



RESOLUTION TITLE: ZONING MAP CHANGE: CONDITIONAL DISTRICT CD21-02 GERALD L. & SANDRA F. LUTZ (APPLICANTS); PROPERTY PARCEL: 303483, LOCATED AT 359 HUFFSTETLER LAKE RD., DALLAS, NC, REZONE FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (CD/C-1) CONDITIONAL DISTRICT / LIGHT COMMERCIAL ZONING DISTRICT, IN ORDER TO ALLOW CONTRACTOR'S OFFICE AND OPERATIONS CENTER

WHEREAS, a County Zoning Ordinance was adopted on April 24, 2008 and a public hearing was held on January 26, 2021 by the County Commission, to take citizen comment into a map change application, as follows:

Tax Parcel Number(s): 303483
Applicant(s): Gerald L. & Sandra F. Lutz
Owner(s): Gerald L. & Sandra F. Lutz
Property Location: 359 Huffstetler Lake Rd.
Request: Rezone Parcel 303483, from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center

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, as conditioned, for parcel: 303483, located at 359 Huffstetler Lake Rd., Dallas, NC, from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center, on January 11, 2021 based on: staff recommendation and applicant testimony; and the request is reasonable and in the public interest and in accordance with the County's Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/C-1) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

Motion: Vinson Second: Brooks Vote: Unanimous
Ayes: Ally, Brooks, Fallon, Hollar, Horne, Houchard, Hurst, Sain, Vinson
Nay: None
Absent: Harris
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	AFraley	BHovis	KJohnson	TKelgher	TPhillbeck	EMorley	Vote
2021-004	01/26/2021	AF	CB	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

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

Zoning Map Change: Conditional District CD21-02 Gerald L. & Sandra F. Lutz (Applicants); Property Parcel: 303483, Located at 359 Huffstetler Lake Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center

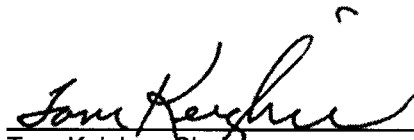
Page 2

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the map change application, public hearing comment and Planning Board recommendation:

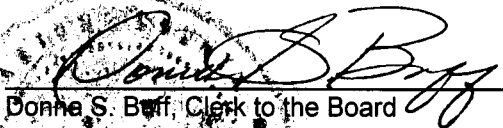
- 1) The map change request is consistent with the County's approved Comprehensive Land Use Plan. The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/C-1) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

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. Property parcel: 303483, is hereby approved as conditioned (Exhibit A), effective with the passage of this resolution.

- 2) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.


Tom Keigher, Chairman
Gaston County Board of Commissioners

Attest:


Donna S. Boff, Clerk to the Board

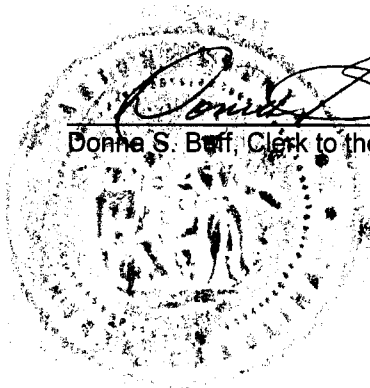


Exhibit A
Conditions of Approval
CD21-02

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 or any part thereof is held invalid or void, then this zoning district shall be void and no effect.
3. Development shall meet all local, state, and federal requirements.
4. The zoning is conditioned upon the conceptual site plan.
5. In accordance with Section 5.16.5(l) of the Unified Development Ordinance, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. The Administrator may only make minor changes to the approved site plan administratively.
6. The hours of operation shall not begin prior to 6:00 am.
7. The parking area shall remain as shown on the conceptual site plan, unless such a time occurs that the business expands to include more than ten (10) employees, to which the parking area, aisles, driveways and surfaces must be brought to Unified Development Ordinance (UDO) regulations and standards.

Conditional District Zoning Application (CD21-02)

STAFF REPORT

APPLICATION SUMMARY

Request:

To rezone properties from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center

Applicant(s):

Gerald L. & Sandra F. Lutz

Property Owner(s):

Gerald L. & Sandra F. Lutz

Parcel Identification (PID):

303483

Property Location:

359 Huffstetler Lake Rd. (Dallas)

Total Property Acreage:

1.45 ac

Acreage for Map Change:

1.45 ac

Current Zoning:

(R-1) Single Family Limited

Proposed Zoning:

(CD/C-1) Conditional District / Light Commercial

Existing Land Use:

Residential

Proposed Land Use:

Contractor's Office and Operations Center

COMPREHENSIVE LAND USE PLAN

Area 2: North 321 Gaston/North Central 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; more transportation alternatives; preservation of agriculture and maintaining the rural "feel" of the community; and, steering development towards existing infrastructure and areas immediately surrounding towns and cities.

Comprehensive Plan future Land Use:

Rural areas are characterized by green, rolling hills and plenty of open space, along with farmstead style housing, as well as agribusinesses. Residential homes are located on large lots and are set back from the roads they front upon. There are many opportunities for agribusiness ventures in this designation as well, including farming, landscaping and associated nurseries, etc. It is understood that this is the default use designation for Gaston County.

Staff Recommendation:

Application, as presented, is consistent with the Comprehensive Land Use Plan. 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 development.

UTILITIES AND ROAD NETWORK INFRASTRUCTURE

Water/Sewer Provider:

Private well / private septic

Road Maintenance:

North Carolina Department of Transportation

PUBLIC INFORMATION MEETINGS (Required)

November 23, 2020 and November 24, 2020

- One (1) citizen was in attendance
- Highlights covered by applicant included: included provisions for buffering/screening along applicable property boundaries of adjacent property owners; designated parking; employee operations
- Notes of concern by attendees: screening between properties; noise; hours of operation
- Staff observation: The first PIM did not receive any citizens; the second PIM received one (1) citizen with the noted concerns; the owner/applicant agreed to meet the requests of the adjoining property owner and increased the buffer/screening requirement along the adjoining property line (to exceed any buffer requirement within the UDO) and adjusted the hours of operation to accommodate for any noise related to the entering/exiting of employees.

TRANSPORTATION PLANNING INFORMATION

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

Highlights from the comments did not include any significant projects in the immediate area. (See attached)

STAFF SUMMARY

Prepared By: Sarah Carpenter Penley, Senior Planner

Staff received this application for rezoning request in September 2020. Meetings with the owner/applicant and surveyor/engineer occurred on numerous occasions to discuss, among many topics: consideration for citizen comment from Public Input Meetings and Conditions for Approval.

This property is located in a residential area of the north central region of the county. While its location is primarily residential in nature, it is not far from the US 321 Business Highway corridor, with easy access to US 321 Highway. A four-way stop at the intersection of Ike Lynch Rd and Dallas High Shoals Hwy, provides for existing small commercial businesses within less than one mile from the project site.

If approved, staff would recommend that the Conditions For Approval be implemented, as presented or modified by the Board, to mitigate any impact on surrounding properties.

PLANNING BOARD RECOMMENDATION

Scheduled Meeting Date: January 11, 2021

Meeting Summary / Points of Discussion: Staff provided Board members with a history of the property, which included that an application for a general rezoning had been submitted in November, 2020. The applicant resubmits with a site plan and Conditions for Approval, addressing the following issues of concern:

- + Hours of operation, to begin no earlier than 6:00 am
- + A buffer to the adjacent property along the northern property line, to include a privacy fence (in addition to existing mature vegetation and six (6) foot berm, to exceed standards of the UDO)

The Board voted to approve the application, with a unanimous vote, based upon the following statement of consistency:

The proposed rezoning is in the Rural future land use plan. Rural areas allow for residential homes located on large lots with opportunities for agribusiness ventures. The use, going from (R-1) to (CD/C-1) will make the subject parcel commercial in nature, while allowing for residential uses, which is consistent with the Rural designation and is in harmony with other commercial uses within the immediate vicinity.

Attachments: Maps, MPO Comments



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: CD21-02

A.

APPLICANT INFORMATION

Name of Applicant: Gerald L. & Sandra F. Lutz

Mailing Address: 359 Huffstetter Lake Rd., Dallas, NC 28034

Telephone Numbers: (980) 522-2084

(704) 913-9630

B.

OWNER INFORMATION

Name of Owner: Same

Mailing Address: _____

Telephone Numbers: _____

C.

PROPERTY INFORMATION

Physical Address or General Street Location of Property: 359 Huffstetter Lake Rd. (Dallas)

Property Identification Number (PID): 303483

Acreage of Parcel: 1.45

+/-

Acreage to be Rezoned: 1.45

+/-

Current Zoning: (R-1) Single Fam. Limited

Proposed Zoning: (CD/C-1) Conditional District/Light Commercial

Current Use: Residential

Proposed Use(s): Contractor's Office and Operation Center

D.

ADDITIONAL INFORMATION REQUIRED

☒ Copy of Plot Plan or Area Map

☒ Copy of Deed

☒ Notarized Authorization

☒ Payment of Fee

☒ PIM 1st. Meeting Date: 11/23/2020

☒ PIM 2nd. Meeting Date: 11/24/2020

☒ PIM Comments to Planning 11/25/2020

E.

CONDITIONS SET FORTH 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.

Sandra F. Lutz
Signature of property owner or authorized representative

9/28/2020
Date

FOR OFFICIAL USE ONLY
Date Received: 9/28/20

FOR OFFICIAL USE ONLY
Application Number: PGUP-CD21-02

FOR OFFICIAL USE ONLY
Fee: 6558.00
Receipt Number: INV-00020250

Received by Member of Staff: SCP

Date of Payment: _____

Certificate of Survey and Accuracy

I, T. Riley Casey, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 3137, Page 1377); that the boundaries not surveyed are clearly indicated as drawn from information found in as shown Book 3137, Page 1377; that the title of precision as calculated is 1:10,000 +, that this plat was prepared in accordance with G.S. 47-30 as amended.

Witness my original signature, registration number and seal this 11th day of December A.D. 2020

T. Riley Casey, P.L.S., L-4896

This is to certify that part of the property does not lie within a 100 year flood plain.

T. Riley Casey, P.L.S., L-4896 12-11-2020

Property may be subject to recorded or unrecorded Right-of-Way or Easements not observed

105909 SMITH, KAREN 315 IKE LYNCH RD, DALLAS, NC, 28034
 202609 WHITWORTH, ROLAND, 343 HUFFSTETLER LAKE RD, DALLAS, NC, 28034
 105909 HEINRICH, JILL, 320 HUFFSTETLER LAKE RD, DALLAS, NC, 28034
 105930 METCALF, LINDA, 5215 DALLAS HIGHWAYS HWY, DALLAS, NC, 28034
 105902 LINK, REGGIE 401 BIRWOOD DR, BIRMINGHAM, NC, 28012

SMITH
 PARCEL # 105909
 PIN 3546-18-070
 DB 4893 PG 859
 R-1

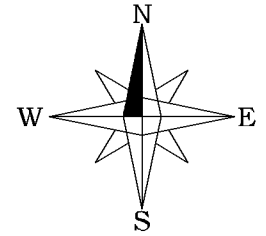
WHITWORTH
 PARCEL # 202609
 PIN 3546-18-2302
 DB 4056 PG 1956
 R-1

LINK
 PARCEL # 105902
 PIN 3546-18-5186
 DB 135 PG 1317
 R-1

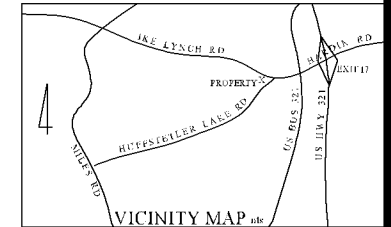
METCALF
 PARCEL # 105930
 PIN 3546-171866
 DB 2357 PG 82
 C2

