



**Gastonia Planning Commission
Meeting Schedule
November 7, 2019**

5:00 – UNTIL **DINNER**
(City Hall – City Council Conference Room 201)

5:30 – UNTIL **PLANNING COMMISSION MEETING**
(City Hall – City Council Chamber)

Gastonia Planning Commission
City Council Chamber, City Hall
November 7, 2019 – 5:30 pm

ITEM 1a: ROLE CALL / SOUND CHECK

ITEM 1b: CALLS/CONTACTS TO PLANNING COMMISSION MEMBERS

ITEM 1c: APPROVAL OF OCTOBER 2, 2019 MINUTES

ITEM 2: PUBLIC HEARING – Rafael Alberto Lendos, Lendos Homes Inc. (File #9350)

Subject hearing involves a request to rezone approximately .63 acres from RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots). The subject property is located on the northwest corner of Modena Street and Harrison Avenue (703 N. Modena Street). The property is owned by Lendos Homes Inc.

Staff Presentation: Jana McMakin, AICP, Senior Planner

ITEM 3: PUBLIC HEARING – Life After Forty, LLC; Don Doctor, Mgr. (File #9351)

Subject hearing involves a request to rezone approximately 2.63 acres from O-1 CD (Office Conditional District) to C-1 CD (Neighborhood Commercial Conditional District). The subject property is located at 3372 Robinwood Road. The property is owned by Life After Forty, LLC.

Staff Presentation: Jana McMakin, AICP, Senior Planner

ITEM 4: PUBLIC HEARING – James C. Windham, Jr. (File #9352)

Subject hearing involves a request to rezone approximately 8.28 acres from RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) and RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to C-1 (Neighborhood Commercial District). The subject property is located on the east side of McLean Street and on the west side of Redbud Drive. The property is owned by Donald E. Ellis, Patricia W. Ellis, and Paul E. Parker.

Staff Presentation: Jana McMakin, AICP, Senior Planner

ITEM 5: OTHER BUSINESS

- Update on Council Votes
- Representative for November 19th City Council Meeting (if needed)

UPCOMING IMPORTANT DATES

November 11th – City Offices Closed

November 19th – Regular City Council Meeting – Gaston County Courthouse Public Forum Room at 6:00 p.m.

November 28th & 29th – City Offices Closed

December 5th – Gastonia Planning Commission Meeting – City Hall Council Chamber at 5:30 p.m.

Gastonia Planning Commission
October 2, 2019 Minutes

Chairperson Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:31 pm on Wednesday, October 2, 2019, in the Council Chamber at City Hall.

Present: Commissioners Jerry Fleeman, Kristie Ferguson, Anthony Gallant, Pamela Goode, Bob Cinq-Mars, and Jim Stewart

Absent: Commissioner Rodney Armstrong

Staff Members Present: Charles Graham, Assistant City Attorney; Quentin McPhatter, Assistant City Manager; Jason Thompson, Planning Director; Jana McMakin, Senior Planner; and Chrystal Howard, Secretary

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners Fleeman and Cinq-Mars each received one contact. The remaining commissioners stated there were no contacts.

Chairperson Goode explained the rules of procedure and time limitations.

Commissioner Cinq-Mars made a motion to reorder the agenda and Commissioner Stewart seconded the motion. The motion was unanimously approved (6-0).

Item 3: Public Hearing – Kent Olson (File # 9280)

Subject hearing involves a request to zone (in conjunction with annexation request File 9318) approximately 8.694 acres from RS-12 (Gaston County, Single-family Residential District, minimum 12,000 sq. ft. lots) to RMF CD (City of Gastonia, Multi-family Conditional Residential District). The subject property is located on the north side of Neal Hawkins Road. The property is owned by RGP Family Limited Partnership and Ricky Creedmore.

Chairperson Goode opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin began by displaying the zoning map while providing the site description and background. Ms. McMakin stated this request is accompanying an annexation request and explained the process and timeline of an annexation filed with the City. The applicant has also submitted a corresponding annexation petition and the request is to assign the City of Gastonia's RMF CD (Residential Multi-family Conditional) zoning district. The applicant submitted a site plan and color renderings of building products, as well as, held a neighborhood meeting. Ms. McMakin briefly explained and displayed the site plan. The request is for two-story townhomes with front garages and a maximum of 80 units. She referred the commissioners to their packets to review the proposed zoning conditions in their agenda. Ms. McMakin explained adjoining properties and land use trends. She stated the Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the subject property and surrounding properties. Staff recommended the request be approved as presented.

Brief discussion ensued on nearby properties.

Mr. Thompson commented on the site plan as conceptual providing a general layout.

Chairperson Goode recognized Mr. Kent Olson, 11121 Carmel Commons Boulevard of Charlotte. Mr. Olson, applicant, thanked the commissioners for the opportunity. He commented how the townhomes, referred to as single-family attached, would be a good transition in this area and that the product would fit and complement the area. Working with staff, his company committed to the proposed conditions.

Commissioner Cinq-Mars asked if the homes will be townhomes or condominiums and Mr. Olson replied that these are single-family attached townhomes. Commissioner Cinq-Mars asked if these were rental units and Mr. Olson was unsure if they would be rental or for sale. Mr. Thompson explained meeting the definition of a single-family attached.

Gastonia Planning Commission
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Brief discussion ensued on the required and proposed parking spaces, as well as open space. Clarification was made on the site plan requirement as 1 additional space per 10 units (8 spaces) and the proposed as 10 spaces (on-street). Mr. Olson reminded the commissioners that the site plan was conceptual and all the ordinance requirements would be met. Mr. Thompson commented that the Technical Review Committee and staff will review to ensure compliance with the details including open space.

Chairperson Goode called Ms. McMakin to the dais and Ms. McMakin referred the commissioners to the proposed zoning conditions.

Commissioner Cinq-Mars made a motion to accept the proposal (move forward a favorable recommendation) with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved (6-0).

Mr. Thompson reminded the public and commissioners that this item will move forward to Gastonia City Council on Tuesday, October 15th meeting.

Item 4: Public Hearing – Amending the Unified Development Ordinance (File #9338)

Subject hearing involves a request to amend the Unified Development Ordinance Table 12.46 of Chapter 12 Signs to clarify multitenant signage based on gross floor area.

Chairperson Goode opened the public hearing and recognized Mr. Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

Mr. Thompson commented that this amendment was aimed at flexibility to multitenant developments. He shared examples of businesses splitting a building, such as Academy Sports and Burlington, the old Target building, as well as a former Harris Teeter site. Mr. Thompson stated the ordinance currently regulates the overall area that a multitenant obtains and this amendment is aimed to help facilitate signage in these situations. He shared that businesses support this amendment.

Chairperson Goode stated this was definitely welcome and she asked if this allows each entity the same amount of signage. Mr. Thompson replied that this will allow them the same amount of potential increase, and to think about it within the context of the entire multitenant development and the multitenant development gets a cap.

Commissioner Cinq-Mars asked if there were any height limitations on freestanding signage. Mr. Thompson replied that there are height restrictions and this was not changing.

Commissioner Ferguson made a motion to approve (move forward a favorable recommendation) the request with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved (6-0).

Item 1c: Approval of September 5, 2019 Meeting Minutes

Commissioner Fleeman made the motion to approve the September 5, 2019 minutes as written and Commissioner Cinq-Mars seconded the motion. The motion was approved (6-0).

Item 2: Public Hearing – West Franklin Urban Redevelopment Plan

Subject hearing involves the creation of the West Franklin Urban Redevelopment Plan to be undertaken by the Gastonia City Council, serving as the Redevelopment Commission, in the general area bounded by Gaston Avenue to the North; Whitesides Street to the East; West Garrison Boulevard and South Vance Street to the South; and Bessemer City Road to the West.

Chairperson Goode opened the public hearing and recognized Mr. Quentin T. McPhatter, ICMA-CM, Assistant City Manager for the purpose of staff presentation.

Mr. McPhatter updated the commission about the various tools available to utilize for economic development purposes at the last meeting. This presentation is in the form of a public hearing of the West Franklin Urban Redevelopment Plan. He summarized the background in his memorandum provided in the agenda page 2-1. Mr. McPhatter clarified the following; this plan does not change zoning, the City is not looking to acquire additional properties in this area, the

Gastonia Planning Commission October 2, 2019 Minutes

goal and intent is to put properties on the tax rolls, and this plan does not change the tax status of the properties in the effective area.

Mr. McPhatter introduced Mr. Greg Kelly, Business Services Manager and Mr. Richard Smith, Business Services Director with McGill & Associates.

Mr. Smith began with his background working with the City and the need for this plan in the western region. He reiterated that this plan does not change zoning, the City is not looking to acquire additional properties in this area, the goal and intent is to put properties on the tax rolls, and this plan does not change the tax status of the properties in the effective area. Mr. Smith recognized Mr. Kelly to begin the presentation.

Mr. Kelly gave a quick overview of the West Franklin Redevelopment Plan. His ultimate goal is to move a redevelopment area from blight to bright, vibrant and sustainable. His presentation covered an introduction and an area description (general boundaries, zoning districts, historic overlay protection). He displayed and briefly explained the Proposed Redevelopment area, Zoning map, and Future Land Use Map. The presentation continued by covering four main goals to accomplish in a redevelopment plan, objectives, redevelopment controls, cost estimates, funding opportunities, modifications to the plan, and potential impediments to the completion of the project. He summarized the goals of the Urban Redevelopment Area (URA), the plan as a roadmap, and collaborative effort. He finished his presentation with transforming from blight to bright, to create a vibrant and sustainable community on the west side of Gastonia.

Mr. Smith briefly explained meeting a specific threshold of urban blight in order to qualifying to have a redevelopment plan.

Chairperson Goode recognized Ms. Tammy Nix, 206 S. Vance Street of Gastonia, NC. Ms. Nix was concerned about acquisition and asked if this related to properties that are not to city code or remodeled to historic standards. Mr. Thompson explained that York-Chester and Brookwood are the two local regulatory historic designations within the City of Gastonia. Other types of historic districts located in the City of Gastonia are non-regulatory national registered historic districts. Brief discussion ensued on a non-profit group that acquired properties fallen in disrepair and has rehabbed the homes to help with new investment into the Loray Village. Mr. McPhatter replied that this plan does not require residents to meet historic designation, but the plan does make homeowners meet basic building codes – health, safety and welfare.

Commissioner Cinq-Mars asked for confirmation that a large area has been designated that is viable for redevelopment and Mr. McPhatter replied as eligible for redevelopment. Commissioner Cinq-Mars asked if it was possible that there are projects within this general area that would come before the Planning Commission for its approval and Mr. McPhatter replied that he was correct. Commissioner Cinq-Mars asked who was on the Gastonia Redevelopment Commission and Mr. McPhatter replied that the Gastonia City Council will serve as the redevelopment commission. Commissioner Cinq-Mars asked what makes this proposal a better success than what happened a couple years ago. Mr. McPhatter was unable to speak on past proposals. He commented on the economy and private investment interest. He stated that this plan will place the city in a better position to obtain some private investment in the proposed area and the intent of this project is to spur private investment.

Brief discussion ensued on improvements on Franklin Boulevard, relocations, the criteria of standard housing dwelling units, and legal requirements.

Mr. McPhatter and Mr. Thompson remarked that through public hearings, mail notices, speaking to citizens and being available to answer any questions offers opportunity for community involvement and engagement. Chairperson Goode and Commissioner Gallant shared their concern of this plan as possibly complex, confusing, and difficult for some to comprehend. Mr. Thompson shared that the City's long term plan has not changed and the community involvement with the long term plan.

Commissioner Stewart made a recommendation to approve the draft and that the Gastonia Planning Commission certifies the plan is in conformance with the 2025 Comprehensive Plan. Commissioner Fleeman seconded the motion. The motion was approved (6-0).

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Item 4: Other Business

Commissioner Fleeman commented that Walter Kimble contacted him and he shared Mr. Kimble's concern of terrorists using vehicles as weapons. Mr. Kimble requested this issue be brought to the Gastonia Planning Commission's attention and he also requested this matter be considered and addressed when reviewing detailed plans, such as the FUSE and other public spaces. Bollards at entrances was an example given to stop a vehicle. Commissioner Fleeman noted that Mr. Kimble would be willing to provide a presentation. Commissioner Stewart stated there are other issues that also need to be associated with this safety concern. Discussion ensued on terrorist attacks and security measures. Mr. Thompson commented on the large team of city staff members that will take this matter into consideration. He shared proposed elements on the two main entrances to the FUSE stadium and streetscape enhancement designs that would provide dual purpose. Mr. Thompson reiterated that he is available if anyone has questions regarding the proposed redevelopment area. He reminded everyone that the FUSE groundbreaking ceremony will take place on Thursday, October 3rd at 5:00 p.m.

Representative for October 15th City Council Meeting (if needed)

Mr. Thompson stated these three agenda items recommended for approval will be presented to City Council on Tuesday, October 15th.

There being no further business, Chairperson Goode adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson

**PUBLIC HEARING
STAFF REPORT
File No. 9350
Hearing Date: November 7, 2019**

OWNER: Lendos Homes Inc.
APPLICANT: Rafael Lendos
PROPOSED ZONING ACTION: Rezone from RS-12 to RS-8
LOCATION: 703 N. Modena Street
TRACT SIZE: Approximately .63 acres
WARD: 2

EVALUATION:

Site Description & Background

The subject property consists of one (1) tax parcel totaling approximately 0.63 acres that is currently zoned RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) and is located on the northwest corner of N. Modena Street and E. Harrison Avenue. This request is to rezone the site to RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots). The site is currently vacant except for a foundation that the applicant intends to demolish.

Description of Adjoining Properties and Zoning

The subject property is bordered by RS-12 (Single family Residential District, minimum 12,000 sq. ft. lots) to the north, east and west. Directly across E. Harrison Avenue is a large parcel zoned I-U (Urban Industrial District). The residential houses in close proximity to the site are located on various lot sizes and lot widths.

Recent Land Use Trends in the Area and Available Public Facilities

Land use and zoning in this area has been steady over the past decade. Public water and sewer currently serve the subject property.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plans shows residential as suitable for the subject property.

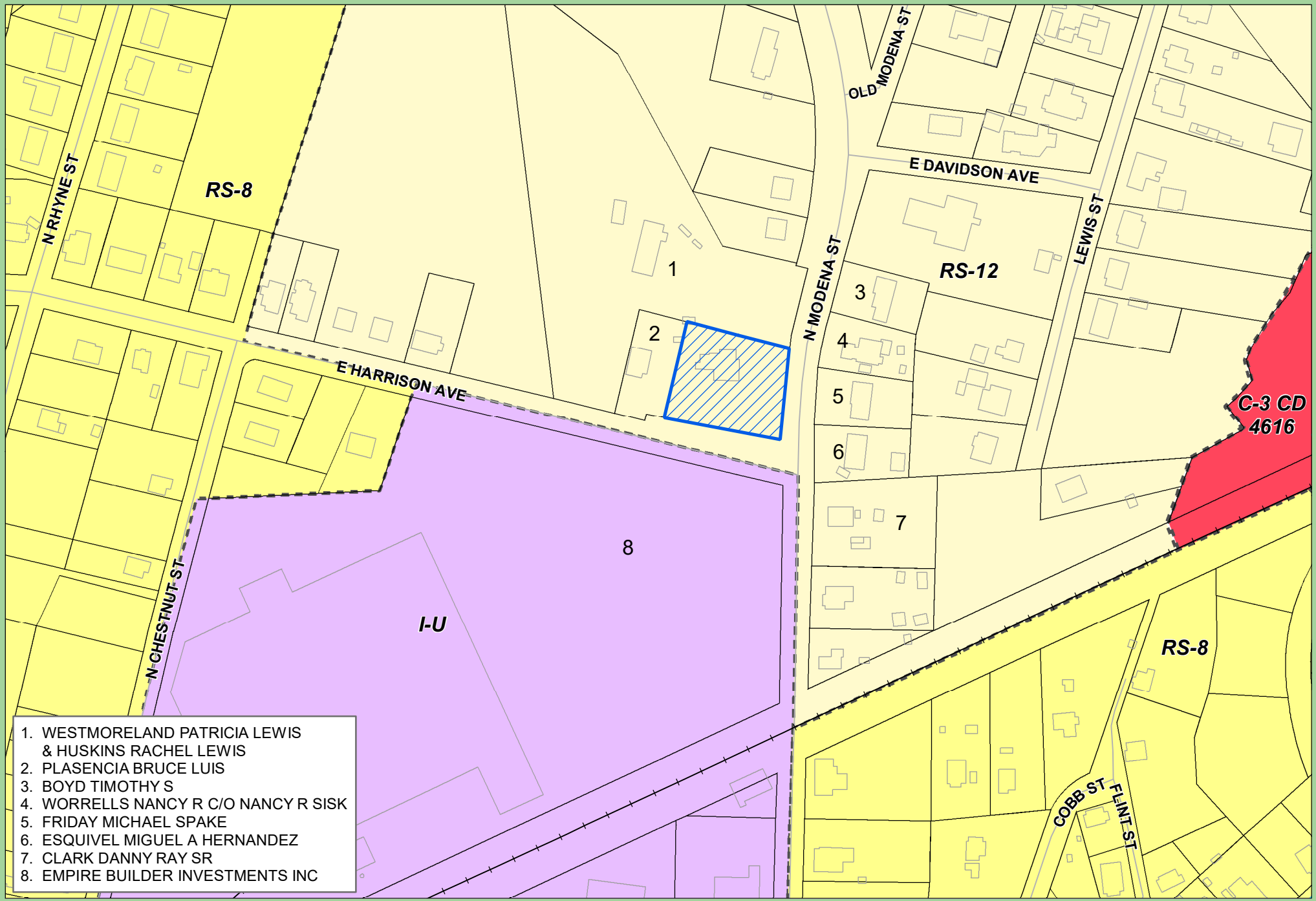
Conclusion

The subject property's current zoning allows for residential uses and would also meet the requirements to subdivide the property resulting in two (2) total lots. The applicant has requested to rezone the property to the RS-8 district to be able to subdivide the property into three (3) lots and build three (3) single-family houses. Based on the zoning as well as the existing mixture of lot sizes and widths in the area, **staff recommends approval of the request as presented.**

Jana McMakin, AICP
Senior Planner

Statement of consistency and reasonableness (motion to approve): The proposed rezoning is consistent with the land use designation identified in the Gastonia 2025 Comprehensive Plan, there are RS-8 zoned lots located in the same block at the subject property, and the property would also be limited to single-family residential and compatible with surrounding properties, therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Statement of consistency and reasonableness (*motion to deny*): While the proposed rezoning is consistent with the Gastonia 2025 Comprehensive Plan, the Planning Commission considers an affirmative vote to not be reasonable and not in the public interest.



1. WESTMORELAND PATRICIA LEWIS & HUSKINS RACHEL LEWIS
2. PLASENCIA BRUCE LUIS
3. BOYD TIMOTHY S
4. WORRELLS NANCY R C/O NANCY R SISK
5. FRIDAY MICHAEL SPAKE
6. ESQUIVEL MIGUEL A HERNANDEZ
7. CLARK DANNY RAY SR
8. EMPIRE BUILDER INVESTMENTS INC

Applicant: Rafael Alberto Lendos, Lendos Homes Inc.

Owner: Lendos Homes Inc.

Planning Comm Hearing: Nov. 7, 2019

Request: RS-12 to RS-8




























Ward: 2

Tract Size: approx. 0.63 acres

Parcel ID #: 100571

 **Subject Property**

Legend

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  AP Airport |  Roads |
|  C-1 Light Commercial |  Norfolk Southern RR |
|  C-2 Highway Commercial |  Buildings |
|  C-3 General Commercial |  Parcels |
|  CBD Central Business District | |
|  I-U Urban Industrial | |
|  I-1 Light Industrial | |
|  I-2 General Industrial | |
|  O-1 Office | |
|  OLC Office/Light Commercial | |
|  O-M Medical Office | |
|  PD IRD Planned District Infill Res Devt | |
|  PD PRD Planned District Planned Res Devt | |
|  PD PUD Planned District Planned Unit Devt | |
|  PD TND Planned Dist Traditional Neighborhood Devt | |
|  RLD Residential Low Density | |
|  RS-12 Residential 12000sqft lots | |
|  RS-8 Residential 8000sqft per lot | |
|  R-A Rural Agricultural | |
|  RMF Residential Multi-Family District | |
|  SP State Park District | |
|  TMU Transitional Mixed Use | |
|  UMU Urban Mixed Use District | |

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.

Application #9350

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2019.



1 : 2,400
 1 inch represents 200 feet
 Plot Date: October 15, 2019
 0 50 100 200 Feet
 2-3

File # 9350
Date Rec'd: 9/23/19
Rec'd By: CH
Fee: \$306.00 check # 1051

CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

- 1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)

RS-8 TO : RS-12

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

- 2. Gaston County Tax Identification Number: 3556313347 PIN: 703 Parcel No.: 100571
Subject property address: 703 Modena St

- 3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.

VACANT LOT WITH A FOUNDATION TO BE DEMOLISHED

- 4. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).

- 5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? YES

- 6. The real property to be rezoned is owned in fee simple by Lendos Homes inc
as evidenced in deed from _____ recorded in Deed Book 5027 at page 1120-1122 in the Gaston County Registry.

- 7. The real property for which the above request is sought is located on the Front side of N Modena St between E Harrison Ave and N Modena having a frontage of 148 Feet feet and depth of 191 Feet feet and acreage of 0.63.

- 8. Are sewer and water available on the property? YES

- 9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)

- 10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)

- 11. Name and address of applicant: Rafael Alberto Lendos
1411 Misty Brook Ln Charlotte NC 28273
Telephone #: 704-634-6755 Fax #: _____
E-mail address: LendosHomes@gmail.com

12. Interest in subject realty Subdivide and build 3 Houses

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

14. Has this property previously been subject to any of the following? NO conditional use permit NO planned unit development NO subdivision ordinance NO unified development
If yes, please explain _____

15. Name and address of person to present item at public hearing Rafael Alberto Lendos
14111 Misty Brook Lane Charlotte NC 28273
Telephone number (704) 634-6755

I, Rafael Alberto Lendos, certify that I have read the information provided in the public hearing information package on the 17 day of September, 2019.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.



**PUBLIC HEARING
STAFF REPORT
File # 9351
GPC Hearing Date: November 7, 2019**

OWNER: Life After Forty, LLC
APPLICANT: Same
PROPOSED ZONING ACTION: Rezone from O-1 CD to C-1 CD
LOCATION: 3372 Robinwood Road
TRACT SIZE: Approximately 2.63 acres
WARD: 1

EVALUATION:

Background, Site Description, and Proposed Request

In 2009, the applicant received approval to rezone the property to O-1 CD (Office Conditional District) to build an indoor athletic facility (see attached File # 5901). All of the zoning conditions as part of that approval were met. One of zoning conditions as part of the approval listed a “recreation center, indoor” as the only primary use permitted. After operating for several years, the facility has closed and is currently for sale by the applicant/property owners.

While the applicant has indicated there is interest in the property, without other permitted uses allowed by zoning, the property has remained vacant. The applicant has submitted a request to the C-1 CD (Neighborhood Commercial Conditional District) to permit additional uses to utilize the existing building. The applicant has also offered to exclude several permitted uses allowed in the C-1 district (see attached list). At this time, there are no changes proposed to the site.

Proposed Zoning Conditions

1. This item will revise the Zoning Classification to C-1 CD and revise zoning condition 4 in the City of Gastonia Case File # 5901 as follows:
Permitted land uses include those in the C-1 district with the exception of those excluded by the applicant as indicated on the attached list.
2. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
3. In no instance shall the zoning conditions exempt a project from other development requirements.

Description of Adjoining Properties and Zoning

The Mills Creek multi-family community is located to the north of the subject property (both single-family homes directly across Robinwood Road now owned by Southwood Realty Co.). The Forest Brook neighborhood comprised of single-family homes is located to the south. The Hawks Nest STEAM Academy is located west (RS-12) and Davis Memorial Baptist Church to the east (RS-12). The signalized intersection of Robinwood Road and Kendrick Road is located just east of the site and the Harris Teeter shopping center is in close proximity.

Recent Land Use Trends in the Area

The overall land use activity in the vicinity has been active over the past several years.

Available Public Facilities

City water and sewer currently serve the subject property. Robinwood Road is a 4-lane undivided facility with curb, gutter, and sidewalk along the subject property. According to NCDOT’s 2018-2027 State Transportation Improvement Program (STIP) and the GCLMPO’s (Gaston-Cleveland-Lincoln Metropolitan Planning Organization) 2045 Metropolitan Transportation Plan (MTP), there are no funded transportation improvement projects in the immediate vicinity of this project.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plan indicates office center for this property.

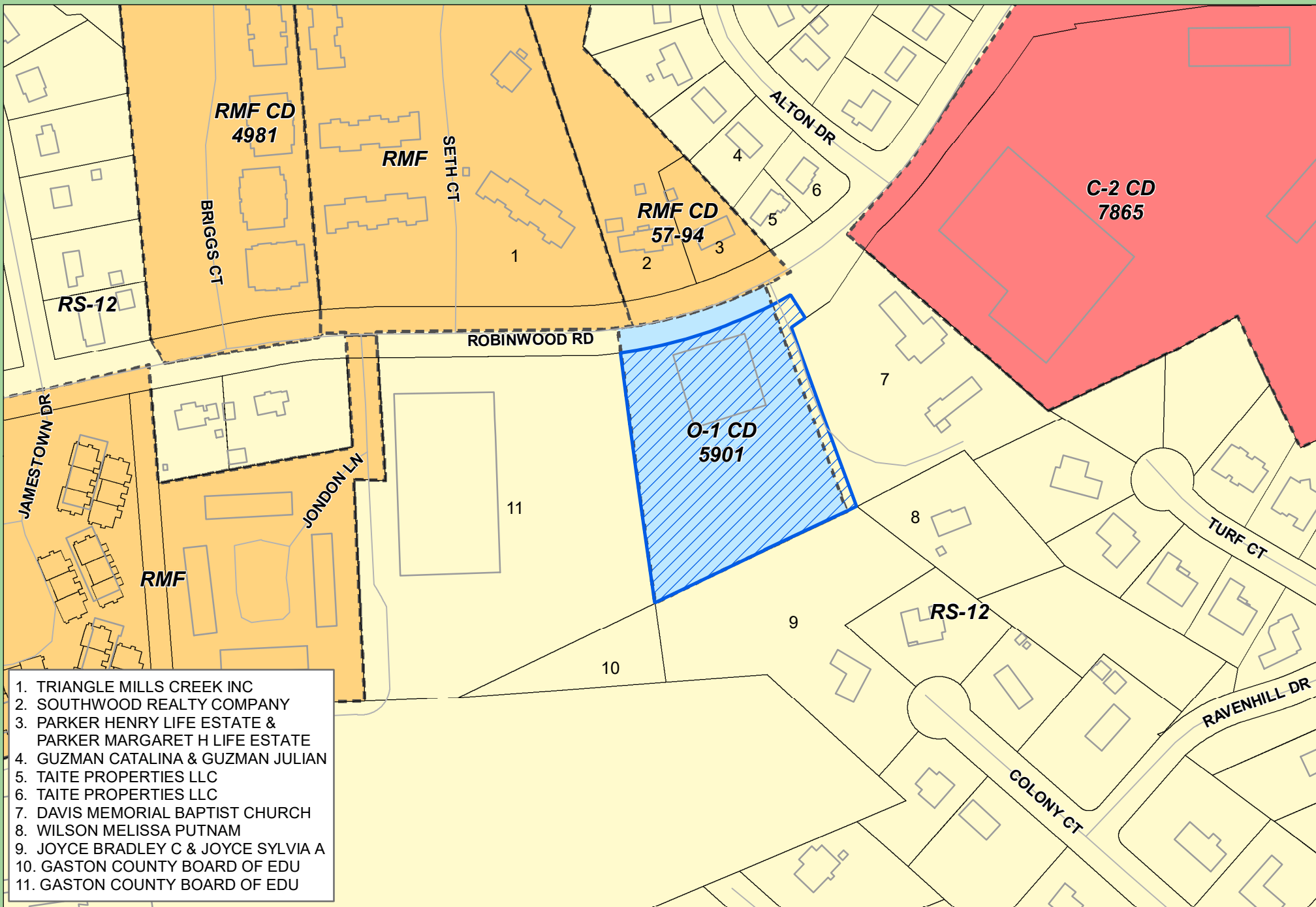
Conclusion

The applicant is requesting the C-1 CD district so the property can be sold and utilized by additional uses permitted in the C-1 district, with the exception of those uses excluded by the applicant. The applicant or future buyer would have to go through a Public Hearing process for any uses permitted in C-1 with the issuance of a conditional use permit. The requirements of the original rezoning were met and there are no modifications proposed to the site. The closest residential property is approximately located 195 ft. from the existing parking area. Therefore, based on these factors, **staff recommends approval.**

Jana McMakin, AICP
Senior Planner

Statement of consistency and reasonableness (*motion to approve*): While the proposed rezoning is inconsistent with the 2025 Comprehensive Plan, based on the existing buffers and excluded uses, the request from Office to Neighborhood Commercial can be considered in harmony with development in proximity of the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Statement of consistency and reasonableness (*motion to deny*): The proposed rezoning is inconsistent with the Gastonia 2025 Comprehensive Plan and the adjacent zoning is RS-12 and RMF, therefore the Planning Commission considers an affirmative vote to not be reasonable and not in the public interest.



Applicant: Life After Forty, LLC;
Don Doctor, Manager

Owner: Life After Forty, LLC

Planning Comm Hearing: Nov. 7, 2019

Request: O-1 CD to C-1 CD

Ward: 1

Tract Size: approx. 2.63 acres

Parcel ID #: 204335

 **Subject Property**

Legend

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  AP Airport |  Roads |
|  C-1 Light Commercial |  Parcels |
|  C-2 Highway Commercial |  Building Footprints |
|  C-3 General Commercial | |
|  CBD Central Business District | |
|  I-U Urban Industrial | |
|  I-1 Light Industrial | |
|  I-2 General Industrial | |
|  O-1 Office | |
|  OLC Office/Light Commercial | |
|  O-M Medical Office | |
|  PD IRD Planned District Infill Res Devt | |
|  PD PRD Planned District Planned Res Devt | |
|  PD PUD Planned District Planned Unit Devt | |
|  PD TND Planned Dist Traditional Neighborhood Devt | |
|  RLD Residential Low Density | |
|  RS-12 Residential 12000sqft lots | |
|  RS-8 Residential 8000sqft per lot | |
|  R-A Rural Agricultural | |
|  RMF Residential Multi-Family District | |
|  SP State Park District | |
|  TMU Transitional Mixed Use | |
|  UMU Urban Mixed Use District | |

1. TRIANGLE MILLS CREEK INC
2. SOUTHWOOD REALTY COMPANY
3. PARKER HENRY LIFE ESTATE & PARKER MARGARET H LIFE ESTATE
4. GUZMAN CATALINA & GUZMAN JULIAN
5. TAITE PROPERTIES LLC
6. TAITE PROPERTIES LLC
7. DAVIS MEMORIAL BAPTIST CHURCH
8. WILSON MELISSA PUTNAM
9. JOYCE BRADLEY C & JOYCE SYLVIA A
10. GASTON COUNTY BOARD OF EDU
11. GASTON COUNTY BOARD OF EDU

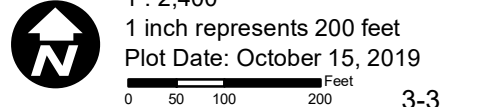
Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.

Application #9351

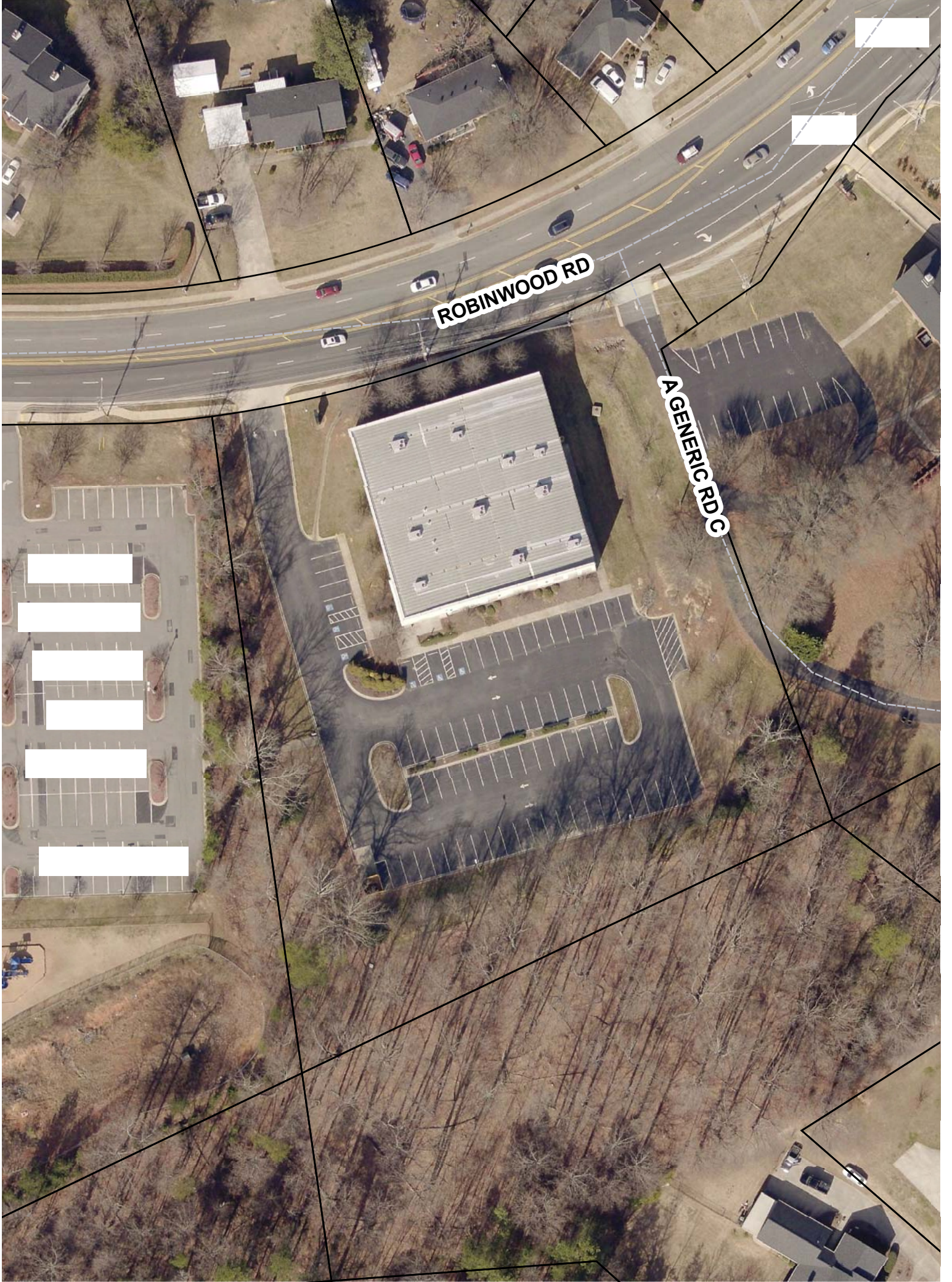
I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2019.



1 : 2,400
1 inch represents 200 feet
Plot Date: October 15, 2019



3-3



**CONDITIONAL DISTRICT
5901**

**CITY OF GASTONIA
GASTON COUNTY
NORTH CAROLINA**

KNOW ALL MEN BY THESE PRESENTS, THAT Donald L. & Mary E. Doctor, having applied to the City of Gastonia for a Conditional District rezoning concerning the property hereinafter described, and said zoning designation having been granted by the City of Gastonia on August 6, 2009, the terms of said Conditional District being as follows:

DESCRIPTION OF PREMISES

Location: South side of Robinwood Road between Jondon Lane and Kendrick Road
Street Address: 3372 Robinwood Road
Tax Map Reference Number(s): 204335

SPECIAL TERMS AND CONDITIONS

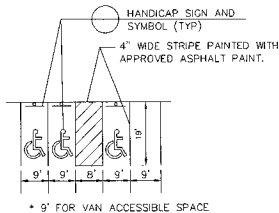
Zoning Classification: O-1 CD (Office Conditional District)

Conditions:

1. Development shall conform to the attached site plan.
2. The primary external building material for all facades shall be brick and synthetic stucco and construction shall be consistent with the representative building elevation attached.
3. A level 1 landscaping buffer shall be installed along the side and rear property lines, adjacent to the surrounding residential district.
4. One permitted land use: a “recreation center, indoor” including accessory uses typically found with said use.
5. A 5’ wide sidewalk shall be constructed adjacent to Robinwood Road with a connection into the site. Developer shall dedicate 5’ of right-of-way along Robinwood Road to accommodate sidewalk construction.
6. Freestanding signage shall be consistent with the attached elevation and depiction including, but not limited to, design, dimension and color.

PROPOSED CONDITIONS

- CONCRETE PAVEMENT**
ITEM 710: 6" PORTLAND CEMENT CONCRETE PAVEMENT
WELDED WIRE MESH 6 X 6 W2.9 X W2.9
ITEM 520: 6" GRADED AGGREGATE BASE
- LIGHT DUTY PAVEMENT**
ITEM 635: 1.25" 5' 9.5A SURFACE ASPHALT
ITEM 636: 2.25" 1" 9.0 B INTERMEDIATE ASPHALT
ITEM 520: 6" GRADED AGGREGATE BASE



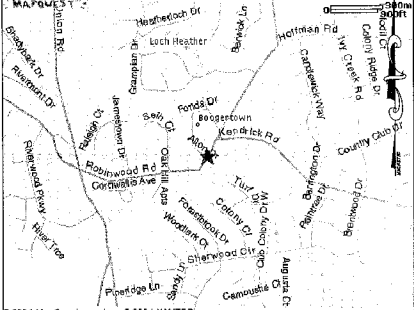
1 90° PARKING
C.1 SCALE: NONE CSP-03

DAVE NEW BAPTIST CHURCH
1754-703
CORNER ROBINWOOD

SITE ANALYSIS

HEALTH CLUB	14,385 S.F.
PARKING PROVIDED	72 SPACES
PARKING REQ'D	72 SPACES
MAX. BUILDING HEIGHT	Δ22'-0" (1-STORY)
LAND AREA	2.47 ACRES

INDIAN M. ALLISON
3816 E. 8th
CORNER ROBINWOOD



PM ENGINEERING
Incorporated
Lead Planners • Engineers • Transportation
460 Charlotte Fort Drive, Suite 601
Gastonia, NC 28053
Telephone: (704) 531-9977 FAX: (704) 531-9978

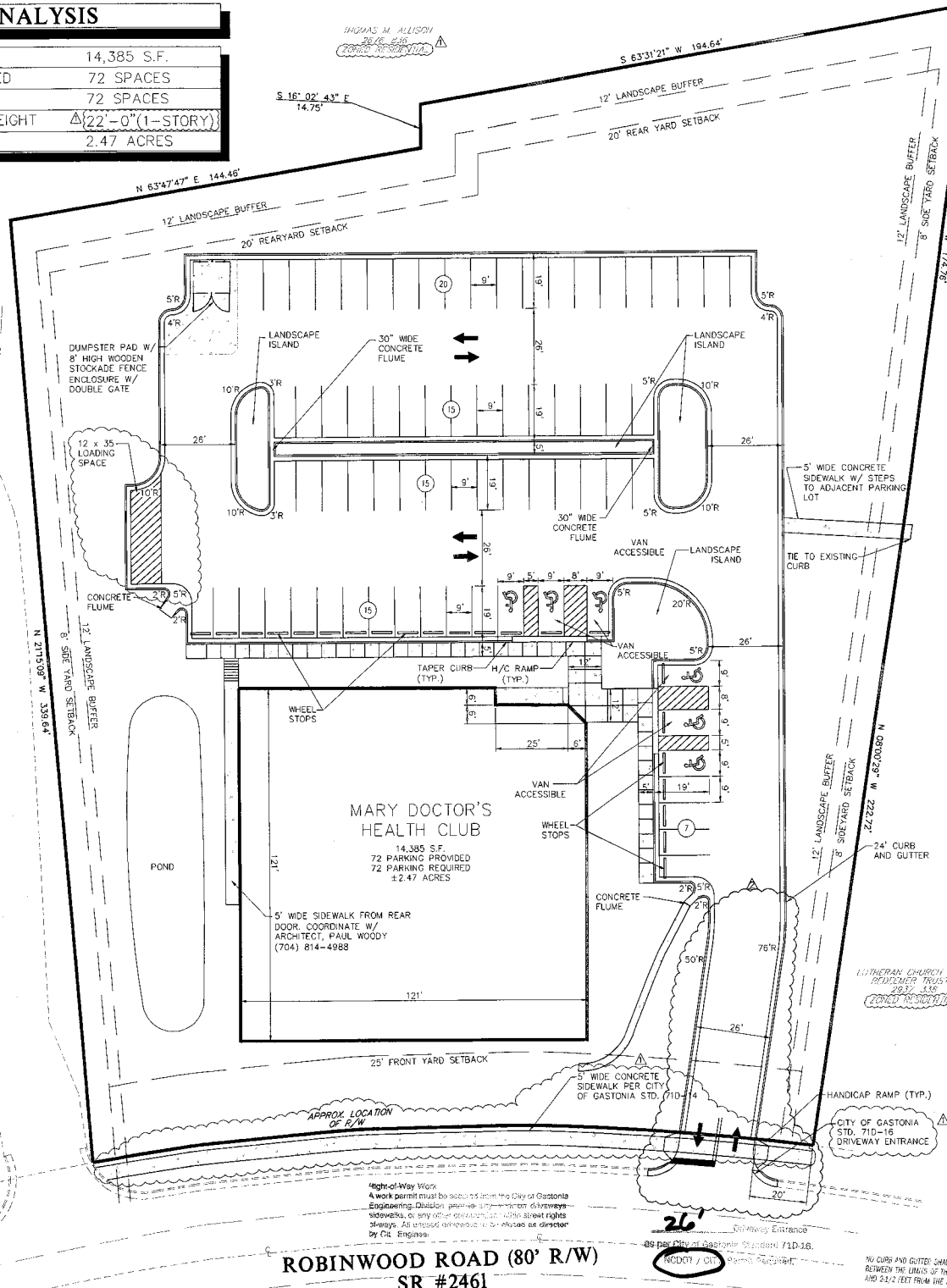
GENERAL NOTES

- THIS PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF GASTONIA, NC ENGINEERING SPECIFICATIONS, NCDOT SPECIFICATIONS, THE CURRENT NORTH CAROLINA STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES, AND U.S.I.A. STANDARDS.
- SITE BOUNDARY, TOPOGRAPHY, UTILITY, AND ROAD INFORMATION TAKEN FROM A SURVEY BY DAVID DICKSON, P.E., 3605 NEW HOPE ROAD, GASTONIA, NC 28056, (704) 824-0884. CONTACT MR. DAVID DICKSON
- THIS SITE IS CURRENTLY ZONED "O-1 CUD".
- TOTAL LAND AREA IS 2.47 ACRES.
- PROPERTY IS LOCATED AT ROBINWOOD ROAD, GASTONIA, NORTH CAROLINA.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL PERMITS PRIOR TO CONSTRUCTION.
- BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE "LEASE" DIMENSIONS. FOR ACTUAL DIMENSIONS, SEE ARCHITECTURAL PLANS.
- ALL PROPOSED LAND USES SHALL COMPLY WITH THE CITY OF GASTONIA TABLE OF PERMITTED USES.
- APPROVAL OF SITE PLAN DOES NOT CONSTITUTE APPROVAL OF SIGNS. A SEPARATE SIGN PERMIT IS REQUIRED.
- ANY WORK RECORDED IN THE RIGHT-OF-WAY SHALL NOT BEGIN UNTIL THE CITY OF GASTONIA AND THE DEPARTMENT OF TRANSPORTATION IS NOTIFIED. ALL TRAFFIC CONTROL TO ADHERE TO THE N.C. M.U.T.C.D. STANDARDS.
- THE PROPOSED USE OF THIS PARCEL IS FOR A HEALTH CLUB, INDOOR/RECREATIONAL CENTER.
- THE PARKING RATIO WAS DETERMINED FROM SECTION 3.04 OF THE PARKING REQUIREMENTS SECTION. THE SECTION 3.04 WAS DETERMINED BASED ON A RECREATIONAL CENTER WITH O-1 ZONING.
- LIGHTING SHALL COMPLY WITH SECTION 17-141. LIGHTING SHALL NOT BE DIRECTED TOWARD OR SHINE UPON ANY RESIDENTIAL ZONES OR ENDANGER MOTORISTS TRAVELING ON ANY STREET.
- REFER TO SHEETS LA.1 & LA.2 FOR LOCATION AND DESCRIPTIONS OF ALL TREES AND SHRUBS TO BE INSTALLED TO MEET THE LANDSCAPE AND BUFFER REQUIREMENTS.
- THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION DATED MARCH 3, 2003, PANEL 3707100283-E.

O-1/CUD CONDITIONS

- DEVELOPMENT SHALL CONFORM TO THE ATTACHED SITE PLAN (REFERRING TO SITE PLAN DATED OCTOBER 20, 2003 SUBMITTED BY PAUL WOODY ARCHITECTURE).
- THE PRIMARY EXTERNAL BUILDING MATERIAL FOR ALL BUILDING FACADES SHALL BE BRICK AND SYNTHETIC STUCCO AND CONSTRUCTION SHALL BE CONSISTENT WITH THE REPRESENTATIVE BUILDING ELEVATIONS ATTACHED.
- A LEVEL 1 LANDSCAPING BUFFER SHALL BE INSTALLED ALONG THE SIDE AND REAR PROPERTY LINES, ADJACENT TO THE SURROUND RESIDENTIAL DISTRICT.
- ONE PERMITTED LAND USE: A "RECREATION CENTER, INDOOR" INCLUDING ACCESSORY USES TYPICALLY FOUND WITH SAID USE.
- A 5' WIDE SIDEWALK SHALL BE CONSTRUCTED ADJACENT TO ROBINWOOD ROAD WITH A SUGGESTED SIDEWALK CONNECTION INTO THE SITE ALONG THE ENTRANCE DRIVE. DEVELOPER SHALL DEDICATE 5' OF RIGHT-OF-WAY ALONG ROBINWOOD ROAD TO ACCOMMODATE SIDEWALK CONSTRUCTION.
- FREESTANDING SIGNAGE SHALL BE MONUMENT STYLE AND EXTERNALLY LIT (NO POLE SIGNS).

BEFORE YOU DIG.....
North Carolina One-Call Center, Inc.
Call 48 Hours Before You Dig!
1-800-632-4949



ROBINWOOD ROAD (80' R/W)
SR #2461

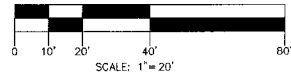
APPROVED
JUN 28 2004
CITY TRAFFIC ENGINEER

PLANNING DEPARTMENT APPROVAL
Zoning Permit # 41188
Date: 6-24-04
Signature: [Signature]

Site Plan Approval
Gastonia Fire Department
Date: 6/24/04
Signature: [Signature]

APPROVED
JUN 28 2004
ASST. CITY ENGINEER

24 HR EMERGENCY CONTACT
MR. BILL CUDEBACK
(704)-364-8744



PROJECT:

MARY DOCTOR HEALTH CLUB
ROBINWOOD RD.
GASTONIA COUNTY
GASTONIA, NC

FOR:
KODIAK CONSTRUCTORS
5935 CARNegie BLVD.
CHARLOTTE, NC 28209
704-364-8744

REVISIONS
Δ CITY COMMENTS 6/10/04
Δ NCDOT COMMENTS 6/21/04

DWG. NAME : 2004261C
DRAWN BY : MAM
DATE : 05/25/04
SCALE : 1" = 20'

SITE PLAN

C.1 3-6

4168

File # 9351
 Date Rec'd: 9/23/19
 Rec'd By: CH
 Fee: \$ 530.00

**CITY OF GASTONIA
 APPLICATION FOR PUBLIC HEARING**

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
Rezone from 01-CD to C-1 CD

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: 204335
 Subject property address: 3372 Robinwood Road

3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
A off white stucco building with a blacktop parking lot is located on the property; the property is vacant with a school located on the west and a church located on the East.

4. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).

5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes

6. The real property to be rezoned is owned in fee simple by Life After Forty LLC
 as evidenced in deed from 05/06/2004 recorded in Deed Book 3993 at page 0174 in the Gaston County Registry.

7. The real property for which the above request is sought is located on the South side of Robinwood Road between Alton Drive and Jamestown Drive having a frontage of 287 feet and depth of 401 feet and acreage of 2.63.

8. Are sewer and water available on the property? Yes

9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)

- If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)

11. Name and address of applicant: Life After Forty, LLC Don Dootie, Manager
301 Cramer Mountain Rd. Cramerton NC 28032
 Telephone #: 704-824-1240 Fax #: —
 E-mail address: DDOOTIE@CAROLINA.PL.COM

12. Interest in subject realty interest in retail space.

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

14. Has this property previously been subject to any of the following? conditional use permit
 planned unit development subdivision ordinance unified development
If yes, please explain The property was used as a fitness facility.

15. Name and address of person to present item at public hearing Jeremiah McVoy
4825 S New Hope Rd. Belmont, NC 28012
Telephone number (704) 674-3031

I, Don Docht, MANUEL LIFE ASSURANCE, certify that I have read the information provided in the public hearing information package on the 19 day of September, 2019.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

Don Docht _____
Manuel Docht _____



Unified Development Ordinance Zoning Districts:
C-1 (Light Commercial)

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Development Services Department at (704) 854-6652.

Uses Permitted by Right (X)	
ABC Store	Financial Institution (excluding principal use ATMs)
Agricultural Use, Class I	Food Catering Facility
Amusement Arcade	Food Pantry
Animal Boarding & Grooming Service, no outdoor kennels, household pet	Funeral Homes
Art Gallery	Furriers
Auction Gallery	Game Room
Audio Visual Producing and Recording Service	Grocery Store, 0-17,999 sqft GFA
Auditorium/Assembly Hall/Amphitheater/Community Center, less than 500 seats	Grooming Services
Automobile Club	Hardware Store
Automobile Parts and Supply Store	Health & Behavioral Care Facility
Barber/Beauty Shop	Health Club, Spa, Gymnasium (principal use)
Baseball Hitting Range	Laboratories – Dental, Medical
Brew-pub	Laundromat
Business Services	Lawn and Garden Center
Charitable Relief Organization, Category I	Library
Cleaning & Maintenance Service	Medical Offices, 0 – 24,999 sqft GFA
College/University	Medical Offices, 25,000+ sqft GFA
Convenience Store	Monument Sales
Craft Studio	Museum
Dwelling, Single Family	Offices, Excluding Medical, 0 – 24,000 sqft GFA
Dwelling, Single Family Attached	Park
Essential Services, Class I	Photo Finish Laboratory
Essential Services, Class II	Post Office
Essential Services, Class IV	School for the Arts
	Taxidermy

Uses Permitted by Right with Supplemental Regulations (See Table 7.1-1) (XS)	
Adult Establishments	Live-in Office or Business
Amateur Wireless Facilities	Military Reserve Center
ATM (Automated Teller Machine)	Nursing Home, Rest Home
Automobile Hobbyist	Paint Ball Facility
Bed and Breakfast Inn	Parking Lot (principal use)
Business Incubation Facility	Private Dining Club
Church/Place of Worship	Produce Stand, Accessory
Communication Tower, Combined	Produce Stand, Principal Use
Community Center	Recreation Center and Sports Center

* www.cityofgastonia.com * P.O. Box 1748 Gastonia, NC 28053 * Phone (704) 854-6652 * Fax (704) 869-1960 *

**Uses Permitted by Right with Supplemental Regulations (See Table 7.1-1)
(XS)**

Day Care Center, Accessory	Recycling Deposit Station, Principal Use
Day Care Center, Class B	Restaurant
Day Care Center, Class C	Restaurant, within Other Facilities
Dwelling, Mixed Use	Retail, 0 – 24,999 sqft GFA
Dwelling, Two Family	School, Elementary & Middle (public & private)
Garden Events Facility	School, Senior High (public & private)
Home Occupation, Customary	Shopping Center, 0 – 24,999 sqft GFA
Independent Living Center	Taxi Stand

**Uses Allowed with Conditional Use Permit
(Public Hearing Required—See Section 5.11 for Procedures)
(C)**

Abattoir	Grocery Store, 18,000+ sqft GFA
Billiard Parlor	Rooming House
Bus and Train Terminal, Passenger	Transit Station
Farmer's Market	

**Uses Allowed with Conditional Use Permit
(Public Hearing Required—See Section 5.11 for Procedures) and
Supplemental Regulations Applicable (See Table 7.1-1)
(CS)**

Assisted Living Center	Group Home
Auction House	Neighborhood Services Center
Auditorium/Assembly Hall/Amphitheater/ Community Center, 500 or more seats (principle use)	Riding Stable
	Shopping Center, 25,000-49,999 sqft GFA

**Uses Allowed with Conditional Use Permit
(Public Hearing Required—See Section 5.11 for Procedures) and/or
Supplemental Regulations Applicable (See Table 7.1-1)
(XS/CS)**

Animal Hospital, Indoor	Fraternal & Service Organization Meeting Facility (non or not-for-profit), 10,000 sqft GFA
Communication Tower	Maternity Home
Dwelling, Multi-Family	Stadium
Family Care Home	
Fraternal & Service Organization Meeting Facility (non or not-for-profit), 0-9,999sqft GFA	

**Supplemental Regulations Applicable (See Table 7.1-1)
(ES)**

Manufactured Home Park

Revised: 04/15/19 corrected Fraternal & Service OMF from 10,00 to 10,000 sqft GPA.

* www.cityofgastonia.com * P.O. Box 1748 Gastonia, NC 28053 * Phone (704) 854-6652 * Fax (704) 869-1960 *

**PUBLIC HEARING
STAFF REPORT
File # 9352
GPC Hearing Date: November 7, 2019**

OWNER: Paul E. Parker, Donald E. Ellis, & Patricia W. Ellis

APPLICANT: James C. Windham, Jr.

PROPOSED ZONING ACTION: Rezone from RS-8 and RS-12 to C-1

LOCATION: Between McLean Street and Redbud Drive

TRACT SIZE: Approximately 8.28 total acres

WARD: 3

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of two (2) tax parcels that total approximately 8.28 acres. The property is currently zoned RS-8 with a small portion of the southeastern corner zoned RS-12 (Residential District, minimum 12,000 sq. ft. lots). The property is currently mostly wooded and has road frontage along McLean Street and Redbud Drive. The applicant is requesting a rezoning to C-1 (Neighborhood Commercial District).

Adjoining Properties and Land Use Trends

The subject property is located between McLean Street and Redbud Drive and located south of the S. New Hope Road and Redbud Drive intersection. Residential zoning surrounds the property to the north (RMF, Residential Multi-family), south (RS-8, Single-family Residential District), east across Redbud Drive (RS-8 and RS-12), and west across McLean Street (RMF). Land uses include single-family residential, multi-family residential, and vacant lots.

Available Public Facilities

The subject site can be served by public sewer and water. Redbud Drive is a major thoroughfare and is currently built as a four-lane divided facility at this location.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the subject property and surrounding property.

Conclusion

The applicant requests a rezoning to the C-1 (Neighborhood Commercial District). McLean Street is still comprised of single and multi-family residential uses. There are over 18 acres of property already zoned C-2 (Highway Commercial) and C-2 CD (Highway Commercial Conditional District) along and near the intersection of McLean Street and S. New Hope Road that has not been yet developed for commercial.

During the staff review and through the rezoning process, goals include ensuring that prospective new development is as compatible with existing land uses as possible and mitigating potential nuisances associated with new development that may conflict with adjacent uses.

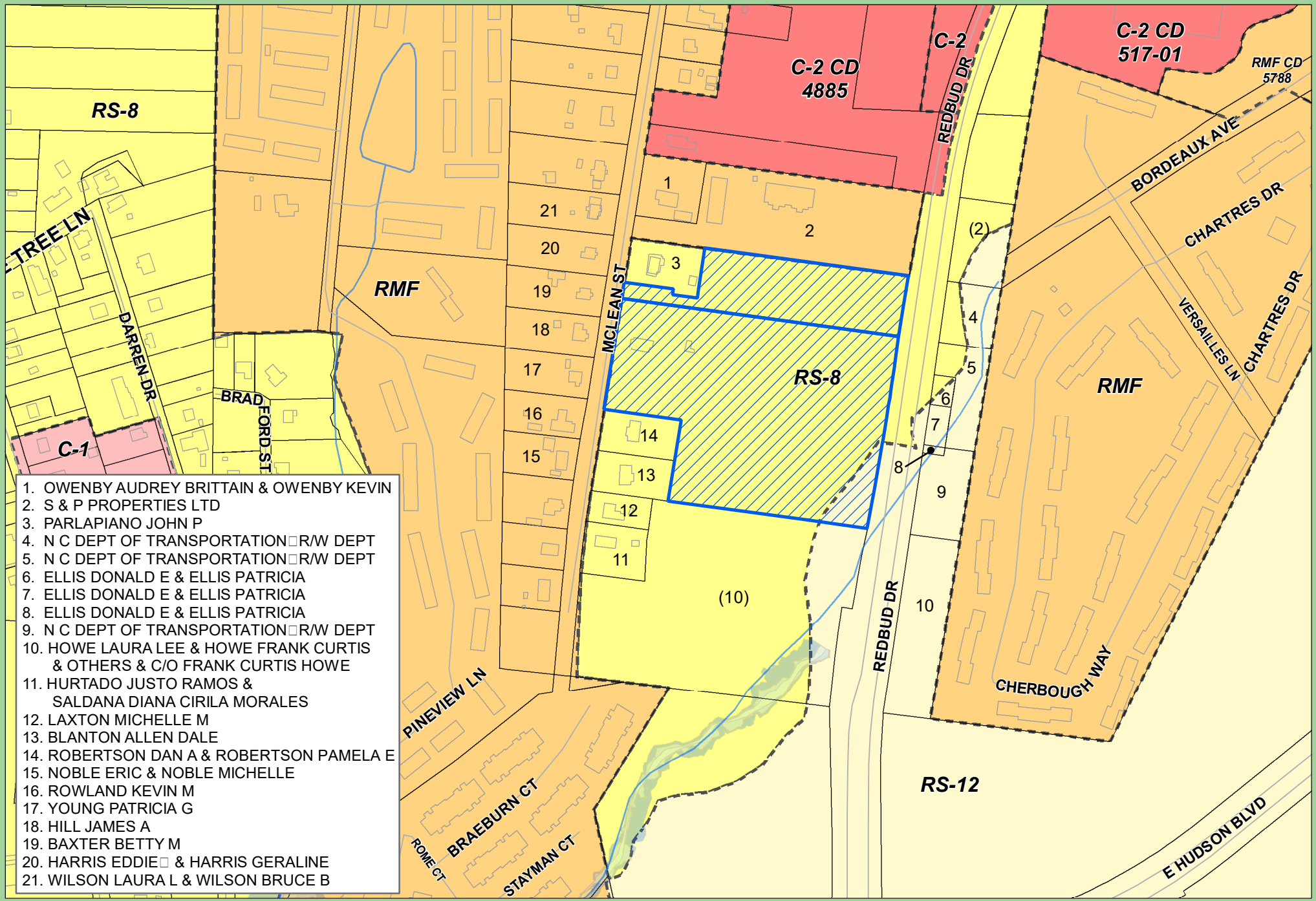
There have been discussions with the applicant about submitting the request as a conditional district for several reasons, including the scale of the site and that it has direct access along a street with established residential uses. In a conditional rezoning submittal there would be a neighborhood meeting held by the applicant to allow discussion with the adjacent property owners concerning factors that may affect them, such as the possible uses, design of the site, etc. This discussion could then be put into the form of zoning conditions that would give certainty to the development of the site. Based on these several factors, staff is not supportive of this request.

Jana McMakin, AICP

Senior Planner

Statement of consistency and reasonableness (*motion to approve request*): The proposed rezoning district is inconsistent with the 2025 Plan and all other applicable plans. The Planning Commission still considers an affirmative vote to be reasonable and in the public's interest.

Statement of consistency and reasonableness (*motion to deny request*): The proposed rezoning district is inconsistent with the 2025 Plan and all other applicable plans, and as requested the Planning Commission considers an affirmative vote to be unreasonable and not in the public's interest.



1. OWENBY AUDREY BRITTAIN & OWENBY KEVIN
2. S & P PROPERTIES LTD
3. PARLAPIANO JOHN P
4. N C DEPT OF TRANSPORTATION R/W DEPT
5. N C DEPT OF TRANSPORTATION R/W DEPT
6. ELLIS DONALD E & ELLIS PATRICIA
7. ELLIS DONALD E & ELLIS PATRICIA
8. ELLIS DONALD E & ELLIS PATRICIA
9. N C DEPT OF TRANSPORTATION R/W DEPT
10. HOWE LAURA LEE & HOWE FRANK CURTIS & OTHERS & C/O FRANK CURTIS HOWE
11. HURTADO JUSTO RAMOS & SALDANA DIANA CIRILA MORALES
12. LAXTON MICHELLE M
13. BLANTON ALLEN DALE
14. ROBERTSON DAN A & ROBERTSON PAMELA E
15. NOBLE ERIC & NOBLE MICHELLE
16. ROWLAND KEVIN M
17. YOUNG PATRICIA G
18. HILL JAMES A
19. BAXTER BETTY M
20. HARRIS EDDIE & HARRIS GERALINE
21. WILSON LAURA L & WILSON BRUCE B

Applicant: James C. Windham, Jr.
Owner: Paul E. Parker, Donald E. Ellis, & Patricia W Ellis
Planning Comm Hearing: Nov. 7, 2019
Request: RS-12 & RS-8 to C-1
Ward: 3
Tract Size: approx. 8.28 total acres
Parcel ID #: 227865 & 148655

 **Subject Property**


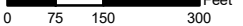
- Legend**
- AP Airport
 - C-1 Light Commercial
 - C-2 Highway Commercial
 - C-3 General Commercial
 - CBD Central Business District
 - I-U Urban Industrial
 - I-1 Light Industrial
 - I-2 General Industrial
 - O-1 Office
 - OLC Office/Light Commercial
 - O-M Medical Office
 - PD IRD Planned District Infill Res Devt
 - PD PRD Planned District Planned Res Devt
 - PD PUD Planned District Planned Unit Devt
 - PD TND Planned Dist Traditional Neighborhood Devt
 - RLD Residential Low Density
 - RS-12 Residential 12000sqft lots
 - RS-8 Residential 8000sqft per lot
 - R-A Rural Agricultural
 - RMF Residential Multi-Family District
 - SP State Park District
 - TMU Transitional Mixed Use
 - UMU Urban Mixed Use District
 - Roads
 - Buildings
 - Parcels
 - Streams
 - Flood Zones**
 - Floodway
 - 100yr Flood Zone
 - 500yr Flood Zone

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.

Application #9352

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2019.



Scale: 1 : 3,600
 1 inch represents 300 feet
 Plot Date: October 15, 2019


 4-3

File # 9352
 Date Rec'd: 9/23/19
 Rec'd By: JM
 Fee: \$715.50 Check#
037258

**CITY OF GASTONIA
 APPLICATION FOR PUBLIC HEARING**

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
~~RS-8 and RS-12 to C-1~~

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: 227865 and 148655
 Subject property address: 2412 McLean Street
3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
Vacant acreage - between McLean Street and Redbud
4. Complete legal description by metes and bounds of said realty is attached to the application (a copy of the deed is sufficient). See Deeds Attached.
5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes
6. The real property to be rezoned is owned in fee simple by Donald E. Ellis and Patricia Ellis (227865) Paul E. Parker (148655) as evidenced in deed from Robertson and Motan recorded in Deed Books 3990 and 4956 at pages 622 and 678 in the Gaston County Registry.
7. The real property for which the above request is sought is located on the east side of McLean Street between McLean and Redbud having a frontage of 310 feet and depth of 675 feet and acreage of 8+.
8. Are sewer and water available on the property? Yes
9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)
10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)
N/A
11. Name and address of applicant: James C. Windham, Jr. for Owners
named above
 Telephone #: 704-864-3425 Fax #: 704-864-0478
 E-mail address: jwindham@shpw.com

* www.cityofgastonia.com * P.O. Box 1748, Gastonia, NC 28053 * Phone (704) 854-6652 * Fax (704) 869-1960 *

12. Interest in subject realty Attorney for Owners

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False **Not to Owner's knowledge**

14. Has this property previously been subject to any of the following? conditional use permit
 planned unit development subdivision ordinance unified development
If yes, please explain _____

15. Name and address of person to present item at public hearing James C. Windham, Jr.
401 E. Franklin Blvd., Gastonia, NC 28054
Telephone number (704) 864-3425

I, James C Windham Jr, certify that I have read the information provided in the public hearing information package on the 20th day of September, 2019.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

James C Windham Jr
Attorney for Owners