



**RESOLUTION TITLE: ZONING MAP CHANGE: REZ-23-07-21-00154 JEFFERY LEE MILLWOOD (APPLICANT); PROPERTY PARCEL: 166571, LOCATED AT 1044 UPPER SPENCER MOUNTAIN ROAD, STANLEY, 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 26, 2023, by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 166571  
Applicant(s): Jeffery Lee Millwood  
Owner(s): Olivia Palacios Mendoza and Jua Pablo Jacome  
Property Location: 1044 Upper Spencer Mountain Road  
Request: Rezone from (R-1) Single Family Limited Zoning District to (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 166571, located at 1044 Upper Spencer Mountain Road, Stanley, NC, from (R-1) Single Family Limited Zoning District to (R-2) Single Family Moderate Zoning District on September 11, 2023, 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. It is consistent with the goals of the Comprehensive Land Use Plan as it will keep the parcel residential in nature as envisioned by the rural future land use designation, which is the closest future use designation on the future use map. Rural areas are characterized as having plenty of open space along with residential homes located on large lots and are set back from the roads they front upon.

Motion: Hurst Second: Sadler Vote: Unanimous  
Aye: Brooks, Crane, Harris, Hurst, Magee, Sadler  
Nay: None  
Absent: Horne, Houchard, Marcantel, Vinson  
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	CCloninger	AFrale	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-295	09/26/2023	RW	BH	A	A	A	A	AB	AB	A	U

**DISTRIBUTION:**

Laserfiche Users

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

**Zoning Map Change: REZ-23-07-21-00154 Jeffery Lee Millwood (Applicant); Property Parcel: 166571, Located at 1044 Upper Spencer Mountain Road, Stanley, NC Rezone from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District**

NOW, THEREFORE, BE IT RESOLVED by the Gaston County Board of Commissioners, 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. It is consistent with the goals of the Comprehensive Land Use Plan as it will keep the parcel residential in nature as envisioned by the rural future land use designation, which is the closest future use designation on the future use map. Rural areas are characterized as having plenty of open space along with residential homes located on large lots and are set back from the roads they front upon.

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: 166571, 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



Donha S. Buff, Clerk to the Board

# GASTON COUNTY REZONING APPLICATION (REZ-23-07-21-00154)

## STAFF REPORT

### APPLICATION SUMMARY

**Request:**

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

**Applicant(s):**

Jeffery Lee Millwood

**Property Owner(s):**

Olivia Palacios Mendoza and Juan Pablo Jacome

**Parcel Identification (PID):**

166571

**Property Location:**

1044 Upper Spencer Mountain Rd.

**Total Property Acreage:**

.97

**Acreage for Map Change:**

.97

**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 – *Used to be in Stanley’s ETJ area*

**Area 3: Riverfront Gaston / Northeast Gaston**

Key issues for citizens in this area include: the preservation of open space, road improvements and better connectivity to other areas of the County and throughout preservation of open space, road improvements and better connectivity to other areas of the County and the region, increased job opportunities, maintaining the rural “feel” of the area, and increased commercial opportunities

**Comprehensive Plan Future Land Use: Closest Future Land Use Designation is Rural**

Rural – Rural areas are characterized as having plenty of open space along with farmstead-style housing and opportunities for agribusiness. Residential homes are located on large lots and are set back on the roads they front upon.

**Staff Recommendation:**

The 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 (NCDOT)

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

There are no planned transportation improvement projects in the immediate vicinity of this site on the STIP, the MTP, or the CTP. A copy of the letter from the GCLMPO has been included in your staff packet.

## STAFF SUMMARY

**Prepared By: Jamie Mendoza Kanburoglu, Director of Planning and Zoning**

This property is in a residential area in the northern region of the county, just west of the Town of Stanley. This area used to be within Stanley's ETJ area but was released to the county in 2021. The location is heavily residential, and there is a mix of housing types throughout the area.

