

Planning Board Item II – GENERAL PUBLIC HEARING INFORMATION (PCUP19-03)
Board of Commissioners / Planning Board Public Hearing Date April 23, 2019

Parallel Conditional Use Permit Application (PCUP19-03)

Request: To rezone property parcel 194195 from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Animal Grooming Service / Animal Kennel

Applicant(s): John & Jennifer Ratchford

Property Owner(s): George Lytle Ratchford Jr.

Mailing Address of Applicant: 5515 Sparrow Dairy Rd., Gastonia, NC 28056

Site Information and Description of Area

General Location: 5515 Sparrow Dairy Rd., Gastonia, NC

Parcel ID(s): 194195

Total Property Acreage: 86.49 acres

Acreage for Map Change: 3 acres

Current Zoning District(s): (R-1) Single Family Limited, (US) Urban Standards Overlay

General Area Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (I-3) Exclusive Industrial, (CU/R-2) Conditional Use / Single Family Moderate

Zoning District Information

Current Zoning District:

(R-1) Single Family Limited – The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

(US) Urban Standards Overlay – Areas of the County which are located outside their corporate limits and/or municipal Extra Territorial Jurisdiction (ETJ) but where the provision of public water and sewer services can reasonably be expected to occur over the next 10-15 years, have been designated as the “Urban Standards Overlay District”.

Accordingly, standards for development, more akin to those that traditionally are found in urban areas, as opposed to rural areas, are called for. Standards addressed, but not limited to: building design, off-street parking, road, lot and subdivision standards.

Note: If any portion of the subject property is within the USO, then the entire property shall be developed in accordance with USO standards.

Proposed Zoning District:

(CU) Conditional Use – There are many uses identified in Table 7.1-1 that are “uses by right” and that are allowed “by right” in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are “conditional uses” and subject to the issuance of a conditional use permit. The purpose of having conditional uses is to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as “uses by right” but now are allowed subject to a conditional use permit. For these uses, any expansion or modification to the uses would be subject to the issuance of a conditional use permit.

(R-2) Single Family Moderate – The purpose of this district is to accommodate single family site built and modular

construction and double-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

(US) Urban Standards Overlay – (see above)

(PCUP) Parallel Conditional Use Permit – The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. The “parallel conditional use” district (PCUP) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable.

Comprehensive Land Use Plan (Small Area District)

Area 4: The Garden Gaston/Southeast Gaston (Belmont, Cramerton, and surrounding area)

Key issues for citizens in this area include road improvements and better connectivity to other areas of the County and throughout the region; another bridge crossing the Catawba River; increased walkability and connectivity between communities; continued coordination amongst local government agencies; and, maintaining enhanced quality of life.

Area 5: Scenic Gaston/Southwest Gaston (Crowders Mountain State Park, Gastonia, and surrounding area)(small portion of parcel)

Key issues for citizens in this area include preservation or open space; road improvements and better connectivity to other areas of the County; preservation of existing conditions while allowing low to moderate growth; repurpose vacant buildings and facilities for new economic opportunities; and increased commercial opportunities along existing major thoroughfares.

Comprehensive Plan Future Land Use: Gateway Center

It is staff’s opinion that the request *is consistent* with the Comprehensive Land Use Plan. While the Gateway Center Land Use designation for the US Highway 321 and the North Carolina / South Carolina State Line creates a “Gateway to Industry”, the proposed use, as presented to staff by the applicant, is in harmony as it presents a small commercial opportunity in the area.

Technical Review Committee (TRC)

The request was reviewed by the TRC for comment and general compliance with applicable regulations and provisions. The TRC is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO), County Fire Marshall, et cetera, which review all land use proposals and site plans requiring Planning Board approval and/or public hearing process.

Notification

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

Zoning Sign Placement

April 12, 2019

Information Attached

Rezoning application; zoning district uses (current and proposed); vicinity map, aerial map, zoning/subject area maps, and adjacent property map with property owner list.

Transportation Planning Information

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Staff Contact

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or sarah.penley@gastongov.com



GASTON COUNTY

Department of Planning & 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

PARALLEL CONDITIONAL USE APPLICATION

Complete by either typing or printing legibly in black or blue ink

Application Number: **PCUP 19-03**

A. * APPLICANT INFORMATION

Name of Applicant: **John & Jennifer Ratchford**

(Print Full Name)

Mailing Address: **5515 Sparrow Dairy Rd., Gastonia, NC 28056**

(Include City, State and Zip Code)

Telephone Numbers: **(704)616-7997**

(Area Code) Business

(Area Code) Home

** If the applicant and property owner are not the same individual or group, the Gaston County Zoning Ordinance requires written consent from the property owner or legal representative authorizing the Rezoning Application.*

An Authorization/Consent Form is a separate form, and shall be notarized. In addition, if there are additional property owners, please provide a list of those names with a complete mailing address including city, state and zip code along with a telephone number including area code.

B. OWNER INFORMATION

Name of Owner: **George Lytle Ratchford Jr.**

(Print Full Name)

Mailing Address: **5409 Sparrow Dairy Rd., Gastonia, NC 28056**

(Include City, State and Zip Code)

Telephone Numbers: **(704)718-7915**

(Area Code) Business

(Area Code) Home

C. PROPERTY INFORMATION

Physical Address or General Street Location of Property:

5515 Sparrow Dairy Rd. (Gastonia, NC 28056)

Property Identification Number (PIN): **194195**

Acreage of Parcel: **86.49** +/-

Acreage to be Rezoned: **3** +/-

Current Zoning: **(R-1)(US)**

Proposed Zoning: **(CU/R-2)(US)**

Current Use: **Residential**

Proposed Use(s): **Animal Grooming Service / Animal Kennel**

D.

BURDEN OF PROOF

Section 5.16

Section 5.16.4 - F.2 Parallel Conditional Use District Burden of Proof

- a. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.
- b. The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:
- i. The use will not materially endanger the public health or safety if located where proposed and developed according to plan; _____
- ii. The use meets all required conditions and specifications; _____
- iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; _____ ; and _____
- iv. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners. _____

E.

CONDITIONS SETFORTH BY APPLICANT

F.

APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

Jennifer L. Patchell / John L. Richford
Signature of property owner or authorized representative

2-26-2019
Date

Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.

FOR OFFICIAL USE ONLY:
Date Received: 02/26/19 Application Number: PCUP: 19-03 Fee: \$620.00
Received by Member of Staff: SCP (Initials) Date of Payment: 02/26/19 Receipt Number: 00005481
☒ Copy of Plot Plan or Area Map ☒ Copy of Deed ☒ Notarized Authorization ☒ Payment of Fee



GASTON COUNTY Department of Planning & 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) 866-3908

Public Hearing Consent Form

To: Gaston County Board of Adjustment / Planning Board / Board of Commissioners

From: George Lytle Rotchford, Jr.

Subject:

☐ consent for variance / ☒ conditional use / ☐ appeal / ☐ subdivision variance / ☐ watershed variance / ☒ rezoning

Date: Feb. 25, 2019

I, George Lytle Rotchford, Jr., being the property owner of parcel(s) 194195, give consent to Jennifer & John Rotchford to act on my behalf in applying for the **PUBLIC HEARING REQUEST** under consideration.

George Lytle Rotchford Jr 2/25/19
Signature (owner) Date

North Carolina
Gaston County

I, Ashley Todd, a Notary Public for the said County and State, do hereby certify that George Lytle Rotchford Jr personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 25 of February, 20 19.

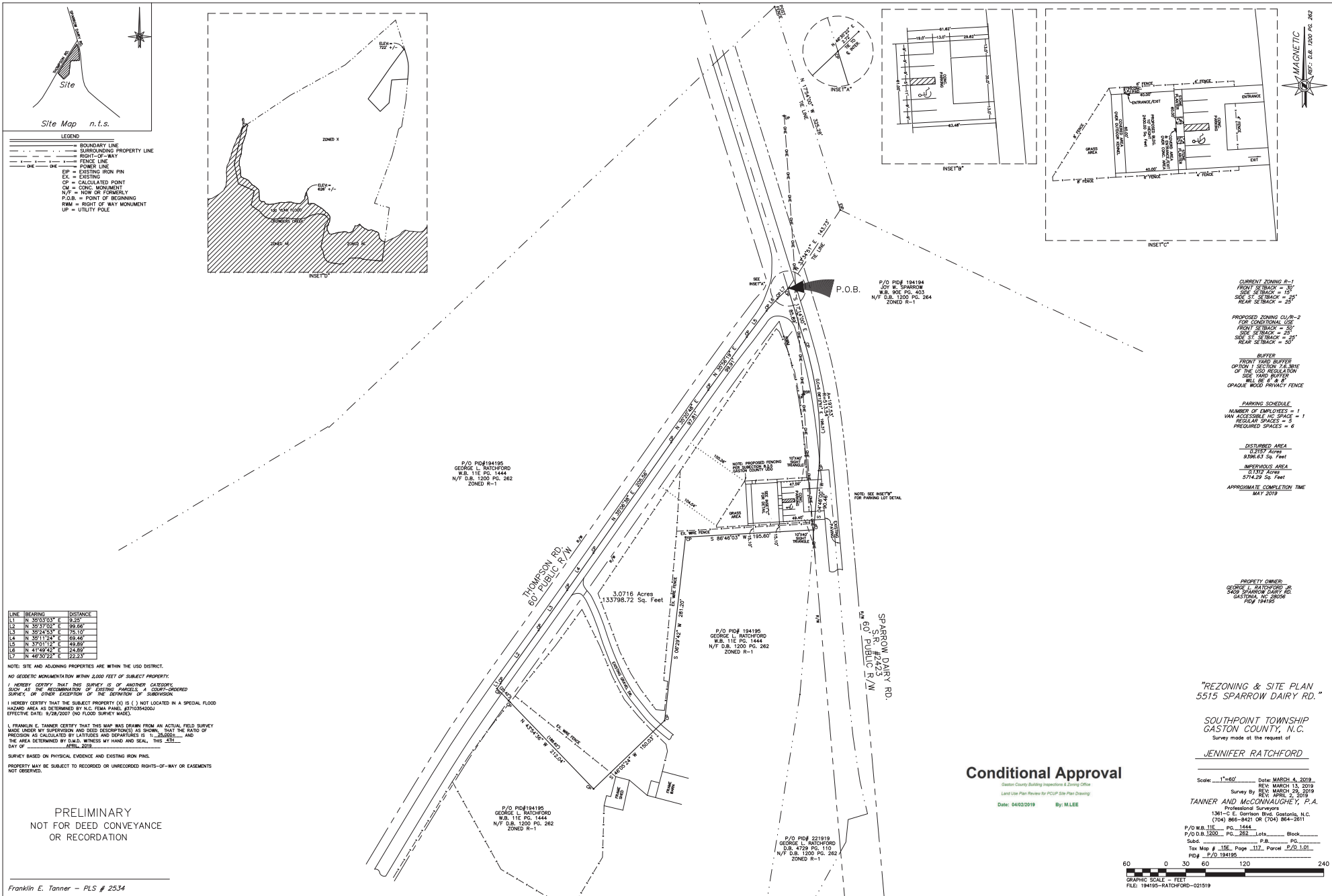
Ashley Todd
Notary Signature

My commission expires: 10/2/23

ASHLEY TODD
Notary Public
Gaston Co., North Carolina
My Commission Expires Oct. 2, 2023

FINDINGS OF FACT

- I. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
The use is self-contained; all animal waste will be disposed of in accordance with County regulations; all chemicals are naturally based; and all animals must be up-to-date on their vaccinations before received into the care of the facility.
- II. The use meets all required conditions and specifications;
The site will comply with all zoning and building regulations prior to occupancy.
- III. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity;
Located in a rural setting, this facility should increase the value of properties within close proximity in that the structure itself will be new construction. The use will provide a service to the community that fulfills a need in that area.
- IV. The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners.
Located in the Gateway Center of Small Area 4, the use will present a new aesthetically pleasing business, drawing potential customers from the immediate area, as well as, adjoining counties.



PCUP19-03 CONDITIONS

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
2. If any of the conditions affixed hereto of any part thereof is held invalid or void then this permit shall be void and no effect.
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. Provide a commercial grade dumpster on site per guidelines as outlined in Section 9.25 (Solid Waste Dumpster Requirements).
6. Any alterations required by North Carolina Department of Transportation, through the driveway permitting process, causing the proposed drawing to change orientation or any portion of the design, shall be allowed.
7. Any alterations required by North Carolina State 2018 Commercial Building Code, causing the proposed drawing to change orientation or any portion of the design, shall be allowed.

Memorandum

To: Sarah Penley, Devpt. Services Planner, Gaston County Dept. of Planning & Devpt. Services
From: Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO
Date: April 15, 2019
Subject: PCUP19-03—GCLMPO Comments

Thank you for the opportunity to provide transportation comments on a proposed site plan located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) geographic area. My comments are based on review of the proposed site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

1. The proposed development is located at 5515 Sparrow Dairy Road, Gastonia, NC 28056 (Parcel: #194195).
 - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network.
 - B. According to the 2020-2029 STIP and the 2045 MTP, there are no planned transportation improvement projects in the immediate vicinity of this development.
 - C. The CTP does not show any future improvements on any streets adjacent to the subject properties.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or juliop@cityofgastonia.com.



Gaston County North Carolina

Vicinity Map

PCUP19-03

Legend

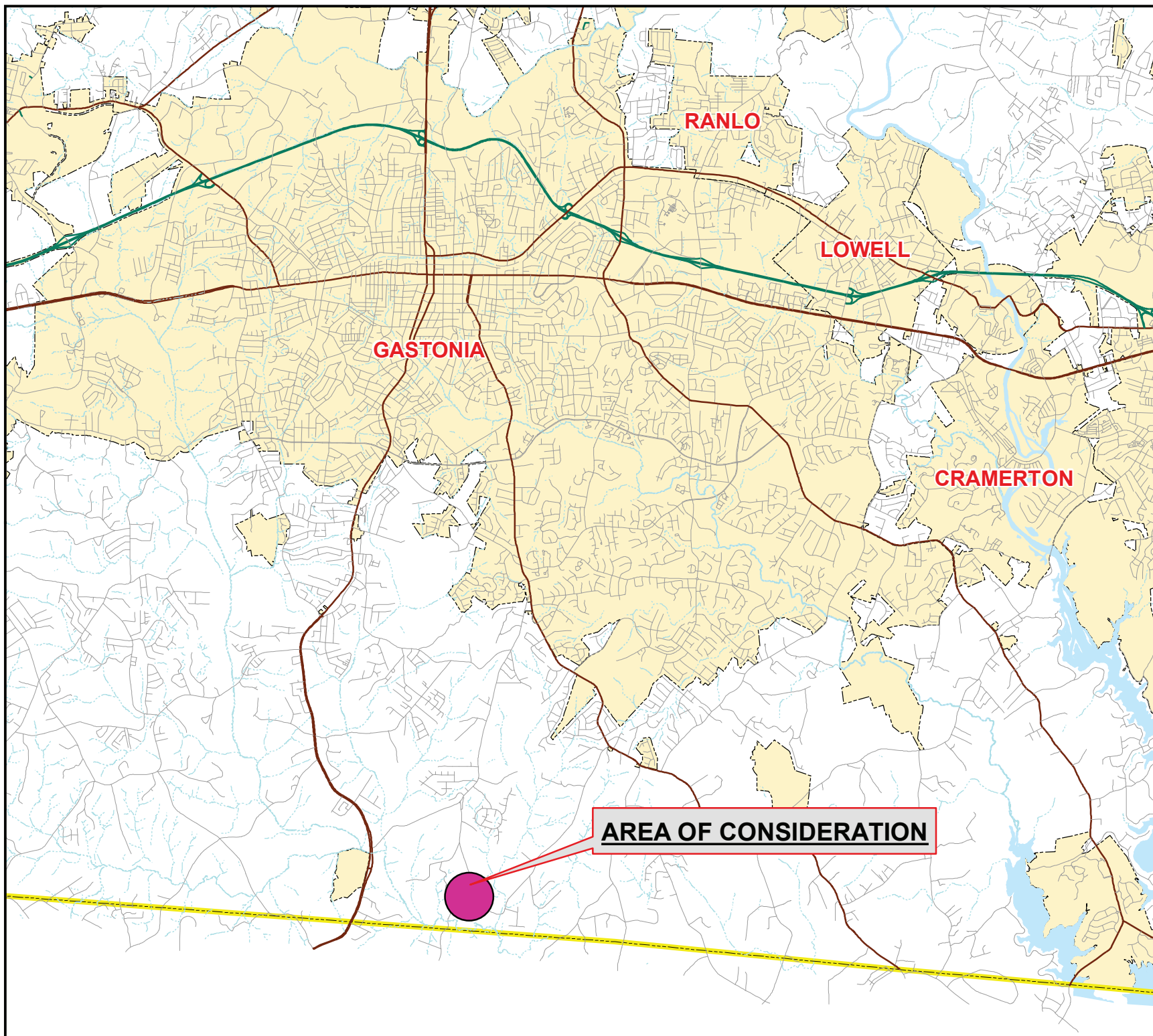
- Minor Roadways
- Major Roadways
- Area of Consideration
- Municipalities

Although strict accuracy 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 used or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with North Carolina General Statute 150-10.



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Miles



AREA OF CONSIDERATION



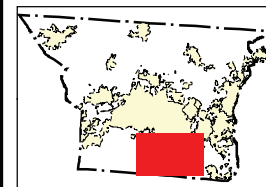
Gaston County Zoning Review Overview Map

2018 Pictometry

PCUP19-03

Legend

- Subject Area
- Property Parcels



This map is intended for use by the Gaston County Board of Commissioners, in the review of mhp expansion requests.

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

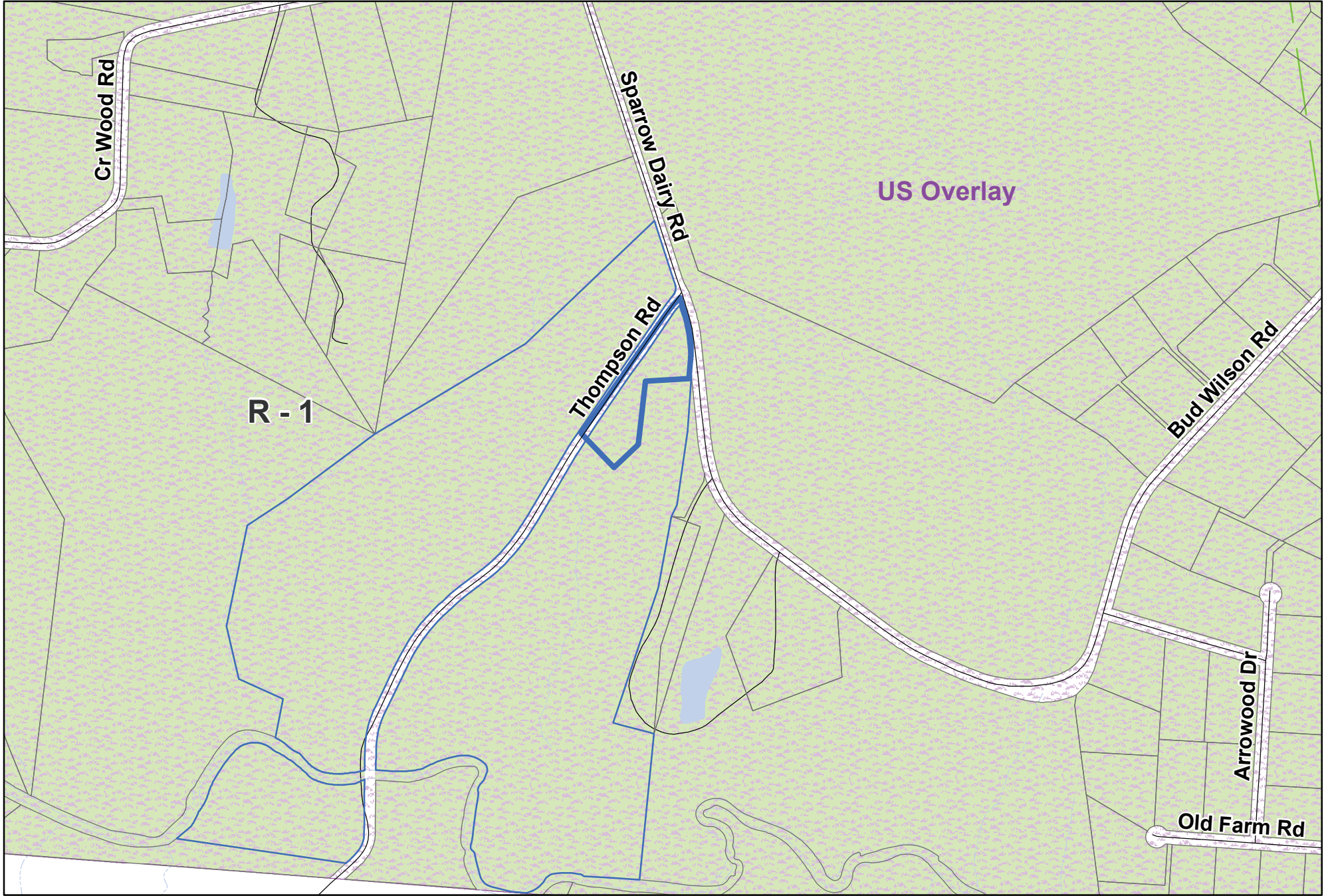
Gaston County does not make or imply warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department Planning and Development Services.

This map is for zoning purposes only - Not to be used for conveyance.

Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is underlaid and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



0 105 210 Feet



GASTON COUNTY
Zoning Map

Applicant: PCUP19-03

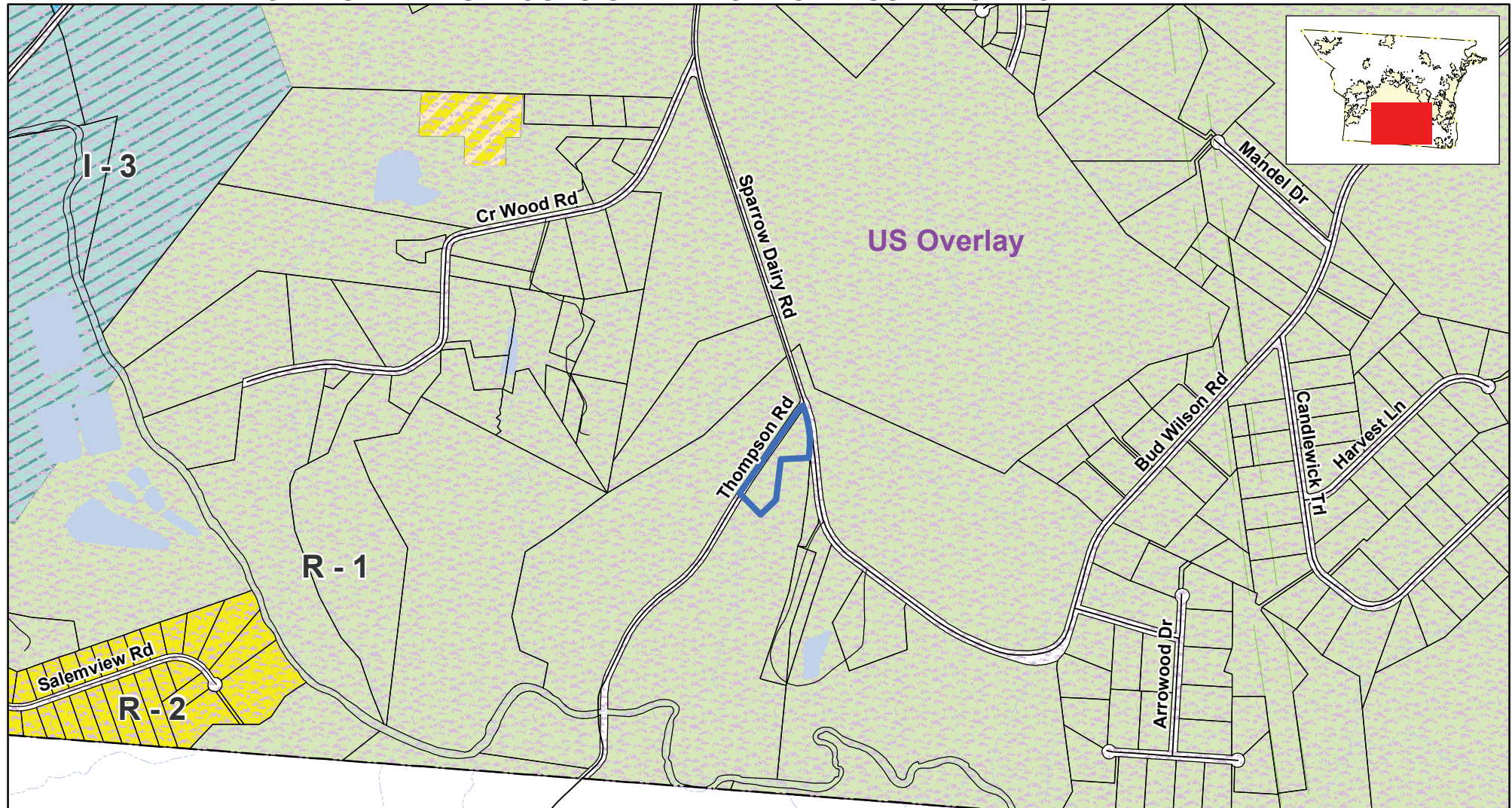
 Subject Area



0 175 350 700 Feet

R-1 Single Family Limited
US Urban Standards Overlay

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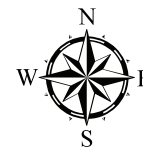
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GASTON COUNTY ZONING REVIEW MAP

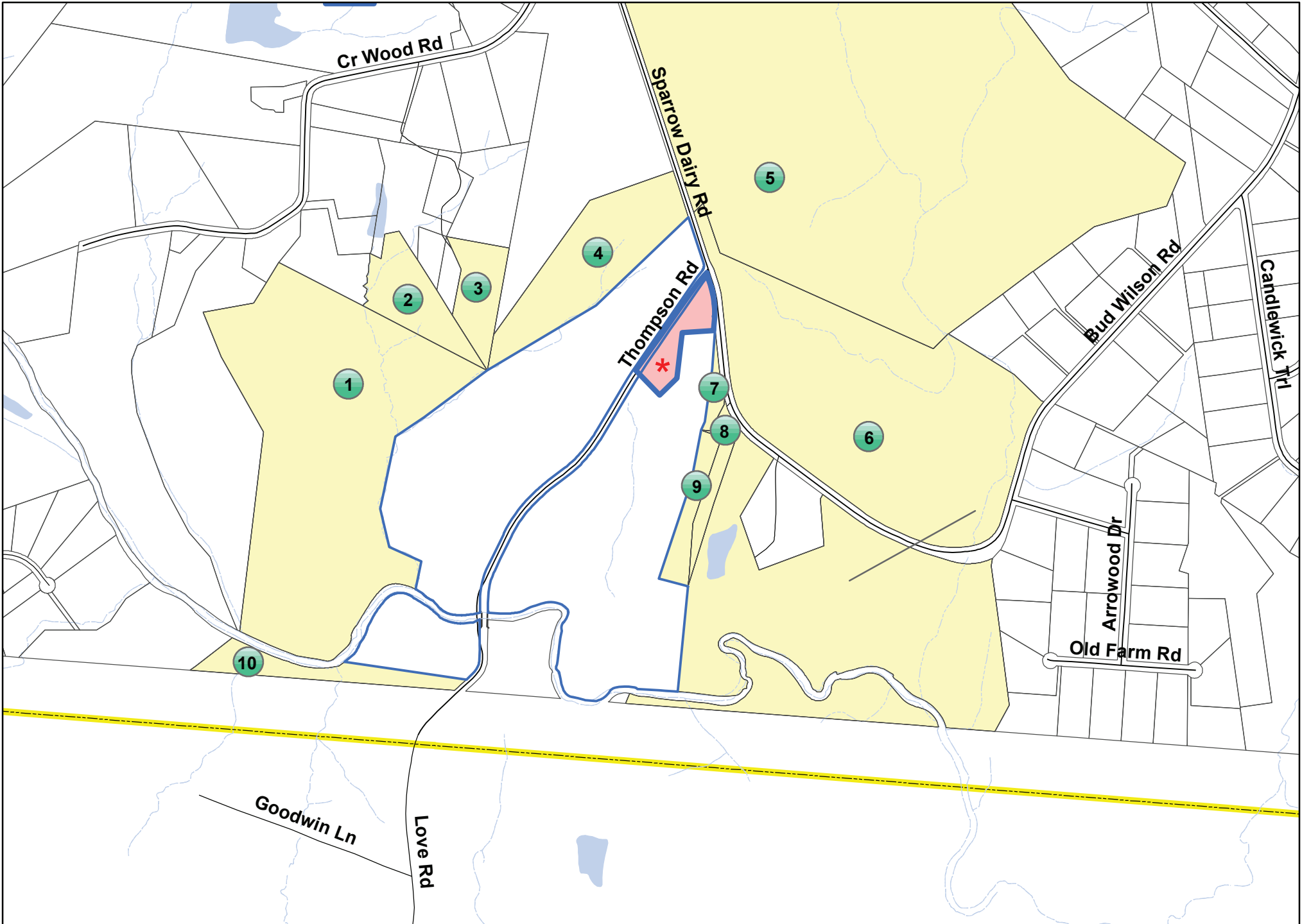
-  R-1 Single Family Limited
-  I-3 Exclusive Industrial
-  R-2 Single Family Moderate
-  CU/R-2 Conditional Use/Single Family Moderate
-  Area of Consideration



0 250 500 1,000 1,500 2,000 Feet

Applicant: PCUP19-03
Tax ID: 194195
Request Re-Zoning From:
(R-1) Single Family Limited w/
(US) Urban Standards Overlay
to (CU/R-2) Conditional Use /
Single Family Moderate w/
(US) Urban Standards Overlay
(PCUP) in order to allow Animal
Grooming Service/Animal Kennel

Map Date: 04/01/2019



PCUP19-03 Subject and Adjacent Properties Map

See reverse side for listing of property owners

 **Subject Property**

PCUP19-03 Owner and Adjacent Property Listing

<u>NO:</u>	<u>PARCEL</u>	<u>OWNER NAME 1</u>	<u>OWNER NAME 2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
*	194195	RATCHFORD GEORGE LYTL JR		5409 SPARROW DAIRY RD	GASTONIA	NC	28056
1	147869	LOWRY E CLINTON		2102 ARMSTRONG PARK DR	GASTONIA	NC	28054
2	215915	LOWRY E CLINTON	LOWRY CAROL H	2102 ARMSTRONG PARK DR	GASTONIA	NC	28054
3	202780	SHULER FRANK H JR	SHULER ROHNDA L	10 MAGEE ST	NEW CASTLE	PA	16101-1621
4	227705	REESE RIFTON W	REESE TAYLOR DAVIS	2966 HUNTERS GLEN TRL	GASTONIA	NC	28054-7752
5	227848	THOMPSON JAMES C JR		5303 SPARROW DAIRY RD	GASTONIA	NC	28056
6	194194	SPARROW JOY W		5517 SPARROW DAIRY RD	GASTONIA	NC	28056-9066
7	222191	RATCHFORD GEORGE LYTL JR	RATCHFORD CHERYL G	5409 SPARROW DAIRY RD	GASTONIA	NC	28056-9005
8	222190	SPARROW JOY W LIFE ESTATE	C/O STEVEN GLENN SPARROW	102 PALMETTO DR	CLOVER	SC	29710-1630
9	194196	SPARROW STEVEN GLENN		102 PALMETTO DR	CLOVER	SC	29710-1630
10	147785	WITHERS JAMES D		4903 WILLOW POND RD	GASTONIA	NC	28056-8106