

Gastonia Planning Commission
July 22, 2019 Minutes

Chairperson Goode declared a quorum and the Gastonia Planning Commission Special meeting opened at 5:36 pm on Thursday, July 22, 2019, in the Council Chamber at City Hall.

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

Absent: Commissioner Bob Biggerstaff and Anthony Gallant

Staff Members Present: Charles Graham, Assistant City Attorney; Jana McMakin, Senior Planner; Quentin McPhatter, Assistant City Manager; and Chrystal Howard, Secretary

Chairperson Goode recognized reappointed Commissioner Cinq-Mars and Commissioners Stewart and both were sworn in by Ms. Howard.

Item 1a: Role Call / Sound Check

Chairperson Goode explained the time limitations.

Item 2: Amending the Unified Development Ordinance (File # 9283)

Subject hearing involves a request to amend the Unified Development Ordinance by amending Section 6.2.6.A Other Districts from Chapter 6 Zoning Districts, Table of Uses 7.1-1 from Chapter 7 Use and Building Lot Standards, Chapter 13 Subdivisions and deleting Section 8.1.11 Planned Residential Development (PRD) and Section 8.1.12 Infill Residential Development from Chapter 8 Supplemental Use Regulations and replacing with a new Section 8.1.11 Revised Residential Development District to provide new standards for revised single-family residential options.

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

Ms. McMakin thanked the Commission for being present this evening. She briefly updated the Commission on Jason Thompson's family situation. Ms. McMakin stated one reason for having the July meeting was because staff understood from the May 1st workshop that this needed to move forward into the hands of City Council. Other reasons were not losing another month after having discussions on the new district and development options, receiving inquiries about development projects and proposals, plus cancellation of the July 4th meeting due to the holiday. Also at the time, the August 8th meeting was expected to have several regular meeting agenda items. This meeting gives everyone an opportunity to go over any questions and clarifications with Mr. Baches. At the May 1st workshop Mr. Baches talked about looking forward to the next three years with the City, his part with upgrades to the Unified Development Ordinance (UDO), illustrative plans, and social media aspect. This particular step is finishing what the group has been working on for several months a voluntary option. Existing *Section 8.1.11 Planned Residential Development (PRD) and Section 8.1.12 Infill Residential Development* from Chapter 8 Supplemental Use Regulations would be replaced with a new Section 8.1.11 Revised Residential Development District to provide new standards for revised single-family residential options. This would allow another option for an applicant to use and also infill opportunities for those interested in infill project. At this point to utilize this district, an applicant would need to go through a rezoning process. Nothing is being mapped or changed as far as zoning at this time. Ms. McMakin stated Mr. Baches was present this evening to answer any questions regarding the final draft. Staff is prepared to make any changes needed before it moves to City Council with a target date of August 20th.

Mr. Baches asked the Commissioners if they had any questions. He stated the initial offer started last year was to alleviate some issues arising from developers and designs coming in for single family residential only. He briefly talked about the overall upgrade to take place, but for now the focus is only on residential component outlined by Ms. McMakin. The work done by the Commission and staff would provide an immediate alternative for staff to introduce to people coming in to build subdivisions and that this was a very limited scope. Issues and concerns to be addressed will find a home and throughout the months changes, modifications, and upgrades will occur to the ordinance.

Commissioner Cinq-Mars stated he met with Mr. Baches prior to the meeting to talk about his questions and concerns. He proposed at the time of the vote to make comments and suggestions available to staff for review and input to the amendment.

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Commissioner Fleeman asked the Commission if they were ready to vote. Commissioner Stewart and Ferguson stated they were not ready to vote. The reason for him asking was having items to discuss and how the meeting should continue. Commissioner Cinq-Mars asked what was being voted on.

Ms. McMakin stated staff advertised in the newspaper and on the agenda, to be on the safe side, for a public hearing in the event that the Commission was prepared to approve. Ms. McMakin gave a tentative agenda update on upcoming meeting dates. She stated staff understands and does not want the Commission to make a recommendation if they are not ready and don't feel everything has been addressed. Ms. McMakin explained staff's advertising options if the Commission votes to continue the item to the next meeting.

