



RESOLUTION TITLE: ZONING MAP CHANGE: Z22-24 CHRISTOPHER SCOTT ALLEN (APPLICANT); PROPERTY PARCEL: 162968, LOCATED AT HOYLES WOODS TRAIL, KINGS MOUNTAIN, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (R-2) SINGLE FAMILY MODERATE ZONING DISTRICT

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on September 27, 2022 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 162968
Applicant(s): Christopher Scott Allen
Owner(s): Christopher Scott Allen
Property Location: Hoyles Woods Trail, Kings Mountain, NC
Request: Rezone Parcel 162968 from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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 approval of the map change for parcel: 162968, located at Hoyles Woods Trail, Kings Mountain, NC, from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District, on September 12, 2022 based on: staff recommendation; and the request is reasonable and is in the public interest and the request is in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. The area consists of mixed housing types that are residential in nature. The use, going from (R-1) to (R-2) will maintain the subject parcel as residential in nature, which is consistent with the Rural designation.

Motion: Magee Second: Vinson Vote: Unanimous
Aye: Brooks, Crane, Horne, Hurst, Magee, Vinson
Nay: None
Absent: Ally, Harris, Houchard, Sadler
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	AFrale	BHovis	KJohnson	TKeigher	TPhillips	RWorley	Vote
2022-309	09/27/2022	AF	BH	A	A	A	A	A	AB	A	U

DISTRIBUTION:

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Zoning Map Change: Z22-24 Christopher Scott Allen (Applicant); Property Parcel: 162968, Located at Hoyles Woods Trail, Kings Mountain, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District
Page 2

NOW, THEREFORE, BE IT RESOLVED by the County Commission, 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. The proposed rezoning is in the Rural future land use plan. The area consists of mixed housing types that are residential in nature. The use, going from (R-1) to (R-2) will maintain the subject parcel as residential in nature, which is consistent with the Rural designation.

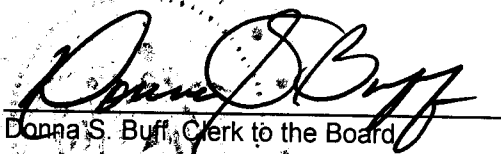
The Commission considers this action to be reasonable and in the public interest, based on: Planning Board recommendation and compatibility with existing land uses in the immediate area. Therefore, the map change request for Property parcel: 162968, is hereby approved, effective with the passage of this 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 (Z22-24)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone property from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District

Applicant(s):

Christopher Scott Allen

Property Owner(s):

Christopher Scott Allen

Parcel Identification (PID):

162968

Property Location:

Hoyles Woods Trail (Kings Mountain)

Total Property Acreage:

1.40 ac

Acreage for Map Change:

1.40 ac

Current Zoning:

(R-1) Single Family Limited

Proposed Zoning:

(R-2) Single Family Moderate

Existing Land Use:

Vacant

Proposed Land Use:

Residential

COMPREHENSIVE LAND USE PLAN

Area 1: Rural 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

Rural areas are areas characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusinesses. This designation exemplifies Gaston County and the existing natural resources that exist throughout the jurisdiction. 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:

Private Easement (road maintenance agreement)

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

See Attached

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

This property is located in the north west region of the county. The location has a diversity of residential uses and diverse housing types within close proximity to the proposed location, with the proposed zoning district of (R-2) immediately abutting the parcel. The application presented is currently vacant and surrounded by other single family homes and/or tracts of vacant acreage.

If approved, any uses allowed in the current zoning (R-2) 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: September 12, 2022

Meeting Summary / Points of Discussion: Staff provided Board members with a brief presentation of the property, which included, a list of uses allowed by right within the (R-2) Single Family General Zoning District. Board members questioned staff regarding easement access to the property, which is a private easement provided across existing parcels that the owner/applicant currently owns. No further questions or concerns were discussed.

