



**Gastonia Planning Commission
Meeting Schedule
March 8, 2018**

5:30 – Until **Planning Commission Meeting**
(City Hall – City Council Chamber)

Gastonia Planning Commission
City Council Chamber, City Hall
March 8, 2018 – 5:30 pm

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Item 1c: Approval of February 8, 2018 Minutes

Item 2: Public Hearing – Amending the Unified Development Ordinance (File # 8947)

Subject hearing involves a request to amend Section 7.6.1 FH Flood Hazard Overlay District of the Unified Development Ordinance to make modifications to the Special Exceptions process as currently required.

Staff Presentation: Tucker Johnson, PE, Assistant City Engineer

Item 3: Other Business

- Update on Council Votes
- Representative for March 20th City Council Meeting (if needed)

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Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, February 8, 2018, in the Council Chambers at City Hall.

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

Absent: None

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Rusty Bost, Director of Development Services; and Chrystal Howard, Secretary

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners Armstrong and Fleeman stated they had no contacts. Commissioners Ferguson, Epstein, Stewart, and Biggerstaff stated they had one contact. Commissioners Goode and Cinq-Mars stated they had two contacts.

Item 1c: Approval of December 7, 2018 Minutes

Commissioner Fleeman made a motion to approve the December minutes as written and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Shiv Raj Preet LLC (File # 8923)

Subject hearing involves a request to rezone approximately 1.86 acres from UMU (Urban Mixed Use District) and RS-8 (Residential District, Minimum 8,000 sq. ft. lots) to C-2 CD (Highway Commercial Conditional District). The property is located at 429 W. Franklin Boulevard. The property is owned by Powell Realty & Trading Co. Inc.

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

Ms. McMakin stated that the subject property consists of one tax parcel and is zoned two zoning districts. The subject property is outside of the York-Chester Historic District boundary. The applicant is requesting a rezoning to the C-2 CD (Highway Commercial Conditional District) for construction of a new forty-eight room motel. The Unified Development Ordinance (UDO) permits motels in the C-2 zoning district with a Conditional District. The UDO defines motel as, “An establishment providing transient accommodations containing six or more rooms with at least twenty-five percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.” Ms. McMakin stated that the applicant has submitted a site plan and a conceptual sketch of the building exterior with a proposed list of five exterior details. A portion of the parcel that is currently zoned residential will remain undisturbed; therefore, the actual construction, motel and use would be orientated to Franklin Boulevard.

Ms. McMakin referred the Commissioners to the proposed zoning conditions.

Proposed CD Zoning Conditions:

1. Building exterior must meet Section 7.6.5 Urban Standards Overlay of the Unified Development Ordinance.
2. Dumpster to be screened from view with enclosure matching building color and exterior materials.
3. Final driveway location to be determined by NCDOT and the City of Gastonia.
4. Privacy fencing to be installed along property lines and to be of durable material, opaque, and a minimum 6 ft. in height to provide further screening and security.
5. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
6. In no instance shall the zoning conditions exempt a project from other development requirements.
7. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

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Ms. McMakin briefly explained the adjoining properties and zoning as presented in the agenda. Ms. McMakin also briefly explained recent land use trends in the area, and public facilities. The Future Land Use Map within the 2025 Comprehensive Plan shows the property as mixed use. Although the proposed motel does not propose outdoor amenities (pool) nor any interior meeting or event areas; each room would have its own exterior door/access with exterior walkways. That primary difference of a motel versus a hotel is a concern on its impact on adjacent residential properties. From neighboring properties, exterior access doors would generate more external noise, lighting and activity (at all hours) rather than if it were a hotel with interior access only and with a desk clerk monitoring those patrons coming into and leaving the building. Ms. McMakin concluded that while the 2025 Comprehensive Plan indicates mixed use for this site, staff believes that the operational characteristics of a motel versus a hotel will intensify the activities on the site and at all hours. Staff recommends denial of the request.

Ms. McMakin clarified the subject parcel to Commissioner Cinq-Mars.

