

**Gastonia Planning Commission**  
**June 6, 2019 Minutes**

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Vice-Chairman Cinq-Mars declared a quorum and the Gastonia Planning Commission meeting opened at 5:36 pm on Thursday, June 6, 2019, in the Council Chamber at City Hall.

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

Absent: Chairperson Pamela Goode

Staff Members Present: Ash Smith, City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Rusty Bost, Quentin McPhatter, Assistant City Attorney; and Chrystal Howard, Secretary

A moment of silence was led by Vice-Chairman Cinq-Mars in honor of the 75<sup>th</sup> anniversary of D-day. He also led the audience in the Pledge of Allegiance.

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

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

Commissioners stated there were no contacts.

**Item 1c: Approval of May 9, 2019 Meeting Minutes**

Commissioner Fleeman made the motion to approve the March 7, 2019 minutes as written and Commissioner Stewart seconded the motion. The motion was unanimously approved (7-0).

Vice-Chairman Cinq-Mars explained the rules of procedure and time limitations.

**Item 2: Public Hearing – Craig Baucom (File # 9228)**

Subject hearing involves a request to consider a conditional use permit for approximately 5.47 acres. The property is zoned I-2 (General Industrial District). The subject property is located at 121 Shannon Bradley Road. The property is owned by Myrtle H. Powell.

Vice-Chairman Cinq-Mars stated because of the quasi-judicial format of this hearing persons wishing to speak and offer evidence are required by North Carolina law to be sworn in. Ms. Howard administered the oath.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin stated this conditional use permit request was filed by Mr. Craig Baucom for his business located at 121 Shannon Bradley Road. Ms. McMakin displayed the aerial photo and zoning map as presented in the agenda. She explained this building was existing, as well as the parking areas. This is a signalized intersection with Shannon Bradley Road and W. Franklin Boulevard. She explained the main driveway, two access points from Shannon Bradley Road, and the existing loading and parking area. Ms. McMakin briefly explained that a conditional use permit is required to allow an indoor flea market with supplemental regulations in the I-2 district and this use would be comprised of several individual vendors. She continued that Mr. Baucom retained an architect for ideas on utilizing the mercantile portion of the property and the reason for the conditional use permit request. Staff recommends the request be approved as presented.

Commissioner Epstein asked why a conditional use is required if an indoor flea market is permitted by right with supplemental regulations. Ms. McMakin stated it was not only regulated by supplemental regulations, but several uses require an additional step by the conditional use permit. Supplement requirements and the conditional use permit process was explained.

Vice-Chairman Cinq-Mars asked if the property will need additional parking spaces and Ms. McMakin replied that the applicant supplied information that he is able to meet parking regulations; however, striping will need to be completed.

No further questions were asked by the Commissioners.

Vice-Chairman Cinq-Mars recognized Mr. Craig Baucom, 403 N. Inman Avenue of Bessemer City, North Carolina. Mr. Baucom is the applicant and he explained his involvement in collecting and selling of items. He continued that it has been a passion and dream of his to own his own place. Mr. Baucom stated his business will be an antiques flea market. Saturdays would probably

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be the busiest day of the week. He stated the reasons for this space are to help provide his friends with a space to sell, hire people who need work, bring people into the city and county, increase income, as well as, increase tax base. He thanked the Commissioners for the opportunity to speak and asked if they had any questions or concerns.

Vice-Chairman Cinq-Mars asked if he had any concerns about the adjacent junk yard and Mr. Baucom replied that the vehicles were removed from the location several months ago.

Commissioner Epstein asked Mr. Baucom if he knew what the previous business was and Mr. Baucom replied that the latest use was a Warehouse and prior to that was a machine shop.

No further questions were asked by the Commissioners.

Vice-Chairman Cinq-Mars recognized Mr. Speight Bird, 107 Canterbury Drive of Kings Mountain, North Carolina. Mr. Bird is in favor of the request and provided his history with antiquities. He stated the potential is to become something similar to first class facilities in Hendersonville, NC or Pickens, SC, which are well known in the antique world.

No questions were asked by the Commissioners.

Vice-Chairman Cinq-Mars recognized Mr. David Fields and Mr. Fields declined speaking.

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

No discussion ensued.

Commissioner Epstein made a motion to approve the request as presented and Commissioner Stewart seconded the motion. The motion was unanimously approved (7-0).

### **Item 3: Public Hearing – Joseph Kass (File # 9229)**

Subject hearing involves a request to zone (in conjunction with annexation request File 9216) approximately 10.31 acres from RMF (Gaston County, Residential Multi-family) to RMF CD (City of Gastonia, Residential Multi-family Conditional District). The subject property is located on the south side of E. Hudson Boulevard across from Efird Street. The property is owned by C & C Investments, Cann Builders, and LL Ratchford Family LP.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin stated this request is an annexation and recommendation to forward to City Council on the assignment of zoning. Ms. McMakin displayed and briefly explained the zoning map and the applicant's request. She stated the subject property for this zoning request is for a portion of one tax parcel (tax parcel 139199) totaling approximately 10.74 acres and the overall tract is 26.36 acres. The applicant's request is to assign the RMF CD (Residential Multifamily Conditional) zoning district. The property is currently in Gaston County's jurisdiction and in October 2018 it was rezoned to RMF (Gaston County, Residential Multifamily). This request is for an apartment complex for three, three-story buildings and one, two-story building with a maximum of 80 units. There is one access point located off of E. Hudson Boulevard across from Efird Street. The project has been allocated a reservation of NC Housing Finance Authority Low Income Housing Tax Credits. Ms. McMakin displayed and briefly explained the site plan. She displayed elevations as presented in the agenda. Ms. McMakin summarized the proposed zoning conditions. The Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the subject property and surrounding properties. Staff recommends that the request be approved as presented and this recommendation would be presented to City Council with the annexation public hearing on Tuesday, June 18<sup>th</sup> at the Gaston County Courthouse.

Commissioner Epstein inquired about two ingress and egress instead of the one on E. Hudson Boulevard. Ms. McMakin replied that two ingress and egress connections were not presented to staff and referred the question to the applicant. She added that the Fire Marshall completes this review as part of the staff review process and no comment was made of an additional access.

Vice-Chairman Cinq-Mars read, "However, the number of units is higher than the maximum per site recommended by the policy." from the staff report on page 3-1 of the agenda, and requested

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clarification. Ms. McMakin explained the Assisted Housing Policy staff refers to includes tax credit projects. Mr. Thompson stated the policy was handling two separate components. The geographic component by census tract was aimed at preventing clustering of different projects of this type of assisted living in certain geographic areas. Also, in order to prevent projects that are two large 25 units or below are preferred by the policy and projects 50 units or above are not preferred by the policy. Mr. Thompson shared past history of decisions made by the Planning Commission and City Council. He reminded the Commission that the policy is not part of the ordinance and the vote to be made will be based upon a land use decision. Brief discussion ensued on the policy.

Commissioner Epstein asked if staff received any calls and Ms. McMakin replied that she had not been contacted.

Commissioner Cinq-Mars commented that he did not see a posted sign located on Hudson Boulevard. Ms. McMakin replied that signs were posted, but may have been moved for mowing. Staff will make sure signs are signs are posted if any were removed.

No further questions were asked by the Commissioners.

Vice-Chairman Cinq-Mars recognized Mr. Joseph Kass, 227 Asbury Avenue of Greenville, South Carolina. Mr. Kass thanked the Commission for their time and then provided a brief history on the property. He explained neighboring properties and supporters of the request. He stated access, turn lanes, traffic, neighborhood, surrounding environment, middle class area, and economic signs of activity and growth are positives for this location. Mr. Kass continued that he felt that this project fits in with the character on E. Hudson Boulevard, as well as, a fantastic addition from an economic and demographic perspective. The main motivation to annex was based on water and sewer rates and he briefly explained their savings long term through annexation. Mr. Kass commented that this development will look like the existing development in downtown Clover, South Carolina. He finished his presentation by briefly explaining the profile of the tenants. He asked the Commission if they had any questions.

Commissioner Epstein inquired about ingress and egress at multiple locations. Mr. Kass replied that feedback had not been received from NCDOT or other stakeholders. An easement with the owner that will be purchasing the property would be needed, as well as, involvement with NCDOT for feasibility. The entire parcel is an undivided twenty six acres. Two separate contracts exist with related entities, but slightly different groups of investors. Commissioner Epstein commented that it seemed reasonable to have another ingress and egress at the back of the property. Commissioner Ferguson stated with Neal Hawkins being a two lane road, she felt it would safer to have one entrance on E. Hudson Boulevard with a four lane and divider in the middle. Mr. Kass summarized that the traffic study resulted as low traffic. Commissioner Stewart commented that the entrance is after the median.

No further questions were asked by the Commissioners.

Commissioner Stewart made a motion to approve (forward a favorable recommendation) the request as presented with the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion. No discussion ensued. The motion was unanimously approved (7-0).

Statement of consistency and reasonableness (motion to approve): The proposed zoning is consistent with the 2025 Comprehensive Plan and will result in the potential development of a residential use and is consistent with the current RMF zoning of the property in Gaston County. The Planning Commission considers an affirmative vote to be reasonable and in the public's interest.

Brief discussion ensued on an annexation recommendation.

### **Item 4: Public Hearing – Reliable Investment (File # 9230)**

Subject hearing involves a request to rezone approximately 2.1 acres from C-1 (Neighborhood Commercial District) and UMU (Urban Mixed Use District) to C-2 CD (Highway Commercial Conditional District). The subject property is located on the east side of S. Broad Street (412 S. Broad Street). The property is owned by Honey Properties, Inc.

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Vice-Chairman Cinq-Mars opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin stated this is a rezoning request for the property located at 412 S. Broad Street. Ms. McMakin displayed and briefly explained the aerial photo and zoning map as presented in the agenda. The parcel containing the building and parking to the rear is zoned C-1 (Neighborhood Commercial District) and the adjacent parcel comprised of parking is zoned UMU (Urban Mixed Use District). There are three existing driveways located along S. Broad Street. The building is vacant and needs improvements. The applicant has submitted a rezoning request to rezone to the C-2 CD (Highway Commercial Conditional District) to allow C-2 uses including but not limited to moving and storage and this would include interior self-storage. The ground floor would be one of the uses in the C-2 district, and all uses in C-2 will be permitted except those removed by the applicant presented in the agenda. The additional paved parking will be utilized for oversized vehicles such as food trucks, recreational vehicles, and moving trucks. The parking area would be screened with buffering. Ms. McMakin provided description of adjoining properties and zoning. The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial and residential use for the subject property. Staff recommends approval of the request.

Vice-Chairman Cinq-Mars asked if there was a loading dock on the backside of the building and Ms. McMakin referred the question to the applicant.

Commissioner Epstein asked if the oversized vehicles would be in the side lot or behind the building and Ms. McMakin answered that the vehicles would be behind the building. Commissioner Epstein stated that the vehicles would not be visible from Broad Street and Ms. McMakin agreed. She stated to her understanding that one of the zoning conditions was worded to make sure the side lot would be used for customers and easy access to the office and oversized vehicles would be in the rear with a possible gates for safety.

No other questions were asked by the Commission.

Vice-Chairman Cinq-Mars recognized Mr. John Doster, 3749 Stoneycreek Court of Gastonia, North Carolina. Mr. Doster thanked the Commission for their time. He stated that the Southern Bell building has been vacant for a long time, and due to how it was built, it would not be an easy one to make work. It would be very expensive to tear down. Mr. Doster clarified that all three stories would be used for moving and storage with the upper levels as a future project. Rear parking would be screened from residential. He asked the Commission if they had any questions.

