

**Gastonia Planning Commission**  
**March 5, 2020**

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Chairperson Pam Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:34 pm on Thursday, March 5, 2020, in the Council Chambers at City Hall.

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, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Quentin McPhatter, Assistant City Manager; Jana McMakin, AICP, Senior Planner; and Chrystal Howard, Secretary

**Item 1a: Role Call / Sound Check**

**Item 1b: Calls/Contacts to Planning Commission Members**

Commissioner Gallant received one contact. Remaining commissioners stated there were no contacts.

**Item 1c: Approval of February 6, 2020 Meeting Minutes**

Commissioner Fleeman made the motion to approve the February 6, 2020 minutes as written and Commissioner Cinq-Mars seconded the motion. The motion was approved (8-0).

**Item 2: Public Hearing – Shea Homes (File #9397)**

Subject hearing involves a request to rezone approximately 114.8 acres from RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to RS-8 CD (Single-family Residential Conditional District, minimum 8,000 sq. ft. lots). The subject property is located on the south side of E. Hudson Boulevard. The property is owned by Robinson Mills Inc.

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

Ms. McMakin thanked the commissioners for being present. She provided the site description and background. The zoning map and site plan were displayed. Ms. McMakin explained what was included by the applicant with conditional districts. She identified two access points on the site plan. She briefly shared the vision for Windyrush and stated the property was to be subdivided and developed. She continued that the City requires a connection to Windyrush Lane providing an additional access point. The request is to stay under two dwelling units per acre. Ms. McMakin explained setbacks for RS-12 and RS-8 districts. She referred the commissioners to the proposed conditions provided in the agenda packet. Ms. McMakin highlighted the proposed condition that the applicant agreed to work with the City to build a bridge over Catawba Creek to provide access to a public greenway trail system. She briefly mentioned proposed conditions on architectural standards and features. Based on proposed conditions, staff recommended that the request be approved as presented.

Commissioner Cinq-Mars inquired about the wastewater and water capacity. Ms. McMakin replied that part of the design was to stay under two dwelling units per acre resulting in different stormwater requirements. Mr. Thompson commented that the formal staff review requires public utilities. He also noted that Two Rivers did not indicate a capacity issue at this location.

Chairperson Goode recognized Mr. Collin Brown, 1420 E. 7<sup>th</sup> Street of Charlotte, NC. Mr. Brown is representing Shea Homes and he provided a brief background of Shea Homes. He recognized Mr. Robinson, property owner, Mr. Shea with Shea Homes, and Mr. Moore, Civil Engineer as available to answer questions. He stated Ms. McMakin gave a great overview and shared that two community meetings were held. Mr. Brown began his PowerPoint presentation. He displayed the site of the map, a property location map identifying some nearby neighborhoods, and a map displaying the current zoning. He shared that they are consistent with the adopted Gastonia 2025 Comprehensive Plan and Future Land Use Map. He continued that their site plan is for 162 single-family homes out of 170 homes allowed creating a low density of 1.42 DUA. Mr. Brown displayed a conceptual rendering and identified the open space area as over half the site. He stated there will be over a 1,000 feet of separation from the rear property to the closest property line of the new development. He continued that all development would be north of the power line corridor. He stated Shea Homes committed to building a connection across the creek if the potential greenway

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comes to fruition. He commented on separation from Hoffman. Mr. Brown indicated connection out to East Hudson Boulevard, Sabra Street, and a proposed connection to Windyrush Lane complying with connectivity policy to stub to existing stub streets. He displayed a summary of staff and community meeting feedback. He displayed example renderings while explaining architectural commitments. Lastly, he summarized their proposed commitments.

Commissioner Wilson asked if there were any signed up to speak against the rezoning request and Chairperson Goode replied that two people were signed up in opposition.

Chairperson Goode recognized Mr. Michael Lands, 1821 Windyrush Lane of Gastonia, NC. Mr. Lands is opposed to the request. Mr. Lands stated he did not receive a public hearing notice. He asked why the rezoning needs to change from RS-12 to RS-8. With the connection to Windyrush Lane, he was concerned about increased traffic, noise and safety to the quiet neighborhood. Mr. Thompson briefly explained thresholds in the Unified Development Ordinance (UDO) in terms of number of units and also fire code. When reaching a certain number of units, this triggers additional requirements for additional access points for various reasons, such as emergency response or traffic dispersion. It was Mr. Thompson's understanding that Windyrush Lane was built with the intent to connect to adjacent land and roadway and not a permanent cul-de-sac. Mr. Lands replied that this may be true and he restated his concern for the increased traffic. He asked the commission to oppose the request and to allow the developer to build with the current zoning.

Chairperson Goode recognized Mr. Eric Lensgraf, 2822 Meeting Street of Gastonia, NC. Mr. Lensgraf asked if it was confirmed in writing that development would not occur past the power line. Chairperson Goode briefly explained that a rezoning request would have to be presented to the commission. Brief discussion ensued on where the zoning for the parcel will apply. Mr. Lensgraf inquired if the undeveloped area of the parcel was amenable to build. Chairperson replied that this inquiry may be answered later. Mr. Lensgraf stated he was concerned about the rezoning and the possible development of more buildings in the future near his location. Brief discussion ensued on the creek, 50 and 100-year flood zone. Mr. Brown stated most of the area was in a floodplain and would possibly never be developed. He continued that if Shea Homes develops, the area will be dedicated to their HOA and not be developed, and if the greenway is developed the dedication would be made to the City or County. The proposed conditional zoning does not have entitlements for development in the area.

Commissioner Wilson asked how many homes were in this area and Mr. Lensgraf replied that there were about thirteen homes. Commissioner Wilson shared the ability to use the nearby road as a cut-through.

Discussion ensued on the main entrance on Hudson Boulevard, two-lane entrance, possible signal based on a TIA study, right turn at curb cut, and future turn lanes. Mr. Brown introduced Eddie Moore, Civil Engineer with McAdams Co., 4340 Toringdon Way of Charlotte, NC. Mr. Moore commented that an existing left turn lane is at the main intersection of the controlled access road, Hudson Boulevard, and a dedicated right turn will be determined by the TIA study.

Mr. Thompson explained the difference between RS-12 permitted use by right and a RS-8 with conditions per Commissioner Ferguson's request. Brief discussion ensued on the intent of Windyrush Lane and its connectivity, as well as the connection to Windyrush Lane as a requirement of the connectivity policy no matter if it is zoned RS-12 or RS-8. Mr. Thompson also shared that it might be possible through a zoning condition to eliminate the connectivity based on the Planning Commission. Ms. McMakin stated Windyrush Lane was built with Hudson improvements and that it is a full access with a left turn lane. Google street view was displayed. Ms. McMakin showed where the street light would be potentially installed if determined by NCDOT and the TIA study.

Commissioner Cinq-Mars inquired about sidewalks on the new residential streets. Ms. McMakin stated the applicant is proposing the 50 ft. standard residential cross section that includes 4 ft. sidewalks on each side of the street.

Commissioner Fleeman made a motion to close the public hearing and approve the request as presented with the statement of consistency and reasonableness based on the proposed conditions, and he felt RS-8 was a good move, a significant amount of the property would be undeveloped around the creeks and floodplain avoiding stormwater problems, and this project creates a nice

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addition to the community. Commissioner Stewart seconded the motion. The motion was approved (8-0).

**Item 3: Public Hearing – Stephen Drake, Broadcraft Construction (File #9411)**

Subject hearing involves a request to rezone approximately 8.12 acres from 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 on the west side of Gaston Day School Road. The property is owned by Charles D. Gray III.

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

Ms. McMakin began by displaying the Google street map and then the zoning map. She summarized the site description and background provided in the staff report. She noted existing flood plain on the north side of the property as indicated on the site plan. The applicant is requesting RMF CD (Multi-family Residential Conditional District) to build an independent living center for seniors. She mentioned Mr. Drake was part of the team that built The Villas at Union Trace, as well as the Lofts at Union Crossings. She stated the applicant provided a site plan, rendering, and examples. Ms. McMakin stated the three story development would provide 84 units comprised of 33 one and 51 two bedroom apartments. She referred the commissioners to page 3-7 of the agenda for a summary of amenities. Ms. McMakin stated this project has curb, gutter and sidewalks along the road frontage. The Future Land Use Map in the 2025 Comprehensive Plan shows the subject property as appropriate for residential use. Six proposed zoning conditions were provided by staff and agreed upon by the applicant. Staff recommended the request be approved as presented.

Chairperson Goode recognized Mr. Stephen Drake, 195 Rockbridge Road of Mills River, NC. Mr. Drake is the president of Broadcraft Construction, partner with WDT Development, and the applicant. He shared that his company specializes in providing affordable senior housing. He shared an update with The Villas at Union Trace. He noted the proposed number of units, age restricted community for seniors fifty years of age and older, Gaston County as a high income county, services and amenities. Mr. Drake stated the reason to build was to help diminish the demand for affordable senior housing plus this was a great location for this type of development. He asked the commission to approve the rezoning.

Chairperson Goode inquired about a timeframe and Mr. Drake stated this is a NC Housing Finance Agency Low Income Housing Tax Credit property and they will know around mid-August if it is awarded. Closing would occur around February or March of next year, then twelve to fourteen months to build, and five to six months to occupy. Chairperson Goode asked if the layout is similar to previously approved projects and Mr. Drake stated the units will be very similar, but the site will change the shape of the building. Commitments were briefly mentioned between Chairperson Goode and Mr. Drake.

Commissioner Cinq-Mars inquired about any topography problem and Mr. Drake replied that they will have enough land to develop the building, parking lot and provide a landscape buffer.

Commissioner Cinq-Mars made a motion to approve the request with the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion. The motion was approved (8-0).

Chairperson Goode recognized Commissioner Stewart as departed prior to the vote. Commissioner Fleeman commented on how Commissioner Stewart's vote will be considered for this item and the remaining votes.

**Item 4: Public Hearing – KRP Investments, LLC (File #9412)**

Subject hearing involves a request to rezone approximately 6.28 acres from C-2 (Highway Commercial District) and RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) to RMF CD (Multi-family Residential Conditional District). The subject property is located to the west of Clyde Street and north of West Hudson Boulevard. The property is owned by Usmani Holdings, LLC.

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

Ms. McMakin began her presentation with displaying a Google street map and shared adjoining properties and land use trends. She displayed the zoning map and indicated where the access point is off of Clyde Street. She stated that the only entrance proposed is located off of Clyde Street. She provided the site description and background as presented in the staff report. Ms. McMakin stated this will be a NC Housing Finance Agency Low Income Housing Tax Credits project. The request is for 3 three-story buildings with a combination of 13 one-bedroom, 35 two-bedroom, and 36 three bedroom units for a total of 84 units. Ms. McMakin explained the available public facilities. Five proposed zoning conditions were provided by staff. The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial use for the subject property and properties along W. Hudson Boulevard. The subject property and adjacent zoning is largely comprised of C-2 zoning. Ms. McMakin displayed and explained the Apartment Projects in Gastonia map on page 3-10 of the agenda. She noted that the colors for Assisted Family and Assisted Senior were in error on the map. She continued that this project is within the census tract and not consistent with the adopted City's policy on assisted housing. The number of units exceeds what the housing policy considers to be maximum number. Staff recommended the request be denied as presented.

Commissioner Gallant asked if there were any plans received to utilize for commercial use. Ms. McMakin stated that she had not received any inquiries personally, but staff has talked to other interested development teams in the past.

Commissioner Fleeman asked how egress and ingress will work with the kidney center and if this was a private or public road. Ms. McMakin stated upgrades would be needed if the road was not up to public street standards in order for it to be the connection point. She continued that this does have curb, gutter and sidewalks. Discussion ensued on who owned the road and Commissioner Wilson thought it was dedicated to the City. Commissioner Fleeman was concerned about who would maintain the road. It was determined that the applicant would be required through a right-of-way process to work with the Engineering department to meet city standards.

Chairperson Goode recognized Mr. Davis Ray with Wynnefield Properties, 5614 Riverdale Drive of Jamestown, NC. Mr. Ray explained that Wynnefield Properties would be the construction agent and property management agent and KRP Investments would be the developer. He stated the rezoning request and the breakdown of the 84 units. He shared that this would be an approximately 12.6-million-dollar investment with rents targeting incomes at or below 80 percent AMI (area median income) level. He stated his firm was local and specialized in development, construction and management. He shared recent successes and gave a brief background of the firm. He stated the construction materials used and architectural details. Preliminary plans were submitted and they are open to recommendations to improve the entrance portion, as well as, a traffic signal at Hudson.

Chairperson Goode asked if they owned the property and Mr. Ray stated they have an option to purchase the property. She asked who the current owner is and Mr. Ray replied that the current owner is Usmani Holdings, LLC.

Commissioner Ferguson asked if the property was being actively marketed and Mr. Ray stated it was not listed publicly and was being handled privately. Commissioner Ferguson commented on the preliminary issues from the city standpoint and asked if they would be willing to decrease the number of units. Mr. Ray replied that they would be amiable to this, but would have to determine if it was financially viable.

Clarification occurred on the ownership of the property. Ms. McMakin stated Usmani Holdings, LLC purchased the property in April of 2017.

Brief discussion ensued between Commissioner Cinq-Mars and Mr. Ray on the site constraints of the power line easement.

Commissioner Gallant asked if reducing the number of units would have an impact on staff's decision. Ms. McMakin stated the number of units was a part of what was inconsistent. The location was inconsistent with the policy and the 2025 Comprehensive Plan shows this area to be

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developed for commercial use. Based on staff discussions, the recommendation would still be a denial.

Discussion ensued on whether or not Commissioner Wilson, who currently serves on the Commission, would have to recuse himself from this item. Clarification occurred on what parcels Commissioner Wilson owned, Gaston County tax records were used for notifications, and that Commissioner Wilson did not own the exact subject parcel, was immediately adjacent to the parcel, or had a direct financial interest so he was not required to recuse himself.

Brief discussion ensued needing stimulus as commercial or residential for this area in the city.

Commissioner Ferguson made a motion to close and the public hearing and Commissioner Fleeman seconded the motion. The motion was approved (8-0).

Commissioner Ferguson stated the City of Gastonia needs affordable housing. She stated what was inconsistent with the Future Land Use Map in the 2025 Comprehensive Plan and adopted City's policy on assisted housing. She commented on the number of units, location, census tract, and the property not listed on the market to gage interest within the current zoning.

Commissioner Gallant stated he felt there was no commercial interest now or possibly ten years from now.

Commissioner Wilson shared an example of commercial outparcels price decreases. He stated this project would be a major jumpstart to this area.

Commissioner Fleeman shared that someone needs to own this entry, maintain it and explained his reason. His example was road damage from heavy traffic over a period of time and no one responsible to maintain the street. He was concerned of the road not being built to city standards, unknown ownership of road, and the uncertainty of who would maintain it.

Commissioner Gallant agreed with Commissioner Fleeman's concern and commented that the 84 units probably would not be feasible. He commented on having something more amiable and suggested this case be reconsidered. He stated this was zoned for commercial; however, there are opportunities to put affordable housing in a lot being utilized and to take an opportunity when it is available.

Chairperson Goode stated she would like more information on the road before making her decision.

Discussion on the motion occurred.

Commissioner Cinq-Mars made a motion to table this item until next month to get questions answered. Commissioner Fleeman seconded the motion. Clarification occurred on the motion by Commissioner Fleeman and it was determined the meeting needed to be reopened. Commissioner Fleeman withdrew his second motion and Commissioner Cinq-Mars withdrew his motion. Commissioner Fleeman made a motion to reopen the public hearing and Commissioner Cinq-Mars seconded the motion. The motion to reopen the public hearing was approved (8-0). Commissioner Cinq-Mars made a motion to table this item to get answers to be developed in discussion and Commissioner Fleeman seconded the motion for the purpose of discussion. Answers were needed for a traffic study, what is happening with the road (ownership) and if there will be a counter proposal on the number of units. Ms. McMakin stated that a traffic study was not required according to the city's policy; therefore, staff would have to ask the applicant if they would be willing to initiate a traffic impact analysis based on all the questions. Attorney Graham commented that the applicant would also have to consent on the number of units. He continued that staff can ask these questions and give a response as to whether the owner is amiable to doing these requests. In the meantime, staff can research the actual ownership of the road. Commissioner Ferguson stated she opposed to tabling because she felt she had the information needed to make her vote. The motion was approved 6-2 (Ferguson, Wilson).

**Item 5: Public Hearing – Kent Olson, Development Solutions Group, LLC (File #9313 Revised)**

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Subject hearing involves a request to revise a rezoning of approximately 31.9 acres from C-3 CD (General Commercial Conditional District) to C-3 CD (General Commercial Conditional District). The subject property is located on the southwest corner of N. Chester Street (Hwy 321 N) and Bulb Avenue. The property is owned by John D. Glenn Heirs and Jerilyn Glenn Davis.

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

Ms. McMakin stated this item was voted on at the December 2019 meeting. In the C-3 CD, the request is to modify condition number one to decrease the commercial square footage to 150,000 sq. ft. (down from 200,000 sq. ft.) and increase the number of apartments from 100 units up to 250 units. The request is also to remove the requirement that the apartments are located on the upper floors with retail being the base floor, and instead the apartments would be stand-alone buildings. She noted the Gateway Corridor overlay district. She referred to the proposed zoning conditions in the staff report and commented that the strikethrough and underlined items were revisions. Ms. McMakin displayed perspectives from Bulb Avenue and Hwy 321 N and a product example provided on agenda page 5-5 and 5-6. Staff recommended approval of the request as presented.

Commissioner Cinq-Mars asked if there were only two changes. Ms. McMakin also noted proposed zoning condition #6.

Chairperson Goode recognized Mr. Kent Olson with Development Solutions Group, LLC, 11121 Carmel Commons Boulevard of Charlotte, NC. He thanked the commission for allowing him to speak to them. He shared that he was excited about the minor modifications and the success at the December meeting. Mr. Olson received feedback that retail is needed and this area is an opportunity zone. He commented that Northglenn could embody all that opportunity zones are meant to achieve, such as revitalize neighborhoods, new life in neighborhoods, and provide long lasting improvement for quality of lives. He continued that rooftops were needed to support retail and Northglenn was 58 acres of mixed-use development. Mr. Olson explained the original plan including challenges of 80 acres nearby owned by the Barkleys that was undevelopable for his proposed use. He is working with Economic Development groups from the City of Gastonia and Gaston County.

Commissioner Cinq-Mars asked if the Barkley property was out of the picture and Mr. Olson replied that it was not in the picture. Commissioner Cinq-Mars referred to property number 9 on the zoning map and asked if this was out of the picture and Mr. Olson replied that he was correct. Commissioner Cinq-Mars inquired if property number 8 on the zoning map was out of the picture and Mr. Olson replied stated this was progressing very well with their single-family attached. Brief discussion ensued on the topography of property number 8 on the zoning map and its future panoramic views it will offer.

Commissioner Fleeman made a motion to approve the request with the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion. The motion was approved (8-0).

**Item 6: Public Hearing – Amending the Unified Development Ordinance (File #9436)**

Subject hearing involves a request to amend the Unified Development Ordinance by amending Chapter 6 Zoning Districts, Table of Uses 7.1-1 from Chapter 7 Use and Building Lot Standards, and utilizing the reserved Section 8.1.12 of Chapter 8 Supplemental Use Regulations to provide options for certain developed and undeveloped single family lots that meet various infill provisions.

This item will be heard by the Gastonia City Council on Tuesday, March 17, 2020 in the Public Forum Room at the Gaston County Courthouse.

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

Mr. Thompson explained why Mr. Demetri Baches was absent this evening. He stated there were two items as part of this amendment. Mr. Thompson began with the first part of the amendment. The duplex use is currently set up as a type of duplex unit that is predominately a ranch style building split into two habitable spaces on one lot and primarily intended as rental units. He

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explained the defined term for the proposed Dwelling, Single-Family Attached, Two-Unit. This dwelling unit would be attached by one wall, independent driveways, independently served by utilities and meters, and on individual lots. This would allow use by right on corner lots in districts listed Table 7.1-1 – Table of Uses on agenda page 6-2.

Commissioner Cinq-Mars gave an example of a duplex he lived in (one floor was a three-bedroom unit, second floor was a three-bedroom unit, and the basement was shared). He asked if there was anything that describes the allowance of his example. He suggested continuing the use of the word duplex even it is in a parenthesis in the table. Mr. Thompson stated this proposal does not remove the use Duplex. Both types of approaches would be allowed. Commissioner Cinq-Mars restated his example. Mr. Thompson shared a scenario where Commissioner Cinq-Mars example would be permissible having both units require their own individual exterior access and not accessible from inside. Mr. Thompson shared that staff is currently working through the nuance as part of the detail work. Brief discussion ensued.

Chairperson Goode stated the commission needed to go ahead and consider.

Referencing RS-8 and RS-12, Commissioner Fleeman inquired about what meets zoning requirements, if the units put together on two separate deeded lots or the basic building. Mr. Thompson replied that this would be handled the same as a townhome development in the supplemental regulations. The reference in the code is that there is no minimum lot size requirement.

Brief discussion ensued on the zoning districts that permit the use Dwelling, Single-Family Attached, Two-Unit, and how a corner lot could be divided and deeded.

Mr. Thompson stated with the steady increase of interest in small center city lots, the goal of the second part of this proposal is to make irregularly shaped lots buildable. This would allow the continuation of being able to reinvest in the center city area.

Commissioner Cinq-Mars made a motion to approve (move forward a favorable recommendation) and Commissioner Ferguson seconded the motion. The motion was approved (8-0).

**Item 7: Other Business**

Mr. Thompson inquired about having a special meeting scheduled on Thursday, March 19<sup>th</sup> at 5:30 p.m. The consensus was to move forward with this date and time.

**Updates on Council Votes:**

- Ordinance to Amend Table 2.7.1 - Defined Terms of Chapter 2, Table 7.1-1 Table of Uses of Chapter 7, and subsections of Chapter 8 Supplemental Use Regulations to the Unified Development Ordinance to add and amend Definitions and Standards was approved by City Council at their Tuesday, February 18<sup>th</sup> Gastonia City Council meeting.

**Representative for March 17<sup>th</sup> City Council Meeting (if needed):**

The decision was made that a representative would not be needed.

There being no further business, Chairperson Goode adjourned the meeting at 7:52 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Pam Goode, Chairperson