HEINRICH
 PARCEL # 105909
 PIN 3546-176743
 DB 3104 PG 776
 C2

DATA:
 TOTAL ACRES: 1.8037 AC +/-
 ZONING: R-1
 FLOOD ZONE: X (Area of minimal flood hazard)
 FLOOD PANEL: 3716354600 (6-28-07)
 WATERSHED: WS-47, Protected
 South Fork Catawba River (Dallam, Gaston, Randle)
 PROPOSED USE: CONTRACTOR'S OFFICE & OPERATIONS CENTER



NORTH REFERENCE
 DB 5137
 PG 1377



PRELIMINARY
 FOR REVIEW ONLY
 NOT FOR DEED DESCRIPTION

SITE PLAN
 FOR
 GERALD L. & SANDRA F. LUTZ

PID # 303483
 PIN # 3549-18-3535

PARCEL ADDRESS:
 359 HUFFSTETLER LAKE RD., DALLAS, NC 28034

DALLAS TOWNSHIP	GASTON COUNTY, NC
REFERENCE DEED BOOK 5137, PAGE 1377	SUTALH: 1" = 50'
DATE OF SURVEY 10-27-2020	DATE OF DRAWING 12-11-2020

T. RILEY CASEY, P.L.S., L-4896

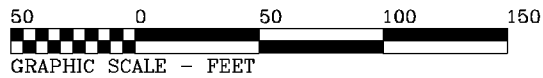
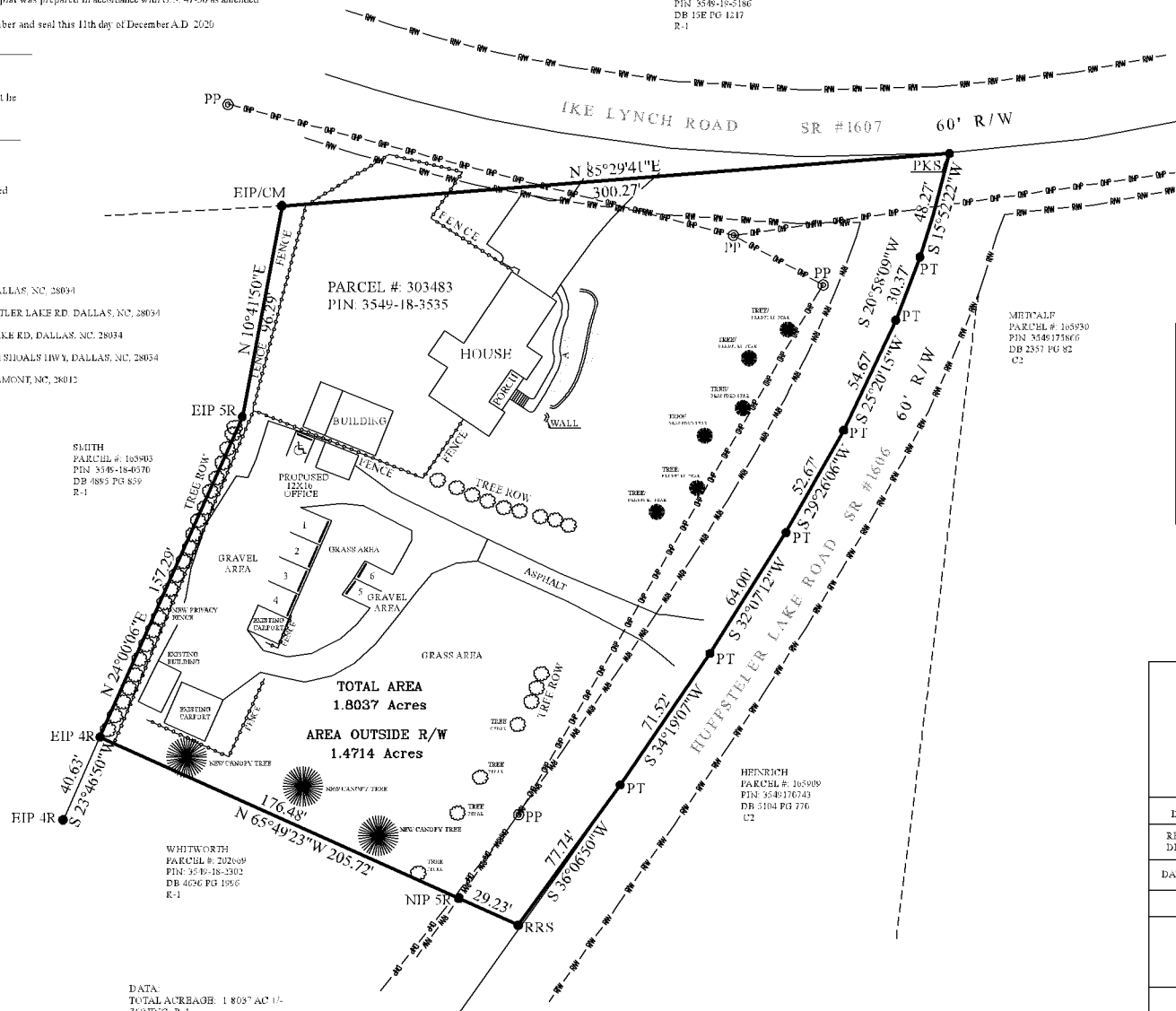
GERALD LUTZ
 359 HUFFSTETLER LAKE RD
 DALLAS, NC 28034
 980-322-2084

CASEY LAND SURVEYING, PLLC
 PO BOX 195
 LINCOLNTON, NC 28093
 (704) 308-0701

JOB FILE HUFFSTETLER1017-2020

LEGEND:
 NIP New Iron Pin
 EIP Existing Iron Pin
 CIP Control Iron Pin
 CM Concrete Monument
 PT Point
 RW Right-of-way
 PP Power Pole
 OIU Overhead Utility
 LP Light Pole
 PED Utility Pedestal
 FH Fire Hydrant
 PKS PK Nail Set
 PKF PK Nail Found
 WM Water Meter
 RRS RR Spike Set

— OHP — OVERHEAD UTILITY
 — ADJOINING LAND OWNER
 — RW — EDGE OF ROAD R/W





Post Office Box 1748
Gastonia, North Carolina 28053
Phone (704) 866-6980

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

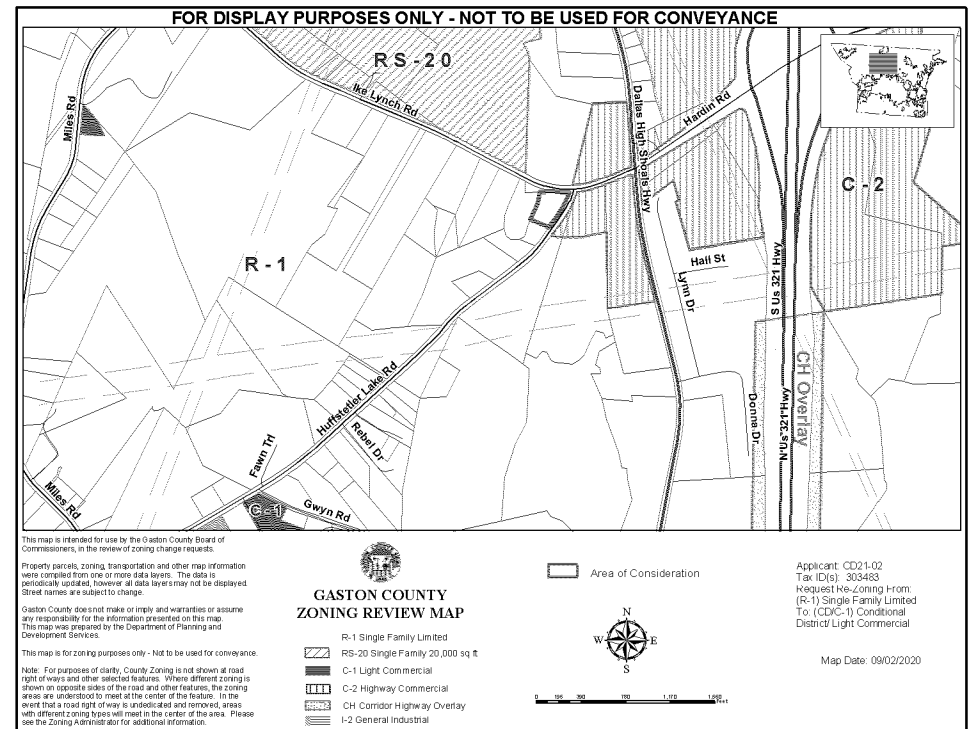
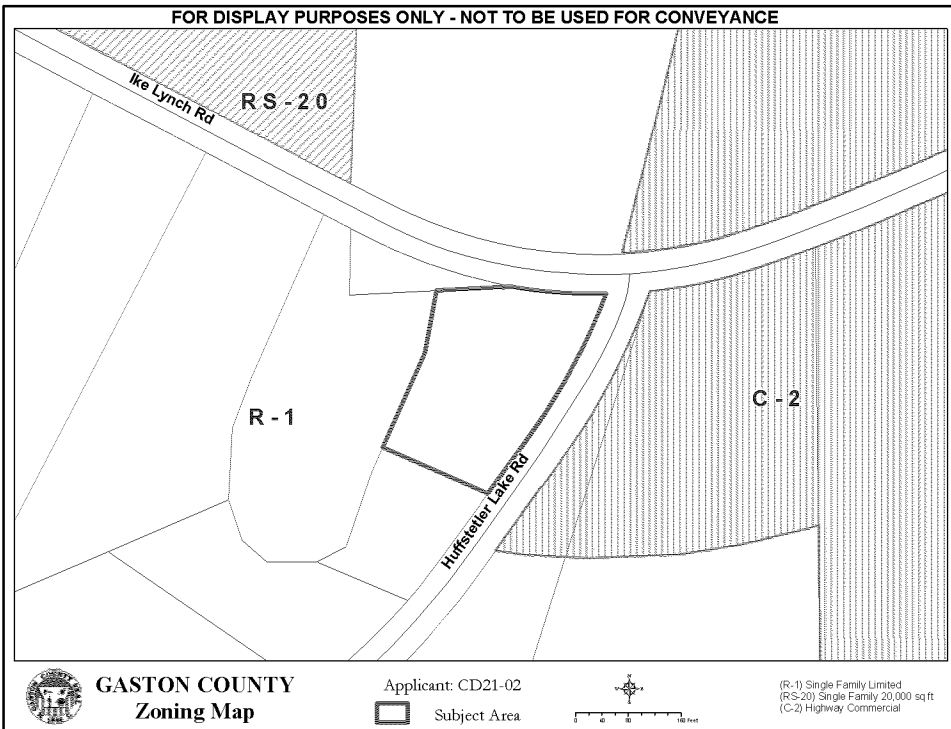
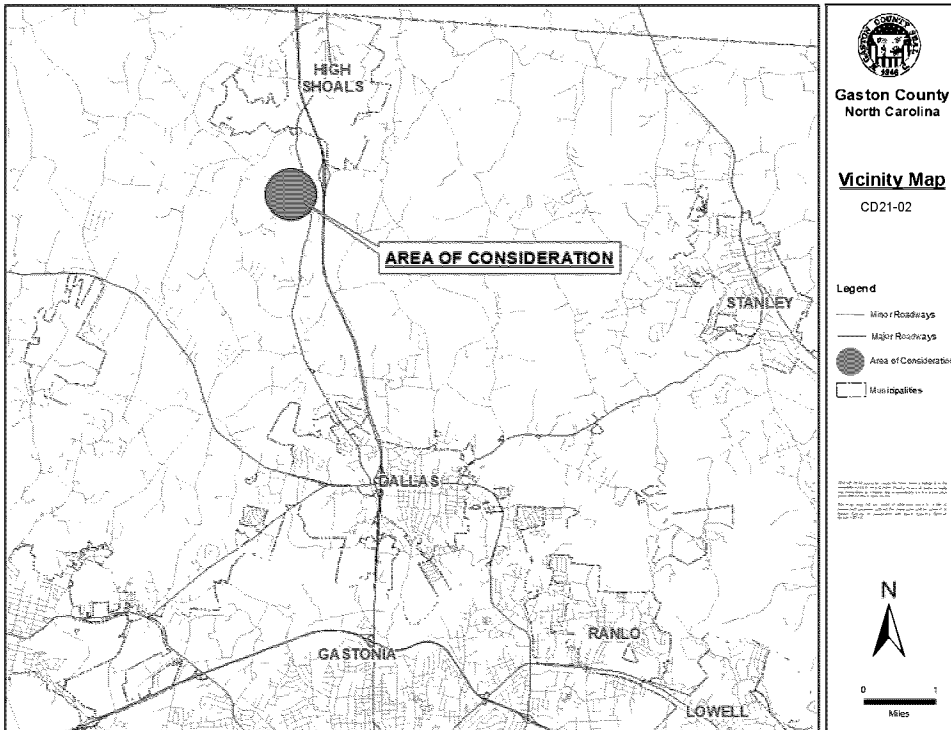
Memorandum

To: Sarah Carpenter Penley, Senior Planner, Subdivision Administrator, Gaston County Planning & Development Services
From: Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO
Date: November 17, 2020
Subject: 359 Huffstetler Lake Rd (Dallas) CD21-02—GCLMPO Comments

Thank you for the opportunity to provide comments on a proposed rezoning located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on review of the proposed site 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 359 Huffstetler Lake Rd, Dallas. On behalf of the GCLMPO, I offer the following comments:
 - A. Improvements to Ike Lynch Rd are included in the MPO's CTP. Improvements would include widening lane width to 12 feet and constructing paved shoulders. The existing right-of-way along Ike Lynch Rd. is sufficient for these future improvements. By establishing the region's future transportation needs, the CTP offers an organized way to identify, and eventually prioritize, the transportation projects that may be built in the communities within the GCLMPO area. CTP projects shown as "Needs Improvement" or "Recommended" could become a funded project in the future, part of a development project, or may never become a funded project.
 - B. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
 - C. 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.





CD21-02 Subject and Adjacent Properties Map
See reverse side for listing of property owners

 Area of consideration

CD21-02 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>
*	303483	LUTZ GERALD L	LUTZ SANDRA F	359 HUFFSTETLER LAKE RD	DALLAS	NC	28034
1	202668	BLACK RICKIE L SR		335 HUFFSTETLER LAKE RD	DALLAS	NC	28034
2	202669	WHITWORTH ROLAND ALVIN		343 HUFFSTETLER LAKE RD	DALLAS	NC	28034
3	165903	SMITH KAREN M		219 IKE LYNCH RD	DALLAS	NC	28034
4	165902	LINK REGGIR H		401 BELWOOD DR	BELMONT	NC	28012
5	165930	METCALF LINDA ROBINSON		5215 DALLAS HIGH SHOALS HWY	DALLAS	NC	28034
6	165909	HEINRICH JILL M	ROLLINS DENNIS G	320 HUFFSTETLER LAKE RD	DALLAS	NC	28034



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Building and Development Services Board Action

File #: 20-589

Commissioner Philbeck - Building & Development Services - Zoning Map Change: Conditional District CD21-02 Gerald L. & Sandra F. Lutz (Applicants); Property Parcel: 303483, Located at 359 Huffstetler Lake Rd., Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center

STAFF CONTACT

Joseph B. Sciba - Director - 704-866-3970

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. Gerald L. & Sandra F. Lutz (Applicants); Rezone Parcel: 303483, from the (R-1) Single Family Limited Zoning District to the (CD/C-1) Conditional District / Light Commercial Zoning District, in order to allow Contractor's Office and Operations Center. A public hearing was advertised and held on January 26, 2021 with Public Hearing comments being on file in the Board of Commission Clerk's Office. Planning Board recommendation was provided on January 11, 2021, 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

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	AFraley	BHovis	KJohnson	TKeigher	TPhilbeck	RWorley	Vote
2021-004	01/26/2021	AF	CB	A	A	A	A	A	AB	A	U

DISTRIBUTION:

Laserfiche Users

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