



**RESOLUTION TITLE: ZONING MAP CHANGE: Z21-04 MANUEL ELLIS (APPLICANT);
PROPERTY PARCELS: 302793, 302792, AND 302791, LOCATED
AT 337, 341, & 347 EAKER RD., BESSEMER CITY, 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 March 23, 2021 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 302793, 302792, 302791
Applicant: Manuel Ellis
Owner(s): Manuel Ellis
Property Location: 337, 341, & 347 Eaker Rd.
Request: Rezone Parcels 302793, 302792, and 302791 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 parcels: 302793, 302792, and 302791, located at 337, 341, & 347 Eaker Rd., Bessemer City, NC, from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District on March 8, 2021 based on: staff recommendation; and the request is reasonable and 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. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

Motion: Fallon Second: Houchard Vote: Unanimous
Aye: Ally, Fallon, Harris, Hollar, Horne, Houchard, Hurst, Vinson
Nay: None
Absent: Brooks, Sain
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	TKeigher	TPhillips	RWorley	Vote
2021-069	03/23/2021	AF	CB	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

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

Zoning Map Change: Z21-04 Manuel Ellis (Applicant); Property Parcels: 302793, 302792, and 302791, Located at 337, 341, & 347 Eaker Rd., Bessemer City, 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 that the County Commission, upon consideration of the map change application, public hearing comment and recommendations from the Planning Board and Planning staff, finds:

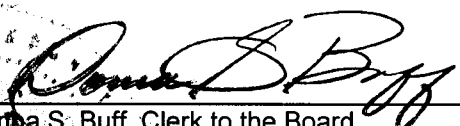
- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

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: 302793, 302792, and 302791, 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.


Tom Keigher, Chairman
Gaston County Board of Commissioners

Attest:


Donna S. Buff, Clerk to the Board

SEAL

General Rezoning Application (Z21-04)

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:

Manuel Ellis

Property Owner(s):

Manuel Ellis

Parcel Identification (PID):

302793, 302792, 302791

Property Location:

337, 341, & 347 Eaker Rd. (Bessemer City)

Total Property Acreage:

2.59 ac

Acreage for Map Change:

2.59 ac

Current Zoning:

(R-1) Single Family Limited

Proposed Zoning:

(R-2) Single Family Moderate

Existing Land Use:

Undeveloped / Vacant

Proposed Land Use:

Single Family Residential (Manufactured)

COMPREHENSIVE LAND USE PLAN

Area 1: Rural Gaston / Northwestern 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. 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: **3**

