

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 (1-2) 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: PCUP Request:

418 Sparrow Springs Rd.

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 disapproval of the map change on March 26, 2019 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. Based on the public hearing comment, the map change was disapproved as follows:

Motion: Sain

Second: Vinson

Vote: 4-5

Aye: Harris, Hollar, Sain, Vinson Nay: Ally, Attaway, Barber, Horne, Hurst

Absent: Houchard Abstain: None

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 actio taken by the Board of Commissioners as follows:										
NO.	DATE	М1	M2	CBrown	JBrown	AFraley	BHovis	TKeigher TPhilipeck RWorley Vote		
2019-087	03/26/2019	СВ	TK	Α	Α	АВ	N	A - A / 5-1		
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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 Page 2

- 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 property in question is in a future land use designation of Rural. Rural areas support residential housing on large lots and some businesses. This proposed rezoning is from (I-2) and (RS-12) with (US) Urban Standards Overlay to (CU/C-1), with (US) Urban Standards Overlay. The entire neighborhood is residential in nature. The primary development is vacation-style housing short term rentals with some associated commercial development. This rezoning and conditional use associated with it is more in harmony with the area than the existing use which is partly industrial. The site plan and conditions associated with the site plan will also ensure that the residential features of the surrounding community will be maintained. The map change is approved as follows:

Motion: C.Brown Second: Worley Vote: 5-1

Aye: C.Brown, J.Brown, Keigher, Philbeck, Worley

Nay: Hovis Absent: Fraley Abstain: None

- 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: Testimony of Applicant.

Motion: Keigher Second: C.Brown Vote: Unanimous

Aye: C.Brown, J.Brown, Hovis, Keigher, Philbeck, Worley

Nay: None Absent: Fraley Abstain: None

 The use meets all required conditions and specifications, based on: Testimony of Applicant, Building Inspections Director and Planning and Development Director.

Motion: Keigher Second: J.Brown Vote: 5-1

Aye: C.Brown, J.Brown, Keigher, Philbeck, Worley

Nay: Hovis Absent: Fraley Abstain: None

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

Motion: C.Brown Second: Worley Vote: Unanimous

Aye: C.Brown, J.Brown, Hovis, Keigher, Philbeck, Worley

Nay: None Absent: Fraley Abstain: None 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 Page 3

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: Testimony of Applicant and Development Services Planner.

Motion: C.Brown

Second: Worley

Vote: 5-1

Aye: C.Brown, J.Brown, Keigher, Philbeck, Worley

Nay: Hovis Absent: Fraley Abstain: None

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

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 then 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.
- 7. Similar construction materials and layouts must be used, as presented on submitted elevations (see exhibits A, B, and C).
- 8. A letter of intent from the City of Gastonia confirming availability and provision of sewer utilities must be provided prior to issuance of any permits.
- 9. The use of wells scheduled for the number of dwelling units provided must be reviewed and approved by the Health Department prior to the issuance of any permits.
- 10. Weekly garbage pickup by a commercial contractor shall be established prior to issuance of any permits.
- 11. Parking shall be limited to tenants and guests.
- Signage to reflect similar architectural characteristics and materials of the project.

Motion: C.Brown

Second: Keigher

Vote: 5-1

Aye: C.Brown, J.Brown, Philbeck, Keigher, Worley

Nay: Hovis Absent: Fraley Abstain: None

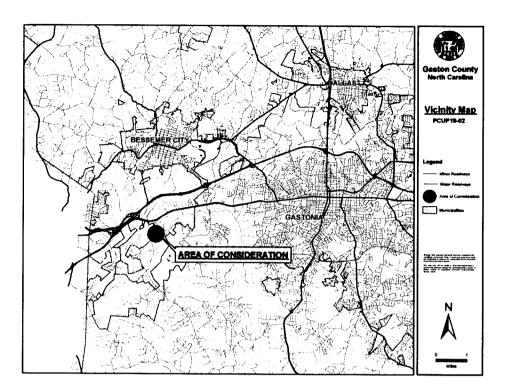
4) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

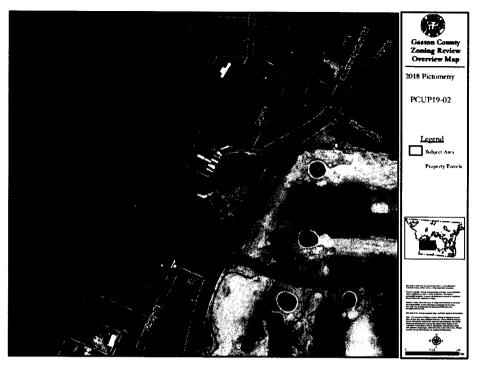
Tracy L. Philbeck, Chairman

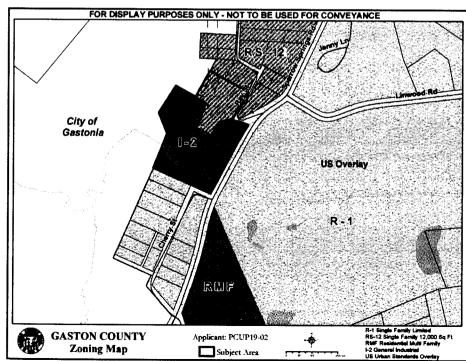
Gaston County Board of Commissioners

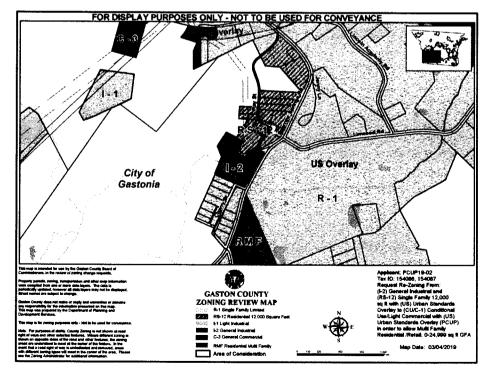
Attest:

Donna S. Buff, Clerk to the Board











Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-107

Commissioner Hovis - Planning & Development Services - 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

STAFF CONTACT

David L. Williams - Planning Director - 704-866-3473

BACKGROUND

Chapter 5 of the County Unified Development Ordinance provides for issuance of a Conditional Use Permit for parcels which have been zoned as a Conditional Use District. A quasi-judicial public hearing is required which allows for sworn testimony before the Board of County Commission and Planning Board prior to consideration of the Conditional Use Permit. Planning Board recommendation and Board of Commission approval or disapproval on Parallel Conditional Use District map amendments, with recommendation on same by the Planning Board and final approval or disapproval shall be based on four findings (outlined in the ordinance) made on factual evidence provided through the public hearing process. John Walker (Applicant), applied for a zoning map change 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. Said property consists of 7.91 acres combined, located at 418 Sparrow Springs Rd., Kings Mountain, NC, in the Crowders Mountain Township. A joint public hearing was advertised for and held on March 26, 2019 to take sworn testimony relating to issuance of a Conditional Use Permit, with the public hearing comments being on file in the Commission Clerk's Office.

ATTACHMENTS

Resolution - PCUP19-02; Maps PCUP19-02

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:											
NO.	DATE	M1	M2	CBrown	JBrown	AFraley	BHovis	TReigner Trimbeak RWorley	Vote		
2019-087	03/26/2019	СВ	TK	A	Α	AB	N	A A	5 - 1		
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