



**Gastonia Planning Commission
Meeting Schedule
February 6, 2020**

5:00 – 5:30	LIGHT SNACKS (City Hall – City Council Conference Room 201)
5:30 – UNTIL	PLANNING COMMISSION MEETING (City Hall – City Council Chamber)

Gastonia Planning Commission
City Council Chamber, City Hall
February 6, 2020 – 5:30 pm

ITEM 1a: ROLE CALL / SOUND CHECK

ITEM 1b: CALLS/CONTACTS TO PLANNING COMMISSION MEMBERS

ITEM 1c: APPROVAL OF DECEMBER 5, 2019 MINUTES

ITEM 2: PUBLIC HEARING – Amending the Unified Development Ordinance (File #9421)

Subject hearing involves a request to amend *Table 2.7.1-Defined Terms* of Chapter 2, *Table 7.1-1 Table of Uses* of Chapter 7, subsections of *Chapter 8 Supplemental Use Regulations*, and *Section 12.2 N Temporary Signs* of the Unified Development Ordinance to add and amend definitions and standards for microbrewery, distillery and private clubs. In addition, these amendments will clarify and update some permitted uses in I-U (Urban Industrial District) as well as modify allowances for temporary signage.

Staff Presentation: Jana McMakin, AICP, Senior Planner

ITEM 3: Update on Unified Development Ordinance Multi-Family Standards

Demetri Baches, AICP, CNU-A, Metrocology, Inc.

ITEM 4: OTHER BUSINESS

- **Update on Council Votes**
- **Representative for February 18th City Council Meeting (if needed)**

UPCOMING IMPORTANT DATES

February 18th – Regular City Council Meeting – Gaston County Courthouse Public Forum Room at 6:00 p.m.
March 5th – Gastonia Planning Commission Meeting – City Hall Council Chamber at 5:30 p.m.

Gastonia Planning Commission
December 5, 2019

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:33 pm on Thursday, December 5, 2019, in the Council Chambers at City Hall.

Chairperson Goode opened the meeting with an introduction. Chairperson Goode stated on Tuesday, November 19th, the Gastonia City Council passed a motion appointing Mr. David Wilson to the Gastonia Planning Commission. On behalf of the Planning Commission, she congratulated Mr. Wilson on his appointment. Mr. Wilson was asked to come forward to be sworn in and Ms. Howard administered the Oath of Office.

Present: Commissioners Rodney Armstrong, Jerry Fleeman, Kristie Ferguson, Pamela Goode, Bob Cinq-Mars, Jim Stewart, and David Wilson

Absent: Commissioner Anthony Gallant

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Chrystal Howard, Secretary; Keith Lineberger, Land Development Project Manager, Robert Cloninger, Division Manager-Field Operations; and Quentin McPhatter, Assistant City Manager

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners Cinq-Mars and Stewart received one contact. Remaining commissioners stated there were no contacts.

Item 1c: Approval of November 7, 2019 Meeting Minutes

Commissioner Cinq-Mars made the motion to approve the November 7, 2019 minutes as written and Commissioner Stewart seconded the motion. The motion was approved (7-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Life After Forty, LLC; Don Doctor, Mgr. (File #9351 – CONT.)

Subject hearing involves a request to rezone approximately 2.63 acres from O-1 CD (Office Conditional District) to C-1 CD (Neighborhood Commercial Conditional District). The subject property is located at 3372 Robinwood Road. The property is owned by Life After Forty, LLC.

Chairperson Goode opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin recalled last month's petition filed by Mr. and Mrs. Doctor who owned the property formally known as Armstrong Athletic Club. They recently signed a lease for a new athletic club and are requesting rezoning from O-1 CD to C-1 CD to allow for additional uses. Discussion occurred at the last meeting asking the representative to talk to the applicants about a fence and excluding a few additional uses.

Chairperson Goode recognized Mr. Jeremiah McVoy, 4825 S. New Hope Road of Belmont, NC. Mr. McVoy stated the Doctors agreed to strike the Game Room and Parking Lot uses. The applicants associated an Amusement Arcade with Chucky Cheese and other facilities that were not open twenty-four hours, so they prefer to keep this on the list. The applicants would also like to keep the trees and the natural area as a buffer instead of adding a fence and removing the trees and natural area.

Commissioner Ferguson asked what uses the applicants struck out and Mr. McVoy replied that the Game Room and Parking Lot were removed from the list.

Commissioner Fleeman made a motion to approve with changes to the Game Room and Parking lot and accept the lack of fence with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved 7-0.

Item 3: Public Hearing – Kent Olson, Development Solutions Group, LLC (File #9313)

Gastonia Planning Commission

December 5, 2019

Subject hearing involves a request to rezone approximately 55.7 acres from I-2 (General Industrial District) and RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) to C-3 CD (General Commercial Conditional District) and RMF CD (Multi-family Residential Conditional District). The subject property is located on the southeast corner of N. Chester Street (Hwy 321 N) and Bulb Avenue and also includes property located on the east side of Dr. M.L.K., Jr. Way. The property is owned by John D. Glenn Heirs and Jerilyn Glenn Davis.

Chairperson Goode opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin stated this project has been identified as Northglenn comprised of two different zoning districts but intended to be one mixed-use project. The zoning map was displayed and Ms. McMakin provided the site description and background. She referred the commissioners to the proposed zoning conditions included in the staff report. As part of the proposed zoning condition number twelve, the applicant has agreed to exclude several C-3 uses provided in the agenda packet, as well as, the Mini-Warehouse that was not listed. Ms. McMakin displayed the site plan. She briefly explained several conditions, such as the accessible greenway parking area/lot, pedestrian connection, sidewalk, attached townhomes, elevations of townhomes without garages, on-street parking, and amenity area. Ms. McMakin displayed representative elevations. Staff recommended the request for rezoning be approved as presented.

Clarification occurred on the different sizes of the single-family attached residential.

Commissioner Cinq-Mars asked if number nineteen on the zoning map was state property and Ms. McMakin replied that it was owned by a different property owner. Commissioner Cinq-Mars inquired about the green hatched area on the zoning map and Ms. McMakin replied that it indicated the greenway Corridor. Commissioner Cinq-Mars mentioned that construction was underway for the greenway. Ms. McMakin stated the greenway was shown on the applicant's map. No further questions were asked.

Chairperson Goode recognized Mr. Kent Olson, 11121 Carmel Commons Boulevard of Charlotte, NC. Mr. Olson thanked the commissioners for the opportunity and their service. Mr. Olson provided history of working with staff over the past several months for this project. The vision is to try and be a catalyst of the FUSE project and make a bridge to the northern section spurring development. He shared his excitement and vision of shopping, restaurants, jobs, as well as residents enjoying the greenway who live nearby. He commented on the unified upscale appearance in the Northglenn plan and architectural standards. He stated a TIA was in progress.

Commissioner Cinq-Mars asked about square footage on the 16' and 24' wide single-family residential attached and Mr. Olson replied that these would be approximately 1,200 and 1,500 square feet. Commissioner Cinq-Mars asked if the units are to be sold or rented and Mr. Olson replied that these will be sold, but some investors may purchase for rentals.

Commissioner Wilson inquired about the timeframe to build if approved. Mr. Olson replied that the residential component would probably start first and the first unit would be built approximately eighteen months. The commercial side is market driven with an estimation of two years and the total project around five years. Commissioner Wilson inquired about a grocery store. Mr. Olson stated he did not have any firm commitments, but a grocery store was a priority. He commented that the Economic Development Department may have some exciting news if the zoning is changed. No further questions were asked.

Commissioner Stewart made a motion to approve the project with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded the motion. The motion was approved 7-0.

Item 6: Public Hearing – Theodore A. Greve (File #9372)

Subject hearing involves a request to rezone approximately 1.17 acres from O-1 CD (Office Conditional District) and RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) to O-1 CD (Office Conditional District). The property includes 301, 305 and 313 N. New Hope Road. The property is owned by Theodore A. and Beverly L. Greve.

Gastonia Planning Commission

December 5, 2019

Chairperson Goode opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin provided the site description and background including the previous approved rezoning that occurred in December of 2015. She stated that the applicant wishes to rezone the three lots to O-1 CD with the same zoning conditions in hopes to have a unified project. As a result, staff added proposed zoning condition number eight. Staff recommended the request be approved as presented.

Commissioner Cinq-Mars commented on the New Hope Road expansion which included sidewalks. He shared the importance of connectivity and inquired about sidewalks at this location. Mr. Thompson shared that there are some projects planned to include sidewalks and at the time of development sidewalks would be required along the frontage. No further questions were asked.

Chairperson Goode recognized Attorney Doug Arthurs, 420 E. Long Avenue of Gastonia, NC. Attorney Arthurs is representing the Greves. He commented that Mr. Greves acquired another lot and he would like to include it with the rezonings from December 2015. The applicants included the seven conditions, as well as, agreed to an eighth condition staff recommended. He commented that if the property is used as commercial no access is available to Carl Street. Attorney Arthurs noted an error regarding proposed zoning condition number five. Parcel number 105289 should be parcel number 105288 and asked for this error to be corrected if the commission votes to approve. Attorney Arthurs finished by stating no one appeared at the community meeting.

Commissioner Fleeman made a motion to approve the request with the change to the parcel number as requested by Attorney Arthurs and with the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion. The motion was approved 7-0.

Brief discussion ensued on having a recess to allow the public in the overflow room time to move downstairs for upcoming public hearing items. Chairperson Goode declared a seven-minute recess. The meeting recessed at 6:10 p.m. and reconvened at 6:18 p.m.

Item 4: Public Hearing – Cardinal Development Group, LLC (File #9353)

Subject hearing involves a request to rezone approximately 15.78 acres from RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to TMU CD (Transitional Mixed Use Conditional District). The subject property is generally located south of the intersection of Country Club Road and Glenwood Drive and on the west side of Glenwood Drive. The property is owned by T-Lake LLC and Richard R. Jarman.

Chairperson Goode opened the public hearing and recognized Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

Mr. Thompson provided the site description and background. The zoning map was displayed and Mr. Thompson commented that several tax parcels are shown as subject properties that the applicant is seeking to consolidate for the development. He referred the commissioners to the staff report in the agenda packet for the seven proposed zoning conditions. He briefly noted some of the architectural standards and the site plan was displayed. Mr. Thompson stated the proposal's TIA had been reviewed, approved and it includes minor mitigations on Glenwood Drive. He continued that the applicant is planning to formalize on-street parking on the Glenwood Drive frontage. The applicant has agreed to exceed minimum stormwater standards by installing a twenty-five-year detention as part of their stormwater control measures. Site elevations were displayed. Mr. Thompson stated the applicant is providing periodic locations of on-street parking to accommodate overflow parking as required per ordinance. He commented that the units have a front setback that exceed the minimum of the ordinance. The applicant will meet the open space standards required per ordinance. Mr. Thompson finished by stating the 2025 Comprehensive Plan emphasizes the importance of appropriate land use transitions between residential and non-residential land uses as a measure to prevent possible negative impacts to established residential areas. Given the presence of high intensity commercial zoning in the immediate vicinity of the subject property, this proposed rezoning represents a reasonable and appropriate land use allowing middle density residential in the form of townhomes to serve as the transition between existing single-family residential and adjacent commercial land. Staff recommended the request be approved.

Gastonia Planning Commission
December 5, 2019

Commissioner Cinq-Mars asked what TIA stands for and Mr. Thompson replied that it stands for Traffic Impact Analysis. Commissioner Cinq-Mars asked if the pond drains into the creek and Mr. Thompson replied that he was correct. Commissioner Cinq-Mars commented on public parking along Glenwood Drive and asked if it will impact these properties. Mr. Thompson stated public parking is permitted and the applicant is proposing to formalize the public parking. No further questions were asked.

Chairperson Goode recognized Mr. Charlie Kieler, 8320 Judy Witt Lane of Vienna, VA. Mr. Kieler thanked staff for their input on this project. He commented that this would be a great transitional use for the property. Mr. Kieler stated a neighborhood meeting was held, it was very well attended, and the neighborhood gave a lot of good suggestions. Based on the meeting, stop signs and stop bars were added, and curb bulb outs and striping designating parking. He shared there will be approximately thirty-six spaces along Glenwood Drive and fifteen visitor spaces internal to the site. He explained the residents will have a two car garage for parking and two parking spaces on the driveway apron. Mr. Kieler stated buffers were increased where possible and fencing and landscaping were added. He reiterated Mr. Thompson's comment of the stormwater management criteria that will be used and approved TIA study. He stated the entrance on Collier Street was eliminated and only two entrances exist to the community. Mr. Kieler stated every lot will be a member of the Home Owner's Association (HOA) and he continued with what the HOA will govern. He briefly talked about price range and square footage of the units. Mr. Kieler recognized other team members present to assist with answering questions. No questions were asked.

Chairperson Goode recognized Ms. Becky Cheney, 525 N. Tryon Street, Suite 1400 of Charlotte, NC. Ms. Cheney did not have anything else to add and was present to answer any questions.

Chairperson Goode recognized Mr. Robert Gilbertson, 422 Collier Street of Gastonia, NC. Mr. Gilbertson stated he is present to help clarify a Gaston Gazette article. Mr. Gilbertson is for the project. He explained projects he would be opposed to and projects he is for that benefit the community.

Commissioner Ferguson asked Mr. Gilbertson if he is the owner of parcel number twenty-two and he replied that she was correct. No further questions were asked.

Chairperson Goode recognized Ms. Mimi Reme, 422 Collier Street of Gastonia, NC. She stated she was in agreement with Mr. Gilbertson. Her concern was the elevation of the three-story townhomes. She stated the Gaston Gazette misunderstood her and made her concern sound controversial. Her question was answered and she was for the request. No questions were asked.

Chairperson Goode recognized Mr. Ashley Jenkins, 1854 Montclair Avenue of Gastonia, NC. Mr. Jenkins stated his concern was the buffer and setbacks, his question had been answered, and he is for the project. He commented that the project on Tyvola Road in Charlotte looks nice and well built. No questions were asked.

Chairperson Goode recognized Ms. Carol Simmons, 655 Harper Lane of Gastonia, NC. Ms. Simmons is number thirteen on the zoning map. She was happy and pleased that the applicant and city staff have worked together. Ms. Simmons' concern was the creek bed. The renderings show that the creek bed is included in their property and it is actually on Ms. Simmons property. She wants to make sure that her property is not encroached upon. She stated she appreciated the runoff was at a higher level. She was concerned about the marshy area in the area of the City easement for the sewer line and more water being added in this area. She requested Planning to look at rendering, the pond and where the spring starts. She was happy to hear about an HOA. She commented her deed states she cannot rent and asked the same for this project. She shared some past experience of a rental property. She commented on 165 units as overwhelming. She inquired about the lighting for the roads. No questions were asked.

