

## **Gastonia Planning Commission September 8, 2022 Meeting Minutes**

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The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, September 8, 2022 in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Commissioner Kristie Ferguson Commissioners Rodney Armstrong, Jim Stewart, David Wilson, Carl Harris, Chad Ghorley, and Bob Cinq-Mars

Absent: Commissioner Anthony Gallant

Staff Members Present: Charles Graham, Quentin McPhatter, Jason Thompson, Jason Pauling, Maddy Gates, Tucker Johnson, Chrystal Howard, and Jalen Nash

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

Chairwoman Kristie Ferguson declared a quorum.

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

Commissioner Wilson received “many” contacts. Commissioner Ghorley received four contacts. Commissioner Stewart received four contacts. Commissioner Harris received two contacts. Commissioner Armstrong received two contacts. Chairwoman Ferguson received one contact. Commissioner Cinq-Mars received no contacts.

Chairwoman Ferguson recognized the absence of Commissioner Anthony Gallant.

### **Item 1c: Approval of August 4<sup>th</sup>, 2022 and August 18<sup>th</sup>, 2022 GPC Minutes**

Commissioner Stewart made a motion to adopt the August 4<sup>th</sup>, 2022 and August 18<sup>th</sup>, 2022 minutes as presented. Commissioner Ghorley seconded the motion. The motion unanimously approved (7-0).

Chairwoman Ferguson explained the rules of procedure and time limitations.

### **Item 2: Public Hearing (cont.) – Crowders Creek Neighborhood (File #202100505)**

Subject hearing involves a request to rezone approximately 285.22 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and I-2 (General Industrial) to PD-TND (Planned Development – Traditional Neighborhood Development). The subject property is located south of W. Franklin Boulevard between Archie Whitesides Road and S. Myrtle School Road. The property is owned by multiple owners.

Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map and site plan were displayed. Mr. Thompson stated that this was a continued item from the August 18<sup>th</sup>, 2022 Planning Commission Meeting and that staff has no changes. Mr. Thompson also stated that the applicant was present and available for questions.

Chairwoman Ferguson recognized John Carmichael, 101 N. Tryon Street, Charlotte, NC. Mr. Carmichael gave a brief explanation of the rezoning proposal and displayed the site plan. Mr. Carmichael noted the increase of multi-family dwelling units from the last meeting from 350 to 360 units. Chairwoman Ferguson recognized Richard Petersheim, 223 N. Graham St., Charlotte, NC. Mr. Petersheim stated that the point of discussion at the end of the last meeting was centered around the Franklin Intersection and Shannon Bradley extension. Mr. Petersheim displayed images of the intersection and discussed points of access, right of ways, and the direct access to the Dixie Glass property. Mr. Petersheim noted that the preliminary traffic impact analysis confirmed that the majority of traffic will come through W. Franklin Blvd. Mr. Petersheim stated that the preliminary traffic impact analysis presented the applicants with a 5 lane road expansion. Mr. Petersheim presented potential solutions with the Dixie Glass Company including; shifting the intersection, building new driveways, providing cross access easements, alternatives for parking displacement, and the Dixie Glass business sign. Mr. Petersheim also stated that the final road mitigation measures are dependent upon the final traffic impact analysis and NCDOT approval.

Chairwoman Ferguson recognized Dan Robertson, 2390 Hillsdale Drive, Rock Hill, SC. Mr. Robertson presented an exhibit given to the applicant from the Dixie Glass Company regarding Dixie Glass’ preferred access from W. Franklin Blvd. Mr. Robertson stated that the proposed solution is fully predicated on NCDOT approval, City of Gastonia approval, and any other municipal departments required approval.

Commissioner Wilson asked Mr. Petersheim about the proposed five lane access point off of W. Franklin Blvd. and why only two lanes are shown. Mr. Petersheim explained that the exhibit shown is for five lanes and that the exhibit was drawn by Dixie Glass. Commissioner Wilson asked Mr.

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Petersheim what protects the Dixie Glass family if the rezoning is approved. Mr. Petersheim stated that NCDOT would not approve the plan without considering access to the Dixie Glass property. Commissioner Wilson asked Mr. Petersheim if he has been in contact with NCDOT. Mr. Petersheim responded that the applicant team has reached out to NCDOT. Commissioner Stewart asked Mr. Petersheim what the timeframe would be for final NCDOT approval. Mr. Petersheim responded that he was unsure of a specific timeline but that it would most likely take several months.

Chairwoman Ferguson recognized Russ Winget, 5719 Randolph Road, Charlotte, NC. Mr. Winget shared his support for the proposed project due to its connection to the future Linwood Park and the overall benefit the development would bring to west Gastonia.

Chairwoman Ferguson recognized Kathie Hazelton, 3201 W Franklin Boulevard, Gastonia, NC. Ms. Hazelton stated that she and her brother, Scott Hazelton, are representing the Dixie Glass Company. Ms. Hazelton presented a diagram and a document representing Dixie Glass' proposed access to their property off of W. Franklin Blvd. Ms. Hazelton stated that the documents were given to the applicant but had not been signed. Ms. Hazelton shared her concerns with the rezoning stating that the presented documents give Dixie Glass protection. Ms. Hazelton stated further that otherwise, the applicant team would have no responsibility to back up their words. Ms. Hazelton presented a flyer to the Commissioners and stated that the applicants intend to sell the property to another LLC. Ms. Hazelton stated that she cannot support this rezoning until there is an agreement with the applicant and that she would like this item to be continued to a future Planning Commission meeting.

Commissioner Wilson asked Ms. Hazelton if she would agree to the rezoning if the applicant were to sign a mutually agreed upon document. Ms. Hazelton replied "Yes", stating that there would need to be a commitment on paper.

Commissioner Stewart made a motion to close the public hearing. Commissioner Wilson seconded the motion. Commissioner Cinq-Mars stated that he has a question for Assistant City Attorney Graham and wishes for the public hearing to remain open. Commissioner Stewart withdrew his motion to close the public hearing.

Commissioner Cinq-Mars asked Assistant City Attorney Graham if a signed agreement between both parties is within the Commission's purview. Mr. Graham replied "No", that the Commission would not be able to require an agreement as a condition of the rezoning. Mr. Graham stated further that the final decision on the realignment of the intersection is in the absolute control of NCDOT and that he does not see how the board could draft an enforceable condition, without the participation of NCDOT.

Commissioner Stewart made a motion to close the public hearing. Commissioner Wilson seconded the motion. The motion to close the public hearing unanimously passed (7-0). Chairwoman Ferguson opened the floor for discussion between the Commissioners. Commissioner Stewart stated that although he was in favor of the project he has concerns for the Dixie Glass Company. Commissioner Stewart made a motion to continue the public hearing to the January 5<sup>th</sup>, 2023 Planning Commission meeting to allow the Dixie Glass Company and the applicant team to come to an agreement. There was no second on Commissioner Stewart's motion. Chairwoman Ferguson and Commissioner Ghorley discussed that the decision should be based upon land use and the final authority relating to the traffic impact analysis is NCDOT.

Commissioner Ghorley made a motion to approve the project as presented. Commissioner Harris seconded the motion. Chairwoman Ferguson and Commissioners Ghorley, Harris, Armstrong, and Cinq-Mars voted in favor of the motion. Commissioners Stewart and Wilson voted in opposition to the motion. The motion to approve the project as presented was approved (5-2). Chairwoman Ferguson stated that because the vote was approved with less than a three-fourths majority, it will automatically be heard at the September 20<sup>th</sup>, 2022 City Council meeting.

### **Item 3: Public Hearing Project Carpenter (File #202200156)**

Subject hearing involves a request to rezone approximately 75.14 acres from RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) and I-2 (General Industrial) to I-1 CD (Light Industrial Conditional District). The subject property is located south of I-85 between Shannon Bradley Road and Oates Road. The property is owned by multiple owners.

Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map was displayed and Mr. Thompson noted the zoning of adjacent properties. Mr. Thompson presented the site plan and discussed the I-1 zoning district and the allowable uses. He stated the 2025 Comprehensive Plan indicated industrial uses for the subject property and that staff recommended approval of the request.

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Chairwoman Ferguson recognized Brittany Lins, 1420 E. 7<sup>th</sup> Street, Charlotte, NC. Ms. Lins stated she is here on behalf of the law firm Alexander Ricks, representing CHI Acquisitions. Ms. Lins presented the zoning map and discussed the existing I-2 and RS-12 zoning districts. Ms. Lins stated further that the current RS-12 zoning is not the best use for this site. Ms. Lins presented proposed zoning conditions and the commitment to limited uses. Ms. Lins stated that a traffic impact study that has been approved and the mitigation measures of such traffic impact study will be done in accordance with NCDOT.

