

Gastonia Planning Commission September 3, 2020 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, September 3, 2020 via Zoom.

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

Absent: Commissioners Rodney Armstrong, Pamela Goode

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; Rusty Bost, Director of Development Services; and Keith Lineberger, Land Development Project Manager.

Item 1a: Role Call / Sound Check

Commissioners were recognized.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioner Gallant received two contacts and Commissioner Cinq-Mars received one contact. Remaining Commissioners stated there were no contacts.

Vice-Chairman Cinq-Mars declared a quorum.

Item 1c: Approval of August 6, 2020 Meeting Minutes

Commissioner Stewart made the motion to approve the August 6, 2020 minutes and Commissioner Fleeman seconded the motion. The motion was approved (6-0).

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

Item 2: Public Hearing – MTSCLT, LLC./Joseph K. Stewart (File #202000020)

Subject hearing involves a request to rezone approximately 21.2 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 east side of Barber Road, just west of the intersection of S. New Hope Road and Lowell Bethesda Road. The property is owned by Heirs of Alex G. Graham c/o Freddie Armstrong, Herbert L. Eichelberger, and William Suggs Living Trust.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the zoning map and reviewed the background and proposed zoning action. The request includes a maximum of 145 units and proposed access on Barber Road and Lowell-Bethesda Road. Ms. McMakin displayed the conceptual site plan and identified access locations. She commented on a new parcel access from Barber Road becoming a signalized intersection if NCDOT proceeds with their improvement project for S. New Hope Road. She continued that this community of townhomes will be for rent and similar to The Reserve at Catawba Creek on Hoffman Road, and the project would remain under one parcel with a management group. Using the conceptual site plan, Ms. McMakin identified buffers, parking areas, pool, individual parking spaces, and a potential access connection. She referred the Commission to the proposed zoning conditions. She mentioned that the applicant will have to meet the new tree ordinance requirements recently approved by City Council as part of the City Code. The Future Land Use Map adopted as part of the 2025 Comprehensive Plan indicates residential land use except for a small area shown as commercial adjacent to C-3 zoned parcels along S. New Hope Road. If approved, the project would be subject to all applicable provisions of the Unified Development Ordinance (UDO), the included site plan, architectural elevations, and the zoning conditions as set forth in this report. Given the consistency with the 2025 Plan, UDO requirements, and the additional zoning conditions, staff recommended approving the request for rezoning as presented.

Vice-Chairman Cinq-Mars asked if there will be a slowdown lane off of Lowell-Bethesda Road and Ms. McMakin replied that it will be determined by the TIA study. Vice-Chairman Cinq-Mars inquired about a detention pond area and swimming pool and Ms. McMakin identified the proposed detention ponds and swimming pool.

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Commissioner Stewart made a motion to approve the rezoning request as presented with the statement of consistency and reasonableness and Commissioner Gallant seconded the motion. A request was made to hear from the applicant; therefore, both motions were withdrawn.

Sarah Stewart, Engineer with Dogwood Engineering in Belmont was recognized. Ms. Stewart complimented Ms. McMakin on her presentation regarding their proposal. She stated they had their neighborhood virtual meeting. She commented that this will be a great opportunity and feature being next to the recently approved rezoning request and it will help transition the intersection from the single family lots and denser townhomes. No questions were asked by the Commissioners.

Commissioner Stewart made a motion to approve the rezoning request as presented with the statement of consistency and reasonableness and Commissioner Gallant seconded the motion. The motion was approved (6-0).

Item 3: Public Hearing – Daniel Nietzold (File #202000021)

Subject hearing involves a request to rezone approximately 5.49 acres from RS-12 CD (Single-family Residential Conditional District, minimum 12,000 sq. ft. lots) to RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots). The subject property is located on the south side of Kendrick Road. The property is owned by 1131 Kendrick Road, LLC.

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

Commissioner Gallant was recused for the reason that he lived in the subdivision located adjacent to the subject property.

Ms. McMakin explained that the subject property was the location of a single-family home that was constructed in 1986 and was rezoned in 2009 for a proposed development to build up to 17 single-family homes (File #5057). The applicant purchased the property and has submitted a request to rezone the parcel to RS-12 in order to remove the current conditional zoning and associated site plan and zoning conditions. She gave a description of adjoining properties and zoning districts as RS-12 and PD-PRD districts. The Future Land Use Map within the 2025 Comprehensive Plan recommends residential development for this area; therefore, staff recommended that the request be approved as presented.

Mr. John Russell, Attorney with Mullen Holland & Cooper, 301 S. York Street of Gastonia, NC was recognized. Attorney Russell is representing the applicant, Daniel Nietzold. He thanked the Commission and staff for their service. He displayed a draft subdivision plan survey and explained the applicant's intent to rezone the property to RS-12 and subdivide the property into lots to build a second single-family home that will be handicap accessible. An existing house is located on Randolph side of the property with the intent to keep this home. Attorney Russell briefly talked about the sewer access location that will serve both homes. He displayed a house example the applicant is interested in building with a flat entrance for handicap accessibility. Attorney Russell provided a brief military and medical background on Mr. Nietzold. He explained topography and proximity to amenities were the reasons for choosing the property. He shared that the existing home will remain and is being rented by his son who provides care and assistance to Mr. Nietzold. He reminded the Commission of the neighboring zoning districts and the 2025 Comprehensive Plan recommendation for the area. Lastly, he briefly talked about the 2009 conditions and noted that their proposal would remove these conditions.

Mr. Marc Jacques, 3756 Sandwedge Drive of Gastonia, NC was recognized. Mr. Jacques identified his property as lot # 11 on the applicant's draft subdivision plan survey. Mr. Jacques asked if conditions were removed, would there be no restrictions on what type of materials or what type of house was built. He also asked if the buffer would go away. Mr. Thompson replied that without additional zoning conditions under a conditional district designation it would revert to base RS-12 standard that does not require buffering to adjacent residential and no architectural restrictions. Mr. Jacques inquired about the maintenance in the gas line easement that separates the subject property and the properties in the Fairfield at the Club. Attorney Russell referred to the draft subdivision plan survey illustrating the Colonial gas line and explained existing gas line buffer and the applicant's intent for additional buffering. Brief discussion occurred on Mr. Jacques property location and restrictions to be considered with proposed request. Mr. Jacques stated he

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was fine with the request to split the land and build an additional home, but he would like to have a buffer of woods between lots in Fairfield at the Club and the subject property. Discussion continued on the location of Mr. Jacques property, lots that are part of Fairfield at the Club, gas line right-of-way, and applicant's intent for additional buffering. Mr. Thompson stated with regard to base residential zoning district, there are no guarantees for anyone to maintain any buffer on the property itself, with the exception of a pipeline outside the specific property. He continued that no conditions can be added and only a conditional rezoning and explained the process to apply for a conditional rezoning. Commissioner Stewart commented on the acreage and stated that it would be punitive to force the applicant to provide a buffer along the pipeline. Mr. Thompson reminded the Commission that there was no way to guarantee the applicant's intent with a base RS-12 zoning district and gave an example of the property being sold and the next owner subdividing into qualifying RS-12 zoning districts. He clarified that he did not question the applicant's intent. Commissioner Wilson asked how to hold the land owner responsible for his intent. Mr. Thompson replied that if the applicant was agreeable he would have to withdraw his request and then apply for a conditional rezoning. Discussion continued on a conditional rezoning and a base rezoning and accountability of an intent. Brief discussion ensued between Commissioner Stewart and Commissioner Wilson on whether a buffer or trees existed along lots 10, 11, 12, 13 and 14. Commissioner Stewart commented that they cannot plant on the right-of-way and was confused on why there was talk about forcing the applicant to add a buffer. Mr. Nietzold briefly mentioned his conversation with Mr. Jacques, explained trees he left and what he had cleared. Mr. Nietzold shared his concern of building his home. Commissioner Stewart commented that the Commission cannot restrict anything and he didn't want to do it anyway. Brief discussion continued between Mr. Nietzold and Mr. Jacques on the existing trees providing a buffer. Mr. Jacques reiterated that he wants a buffer for privacy. Mr. Nietzold provided his address 4056 Catawba Creek Drive of Gastonia, NC for the record.

Commissioner Ferguson made a motion to approve the request with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved (5-0).

Item 4: Public Hearing – Vernon Baumrind (File #202000022)

Subject hearing involves a request to rezone approximately 0.58 acres from I-2 (General Industrial District) to RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots). The subject property is located to the east of Woodhill Drive. The property is owned by Vernon E. Baumrind.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, AICP, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and provided the site description and background. She added that this rezoning is for a portion of the property so the owner and applicant can subdivide the property into two lots in order to build two new single-family homes. Ms. McMakin described adjoining properties. The Future Land Use Map in the 2025 Comprehensive Plan indicates industrial use for the subject property. Given its location and being adjacent to existing homes off of Sheridan Court and close proximity to a school, staff recommended approval of the request as presented.

Vice-Chairman Cinq-Mars recognized Vernon Baumrind, 6631 Bunker Hill Circle of Charlotte, NC. Mr. Baumrind stated he is a developer and is developing standard lots for a builder in Gastonia. He explained a portion of the property will be divided into two lots. Homes being built will range from 1,400 to 1,700 square feet, two-story, have a minimum single garage, and priced around \$175,000.

Commissioner Ferguson made a motion to approve with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion.

Commissioner Fleeman asked staff if the applicant's intent was possible. Ms. McMakin replied that the applicant has a survey and based on the preliminary, the dimensional standards, and road frontage width he can meet all the requirements for the two lots.

The motion was approved (6-0).

Item 5: Public Hearing – Amending the Unified Development Ordinance (File #202000057)

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,

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subsections of Chapter 8 Supplemental Use Regulations, and Chapter 12 Signs to the Unified Development Ordinance to add new standards for single-family, attached development and amend allowances for temporary signage.

This item will be heard by Gastonia City Council at the September 15, 2020 meeting at 6:00 PM in the City Council Chambers, 181 S. South Street in Gastonia.

Vice-Chairman Cinq-Mars recognized Jason Thompson, Planning Director for the purpose of staff presentation. Mr. Thompson explained this amendment was dealing with temporary signs and townhome regulations. He started with temporary signs and commented that this item was scheduled to be presented at a recent Planning Commission meeting; however, staff decided to have further discussions and placed the amendment on hold. He stated time frames were added to temporary signs as it relates specifically to election time.

Regarding Section 2.N.6 on agenda page 5-9, Vice-Chairman Cinq-Mars asked for clarification on affixed to a motor vehicle and if a flag on the back of a pickup truck was allowed. Mr. Thompson replied that a vehicle used for business, such as a delivery vehicle, deliberately parked close to the road for the purpose of the vehicle serving as an additional free standing sign would not be allowed. Regarding Section 2.N.7(b)(5) on agenda page 5-9, Vice-Chairman Cinq-Mars asked if larger signs were seen. Ms. McMakin commented that this language was verbatim from the North Carolina State Statutes and briefly explained why inches and square feet were both included and gave an example of real estate sign to help visualize the size of a temporary sign. Vice-Chairman Cinq-Mars commented that there were signs bigger than 2 ft. x 3 ft. Commissioner Stewart talked about project signs on construction sites and asked if these were trying to be eliminated. Mr. Thompson explained that a lot of research, discussion and feedback occurred and this was an effort in consistency with other regulations. Vice-Chairman Cinq-Mars clarified that Section 2.N.7 relates to temporary signs in public street right-of-ways; therefore, he did not have any problem with the size. Attorney Graham explained the language was specifically directed Type 1 temporary signs described in Section 2.N.1, and due to having an abundance of NDCOT roads, the square footage matches the state statutes. Temporary signage was discussed and how it relates to being affixed and not a time frame.

Commissioner Fleeman made a motion to approve the request, (move forward with a favorable recommendation to amend *Chapter 12 Signs*) and Commissioner Ferguson seconded the motion. The motion approved (6-0).

Mr. Thompson explained that the other portion of the amendment was dealing with townhome regulations. He stated that in recent months this item has been discussed because of influx of townhome proposals, and also added that staff has been working with Demetri Baches.

Vice-Chairman Cinq-Mars recognized Demetri Baches with Metrocology, 528 Selma Street of Savannah, GA. Mr. Baches explained apartment complexes as a default setting and the multiple issues with treating a townhome as an apartment building or a single-family house embraced together. He explained how a townhome should be built and defined a townhome. Staff and Mr. Baches are working with some developers who want to develop in the city and have tailored the provision proposed. He explained the requirement, unless circumstances on the ground make it impractical, of the townhome be rear loaded because it is often built with zero setback up to a street. He briefly explained the setback for a front load and visual outcome. He continued explaining rear and front load town homes, and mitigating circumstances within the site plan to incorporate front loaded townhomes. He summarized the site layout and design of townhome development. He shared that the selling point of a townhome as the ability to create enough density in order to minimize the overall cost of the townhome and make it more affordable for everyone. Changes mentioned were restricting the overall freedom to build only front loaded townhomes, alleviating some buffer requirements when townhomes face onto other properties, and alleviating some setbacks currently in the ordinance that make existing townhomes look more like apartment complexes. Mr. Baches commented that the proposed ordinance changes address issues that make townhomes more economically feasible for developers to build at a density more appropriate for this type of product and also encourage and create aesthetically pleasing townhome development with the City of Gastonia.

Commissioner Wilson inquired about townhomes per acre and Mr. Baches replied that typically it would be more and it would depend on the developer and site planner, and the aesthetic look they

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are looking to achieve. He added that a typical average range in the United States is 10 and 18 units per acre. Brief discussion ensued on not having a cap of density, the existing apartment complex and proposed townhome differences.

Commissioner Ferguson made a motion to approve, (move forward with a favorable recommendation 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, subsections of Chapter 8 Supplemental Use Regulations*) and Commissioner Fleeman seconded the motion. The motion was passed (6-0)

Item 6: Major Subdivision Preliminary Plat – Brookline Park (File #9416)

Odom Engineering has submitted a preliminary subdivision plat for an industrial development to be known as Brookline Park located just east of Bessemer City Road.

Vice-Chairman Cinq-Mars recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger provided a site description and background as presented in the memorandum. The development will contain 3 lots and the developer will be responsible for the utility and street construction internal to the site per City standards. Public water will be extended throughout the development and connect to sewer in Northwest Boulevard. The developer will be responsible for bring the frontage of Jenkins Road up to City standards. Based on the preliminary plat being in conformance with the Unified Development Ordinance (UDO), staff recommended approval.

Regarding the wetland area, Vice-Chairman Cinq-Mars asked where the nearest runoff was and Mr. Lineberger replied that water may runoff to the stream to the west. Vice-Chairman Cinq-Mars asked if the 8.85-acre lot was a low spot and Mr. Lineberger replied that it potentially could be. Mr. Lineberger stated that a site plan will be submitted for each lot to handle individual drainage and sanitation control after the road is built. Wetland area will be required by the core to be mitigated and part of any site plan requirement. Additional infrastructure will be in place. Vice-Chairman Cinq-Mars asked if the area could be used as a stormwater retention basin and Mr. Lineberger was unsure at this time.

Commissioner Stewart made a motion to approve and Commissioner Fleeman seconded the motion. The motion was approved (6-0).

Item 7: Major Subdivision Preliminary Plat – Tupelo (File #9459)

Cardinal Development Group has submitted a preliminary subdivision plat for a development to be known as Tupelo located south of East Franklin Boulevard, between Collier Street and Glenwood Drive.

Vice-Chairman Cinq-Mars recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger stated the development will contain 165 single family attached townhome units, the property was located on the southwest of Glenwood Drive and south of East Franklin Boulevard, and the zoning district was TMU CD. The developer will be responsible for utility and street construction internal to the site, external improvements along Collier Street, Country Club Drive, and Glenwood Drive, installation of sidewalk, curb and gutter, on street parking improvements along Glenwood Drive, and any roadway improvements outlined in the Traffic Impact Analysis. The site plan has front and rear loaded units that will face interior courtyards. Units along Glenwood Drive will face Glenwood Drive instead of Tupelo Grove. Based on the preliminary plat being in conformance with the Unified Development Ordinance (UDO), staff recommended approval.

Vice-Chairman Cinq-Mars asked if the developer can get all the units on the side of the hill and Mr. Lineberger replied that there are grading challenges and it will be up to their engineer. Vice-Chairman Cinq-Mars asked if the units were for sale or rent and Mr. Lineberger replied that they could be for sale or rent since these were individual lot townhomes. Regardless of the intent, Mr. Thompson stated the ordinance was structured to require the units to be placed on individual lots. Commissioner Wilson inquired about the land size and Mr. Lineberger replied that it was 16.65 acres with 12.55 units per acre.

Commissioner Ferguson made a motion to approve and Commissioner Stewart seconded the motion. The motion was approved (6-0).

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Item 4: Other Business

Update on Council Votes

Mr. Thompson stated a bundle of ordinance amendments primarily dealing with industrial development and other housekeeping were approved by City Council.

Representative for September 15th City Council Meeting (if needed)

Brief discussion ensued on the 2025 Comprehensive Plan. Brief discussion ensued on the upcoming rezoning hearings (Russell Holdings of Gaston County, LLC – File #PLMAC202000015 and PLMAC202000016) and Commission Stewart stated that he would call in and talk. Ms. McMakin requested the Commissioners to coordinate with her to receive the appropriate call in number. Discussion ensued on the intent of participation for the Commissioner to represent the overall action of the Commission. Commissioner Stewart asked Commissioner Ferguson if she would like to participate and Commissioner Ferguson replied that she will participate and will coordinate with Ms. McMakin.

There being no further business, Vice-Chairman Cinq-Mars entertained a motion to adjourn the meeting. Commissioner Fleeman made a motion to adjourn the meeting and Commissioner Ferguson seconded the motion. The motion was approved and Vice-Chairman Cinq-Mars adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson