# Planning Board Item II- GENERAL PUBLIC HEARING INFORMATION (PCUP 17-01)

Board of Commissioners/Planning Board Public Hearing Date March 28, 2017

Parallel Conditional Use District (PCUP 17-01) (Continued from February 14, 2017 Board of Commissioners Meeting)

Request:

This is a request for a PCUP Zoning District for property parcel 139183 located at 609 Neal Hawkins Road, Gastonia, NC, from the (RS-12) Single Family 12,000 square feet Zoning District to a (CU / R-2) Conditional Use / Single Family Moderate Zoning District PCUP, in order to allow the construction of an Essential Services Class 3 Facility (Solar Farm).

Applicant:

Gastonia Solar Center, LLC.

Property Owner:

Evangel Assembly of God (Generation Church of Gastonia)

Mailing Address of Applicant:

1999 Harrison Street, Suite 830, Oakland, CA 94612

Site Information and Description of Area:

General Location:

609 Neal Hawkins Road, Gastonia, NC 28056

Tax Parcel Number(s):

139183

Township:

Gastonia

Current Use of Property

Vacant, formerly grazing

Total Acreage in Parcel(s):

34.59

Acreage for Map Change:

34.59 (RS-12) Single Family 12,000 square feet

Current Zoning District(s): General Area Zoning Districts:

(RS-8) Residential 8,000 square feet, (RS-12) Single Family 12,000 square feet,

(CD/RMF) Residential Multi Family with Conditional District, (I-U) Urban Standard

General/Adjacent Land Use(s):

residential, commercial

# **Zoning District Information:**

Current Zoning District(s):

# RS-12 SINGLE FAMILY 12,000 SQUARE FEET

The purpose of the RS-12 District is primarily for the development of single family residential with a standard minimum lot size of twelve thousand (12,000) square feet. This district is generally found in the Urban Standards Overlay (USO) district and is served by public or community water and sewer utility. Higher densities than this is normally allowed and a variety of different residential types may be accommodated through Planned Residential Developments (PRD), Infill Residential Developments and Traditional Neighborhood Developments (TND) and / or through the satisfaction of certain performance design and construction.

# <u>Proposed Zoning District:</u> (Parallel Conditional Use District) <u>CU/R-2 SINGLE FAMILY MODERATE</u> (Conditional Use District)

The purpose of this district is to accommodate single family site built and modular construction and double-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

# Parallel Conditional Zoning (PCUP) Districts CU-(Conditional Use)

Parallel conditional use districts are established to consider situations where a particular use may be acceptable on a lot or tract of land but the other uses permitted in a general zoning district would not be acceptable.

STAFF COMMENTS: It is staff's opinion the request is consistent with the Comprehensive Land Use Plan.

# 2035 COMPREHENSIVE LAND USE PLAN:

# Small Area Districts:

Southeast (The Garden Gaston) Key issues: road improvements, better connectivity, another bridge crossing over the Catawba River, increase walkability and connectivity, coordination amongst local governments, maintain quality of life

It is staff's opinion the request is consistent with the Comprehensive Land Use Plan.

# TECHNICAL REVIEW COMMITTEE (TRC):

Request was reviewed by TRC for comment and general compliance with applicable regulations and provisions. The Technical Review Committee is made up of various technical land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO); Fire Marshall, etc. which reviews all land use proposals and site plans requiring Planning Board approval, and/or public hearing process.

# NOTIFICATION:

Newspaper advertisement of public hearing was advertised in Gaston Gazette in accordance with County policy.

ZONING SIGN PLACED ON PROPERTY: February 3, 2017 and March 9, 2017

#### MAIL NOTIFICATION:

Notice of the hearing was sent to adjacent property owners on February 3, 2017 and March 10, 2017. Comments, if any, from the notification will be provided during public hearing.

## **INFORMATION ATTACHED:**

Rezoning application (copy); vicinity map, zoning/subject area maps, aerial maps

## TRANSPORTATION PLANNING INFORMATION:

Provided by GCLMPO (Gaston, Cleveland, Lincoln Metropolitan Planning Organization)

#### STAFF CONTACT:

Ron Smith, Development Services Planner (704) 866-3072, ron.smith@gastongov.com



Department of Planning & Development Services

128 W. Main Avenue, Gastonia, North Carolina 28052

Mailing Address: P.O. Box 1578, Gastonia, N.C. 28053-1578

Phone: (704) 866-3195 Fax: (704) 866-3966

# PARALLEL CONDITIONAL USE APPLICATION Complete by either typing or printing legibly in black or blue ink

	Appli	cation Number: Po	CUP 17-01	<del></del>		
A.	* APPLICANT INF	ORMATION				
Name of Applicant:	Jame of Applicant: Gastonia Solar Center, LLC (Print Full Name)					
Mailing Address:	1999 Harrison Street, Suite 830, Oakland, CA 94612 (Include City, State and Zip Code)					
Telephone Numbers:	1 (844) 367-7272 (Area Code) Business	1 (844) 3	37-7272 (Area Code) Home			
written cons An Authorization/Co	property owner are not the same individua sent from the property owner or legal repre onsent Form is a separate form, and shall ! le a list of those names with a complete ma a telephone number inc	sentative authorizing th be notarized. In addition ailing address including	e Rezoning Application. Lif there are additional pro	onerty		
	OWNER INFOR	Reperation Chuse Print Full Name)  Rd. Gasto  City, State and Zip Code)				
Telephone Numbers:	704 · 867 · 872/ (Area Code) Business	709.4	(Area Code) Home			
c.	PROPERTY INFO	<u>DRMATION</u>				
Physical Address or G Property Identification	Seneral Street Location of Property:  Number (PIN): 139183	609 Neal Hawkin	s Road Gastonia, NC 280	066		
Acreage of Parcel:	34.59 +/- Acrea	ge to be Rezoned:	34.59	+/-		
Current Zoning:	RS12 Proposed Zoi	ning:	R2			
Current Use: Vaca	int, Formerly Grazing Proposed Use	e(s): Solar Farm				

# **BURDEN OF PROOF**

Section 5.16

# Section 5.16.4 - F.2 Parallel Conditional Use District Burden of Proof

- a. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.
- b. The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:

	1.	The use will not materially endanger the public health or safety if located where proposed and developed according to plan;  See attached.				
	II.	The use meets all required conditions and specifications; See attached.				
	III.	The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; See attached.				
		; and				
	ív.	location and character of use, if developed according to the plan as submitted and approved, will be in nony with the area in which it is to be located and will be in general conformity with the adopted I Use Plan and other plans for the physical development of the County as adopted by the Board of missioners.  See attached.				
E.		CONDITIONS SETFORTH BY APPLICANT				
The	Applica	nt will abide by all zoning and setback requirements.				
The	Applica	nt will abide by all zoning and setback requirements.				
The	Applica	nt will abide by all zoning and setback requirements.				
The	Applica	nt will abide by all zoning and setback requirements.				
The	Applica	APPLICATION CERTIFICATION				
	(I/We					
	(I/We	APPLICATION CERTIFICATION  ), the undersigned being the property owner/authorized representative, hereby certify that the information				
	(I/We	APPLICATION CERTIFICATION  ), the undersigned being the property owner/authorized representative, hereby certify that the information itted on the application and any applicable documents is true and accurate.  (1/8/16)				
F.	(I/We	APPLICATION CERTIFICATION  APPLICATION CERTIFICATION  Application and the property owner/authorized representative, hereby certify that the information itted on the application and any applicable documents is true and accurate.  All 18/16  Signature of property owner or authorized representative  Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.				
F.	(I/We subm	APPLICATION CERTIFICATION  ), the undersigned being the property owner/authorized representative, hereby certify that the information itted on the application and any applicable documents is true and accurate.  CLASIGNATURE OF property owner or authorized representative  Please initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.				

# A. Parallel Conditional Use Permit Application Responses

 The use will not materially endanger the public health or safety if located where proposed or developed according to plan.

All electrical equipment used in the construction of the project are mandated by the National Electric Code to be listed to Universal Laboratory ("UL") standards for the intended application thereby guaranteeing that every piece of electronic and electrical equipment on site, from wires and terminals to enclosures and inverters has gone through rigorous testing to ensure that when installed properly they will operate safely. Furthermore, the project itself will be engineered and built to be compliant with the National Electric Code and local inspectors from the permitting department will inspect and verify compliance. Lastly all safety hazards are contained in properly rated enclosures that are locked out to prevent access and even the site itself sits behind a security fence to prevent inadvertent access and security cameras are placed on site to help monitor site activity.

A solar facility is considered as a zero emission facility: the solar farm produces clean, environmentally sound electricity. The facility will be nearly inaudible with only certain equipment such as inverters (power converters) and transformer emitting a quiet humming noise that is only audible from within 50 feet.

Proper access to the facility will be built for fire trucks, in compliance the Fire Department requirements, should an unlikely fire event occur.

Therefore, this solar farm will not materially endanger the public health or safety.

2. The use meets all required conditions and specifications.

The facility will meet or exceed the setbacks required for R-2 that listed under "All Other Uses."

The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

Attached as Attachment B is a property appraisal study that was completed specifically for this project by a North Carolina State Certified General Appraiser. The appraiser concludes that there will be no negative impact to adjoining property values due to the presence of a solar farm.

4. 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.

This solar farm will be in harmony with the area in which it is to be located and will be in general conformity with the Land Use Plan and other plans for physical development of the County as adopted by the Board Commissioners. This Solar Farm is conveniently located directly adjacent to a large high voltage substation enabling the facility to connect directly to the substation with minimal additional infrastructure. There would be only minor impacts to traffic on Neal Hawkins Road and only during the construction phase when an average of 20 workers coming to and from the site each day for a three-month span. After construction is completed the only traffic to the site would be for maintenance, which is anticipated to be one to three trucks for a period of two to three days of about one to two times a year. Neal Hawkins Road is a Major Collector which had in 2012 an Average Daily Traffic of 8300 vehicles according to the North Carolina Department of Transportation.

In the recently approved 2035 Land Use Plan the project site is located within "Small Planning District Area 4 – The Garden Gaston." The project area is primarily designated as Rural but the project site itself is designated as Suburban Development. The facility fits the description of Suburban Development as it will be close to the electric load it will be serving so that it will not be burdensome on the utility infrastructure and will not require additional distribution or transmission lines. The power from the facility will provide the surrounding area with electricity which is an immediate neighborhood need.

# B. Project Description

#### 1. Overview

The proposed solar project (the "Project") is a 4.38-megawatt ("MW"), alternating current ("AC"), photovoltaic ("PV") ground-mounted solar system (the "System" or the "Project") that will be implemented on up to 35 acres of what is currently zoned as residential in unincorporated Gaston County, approximately 2 miles south of the City of Gastonia. The Project will sell the electricity to Duke Energy for a period of 15 years and can continue to produce and sell energy for up to 30 years.

The Project will demonstrate considerable economic and local environmental benefits to Gaston County and its residents. The System will utilize less productive land, while increasing local energy security. The local economy and labor force will see growth as the Project will employ many local laborers (see Section 7).

The System is engineered with the following beneficial characteristics:

- Temporary use the system can easily be decommissioned, removed and the site restored to its original condition after its 15-30 year life span
- Small footprint of up to 35 acres, enabling the landowner, Evangel Assembly of God d/b/a Generation Church of Gastonia to generate value on marginal, non-prime land;
- No grading of the site is required the project will be constructed on the grazing lands without disruption or alteration of natural drainage or contours;
- Zero emission distributed power generation, with the system interconnecting directly into the existing Duke Energy distribution with minimal utility pole construction required;
- Swift construction time of less than 120 days;
- Minimal operational onsite activity and water requirements less than 0.5-acre foot per year is required for panel washing;
- Minimal visual impact to the area. The site will be surrounded by trees and will have limited visibility from the road.

#### 2. Project Location

The Project will be located on a parcel containing approximately 35 acres, with an Assessor's Parcel Number of 139138 (the "Parcel"). The Parcel is currently vacant and not being used.

The Project site is approximately south of Gastonia and is 0.15 miles south of Hudson Boulevard and is approximately 0.3 miles southeast of US Route 321. The Project is not visible from either road. The GPS coordinates of the Project site are 35.229033, -81.189078.

The Project site is located on private property owned by the Generation Church of Gastonia. The Project site can currently be accessed via existing paved roads and existing gravel roads. To access the site from Gastonia, begin on US Route 321 and head east on Hudson. Turn South

# Parallel Conditional Use Application (PCUP 17-01) Conditions

1. Approval limits the subject Conditional Use Permit to the following use: An Essential Services Class 3 Facility (Solar Farm).

2. The applicant shall complete the development strictly in accordance with the plans submitted to and approved (and/or modified) by the Board of Commission, along with all requirements in Section 5.2, Site Plan Review, in the UDO, a copy of which is filed in the Planning Office.

