## <u>Planning Board Item III – GENERAL PUBLIC HEARING INFORMATION (PCUP18-02)</u> Board of Commissioners / Planning Board Public Hearing Date December 11, 2018

## Parallel Conditional Use Permit (PCUP18-02)

Request:	To rezone parcels from the (R-1) Single Family Limited Zoning District to the (CU/R-2) Conditional Use / Single Family Moderate Zoning District (PCUP) in order to allow Essential Services Class 3 (Solar Generation Facility/Solar Farm)			
Applicant(s):	Exoplexus Inc.			
Property Owner(s):	BCGC Associates Inc.			
Mailing Address of Applicant:	807 E. Main St., Suite 6-050, Durham, N.C. 27701			

### Site Information and Description of Area

General Location:	601 High Shoals Rd.
Parcel ID:	164778
Total Property Acreage:	131.97 ac
Acreage for Map Change:	131.97 ac
Current Zoning District(s):	(R-1) Single Family Limited
General Area Zoning District(s)	: (R-1) Single Family Limited, (RS-20) Residential 20,000 sq ft, (R-3) Single Family General,
	(C-3) General Commercial, (I-3) Exclusive Industrial

### **Zoning District Information**

### Current Zoning District:

**(R-1) Single Family Limited** – The purpose of this district is to accommodate single family site built and modular construction. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

## Proposed Zoning District: (Parallel Conditional Use Permit)

**(CU/R-2) Conditional Use / Single Family Moderate** – The purpose of this district is to accommodate single family site built and modular construction and double-wide manufactured home placement. The minimum lot size allowed in this district will be dependent on the provision of public or community water and sewer facilities. Although areas may be served with such utilities, most of these areas are located beyond existing or anticipated utility service coverage areas. The minimum lot size for residential uses in this district is therefore larger than in other residential zoning districts.

## 2035 Comprehensive Land Use Plan (Small Area District):

#### Area 2: North 321 Gaston / North Central Gaston (High Shoals, Dallas, and surrounding area)

Key issues for citizens in this area include preservation of open space; road improvements and better connectivity to other areas of the County and throughout the region; more transportation alternatives; preservation of agriculture and maintaining the rural "feel" of the community; and steer development towards existing infrastructure and areas immediately surrounding towns and cities.

Comprehensive Plan Future Land Use: Rural

It Is staff's opinion that the request is consistent with the Comprehensive Land Use Plan.

## **Technical Review Committee (TRC)**

The request was reviewed by the TRC for comment and general compliance with applicable regulations and provisions. The TRC is made up of various land use reviewing agencies such as North Carolina Department of Transportation (NCDOT), Environmental Health, Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO), County Fire Marshall, et cetera, which review all land use proposals and site plans requiring Planning Board approval and/or public hearing process.

## **Notification**

Notice of public hearing was advertised in the Gaston Gazette in accordance with County policy.

### **Zoning Sign Placement**

November 20, 2018

### **Information Attached**

Rezoning application; vicinity map, aerial map, zoning/subject area maps, adjacent property map with property owner list; and site plan.

## **Transportation Planning Information**

Provided by Gaston Cleveland Lincoln Metropolitan Planning Organization (GCLMPO)

### **Staff Contact**

Sarah Carpenter Penley, Development Services Planner, (704)866-3530 or <a href="mailto:sarah.penley@gastongov.com">sarah.penley@gastongov.com</a>

## Parallel Conditional Use Application (PCUP 18-02) 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 Commission.
- 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 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 Condition Use Permit.
- 4. Development shall meet all local, state and federal requirements.

)	Street		Main Avenue	and the second	rth Carolina 28052	evelopment Servic Phone: (704) 866-31 Fax: (704) 866-39	95	
	PARALLEL CONDITIONAL USE APPLICATION							
		Complete by	either typing o	or printing legibly	in black or blue ink			
				Application	Number: PCUP	18-02		
A. * <u>APPLICANT INFORMATION</u>								
	Name of Applicant:	Ecoplexus Inc. c/o	Pete Parkir	ISON (Print Full N	(2ma)			
	Mailing Address:	907 E Main St Suita	6 050 Durb		vane)			
	Mailing Address: 807 E Main St. Suite 6-050, Durham NC 27701 (Include City, State and Zip Code)							
	Telephone Numbers:	1000				secondary		
		(Are	a Code) Busine:	SS	(	Area Code) Home		
)	written cons An Authorization/Co	property owner are not sent from the property onsent Form is a separ le a list of those names a te	owner or lega ate form, and with a comp	al representativo I shall be notari	e authorizing the Rez ized. In addition, if the dress including city, si	oning Application. Fre are additional prop	erty	
E	3.		OWNER	NFORMATI	ON			
	Name of Owner:	BCGC Associates In	c	(Print Full N	lama)			
	Mailing Address:	PO Box 1423, Belmo	nt NC 2901		vane)			
	Maning Address.	10 B0x 1423, Beiling		Include City, State	and Zip Code)			
	Telephone Numbers:	704-804-3282	Cada) Duaina					
		(Are	a Code) Busine	55		Area Code) Home		
С		Ē	ROPERT		ΓΙΟΝ			
	Physical Address or G	eneral Street Location	of Property:	60 <sup>,</sup>	1 High Shoals Rd, Li	ncolnton, NC 28092		
	Property Identification			778 (36308672				
	Acreage of Parcel:	131.97	+/-	Acreage to be		131.97	+/-	
		·····						
)	Current Zoning:	R-1		sed Zoning:		CU/R-2		
	Current Use: Golf	Course (abandoned)	_ Propo	sed Use(s):	Solar Generation F	acility (Solar Farm)		

See Reverse Side For Completion of Required Additional Sections

## D.

## **BURDEN OF PROOF**

Section 5.16

## Section 5.16.4 - F.2 Parallel Conditional Use District Burden of Proof

- a. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that Subsections b(ii) and b(iv) below require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed in Subsections i and iii below, the burden of proof for overcoming such evidence shall rest with the applicant.
- b. The Board of Commissioners may only issue a conditional use permit if it has evaluated an application and found each of the following findings of fact in the affirmative:
  - i. The use will not materially endanger the public health or safety if located where proposed and developed according to plan; See Exhibit A
  - ii. The use meets all required conditions and specifications; See Exhibit B
  - iii. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity; See Exhibit C

; and

iv. 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. <u>See Exhibit D</u>

E.

## **CONDITIONS SETFORTH BY APPLICANT**

F.

## APPLICATION CERTIFICATION

(I/We), the undersigned being the property owner/authorized representative, hereby certify that the information submitted on the application and any applicable documents is true and accurate.

Gene A Willer by Joh Signature of property owner or a	10/18/18 Date					
JAN by Juease Initial that you understand a recording fee for the Gaston County Register of Deeds will be required upon approval.						
Date Received: 101313	FOR OFI		Fee: 45820.00			
Received by Member of Staff:	Date of Payment:	10 18 18 Rece	ipt Number: 0 00 283 - 0 00 3			
Copy of Plot Plan or Area Map	Copy of Deed	Notarized Authorization	on IV Payment of Fee			

## EXHIBIT A

# 1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan.

The proposed solar farm will not materially endanger the public health or safety, if located as proposed herein in this application, as the use will generate minimal-to-no traffic. Primary traffic to the site will be for site maintenance and routine property upkeep. The solar panels and array do not contain dangerous, toxic, or otherwise noxious materials and do not emit particles, liquids, or any other detrimental particulates or emissions.

Additionally, utilities, site access, drainage, sanitation, and other facilities and services will be provided and the site will be maintained accordingly. Access is sufficient for all projected traffic to and from the site, including emergency services, if ever necessary. The site will satisfy North Carolina State Building Code and additional building requirements established by Gaston County. Moreover, the subject property and development will be enclosed by fencing and all buffering and setback requirements, as required by county ordinance, will be strictly adhered to and followed.

