

Gastonia Planning Commission
June 8, 2017

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, June 8, 2017, in the Council Chambers at City Hall.

Present: Commissioners Rodney Armstrong, Kristie Ferguson, Mark Epstein, Pamela Goode, Bob Cinq-Mars, and Jim Stewart

Absent: Commissioners Jerry Fleeman, and Bob Biggerstaff

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Planner II; Tucker Johnson, PE, Assistant City Engineer, and Chrystal Howard, Secretary

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Approval of April 6, 2017 Minutes

Commissioner Epstein made a motion to approve the April minutes as written and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 1d. Oath of Office:

Ms. Chrystal Howard administered the oath of office to Kristie Ferguson.

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – REO Funding Solutions III, LLC (File # 8749)

Subject hearing involves a request to zone to RS-12 (Residential District, minimum 12,000 sq. ft. lots) for approximately 47.4 acres. The property is currently zoned R-1 (Gaston County, Residential District) and is located off of Huffstetler Road. The property is owned by REO Funding Solutions, III.

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

Ms. McMakin provided the site description and background on the subject property as presented in the agenda. On Tuesday, June 20, 2017, staff will forward to City Council a recommendation from the Planning Commission on the requested zoning district. Ms. McMakin briefly explained the adjoining properties. Staff recommends that the request be approved as presented.

Commissioner Cinq-Mars and staff discussed the surrounding city and county parcels of subject property. Discussion occurred on Gaston County parcels and access to City water, electric, sewer, and Solid Waste. Mr. Thompson explained petitioning to annex neighboring Gaston County parcels into the City. Mr. Thompson explained that once a parcel is annexed to the City, changes may include City utility rates, fire and police protection, and solid waste pickup. Commissioner Epstein asked what county zoning is similar to the City's RS-12 zoning district and Mr. Thompson answered that the Gaston County's RS-12, as well as RS-1, is similar to the City's RS-12 zoning district (in RS-1 the lot sizes are determined based on public water or sewer use) No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Eddie Moore, 4346 Toringdon Way Suite 110 of Charlotte, NC. Mr. Moore with McAdams Company explained the overall development area and access points. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Mary Norris, 1207 Jackson Road of Gastonia, NC. Ms. Norris is the Vice-President of Property Matters Realty of Gastonia and is in support of the Planning Department's recommendation to approve the rezoning request as presented. Ms. Norris shared Property Matters Realty's background and positive experiences with REO Funding Solutions III, LLC. No questions were asked by the Commissioners.

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If City Council approves the annexation request, a zoning designation will also need to be assigned to the property. The applicant has requested the RS-12 zoning district. Staff will forward the Planning Commission's recommendation to City Council.

Commissioner Epstein questioned if annexation is approved to RS-12, can the developer begin to build by right with no further approval and Mr. Thompson answered that the Planning Commission would review the plat, but not for discretionary approval. No further questions were asked by the Commission.

Chairperson Goode asked if anyone in the audience is opposed to this request. No response was given by the public in opposition.

Commissioner Epstein made the motion to close the public hearing and recommended to City Council, should they decide to annex this request, that it become RS-12 (Residential District, minimum 12,000 sq. ft. lots) zoning district and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 3: Public Hearing – Family Christian Center (File #8767)

Subject hearing involves a request for a conditional use permit for approximately 12.18 acres. The property is zoned C-2 (Highway Commercial District) and is located at 1005 Linwood Road. The property is owned by Family Christian Center.

Chairperson Goode explained how this item may be heard at City Council. Chairperson Goode requested that anyone signed up to speak be sworn in. Ms. Howard administered the oath.

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

Ms. McMakin provided the site description, background and proposed zoning action on the subject property as presented in the agenda. A Conditional Use Permit (CUP) is required to allow an interior and outdoor mini-warehouse storage facility in C-2 (Highway Commercial District).

The proposed zoning conditions for this CUP request are as follows:

1. This conditional use permit allows for the development of interior self-storage and up to 100 outdoor units as shown on the attached site plan.
2. Signage shown is conceptual only and will be permitted as a separate permit and must meet standards as specified by the City of Gastonia Unified Development Ordinance.
3. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance including buffers and landscaping and meeting the Urban Standards Overlay District.
4. In no instance shall the zoning conditions exempt a project from other development requirements.
5. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Ms. McMakin briefly explained the adjoining properties. Staff recommends that the request be approved as presented. No questions were asked by the Commissioners.

Chairperson Goode recognized applicants, Ms. Morgan Bullen and Mr. Will Matthews, 435 4th Avenue Suite 750 of Calgary, Canada. The applicants are requesting a CUP for subject property to permit self-storage. Ms. Bullen stated that Jana did a great job outlining what the facility will be and their plans. Applicants are present to answer any questions.

