

# GASTON COUNTY REZONING APPLICATION (REZ-24-08-23-00190)

## STAFF REPORT

APPLICATION SUMMARY	
<b>Request:</b>	
To rezone the property from the (R-1) Single Family Limited Zoning District to the (CD/C-3) General Commercial Conditional District.	
<b>Applicant(s):</b>	<b>Property Owner(s):</b>
Blake Johnson	Shady Grove Baptist Church Cherryville
<b>Parcel Identification (PID):</b>	<b>Property Location:</b>
203165	2535 Tryon Courthouse Road
<b>Total Property Acreage:</b>	<b>Acreage for Map Change:</b>
2.21 acres	2.21 acres
<b>Current Zoning:</b>	<b>Proposed Zoning:</b>
(R-1) Single-Family Limited	(CD/C-3) General Commercial Conditional District
<b>Existing Land Use:</b>	<b>Proposed Land Use:</b>
Church / Place of Worship	Contractor's Office and Equipment Storage Yard and Solid Waste & Septic Tank Vehicle Storage Facility

COMPREHENSIVE LAND USE PLAN
<b>Area 1: Rural Gaston/Northwest Gaston</b>
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.
<b>Future Land Use Designation: Rural</b>
Rural – Rural area are areas characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusiness. 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.
<b>Staff Recommendation:</b>
Staff finds that the application, as presented, is consistent with the goals and future land use designation discussed in the Comprehensive Land Use Plan. Staff has provided a list of recommended conditions of approval for consideration.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE
<b>Water/Sewer Provider:</b>
Private well / private septic
<b>Road Maintenance:</b>
North Carolina Department of Transportation

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

*Pending*

A letter from the Gaston Cleveland Lincoln MPO is included in the staff packet.

**STAFF SUMMARY**

**Prepared By: Peyton Wiggins, Planner II**

This property is located off Tryon Courthouse Road, in the northwest region of the county. The property is 2.21 acres and is currently operating as a church/place of worship facility.

The site plan highlights the existing office on site, the proposed dumpster storage business and vehicle parking, and landscaping buffers. Currently, the site has two structures connected by a covered deck. These structures are to serve as the business’ office. The site plan shows the dumpster storage and vehicle storage parking area behind the office buildings. The plan shows storage room for multiple-size dumpsters along with adequate truck maneuvering for the commercial vehicles used in operation.

The applicants show an existing Leyland Cypress buffer along the western and southern property lines to help with screening from adjacent property owners. The applicants are proposing additional screening on either side of the access drive for screening from the Tryon Courthouse Road right-of-way. With the business parking in the rear yard, set back a substantial amount from the road, and the evergreen screening, the dumpsters, and trucks will have limited visibility from the road.

If approved, staff would recommend that the conditions of approval be implemented, as presented or modified by the board, to mitigate any impact on surrounding properties.

**Proposed Features**

UDO Section	Proposed
Section 7.5 – Table of Uses	The proposed uses for the site include a Contractor’s Office and Equipment Storage Yard and Solid Waste and Septic Tank Contractor’s Office and Operation Center.
Section 2.7 – Definition	<p><b>Contractor’s Office and Equipment Storage Yard</b> - Dq Operation center where the contracted work type requires large commercial vehicles to do the work. Type vehicles used in this operation would be dump trucks, bucket trucks, large commercial vehicles, flatbed trucks, tractor trailers, and grading/paving equipment. Vehicles, equipment and materials, to do the contracted work, can be externally stored on site.</p> <p><b>Solid Waste and Septic Tank Contractor’s Office and Operation Center</b> - D facility where trucks are dispatched from and parked; containers are stored; truck/container maintenance is performed.</p>
Section 10.5 – Off-street parking space requirements	The number of parking spaces required is calculated based on parking requirement number 1.51. This states one space per employee plus one per vehicle used in operation.

The parking calculation for the site is as follows:	
- 8 Employees	8 spaces required 11 spaces proposed
- 8 Business Vehicles	8 spaces required 8+ spaces proposed

**Relief Requests**

UDO Section	Required	Proposed
Section 8.3.13 – Solid waste and septic tank contractor’s office and operation center	When abutting a non-industrial districts, a minimum of 50-foot setback from all property lines must be maintained for all vehicles and equipment associated with the operation.	The applicants are proposing a 20-foot setback for all vehicles and equipment from the side and rear property lines.
Section 9.14 – Special grading treatment abutting residential districts	Special grading treatment is required where a non-residential use abuts a residential use or zone and differences in elevations of two feet or greater are proposed within 20 feet of common property lines for the purpose of development. The elevation must be graded to a minimum	Due to the site having a gradual slope of 6 feet over a distance of 261 feet from the existing structure to the back/eastern property line, staff does not see the need for a grade change, especially with the existing landscape buffer.
Section 10.4 – Off-street parking surface requirements	Unless otherwise stated, all off-street parking areas shall be paved. Pavement surfaces shall consist of asphalt, concrete, bituminous surface treatment, brick, or other paving material that will provide equivalent protection against potholes, erosion, and dust. Pervious paving surfaces that aid in reducing runoff are encouraged.	The applicant is proposing gravel parking for all parking areas.
Section 11.3.2 – Buffer yard requirements	Screening and buffering shall be required under the following situations: When a lot is: - In a commercial district and abuts a lot in a residential district, screening must be provided on the commercial lot in the form of a Type D Screen/Buffer.	The applicant is requesting to utilize the existing mature landscaping along the western and southern property lines.

**Public Information Meetings (PIMs)**

The applicant advertised and held two public information meetings as required by Section 5.16.5.B of the UDO. The meetings were held on November 14<sup>th</sup> and November 15<sup>th</sup> from 9 a.m. to 11 a.m. The meetings took place on-site, located at 2535 Tryon Courthouse Road, Bessemer City, NC 28016. The PIMs full report is included in the staff packet. There was one attendee with concerns regarding how this site would affect the neighboring well and septic systems.

## PLANNING BOARD RECOMMENDATION

The Planning Board met in regular session on November 20, 2024, and recommended approval of the request by a 10 to 0 vote based on the following:

- This is a reasonable request and in the public interest; and
- It is consistent with the comprehensive land use plan as it will serve a commercial purpose and increase commercial opportunities along existing major thoroughfares, as envisioned by the Rural Center land use designation.

### **Recommended Conditions of Approval for REZ-24-08-23-00190**

- A driveway permit must be obtained from NCDOT.
- An 8-foot-tall privacy fence is to be installed on the north side of the storage area. An evergreen planted buffer will be installed as shown to minimize views into the storage area from north and east.
- No storage of solid waste on site.
- Should the existing buffer be removed or compromised in any way, the property owner is to promptly replant the affected trees or install a Type D buffer.
- Additions to existing structures or new commercial structures shall be allowed to be added to the site provided that all required zoning and building permits are obtained and all setbacks and zoning/use regulations for the underlying zoning district are being met.