3. 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.

4. Unless the Board of Commission issues a Conditional Use Permit which either is specifically exempt from any time constrains 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.

A copy of the removal bond in the amount agreed upon by the property owner which is commercially reasonable for the removal of the equipment should the site be

abandoned.

6. Development shall meet all local, state and federal requirements.

7. Comply with applicant decommission statement as included in application.

# Cartonia Cartonia PROJECT SITE

#### PROJECT SCOPE

PROJECT SCOPE INCLUDES THE DESIGN AND INSTALLATION OF A GROUND MOUNTED PV SYSTEM WITH RELATED HARDWARE AND ELECTRICAL EQUIPMENT. THE PHOTOVOLTAIC SYSTEM IS GRID-INTERACTIVE, AND CONTAINS NO ENERGY STORAGE SYSTEMS. GRID INTERCONNECTION COMPLIANT WITH DUKE ENERGY REQUIREMENTS.

THIS PHOTOVOLTAIC SYSTEM, COMPRISED OF (1) INTERCONNECTION, WILL CONNECT DIRECTLY WITH THE ELECTRIC UTILITY COMPANY AT ONE PLACE SPECIFIED AS THE POINT OF INTERCONNECTION.

THE POINT OF INTERCONNECTION WILL CONNECT TO THE NEIGHBORING ELECTRICAL SUBSTATION DIRECTLY SOUTH OF THE PROPERTY VIA GEN-TIE LINE.

#### SYSTEM SPECIFICATIONS

SYSTEM SIZE (AC): 4,380 MW AC SYSTEM SIZE (DC): TBD

MOUNTING SYSTEM: SINGLE AXIS TRACKERS

#### SHEET LIST

PV-0: TITLE PAGE

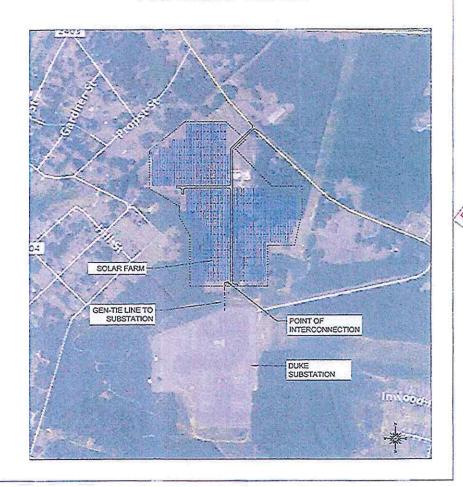
PV-1: MASTERSITE PLAN

PV-2: SITE PLAN

PV-3: FENCE AND TRACKER DETAILS

# PHOTOVOLTAIC SYSTEM "GASTONIA SOLAR CENTER"

609 NEAL HAWKINS ROAD GASTONIA, NC 28056 PARCEL # 139183





REVISIONS
THE BIT SEASONS OF STATE S

ASTONIA SOLAR CENTER TO SYSTEM SIZE: 4.38/MV AC CONTEM HOTHON CASTONIA HOTHON

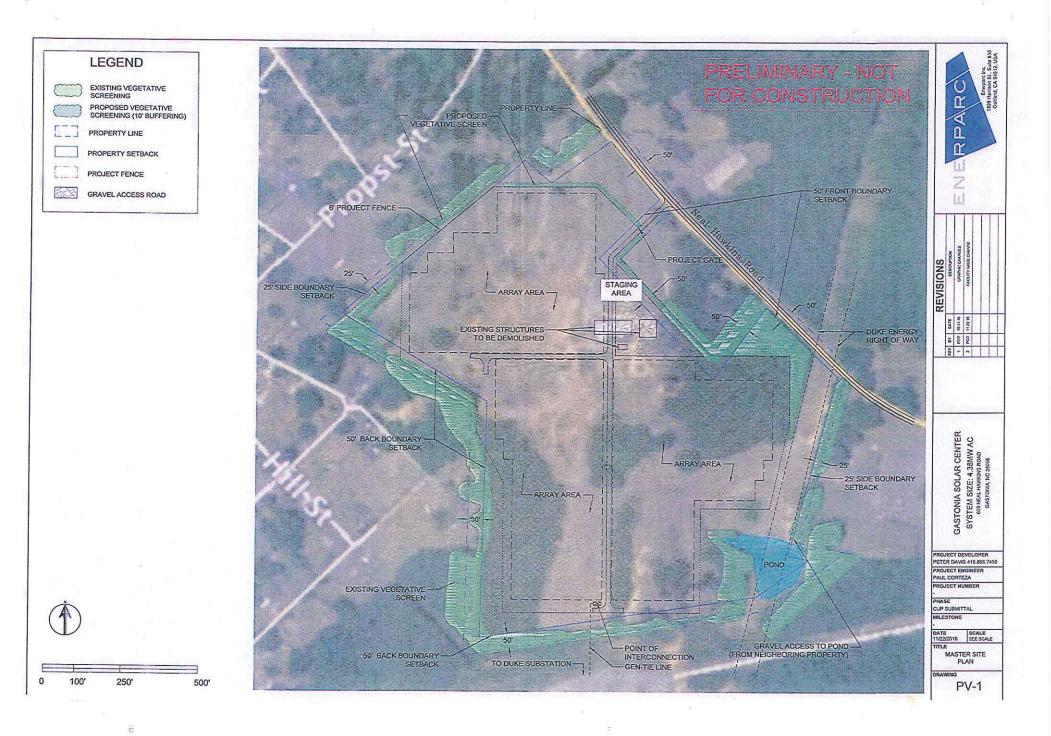
PROJECT DEVELOPER
PETER DAVIG 415.884.7453
PROJECT ENGINEER
PAUL CORTECA
PROJECT NUMBER

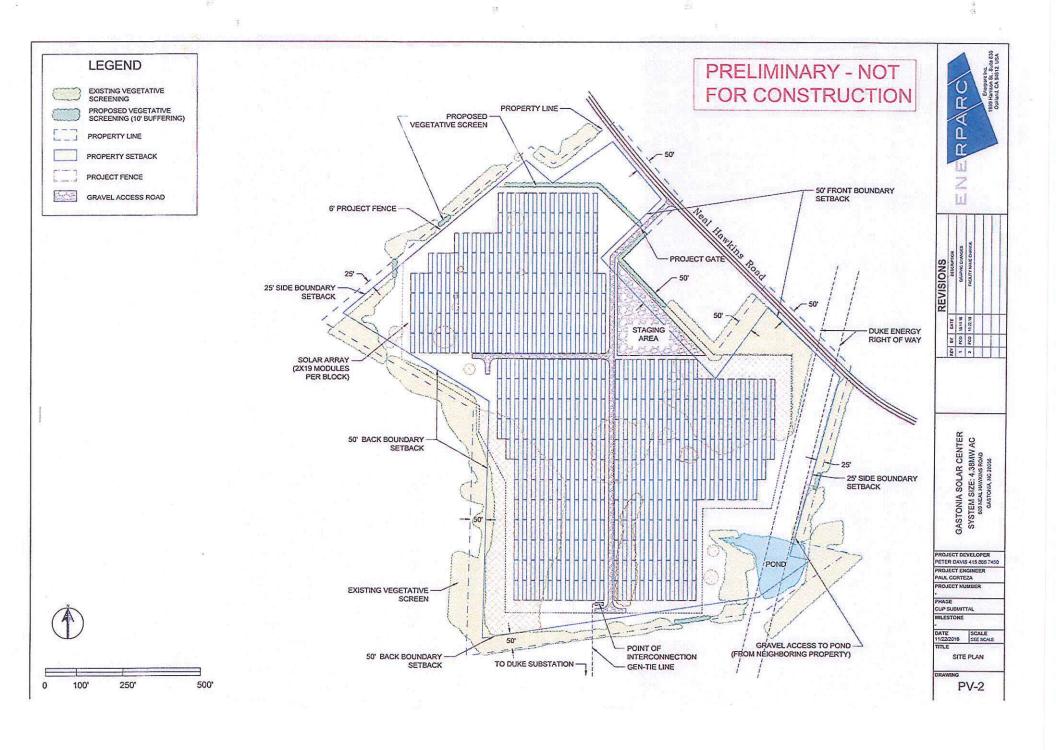
PHASE CUP SUBMITTAL MILESTONE

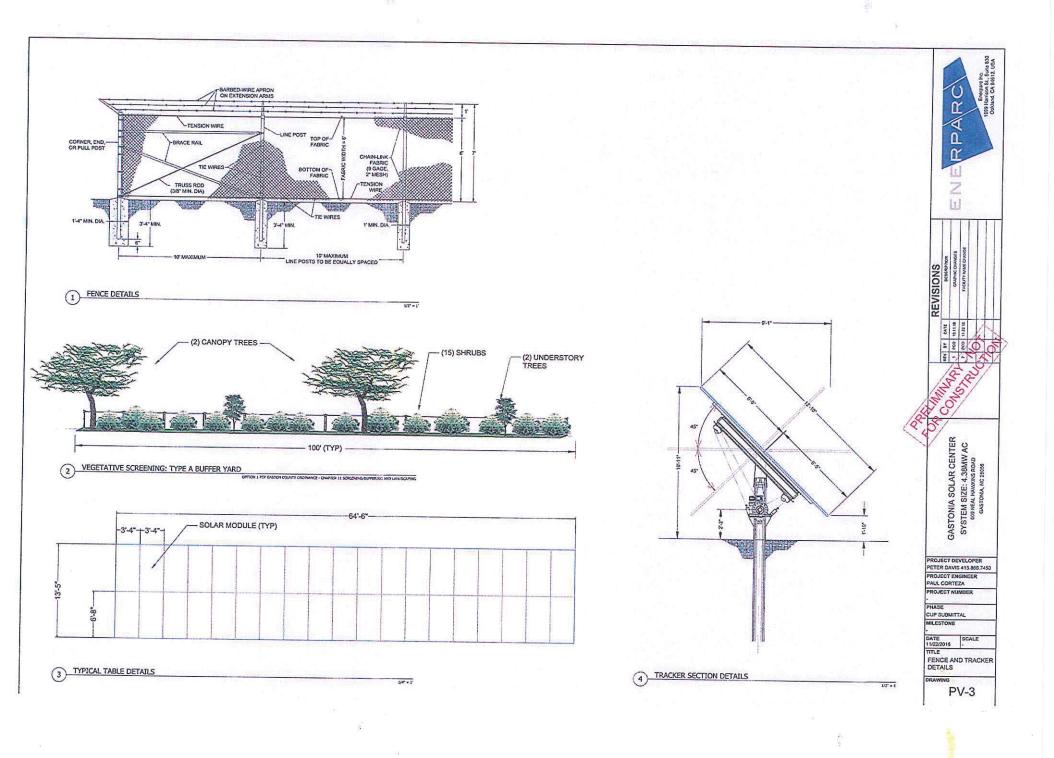
DATE SCALE
11/22/2016 NTS
TITLE
TITLE PACE

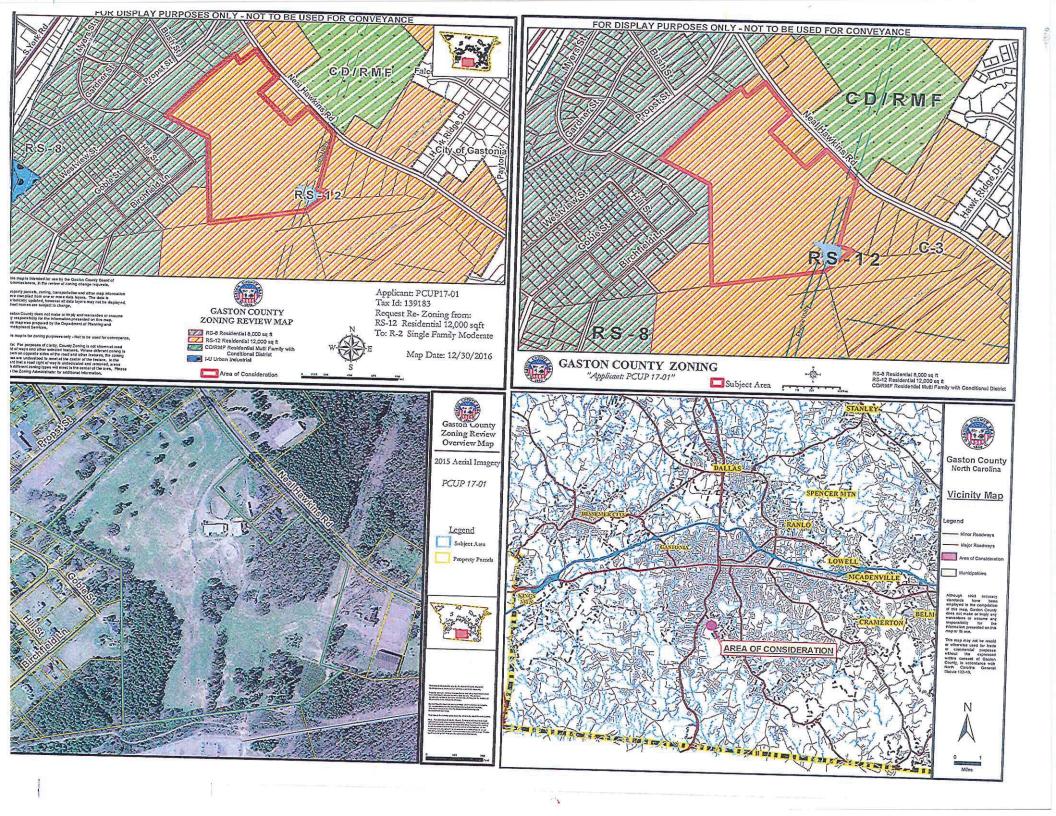
DRAWING

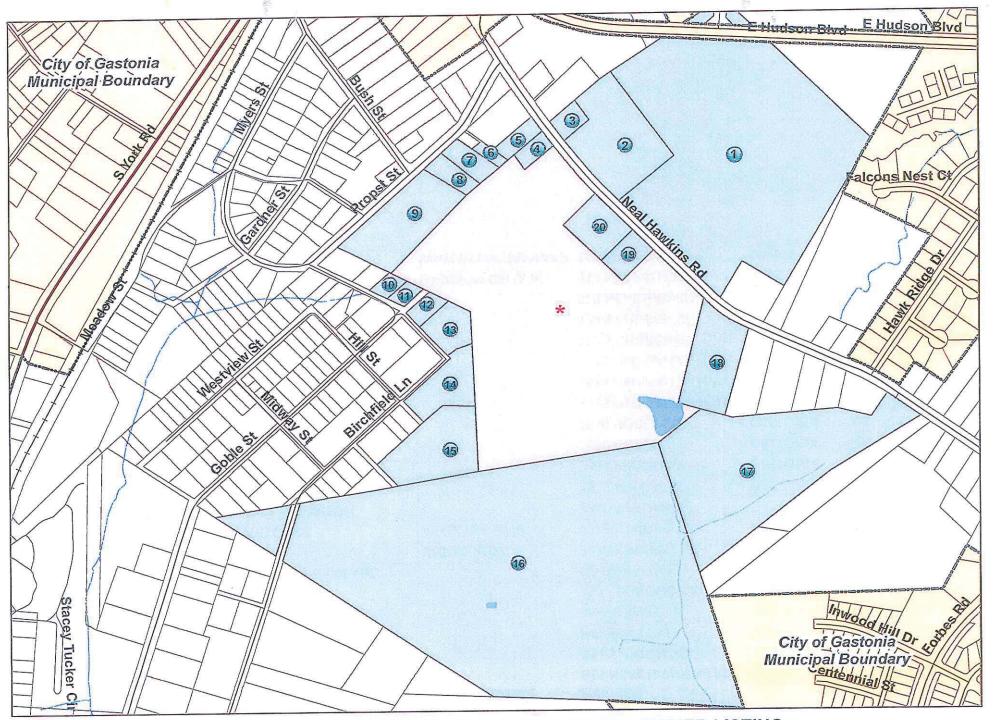
PV-0











PCUP 17-01 - SEE REVERSE SIDE FOR ADJACENT OWNER LISTING

NO:	PARCEL ID	OWNER NAME 1	OWNER NAME 2	ADDRESS	CITY	CTV.	TE ZIP
*	139183	EVANGEL ASSEMBLY OF GOD *		625 NEAL HAWKINS RD	GASTONIA	NC	28052-0000
1	139199	C & C INVESTMENTS & OTHERS		514 S UNION RD	GASTONIA	NC	28054
2	139198	PENTACOSTAL FREE WILL BAPTIST*		P O BOX 1568	DUNN	NC	28335
3	139185	ZION BAPTIST CH GASTONIA INC		2437 PROPST ST	GASTONIA	NC	28056-6958
4	139182	LOVE FURMAN RANDALL		7527 ELWOOD DR	CHARLOTTE	NC	28227-1268
5	139365	GTOWN REDEVELOPMENT LLC		PO BOX 550442	GASTONIA	NC	28055-0442
6	139364	WOOD GLENN E	WOOD JUDY	2330 S PROPST ST	GASTONIA	NC	28052-0000
7	139360	AREIZAGA VICTOR M	AREIZAGA JANET A	2336 S PROPST ST	GASTONIA	NC	28052-0000
8	139358	WEST MOZELLE MORRISON		2340 S PROPST ST	GASTONIA	NC	28054-0000
9	222481	ZION BAPTIST CH GASTONIA INC		2437 PROPST ST	GASTONIA	NC	28056-6958
10	222483	ZION BAPTIST CH GASTONIA INC		2437 PROPST ST	GASTONIA	NC	28056-6958
11	139410	GREENE DAVID M		2630 GOBLE ST	GASTONIA	NC	28052-0000
12	139413	SOUTHARD TRACY FORTNER		2634 GOBLE ST	GASTONIA	NC	28056-0000
13	139411	CLEMMER HAROLD G JR		1313 OLD DALLAS HWY	DALLAS	NC	28034
14	139177	CLEMMER HAROLD G JR		1313 OLD DALLAS HWY	DALLAS	NC	28034
15	139178	CLEMMER HAROLD G JR		1313 OLD DALLAS HWY	DALLAS	NC	28034
16	141616	DUKE ENERGY CORPORATION		422 S CHURCH ST	CHARLOTTE	NC	28242-0900
17	139204	DUKE ENERGY CORPORATION		422 S CHURCH ST	CHARLOTTE	NC	28242-0900
18	139200	EVANGEL ASSEMBLY OF GOD *		625 NEAL HAWKINS RD	GASTONIA	NC	28052-0000
19	139184	JOHNSON THOMAS R JR	JOHNSON CELIA M	414 NW 24TH TER	CAPE CORAL	FL	
20	139179	2.02		The state of the s	MILAN	TN	33993-8771
			TOTAL CONTROL OF THE STATE OF T		IVII L/\IV	IIV	38358



Post Office Box 1748 Gastonia, North Carolina 28053 Phone (704) 866-6837

150 South York Street Gastonia, North Carolina 28052 Fax (704) 869-1960

# Memorandum

To:

Willie King, Development Services Manager, Gaston County

From:

Hank Graham, Al Principal Transportation Planner

