

Gastonia Planning Commission February 3, 2022 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, February 3, 2022 in the Forum Room at the Gaston County Courthouse, 325 Martin Luther King Jr. Way of Gastonia, NC.

Present: Commissioners Rodney Armstrong, Jim Stewart, Anthony Gallant, Carl Harris, Bob Cinq-Mars, Kristie Ferguson, Chad Ghorley, and David Wilson

Absent: None

Staff Members Present: Charles Graham, Jason Thompson, Rusty Bost, Jana McMakin, Chrystal Howard, and Julia Baker-Granata

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioner Cinq-Mars stated he received many interactions with people in Gastonia. Commissioner Armstrong stated he received one contact. Commissioner Gallant stated he received many contacts. Commissioner Harris stated he received no contacts. Commissioner Stewart stated he received several contacts. Commissioner Ghorley stated he received multiple contacts. Commissioner Wilson stated he received many contacts. Chairwoman Ferguson stated she received five contacts.

Chairwoman Ferguson declared a quorum.

Item 1c: Approval of January 6, 2022 Meeting Minutes

Commissioner Stewart made the motion to adopt the January 6, 2022 minutes as submitted and Commissioner Gallant seconded the motion. The motion was passed (8-0).

Chairwoman Ferguson explained the rules of procedure and time limitations.

Discussion ensued on amending the time limitation policy to thirty minutes for proponents and opponents. Commissioner Cinq-Mars made a motion to amend the time limitation and Commissioner Stewart seconded the motion. The motion was approved (8-0).

Commissioner Gallant stated that he lives in a community that will be impacted by this project and based on advice from Assistant City Attorney Graham he needed to recuse himself. Chairwoman Ferguson recognized Commissioner Gallant as recused.

Item 2: Public Hearing – Dakota Group Limited and Triangle Real Estate of Gastonia Inc. (File #202100274)

Subject hearing involves a request to rezone approximately 17.54 acres from RS-8 CD (Single-family Residential Conditional District, minimum 8,000 sq. ft. lots), RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) and C-1 CD (Neighborhood Commercial Conditional District) to C-2 CD (Highway Commercial Conditional District) and RMF CD (Multi-Family Residential Conditional District). The subject property is located at the northeast intersection of Robinwood Road and Kendrick Road.

Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. Mr. Thompson noted the current zoning districts of the subject property. He stated the applicant submitted an application to rezone to C-2 CD and RMF to accommodate the development of the site. Mr. Thompson stated a Traffic Impact Analysis (TIA) occurred, proposed are eleven zoning conditions, and some allowed uses were struck through by the applicant. He explained that if the request was approved, the applicant would be bound to the conditions, which was more restrictive than the base zoning ordinance. The rezoning map was displayed and adjacent zoning districts were identified. Mr. Thompson noted the various types of densities. The Future Land Use Map within the 2025 Comprehensive Plan showed residential for this property. Development Strategies Map in the 2025 Comprehensive Plan indicated that the Robinwood Road and Kendrick Road intersection was appropriate as a Neighborhood Business Center. Mr. Thompson stated this rezoning request was for the development of Palisades at Kendrick Crossroads. The site plan was displayed and building placement, location of buffers, non-residential along Robinwood at the Kendrick intersection, three-story apartment buildings, and the detached rental units closest to Planters Ridge neighborhood were identified. Staff recommended approval of the request as presented.

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Chairwoman Ferguson recognized William Ratchford, 165 S. York Street of Gastonia, NC. While Mr. Ratchford was speaking, Mr. Jones distributed binders to Planning Commissioners. Mr. Ratchford stated he was representing Triangle Real Estate of Gastonia Inc. and Southwood Realty as Vice-President. He shared their portfolio, business history, and noted neighborhoods built by them. He noted unit rents increased about 20% last year, the lack of top product supply, non-tax credit market rate units were Reserve at Catawba Creek and Village at Ballantyne, Moss Creek complex having open garages, 2025 Comprehensive plan indicating commercial and residential, and Kendrick Road and Robinwood Road are made for traffic. He stated the plan design creates an opportunity for small businesses at the front of the property to match Harris Teeter, apartments are in the middle behind commercial, and 4 units with three levels per acre are in the back. The third floor of the three level units are in the attic similar to Planters Ridge houses. Mr. Ratchford mentioned four concerns that will be heard; traffic, stormwater, proximity to houses, and density. Regarding traffic, he noted the City chose Davenport to perform the study and their traffic is 27% of the Harris Teeter proposed traffic, they removed the gas station to lower trips dropping trip demand from 5,800 to 3,937, and this plan will not connect to Planters Ridge. Regarding stormwater, this plan will be built with the standard 10-year storm design and they are willing to go subsurface matching the 20-year storm ability. Regarding proximity to houses, buffers have changed since the neighborhood meeting from 25 feet to 55 feet at Planters Ridge with the road starting at 60 feet saving a minimum of 30 feet of existing 40 feet trees. Around the curve section of a one-way street, an additional buffer will be added. Regarding density, unit density will be in the middle of the plan behind commercial with low density on the outer portion. Mr. Ratchford noted that this was an infill area on a four-lane highway. He noted this property has been here for over 30 years trying to be sold.

Commissioner Harris wanted confirmation that the schematics and elevations proposed will be what the developer plans to build, if the request is approved. Mr. Ratchford replied that the only difference may be adding more brick. Commissioner Harris asked if the first floor will be wood or masonry and Mr. Ratchford replied that it will be an all wood structure for apartments and commercial may be steel framed. He noted sprinkler systems will be used with the exception to garages. Commissioner Ghorley inquired about the height and material of the proposed retaining wall and Mr. Ratchford replied that the retaining wall will be cemented block, typically gray, and anything over four feet tall will require a fence on top of it.

Chairwoman Ferguson recognized Susan Absher, 1257 Audubon Drive of Gastonia, NC. Ms. Absher is a general partner with Dakota Group LP and is for the rezoning request. Ms. Absher provided a copy of her presentation to the Planning Commission. She proceeded by providing an abridged presentation from the document distributed. Ms. Absher stated her family has owned the property for over 100 years and gave a brief land and family history. She explained Bill Absher's long process to rezone a commercial tract and get a full site plan approved, and the approval of the Patio Home subdivision. The current conditional use permits have had undesirable reactions to potential developers because of the heavy restrictions. Ms. Absher stated their effort is to be able to develop the site to a better site plan that will better meet the City of Gastonia's 2025 Comprehensive Plan and also to allow the family to end their costly and expensive years of efforts to see the original plan come to fruition. She shared Harris Teeter's proposal of a shopping center and their concessions to nearby neighbors. She noted this plan was a great asset, better fit for the Gastonia City 2025 Comprehensive Plan, provides a wonderful living environment to everyone living in the area and new residents, and it will bring new and a viable atmosphere in Gastonia. She thanked the Planning Commission for their time and efforts.

Chairwoman Ferguson recognized Tom Jones, Civil Engineer with WGLA Engineering, 724 Fifth Avenue West of Hendersonville, NC. Mr. Jones provided a brief background of his work history. He replied to Commissioner Ghorley's question regarding height and material of the proposed retaining wall, stating the wall will be a cut type wall that is eight feet tall. Mr. Jones also commented on the enhanced buffers as 30 feet of existing vegetation along the eastern boundary along with the proposed 25 additional feet of planted buffer using the Type C buffer. He read the type C buffer requirements. Mr. Jones continued stating a fence will surround the entire site and buildings are setback three times further than required by code. Mr. Jones explained the stormwater process and noted that their design will be reviewed by City staff for approval. He noted the developer is also willing to provide a 25 year stormwater design. Mr. Jones stated, if the request is approved, the various departments and agencies that will be involved during the process. He displayed and commented on the various perspectives and architectural features.

Regarding the perspective view C-903 on agenda page 2-10, Commissioner Ghorley inquired about the buffer distance from the building to the property line. Mr. Jones replied that it was 63

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feet from the property line, and noted the walls were tiered with landscaping and the building had vegetation on both sides. Brief discussion ensued on the elevation dropping off at this location. Regarding the perspective view C-901 on agenda page 2-9, Commissioner Harris asked if this site was cut in about 10 feet and Mr. Jones replied that the goal is to balance earth fill involving cut and fill. Discussion ensued on the stormwater plan and one-inch treatment and peak flows for the two, ten, and twenty-five years, and the goal to control the rate so that the rate leaving is no greater than before developing the site. Commissioner Harris asked if he was considering an underground detention under the impervious area and Mr. Jones replied that he was correct.

Chairwoman Ferguson transitioned to those in opposition. She reiterated time limitation, read through the names in opposition, and allowed each speaker to decide if they want to speak or donate their time to another speaker. Chairwoman Ferguson recessed the meeting at 6:36 p.m. and reconvened at 6:52 p.m. She read the finalized list of names expected to speak in opposition.

Chairwoman Ferguson recognized Bob Ferguson, 3401 Candlewick Way of Gastonia, NC. Mr. Ferguson distributed a document to the Planning Commission and then asked the audience to stand if they were opposed to the request. He held a petition with 678 names who opposed the rezoning. Mr. Ferguson began with the concern of density noting 194 family units within 17.54 acres, as well as, 389 parking spaces. Planters Ridge subdivision has 42 single family units in 23.29 acres. He compared the density of over 600% more density than Planters Ridge neighborhood sharing border of approximately 450 feet bringing additional concerns of noise, light pollution, traffic issues, and public safety concerns. Mr. Ferguson talked about rezoning neighboring properties after people have made investments as wrong. Lastly, he read a portion of Section 6.4 of the Unified Development Ordinance, "The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD district, subject to specific conditions...which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the City." Mr. Ferguson stated this was not ensuring their enjoyment nor was it compatible with the surrounding properties and this ordinance section should provide the evidence needed to reject the rezoning application. He stated he did not oppose the development of the land as it is currently zoned and welcomed single-family homes as it meets a need and is compatible.

Chairwoman Ferguson recognized Kate Hamad, 1210 Lamppost Court of Gastonia, NC. Ms. Hamad stated her parcel was number 10 on the rezoning map, she does not have any privacy trees, and any trees shown on maps is from overhang. She noted that the additional 60 feet of buffer provided is because of a retaining wall that will be required by the City. Ms. Hamad explained that she moved from multi-family housing to land with space for the children and privacy. She was concerned about three-story apartments and carriage homes not being the expected single-family homes to be developed. She was concerned of the density, the excessive amount of noise, lack of privacy from three-story buildings, exacerbating schools already stretched thin with staffing and resources, traffic already difficult and unsafe for residents. Ms. Hamad stated her neighborhood was for the development of this land as currently zoned, but was opposed to the rezoning request.

Chairwoman Ferguson recognized Richard Abernethy, 2925 Grampian Drive of Gastonia, NC. Mr. Abernethy stated he was present to talk about environmental concerns. He was concerned about the removal of vast amount trees, wildlife, and natural vegetation on a large tract of land. He stated the neighborhood did not have a problem developing something conducive to what was already there. He was very concerned about light pollution and commented that the EPA has recognized the need to address and regulate light pollution. Mr. Abernethy was concerned about stormwater, not having answers, proposed development as damaging to the neighborhoods, taking away from natural beauty, and the impact it will have on the environment. He asked the Planning Commissioners to deny this request as it was not in the best interest of the neighboring communities.

Chairwoman Ferguson recognized Jim Kestler, 3372 Randolph Park Circle. Mr. Kestler stated he was the president of Randolph Park HOA. He began with asking the audience questions who participated by raising their hand or standing. He commented on how their decision will affect the community for many years and asked the Planning Commission to consider their way of life, safety, and investments made for their family, as well as, that this request was not the time, place, or the project for the community.

