

Parallel Conditional Use Permit (PCUP): PCUP 18-01 Patricia T. Vaughan (Applicant); Property Parcels 226220, 167219 and 201957, Located at 4739 & 4743 Dallas High Shoals Hwy, Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay to a (CU/C-1) Conditional Use / Light Commercial Zoning District (PCUP) with the (US) Urban Standards Overlay, Business Services (Small Business/Accounting)

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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: Existing structure will be compliant with ADA restrooms, paved parking, marked handicap parking, and equipped with steps/ramp combination.

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

- b. The use meets all required conditions and specifications, based on: Owner will be working with Building Inspections to ensure structure will be compliant with commercial up-fits that meet NC Building Code.

Motion: Sain Second: Hurst Vote: Unanimous
Aye: Attaway, Harris, Hollar, Horne, Hurst, Sain and Vinson
Nay: None
Absent: Ally, Barber, 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: The existing business has been in use as a home occupation for eighteen (18) years with no undue impact on adjoining properties; enhancements to property will be more appealing

Motion: Sain Second: Hollar Vote: Unanimous
Aye: Attaway, Harris, Hollar, Horne, Hurst, Sain and Vinson
Nay: None
Absent: Ally, Barber, 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: The business is located in Small Area 2 (North 321 Gaston) on a major throughfare (US 321 Business) that, while primarily residential, has small business scattered along this corridor.

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

Parallel Conditional Use Permit (PCUP): PCUP 18-01 Patricia T. Vaughan (Applicant); Property Parcels 226220, 167219 and 201957, Located at 4739 & 4743 Dallas High Shoals Hwy, Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay to a (CU/C-1) Conditional Use / Light Commercial Zoning District (PCUP) with the (US) Urban Standards Overlay, Business Services (Small Business/Accounting)
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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 (PCUP 18-01) 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.

Motion: Hollar Second: Horne Vote: Unanimous
Aye: Attaway, Harris, Hollar, Horne, Hurst, Sain and Vinson
Nay: None
Absent: Ally, Barber, 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 parcels 226220, 167219 and 201957, from the (R-1) Single Family Residential Zoning District with (US) Urban Standards Overlay to a (CU/C-1) Conditional Use / Light Commercial Zoning District (PCUP) with (US) Urban Standards Overlay, is consistent with the County's Comprehensive Plan. The property in question is in a future land use designation of Rural Center. Rural Center supports commercial development needed for the population living in the surrounding area. This proposed rezoning is from R1 to CU/C1, with the Urban Standards Overlay. Rezoning the subject property, which is on a main road, is consistent with the Rural Center future land use designation, which allows for flexibility on changing land use patterns on this fairly decently traveled road. The site plan, which is required to be followed by the applicant, allows the property to be developed in an area consistent with the surrounding general residential uses, the map change is approved as follows:

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

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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 and Planning Board recommendation: Existing structure will be compliant with ADA restrooms, paved parking, marked handicap parking, and equipped with steps/ramp combination.

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

b) The use meets all required conditions and specifications, based on: public hearing testimony Planning Board recommendation that plan meets requirements of zoning ordinance: Owner will be working with Building Inspections to ensure structure will be compliant with commercial up-fits that meet NC Building Code.

Motion: Worley Second: Hovis Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Keigher, Philbeck and Worley
Nay: None
Absent: None
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: public hearing testimony and Planning Board recommendation: The existing business has been in use as a home occupation for eighteen (18) years with no undue impact on adjoining properties; enhancements to property will be more appealing.

Motion: Fraley Second: Philbeck Vote: Unanimous
Aye: C.Brown, J.Brown, Fraley, Hovis, Keigher, Philbeck and Worley
Nay: None
Absent: None
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: public hearing testimony and Planning Board recommendation: The business is located in Small Area 2 (North 321 Gaston) on a major thoroughfare (US 321 Business) that, while primarily residential, has small business scattered along this corridor.

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

Parallel Conditional Use Permit (PCUP): PCUP 18-01 Patricia T. Vaughan (Applicant); Property Parcels 226220, 167219 and 201957, Located at 4739 & 4743 Dallas High Shoals Hwy, Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay to a (CU/C-1) Conditional Use / Light Commercial Zoning District (PCUP) with the (US) Urban Standards Overlay, Business Services (Small Business/Accounting)

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- 3) Making all findings of fact in the affirmative, the Board of Commissioners approve of the Parallel Conditional Use Permit (PCUP) with the following recommended conditions:

Parallel Conditional Use Application (PCUP 18-01) 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 complete all required improvements within a twenty-four (24) month period from the date of issuance of the Conditional Use Permit (November 13, 2018).
4. Development shall meet all local, state and federal requirements.