Commissioner Stewart suggested having comments recorded and given to staff and Commissioners. Commissioner Cinq-Mars stated some of his suggestions are definitions. Commissioner Ferguson was looking forward to a presentation for more information because she did not know what questions she had yet. Assistant City Manager suggested having Mr. Baches provide an overview on the process or content.

Commissioner Fleeman stated he reviewed past meeting notes since 2018 that addressed this issue, but not to this depth. He doesn't understand how this is coming together and gave the example of *what does this do to something we have already done*. Brief discussion ensued amongst Commissioners that this draft was a summary of what has been worked on by the group.

Mr. Baches stated this was not layered, but there are two channels to be watched at the same time. The process was started by approaching at a minimal on how to provide an alternative code for City staff to offer to developers to do residential projects. The residential project product being developed was seen as subpar and the Commission and City Council did not want this to continue. He continued that the quickest way to resolve this was to provide a package that laid out how to develop a subdivision in a manner that would provide for a better quality outcome for single family residential only. In the process of developing these items it was realized that once one thing was changed it impacted another area of the code, and the need was to concentrate on only one area. He replied to Commissioner Fleeman that the code has always been very defined and tight. He stated that we haven't been layering, but basically talking about should the setback be this, do we want to supply street sections, do we want to understand and supply ideas and definitions of what open space might look like, and what would the categories be. He continued that it has been an additive process within a defined scope. The document presented has been refined in the setbacks, the numbers, labeled, terms, and there are still continuations to occur. Mr. Baches stated the engineering standards are not ready to be addressed yet because from the last scope staff has not been able to engage the Engineering department. Therefore the Engineering standards are still the same that he imported into this document. The eight foot zone of no parking from a driveway is a large area of no parking. Commissioner Cinq-Mars replied that it was half a car. Mr. Baches stated this was not the scope at the moment and the Engineering department would need to be engaged. The document is the same document seen all year and refined. This is a voluntary package available to offer a developer or applicant with new standards which may be part of the foundation for the next phase of work. He continued that this would not change any zoning or rezoning, but would be used as a new tool for staff to use. Commissioner Ferguson stated she felt better. Mr. Baches stated this is very precise text that is voluntary and the most effective way to get the larger effort moving forward. Mr. Baches continued that this is a module not impacting anything else in the ordinance and is voluntary. If an applicant or developer wanted to do a standard subdivision all the rules apply. He stated that Commissioner Fleeman's concern is valid in the future in terms of what would we be changing. These will be changes to the zoning ordinance that will require the City to match. Mr. Baches stated he would compile all the points addressed with many going into the next process. Commissioner Cinq-Mars asked Mr. Baches how he would like the Commission to proceed. Mr. Baches stated it would be best to collect for efficiency if the Commission is comfortable that this is a standalone and voluntary package and is a test case. He encouraged the Commission to vote to approve with a positive recommendation. He stated that once all the comments are collected, staff will correlate and use to move along with the next steps. Also if there is a numerous amount of comments that needs addressed, these items can be addressed at the next meeting.

Commissioner Ferguson stated she did not have anything written down and was okay with sending this to City Council since it is voluntary and not replacing or rezoning anything.

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Ms. McMakin provided a tentative schedule for the August 8th Gastonia Planning Commission meeting. Chairperson Goode suggested a continuation until the August 8th meeting then provide a decision. Brief discussion ensued on when to provide comments and finalize the package. Some Commissioners stated they felt that the special meeting was a workshop.

Commissioner Stewart inquired on the maximum building height of 30 feet on page 7 and asked who came up with that height. Mr. Baches replied that this was a fire department standard. Mr. Baches reminded the Commission that the Engineering requirements were beyond the scope and due to time he imported information.

Commissioner Fleeman agrees that time is of essence and there is a need to proceed. He asked how to make a mandatory review in October. His example was taking everyone's comments for the next 45 to 60 days to be condensed and then on a fixed date, items would be corrected. Attorney Graham reminded the Commission that this is a public hearing, so options are to continue to gather more information or request more changes, approve or deny. He suggested thinking of this package as a text amendment. If it was adopted, nothing prevents the Commission from reviewing this again at another time and make another text amendment change. He provided an infill example.