Chairperson Goode recognized Ms. Kay Beveridge, 670 Harper Lane of Gastonia, NC. Ms. Beveridge is next door to number twelve. She was concerned about traffic considering over 300 cars and US-74 which is already a problem. She felt that this was too many cars and homes in this area. She was concerned about the pond and becoming a mosquito breeding ground. Ms. Beveridge asked if the pond will have a fence around it. Mr. Thompson stated the ordinance does not require a fence, but the applicant can answer the question. Ms. Beveridge was concerned about

Gastonia Planning Commission

December 5, 2019

not having a fence. She was concerned about lighting becoming too bright. She was concerned about the lack of upkeep and maintenance of Glenwood Road. Mr. Thompson referred the public to www.cityofgastonia.com to find more information about pavement and conditions relating to resurfacing program. No questions were asked.

Chairperson Goode recognized Mr. Tad Hough, 411 and 440 Collier Street of Gastonia, NC. He is number twenty-five and twenty-one on the zoning map. He commented on the oasis of the area. His concerns were the noise and light pollution, increased traffic, the creek, and the five units that will be facing Collier Street and his front door. He lives on a single level home and he was very concerned about the impact he will have of a three level unit looking down on his property. He requested options. He inquired about future tax impact on his properties. No questions were asked.

Chairperson Goode recognized Ms. Barbara Jenkins, 1854 Montclair Avenue of Gastonia, NC. She resides at number sixteen on the zoning map. She was happy to hear that the offset boundaries were being addressed and requested adequate buffer protecting existing homes. She had a concern about the spring that edges the property from Montclair Avenue and what would happen with it. Ms. Jenkins was also concerned with the stream along the back of her property. She asked about additional fencing or a wall (brick, concrete, stone) to separate the townhomes from the existing residential community. Other concerns she had were additional volume of people and the potential of break-ins and trespassing through existing neighborhoods, the height of the townhomes, and the additional cars and traffic. No questions were asked.

Chairperson Goode recognized Mr. Charlie Kieler for rebuttal. Mr. Kieler stated the pond is a wet pond and they are required to include a shelf in the pond. He stated that they will look into having a fence around the pond. Mr. Kieler continued that the units on Collier Street will have manicured and attractive front yards. Fencing between different types of uses is not their practice and the preferred method is landscaping. Staff provided clarification on setback requirements allowing units to be further away from the Jenkins property. He commented that there is a stormwater pond between the units and properties along Montclair Avenue. Sidewalks will be provided on every street and internal streets on both sides of street. Lastly, they will continue to work with engineering staff on the drainage issues related to the pond and the stream.

Commissioner Wilson asked about the difference in elevation between numbers twenty-five and twenty-two. Mr. Kieler stated the units across from the pocket park are below the lots on Collier Street and the difference between elevation is approximately thirty feet below Collier Street. He commented that their method is the housing fit the lot. The units on Collier Street will probably have a tuck under garage with the garage below grade and these units will appear as two-story units.

Chairperson Goode recognized Mr. Hough for rebuttal. Mr. Hough reminded the commission that a two-story will be looking down on his one-story property. He asked the developer to come up with some type of comprise.

Brief discussion ensued on street trees, public sidewalk, planting strip with street trees, and the setback from the sidewalk to the face of the units.

Commissioner Fleeman made a motion to close the public hearing and Commissioner Stewart seconded the motion. The motion to close the public hearing was approved 7-0.

Commissioner Stewart commented that this project would be a nice transition between the commercial and residential areas. He also added a caution about requesting fences. Commissioner Ferguson was in agreement.

Commissioner Stewart made a motion to approve the project with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded the motion. The motion was approved 7-0.

Item 5: Public Hearing – Southwood Realty Co. (File #9371)

Subject hearing involves a request to rezone approximately 10.91 acres from RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) and RMF CD (Multi-family Residential Conditional District) to RMF CD (Multi-family Residential Conditional District). The subject

Gastonia Planning Commission

December 5, 2019

property is located on the east side of Armstrong Park Drive and includes 1267 Bradford Heights Road. The property is owned by Southwood Realty Company

Chairperson Goode opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin stated this rezoning was presented at the September 5, 2019 meeting and included two of the three parcels. The difference between these requests is the total of 156 units from 126 units and the additional piece of the property fronted by Bradford Heights Road. She stated no additional access is provided on Bradford Heights. The added building allows for additional units with a large setback. The multi-family development will be known as “Seasons of Gastonia”. The applicant included a conceptual site plan and architectural elevations of the proposed buildings, garages, and swimming pool/clubhouse area. Staff remains in support of the project and recommended the request for rezoning be approved as presented.

Brief discussion ensued on the additional thirty units, garage units, large setback and buffer, as well as access.

Chairperson Goode recognized Mr. William Ratchford, 165 S. York Street of Gastonia, NC. Mr. Ratchford is representing Southwood Realty Company. He commented that the site plan is the same as before and the building was added. The buildings are the same as the previously approved buildings.

Commissioner Ferguson made a motion to approve with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved 7-0.

Item 7: Public Hearing – Triangle Real Estate of Gastonia (File #9373)

Subject hearing involves a request to rezone approximately 18.39 acres from RMF (Multi-family Residential) and RMF CD (Multi-family Residential Conditional District) to RMF CD (Multi-family Residential Conditional District). The property includes 3016 Seth Court, 3411 and 3381 Robinwood Road, and property located at the end of Fonda Drive. The property is owned by Triangle Mills Creek, Inc., Southwood Realty Company, Inc., and Triangle Real Estate of Gastonia, Inc.

Chairperson Goode opened the public hearing and recognized Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

The zoning map was displayed. Mr. Thompson explained that this is a rezoning of an existing piece of property that has RMF on it with an existing condition approval on it. He clarified this property can be developed even if the Planning Commission denies the request. Mr. Thompson provided clarification to stormwater concerns and explained the proposed conditions related. He briefly explained the reconfigurations to the site and unit count change. The site plan was displayed. Concerns about proximity to single family lots and height of building was shared. Changes to the site plan addressing these concerns were explained. He commented that elevations for the Seasons of Gastonia products are being proposed for this project. Mr. Thompson explained the ordinance requirements for submittals coming back before the Planning Commission is one year if it is an identical proposal and the Planning Commission can make a determination before one year that a project is significantly different and hear it again. Staff recommended approval last year and staff recommended this rezoning request be approved as presented. No questions were asked.

Chairperson Goode recognized Mr. William Ratchford, 165 S. York Street of Gastonia, NC. Mr. Ratchford explained the increase in units from seventy-two to eighty-four. Two houses and acreage as single family were removed and an additional twelve units were added resulting in less density than the past. He shared a video and stated the video includes topography of the property for Phase IV. Mr. Ratchford distributed and briefly explained a document comparing Mills Creek to other apartment complexes. He shared that adding a splash pad for children, rebuilding the playground, splitting neighbors into three categories, and having stormwater and overflow run into the system down the right-of-way along Fonda Drive and into the existing catch basin would keep demographics the same and compete with the other complexes. He reminded everyone that based on the original plan approved they can start development tomorrow and he briefly explained areas that will be improved. Mr. Ratchford commented that they cannot solve every problem, but they

Gastonia Planning Commission
December 5, 2019

can help make a difference. He finished his presentation with a six-foot fence being built along Alton Drive, also north into the existing Phase II with a planted buffer, and tying into existing fence at the end of Phase III. No questions were asked.

Chairperson Goode recognized Mr. Jonathon Drum, 928 Raleigh Court of Gastonia, NC. Mr. Drum lives at number thirty-four on the zoning map. He had a concern with stormwater last year. He commented that this project was better than nothing. He was told that the property could become a Section 8 government subsidy if it wasn't approved. Mr. Drum was glad to hear Mr. Ratchford would help with detention pond. He wanted to know how issues would be handled if promises are not being kept, because he was concerned of broken promises being ignored. No questions were asked.

Mr. Thompson explained concessions by an applicant in a conditional rezoning and how these are handled if not compliant. Mr. Drum asked if copies would be provided of any agreements made by the applicant and Mr. Thompson replied that conditional zoning documents are maintained in the Planning Department and are public record. No questions were asked.

Chairperson Goode recognized Mr. Dan Bowser, 3072 Jamestown Drive of Gastonia, NC. Mr. Bowser shared his concern of the severe erosion issues at Raleigh Court, Heatherloch Drive, and Alton Drive. Brief discussion ensued on understanding Federal regulations on enlarging stormwater drain ponds. Mr. Bowser asked about the accuracy of the architectural drawings for Phase III. He shared promises made at a prior Gastonia City Council meeting. He wants the commission to be accountable and ensure the promises are done. No questions were asked.

Chairperson Goode recognized Mr. Robert Davis, 2949 Grampian Drive of Gastonia, NC. Mr. Davis is located on number four on the zoning map. Mr. Davis distributed three pictures of Mills Creek from his back patio porch, and commented on the security fence and vegetation buffer. He asked about the developer's accountability. He was concerned about three-story buildings looming into resident's properties with lack of vegetative screening for this height. He felt the video presented was an inaccurate depiction of their promises. Based on history, Mr. Davis is concerned that the developer will continue to not meet their promises. He thanked the commissioners for their time. No questions were asked.

Chairperson Goode recognized Ms. Marty Starnes, 2924 Grampian Drive of Gastonia, NC. Ms. Starnes is across the street from Mr. Davis. Ms. Starnes declined to speak and requested her time be presented to Mr. David Kenny. No questions were asked.

Chairperson Goode recognized Mr. David Kenny, 1331 Heatherloch Drive of Gastonia, NC. Mr. Kenny briefly shared the history of his neighborhood and the City of Gastonia working together to correct issues with runoff water and storm sewers that drain into Lake Heather. Mr. Kenny distributed several pictures of water issues and briefly explained each picture. He was concerned that the current infrastructure cannot handle what is built now and taking away more porous ground surface area would only create more runoff water. He asked the commissioners not to approve the request. Mr. Kenny thanked the commissioners for their time and their service to the community. No questions were asked.

Chairperson Goode recognized Mr. Don Renfro, 1625 Heatherloch Drive of Gastonia, NC. Mr. Renfro briefly explained the intake point and direction of surface runoff and shared his concern of additional water being added. He also commented on the island formed in the nearby lake since the dredging, the city sewer line, and accumulated water. He had concerns about the high rise building and its visibility and the continual allowance of runoff in the area with a silt basin for the watershed. He asked for solid planning to occur.

Commissioner Cinq-Mars asked about nearby active construction projects and Mr. Renfro replied that no active projects were occurring and the silt is from the type of soil and clay in the area. Commissioner Stewart commented that curb and gutter may not exist on Alton Drive or Fonda Drive. Brief discussion ensued. Mr. Thompson mentioned that the Public Works department that includes stormwater personnel has a stormwater program. This department along with the Heatherloch community and Gaston County Natural Resources have been brainstorming on solutions. He stated that the plantation pipeline corridor was actively eroding and contributing to the problem. Mr. Thompson reiterated the hearing request and that the property can be developed without this approval. No further questions were asked.

Gastonia Planning Commission

December 5, 2019

Chairperson Goode recognized Mr. John Fowler, 2955 Grampian Drive of Gastonia, NC. Mr. Fowler stated he is number five on the zoning map and is mostly effected. Mr. Fowler commented on the new plantings and ten foot trees not covering to the roof of the garage. He described the height of the three-story buildings in comparison to the garage. His concern was the three-story buildings looking at his property and he requested the units be two-story and allow the trees to provide the adequate privacy in future. He requested the commission to vote no until the developer agrees to a two-story unit closest to his property. No questions were asked.

Chairperson Goode recognized Mr. Ratchford for rebuttal. Mr. Ratchford explained the Phase III fence requirement. He explained they are trying to help address the water issues that Mr. Kenny displayed. He briefly explained how a catch basin and Phase IV detention functions. Mr. Ratchford commented on the silt and how a lake, that existed before the dam was damaged between Mills Creek, Jamestown, and Heatherloch, contributed to the problem. He submitted property information on 2949 Grampian Drive and compared it to a three-story house. Mr. Ratchford commented that stormwater detention is expensive creating the need for the three-story buildings to pay for it. He shared that they are trying to be a good neighbor and help fix issues that is not required. He briefly talked about buffers in Phase II.

Number thirty-five on the zoning map on where the lake existed was briefly discussed.

Chairperson Goode asked if there were any further rebuttals. After no response, Commissioner Cinq-Mars made a motion to close the public hearing and Commissioner Stewart seconded the motion. The motion to close the public hearing was approved 7-0.

Commissioner Ferguson shared her past vote and she is in favor of this request because this a better plan than what can be done tomorrow without the Planning Commission's input. Commissioner Goode agreed.

Commissioner Stewart made a motion to approve the plan with the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion.

Commissioner Fleeman stated he heard the concerns and recognized a problem exists. He commented on how the Planning Commission is unable to address the stormwater problem. Commissioner Stewart commented that the community, developer and city need to work together to help solve the problem. Commissioner Wilson commented that this project is a positive for the area. Commissioner Armstrong shared that the developer would be required to meet the listed zoning conditions. Discussion ensued on the development of this property regardless of the Planning Commission decision.

After discussion, the motion was approved 7-0.

Commissioner Fleeman made a motion to study this as a macro problem, come up with joint solutions, and have staff follow-up with a report in three months and six months. Commissioner Wilson seconded the motion. The motion was approved 7-0.

Mr. Thompson shared that a meeting for the stormwater coordination has been planned.

Item 8: Major Subdivision Preliminary Plat – Stagecoach Crossing (File #9282)

Request involves a Major Subdivision Preliminary Plat for the Stagecoach Crossing subdivision. The property is located west of Stagecoach Road and on the south side of Penny Park Drive.

Chairperson Goode opened the public hearing and recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation.

Mr. Lineberger reiterated the request submitted by Merrick & Company. He stated the property is zoned PD-PRD and the development will contain 342 single-family lots. The subdivision will have two entrances. The developer will be responsible for new internal street construction, as well as, any internal NCDOT required improvements. Public water and sewer will service the property with extensions made by the developer. Staff recommended approval subject to the conditions based on the "Preliminary Plat" being in conformance with the Unified Development Ordinance.

Gastonia Planning Commission
December 5, 2019

Mr. Lineberger briefly explained the second exit to Commissioner Cinq-Mars. Traffic in the area was discussed and Mr. Lineberger commented that a Traffic Impact Analysis (TIA) will be performed and the developer will be responsible for completing required improvements. Mr. Thompson commented on the relatively new TIA ordinance being implemented. Lot size was briefly discussed.

Commissioner Fleeman made a motion to approve and Commissioner Cinq-Mars seconded the motion. The motion was approved 7-0.

Item 9: Major Subdivision Preliminary Plat – City of Gastonia (File #810-76)

Request involves a Major Subdivision Preliminary Plat for the 600 Block-N. side of W. Franklin Boulevard of the FUSE project. The property is bounded by S. Trenton Street, W. Main Avenue, S. Clay Street, and W. Franklin Boulevard.

Chairperson Goode opened the public hearing and recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation.

