

Gastonia Planning Commission November 5, 2020 Meeting Minutes

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

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

Absent: None

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, Planning Director; Jana McMakin, AICP, Senior Planner; Quentin McPhatter, Assistant City Manager; Chrystal Howard, Secretary to the Planning Commission; and Keith Lineberger, Land Development Project Manager.

Item 1a: Role Call / Sound Check

Commissioners were recognized.

Item 1b: Calls/Contacts to Planning Commission Members

All Commissioners stated there were no contacts.

Chairperson Goode declared a quorum.

Item 1c: Approval of October 8, 2020 Meeting Minutes

Commissioner Fleeman made the motion to approve the October 8, 2020 minutes and Commissioner Cinq-Mars seconded the motion. The motion was approved (8-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – The Isaacs Group (File #202000034)

Subject hearing involves a request to zone (in conjunction with an annexation request) approximately 19.712 acres from RMF (Gaston County, Multi-family Residential District) and RS-12 (Gaston County, Single-family Residential District) to RMF CD (City of Gastonia, Multi-family Residential Conditional District). The subject property is located on the north side of Neal Hawkins Road and south of E. Hudson Boulevard. The property is owned by Parkside Land Holdings, LLC and David A. Wilson and Frank P. Becton. This item will be heard by the City Council at the December 15, 2020 meeting at 6:00 p.m. in the City Council Chambers.

Chairperson Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map. Ms. McMakin was contacted by Mr. James Martin with Fielding Homes who is working with the applicant, The Isaacs Group. Due to a few issues being worked on with Planning staff, Mr. Martin requested this item be deferred to the December 3rd Planning Commission meeting, which will remain in alignment with the City Council annexation hearing and assignment of zoning hearing.

Because of staff's recommendation, Commissioner Cinq-Mars made a motion to defer and continue the hearing to the December 3rd Planning Commission meeting and Commissioner Fleeman seconded the motion. The motion was approved (8-0).

Item 3: Public Hearing – Modern Rising Inc. (File #202000066)

Subject hearing involves a request to rezone approximately 2.4 acres from 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 on the east side of N. Oakwood Road. The property is owned by Modern Rising Inc.

Chairperson Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and read the site description and background. She stated the property was surrounded by RS-12 zoning districts and the 2025 Comprehensive Plan showed residential as suitable for the subject property. Ms. McMakin made a correction to the staff report stating staff recommended denial of the request. She commented that the Unified Development Ordinance has some flexibility based on lot area and lot width in the RS-8 district. After staff review and discussions with the applicant, Ms. McMakin explained the parcels surrounding the subject property are at least 12,000 square feet in

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size and also meet RS-12 lot width requirements. The applicant will be able to subdivide to approximately three lots based on the RS-12 dimensional standards.

Chairperson Goode recognized the applicant, Mr. James Fiscus with Modern Rising Inc., 7804 Fairview Road of Charlotte, NC. Mr. Fiscus explained that his desire to rezone this property was to build more single-family development. He briefly explained why some vacant lands were undeveloped and history of previous lots he considered. Mr. Fiscus stated that he wanted to rezone this property and pointed to rezoning File #9350, parcel ID 100571, approved by the Planning Commission in November of 2019 in support of his petition. He stated that rezoning request was similar to his current rezoning request. Mr. Fiscus shared that the owner of lot 3 on the zoning map, parcel ID 137052, was elated to hear about the opportunity to build homes adjacent to his property, because of illegal dumping issues and tampering. Trade discussions of land are occurring between him and the owner. Mr. Fiscus shared potential purchasing of nearby property they own on Cleveland Avenue and Sycamore Avenue. Speaking on behalf of the owner of lot 3, Mr. Fiscus stated the owner was willing to propose rezoning his parcel to RS-8 along with this request to extent the RS-8 zoning district. Mr. Fiscus stated that he is willing to have this item tabled to resubmit with parcel ID 137052. Though, he is requesting a standalone parcel at this time.

Chairperson Goode asked if the owner of parcel ID 137052 was aware of the meeting this evening and if he held a neighborhood meeting. Mr. Fiscus stated the owner was aware and a neighborhood meeting was not held.

Commissioner Cinq-Mars referenced lot 3 on the zoning map and asked if the floodplain area was buildable. Ms. McMakin explained that there was a no build in the floodplain with the exception of a flood study certifying a zero rise.

Mr. Thompson reminded and clarified to the Planning Commission that this was a non-conditional general rezoning request.

Mr. Fiscus talked about the houses to be built in line with the houses across the street and outside of the floodplain, as well as, his discussion with the Engineering department on a flood study and zero rise requirements.

Commissioner Ferguson asked if the rezoning request was granted, would the property lines include the floodplain and Mr. Fiscus explained the bulk of the floodplain would be occupied by the strip needed for the sewer easement. He explained the sewer location along the north side of the property from east to west and then turning south on Oakwood approximately 60 to 80 ft., and how all the parcels would have access to the sewer line. Commissioner Ferguson requested Ms. McMakin to reiterate lot widths. Ms. McMakin replied that RS-12 has a 90 ft. lot width with a minimum size area of 12,000 sq. ft. requirement and RS-8 has a 60 ft. lot width with a minimum size area of 8,000 sq. ft. requirement. Both RS-12 and RS-8 have a front and rear setback of 30 ft. RS-12 has 12 ft. side setbacks and RS-8 has 8 ft. side setbacks.

Commissioner Armstrong asked if lots 10, 11 and 12 on the zoning map were conforming to the size requirements for RS-12. Ms. McMakin replied that based on the Gaston County GIS these meet the minimum 12,000 sq. ft., but all may not meet the 90 ft. lot width.

Commissioner Gallant requested an explanation on the difference between the previously approved rezoning item and this request. While staff was researching the previously approved rezoning item, Commissioner Ferguson asked about denying a request versus delaying a hearing to allow an applicant to revise their request to a conditional RS-8. Regarding how the Unified Development Ordinance is written for rezonings and resubmittals, Mr. Thompson commented that it is about the staff and Planning Commission's comfort level on making a determination on whether what is being submitted is significant and different from what was previously denied. Attorney Graham mentioned if the request was denied the applicant may not be able to come back for a year. Discussion ensued on whether continuing a hearing was acceptable for revising an application to include a neighboring parcel to rezone to RS-8. It was determined that for this situation the applicant would have to withdraw their application and apply for a new hearing with new notifications.

Mr. Fiscus commented that he offered the neighboring parcel as a solution, as well as, for public justification extending the RS-8 district versus changing the zoning on one standalone parcel

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surrounded by RS-12 district. Mr. Fiscus preferred his request as a standalone parcel. He was willing to include conditions for approval.

Mr. Thompson commented that this application was not a conditional request. In order to include conditions and follow procedure, the applicant would need to complete a new application applying for a conditional rezoning.

Commissioner Stewart inquired about the frontage width on Oakwood Street and Mr. Fiscus replied that it was either 319 or 320 ft. One lot would need to be 80 ft. on the north side of the property to allow for sewer easement, and the remaining parcels would be 60 ft. widths. Brief clarification was made amongst the Commission on the parcel widths.

Regarding the previously approved rezoning request mentioned by the applicant, Mr. Thompson commented on any map amendment to the official zoning map appearing to set a precedent, each rezoning application is reviewed on its own merit and individual context, and the need to review meeting minutes from the previous hearing to determine the Planning Commission's decision to approve. Staff tried recalling some of the circumstances, such as existing 50 ft. widths for RS-12 lots, a particular issue with the parcel, existing lots in the RS-12 district that was less than 12,000 sq. ft., RS-12 and RS-8 zoning districts within the same block, and the subject parcel was across the street from Urban Industrial.

Commissioner Gallant noted how adamant the applicant was on the previously approved request. He suggested tabling the request to research whether merit or significant differences exists. Commissioner Ferguson commented on every rezoning should be judged on its own merit. She appreciated this being brought to the board's attention, but noted that she could not take into account another rezoning from another person. Chairperson Goode reiterated Mr. Thompson's comment of each rezoning application being reviewed on its own merit. She shared some examples of other approved rezoning requests and how each one was based on its own merit.

Commissioner Stewart noted the lot width, depth and sq. ft. differences of parcels on the zoning map and shared that he was for the rezoning. Commissioner Armstrong shared that he had the same thoughts about the width, depth and sq. ft. differences of parcels. Mr. Thompson confirmed lot width variations with dimensions. Mr. Thompson referred back to the previous approved rezoning and the context related to that particular request. Commissioner Armstrong asked what the frontage width was for lot 2 and Mr. Thompson replied that it was 80 ft. Commissioner Armstrong asked about the parcel north of lot 1 and Mr. Thompson replied that it was 65 ft. wide.

Commissioner Fleeman asked about the dimension of the southern property line of subject property and Mr. Thompson replied that it was 362 ft. Mr. Fleeman commented that the parcel with the floodplain was critical, creating a peninsula, and may affect the housing location. Discussion ensued on minimum width and square footage requirement for RS-8 and the parcel dimensions for the five lots.

After being asked by staff, Mr. Fiscus was okay with having his rezoning request being tabled to provide an in-depth map regarding dimensions, widths, and lot area. Chairperson Goode was interested in how the property would be divided because of the floodplain. Ms. McMakin reminded the Commission that the applicant can provide this information; however, it would be information only and not binding to the zoning petition. Discussion occurred and clarification was made regarding conditional and general by-right rezoning.

Commissioner Wilson commented on the investment of the applicant and thanked him for considering the City of Gastonia. He shared that he was glad that Mr. Fiscus wants to build homes here. Commissioner Wilson would like a drawing showing how the lots would lay. Mr. Fiscus replied that he was willing to prepare a drawing to help address concerns or questions while knowing it wasn't a guarantee of approval.

Commissioner Fleeman made a motion to table this request until the December 3rd Planning Commission meeting and Commissioner Cinq-Mars seconded the motion.

Commissioner Ferguson requested confirmation that this item will come back as an unconditional rezoning request and Mr. Thompson replied that she was correct. Commissioner Ferguson commented that since the information would not be conditional, she would not be able to hold the

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applicant responsible for whatever he provides; therefore, it would not matter to her. She recapped her statement for Commissioners who want more information. Chairperson Goode stated she understood what staff stated and that she could not vote in favor of the request without seeing more to help her make a more informed decision. Commissioner Armstrong pointed that one of the main concerns was lot dimensions and the reason for tabling. His concern was all surrounding lots as RS-12 lots having RS-12 dimensions, and stated that he understood staff's decision. Commissioner Armstrong shared that his reservations come in on approving the rezoning if there were lots that fall underneath RS-12 requirements as far as size or width. Mr. Thompson remarked on how staff tried to keep with the intent of the Unified Development Ordinance (UDO) and explained the UDO's flexibility on dimensions of the RS-8 district, but not the RS-12 district.

Commissioner Fleeman mentioned the total acres and square feet. He commented on the amount of possible parcels to be created and why he is asking for a sketch to show a plan of the request without holding the applicant accountable to the plan. He shared that this plan will provide a visual and allow everyone to see how much land there is. Commissioner Fleeman stated his concern of leaving the City with a lot of floodplain to maintain.

With no further discussion or questions, the motion made by Commissioner Fleeman to table this request and seconded by Commissioner Cinq-Mars was approved (8-0).

Item 4: Public Hearing – Emilio Lolin (File #202000206)

Subject hearing involves a request to rezone approximately 0.63 acres from O-1 CD (Office Conditional District) to RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots). The subject property is located at 616 W. Garrison Boulevard. The property is owned by Ronald B. and Elizabeth K. Werran.

Chairperson Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and summarized the background and proposed zoning action. She added that Mr. Lolin is the applicant and is interested in purchasing the property. The applicant or any other buyer will have to go through the building permitting process to revert the property to meet all single-family residential codes. Ms. McMakin described adjoining properties and zoning. The request is to remove the condition and utilize the property for single-family residential use. Staff recommended approval of the request.

Chairperson Goode recognized Ms. Piirce Ajavon, 15105 John J Delaney Drive of Charlotte, NC. Ms. Ajavon stated the request is to rezone the property to residential from commercial. No questions were asked.

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

Item 5: Major Subdivision Preliminary Plat – Woodhill Drive (File #202000073)

Request involves a Major Subdivision Preliminary Plat for property located off of Woodhill Drive.

Chairperson Goode recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger stated this request was a three lot subdivision submitted by Vernon Baumrind located on Woodhill Drive, Boxwood Lane and Sheridan Court. He explained the larger 3.5-acre parcel is zoned I-2 while the two smaller lots are zoned RS-12. The developer will be responsible for sidewalk improvements along the front of the residential lots. Public water and sewer currently exist on Woodhill Drive and Sheridan Court and water on Boxwood Lane will serve the property. The "Preliminary Plat" is in conformance with the Unified Development Ordinance; therefore, staff recommended approval.

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

Item 6: Major Subdivision Preliminary Plat – Taylor Creek (File #9543)

Request involves a Major Subdivision Preliminary Plat for the Taylor Creek subdivision. The property is located off of Beaty Road.

Chairperson Goode recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation. Mr. Lineberger stated this plat will be known as Taylor Creek and

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is located on Beaty Road between S. New Hope Road and Catawba Hills Drive. The development will contain thirteen single family lots. The developer will be responsible for utilities and street construction to the site. The developer is also responsible for road improvements in the form of sidewalk and curb and gutter and right-of-way dedication along Beaty Road to bring to required standards. Due to the future NCDOT widening project, the construction of the improvements at this time would be untimely; therefore, the City will accept payment in lieu of the actual sidewalk and curb and gutter along Beaty Road. Public water and sewer will service the property with extension made the by developer. The "Preliminary Plat" is in conformance with the Unified Development Ordinance; therefore, staff recommended approval.

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

Item 7: Other Business

Update on Council Votes

Ms. McMakin stated there are no Planning Commission items to present to City Council in November.

Representative for November 17th City Council Meeting (if needed)

No representative is needed.

Mr. Thompson shared that staff continues to work with Demetri Baches of Metrocology and more changes to the Unified Development Ordinance will come forward. Mr. Thompson commented the Planning Commission has approved almost 1,600 apartment units, as well as, nearly 1,600 single-family detached and townhome units combined for 2019 to current. He added that there was a lot to be proud of and thanked the Commission, Management, Legal, Planning and Engineering for their service, especially through recent challenges.

Ms. McMakin thanked Andy Noles and Jessica Marshall with the Technical Services Department for their help this evening.

There being no further business, Chairperson Goode adjourned the meeting at 7:00 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson