

## **Gastonia Planning Commission November 4, 2021 Meeting Minutes**

---

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, November 4, 2021 via Zoom.

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

Absent: Commissioner Anthony Gallant

Staff Members Present: Charles Graham, Quentin McPhatter, Keith Lineberger, Joe Gates, Jana McMakin and Chrystal Howard

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

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

Commissioners were not contacted.

### **Item 1c: Approval of October 7, 2021 Meeting Minutes**

Commissioner Stewart made the motion to approve the October 7, 2021 minutes and Commissioner Cinq-Mars seconded the motion. The motion was passed (7-0).

Chairwoman Ferguson explained the rules of procedure and time limitations.

### **Item 2: Public Hearing – Dana John Turner (File #202100207)**

Subject hearing involves a request to rezone approximately 7.07 acres from C-1 (Neighborhood Commercial District) and RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to C-3 (General Commercial District) and RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots). The subject property is located west of S. York Road and south of Crawford Avenue. The property is owned by Dana John Turner.

Chairwoman Ferguson opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and explained the portions of the subject property to be rezoned. She commented that a survey was done and this was not an annexation request. She provided a description of adjoining properties and zoning. The Future Land Use Map in the 2025 Comprehensive Plan indicated the subject property as suitable for commercial use and residential use. Staff recommended approval of the request.

Chairwoman Ferguson recognized Michael Dickson, 548 Deerwood Drive of Gastonia, NC. Mr. Dickson explained that the request is to rezone portions as the same as neighboring properties. He considers areas of the subject property, but not part of the rezoning, as unusable due to drainage and topography. Mr. Dickson shared that Crawford Road stops at Edwin Street and there is no intent to extend Crawford Road because of expense, their current idea is to create nine lots along Crawford Road, and the proposed C-3 zoning district is a placeholder with no current plans to develop.

Commissioner Cinq-Mars asked if fill would be needed to build along S. York Road, and Mr. Dickson stated there were no plans to fill. Brief discussion ensued on a neighboring building that was damaged on the south side. Clarification was made on the terminology of affordable housing, and Mr. Dickson explained that he was referring to the cost to build mainly based on square footage. Commissioner Harris asked if he considered environmental concerns on the proposed rezoning portion along Crawford. Mr. Dickson stated he was unaware of any environmental concerns, but topography was an issue. Aesthetics and safety of the neighborhood was discussed, as well as, ideas for the proposed commercial zoning district.

Commissioner Cinq-Mars made a motion to approve the application along with the statement of consistency and reasonableness. Commissioner Harris seconded the motion and the motion unanimously passed (7-0).

### **Item 3: Public Hearing – Joseph S. Pierce and Vicky J. Pierce (File #202100297)**

Subject hearing involves a request to rezone (revise previous conditional rezoning File #26-04) approximately 3.28 acres from C-2 CD (Highway Commercial Conditional District) to C-2 CD (Highway Commercial Conditional District). The subject property is located at the northwest

**Gastonia Planning Commission**  
**November 4, 2021 Meeting Minutes**

---

intersection of S. New Hope Road and Titman Road. The property is owned by Joseph S. Pierce and Vicky J. Pierce.

Chairwoman Ferguson opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and provided the site description and background. She stated the applicant requested to rezone to C-2 CD to revise the original zoning condition that restricted any drive-thru businesses. Ms. McMakin noted the original rezoning request was included in the agenda packet for reference. She displayed the site plan and commented that the plan included a fast food restaurant with drive-thru. Ms. McMakin commented that a traffic impact analysis is required, architectural renderings were available, and staff recommended approval.

Commissioner Harris asked if staff will require a combination of developments to come up with a TIA with this development being added. Ms. McMakin explained the scope process to the best of her ability for the developer, but other developers would not be required to complete another TIA. Discussion ensued on recent developments in the area. Ms. McMakin shared that NCDOT has a four-lane widening project (U-5821) in the State Transportation Improvement Plan (STIP) from Titman Road to Union-New Hope Road. Commissioner Harris asked if the two drives would be picked up on the TIA being close to the intersection or does city engineer review. Ms. McMakin replied that this would be reviewed at the site plan stage to review location of the intersections and stacking. Commissioner Cinq-Mars was concerned about the right lane in and right lane out on S. New Hope Road and encouraged traffic to come in from Titman Road. Ms. McMakin stated this would be reviewed at the site plan stage and a TIA is required. Commissioner Ghorley stated he liked the project and the TIA will be very important. Commissioner Ghorley asked what the setbacks were from the parking lot to the road and Ms. McMakin replied that it was ten feet. He was concerned about accidents that occur at the intersection, stacking especially during school hours, and the speed of traffic. Commissioner Ghorley asked if Titman was a right-in and right-out and Ms. McMakin replied that it was full access. Ms. McMakin reminded the commission it will be determined by NCDOT who will issue the driveway permit.

Chairwoman Ferguson recognized Bob Clay, 3605 Saint Charles Court of Gastonia, NC. Mr. Clay is representing the owners. Mr. Clay noted the setback was ten feet and NCDOT owns the entire triangular piece in the front. He was concerned about the possible burden of the traffic generated in total from nearby developments and the lack of queuing by Piedmont Charter School being applied to their small site.

Chairwoman Ferguson recognized Stephen Overcash, 2010 S. Tryon Street of Charlotte, NC. Mr. Overcash stated the TIA was paid, they are awaiting results, and the proposed plan is similar to the 2004 approved conditions but includes a two window drive-thru.

Commissioner Stewart made a motion to approve the application with the statement of consistency and reasonableness and Commissioner Ghorley seconded the motion. The motion was unanimously passed (7-0).

**Item 4: Public Hearing – Anthony Gallant (File #202100342)**

Subject hearing involves a request to rezone approximately 0.38 acres from C-2 (Highway Commercial District) to C-3 (General Commercial District). The subject property is located at the southeast intersection of East Garrison Boulevard and S. Oakland Street. The property is owned by Anthony Gallant.

Chairwoman Ferguson opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. The applicant or a representative was not present, therefore, Assistant City Attorney Charles Graham advised the commission of their options. The commission decided to hear from staff. Ms. McMakin displayed the rezoning map and provided the site description and background. She noted this was a general rezoning request and referenced a list of uses included in the agenda. 2025 Comprehensive Plan indicated the subject property as suitable for commercial use. Because the subject property is surrounded by C-2 zoning, there being several uses in the C-2 zoning district, several additional uses with a C-3 district, this request being a general rezoning and no restrictions on uses or conditions, East Garrison Boulevard being a corridor into the York-Chester Historic District, staff recommended denial of the request as presented. Ms. McMakin mentioned the applicant's intent for the property and noted the use can change with a general rezoning.

## **Gastonia Planning Commission November 4, 2021 Meeting Minutes**

---

Commissioner Cinq-Mars mentioned spot zoning and recommended hearing from the applicant. Attorney Graham explained spot zoning as being disfavored but not prohibited with justification, this request is not a conditional rezoning, this request being a general rezoning and for the commission to anticipate any uses listed, and shared the applicant's options based on potential decisions of the commission.

Commissioner Cinq-Mars made a motion to delay (continue) this request to the next meeting and Commissioner Wilson seconded the motion. The motion to delay (continue) to the next meeting was unanimously passed (7-0).

### **Item 5: Public Hearing – Unified Development Ordinance Amendments (File #202100422)**

Subject hearing involves a request to amend Section 9.4.2 of Chapter 9 General Provisions to the Unified Development Ordinance to provide standards for electric fences in certain zoning districts.

Chairwoman Ferguson opened the public hearing and recognized Joe Gates, Zoning Administrator for the purpose of staff presentation. Mr. Gates explained that staff was directed by management to research electric fences based on inquiries received. Additions were made to chapter 9.4.2 dealing with fences in non-residential districts. The proposed amendment outlines general standards for a fence that will be electrified.

Chairwoman Ferguson recognized Cindy Williams, 550 Assembly Street of Columbia, SC. Ms. Williams with Amarok stated their company installs electric fences. Their alarm system product, which protects the perimeter, is installed behind a fence with a separation distance of approximately three to twelve inches. Ms. Williams requested amending Section 9.4.2.H.3. to include 'except for the gate', and she explained that Amarok attaches their system to the gate to move with the gate having a three-inch separation for stabilization. Pull-A-Part with outside storage was used as an example of the type of customer with electrical fencing and alarm system. Ms. Williams gave examples of places the Amarok alarm system is used. She explained that their system has a twelve-volt battery with an energizer that creates a pulse, it is grounded, and the Knox Box is a safety valve for first responders and the Knox switch cuts the power. Ms. Williams inquired about the maximum fence height allowed and Mr. Gates replied that the maximum height of a fence was twelve feet. Ms. Williams commented that Amarok's fence needs to be two feet taller than the tallest fence, so a twelve-foot perimeter fence would not work. She requested Section 9.4.2.A. be changed to state 'ten feet or two feet tall whichever is higher'. Attorney Graham stated the ordinance amendment is presented as written and the requested changes would amend several sections of the Unified Development Ordinance. Attorney Graham advised the commission of their options.

Commissioner Cinq-Mars made a motion to table (continue) until next month to allow staff time to take care of any discrepancies and Commissioner Stewart seconded the motion. The motion unanimously passed (7-0).

### **Item 6: Other Business**

#### **Update on Council Votes**

Lamar Robinson, Jr., Elizabeth C. Froom, & Nancy R. Sparks (File #202100213) – The request to assign a zoning district in conjunction with an annexation request and rezone approximately 108.921 total acres (97.25 acres for annexation) from R-1 (Gaston County, Limited Single-family Residential) and RS-12 (Gaston County, Single-family Residential District) and rezone RS-12 (City of Gastonia, Single-family Residential District, minimum 12,000 sq. ft. lots) to PD-RRDD (City of Gastonia, Planned Development-Revised Residential Development District). The subject property is located to the west of Davis Park Road and south of Linwood Road. This item was approved on Tuesday, October 19<sup>th</sup> by City Council.

Unified Development Ordinance Amendments (File #202100367) – The request to amend the Unified Development Ordinance for further revisions to the Revised Residential Development District standards, clarify sight distance standards, and clarify some standards for subdivisions. This item was approved on Tuesday, October 19<sup>th</sup> by City Council.

#### **Representative for November 16<sup>th</sup> City Council Meeting, if needed**

No representative of the Planning Commission is needed.

**Gastonia Planning Commission**  
**November 4, 2021 Meeting Minutes**

---

**Item 7: Adjournment**

There being no further business, Chairwoman Ferguson entertained a motion to adjourn the meeting. Commissioner Cinq-Mars made a motion to adjourn the meeting and Commissioner Harris seconded the motion. Hearing none in opposition, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

---

Chrystal Howard, Secretary

---

Kristie Ferguson, Chairwoman