



**Gastonia Planning Commission
Meeting Schedule
October 5th, 2023**

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

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ITEM 1a: Role Call / Sound Check

ITEM 1b: Calls/Contacts to Planning Commission Members

ITEM 1d: Approval of September 7th, 2023 Minutes

ITEM 2: Public Hearing – Edgewood Road (File #202300273)

Subject hearing involves an annexation and assignment of zoning request for approximately 230.41 acres from Gaston County I-1 (Light Industrial) to City of Gastonia I-1 (Light Industrial). The subject property is located west of Edgewood Road, north of Kings Mountain Highway and is owned by I-85 Highway 29/74 and Christa Overcash.

➤ *The Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the **October 17th, 2023** meeting.*

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 3: Public Hearing – Robinson Road (File #202200613)

Subject hearing involves an annexation and assignment of zoning request for approximately 122.047 acres from Gaston County R-1 (Single-family Limited Residential) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Road and is owned by Robinson Road Investments, LLC.

➤ *The Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the **October 17th, 2023** meeting.*

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 4: Public Hearing – Robinson Clemmer Road (File #202200661)

Subject hearing involves an annexation and assignment of zoning request for approximately 48.897 acres from Gaston County RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Clemmer Road and is owned by Robert J. Neunzig.

➤ *The Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the **October 17th, 2023** meeting.*

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 5: Public Hearing – Unified Development Ordinance Amendment (File #202300365)

Subject hearing involves amending Section 12.3 *Prohibited Signs* in the Unified Development Ordinance pursuant to Part XIII of Session Law 2021-138 (Senate Bill 300), stating that a violation of Section 12.3 is punishable as a misdemeanor. This ordinance amendment requires two reads.

Gastonia Planning Commission September 7th, 2023 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, October 5th, 2023, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Chair Kristie Ferguson and Commissioners Jim Stewart, Carl Harris, Megan Chapman, Anthony Gallant, and Chad Ghorley

Absent: Commissioners Rodney Armstrong and Glenn Silverman

Staff Members Present: Charles Graham, Jason Thompson, Quentin McPhatter, Maddy Gates, Jalen Nash, Tucker Johnson and Amber Bridges

Item 1a: Role Call / Sound Check

Chair Kristie Ferguson declared a quorum.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners were not contacted.

Item 1c: Approval of August 3, 2023 Meeting Minutes

Commissioner Stewart made a motion to adopt the August 3, 2023 minutes as presented and Commissioner Ghorley seconded the motion. The motion unanimously passed (6-0).

Chair Ferguson explained the rules of procedure and time limitations.

Item 2: Public Hearing – Longview Subdivision (File #202300179)

Subject hearing involves an annexation and assignment of zoning request for approximately 31.78 acres from Gaston County RLD (Residential Low Density) and City of Gastonia RLD (Residential Low Density) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Fairview Drive, north of Chespark Drive and is owned by William Todd Ledford, Michael Scott Rhyne, and Linda W. Poole.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the September 19th, 2023 meeting.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. Mr. Thompson stated the request is for an annexation and assignment of zoning. The zoning map was presented. Mr. Thompson stated the property is currently located partially in Gaston County's jurisdiction and partially in the City of Gastonia but the request is to make the entirety of the site in the City. The site plan was presented. Mr. Thompson stated the proposal is for a total of 93 single-family dwelling units which are all front loaded with a minimum lot width of 56 feet. Mr. Thompson discussed the proposed elevations and conditions as they were presented. Mr. Thompson stated The Future Land Use Map in the 2025 Comprehensive Plan indicates industrial for this property. He explained the background on the industrial nature of the area and stated there is a lot of residential zoning and uses also. Mr. Thompson stated the request was consistent with the development code and will result in a quality residential product, noting staff had no objections to the request. Lastly, he noted that the annexation concurrent with the zoning request will be heard at the September 19th City Council meeting. He stated staff is recommending approval of the request, and he is available for any questions the board may have.

Chair Ferguson asked the board if there were any questions for staff. With there being no questions, Chair Ferguson recognized Kent Olson at 6401 Caramel Drive, Charlotte, NC. Mr. Olson noted a neighborhood meeting was held and only one attendee was present. He stated comments from that meeting included a request to push some houses farther off of Fairview Drive across from his property. Mr. Olson also explained details of the site plan and noted the final plan being presented went through various rounds of revisions. He noted the site features open space and a central amenity area. Mr. Olson stated he worked with Planning staff to ensure the product provided would be appropriate and compatible with this area.

Commissioner Gallant asked Mr. Olson if a price point had been established yet for these homes. Mr. Olson responded it will be based upon the market but most likely in the 300s. Mr. Harris asked if a neighborhood meeting was held and if there were any community concerns. Mr. Olson responded "Yes", stating that a meeting was held and only one attendee was present. He also stated that the only concern was for the homes on Fairview to be pushed farther back. Mr. Olson noted this was shown on the site plan near the entrances where units were removed.

Gastonia Planning Commission September 7th, 2023 Meeting Minutes

With there being no further comment or questions, Chair Ferguson asked for the wishes of the board. Commissioner Stewart moved to give a recommendation for approval of the request as presented with the statement of consistency and reasonableness. Commissioner Ghorley seconded the motion. With there being no discussion, the motion of recommendation for approval was unanimously passed 6-0.

Mr. Thompson announced to the audience that the rezoning item on Highland St. was not included in this agenda and will be held at a future meeting. He stated that notification letters will be sent prior to the public hearing to adjacent property owners within 100 feet.

Item 3: Public Hearing – Bessemer City Road & Pioneer Lane (File #202200289)

Subject hearing involves an annexation and assignment of zoning request for approximately 5.4838 acres from Gaston County C-3 (General Commercial) and I-2 (General Industrial) and City of Gastonia C-3 (General Business) and I-2 (General Industrial) to City of Gastonia C-3. The subject property is located west of Bessemer City Road, adjacent to Pioneer Lane and is owned by Doris Stewart.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the September 19th, 2023 meeting.

Chair Ferguson recognized Jason Thompson, Planning Director, for staff presentation. The zoning map was displayed. Mr. Thompson stated this item is also partially in Gaston County and the City of Gastonia but the request is for the entirety of the site to be in the City and have one consistent zoning designation. He noted that this item along with the concurrent annexation will be heard at the September 19th City Council meeting. He stated the request is a general rezoning to C-3 (General Commercial) and noted that the Commissioners have to consider all C-3 uses. He also stated that there are no details provided with a general rezoning but, if approved, any future development would have to go through site plan review and permitting. Mr. Thompson stated the Future Land Use Map in the 2025 Comprehensive Plan indicates both commercial and industrial uses for the subject property. He explained this is consistent along Bessemer City Road and that staff is recommending approval of the request as presented.

With there being no questions for staff, Chair Ferguson recognized David Smith, 516 S. New Hope Road, Gastonia, NC. Mr. Smith noted that he is representing the applicant and that the intent of the rezoning and annexation is to have all properties within one consistent zoning district. Further, he noted the applicant believes this would make the property more marketable and better used in the future under one zoning designation.

With there being no discussion, Commissioner Stewart moved to give a recommendation for approval of the item as presented with the statement of consistency and reasonableness. Commissioner Ghorley seconded the motion. With there being no discussion, the motion of recommendation for approval was unanimously passed 6-0.

Item 4: Public Hearing – 802 Bessemer City Road (File #202300271)

Subject hearing involves a rezoning request for approximately 0.17 acres from C-3 (General Business) to C-1 (Neighborhood Business). The subject property is located at 802 Bessemer City Road and is owned by Fallcross Construction, LLC.

Chair Ferguson opened the public hearing and recognized Maddy Gates, Senior Planner, for the purpose of staff presentation. The zoning map was presented. Ms. Gates stated the request is a general rezoning to C-1 (Neighborhood Business) located at 802 Bessemer City Road. Ms. Gates noted C-1 in the Unified Development Ordinance is intended for smaller scale, neighborhood level commercial and residential uses. Ms. Gates discussed adjoining properties zoning and land uses. She noted that C-1 in this area would allow the commercial designation to remain while also providing compatibility with neighboring residential uses. Lastly, Ms. Gates stated the Future Land Use Map in the 2025 Comprehensive Plan indicates commercial for the subject property and staff is recommending approval of the request as presented.

Commissioner Chapman asked Ms. Gates who the Emergency Medical Services responder would be in that area of the City. Ms. Gates responded that it would be Gaston County, but for Fire services it would be the City. Commissioner Ghorley responded there was a fire station just north on Myrtle School Road and Mr. Thompson confirmed.

With no further questions, Chair Ferguson recognized Shawn Badami, 12909 Fallcross Ct., Huntersville, NC. Mr. Badami stated the intent of the rezoning is to develop a single-family home.

Gastonia Planning Commission September 7th, 2023 Meeting Minutes

Commissioner Chapman moved to approve the item as presented with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion. With there being no discussion, the motion to approve was unanimously passed 6-0.

Chair Ferguson announced that the Public Hearings for Item 5 and Item 6 will be opened concurrently.

Item 5: Public Hearing – Unified Development Ordinance Amendment (File 202300328)

Subject hearing involves amending the Official Zoning Map for the creation of a Franklin Urban Sports and Entertainment (FUSE) Overlay District for PIDs 301022, 301023, 301024 which are owned by Gastonia Airline LLC and PID 301025 which is owned by the City of Gastonia. The request also includes amending *Chapter 6 Zoning Districts* of the Unified Development Ordinance to create a new *Section 6.3.8 Franklin Urban Sports and Entertainment Overlay District*, and to amend *Chapter 7 Use and Building Lot standards* of the Unified Development Ordinance to create a new *Section 7.13 Franklin Urban Sports and Entertainment Overlay District Design and Use Standards*.

Item 6: Public Hearing – Franklin Urban Sports and Entertainment (FUSE) Overlay District (File 202300336)

Subject hearing involves establishing the Franklin Urban Sports and Entertainment (FUSE) Overlay District for approximately 9.589 acres. The subject property is located north of W. Franklin Boulevard, south of the Norfolk Southern Railway Line right of way and between S. Hill Street and S. Trenton Street. The property is owned by Gastonia Airline, LLC. and the City of Gastonia.

Chair Ferguson opened the public hearing for item 5 and item 6 and recognized Quentin McPhatter, Assistant City Manager for the purpose of staff presentation. Mr. McPhatter shared background information on the FUSE site and the need for investment in this area of W. Franklin. He also noted the West Franklin Redevelopment Area Plan that went to Planning Commission in 2019 and how it was related to FUSE. Mr. McPhatter noted this public hearing would do three things; first, it would create the FUSE Overlay district which would apply to the Caromont Health Park and the three adjacent parcels, secondly, it will describe the purpose and intent of the overlay and thirdly, will modify the permitted uses within those parcels. He stated the current zoning is CBD (Central Business District) but that the ordinance amendment would modify some allowable CBD uses in the FUSE Overlay District. Lastly, he stated that the ordinance amendment would include design standards. Mr. McPhatter stated the request is consistent with the 2025 Comprehensive Plan and the West Franklin Redevelopment Area Plan and that staff is recommending approval as presented.

Commissioner Chapman asked Mr. McPhatter if there was a new owner for the YMCA site across the street and if this request would possibly affect them. Mr. McPhatter responded that the YMCA property was not included as part of this overlay district.

With there being no other discussion, Commissioner Stewart made a motion to recommend approval for Item 5 as presented and approve Item 6 as presented with the statement of consistency and reasonableness. Commissioner Ghorley seconded the motion. The motion to recommend approval for Item 5 and approve Item 6 was unanimously passed 6-0.

Item 7: Other Business

Mr. Thompson notified the Commissioners that two items from the August 3, 2023 Planning Commission meeting, Zora Grove Duplexes and Goble Street, were approved by City Council on September 5th, 2023.

Item 8: Adjournment

With there being no further discussion, Commissioner Ghorley made a motion to adjourn the meeting. Commissioner Stewart seconded the motion. The motion to adjourn was unanimously passed 6-0. The meeting adjourned at 6:05 PM.

Respectfully submitted,

Jalen Nash, Planning Technician

Kristie Ferguson, Chairwoman

**PUBLIC HEARING
STAFF REPORT**

File # 202300273

GPC Hearing Date: October 5th, 2023

OWNER(S): I-85 Highway 29/74 & Christa Overcash
APPLICANT: Paul Duran – Indus Realty Trust, Inc.
PROPOSED ZONING ACTION: Rezoning from I-1 (Gaston County) to I-1 (City)
LOCATION: West of Edgewood Road, north of Kings Mountain Highway (PID: 205044)
TRACT SIZE: Approximately 230.41
WARD: County to 6 (City)

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of one tax parcel (PID 205044), currently located within Gaston County’s jurisdiction, zoned I-1 (Light Industrial). An annexation petition has been filed by the applicant, and both cases will be heard by the Gastonia City Council on October 17, 2023. The rezoning request is for the City of Gastonia I-1 (Light Industrial) for approximately 230.41 acres. The subject property is located west of Edgewood Road and north of Kings Mountain Highway.

Adjoining Properties and Land Use Trends

Adjoining the subject property is a combination of Gaston County and City of Gastonia zoning. To the east is City of Gastonia I-2 (General Industrial) and RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) consisting of the Edgewood Acres neighborhood. To the south is Gaston County residential and commercial zoning including R-1 (Single-family Limited), C-1 (Light Commercial), and C-2 (General Commercial). To the west is Gaston County I-1 (Light Industrial) zoning which consists of several vacant and wooded parcels. Directly north is Interstate 85.

Available Public Facilities


Water and sewer are available to serve the property.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates primarily industrial for the subject property with a small portion of residential to the west.

Conclusion

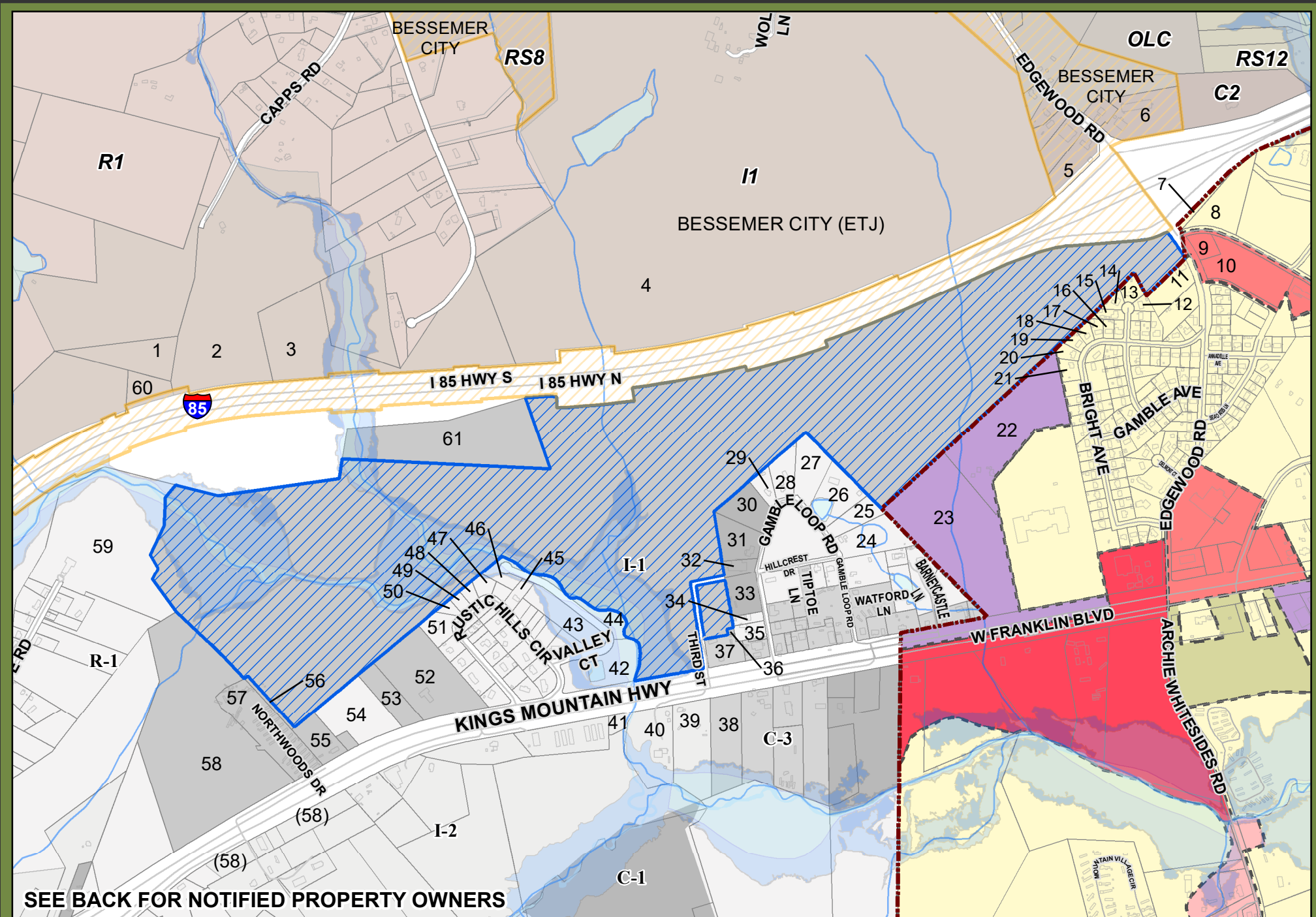
The request includes an annexation and assignment of zoning from Gaston County I-1 (Light Industrial) to City of Gastonia I-1 (Light Industrial). Based on the 2025 Comprehensive Plan and surrounding zoning and land uses, staff feels a general rezoning to I-1 is consistent and in the public interest for this area. **Staff recommends that the request be approved as presented.**



Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): *The proposed zoning is consistent with the 2025 Comprehensive Plan and will result in the potential development of an industrial use. The Planning Commission considers an affirmative vote to be reasonable and in the public’s interest.*

Statement of consistency and reasonableness (motion to deny): *The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.*



Applicant: INDUS Realty Trust, Inc.
Paul Duran

Owner: 185 Highway 29/74 LLC 94.18605% INT
Overcash Christa 5.81395% INT

Planning Comm Hearing: October 5, 2023

Request: I-1 (County) to I-1 (City)


















































Ward: County to 6 (City)

Total Tract Size: approx. 230.41 acres

Parcel ID #: 205044

 **Subject Property**

Legend

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
|  AP Airport |  City Boundary |
|  C-1 Light Commercial |  Roads |
|  C-2 Highway Commercial |  Bessemer City Boundary |
|  C-3 General Commercial |  Floodway |
|  CBD Central Business District |  100yr Flood Zone |
|  I-U Urban Industrial |  500yr Flood Zone |
|  I-1 Light Industrial |  Streams |
|  I-2 General Industrial |  Lakes |
|  I-2 General Industrial |  Rivers |
|  O-1 Office |  Parcels |
|  OLC Office/Light Commercial |  Buildings |
|  O-M Medical Office | |
|  PD IRD Planned District Infill Res Devt | |
|  PD PRD Planned District Planned Res Devt | |
|  PD RRDD Planned District Revised Res Devt District | |
|  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 | |
-
- | | | |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
|  C-1 |  I-1 |  R-1 |
|  C-3 |  I-2 | |
-
- | | | |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
|  C2 |  OLC |  RS12 |
|  I1 |  R1 |  RS8 |
|  C3 |  TMU | |

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.

SEE BACK FOR NOTIFIED PROPERTY OWNERS

Application
PLMA202300273

I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on September 22, 2023.



1:12,000
1 inch represents 1,000 feet
Plot Date: September 13, 2023
0 250 500 1,000 Feet

PLMA202300273

1. FALLS FELIX C & FALLS BARBARA B
2. COSTNER LESTER D
3. KINCAID SUSAN HARRIS LIFE ESTATE & KINCAID ELIZABETH D
4. LAWRENCE A WOLFE JR FAM TR 50% & WOLFE JOEL T 40%
5. JENKINS MARIE
6. UNITED OIL OF THE CAROLINAS IN
7. E P NISBET CO
8. STEWART CARL J JR & RAUCH MARSHALL R
9. KM COMMERCIAL RENTALS LLC
10. BRADSHAW TIMOTHY J & BRADSHAW LISA B
11. SOUTHARD RICHARD ANDREW
12. WOOTEN JACQUELINE
13. BRACKETT LINDA M
14. MCFEE DOROTHY B
15. WOODY RICHARD L LIFE ESTATE
16. STEELE KRISTEN S
17. BLACK PAUL DOUGLAS
18. MCCLEARY CHRISTY
19. STACY JUSTIN D & STACY KATHERINE K
20. ECHEVERRI CARLOS A & MORALES MYRIAM S GIL
21. PEREZ CRISTOBAL & AGULAR-BECERRA CECILIA
22. LAMB NORRIS D JR & WATFORD KAREN H
23. LAMB NORRIS D JR & WATFORD LEWIS E JR
24. WATKINS ANGELA B HEIRS C/O HOLLI D WATKINS C/O WATKINS HOLLI
25. WATKINS ANGELA B HEIRS & WATKINS C/O HOLLI D
26. CHANG PAHOUA & VANG HEU
27. WRIGHT CHARLES L & WRIGHT NANCY B
28. WRIGHT CHARLES L & WRIGHT NANCY B
29. DELLINGER TAMMY GIBSON
30. HILLVIEW PROPERTIES LLC
31. HILLVIEW PROPERTIES LLC
32. HILLVIEW PROPERTIES LLC
33. EDA HOLDINGS LLC
34. PHILLIPS PATRICIA H
35. JOHNSON DAVID A
36. FAILE THERESA B
37. HOLLIS THERESA B
38. HOLLAND ANGELA JEAN
39. WIGGINS MICHAEL R & WIGGINS ASHLEY B
40. KOONTZ GRAYSON P
41. STARNES WILLIAM S A & STARNES ANNIE M
42. GASTONIA CITY OF
43. THOMAS VERNON E
44. GASTONIA CITY OF
45. JAMES MIRIAM A & JAMES RICHARD A
46. PROFORMANCE MANAGEMENT GROUP C/O DEBORAH LYNN HEFLIN-PRES
47. LITTLEJOHN DAWN
48. LITTLEJOHN DAWN
49. LITTLEJOHN DAWN
50. LITTLEJOHN DAWN
51. HALL TERRY LEE
52. RUSTIC HILLS BAPTIST CHURCH
53. ROBERTS MALCOLM P HEIRS C/O ROBERT J DAVIS
54. LIVING WORD TABERNACLE
55. LIVING WORD TABERNACLE
56. DAVIS WALKER L
57. DAVIS WALKER LEE
58. YOUNG ERIC P LIFE ESTATE
59. SHADY GROVE BAPT CH OF KNKS MT
60. FALLS FELIX C & FALLS JANE L
61. KINCAID SUSAN HARRIS LIFE EST & KINCAID ELIZABETH D



CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

ATTN: Please upload applications and all attachments separately to our online portal at the following address: <https://devsvcs.cityofgastonia.com/> and click on "Apply for a Planning Permit"

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:

- Identify the request (example: rezone from RS-12 to OLC CD; etc.): Assign I-1 zoning classification to property to be annexed to the City of Gastonia from Gaston County.

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.

- Gaston County Tax Identification Number(s): 205044

- Subject property addresses: No Assigned Address

- 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. On Edgewood Rd, Bessemer City, the site is north of 1410 Edgewood Rd, Bessemer City, NC toward I-85.
On Kings Mountain Highway, Bessemer City, west of 4214 Kings Mountain Hwy and across from 4227 Kings Mountain Highway.

- Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient). Deed(s) are uploaded along with this application.

- 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

- The real property to be rezoned is owned in fee simple by I-85 - Highway 29/74 LLC & Christa A. Overcash, a/k/a Mrs. Reece A. Overcash, Jr. as evidenced in deed from (date) Dec. 18, 2003 recorded in DB: 3901 PG: 491 in the Gaston County Registry

- The real property for which the above request is sought is located on the East side of Edgewood Road between 1410 Edgewood Road and I-85 having a frontage of _____ feet and depth of _____ feet and acreage of 231 Acres.

- Are sewer and water available on the property? No

- 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). I-85 - Highway 29/74 LLC, c/o SSP Southeast Land Management, LLC, 2820 Selwyn Ave, Suite 500, Charlotte, NC 282091791 AND Overcash Christa, c/o Southeast Land Management LLC, 2820 Selwyn Ave, Suite 500, Charlotte, NC 282091791

**PUBLIC HEARING
STAFF REPORT**

File # 202200613

GPC Hearing Date: October 5th, 2023

OWNER(S): Robinson Road Investments, LLC.

APPLICANT: Mattamy Homes

PROPOSED ZONING ACTION: Rezoning from R-1 (Gaston County) to PD-RRDD (City)

LOCATION: Located on the western side of Robinson Road (PIDs: 147319, 147051, 147052)

TRACT SIZE: Approximately 122.047 acres

WARD: County to 5 (City)

EVALUATION:

Site Description and Background

The subject property includes three tax parcels, currently located in Gaston County's jurisdiction, zoned R-1 (Single-Family Limited Residential). An annexation petition has been filed by the applicant, and both the annexation and assignment of zoning requests will be heard by the Gastonia City Council on October 17th, 2023. The subject property is located on the western side of Robinson Road, with the Wesley Acres neighborhood to the north and the Maria Park neighborhood to the south. All three tax parcels are currently vacant and wooded.

The rezoning request is from Gaston County R-1 (Single-family Limited Residential) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). PD-RRDD is requested to facilitate a single-family residential development consisting of a maximum of 199 dwelling units. The overall site density is 1.63 dwelling units per acre. In accordance with RRDD design standards of section 8.1.11 in the Unified Development Ordinance, all single-family dwellings in the development are proposed to be front loaded with a minimum width of 56' by a minimum depth of 125'. There are two access points into the site proposed off of Robinson Road and Pam Drive where sidewalk and other road improvements will be required along the frontage of the subject property. A Traffic Impact Analysis (TIA) was required and has been completed for this development. The applicant will be responsible for providing all mitigations resulting from the TIA. All street cross sections, sidewalk and parking locations will be reviewed by Planning and Development Services during the TRC and preliminary plat process.

The development includes several pocket parks including active and passive open space that are dispersed throughout the site as well as a dog park and pedestrian trails. Additional details of the improved open space will be reviewed during the preliminary plat process and are required to meet section 8.1.11. The applicant has submitted conceptual elevations which include a variety of one-story and two-story homes.

Proposed zoning conditions:

1. Development shall be generally consistent with the attached site plan including a maximum of 199 single-family dwelling units.
2. Construction shall be generally consistent with the character and details as depicted in the submitted elevations and architectural standards of Section 8.1.11 in the UDO. Construction materials shall consist of a portion of either brick, stone or other masonry product, and any combination/variation of fiber cementitious siding. Any alternatives must be reviewed and approved by staff as part of zoning permit reviews.
3. As a result of the Traffic Impact Analysis, developer shall initiate the process to apply for NCDOT's Traffic Calming Policy. Upon a sufficient petition including 60% of residents on Pam Drive to qualify, developer will facilitate the necessary contracts and agreements with NCDOT and install the approved speed humps or tables. If the petition

is successful and speed humps are installed on Pam Drive, Mattamy Homes must coordinate with NCDOT for responsibility of maintenance. In the case that the petition is unsuccessful by the time of issuance of a grading permit, the developer shall coordinate with NCDOT for other traffic calming mechanisms.

4. Street cross sections, parking locations, sidewalks, internal traffic calming and other road improvements to be finalized during the preliminary plat and subdivision review process.
5. Additional details of the improved open space will be required and reviewed as part of the preliminary plat process. Final design and details to be determined during subdivision plan review and permitting.
6. In no instance shall the zoning conditions exempt a project from other development requirements.
7. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Adjoining Properties and Land Use Trends

Adjoining properties are a combination of Gaston County's and City of Gastonia's jurisdiction and include primarily residential and industrial uses and zoning. To the south and east of the subject property is City of Gastonia I-2 (General Industrial) zoning. The I-2 properties to the east are mostly vacant and wooded, the I-2 properties to the south consist of warehousing and distribution type uses. Directly east of the subject property is a Time Warner Entertainment communications tower zoned City of Gastonia RLD (Residential Low Density). Directly north is Gaston County and City of Gastonia single-family residential zoned RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and Gaston County and City of Gastonia I-2 (General Industrial) consisting of Copart Gastonia. To the east is single-family residential uses consisting of the Fairview Dr. neighborhood, zoned Gaston County RLD.

Available Public Facilities

Water and sewer are required to be extended to serve the property. Additional Two Rivers Utilities comments will be provided during the site plan review process.

Consistency with Adopted Plans

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

Conclusion

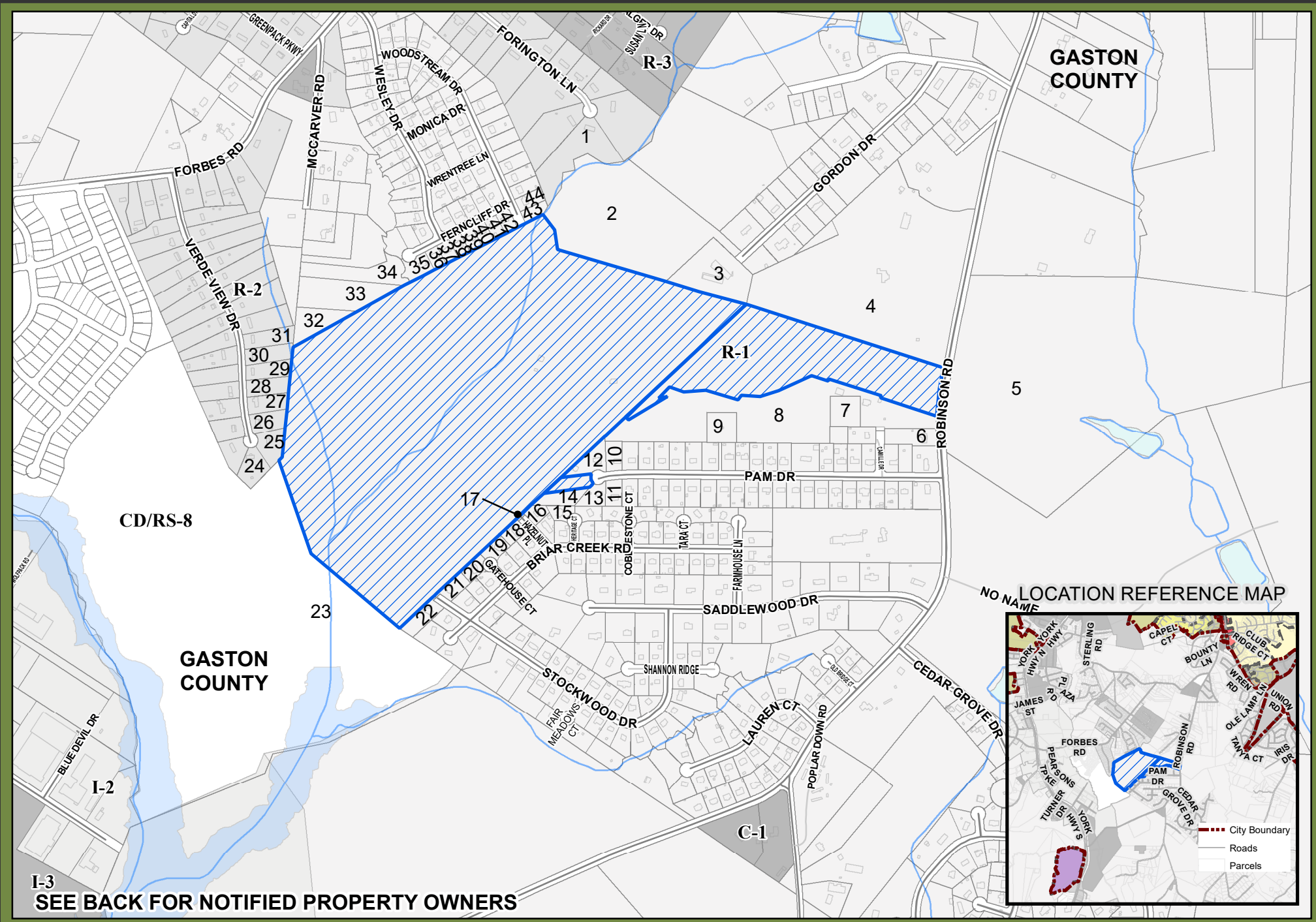
The request includes an annexation and assignment of zoning from Gaston County R-1 to City of Gastonia PD-RRDD to facilitate a 199-unit single-family residential development. Based on the 2025 Comprehensive Plan, the submitted site plan, and proposed conditions, **staff recommends approval of the request as presented.**



Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): *The proposed zoning is consistent with the 2025 Comprehensive Plan, as well as existing and surrounding zoning and land uses, the Planning Commission considers an affirmative vote for a single-family residential use to be reasonable and in the public's interest.*

Statement of consistency and reasonableness (motion to deny): *The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.*



Applicant: Mattamy Homes
Owner: Robinson Road Investments LLC
Planning Comm Hearing: October 5, 2023
Request: R-1 (County) to PD RRDD (City)
Ward: County to 5 (City)
Total Tract Size: approx. 122.047 acres
Parcel ID #: 147319, 147051, 147052

Subject Property

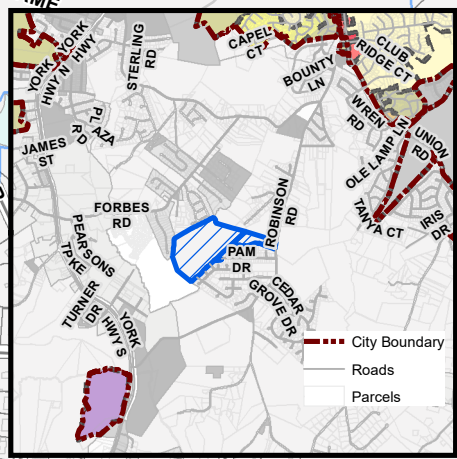
Legend

- | | | | |
|--|----------------------------------------------------|--|------------------|
| | AP Airport | | Roads |
| | C-1 Light Commercial | | 100yr Flood Zone |
| | C-2 Highway Commercial | | Streams |
| | C-3 General Commercial | | Lakes |
| | CBD Central Business District | | Parcels |
| | I-U Urban Industrial | | Buildings |
| | I-1 Light Industrial | | |
| | I-2 General 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 RRDD Planned District Revised Res Devt District | | |
| | 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 | | |

- Gaston County Zoning**
- C-1
 - I-2
 - I-3
 - R-1
 - R-2
 - R-3

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.

LOCATION REFERENCE MAP



I-3 SEE BACK FOR NOTIFIED PROPERTY OWNERS

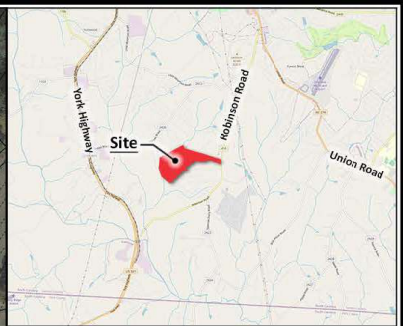
Page 11
Application
PLMAC202200613

I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on September 22, 2023.



1 : 8,400
 1 inch represents 700 feet
 Plot Date: September 18, 2023

1. PARKS RANDAL & PARKS LAUREN
2. RATCHFORD WALTER B JR & RATCHFORD KATHRYN FEEMASTER
3. BANKSHIRE EQUESTRIAN CNTR LLC
4. D'AMORE KRISTEN GROSS
5. DOGWOOD MEADOWS LLC
6. ASHTON LAWRENCE J & ASHTON SANDRA H
7. PATTERSON TOMMY J 20% & OTHERS & PATTERSON JEROME L HEIRS
8. PATTERSON TOMMY J 20% & OTHERS & PATTERSON MICHAEL F JR
9. PATTERSON TOMMY J 20% & OTHERS & PATTERSON MICHAEL F JR
10. BATES RONALD GLEN JR
11. LSF9 MASTER PARTICIPATION TRST
12. COLLMAR HOWARD JAMES III & RAINWATER TAYLOR NICOLE
13. PATTERSON WANDA L
14. PATTERSON TOMMY J 20% & OTHERS & PATTERSON MICHAEL F JR
15. WELCH TRENT ROGER & WELCH JESSICA HEATHER
16. SMITH JASON M & SMITH JULIA B
17. GENOVA THOMAS G & GENOVA ELLEN R
18. KING MATTHEW BRUCE & KING KARI
19. TURNER HALEY & LOPER BAILEY
20. COLEMAN JEFFERY SCOTT & COLEMAN DONNA S
21. HARTZ ROBIN HELMS
22. COOK DEVON V & COOK MCKENZIE D
23. D R HORTON INC
24. MARLOWE JEFFREY SCOTT
25. DIAMONDBACK PROPERTIES LLC
26. HOPKINS DANIEL P & CLARY ASHLEY N
27. MATHIS PATSY CANIPE
28. DURBIN DONNA
29. BOONE CORA WYKLE
30. TREJO FERNANDO CRUZ
31. MEJIA FATIMA Y
32. DOWELL RONALD L & DOWELL RUTH C
33. DOWELL RONALD L & DOWELL RUTH C
34. DOWELL RONALD L & DOWELL RUTH C
35. CLINE ROBERT R
36. SHAW BARBARA ANN
37. JAMISON SAMUEL JOE
38. HELMS DANIEL J & HELMS RHONDA B
39. HOLDEN ROSEMARIE
40. RHYNE IAN FRANKLIN
41. BLACK KIMBERLY BURCH COLE
42. PEREZ JAIME & PEREZ MONICA VALENCIA
43. TREMBLAY LUKE F
44. TREMBLAY LUKE F



Vicinity Map
Not To Scale

Site Data:

Tax Parcels:	147319, 147051, & 147052
Total Acreage:	+/- 122.05 Acres (per Survey)
Location:	Gaston County, North Carolina
Existing Zoning:	R-1
Proposed Zoning:	RRDD/TBD
Total Potential Lots:	+/- 199 Lots (56' x 125')
Potential Density:	+/- 1.63 DU/AC
Active Open Space:	Required: +/- 12.21 Acres (10%) Min. Proposed: +/- 12.21 Acres (10%)
Tree Save:	Required: +/- 18.31 Acres (15%) Min. Proposed: +/- 18.31 Acres (15%)
Road Length:	50' Public ROW: +/- 9,500 LF
Watershed:	Crowders Creek

General Notes

1. Base information obtained from "The Lands of Roberson Road Investments, LLC - ALTA/NSPS Land Title Survey" provided by BL Companies, dated 10/12/2022 and Gaston County GIS Data and should be verified for accuracy.
2. All site plan, zoning, and wetland information utilized in the preparation of this plan is considered to be preliminary in nature and subject to change and final verification.
3. Draft - Do not rely on this document.

Floodplain Information

Floodplain information obtained from FEMA FIRM Panel 3710354300, 3710354200 & 3710355200 effective date of study 09/28/2007.

Stream/Wetland Information

Stream/Wetland information is based on preliminary information provided to ESP by "Jurisdictional Boundaries" provided by Carolina Wetland Services, dated 05/22/2022 and Gaston County GIS data. For purposes of preparation of this Rezoning Plan, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location. The Rezoning Plan will need to be revised once all agencies approved on-site wetland/stream and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy; unit loss may occur.

Access Points/Driveways/Streets

1. Proposed project site entrance locations are considered preliminary in nature and need to be verified for adequate sight distance.
2. All roadway and street systems are considered to be preliminary and will need to be verified for sufficiency to satisfy or exceed minimum requirements established in the City of Gastonia UDO and applicable standards identified by NCDOT. Street connections are conceptual and may be subject to change based on agency input and review.

Open Space /Tree Save

Open Space and Tree Save areas are conceptual and preliminary. The exact location of these areas may change as the client finalizes decisions regarding final layout, product allocation, and as other spatially dependent project components such as stormwater areas, wetland areas, utility features, and buffers, (as applicable) for this project are better defined.

Potential Stormwater Quality Areas

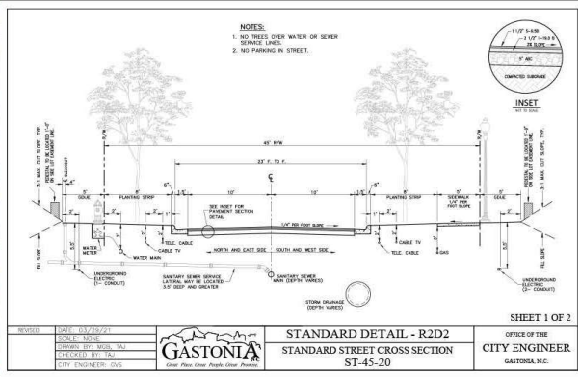
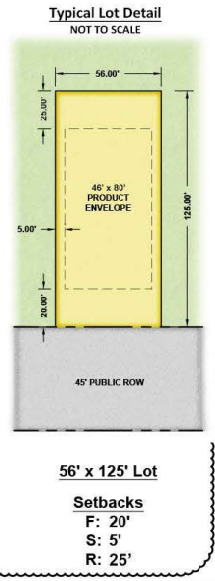
Location of proposed stormwater areas are conceptual and preliminary and still need to be determined. The exact size and location of these areas will change as the client finalizes decisions regarding final layout, product allocation, and as other proposed changes to the project are better defined. Layout and unit count subject to change based on final design of stormwater areas.

Public Information

ESP Associates is not responsible for plan deficiencies created by incorrect, incomplete, missing or outdated information derived from public sources such as GIS, Planning and Zoning departments.

Development Standards:

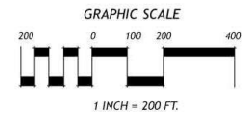
Petitioner commits to use best practices to coordinate with the neighbors along Pam Drive to pursue and install traffic calming devices (such as speed bumps) if desired by such neighbors, at the Petitioner's expense, in coordination with NCDOT and in accordance with the North Carolina General Statutes § 136-102.8. If, after coordination using best practices, at least 60% of the Pam Drive neighbors do not sign in agreement to the traffic calming devices along Pam Drive at the time of issuance of a development permit for the Rezoning Site, installation shall not be required and Petitioner's obligation shall be satisfied.



DRAFT
DO NOT RELY ON THIS DOCUMENT



Roberson Road Site
Rezoning Plan







**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 R-1 to RRDD Conditional District to accommodate a residential community

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: 147319, 147051 and 147052.
Subject property address: no assigned address, frontage on Robinson 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.
property is vacant, with some frontage along Robinson Road, north of Pam Drive, and stub streets terminating from Stockwood Drive and Hazelnut Place to 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). 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 Robinson Road Investments, LLC
as evidenced in deed from _____ recorded in Deed Book 5332 at page 0092 in the Gaston County Registry.
7. The real property for which the above request is sought is located on the west side of Robinson Road between Pam Drive and Lakewood Drive having a frontage of approx. 325 feet and depth of approx 4,000 feet and acreage of +/- 126 acres (irregularly shaped)
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.) attached
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.)
Robinson Road Investments, LLC
411 SE Osceola Street, Suite 100
Stuart, FL 34994
11. Name and address of applicant: Mattamy Homes, 2127 Ayrley Town Blvd, Suite 202,
Charlotte, NC 28273
Telephone #: 704-375-9373 Fax #: _____
E-mail address: jerry.whelan@mattamycorp.com

12. Interest in subject realty under contract

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 n/a

15. Name and address of person to present item at public hearing Collin Brown and Brittany Lins,
Alexander Ricks PLLC - 1420 E. 7th Street, Suite 100, Charlotte NC 28204
Telephone number (704) 200-2637

I, **A.J. SLATER II**, certify that I have read the information provided in the public hearing information package on the **3RD day of NOVEMBER, 2022.**

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

A.J. Slater II, as Managing Member of ROBINSON ROAD INVESTMENTS, LLC

**PUBLIC HEARING
STAFF REPORT**

File # 202200661

GPC Hearing Date: October 5th, 2023

OWNER: Robert J. Neunzig

APPLICANT: Hopper Communities, Inc.

PROPOSED ZONING ACTION: Rezoning from RS-12 & RS-8 (Gaston County) to PD-RRDD (City of Gastonia)

LOCATION: Southern side of Robinson Clemmer Road (PIDs: 203278, 210508, 212415, 304250, 304251, 172396)

TRACT SIZE: Approximately 48.897 acres

WARD: County to 4 (City)

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of six tax parcels, currently located in Gaston County’s jurisdiction, zoned RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots). An annexation petition has been filed by the applicant, and both cases will be heard by the Gastonia City Council on October 17th, 2023. The site is located on the southern side of Robinson Clemmer Road, adjacent to Bradley Road and Briarwood Drive. The property is primarily vacant and wooded except for one existing single-family residence located at 415 Robinson Clemmer Road.

The applicant is requesting to rezone to PD-RRDD (Planned Development – Revised Residential Development District) to facilitate a single-family residential development consisting of a maximum of 119 dwelling units. The overall site density is 2.43 dwelling units per acre. In accordance with section 8.1.11 of the Unified Development Ordinance, all single-family dwellings in the development are proposed to be front loaded with a minimum lot width of 56 feet by a minimum lot depth of 90 feet. There are two access points into the site, both proposed from Robinson Clemmer Road where sidewalk and other road improvements will be required. A Traffic Impact Analysis (TIA) is required for the proposed project and the developer will be responsible for providing all mitigations resulting from the TIA. All street cross sections, sidewalk and parking locations will be reviewed by Planning and Development Services during the TRC and preliminary plat process.

Along the eastern frontage, the applicant has agreed to provide enhanced landscaping to screen rear yards from Robinson Clemmer Road. Such screening will be reviewed to ensure compliance with sight distance requirements at the eastern site access. Additionally, a 10-foot Type B buffer will be provided along the entirety of the perimeter of the proposed site. The development includes a centrally located park square and several pockets of improved open space dispersed throughout. The southern end of the site includes a portion of the Long Creek segment of the Carolina Thread Trail and the applicant has agreed to provide an access trail to connect. Additional details of the improved open space will be required and reviewed as part of the preliminary plat process. The applicant has submitted conceptual elevations which include a variety of one-story and two-story homes.

Proposed zoning conditions:

1. Development shall be generally consistent with the attached site plan including a maximum of 119 single-family dwelling units.
2. A Traffic Impact Analysis (TIA) will be required to be completed prior to the subdivision plan review process. The developer will be responsible for providing all mitigations resulting from the TIA.

3. Street cross sections, parking locations, internal traffic calming, sidewalks and other improvements to be finalized during the preliminary plat and subdivision review process.
4. The developer is required to dedicate 30 feet of future right-of-way for the Long Creek segment of the Carolina Thread Trail located on the southern end of the subject property. Additionally, a fee-in-lieu is required and must be paid upon the recordation of the first final plat, in lieu of construction of said trail.
5. Per Section 9.18.3 C(4) in the UDO, developments that abut or construct trails in the public system, must provide at least one access trail in a dedicated public easement. The access trail is required to be a minimum of 7-feet in width, paved with asphalt or concrete, and be ADA accessible (per Section 9.18.3 G(2)).
6. Additional details of the improved open space will be required and reviewed as part of the preliminary plat process. Final design and details to be determined during subdivision plan review.
7. Construction shall be generally consistent with the character and details as depicted in the submitted elevations and architectural standards of Section 8.1.11 in the UDO.
8. In no instance shall the zoning conditions exempt a project from other development requirements.
9. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Adjoining Properties and Land Use Trends

Adjoining the proposed site is a combination of Gaston County, Town of Dallas, and City of Gastonia residential zoning and land uses. To the west is single-family residential uses zoned RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) in the Town of Dallas' jurisdiction. To the north is a combination of Gaston County and Town of Dallas RS-8 zoning consisting of the Briarwood and Southwest Dallas neighborhoods. To the south is single-family residential, zoned Gaston County and City of Gastonia RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots). Directly east is Gaston County RS-8 and a City of Gastonia March, 2001 approval for 213 single-family dwellings.

Available Public Facilities

Water and sewer are required to be extended to serve the property. Additional Two Rivers Utilities comments will be provided during the site plan review process.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the proposed site.

Conclusion

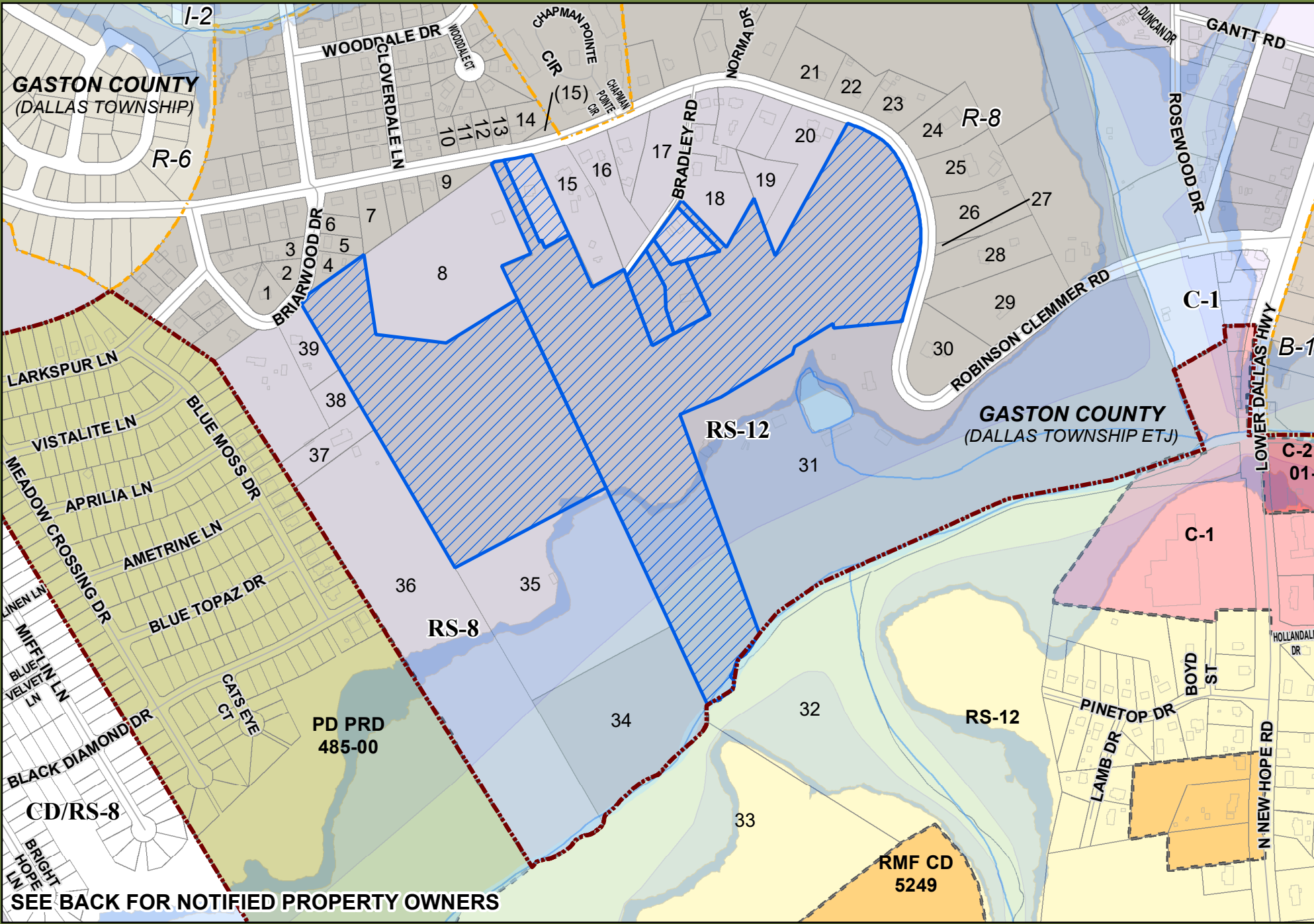
The request includes an annexation and assignment of zoning from Gaston County RS-12 and RS-8 to City of Gastonia PD-RRDD to facilitate a 119-unit single-family residential development. Based on the 2025 Comprehensive Plan, the submitted site plan, and the proposed conditions, **staff recommends approval of the request as presented.**




Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): Based on the 2025 Comprehensive Plan, as well as existing and surrounding zoning and land uses, the Planning Commission considers an affirmative vote for a single-family residential use to be reasonable, compatible, and in the public's interest.













Statement of consistency and reasonableness (motion to deny): The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.










































Applicant: Hopper Communities, Inc.
Owner: Robert J Neunzig
Planning Comm Hearing: October 5, 2023
Request: RS-12 & RS-8 (County) to PD RRDD (City)
Ward: County to 4 (City)
Total Tract Size: approx. 48.897 acres
Parcel ID #: 203278, 210508, 212415, 304250, 304251, 172396

 **Subject Property**

Legend

	City Boundary		Dallas Town Limit
	Roads		Floodway
	100yr Flood Zone		500yr Flood Zone
	Streams		Lakes
	Rivers		Parcels
	Buildings		

	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		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 RRDD Planned District Revised Res Devt District
	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				

	Dallas Township Zoning		Gaston Co. Zoning
	I-2		I-2
	R-6		R-6
	R-8		R-8
	B-1		C-1
	I-2		RS-12
	R-6		RS-8



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.

SEE BACK FOR NOTIFIED PROPERTY OWNERS

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Application
PLMAC202200661

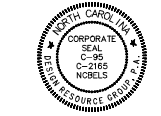
I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on September 22, 2023.



1:6,000
 1 inch represents 500 feet
 Plot Date: September 13, 2023



PLMAC202200661

1. TANNER RUSSELL B & TANNER LINDA D
2. BYERS AARON S & BYERS BRENDA W
3. GILLESPIE SIDNEY J
4. COLLINS DANNY CLYDE & COLLINS DORRIE BETH
5. BUCKLEY JOYCE L
6. EQUITY TRUST COMPANY CUSTODIAN FBO JIMMIE C GILLESPIE IRA
7. HAYNES KEITH E
8. TRUTH BROADCASTING CORPORATION & PROPERTY TAX DEPT
9. ANDERSON KENNETH
10. HOPSON LEAH
11. BYERS VERONICA LEE SMARR
12. HURTADO JUAN G & HURTADO MARTA C
13. PATTERSON FERMAN LEE
14. ARMSTRONG SHIRLEY A
15. HOLLAND MICHAEL L & NIX LYNN C
16. NIX LYNN CLEMMER
17. DAVIS AMY SUZANNE & CARSWELL EMMA SUE
18. GREENE SHARON FRANKLIN
19. BEAVER PEGGY BELL
20. RAMEY MARTHA B
21. SANTOS OSCAR LOPEZ
22. WOOTEN ALLEN & WOOTEN PATRICIA
23. LYKINS BRADLEY JAMES
24. ERIC GLENN CLEMMER IRREVOC TR
25. ERIC GLENN CLEMMER IRREVOC TR
26. ERIC GLENN CLEMMER IRREVOC TR
27. MCLAUD NORMAN K HEIRS C/O NORMAN KENNETH MCLAUD II
28. TRAVERSIE TROY N
29. DELLINGER CHRISTOPHER W
30. ERVAY ANDREW S
31. NEUNZIG ROBERT J
32. LEWIS STEVEN CHRISTOPHER
33. LEWIS STEVEN CHRISTOPHER & LEWIS MANDY LUTZ
34. NEUNZIG ROBERT J
35. DUKE ENERGY CORPORATION
36. PHASER BEAM PROPERTIES LLC
37. PHASER BEAM PROPERTIES LLC
38. HOOPER CHAD GWEN & HOOPER BRANDY DENISE
39. MOOSE TERESA A



REZONING PETITION

FOR PUBLIC HEARING

2022-00661

REZONING DOCUMENT

ROBINSON CLEMMER ROAD SITE
GASTONIA, NORTH CAROLINA

HOPPER COMMUNITIES
1616 CLEVELAND AVENUE
CHARLOTTE, NC 28203

TECHNICAL
DATA SHEET

PROJECT #: 598-034
DRAWN BY: JD
CHECKED BY: NB

AUGUST 25, 2023

REVISIONS:

R22.0

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY HOPPER COMMUNITIES ("APPLICANT") TO ACCOMMODATE THE DEVELOPMENT OF A SINGLE FAMILY RESIDENTIAL COMMUNITY ON AN APPROXIMATELY 48.41 ACRE SITE LOCATED ON THE SOUTH SIDE OF ROBINSON CLEMMER ROAD BETWEEN BRIARWOOD DRIVE AND ROSEWOOD DRIVE, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF THOSE TAX PARCELS IDENTIFIED ON THE SITE DATA TABLE ON THE REZONING PLAN.
- B. PURSUANT TO THIS REZONING APPLICATION, THE APPLICANT IS REQUESTING THAT THE SITE BE REZONED TO THE PLANNED DISTRICT (PD) – RRDD ZONING DISTRICT.
- C. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF GASTONIA UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE").
- D. THE DEVELOPMENT DEPICTED ON THE REZONING PLAN IS SCHEMATIC IN NATURE AND INTENDED TO DEPICT THE GENERAL ARRANGEMENT OF USES AND IMPROVEMENTS ON THE SITE. ACCORDINGLY, THE CONFIGURATIONS, PLACEMENTS AND SIZES OF THE LOTS AS WELL AS THE INTERNAL PUBLIC STREETS DEPICTED ON THE REZONING PLAN ARE SCHEMATIC IN NATURE AND, SUBJECT TO THE TERMS OF THESE DEVELOPMENT STANDARDS AND THE ORDINANCE, ARE SUBJECT TO MINOR ALTERATIONS OR MODIFICATIONS DURING THE DESIGN DEVELOPMENT AND CONSTRUCTION DOCUMENT PHASES.
- E. ADMINISTRATIVE AMENDMENTS TO THE REZONING PLAN MAY BE REQUESTED PURSUANT TO SECTION 5.16.4.J OF THE ORDINANCE.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. THE SITE MAY BE DEVOTED ONLY TO A SINGLE FAMILY RESIDENTIAL COMMUNITY CONTAINING SINGLE FAMILY DETACHED DWELLING UNITS TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED UNDER THE ORDINANCE IN THE PLANNED DISTRICT (PD) – RRDD ZONING DISTRICT.
- B. A MAXIMUM OF 122 SINGLE FAMILY DETACHED DWELLING UNITS MAY BE DEVELOPED ON THE SITE.

3. DIMENSIONAL STANDARDS/SITE DEVELOPMENT STANDARDS

- A. THE DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE APPLICABLE DIMENSIONAL STANDARDS OF THE ORDINANCE.
- B. THE MINIMUM LOT WIDTH FOR THE SINGLE FAMILY DETACHED DWELLING UNITS SHALL BE 56 FEET.
- C. SINGLE FAMILY DETACHED DEVELOPMENT SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF SECTION 8.1.11 OF THE ORDINANCE.

4. TRANSPORTATION AND PARKING

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY OF GASTONIA AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
- B. THE ALIGNMENTS AND LOCATIONS OF THE INTERNAL PUBLIC STREETS ARE SUBJECT TO MINOR MODIFICATIONS DURING THE PERMITTING PROCESS TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE CITY OF GASTONIA AND/OR NCDOT.

5. ARCHITECTURAL AND DESIGN STANDARDS

- A. THE MAXIMUM HEIGHT OF ANY SINGLE FAMILY DETACHED DWELLING UNIT CONSTRUCTED ON THE SITE SHALL BE GOVERNED BY THE ORDINANCE.
- B. SINGLE FAMILY DETACHED DWELLING UNITS SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS OF SECTION 8.1.11 OF THE ORDINANCE.
- C. SET OUT ON SHEET R22.0 OF THE REZONING PLAN ARE CONCEPTUAL SCHEMATIC IMAGES OF THE SINGLE FAMILY DETACHED DWELLING UNITS PROPOSED TO BE CONSTRUCTED ON THE SITE THAT ARE REPRESENTATIVE OF THE GENERAL ARCHITECTURAL STYLE AND CHARACTER OF THE SINGLE FAMILY DETACHED DWELLING UNITS PROPOSED TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, THE ACTUAL SINGLE FAMILY DETACHED DWELLING UNITS CONSTRUCTED ON THE SITE MAY DIFFER FROM THE CONCEPTUAL SCHEMATIC IMAGES PROVIDED THAT THE GENERAL ARCHITECTURAL STYLE AND CHARACTER OF THE SINGLE FAMILY DETACHED DWELLING UNITS CONSTRUCTED ON THE SITE ARE GENERALLY CONSISTENT WITH THE GENERAL ARCHITECTURAL STYLE AND CHARACTER REPRESENTED IN THE CONCEPTUAL SCHEMATIC IMAGES.

6. STREETScape TREATMENT/ SIDEWALKS

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE STREETScape AND SIDEWALK REQUIREMENTS OF THE ORDINANCE.

7. TREE SAVE/OPEN SPACE/CAROLINA THREAD TRAIL

- A. TREE SAVE AND OPEN SPACE AREAS SHALL BE PROVIDED ON THE SITE AS REQUIRED BY THE ORDINANCE.
- B. OPEN SPACE AREAS SHALL CONTAIN ONE OR MORE OF THE FOLLOWING ITEMS: TRAILS/WALKING PATHS, BENCHES, ENHANCED LANDSCAPING AND/OR A DOG PARK.
- C. APPLICANT SHALL CONVEY A PERMANENT EASEMENT TO THE CITY OF GASTONIA OVER THAT PORTION OF THE SITE THAT IS GENERALLY DEPICTED ON THE REZONING PLAN TO ACCOMMODATE THE FUTURE CAROLINA THREAD TRAIL TO BE CONSTRUCTED AND MAINTAINED BY OTHERS.

8. ENVIRONMENTAL

- A. NO SWALES, RETAINING WALLS OR STORM WATER (BMP) MEASURES CAN BE LOCATED WITHIN BUFFERS.

9. SIGNS

- A. ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

10. BINDING EFFECT OF THE REZONING APPLICATION

- A. IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF APPLICANT AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "APPLICANT" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF APPLICANT OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.







AMENDED
CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

ATTN: Please upload applications and all attachments separately to our online portal at the following address: <https://devsvcs.cityofgastonia.com/> and click on "Apply for a Planning Permit"

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; etc.): _____
See Exhibit A attached hereto

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(s): See Exhibit B attached
hereto

3. Subject property addresses: See Exhibit B

4. 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. Single family homes are located on
the property

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

6. 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, with advance notice

7. The real property to be rezoned is owned in fee simple by See Exhibit B as evidenced in deed from (date) See Ex. B recorded in DB: _____ PG: _____ in the Gaston County Registry

8. The real property for which the above request is sought is located on the South side of Robinson Clemmer Road between Briarwood Drive and _____ having a frontage of 1,085 feet and depth of 2,300 feet and acreage of 48.41 Rosewood Drive.

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

10. 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.)

11. 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). See Exhibit B

12. Name and address of applicant: Hopper Communities, Inc. c/o Bert Hopper
1616 Cleveland Avenue, Charlotte, NC 28203

Telephone #: 704-805-4801 E-mail address: bhopper@hoppercommunities.com

13. Interest in subject realty: Contract interest

14. 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 *

15. Has this property previously been subject to any of the following (please add case # and date)?

- Conditional Use Permit _____
- planned unit development _____
- subdivision ordinance _____
- Planned Residential Development _____
- Other Conditional District _____

Not to Applicant's knowledge

If yes, please explain _____

16. Name and address of person to present item at public hearing: Bert Hopper

See Above

Telephone number: _____ Email: _____

I, Bert Hopper, certify that I have read the information provided in the public hearing information package on the _____ day of _____, 20_____.

SIGNATURES: All property owners must sign when a CD is requested.

See Attached Signature Pages for Applicant
& Property Owners

* Applicant is conducting a title search

Exhibit A to Rezoning Application
Filed by Hopper Communities, Inc.

Rezoning Request

Applicant is requesting the rezoning of an approximately 48.41 acre site located on the south side of Robinson Clemmer Road between Briarwood Drive and Rosewood Drive from the RS-8 and RS-12 zoning districts to the Planned District (PD) – RRDD zoning district to accommodate the development of a residential community on the site that would contain a maximum of 122 single family detached dwelling units. The site is comprised of those tax parcels identified on Exhibit B to the Rezoning Application.

Exhibit B to Rezoning Application
Filed by Hopper Communities, Inc.

Rezoning Site Property Owners Information and Property Information

Tax Parcel Nos. 203278, 210508, 212415 and 304250

Property Owner: Robert J. Neunzig

Property Addresses: No assigned address
802 Bradley Road, Dallas, NC 28034
No assigned address
No assigned address

Property Owner's Address: 813 Robinson Clemmer Road, Dallas, NC 28034-8323

Deeds

Tax Parcel No. 203278:

Deed from Kathy J. Neunzig recorded in Deed Book 4591 at Page 2499

Tax Parcel No. 210508:

Deed from Kathy J. Neunzig and husband, Paul Robert Thomas King, recorded in Deed Book 5176 at Page 1165

Tax Parcel No. 212415:

Deed from Kathy J. Neunzig recorded in Deed Book 4591 at Page 2492

Tax Parcel No. 304250:

Deed from Kathy J. Neunzig and husband, Paul Robert Thomas King, recorded in Deed Book 5176 at Page 1168

Tax Parcel No. 172396

Property Owner: Jacqueline Stewart Wells

Property Address: 415 Robinson Clemmer Road, Dallas, NC 28034

Property Owner's Address: 415 Robinson Clemmer Road, Dallas, NC 28034

By the Will of Clarence James Cooper, Jr. located in Estate File 2019-1035 in the Gaston County Clerk of Court Office

Tax Parcel No. 304251

Property Owner: Anne Steadman Burnett

Property Address: 800 Bradley Road, Dallas, NC 28034

Property Owner's Address: 3806 Springway Drive, Gastonia, NC 28056

Deed from Kathy J. Burnett a/k/a Kathy J. Neunzig and husband, Paul Robert Thomas King; and Robert J. Neunzig, Unmarried, recorded in Deed Book 5189 at Page 2301

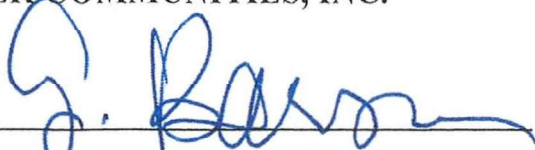
*[Signature Page of Applicant to Rezoning Application filed by
Hopper Communities, Inc.]*

HOPPER COMMUNITIES, INC.

By: _____

Name: _____

Title: _____



J. Bart Hopper

President

Mailing Address:

c/o Bart Hopper
1616 Cleveland Avenue
Charlotte, NC 28203

Phone: 704-805-4801

Email: bhopper@hoppercommunities.com

*[Signature Page of Property Owner (203278, 210508, 212415 and 304250), Robert J. Neunzig,
to Rezoning Application filed by Hopper Communities, Inc.]*


Robert J. Neunzig

11-14-2022


Mailing Address:

813 Robinson Clemmer Road
Dallas, NC 28034-8323

Phone: 704-813-3205

Email: DR NEUNZIG@AOL.COM

[Signature Page of Property Owner (172396), Jacqueline Stewart Wells, to Rezoning Application filed by Hopper Communities, Inc.]


Jacqueline Stewart Wells

Mailing Address:

415 Robinson Clemmer Road
Dallas, NC 28034

Phone: 980-285-0431

Email: JackieCooper419@gmail.com



[Signature Page of Property Owner (304251), Anne Steadman Burnett, to Rezoning Application filed by Hopper Communities, Inc.]

<i>Anne Steadman Burnett</i>	dotloop verified 06/14/23 10:12 AM EDT D6jF-QZB9-XQ0H-CGI7
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Anne Steadman Burnett

Mailing Address:

3806 Springway Drive
Gastonia, NC 28056

Phone: _____

Email: _____



MEMORANDUM

Date: September 5, 2023

To: Michael Peoples; Mayor and City Council
City Manager

From: Laura Burton
Police Attorney

Subject: Subject hearing involves a request to amend *Section 12.3 Prohibited Signs* in Chapter 12 *Signs*, of the Unified Development Ordinance to allow for a violation of section 12.3 to be punishable as a misdemeanor (File# 202300365). This ordinance requires two reads.

This ordinance addresses Chapter 12 of the City's Unified Development Ordinance and specifically includes a new subsection, pursuant to Part XIII of Session Law 2021-138 (Senate Bill 300), stating that a violation of Section 12-3 is punishable as a misdemeanor. This ordinance requires two reads.

This revision, in conjunction with the resolution that designated the Gastonia Police Department as an administrator of the Unified Development Ordinance, will allow the Gastonia Police Department to impose criminal penalties for its violation.

CONCLUSION

If approved, this revision would allow the Gastonia Police Department to impose criminal penalties for violations to *Section 12.3 Prohibited Signs*. Staff recommends approval as presented.

Statement of Reasonableness and Consistency (motion to approve):

This ordinance is consistent with the Gastonia 2025 Comprehensive Plan, and is reasonable and in the public interest.

**AN ORDINANCE AMENDING CHAPTER 12 OF THE GASTONIA UNIFIED DEVELOPMENT
ORDINANCE**

WHEREAS, Part XIII of Senate Bill 300/Session Law 2021-138 provided that effective December 1, 2021, a violation of a city ordinance may be a misdemeanor as provided by N.C.G.S. § 14-4 only if the City specifies such in the ordinance; and

WHEREAS, prior to December 1, 2021, state law provided that the violation of a city ordinance is a misdemeanor unless the City otherwise provides; and

WHEREAS, the Council of the City of Gastonia intends for certain ordinance violations to be punishable as a misdemeanor.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. Chapter 12 of the Gastonia Unified Development Ordinance is amended as follows:

Section 12-3. Prohibited Signs.

1. All signs not expressly addressed under this Ordinance (or elsewhere in this Ordinance) are prohibited. Any permitted or non-permitted sign shall not violate this Section. Such signs include, but are not limited to:

A. Any sign that obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.

B. Signs, other than traffic regulatory signs, which contain lights, rotating disks, words and other devices not erected by a public authority that may be erroneously construed as government signs or emergency-warning signs shall be prohibited. An example of this is a sign that contains a picture of a traffic sign plus the word "Stop," "Yield," etc. Any sign located outdoors that interferes with free passage from or physically obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air shall be prohibited. (NOTE: Signs painted onto windows shall not be prohibited, nor shall neon and similar signs attached to windows.)

C. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, (with the exception of certain projecting/suspended signs and sandwich board signs per Sections 12.5.6 and 12.5.7 of this Ordinance and/or other signs specifically listed as being allowed for placement within a street right-of-way) unless otherwise authorized by the City Manager or the Subdivision Administrator shall be prohibited. Signs placed in a required sight distance triangle without having first received approval for such placement from the City shall also be prohibited. (NOTE: The Administrator shall have the authority to remove and may discard without notice any such prohibited sign illegally placed within a street right-of-way or sight triangle and, at local discretion, may immediately destroy such sign.)

D. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign shall be prohibited.

E. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with scrolled messages, signs with electronically scrolled messages (except government traffic signs and signs which give time and temperature information) shall be prohibited. Provided, however, sign lights shall change in degree of intensity based on ambient light conditions to conform to the requirements of Section 12.15.

If a time and temperature sign alternates between a time message and a temperature message, it shall continuously show one message a minimum of two and one-half (2.5) seconds in time before switching to the other message. Except as npted in this paragraph, or allowed under section 12.15, signs with a message or text made wholly or partially of lights, including but not limited to, light emitting diodes (LED), incandescent lights, or exposed light bulbs or highly

reflective materials, so as to generate a contrast between the sign and adjacent surfaces of the surrounding area shall be prohibited. This provision shall not apply to static neon signs where the neon creates the sign message.

F. Portable signs, excluding temporary signs otherwise permitted as set forth in Section 12.2 and Section 12.4. A sign originally constructed as a portable sign may not be converted into a permanent sign by chaining or bolting it to the ground, or by other means or alterations.

G. Vehicular signs.

H. Rotating signs.

I. Electric signs which are not installed and/or wired in accordance with the national electric code.

J. Signs not installed in accordance with the North Carolina building code.

K. Roof signs.

L. Signs that contain language and/or pictures deemed obscene per G.S. 14-190.1.

M. Signs that advertise an activity or business no longer conducted on the property upon which the sign is located.

N. Off-premise advertising signs.

O. Inflatable objects, including balloons with a diameter of two (2) feet or greater.

P. Freestanding signs which are not installed into the ground shall be prohibited.

Q. Any other sign not expressly permitted by this Ordinance shall be prohibited.

2. A violation of this section is punishable as a misdemeanor.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 5. This ordinance shall take effect and be in force from the date of its adoption.

This the ___ day of _____, 2023.

CITY OF GASTONIA

Walker E. Reid, III, Mayor

ATTEST:

City Clerk

Ord23-796