

## **Planning Board Item V – GENERAL PUBLIC HEARING INFORMATION (CD19-02)**

### **Conditional District Application CD19-02**

Request: To rezone property parcel 226767, from the (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to the (CD/C-2) Conditional District / Highway Commercial with (US) Urban Standards Overlay, in order to allow Landfill/Land Clearing (Inert Debris), Major

Applicant(s): T & L Grading & Hauling (Terry Whitesides)

Property Owner(s): T & D Properties LLC

Mailing Address of Applicant: 144 Tonya Rd., Kings Mountain, NC 28086

### **Site Information and Description of Area**

General Location: 1225 Old Providence Rd. (Gastonia)

Parcel ID: 226767

Total Property Acreage: 32.10 +/- acres

Acreage for Map Change: 10.6 +/- acres

Current Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (C-1) Light Commercial, (US) Urban Standards Overlay

General Area Zoning District(s): (R-1) Single Family Limited, (R-2) Single Family Moderate, (RS-12) Residential Single Family 12,000 sq ft, (C-1) Light Commercial, (US) Urban Standards Overlay

### **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 District** – 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 / Use:**

**(CD) Conditional Zoning Districts** – The Conditional Zoning (CD) District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning district process. The process for approval of a CD Zoning District is explained in Section 5.16.5. The rezoning of any parcel of land to a CD district shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD district shall be in general compliance with the goals, objectives and implementation strategies of the adopted Comprehensive or Land Use Plan and all other plans and regulations officially adopted by the Board of Commissioners. The review process established in

this Section 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), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the County. A conditional zoning district is not intended for securing early zoning for a proposal.

Once a property has been rezoned to a CD district, it shall be reference with the letters “CD” in front of the name of the applicable general zoning district listed in Section 6.2. Thus, a property rezoned to a C-2 Conditional District shall appear on the Zoning Map as “CD / C-2”.

**(C-2) Highway Commercial** – The C-2 Highway Commercial District is primarily intended to accommodate those retail service and distributive uses that are typically located along or adjacent to principal or minor arterials and which require high visibility, good road access, and which cater primarily to passing motorists. Development in this district is designed to promote aesthetics and the safe and efficient movement of traffic so as to not unduly burden adjacent thoroughfares. As larger and/or more intensive developments normally will create more significant impacts on adjoining neighborhoods and road and utility infrastructures, larger developments may be allowed in this zoning district. Most C-2 zoning districts will be located within the Urban Standards Overlay District.

**Landfill/Land Clearing (Inert Debris), Major** – An off-premise commercial disposal site other than a Minor Land Clearing and Inert Debris Landfill (as herein defined) for stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth, gravel, used asphalt and used asphalt mixed with dirt, sand, gravel, rock, concrete or similar non-hazardous material. The North Carolina Division of Solid Waste Management must approve the disposal of any other types of wastes.

#### **Comprehensive Land Use Plan (Small Area District)**

##### **Area 5: Scenic Gaston/Southwest Gaston (Crowders Mountain State Park, Gastonia, and surrounding area)**

This area is full of Gaston County’s largest tourist pull factor – Crowders Mountain State Park and the surrounding natural land. There is a large pocket of residential development southeast of the Park that is highlighted as a rural community as it has added value due to its proximity to the Park. Because of the access allowed by US Highway 74 and Interstate 85, an area north of the Park has been highlighted for a Gateway Center. This Center is envisioned as a location where potential hotel, parking, and other tourist-based services could thrive, if developed in keeping with the surrounding natural area. Special attention should be given to design standards for this gateway to ensure that this area does not detract from the natural beauty of the State Park

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, and, increased commercial opportunities along existing major thoroughfares.

Comprehensive Plan Future Land Use: Rural

It is staff’s opinion that the request, as presented, is not consistent with the Comprehensive Land Use Plan. However, should the Board approve the request, Staff recommends that the attached conditions are adopted, as the conditions are designed to mitigate some of the effects of the proposed site.

#### **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**

August 14, 2019

**Information Attached**

Rezoning application; zoning /subject area maps, aerial map, vicinity map, and adjacent property map with property owner list; site plan; staff recommended conditions; citizen input.

**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](mailto: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

## CONDITIONAL ZONING (CD) APPLICATION

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

Application Number: **CD 19-02**

**A.**

### APPLICANT INFORMATION

Name of Applicant: **T & L Grading & Hauling (Terry Whitesides)**

Mailing Address: **144 Tonya Rd., Kings Mountain, NC 28086**

Telephone Numbers: **(704)854-9265**

**(704)913-1716**

(Area Code) Business

(Area Code) Home

**B.**

### OWNER INFORMATION

Name of Owner: **T & D Whitesides Properties LLC**

Mailing Address: **PO Box 1534, Bessemer City, NC 28016**

Telephone Numbers: **(704)854-9265**

**(704)913-1716**

(Area Code) Business

(Area Code) Home

**C.**

### PROPERTY INFORMATION

Physical Address or General Street Location of Property: **1225 Old Providence Rd. (Gastonia)**

Property Identification Number (PID): **226767**

Acreage of Parcel: **32.10**

+/-

Acreage to be Rezoned:

**10.6**

+/-

Current Zoning: **(R-1) w/ (US) Overlay**

Proposed Zoning:

**(CD/C-2) w/ (US) Overlay**

Current Use: **Landfill (Inert Debris), Minor**

Proposed Use(s):

**Landfill/Land Clearing (Inert Debris), Major**

**D.**

### ADDITIONAL INFORMATION REQUIRED

☒ Copy of Plot Plan or Area Map

☒ PIM 1st. Meeting Date: **08/12/2019**

☒ Copy of Deed

☒ PIM 2nd. Meeting Date: **08/13/2019**

☐ Notarized Authorization

☐ PIM Comments to Planning

☒ Payment of Fee

**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.

Terry L Whitesides  
Signature of property owner or authorized representative

6-25-19  
Date

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

Date Received: **06/25/19**

Application Number: **PGUP: CD19-02**

Fee:

Received by Member of Staff: SP

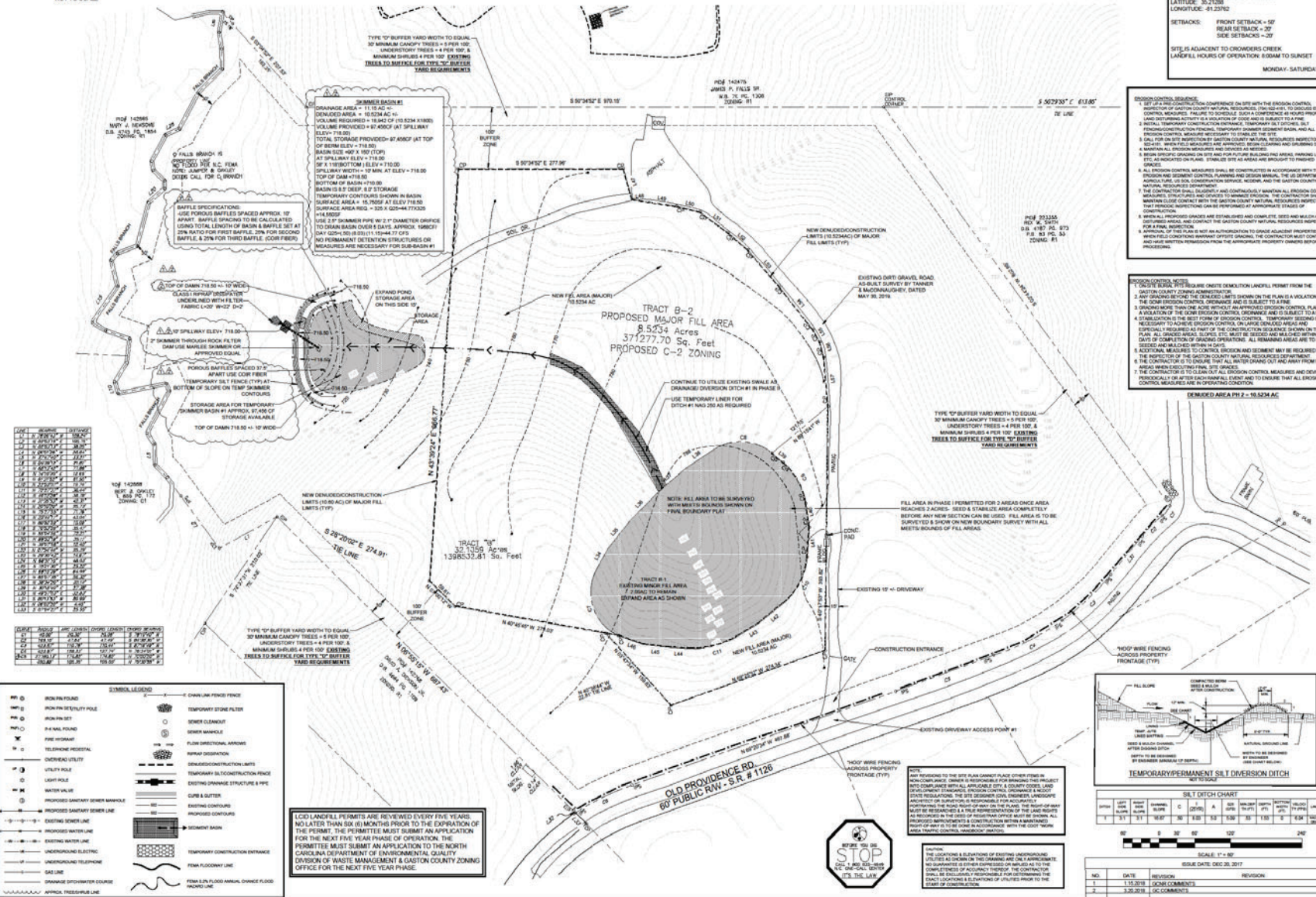
Date of Payment:

