



RESOLUTION TITLE: 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)

WHEREAS, Chapter 5 of the County Unified Development Ordinance set forth guidelines for consideration of Parallel Conditional Use Districts (PCUP), and a quasi-judicial joint public hearing by the County Commission and the Planning Board, was held on March 28, 2017, to take sworn testimony for a zoning map change (parallel conditional use district), as follows:

Tax Parcel Number: 139183
Applicant: Gastonia Solar Center, LLC
Owner (s): Evangel Assembly of God (Generation Church of Gastonia)
Property Location: 609 Neal Hawkins Road, Gastonia, NC 28056
PCUP Request: 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), in order to allow the placement of an Essential Services Class 3 Facility (Solar Farm).

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) or (not approval) of the map change for parcel 139183, located at 609 Neal Hawkins Road, Gastonia, NC, from a (RS-12) Single Family 12,000 square feet District to a (CU / R-2) Conditional Use / Single Family Limited Zoning District (PCUP), in order to allow the placement of an Essential Services Class 3 Facility (Solar Farm), was approved on March 28, 2017, based on: public hearing comment, staff recommendation, and the request is in **(accordance with)** or **(not in accordance with)** the County's Comprehensive Plan.

Motion: _____ Second: _____ Vote: _____
Aye: _____
Nay: _____
Absent: _____
Abstain: _____

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:

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:

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

- b. The use meets all required conditions and specifications, based on: public hearing testimony that plan meets requirements of zoning ordinance.

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

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

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

- 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:

Motion: Second: Vote:
Aye:
Nay:
Absent:
Abstain:

WHEREAS, making all findings of fact in the affirmative, the Planning Board recommends (**approval**) or (**not approval**) of the Parallel Conditional Use Permit (PCUP) with the following proposed recommended conditions:

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)
Page 3

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 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.
5. 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.

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

NOW, THEREFORE, BE IT RESOLVED by the County Commission that after consideration of the parallel conditional use application, sworn testimony provided at the public hearing and Planning Board recommendation:

- 1) Find the proposed map change for parcel number 139183 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), is consistent with the County's Comprehensive Plan, the map change is **(approved)** or **(disapproved)** as follows:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain

- (2) Based on evidence provided in sworn testimony at the public hearing, the Board of Commission 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:

Motion:

Second:

Vote:

Aye:

Nay:

Absent:

Abstain:

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)
Page 4

- b. The use meets all required conditions and specifications, based on: public hearing testimony that plan meets requirements of zoning ordinance.

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

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

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

- 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:

Motion:	Second:	Vote:
Aye:		
Nay:		
Absent:		
Abstain:		

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

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 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.

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)
Page 5

5. 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.

Motion:
Aye:
Nay:
Absent:
Abstain:

Second:

Vote:

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

Chad Brown, Chairman
Gaston County Board of Commissioners

Attest:

Donna S. Buff, Clerk to the Board