



RESOLUTION TITLE: PARALLEL CONDITIONAL USE PERMIT (PCUP): PCUP 18-03 SWIFT SOLAR, LLC. (APPLICANT), PROPERTY PARCELS 221303 (PART OF), 163155, 162844, 162856 (PART OF), 163318, AND 162858 (PART OF), LOCATED AT BESS RD./EAKER RD./TRYON COURTHOUSE RD., BESSEMER CITY, 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 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 December 11, 2018, to take sworn testimony for a zoning map change (parallel conditional use district), as follows:

Tax Parcel Number(s): 221303 (part of), 163155, 162844, 162856 (part of), 163318, and 162858 (part of)
Applicant: Swift Solar, LLC
Owner(s): Marie Hovis Swift; Olin D. Carpenter, Jr. and Ann Carpenter; Robert Leslie Yarbro and Lisa C. Yarbro; Richard Steven Glover and Lisa Rudisill Glover
Property Location: Bess Rd./Eaker Rd./Tryon Courthouse 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 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 parcels: 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of), located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, 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 Farm), on December 11, 2018, based on: public hearing comment, 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): PCUP 18-03 Swift Solar, LLC (Applicant), Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, 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 Farm)
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WHEREAS, based on evidence provided in sworn testimony at the public hearing, the Planning Board 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: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

- b. The use meets all required conditions and specifications, based on:

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

- c. The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on:

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

- 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: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

WHEREAS, 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): PCUP 18-03 Swift Solar, LLC (Applicant), Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, 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 Farm)

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Parallel Conditional Use Application (PCUP 18-03) 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.
5. Agreement or lease be created to allow crossing only interior property lines, where the adjacent property is also included within the proposed project area, that setback standards will not be required.
6. Based on the stated and shown depths of buffer on the proposed plan (25-foot depth) a Buffer Yard Type C option 1 should be required. [All sheets Z1.0 – Z1.4 note #10 and the landscape typical detail drawings need to be corrected to reflect this option.]

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the Parallel Conditional Use Permit application, sworn testimony provided at the public hearing and Planning Board recommendation:

- 1) Find the proposed map change for parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of) from the (R-1) Single Family Limited Zoning District to a (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), in order to allow Essential Services Class 3 (Solar Farm), is consistent with the County's Comprehensive Plan; the map change is **(approved)** or **(disapproved)** as follows:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

- 2) Based on evidence provided in sworn testimony at the public hearing, the Board of Commissioners made the following findings of fact:

Parallel Conditional Use Permit (PCUP): PCUP 18-03 Swift Solar, LLC (Applicant), Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, 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 Farm)
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- 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:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

- b) The use meets all required conditions and specifications, based on:

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

- c) The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on:

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

- 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:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

- 3) Making all findings of fact in the affirmative, the Board of Commissioners (**approves**) or (**disapproves**) of the Parallel Conditional Use Permit (PCUP) with the following recommended conditions:

Parallel Conditional Use Permit (PCUP): PCUP 18-03 Swift Solar, LLC (Applicant), Property Parcels 221303 (part of), 163155, 162844, 162856 (part of), 163318 and 162858 (part of), Located at Bess Rd./Eaker Rd./Tryon Courthouse Rd., Bessemer City, 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 Farm)
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Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

- 4) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

Tracy L. Philbeck, Chairman
Gaston County Board of Commissioners

Attest:

Donna S. Buff, Clerk to the Board