Mr. Thompson commented that the way this building was constructed it is difficult to make anything work. Mr. Doster commented that the building was basically a parking deck with the top floor as a call center.

No questions were asked by the Commissioners.

Commissioner Stewart made a motion to approve the request as presented with the statement of consistency and reasonableness and Commissioner Fleeman seconded the motion. No discussion ensued. The motion was unanimously approved (7-0).

Statement of consistency and reasonableness (motion to approve): The proposed rezoning is consistent with the 2025 Comprehensive Plan and is in harmony with the current zoning and development in proximity of the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

### **Item 5: Public Hearing – Amending the Unified Development Ordinance (File # 9249)**

Subject hearing involves a request to amend the Unified Development Ordinance by deleting Subsection 5.11.2.C.5 under Procedures and replacing Subsection 5.18 Protest Petition with Transportation Impact Analysis to define and provide reference to a new TIA (Transportation Impact Analysis) Policy.

This item will be heard by City Council on Tuesday, June 18, 2019 at 6 p.m. in the Public Forum Room of the Gaston County Courthouse.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Mr. Rusty Bost, PE, Director of Development Services for the purpose of staff presentation.

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Mr. Bost stated the Traffic Impact Analysis (TIA) policy is briefly mentioned in the Planned Residential Development (PRD) section of the Unified Development Ordinance (UDO) and there is no real requirement other than North Carolina Department of Transportation (NCDOT) requirements for when a TIA is done. Mr. Bost gave an example of a new site development as a by-right construction that would not trigger NCDOT requirements or TIA. Staff reviewed how traffic is handled, formalized the process, and included some goals. First step is transparency to have the process be apparent. Next, the study would be thorough for citizens to have faith and trust in the work done. Lastly, improve upon the efficiency on how this is handled. Staff researched twenty other jurisdiction's TIA policies and their criteria, such as thresholds that trigger a TIA, when are the peak hours, how mitigations are handled, what types of signalizations criteria, and warrants. Staff found the following in common; one thousand new trips per day or one hundred trips per peak hour is the trigger for most municipalities and NCDOT is three thousand trips per day and nothing about peak hours, intersections were analyzed within a mile radius of the site, mitigations are only required based on the impact directly attributable to the development, and when trip forecasting, it was common to adopt the Institute of Transportation Engineers' (ITE) criteria for how they calculate trips. Staff found the following different; peak hours, bike/pedestrian considerations, expiration date on traffic data, basis for the mitigation, such as level of service, delay, and/or queuing. The proposed TIA ordinance is simple and three paragraphs. If an applicant applies to the City of Gastonia to do certain things, he/she will have to do a TIA per a policy that will later be adopted by City Council allowing for adjustment flexibility. The policy document contains two sections, administrative and engineering criteria. Mr. Bost explained the new method versus the existing traditional method and who has adopted it.

Commissioner Epstein asked who the consultant works for and Mr. Bost replied that the consultant works for the City. Commissioner Epstein shared an issue the board comes across and Mr. Bost stated another issue is the review cycles generated from software.

Mr. Bost continued with mitigation requirements specific to the City of Gastonia, school district peak hour study, Franklin Square peak hour study, queue length greater than fifty feet, volume to capacity ratio and speed.

Commissioner Epstein inquired about street parking and Mr. Bost replied that street parking would be accepted.

Commissioner Ferguson shared her appreciation for all the work staff does with preparing for the surge of development. She liked the pressure being removed from the Commission on trying to figure out traffic with minimal information during rezoning requests.

Brief discussion ensued on consultant selection process.

Commissioner Ferguson made a motion recommending adoption of the draft ordinance and removal of Section 5.11.2(c) (5) by Council and Commissioner Epstein seconded the motion. No discussion ensued. The motion of recommendation unanimously passed (7-0).

### **Item 6: Public Hearing – Amending the Unified Development Ordinance (File # 9250)**

Subject hearing involves a request to amend the Unified Development Ordinance Chapter 2 Definitions and Section 7.6.5 Urban Standards Overlay to provide provisions for redevelopment of existing large commercial sites.

This item will be heard by City Council on Tuesday, June 18, 2019 at 6 p.m. in the Public Forum Room of the Gaston County Courthouse.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Mr. Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

Mr. Thompson explained the three components for redevelopment of existing C-3 zoned properties. The City of Gastonia has aging commercial sites in various areas of the community and staff is thinking about the potential for redevelopment and how beneficial redevelopment is to any community. He stated larger commercial site redevelopment often times isn't a brand new big box shopping center or mall. It is often times mixed use or mixture of residential, office and other types of development. This amendment is to come up with a method to facilitate extraordinary beneficial redevelopment projects to see these happen. The bulk of the larger sites twenty acres or more in size are zoned C-3 (General Commercial District). The shopping center zoning district has development standards that do not always facilitate well. The C-3 zoning

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district does not allow multi-family or mixed-use dwelling type developments. This proposed ordinance is aimed to change this while remaining subject to all the same supplement regulations, and give flexibility to allow larger sites to integrate some housing. As a result, this will allow the remainder of the redevelopment to work with the population base on to the large site. The second part of the proposed ordinance is to require the developer to agree in order to get an approved development agreement with the City of Gastonia to be approved by City Council. Mr. Thompson briefly explained the complex agreements to make this work. Lastly, an approved Development Agreement supersedes the base C-3 zoning provisions.

Commissioner Epstein asked about the land use designation that was for large undeveloped pieces of property that was mixed use. Mr. Thompson stated it was Traditional Neighborhood Development (TND). Commissioner Epstein referred to the TND as a smaller scale with the exception of being on existing C-3 designations instead of large open tract of land. Mr. Thompson commented that one of the key differences typically with large scale TND is it works very well with a green field site. He continued that more complications are involved with redevelopment proposals. While this change is simplistic, the development agreement can get very detailed. Examples were shared, such as the old Midtown Mall site in Charlotte and brief discussion ensued.

Commissioner Armstrong inquired about examples of existing structures that would benefit from this proposal. Mr. Thompson mentioned Akers Shopping Center, Dixie Village, Eastridge Mall, portions of Franklin Square as they age out.

Commissioner Fleeman was not in favor of contract zoning. He stated a development agreement is a voluntary contract and the Commission is rezoning based on voluntary contract. Attorney Smith stated development agreements are specifically authorized by North Carolina statute. Ms. McMakin commented that the sites would not include a rezoning component since they have to be existing C-3. Commissioner Fleeman replied that the conditions would change by contract and not by public hearing and vote. Attorney Smith reiterated his statement. Commissioner Fleeman stated there is a potential for huge amount of abuse.

Commissioner Epstein made a motion recommending adoption of the draft ordinance as written to Council and Commissioner Stewart seconded the motion. No discussion ensued. The motion of recommendation passed (6-1 Fleeman).

**Item 7: Other Business**

Mr. Thompson stated the following public hearing will be presented at the June 18<sup>th</sup> City Council meeting:

- Public Hearing – C4 Investments, LLC (File # 9208)
- Public Hearing – Joseph Kass (File # 9229) in conjunction with annexation request File # 9216.
- Public Hearing – Amending the Unified Development Ordinance (File # 9249)
- Public Hearing – Amending the Unified Development Ordinance (File # 9250)

Commissioners Armstrong and Ferguson will attend the June 18th City Council meeting as representatives. Brief discussion ensued on the order of business at a City Council meeting. Staff will send a reminder.

The Commission decided on Monday, July 22, 2019 at 5:30 p.m. as their scheduled special meeting for the final review of the Residential Development Standards and a pass a recommendation to City Council to adopt the standards into the ordinance.

There being no further business, Vice-Chairman Cinq-Mars adjourned the meeting at 7:20 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Pam Goode, Chairperson