

## **Gastonia Planning Commission August 6, 2020 Meeting Minutes**

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The Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, August 6, 2020 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, Assistant City Attorney; Jana McMakin, AICP, Senior Planner; Quentin McPhatter, Assistant City Manager; Jason Thompson, AICP, Planning Director; Chrystal Howard, Secretary to the Planning Commission; Tucker Johnson, PE, Assistant City Engineer; and Keith Lineberger, Land Development Project Manager.

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

Commissioners were recognized as present.

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

Commissioners stated there were no contacts.

Chairperson Goode declared a quorum.

### **Item 1c: Oath of Office**

Chairperson Goode recognized reappointed Commissioner Armstrong and he was affirmed by Ms. Howard.

### **Item 1d: Approval of July 9, 2020 Meeting Minutes**

Commissioner Stewart made the motion to approve the July 9, 2020 minutes and Commissioner Fleeman seconded the motion. The motion was approved (8-0).

Chairperson Goode explained the rules of procedure and time limitations.

### **Item 2: Public Hearing – Triangle Real Estate of Gastonia, Inc. (File #9465)**

Subject hearing involves a request to rezone approximately 18.75 acres from RMF (Multi-family Residential District), RS-12 and RS-8 (Single-family Residential District, minimum 12,000 sq. ft. lots and 8,000 sq. ft. lots) to RMF CD (Multi-family Residential Conditional District). The subject property is generally located to the west of Redbud Drive and to the east of McLean Avenue. The property is owned by Triangle Real Estate of Gastonia, Inc., Triangle Ashbrook Inc., and Southwood Realty Company.

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

Commissioner Stewart was recused.

Ms. McMakin displayed the zoning map. She commented on a portion of the property off of Redbud Drive and McLean Avenue was recently presented to the Planning Commission for a commercial zoning and also presented to City Council who denied the request. This rezoning request is comprised of 14 lots (3 lots a portion). Ms. McMakin explained how the parcels were identified as a whole for notification purposes, as well as, portions being requested to be rezoned. For additional clarification, Ms. McMakin restated the portions of the property subject to rezoning. She stated this was for a new apartment community comprised of 13 different buildings totaling 322 units (110 one-bedroom, 174 two-bedroom, and 38 three-bedroom units). Ms. McMakin referred the Commissioners to the proposed zoning conditions in the staff report. She displayed the conceptual plan and stated access would be off of McLean Avenue, as well as Redbud Drive. She noted the facilities and amenities. Ms. McMakin described the adjoining properties and zoning/land use trends. Given the consistency with the 2025 Comprehensive Plan, UDO requirements, and the additional zoning conditions, staff recommended the request for rezoning be approved.

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Commissioner Wilson asked if anyone was opposed to the request. Ms. McMakin replied that no one signed up to speak, she did not receive any phone call, and one person at the neighborhood meeting was interested in selling her home, but did not state that she was against the request.

To clarify the rezoning portions for Commissioner Cinq-Mars, Ms. McMakin displayed a map showing the rezoning boundary. Ms. McMakin also displayed the rezoning map and restated how the parcels were identified as a whole for notification purposes, as well as, the portions being requested to be rezoned. Mr. Thompson explained that any portion of a tax parcel subject to rezoning is subject to state statutes to notify all surrounding property owners of the tax parcel of record. Commissioner Cinq-Mars asked if the subject properties were notified and staff replied that they were notified.

Chairperson Goode recognized Mr. William Ratchford, 3005 Laurie Court of Gastonia, NC. Mr. Ratchford stated this was a very similar plan to previous approved rezoning plans. He continued the difference is that Commissioner Stewart, architect and design firm, changed the look of this apartment complex. Mr. Ratchford explained the bedroom units, clubhouse, and multiple amenities. He commented this development as a snip of Orchard Trace and Ashbrook Village. Mr. Ratchford confirmed notifications were received for subject properties. He shared that seven houses will be torn down and acknowledged four vacant land parcels. Mr. Ratchford commented that every house on the west side of McLean Avenue was zoned RMF. He continued by identifying apartment complex areas on the rezoning map. Mr. Ratchford commented that this project would be a good fit for the community and was another upgrade of products.

Chairperson Goode recognized Mr. Jeff Ledford of Triangle Real Estate. Mr. Ledford declined speaking at this time.

Commissioner Cinq-Mars inquired about an updated map of apartment complexes and Mr. Thompson provided an update and stated that staff will email a copy of the map to the Planning Commission. Commissioner Cinq-Mars asked about a limit of concentration in regards to large planning in the City. Mr. Thompson answered that it depended on location in the City, as well as, the context surrounding it and shared some examples with an emphasis on urban style projects. Commissioner asked if lot #7 on the rezoning map was in the jurisdiction of the County or the City and Mr. Thompson replied that it was in the jurisdiction of the City.

Commissioner Fleeman made a motion to approve the request as presented with the statement of reasonableness and consistency and Commissioner Ferguson seconded the motion. Commissioner Armstrong stated this would be a good use of the property and big improvement. Commissioner Gallant stated he was glad to see something being done to the property. The motion was approved (8-0).

Mr. Thompson stated the next two items were related and suggested opening both items concurrently. PLMAC202000015 and PLMAC202000016 were opened simultaneously by Chairperson Goode.

### **Item 3: Public Hearing –Russell Holdings of Gaston County, LLC (File #PLMAC202000015)**

Subject hearing involves a request to rezone approximately 1.35 acres from RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to C-3 CD (General Commercial Conditional District). The subject property is located on the southeast corner at the intersection of Neal Hawkins Road and Howe Dairy Road. The property is owned by Russell Holdings of Gaston County, LLC.

### **Item 4: Public Hearing –Russell Holdings of Gaston County, LLC (File #PLMAC202000016)**

Subject hearing involves a request to zone (in conjunction with an annexation request) approximately 0.51 acres from RS-12 (Gaston County, Single-family Residential District) to C-3 (City of Gastonia, General Commercial Conditional District). The subject property is located to the east of Howe Dairy Road. The property is owned by Russell Holdings of Gaston County, LLC.

Chairperson Goode recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the zoning map for file # PLMAC202000015 and stated the corner parcel was in the City jurisdiction and owned by Russell Holdings of Gaston County, LLC. Russell Holdings of Gaston County, LLC is the owner of Ricks Body Shop identified as lot # 9 on the rezoning map, as well as, lot # 10. Both lot # 9 and #10 are in the jurisdiction of Gaston

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County. Ms. McMakin identified to the two parcels subject to the assignment of C-3 CD, as well as, identified the parcel associated with the annexation request. Ms. McMakin described the adjoining properties and zoning/land use trends. She stated Mr. Russell submitted his requests in order to build a facility, and has submitted a conceptual plan of the new building and parking area. She continued that Mr. Russell provided a list of several uses that would be excluded from the property and noted the primary uses allowed were related to automobile. Ms. McMakin referred the Commission to the proposed zoning conditions in the staff report. The Future Land Use map in the 2025 Comprehensive Plan indicates residential use for the subject property and surrounding properties. Based on all feedback received from City departments, and the request not consistent with the 2025 Comprehensive plan, staff recommended denial of the request.

Commissioner Wilson asked if anyone was opposed to the request and Chairperson Goode replied that no one was opposed. Commissioner Wilson asked why the City would be opposed to the request other than it not being consistent with the 2025 Comprehensive Plan. He remarked on the commercial parcels. Ms. McMakin mentioned the residential properties surrounding the remaining sides, commented that at the end of Howe Dairy Road it was projected to remain residential, and also included the 2025 Comprehensive Plan, and stated these were the reasons staff was recommended denial.

Commissioner Cinq-Mars commented that this looked like spot zoning. He identified parcels in the County that the applicant owns. Commissioner Cinq-Mars agreed with staff's assessment that it did not fit with the 2025 Comprehensive plan.

Commissioner Stewart stated he did not see anything wrong with the request. He pointed out multiple buildings and facilities near Union Road. He commented that it felt wrong to deny the applicant an opportunity to expand their business because they were with the County and did not comply with the City's 2025 Comprehensive Plan.

Commissioner Wilson inquired about the proposed business.

Chairperson Goode recognized Eric Riley, 5046 Louis Road of Gastonia, NC. Mr. Riley is with Crescent Structures and was speaking on behalf of the property owner, Rick Russell. Mr. Riley explained this was to expand the existing body shop, as well as, build a glass front building to display vintage/antique cars with the possibility to sell these cars in the future. He continued that the description for Automobile Body Shop and Automobile Detail Shop remain as an available use for touch-up and clean-up of antique vehicles in an added bay. Chairperson Goode recognized Rick Russell. Mr. Russell amended that they do not want to expand the body shop. The new building will be for a hobby to display nice antique cars and shared some examples. They will replace an old house with a state of the art building to display their hobby of antique cars.

Commissioner Wilson made a comment on the possible spending amount and the beautification that will take place.

Commissioner Cinq-Mars inquired about the C-3 rezoning instead of C-1. Ms. McMakin replied that the C-3 zoning district is involved because of the auto sales component. Ms. McMakin reminded the Commission to consider all uses permitted. She gave an example of auto sales and it was not restricted to antique even though this may be the intent of the applicant.

Mr. Russell shared that they have a dealer's license and have been buying and selling cars from the body shop since 1986 and that this can take place at the body shop facility. He noted that by including the auto sales on the City parcel, it would eliminate an off premise permit. He commented on the pricing of the cars and continued that their facility would be an improvement to the corner and not a high traffic area.

Ms. McMakin commented that staff cannot control the cost of cars and noted the numerous calls staff receives regarding automobile sale locations. She stated lot #10 has multiple cars parked on the vacant lot. If this parcel was annexed into the City, parked cars on a vacant lot would not be permitted and any violations would be enforced. She reminded the Commission that this parcel is in the jurisdiction of Gaston County.

Commissioner Stewart made a motion to close the public hearing and approve the request. Commissioner Wilson seconded the motion. Commissioner Fleeman commented on commercial

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properties on corner lots and intersections, and this parcel being on the corner and should be considered commercial. He stated that he felt no one would build a residential house being surrounded by commercial. He continued that he was in favor of the request and it would be a good way to fill in the intersection. Commissioner Fleeman remarked that the Commission has made intersections commercial, as a principal in the past. Commissioner Armstrong stated he understood the City's view and reason, but his opinion is that this situation would be an improvement to the property and considering other neighboring properties and businesses he did not see an issue. As a result, Commissioner Armstrong was in favor of the request. Clarification was made that the public hearing was closed and a motion and second were made to approve the request. Commissioner Ferguson stated she understood the City and her fellow Commissioner's viewpoints. She remarked that when assigning zoning to a particular parcel, the zoning runs with the parcel and not with the intentions of the applicant. Commissioner Ferguson was in favor of the request. The motion was approved (5-3) and Commissioners Cinq-Mars, Gallant, and Goode were opposed. This item automatically advances to the September 15<sup>th</sup> City Council for a new public hearing.

Brief discussion ensued related to the 2025 Comprehensive Plan, the legal standard requirement of the Statement of Consistency and Reasonableness, and statements of each Commissioner's decision. Since this item was closed, staff will address any additional concerns and questions that the applicants may have, and the applicants also received guidance to consult with an attorney if they so choose.

**Item 5: Public Hearing – Amending the Unified Development Ordinance (File #9529)**

Subject hearing involves a request to amend the Unified Development Ordinance by amending Chapter 2 Definitions, Table 7.1-1 of Chapter 7 Use and Building Lot Standards, adding a new Section 8.3.15 of Chapter 8 Supplemental Use Regulations, amending Section 11.7 of Chapter 11 screening and Landscaping, and amending Chapter 12 Signs to provide provisions for specific uses in an industrial planned development, to clarify standards for open space in multi-family developments, and to clarify ground sign allowances for multi-tenant uses in certain locations.