Receipt Number: **IN100008786**









**T & L LANDFILL  
1225 WHITESIDES LANDFILL PHASE II  
OLD PROVIDENCE ROAD  
GASTONIA, NC**

## EROSION CONTROL PLAN

**C-2**

### CD19-02 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 zoning district shall be void and no effect, and shall revert to the original zoning district prior to approval.
3. Development shall meet all local, state and federal requirements.
4. Arrange an onsite pre-operational meeting to include the North Carolina Department of Environmental Quality and Gaston County Zoning Office before any acceptance of waste is allowed.
5. At no time shall property owner, applicant, and/or any designee engage in the burning of materials of any kind, as related to the active Landfill/Land Clearing (Inert Debris), Major. Nor shall the property owner, applicant, and/or any designee engage in the burning of materials brought to the property from an offsite location. The property owner of record (only) may, three years from the effective date of this resolution, and after notifying all pertinent permitting agencies in advance, including but not limited to the North Carolina Department of Environmental Quality, Gaston County Planning & Development Services, and Gaston County Zoning Office, be permitted to burn for the purposes and privileges afforded to all residents in the unincorporated areas of Gaston County.





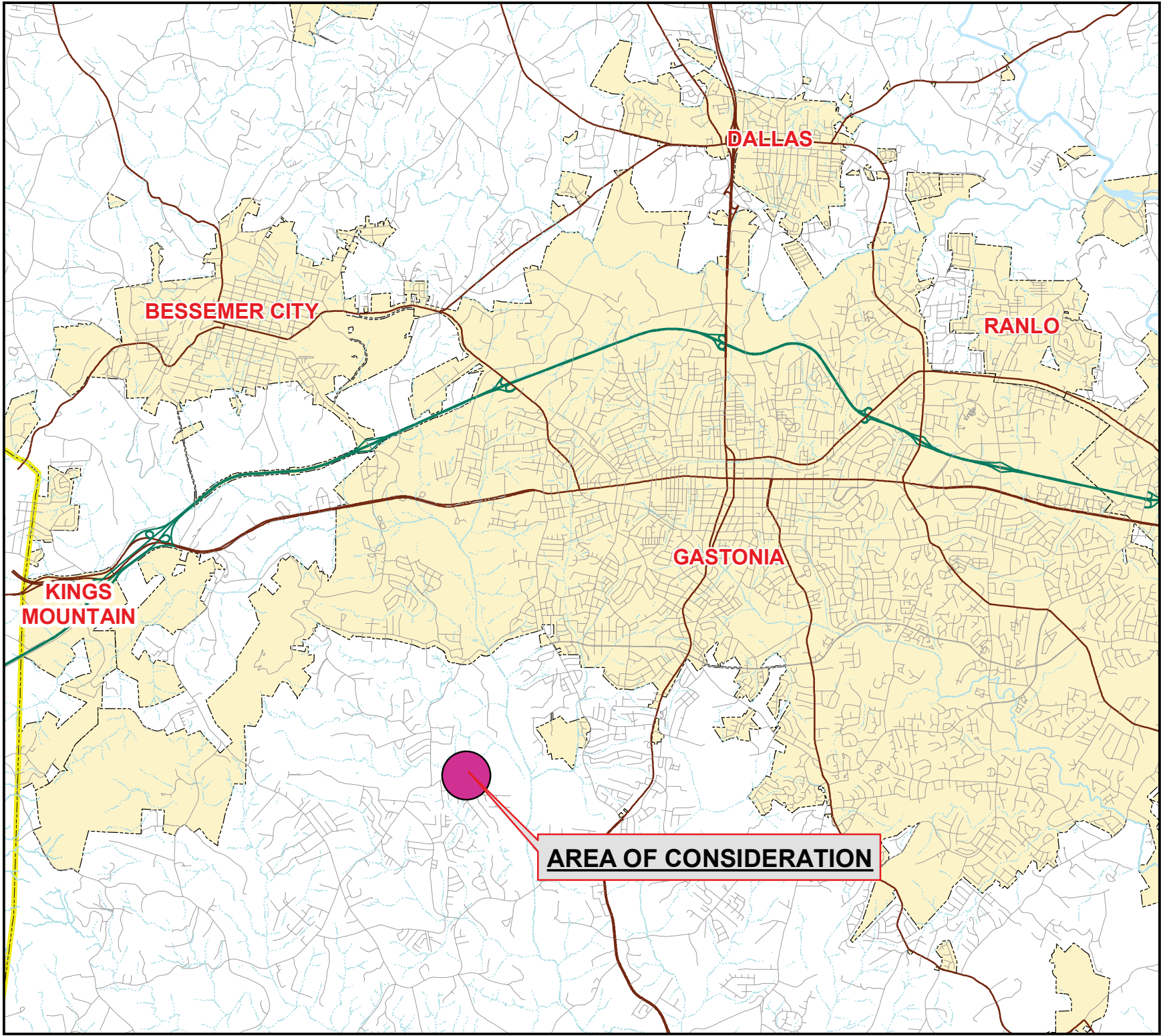
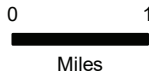
**Gaston County  
North Carolina**

**Vicinity Map**  
**CD19-02**

- 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.







## Gaston County Overview Map

2018 Pictometry

CD19-02

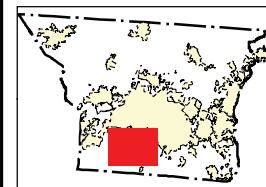
### Legend



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.

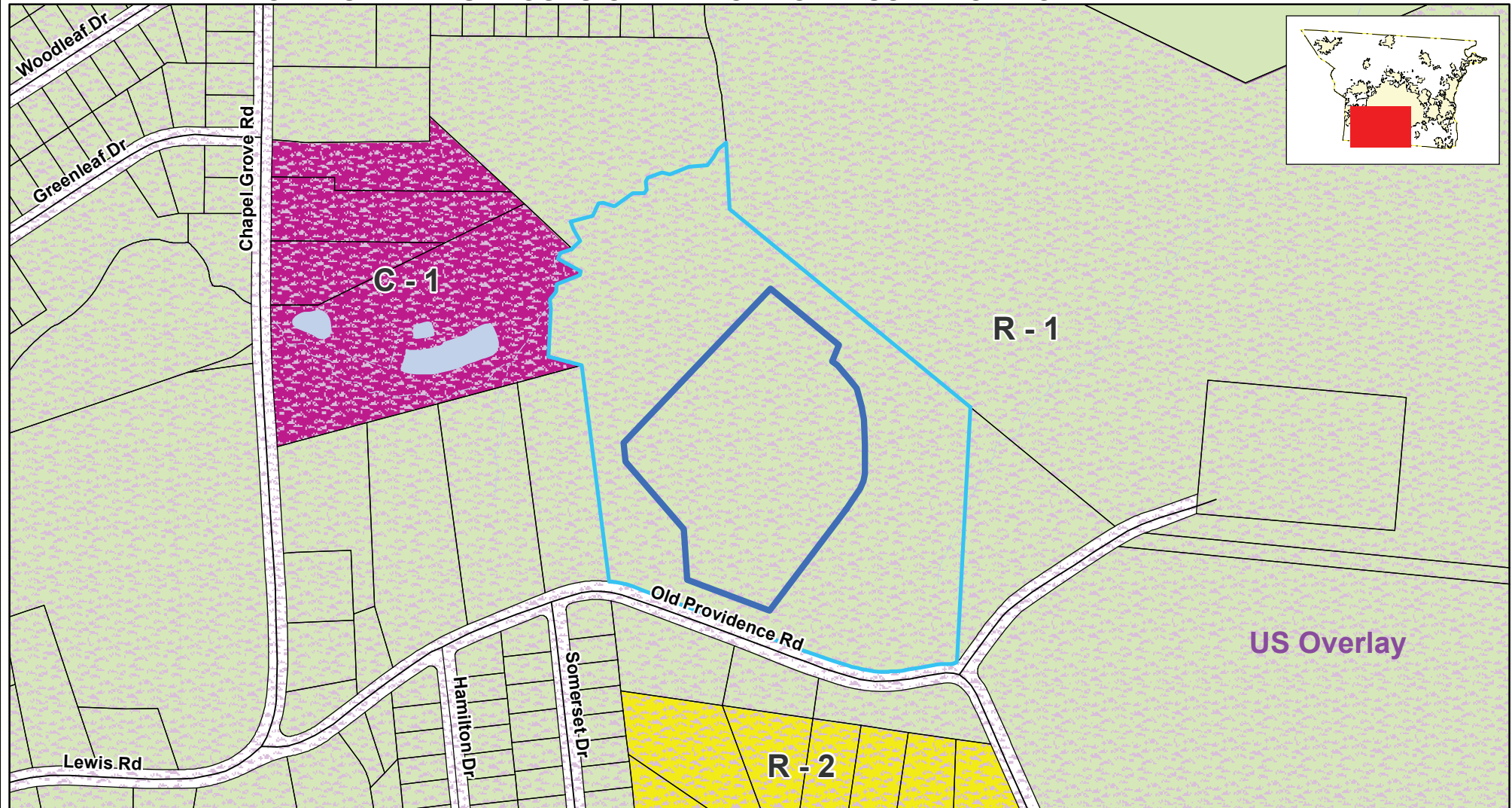
Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is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



0 165 330  
Feet



# FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



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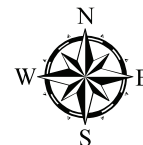
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## GASTON COUNTY ZONING REVIEW MAP

- R-1 Single Family Limited
- C-1 Light Commercial
- R-2 Single Family Moderate
- US Urban Standards Overlay

Area of Consideration



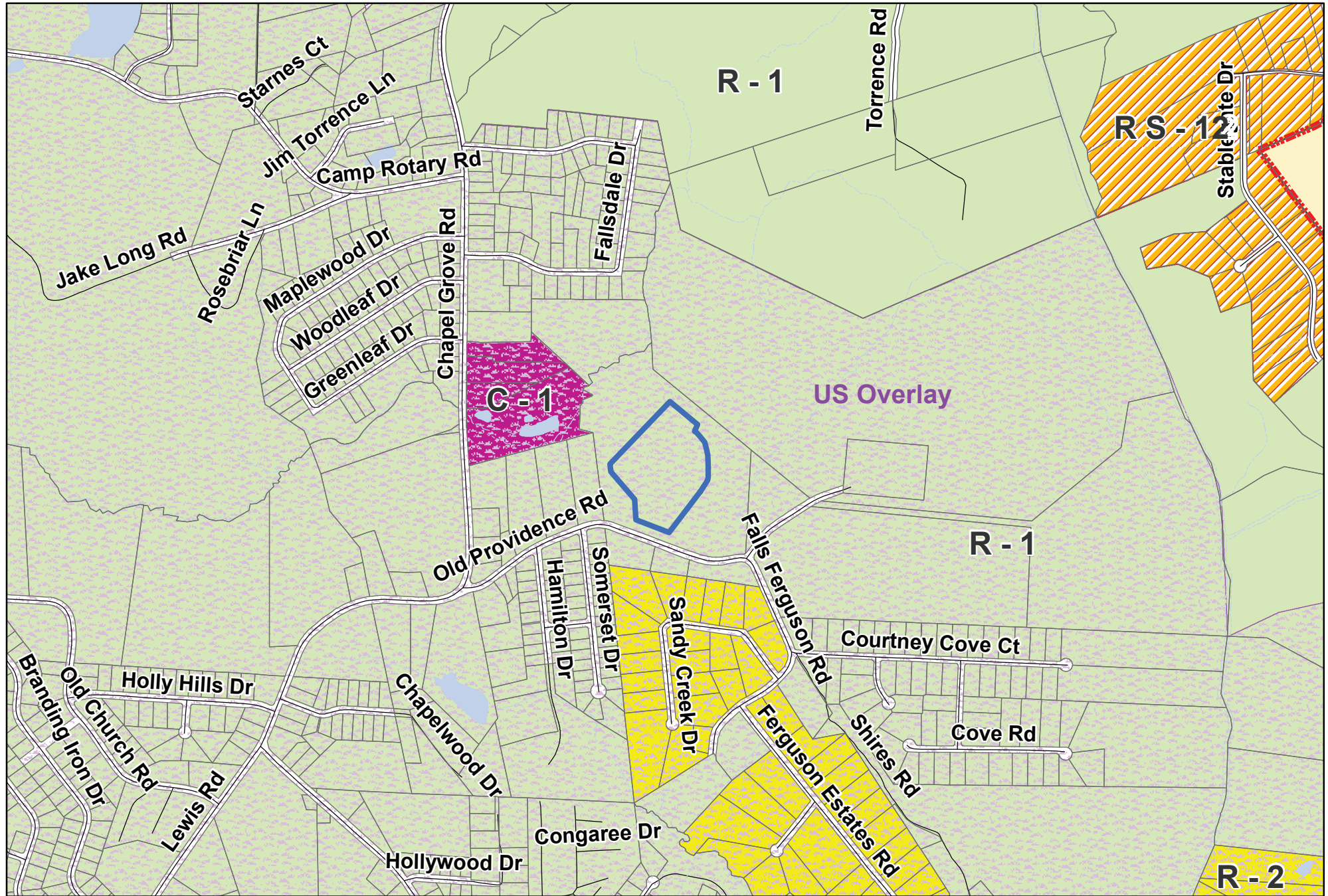
0 112.5 225 450 675 900 Feet

Applicant: CD19-02  
Tax ID: 226767  
Request Re-Zoning From:  
(R-1) Single Family Limited  
w/ (US) Urban Standards Overlay  
To: (CD/C-2) Conditional District /  
Highway Commercial w/ (US)  
Urban Standards Overlay

Map Date: 08/11/2019



FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



# GASTON COUNTY Zoning Map

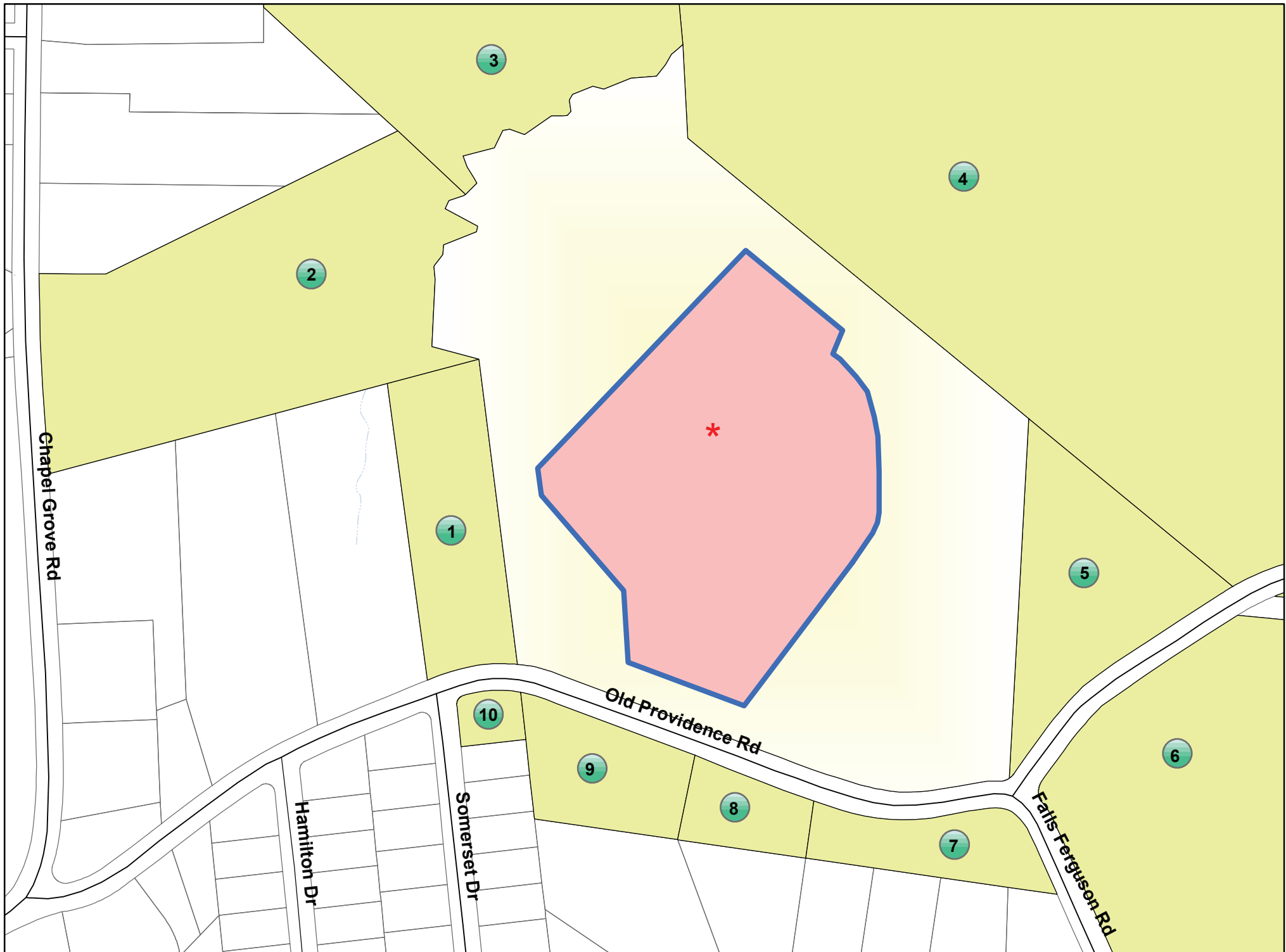
Applicant: CD19-02

 Subject Area



0 300 600 1,200 Feet

R-1 Single Family Limited  
R-2 Single Family Moderate  
RS-12 Residential 12,000 sq ft  
C-1 Light Commercial  
US Urban Standards Overlay



**CD19-02 Subject and Adjacent Properties Map**

See reverse side for listing of property owners



**CD19-02 Owner and Adjacent Property 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>
*	226767	T & D WHITESIDES PROPERTIES LLC		PO BOX 1534	BESSEMER CITY	NC	28016
1	142768	DICKSON DAVID ANDREW JR		1205 OLD PROVIDENCE RD	GASTONIA	NC	28052
2	142668	OAKLEY JUANITA W	OAKLEY ROBERT B	4920 CHAPEL GROVE RD	GASTONIA	NC	28052
3	142665	NEWSOME MARY JUMPER & OTHERS		2785 SARDIS RD	BUFORD	GA	30519
4	142475	BRIDGEMAN NANCY BLYTHE F	JAMES P FALLS SR TRUST	P O BOX 40	LOWELL	NC	28098
5	223355	SMITH KAYLA LEANNE		121 BOBO RD	JONESVILLE	SC	29395
6	226766	RACCUGLIA ANTHONY	RACCUGLIA EMAN EDITH	4718 RIVER OAKS RD	CLOVER	SC	29710
7	224973	TENCH BRIAN K	TENCH PENNY H	126 SANDY CREEK DR	GASTONIA	NC	28052
8	224972	SCRUGGS JAMES E		138 SANDY CREEK DR	GASTONIA	NC	28052
9	224971	TENCH BRIAN K	TENCH PENNY H	126 SANDY CREEK DR	GASTONIA	NC	28052
10	142816	NICHOLAS ROBIN KNIGHT		3600 SOMERSET DR	GASTONIA	NC	28052

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:** Sarah Carpenter Penley, Senior Planner, Gaston Co. Dept of Planning and Devpt. Services  
**From:** Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO  
**Date:** August 13, 2019  
**Subject:** T & L Grading & Hauling (Terry Whitesides)—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 1225 Old Providence Rd, Gastonia, NC 28052
  - 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.
  - D. 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).