

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

**Parallel Conditional Use Permit (PCUP): PCUP19-01, Justin Dugan (Applicant), Property Parcel 166155, Located at 163 Jennings RD., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use/General Commercial Zoning District (PCUP), in Order to Allow Contractor's Office/Equipment Storage Yard**  
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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: the site will be used only as an operation center for tree service; no customer traffic; no chemicals, hazardous materials, and/or tree debris stored on site at any time.

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

- b. The use meets all required conditions and specifications, based on: working with zoning office to ensure site will be compliant with UDO standards regarding setbacks, buffering, building codes and all other requirements.

Motion: Sain                      Second: Barber                      Vote: Unanimous  
Aye: Ally, Attaway, Barber, Harris, Hollar, Horne, Hurst, Sain, Vinson  
Nay: None  
Absent: Houchard  
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: operation should not be visible to adjoining neighbors or from the roadway; preservation of natural buffing (minimum of 50'-70').

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

- 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: located in the Rural Community of Small Area 3, the site will address key issues for this area which include "preservation of open space" and "increased job and commercial opportunities".

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

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 Permit (PCUP): PCUP19-01, Justin Dugan (Applicant), Property Parcel 166155, Located at 163 Jennings RD., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use/General Commercial Zoning District (PCUP), in Order to Allow Contractor's Office/Equipment Storage Yard**  
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**Parallel Conditional Use Application (PCUP19-01) 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. If the owner decides to change the proposed project boundary line into a real property parcel line, then the normal buffer yard type requirement shall be installed abutting any residential zoning districts and shall be on the proposed commercial zoning district property. No existing vegetation off the property will be permitted to contribute to the buffer yard.

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

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 166155 from the (R-1) Single Family Limited Zoning District to a (CU/C-3) Conditional Use / General Commercial Zoning District (PCUP), in order to allow Contractor's Office/Equipment Storage Yard, is consistent with the County's Comprehensive Plan. The property in question is in a future land use designation of Rural Community. Rural Community areas are rural, but have neighborhood look and feel. This proposed rezoning is from R-1 to Conditional Use C-3. The split zoning and proposed conditions will help ensure that there are adequate buffers and the development will not result in increased traffic or negatively impact the community's character. The map change is approved as follows:

Motion: J.Brown                      Second: Hovis                      Vote: Unanimous  
Aye: C.Brown, J.Brown, Hovis, Worley  
Nay: None  
Absent: Fraley, Philbeck, Keigher  
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: The site will be used only as an operation center for tree service; no customer traffic; no chemicals, hazardous materials, and/or tree debris stored on site at any time.

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

**Parallel Conditional Use Permit (PCUP): PCUP19-01, Justin Dugan (Applicant), Property Parcel 166155, Located at 163 Jennings RD., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use/General Commercial Zoning District (PCUP), in Order to Allow Contractor's Office/Equipment Storage Yard**  
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- b) The use meets all required conditions and specifications, based on: working with zoning office to ensure site will be compliant with UDO standards regarding setbacks, buffering, building codes and all other requirements.

Motion: Hovis                      Second: J.Brown                      Vote: Unanimous  
Aye: C.Brown, J.Brown, Hovis, Worley  
Nay: None  
Absent: Fraley, Philbeck, Keigher  
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: operation should not be visible to adjoining neighbors or from the roadway; preservation of natural buffing (minimum of 50'-70').

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

- 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: located in the Rural Community of Small Area 3, the site will address key issues for this area which include "preservation of open space" and "increased job and commercial opportunities".

Motion: Hovis                      Second: Worley                      Vote: Unanimous  
Aye: C.Brown, J.Brown, Hovis, Worley  
Nay: None  
Absent: Fraley, Philbeck, Keigher  
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 (PCUP19-01) 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.

**Parallel Conditional Use Permit (PCUP): PCUP19-01, Justin Dugan (Applicant), Property Parcel 166155, Located at 163 Jennings RD., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use/General Commercial Zoning District (PCUP), in Order to Allow Contractor's Office/Equipment Storage Yard**  
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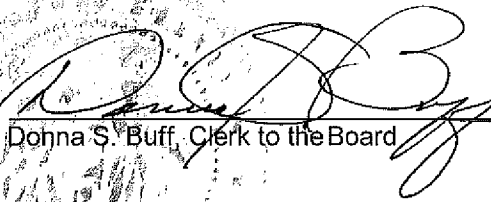
3. Unless the Board of Commissioners issues a Conditional Use Permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit.
4. Development shall meet all local, state and federal requirements.
5. If the owner decides to change the proposed project boundary line into a real property parcel line, then the normal buffer yard type requirement shall be installed abutting any residential zoning districts and shall be on the proposed commercial zoning district property. No existing vegetation off the property will be permitted to contribute to the buffer yard.

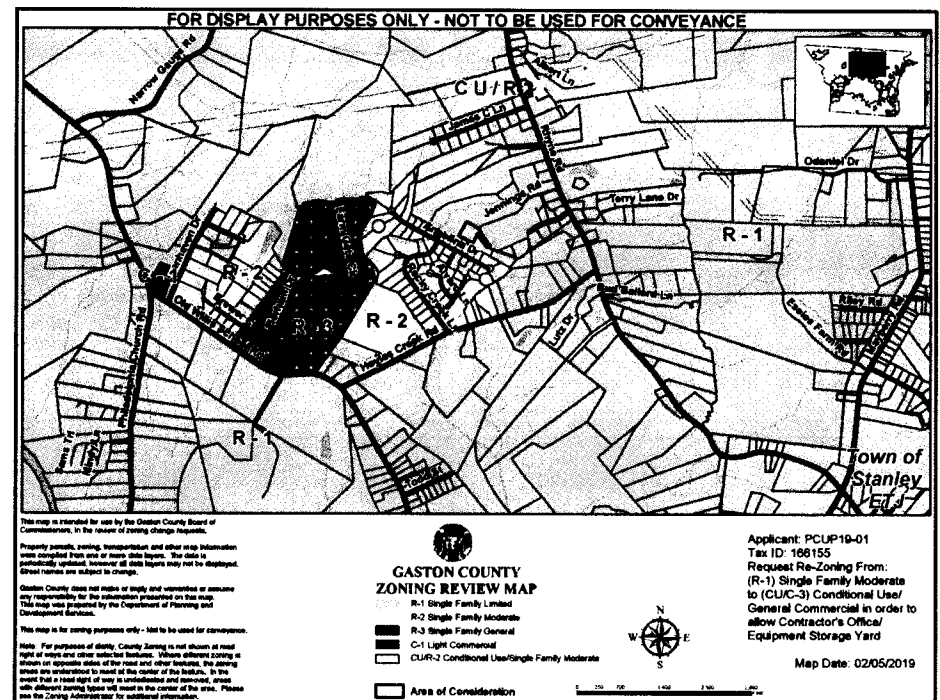
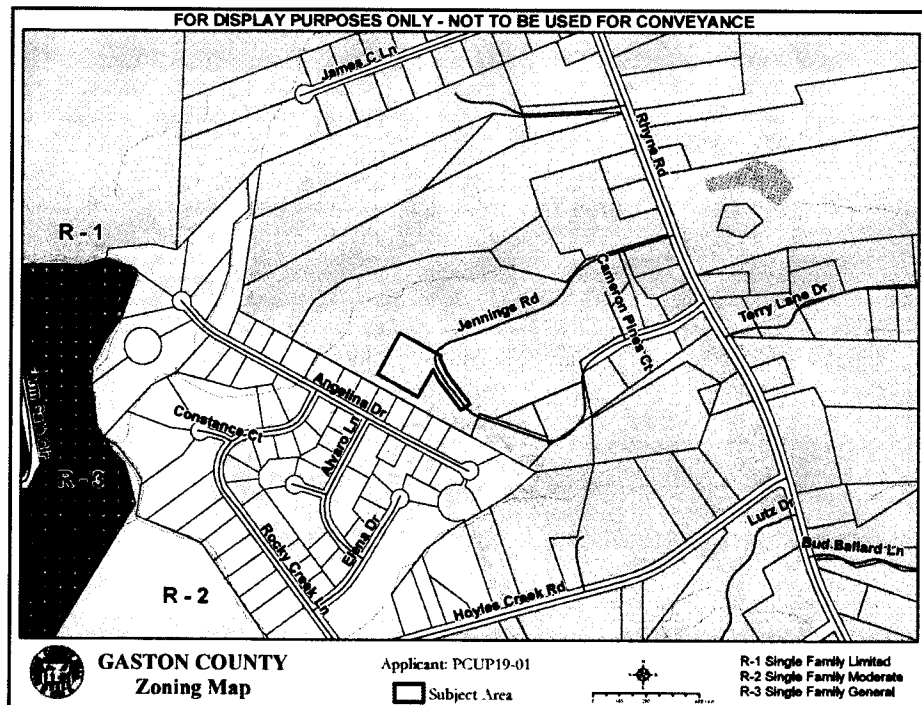
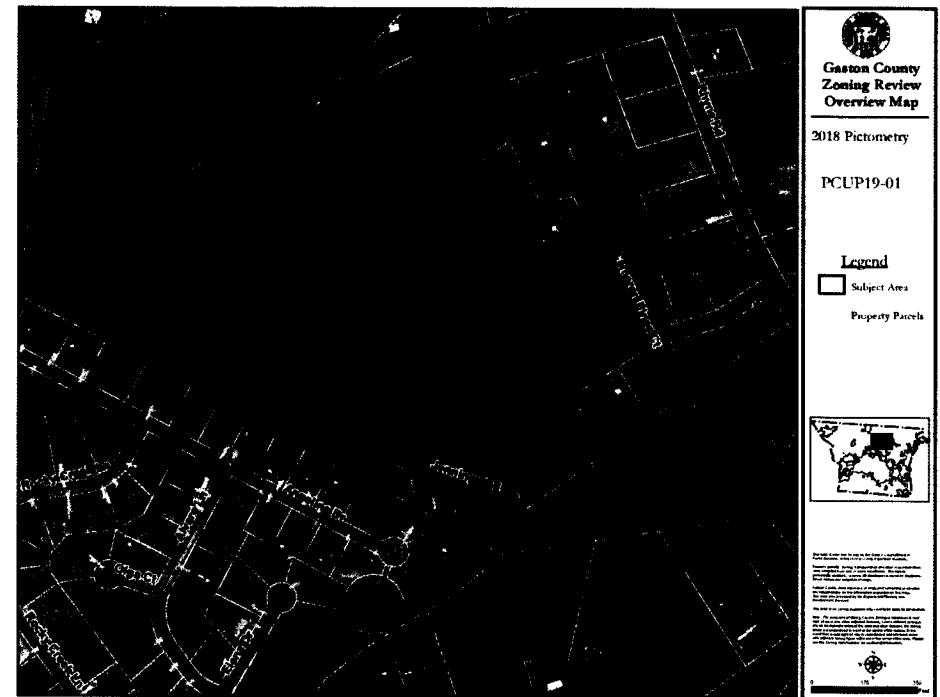
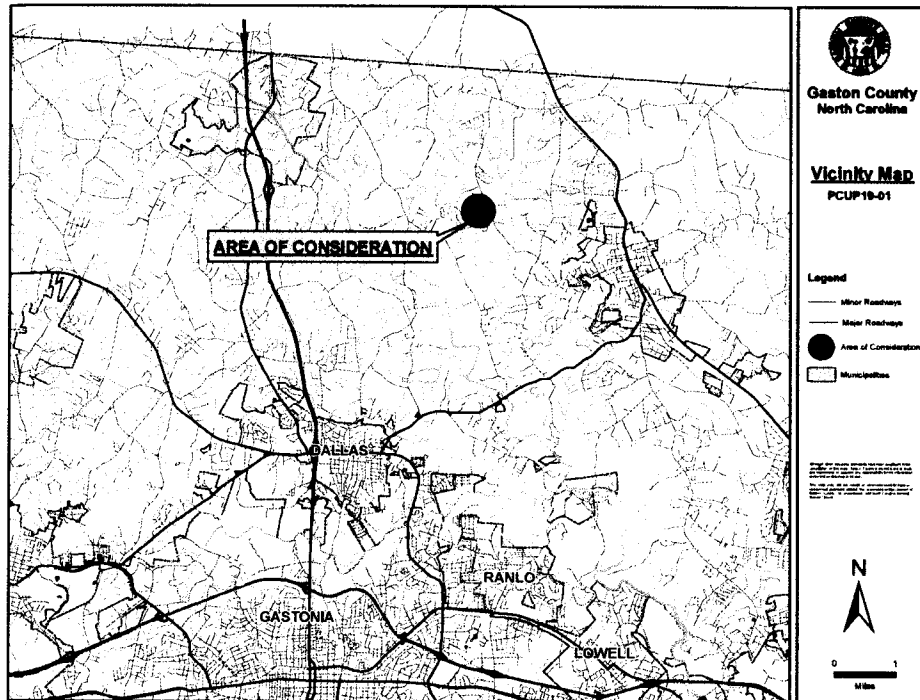
Motion: Worley      Second: Hovis      Vote: Unanimous  
Aye: C.Brown, J.Brown, Hovis, Worley  
Nay: None  
Absent: Fraley, Philbeck, Keigher  
Abstain: None

- 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  
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## Planning Board Action

File #: 19-068

Commissioner Chad Brown - Planning/Development Services - Parallel Conditional Use Permit (PCUP): PCUP19-01 Justin Dugan (Applicant); Property Parcel: 166155, Located at 163 Jennings Rd., Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District to the (CU/C-3) Conditional Use / General Commercial Zoning District, 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 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. Justin Dugan (Applicant), applied for a zoning map change from the (R-1) Single Family Zoning District to the (CU/C-3) Conditional Use / General Commercial Zoning District (PCUP) in order to allow Contractor's Office/Equipment Storage Yard. Said property consists of 1.89 acres, located at 163 Jennings Rd., Dallas, NC in the Dallas Township. A joint public hearing was advertised for and held on February 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 - PCUP19-01; Maps - PCUP19-01

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 | AFrley | BHovis | TKeigher | TPhilbeck | RWorley | Vote |
|----------|------------|----|----|--------|--------|--------|--------|----------|-----------|---------|------|
| 2019-061 | 02/26/2019 | JB | BH | A      | A      | AB     | A      | AB       | AB        | A       | U    |

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