Commissioner Epstein asked how this motel would compare to the motel torn down further west and Ms. McMakin answered that these are comparable in terms that it is a motel, exterior doors, and two-story. Commissioner Epstein inquired about any problems related to the Budget Inn. Ms. McMakin explained details on a Hotel Motel Crime statistics created by the Gastonia Police Department.

Commissioner Fleeman asked where the closest C-2 district was from the subject property and Ms. McMakin stated that there is not another C-2 district in close proximity. Commissioner Fleeman asked if the UMU district allows a hotel but not a motel and Ms. McMakin answered that while the UMU district prohibits hotels, the CBD district permits a hotel with supplemental regulations.

Chairperson Goode inquired about a fence around the motel. Ms. McMakin stated that the applicant submitted an exterior material detail page that listed an 8' tall white vinyl fence around the building as proposed. Further details on privacy fencing is provided in the proposed CD zoning conditions. Jason Thompson clarified that submittals at this stage are conceptual. Chairperson Goode inquired about the stats received from the Gastonia Police Department and Ms. McMakin provided the Commissioners with the Hotel Motel Crime statistics. The Commissioners reviewed the report. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Sanjay Patel, 1406 Gaston Avenue of Gastonia, NC. Mr. Patel stated he submitted this request for the motel. Mr. Patel explained that hotel expenses are more than a motel. Mr. Patel stated he desires to offer a rate to his customers of \$50 to \$55 per room. Mr. Patel commented that a hotel would cost over \$3,000,000; therefore, he does not want to change from a motel to a hotel. Mr. Patel will be compliant with the proposed changes, as well as, anything else the Commission requires with the exception of changing to a hotel.

Commissioner Epstein clarified that for Mr. Patel to build a hotel at this site it would be too expensive. A hotel would increase the room rate possibly making it undesirable for Mr. Patel's customers. Therefore, Mr. Patel chose the motel instead of a hotel for that reason. Mr. Patel would be willing to make additional changes to add to the conditions, with the exception of changing to a hotel. Mr. Patel agreed with his clarification.

Chairperson Goode asked what will be different regarding security and ensuring the Commissioners that the crime will not continue. Mr. Patel explained the updated entrance and exit plus security cameras that will be used. At a later time, Mr. Patel stated that he will hire security if this is the desire of the Commission. Chairperson Goode inquired about the clientele and expected length of stay and Mr. Patel answered that it will primarily be middle class customers and not local residents.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Charles (Chuck) Elliott, 2328 Villa Oaks Court of Gastonia, NC. Mr. Elliott is opposed to the rezoning request. Mr. Elliott provided a brief history of himself as a City of Gastonia resident. Mr. Elliott commented on the need of motels of various price ranges. He also commented that millions of dollars will be invested in the FUSE project and that

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the City of Gastonia can do a lot better than an extended stay type motel. Mr. Elliott encouraged the Commissioners to deny the request. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Timothy French, 500 W. Franklin Boulevard of Gastonia, NC. Mr. French is opposed to the rezoning request. Mr. French's concern is crime issues and he explained his experience of dealing with the current crime and the necessary upgrades to his security at his auto repair business. Mr. French asked the Commission to deny the request. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Terry Kenny, 1331 Heatherloch Drive of Gastonia, NC. Ms. Kenny stated that she is the Executive Director of the Gaston Low-Cost Spay/Neuter Clinic. The clinic is immediately adjacent to the proposed parcel. Ms. Kenny presented gathered information received from the neighborhood meeting to the Animal League of Gaston County board. Ms. Kenny stated that the board was not pleased and not in favor of having a motel next door. Ms. Kenny stated the proposed fence is different from what she originally was told by the applicant. She also commented that the motel is not the image for the FUSE. Ms. Kenny also reminded the board of the Midtown Motel. The motel's price point is also a concern for the Animal League of Gaston County board because of the clientele it may bring. Ms. Kenny stated that hotels in the area brings a higher price along with more control and security. Ms. Kenny reminded the Commissioners that their facility is a hospital with extra security because of the location. She commented that they may not have enough security if a motel is next door. The Animal League of Gaston County board has sent Ms. Kenny to request the Planning Commission vote in opposition of this request.

Commissioner Fleeman asked if the subject property is in the Historic District and Mr. Thompson answered that it is one parcel outside the Historic District.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. David Holcombe, 2214 E. Ward Avenue of Gastonia, NC. Mr. Holcombe is opposed to the rezoning request. Mr. Holcombe shared concerns such as the type of clientele that may come to this type of establishment, crime stats, theft as well as the FUSE image.

Ms. McMakin clarified that extended stay is a separate use in the Unified Development Ordinance (UDO) with additional regulations involved including for building code. Jana reminded the Commission that this request is for a motel and not extended stay. Ms. McMakin and Mr. Thompson explained the difficulty regulating extended stays.

No further questions were asked by the Commissioners.

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

Commissioner Stewart explained his thoughts of the FUSE investment as a center piece for the City of Gastonia and Gaston County. He commented about the appearance of a motel with security fencing in the Community and also crime stats in the area.

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

Item 3: Public Hearing – Gary E McCord (File # 8924)

Subject hearing involves a request to rezone approximately 4.56 acres from C-2 CD (Highway Commercial Conditional District) and RS-8 (Residential District, Minimum 8,000 sq. ft. lots) to C-2 CD (Highway Commercial Conditional District). The property is located at the intersection of S. New Hope Road and Pineview Lane. The property is owned by Ashbrook Station Ltd.

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

Ms. McMakin provided background and site description of the subject property as presented in the agenda. Ms. McMakin provided the Commissioners with a third revised site plan that she received

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earlier in the day. This site plan shows compliance with items noted in the staff report that were previously noncompliant with the ordinance. Planning staff noted the following proposed CD zoning conditions as presented in the agenda:

Proposed CD Zoning Conditions

1. Site Plan to be revised to be compliant with rear setback and Section 8.3.9 Mini-Warehouse of the Unified Development Ordinance.
2. Development shall conform to the attached conceptual site plan and must go through Technical Review Committee for final site plan review and approval.
3. Final architectural elevations of all buildings must be compliant with Section 7.6.5 USO Urban Standards Overlay of the Unified Development Ordinance.
4. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
5. In no instance shall the zoning conditions exempt a project from other development requirements.

Ms. McMakin briefly described the adjoining properties and zoning as presented in the agenda. Ms. McMakin recognized on the revised site plan a primary access lining up with Huntsmoor Drive. Engineer Frank Craig talked to District 12 Office of NCDOT about the alignment. A secondary entrance is located off of Pineview Lane to be used mainly for emergency service vehicles, and clients also have access to this entrance. Both entrances meet the stacking requirements. The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial for the two currently zoned C-2 CD parcels and residential for the RS-8 zoned parcels. The current C-2 zoning on the majority of the subject property does permit mini-warehouse with a conditional approval and supplemental regulations. Based on the use previously approved and the mixture of existing land uses and zoning districts surrounding the site and across S. New Hope Road, staff recommends approval of the rezoning request as presented. There are a total of 160 units being proposed of the mini-warehouse units.

Commissioner Cinq-Mars asked if the secondary entrance is wide enough to get a fire truck through and Ms. McMakin answered that staff has a conceptual plan. The applicant will need to go through the Technical Review Committee (TRC). The Fire Marshall will review the fire apparatus to determine complete turning movements as necessary and the applicant will need to meet his approval. Commissioner Cinq-Mars and Ms. McMakin discussed the intersection at Pineview Lane and the South New Hope Road.

Commissioner Epstein asked if the church contacted staff and Ms. McMakin stated that she did not receive any contact from the church. Commissioner Epstein asked about other C-2 uses that would be permitted. Mr. Thompson stated that if this land use is approved, this use will be allowed and nothing else in C-2 would be permitted. Any conditional zoned property prior to the adoption of the Unified Development Ordinance (UDO) can remain. Therefore, the applicant is tied to the currently approved condition on the property or they may petition to rezone to something else. Commissioner Epstein provided an example for clarification.

Commissioner Ferguson asked Ms. McMakin to reiterate staff comments in the agenda that were addressed in the new revised site plan. Ms. McMakin explained two (2) stacking spaces off of Pineview Lane, the distance to any parking and loading area which is a supplemental regulation, and rear setback is shown as a 30'.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. David Smith, 925 Kirkcaldy Yard of Gastonia, NC. Mr. Smith is the attorney representing the applicant, Mr. McCord. Mr. Smith briefly explained businesses nearby the subject property and concluded that the area is suitable for this type of development requested. Mr. Smith felt that this business would not create high traffic. The applicant is seeking to add a small section in the RS-8 to allow feasibility for this project to construct and operate his facility. The mini-warehouse is a growing business and a convenience for residents and a benefit for the community. A neighborhood meeting was held and no one attended except Mr. Gary McCord and Mr. Frank Craig. This proposal complies with supplement regulations and asked the Commissioners to vote in favor of this request. Mr. Smith thanked the Commissioners for their time. No questions were asked by the Commissioners.

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Chairperson Goode recognized Mr. Gary McCord, 12 Oakwood Lane of Clover, SC. Mr. McCord is the applicant and he stated that the facility will be full-time managed. Mr. McCord will answer any questions. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Frank Craig, 2543 Gleneagles Drive of Gastonia, NC. Mr. Craig is present to answer any questions. Mr. Craig answered Commissioner Cinq-Mars question that the driveway lines up with Huntsmoor Drive as a request from NCDOT. Commissioner Cinq-Mars shared his traffic speed concern. No questions were asked by the Commissioners.

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

Commissioner Fleeman made the motion to approve the request as presented and Commissioner Stewart seconded the motion. The motion was approved 7-1 (Epstein opposed).

Chairperson Goode declared a 5 minute recess. The meeting recessed at 6:41 p.m. and then reconvened at 6:49 p.m.

Item 4: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8925)

Subject hearing involves a request to amend Section 8.1.11 Planned Residential Development (PRD) and Section 9.18 Sidewalks/Greenstrips of the Unified Development Ordinance to require sidewalk only on one side of the street of residential subdivisions and in Planned Residential Developments permit double front load garages on lots a minimum of 50 ft. in width.

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

Mr. Thompson stated that this item is the result of materials filed by Cole-Jenest & Stone (CJS) with the Gastonia Planning Department. CJS is a consulting firm who is working on behalf of a development team that is interested in the Pressley development approval that took place many years ago but never developed. Mr. Thompson stated that the ordinance amendments proposed by the applicant, if approved by the City Council as submitted, would change these particular development standards city-wide for all future residential subdivisions relative to sidewalk requirements and all future Planned Residential developments relative to the garage/lot width requirement.

The following are the revisions proposed under this amendment language:

- Allow for front-loaded two-car garages on lots as small as 50' wide in Planned Residential Developments (The UDO currently permits this configuration on a minimum 60' wide lot, with 50' wide lots permitting a front-facing one-car garage).
- Require sidewalk on only one side of all subdivision streets city-wide (The UDO currently requires sidewalks on both side of all subdivision streets).

The applicant is requesting these development standards to be changed to allow for front-loaded two-car garages on lots as small as 50' wide and allow sidewalks on only one side of street. Mr. Thompson explained the history and background of how the ordinance was structured. The ordinance amendments proposed in the applicant's submittal are changes aimed at rolling back previous specific ordinance amendments related to garages and lot width (2007) as well as sidewalk requirements (2009). Those amendments were made at those respective points in the past in order to address particular problems or deficiencies in our development standards identified at those times.

It has been a stated goal of the City of Gastonia to conduct a comprehensive review and assessment of all residential development standards for some time. To achieve that goal the City has contracted with a private consultant to conduct this review in the first half of 2018. That process is intended to assess all regulations present in the UDO that relate to residential subdivisions including PRDs to determine if and what adjustments may be needed in order to address any problems or deficiencies.

Staff recommends that consideration of these ordinance amendment requests be deferred to allow for a comprehensive review and assessment of all residential development standards.

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Commissioner Epstein inquired about the applicant's feeling of deferral and Mr. Thompson answered that after discussion with staff the applicants would like to move forward with their request. Commissioner Epstein asked Mr. Thompson to share the process about when this started, who is involved, is the Gastonia Planning Commission involved and will testimony be taken at some point, when will it be presented before the board and move forward to City Council. Mr. Thompson answered that there has been discussion about such a study for a long period of time and it's been an issue of receiving funding. Commissioner Fleeman commented that stated it has been three to four years. Mr. Thompson continued that the City now has available funds; therefore, the City is entering into a contract with Metrocology. In the contract there are detailed references to the Planning Commission and how this board will be involved, but these details will be forthcoming. The first kickoff meeting with the consultant has not occurred. Commissioner Epstein recalled multiple work sessions that included receiving input from various stakeholders and wants to know if the Planning Commission will be involved at this level and allow the public to have input prior to a public hearing requiring a vote. Commissioner Epstein remembered resistance from developers and shared his concern that input from communities may not be heard. Commissioner Stewart reiterated his discussion that the Planning Commission was supposed to be involved as part of their charge as this body can provide practical input for the community. Commissioner Epstein and Mr. Thompson discussed the hardship or inconsistencies that may occur based on the Planning Commission's decision. Commissioner Epstein clarified that if the board makes the recommendation to deny, the applicant can come back with another proposal before or after a change in the UDO. Mr. Thompson stated that in order for the applicant to develop the site it creates a two-step change; an amendment change and applying for rezoning. Commissioner Epstein stated that tonight is not about the rezoning and only about the making a decision about the recommended amendments to the existing UDO.

Commissioner Fleeman asked if there is a way for the applicant to present their request as a conditional rezoning and not involve the UDO. Mr. Thompson answered no, the UDO will need to change prior to the rezoning. If the goal is to get a front-loaded two-car garages on lots on smaller lots than the Pressley development currently allows in some instances, there may be a situation to rezone to a different district; however, to get all the benefits of the PRD ordinance, this is the only way. Mr. Thompson commented that different scenarios were discussed with the applicant.

Commissioner Epstein asked if it is permissible to entertain the discussion and have a vote on the ordinance change and continue the public hearing on the rezoning. Commissioner Cinq-Mars reminded the Commissioners that staff's recommendation is to have it deferred.

Discussion occurred on the recommendation request this evening. Mr. Thompson stated that it is coincidental that this is taking place at the same time. Staff was pushing towards the residential standards review for a long time and the applicant approached this City about the way they wanted to develop the property. This is a coincidental situation. Commissioner Epstein thanked Mr. Thompson for explaining this and had it recorded.

For this instance, Mr. Graham stated that this is a complicated situation since City Council has the final arbiter on changes to text amendments. The Planning Commission can continue with the public hearing and gather information and either vote to recommend denial, approval, or table it. It is possible for this item to proceed to City Council.

The Commissioners discussed their options and decided to move forward with the public hearing and gather information and proceed with a vote.

Commissioner Fleeman addressed Chairperson Goode to recuse himself from the meeting due to a prior commitment. Chairperson Goode excused Commissioner Fleeman from the meeting.

Mr. Thompson provided a summary of the UDO per Commissioner Armstrong's request.

Chairperson Goode recognized Mr. David Smith, 925 Kirkcaldy Yard of Gastonia, NC. Mr. Smith is the attorney representing the applicants. Mr. Smith stated that this ordinance change will affect the entire community and there is no rezoning request tonight. The two requests this evening involves the 60' lot width being reduced to 50' allowing a front-loaded two-car garage, as well as, a sidewalk on only one side. Mr. Smith talked about growth in areas and how the City of Gastonia is growing. He stated that this is an opportunity to bring the City of Gastonia into a more attractive

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development for current customers of single family dwellings. Mr. Smith explained that families today want a large home and low yard maintenance. On a competitive point, many of communities around are allowing these types of developments and it is the trend. Mr. Smith asked the Commissioners to base their decisions on a broader approach to what is going on all around as the materials provided in their agenda illustrate. Mr. Smith emphasized again on focusing on how the City competes. As far as timing the applicants want to move forward with the project and they are differential to the concern to have a complete review of the ordinance. Mr. Smith stated that they would prefer the Commission provide a decision other than to table this item. Mr. Smith reiterated the sidewalk request.

Regarding receiving materials received in the agenda and not earlier, Mr. Thompson stated that North Carolina state law requires that proposals to amend text ordinance happen at public hearings. Mr. Thompson also commented that the Commissioners can direct staff to schedule a workshop.

Commissioners Epstein and Cinq-Mars reiterated to staff and the public their concern of making a change for the entire city without further discussion and information.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Dave Hoyle, 3444 Philadelphia Church Road of Dallas, NC. Mr. Hoyle represents the owner of this site. Mr. Hoyle stated that he wished he could make this request without effecting everything for the City of Gastonia community. This request is not related to cost, but more of a desirable project. Mr. Hoyle stated that sidewalks in a sizeable subdivision can be a huge financial burden to the project; therefore, this is the reason for the sidewalk change. Mr. Hoyle stated that the same applies with the two-car garage and that they want to create a project that is desirable to the community. Mr. Hoyle agrees with Mr. Smith that they would prefer the Commission to make a yes or no decision.

Questions and discussion ensued about the Pressley development.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Kevin Ammons, 200 S. Tryon Street of Charlotte, NC. Mr. Ammons is with Cole-Jenest & Stone (CJS). Mr. Ammons explained trends of lot size and open space. Function was discussed with City staff. Mr. Ammons clarified that they are not asking for no sidewalks, but are requesting the option to have only one sidewalk instead of two sidewalks. Mr. Ammons talked about street parking and referred the Commissioners to their agenda, Exhibit B. Diagram Comparison of 50' lot and 60' lot width with a two-car garage (page 4-15) for an illustration. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Sean Cooney, 3335 E. Indian School Road of Phoenix, AZ. Mr. Cooney explained that Suncrest and investors are committed to a successful thriving community that everyone can be proud of and the conversation to the text amendment is critical to them as it is the result of their conversation with homebuilders who know products sells in the market. They know that a 50' lot with a two-car garage is what the market wants. Sidewalks on both sides of the street seems to be a safer scenario; however, he does not know if that is the case. They are committed to installing two sidewalks on the busy streets, but the text amendment gives flexibility to have one sidewalk on one side of the road only. Mr. Cooney commented that this is a ubiquitous change to the UDO, but it gives the developer choices to understand where it does and does not apply. Mr. Cooney stated that they are committed to this project. They respect the decision and thoughts of the community, City Council and the Commission. Mr. Cooney thanked the Commission for allowing him to speak. No questions were asked by the Commission.

Chairperson Goode recognized Ms. Alice Auten, 717 Lampwick Court of Gastonia, NC. Ms. Auten is in opposition of the request. Ms. Auten owns the parcel adjacent to the proposed development. Ms. Auten explained how the Pressley Development would significantly impact the value of her property and the surrounding area, home problems, pricing of home, daily commuter traffic problem and the impact of traffic with this development. Ms. Auten stated the development and progress in any community needs to be researched, studied, evaluated, and planned only after careful and diligent consideration of all the areas impacted. Ms. Auten asked the Planning Commission to put the needs of the community first.

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Commissioner Epstein made the public aware that the 170 homes are permitted by right and can be built now as it is already rezoned.

No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Dean Auten, 717 Lampwick Court of Gastonia, NC. Mr. Auten is in opposition of the request. Mr. Auten asked if the original approval was for 450 to 500 homes and Mr. Thompson answered that it was more than 700 homes. Mr. Auten asked why we were asking for 50' wide lots. Mr. Thompson answered that the original application from the original development group with more than 700 homes had a variety of lot sizes. Commissioner Epstein explained that the Planning Commission needs to make a decision on whether to allow a 50' wide lot City wide for the indefinite future, and not on this development only. Mr. Auten explained his previous opposition of the development and the impact it will have on the school systems. Commissioner Cinq-Mars reminded the Mr. Auten that the request this evening is about amending the UDO and not a rezoning.

Commissioners Cinq-Mars, Stewart, and Goode reiterated the request this evening to Mr. Auten and the public.

Commissioner Epstein asked Mr. Auten if he was in favor of 50' lots across the city and Mr. Auten answered that he is opposed to the 50' lots as well as the sidewalk request.

Chairperson Goode recognized Mr. David Smith for rebuttal. Mr. Smith asked the Planning Commission to consider what Mr. Ammons stated earlier regarding the 50' lot width and the technical point that the lot width does not affect the utility and livability of the neighborhood.

Commissioner Epstein asked the public to raise their hands if they support changing the ordinance to 50' lots across the city and then repeated for those in opposition. Commissioner Epstein asked the public to raise their hands if they support getting rid the ordinance requiring sidewalks on both sides of the street throughout the development and then repeated for those in opposition. Commissioner Ferguson clarified that the 50' lots are with a two-car garage.

Commissioner Stewart, Mr. Bost, and Mr. Thompson discussed street widths in the Pressley Development.

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

Commissioner Epstein made the recommendation to deny allowing for front-loaded two-car garages on lots as small as 50' wide in Planned Residential Developments as presented without further discussion and information and Commissioner Ferguson seconded the motion. The recommendation to deny was approved 7-1 (Stewart opposed).

Commissioners Epstein, Ferguson, Cinq-Mars and Goode are in agreement that further discussion and information is needed to make a decision.

Commissioner Epstein made the recommendation to deny requiring a sidewalk on only one side of all subdivision streets city-wide as presented without further discussion and information and Commissioner Cinq-Mars seconded. The recommendation to deny was approved 7-1 (Stewart opposed).

Item 5: Other Business

Public Hearing - Amending the Unified Development Ordinance (UDO) (File # 8858) - Subject hearing involved an ordinance amending Section 7.6.2.G. Minor Work-Certificate of Appropriateness Required found under Section 7.6.2 HD Historic Overlay District of the Unified Development Ordinance to clarify and list standards for fences in the side and rear yards as specified in the Historic District Design Guidelines. The Gastonia City Council approved the request at the December 19, 2017 meeting.

Public Hearing - William F Gray (File #8872) - Subject hearing involved a request to rezone approximately 0.85 acres from C-1 (Neighborhood Commercial District) to C-3 (General Commercial District). The property is located at 904 Union Road. The property is owned by Gray

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Family Properties Ltd. The Gastonia City Council approved the request at the December 19, 2017 meeting.

Further discussion ensued on the stated goal of the City of Gastonia to conduct a comprehensive review and assessment of all residential development standards, contract details are forthcoming, and the consideration of staff's recommendation.

There being no further business, Chairperson Goode adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pamela Goode, Chairperson

MEMORANDUM

Date: January 30, 2018

To: Michael Peoples
City Manager

From: Tucker Johnson, PE
Assistant City Engineer

Through: Jason Thompson, AICP
Planning Director

Subject: An ordinance amending *Section 7.6.1 FH Flood Hazard Overlay District* of the Unified Development Ordinance. (File #8947)

Background

The City has had a “no-rise” flood ordinance in place for decades that has helped minimize flood damage to properties. The basis of the ordinance requires that if fill is being placed within the limits of the flood plain, that the fill will not cause an increase in the established Base Flood Elevation. The applicant or person wishing to place fill within the floodplain must provide evidence (typically in the form of a flood study performed by a licensed engineer) to substantiate compliance with the ordinance, and the flood study is reviewed by staff for recommendation for approval or denial.

As currently written, the approval by Council is required thru a quasi-judicial public hearing, which is a very formal process that is well suited for hearing more traditional land use issues. This process gives the public a chance to offer input, and works well for concerns that most members of the public can relate to (traffic, noise, light pollution, visual buffer, etc.). However, this process does not fit well with very technical matters, such as flood studies, where other evidence given would have to also come from licensed engineers or credentialed subject matter experts. This has created a scenario where technical matter is presented as evidence to request the Special Exception, and without contradicting evidence from equally qualified people, the governing bodies have no option but to grant the Special Exception.

Proposed Text Amendment

As drafted, the proposed changes to the UDO would convert the requirement of a Special Exception to place fill in the Floodplain to a permit issued by the Floodplain Administrator. All of the criteria needed to be granted the Special Exception (the “Five Findings of Fact” including the “no-rise” provision) would remain in the UDO as requirements for the permit. In cases where a permit is denied, applicants will have the right to appeal the Floodplain Administrator’s decision to the Board of Adjustment.

Requiring Special Exceptions for fill in the floodplain is overly burdensome for the governing bodies that hold the public hearings and the applicants who have to pay for the advertising of the public hearing and the delay involved in scheduling them through both Planning Commission and City Council. By changing the process to be a permit issued by qualified staff with an appeal process, governing boards and applicants can save time and money while still maintaining the safeguards that have worked so well for the City in reducing flood damage.

Recommendation

Staff recommends approval of the changes presented to the Planning Commission.

Statement of Reasonableness and Consistency:

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 reduces unnecessary regulation.

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

An ordinance amending 7.6.1 - FH FLOOD HAZARD OVERLAY DISTRICT of the Unified Development Ordinance as follows:

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 Council finds it to be in the best interests of the health, safety and welfare of the citizens of Gastonia to modify the procedures whereby fill is permitted to be placed in Special Flood Hazard Areas under certain conditions;

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

Section 1. Section 7.6.1 – *FH Flood Hazard Overlay District*, Subsection A.17.a.11 – *Provisions for flood hazard reduction*, is hereby amended as follows:

11. No fill ~~or development~~ shall be permitted within any ~~area of~~ Special Flood Hazard Area unless the ~~City Council, after having conducted a public hearing, grants a special exception upon the affirmative findings that~~ following conditions are met:
- i. The granting of the ~~special exception permit~~ permit will not create a danger that fill or construction materials may be swept on to lands other than those for which the ~~exception permit~~ is granted to the injury of others;
 - ii. The granting of the ~~special exception permit~~ permit will not substantially increase the probability of flooding or erosion damage and thereby create a danger to life and property;
 - iii. The granting of the ~~special exception permit~~ permit will not result in any increase in flood levels during the base flood discharge;
 - iv. The granting of the ~~special exception permit~~ permit will not have an adverse impact upon properties upstream or downstream other than those for which the ~~exception permit~~ is granted; and
 - v. The granting of the ~~special exception permit~~ permit will not result in any fill being placed within any designated floodway or non-encroachment area unless the requirements of Section 7.6.1A(17)(d) are met.

The ~~City Council~~ Floodplain Administrator, for the further protection of the neighboring properties and the public welfare, may impose appropriate conditions and safeguards upon any ~~special exception permit~~ which it may be granted pursuant to the provisions of this subsection. Any special exception permit granted may be revoked by the City Council Floodplain Administrator should any conditions and safeguards imposed be violated. No application for the special exception authorized by this subsection shall be considered by the City Council unless it shall have first been reviewed by the Planning Commission at a duly advertised public hearing. Notification of the Planning Commission and City

~~Council public hearings shall be as prescribed in Chapter 14~~ Any appeal of the Floodplain Administrator's decision shall be made to the Board of Adjustment.

Section 2. Section 7.6.1 – *FH Flood Hazard Overlay District*, Subsection A.17.d – *Floodways and non-encroachment areas*, is hereby amended as follows:

- d. *Floodways and non-encroachment areas*. Areas designated as floodways and non-encroachment areas are located within Special Flood Hazard Areas established in Section 7.6.1A(6). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to the standards outlined in Section 7.6.1A(17) a and b shall apply to all development within such areas:
 - 1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - i. Reserved;
 - ii. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a zoning permit; ~~or~~ and
 - iii. ~~A~~ When required by FEMA or the Floodplain Administrator, a Conditional Letter of Map Revision (CLOMR) has must been be approved by FEMA. A letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
 - 2. If Section 7.6.1A(17) d.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Chapter.
 - 3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - i. The anchoring and elevations standards of Section 7.6.1A(13)b.3.; and
 - ii. The no encroachment standard of Section 7.6.1A(17)d.1.

Section 3. All ordinances or portions of ordinances in conflict herein are hereby repealed.

Section 4. 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 5. This ordinance shall take effect and be in force from its effective date.

Section 6. This ordinance is consistent with the 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 and brings the City's ordinance into compliance with federal law.

This the ___ day of _____, 2018.

Walker E. Reid, III, Mayor

ATTEST:

Sherry H. Dunaway, City Clerk

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