Commissioner Harris asked the applicant if there is a church campus to the left of the site and if a buffer is required. Ms. Lins responded that the area in question is an undisturbed tree area and the applicant will not be building near the church. Mr. Thompson stated that a buffer is required by the code, but the applicant will not be grading in that area. Commissioner Harris asked the applicant about the drop in elevation on the contour map and how the buildings will be aligned along the elevation. Ms. Lins referred to Matt Cochran to answer the previous question.

Chairwoman Ferguson recognized Matt Cochran, 4064 Colony Road, Charlotte, NC. Mr. Cochran stated that there is a large stream between the buildings which is where the majority of the decline in elevation occurs. Mr. Cochran continued that the property is not level with the road, but noted there is a 40-foot clear height. Commissioner Harris asked Mr. Cochran about the traffic study details. Mr. Cochran replied that access to the site will be from Shannon Bradley Road, Bessemer City Road and I-85. He stated further that truck access on neighborhood streets and smaller roads will be restricted.

Chairwoman Ferguson asked the board if there are any more questions for the applicant. With no further questions, Chairwoman Ferguson asked for the wishes of the board. Commissioner Stewart motioned to close the public hearing and approve the project as presented. Commissioner Ghorley seconded the motion. The motion was unanimously approved (7-0).

### **Item 4: Public Hearing – I-85 Logistics (File #202200161)**

Subject hearing involves a request to rezone approximately 67.34 acres from I-2 (General Industrial) and RLD (Residential Low Density) to I-1 CD (Light Industrial Conditional District). The subject property is located north of I-85 between Fairview Drive and Jenkins Dairy Road. The property is owned by multiple owners.

Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map was displayed. Mr. Thompson noted that this is a proposed 550,000 sq. ft. industrial building. The site plan and proposed building renderings were displayed. Mr. Thompson stated that the 2025 Comprehensive Plan indicated industrial uses for this property and that staff recommended approval of the request.

Commissioner Harris asked Mr. Thompson if the applicant can change the façade of the building and if the city holds the applicant to the approved renderings/elevations. Mr. Thompson responded “Yes”, that the Unified Development Ordinance has non-residential building design standards and that the applicant is required to develop in accordance with the approved renderings/elevations. Commissioner Cinq-Mars asked Mr. Thompson if the building will be used for warehousing. Mr. Thompson responded that the project is a spec building and that I-1 allows for warehousing uses. Mr. Thompson stated further that the Unified Development Ordinance has standards for warehousing, parking, buffers, etc.

Commissioner Cinq-Mars asked Mr. Thompson about the pattern of the driveway and how trucks will enter and exit the site. Mr. Thompson replied that that would be a question for the applicant. Commissioner Stewart asked Mr. Thompson if he has been working with the applicant on this site. Mr. Thompson responded “Yes”, that he has had a couple of meetings with the applicant team.

Chairwoman Ferguson recognized John Floyd, 100 N. Tryon Street Suite 4700, Charlotte, NC. Mr. Floyd stated that he is representing the applicant. Mr. Floyd stated the applicant is seeking to rezone the property to I-1 CD (Light Industrial Conditional District) and decrease the intensity of what could be developed on the site. Mr. Floyd stated that the building is being pushed to the center of the site to create as much buffer as possible. Mr. Floyd stated that there is a significant tree canopy surrounding the site that the developers are going to preserve. Mr. Floyd presented images of previous developments done by the applicant.

Mr. Floyd noted that a community meeting was held. Mr. Floyd addressed the three primary concerns from the community; site design, traffic, and the biggest concern from residents, the industrial development bordering around residential area. Mr. Floyd stated further that the uses being proposed for this site are what the 2025 Future Land Use Map allows. Mr. Floyd presented the 2025 Future Land Use Map. Mr. Floyd presented the CityVision 2010 Map (Adopted 1995) and the Site History map from 1979. Mr. Floyd described the significance of RLD zoning as it relates to the proposed site.

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Commissioner Harris asked Mr. Floyd if the Building Center is across the street and if so, will the applicant be required to line up the driveways. Mr. Floyd responded “No”, that the proposed site plan does not show the driveways being lined up with one another. Mr. Floyd also explained traffic conditions from the development plan and pointed out the access points to the site off of Jenkins Dairy Road.

Chairwoman Ferguson recognized Scott Brown, 3461 Tuxedo Road, Atlanta, Ga. Mr. Brown reiterated that what is seen on the conceptual site plan, is what the applicant will actually do. Commissioner Wilson asked Mr. Floyd and Mr. Brown about the amount of traffic that will be generated from the development. Mr. Floyd responded that it is estimated to create 350 trips in the morning and 700 trips in the evening, during peak hours. Commissioner Wilson asked Mr. Brown if the facility would be in 24-hour operation. Mr. Brown responded that he is not sure, but in his experience, 24-hour operation is not common for the proposed type of building. Commissioner Wilson asked Mr. Brown if residents attended the neighborhood meeting. Mr. Brown responded “Yes”.

Chairwoman Ferguson recognized Rhonda Caldwell and Kay Baker, 2601 Fairview Drive, Gastonia, NC. Ms. Caldwell and Ms. Baker stated their main concerns were traffic and noise near their property. Ms. Baker stated further that planting trees will not be effective for mitigating noise. Chairwoman Ferguson responded stating that there is a zoning condition regarding a required buffer. Mr. Thompson added that there is a Tree Ordinance in place and that staff will review the submitted plans for adequate screening. Commissioner Wilson asked Ms. Baker and Ms. Caldwell how far their house is from the building site. Mr. Brown responded that their house is approximately 420-feet from the site.

Chairwoman Ferguson recognized James Coley, 2569 Fairview Drive, Gastonia, NC. Mr. Coley expressed opposition for the rezoning, stating that it will drastically reduce the value of his property. Mr. Coley furthered his statement by requesting the committee to postpone the decision and give residents additional time to review the presentation material from the previous community meeting. Mr. Coley stated that the presentation material was promised to residents at the community meeting, but was not received.

Chairwoman Ferguson recognized John Ferry, 2604 Jenkins Dairy Road, Gastonia, NC. Mr. Ferry stated that his primary residence and his rental property are directly across the street from the proposed site. Mr. Ferry expressed concerns with the dangers of increased traffic along Jenkins Road and Jenkins Dairy Road. Commissioner Cinq-Mars asked Mr. Ferry if the trees adjacent to his property are deciduous and if traffic from I-85 can be heard from his home. Mr. Ferry responded that the site plan shown is misleading because there are not actually trees between his property and the road. Mr. Ferry also stated that he is not close enough to I-85 to hear the traffic.

Chairwoman Ferguson called for a rebuttal from the applicant. Mr. Brown confirmed that there are not deciduous trees in the top right portion of the site plan, but stated that the applicant team has agreed to put screening and fencing where there is not an existing buffer. Commissioner Harris asked the applicant why Mr. Coley never received the presentation email from the community meeting. Mr. Floyd responded that he would need to look into it, but that it should have been sent. Commissioner Wilson asked Mr. Brown how far the site’s access point is to Mr. Ferry’s property. Mr. Brown responded that it is approximately 250-feet. Commissioner Wilson asked Mr. Brown what the results were of the Traffic Impact Analysis (TIA). Mr. Brown stated that the TIA resulted in an estimate of 754 potential trips generated in the evening and 354 potential trips generated in the morning during peak hours per day.

Chairwoman Ferguson asked Mr. Thompson to explain uses permitted by right to the public. Mr. Thompson explained that a portion of the site is currently zoned for a more intense industrial use. He stated further that in regards to the proposed I-1 rezoning, it would be a decrease in intensity. Further, Mr. Thompson explained the uses, by right, allowed in the RLD zoning district. Commissioner Cinq-Mars made a motion to approve the project as presented. Commissioner Armstrong seconded the motion. Chairwoman Ferguson and Commissioners Cinq-Mars, Harris, Armstrong, Ghorley, and Stewart favored the motion. Commissioner Wilson opposed the motion. The motion to approve the project as presented passed (6-1).