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

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

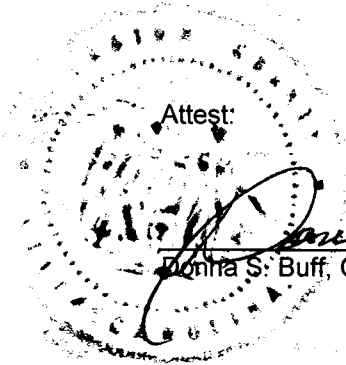


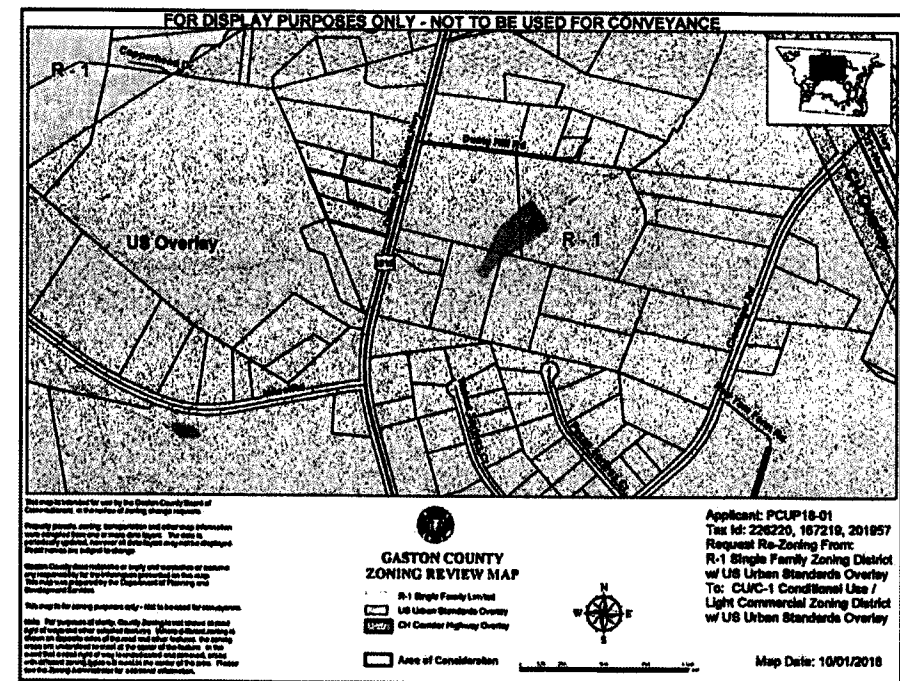
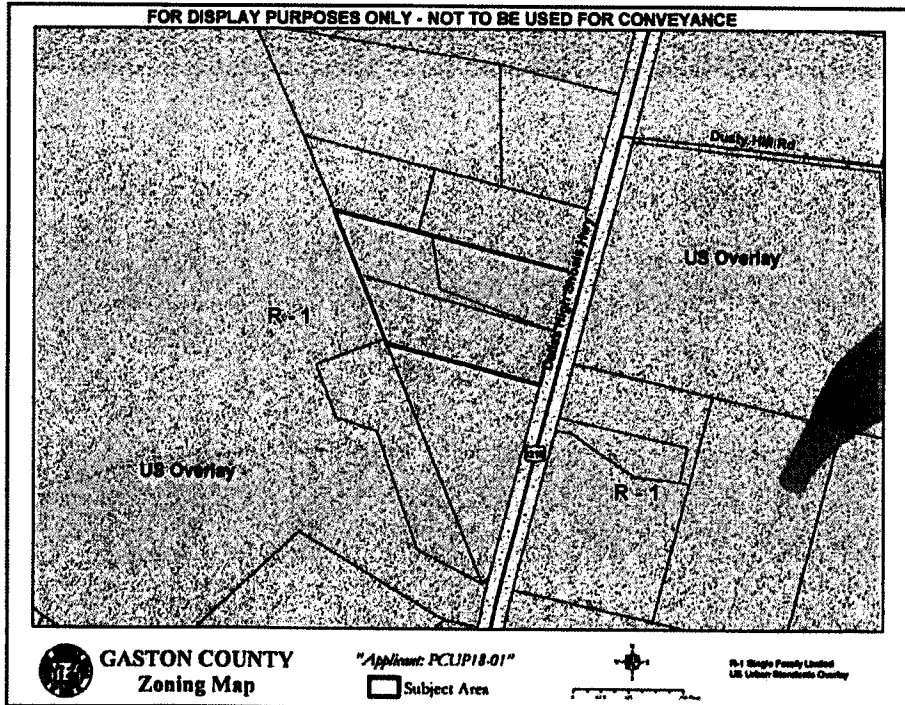
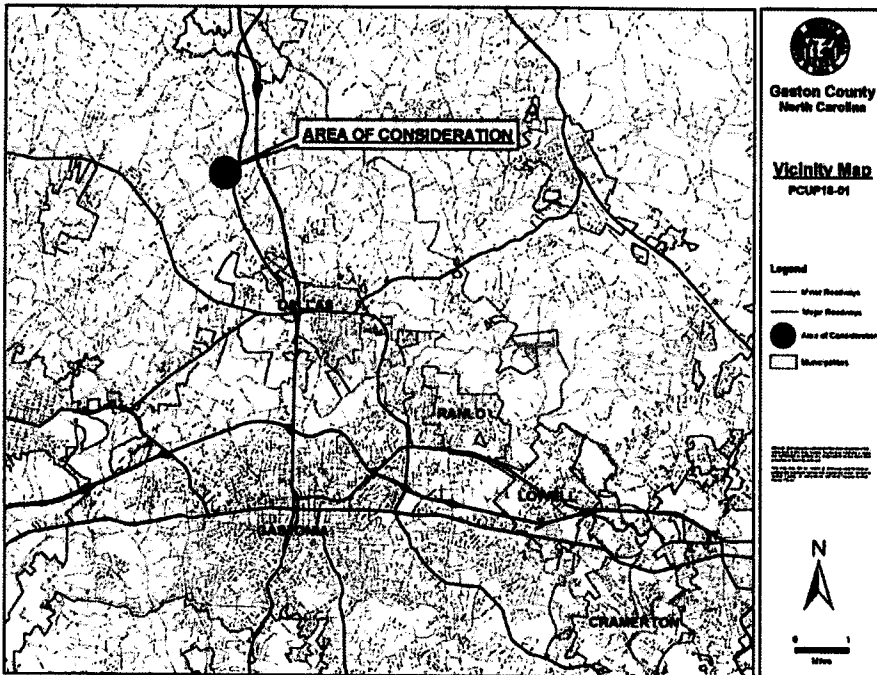
Chad Brown, Chairman
Gaston County Board of Commissioners

