

Gastonia Planning Commission March 4, 2021 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, March 4, 2021 via Zoom.

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

Absent: None

Staff Members Present: Charles Graham, Quentin McPhatter, Jason Thompson, Rusty Bost, Jana McMakin, and Chrystal Howard

Item 1a: Role Call / Sound Check

Commissioners were recognized.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners were not contacted.

Item 1c: Approval of February 4, 2021 Meeting Minutes

Commissioner Fleeman made the motion to approve the February 4, 2021 minutes and Commissioner Stewart seconded the motion. The motion was approved (8-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – K & D Land Holdings, LLC (File #202100001)

Subject hearing involves a request to rezone approximately 12.54 acres from RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) and RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to RMF CD (Multi-family Residential Conditional District). The subject property is located off of Linwood Road, Sedgefield Drive, and Learning Place. The property is owned by K & D Land Holdings, LLC.

Commissioner Wilson was recognized as recused by Chairperson Goode.

Chairperson Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and identified the subject property as split zoned. This request was submitted to rezone the property to RMF CD to develop apartments. She noted Forest Heights School and residential homes as adjoining properties. Ms. McMakin displayed the proposed site plan consisting of up to 82 units. The request is for three, three-story buildings and one, two-story building with a combination of 12 one-bedroom, 46 two-bedroom, and 24 three-bedroom units. She mentioned the parking lot, tree save areas, and active open space areas. Ms. McMakin stated Learning Place was a private street maintained by Gaston County Schools. Communication between parties was in process to see if an agreement can be made for access. Two options proposed for the primary entrance to the development was explained. Ms. McMakin stated Forest Heights was not a full service school and a gate is in place at Learning Place. The applicant has indicated the project will be submitted for NC Housing Finance Agency Low Income Housing Tax Credits for family units. She commented on six proposed zoning conditions. Depending on options, Ms. McMakin noted a sidewalk would be required along Learning Place. The Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the subject property. Staff recommended the request be approved.

Chairperson Goode recognized Traci Dusenbury, 1980 Rocky Ford Road of Powhatan, VA. Ms. Dusenbury is speaking on behalf of the developer and is also representing TBG Residential. She briefly provided a history of the company. She noted TBG Residential handles their own construction, development and management. Ms. Dusenbury stated TBG Residential builds developments to high standards and is committed to being long term owners and neighbors. The proposed plan consists up to eighty-two units with a cost of about thirteen million dollars. A community meeting was held. They tried to meet the needs and concerns from neighbors, such as adding fencing along the perimeter between the Sedgefield community and the development community, and they are also working actively with the school system. Ms. Dusenbury commented that Learning Place is the preference with hopes of the gates being removed providing full accessibility of the road. Ms. Dusenbury noted they were pleased with having staff support and being in compliance with the 2025 Comprehensive Plan and asked for the Planning Commission's support.

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Commissioner Cinq-Mars asked if the Dockery Properties LLLP property, number 28 on the zoning map, had anything on it or was it all wooded. Ms. McMakin replied that there appears to be a farming building, some equipment and a residential house.

Commissioner Ferguson asked if the proposed access road on Learning Place was not a condition. Ms. McMakin replied that this was not a zoning condition. Several factors are happening with the school district. In the event that the agreement does not happen, the primary access would take place on Linwood Road with a preliminary access granted at this location by NCDOT District 12 office. Commissioner Ferguson asked for confirmation that the fire department requires two access points and Ms. McMakin replied that she was correct.

Commissioner Cinq-Mars asked about the red symbols on the proposed site plan on agenda page 2-4 and Ms. McMakin replied that this symbol appeared to be fire hydrants.

Brief discussion ensued on a market study being conducted to determine the cost of units. Mr. Thompson reminded the Commission from a land use decision making perspective to determine whether multi-family development as defined in the UDO is appropriate for this location. He noted that if a multi-family designation was approved then any type of multi-family project can develop if it meets the conditions and site plan.

Chairperson Goode recognized Matt Lowder, 4004 Barrett Drive of Raleigh, NC. Mr. Lowder stated he was the engineer working on the site and was available to answer any site or technical questions.

Chairperson Goode recognized Brent Purdum, 4004 Barrett Drive of Raleigh, NC. Mr. Purdum works with Mr. Lowder and was also available to answer any questions.

Commissioner Cinq-Mars stated in the center of the proposed site plan there was a hotdog like property chopped off with different hash marks and inquired about it and Mr. Purdum commented that it was part of the tree save area that will remain natural.

Chairperson Goode recognized Tawny Fancy, 3201 Oil Gun Road West of Midlothian, VA. Ms. Fancy was available to answer any questions.

Chairperson Goode recognized Greg Mobley and stated he was available to speak.

Chairperson Goode recognized Sarah Buckner, 3825 Paces Walk SE Ste. 100 of Atlanta, GA. Ms. Buckner was available to answer any questions.

Chairperson Goode recognized Payton Herschberger, 780 Penn Avenue of Atlanta, GA. Ms. Herschberger was available to answer any questions

Chairperson Goode recognized Shuanté Smith, 2415 Sedgefield Drive of Gastonia, NC. Ms. Smith is opposed to the request. Her concerns were the traffic pattern on Sedgefield Drive as well as the safety for the neighborhood. She shared that the area was peaceful, very low traffic, and her son was able to play without her worrying. With up to 82 units and income based, she was concerned about sex offenders and criminals and also the increased traffic. She commented that a fence being built would not stop a person who really wants to get through.

Chairperson Goode recognized Gary Rutledge, 2525 Woodwind Drive of Gastonia, NC. Mr. Rutledge is speaking on behalf of Doris McClure, 2424 Linwood Road of Gastonia, NC, who is in opposition of the request. Mr. Rutledge commented that Linwood Road was like a speedway and was being actively developed in a commercial way. He noted a Dollar General was built at the corner of Linwood Road, Davis Park Road, and S. Myrtle School Road. He was concerned about a fence not stopping a person from walking through properties to get to the commercial developed areas. Mr. Rutledge was concerned about noise and lighting and commented that trees in the tree save area have been removed. Another concern was the two access options if the school system denies access through Learning Place and the expectation of the commercial development.

Chairperson Goode recognized Gloria Peters, 2409 Sedgefield Drive of Gastonia, NC. Ms. Peters was unavailable.

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Chairperson Goode recognized Kathy Worley, 925 S. Myrtle School Road and 2339 Linwood Road of Gastonia, NC. Ms. Worley was also speaking on behalf of Mary Moore, 2330 Linwood Road of Gastonia, NC. Both, Ms. Worley and Ms. Moore are in opposition of the request. Ms. Worley asked how close the apartments will come to their property line and asked what kind of fence will be installed. Concerns addressed were people taking a shortcut through their property to the commercial development areas, low income housing, noise from occupants, and increased traffic. She mentioned that it was difficult for her sister to get out of the driveway. Ms. Worley was also concerned about the two access options if the school system denies access through Learning Place. She shared that traffic on Sedgefield Drive can be difficult during the school year and traffic has been assisted with police. Ms. Worley commented that Myrtle School Road was widened, the road has a lot of traffic, and a traffic study pulled showed 14,000 cars a day traveling on this road. She continued that adding the apartments will increase traffic and issues. Ms. Worley was also concerned about crime as it was already an issue. Ms. Worley stated her main concerns were traffic and crime. Ms. Moore shared that noise and loss of privacy were her main concerns. She noted that trees were removed and there wasn't much of a buffer. Ms. Worley added the lack of privacy with three-story apartments.

Chairperson Goode recognized Traci Dusenbury for rebuttal. Addressing crime, Ms. Dusenbury understood being scared of something new coming in. She stated that strict criminal and credit checks were conducted, and if there is ever a need, management will work closely with the police department. Addressing noise, she commented that the community will have to follow the noise ordinance. Ms. Dusenbury stated this was a great site because it was in between residential and commercial, and the multi-family development will act as a buffer to the commercial uses. Ms. Dusenbury noted that they do not discriminate anyone with a tenant based voucher, they can apply to live in the community, and they will also have to meet the strict criminal and background checks. She commented that rents do not stay the same and increase from time to time with the market. Ms. Dusenbury deferred to Brent Purdum to address remaining concerns and questions. Mr. Purdum addressed the multiple points of access. One access was located off of Sedgefield Drive. The preferred access option would be located off of Learning Place, but if this was not an available, the alternate option would be located off of Linwood Road, at the corner of Linwood Road and Learning Place. The proposed site was discussed with NCDOT and plan construction drawings need to be completed. Regarding trespassers, the plan was to install sidewalks along the driveways to get to right-of-ways, fencing would be installed where possible, a 20 ft. Type C landscaping buffer would be included along the property line, and trees would remain in the hashed areas on the site plan. Regarding how far the buildings were from the property lines, Mr. Purdum stated the building closest to Linwood Road would be approximately 130 to 140 ft. as proposed.

Chairperson Goode recognized Gloria Peters, 2409 Sedgefield Drive of Gastonia, NC, who was unavailable earlier. Ms. Peters asked how far and high the retaining wall or fence would be and Mr. Purdum replied that the height of the fence has not been discussed, only a fence as screening has been proposed. Grading plan designs will determine if any retaining walls are required.

Brief discussion ensued on communities residing in Gaston County that Ms. Dusenbury has been involved with and Villas at Union Crossing and Villas at Union Trace were mentioned. TBG Residential is the developer involved with this project. TBG Residential did not have anything in Gaston County and the reason the developer was working with Ms. Dusenbury.

Commissioner Stewart made a motion to close the public hearing and moved to approve the rezoning from RS-12 and RS-8 to RMF CD and Commissioner Ferguson seconded the motion. Discussion occurred on the process of closing a public hearing and making a motion. Commissioner Ferguson withdrew her motion allowing the opportunity to amend the motion. After further discussion on how to proceed with the motion, the motion made by Commissioner Stewart was not changed or amended; therefore, Commissioner Ferguson seconded the motion to close the public hearing and approve the rezoning from RS-12 and RS-8 to RMF CD. Commissioner Cinq-Mars commented that this was a good infill project, it was away from the main street, and trees in the buffer zone will grow. He noted that the map listing all the apartments throughout the city displays a nice distribution and no crowding of apartments in this location. There being no further comments or discussion, the motion was approved (7-1 Goode and Wilson as recused).

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Clarification was made that this rezoning request was approved by the Planning Commission and not moving forward to City Council unless appealed within the appropriate timeframe.

Item 3: Unified Development Ordinance Amendments (File #202000331)

Subject hearing involves a request to amend Table 2.7.1-Defined Terms of Chapter 2, Table 7.1-1 Table of Uses and Table 7.3-1 Bulk and Use Chart of Chapter 7 Use and Building Lot Standards, Section 8.1.11 Revised Residential Development District (R2D2) and 8.1.17 Single-family Attached Development of Chapter 8 Supplemental Use Regulations, Section 9.5 of Chapter 9 General Provisions, Chapter 10 Off-Street Parking and Loading to the Unified Development Ordinance to clarify standards and options for revised residential district, and amend parking standards for the City of Gastonia. This item will be heard by City Council at the March 16, 2021 meeting at 6 p.m. in the City Council Chambers, 181 S. South Street in Gastonia.

Chairperson Goode recognized Jason Thompson, Planning Director for the purpose of staff presentation. Mr. Thompson commented that some items in the agenda are ready for action by the Planning Commission to move forward to City Council for their consideration of adoption. Some information is provided to read and take action at a later time.

Commissioner Fleeman asked about which items were to be considered and Mr. Thompson referred this question to Demetri Baches, AICP, CNU-A, Metrocology Inc. Mr. Baches reminded the Commission that the process of upgrade for the ordinance to beta test the improvements were being made. New text and tools were being tested by Planning staff and the development community allowing fine tuning in real time to make the best possible outcome in terms of the revisions being proposed. He noted that everything will be reviewed again and resubmitted. Mr. Baches stated changes in format and minor changes in text to *Section 8.1.11 Revised Residential Development District* and *Section 8.1.17 Single Family Attached Development* are being reviewed again and are to be considered for action this evening. The other component was the new parking chapter. He commented that this was a significant upgrade to the ordinance benefiting the city immensely, not just for parking but it will lay the foundation for more equitable and affordable housing. Mr. Baches stated that the Commission will not take action on this section this evening. Referring to *Section 8.1.11 Revised Residential Development District* and *Section 8.1.17 Single Family Attached Development*, Mr. Baches noted the strikethroughs, text in black and text in red. The text in red was a combination of new text and existing approved text. Redundant text was removed. Starting with *Section 8.1.11 Revised Residential Development District*, Mr. Baches explained that the old table was removed and new tables were created based on the housing type, and text subsequent to the existing table was consolidated into the new tables. Engineering staff reviewed these sections to make sure that engineering standards were addressable within the new provision being written, and feedback was received from developers. Mr. Baches complimented the engineering staff and the developers involved. He emphasized on the elimination of the restriction on front loaded townhomes based on width less than 20 ft. and that would kick in the requirement for rear load. Road sections need to be incorporated to service the types of developments being proposed. Mr. Baches shared additional blocks of text to define encroachments, such as in *Section 8.1.11.E.4 Accessory Uses & Structures*, *Section 8.1.11.E.5 Setback Encroachments* and *Section 8.1.11.E.5 Height*, and noted that these sections have been elaborated and expanded to address questions. Moving on to *Section 8.1.17 Single Family Attached Development*, Mr. Baches explained that a series of old tables with drawings of townhomes were consolidated and reformatted in order to address, administer and present to developers. One component of this section was for Attached Home – Townhome and a table was created with a series of provisions for subdivision design standards below that table. He noted most of the information remained the same. Another component of this section was the Attached Home – Duplex and the same process was involved to create this table. Existing tables and graphics were consolidated into one table and text was added to provide clarity. Mr. Baches stated that during the townhome projects the opportunity to not have to front on a publically dedicated right-of-way for every single unit has become an important issue, because most of the higher density projects will have the opportunity for a rear lane or alley served purpose. *Section 9.5 Lot To Abut A Dedicated Street; Minimum Lot Widths* will remain. Exemptions to this section were added and duplex was used as an example. Mr. Baches moved on to *Chapter 10 – Off-Street Parking and Loading*. In terms of zoning, minimum parking has produced a surplus of parking in most cities. Mr. Baches stated through observation parking can be reduced dramatically and still achieve what is required by parking to service a use. Therefore, this chapter is setup as maximum instead of minimum parking. Table A lists the maximum vehicle number of parking spaces per 1,000 square feet not to exceed 3 and there are conditions that permit more parking. Table B lists

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bicycle parking spaces required by use. Chapter 10 will help promote development around identified stations over the next 10 to 15 years.

Commissioner Cinq-Mars asked if the table on agenda page 3-5 was disappearing and Mr. Baches replied, “Yes”. Commissioner Cinq-Mars asked if the table on agenda page 3-6 was the replacement and Mr. Baches replied that it was one of the tables replacing it. The table on agenda page 3-5 has been broken out into three tables and two of the three tables are in Section 8.1.17. Commissioner Cinq-Mars asked if there was a situation of cul-de-sacs within townhomes and referred to section 8.1.11.E.1.d. Mr. Baches read the red text in section d., “In R-4 Districts, cul-de-sacs in Detached Single-Family developments shall not exceed 500 feet. In R-4 Districts, cul-de-sacs in Attached Single-Family developments shall not exceed 250 feet.” Commissioner Cinq-Mars referred to Section 8.1.11.E.1.j and requested defining the build-to line. Mr. Baches stated build-to means establishing a line along a front or rear property line where the building has to be built at. Build-out means how much of that line is building along. Commissioner Wilson asked if this fits the needs of some the projects occurring. Mr. Baches replied that staff has been working with four developers over the past three months in terms of technical aspect of the type of townhomes built and site plans being proposed. The important components to allow them to progress and make submissions are in the proposed text amendments and the developers are aware and have read this document. Commissioner Cinq-Mars asked if more parking will be provided for an accessory building and referred to agenda page 3-10. Mr. Baches replied that more parking is not required and one parking space may be provided for the Accessory Dwelling Unit. Commissioner Cinq-Mars asked for clarification of Section 8.1.17.C.4 on agenda page 3-23. Mr. Baches stated subdivisions for townhomes over 3 acres’ threshold requires open space based on categories, and if within a quarter mile from an existing Municipal Park and Minor Subdivisions are exempt. Commission Cinq-Mars suggested having the quarter mile statement added to the table. After reading Section 8.1.17.D, Commissioner Cinq-Mars asked if the paragraph should include and, or maybe differentiated by separate roof pitches at shared party wall. Mr. Baches stated it was considered, but existing houses can be made into a duplex dividing the interior into two different units. Mr. Baches referred to agenda page 3-24 for duplexes.

Commissioner Stewart referred to Section 8.1.17.C.3.e.i. on agenda page 3-23 and asked about a grade that drops over the length. Mr. Baches commented that there was an addition to the sentence that did not show up in their draft, but was visible in the draft for City Council. He read, “Change in roofline no more than once per grouping except as dictated by topography so as to avoid ground floor elevations for units that would be below fronting street top of curb level.”

Commissioner Fleeman mentioned not allowing front loaded garages and no longer conditional like the others. He noted on agenda page 3-6 that the title for Section 8.1.11.D should be Single Family Detached Lot Development Standards instead of Single Family Attached Lot Development Standards. Regarding Table 1: Attached Home – Townhome, Commissioner Fleeman asked why there was a max for C₁ on a front setback? Mr. Baches stated it should read 0 ft. / 25ft. instead of 0 ft. / 15 ft. and was correct in the draft for City Council. Referencing Note 2 in Table 1: Attached Home – Townhome, Commissioner Fleeman requested confirmation that there were no sidewalks and alleys. Mr. Baches replied that this was for front loaded parking that won’t take up more than 65% of the front yard. Referring to Note 3 in Table 1: Attached home – Townhome, Commissioner Fleeman suggested adding that this applies to alleys only. Mr. Baches replied that it can read, “Vehicular entrances to rear loaded garages...” Commissioner Fleeman mentioned a unique street design presented in the Major Subdivision Preliminary Plat – Wilson Property at the February 4th Planning Commission. He complimented on how they used parallel, reducing the 19 ft. parking space, the 24 ft. isle way, the 19 ft. parking space to 9 ft., 24 ft., and 9 ft. saving 20 ft. of impervious surface and used the image on the right on agenda page 3-32 to describe what he meant. Commissioner Fleeman requested the City look into this and Mr. Baches replied that it was a great comment and thanked him. Ms. McMakin replied that she will send the Wilson property information to Mr. Baches. Referring to the middle image on agenda page 3-32, Commissioner Stewart asked if it was planned for compact vehicles. Mr. Baches replied that it was, because they are trying to shrink the footprint of the parking lots to a tolerable level. This was overall general provisions for parking in the City of Gastonia. Language will be added that differentiate between public parking and parking needed by certain users typically accessed by larger cars. Commissioner Stewart was concerned for bigger cars and getting in and out of parking spots. Regarding the adopted version by City Council in August of 2019 for Revised Residential Development District (R2D2), Ms. McMakin read, “A continuous network of rear alleys shall be provided for all lots less than 55 ft. in width”, and requested clarification that this requirement has

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been removed in the new version that will be forwarded to City Council. She asked if anything over 20 ft. can be front loaded and Mr. Baches replied that she was correct.

Commissioner Cinq-Mars thanked Mr. Baches for his work and its clarity. Chairperson Goode thanked Mr. Baches for his presentation and commented that it was informative.

There being no further comments or discussion, Commissioner Fleeman made a motion to approve (move forward with a favorable motion) given the changes that Demetri expressed to the Planning Commission, with the sections specifically asked about, the version that will move forward to City Council and Commissioner Stewart seconded the motion. The motion of recommendation was approved (8-0).

Item 4: Other Business

Update on Council Votes

There were no updates.

Mr. Thompson stated a contract was approved with a consultant to do code work related to state mandated changes broadly referred to as 160D regulatory changes that the general assembly passed.

Commissioner Fleeman reminded staff about having a presentation regarding the tree ordinance and Mr. Thompson replied that staff has discussed internally and plans were being made.

Item 7: Adjournment

There being no further business, Chairperson Goode entertained a motion to adjourn the meeting. Commissioner Stewart made a motion to adjourn the meeting and Commissioner Fleeman seconded the motion. The motion passed (8-0); therefore, the meeting adjourned at 7:31 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson