



RESOLUTION TITLE: PARALLEL CONDITIONAL USE PERMIT (PCUP): PCUP19-05 JEFF SMITH (APPLICANT), PROPERTY PARCEL 194355 (PART OF), LOCATED AT 2810 RUFUS RATCHFORD RD., GASTONIA, NC, REQUEST FOR A PCUP ZONING DISTRICT FROM THE (R-1) SINGLE FAMILY LIMITED ZONING DISTRICT WITH (SV) SCENIC VIEW AND (US) URBAN STANDARDS OVERLAYS TO THE (CU/C-3) CONDITIONAL USE / GENERAL COMMERCIAL ZONING DISTRICT WITH (SV) SCENIC VIEW AND (US) URBAN STANDARDS OVERLAYS (PCUP), IN ORDER TO ALLOW CONTRACTOR'S OFFICE/EQUIPMENT STORAGE YARD

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 June 25, 2019, to take sworn testimony for a zoning map change (parallel conditional use district), as follows:

Tax Parcel Number(s): 194355 (part of)
Applicant: Jeff Smith
Owner(s): Jeffrey L. Smith, Joshua Lee Springs
Property Location: 2810 Rufus Ratchford Rd.
PCUP Request: Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

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 of the map change for parcel: 194355 (part of), located at 2810 Rufus Ratchford Rd., Gastonia, NC, from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard, on June 25, 2019. The Planning Board considers this action to be reasonable and in the public interest and the request is in accordance with the County's Comprehensive Plan, based on: public hearing comment and staff recommendation. The property in question is in a future land use designation of Rural.

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	AFrale	BHovis	TKelgher	TPHilbeck	RWorley	Vote
2019-193	06/25/2019	RW	TK	AB	ABS	A	A	A	AB	A	U

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

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Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
Nay: None
Absent: Barber, Hollar, Houchard
Abstain: Sain

Motion: Vinson Second: Harris Vote: 5-1
Aye: Ally, Attaway, Harris, Horne, Vinson
Nay: Hurst
Absent: Barber, Hollar, Houchard
Abstain: Sain

Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
Nay: None
Absent: Barber, Hollar, Houchard
Abstain: Sain

Motion: Vinson Second: Horne Vote: 5-1
Aye: Ally, Attaway, Horne, Hurst, Vinson
Nay: Harris
Absent: Barber, Hollar, Houchard
Abstain: Sain

Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
Nay: None
Absent: Barber, Hollar, Houchard
Abstain: Sain

Parallel Conditional Use Permit (PCUP): PCUP19-05 Jeff Smith (Applicant), Property Parcel 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

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WHEREAS, making all findings of fact in the affirmative, the Planning Board recommends **approval** of the Parallel Conditional Use Permit (PCUP) with the following proposed recommended conditions:

Parallel Conditional Use Application (PCUP19-05) 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 applicant will work in good faith and in a commercially reasonable manner to screen, with evergreen plants, the rezoned area of the property abutting parcel 202602, in addition to what is already required by the UDO.

Motion: Vinson Second: Horne Vote: Unanimous
Aye: Ally, Attaway, Harris, Horne, Hurst, Vinson
Nay: None
Absent: Barber, Hollar, Houchard
Abstain: Sain

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 parcel 194355 (part of), from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard, is consistent with the County's Comprehensive Plan. The Commission considers this action to be reasonable and is in the public interest. The property in question is in a future land use designation of Rural. Rural areas support residential housing and some businesses. The proposed rezoning, from R-1 to CU/C-3 with scenic view and urban standards overlays is consistent with the comprehensive plan because the conditions associated with the use will keep the rural characteristics of the general neighborhood. There are also commercially zoned properties in the neighborhood. The rezoning also represents only a portion of the much larger parcel of land the applicant has. The map change is approved as follows:

Motion: Worley Second: Keigher Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: C.Brown, Philbeck
Abstain: J.Brown

Parallel Conditional Use Permit (PCUP): PCUP19-05 Jeff Smith (Applicant), Property Parcel 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

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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: public hearing testimony of applicant's representative Attorney John Russell.