Mr. Lineberger stated this preliminary plat is for a proposed three parcel subdivision currently owned by the City of Gastonia. Mr. Lineberger displayed the map and identified abutting streets. He stated the property is zoned CBD and public water and sewer serve the parcels. S. Clay Street is currently not constructed to City standards and as the site is developed, the improvements will be made. Staff recommended approval subject to the conditions based on the “Preliminary Plat” being in conformance with the Unified Development Ordinance.

Discussion ensued on S. Trenton Street not having a sidewalk. Mr. Thompson stated the City of Gastonia is engaged with a consultant on a street scape planning effort for this area. Assistant City Manager McPhatter shared Phase I of the street scape plan which includes sidewalks around the stadium. Future development of proposed private developments and a parking deck are in negotiations and was briefly shared. East side of S. Trenton Street will have sidewalks but will occur after construction. The City will be responsible for the sidewalks.

Commissioner Fleeman made a motion to approve and Commissioner Cinq-Mars seconded the motion. The motion was approved 7-0.

Item 10: Other Business

No updates on Council Votes.

Mr. Thompson stated Demetri Baches and staff continue to work on additional code updates.

Commissioner Cinq-Mars requested a refreshed map of the community with all the apartment complexes and Mr. Thompson replied that he would provide one.

There being no further business, Chairperson Goode adjourned the meeting at 8:48 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson

MEMORANDUM

Date: January 31, 2020

To: Michael Peoples
City Manager

From: Jana McMakin, AICP
Senior Planner

Through: Jason Thompson, AICP
Planning Director

Subject: Public Hearing - Bundle of amendments to the Unified Development Ordinance (File #9421)

Proposed Amendments

Subject hearing involves a request to amend *Table 2.7.1-Defined Terms* of Chapter 2, *Table 7.1-1 Table of Uses* of Chapter 7, subsections of Chapter 8 *Supplemental Use Regulations*, and *Chapter 12 Signs* to the Unified Development Ordinance to add and amend definitions and standards for eating and drinking establishments such as microbrewery, brewpub, taproom, distillery, and private club. In addition, these amendments will clarify and update definitions and standards for uses permitted in I-U (Urban Industrial District) and temporary signage.

The proposed bundle of amendments addresses several issues in the Unified Development Ordinance (UDO) in various chapters. The reasons are from time to time staff does come across issues that need to be addressed with a text amendment.

Several of the amendments involve updates and additions to the definitions and standards for some eating and drinking establishments that we have seen an increase in interest in the FUSE district. When standards for microbreweries were first draft and adopted, there was still an uncertainty about this type of use. Today with the influx of breweries in the Charlotte region, we have been able to reevaluate and update the standards.

There are as occurs from time to time evaluation for a couple of uses that staff thinks are reasonable to also permit in the IU (Urban Industrial) district.

Finally, there are proposed amendments that were directed by City Council regarding modification in temporary signage to designate a specific time period with several accompanying standards. These standards follow those listed in state statutes for any jurisdictions that do not specifically address temporary signage.

Conclusion

These amendments will bring clarification and address the current gaps in the UDO. Based on the strong interest City staff has received on various developments and proposals, these amendments pull from existing standards and allow City to be in a better position to review these pending options for property owners, businesses, and investment opportunities. **Staff recommends that a favorable recommendation be forwarded to the City Council at their February 18, 2020 meeting.**

Statement of Reasonableness and Consistency (motion to approve):

This ordinance is consistent with the Gastonia 2025 Comprehensive Plan and any applicable duly adopted small areas plans, and is reasonable and in the public interest because it brings clarification to the Unified Development Ordinance and help support the goal of providing updated standards.

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF GASTONIA

WHEREAS, the City of Gastonia deems it necessary to update the Unified Development Ordinance in order to provide additional clarification as needed; and

WHEREAS, the City of Gastonia deems it necessary to and in the public interest to have clear, concise and consistent standards for the management of growth and development throughout the city; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASTONIA
as follows:

Section 1. Chapter 2 Definitions of the Unified Development Ordinance shall be amended as follows:

Table 2.7-1 – Defined Terms

Microbrewery <u>Breweries (including micro breweries and cideries)</u>	An establishment, whether as a principal or accessory use, where beer is made on premises for in-house consumption and may be sold at wholesale or retail off premises.
<u>Distillery (including micro distillery)</u>	<u>An establishment, whether as principal or accessory use, which manufactures or produces distilled spirits.</u>
<u>Winery (including vineyard)</u>	<u>An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.</u>

Section 2. Table 7.1-1 of the Unified Development Ordinance shall be amended as follows:

Table 7.1-1 – Table of Uses

Use Category	Commercial Districts and Industrial Districts											
	Defi ned	Sup. Reg.	Pkg. Reg.	UMU	C-1	C-2	C-3	CBD	I-1	I-2	I-3	IU
<i>Electric, Heating, Air Conditioning, Ventilating, Plumbing Supplies & Equipment Sales</i>			1.34			X	X		X	X		<u>X</u>
<i>Food Catering Facility</i>	Y		1.15	X	X	X	X	X	X			<u>X</u>
Microbrewery <u>Breweries (including micro breweries and cideries)</u> <u>Distillery (including micro distillery)</u> <u>Winery (including vineyard)</u>	Y	8.3.14	1.14	XS	XS	XS	XS	XS	XS	XS	XS	XS

Section 3. Sections 8.2.16 and 8.3.14 of the Unified Development Ordinance shall be amended as follows:

8.2.16 - PRIVATE CLUB (WITHOUT ADULT ENTERTAINMENT); ~~FOOD CATERING FACILITY (WITH ONSITE DINING AREAS)~~

A. Any private club shall be located at least two hundred (200) linear feet from a residential (R) zoning district (except RLD); dwelling unit; elementary, middle, or high school facility; church or other house of worship facility. A private club within a multi-tenant development shall be four hundred (400) feet from the zones and uses noted above, as measured from the building footprint of the tenant space containing the private club. This provision shall not apply within the CBD and UMU zoning district.

B. A private club shall abut and may only be provided direct access via major or minor thoroughfares as depicted on the most up-to-date version of the thoroughfare plan of the Gaston Urban Area. This provision shall not apply within the CBD zoning district.

~~C. Any private club in the CBD with over two thousand (2,000) square feet of indoor gross space used for the business (not storage area devoted to the display and/or sale of stock in trade intended for off-premise use or consumption, nor the area devoted to the kitchen preparation area) shall have a menu of prepared food available for purchase and consumption on-premise and operational kitchen on-premise for the preparation thereof.~~

C. Private clubs located in the CBD and UMU shall preserve visibility into establishments from the sidewalk/street to include no tinting, painting or covering (curtains, blinds, paper, etc.) of windows. Further, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to render the opening functionally obsolete or to cause it to be opaque.

~~E. An application for development approval for a private club within the CBD shall include a floor plan of the building or structure in which the private club is to be located. The floor plan shall delineate separately the areas of the building or structure, which are used for the dispensing of food and beverages, entertainment and dancing.~~

D. Subsections A. and B. shall not be applicable to a "teen club" or to a fraternal organization facility which is licensed to dispense alcohol.

E. Before granting a variance from the separation requirements set forth in this section, the Board of Adjustment shall find that a freeway or interstate-type highway, traffic circulation patterns, structures, or other natural or man-made geographic or topographic features are likely to provide an adequate means of protection for the protected zoning or use from any secondary effects of the private club.

8.3.14 – MICROBREWERY BREWERIES, DISTILLERIES, AND WINERIES

A. A ~~microbrewery~~ brewery, distillery, and winery may be allowed to have a tap room/tasting room and/or a restaurant as an accessory use.

~~B. A tap room shall not exceed two thousand (2,000) square feet in area.~~

B. A restaurant shall not be limited in size.

C. A tap room/tasting room and/or restaurant shall be required as any accessory use when the ~~microbrewery~~ brewery, distillery, or winery is permitted within the UMU, C-2, C-3 or CBD zoning districts.

D. A tap room/tasting room associated with a ~~microbrewery~~ brewery, distillery, and winery shall not be classified as a private club.

Section 4. Section 12.2.N Temporary Signs of the Unified Development Ordinance shall be amended as follows:

N. Type 1 Temporary Signs.

1. Type 1A signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns and meeting announcements. Such signs are also subject to NCGS 136-32(b).

2. Type 1B signs are defined in Table 2.7-1 as *Sign, Feather* and usually consist of temporary signs with or without characters, letters, illustrations, or ornamentalations applied to cloth, flexible plastic, or fabric of any kind with only such material for backing.
3. Type 1 temporary signs shall not be affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.
4. Type 1 temporary signs shall not be affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
5. Type 1 temporary signs shall not be placed in the site distance triangle or in a location that obstructs site distances.
6. Type 1 temporary signs shall not be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.
7. Type 1 temporary signs shall not be placed within any public street right-of-way, including within medians except as follows:
 - (a) During the period beginning on the 30th day before the beginning date of “one-stop” early voting under G.S. 163A-1300 and ending on the 10th day after the primary or election day, persons may place non-commercial Type 1 temporary signs in the public right-of-way. Signs must be placed in compliance with subsection (b) of this section and must be removed by the end of the period described in this subsection. Commercial signs are not permitted in the public right-of-way under this subsection.
 - (b) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
 - (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - (2) No sign shall be closer than three feet from the edge of the pavement of the road.
 - (3) No sign shall obscure motorist visibility at an intersection.
 - (4) No sign shall be higher than 42 inches above the edge of the pavement of the road.
 - (5) No sign shall be larger than 864 square inches.
 - (6) No sign shall obscure or replace another sign.
8. Any cracked, faded, torn, ripped, broken, or otherwise damaged temporary sign shall be immediately removed until repaired or replaced.

Section 5. All ordinances or portions of ordinances in conflict herein are hereby repealed.

Section 6. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 7. This ordinance shall take effect and be in force from and after the date of its adoption.

Section 8. This ordinance is consistent with the purpose and intent of the Unified Development Ordinance, Gastonia 2025 Comprehensive Plan and any applicable duly adopted small area plans, and is reasonable and in the public interest because it promotes the health, safety, and welfare.

This the ____ day of _____, 2020.

Walker E. Reid III, Mayor

ATTEST:

Sherry H. Dunaway, City Clerk

Ord20-695.docx