Mr. Baches stated this section will be revisited because it is a land use or big text amendment and not a zoning change. It was an effort to show City Council that there is initiative and urgency behind this, to give them tools to be able to get something better, and have it as a work-in-progress to validate itself by use. When it is used we'll receive the feedback and results. Mr. Baches briefly indicated on how the next phases will happen.

Commissioner Stewart commented on the different approach between this package and the ordinance. Commissioner Ferguson gave a playbook and trick play football analogy. Chairperson Goode commented that Mr. Baches has our best interest in mind and Attorney Graham reminded us that this text amendment can be changed at any time, so she was fine with moving forward.

Ms. McMakin stated that this is a different ordinance and option. Staff is often asked *what can I do, what is the exact thing I can do, what is the minimum I have to do*. This would be a change for the applicants, and a lot of this would be design based and up to them to put together a project that accommodates the design goals and the hopes of the City. The applicant will now have the tool. This will be different for everyone in terms of how it is administered.

Commissioner Fleeman stated he discusses these matters with Mr. Bob Clay. He wanted a chance a talk to him before making a decision. He stated that this is different since there is another opportunity to review the details. Commissioner Fleeman intended to convey that he discusses the New Urban Design Ordinances, like the one being discussed by the Commission, with Mr. Bob Clay because of his experience in developing within them in Belmont and other Cities in NC. He is a resource from which to gain information. Mr. Baches commented that Mr. Clay was an excellent resource.

Commissioner Stewart was pleased to see that container homes were not included in item (7.) on page 14 and Commissioner Cinq-Mars agreed.

Commissioner Armstrong asked if this does not meet a developer's requirement, would be it captured and brought back to the Commission for discussion. Mr. Baches replied that it would. The overall process is new, no community has done this, and we are doing it because it is difficult to make it work the old way. He continued that the intent is to put out pieces of the ordinance as they are completed and let them run in the real world. The feedback at staff level feeds the process and then meetings will occur to discuss points raised. By the time the last piece of the code is finished, ninety percent of the ordinance will have been in use long enough to know what is going on which is rare. He stated it is a different mindset and that he should have expressed it better.

Ms. McMakin stated it will be different for the applicant because staff cannot give them a minimum, but can provide options and ideas.

Commissioner Fleeman briefly explained us versus them and stated it was refreshing to see this with options and not a set with no options.

Commissioner Ferguson stated it was like beta testing.

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Commissioner Cinq-Mars made a motion to accept forwarding to City Council and share ideas with staff for better document down the road with the statement of consistency and reasonableness. Ms. McMakin asked for staff clarification that the Commission does not want this to come back on August 8th and that the recommendation is an approval to City Council. The Commission replied that this is correct.

Commissioner Stewart seconded the motion.

Commissioner Ferguson asked Commissioner Cinq-Mars to restate his motion.

Commissioner Cinq-Mars made a motion to approve the forwarding of this document to City Council and that the Commission's written comments are shared with staff so they can make improvements in the future according with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion.

Commissioner Ferguson asked if there was an issue with the additional verbiage about review in the motion. Attorney Graham stated he was making an additional statement and not conditioning the approval to City Council so he did not see an issue.

The motion was unanimously approved 6-0.

Commissioner Fleeman suggested forty-five days to organize comments and submit to staff. Ms. McMakin suggested making an appointment with Jason Thompson or with her to sit down for approximately an hour to discuss comments for clarity. She continued that staff can compile and place in a format for Mr. Baches to see at one time. This would be really beneficial to staff.

Chairperson Goode suggested everyone get together for about an hour as a workshop after the August 8th meeting. Commissioner Armstrong stated he will not be available to attend that meeting. Another date after August 8th was favored such as September or later after it has been in play for a while. The Commission asked staff at a later time to come up with some dates and times.

Statement of Reasonableness and Consistency (motion to approve):

This ordinance is consistent with the Gastonia 2025 Comprehensive Plan and any applicable duly adopted small areas plans, and is reasonable and in the public interest because it provides development provisions to the Unified Development Ordinance and supports the goal of providing various options for housing to the City.

Item 3: Other Business

There being no further business, Chairperson Goode adjourned the meeting at 6:41 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson