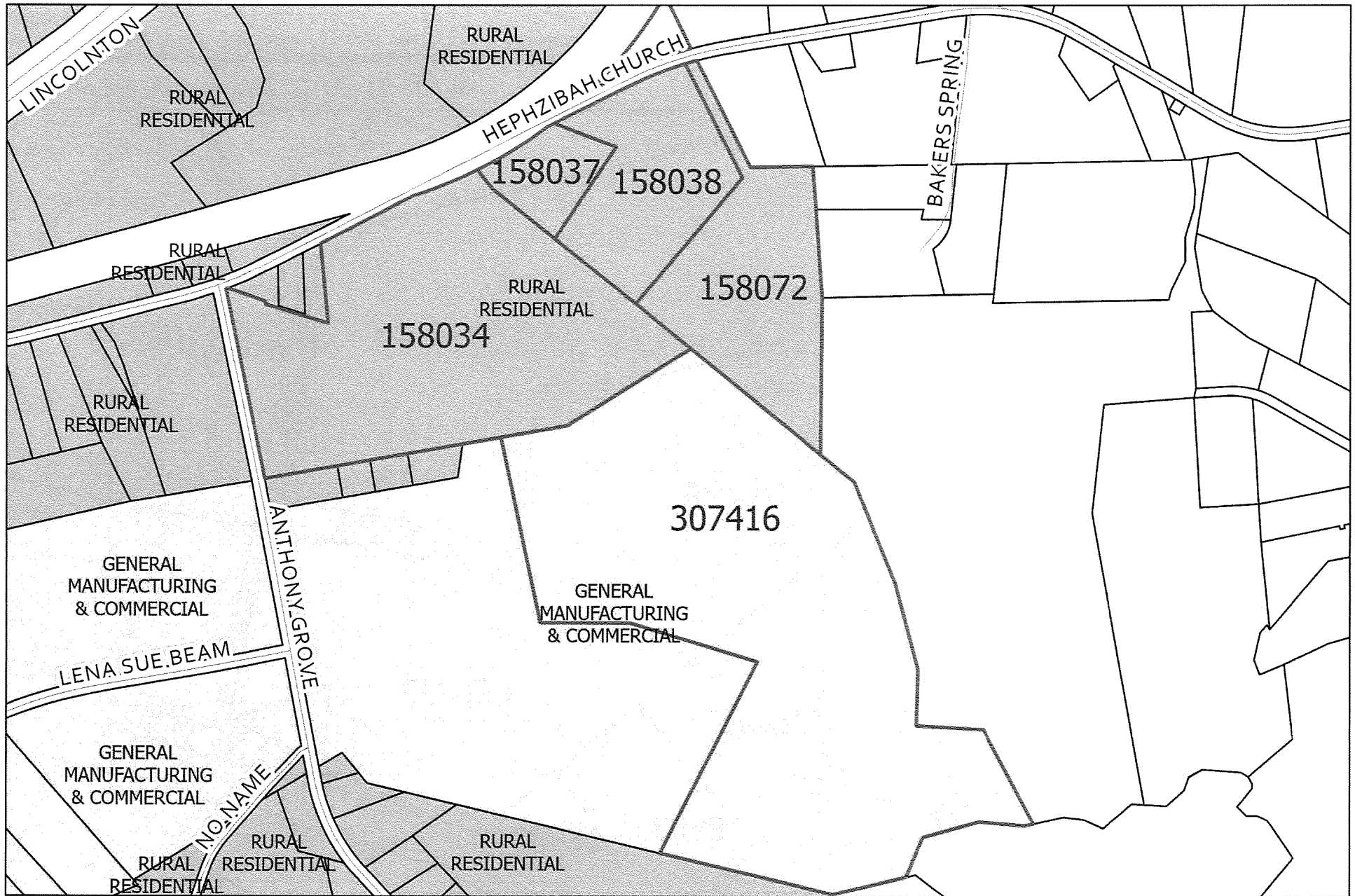
1. This is a reasonable request and in the public interest; and
2. It is consistent with the goals and vision of the comprehensive land use plan as it will keep the parcels residential in nature as envisioned by the rural future land use designation. Rural areas are characterized as having plenty of open space, farmstead housing, and agribusiness.

These findings are supported by a 6 -0 vote by the Gaston County Planning Board during its March 6, 2023, meeting.



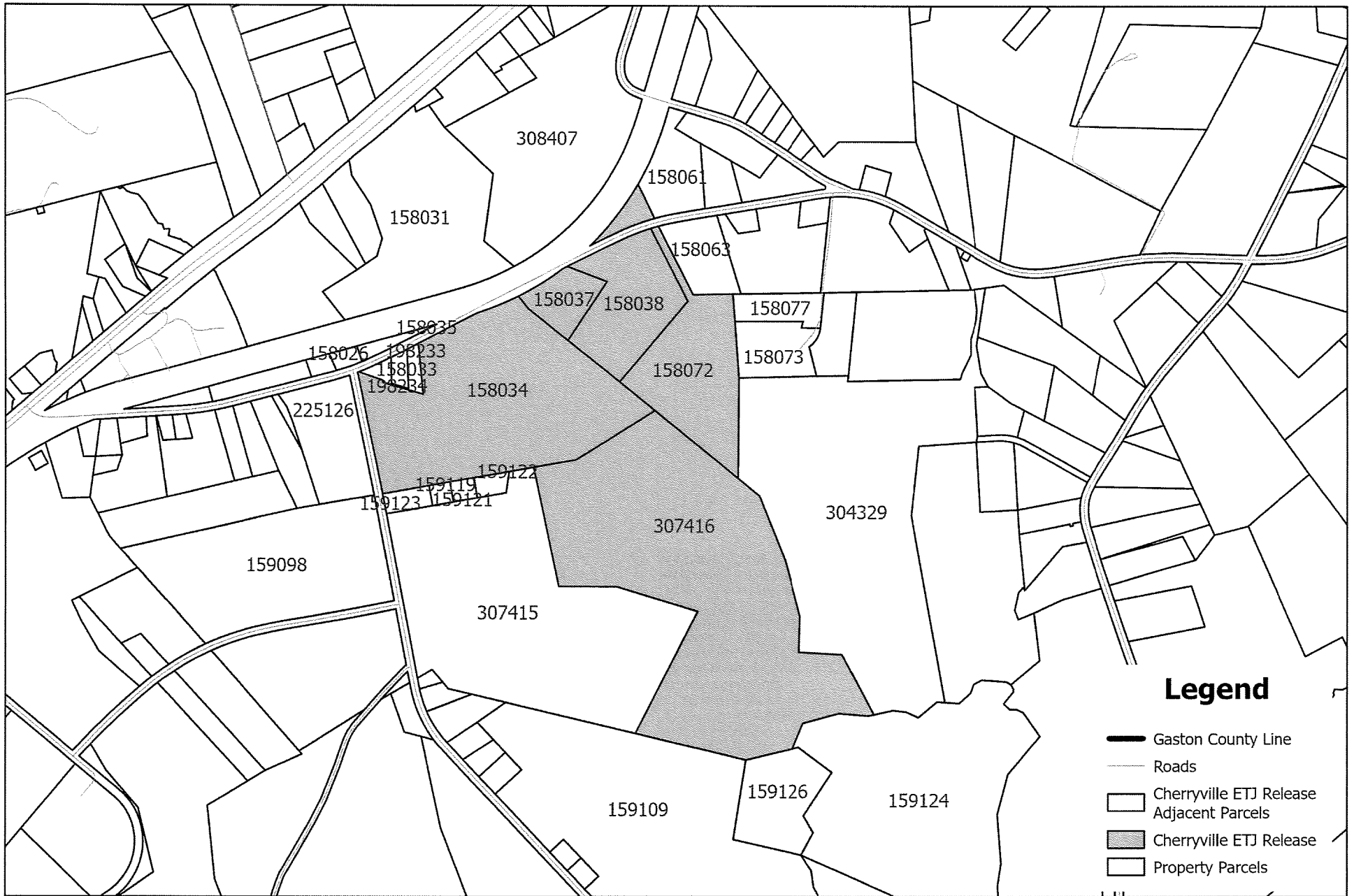
Subject Parcels for REZ-23-02-16-00140

Although strict 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 resold or otherwise used for trade of commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 132-10.



Subject Parcels for REZ-23-02-16-00140 - Current Zoning

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Adjacent Parcels for REZ-23-02-16-00140

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PARCEL ID	NAME 1	NAME 2	ADDRESS	ADDRESS	CITY	STATE	ZIP
158031	WRIGHT TONYA DENISE		2724 LINCOLNTON HWY		CHERRYVILLE	NC	28021
158033	KIRBY VANCE ALLEN	KEMPSTON DEBRA S	312 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
158035	LIFE AND TRUTH BAPTIST CHURCH		PO BOX 1698		LINCOLNTON	NC	28093
158061	PLNC LAND LLC		42 E CATAWBA STREET		BELMONT	NC	28012
158063	JONES DEANA G		412 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
158073	SMITH DAVID DEAN		1040 BAKERS SPRING LN		CROUSE	NC	28033
158077	SHAW CALVIN		1030 BAKERS SPRING LN		CROUSE	NC	28033
159098	MICHAEL N BEAM TRUST		P O BOX 4148	MAC G0128-021	ATLANTA	GA	30302
159109	PUTNAM CATHI ELAINE F		4505 COVE RD		WILMINGTON	NC	28405
159119	COMMODORE HOMES LLC		3636 N CENTRAL AVE STE 1200		PHOENIX	AZ	85012
159121	BUSH CHARLES EDWARD		215 ANTHONY GROVE RD		CROUSE	NC	28033
159122	LINDA B BEAM FAMILY TRUST 40.01%	LINDA B BEAM HUSBANDS GST NONEXEMPT TRUST 57.53%	C/O AMY MCNAMARA	401 S TRYON STREET 2ND FLOOR	CHARLOTTE	NC	28202
159123	LINDA B BEAM FAMILY TRUST 40.01%	LINDA B BEAM HUSBANDS GST NONEXEMPT TRUST 57.53%	C/O AMY MCNAMARA	401 S TRYON STREET 2ND FLOOR	CHARLOTTE	NC	28202
159124	PLNC LAND LLC		42 E CATAWBA STREET		BELMONT	NC	28012
159126	GILLESPIE CHARLES EDWARD		9711 228TH PLACE SW		EDMONDS	WA	98020
198233	KIRBY VANCE ALLEN &	KEMPSTON DEBRA S	312 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
198234	PLNC LAND LLC		42 E CATAWBA STREET		BELMONT	NC	28012
225126	ANTHONY GROVE BAPTIST CHURCH		100 ANTHONY GROVE RD		CROUSE	NC	28033
304329	GASTON LAND COMPANY LLC		32 NORTH MAIN ST STE 100		BELMONT	NC	28012
307415	COMMODORE HOMES LLC		3636 N CENTRAL AVE STE 1200		PHOENIX	AZ	85012
308407	LITTLE JOHNNY WAYNE	LITTLE SARA LYNN	2343 COUNTRY CLUB RD		LINCOLNTON	NC	28092
158034	ALLEN GEORGE BENNETT		340 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
158037	FREEMAN MADISON LEIGH	GREEN ANDREW	366 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
158038	FREEMAN JEFFREY LEE JR	FREEMAN KELLY BRAZELL	396 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
158072	FREEMAN JEFFREY L JR	FREEMAN KELLY S	396 HEPHZIBAH CHURCH RD		CROUSE	NC	28033
307416	GASTON LAND COMPANY LLC		32 N MAIN ST STE 100		BELMONT	NC	28012



Gaston County

Gaston County
Board of Commissioners
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Building and Development Services Board Action

File #: 23-114

Commissioner Fraley - Building & Development Services - Zoning Map Change: REZ-23-02-16-00140, Gaston County Planning Board (Applicant); Property Parcels: 158034, 158038, 158072, 158037, and 307416 Located Near the Intersection of Hephzibah Church Rd. and Anthony Grove Rd. The Request is to Accept the Parcels from Cherryville's Extraterritorial Jurisdiction (ETJ) Area and to Place the (R-1) Single Family Limited Zoning District on the Parcels

STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

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. Gaston County Planning Board (Applicant); Property Parcels: 158034, 158038, 158072, 158037, and 307416 located near the intersection of Hephzibah Church Rd. and Anthony Grove Rd. The request is to accept the parcels from Cherryville's ETJ area and to place the (R-1) Single Family Limited zoning district on them. A public hearing was advertised and held on July 27, 2023 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on March 6, 2023, 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, and Maps

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	CCloninger	AFraley	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-217	07/27/2023	BH	AF	A	A	A	A	A	A	A	U

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