Chairperson Goode recognized Jason Thompson, Planning Director for the purpose of staff presentation. Mr. Thompson commented on staff's continued efforts to update the Unified Development Ordinance (UDO) and present these items to the Commission. He began by addressing proposed existing and new definitions to be included in the UDO, including specific provision for zoning districts and development standards. Mr. Thompson explained the proposed Section 8.3.15 Industrial Uses, Planned Development, as well as, the "clean-up" items based on earlier ordinance amendments. He clarified the reference for open space guidelines for the various types of residential development. Lastly, Mr. Thompson summarized the in ground and pole signs to clarify sign allowances in multi-tenant developments in certain locations and used Franklin Square as an example.

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

**Item 6: Major Subdivision Preliminary Plat – Camber Woods (File # 9502)**

Shea Homes has submitted a preliminary subdivision plat for a development to be known as Camber Woods. The property is located on the south side of E. Hudson Boulevard, between Windyrush Lane and Saluda Drive.

Chairperson Goode recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger stated Shea Homes submitted a preliminary subdivision plat for development to be known as Camber Woods and is located on the south side of East Hudson Boulevard approximately one half mile east of Robinwood Road. The property is zoned RS-8 CD. He stated the proposed development will contain 161 single family lots. The developer will be responsible for utility and street construction internal to the site per City standards. Mr. Lineberger continued that the developer will install sidewalk along the frontage of East Hudson Boulevard. The developer is also responsible for improvements outlined in the Traffic Impact Analysis (TIA). Additional right of way to accommodate sidewalk and or TIA improvements will be dedicated as needed. Based on the preliminary plat being in conformance with the Unified Development Ordinance (UDO), staff recommended approval.

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Commissioner Cinq-Mars asked if there will be adequate parking internally and Mr. Lineberger replied that these lots are single family and each will have a garage and driveway with 30 ft. front setbacks. He commented that staff will be mindful of parking when moving forward with the construction documents, including whether parking will be permitted on the street.

Chairperson Goode acknowledged three speakers were available to answer any questions.

Commissioner Cinq-Mars made a motion to approve and Commissioner Stewart seconded the motion. The motion was approved (8-0).

**Item 7: Major Subdivision Preliminary Plat – Nettles Residence (File # 9540)**

Brian Nettles has submitted a preliminary subdivision plat for a development located on the north side of Kendrick Road just east of Su Sans Farms Road.

Brief discussion ensued on whether Commissioner Fleeman would need to be recused and it was determined that he did not have to be recused. As a result, Commissioner Fleeman remained to participate.

Chairperson Goode recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger stated this plat is located on Kendrick Road and is a two lot subdivision. The lot is currently a four-acre site zoned RS-12. An existing water line in Kendrick Road serves the lots. A sewer extension occurred previously to the site; however, if the lot splits, an additional sewer extension will be necessary for the proposed lot #2 and will occur by the developer. He continued that the developer will be responsible for road improvements along Kendrick Road. Mr. Lineberger noted that due to the lack of sidewalk and curb along Kendrick Road, the City will accept a payment in lieu of the actual construction of sidewalk, curb and gutter. Based on the preliminary plat being in conformance with the Unified Development Ordinance (UDO), staff recommended approval.

Commissioner Goode acknowledged Mr. Brian Nettles as available to answer any questions.

Commissioner Cinq-Mars made a motion to approve and Commissioner Wilson seconded the motion. The motion was approved (8-0).

**Item 4: Other Business**

**Update on Council Votes**

Mr. Thompson stated two annexation petitions and assignment of zoning, one petition was on Union Road and the other petition was on Bessemer City Road, were presented at the July 21<sup>st</sup> City Council and City Council approved.

Mr. Thompson commented that items presented this evening, that automatically advance to City Council, will be presented at the City Council meeting in September.

**Representative for August 11<sup>th</sup> City Council Meeting (if needed)**

It was determined that a representative was not needed.

Chairperson Goode asked Mr. Thompson if he had heard from Demetri Baches with Metrocology Inc. Mr. Thompson replied that he is in contact with Demetri almost daily making efforts to push items forward, and they will bring forward more items as they can. Chairperson Goode reminded staff of her request of adding additional street names to the Urban Area map.

There being no further business, Chairperson Goode adjourned the meeting at 6:53 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Pam Goode, Chairperson