The Board voted to approve the application, with a vote of (6) to (0) based upon the following statement of consistency:

*The proposed rezoning is in the Rural future land use plan. The area consists of mixed housing types that are residential in nature. The use, going from (R-1) to (R-2) will maintain the subject parcel as residential in nature, which **is consistent** with the Rural designation.*



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** 22-24

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Christopher Scott Allen

(Print Full Name)

Mailing Address: 541 Hoyles Woods Trail, Kings Mountain, NC 28086

(Include City, State and Zip Code)

Telephone Numbers: 704-974-1642

(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: Hoyles Woods Trl (Kings Mountain)

Parcel Identification (PID): 162968

Acreage of Parcel: 1.40 +/- Acreage to be Rezoned: 1.40 +/- Current Zoning: (R-1)

Current Use: Vacant

Proposed Zoning: (R-2)

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)

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 Christopher Scott Allen consent to execute this proposed action.
(Name of Applicant)

Chris Scott Allen
(Signature)

08/09/22
(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.

Chris Scott Allen
Signature of Property Owner or Authorized Representative

08/09/22
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: _____ Application Number: _____ Fee: _____

Received by Member of Staff: _____ Date of Payment: _____ Receipt Number: _____
(Initials)

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

- ☐ COPY OF DEED
☐ PAYMENT OF FEE

Date of Staff Review: _____ Recommendation: _____ Date: _____
Planning Board Review: _____ Date: _____
Commissioner's Decision: _____

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, Building & Development Services
From: Julio Paredes, Planner
Date: August 8, 2022
Subject: TRC Review – Hoyles Woods Trl (Kings Mountain) – GCLMPO Zoning Review

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 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at Hoyles Woods Trl, Kings Mountain, NC, 28086, USA. Parcel ID: 162968. 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 2050 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

R2 SINGLE FAMILY MODERATE**(1) Uses allowed by right:**

Dwelling, Manufactured Home Class A; 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; Library; Marina, Commercial; Museum; School for the Arts; Upholstery Shop; Zoo.

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

Animal Hospital (Outdoor Kennel); Animal Hospital (Indoor Kennel); Animal Kennel; Bed and Breakfast Inn; Camping and Recreational Vehicle Park; Cemetery; Continuing Care Facility; Country Club; Day Care Center, Class B; Day Care Center, Class C; Essential Services Class 4; 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; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Park; Parking Lot; Recreation Center and Sports Center; Recycling Deposit Station, principal use; Riding Stables; Rodeo/Accessory Rodeo; Stadium; Tower and/or Station, Radio and Television Broadcast; Wood Waste Grinding Operation.

(5) Existing Use subject to supplemental regulations:

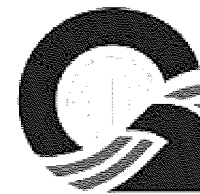
Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park

(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


Vicinity Map

Z22-24

 Area of Consideration

Legend

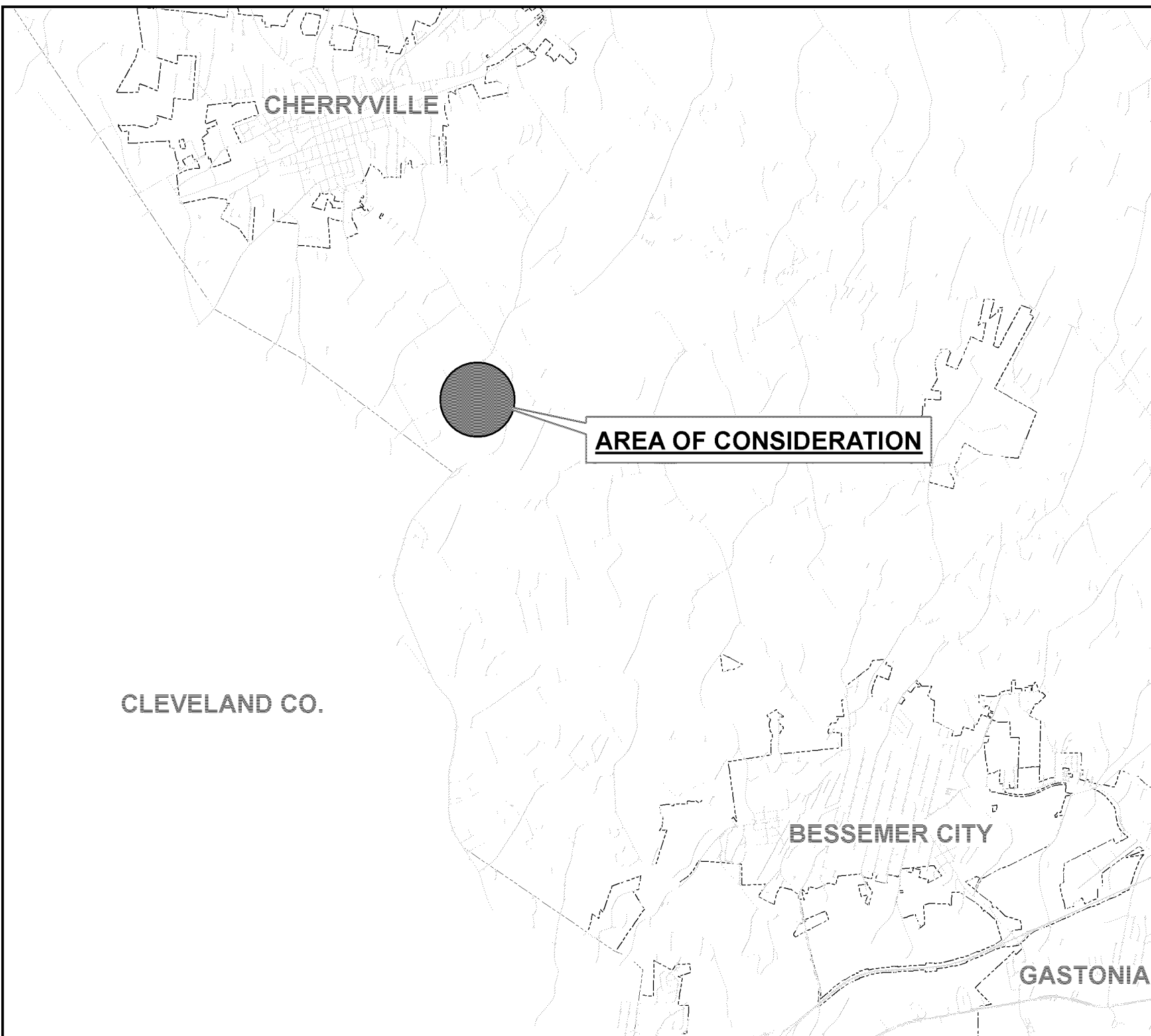
 Minor Roadways

 Major Roadways

 Municipalities



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Miles









GASTON COUNTY

Overview Map

2019 Orthophoto
Z22-24

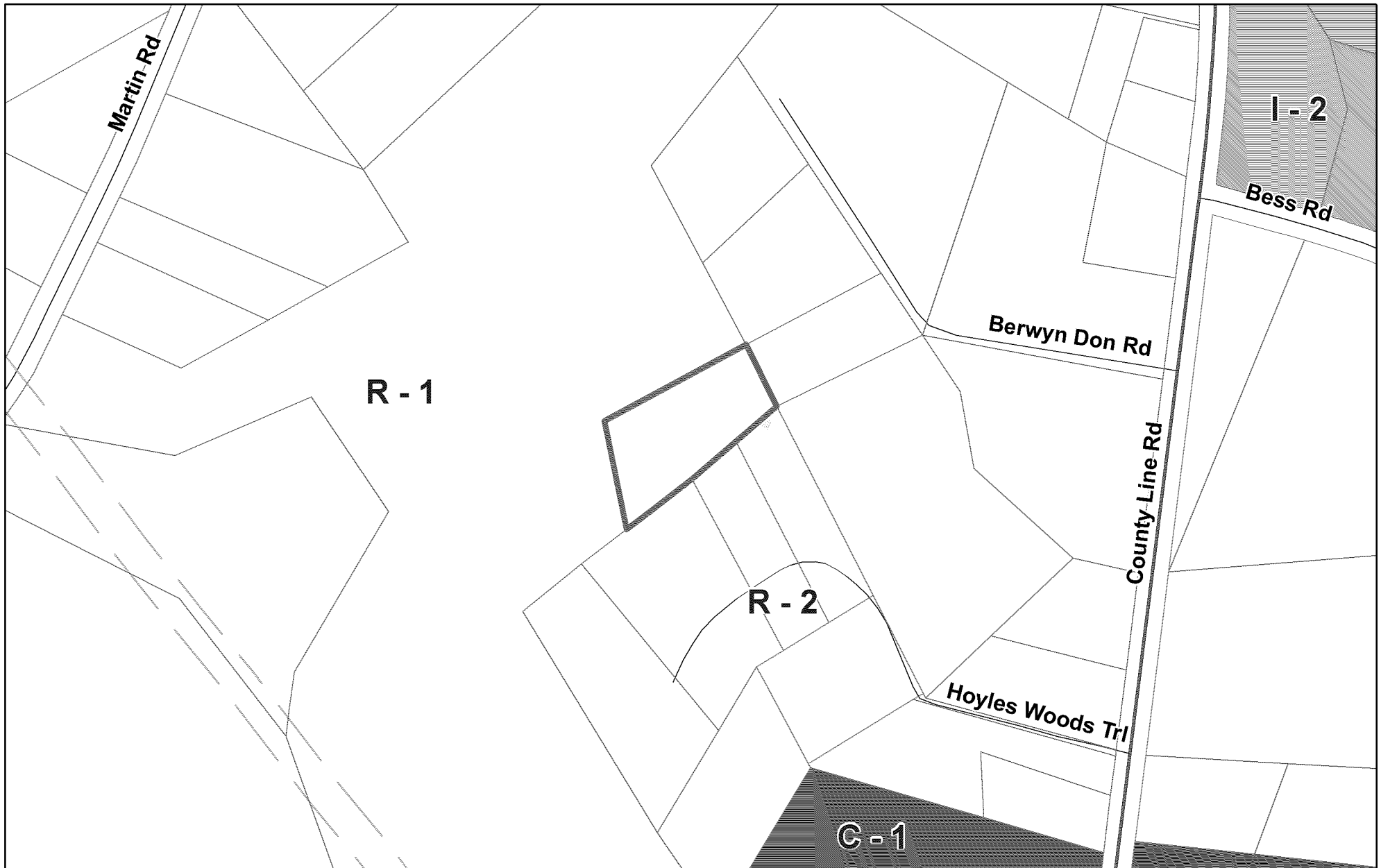
Legend

-  Subject Area
-  Area
-  Property
-  Parcels



0 180 360
Feet

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



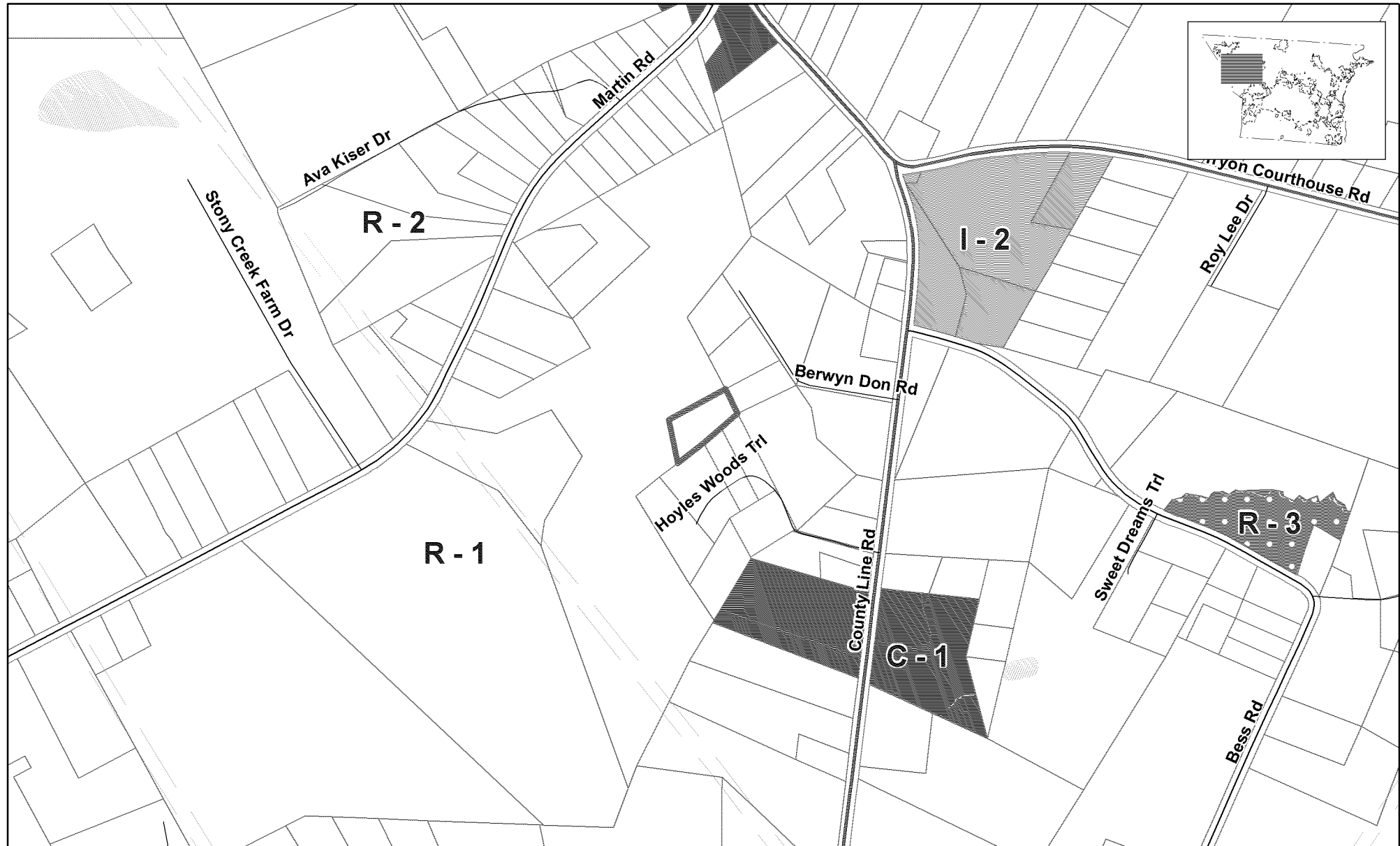
GASTON COUNTY
Zoning Map
Z22-24

 Subject Area

0 90 180 360 Feet



(R-1) Single Family Limited
(R-2) Single Family Moderate
(C-1) Light Commercial
(I-2) General Industrial



GASTON COUNTY ZONING REVIEW MAP

0 150 300 600 900 1,200
Feet



- Area of Consideration
- R-1 Single Family Limited
- R-2 Single Family Moderate