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 MEETING DATE

The Planning Board met in regular session on September 11, 2023, and recommended approval of the request by a unanimous 6-0 vote based on the following:

- This is a reasonable request and in the public interest; and
- It is consistent with the goals of the comprehensive land use plan as it will keep the parcel residential in nature as envisioned by the rural future land use designation, which is the closest future use designation on the future use map. Rural areas are characterized as having plenty of open space along with residential homes located on large lots and are set back from the roads they front upon.



## GASTON COUNTY PLANNING BOARD

### Statement of Consistency

In considering the general rezoning case REZ-23-07-21-00154, the planning board finds:

1. This is a reasonable request and in the public interest; and
2. It is consistent with the goals of the comprehensive land use plan as it will keep the parcel residential in nature as envisioned by the rural future land use designation, which is the closest future use designation on the future use map. Rural areas are characterized as having plenty of open space along with residential homes located on large lots and are set back from the roads they front upon.

These findings are supported by a 6 – 0 vote by the Gaston County Planning Board during its September 11, 2023, meeting.



# 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, NC 28053-1578 Fax: (704) 866-3966

## GENERAL REZONING APPLICATION Application Number: REZ- 23-07-21-00154

Applicant ☒ Planning Board (Administrative) ☐ Board of Commission (Administrative) ☐ E.T.J.

### A. \*APPLICANT INFORMATION

Name of Applicant: Jeffery Lee Millwood (Print Full Name)  
Mailing Address: 1127 Mauney Rd. Stanley NC 28164 (Include City, State and Zip Code)  
Telephone Numbers: 980-888-5957 (Area Code) Business (Area Code) Home  
Email: xmfan02@yahoo.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: Olivia Palacios Mendoza / Juan Pablo Jacome Lara (Print Full Name)  
Mailing Address: 4405 Hickory Grove Rd Gastonia NC 28056 (Include City, State and Zip Code)  
Telephone Numbers: 704-691-9361 (Area Code) Business (Area Code) Home  
Email:

### C. PROPERTY INFORMATION

Physical Address or General Street Location of Property: 1044 Upper Spencer Mtn. Rd. Stanley NC 28164  
Parcel Identification (PID): 166571  
Acreage of Parcel: 0.97 +/- Acreage to be Rezoned: 0.97 +/- Current Zoning: R-1  
Current Use: Vacant Proposed Zoning: R-2

### D. PROPERTY INFORMATION ABOUT MULTIPLE OWNERS

Name of Property Owner: Olivia P. Mendoza	Name of Property Owner: Juan P. Jacome Lara
Mailing Address: 4405 Hickory Grove Rd Gastonia NC 28056 (Include City, State and Zip Code)	Mailing Address: 4405 Hickory Grove Rd Gastonia NC 28056 (Include City, State and Zip Code)
Telephone: 704-691-9361 (Area Code)	Telephone: 704-691-9361 (Area Code)
Parcel: (If Applicable)	Parcel: (If Applicable)
(Signature)	(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) 166571 hereby give Olivia Palacios Mendoza consent to execute this proposed action.

Juan Pablo Jacome Lara (Name of Applicant)

Jeffery L. Millwood 6-16-23

Olivia Palacios M. (Signature)

6-16-23 (Date)

[Signature] (Signature)

6-16-23 (Date)

Richard Jonas II

Notary Public of the County of Gaston

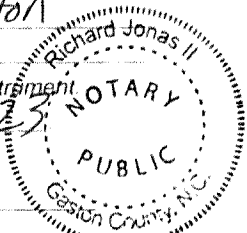
State of North Carolina, hereby certify that Olivia Palacios Mendoza

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the sixteenth day of June, 2023.

[Signature]  
Notary Public Signature

5-14-24  
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.

[Signature]  
Signature of Property Owner or Authorized Representative

6-16-23  
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

REZ-23-07-21-00154

\$787

Received by Member of Staff

Date of Payment

Receipt Number

JKK  
(Initials)

7/21/23

☒ COPY OF PLOT PLAN OR AREA MAP  
☒ NOTARIZED AUTHORIZATION

☒ COPY OF DEED  
☒ PAYMENT OF FEE

Date of Staff Review

Date of Public Hearing

8/22/23

Planning Board Review

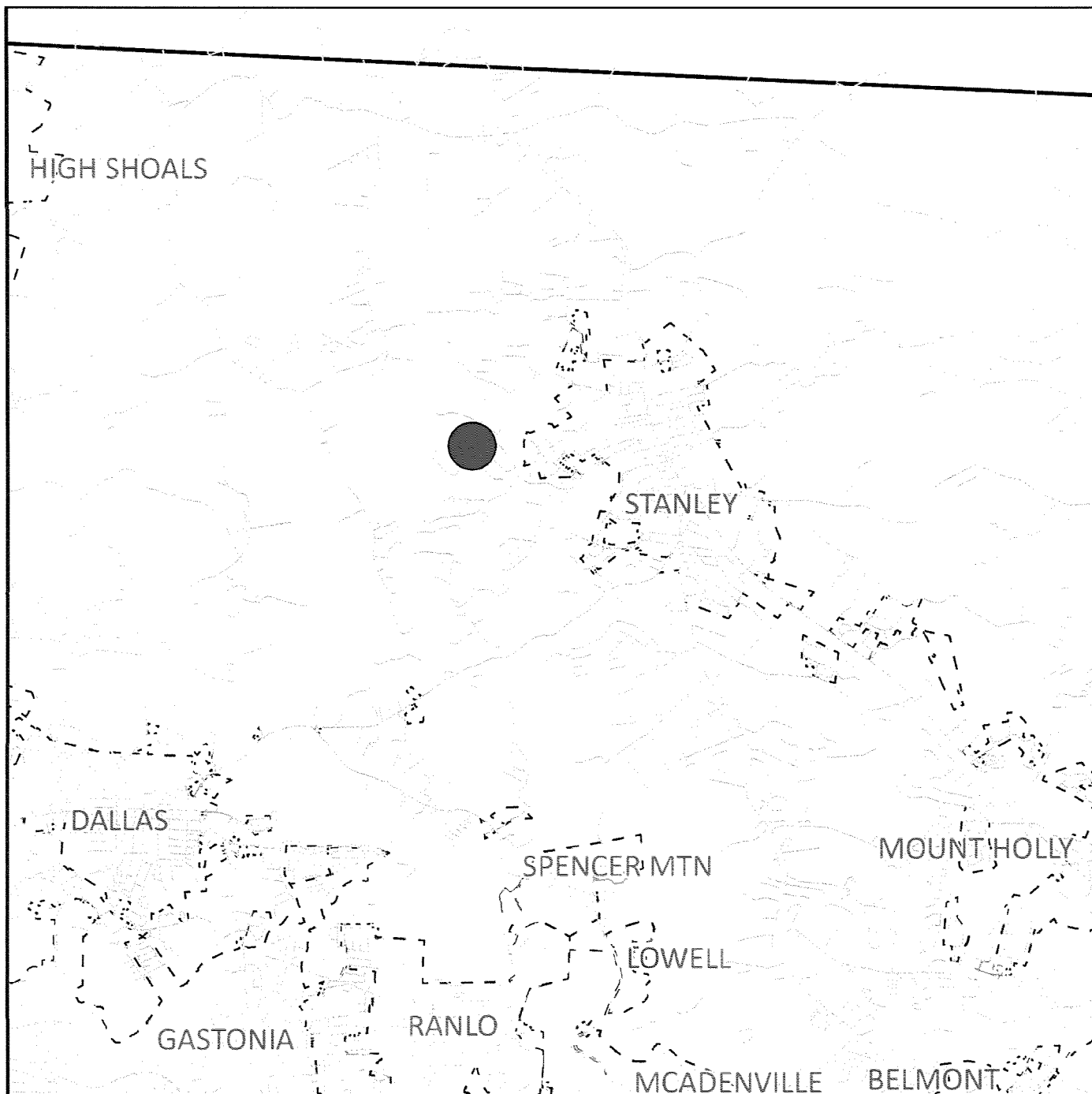
Recommendation

Date

8/7/23

Commissioner's Decision




Date



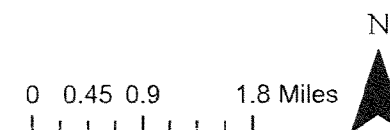
**GASTON COUNTY**  
BUILDING AND DEVELOPMENT SERVICES

**VICINITY MAP**  
**REZ-23-07-21-00154**

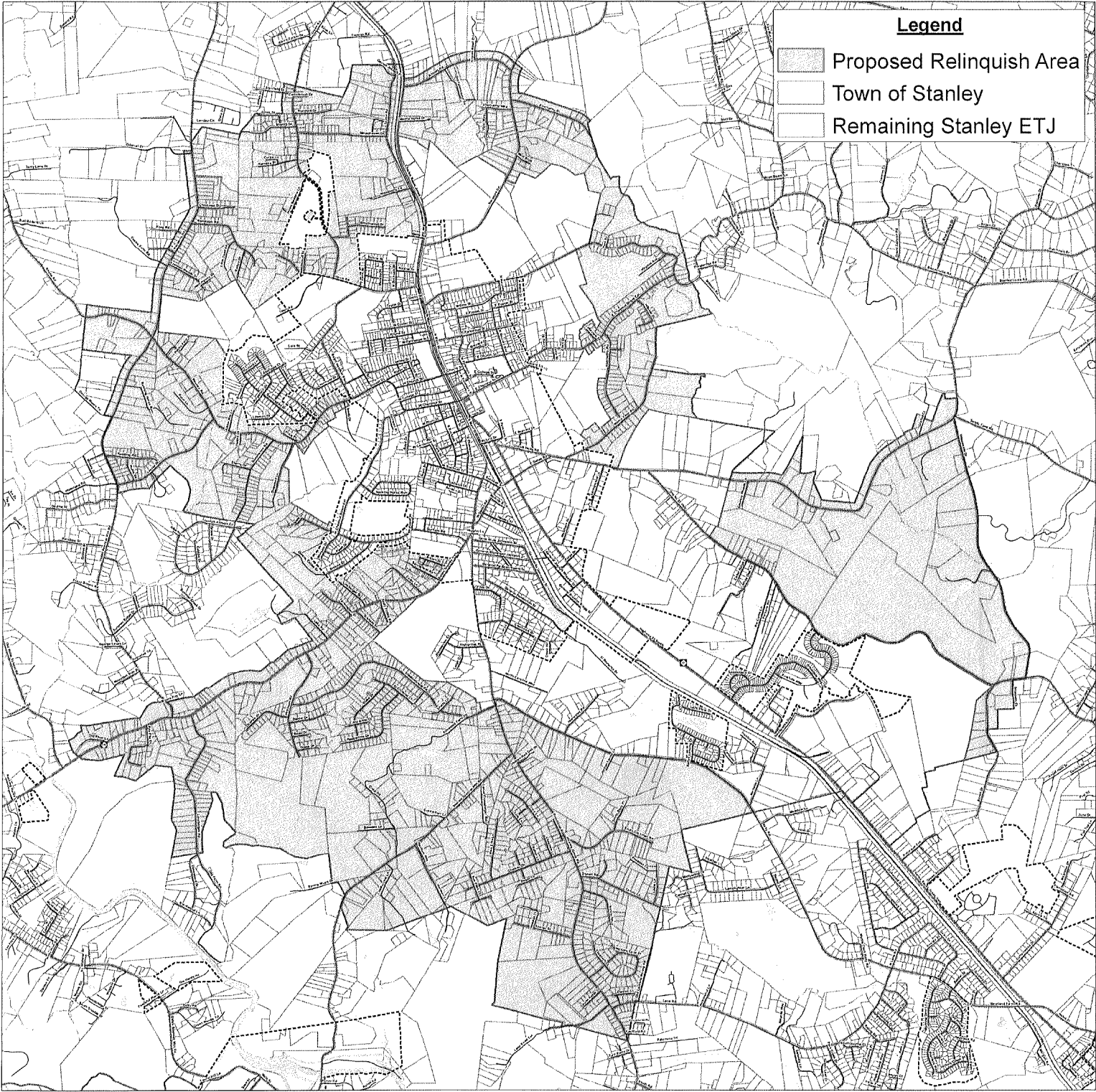
**LEGEND**

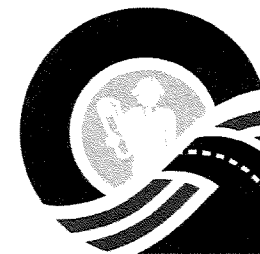
-  Roads
-  Municipalities
-  Subject Parcel(s)

