



**Gastonia Planning Commission
Meeting Schedule
November 5, 2015**

5:00 – 5:30	Dinner (City Council Conference Room – 2 nd Floor, City Hall)
5:30 – Until	Planning Commission Meeting (City Hall – City Council Chamber)

**Gastonia Planning Commission
City Council Chamber, City Hall
November 5, 2015 – 5:30 pm**

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Item 1c: Approval of Minutes

Item 2: Public Hearing – Action Demolition & Recycling (File # 8346) - WITHDRAWN

William Simmons has applied to rezone approximately 25.6 acres from I-2 (General Industrial District) to I-3 CD (Exclusive Industrial Conditional District). The property is located at 249 N. Hartman Road and on the east side of N. Chester Street (US Hwy 321). The property is owned by Action Demolition & Recycling.

This petition has been withdrawn by the applicant.

Item 3: Public Hearing – Theodore A. Greve (File # 8402)

Theodore A. Greve has applied to rezone approximately .79 acres from RS-8 (Residential District, minimum 8,000 sq. ft. lots) to O-1 (Office District). The property is located at the northwest intersection of N. New Hope Road and Pearl Street. The property is owned by Theodore A. Greve.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 4: Public Hearing – Yelton Investments, LLC (File # 8403)

Todd Vickstrom has applied to rezone approximately 1 acre from C-3 CD (General Commercial Conditional District) to I-2 (General Industrial District). The property is located off of Delta Drive. The property is owned by Yelton Investments, LLC.

Staff Presentation: Jana McMakin, AICP, Planner II

Item 5: Other Business

- Update on Council Votes
- Representative for November 17th City Council meeting

Gastonia Planning Commission October 8, 2015

Vice-Chairman Pamela Goode declared a quorum and the Gastonia Planning Commission meeting open at 5:30 pm on Thursday, October 8, 2015, in the Council Chambers at City Hall.

Present: Commissioners Mark Epstein, Bob Cinq-Mars, Alec Long, Jim Stewart, Jerry Fleeman, and Vice-Chairman Pamela Goode.

Absent: Commissioner Rodney Armstrong and Chairman Jack Bradshaw.

Staff members present: Melissa Magee, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Planner II; Tucker Johnson, PE, Assistant City Engineer; and Candice Owenby, Secretary.

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioner Fleeman received one contact.

Item 1c: Approval of Minutes

Commissioner Long made a motion to approve the September minutes as written and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Vice-Chairman Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Stowe and Patricia Parker (File # 8382)

Subject hearing involves rezoning approximately 2.4 acres from O-1 CD (Office Conditional District) and RS-12 (Residential District, minimum 12,000 sq. ft. lots) to OLC (Office Light Commercial). The property is located at the northeast intersection of E. Garrison Boulevard and Burtonwood Drive. The property is owned by Stowe and Patricia Parker.

Vice-Chairman Goode opened the public hearing and recognized Ms. Jana McMakin, Planner II, for the purpose of staff presentation.

Ms. McMakin stated the subject property consists of three tax parcels totaling approximately 2.4 acres (parcel numbers 110023-4 and 110026). Two parcels located along E. Garrison Boulevard are currently zoned O-1 CD (Office Conditional District) and the third parcel along Burtonwood Drive is currently zoned RS-12 (Residential, minimum 12,000 sq. ft. lots). This request is to rezone all three parcels to OLC (Office Light Commercial District). An existing building on the subject property fronts onto E. Garrison Boulevard with parking located in front of the building and access by driveways located off of Burtonwood Drive and E. Garrison Boulevard. The other two parcels are vacant. The subject property is surrounded by RS-12 zoning. At the E. Garrison Boulevard and Burtonwood Drive intersection, Grier Middle School is located on the northwest corner, First Presbyterian Church on the southwest corner, and Parkwood Baptist Church on the southeast corner. Land use and zoning in this area has been very steady over the past decade. Public water and sewer currently serve the subject property. The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property as suitable for office use. The majority of the subject property is currently zoned office on the Official Zoning Map. Given the presence of existing institutional uses around the site, the non-residential context of the existing land uses along E. Garrison Boulevard and the 2025 Plan's designation of office of the subject property, staff recommends approval of the request as presented.

Vice-Chairman Goode recognized, Mr. Stowe Parker, applicant. Mr. Parker field various questions of the board.

Commissioner Fleeman made a motion to approve the request adopting the statement of reasonableness and consistency and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Item 3: Public Hearing – Brian and Dwayne JohnPaoli (File # 8384)

Subject hearing involves rezoning approximately 2.48 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to TMU CD (Transitional Mixed Use Conditional District). The property is located at 1313 S. York Road and 600 Hillcrest Avenue. The property is owned by Brian and Dwayne JohnPaoli.

Gastonia Planning Commission

October 8, 2015

Vice-Chairman Goode opened the public hearing and recognized Ms. Jana McMakin, Planner II, for the purpose of staff presentation.

Ms. McMakin stated the Rankin-Mercer House was constructed in 1925 and is located in the Brookwood Historic District at the intersection of S. York Road and Hillcrest Avenue. Each property has an existing driveway located off of Hillcrest Avenue. The property is currently zoned RS-12 (Residential, minimum 12,000 sq. ft. lots). The applicant has submitted a rezoning request to TMU CD (Transitional Mixed Use Conditional District) to permit weddings, special events, and a bed and breakfast on the property.

The applicant's Certificate of Appropriateness (COA) was approved by the Historic District Commission by a unanimous vote (5-0) at their July 24, 2015 meeting. The COA includes renovation and additions to the existing home, construction of a new carriage house, a new parking area, driveway and landscaping plan. The Historic District Commission's vote also included a favorable recommendation to be forwarded to the Planning Commission on the rezoning request to the TMU CD zoning district.

The applicant's proposed improvements include the following:

Renovations, New Construction, and Demolition

Based on the magnitude of the improvements being proposed, the applicant has indicated that the work will be done in stages. The applicant proposes to partially demolish portions of the right and left side of the existing house with additions totally 2,600 sq. ft. The applicant is proposing to demolish the existing carriage house located near Hillcrest Avenue and also demolition of the existing garage to the rear of the house. The applicant is proposing to construct a new carriage house totaling approximately 3,583 sq. ft. The carriage house will be located to the rear of the house (the area in which the garage is currently located). The new carriage house includes a ballroom, restrooms, storage, and a staging area. The carriage house is proposed to be connected to the main house with a covered walk.

Parking and Access

A 13' one-way driveway is proposed to access the parking area with ingress and egress from Hillcrest Avenue. One access point would use the existing driveway located at 600 Hillcrest Avenue, and the other access point would be a new driveway located closer to the intersection of S. York Road and Hillcrest Avenue. The proposed parking area would be located on both lots. The request is for a total of 34 spaces, including 3 handicap spaces. The applicant has indicated parking will be paved with either stamped concrete or asphalt to meet city requirements and to be ADA accessible. The entry access point being located at the western driveway will better accommodate stacking.

Screening and Landscaping

The parking area will be screened with a variety of plantings as shown on the landscaping plan. The site plan shows the required 10' buffers from adjacent property owners based on proposed zoning change to TMU CD. A detailed landscaping plan has been provided that shows location of new plantings and proposed species and plant material.

The property is surrounded by RS-12 zoning and single-family homes to the north, south, east, and west. Land use and zoning in this area has been steady. Public water and sewer currently serve the subject property. Proposed additions may require additional taps. The Future Land Use Map in the 2025 Comprehensive Plans indicates the area as residential, though beginning at the next block there is commercial shown along S. York Road. The Transitional Mixed Use district is an office district that encourages uses at an intensity to compliment nearby residential land uses. Such areas are most often found in developed, urban areas and corridors of the City. The TMU district is designed to encourage mixed development. Given the presence of existing commercial zoning in close proximity to the site along S. York Road, and the applicant's request for uses that will utilize, maintain and improve the existing historic home while complimenting adjacent residential uses, staff recommends approval of the request as presented. If the Planning Commission approves this request for rezoning, staff requests that the motion for approval include a directive to staff to bring forward a subsequent formal amendment to the 2025 Comprehensive Plan for the City Council's review and approval.

Commissioner Epstein stated that the previous owner of this house attempted to do something similar and he understands there were complaints of neighbors about parking on the street, traffic patterns, noise and such. He asked if the city was aware of that situation and how this request

Gastonia Planning Commission
October 8, 2015

matches up and is different than the previous one. He also asked if staff had received any calls concerning this request.

Mr. Thompson said he was not aware of the previous proposal or complaints. Commissioner Epstein noted that there was not a proposal as the owner did not go through the city, which probably answers the question within itself.

Mr. Thompson also stated that he has not received any contacts.

Ms. McMakin stated she also had not received any calls on this request. She noted that there were additional notifications sent out for the Historic District Commission hearing. The applicant also held a neighborhood meeting with no attendance, but they did receive some contacts with people speaking in favor of the request.

Commissioner Epstein stated that the neighborhood meeting and Historic District Commission meeting notifications exceed the ordinance to advertise only to adjacent properties. He asked what the options are if parking exceeds the capacity of the proposed parking lot. Ms. McMakin said there is a large right of way along Hillcrest and a grass shoulder that cars could be parked.

Commissioner Fleeman asked staff if this would be considered spot zoning. Ms. Magee stated that given that this is a transitional type of zoning that is supposed to be around residential zoning and with the size of the lot, she feels there is argument that this is not spot zoning and this type of zoning is meant to be in this type of area.

Commissioner Fleeman also asked about the specifications of a thirteen foot wide driveway and also how stormwater will be handled.

Mr. Rusty Bost, City Engineer, stated that the thirteen foot driveway is acceptable for a one way drive because of the angled parking spaces. He noted that the stormwater ordinance has recently changed and this property still falls underneath the new threshold. The city adopted a more consistent level of impervious surface with the rest of the state, therefore stormwater is not required for this site.

Mr. Thompson noted that even though there are no current conditions included with this request, the board can consider adding conditions if the applicant agrees.

Commissioner Epstein asked staff to give detailed information on the TMU zoning district. Mr. Thompson displayed a list of uses.

Ms. McMakin read the description of a TMU from the UDO stating such areas for this transitional mixed use district are most often found in developed urban areas and corridors of the city, designed to encourage mixed use development, and is a district that encourages uses at an intensity to compliment nearby residential land uses.

After some discussion, Vice-Chairman Goode recognized Mr. Brian JohnPaoli and Mr. Dwayne JohnPaoli, 1313 S. York Road of Gastonia.

Mr. JohnPaoli stated that their plans are to protect the house because of the history this house holds. Their intent is to make sure that after they are deceased the heirs of the property would not be able to tear this property apart. They would not want this to become a service station or a strip mall as they want the house to be there forever. He would like to change the name to Rankin Mercer House and Gardens. They want to attract people to Gastonia and preserve the historic value of the property. Mr. JohnPaoli fielded various questions of the board.

After some discussion and reviewing the list of allowable uses, the board and the applicant agreed to the following list of uses to be allowed: food catering, bed and breakfast, garden event facility, restaurant within a facility, dwelling single family, library, museum, park and auditorium/ assembly hall/amphitheater/community center, less than 125 seats.

Commissioner Cinq-Mars asked if the back portion of the property would be used. Mr. JohnPaoli stated that their original intent was to use that area, but after learning the ADA regulations, it will not be possible to use it for events. They now intend to use it as a private garden area and serenity garden for their personal use and surrounding / adjacent neighbors.

Gastonia Planning Commission October 8, 2015

After a brief discussion Commissioner Epstein made a motion to close the public hearing and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Commissioner Epstein made a motion to approve the request with the following conditions: 1,. Only the following uses: food catering, bed and breakfast, garden event facility, restaurant within a facility, dwelling single family, library, museum, park and assembly hall, less than 125 seats, and no amphitheater, and 2. Development in in accordance with the submitted site plans; and also adopting the statement of reasonableness and consistency. Commissioner Cinq-Mars seconded the motion and the motion was approved unanimously.

Commissioner Epstein confirmed that staff will amend the 2025 Comprehensive Plan to reflect this decision. Mr. Thompson stated it will be amended along with several other changes to be presented soon.

Item 4: Public Hearing – 201 W. Garrison Realty, LLC. (File # 8385)

Subject hearing involves rezoning approximately .45 acres from O-1 (Office District) and C-2 (Highway Commercial District) to C-2 CD (Highway Commercial Conditional District). The property is located at 201 W. Garrison Boulevard. The property is owned by 201 W. Garrison Realty, LLC.

Vice-Chairman Goode opened the public hearing and recognized Ms. Jana McMakin, Planner II, for the purpose of staff presentation.

Ms. McMakin stated the property owner purchased the property in February 2015 in order to reopen the convenience store with gas pumps. The former business of operating a convenience store with fuel mart was non-conforming because the property is zoned O-1 (Office District). As the former business has been closed for over a year, the use of a convenience store with fuel pumps cannot be permitted without the property being rezoned to a district that permits that use. The applicant, therefore, has submitted a rezoning application to rezone the property to C-2 CD (Highway Commercial Conditional District).

As the property is located in the York Chester Historic District, the applicant is proposing several improvements to the existing building and site. The applicant's Certificate of Appropriateness (COA) was approved by the Historic District Commission by a unanimous vote (7-0) at their September 24, 2015 meeting. The COA includes modifications to the colors of the building and gas canopies, signage, screening and landscaping, the existing accessory building, and a parking plan. The Historic District Commission's vote also included a favorable recommendation to be forwarded to the Planning Commission on the rezoning request to C-2 CD. The rezoning and COA request have been submitted in an effort to become as compliant as possible to the *Historic District Design Guidelines* and the *Unified Development Ordinance* (UDO), while also taking into consideration the building and gas canopies are existing. The property is currently zoned O-1 with a small portion also zoned C-2. The 0.45 acre site is located at the intersection of W. Garrison Boulevard, Gibbons Street, and S. South Street. The property has an existing driveway located off of Gibbons Street, S. South Street, and two driveways located off of W. Garrison Boulevard. The building was constructed in 1982.

Proposed Zoning Conditions

1. The fence constructed for screening and dumpster enclosure will be consistent using the same type of wood.
2. A new wood fence will be installed on top of the existing brick wall (minimum 6 ft.) and along the remainder of the rear property line (minimum 8 ft.) to provide screening. The fence will be finished on both sides.
3. Existing trees located on the property are to remain.
4. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
5. In no instance shall the zoning conditions exempt a project from other development requirements.

Surrounding zoning is RS-8 across W. Garrison Boulevard to the north, O-1 to the south, C-3 CD to the east, and C-1 to the west. Land use and zoning in this area has been steady. Public water and sewer currently serve the subject property. The Future Land Use Map in the 2025 Comprehensive Plans indicates the majority of the subject property as suitable for commercial use, and commercial is also shown on adjacent properties along W. Garrison Boulevard. A portion of the subject property is currently zoned for commercial uses on the Official Zoning

Gastonia Planning Commission
October 8, 2015

Map. Given the presence of existing commercial zoning on and around the site, the non-residential context of the existing land uses along W. Garrison Boulevard and the 2025 Plan's designation of commercial for a majority of the subject property, staff recommends approval of the request as presented. If the Planning Commission approves this request for rezoning, staff requests that the motion for approval include a directive to staff to bring forward a subsequent formal amendment to the 2025 Comprehensive Plan for the City Council's review and approval.

Commissioner Fleeman noted the unusual O-1 zoning on this property.

Vice-Chairman Goode recognized Mr. Aaron Low, Attorney, 401 E. Franklin Boulevard of Gastonia. Mr. Low gave a brief presentation and fielded various questions of the board.

Commissioner Fleeman made a motion to approve the request with conditions as requested and adopting the statement of reasonableness and consistency and Commissioner Long seconded the motion. The motion was approved unanimously.

Item 5: Public Hearing - Preliminary Major Subdivision Plat (File # 7721)

Subject hearing involves Preliminary Major Subdivision Plat, Catawba Hills Phase 4 – Map 5, True Homes, LLC.

Vice-Chairman Goode opened the public hearing and recognized Mr. Tucker Johnson, Assistant City Engineer, for the purpose of staff presentation.

Mr. Rusty Bost, City Engineer, introduced Mr. Tucker Johnson, PE, as Assistant City Engineer, filling the position vacated by the retirement of Mr. Thorne Martin.

Mr. Johnson stated that True Homes, LLC has submitted a preliminary subdivision plat for their development to be known as Catawba Hills Phase 4-Map 5. The property is located between Beaty Road and Stroupe Road on the north side of Catawba Creek. This phase of the larger Catawba Hills Subdivision will contain 38 single family lots. The property is located within the Gastonia corporate limits and is zoned PD PRD. Public water and sewer will service the property. Public water will be extended throughout the development from existing water lines in Phase 2. Sewer service will be provided by extensions to the existing outfall line that runs through the eastern edge of the property. The "Preliminary Plat" is in conformance with the City of Gastonia's Subdivision Ordinance and is therefore recommended for approval. Mr. Johnson fielded various questions of the board.

Commissioner Fleeman made a motion to approve the request and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 6: Public Hearing - Preliminary Major Subdivision Plat (File # 8341)

Subject hearing involves Preliminary Major Subdivision Plat, Cramer Woods II, Live Well Homes.

Vice-Chairman Goode opened the public hearing and recognized Mr. Tucker Johnson, Assistant City Engineer, for the purpose of staff presentation.

Mr. Johnson stated that Live Well Homes has submitted a preliminary subdivision plat for their development to be known as Cramer Woods II. The property is located between Stowe Road and McDade Lane. It also adjoins on the south side of the existing Cramer Woods Subdivision. The development will contain 111 single-family homes. The property is located within the Gastonia Corporate limits and is zoned RS-12. Stowe Road (SR-2436) is currently not constructed to City standards and is recommended for road improvements. The developer will dedicate 30 feet of right-of-way and widen Stowe Road to 12 feet from the existing centerline of pavement. The developer will also be responsible for installing concrete curb and gutter, storm drainage, sidewalks, and any other necessary improvements on the west side of Stowe Road along the entire length of the property. All improvements to Stowe Road shall meet both City of Gastonia and NCDOT requirements. The developer will also be responsible for any other road improvements (onsite or offsite) as required by NCDOT. Public water and sewer will service the property. Public water will be extended throughout the development from existing water lines adjoining the property. Public sewer will be extended throughout the property from existing lines that bisect the property. The "Preliminary Plat" is in conformance with the City of Gastonia's Subdivision Ordinance and is therefore recommended for approval. Mr. Johnson fielded various questions of the board.

Gastonia Planning Commission
October 8, 2015

Commissioner Fleeman made a motion to approve the request and Commissioner Long seconded the motion. The motion was approved unanimously.

Item 7: Public Hearing - Preliminary Major Subdivision Plat (File # 8376)

Subject hearing involves Preliminary Major Subdivision Plat, Crowders View Phase 2, Map 2, D.R. Horton, LLC.

Vice-Chairman Goode opened the public hearing and recognized Mr. Tucker Johnson, Assistant City Engineer, for the purpose of staff presentation.

Mr. Johnson stated D.R. Horton, LLC has submitted a preliminary subdivision plat for their development to be known as Crowders View Subdivision-Phase 2 Map 2. The property is located on the north side of Carson Road and is a continuation of Phase 2 of the Crowders View subdivision approved in 2000. The development will contain 39 single-family homes. The property is located within the Gastonia Corporate limits and is zoned RS-8. Archie Whitesides Road (SR 1112) is designated as a minor thoroughfare by the Gaston Urban Area Thoroughfare Plan and is recommended for road improvements. The developer will be responsible for installing a left turn lane, concrete curb and gutter, storm drainage, sidewalks, and any other necessary improvements and/or acquiring right of way to accommodate the required City/NCDOT street section on the east side of Archie Whitesides Road along the entire length of the property. All improvements to Archie Whitesides Road shall meet both City of Gastonia and NCDOT requirements. Public water and sewer will service the property. Public water will be extended throughout the development from existing water lines in Crowders View Drive and Hope Marion Street. Public sewer is already constructed in the proposed subdivision from a previous phase. The "Preliminary Plat" is in conformance with the City of Gastonia's Subdivision Ordinance and is therefore recommended for approval. Mr. Johnson fielded various questions of the board.

Commissioner Long made a motion to approve the request and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Item 8: Other Business

Mr. Thompson stated there will not be any planning items on the October 20th City Council meeting.

Mr. Thompson announced that the current Chairman, Jack Bradshaw, notified staff that he would not be able to fulfill the remaining term for his seat on this board. He asked the board to make another recommendation to City Council for Chairman and Vice-Chairman. It was recommended that Vice-Chairman Pamela Goode serve as Chairman and Commissioner Bob Cinq-Mars serve as Vice-Chairman.

Mr. Thompson updated the board on Commissioner Fleeman's request to look into residential development standards. There were three main components at a recent staff meeting; one is concerning the General Assembly making some adjustments to legislation that are directly impacting cities ability to have design requirement for certain residential projects. When making this change it leads into some questions in other areas of the ordinance, which includes the Planned Residential Development section and thirdly Low Impact Development as well as some other areas. Staff will be bringing some information on this to the board for discussion in the future.

Some discussion ensued.

There being no other business, Vice-Chairman Goode adjourned the meeting at 7:30 pm.

Respectfully submitted,

Candice Owenby, Secretary

Pamela Goode, Vice-Chairman

**PUBLIC HEARING
STAFF REPORT
File # 8402
GPC Hearing Date: November 5, 2015**

OWNER: Theodore A. Greve

APPLICANT: Theodore A. Greve

PROPOSED ZONING ACTION: Rezone from RS-8 to O-1

LOCATION: Corner of N. New Hope Road and Pearl Street

TRACT SIZE: Approximately .79 acres

WARD: 2

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of two tax parcels (105289 and 105290) totaling approximately .79 acres. Each lot contains an existing single-family residential home and is zoned RS-8 (Residential, minimum 8,000 sq. ft. lots).

Adjoining Properties and Land Use Trends

Land use trends have been consistent in the area. Single family residential uses (zoned RS-8) are located to the north and west of the subject property along N. New Hope Road and Carl Street and Pearl Street. The applicant also owns the vacant property located across Pearl Street on the opposite corner. The property was rezoned in 2000 to the O-1 CD (Office Conditional District). Eastridge Mall and its associated outparcels (zoned C-3 General Commercial District) are located across New Hope Road and the I-85 interchange at Exit 20 is in close proximity located north of the subject site.

Available Public Facilities

Public sewer and water currently serve the site. One parcel has an existing driveway located off of N. New Hope Road and the other has a driveway located off of Pearl Street. There is a traffic light located at the N. New Hope Road and Pearl Street intersection. N. New Hope Road (NC-279) is a 5-lane divided highway.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates that a portion of the subject property (approximately 100 feet in depth) located along N. New Hope Road (between Pearl Street and Duhart Avenue) is suitable for office uses with the remainder shown as residential.

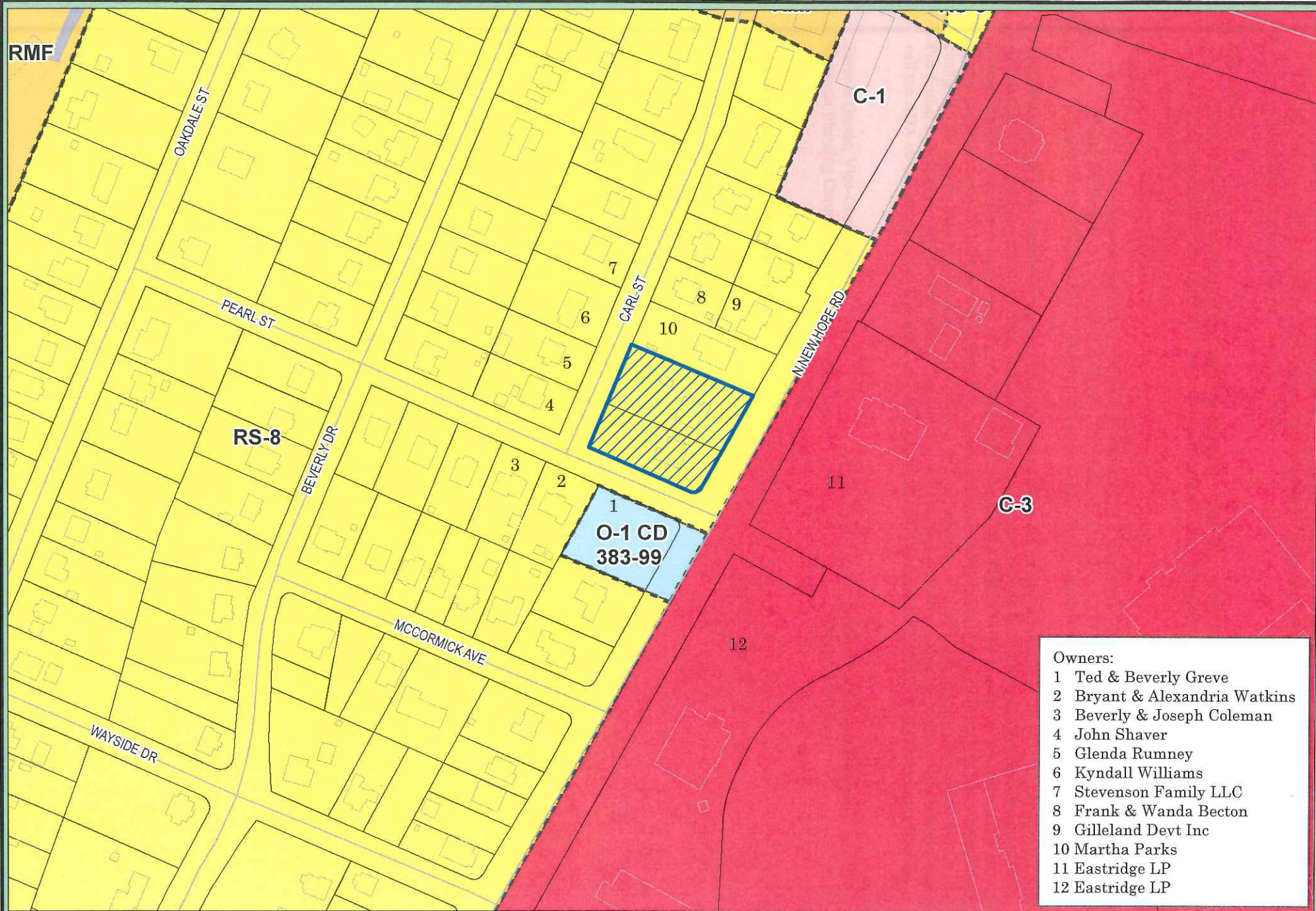
Conclusion

The applicant has submitted a rezoning for the O-1 district with no conditions. The property zoned O-1 on the opposite corner of the subject property was rezoned with conditions and a site plan. Therefore, without a conditional district request, conditions such as limiting access from Carl Street and enhanced buffers are not able to be added to this request.

Although there is a portion of the subject property shown as suitable for office uses in the 2025 Plan, staff recommends a conditional district for this site so that the City can work with the applicant on adding conditions. **Staff therefore recommends that the request be denied.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness: The proposed rezoning is not completely inconsistent with the 2025 Comprehensive Plan because the future land use map designates a portion of the subject property for office uses. Yet a rezoning to a general district would not allow for transition and access control of adjoining residential properties and therefore the Planning Commission does not consider an affirmative vote to be reasonable and in the public's interest.



Applicant: Theodore A. Greve

Owner: Theodore A. Greve

Planning Comm Hearing: Nov 5, 2015

Request: RS-8 to O-1

Ward: 2

Tract Size: .79 acres

Tax ID #: 105289 & 105290



Subject Property

Legend

AP Airport	Streams
C-1 Light Commercial	City Boundary
C-2 Highway Commercial	Roads
C-3 General Commercial	Floodway
CBD Central Business District	100 Yr Flood Zone
I-U Urban Industrial	500 Yr Flood Zone
I-1 Light Industrial	Wards
I-2 General Industrial	Buildings
O-1 Office	Parcels
OLC Office/Light Commercial	Rivers
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 Office of City Planning at (704) 854-6652.

**Application
#8402**

I, Gana McLakin, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on October 22, 2015.



1 : 2,400
1 inch represents 200 feet
Plot Date: Oct 19, 2015

File # 8402
Date Rec'd: 8-20-15
Rec'd By: Candice Owen
Fee: \$450.00 check # 3568

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 - O-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: 105289 and 105290
Subject property address: 305 & 301 N. New Hope 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 small residence is located on each parcel

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 Theodore A. Greve

as evidenced in deed from Dalton & Howren recorded in Deed Book 3666 at page 84 in the Gaston County Registry. and Deed Book 4410 at page 1491 (Deeds attached)

7. The real property for which the above request is sought is located on the West side of N. New Hope Rd. between Pearl St. and Duhart Ave. having a frontage of 155 feet and depth of 175 feet and acreage of .70.

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: Theodore A. Greve, 365 N. New Hope Rd.,
Gastonia, NC 28054
Telephone #: 800-984-7383 Fax #: 704-376-9198
E-mail address: tedgreve@mydrted.com

12. Interest in subject realty Owner
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 _____
15. Name and address of person to present item at public hearing Douglas P. Arthurs
P. O. Box 2206, Gastonia, NC 28053-2206
Telephone number (704) 865-1900
e-mail: dpa@arthursfoltz.com

I, Douglas P. Arthurs, certify that I have read the information provided in the public hearing information package on the day of August, 2015.

SIGNATURES: All property owners must sign when either a conditional use permit or CD is requested.

Douglas P. Arthurs _____

**PUBLIC HEARING
STAFF REPORT
File No. 8403
Hearing Date: November 5, 2015**

OWNER: Yelton Investments, LLC

APPLICANT: Todd Vickstrom

PROPOSED ZONING ACTION: Rezone from C-3 CD to I-2

LOCATION: Located on the north side of Delta Drive

TRACT SIZE: Approximately 1 acre

WARD: 4

EVALUATION:

Site Description & Background

The subject property consists of one acre to be subdivided out of a 6.9 acre site that is currently zoned C-3 CD (General Commercial Conditional District). This property is located at the intersection of Bessemer City Road and Delta Drive and was rezoned in 1999. This request is to rezone the vacant site to I-2 (General Industrial District).

Description of Adjoining Properties and Zoning

The subject property is bordered by Gaston County C-3 (General Commercial District) zoning and Gaston County I-2 (General Industrial District) zoning to the north. I-2 zoning is to the south located across Delta Drive on a vacant lot. There is an existing business located adjacent to the site on the west. The remaining portion of the C-3 CD district is located to the east of the site.

Recent Land Use Trends in the Area and Available Public Facilities

Land use and zoning in this area has been very steady over the past decade. Public water and sewer are available to the subject property.

Consistency with the Comprehensive Plan

The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property as suitable for industrial use.

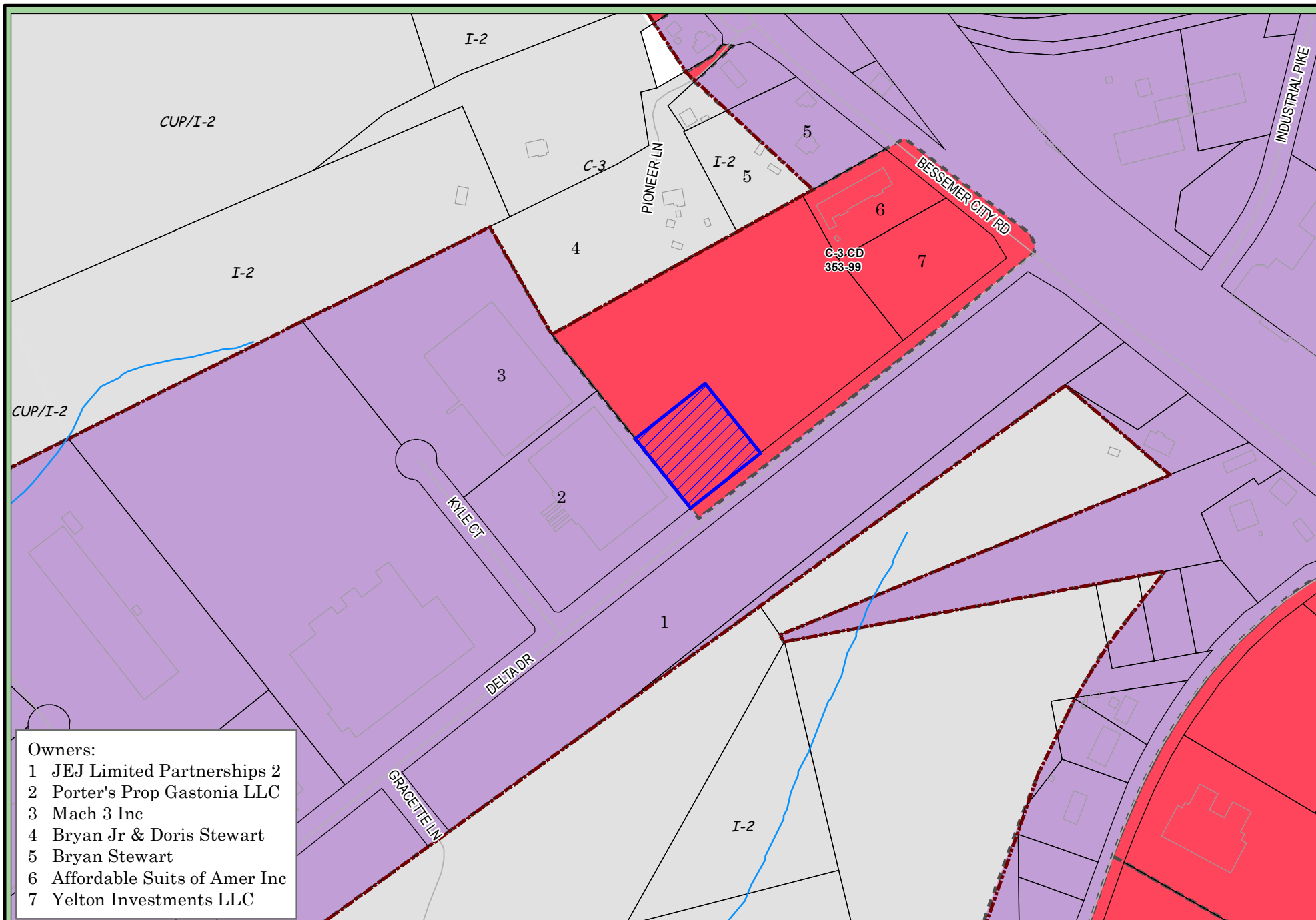
Conclusion

Given the presence of existing industrial zoning and uses around the site and the 2025 Plan's designation of industrial uses for the subject property, **staff recommends approval of the request as presented.**

Jana McMakin, AICP
Planner II

Statement of consistency and reasonableness:

The proposed rezoning is consistent with the industrial uses designated along Delta Drive in the 2025 Comprehensive Plan and is in harmony with the current industrial zoning and development surrounding the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.



- Owners:
- 1 JEJ Limited Partnerships 2
 - 2 Porter's Prop Gastonia LLC
 - 3 Mach 3 Inc
 - 4 Bryan Jr & Doris Stewart
 - 5 Bryan Stewart
 - 6 Affordable Suits of Amer Inc
 - 7 Yelton Investments LLC

Applicant: Todd Vickstrom

Owner: Yelton Investments, LLC

Planning Comm Hearing: Nov 5, 2015

Request: C-3 CD to I-2

Ward: 4

Tract Size: 1.0 acre

Tax ID #: por 137646



Subject Property

Legend

- | | |
|---|---------------|
| AP Airport | Streams |
| C-1 Light Commercial | City Boundary |
| C-2 Highway Commercial | Roads |
| C-3 General Commercial | Buildings |
| CBD Central Business District | Parcels |
| I-U Urban Industrial | Rivers |
| 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 | |

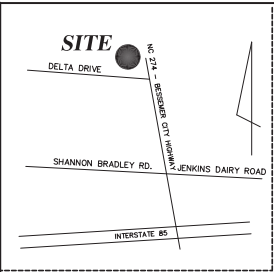
Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the Office of City Planning at (704) 854-6652.

**Application
#8403**

I, _____, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on _____, 2015.



1 : 3,600
1 inch represents 300 feet
Plot Date: Oct 20, 2015



LOCATION MAP—NOT TO SCALE

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described herein, which property is located within the subdivision regulation jurisdiction of the City of Gastonia, that I hereby freely adopt this plan of subdivision, establish minimum building setbacks, and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Council in the public interest.

Date _____

Signature _____

Name (Printed) _____

Title of person signing for LLC _____

I, _____, a Notary Public of Gaston County, do hereby certify that _____ personally appeared before me this day acknowledge the due execution of the foregoing certificate.

Witness my hand and notarial seal this _____ day of _____, 20____.

NOTARY PUBLIC

LEGEND

LINES SURVEYED

LINES NOT SURVEYED
ALL CORNERS ARE AS NOTED ○
CALCULATED POINT ○C.P.
OVERHEAD UTILITY LINES
UTILITY POLE ○
METAL FENCE —x—x—x—x—x—x—
WOODEN FENCE —o—o—o—o—o—o—
WATER METER □W.M.
R.R. SPIKE FOUND □
I. PIN FOUND ●
(F) FOUND
(S) SET

NOTES: SURVEY MADE USING EXISTING PHYSICAL EVIDENCE FOUND AT TIME OF SURVEY.

SUBJECT PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS, RIGHT-OF-WAYS, SETBACKS AND/OR RESTRICTIVE COVENANTS NOT SHOWN HEREON.



**CAROLINAS
DESIGN
GROUP, PLLC**

• LAND SURVEYING • LAND PLANNING
201 West Second Avenue Gastonia, NC 28052

Phone: 704-854-9328 • 704-864-9007 • Fax 704-854-9328

STATE OF NORTH CAROLINA
GASTON COUNTY

I, Gerald M. Sosebee, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book AS, Page SHOWN); that the boundaries not surveyed are clearly indicated as drawn from information found in Book AS Page SHOWN; that the ratio 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 _____ day of _____ A.D., 20____.

Professional Land Surveyor

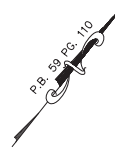
SUBDIVISION CERTIFICATION:

THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I hereby certify that the subdivision shown hereon, to the best of my knowledge, is in compliance with all applicable provisions of the City of Gastonia Zoning Ordinance.

Zoning Administrator

Date



NORTH CAROLINA
GASTON COUNTY

I, SUSAN S. LOCKRIDGE, REGISTER OF DEEDS IN AND FOR THE AFORESAID COUNTY AND STATE HEREBY CERTIFY THIS TO BE A TRUE COPY OF A DOCUMENT WHICH IS RECORDED IN BOOK _____ PAGE _____ WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

BY: _____
SUSAN S. LOCKRIDGE
REGISTER OF DEEDS
ASSISTANT/DEPUTY

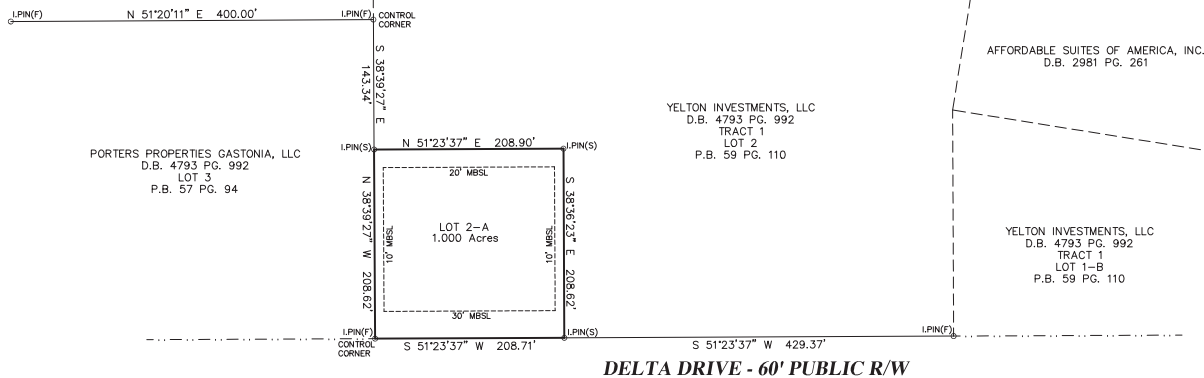
FILED FOR REGISTRATION AT _____ O'CLOCK _____ M
ON THE _____ DAY OF _____, 20____.

REGISTER OF DEEDS

I, _____, Review Officer of Gaston County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date



**PRELIMINARY
NOT FOR RECORDATION,
CONVEYANCES OR SALES**

NOTES:

- DENOTES IRON PIN AT ALL LOT CORNERS UNLESS OTHERWISE SPECIFIED.
- SUBJECT PROPERTY IS ZONED C3-CD(P.B. 59 PG. 110). SETBACKS ARE AS FOLLOWS.
FRONT=30' FROM RIGHT OF WAY
SIDE=10'
REAR=20'
- GENERAL DRAINAGE AND UTILITY EASEMENTS ARE DEDICATED AS FOLLOWS:
10' ALONG ALL REAR AND EXTERIOR LOT LINES.
5' ALONG EACH SIDE OF ALL INTERIOR LOT LINES.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA. REFERENCE FIRM PANEL 3710-3536-00J DATED 9-28-07.
- NO EXISTING NCGS OR USGS MONUMENT WAS FOUND WITHIN 2000' OF SUBJECT PROPERTY.
- WHERE OPEN DRAINAGE DITCHES, CREEKS, OR STREAMS MAY EXIST, THE CITY OF GASTONIA WILL NOT BE RESPONSIBLE FOR MAINTAINING ANY OPEN DRAINAGE DITCHES, CREEKS, OR STREAMS EVEN THOUGH A DRAINAGE EASEMENT IS PROVIDED.

NOTE:

RETURN TO:
CITY OF GASTONIA
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
P.O. BOX 1748
GASTONIA, NC 28053

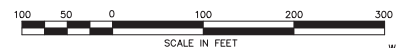
PROPERTY OWNERS:
YELTON INVESTMENTS, LLC
8034 CATAWBA COVE DRIVE
BELMONT, NC 28012

SUBDIVISION PLAT
OF
LOT #2 DELTA PARK
FOR

**AMERICAN TEXTILE
RECYCLING**
GASTONIA TOWNSHIP
GASTON COUNTY, N.C.

BOOK NO.
DATE: 8-25-15
DRAWN BY: GMS

SCALE: 1"=100'
TAX ID. NO. 137646
CADD #7591TODD



W.O.# 7591

File #	8403
Date Rec'd:	9/21/15
Rec'd by:	DP
Fee:	\$455 check # 2212

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 C3ED - 1A ED
TV TV

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: 00340170 137646
Subject property address: 1651 Delta Dr.
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.
The property is vacant. To the right of Porter
properties industrial building. Behind Affordable
Suites Motel.
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 Jimmy Yelton
as evidenced in deed from _____ recorded in Deed Book
4793 at page 0992 in the Gaston County Registry.
7. The real property for which the above request is sought is located on the right side of Porter Properties between Delta Dr. and New Systems having a frontage of 638' feet and depth of 521 feet and acreage of 16 acres.
8. Are sewer and water available on the property? NO
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.)
JIMMY YELTON - Yelton Investments
11. Name and address of applicant: Todd Vickstrom
12216 Palomar Dr. Huntersville NC 28078
Telephone #: 860 575 6250 Fax #: _____
E-mail address: toddvickstrom@yahoo.com

12. Interest in subject realty Building a steel building

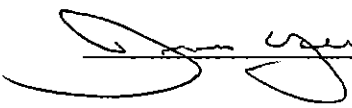
13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. ☒ True ☐ False

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 Conditional district

15. Name and address of person to present item at public hearing Toild Vickstrom
12216 Palomar Dr. Huntersville NC 28078
Telephone number (860) 575 6250

I, Jimmy Yelton DBA Yelton Investments, certify that I have read the information provided in the public hearing information package on the 16 day of Sept, 2015.

SIGNATURES: All property owners must sign when either a conditional use permit or CD is requested.

 Jimmy Yelton Mr. Manion _____