Total Value of Sales: **\$207,000**

Low Sale

High Sale

Average Sale

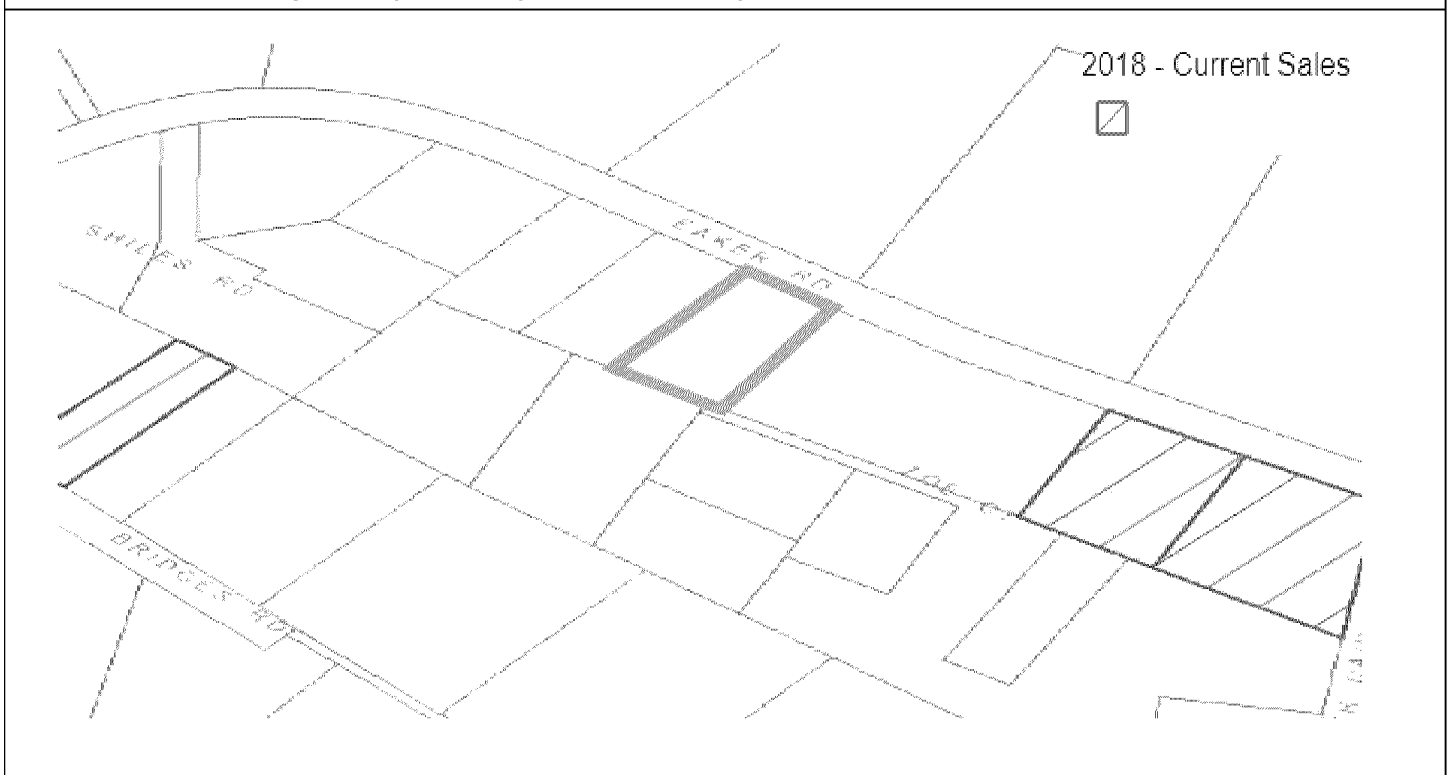
\$25,000

\$98,000

\$84,000

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 western 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-2) 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 the property was currently vacant and undeveloped; and, the applicant/owner indicated at time of application that it was his intent to place a double-wide manufactured home on the property as his primary residence.

Discussion and questions by Board members included inquiries related to the recent subdivision of the property, to which staff responded that the applicant/owner indicated that he intended to use one parcel for his primary residence (a double-wide manufactured home) and reserve the additional two (2) parcels for his children. Members asked about other housing types in the immediate area, to which staff revisited the aerial map included for presentation to point out a single-wide manufactured home almost adjacent to the site, and, the zoning maps to provide information related to a subdivision for double-wide manufactured homes, as well as, a second subdivision providing for single-wide manufactured homes, located nearby.

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

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-1) to (R-2) will allow the subject parcel to continue as a residential use in nature, which is consistent with the Rural designation and is in harmony with other residential uses within the immediate vicinity.

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 21-04**

Applicant ☒ Planning Board (Administrative) ☐ Board of Commission (Administrative) ☐ ETJ ☐

A. *APPLICANT INFORMATION

Name of Applicant: Manuel Ellis
(Print Full Name)

Mailing Address: 42 Warwick Cir. Apt. 106, Clover, SC 29710
(Include City, State and Zip Code)

Telephone Numbers: (980)295-3199
(Area Code) Business (Area Code) Home

Email: mellis117@aol.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: 337, 341, & 347 Eaker Rd. (Bessemer City)

Parcel Identification (PID): 302793, 302792, 302791

Acreage of Parcel: 2.59 +/- Acreage to be Rezoned: 2.59 +/- Current Zoning: (R-1)

Current Use: Vacant / Undeveloped 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: _____ Telephone: _____
(Area Code) (Area Code)

Parcel: _____ Parcel: _____
(If Applicable) (If Applicable)

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.

Maurel E. Miller
Signature of Property Owner or Authorized Representative

1-4-2021
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: 01/05/2021 Application Number: Z21-04 Fee: \$500.00

Received by Member of Staff: SCP Date of Payment: 01/05/2021 Receipt Number: INV-00022163
(Initials)

☒ COPY OF PLOT PLAN OR AREA MAP
☐ NOTARIZED AUTHORIZATION

☒ COPY OF DEED
☒ 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: _____



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: Z21-04 - 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 development is located at 337, 341, 347 Eaker Rd (Bessemer City). PIDs: 302793, 302792, 302791. 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 MTP nor Highway CTP include any future improvements on 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 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:

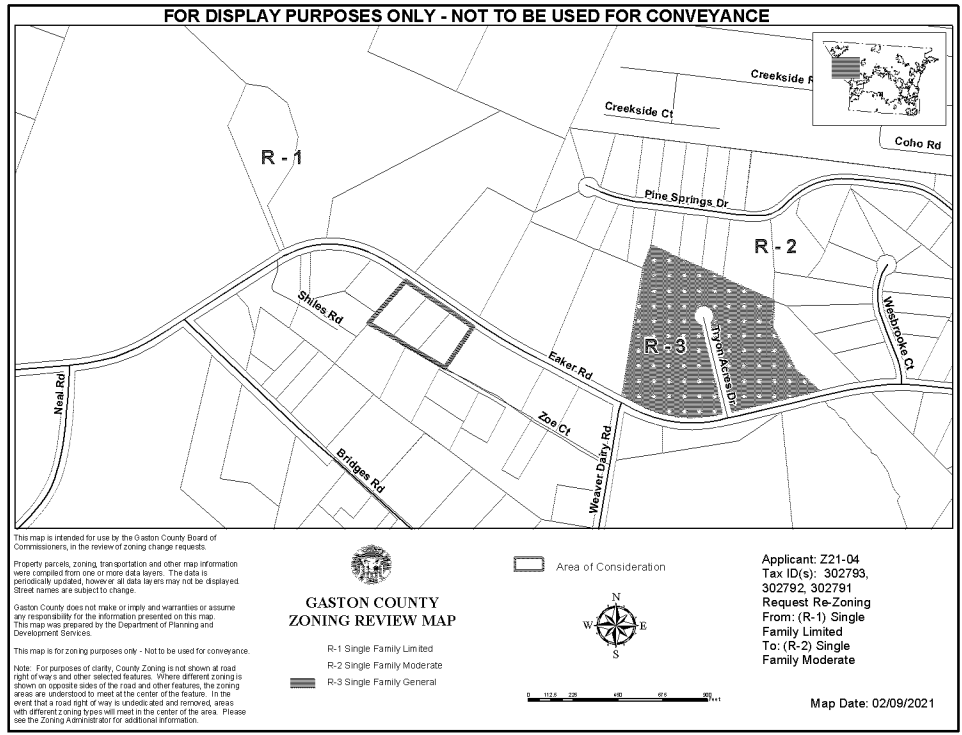
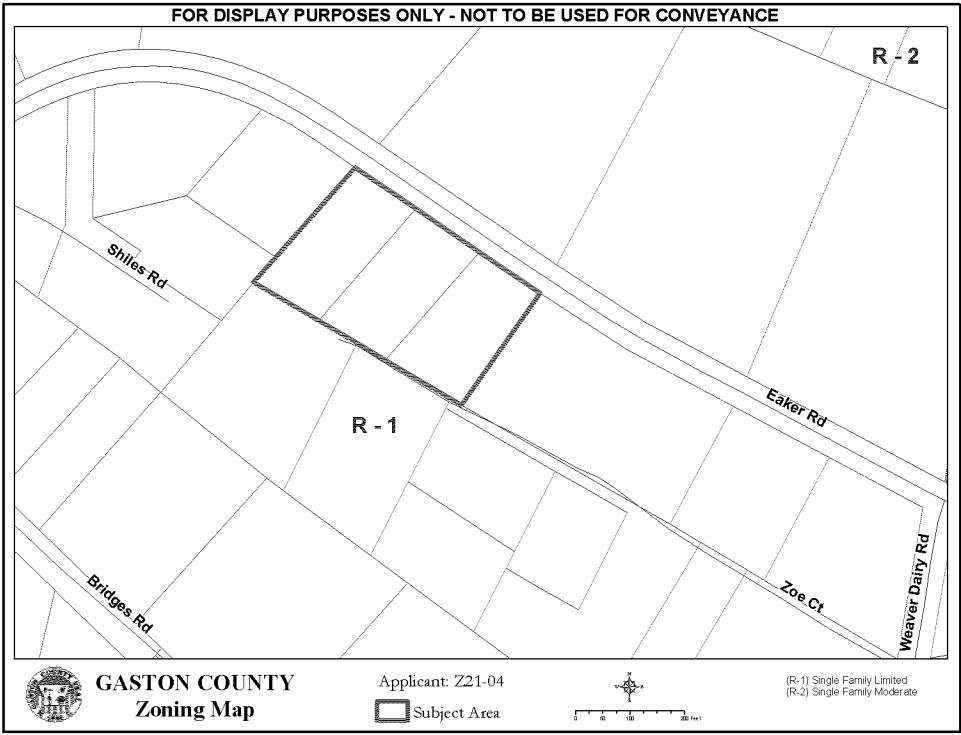
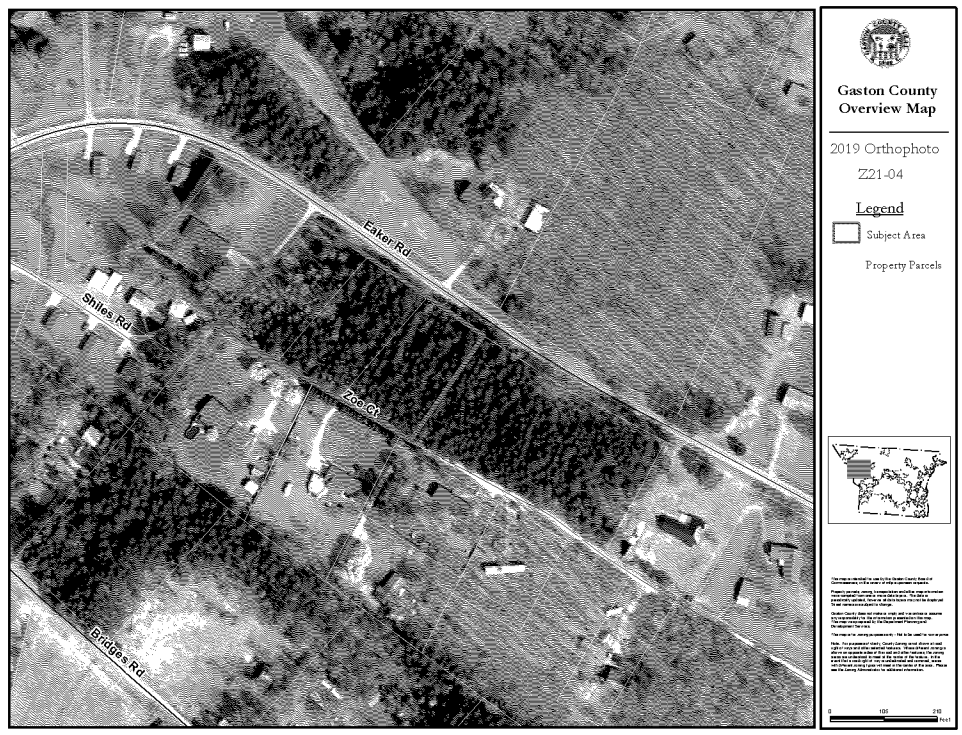
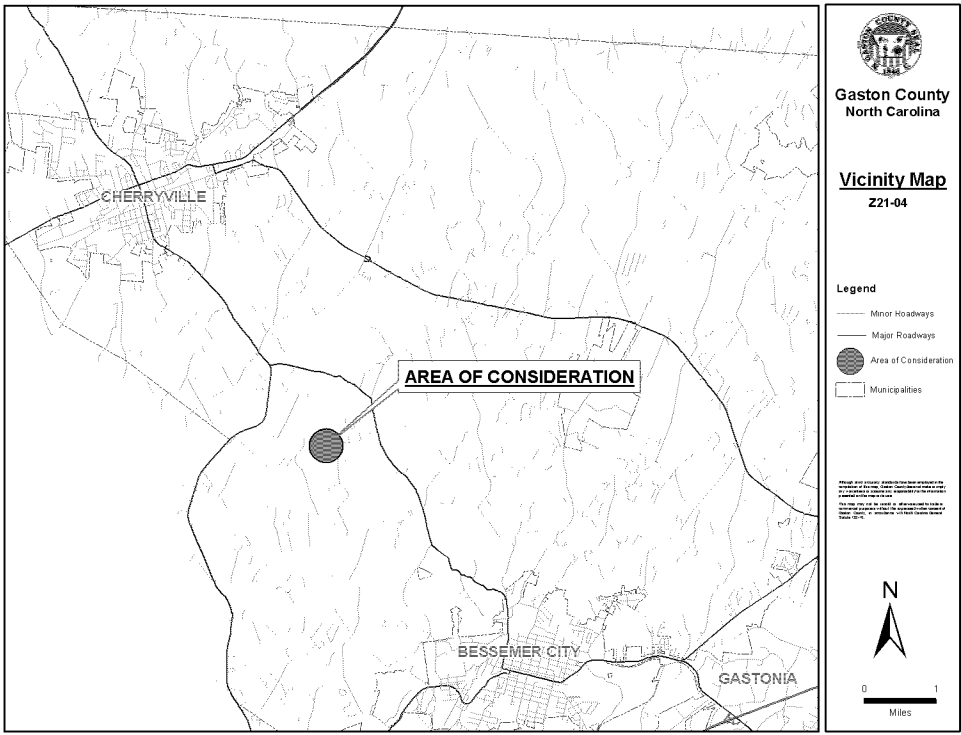
Dwelling, Manufactured Home Class C; Dwelling, Manufactured Home Class D; Manufactured Home Park

