

# General Rezoning Application (Z22-14)

## STAFF REPORT

### APPLICATION SUMMARY

**Request:**

To rezone property from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (C-2) Highway Commercial Zoning District with (US) Urban Standards Overlay.

**Applicant(s):**

Amanda High Crocker

**Property Owner(s):**

Daystar Baptist Church

**Parcel Identification (PID):**

179167

**Property Location:**

211 Smith Rd. (Mount Holly)

**Total Property Acreage:**

10.5 ac

**Acreage for Map Change:**

10.5 ac

**Current Zoning:**

(R-1) Single Family Limited, (US) Urban Standards Overlay

**Proposed Zoning:**

(C-2) Highway Commercial, (US) Urban Standards Overlay

**Existing Land Use:**

Church/Place of Worship

**Proposed Land Use:**

Funeral Home

### COMPREHENSIVE LAND USE PLAN

**Area 3: The Riverfront 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; maintaining the rural “feel” of the area; and, increased commercial opportunities.

**Comprehensive Plan future Land Use: Suburban Development**

Suburban Development consists of significant single-family residential areas that exist around commercial pockets representing a standard suburban center. Typically, this would resemble subdivisions built around services for those communities. Suburban centers can also include multi-family houses and support services as well. These centers are larger than the rural centers and tend to not serve a significant civic or commercial purpose, aside from immediate neighborhood needs.

**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

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

The MPO had no comments for this application.

**STAFF SUMMARY**

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

This property is located in a residential area of the north east region of the county. The location is primarily residential in nature with some commercial business located within a short distance, along Hickory Grove Rd. Housing types in the area include single family site built, modular and/or manufactured housing, including established neighborhoods and developments, along with private lots. The application presented currently houses a church/place of worship.

If approved, any uses allowed in the (C-2) Highway Commercial Zoning District would be permitted in accordance with standards and regulations as adopted in the Gaston County Unified Development Ordinance (UDO).

**CONSISTENCY STATEMENTS**

*The proposed rezoning is in the Suburban Development future land use plan. The area consists of significant single-family residential homes, along with pockets of commercial businesses. The use, going from (R-1) to (C-2) will make the subject parcel commercial in nature, which is consistent with the Suburban Development designation and is in harmony with uses within the immediate vicinity.*

*The proposed rezoning is in the Suburban Development future land use plan. The area consists of significant single-family residential homes and neighborhoods. The use, going from (R-1) to (C-2) will make the subject parcel commercial in nature, which is not consistent with the Suburban Development designation and not in harmony with uses within the immediate vicinity.*

**PLANNING BOARD RECOMMENDATION**

**Scheduled Meeting Date: June 6, 2022**

Meeting Summary / Points of Discussion: Staff provided Board members with an overview of the application and property. Points of discussion included questions related to the existing use (church/religious institution) and any proposed uses, if known. Amy Crocker appeared before the Board to explain that this property was purchased by family who, in turn, used it as a church. According to the applicant, she intends to provide funeral services on site, with any embalming to be conducted off site. She has been in touch with the Health Department regarding appropriate permits and septic specifications. Also, included into evidence (attached), is an informal sketch provided by the applicant. Staff reminded Board members that this is a general rezoning and all uses allowed in the (C-2) Highway Commercial Zoning District must be considered.

The Board voted to approved the application, with a vote of (6) to (1), based upon the following statement of consistency: *The proposed rezoning is in the Suburban Development future land use plan. The area consists of significant single-family residential homes, along with pockets of commercial businesses. The use, going from (R-1) to (C-2) will make the subject parcel commercial in nature, which is consistent with the Suburban Development designation and is in harmony with uses within the immediate vicinity.*



# GASTON COUNTY

Department of Planning & Development Services

Street Address: 128 W. Main Avenue, Gastonia, North Carolina 28052  
Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Phone: (704) 866-3195  
Fax: (704) 866-3966

## GENERAL REZONING APPLICATION

Application Number: **Z** 22-14

Applicant ☒

Planning Board (Administrative) ☐

Board of Commission (Administrative) ☐

ETJ ☐

### A. \*APPLICANT INFORMATION

Name of Applicant: Amy High Crocker

(Print Full Name)

Mailing Address: 558 S. Grandview Rd Clover, SC 29710

(Include City, State and Zip Code)

Telephone Numbers: 704-718-1889

803-222-5261

(Area Code) Business

(Area Code) Home

Email: amycrocker41@gmail.com acrocker@peoplepc.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: Daystar Baptist Church @ Arthur Tolbert - Head Deacon

(Print Full Name)

Mailing Address: 211 Smith Road, Mt Holly, NC 28120

(Include City, State and Zip Code)

Telephone Numbers: 704 - 772 - 6375

(Area Code) Business

(Area Code) Home

Email: tolbertarthur15@gmail.com

### C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 211 Smith Road, Mt Holly, NC 28120

Parcel Identification (PID): 179167

(R-1)(US)

Acreage of Parcel: 10.5 +/- Acreage to be Rezoned: 10.5 +/- Current Zoning: Residential

Current Use: Church Proposed Zoning: Commercial (C-2)(US)

### D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner: Arthur Tolbert - Head Deacon

Name of Property Owner: \_\_\_\_\_

Mailing Address: 1621 Cecelia Drive

Mailing Address: \_\_\_\_\_

Gastonia, NC 28054

(Include City, State and Zip Code)

(Include City, State and Zip Code)

Telephone: 704 - 772 - 6375

(Area Code)

Telephone: \_\_\_\_\_

(Area Code)

Parcel: \_\_\_\_\_

(If Applicable)

Parcel: \_\_\_\_\_

(If Applicable)

Arthur Tolbert

(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) 179167 - 211 Smith Road, Mt Holly, NC hereby give Amy High Crocker (Name of Applicant) consent to execute this proposed action.

Arthur Tolbert  
(Signature)

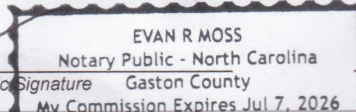
4/6/22  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

I, Evan R Moss, a Notary Public of the County of Gaston State of North Carolina, hereby certify that Arthur Van Tolbert personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and notarial seal, this the 6th day of April, 2022.

Evan R Moss  
Notary Public Signature



July 7th, 2026  
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.

Arthur Tolbert  
Signature of Property Owner or Authorized Representative

4/6/22  
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

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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: \_\_\_\_\_ Date of Public Hearing: \_\_\_\_\_

Planning Board Review: \_\_\_\_\_ 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.



## **C2 HIGHWAY COMMERCIAL**

### **(1) Uses allowed by right:**

ABC Store; Amusement & Sporting Facility, indoor; Amusement Arcade; Animal Grooming Service for household pet, indoor kennels; Art Gallery; Auction House; Auditorium, Assembly Hall, Amphitheater, Community Center, <500 seats; Bail Bond; Baseball Hitting Range; Billiard Parlor; Bowling Lanes; Building Material & Lumber Sales; Business Services; Check Cashing Establishment, closed 12AM to 5AM; Cleaning & Maintenance Service; College / University; Contractor's Office & Operation Center; Crematorium; Day Care Center, Accessory; Distribution / Wholesale / Storage Operation; Electric, Heating, Air conditioning, Ventilating, Plumbing Supplies & Equipment Sales; Essential Services Class 1; Essential Services Class 4; Exterminators Office; Farm Supply Store, with outdoor storage; Farm Supply Store, without outdoor storage; Financial Institution (excluding principal use ATMs); Food Pantry; Food Store, 0-9,999 sqft GFA; Food Store, 10,000+ sqft GFA; Funeral Homes; Furriers; Game Room; Glass & Mirror Shop; Grooming Services; Gunsmith, Gun & Ammunition Sales; Hardware Store; Health Club, Spa Gymnasium (principle use); Laboratories – Dental, Medical; Lawn & Garden Center; Library; Medical Offices, 0-49,999sqft GFA; Medical Offices, 50,000-99,999sqft GFA; Monument Sales; Moving & Storage Facilities; Museum; Offices, excluding Medical, 0-49,999sqft GFA; Personal Business Services; Photo Finish Laboratory; Post Office; Recycling Deposit Station, accessory; School for the Arts; Sign Shop; Theater, indoor movie; Upholstery Shop

### **(2) Uses allowed by right with supplemental regulations:**

Adult Establishments; Animal Hospital, indoor kennel; Assisted Living Center; ATM (Automated Teller Machine); Automobile Body Shop; Automobile Detail Shop; Automobile Hobbyist; Automobile Repair Shop; Automobile Service Station; Automobile, Truck, Boat, Motorcycle, Manufactured Home, Recreational Vehicle Sales & Rental; Automobile Towing & Wrecker Service; Bona Fide Farms; Car Wash, Automatic; Car Wash, Self Service; Cemetery; Charitable Service Facility; Church / Place of Worship; Club, private (without adult entertainment); Convenience Store, closed 12AM to 5AM; Convenience Store, open up to 24 hours; Country Club; Day Care Center Class B; Day Care Center Class C; Dwelling, Mixed Use; Essential Services Class 2; Firing Range, indoors, principal use; Flea Market, indoor; Flex Space; Food Catering Facility; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0-9,999sqft GFA; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+ sqft GFA; Golf Course, Golf Driving Range, Golf Miniature; Health & Behavioral Care Facility; Hotel or Full Service Hotel; Landfill, Beneficial Fill; Landfill, Land Clearing & Inert Debris, minor; Laundromat, closed 12AM to 5AM; Laundromat, open up to 24 hrs; Lounge / Nightclub; Machine, Metal, Wood Working, Welding Shop; Manufactured Goods, class 1; Maternity Home; Military Reserve Center; Nursery (Garden); Nursing Home, Rest Home; Paint Ball Facility; Park; Parking Lot; Planned Unit Development (PUD); Produce Stand; Race Track, small; Recreation Center & Sports Center; Recycling Deposit Station, principle use; Restaurant; Restaurant, with drive thru; Restaurant, within other facilities; Retail, 0-24,000sqft GFA; Retail, 25,000-49,999sqft GFA; Retail, 50,000-99,999sqft GFA; School, vocational; Shopping Center, 0-24,999 sqft GFA; Shopping Center, 25,000-49,999 sqft GFA; Shopping Center, 50,000-99,999sqft GFA; Stadium; Swimming Pool, Sales, Service & Supplies; Telecommunication Antennae & Equipment Buildings; Tire Sales, new or used; Warehouse, 0-99,999 sqft GFA; Warehouse, 100,000+ sqft GFA; Wood Waste Grinding Operation

### **(3) Uses allowed with a conditional use permit:**

Check Cashing Establishment, open up to 24 hrs; Fish Hatcheries; Marina, commercial; Offices, excluding medical, 50,000-99,999sqft GFA; Offices, excluding Medical, 100,000-199,999sqft GFA; Offices, excluding Medical, 200,000+ sqft GFA; Railroad Terminal & Yard; School, elementary & middle (public & private); School, senior high (public & private); Septic Tank Cleaning Service; Transit Station; Zoo

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

Amusement & Sporting Facility, Outdoor; Animal Hospital, indoor kennel; Animal Hospital, outdoor kennel; Animal Kennel; Animal Shelter; Auditorium, Assembly Hall, Amphitheater, Community Center, 500 or more seats; Automobile Service Station; Automobile Towing & Wrecker Service; Body Piercing Establishment & Tattoo Parlor; Bus & Train Terminal, Passenger; Camping & RV Park; Car Wash, Self Service; Club, Private (without adult entertainment); Continuing Care Facility; Correctional Facility; Farmers Market; Firing Range, Indoors, principal use; Flea Market, Outdoor; Food Catering Facility; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 0-9,999sqft GFA; Fraternal & Service Organization Meeting Facility (non- or not- for profit), 10,000+ sqft GFA; Landfill, LCID, major; Lounge / Nightclub; Mini-Warehouse; Motel; Park; Race Track, large; Restaurant, with drive thru; Retail, 100,000+sqft GFA; Riding Stables; Rodeo / Accessory Rodeo; Shopping Center, 100,000+sqft GFA; Stadium; Telecommunication Tower & Facilities; Warehouse, 100,000+sqft GFA

### **(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

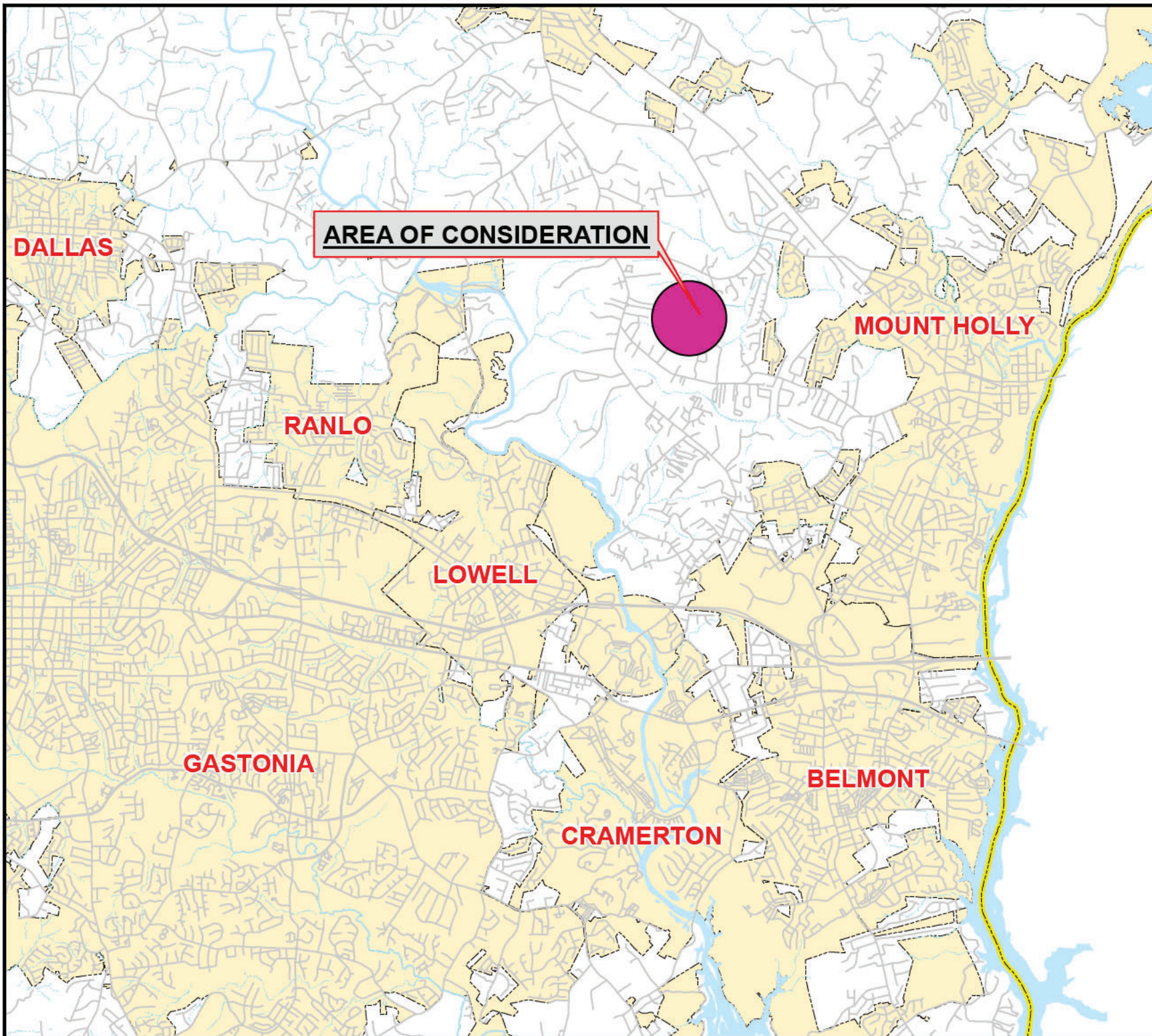
### **(7) By Conditional Zoning with supplemental regulations:**

Planned Unit Development (PUD)

### **(8) By Special exception:** None

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








## Vicinity Map

**Z22-14**

 Area of Consideration

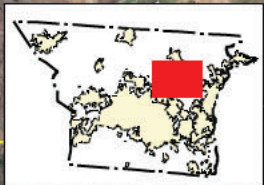
### **Legend**

-  Minor Roadways
-  Major Roadways
-  Municipalities



0 1  
Miles







GASTON COUNTY

## Overview Map

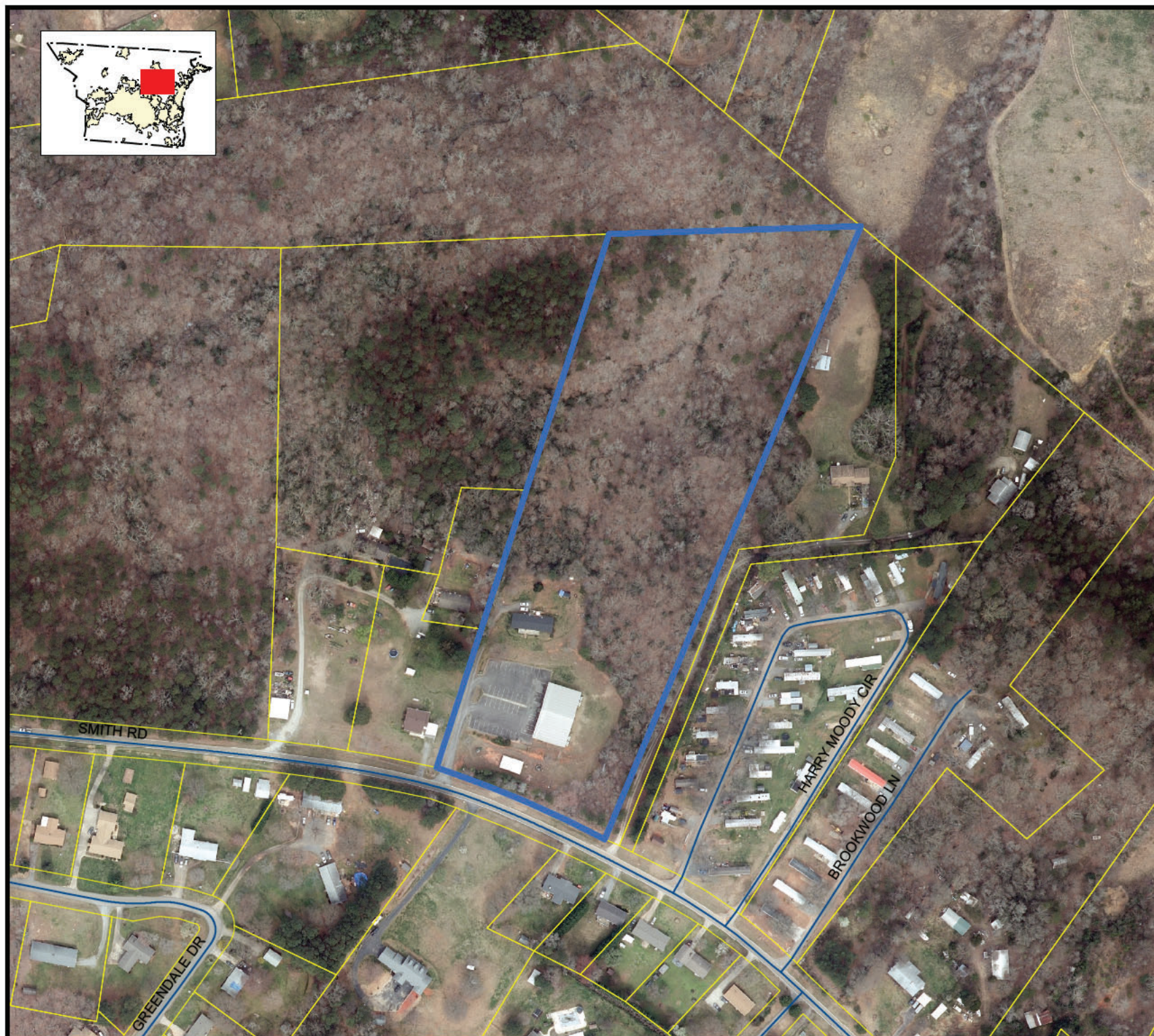
2019 Orthophoto  
Z22-14

### Legend

-  Subject Area
-  Property  
Parcels



0 150 300  
Feet





FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



**GASTON COUNTY**  
**Zoning Map**  
Z22-14

 Subject Area

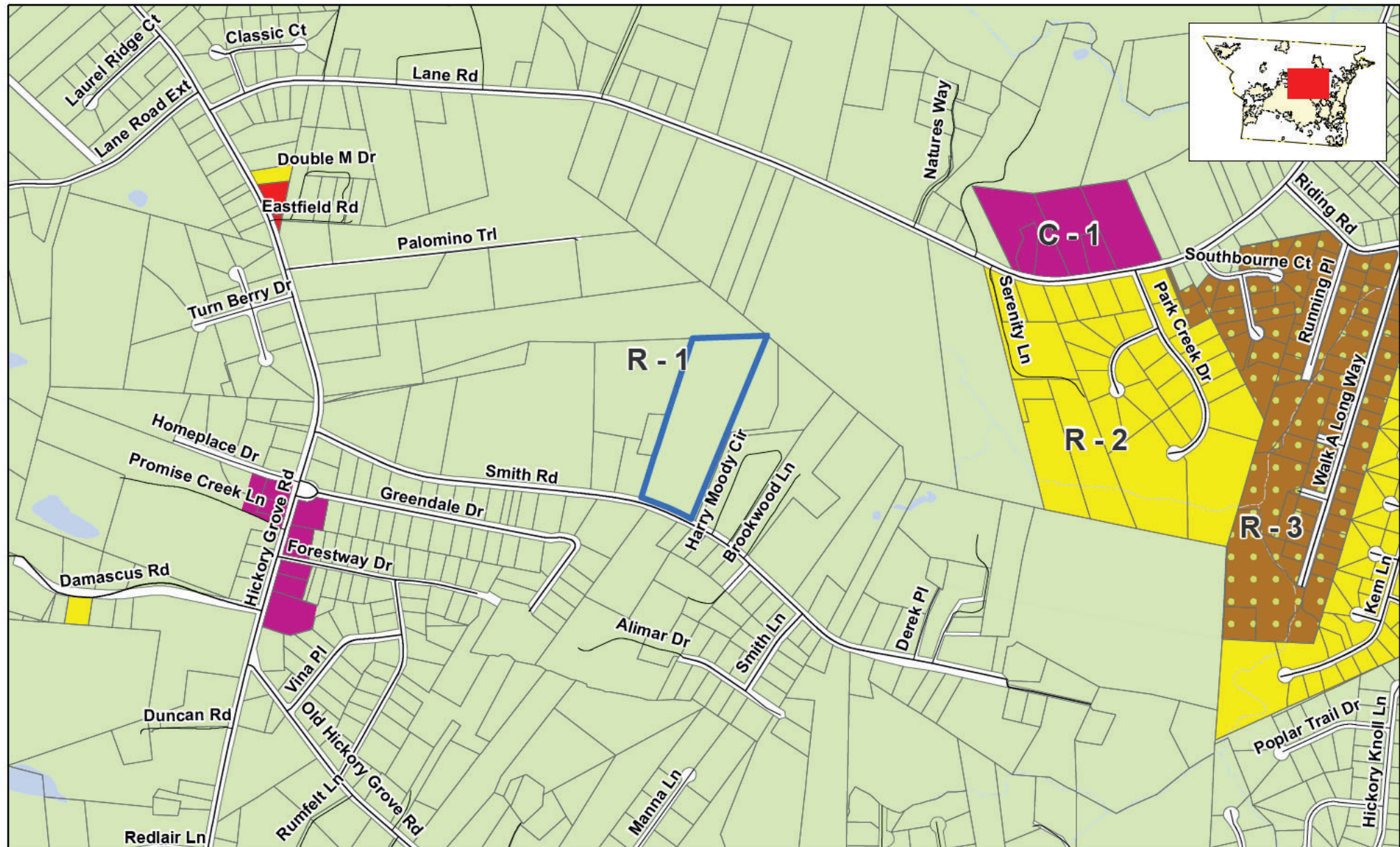
0 90 180 360 Feet



(R-1) Single Family Limited

(Overlays not shown)





# **GASTON COUNTY ZONING REVIEW MAP**

0 190380 760 1,140 1,520  
Feet



- Area of Consideration
- R-1 Single Family Limited
- R-2 Single Family Moderate
- R-3 Single Family General
- C-3 General Commercial
- C-1 Light Commercial  
(Overlays not shown)

Application: Z22-14  
Parcel(s): 179167  
Request: (R-1)(US) to  
(C-2)(US)

Map Date: 05/26/22



**Z22-14 Subject and Adjacent Properties Map**

 **Area of consideration**



**Z22-14 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>
*	179167	DAY STAR BAPTIST CHURCH CROCKER AMY HIGH		211 SMITH RD 558 S GRANDVIEW RD	MOUNT HOLLY CLOVER	NC SC	28120 29710
1	201801	FRALEY DEBORAH E	FRALEY JAMES CALVIN JR	203 SMITH RD	MOUNT HOLLY	NC	28120
2	201805	FRALEY DAVID BRYAN	FRALEY DAWN KEEVER	201 SMITH RD	MOUNT HOLLY	NC	28120
3	201803	FRALEY DEBORAH E	FRALEY JAMES C JR	203 SMITH RD	MOUNT HOLLY	NC	28120
4	226006	MOORE BRYAN LYTTE		4202 HICKORY GROVE RD	MOUNT HOLLY	NC	28120
5	179258	FLORES FORTINO	SILVA JOSE MANUEL FLORES	822 PINHOOK LOOP RD	GASTONIA	NC	28056
6	179270	HOWARD TERESA C		215 SMITH RD	MOUNT HOLLY	NC	28120
7	179136	THOMPSON GENE L	THOMPSON CRYSTAL D	22299 FIRESIDE DR	GOSHEN	IN	46528
8	179157	MCDONALD GAIL CHASTAIN	BRYAN JOHNNIE E JR	208 SMITH RD	MOUNT HOLLY	NC	28120
9	223314	LEGENDY JENNIE	MARCOM JAMES &	129 GREENDALE DR	MOUNT HOLLY	NC	28120