### **Item 5: Public Hearing – Jenkins Road (File #202200421)**

Subject hearing involves a request to rezone approximately 6.5 acres from I-2 (General Industrial) to PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located east of Jenkins Road between I-85 and Interstate View Avenue. The property is owned by Jenkins Realty Co., Inc.

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Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map was displayed. Mr. Thompson stated that this is a proposal for a 60-unit rear loaded townhome development. He stated that the proposal includes requirements for open space and a number of zoning conditions. Mr. Thompson stated that the future land use map in the 2025 Comprehensive plan indicates industrial use for this property. Mr. Thompson stated further that because this property is wedged between I-85 and a small residential enclave, staff felt that residential use would be appropriate and recommended approval.

Chairwoman Ferguson asked if there are any questions for staff. Commissioner Cinq-Mars asked Mr. Thompson if the property is dense, with a 1/10<sup>th</sup> of an acre per resident. Mr. Thompson responded that under the RRDD section of the code, staff thinks the targeted density is what is moving Gastonia forward and reintroduces the missing middle. Commissioner Harris asked Mr. Thompson if there are amenities or an amenity building. Mr. Thompson responded “No”, but that the development will have to meet open space requirements in the code. Mr. Thompson referred Commissioner Harris to the applicant in regards to amenities.

Chairwoman Ferguson recognized Kent Olson, 11121 Caramel Commons Boulevard, Charlotte, NC. Mr. Olson stated that the proposed site is an opportunity for residential use, as it is buffered against the highway and surrounded by residential properties. Mr. Olson also stated that there was no dissent in the neighborhood meeting, because residents would much rather have residential uses instead of industrial uses. Mr. Olson stated that putting a large amenity on this small of a property would burden the HOA. Mr. Olson stated further that some amenities are needed which is why there is a large green space area. Mr. Olson stated that he would be open to other amenity suggestions.

Commissioner Stewart asked the applicant about the dead end street and how municipal departments, such as the fire department, will get in and out of the site safely. Mr. Olson responded that he thinks the current threshold is 50 units to require a second point of access, and they are prepared to do that if necessary. Commissioner Stewart asked the applicant where additional parking would be on the site. Mr. Olson responded that they are following RRDD standards with some on street parking and rear loaded units. Commissioner Stewart asked the applicant if the fronts are facing open space. Mr. Olson responded “Yes”. Commissioner Cinq-Mars asked the applicant about the expansion of I-85 and how it will affect the property. Mr. Olson responded that the properties hatch line on I-85 is respective of the easements that currently exist. Mr. Thompson clarified that the widening of I-85 stops at Highway 321 and this property is beyond that. Commissioner Harris asked the applicant if he has had any thought of the wall type being sound proofed in regards to I-85. Mr. Olson responded that in his experience with sound proof walls, you still hear the sound from the interstate and it may not be that big of a deterrent if not sound proofed.

Commissioner Cinq-Mars made a motion to close the public hearing and approve the project as presented. Commissioner Ghorley and Commissioner Stewart seconded the motion. The motion was unanimously approved (7-0).

### **Item 6: Unified Development Ordinance Amendments (File #202200496)**

Subject hearing involves a request to amend *Section 7.11 Central Business District Design Standards* to the Unified Development Ordinance to remove the restriction on mirrored glass at the street level or any other window or door treatment that would make the glass otherwise opaque.

Chairwoman Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. Section 7.11 Central Business District Design Standards were displayed. Mr. Thompson stated that the purpose of the amendment is to repeal a portion of the Central Business District regulations in regards to windows. Mr. Thompson stated that when adopting a new code, there are situations that don't meet the current or new regulations and become legally nonconforming. Mr. Thompson stated that staff would like to remove the regulation and recommended approval.

Commissioner Ghorley made a motion to approve the text amendment as presented. Commissioner Wilson seconded the motion. The motion was unanimously approved (7-0).

### **Item 7: Other Business**

Update on Council Votes: No updates given.

### **Item 8: Adjournment**

There being no further business, Chairwoman Ferguson entertained a motion to adjourn the meeting. Commissioner Cinq-Mars made a motion to adjourn and Commissioner Wilson seconded the motion.

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The motion was unanimously approved (7-0). Hearing none in opposition, the meeting adjourned at 7:40 p.m.

Respectfully submitted,

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Jalen Nash, Planning Technician

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Kristie Ferguson, Chairwoman