Attest:



Donna S. Buff, Clerk to the Board







Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 18-379

Commissioner Chad Brown - Planning/Development Services - Parallel Conditional Use Permit (PCUP): PCUP 18-01 Patricia T. Vaughan (Applicant), Property Parcels: 226220, 167219 and 201957, Located at 4739 & 4743 Dallas High Shoals Hwy, Dallas, NC, Request for a PCUP Zoning District from the (R-1) Single Family Limited Zoning District with the (US) Urban Standards Overlay to the (CU/C-1) Conditional Use / Light Commercial Zoning District with the (US) Urban Standards Overlay (PCUP) in order to allow Business Services (Small Business/Accounting)

STAFF CONTACT:

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

BACKGROUND:

Chapter 5 of the County 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. Patricia T. Vaughan (applicant), applied for a zoning map change from (R-1) Single Family Limited Zoning District with (US) Urban Standards Overlay to a (CU/C-1) Conditional Use / Light Commercial Zoning District with (US) Urban Standards Overlay with the issuance of Parallel Conditional Use Permit (PCUP) for Business Services (Small Business/Accounting). Said property consists of approximately 2.84 acres, located at 4739 & 4743 Dallas High Shoals Hwy, Dallas, NC, in the Dallas Township. A joint public hearing was advertised for and held on November 13, 2018 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.

POLICY IMPACT:

N/A

ATTACHMENTS:

Resolution - PCUP 18-01; Maps - PCUP 18-01

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	AFraley	BHovis	TKelgher	TPhilbeck	RWorley	Vote
2018-278	11/13/2018	BH	RW	A	A	A	A	A	A	A	U

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