

RESOLUTION TITLE: PARALLEL CONDITIONAL USE PERMIT (PCUP): PCUP19-04 ECOPLEXUS INC. (APPLICANT), PROPERTY PARCEL 164778, LOCATED AT 601 HIGH SHOALS RD., LINCOLNTON, NC, REQUEST FOR A PCUP ZONING DISTRICT FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT TO THE (CU/R-2) CONDITIONAL USE / SINGLE FAMILY MODERATE ZONING DISTRICT (PCUP), IN ORDER TO ALLOW ESSENTIAL SERVICES CLASS 3 (SOLAR GENERATION FACILITY/SOLAR FARM)

WHEREAS.

Chapter 5 of the County Unified Development Ordinance set forth guidelines for consideration of a Parallel Conditional Use Permit zoned as a Conditional Use district, and a quasi-judicial joint public hearing by the County Commission and the Planning Board, was held on April 23, 2019, to take sworn testimony for a zoning map change (parallel conditional use district), as follows:

Tax Parcel Number(s): 164778

Applicant: Ecoplexus Inc.

Owner(s): BCGC Associates Inc. Property Location: 601 High Shoals Rd.

PCUP Request: Request for a PCUP Zoning District from the (R-1) Single

Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation

Facility/Solar Farm)

public hearing comments are on file in the Commission Clerk's Office as a part of the minutes of the meeting; and,

WHEREAS.

the Planning Board recommended (approval) or (disapproval) of the map change for parcel: 164778, located at 601 High Shoals Rd., Lincolnton, NC, from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm), on April 23, 2019, based on: public hearing comment and staff recommendation; and the request is in (accordance with) or (not in accordance with) the County's Comprehensive Plan.

Motion: Second: Vote:

Aye: Nay: Absent: Abstain:

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

Parallel Conditional Use Permit (PCUP): PCUP19-04 Ecoplexus Inc. (Applicant), Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm) Page 2

WHEREAS, based on evidence provided in sworn testimony at the public hearing, the Planning Board

,	made	made the following findings of fact:					
	a.	The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on:					
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:			
	b.	The use meets all required conditions and specifications, based on:					
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:			
	C.			lopment will not substantially injure the value of adjoining or less it is a public necessity, based on:			
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:			
	d.	d. The location and character of use, if developed according to the pl submitted and approved, will be in harmony with the area in which it is located and will be in general conformity with the adopted Land Use Pla other plans for the physical development of the County as adopted by the of Commissioners, based on:					
		Motion: Aye: Nay: Absent:	Second:	Vote:			

WHEREAS,

Abstain:

making all findings of fact in the affirmative, the Planning Board recommends (approval) or (not approval) of the Parallel Conditional Use Permit (PCUP) with the following proposed recommended conditions:

Parallel Conditional Use Permit (PCUP): PCUP19-04 Ecoplexus Inc. (Applicant), Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm) Page 3

Parallel Conditional Use Application (PCUP19-04) Conditions

- 1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
- 2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.
- 3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time

	period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.			
4.	. Development shall meet all local, state and federal requirements.			
	Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	
Paralle		t application, sworn tes	that after consideration of the timony provided at the public	
1)	1) Find the proposed map change for parcel 164778, from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm), is consistent with the County's Comprehensive Plan; the map change is (approved) or (disapproved) as follows:			
	Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	
2)	 2) Based on evidence provided in sworn testimony at the public hearing, the Board of Commissioners made the following findings of fact: a) The proposed development will not materially endanger the public health or safety if located where proposed and developed according to plan, based on: 			
	Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	

Parallel Conditional Use Permit (PCUP): PCUP19-04 Ecoplexus Inc. (Applicant), Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm) Page 4

	b)	The use meets all required conditions and specifications, based on:			
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	
	c)	The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on:			
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	
	d)	The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Land Use Plan and other plans for the physical development of the County as adopted by the Board of Commissioners, based on:			
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:	
3)	(ap		roves) of the Parallel Conditi	ne Board of Commissioners onal Use Permit (PCUP) with	

the following recommended conditions:

Parallel Conditional Use Application (PCUP19-04) Conditions

- 1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commissioners.
- 2. If any of the conditions affixed hereto of any part thereof is held invalid or void, then this permit shall be void and no effect.

Parallel Conditional Use Permit (PCUP): PCUP19-04 Ecoplexus Inc. (Applicant), Property Parcel 164778, Located at 601 High Shoals Rd., Lincolnton, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm) Page 5

3.4.	exempt from a applicant must of issuance of	any time constraints or has	s some other specified time permit within a twenty-four (24 it.	mit which either is specifically period for implementation, the 4) month period from the date
		Motion: Aye: Nay: Absent: Abstain:	Second:	Vote:
	4)	The County Manager is to appropriate parties.	authorized to make necess	ary notifications in this matte
	Philbeck, Cha County Board	airman of Commissioners		
Attest:				

Donna S. Buff, Clerk to the Board