Date:

February 14, 2017

Subject:

Comments for Rezoning Applications Z17-01, Z17-02, Z17-03, & PCUP17-01 in

Gaston County, NC.

Thank you for the opportunity to provide Transportation comments regarding within the Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO) area. My comments are based on review of the rezoning applications and associated site plans listed below:

- A. Zoning Map Change: (Z17-01) James R. Stroupe (Applicant); Property Parcel 212710, Located at 3201 Puetts Chapel Road, Dallas, NC, Rezone from the (R-1) Single Family Limited Zoning District to (C-1) Light Commercial Zoning District
- B. Zoning Map Change: (Z17-02) C&D 2, LLC (Diane M. Baldwin) (Applicant); Property Parcel 155288, Located at 460 Freedom Mill Road, Gastonia, NC, Rezone from (C-3) General Commercial Zoning District to (C-1) Light Commercial Zoning District
- C. Zoning Map Change: (Z17-03) Hailey Ratchford Stacy (Applicant); Property Parcel 182912, Located at 1411 Hickory Grove Road, Gastonia, NC, Rezone from (R-1) Single Family Limited Zoning District w/CH and US Overlays to (C-1) Light Commercial Zoning District w/CH and US Overlays
- D. Parallel Conditional Use Permit: (PCUP17-01) Gastonia Solar Center, LLC (Applicant); Property Parcel 139183, Located at 609 Neal Hawkins Road, Gastonia, NC, Request for a PCUP Zoning District from the (RS-12) Single Family 12,000 Square Feet District to a (CU / R-2) Conditional Use / Single Family Moderate Zoning District (PCUP), Essential Services Class 3 Facility (Solar Farm)

Accordingly, I offer the following comments:

- Neither of the requested rezoning cases and associated site plans as proposed will not generate daily trips of significant concern to the adjacent roadway network.
- 2. According to the 2016-2025 NCDOT STIP and the 2040 MTP, there are no planned transportation improvement projects in the vicinity of these projects.

If you have any questions regarding my comments, please do not hesitate to contact me at 704 214-3384 or <a href="mailto:hankg@cityofgastonia.com">hankg@cityofgastonia.com</a>.