Planning Board Item III – GENERAL PUBLIC HEARING INFORMATION (PCUP19-04) Board of Commissioners / Planning Board Public Hearing Date April 23, 2019

Parallel Conditional Use Permit (PCUP19-04)

Request: To rezone parcels 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)

Applicant(s): Exoplexus Inc.

Property Owner(s): BCGC Associates Inc.

Mailing Address of Applicant: 807 E. Main St., Suite 6-050, Durham, N.C. 27701

Site Information and Description of Area

General Location: 601 High Shoals Rd.

Parcel ID: 164778
Total Property Acreage: 131.97 ac
Acreage for Map Change: 131.97 ac

Current Zoning District(s): (R-1) Single Family Limited

General Area Zoning District(s): (R-1) Single Family Limited, (RS-20) Residential 20,000 sq ft, (R-3) Single Family General,

(C-3) General Commercial, (I-3) Exclusive Industrial

Zoning District Information

Current Zoning District:

(R-1) Single Family Limited – The purpose of this district is to accommodate single family site built and modular construction. 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.

Proposed Zoning District: (Parallel Conditional Use Permit)

(CU) Conditional Use – There are many uses identified in Table 7.1-1 that are "uses by right" and that are allowed "by right" in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are "conditional uses" and subject to the issuance of a conditional use permit. The purpose of having conditional uses is to ensure that these uses ae compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as "uses by right" but now are allowed subject to a conditional use permit. For these uses, any expansion or modification to the uses would be subject to the issuance of a conditional use permit.

(R-2) Conditional Use / Single Family Moderate — 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.

(PCUP) Parallel Conditional Use Permit – The parallel conditional use rezoning process allows particular uses to be established, but only in accordance with a specific development project. The "parallel conditional use" district (PCUP) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable.

2035 Comprehensive Land Use Plan (Small Area District):

Area 2: North 321 Gaston / North Central Gaston (High Shoals, Dallas, and surrounding area)

Key issues for citizens in this area include preservation of open space; road improvements and better connectivity to other areas of the County and throughout the region; more transportation alternatives; preservation of agriculture and maintaining the rural "feel" of the community; and steer development towards existing infrastructure and areas immediately surrounding towns and cities.

Comprehensive Plan Future Land Use: Rural

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

Technical Review Committee (TRC)

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

Notification

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

Zoning Sign Placement

April 12, 2019

Information Attached

Rezoning application; vicinity map, aerial map, zoning/subject area maps, adjacent property map with property owner list; and site plan.

<u>Transportation Planning Information</u>

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

Staff Contact

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or sarah.penley@gastongov.com

Department of Planning & Development Services

Street Address:

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

	Application Number: PCUP 19-04						
Α.	* <u>APPLICANT INFO</u>	RMATION					
Name of Applicant:	Ecoplexus Inc. c/o Pete Parkinson						
ramo or replicant.	(Print Full Name)						
Mailing Address:	807 E Main St. Suite 6-050, Durham NC 27	7701					
Mailing Address.	<u>·</u>	State and Zip Code)					
Telephone Numbers:	303-503-1753 *primary 919-440-8149 *secondary						
relephone realizate.	(Area Code) Business	(Area Code) Home					
written cons An Authorization/Co	sent from the property owner or legal represe onsent Form is a separate form, and shall be	notarized. In addition, if there are additional property ng address including city, state and zip code along with					
В.	OWNER INFORM BCGC Associates Inc	<u>IATION</u>					
Name of Owner:	t Full Name)						
Mailing Address:	PO Box 1423, Belmont, NC 28012						
	(Include City	, State and Zip Code)					
Telephone Numbers:	704-804-3282						
	(Area Code) Business	(Area Code) Home					
C.	PROPERTY INFOR	RMATION					
Physical Address or G	General Street Location of Property:	601 High Shoals Rd, Lincolnton, NC 28092					
Property Identification	Number (PIN): Parcel #164778 (363	0867246)					
Acreage of Parcel:	+/- Acreage	to be Rezoned: 131.97 +/-					
Current Zoning:	R-1 Proposed Zonin	g: CU/R-2					
Current Use: Golf	Course (abandoned) Proposed Use(s	Solar Generation Facility (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:

i.	The use will not materially endanger the public health or safety if located where proposed and developed according to plan; See Exhibit A								
ii.	The use meets all required conditions and specifications; See Exhibit B								
iii.	iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; See Exhibit C								
	; and								
iv. The location and character of use, if developed according to the plan as submitted and approved 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 Bo Commissioners. See Exhibit D									
E.	CONDITIONS SETFORTH BY APPLICANT at to residences, the solar panels will be set back 150'.								
	_								
F.	APPLICATION CERTIFICATION								
	e), the undersigned being the property owner/authorized representative, hereby certify that the information litted on the application and any applicable documents is true and accurate.								
Gene	2 A Miller by John C Miller POA Signature of property owner or authorized representative 2/5/19 Date								
AM by S	Please mitfal that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.								
Date Received	FOR OFFICIAL USE ONLY d:Application Number: PCUP:Fee:								
Received by M	Member of Staff:Date of Payment:Receipt Number:								
Copy of	f Plot Plan or Area Map Copy of Deed Notarized Authorization Payment of Fee								

EXHIBIT A

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

The proposed solar farm will not materially endanger the public health or safety, if located as proposed herein in this application, as the use will generate minimal-to-no traffic. Primary traffic to the site will be for site maintenance and routine property upkeep. The solar panels and array do not contain dangerous, toxic, or otherwise noxious materials and do not emit particles, liquids, or any other detrimental particulates or emissions.

Additionally, utilities, site access, drainage, sanitation, and other facilities and services will be provided and the site will be maintained accordingly. Access is sufficient for all projected traffic to and from the site, including emergency services, if ever necessary. The site will satisfy North Carolina State Building Code and additional building requirements established by Gaston County. Moreover, the subject property and development will be enclosed by fencing and all buffering and setback requirements, as required by county ordinance, will be strictly adhered to and followed.

EXHIBIT B

2. The use meets all required conditions and specifications.

The proposed solar farm use meets all required conditions and specifications outlined in the applicable Gaston County ordinances. As provided in the attached site plan, the development will meet all setback and buffering requirements, including adequate vegetative buffering and screening. The site will use existing vegetation where possible and supplement where necessary to comply with development standards. The proposed use will comply with all building and electrical codes and shall not exceed height restrictions imposed by the R-2 district.

EXHIBIT C

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

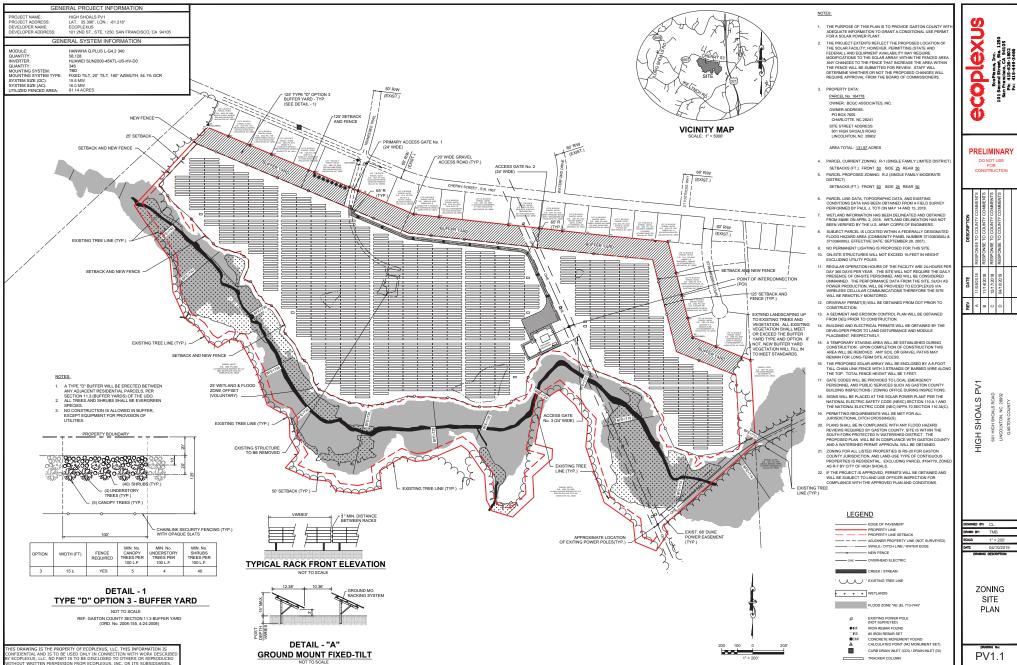
The proposed solar farm use will not substantially injure the value of adjoining or abutting property insofar as the use is quiet, does not generate appreciable noise, and emits no toxic or noxious emissions that would otherwise impact nearby properties. The solar panels absorb light and do not reflect it, minimizing glare concerns and/or lighting issues at the site.