Commissioner Cinq-Mars asked if Macritchie Storage LLC is purchasing the complete property and converting it to storage. Ms. Bullen answered that this is correct. Ms. Bullen included that currently Family Christian Center owns the property and will still occupy their portion of the building for up to 18 months while looking for a new location. Ms. Bullen explained to the Commissioners the renovation phases of the existing building for interior self-storage, as well as, the construction location of the exterior mini-warehouse storage units.

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Chairperson Goode inquired about the store and Ms. Bullen commented that it is something they are looking at and will decide upon at closing of the transaction. Access and parking was explained by Ms. Bullen.

Commissioner Cinq-Mars asked if the units have to be coded for fire protection and what type of safety is required. Ms. McMakin answered that the Fire Marshall, Chris Stowe, indicated that the building will need to have a full sprinkler system and the applicant has indicated this on their plan. Mr. Matthews stated that contract does not allow flammables, (such as car batteries, lawnmowers with fuel, etc.) and the manager will inform renters. With fire suppression, this will be the fourteenth project, and with previous buildings, the fire systems are always updated. Mr. Matthews continued that Macritchie Storage LLC has been performing this for more than 3 years without any fires. The applicants thanked the Commissioners for their time to consider this request.

Since this is a CUP, Commissioner Epstein asked if this item would need a neighborhood invite meeting. Mr. Thompson answered that neighborhood meetings are required with conditional district (CD) rezoning, but are not required for conditional use permits (CUP). Commissioner Epstein clarified that a neighborhood meeting was not required and the applicant did not have one.

Ms. McMakin stated that she reviewed the plans with one adjacent property owner who lives in Villages at 5th. He seemed pleased with the reinvestment and did not have concerns. No further questions by the Commissioners.

Commissioner Stewart made the motion to close the public hearing and Commissioner Epstein seconded that motion. The motion was approved unanimously.

No discussion occurred amongst Commissioners.

Commissioner Stewart made the motion to approve the request as presented with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded that motion. The motion was approved unanimously.

Item 4: Public Hearing – Dorothy G. Lineberger Heirs & Helen L. Smith (File # 8768)

Subject hearing involves a request to rezone approximately .49 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to C-1 (Neighborhood Commercial District). The property is located at 2932 Union Road. The property is owned by Dorothy G. Lineberger Heirs and Helen L. Smith, c/o Helen L. Howard.

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

Ms. McMakin stated that this item was filed by Waffle House Inc. and the subject property is located at 2932 Union Road. Ms. McMakin provided the site description and background as presented in the agenda. Ms. McMakin briefly explained the adjoining properties and available public facilities. The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial uses for the subject property and along the east and west side of Union Road in this area.

The applicant requests a rezoning to the C-1 (Neighborhood Commercial District). The rezoning request can be considered consistent with adopted plans given that the Future Land Use Map designates the site for commercial uses.

While the Future Land Use Map is a major tool used by the City and staff when considering appropriate land use, the Land Use Plan also makes it an objective to look at options in transition areas. One of these tools is conditional zoning. Staff discussed the option of the conditional zoning district and it was submitted as a general rezoning request to the C-1 (Neighborhood Commercial District). During the conditional zoning process, goals include ensuring that new development is as compatible with existing land uses as possible and mitigating potential nuisances associated with new development that may conflict with adjacent uses.

Though staff does consider commercial use reasonable for the subject property, there have been discussions with the applicant about submitting the request as a conditional district for several reasons, including the scale of the site and its direct proximity next to an established residential neighborhood. Staff's recommendation was to be submitted as a conditional district request. In a

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conditional rezoning submittal, a neighborhood meeting would be held by the applicant to allow discussion with the adjacent property owners concerning factors that may affect them, such as the design of the site, lighting, dumpster location, etc. This discussion would be included in the form of zoning conditions giving certainty to the development of the site.

Commissioner Epstein restated staff's recommendation and the applicant's recommendation. Ms. McMakin agreed and then provided clarification of the full staff review group and meeting. Commissioner Epstein clarified to the public what the commissioners will discuss because the request is a general C-1 rezoning request. Examples with possible affecting factors were given.

Discussion ensued on the Table 7.1-1 and supplemental ordinances referenced in table.

Chairperson Goode recognized Mr. Doug Arthurs, P.O. Box 2206 of Gastonia, NC. Mr. Arthurs is representing the owner, Ms. Helen L. Howard and is asking the Commissioners to consider this rezoning request. Mr. Arthurs stated that the owner needs assurance that if the property is rezoned, it can be used for a purpose and not have to come back to the Planning Commission. Mr. Arthurs commented that the property is a restricted site and stated the site dimensions, setback requirements reducing what is allowed. Mr. Arthurs recognized neighboring C-1 properties. Mr. Arthurs provided his explanation of the 2025 Comprehensive Plan and staff's recommendation. Mr. Arthurs provided handouts referencing Gastonia, NC UDO section 9.13, 11.3.2, and 11.6. He explained concerns related to these ordinances.

Mr. Thompson clarified that this is an example list for commercial development next to residential. At this point and due to the unknown, staff does not have a list of concerns. The mentioned concerns presented might be a concern and there may be more concerns not listed.

Mr. Arthurs stated that the parcel is on a major thoroughfare and has limited use. Mr. Arthurs commented that a Waffle House can be placed on a parcel nearby with an application for a building permit. Mr. Arthur asked what the difference is between having a C-1 at the subject property and the location indicated nearby already zoned C-1. These are in an area that the 2025 Comprehensive Plan indicates commercial uses and are both in the same major thoroughfare. Therefore, Mr. Arthurs asked the Commission to approve the request as a C-1 general zoning district.

Commissioner Epstein asked what the proposed hours are for clients and Mr. Arthurs answered that it is probably 24 hours. Commissioner Epstein commented that this is probably one of the differences between the existing C-1 and this request. Commissioner Epstein commented that the Commission can request to have further restrictions whether it be a CUP. Commissioners Epstein and Stewart agree that few uses are allowed on the site. Mr. Thompson commented about flexibility and ways to configure a site to maximize space affecting the overall footprint.

Chairperson Goode recognized Mr. Joe Hoffman, 89 Little Ridge Road of Hartwell, GA. Mr. Hoffman is the Director of Real Estate for Waffle House restaurants. Mr. Hoffman thanked the Commission for hearing this request. Mr. Hoffman helped the applicant complete the application and is present to answer any questions.

Commissioner Cinq-Mars asked Mr. Hoffman if Waffle House typically owns the property and runs its own facility, as opposed to franchise. Mr. Hoffman answered that the property would be bought and the facility would be run by the Corporate Office Inc. No further questions were asked by the Commissioners.

Discussion occurred on the proponent's time limitation.

Chairperson Goode recognized Ms. Amy Pearson, 830 Raleigh Court of Gastonia, NC. Ms. Pearson presented and explained several pictures to the Commissioners. Ms. Pearson's property abuts the subject property. Ms. Pearson explained that she has no backyard because of a pipeline that runs through her front yard and the community. She commented that the distance from her garage door to the back fence is 25 feet. Ms. Pearson provided examples of the proximity of her neighbor's house and their accessory buildings. Ms. Pearson showed pictures of her fence and no trespassing sign. She stated that people trespass on her property and showed fence damage from people climbing it. Police have been notified; however, nothing has deterred this problem. Ms. Pearson shared a picture of the insurance office and commented that the hours are from 8 a.m./9:00

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a.m. to 5 p.m. and has little traffic. Ms. Pearson works from home and commented that she would have to deal with cars, people, trash, smells, and sounds all day.

Commissioner Epstein asked if this item was zoned as a C-1, and without knowing who was coming in, would she object. Ms. Pearson stated that she would object and she'd prefer it zoned as office use instead of commercial. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Chris Mahn, 3046 Jamestown Drive of Gastonia, NC. Mr. Mahn read section UDO 6.2.4D regarding C-1 (Neighborhood Commercial District). Mr. Mahn stated that he believes that the applicant falls under the later part of the definition as pulling in residents from outside the neighborhood. Mr. Mahn also objected to the hypothetical situation presented to Ms. Pearson. Mr. Mahn commented that he disagrees that the recommendation of commercial zoning aligns with the 2025 Comprehensive Plan regarding the subject property on Union Road. Mr. Mahn shared his concern that this situation is close to spot zoning regarding inequality, the way they are treating the land with this rezoning effort. Mr. Mahn referred to other Waffle Houses and their locations and zoning district, as well as, surrounding zoning districts. Mr. Mahn stated one issue of high concern is the crime rates associated with Waffle Houses and then he displayed articles. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. James York, 3039 Union Road of Gastonia, NC. Mr. York is the owner of Arline's Grill. Mr. York's concern is for small local grills within a 10 to 15 mile radius of the subject property; a Waffle House could be detrimental to the small businesses. Mr. York would like to see the local small restaurants grow with the City of Gastonia versus having corporate chain restaurants come into the city. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Alice Slater, 2900 Union Road of Gastonia, NC. Ms. Slater shared a brief history of her life. Ms. Slater stated that senior citizens live at ARP Manor where she currently resides. Her concerns for the neighborhood are vandalism, crime, and harm. She stated that the community needs a safe neighborhood. Ms. Slater pleaded the Commissioners to deny the request. If the Commissioners approve the request, she requested to curtail closing hours to no later than 10 p.m. and opening hours no earlier than 6 a.m. Ms. Slater thanked the Commissioners. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Mike Gibson, 2940 Union Road of Gastonia, NC. Mr. Gibson explained his business property history and pipeline issue. He commented that the pipeline will not allow a fence or trees over the pipeline. Mr. Gibson has a concern with the pipeline and a fence next to his property. Mr. Gibson stated that he does not want a Waffle House next to him and thanked the Commissioners. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Doug Arthurs for rebuttal. Mr. Arthurs commented on the limited benefit for a conditional use district meeting. Mr. Arthurs reiterated the nearby property is zoned C-1 and a Waffle House can be built at this location as permitted by right. Mr. Arthurs asked the Commissioners to approve the request. No questions were asked by the Commissioners.

Discussion ensued regarding the Plantation pipeline restrictions and the 2025 Comprehensive Plan.

Commissioner Epstein reiterated what the Commissioners must consider for a decision and reminded the public that an appeal is available. Chairperson Goode continued that no further notices will be mailed if an appeal is filed.

Mr. Thompson provided details of the subject property on the zoning map and the Future Land Use map indicating commercial use. Mr. Thompson explained the 2025 Comprehensive Plan's intention and how it assists, and that it is not binding or dictating.

Commissioner Armstrong asked staff to elaborate on their decision of the conditional district request. Mr. Thompson answered that the 2025 Comprehensive Plan cautions about the potential negative impact of certain uses adjacent to other uses, such as nonresidential being proposed to go into residential. Therefore when such proposal occurs with the potential of negative impact, the 2025 Comprehensive Plan specifically references conditional rezoning as a way for the neighborhood to have a conversation with the applicant as well as the City in a public setting. Staff references this as a tool, listed in the 2025 Comprehensive Plan, which has potential benefit to help prevent problems from occurring, being encroached upon, and negatively impact as best they can.

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Commissioner Epstein inquired if the Commissioners asked if the applicant were to come back with a CUD, restrictions can be applied, and the applicant may refuse and withdraw and Mr. Thompson replied yes, and that conditions are an agreement to certain restrictions and requirements. Discussion on conditions ensued.

Further discussion occurred on the pipelines. An aerial photo was used to identify the proximity of the pipeline.

Commissioner Cinq-Mars made the motion to close the public hearing and Commissioner Epstein seconded the motion. Motion was approved unanimously.

Commissioner Epstein made the motion to deny the rezoning request as presented with the statement of consistency and reasonableness as presented in the staff report and Commissioner Cinq-Mars seconded that motion. Some Commissioners explained their decision. The motion was approved 5-1 (Stewart).

Commissioner Epstein reiterated that the decision for the Planning Commission was greater than three-fourths vote. Therefore, if no one appeals the decision, then the decision of this body shall rest as final action. Also, regardless of how the Planning Commission voted, if anyone appeals the decision, the case will go on to the City Council for a new hearing and final action. Any such appeal must be filed within 15 days. Chairperson Goode reiterated that no further notification will be given.

Item 5: Preliminary Major Subdivision Plat – Turnstone Group, LLC (File # 8651)

Preliminary major subdivision plat for Phase 4 of the Bethesda Oaks subdivision located on the south side of Titman Road between South New Hope Road and Lowell-Bethesda Road.

Chairperson Goode opened the public hearing and recognized Tucker Johnson, PE, Assistant City Engineer, for the purpose of staff presentation.

Mr. Johnson stated that this is Phase 4 of the Bethesda Oaks subdivision located near the intersection of Lowell-Bethesda Road and Titman Road. The proposed use is a total of 129 lots. It will be within the City limits and served with City water and sewer. Installation of entrance will occur on Lowell-Bethesda Road, as well as widening for a right and left turn lane. Staff recommends approval as presented.

Brief discussion ensued on a section of the property that will develop at a later phase.

Commissioner Epstein made the motion to approve the request as presented and Commissioner Cinq-Mars seconded that motion. The motion was approved unanimously.

Item 6: Other Business

No update on Council Votes.

No representative is needed for the Tuesday, June 20, 2017 City Council Meeting.

The Commissioners voted unanimously to cancel the Thursday, July 6, 2017 meeting.

There being no other business, Chairperson Goode adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pamela Goode, Chairperson