

# GASTON COUNTY REZONING APPLICATION (REZ-25-04-10-00226)

## STAFF REPORT

APPLICATION SUMMARY	
<b>Request:</b>	
To conditionally rezone the property from the (R-1) Single Family Limited Zoning District with Urban Standards (US) and Corridor Highway (CH) overlays to the CD/(C-3) General Commercial Conditional District with Urban Standards (US) and Corridor Highway (CH) overlays.	
<b>Applicant(s):</b>	<b>Property Owner(s):</b>
Jeffery L Smith	JLS Business Services, LLC
<b>Parcel Identification (PID):</b>	<b>Property Location:</b>
190594 & 190596	1435 Union New Hope Rd, Gastonia, NC 28056
<b>Total Property Acreage:</b>	<b>Acreage for Map Change:</b>
1.78	1.78
<b>Current Zoning:</b>	<b>Proposed Zoning:</b>
R-1 with US and CH overlays	CD/C-3 with US and CH overlays
<b>Existing Land Use:</b>	<b>Proposed Land Use:</b>
Machine Shop Fabrication/small engine repair	Contractor's Office and Equipment Storage Yard

COMPREHENSIVE LAND USE PLAN
<b>Area 4: Southeast: The Garden 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, preservation of existing conditions while allowing low to moderate growth, repurpose vacant buildings and facilities for new economic opportunities, increased commercial opportunities along existing major thoroughfares.
<b>Comprehensive Plan future Land Use:</b>
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.
<b>Staff Recommendation:</b>
Application, as presented, is consistent with the Comprehensive Land Use Plan.

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)**

Emergency Medical Service department stated they have no issues if address is clearly marked at the entrance, preferably with reflective numbers.

Building Department noted that commercial code requires 10' minimum setbacks to avoid rated walls and opening limitations. Setback is 14.32 feet.

Environmental Health stated that the applicant must apply for an Existing System Approval (ESA) as well as confirm the proposed fence is the appropriate distance from the septic system if the rezoning is approved.

**STAFF SUMMARY**

**Prepared By: Jaime Lisi, Planner I**

This property is in a residential area in the southeast region of the county. The location is primarily residential in nature with pockets of commercial zoning on South New Hope Rd. The building closest to the road is a 3000 sq ft building built in 1972 designated a Service Garage by the Tax Department. In 1981 the 5200 square foot building to the rear of the property was built and is also designated as service garage. Both buildings and their uses predate the establishment of zoning regulations in Gaston County.

This is a legal non-conforming lot. The site plan identifies the existing buildings, an equipment/storage area and a designated area for a future proposed storage building. The proposal requires eight parking spaces, which are provided: four paved spaces in the front yard and four gravel spaces at the rear.

If approved, staff recommend the conditions of approval be implemented to bring the site into greater compliance.

**General Applicable Ordinance Sections**

<b>UDO Section</b>	<b>Proposal</b>
Section 2.7 – Definition	<b>Contractor’s Office and Equipment Storage Yard</b> - An 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.
Section 6.2.3.E – Commercial Districts	<b>C-3 General Commercial</b> - This district accommodates the broadest array of commercial uses of all the commercial zoning districts, some of which are not allowed in any other commercial zoning districts. Like the (C-2) district, the (C-3) district is intended to accommodate the community's larger and most intense commercial developments (outside of the central business district) and generally located within the Urban Standards overlay district
Section 6.3.6 – US Urban Standards Overlay District	This district provides for areas of the County located outside their corporate limits and 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. This district calls for standards traditionally found in urban areas as opposed to rural areas. Standards addressed include, but are not limited to: building design, off-street parking, road, lot, and subdivision standards.
Section 6.3.11 – CH Corridor Highway Overlay District	This district preserves and enhances the streetscape along designated corridor highways in Gaston County. A (CH) district may exist along the

	entire length of a roadway or any identifiable segment of a roadway. Any (CH) District initially established shall contain a minimum length of at least 1,000 linear feet as measured along one side of a designated corridor highway. The (CH) district shall consist of all lots fronting on the corridor highway for a depth of 250 feet as measured from the centerline of the corridor highway for a total width of 500 feet, unless otherwise indicated on the Zoning Map. Although such corridor highways may vary in character, particular aspects of development along those roads raise common concerns and should be managed in a consistent way in order to preserve and enhance the streetscape.
Section 6.5 – Conditional District (CD)	The Conditional District (CD) zoning process allows for the establishment of specific uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. Any area rezoned to a (CD) district shall be in general compliance with the goals, objectives, and implementation strategies of the adopted Comprehensive Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. This review process provides for the accommodation of such uses by a reclassification of property into a (CD) district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), to ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the County.
Section 7.5 – Table of Uses	The proposed use for this site includes “Contractors Office and Equipment/Storage Yard,” which is allowed in the proposed underlying zoning district of (C-3) General Commercial.

#### Proposed Features

UDO Section	Required	Proposed
Section 8.3.11 – Contractor’s Office and Equipment/Storage Yard	This section outlines the supplemental regulations for Contractor’s Office and Equipment/Storage Yard.	If more than five acres of outdoor storage area is provided, a Special Use Permit shall be required.  Storage area is not greater than 5 acres.
Section 10.5 – Off-street parking space requirements	Requirement Number 1.51 – One space per employee plus one space for each vehicle used in the operation. The parking calculation for the site is as follows: -2 Employees + 6 Business Vehicles= -8 spaces required	- 8 spaces proposed

#### Relief Requests

UDO Section	Required	Proposed
Section 7.6.6 – Corridor Highway Overlay District – Setbacks	The following setbacks are required for the (CH) overlay district, which are more restrictive than the underlying district setbacks. They are: - Front: 50 ft - Side: 25 ft - Rear: 25 ft	Setbacks will remain as is.  Front: 122’ Side: Right: 22’ Left: 14’ Rear: 270’ (when the lot is recombined)

Section 7.6.6.H – CH Corridor Highway Overlay District	Any lot having direct access (i.e., a point of ingress and egress) onto a Corridor Highway shall have a minimum lot width measured at the Corridor Highway right-of-way line of 200 feet.	Lot will remain as is 160' lot width
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 maximum two to one slope.	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. There are no proposed grading changes to the site as it is existing.
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 paved parking for the front parking spaces (4) and seeking relief for gravel parking for the rear parking spaces (4).
Section 11.3.2 – Buffer yard requirements	Screening and buffering shall be required under the following situations: When a lot is: <ul style="list-style-type: none"> <li>- 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.</li> </ul>	The applicant is requesting to utilize the existing mature landscaping along the property lines.

**Public Information Meetings (PIMs)**

The applicant advertised and held two public information meetings as was required at the time of application by Section 5.16.5.B of the UDO. Although this requirement was removed during the application process, the applicant held two public meetings on June 25<sup>th</sup> from 4:00 to 6:00 pm on site at 1435 Union New Hope Rd and July 9<sup>th</sup> 3:30 to 4:45 pm at 128 W Main Ave, Conference Room 3A, Gaston County Administration Building. The PIMs full report is included in the staff packet. There were no attendees.

**PLANNING BOARD MEETING DATE**

**Scheduled Meeting Date: April 13, 2026**

**Attachments: Application, Maps, Site Plan**

**Recommended Conditions of Approval for REZ-26-04-10-00226**

- Parcel ID number 190594 & 190596 to be recombined by plat.