Solar energy is a public necessity and its prevalence has increased significantly as societal demands for electricity have increased in recent years. While society currently depends upon coal, gas, nuclear, and other traditional power sources for electricity generation, those source are costly, unsustainable, finite, and come with significant environmental impacts and potential public safety issues. In comparison, solar energy is clean and sustainable with minimal environmental impacts. Approving this request and allowing this property to be developed to promote such an energy source would provide a substantial public benefit to the community.

EXHIBIT D

4. The location and character 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.

The proposed use will be in harmony with area in which it will be located and will conform to the adopted Unified Development Ordinance and other plans for the physical development of Gaston County. The proposed location is in a rural area and the use is consistent with surrounding rural uses and use classifications. The site will generate minimal traffic and will not require daily staffing, but rather periodic maintenance visits. Solar farms do not generate appreciable noise, are passive uses, emit no noxious or harmful emissions and/or odors, and the site will be screened and buffered pursuant to all county development standards. The proposed solar farm also maintains the rural characteristics that are anticipated for in the Gaston County 2035 Comprehensive Land Use Plan.



File E)-West SHOLLS(Virgin Shoels = Zoeleg Ples = 190410.4mg, I E-Verlet SHOLLS(COED_JJ_COED_LOTOSCOS_LOTOSCOS_LOTOSCOS_ E-Verlet SHOLLS(COED_JJ_COED_LOTOSCOS_LOTOSCOS_LOTOSCOS_ E-Verlet SHOLLS(COED_JJ_COED_LOTOSCOS_ZOTOSCOS_LOTOSCOS_

PV1.1

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.

Memorandum

To: Sarah Penley, Devpt. Services Planner, Gaston County Department of Planning &

Devpt. Services

From: Julio Paredes, Planner, Gaston—Cleveland—Lincoln MPO

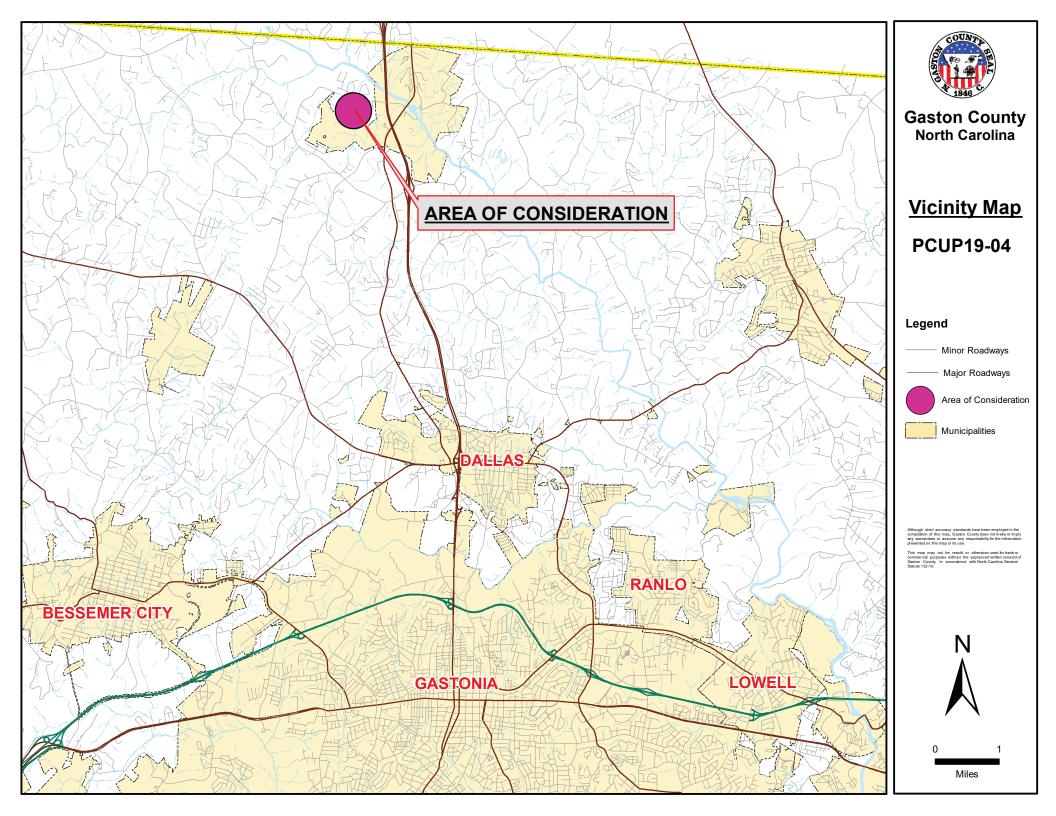
Date: April 15, 2019

Subject: PCUP19-04 Ecoplexus—GCLMPO Comments

Thank you for the opportunity to provide transportation comments on a proposed site plan located within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) geographic area. My comments are based on review of the proposed site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2045 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

- 1. The proposed development is located at 601 High Shoals Rd, Lincolnton, NC 28092
 - A. The proposed development will not generate daily trips of significant concern to the adjacent roadway network.
 - B. According to the 2020-2029 STIP and the 2045 MTP, there are no planned transportation improvement projects in the immediate vicinity of this development.
 - C. The CTP does not show any future improvements on any streets adjacent to the subject properties.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or juliop@cityofgastonia.com.







2018 Pictometry

PCUP19-04

Legend

Sub

Subject Area

Р

Property Parcels



This map is intended for use by the Gaston County Board of

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is persodically updated, however all state layers may not be deglayed. Sheet cames are subtent to chance.

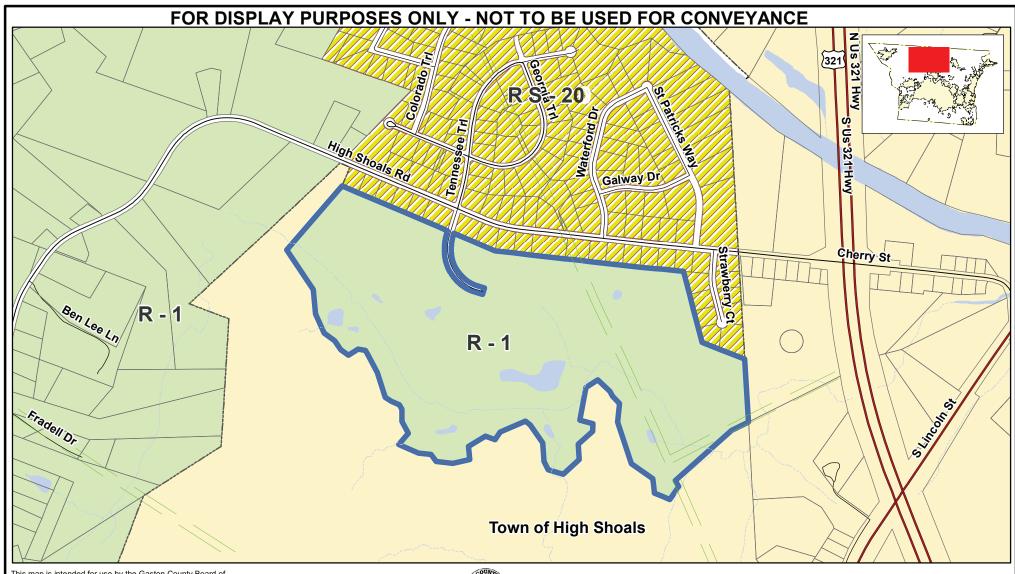
Gastan County does not make or imply and warrantes or also any responsibility had the information presented on this map. This map was prepared by the Department Planning and Development Services.

This map is for soring purposes only - Hot to be used for conveys

Note: Fee purposes of circle; County Zonny Is not shown at said right of way a red other selected relatives. Where different circling about on opposite who is the load and charle features. The sating shown on opposite who is the load and charle features. The sating several that a room input if we yet in whord-cated and in seminorship several that a room input if we yet in whord-cated and in seminorship services of the said. Please here the Zonny Administrator is relative at interest cated of the said. Please here the Zonny Administrator is relative at information and administrator in catedonic and catedonic relative and catedonic and cate



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This map is intended for use by the Gaston County Board of Commissioners, in the review of zoning change requests.

Property parcels, zoning, transportation and other map information were compiled from one or more data layers. The data is periodically updated, however all data layers may not be displayed. Street names are subject to change.

Gaston County does not make or imply and warranties or assume any responsibility for the information presented on this map. This map was prepared by the Department of Planning and Development Services.

This map is for zoning purposes only - Not to be used for conveyance.

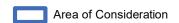
Note: For purposes of clarity, County Zoning is not shown at road right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undedicated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.



R-1 Single Family Limited

RS-20 Residential 20,000 sqft

Town of High Shoals





Applicant: PCUP19-04 Tax ID: 164778 Request Re-Zoning From: (R-1) Single

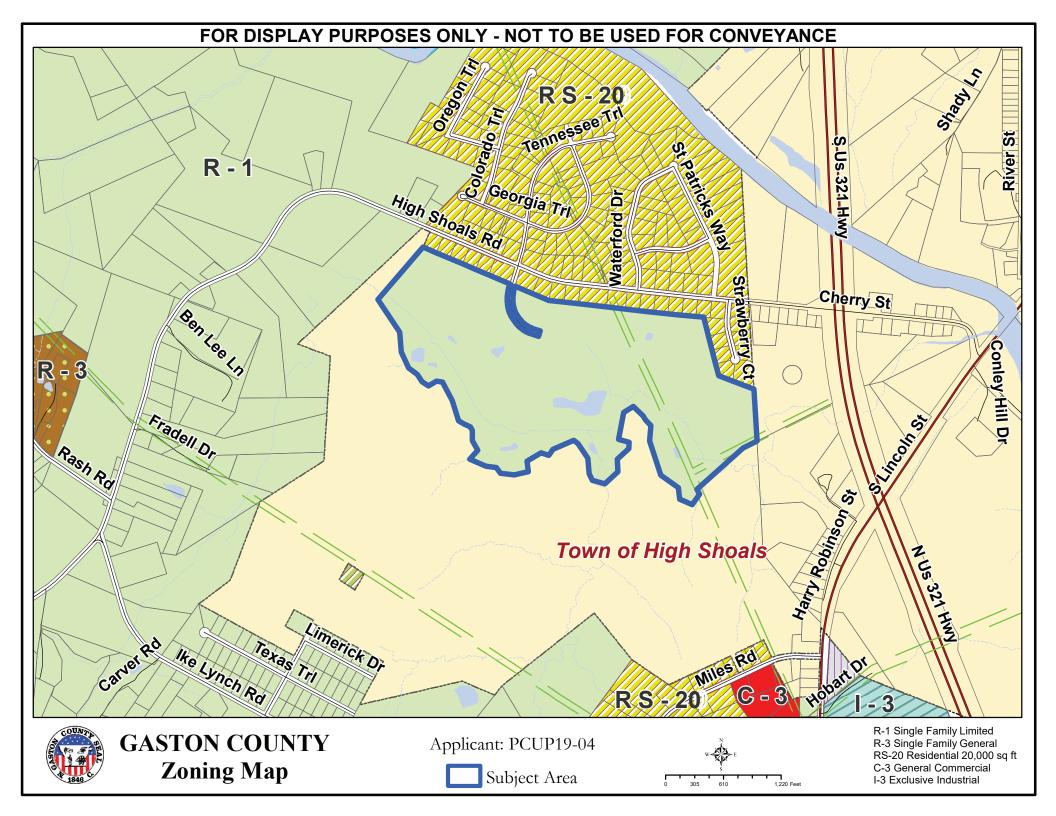
Family Limited

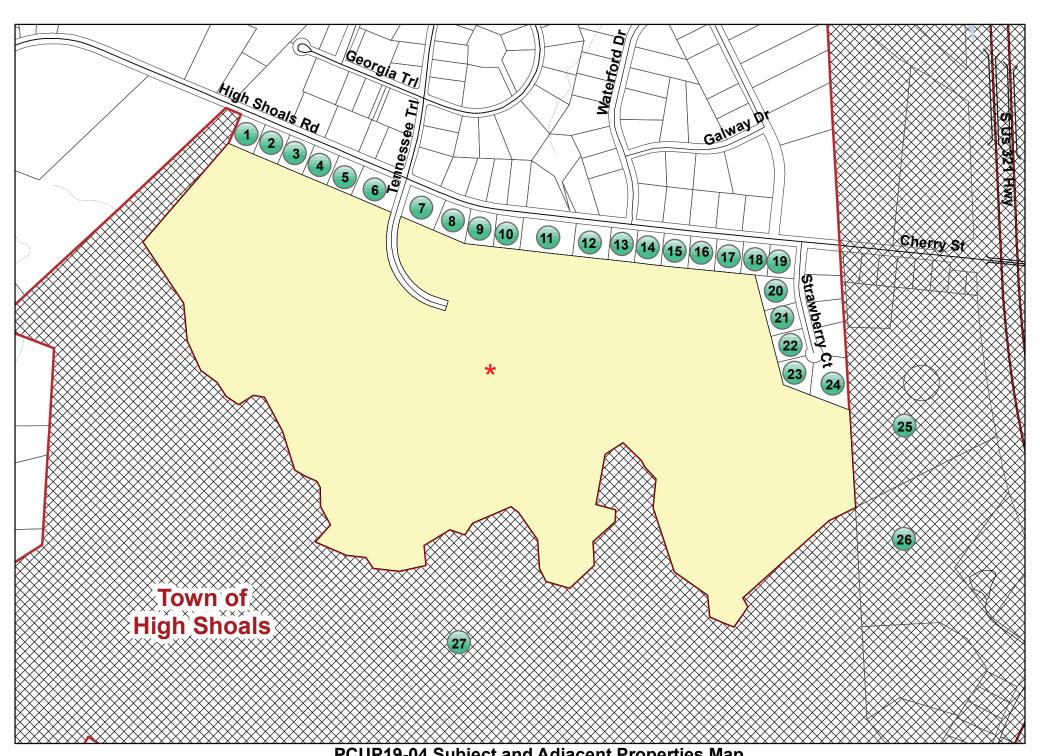
To: (CU/R-2) Conditional Use / Single Family Moderate (PCUP) in order to allow Solar

Generation Facility (Solar Farm)

0 210 420 840 1,260 1,680

Map Date: 04/05/2019





PCUP 19-04 Owner and Adjacent Property Listing

NO:	PARCEL	OWNER NAME	OWNER NAME 2	<u>ADDRESS</u>	<u>CITY</u>	STATE	<u>ZIP</u>
*	164778	BCGC ASSOCIATES INC		PO BOX 7605	CHARLOTTE	NC	28241-7605
1	157670	MARTIN BRUCE	MARTIN LISA L	650 HIGH SHOALS RD	LINCOLNTON	NC	28092-9218
2	219050	MARTIN BRUCE GERALD		650 HIGH SHOALS RD	LINCOLNTON	NC	28092
3	219049	SHULLA ROBERT BRIAN		623 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
4	157669	BOWLES BENNY R	BOWLES CHARLOTTE	10805 PARTRIDGE CROSS LN	CHARLOTTE	NC	28214
5	157666	ADDINGTON GARY M	ADDINGTON PAMELA R	611 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
6	164730	ROWE IRIS WILLIAMS		603 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
7	164731	WHITE DAVID WAYNE		198 WHITE FARM RD	DALLAS	NC	28034
8	164732	WHITE DAVID W	WHITE PATTI S	198 WHITE FARM RD	DALLAS	NC	28034
9	164733	BOWLES BENNY RAY	BOWLES CHARLOTTE ELAINE	10805 PARTRIDGE CROSS LN	CHARLOTTE	NC	28214
10	164734	FORTENBERRY PAUL SCOTT	FORTENBERRY CARLA B	527 HIGH SHOALS RD	LINCOLNTON	NC	28092
11	164736	FORTENBERRY C STEVEN		517 HIGH SHOALS RD	LINCOLNTON	NC	28092
12	164738	BREWINGTON WESLEY M	BREWINGTON KATIA S	507 HIGH SHOALS RD	LINCOLNTON	NC	28092-6283
13	164739	GATES BRENT PRESSLEY		4609 F HEDGEMORE DR	CHARLOTTE	NC	28209
14	164740	GATES BISHOP JERRY	GATES ANN C	3119 IMPERIAL DR	GASTONIA	NC	28054
15	164741	WILLIAMS PAMELA DENISE		437 HIGH SHOALS RD	LINCOLNTON	NC	28092
16	164742	HOVIS JOYCE W		PO BOX 285	HIGH SHOALS	NC	28077
17	164743	BARNES ROLAND E & OTHERS		127 KISER DAIRY RD	DALLAS	NC	28034-9608
18	164744	CALL JAMES III		419 HIGH SHOALS RD	LINCOLNTON	NC	28092
19	164745	FLETCHER RUSSELL	FLETCHER TAMMIE	100 STRAWBERRY COURT	LINCOLNTON	NC	28092
20	164723	SEBAST JAMES K	SEBAST MARJORIE L	110 STRAWBERRY CT	LINCOLNTON	NC	28092
21	164724	PERRY HUFFSTETLER JR RV LIV TR		1819 SPENCER MTN RD	GASTONIA	NC	28054
22	164725	EAKER GUY H SR		1036 COUNTRY CLUB DR	CHERRYVILLE	NC	28021
23	164780	CLINE GEORGE O	CLINE AMANDA	118 STRAWBERRY CT	LINCOLNTON	NC	28092
24	164781	PASOUR CHARLES BRIAN	PASOUR MYRA H	119 STRAWBERRY CT	LINCOLNTON	NC	28092
25	197527	BRIDGES LORI DAWN		340 CHERRY ST	LINCOLNTON	NC	28092-2853
26	217199	GREENE LINDA B HEIRS		110 HARRY ROBINSON ST	DALLAS	NC	28034-8516
27	164779	HIGH SHOALS HIGHWAY 321 LLC	C/O SOUTHEAST LAND MGT LLC	2820 SELWYNN AVE STE 500	CHARLOTTE	NC	28209-1791