The information provided on this map is not intended to be considered as a legal document or description. This map is believed to be accurate but Gaston County does not guarantee its accuracy. This map may not be resold or otherwise used for trade or commercial purposes without the expressed written consent of Gaston County, in accordance with NCGS 132-10.









**GASTON COUNTY**  
BUILDING AND DEVELOPMENT SERVICES

**ORTHOPHOTO MAP**  
**REZ-23-07-21-00154**

**LEGEND**

- Roads
- Parcels
- Subject Parcel(s)

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0 0.020.04 0.07 Miles





# ZONING MAP REZ-23-07-21-00154

## LEGEND

— Roads

□ Parcels

### ZONE TYPE

□ R-1

■ R-2

▨ R-3

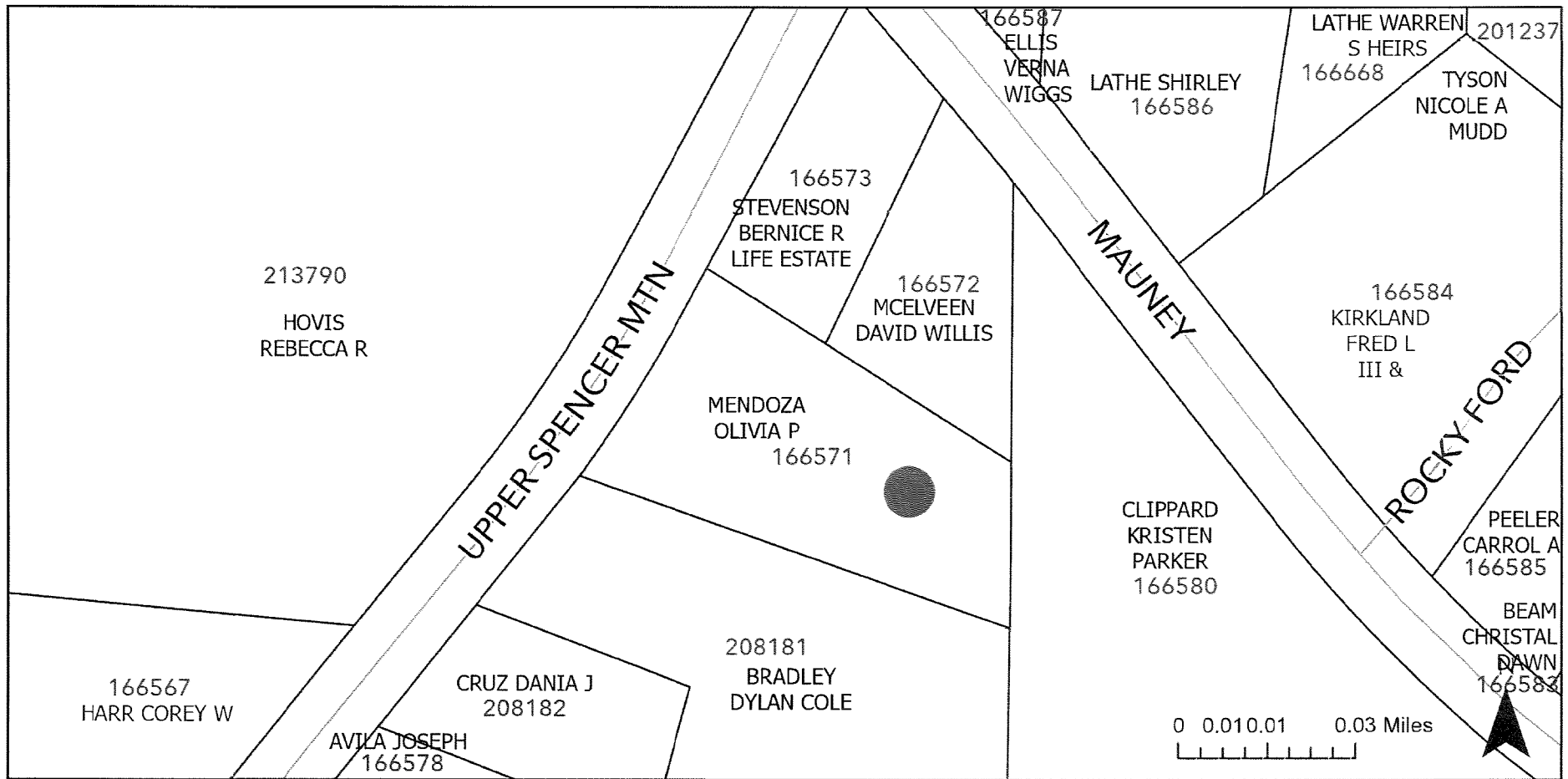
□ Subject Parcel

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0 0.05 0.1 0.19 Miles







## SUBJECT & ADJACENT PROPERTIES MAP | REZ-23-07-21-00154

### LEGEND

● Subject Parcel(s)

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## Subject &amp; Adjacent Parcel Owner's Information (REZ-00154)

PARCEL ID	NAME 1	NAME 2	ADDRESS	CITY	STATE	ZIP
166571	MENDOZA OLIVIA P	LARA JUAN PABLO JACOME	424 ANDREW CIRCLE LOT 26	GASTONIA	NC	28056
166572	MCELVEEN DAVID WILLIS	MCELVEEN MARITZA ESPERANZA	1125 MAUNEY ROAD	STANLEY	NC	28164
166573	STEVENSON BERNICE R LIFE ESTATE		1127 MAUNEY ROAD	STANLEY	NC	28164
166580	CLIPPARD DAVID ANTHONY	CLIPPARD KRISTEN PARKER	1121 MAUNEY RD	STANLEY	NC	28164
208181	BRADLEY DYLAN COLE		1040 UPPER SPENCER MOUNTAIN ROAD	STANLEY	NC	28164
213790	HOVIS RAY W	HOVIS REBECCA R	1043 UPPER SPENCER MTN RD	STANLEY	NC	28164

## Uses Allowed in the (R-2) Zoning District

X = Permitted use by right; CD = Conditional Zoning required; E = Existing use subject to limitations; SP = Special Use Permit required; s = Supplemental regulations listed in addition to X, CD, E, SP

Animal Grooming Service for household pet (indoor kennels)	SP	Dwelling, Manufactured Home Class A		X	Manufactured Home Park	Es	Es	Restaurant, within other facilities	Xs	Xs
Animal Hospital (Outdoor kennel)	SPs	Dwelling, Manufactured Home Class C	Es	Es	Marina, Accessory	Xs	Xs	Riding Stables		SPs
Animal Hospital, (Indoor kennel)	SPs	Dwelling, Manufactured Home Class D	Es	Es	Marina, Commercial	CD	SP	Rodeo / Accessory Rodeo		SPs
Animal Kennel	SPs	Dwelling, Single Family	X	X	Maternity Home	Xs/ SPs	Xs/SPs	School for the Arts		SP
Automobile Hobbyist	Xs	Dwelling, Two Family	Xs	Xs	Military Reserve Center		SPs	School, Elementary & Middle (public & private)	Xs	Xs
Bed and Breakfast Inn	SPs	Essential Services Class 1	X	X	Museum	SP	SP	School, Senior High (public & private)	Xs	Xs
Bona Fide Farms	Xs	Essential Services Class 2	Xs	Xs	Nursery (Garden)		SPs	Small House Community	SP	SP
Botanical Garden	Xs	Essential Services Class 3		SP	Nursing Home, Rest Home		SPs	Special Events Facility	SPs	SPs
Camping and Recreational Vehicle Park	SPs	Essential Services Class 4	Xs/SPs	Xs/SPs	Paint Ball / Laser Tag Facility	SPs	SPs	Special Events Facility, Accessory	SPs	SPs
Cemetery	SPs	Family Care Home	Xs/SPs	Xs/SPs	Park	Xs/SPs	Xs/SPs	Stadium	Xs/SPs	Xs/SPs
Church / Place of Worship	Xs	Flex Space	Xs	Xs	Parking Lot	SPs	SPs	Taxidermy	X	X
College / University	SP	Fraternal & Service Organization Meeting Facility (non- or not-for profit), 0 - 9,999sqft GFA	SPs	SPs	Planned Residential Development (PRD)	Xs/CDs	Xs/CDs	Telecommunication Antennae & Equipment Buildings	Xs	Xs
Conference / Retreat / Event Center	SPs	Fraternal & Service Organization Meeting Facility (non- or not-for profit), 10,000+sqft GFA		SPs	Planned Unit Development (PUD)		Xs/CDs	Telecommunication Tower & Facilities	SPs	SPs
Continuing Care Facility	SPs	Golf Course; Golf Driving Range; Golf Miniature	SPs	SPs	Private Residential Quarters (PRQ)	Xs	Xs	Tourist Home	X	X
Country Club	SPs	Group Home		Xs	Produce Stand	Xs	Xs	Tower and/or Station, Radio & Television Broadcast	SPs	SPs
Day Care Center, Class A	Xs	Home Occupation, Customary	Xs	Xs	Recreation Center and Sports Center	SPs	SPs	Traditional Neighborhood Development (TND)	Xs/CDs	Xs/CDs
Day Care Center, Class B	Xs/SPs	Home Occupation, Rural	Xs	Xs	Recycling Deposit Station, accessory	X	X	Wood Waste Grinding Operation	SPs	SPs
Day Care Center, Class C	SPs	Library	SP	SP	Recycling Deposit Station, principal use	SPs	SPs	Zoo	SP	SP



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Post Office Box 1748  
Gastonia, North Carolina 28053  
Phone (704) 866-6837

150 South York Street  
Gastonia, North Carolina 28052  
Fax (704) 869-1960

## Memorandum

**To:** Jamie Mendoza Kanburoglu, Director of Planning and Zoning, Building and Development Services  
**From:** Julio Paredes, AICP, Planner, Gaston—Cleveland—Lincoln MPO  
**Date:** July 24, 2023  
**Subject:** REZ-23-07-21-00154 – Upper Spencer Mountain Rd, Stanley—GCLMPO Comments

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Thank you for the opportunity to provide transportation comments on a proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on the review of the site in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at Upper Spencer Mountain Rd, Stanley - Parcel ID# 166571. On behalf of the GCLMPO, I offer the following comments:

1. According to the 2020-2029 STIP and the 2050 MTP, there are no planned transportation improvement projects in the immediate vicinity of this site.
2. The CTP does not show any future highway improvements on any streets adjacent to the subject property.
3. Please note that 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](mailto:juliop@cityofgastonia.com).



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## Building and Development Services Board Action

File #: 23-373

Commissioner Cloninger - Building & Development Services - Zoning Map Change: REZ-23-07-21-00154, Jeffery Lee Millwood (Applicant); Property Parcel: 166571, Located on 1044 Upper Spencer Mountain Rd., Stanley, NC, Rezone .97 Acres from the (R-1) Single Family Limited Zoning District to the (R-2) Single Family Moderate Zoning District

### STAFF CONTACT

Jamie Kanburoglu - Director of Planning and Zoning - 704-862-5510

### 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. Jeffery Lee Millwood (Applicant); Property Parcel: 166571, Located on 1044 Upper Spencer Mountain Rd., Stanley, NC, Rezone .97 Acres 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 26, 2023 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on September 11, 2023, 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, Maps, and GCLMPO Comments

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	CCloninger	AFrale	BHovis	KJohnson	TKeigher	RWorley	Vote
2023-295	09/26/2023	RW	BH	A	A	A	A	AB	AB	A	U

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