



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 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 the County's Comprehensive Plan as follows:

Motion: Vinson Second: Coyle Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
Abstain: None

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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	Brown	Fraley	Grant	Hovis	Keigher	Philbeck	Worley	Vote
2017-092	03/28/2017	BH	TK	A	AB	A	A	A	A	A	U

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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: public hearing testimony.

Motion: Stevens Second: Hollar Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
Abstain: None

- b. The use meets all required conditions and specifications, based on: information provided in Public Hearing by the developer regarding setbacks required by the zoning ordinance.

Motion: Hollar Second: Barber Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
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: appraiser's opinion and information provided in the Public Hearing.

Motion: Vinson Second: Stevens Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
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: minimal traffic impact after construction, which will not negatively affect the neighborhood.

Motion: Hollar Second: Stevens Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
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: 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)
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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: Stevens Second: Barber Vote: Unanimous
Aye: Attaway, Barber, Coyle, Hollar, Stevens, Vinson
Nay: None
Absent: Cloninger, Delaney, Houchard, Hurlocker
Abstain: None

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 as follows:

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

- (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 public hearing testimony and Planning Board recommendation:

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

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

Motion: Worley Second: Grant Vote: Unanimous
Aye: Brown, Grant, Hovis, Keigher, Philbeck, Worley
Nay: None
Absent: Fraley
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:

Motion: Keigher Second: Hovis Vote: Unanimous
Aye: Brown, Grant, Hovis, Keigher, Philbeck, Worley
Nay: None
Absent: Fraley
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:

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

- 3) Making all findings of fact in the affirmative, the Board of Commission approves 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)

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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: Hovis Second: Keigher Vote: Unanimous
Aye: Brown, Grant, Hovis, Keigher, Philbeck, Worley
Nay: None
Absent: Fraley
Abstain: None

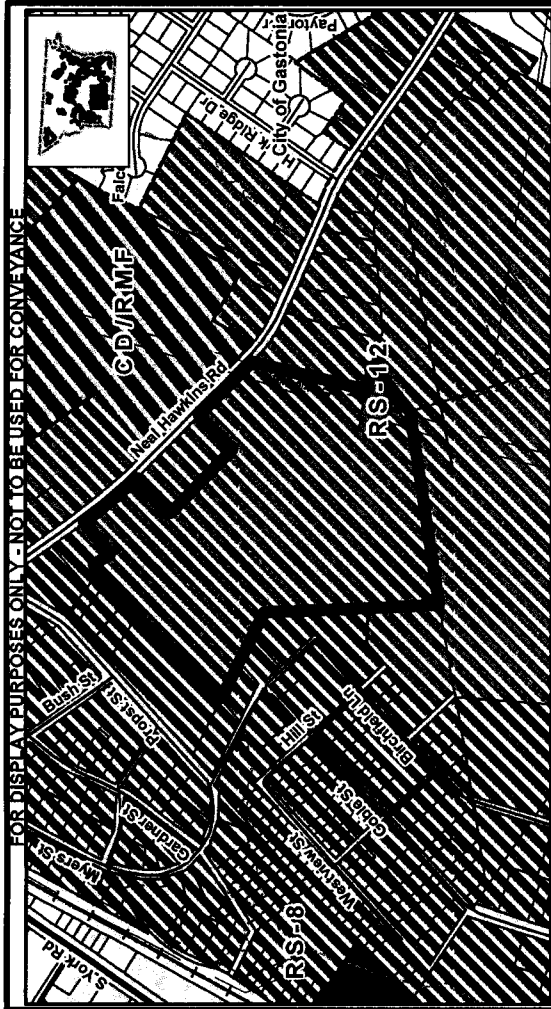
- 4) The County Manager is authorized to make necessary notifications in this matter to appropriate parties.

Chad Brown, Chairman
Gaston County Board of Commissioners

Attest:

Dorina S. Buff, Clerk to the Board

FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE



GASTON COUNTY ZONING REVIEW MAP

Applicant: PCUP17-01
 Tax Id: 139183
 Request Re-Zoning from:
 RS-12 Residential 12,000 sqft
 To: R-2 Single Family Moderate

Map Date: 12/30/2016

LEGEND

- RS-8 Residential 18,000 sq ft
- RS-12 Residential 12,000 sq ft
- CD/RMF Residential Multi-Family with Conditional District
- HU Urban Industrial
- Area of Consideration

Subject Area

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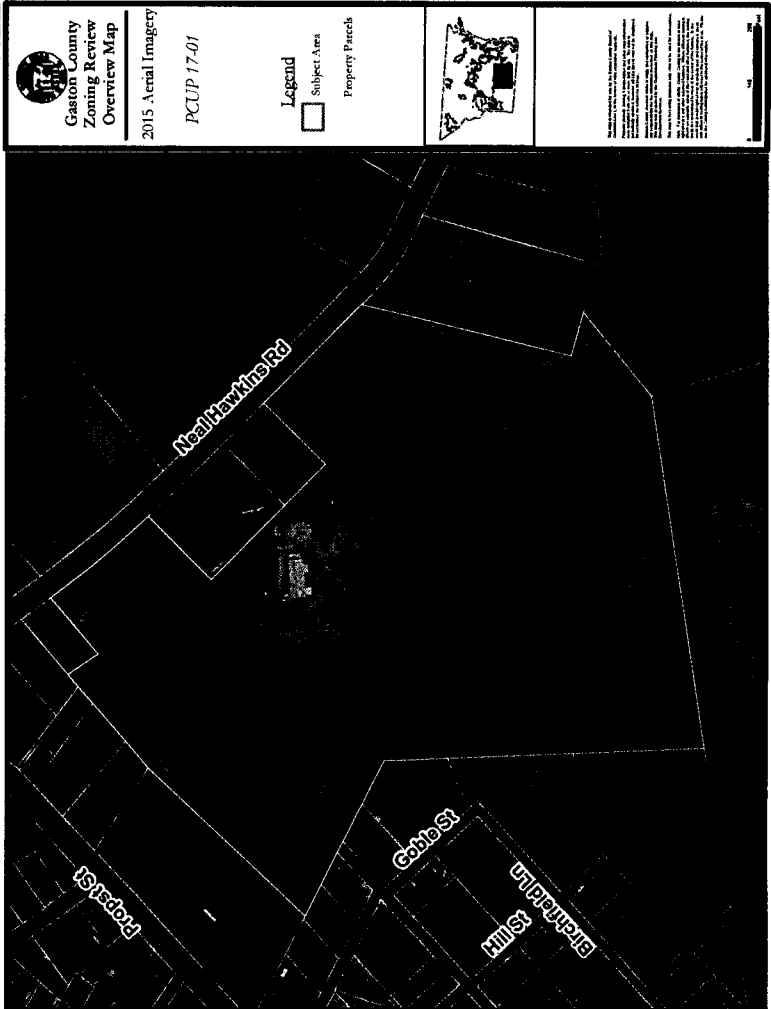
GASTON COUNTY ZONING

Applicant: PCUP17-01

LEGEND

- RS-8 Residential 18,000 sq ft
- RS-12 Residential 12,000 sq ft
- CD/RMF Residential Multi-Family with Conditional District
- Area of Consideration

Subject Area



GASTON COUNTY ZONING REVIEW MAP

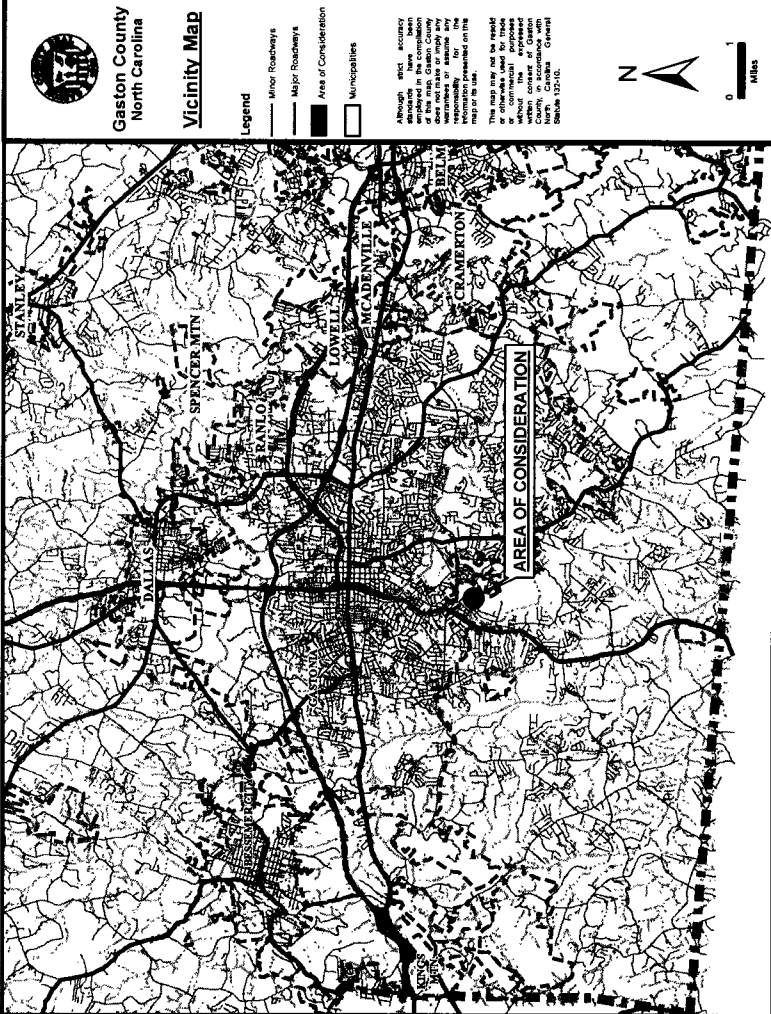
2015 Aerial Imagery

PCUP 17-01

LEGEND

- Subject Area
- Property Patches

Subject Area



GASTON COUNTY North Carolina Vicinity Map

LEGEND

- Minor Roadways
- Major Roadways
- Area of Consideration
- Municipalities

Subject Area



Gaston County

Gaston County
Board of Commissioners
www.gastongov.com

Planning Board Action

File #: 16-635

Commissioner Keigher - Planning/Zoning - 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)

STAFF CONTACT

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

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

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. Gastonia Solar Center, LLC, (applicant); request for a PCUP Zoning District for property parcel 139183 located at 609 Neal Hawkins Road, Gastonia, NC, 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). Said property consists of approximately 34.59 total acres under rezoning consideration, located at 609 Neal Hawkins Road, Gastonia, NC in the Gastonia Township.

(Continued on Page 2)

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	Brown	Fraley	Grant	Hovis	Keigher	Phibbs	Worley	Vote
2017-092	03/28/2017	BH	TK	A	AB	A	A	A	A	A	U

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

File #: 16-635

A joint public hearing was advertised for February 14, 2017. The public hearing was continued to March 28, 2017 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 PCUP17-01 and Maps PCUP17-01