Chairwoman Ferguson recognized Walter Gray, 3440 County Club Drive of Gastonia, NC. Mr. Gray was concerned about the traffic study and read from Study Overview in the Davenport

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Executive Summary, “Existing traffic volumes from this project were collected on September 14, 2021. Per NCDOT and the City of Gastonia staff, there are no approved developments nor committed improvements to be considered in this analysis.” He commented that there were 1,000 or more units under construction within an average of a mile and a half. 85 units are ready to be occupied within less than one quarter of a mile. Mr. Gray mentioned that no intersection was unscathed and every intersection will need more storage. He was concerned about the traffic meeting at the Harris Teeter intersection. He commented on the main entrance being on Kendrick Road, which is not a four-lane road, and is in front of a main entrance of a shopping center and two residential areas.

Chairwoman Ferguson recognized Rev. Curtis Carter, 1002 Dornoch Road of Gastonia, NC. He commented on the Heatherloch community as a diverse group and shared reasons why residents moved to the area. Rev. Carter was concerned about traffic and commented on the existing traffic as terrible. Rev. Carter read the first paragraph under Capacity Analysis and Recommendations, “The need for roadway improvements was reviewed based on the capacity analysis and turn lane warrant analysis. Based on the queueing analysis, the intersection of Robinwood Road at Hoffman Road is in need of additional queue storage or capacity improvement but due to utility, topography, and ROW-related challenges, no improvements were recommended.” Regarding a traffic light coming out of Heatherloch, he noted that Davenport’s executive report on agenda page 2-38 had no recommendation for a traffic light, even with adding 194 units and over 300 parking spaces. Rev. Carter requested the Planning Commission to not permit apartments at this location. He shared that the Heatherloch neighborhood was not opposed to growth.

Commissioner Ferguson recognized Rusty Bost, Director of Development Services, to answer any TIA questions. Commissioner Cinq-Mars inquired why the entrance into Heatherloch was not considered, but noted a recommendation for an extended middle zone that might include Heatherloch. Mr. Bost deferred the question to Edith Peters with Davenport, 9144 Arrowpoint Boulevard, Suite 130 of Charlotte, NC who was recognized by Chairwoman Ferguson. Ms. Peters explained that, in general, intersections determined in conjunction with city staff, NCDOT and the consultant, the decision was made that this intersection would not be included in the study. Mr. Bost explained that this TIA was not a traffic corridor study. State regulations involve how the development is treated and the responsibilities when it comes to the impact of traffic based on development. He noted that the State statutes only require the developer to be responsible for the increase in traffic that they develop/create. This development did not create the issues coming out of Heatherloch and at Planters Ridge. The specifics of this study is the volume of traffic coming in and out of this development, how these trips affect surrounding intersections, and it being mainly focused on major intersections. Mr. Bost stated that if this development is approved, the developer submits a roadway construction plan for the turn lane, engineering considerations will be made to make sure it is safe on how it is entered. Commissioner Ghorley asked if the TIA from the Harris Teeter project was referenced and Mr. Bost replied that traffic counts were only good for about a year, and traffic patterns from before the Harris Teeter project would not be the same today. Commissioner Ghorley commented that human nature also needs to be applied along with the metrics in a TIA. Commissioner Ghorley was also concerned and surprised that the Heatherloch intersection was not included in the TIA. Mr. Bost asked the Planning Commission to consider how many people from Heatherloch would be going to the apartments and how many people from the apartments would be going to Heatherloch.

Regarding buffers, light pollution, architectural requirements and conditions, Mr. Thompson provided clarification that conditions beyond the normal UDO requirements must be adhered to if approved. If conditions are not adhered to, the owner of the property would be in violation of the Unified Development Ordinance and receive a notice of violation from staff. The owner is required to comply and maintain conditions. Regarding light pollution, the Unified Development Ordinance contains underlying regulations that prevent light from projecting onto adjacent properties. Gaston County schools receive notice of rezoning petitions and have the opportunity to review and provide comments. Lastly, if a development reaches the threshold that a TIA is required, then the TIA has to be done and any mitigations recommended must be completed.

Commissioner Ghorley made a motion to close the public hearing and Commissioner Stewart seconded the motion. The motion was unanimously passed (7-0).

Chairwoman Ferguson noted that one of the most difficult challenges with increased development is the consideration of potential impact to surrounding areas while understanding a property owner’s right to develop their property. She asked the Planning Commission, “Is this mixed multi-family and commercial development appropriate land use in this location as proposed?”

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Commissioner Ghorley commented that this request was a good project on paper, but appears to add too much density to the area. He shared that he liked the existing approved plan. Commissioner Ghorley asked the Planning Commission if there was too much density or vote it down and keep a lower density. Chairwoman Ferguson referred to the eleven proposed zoning conditions on agenda page 2-2 and commented that the UDO has changed a couple times since 1991. Commissioner Cinq-Mars observed that within 1½ miles there were at least 500 rental units and 200 condo units for purchase. Referring to density, he noted the area was mostly large homes and large lots and commented on a type of facility he thought might go well at this location. Brief discussion ensued on the total amount of homes in proposal and Commissioner Wilson commented having 6 trips to a homeowner's home per day and the amount of traffic onto Kendrick Road would be significant.

There being no further discussion, Chairwoman Ferguson made a motion to approve the request as presented with the statement of consistency and reasonableness. *(The 2025 Comprehensive Plan shows the subject property as being suitable for commercial and residential development and a portion of the property is already zoned commercial. The rezoning plan shows additional buffers and there are restricted uses by the applicant and there are zoning conditions as part of the conditional approval. The Planning Commission, therefore, considers an affirmative vote to be reasonable and is compatible with the surrounding land use and zoning and is in the public's interest.)* The motion was not seconded; therefore, the motion failed.

Commissioner Ghorley made a motion to deny the request with the statement of consistency and reasonableness. *(While the 2025 Comprehensive Plan shows residential as suitable on the subject property, there are concerns regarding the increased density, number of total units, and three-story buildings located adjacent to the RS-12 zoning and residential uses. The current zoning is for patio homes with a maximum of 23 homes and architectural standards. The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.)* The motion was seconded by Commissioner Armstrong. Brief discussion ensued on the total number of dwelling units of the existing and proposed conditions. The motion to deny was approved (4-3 Ferguson, Stewart, Wilson). The vote was by less than three-fourth; therefore, the case will automatically go on to City Council for a new hearing and their consideration.

Item 3: Other Business

Update on Council Votes

Public Hearing – Anthony Gallant (File #202100342) – The request to rezone approximately 0.38 acres from C-2 (Highway Commercial District) to C-3 (General Commercial District). The subject property is located at the southeast intersection of East Garrison Boulevard and S. Oakland Street. This item was approved on Tuesday, January 15, 2022 by City Council.

Unified Development Ordinance Amendments (File #202100422) – The request to amend *Section 9.4.2 of Chapter 9 General Provisions* to the Unified Development Ordinance to provide standards for electric fences in certain zoning districts. This item was approved on Tuesday, January 15, 2021 by City Council.

Unified Development Ordinance Amendments (File #202100525) – The request to amend *Table 7.3-1 Bulk and Use Chart of Chapter 7 Use and Building Lot Standards* and *Section 8.1.10 Multi-family Development of Chapter 8 Supplemental Use Regulations* to the Unified Development Ordinance to amend allowances using multi-family development standards. This item was approved on Tuesday, January 15, 2022 by City Council.

Representative for February 15th City Council Meeting, if needed

Commissioner Ghorley volunteered to be the representative and Chairwoman Ferguson volunteered as a standby.

Item 4: Adjournment

There being no further business, Chairwoman Ferguson entertained a motion to adjourn the meeting. Commissioner Cinq-Mars made a motion to adjourn the meeting and Commissioner Ghorley seconded the motion. Hearing none in opposition, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Kristie Ferguson, Chairwoman