(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





Z21-04 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

Z21-04 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>
"	302793	ELLIS MANUEL		42 WARWICK CIT APT 106	CLOVER	SC	29710
	302792						
	302791						
1	163160	BLAKE DEBORAH KATHRYN		PO BOX 1205	BESSEMER CITY	NC	28016
2	163165	KINCAID RANDY STEVEN	KINCAID BRENDA A	2523 BURTON ESTATES LANE	LINCOLNTON	NC	28092
3	153196	FOSTER ANGELITA H		1915 TRYON COURTHOUSE RD	BESSEMER CITY	NC	28016
4	163193	SANCHEZ CANDY R NAVARRO		1235 ZOE CT	BESSEMER CITY	NC	28016
5	163191	LETHCO JOHN M	LETHCO VIRGINIA H	1239 ZOE CT	BESSEMER CITY	NC	28016
6	163184	WALDECK BRUCE D	WALDECK DIANE G	1245 ZOE CT	BESSEMER CITY	NC	28016
7	108071	SHILES SUE KISER		111 SHILES RD	BESSEMER CITY	NC	28016
8	163164	CONCORD METHODIST CHURCH		355 EAKER RD	BESSEMER CITY	NC	28016



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 21-102

Commissioner Fraley - Building & Development Services - Zoning Map Change: Z21-04 Manuel Ellis (Applicant); Property Parcels: 302793, 302792, and 302791, Located at 337, 341, & 347 Eaker Rd., Bessemer City, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Moderate 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 Planning Board and Commission, with recommendation by the Planning Board prior to consideration for final action by the Commission. Manuel Ellis (Applicant); Rezone Parcels: 302793, 302792, and 302791, 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 March 23, 2021 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on March 8, 2021, 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	JVale	Vote
2021-069	03/23/2021	AF	CB	A	A	A	A	A	AB	A	U

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