



RESOLUTION TITLE: PARALLEL CONDITIONAL USE PERMIT (PCUP): PCUP19-02 JOHN WALKER (APPLICANT), PROPERTY PARCELS 154088 AND 154087, LOCATED AT 418 SPARROW SPRINGS RD., KINGS MOUNTAIN, NC, REQUEST FOR A PCUP ZONING DISTRICT FROM THE (I-2) GENERAL INDUSTRIAL AND (RS-12) SINGLE FAMILY 12,000 SQUARE FEET ZONING DISTRICTS WITH (US) URBAN STANDARDS OVERLAY TO THE (CU/C-1) CONDITIONAL USE / LIGHT COMMERCIAL ZONING DISTRICT WITH (US) URBAN STANDARDS OVERLAY (PCUP), IN ORDER TO ALLOW MULTI FAMILY RESIDENTIAL / RETAIL, 0-24,999 SQ FT GFA

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 March 26, 2019, to take sworn testimony for a zoning map change (parallel conditional use district), as follows:

Tax Parcel Number(s): 154088, 154087
Applicant: John Walker
Owner(s): Crowders Mountain RV Park LLC, Bobby L. Heffner
Property Location: 418 Sparrow Springs Rd.
PCUP Request: Request for a PCUP Zoning District from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA

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: 154088 and 154087, located at 418 Sparrow Springs Rd., Kings Mountain, NC, from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA, was approved March 26, 2019 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): PCUP19-02 John Walker (Applicant), Property Parcels 154088 and 154087, Located at 418 Sparrow Springs Rd., Kings Mountain, NC, Request for a PCUP Zoning District from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA
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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): PCUP19-02 John Walker (Applicant), Property Parcels 154088 and 154087, Located at 418 Sparrow Springs Rd., Kings Mountain, NC, Request for a PCUP Zoning District from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA

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Parallel Conditional Use Application (PCUP19-02) 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. The dumpster in the future commercial area (identified as Office/Store & Laundry & Restaurant) shall not deviate more than 10% without prior approval by the Zoning Administrator.
6. All proposed buildings encroaching on zoning setbacks shall comply with NC Building Code minimum required setbacks, for fire separation distance purposes, between the property line and the building. These adjustments, if approved, shall not be included as part of the Zoning Administrators 10% allowable deviation approval and shall be permitted.

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 154088 and 154087, from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA, is consistent with the County's Comprehensive Plan; the map change is **(approved)** or **(disapproved)** as follows:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

Parallel Conditional Use Permit (PCUP): PCUP19-02 John Walker (Applicant), Property Parcels 154088 and 154087, Located at 418 Sparrow Springs Rd., Kings Mountain, NC, Request for a PCUP Zoning District from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA

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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:	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): PCUP19-02 John Walker (Applicant), Property Parcels 154088 and 154087, Located at 418 Sparrow Springs Rd., Kings Mountain, NC, Request for a PCUP Zoning District from the (I-2) General Industrial and (RS-12) Single Family 12,000 Square Feet Zoning Districts with (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay (PCUP), in order to allow Multi Family Residential / Retail, 0-24,999 sq ft GFA
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Parallel Conditional Use Application (PCUP19-02)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.
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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