## EXHIBIT B

## 2. The use meets all required conditions and specifications.

The proposed solar farm use meets all required conditions and specifications outlined in the applicable Gaston County ordinances. As provided in the attached site plan, the development will meet all setback and buffering requirements, including adequate vegetative buffering and screening. The site will use existing vegetation where possible and supplement where necessary to comply with development standards. The proposed use will comply with all building and electrical codes and shall not exceed height restrictions imposed by the R-2 district.

## EXHIBIT C

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.

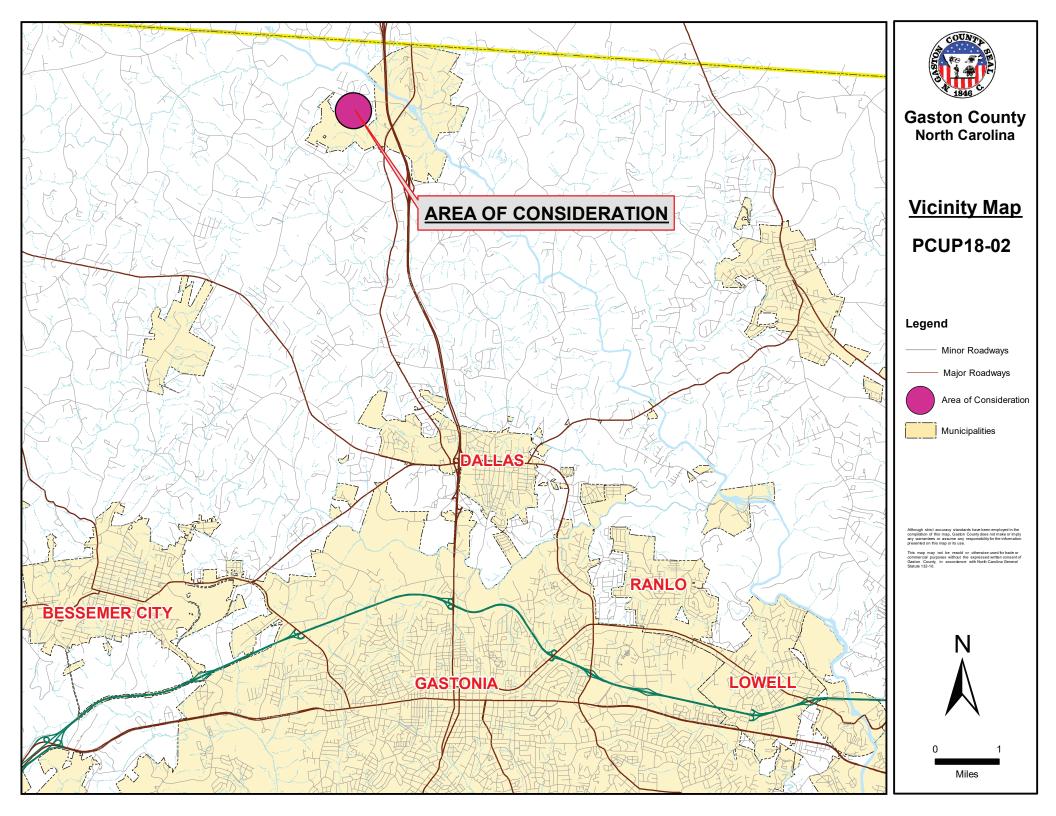
The proposed solar farm use will not substantially injure the value of adjoining or abutting property insofar as the use is quiet, does not generate appreciable noise, and emits no toxic or noxious emissions that would otherwise impact nearby properties. The solar panels absorb light and do not reflect it, minimizing glare concerns and/or lighting issues at the site.

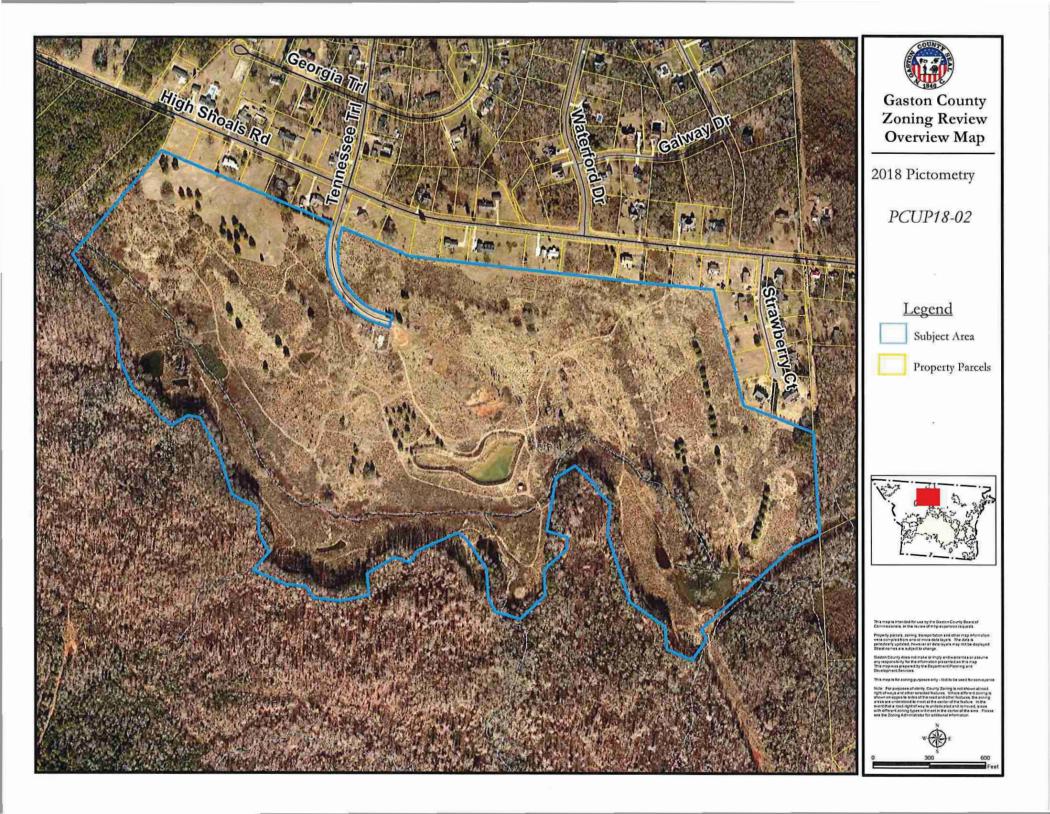
Solar energy is a public necessity and its prevalence has increased significantly as societal demands for electricity have increased in recent years. While society currently depends upon coal, gas, nuclear, and other traditional power sources for electricity generation, those source are costly, unsustainable, finite, and come with significant environmental impacts and potential public safety issues. In comparison, solar energy is clean and sustainable with minimal environmental impacts. Approving this request and allowing this property to be developed to promote such an energy source would provide a substantial public benefit to the community.

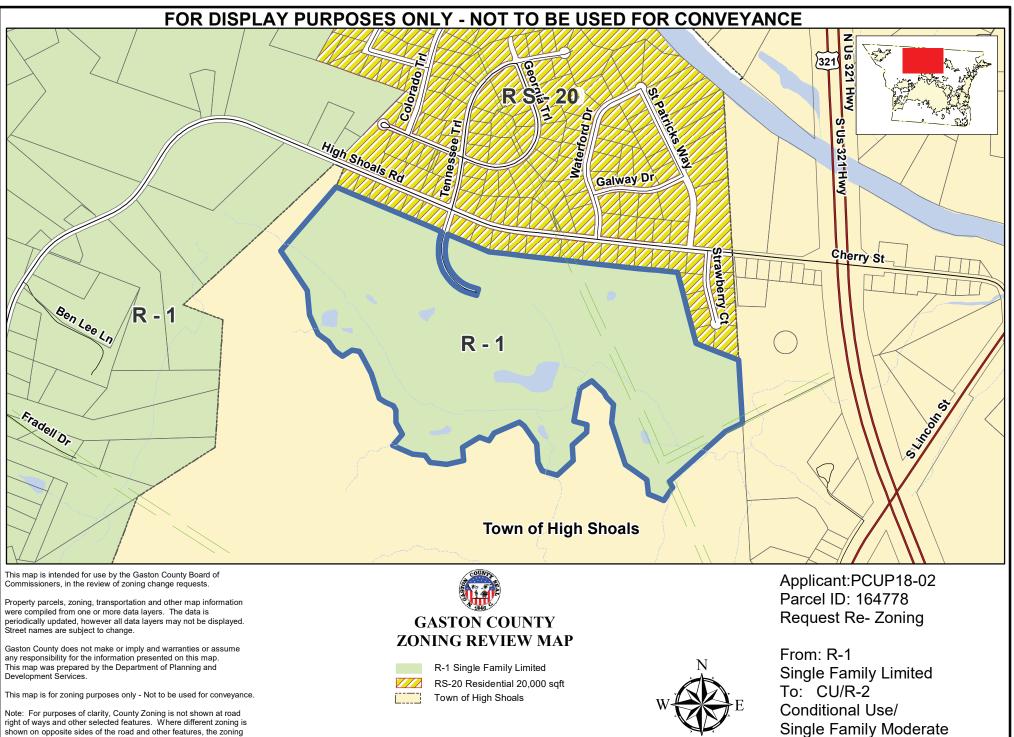
## EXHIBIT D

4. The location and character 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.

The proposed use will be in harmony with area in which it will be located and will conform to the adopted Unified Development Ordinance and other plans for the physical development of Gaston County. The proposed location is in a rural area and the use is consistent with surrounding rural uses and use classifications. The site will generate minimal traffic and will not require daily staffing, but rather periodic maintenance visits. Solar farms do not generate appreciable noise, are passive uses, emit no noxious or harmful emissions and/or odors, and the site will be screened and buffered pursuant to all county development standards. The proposed solar farm also maintains the rural characteristics that are anticipated for in the Gaston County 2035 Comprehensive Land Use Plan.







right of ways and other selected features. Where different zoning is shown on opposite sides of the road and other features, the zoning areas are understood to meet at the center of the feature. In the event that a road right of way is undedicated and removed, areas with different zoning types will meet in the center of the area. Please see the Zoning Administrator for additional information.

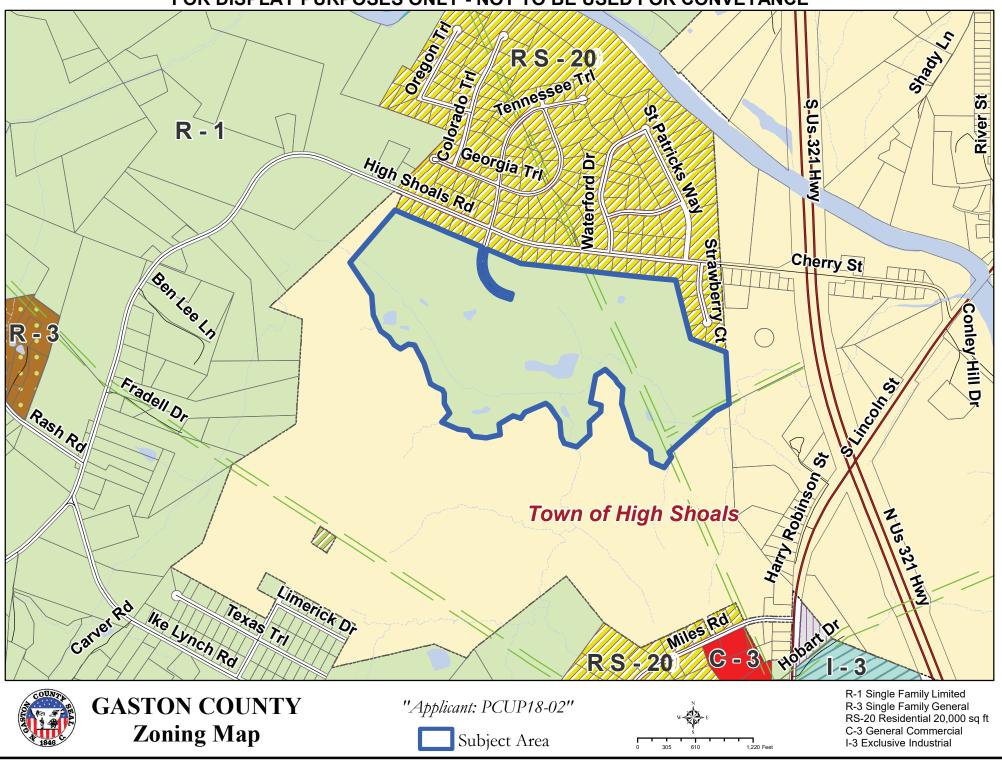
210

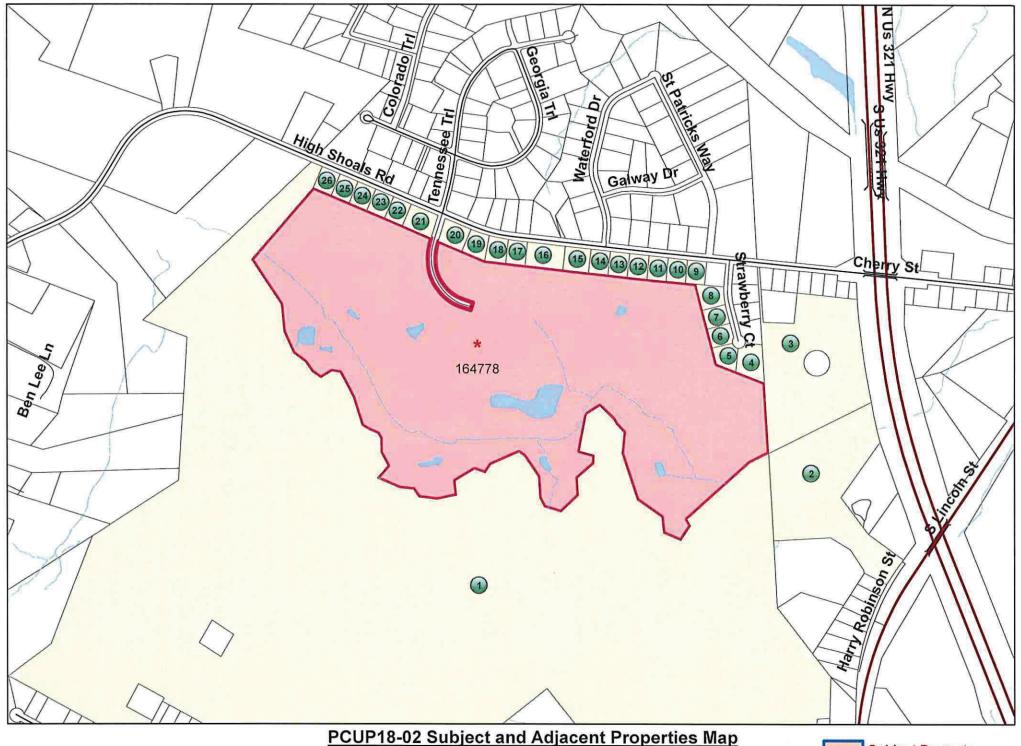
Area of Consideration

<sup>1.680</sup> Freet Map Date: 11/02/2018

1.260

## FOR DISPLAY PURPOSES ONLY - NOT TO BE USED FOR CONVEYANCE





See reverse side for listing of property owners



## PCUP 18-02 Owner and Adjacent Property Listing

NO:	PARCEL	OWNER NAME	OWNER NAME 2	ADDRESS	CITY	STATE	ZIP
*	164778	BCGC ASSOCIATES INC		PO BOX 7605	CHARLOTTE	NC	28241-7605
1	164779	HIGH SHOALS-HIGHWAY 321 LLC	C/O SOUTHEAST LAND MGT, LLC	2820 SELWYN AVE STE 500	CHARLOTTE	NC	28209-1791
2	217199	GREENE LINDA B HEIRS		<b>110 HARRY ROBINSON ST</b>	DALLAS	NC	28034-8516
3	197527	BRIDGES LORI DAWN		340 CHERRY ST	LINCOLNTON	NC	28092-2853
4	164781	PASOUR CHARLES BRIAN	PASOUR MYRA H	119 STRAWBERRY CT	LINCOLNTON	NC	28092-0000
5	164780	CLINE GEORGE O	CLINE AMANDA	118 STRAWBERRY CT	LINCOLNTON	NC	28092-0000
6	164725	EAKER GUY H SR		1036 COUNTRY CLUB DR	CHERRYVILLE	NC	28021
7	164724	PERRY HUFFSTETLER JR RV LIV TR		1819 SPENCER MTN RD	GASTONIA	NC	28054-0000
8	164723	SEBAST JAMES K	SEBAST MARJORIE L	110 STRAWBERRY CT	LINCOLNTON	NC	28092-0000
9	164744	CALL JAMES III		419 HIGH SHOALS RD	LINCOLNTON	NC	28092-0000
10	164743	BARNES ROLAND E & OTHERS		127 KISER DAIRY RD	DALLAS	NC	28034-9608
11	164742	HOVIS JOYCE W		PO BOX 285	HIGH SHOALS	NC	28077-0282