Motion: Keigher Second: Fraley Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: Philbeck, C.Brown
Abstain: J.Brown
 - b) The use meets all required conditions and specifications, based on: public hearing testimony of applicant's representative Attorney John Russell.

Motion: Worley Second: Fraley Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: Philbeck, C.Brown
Abstain: J.Brown
 - c) The proposed development will not substantially injure the value of adjoining or abutting property unless it is a public necessity, based on: public hearing testimony of applicant's representative Attorney John Russell.

Motion: Worley Second: Keigher Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: Philbeck, C.Brown
Abstain: J.Brown
 - 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: Public Hearing testimony and documentation from the applicant's representative Attorney John Russell.

Motion: Fraley Second: Worley Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: Philbeck, C.Brown
Abstain: J.Brown
- 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 Permit (PCUP): PCUP19-05 Jeff Smith (Applicant), Property Parcel 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

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Parallel Conditional Use Application (PCUP19-05) 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 applicant will work in good faith and in a commercially reasonable manner to screen, with evergreen plants, the rezoned area of the property abutting parcel 202602, in addition to what is already required by the UDO.
6. The applicant shall incorporate tree types into the screened area abutting parcel 202602, that mature to a typical height of twenty five feet (25') with minimum of twenty five foot (25') deciduous boundary.

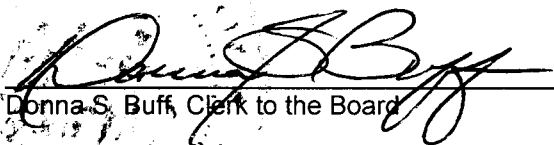
Motion: Keigher Second: Worley Vote: Unanimous
Aye: Fraley, Hovis, Keigher, Worley
Nay: None
Absent: Philbeck, C.Brown
Abstain: J.Brown

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

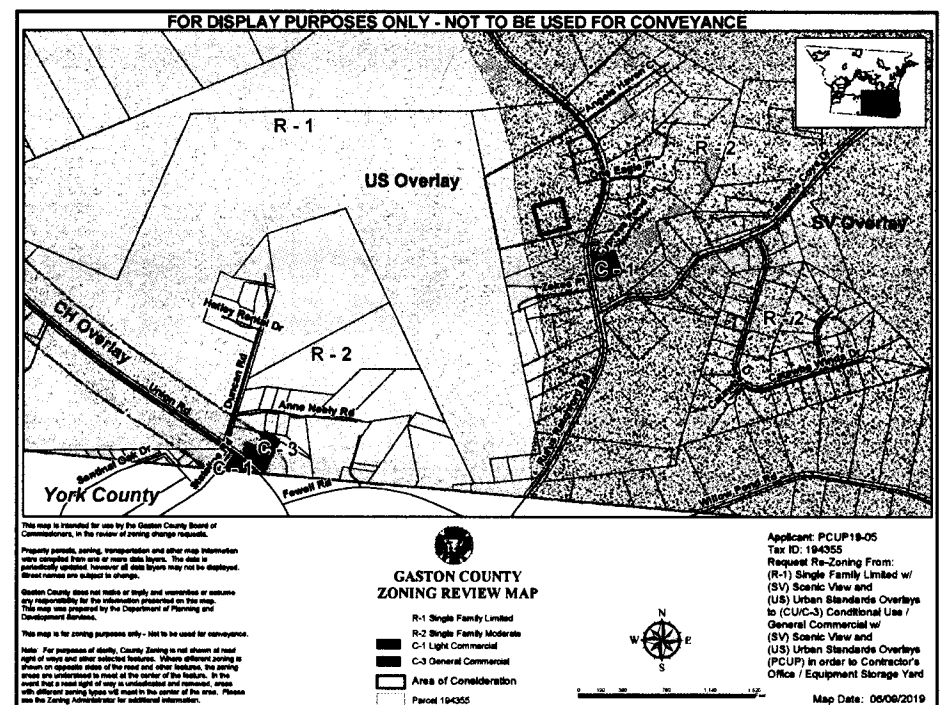
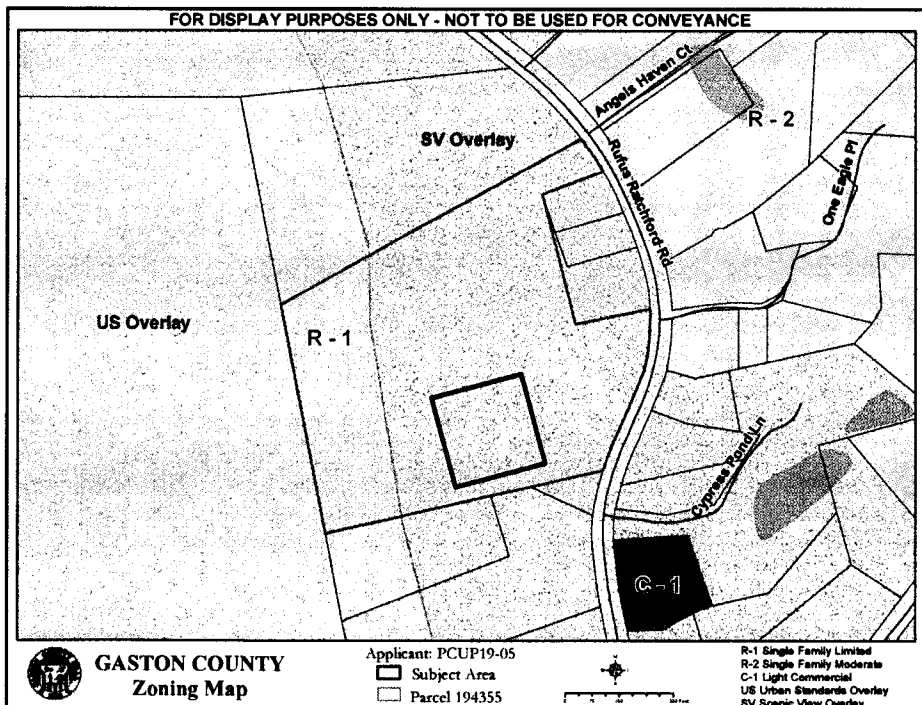
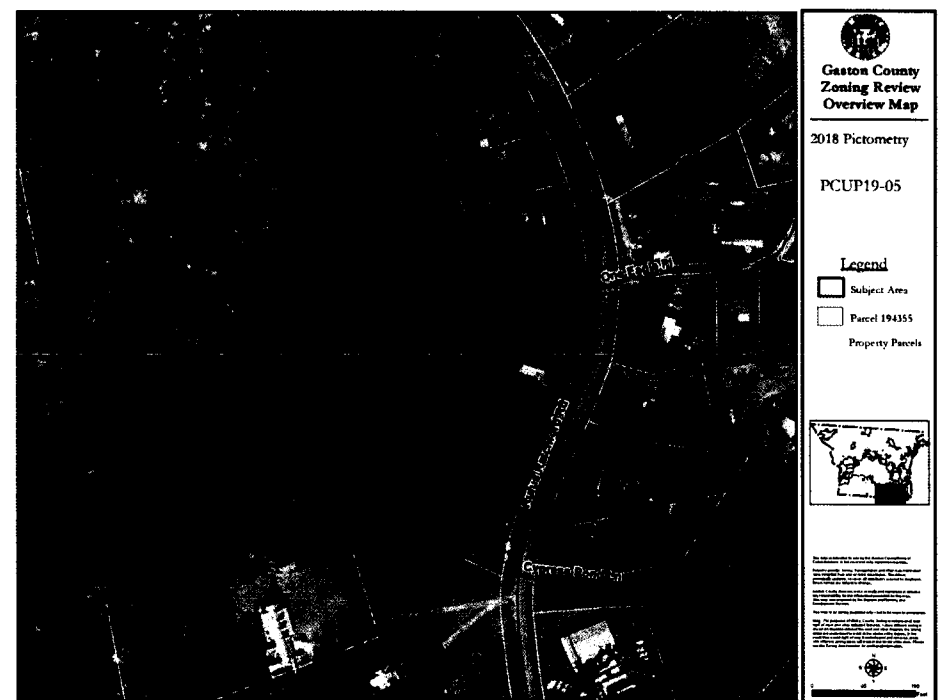
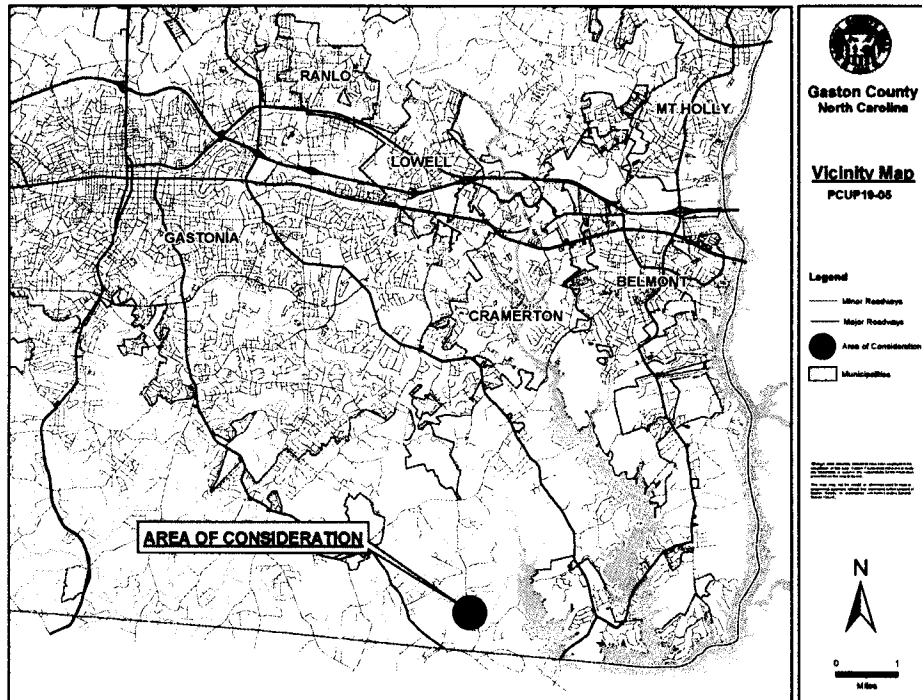


Tracy E. Philbeck, Chairman
Gaston County Board of Commissioners

Attest:



Donna S. Buff, Clerk to the Board





Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 19-235

Commissioner Worley - Planning & Development Services - Parallel Conditional Use Permit (PCUP): PCUP19-05, Jeff Smith (Applicant); Property Parcel: 194355 (part of), Located at 2810 Rufus Ratchford Rd., Gastonia, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard

STAFF CONTACT

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

BACKGROUND

Chapter 5 of the 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 Commission and Planning Board prior to consideration of the Conditional Use Permit. Planning Board recommendation and Board of Commission approval or disapproval shall be based on four findings (outlined in the ordinance) made on factual evidence provided through the public hearing process. Jeff Smith (Applicant), applied for a zoning map change from the (R-1) Single Family Limited Zoning District with (SV) Scenic View and (US) Urban Standards Overlays to the (CU/C-3) Conditional Use / General Commercial Zoning District with (SV) Scenic View and (US) Urban Standards Overlays (PCUP), in order to allow Contractor's Office/Equipment Storage Yard. Said property consists of 15.13 acres, of which 1.5 acres are to be considered for rezoning, located at 2810 Rufus Ratchford Rd., Gastonia, NC in the South Point Township. A joint public hearing was advertised for and held on June 25, 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 - PCUP19-05; Maps - PCUP19-05

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	TKeigher	TPhilbeck	BWorley	Vote
2019-193	06/25/2019	RW	TK	AB	ABS	A	A	A	AB	A	U

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