

# City of Cherryville Planning Department – Staff Report

## Rezoning Case

Applicant:	Carolina Home Co. Inc./ Robert Johnson																		
Property Owner(s):	Cherry Vale LLC																		
Property Location:	<table style="width: 100%; border: none;"> <tr><td style="width: 50%;">PID # 158390</td><td style="width: 50%;">203081</td></tr> <tr><td>158391</td><td>203082</td></tr> <tr><td>203074</td><td>203083</td></tr> <tr><td>203075</td><td>203084</td></tr> <tr><td>203076</td><td>203085</td></tr> <tr><td>203077</td><td>203086</td></tr> <tr><td>203078</td><td>203087</td></tr> <tr><td>203079</td><td>203088</td></tr> <tr><td>203080</td><td>203089</td></tr> </table>	PID # 158390	203081	158391	203082	203074	203083	203075	203084	203076	203085	203077	203086	203078	203087	203079	203088	203080	203089
PID # 158390	203081																		
158391	203082																		
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203076	203085																		
203077	203086																		
203078	203087																		
203079	203088																		
203080	203089																		
Property Size:																			
Current Zoning:	<b>Rural Residential R-40 - 158391</b> <b>Single Family Residential (R-15) – 158390, 203074,</b> <b>Single Family Residential (R-12) – 203075, 203076, 203077, 203078, 203079, 203080, 203081, 203082, 203083, 203084, 203085, 203086, 203087, 203088, 203089</b>																		
Proposed Zoning:	<b>R-9/Cluster Development Conditional District</b>																		

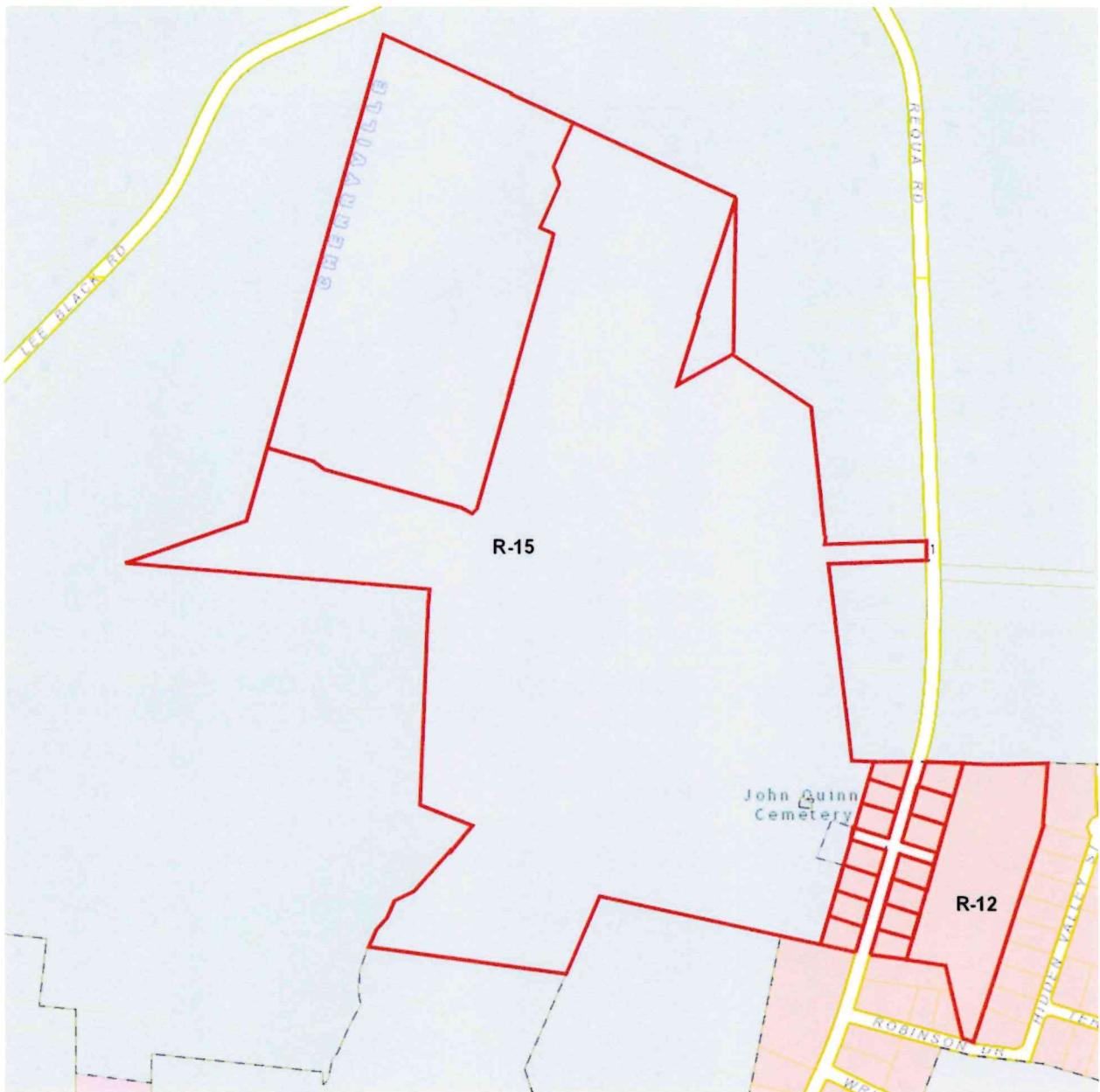
## Description:

City Staff received a Zoning Map Amendment application on April 20, 2022 from Miles Wright, regarding a possible rezoning and annexation request for the Parcels outlined above. A complete application with payment was obtained on May 13, 2022. This request is to change the current zoning of the 161.2 acres residing within the City of Cherryville’s Corporate limits with the exception of Parcels 203078, a portion of 203074 and 158391 that reside wholly or partially in the Extraterritorial Jurisdiction from the designations of Rural Residential District (R-40), Single Family Residential R-15, and Single Family Residential R-12 to that of the R-9/Cluster zoning district with the Conditional Zoning attachment for a subdivision 20 units or greater.

In speaking with the applicant, Robert Johnson, they are hoping to utilize the 161.2 acres to provide for 504 single family homes to be accessed by Requa Road. Due to the proposed number of homes two access points will be required for the subdivision. A petition for voluntary annexation has also been submitted for the two parcels not currently within the City of Cherryville’s Corporate Limits and a portion of a third parcel is included as well.

The current properties surrounding this parcel are listed as Rural Residential (R-40) to the South West, R-15 to the East, General Manufacturing and Commercial to the North and Residential Multi-Family and R-9 to the North East.





**Process:**

Staff received the application and scheduled the rezoning request to be reviewed at the next available meeting of the Cherryville Planning Board on June 20, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with applicable requirements and approval procedures.
- Filing of Request
  - May 6, 2022 – for Rezoning
  - May 31, 2022 – Petition for Annexation
- City Council to instruct City Clerk to investigate Petition of Voluntary Annexation.
  - June 13, 2022

- Cherryville Planning Board to consider the annexation and conditional zoning along with the preliminary plat review.
  - June 20, 2022 – request was presented for consideration to the Cherryville Planning Board.
- Staff to schedule with the City Council to set a Public Hearing
- Staff to schedule proper advertisement of the Public Hearing to run once a week for two consecutive calendar weeks in a newspaper having general circulation in the area.
  - Advertisement to be placed in the front lobby of the Cherryville City Hall
  - Two ads placed in the Cherryville Eagle
- Staff to install zoning signage on the subject property prior to public hearing.
- Notices of adjoining property owners to be sent prior to the Public Hearing by staff.

**Meeting Dates:**

- March 15, 2022 Pre-Filing meeting
- May 31, 2022 Submittal of complete application
- June 13, 2022 City Council to instruct City Clerk for investigation into Annexation
- June 20, 2022 Planning Board Review of Rezoning Request/Annexation Petition.
- July 11, 2022 City Council to set Public Hearing
- August 8, 2022 City Council to hold Public Hearing

**Staff Comments:**

The current zoning designations, for the parcels involved in the rezoning request, are split between the **R-40** zoning district, the **R-15** zoning district and the **R-12** zoning district. These two general zoning districts are recorded in our Zoning Ordinance as presented below:

**R-40 Rural Residential** – This district is intended to accommodate low-density residential and agricultural uses in fringe areas of the zoning jurisdiction which generally are non-intensely developed. This district is established to accommodate low density development where public utilities are non-existent or partially existent, and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of such facilities. The continuance of agricultural operations is encouraged within this district. Under certain circumstances, certain conditional uses may be allowed depending upon facilities to support such uses, compatibility with existing and proposed surrounding development, and other criteria set forth in this Ordinance.

**R-15 Single Family Residential District** – This district is established to provide areas consisting primarily of larger-lot single-family residences located in both urban and suburban settings where public water and sewer are either present or readily available. Permitted residential uses consist solely of single-family residences and the minimum lot size shall be 15,000 square feet. In addition to single-family residences, a limited number of private and public community uses are allowed, on either a permitted by right basis or on a conditional use

basis where certain criteria specified in this Ordinance are met. Certain single family detached planned residential developments are allowed on a conditional basis.

**R-12 Single Family Residential District** – This district is established to provide primarily for single-family residences. The minimum lot size for single-family dwellings on a use by right basis is established at 12,000 square feet. Unlike the R-15 district, public water and sewer are available in all R-12 zoned areas. Two-family dwellings are also permitted. Certain public and private community facilities are also allowed or may be allowed on a conditional basis. Certain cluster type residential planned developments may be allowed on a conditional basis.

Applicants have requested a change to the **Single and Two Family Residential (R-9)/Cluster** which is further enumerated in Section 6.5 where “There are circumstances where a better community can be achieved by concentrating development on portions of the site most suitable for development; leaving undeveloped land which can be left in its natural state or developed into open space amenities to serve the community. Such development patterns typically require less street and utilities per unit than conventional development; thus saving both initial costs and long term maintenance costs. To facilitate such a more sustainable development pattern, cluster development is allowed as a conditional use in accordance with the following requirements.”

Further outlined in **Section 6.5.1 Basic Requirements: Cluster development shall meet all of the following criteria:**

- a. Minimum Acreage: The minimum area of a cluster development shall be 10 acres.
- b. Conditional Use: Cluster development requires a conditional use permit. As part of the conditional use approval, a schematic master plan shall be provided which shall show the intended layout, density, and the arrangement of roads, lots, and open space. Minimum proposed open space improvements shall be indicated on the master plan.
- c. Dimensional requirements: All cluster developments shall meet the City of Cherryville Subdivision Regulations, but are exempt from the subdivision ordinance and the zoning ordinance requirements relating to layout, minimum lot size, property line setbacks and street frontage.

Minimum Single Family Lot Requirements

Zoning	Area	Width	Setback	Side yard	Rear yard	Open Space
R-40	20,000	70'	25'	8'	30'	50%
R-15	10,000	70'	25'	6'	25'	33%
R-12	8,000	60'	25'	5'	25'	33%
R-9	6,000	50'	20'	5'	25'	33%

d. Additional requirements:

- 1) Public sewer and water required.
- 2) Minimum rear yards along exterior boundaries of development shall be increased by 10'.
- 3) Street trees shall be required on each side of the street at a minimum average spacing of 50' on center.
- 4) Minimum 4' wide sidewalks shall be required. Cul-de-Sacs require sidewalk on one side only.

Furthermore, the dedication and maintenance of Common Open Space is outlined in **Section 6.5.2 Dedication and Maintenance of Common Open Spaces.**

- a. **Covenant Restrictions:** The common open space land shall be jointly owned in common by the owners of the dwelling units/lots in the development. Covenants for mandatory memberships in an association, setting forth the owner's rights and interests, shall be included in the deed for each lot.
- b. **Use of Common Open Space:** The common open space shall be permanently restricted to recreation, conservation or agricultural purposes. Structures accessory to non-commercial recreational, conservation or agricultural uses may be erected on the common open space. Utilities serving the development and measures intended to enhance water quality may be on common open space.
- c. **Restrictions on Common Open Spaces:** Common open spaces shall be shown on the final record plat with notation that indicates that:
  - 1) Common open space shall not be used for additional residential units.
  - 2) A part or all of the common open spaces may be dedicated for acceptance by the City for operation as a municipal recreation facility.

- d. Developer Responsibility for Common Open Space Maintenance: The developer or sub-divider shall maintain control of such open space(s) and shall be responsible for their maintenance until at least 50% but not more than 85% of the lots/units are sold.
- e. Phased Dedication of Common Open Space: The minimum percent of common open space recorded on each record plat shall be such that the total percent of open space dedicated at any one time is approximately equal to the percent of total lots recorded.

The applicants have provided site details of their proposed development based on the approval of the requested annexation and zoning designation show that they will supply roughly 55.29 acres of Common Open Space. In accordance with the Cluster Development Ordinance referenced above, this accomplishes the requirement of 33% Common Open Space for the R-9/Cluster District.

Staff must bring to your attention that the Future Land Use Plan, as adopted by City Council on August 13, 2012, shows this area as planned to be residential in nature.

**Possible Conditions to be considered:**

**- Level of Density for the area.**

- As it is currently requested the annexation and rezoning of these parcels is intended for the creation of a subdivision containing an estimated 504 houses on lots that abide by the R-9/Cluster development ordinance standards. As presented above, this allows for lots to be a minimum of 6,000 square feet with the requirement that all rear yards along the exterior boundaries of the development shall be increased by 10 feet.

- While the North Carolina General Statute 160D does have strong language regarding the act of down-zoning a property it does provide that:

- No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than is allowed under its previous usage.
- (2) by reducing the permitted uses of land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

- In my interpretation of the Ordinance as well as the NCGS 160D-601 in its description of down-zoning, I feel that it is within the City Council’s capability to bring forth such request that the property be granted a Cluster Development Designation whether it is R-9/Cluster or one of the other such districts (R-12/Cluster or R-15/Cluster) would still maintain a higher density than the current zoning districts

**R-15/Cluster:**

Minimum lot requirements for single family lots are set forth as

Minimum lot area (square feet)	10,000
Minimum lot width	70 feet
Minimum Front Setback	25 feet
Minimum Side Setback	6 feet
Minimum Rear Setback	25 feet
Open Space Required	33%

\*A quick calculation of available land area for this property, not counting 33% open space as required, would provide for roughly 332 lots to be allowed on the development.



**R-12/Cluster:**

Minimum lot requirements for Single Family Lots are described as

Minimum Lot Area (Square feet)	8,000
Minimum Lot Width	60 feet
Minimum Front Setback	25 feet
Minimum Side Setback	5 feet
Minimum Rear Setback	25 feet
Open Space Required	33%

\*A quick calculation of available land area for this property, not county 33% Open Space as required, would provide roughly ~415 lots to be allowed on the development.

**- Buffer Strips.**

- As the preliminary plat currently shows there is a 50 foot buffer of common open space surrounding all development on the western side of Requa Road. However, there is no evidence that a buffer has been planned for the plots abutting the existing Hidden Valley Subdivision. Staff feels that this should be reviewed and the possibility of adding the buffer to full development should be discussed with the applicant.
- In the City of Cherryville Zoning Ordinance Part 5, Section 5.2 the requirements for buffer strips are laid out. While Part 11 of the ordinance was removed pertaining to Planned Residential Developments, the intent of screening as outlined in Section 5.2 is as follows:
  - The intent of these screening requirements shall be to create a screen between zoning districts and other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. Any screening required under this Section shall materially screen the subject use between the ground level and the height of the required screening.
  - **Please see below:**

**5.2.3 Specifications for Screening**

Screening may be in the form of natural plantings, berms or walls or fences. Screening shall be encouraged, however, in the form of natural plantings. Where sufficient room exists to place a screen consisting of natural plantings or maintain an existing screen of natural plantings, such natural plantings shall be used as the required form of screening. Otherwise, screening in the form of a berm, wall or fence may be used. The Zoning Administrator may approve a combination of natural planting, berm,

wall or fence, if he determines that the spirit and intent of this section are met by such combination.

a. Natural Plantings. Where natural plantings are used, a buffer strip of at least twenty (20) feet in width [ten (10) feet for a non-residential use in the R-O District] shall be planted. This strip shall be free of all encroachment by structures, parking areas or other impervious surfaces. The amount and type of buffer materials to be planted per one hundred (100) linear feet shall be as indicated in Figure 5.2.2. At least 75 percent of the Natural Plantings shall be evergreen species which are locally adapted to the area. See Figure 5.2.3 for acceptable plant species.

All materials planted shall be free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked and planted in a manner which is not intrusive to utilities and/or pavement and planted in accordance with Section 5.2.6 of this Ordinance.

b. Walls or Fences. Any wall shall be constructed in a durable fashion with a finish surface of brick, stone or other decorative masonry material approved by the Zoning Administrator. Fences shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern. No wall or fence shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or wood fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with Section 5.2.6 of this Ordinance.

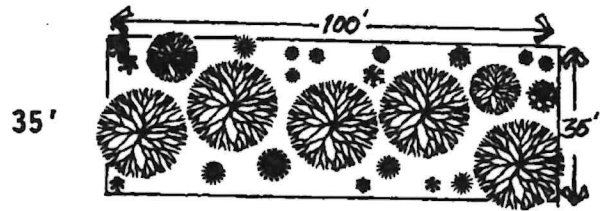
c. Berms. All berms shall be grassed and/or planted with other plant materials. If grassed alone, the berm shall be no less than six (6) feet nor greater than nine (9) feet in height. If landscaped, the berm shall be at least three (3) feet in height and contain at least twenty (20) shrubs per one hundred (100) linear feet. Said shrubs shall be a species that can be expected to materially screen the development site within five (5) years of planting. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet in plane.

FIGURE 5.2.2

**REQUIRED BUFFER STRIP ALTERNATIVES (PER 100 LINEAR FEET) FOR NATURAL PLANTINGS**

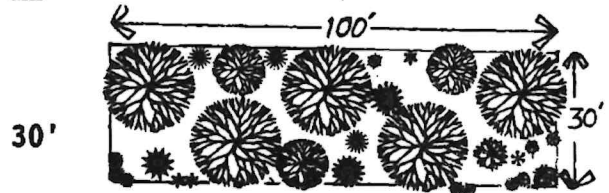
**ALTERNATIVE**

1. 5 LARGE TREES (L)  
2 SMALL TREES (T)  
19 SHRUBS (S)



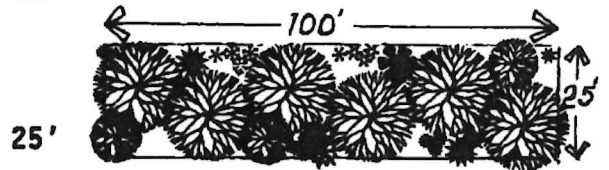
OR

2. 5 LARGE TREES (L)  
3 SMALL TREES (T)  
22 SHRUBS (S)



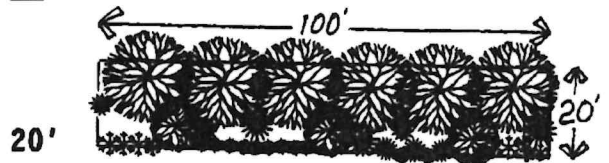
OR

3. 6 LARGE TREES (L)  
3 SMALL TREES (T)  
24 SHRUBS (S)



OR

4. 6 LARGE TREES (L)  
3 SMALL TREES (T)  
28 SHRUBS (S)



OR

5. (FOR R-0 DISTRICT ONLY, AS)  
SET FORTH IN 5.2.1-B)  
4 SMALL TREES (T)  
20 SHRUBS



**LEGEND**

Large Tree



Small Tree



Shrubs



**Abutting/Adjoining Property Owners:**

Mark Benjamin Heavner  
1912 Piney Grove Church Road  
Knoxville, TN 37909

Frankie L Anthony 99% Int.  
Joie L Arthurs 1%  
122 Requa Road  
Cherryville, NC 28021

Katherine R Kester  
1203 Requa Road  
Cherryville, NC 28021-8102

Arthur W Yount & Jennifer Yount  
1217 Requa Road  
Cherryville, NC 28021

Jason G Wilson  
1323 Worthington Pl  
Lincolnton, NC 28092-6307

William C Eaker & Matthew C Eaker  
12 Tulip Ave  
Concord, NC 28025

Ronald Wiggins Jr.  
1229 Requa Road  
Cherryville, NC 28021

Daniel W Howard & Carrie Howard  
1311 Requa Road  
Cherryville, NC 28021

Kelly Shantal Crawford  
& Kevin Eugene Mobley  
1005 Union Terrace  
Gastonia, NC 28056-8023

Ricky L Eggers & Kelly E Eggers  
801 Groves Street  
Kings Mountain, NC 28086

Johnny W Johnson & Trudy B Johnson  
1431 Requa Road  
Cherryville, NC 28021

Mary G Green  
1335 Requa Road  
Cherryville, NC 28021

Fred W McSwain  
370 Lee Black Road  
Cherryville, NC 28021

Jerry R Lail & Rita M Lail  
204 Lee Black Road  
Cherryville, NC 28021

Debra Bowman Gantt  
1152 Cherryville HWY  
Cherryville, NC 28021-7702

Reginald Max Beam  
1104 N Mountain Street  
Cherryville, NC 28021

Thomas Alexander Hord &  
Joan Marie Hord  
P.O. Box 104  
Mount Holly, NC 28120

Jack D Bingham Enhanced Life Estate &  
Judy B Bingham Enhanced Life Estate  
815 Requa Road  
Cherryville, NC 28021

Christopher Lynn Mercer  
1103 Requa Road  
Cherryville, NC 28021

ARC/HDS Gaston County Housing  
P.O. Box 29594  
Greensboro, NC 27429

Sowmya Upadhyaya Kiran Keshava  
18479 Mccoy Ave  
Saratoga, CA 95070-4709

Casey Thomas Reeves  
112 Wright Circle  
Cherryville, NC 28021

David S Segrest & Ana U Segrest  
118 Robinson Drive  
Cherryville, NC 28021

Timothy Lee Henley & Deborah Henley  
100 Hidden Valley Street  
Cherryville, NC 28021

Charles Lavern Moyer &  
Stephanie Creason Moyer  
102 Hidden Valley Street  
Cherryville, NC 28021-2001

Donna R Perry  
1410 Barbara Drive  
Cherryville, NC 28021-2638

Elwyn N Bertaux Jr. & Judy J Bertaux  
106 Hidden Valley Street  
Cherryville, NC 28021

Mary E Adams  
603 Windwood Drive  
Gastonia, NC 28056

Nicholas T Dimauro  
110 Hidden Valley Street  
Cherryville, NC 28021

Lewis Ray Costner II  
112 Hidden Valley Street  
Cherryville, NC 28021-2001

Fred W Doolittle  
P.O. Box 432  
High Shoals, NC 28077

Michael Wayne Rudisill  
116 Hidden Valley Street  
Cherryville, NC 28021

Debbie Hester Jones &  
Richard Todd Jones  
118 Hidden Valley Street  
Cherryville, NC 28021

Quinn Family Cemetery  
128 W Main Ave  
Gastonia, NC 28052

James P Rhodes & Betty B Rhodes  
1340 Requa Road  
Cherryville, NC 28021

Robert Johnson  
711 E Main Street  
Cherryville, NC 28021

Cherry Vale LLC  
5201 Monroe Road  
Charlotte, NC 28205

## NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, August 8, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Zoning Map Amendment (Rezoning) for the property identified as PID #'s 158390, 203081, 158391, 203082, 203074, 203083, 203075, 203084, 203076, 203085, 203077, 203086, 203078, 203087, 203079, 203088, 203080 and 203089 located along Requa Road. The request is for the change of the current zoning (R-40, R-15 and R-12) to that of the R-9/Cluster Development zoning designation.



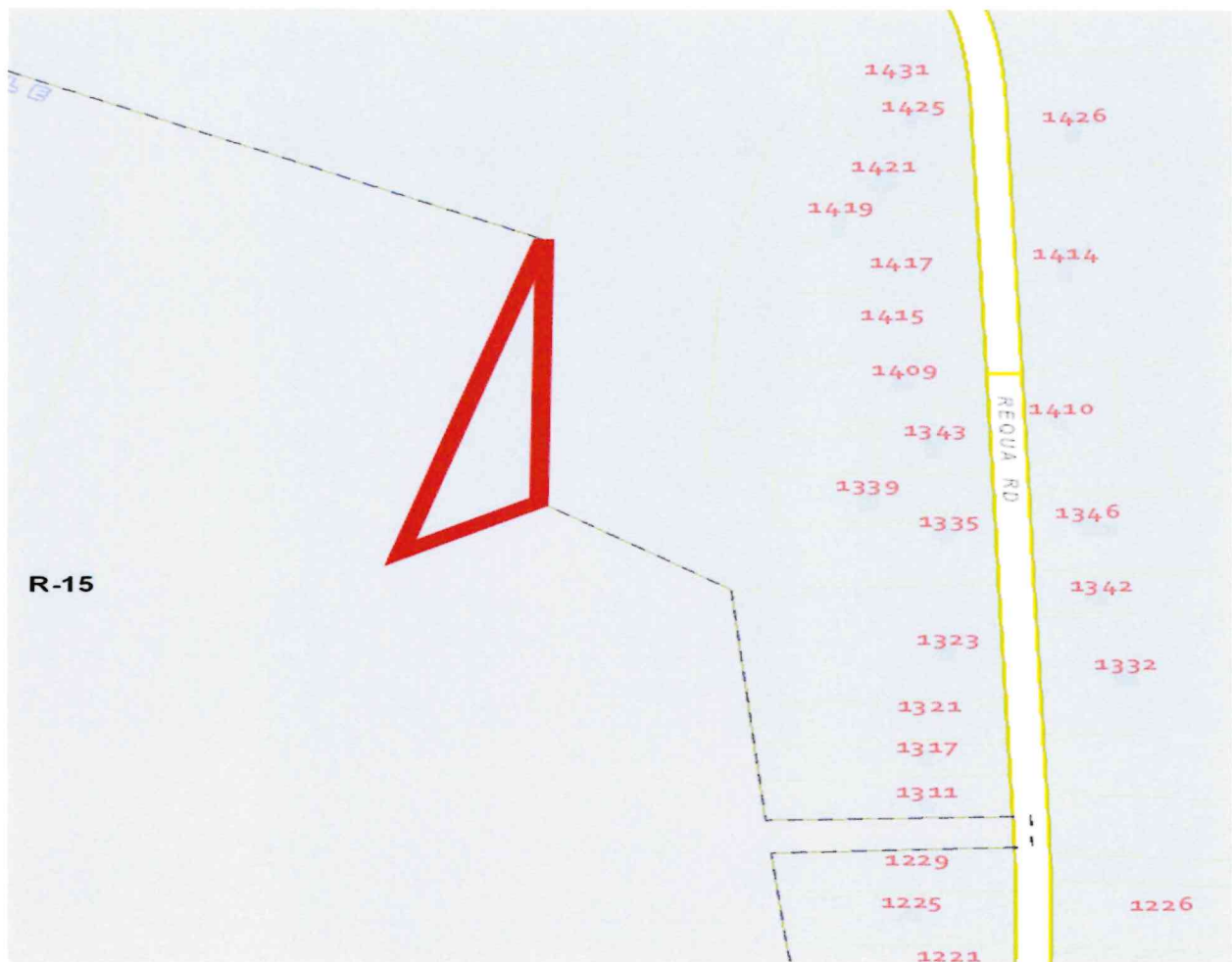
For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at [ablackburn@cityofcherryville.com](mailto:ablackburn@cityofcherryville.com)

## NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, August 8, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Annexation for two parcels of land and a portion of a parcel previously annexed. Parcels in question are identified in red outline below and recorded as Parcel # 158391 (Triangle) comprised of ~1.69 acres, Parcel # 203078 and a portion of 203074 (Rectangle shape) comprised of ~1.013 acres.

For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at [ablackburn@cityofcherryville.com](mailto:ablackburn@cityofcherryville.com)









Blue – Rezoning notification Signs

Red – Annexation Notification Sign

## Annexation Description (as provided by Miles Wright)

### Area #1:

Commencing at an existing angle iron, said iron being an existing corner of the City of Cherryville City Limits, said corner also being the Northeast Property corner of Jack D. Bingham (Deed 5076 Page 2160), from said commencement point the following three (3) calls N 80°26'49" W – 145.52' to an existing #4 rebar, thence continuing N 80°15'49" W – 151.01' to an existing #4 rebar, said rebar being located on the western margin of Requa Road, a 60' public Right of Way maintained by the City of Cherryville, thence N 21°32'21" E – 311.73' to the Point of Beginning of the Annexation area, from said Point of Beginning N 69°48'04" W – 300.00' to a point, thence N 20°23'45" E – 150.00' to a point, thence S 69°47'17" E – 289.00' to a point, thence S 16°11'56" W – 150.30' to the point and place of beginning containing 1.013 Ac± to be annexed into the City of Cherryville's City Limits.



**Area #2**

Beginning at a metal fence post, said fence post being an existing corner of the City of Cherryville City Limits, said corner also being the Southeast Property corner of Fred W. McSwain (Deed 2243 Page 485). From said beginning point and following the new city limit line S 02°31'52" W – 660.05' to an iron pin, thence S 60°11'52" W – 264.00' to an existing rebar, thence N 18°05'17" E – 831.72' to the point of beginning containing 1.690 Ac± to be annexed into the City of Cherryville's City Limits.



To date, Staff has spoken with the following person(s) regarding the Annexation and/or Rezoning of the above listed properties:

**Stephanie Langford** – 1306 Black Road, Cherryville, NC 28021

- Had questions concerning the zoning district R-9/Cluster and what open space that would allow for. Mrs. Langford stated that she was in favor of development for the City and was curious about the signs.

**Jerry Lail** – 204 Lee Black Road, Cherryville, NC 28021

- Questions concerning the usage and the annexation. At first Mr. Lail believed that this would lead to houses being built on his property and the City of Cherryville annexing him. I reassured Mr. Lail that he would first have to sign a petition to ask the City to be annexed and seek approval for that to happen.

**Nick Fox** – 1706 Requa Road, Cherryville, NC 28021

- Mr. Fox was curious about the rezoning and annexation signs posted on the property and questioned how far toward his property would be affected. I summarized the rezoning request as well as the total acres requesting annexation. He stated that he was in favor of development as long as it was single-family homes.

**Katherine Kester** – 1203 Requa Road, Cherryville, NC 28021

- Mrs. Kester had overheard the Public Hearing being set and was curious about the proposed zoning district and annexation. Once it was explained she expressed that she did not mind the development but was concerned about the areas natural wildlife.

**Kenneth Kester** – 1203 Requa Road, Cherryville, NC 28021

- Mr. Kester complained that his map he received in the mail was upside down and that he was not informed as to the details of the zoning classification changes. I reviewed the map orientation with him and discussed the difference in the zoning districts of those currently and the proposed use of the property.

**Daniel Howard** – 1311 Requa Road, Cherryville, NC 28021

- Questions regarding the possible zoning differences of what is currently there and what is proposed.

**Carrie Howard** – 1311 Requa Road, Cherryville, NC 28021

- Inquired about what was being proposed on the property. Once she was informed of the potential housing subdivision, she stated that if it was approved, then they would sell their house because that is what they were escaping when they left Gastonia.

**Mark Heavner** – 1209 Requa Road, Cherryville, NC 28021

- Inquired about the impact of the subdivision on his property. Corresponded via email the main components of the annexation and rezoning would be in abutment of the rear of his property on the western side of Requa Road and the southern edge of his property on the eastern side of Requa Road.

**Clay Sherrill** – 1340 Requa Road, Cherryville NC 28021

- Inquired about what was being proposed for the Cherryvale Property and how it would impact his property. How many houses and what price range. Stated that he felt development would be good for our city.



116 S Mountain Street  
Cherryville, NC 28021

Phone: 704-435-1705  
www.cityofcherryville.com

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## **BACKGROUND**

On May 31, 2022, the owners, through their designated agent, of properties known, as Parcel ID #'s 203078, 158391 and a portion of 203074 of Gaston County, City of Cherryville Extra Territorial Jurisdiction submitted a petition for Voluntary Contiguous Annexation into the city limits of the City of Cherryville. The property consists of 2.47 acres.

## **FINDINGS AND CONCLUSIONS**

The standards for annexation require that the property must be contiguous to the "primary corporate limits". The fact that the property PID # 158391 lies in abutment to the City of Cherryville along the South and Western boundaries demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Cherryville. The property of PID # 203078 and a portion of PID # 203074 are fully bounded on all four sides by the Corporate Limits of the City of Cherryville and are thereby conforming to the North Carolina General Statutes for Voluntary Annexation of Contiguous Property.

## **FISCAL IMPACT**

The new development will be subject to the applicable taxes and fees in accordance with rates in effect through the City of Cherryville. The City will deliver standard municipal services for the property upon development. The City will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

## **RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING**

There are several steps required to annex and apply City of Cherryville zoning to this property. The following outline illustrates how this process may be completed in two regular meetings of the City Council.

## **THE ACTIONS THAT MAY BE TAKEN AT THE JUNE 13, 2022 MEETING INCLUDE:**

- a. Petition for voluntary contiguous annexation
- b. Direct (by resolution) for the City Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by the City Clerk, call (by resolution) for public hearing at the next regular meeting.

### **ADDITIONAL STEPS BETWEEN THE CITY COUNCIL MEETINGS**

While the mayor and City Council Members undertake the process of annexation, the Planning Board may initiate the process of amending the Official Zoning Map per North Carolina General Statute § 160D-204 to run concurrent with the annexation process. The property lies within the area of the City of Cherryville Future Land Use Plan as adopted by the City Council in 2012. With the proposal of the property owners agent(s), we may anticipate a recommendation for the Single and Two-Family Residential (R-9)/Conditional Zoning designation from the Planning Board.

1. Schedule for the June 20, 2022 Planning Board agenda to request their recommendation on the designation of the appropriate zoning district;
2. Advertise for a Public Legislative Hearing scheduled for August 8, 2022 before the Mayor and City Council on the subjects of 1) annexing the property and 2) amending the City of Cherryville's Official Zoning Map, of the City of Cherryville Zoning Ordinance.

### **NEXT STEPS BY MAYOR AND CITY COUNCIL – THE ACTIONS THAT MAY BE TAKEN AT THE AUGUST 8, 2022 REGULAR MEETING INCLUDE:**

1. Conducting required Annexation Public Hearing for the purpose of receiving input from the citizens and/or persons owning an interest in the subject property concurrently with the required Zoning Map Amendment Public Legislative Hearing for the purpose of receiving comment from citizens and/or persons owning interest in the subject property and the designation of initial zoning district
2. Consideration (adoption or rejection) of an Ordinance Extending the Corporate Limits (annexation) to include the subject property.
3. Consideration (adoption or rejection) of an Ordinance Amending the Official Zoning Map for the newly annexed property.

### **FINAL STEPS FOLLOWING ANNEXATION AND ZONING**

Following the annexation of the property, staff will be preparing additional materials to:

1. Update the Official Zoning Map in City Clerk's record, Administrator's record and online;
2. Update shape-files with Gaston County GIS to reflect the new zoning and jurisdictional designations online;
3. Record the annexation with both the NC Secretary of State and Gaston County Register of Deeds;
4. Notify all public utilities of the change in the corporate limits of the City for their proper reporting of utility franchise taxes paid to the State of North Carolina so local shared revenues can be properly distributed;

5. Accept application from owner for the approval (by staff) of site plan(s) for any future project;
6. Process zoning permit application and issue permit(s) upon compliance with the City of Cherryville Zoning Ordinance.



## City of Cherryville Planning Department – Staff Report

### Rezoning Case

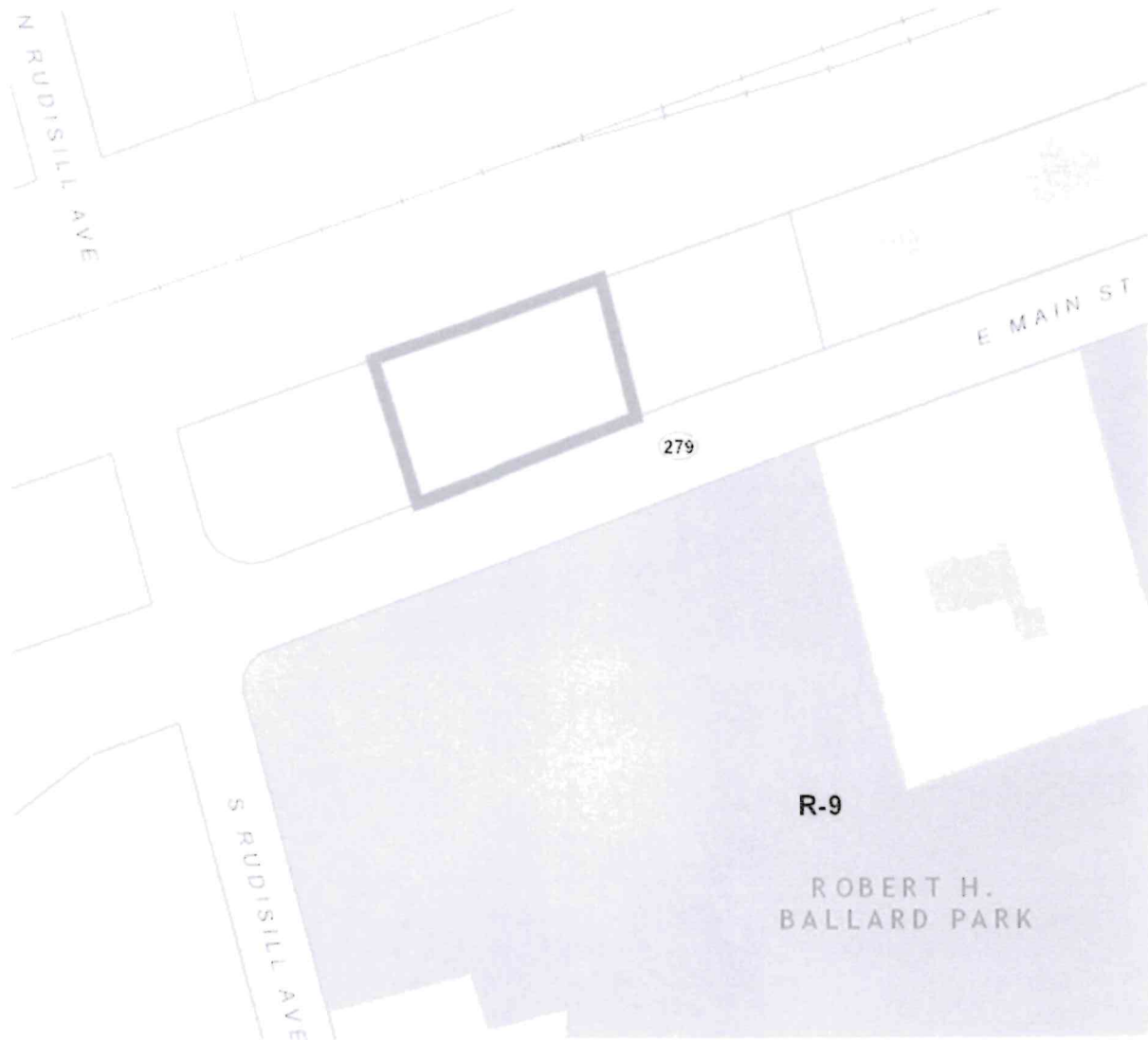
<b>Applicant:</b>	Alpesh Patel
<b>Property Owner(s):</b>	Alpesh Somabhai Patel & Jigisha Dahyabhai Patel
<b>Property Location:</b>	PID 215920 1407 E Main Street, Cherryville, NC 28021
<b>Property Size:</b>	0.40 acres
<b>Current Zoning:</b>	B-3 (General Business District)
<b>Proposed Zoning:</b>	R-9 Single and Two-Family Residential

### Description:

City Staff spoke with owner/applicant Mr. A. Patel on Thursday, June 30, 2022 regarding the property listed above located at 1407 E. Main Street Cherryville, NC 28021 further identified as Parcel ID # 215920. The owner is requesting a Zoning Map Amendment from the current designation of the General Business District (B-3) to that of the Single and Two-Family Residential (R-9) zoning district. At this time the applicant is proposing that the property would be more suitable for a duplex considering the amount of time it has been vacant as a business (formerly Papa John's Pizza).

A completed application was submitted on June 30, 2022.

The subject property is bound on the Southern edge by E. Main Street (NC Hwy 279) adjacent to the City Pool. To the North is the Seaboard Airline Railroad Track with 100' Right-of-Way from the center of the track. Both the properties to the East and the West currently reside within the General Business (B-3) zoning district. Properties to the North are primarily zoned B-3 as well with a small corner parcel listed as R-9. Properties located to the South, City Pool and Recreation Park, reside within the R-9 zoning district.



**Process:**

Staff received the application and scheduled the zoning request to be considered before the Planning Board at their next available meeting on July 18, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with applicable requirements and approval procedures. June 30, 2022.
- Filing of Request – June 30, 2022
- Staff to request City Council to set Public Hearing date.
- Staff to schedule proper advertisement of the Public Hearing to run once a week for two consecutive weeks in a newspaper having general circulation in the area.
  - Advertisement to be placed in the front lobby of Cherryville City Hall.
  - Two ads placed in the Cherryville Eagle

*lele*

- Staff to install zoning signage on the subject property prior to Public Hearing.
- Staff to mail notices of Public Hearing to all adjoining/adjacent property owners.

**Meeting Dates:**

- June 30, 2022 – Pre-filing meeting
- June 30, 2022 – Submittal of complete application
- July 18, 2022 – Planning Board Review of Rezoning Request
- August 8, 2022 – City Council to set Public Hearing
- September 12, 2022 – City Council to hold Public Hearing

**Staff Comments:**

The current zoning designation for the parcel is listed as General Business (B-3) and is recorded in the City of Cherryville Zoning Ordinance, Section 6.2.10 as presented below:

**B-3 General Business**

The purpose of this district is to provide an array of retail, wholesale and service uses to serve the entire community and with access to such uses being primarily by automobile. The districts are located along major arterial and collector streets and adjacent to the central business district in order to have a minimal effect on residential neighborhoods.

Applicant has requested a change to the Single and Two-Family Residential (R-9) zoning district which is outlined in Section 6.2.4 as found below:

**R-9 Residential District**

This district is established to accommodate single-family dwellings on 9,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots and to allow under certain conditions, and after review and approval by the City Council, a variety of residential dwelling unit arrangements in Planned Residential Developments. R-9 districts are located in older, established areas of the City where mixtures of single and two-family dwellings can be accommodated. Like the R-12 District, public water and sewer service is present in all R-9 areas. Review by the Planning Board, and review and approval by the City Council for the residential uses and arrangements, other than those specifically permitted by right, is established to ensure that developments are well-planned and, where applicable, compatible with adjoining single-family residences and neighborhoods. A limited number of private and public community uses are allowed or may be allowed on a conditional use basis where certain criteria specified in this Ordinance are met. Accessory residences are also allowed on conditional basis.

In accordance with the **Future Land Use Map** as adopted August 13, 2012 this parcel was designated as Neighborhood Business which aligns more closely with the B-2 Neighborhood Business District that is outlined in Section 6.9.2 as a district designed primarily for local business centers for retailing of merchandise such as groceries, drugs and household items and for furnishing certain personal, business and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business development. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. Neighborhood business district is typically a relatively small area but shall consist of at least two (2) lots in separate ownership or at least two (2) acres regardless of ownership. Unlike the B-1 District, off-street parking, landscaping, and yard requirements are established for the B-2 District. However, outdoor storage of all goods is prohibited.

LA

**Abutting/Adjacent Property Owners:**

**North:**

Vikramkumar P Patel & Vikram Patel  
& Wife  
1280 Percheron Pass  
Collierville, TN 3817

Hugh M Moss Jr. & Katherine C Moss  
116 Club View Drive  
Cherryville, NC 28021

Duke Energy Corporation  
422 S Church Street  
Charlotte, NC 28242-0900

**West:**

Choco Inc\*  
P.O. Box 1825  
Shelby, NC 28151-1825

**East:**

BNRIYA LLC  
2011 Fairway Drive  
Cherryville, NC 28021

**South:**

City of Cherryville  
116 S Mountain Street  
Cherryville, NC 28021

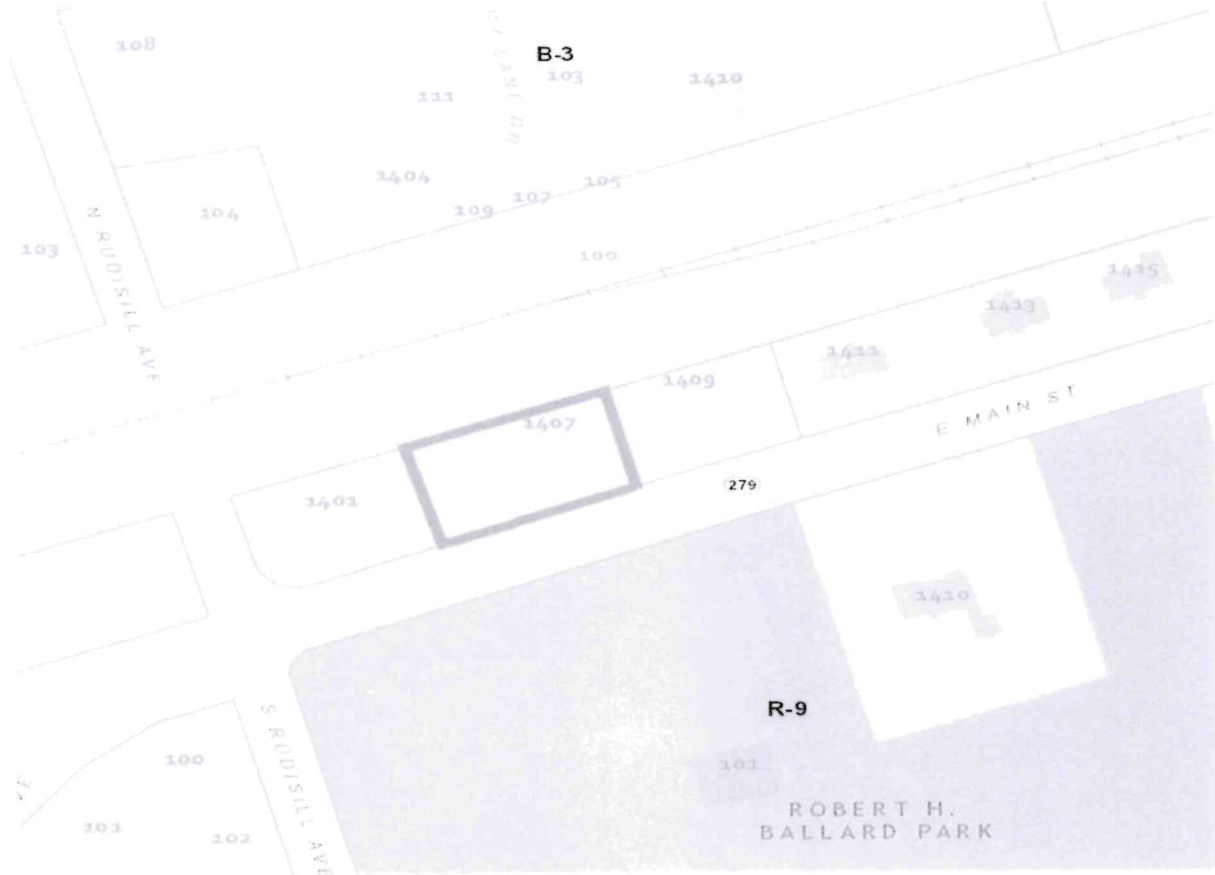
**Owner/Applicant:**

Alpesh Somabhai Patel &  
Jigisha Dahyabha Patel  
2442 Bethesda Oaks Drive  
Gastonia, NC 28056

## NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, \_\_\_\_\_, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Zoning Map Amendment (Rezoning) for the property listed at 1407 E Main Street, Cherryville, NC 28021 further identified as Parcel # 215920. The requested change is from the current designation of General Business District (B-3) to that of Single and Two-Family Residential (R-9).



For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at [ablackburn@cityofcherryville.com](mailto:ablackburn@cityofcherryville.com)

**CITY OF CHERRYVILLE**

**APPLICATION FOR ZONING CLASSIFICATION CHANGE**

TO THE CHAIRMAN OF THE CHERRYVILLE PLANNING & ZONING BOARD

The undersigned hereby respectfully request that the Cherryville Planning & Zoning Board, pursuant to the provisions of Section 19 of the Cherryville Zoning Ordinance, recommended to the Cherryville City Council a zoning classification change from;

B-3 to B-9

on the following described property;

Gaston County Tax Book 4449, Map \_\_\_\_\_, Parcel(s) 215920

PID # 215920 Total Acreage of Property: 0.40

The property address is: 1407 E Main st, Cherryville NC28021

Owner/Applicant Name: ALPesh Patel

Mailing Address: 2442 Bethesda Oaks dr, Gastonia NC28058

Phone Number(s): 336 262 3814

This property is owned by ALPesh Patel

as evidence by deed dated 2/18/2009

recorded in Gaston County Deed Book 4449, Page 0465

This property is bounded by on the:

NORTH: \_\_\_\_\_

SOUTH: \_\_\_\_\_

EAST: \_\_\_\_\_

WEST: \_\_\_\_\_

It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Planning Board to be appropriate to the property involved and that the burden of proof for a Zoning Amendment rests with applicant.

It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning constitutes "spot" zoning and in such cases as rezoning request and a public hearing is superfluous. Therefore, it is the responsibility of the applicant to submit a valid request, not incompatible with the existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

A check, made payable to the City of Cherryville, or cash, in the amount of \$250.00 to cover the cost of advertisement and Public Hearing(s), is submitted herewith.

  
\_\_\_\_\_  
Signature of Applicant

02/09/22  
\_\_\_\_\_  
Date



**PROCEDURE FOR AMENDMENT TO OFFICIAL ZONING MAP  
CITY OF CHERRYVILLE**

**REQUEST FOR CHANGE IN ZONING CLASSIFICATION**

- Applicant consults with the Zoning Administrator
- Applicant completes and submits (along with a \$250.00 application fee) the application forms at least 15 days prior to the regular Planning & Zoning Board meeting
- City Council sets Public Hearing for Zoning Classification change (at their regular meeting on the 2<sup>nd</sup> Monday of the month)
- Planning Board considers the application, makes a recommendation to the City Council (at their regular meeting on the 3<sup>rd</sup> Monday of the month)
- Zoning Administrator advertises proposed map change in local newspaper one (1) day for two (2) consecutive weeks, notifies adjoining property owners by mail and posts notification sign at proposed site
- City Council holds a Public Hearing (generally the 2<sup>nd</sup> Monday of the following month) and following the Public Hearing, decides in favor of or against proposed Zoning Classification change



116 S Mountain Street  
Cherryville, NC 28021

Phone: 704-435-1705  
[www.cityofcherryville.com](http://www.cityofcherryville.com)

July 19, 2022

Alpesh Patel  
2442 Bethesda Oaks Drive  
Gastonia, NC 28056

RE: Rezoning Application for 1407 E Main Street, PID # 215920.

Mr. Patel,

This letter serves to inform you that the City of Cherryville's Planning Board held your request for a rezoning (Zoning Map Amendment), of the property identified above, for consideration during their meeting on July 18, 2022. At the request of Chairman Yount, a motion was made and approved, by unanimous decision of all members present, to send the recommendation of denial to the City Council.

The members of the Planning Board cited the Future Land Use Map as adopted on August 13, 2012 that shows this property as continuing in the commercial zoning district.

The next steps in the process for a Zoning Map Amendment will be to request the City Council, most likely during the August 8, 2022 meeting, to set a Public Hearing date for September 12, 2022 to be held at 6:00 p.m. 106 S Jacob Street at. City Staff will abide by North Carolina General Statutes to notify abutting/adjacent property owners, place a sign on the subject property, establish notice in the front lobby of City Hall and place an ad in the local newspaper once a week for two consecutive weeks.

If you should have any questions or concerns regarding this process, please feel free to contact me so that I may assist you to the best of my ability.

Kind Regards,

Alex Blackburn  
Planning & Zoning Director  
City of Cherryville, NC 28021

## City of Cherryville Planning Department – Staff Report

### Rezoning Case

<b>Applicant:</b>	Renee Smith
<b>Property Owner(s):</b>	Sonny's Rentals LLC
<b>Property Location:</b>	PID 129868 109 S Jacob Street, Cherryville, NC 28021
<b>Property Size:</b>	0.27 acres
<b>Current Zoning:</b>	B-1 (Central Business District)
<b>Proposed Zoning:</b>	R-O Residential Office

### Description:

City Staff met with applicant regarding the potential uses allowable for the current zoning designation of the Central Business District (B-1). Property owners inquired about the possibility of having the existing structure remodeled to its original use as a Single Family Dwelling as it was when constructed in 1918. City Staff and the applicant agreed that the Residential Office (R-O) zoning designation would be the more fitting zoning designation for the intended use of the property and its existing structures.

A completed application for a Zoning Map Amendment was submitted on July 8, 2022.

The subject property is currently abutted on the South and Eastern sides by the R-O zoning district. To the North and West, properties are zoned as B-1.

**Process:**

Staff received the application and scheduled the zoning request to be reviewed at the next available meeting of the City of Cherryville Zoning Board on July 18, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with applicable requirements and approval procedures.
- Filing of Request – July 8, 2022
- Staff to request City Council to set Public Hearing
- Staff to schedule proper advertisement of the Public Hearing to run once a week for two consecutive weeks in a newspaper having general circulation in the area.
  - Advertisement to be placed in the front lobby of Cherryville City Hall.
  - Two ads placed in the Cherryville Eagle
- Staff to install zoning signage on the subject property prior to Public Hearing.
- Staff to mail notices of Public Hearing to all adjoining/adjacent property owners.

**Meeting Dates:**

- June 2022 – Pre-filing meeting
- July 8, 2022 – Submittal of complete application
- July 18, 2022 – Planning Board Review of Rezoning Request
- August 8, 2022 – City Council to set Public Hearing
- September 12, 2022 – City Council to hold Public Hearing

**Staff Comments:**

The current zoning designation for the parcel is Central Business (B-1) and is recorded in the City of Cherryville Zoning Ordinance Section 6.2.8, as presented below:

**B-1 Central Business District**

The purpose of this district is to permit concentrated development of a wide variety of retail establishments, personal services and professional and non-professional offices. In addition, certain industrial and residential uses may be developed with City Council approval. In light of the concentrated amount of development normally found in a “downtown” area, yard regulations are minimal. Given the lack of space for off-street parking, this requirement has also been eliminated. In order to limit visual clutter, the outdoor storage of goods is prohibited.

Applicants have requested a change to the **Residential Office (R-O)** zoning district which is further outlined in Section 6.2.7 included below:

**RO Residential Office District**

This district allows for one, tow, and multi-family residential uses and certain commercial, office and institutional uses which would create an area convenient for both residential and employment purposes. In certain areas this district is also established to provide a transition between purely residential areas and primarily commercial areas. In order to enhance the district’s residential character, the R-O District for purposes of this Ordinance will be considered a “Residential” District. Such a classification does require screening from all new uses in adjacent commercial and industrial districts. Small offices, certain community facilities and one and two-family residences are permitted by right. Larger offices, multi-family dwellings, other community facilities, and certain businesses are allowed only on a conditional use basis. Planned residential developments are a conditional use allowed on the same bases as in the R-9 District.

Staff must also direct attention to the Future Land Use Map as adopted on August 13, 2012 that shows this property as being Mixed Residential/Commercial.

**Abutting/adjacent Property Owners:**

**North**

Beam & Carson LLC  
1009 N Mountain Street  
Cherryville, NC 28021

**West**

City of Cherryville  
116 S Mountain Street  
Cherryville, NC 28021

Jane White Simpson  
115 Oak Street  
Cherryville, NC 28021

**South**

Cecilia Atilano  
113 S Jacob Street  
Cherryville, NC 28021

**East**

VMAX Corporation RBI Assets LLC  
615 Lake Montonia Road  
Kings Mountain, NC 28086

Jonathan Parker & Anna Parker  
108 S Pink Street  
Cherryville, NC 28021

**Property Owner:**

Leo Gerry Lamoureux & Helen C Lamoureux  
800 Woodhaven Drive  
Cherryville, NC 28021

Sonny's Rentals LLC C/O Robert A Ray Jr.  
P.O. Box 53  
High Shoals, NC 28077

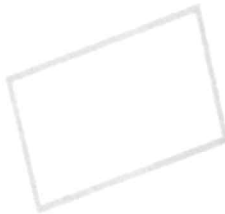
## NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, \_\_\_\_\_, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Zoning Map Amendment for the property identified as 109 S Jacob Street, Cherryville, NC 28021, Parcel ID # 129868. The request is a change from the current zoning designation of Central Business (B-1) to that of the Residential Office (RO) zoning district.

B-1

J. BALTH  
REDAK JP  
HERITAGE PARK



RO

For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at [ablackburn@cityofcherryville.com](mailto:ablackburn@cityofcherryville.com)

**CITY OF CHERRYVILLE**

**APPLICATION FOR ZONING CLASSIFICATION CHANGE**

TO THE CHAIRMAN OF THE CHERRYVILLE PLANNING & ZONING BOARD

The undersigned hereby respectfully request that the Cherryville Planning & Zoning Board, pursuant to the provisions of Section 19 of the Cherryville Zoning Ordinance, recommended to the Cherryville City Council a zoning classification change from;

B-1 to R-0

on the following described property;

Gaston County Tax Book 2517, Map \_\_\_\_\_, Parcel(s) \_\_\_\_\_

PID # 129868 Total Acreage of Property: 0.267

The property address is: 109 S. Jacob St

Owner/Applicant Name: Sonny's Rentals LLC / Robert A. Ray Jr.

Mailing Address: P.O. Box 53, High Shoals NC 28077

Phone Number(s): 704.913.2900

This property is owned by Sonny's Rentals LLC / Robert A Ray Jr

as evidence by deed dated July 1, 2012

recorded in Gaston County Deed Book 5349, Page 1965-1967

This property is bounded by on the:

NORTH: 107 S. Jacob St, Beam + Carson LLC

SOUTH: 113 S. Jacob St, Cecilia Atilano

EAST: 108 S. Pink St, Jonathan + Anna Parker

WEST: 106 S. Jacob St, City of Cherryville  
303 E. Academy St, Umax Corp Pbi Assets LLC



It is understood by the undersigned that the Zoning Map, as originally adopted and as subsequently amended, is presumed by the Planning Board to be appropriate to the property involved and that the burden of proof for a Zoning Amendment rests with applicant.

It is further understood by the undersigned that the singling out of a small parcel(s) of land for exceptional zoning constitutes "spot" zoning and in such cases as rezoning request and a public hearing is superfluous. Therefore, it is the responsibility of the applicant to submit a valid request, not incompatible with the existing neighborhood zoning patterns. The responsibility of securing additional properties to be included in the request lies with the undersigned.

A check, made payable to the City of Cherryville, or cash, in the amount of \$250.00 to cover the cost of advertisement and Public Hearing(s), is submitted herewith.

Robert A. Ray Jr  
Signature of Applicant

7/8/22  
Date

**PROCEDURE FOR AMENDMENT TO OFFICIAL ZONING MAP  
CITY OF CHERRYVILLE**

**REQUEST FOR CHANGE IN ZONING CLASSIFICATION**

- Applicant consults with the Zoning Administrator
- Applicant completes and submits (along with a \$250.00 application fee) the application forms at least 15 days prior to the regular Planning & Zoning Board meeting
- City Council sets Public Hearing for Zoning Classification change (at their regular meeting on the 2<sup>nd</sup> Monday of the month)
- Planning Board considers the application, makes a recommendation to the City Council (at their regular meeting on the 3<sup>rd</sup> Monday of the month)
- Zoning Administrator advertises proposed map change in local newspaper one (1) day for two (2) consecutive weeks, notifies adjoining property owners by mail and posts notification sign at proposed site
- City Council holds a Public Hearing (generally the 2<sup>nd</sup> Monday of the following month) and following the Public Hearing, decides in favor of or against proposed Zoning Classification change

# PROPERTY INFO

**Owner**

Jonathan &  
Anna Parker

**Property Address**

108 S Pink St,  
Cherryville, NC  
28021-3425

**Mailing Address**

108 S Pink St,  
Cherryville, NC  
28021-3425

**Area**

0.68 Acres

**Perimeter**

0.15 miles

**ADD SHAPE**

# PROPERTY INFO

**Owner** Vmax Corp Rbi  
Assets LLC

**Property Address** 303 E  
Academy St,  
Cherryville, NC  
28021-3402

**Mailing Address** 615 Lake  
Montonia  
Rd, Kings  
Mountain, NC  
28086-9740

**Area** 0.53 Acres

**Perimeter** 0.13 miles

# PROPERTY INFO

**Owner** Cecilia Atilano

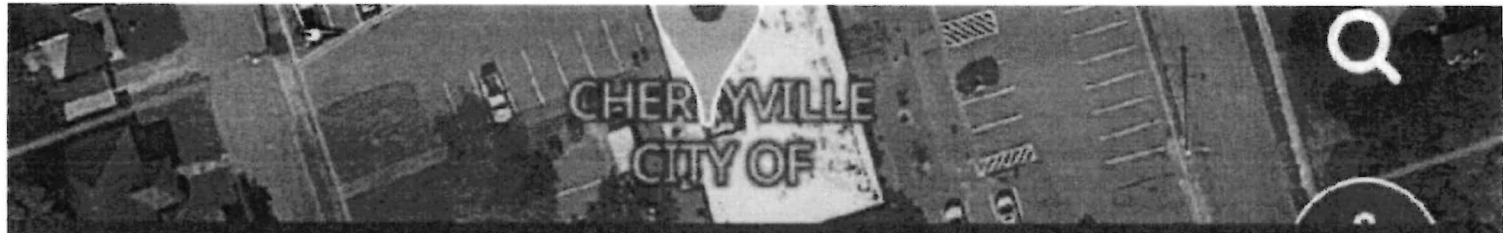
**Property Address** 113 S  
Jacob St,  
Cherryville, NC  
28021-3404

**Mailing Address** 113 S  
Jacob St,  
Cherryville, NC  
28021-3404

**Area** 0.51 Acres

**Perimeter** 0.11 miles

**ADD SHAPE**



# PROPERTY INFO

**Owner** Cherryville City  
of

**Property Address** 106 S  
Jacob St,  
Cherryville, NC  
28021-3405

**Mailing Address** 116 S  
Mountain St,  
Cherryville, NC  
28021-3421

**Area** 1.20 Acres

**Perimeter** 0.19 miles

# PROPERTY INFO

**Owner**

Beam &  
Carson LLC

**Property Address**

107 S  
Jacob St,  
Cherryville, NC  
28021-3404

**Mailing Address**

1009 N  
Mountain St,  
Cherryville, NC  
28021-2020

**Area**

0.27 Acres

**Perimeter**

0.09 miles

**ADD SHAPE**



**CITY OF CHERRYVILLE – PLANNING DEPARTMENT**

116 S. Mountain Street Cherryville, NC 28021  
Phone: 704-435-1705 Web: cityofcherryville.com

**Public Hearing Consent Form**

To: City of Cherryville Board of Adjustment/Planning Board/City Council

From: Sonny's Bentalls LLC  
Robert A Ray Jr

Subject:  Consent for Variance  Special Use  Appeal  Rezoning

Date: 7/8/22

I, Robert A Ray Jr, being the property owner(s) of

Parcel(s) # 1278608, give consent to

Renee Smith to act on my behalf in applying for the

**PUBLIC HEARING REQUEST** under consideration.

Robert A Ray Jr  
Owner(s) Signature

7/8/22  
Date

North Carolina  
Gaston County

I, Lisa M. Sellers, a Notary Public for the said County and State, do

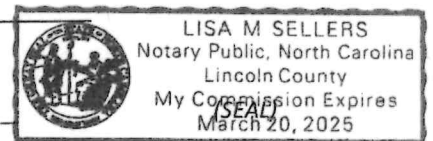
hereby certify that Robert A Ray Jr. personally appeared before this day and

acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this 8th of July 2022.

Lisa M Sellers  
Notary Signature

My commission expires: MARCH 20, 2025







116 S Mountain Street  
Cherryville, NC 28021

Phone: 704-435-1705  
[www.cityofcherryville.com](http://www.cityofcherryville.com)

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July 19, 2022

Sonny's Rentals, LLC  
Robert A Roy, Jr.  
P.O. Box 53  
High Shoals, NC 28077

RE: Rezoning Application for 109 S Jacob Street, PID # 129868.

Mr. Roy, Jr. and Mrs. Renee Smith

This letter serves to inform you that the City of Cherryville Planning Board held your request for a rezoning of the property identified above during their regularly scheduled meeting on July 18, 2022. At the request of Chairman Yount, the motion was made and approved, by unanimous decision of the members present, to recommend the City Council to vote in agreement of the proposed change from the current designation of Central Business District (B-1) to the requested Residential Office Designation (RO).

The next steps in the process for a Zoning Map Amendments will be to present it before the City Council to set a Public Hearing date. This will most likely take place during their August 8, 2022 meeting at 6:00 pm located at 106 S Jacob Street. City Staff will request the Public Hearing to be scheduled for September 12, 2022 at 6:00 pm so that staff may abide by the requirements for public notification as outlined by the North Carolina General Statutes.

If you should have any questions or concerns regarding this process, please feel free to contact me so that I may assist you to the best of my ability.

Kind Regards,

Alex Blackburn,  
Planning & Zoning Director  
City of Cherryville, North Carolina