- R-3 Single Family General
- C-1 Light Commercial
- I-2 General Industrial

Application: Z22-24
Parcel(s): 162968
Request: (R-1) to (R-2)

Map Date: 06/30/22



Z22-24 Subject and Adjacent Properties Map

 **Area of consideration**

Z22-24 OWNER & ADJACENT PROPERTY OWNER 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>
*	162968	ALLEN CHRISTOPHER SCOTT		541 HOYLES WOODS TRAIL	KINGS MTN	NC	28086
1	162942	HOWELL ELLEN F	HOWELL JOHN F	PO BOX 12	CHERRYVILLE	NC	28021
2	163008	GUNTER GENEVA G HEIRS OF	C/O ERIC COLLINS & LARRY COLLINS JR	131 BERWYN DON RD	KINGS MTN	NC	28086
3	163003	ARVIDSON ROBBIE		2451 COUNTY LINE RD	KINGS MTN	NC	28086
4	162969	HOMESLEY GARY K		1534 TIMBERLANE ST	GASTONIA	NC	28054
5	162964	ALLEN CHRISTOPHER SCOTT		541 HOYLES WOODS TRAIL	KINGS MTN	NC	28086
6	162965	ALLEN CHRISTOPHER SCOTT		541 HOYLES WOODS TRAIL	KINGS MTN	NC	28086
7	162966	ALLEN CHRISTOPHER SCOTT		541 HOYLES WOODS TRAIL	KINGS MTN	NC	28086



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 22-392

Commissioner Fraley - Building & Development Services - Zoning Map Change: Z22-24 Christopher Scott Allen (Applicant); Property Parcel: 162968, Located at Hoyles Woods Trail, Kings Mountain, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate 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. Christopher Scott Allen (Applicant); Rezone Parcel: 162968, from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District. A public hearing was advertised and held on September 27, 2022 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on September 12, 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	TPhilbeck	RWorley	Vote
2022-309	09/27/2022	AF	BH	A	A	A	A	A	AB	A	U

DISTRIBUTION:

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