12	164741	WILLIAMS PAMELA DENISE		437 HIGH SHOALS RD	LINCOLNTON	NC	28092-6282
13	164740	GATES BISHOP JERRY	GATES ANN C	3119 IMPERIAL DR	GASTONIA	NC	28054-0000
14	164739	GATES BRENT PRESSLEY		4609 F HEDGEMORE DR	CHARLOTTE	NC	28209
15	164738	BREWINGTON WESLEY M	BREWINGTON KATIA S	507 HIGH SHOALS RD	LINCOLNTON	NC	28092-6283
16	164736	FORTENBERRY C STEVEN		517 HIGH SHOALS ROAD	LINCOLNTON	NC	28092
17	164734	FORTENBERRY PAUL SCOTT	FORTENBERRY CARLA B	527 HIGH SHOALS RD	LINCOLNTON	NC	28092-0000
18	164733	BOWLES BENNY RAY	BOWLES CHARLOTTE ELAINE	<b>10805 PARTRIDGE CROSS LANE</b>	CHARLOTTE	NC	28214-0000
19	164732	WHITE DAVID W	WHITE PATTI S	198 WHITE FARM RD	DALLAS	NC	28034-8531
20	164731	WHITE DAVID WAYNE		198 WHITE FARM RD	DALLAS	NC	28034-0000
21	164730	ROWE IRIS WILLIAMS		603 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
22	157666	ADDINGTON GARY M	ADDINGTON PAMELA R	611 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
23	157669	BOWLES BENNY R	BOWLES CHARLOTTE	<b>10805 PARTRIDGE CROSS LN</b>	CHARLOTTE	NC	28214-0000
24	219049	SHULLA ROBERT BRIAN		623 HIGH SHOALS RD	LINCOLNTON	NC	28092-6272
25	219050	MARTIN BRUCE GERALD		650 HIGH SHOALS RD	LINCOLNTON	NC	28092
26	157670	MARTIN BRUCE	MARTIN LISA L	650 HIGH SHOALS RD	LINCOLNTON	NC	28092-9218

