

Gastonia Planning Commission September 5th, 2024 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, September 5th, 2024, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Chair Kristie Ferguson, Vice Chair Chad Ghorley and Commissioners Megan Chapman, Glenn Silverman, Jeff Howe, and Julie Coffey.

Absent: Commissioners Carl Harris and Anthony Gallant

Staff Members Present: Charles Graham, Quentin McPhatter, Maddy Gates, Jordan Tubbs, Collin Patterson, Keith Lineberger, and Jalen Nash.

Item 1a: Role Call / Sound Check

Chair Kristie Ferguson declared a quorum for the meeting.

Item 1b: Calls/Contacts to Planning Commission Members

All Commissioners were contacted. Chair Ferguson received nine contacts. Commissioner Coffey received six contacts. Commissioners Silverman, Ghorley, Chapman and Howe all stated they received several contacts.

Planner, Jalen Nash, administered the Oath of Office to Vice Chair Chad Ghorley for re-appointment.

Item 1c: Approval of August 8th, 2024 Meeting Minutes

Vice Chair Ghorley made a motion to adopt the August 8th, 2024 minutes as presented and Commissioner Silverman seconded the motion. The motion to approve the August 8th, 2024 meeting minutes was unanimously passed (6-0).

Chair Ferguson read the rules of procedure and the time limitation policy.

Chair Ferguson recognized Senior Planner, Maddy Gates, for announcements. Ms. Gates stated that the applicant for Item 4, Tucker Springhaven (File #202400268), has requested that the item be continued to the October 3rd, 2024 Gastonia Planning Commission meeting. Vice Chair Ghorley made a motion to approve the request to continue Item 4 to the October 3rd, 2024 Planning Commission meeting and Commissioner Chapman seconded the motion. The motion was unanimously approved (6-0).

Ms. Gates stated that the applicant for Item 2, Union Road/Robinson Road Townhomes (File #202300213), has requested to move the item in the agenda, placing it before Item 7. Vice Chair Ghorley made a motion to move Item 2 on the agenda, prior to Item 7 and Commissioner Silverman seconded the motion. The motion was unanimously approved (6-0).

Item 2: Public Hearing (Continued from August 8th) – Union Road/Robinson Road Townhomes (File #202300213)

Subject hearing involves a request to amend File #202200487 for approximately 1.45 acres, zoned PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located between Union Road and Robinson Road and is owned by South Oak Partners, LLC.

This item was voted to be moved on the agenda, prior to Item 7 and received a unanimous vote of approval (6-0).

Item 3: Public Hearing – Legacy Villages (File #202400258)

Subject hearing involves a request to rezone approximately 1.80 acres from RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Bessemer City Road between Graham Street and Black Street and is owned by multiple owners.

Chair Ferguson opened the public hearing and recognized Jordan Tubbs, Senior Planner, for staff's presentation. The zoning map was presented. Mr. Tubbs stated that the subject property is 1.8 acres, located on the western side of Bessemer City Road. He noted that the request consists of six tax parcels; two of which currently consist of single-family homes while the other four are vacant. He discussed the zoning and land uses of the surrounding properties, which were primarily residential. Mr. Tubbs stated that the subject property is currently zoned RS-8 and that the request was for PD-RRDD for 25 townhomes. The site plan was displayed. He stated that all townhomes are rear loaded with alleys internal to the development. Mr. Tubbs discussed the three access points and the required road improvements. He pointed out key features of the site plan, including the open space, sidewalk and proposed stormwater pond. Mr. Tubbs displayed the elevations and noted that it reflects a rear loaded townhome product. He shared the agreed upon conditions and stated that the request is consistent with

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the 2025 Future Land Use Map for residential uses and that staff is recommending approval of the request as presented.

Chair Ferguson recognized the applicant team including Moriah Ellington, 2201 Blueberry Street, Belmont, NC; Gary Harvey, 6237 Coach Hill Lane, Charlotte, NC; and Martin Jones II, 1522 Scoter Street, Charlotte, NC. Ms. Ellington discussed the location of the subject property and the existing zoning of RS-8. She stated that a neighborhood meeting was held on July 15th and that the concerns from neighbors have been addressed on the site plan, including the revision to internal driveways. Ms. Ellington discussed the landscaping and stormwater pond. The elevations were presented. Mr. Jones stated that architectural features of the proposed townhomes are forward thinking in design, and can maximize the capabilities for families and future residents. Mr. Harvey stated that the 2025 Comprehensive Plan is in alignment with their proposal and contributes to needed affordable housing.

Ms. Ellington displayed a video rendering of the development and elevations. Vice Chair Ghorley stated that the site plan on the development sign located on the property is different from the site plan presented tonight. Vice Chair Ghorley asked what drove the changes. Ms. Ellington stated that staff had requested revisions to the site plan, including the change to make all driveways internal to the site, rather than on Graham Street. Vice Chair Ghorley asked Ms. Ellington what the concerns were at the neighborhood meeting. Ms. Ellington stated that the concerns were traffic and driveways on Bessemer City Road, the history of the area, and stormwater. She noted that the change to the driveways has resolved most of the concerns.

Chair Ferguson recognized Larry Davis, 607 Black Street, Gastonia, NC. Mr. Davis asked if the townhomes were for rent or for sale. Mr. Harvey stated that the townhomes are for sale. Mr. Davis expressed concerns for traffic and speeding on Bessemer City Road and the potential for Black Street to become a cut through. Chair Ferguson recommended that Mr. Davis contact the Police Department to discuss speeding on local neighborhood streets. Vice Chair Ghorley also noted that Mr. Davis could contact City Council. Mr. Davis also discussed existing stormwater issues on Black Street and Oliver Street.

Chair Ferguson recognized James McDaniel, 601 & 603 Oliver Street, Gastonia, NC. Mr. McDaniel stated that he had concerns for water runoff and drainage due to existing infrastructure issues. He also stated that he currently maintains the stormwater ditches in his neighborhood and believes the runoff will get worse with more homes and more impervious surface. He also expressed concerns for traffic on Black Street and Oliver Street.

The applicant approached for rebuttal. Ms. Ellington stated that the stormwater pond will collect the flowing water, treat the runoff, and slowly release it. She noted that the existing stormwater infrastructure is damaged, but stated that the new pond will improve conditions on the western side of the street. Vice Chair Ghorley asked Ms. Ellington if curb and gutter will be constructed. Ms. Ellington stated that curb and gutter does not currently exist but that the developers will have to install it.

Assistant City Engineer, Keith Lineberger, approached to address stormwater concerns. He stated that the pond was located on the western end of the site because it is the low point where water will collect. He concurred with the information that Ms. Ellington previously stated. Mr. Lineberger noted that the release of groundwater will occur slower in the pond than it would on regular pavement. He also addressed traffic concerns and stated that the project did not meet the threshold for a TIA. Vice Chair Ghorley asked Mr. Lineberger if new curb and gutter will help with the stormwater issues. Mr. Lineberger replied "Yes" and stated that it will help with channelization and collection of runoff. Mr. Davis asked if the stormwater pond will cause mosquitoes. Mr. Lineberger stated that mosquitoes should not be an issue as long as the pond is maintained properly.

Commissioner Chapman asked Mr. Tubbs what was being built at the corner of Black Street and Bessemer City Road. Mr. Tubbs stated that it was a planned single-family home. With no further discussion, Vice Chair Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Silverman seconded the motion. The motion to approve the request as presented was unanimously passed (6-0).

Item 4: Public Hearing – Tucker Springhaven (File #202400268)

Subject hearing involves a request to rezone approximately 262.84 acres from PD-PRD (Planned Development – Planned Residential Development) to PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Union New Hope Road and is owned by Walton North Carolina, LLC.

This item was voted to be continued to the October 3rd, 2024 Planning Commission meeting and received a unanimous vote of approval to continue (6-0).

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Item 5: Public Hearing – Industrial Pike Road (File #202400292)

Subject hearing involves a request to rezone approximately 15.898 acres from I-2 (General Industrial) to I-3 CD (Exclusive Industrial – Conditional District). The subject property is located on Industrial Pike Road and is owned by Ferebee Corporation.

Chair Ferguson opened the public hearing and recognized Maddy Gates, Senior Planner, for staff's presentation. Ms. Gates stated that the subject property was approximately 15.898 acres located on the eastern side of Industrial Pike Road. The zoning map was displayed and she discussed the context of the surrounding area, which was entirely industrial. Ms. Gates stated that the request to I-3 CD was for the development and operation of an asphalt plant. Ms. Gates distributed an updated site plan to the Commissioners and presented it on the screen, for consideration. Ms. Gates discussed the overall layout of the proposed asphalt plant and stated that the applicant has agreed to provide a Type C buffer along the perimeter of all property lines. She explained the two accesses for the property, including the reversed traffic route at the northern driveway. Ms. Gates stated that staff has been working with the applicant to provide additional traffic control measures and has agreed to the addition of the entrance island, as shown on the site plan. She discussed the agreed upon conditions and noted that a previous asphalt plant was approved with I-3 CD zoning on the western side of Industrial Pike Road in 2022. Lastly, Ms. Gates stated that the request was consistent with the 2025 Future Land Use Map for industrial uses and that staff was recommending approval as it's been presented.

Vice Chair Ghorley asked Ms. Gates to identify the previous asphalt plant approval from 2022 on the zoning map. Ms. Gates identified the property in question on the zoning map as numbers 7, 8, and 9. Chair Ferguson asked if the asphalt plant from 2022 was existing. Ms. Gates replied that the property was approved for an asphalt plant but stated that it does not currently exist and has not been developed. Chair Ferguson asked for the approximate location of the driveway for the previous 2022 asphalt plant. Ms. Gates replied that it was located on the northern end of the property and identified this location on the zoning map.

Chair Ferguson recognized Bailey Watkins, 701 Corporate Center Drive Suite 101, Raleigh, NC; and Fleetwood Hassell, 1940 Algonquin Road Suite 305, Charleston, SC. Mr. Watkins stated that he was present on behalf of the Ferebee Corporation and that Mr. Hassell was the engineer for the site. Mr. Watkins stated that a neighborhood meeting was held and concerns were expressed from an adjoining property owner, Mr. Warren. He noted that Mr. Warren had concerns in regards to dust debris, noise, and odor and stated that Ferebee has provided Mr. Warren with documentation for those concerns. Mr. Watkins also stated that the site was designed with similarities to the previous plant across the street, including the 25-foot Type C buffer.

Vice Chair Ghorley asked Mr. Watkins how dust debris is mitigated. Mr. Watkins replied that it is done by water truck for the aggregate and stockpile field, when needed. He also stated that the internal drive, containing the majority of the truck traffic, will be paved which would reduce the dust debris. Vice Chair Ghorley asked for clarification on the water truck process. Mr. Watkins discussed the different types of truck traffic. He stated that the majority of trucks, which will be picking up loads of asphalt, will not be in the aggregate yard but would be on a paved surface. He further noted that there is a separate entrance at the southern end of the site for drop off at the aggregate and stockpile yard. Vice Chair Ghorley encouraged the applicant to water the paved road area as well, to reduce the amount of dust debris. Vice Chair Ghorley also asked Mr. Watkins what the procedures are for watering the aggregate piles and if there is a particular schedule that is followed. Mr. Watkins replied that it is done as needed at all of their sites due to air permitting requirements and weather conditions. Vice Chair Ghorley asked how the condition of the aggregate stockpiles is monitored for needed watering. Mr. Watkins replied that it is based on visual assessment.

Vice Chair Ghorley asked what the hours of operation would be for the asphalt plant. Mr. Watkins replied that it is based on the North Carolina Department of Transportation's (NCDOT) need. He stated that they operate at night if paving is done at night, meaning it would potentially be a 24-hour operation. Vice Chair Ghorley asked if the need for the plant is related to the widening of Interstate 85 (I-85). Mr. Watkins replied "Yes" and stated that it is also for all of the other growth in the area as well. Vice Chair Ghorley asked Mr. Watkins if the plant would be shut down after the I-85 widening project. Mr. Watkins replied "No" and stated that the plant would remain open for as long as possible.

Commissioner Silverman asked Mr. Hassell where the last asphalt plant they have constructed was located and how long ago it was. Mr. Hassell replied that it was in Leesville, South Carolina and was done two years ago. Commissioner Silverman asked if that plant was in operation and if the applicants can provide any lessons they've learned from it. Mr. Hassell replied that regulations differ by state. He noted that overtime, they have learned how to make the plants operate more efficiently in terms of site layout and in regards to state and local requirements.

Commissioner Howe asked Mr. Watkins what the typical output is for Ferebee's other asphalt plants. Mr. Watkins replied that production capacity is 200 to 500 tons per hour. He noted that Ferebee wasn't

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certain what type of plant would be located on-site but stated it would most likely be a 300 to 400 ton per hour production. Mr. Watkins noted that during large paving projects the plant can run at full capacity but during slower times, it operates around 50-percent. Commissioner Howe asked if there will be additional phases of the plant added later. Mr. Watkins replied “No” and stated that the plant installation would be done initially. Commissioner Howe also asked if the 300 to 400 ton plant is similar to other plants they currently have in operation. Mr. Watkins replied “Yes” and stated that they currently have 75 plants in total; which 25 to 30 of them operate at the 300 to 400 ton capacity. Commissioner Silverman asked Mr. Watkins how many employees will be located on-site. Mr. Watkins replied that there are four to six employees per day, including three to four people for operations, one maintenance employee, one foreman and one to two lab technicians to test the production.

With no further questions for the applicants, Chair Ferguson recognized Hannes Charen, 720 York Road, Kings Mountain, NC. Mr. Charen stated that he was representing the business, TCI Mobility, located at 1720 Industrial Pike Road which has been in operation for 30 years. He stated that TCI Mobility designs, develops and manufactures custom electric vehicles and mixing tank systems. Mr. Charen stated that the TCI Mobility property is directly abutting the proposed asphalt plant to the north. He stated that he was not opposed to the first asphalt plant in 2022 due to the buffering that was provided. Mr. Charen shared concerns for having two asphalt plants located across the street from one another and stated that the potential impacts would be increased traffic, noise, and other environmental issues. He stated that Industrial Pike Road is a dead end and that the additional truck traffic will cause congestion. Lastly, Mr. Charen expressed concerns for having two I-3 CD properties approved for asphalt plants located in close proximity to one another.

Vice Chair Ghorley asked Mr. Charen if he was more concerned about the truck traffic or the potential impacts to his business, including dust. Mr. Charen replied that his facility does have filters but stated that the dust debris and traffic are his major concerns.

Chair Ferguson recognized James Warren, 1575 Industrial Pike Road, Gastonia, NC. Mr. Warren stated that he lives in Clover, South Carolina but is representing his three companies located at 1575 Industrial Pike Road, which have been in operation for 18 years. Mr. Warren stated that his property is directly across the street from the proposed asphalt plant and directly north from the asphalt plant approved in 2022. He shared concerns for I-3 CD being the most intensive industrial zoning and stated he was opposed to the asphalt in 2022 as well. Mr. Warren discussed impacts such as noise and odor and stated that buffering is needed. He stated that he currently owns a metal fabrication business and is concerned for toxic chemicals contaminating his operations. Mr. Warren noted that the zoning ordinance requires asphalt plants to have direct access to or tie in close proximity to a major arterial road, which he felt the proposed subject property did not have. He expressed concerns due to the potential impacts from toxic air pollutants and stated that his property would be fully surrounded by both asphalt plants. Mr. Warren stated that he felt the subject property was not the proper location for such an intense industrial use. He discussed the increased truckloads of material that would occur each day if the project was approved. Lastly, he noted that his biggest concerns were noise and air pollution.

Commissioner Chapman asked Mr. Warren how Ferebee could be a better neighbor. Mr. Warren replied that he would like a guarantee that no toxic chemicals from the asphalt plant would pollute his factory or be found on his air quality test. Mr. Warren also stated that his company is required to do regular testing and that hexavalent chromium is not allowed. Vice Chair Ghorley asked Mr. Warren what would happen if hexavalent chromium was found on an air quality test. Mr. Warren replied that he was unsure but stated that it could be a safety issue for his employees and for the operation of powder coating. He also noted that he was concerned about his property values. Vice Chair Ghorley stated that he remembered Mr. Warren from 2022 and noted that he felt there was less buffer provided on this rezoning request compared to the previous asphalt plant. Mr. Warren replied stating that the buffer proposed along Industrial Pike Road is not sufficient enough to provide screening and pollution mitigation because there is an electrical easement going through it. Further, he stated that the proposed plant driveway is directly across from his driveway and that the buffer had a lot of gaps in it. Mr. Warren noted that one asphalt plant was okay, but two plants is too aggressive for the area.

Vice Chair Ghorley asked Mr. Warren if he had any requests of the applicants during the neighborhood meeting. Mr. Warren replied that he had requests for the previous asphalt plant project, including buffers. He shared concerns for potentially having to relocate his business due to the emissions of toxic chemicals from the asphalt plant.

Vice Chair Ghorley asked Ms. Gates how the buffer sizes were determined for the asphalt plant. Ms. Gates replied that in general, there is no buffer requirement in the ordinance for industrial zoning next to industrial zoning, unless the supplemental regulations specifically state it. She noted that the use for an asphalt plant did not require a buffer. Ms. Gates stated that the applicant had provided screening via tree cover on the first site plan but that staff requested the commitment to a 25-foot Type C buffer.

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Commissioner Chapman asked Ms. Gates if signage would be required at the entrance of Industrial Pike Road to notify the public of heavy-load truck traffic. Ms. Gates replied that she was not aware of such sign requirements. Mr. Lineberger stated that he agreed with Ms. Gates and did not believe signage was necessary since Industrial Pike Road is already an industrial park.

Mr. Watkins approached for rebuttal. He addressed concerns in regards to air quality and air pollution. Mr. Watkins stated that asphalt plants are highly regulated by the North Carolina Department of Environmental Quality (NCDEQ) for emissions. He noted that the plant operations must meet all NCDEQ requirements, including installing filters and passing stack testing. Vice Chair Ghorley asked Mr. Watkins what Ferebee would do if hexavalent chromium was found in Mr. Warren's plant. Mr. Watkins replied that Ferebee would be good neighbors and do what's needed to deal with it. He stated that the area is already zoned for industrial and that Industrial Pike Road is a dead end which warrants slower traffic. He also noted that a traffic study is required as part of the site plan review process. Vice Chair Ghorley recommended that the Ferebee Corporation visit the adjoining properties and see their operations to better understand how they can help one another.

Commissioner Chapman made a motion to close the public hearing and Vice Chair Ghorley seconded the motion. The motion to close the public hearing was unanimously passed (6-0). Commissioner Silverman asked the Commissioners what the current status of the previous asphalt plant was. Vice Chair Ghorley stated that he was unsure but that it has already been approved for zoning. Commissioner Coffey discussed the I-3 zoning requirement for access to a major arterial road. She noted that she did not believe Industrial Pike Road met that standard. Chair Ferguson stated that the requirement is for "direct access to or in close proximity", which the connection to Bessemer City Road and I-85 satisfies. Assistant City Attorney, Charles Graham, stated that he was in agreement with Chair Ferguson in regards to Bessemer City Road and I-85 meeting the major arterial road requirement.

Vice Chair Ghorley stated that his concern was the location of the proposed asphalt plant which abuts and potentially impacts several companies. He noted that the previous asphalt plant, on the northwestern side of Industrial Pike Road, seemed to have less neighbors and therefore, less of an impact. Commissioner Coffey stated that she had the same concerns as Vice Chair Ghorley. She noted that the northern entrance did not have enough of a buffer between the adjoining business. Chair Ferguson noted that although no buffer is required, the applicant did agree to provide one. Chair Ferguson also stated that she felt the asphalt plant was an appropriate land use because the surrounding area is zoned entirely industrial. Commissioner Silverman asked if there were any other asphalt plants in Gaston County. Vice Chair Ghorley stated that he believes the only asphalt plant in Gaston County was the previously approved one on Industrial Pike Road.

Commissioner Chapman asked the Commissioners who the applicant was for the asphalt plant approved in 2022. The Commissioners stated that they did not remember. Commissioner Coffey asked if the asphalt plant from 2022, had started construction or operation. Vice Chair Ghorley replied "No".

With no further discussion, Commissioner Howe made a motion to deny the request as presented with the statement of consistency and reasonableness. Commissioner Chapman seconded the motion. The motion to deny the request as presented received a vote of 4-2. Vice Chair Ghorley and Commissioners Chapman, Howe, and Silverman voted in favor of the motion to deny. Chair Ferguson and Commissioner Coffey voted against the motion to deny. Chair Ferguson stated that the request did not receive a $\frac{3}{4}$ majority vote and would continue to the October 15th, 2024 City Council meeting for a final public hearing and vote.

Item 6: Public Hearing – Learning Experience at Robinwood Road (File #202400105)

Subject hearing involves a request to rezone approximately 1.78 acres from C-1 CD (Neighborhood Business – Conditional District) to C-2 CD (Highway Business – Conditional District). The subject property is located on Robinwood Road and is owned by Triangle Real Estate of Gastonia, Inc.

Chair Ferguson opened the public hearing and recognized Maddy Gates, Senior Planner, for staff's presentation. The zoning map was presented. Ms. Gates stated that the request was for C-2 CD zoning to facilitate the development and operation of a child care center, known as The Learning Experience. She discussed the zoning and context of the surrounding properties. Ms. Gates stated that the subject property was included in a 1994 C-1 CD approval for a 38,800 sq. ft. retail and office center (File 78-94). She noted that File 78-94 included three tax parcels, however, only one property was developed and the other two remain vacant. Ms. Gates stated that the applicant is wishing to remove the previous conditional district and rezone to C-2 CD. The site plan was displayed. Ms. Gates stated that the request was for a 10,000 sq. ft. child care center with frontage on Robinwood Road. She explained the details of the site plan including buffers, access points, parking and tree save area. Ms. Gates discussed the agreed upon conditions and displayed the conceptual elevations, which she noted are subject to the Urban Standards Overlay. Ms. Gates discussed the supplemental regulations for a child care center (Section 8.2.19 in the Unified Development Ordinance) and noted that the plan met all requirements.

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She stated that the 2025 Future Land Use Map identifies the subject property for commercial uses and that the request was consistent. Ms. Gates stated that staff is recommending approval as presented.

Chair Ferguson asked Ms. Gates to repeat the requirements for the buffer along the stormwater pond. Ms. Gates stated that the applicant is required to provide screening along the stormwater pond because it is located in the front yard. She noted that the screening would be a 10-foot Type B buffer.

Chair Ferguson recognized Dave Plank, 22 Garlington Road, Greenville, SC. Mr. Plank stated that he was present on behalf of the development team and the future tenant, The Learning Experience. He stated that The Learning Experience has 300 to 400 other locations across the country and specializes in child day care. Mr. Plank discussed concerns from the neighborhood meeting, which included stormwater runoff and traffic. In regards to traffic, he stated that The Learning Experience has staggered drop off times every thirty minutes between 6:30AM and 9:30AM, which reduces traffic. Mr. Plank noted that there are around 200 children dropped off over three hours which is broken up by age groups. He stated that it would produce 66 trips per hour.

Chair Ferguson recognized Chad Huskins, 4001 Tall Timber Court, Gastonia, NC. Mr. Huskins stated that he was present to discuss any engineering or technical questions in regards to the site plan. He stated that the request to C-2 instead of C-1 was for additional parking that the facility would need for employees and during drop off and pick up times. Mr. Huskins stated that the original site plan had 50 parking spaces but has been reduced to 40. He discussed concerns from the neighborhood meeting, including stormwater and the elevations of the building. Mr. Huskins noted that The Learning Experience has hundreds of other locations and produces a nice product which will comply with all of the city's design standards. In regards to stormwater, Mr. Huskins noted that the stormwater pond will hold water, treat it, and slowly release it at pre-development rates. Lastly, he displayed a presentation showing the exterior and interior of other Learning Experience facilities, including those in Belmont and Charlotte.

With no further discussion, Vice Chair Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Silverman seconded the motion. Due to members of the public present and wishing to speak, Vice Chair Ghorley withdrew his motion to approve the request as presented and Commissioner Silverman withdrew his second.

Chair Ferguson recognized Don Renfro, 1625 Heatherloch Drive, Gastonia, NC. Mr. Renfro stated that his primary concern is stormwater due to the additional impervious surface. He noted that erosion and water runoff is a current issue in the area, which he feels will get worse without proper mitigation. Mr. Renfro asked for the applicant to provide underground water detention instead of an open stormwater pond. He stated that he felt underground detention can be better controlled in terms of releasing water back to streams and creeks. He requested that the monument sign be similar to others in the area and free of clutter for aesthetic appeal. Lastly, he also requested a right-turn only on Robinwood Road. Mr. Renfro stated that a right-turn only would be safer due to existing traffic issues and dangerous intersections.

Chair Ferguson recognized David Kenny, 1331 Heatherloch Drive, Gastonia, NC. Mr. Kenny stated that he attended the neighborhood meeting and understood the need for additional child care centers. He expressed concerns for stormwater and traffic. Mr. Kenny stated that previous developments in the area have impacted their neighborhood lake and he was concerned that the proposed stormwater pond would not be sufficient enough. He stated that he agreed with Mr. Renfro in terms of providing closed, underground detention instead of a stormwater pond.

Chair Ferguson asked Ms. Gates if Robinwood Road was a NCDOT road. Ms. Gates replied "Yes". Vice Chair Ghorley asked Ms. Gates if the request for a right-in/right-out driveway would be a technical review by staff or a recommendation from NCDOT. Ms. Gates responded that a traffic study is required. She noted that a traffic improvement, such as a right-in/right-out driveway, would be a recommendation from NCDOT, if it was determined that there was a need for it. Chair Ferguson asked Ms. Gates to clarify the requirements for signs. Ms. Gates replied that approval of signs is not included in the rezoning request and stated that a separate zoning permit would be required for signage. She stated that all new signs must meet the ordinance in terms of materials, location, and size. Ms. Gates also noted that there are different standards depending on the type of sign, meaning that the wall sign and the monument sign would require separate permits.

Chair Ferguson asked Mr. Lineberger to explain the difference between an open and closed stormwater system. Mr. Lineberger clarified that a "closed" system would mean that detention is underground. He noted that the UDO does not specify a particular requirement for underground detention. Mr. Lineberger stated that the stormwater pond, as shown on the site plan, meets the ordinance.

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Mr. Huskins and Mr. Plank approached for rebuttal. Mr. Huskins stated that the stormwater pond is designed, in size and materials, to hold a certain capacity of water based on elements from the site. He noted that whether the stormwater system is opened or closed, it will not affect the capability to capture and treat water runoff. Commissioner Coffey asked Mr. Huskins if there were any other potential access points. Mr. Huskins replied that there was discussion to connect to the adjoining property's parking lot, which was located directly west of the site, at the corner of Robinwood Road and Kendrick Road. He noted that there is a strip of land between the two properties which was created for sewer access. Mr. Huskins expressed a willingness to explore that connection, but noted that its feasibility would depend on obtaining permission from the current property owner.

In regards to concerns for signage, Mr. Plank stated that The Learning Experience will continue to work on sign design and will ensure that they provide a good quality product that fits in the area. He also discussed the traffic concerns and noted that a right-in/right-out driveway on Robinwood Road could potentially kill the project. He stated that the development team is willing to do whatever is possible to provide a safe facility and will cooperate with NCDOT.

With no further discussion, Vice Chair Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Silverman seconded the motion. The motion to approve the request as presented was unanimously passed (6-0).

Item 2: Public Hearing (Continued from August 8th) – Union Road/Robinson Road Townhomes (File #202300213)

Subject hearing involves a request to amend File #202200487 for approximately 1.45 acres, zoned PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located between Union Road and Robinson Road and is owned by South Oak Partners, LLC.

Chair Ferguson opened the public hearing and recognized Jordan Tubbs, Senior Planner, for staff's presentation. The zoning map was presented. Mr. Tubbs stated that the subject property is 1.45 acres, located between Union Road and Robinson Road. He noted that the request consists of two tax parcels which are currently undeveloped and vacant. He discussed the context of the surrounding properties, which were a combination of commercial, office and residential zoning. Mr. Tubbs stated that the request was to amend the existing PD-RRDD (File #202200487) conditional district and increase the units from 13 to 22 townhomes. The site plan was displayed. He stated that all townhomes front onto a public street, which provide the primary pedestrian access to each unit, however, there are no rear lanes. Mr. Tubbs noted that the site has been designed with one-way entry from Union Road and egress out to Robinson Road. He discussed the specifics of the site plan including the parking, stormwater pond, fee-in-lieu for tree save area and road improvements. Mr. Tubbs explained that the applicant did not have to provide open space since the property is less than 3-acres. The elevations were displayed, which reflected a two-story townhome product. Mr. Tubbs shared the agreed upon conditions and stated that the request is consistent with the 2025 Future Land Use Map for residential uses and that staff is recommending approval of the request as presented.

Commissioner Coffey asked Mr. Tubbs for clarification on the fee-in-lieu for the tree save area. Mr. Tubbs replied that the applicant will pay money to the City for the tree save area rather than providing it on the site plan. Chair Ferguson asked if fee-in-lieu is allowed in the ordinance for tree save. Mr. Tubbs replied "Yes".

Chair Ferguson recognized David Tibbals, 8111 Sealey Court, Charlotte, NC. Mr. Tibbals discussed the change in the site plan from 13 units to 22 units. He stated that the original home builder was no longer with the project and that a new home builder was in the works. Mr. Tibbals stated that stormwater pond has been located because it is the low point. He noted that the pond will treat and release water at pre-development rates.

Commissioner Silverman made a motion to approved the request as presented with the statement of consistency and reasonableness. Vice Chair Ghorley seconded the motion. The motion to approve the request as presented was passed (5-1). Commissioner Chapman voted in opposition of the motion to approve. All other commissioners voted in favor of the motion to approve.

Item 7: Public Hearing – Unified Development Ordinance Amendment (File #202400413)

Subject hearing involves a request to amend Section 2.7 Terms Defined in This Ordinance, and various related sections of Chapter 12 Signs to the Unified Development Ordinance to revise regulations for signs placed on or near a roof. The Gastonia City Council will hold a Public Hearing for the text amendment request at the September 17th, 2024 meeting.

Chair Ferguson opened the public hearing and recognized Senior Planner, Jordan Tubbs, for staff's presentation. Mr. Tubbs explained that the intent of the text amendment is to allow for roof signs and skyline signs in downtown Gastonia and to provide the necessary design guidelines and standards to

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do so. He stated that roof signs were approved in the Urban Mixed Use (UMU) zoning district in June, 2023 but noted that staff has received additional requests for additional sign types in the Central Business District (CBD) as well. Mr. Tubbs stated that the text amendment addresses Section 2.7 Terms Defined in this Ordinance, Section 12.10 Central Business District Sign Specifications and Section 12.4 Permitted Signs: Location, Size, Number. He explained that specifics of the text amendment including creating the sign type skyline signs, expanding roof signs and skyline signs in the CBD zoning district and providing new design standards. Mr. Tubbs noted that any new signs in the CBD and UMU zoning districts would be subject to the Downtown Design Review Committee (DRC), which is apprised of City staff, appointed by the City Manager. Lastly, he stated that staff is recommending approval as presented and that he is available for any questions.

Vice Chair Ghorley asked Mr. Tubbs if the text amendment was driven primarily from developers. Mr. Tubbs replied “Yes” and stated that staff felt these sign types would be consistent with the CBD and UMU districts character. Vice Chair Ghorley asked if the roof and skyline signs would replace the already allowed signage in CBD and UMU. Mr. Tubbs replied “No” and stated that roof and skyline signs would be allowed in addition to other sign types. He stated that a building cannot have a roof sign and a skyline sign. Commissioner Silverman asked if the requirements for internally illuminated signs allowed for neon gas. Mr. Tubbs replied that the ordinance did not specify language for neon gas but that he believes it would be different from internally illuminated. Discussion ensued amongst the Commissioners in regards to neon gas. Mr. Tubbs clarified that internally illuminated means that the light source is located within the sign encasement.

With no further discussion, Chair Ferguson asked for the wishes of the board. Commissioner Silverman made a motion to recommend approval of the text amendment as presented with the statement of consistency and reasonableness. Commissioner Chapman seconded the motion. The motion to recommend approval of the text amendment as presented was unanimously passed (6-0).

Item 8: Public Hearing – Unified Development Ordinance Amendment (File #202400414)

Subject hearing involves a request to amend Section 7.1-1 Table of Uses of the Unified Development Ordinance to allow for the use Dwelling, Single-family Attached by right in the urban core zoning districts. The Gastonia City Council will hold a Public Hearing for the text amendment request at the September 17th, 2024 meeting.

Chair Ferguson opened the public hearing and recognized Senior Planner, Maddy Gates, for staff’s presentation. Ms. Gates explained that the intent of the text amendment is to allow for townhomes by-right in zoning districts that exist in the more urban areas of Gastonia, including Urban Industrial (I-U), Urban Mixed Use (UMU) and the Central Business District (CBD). She noted that the ordinance section in question is the Table of Uses, which regulates what uses are allowed in what zoning districts. Ms. Gates displayed a zoning map on the screen. She stated that staff had created a zoning map, “Exhibit A”, to help visualize and facilitate the discussion. Ms. Gates stated that townhomes projects that are done by-right would follow the Revised Residential Development District (RRDD) standards. Further she noted that staff has done a lot of work to RRDD and feels confident that a good quality product can be produced by-right. She noted that townhomes would be consistent in I-U, UMU, and CBD, due to the higher density nature of townhomes, the proximity to downtown and other essential services, and for the urban feel and walkability. She stated that the current Table of Uses requires townhome projects, regardless of size, to go through the conditional rezoning process when new streets are created in all zoning districts. Further she explained that this amendment would remove that restriction for the I-U, UMU and CBD districts only. Lastly, Ms. Gates stated that staff is recommending approval as presented and that she is available for any questions.

Commissioner Chapman asked Ms. Gates to discuss a location in Gastonia where the proposed text amendment would be useful. Ms. Gates discussed the zoning map and identified the locations of I-U, UMU, and CBD. She stated that the amendment would be useful for infill development along the corridors of Bessemer City Road, Long Avenue, and York Highway, for examples. She discussed that townhome projects in UMU and CBD will be required to receive DRC approval for site layout and design. Ms. Gates stated that the downtown design review has discouraging language in regards to residential uses located at the street level in the main retail, office, and entertainment area, noting that townhomes would not be permitted on Main Avenue. Further she noted that townhomes could be a good fit along Airline Avenue and in close proximity to the FUSE (Franklin Urban Sport and Entertainment) District.

Commissioner Coffey asked Ms. Gates if the text amendment would impact the historic district. Ms. Gates replied that she was not sure if there was any overlap between the UMU zoning district and the historic district. Commissioner Coffey asked if the design guidelines in the historic district would apply. Ms. Gates replied “Yes”, stating that any overlap into the historic district would require a Certificate of Appropriateness from the Historic District Commission.

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Commissioner Chapman asked Ms. Gates how the proposed text amendment would benefit the City of Gastonia. Ms. Gates replied that there are several adopted small area plans which would support the text amendment in regards to providing higher density, housing diversity and affordability. She noted that the text amendment is trying to emphasize the right types of development in the right locations that its needed and wanted. Vice Chair Ghorley stated that the proposed text amendment would encourage development in locations where infrastructure is already existing rather than having to build large public extensions.

With no further discussion, Chair Ferguson asked for the wishes of the board. Commissioner Chapman made a motion to recommend approval of the text amendment as presented with the statement of consistency and reasonableness. Vice Chair Ghorley seconded the motion. The motion to recommend approval of the text amendment as presented was unanimously passed (6-0).

Item 9: OTHER BUSINESS

Ms. Gates shared Council updates. She stated that there were three annexations and one text amendment on the August 20th City Council agenda, which were all approved.

Ms. Gates also discussed the kick-off of the Comprehensive Plan update, including the website and community pulse survey launch. Vice Chair Ghorley asked if the Planning Commission will be involved in the comprehensive plan update process. Ms. Gates replied “Yes” and stated that there are two or three planned focus groups with the Planning Commission.

Chair Ferguson discussed the procedures for receiving contacts from members of the public. Chair Ferguson and Mr. Graham discussed the importance of in depth discussion during public hearings for recordation purposes.

The Commissioners discussed providing a representative for the October 15th City Council meeting.

Item 10: ADJOURNMENT

Chair Ferguson entertained a motion to adjourn. Commissioner Silverman made a motion to adjourn and Vice Chair Ghorley seconded the motion. The motion to adjourn was unanimously passed (6-0). The meeting adjourned at 8:30 PM.

Rebeca Mintz, Secretary

Kristie Ferguson , Chairperson