

Gastonia Planning Commission
November 7, 2019 Minutes

Chairperson Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:33 pm on Thursday, November 7, 2019, in the Council Chamber at City Hall.

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

Absent: Commissioner Kristie Ferguson

Staff Members Present: Charles Graham, Assistant City Attorney; Quentin McPhatter, Assistant City Manager; Jason Thompson, Planning Director; Jana McMakin, Senior Planner; and Chrystal Howard, Secretary

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Approval of October 2, 2019 Meeting Minutes

Commissioner Stewart made the motion to approve the October 2, 2019 minutes as written and Commissioner Gallant seconded the motion. The motion was approved (6-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Rafael Alberto Lendos, Lendos Homes Inc. (File # 9350)

Subject hearing involves a request to rezone approximately .63 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 northwest corner of Modena Street and Harrison Avenue (703 N. Modena Street). The property is owned by Lendos Homes Inc.

Chairperson Goode opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin thanked everyone for being present this evening. She displayed the zoning map and provided the site description and background. The applicant has requested rezoning the property to the RS-8 district to be able to subdivide the property into three lots and build three single-family detached homes. Ms. McMakin gave a description of adjoining properties and zoning districts. She stated the Future Land Use Map in the 2025 Comprehensive Plans shows residential as suitable for the subject property and that staff recommended approval of the request as presented. No questions were asked by the commissioners.

Chairperson Goode recognized Mr. Raphael Lendos, 703 N. Modena Street of Gastonia, NC. Mr. Lendos stated the reason for his request is to build three single family homes. No questions were asked by the commissioners.

Chairperson Goode recognized Ms. Marsha Rohrman, 1016 E. Harrison Avenue of Gastonia, NC. Ms. Rohrman was interested in how many homes would be at this location, as well as the zoning district. Ms. Rohrman inquired about the square footage of the homes and Mr. Thompson explained minimum lot size and setback restrictions for RS-8. He continued that the city does not have the ability under zoning to dictate the size of a house. Ms. Rohrman asked if there would be a stipulation to driveway accessibility. Brief discussion ensued amongst commissioners of driveway possibilities. Ms. Rohrman inquired if the bus stop would relocate and Mr. Thompson replied that he was unaware of any plan. Ms. Rohrman was concerned about visibility and high traffic on the road.

Mr. Thompson briefly shared staff's rationale for their approval recommendation of the request presented.

Chairperson Goode recognized Mr. Bob Simon. Mr. Simon declined speaking.

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

Item 3: Public Hearing – Life After Forty, LLC. (File # 9351)

Subject hearing involves a request to rezone approximately 2.63 acres from O-1 CD (Office Conditional District) to C-1 CD (Neighborhood Commercial Conditional District). The subject property is located at 3372 Robinwood Road. The property is owned by Life After Forty, LLC.

Chairperson Goode opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin displayed the zoning map and provided the background, site description and proposed request. In 2009, the applicant received approval to rezone the property to O-1 CD (Office Conditional District) to build an indoor athletic facility. All of the zoning conditions as part of that approval were met. One of zoning conditions as part of the approval listed a “recreation center, indoor” as the only primary use permitted. While the applicant has indicated there is interest in the property, without other permitted uses allowed by zoning, the property has remained vacant. The applicant has submitted a request to the C-1 CD (Neighborhood Commercial Conditional District) to permit additional uses to utilize the existing building. The applicant has also offered to exclude several permitted uses allowed in the C-1 district. At this time, there are no changes proposed to the site. A neighborhood meeting was held. Ms. McMakin stated that there are available public facilities, existing curb, gutter, and sidewalk, approximately seventy-two parking spaces, and the applicant has all required buffers from original rezoning request. Proposed zoning conditions were provided in the staff report to allow the C-1 CD uses list provided by the applicant voluntarily restricting several uses. Ms. McMakin provided a description of adjoining properties and zoning. She stated the Future Land Use Map in the 2025 Comprehensive Plans indicates office center for this property. The requirements of the original rezoning were met and there are no modifications proposed to the site. Staff recommended approval of the request. No questions were asked by the commissioners.

Chairperson Goode recognized Mr. Jeremiah McVoy, 4825 S. New Hope Rd of Belmont, NC. Mr. McVoy is representing the applicants and he stated the building was empty for several years and several opportunities were missed due to the zoning. The Doctors do not want to spend several more years trying to figure out what to do with the building. Lastly, he commented that a tenant is currently in the building and recently signed a lease (an athletic gym). No questions were asked by the commissioners.

Chairperson Goode recognized Mr. Brad Joyce, 1109 Colony Court of Gastonia NC. Mr. Joyce stated his property is number nine shown on the zoning map bordering the rear of the subject property. He requested the difference between C-1 versus O-1 and Mr. Thompson provided an explanation. Mr. Joyce had a concern with no restrictions to heavy commercial trucks, parking of trucks, and business operation hours combined with consideration to the safety and security of his family. The aerial map was displayed. Mr. Thompson stated the applicant would have to be agreeable to add these additional conditions and briefly explained the process.

Commissioner Cinq-Mars asked if there was any fence separating their properties and Mr. Joyce replied that there is a 6 ft. hill as a buffer but not a fence. Commissioner Cinq-Mars asked if his property elevation was lower than the subject property and Mr. Joyce’s replied that his home sits on a lower elevation. Mr. Joyce mentioned his request of a privacy fence on the hill conditioned on the type of business at a recent meeting he attended.

Discussion ensued on permitted uses.

Commissioner Gallant asked if his concern would be alleviated with an installed privacy fence and Mr. Joyce replied that it would alleviate his concern because it restricts access and visibility.

Mr. McVoy was called to podium. Mr. McVoy commented on 24 hour gyms and a 24-hour access not an issue with previous zoning. Mr. McVoy wasn’t able to approve a privacy fence for the applicants due to previous discussions with them and topography. He stated this would have to be approved by applicants.

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Brief discussion ensued on tabling the item to the next meeting.

Commissioner Stewart and Mr. Thompson commented on privacy fences and the possible removal of vegetation, as well as, the appearance of a fence over time.

Commissioner Fleeman commented on additional uses prohibited, as well as, consideration to hours of operation and gave an example of a game room versus a gym.

Commissioner Fleeman made a motion to continue this public hearing item until the December 5th meeting to provide Mr. McVoy time to discuss with the applicants. Commissioner Stewart seconded the motion and the motion was approved 6-0.

Item 4: Public Hearing – James C. Windham, Jr. (File #9352)

Subject hearing involves a request to rezone approximately 8.28 acres from RS-8 (Single-family Residential District, minimum 8,000 sq. ft. lots) and RS-12 (Single-family Residential District, minimum 12,000 sq. ft. lots) to C-1 (Neighborhood Commercial District). The subject property is located on the east side of McLean Street and on the west side of Redbud Drive. The property is owned by Donald E. Ellis, Patricia W. Ellis, and Paul E. Parker.

Chairperson Goode opened the public hearing and recognized Ms. Jana McMakin, AICP, Senior Planner for the purpose of staff presentation.

Ms. McMakin displayed the zoning map and provided a site description and background, adjoining properties and land use trends, and available public facilities. The Future Land Use Map in the 2025 Comprehensive Plan indicates residential use for the subject property and surrounding property. Based on several factors provided in the staff report, staff is not supportive of this request.

Clarification was given on businesses and a possible gas line along Redbud Drive and also at the intersection of Redbud Drive and S. New Hope Road. An aerial view of this area using Google Maps was displayed.

Chairperson Goode recognized Mr. Jim Windham, 401 E. Franklin Avenue of Gastonia, NC. Mr. Windham is representing all the owners and stated that the request is to rezone to C-1. He commented that C-1 is the most restrictive and probably least intrusive commercial zoning for surrounding properties. He explained how the commercial zoning is offered for situations such as this on smaller tracts, provides minimal interference with residential neighborhoods, and that these parcels were considered transitional. Mr. Windham stated the ideas are small retail specialty shops. He recognized nearby residential and commercial locations and shared his thoughts on this area more of commercial use than residential. He stated these parcels are ideally suited for a smaller commercial development that would allow for development conducive to neighborhood development. Mr. Windham commented that the applicants have not heard any neighborhood objections.

Commissioner Fleeman shared a concern of ingress and egress at this location and inquired about procedure at the site plan review. Mr. Thompson stated this is a general rezoning where a condition cannot be applied. Traffic on Redbud was stated as an issue both directions every day. Brief discussion ensued. Mr. Thompson explained staff's recommendation made.

Commissioner Rodney asked for confirmation that a neighborhood meeting was not required for this rezoning. Mr. Thompson replied that he was correct and the ordinance does not prohibit someone from having a neighborhood meeting.

Commissioner Stewart commented that this is commercial property and is unavoidable.

Brief discussion ensued on whether Braeburn Court connected with McLean Street. It was determined that they did not connect.

Commissioner Goode asked Mr. Windham about the entrance and exit location. Windham replied that this has not been decided. He continued that access onto Redbud has been approved by the State for 2412 McClean Street, Ellis owned property. Discussion amongst Commissioners ensued on access and traffic.

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Commissioner Cinq-Mars reiterated businesses and commercial use in the area.

Commissioner Fleeman made a motion to approve the request as presented and Commissioner Stewart seconded the motion. The motion was approved (4-2 Gallant and Cinq-Mars).

The vote was less than three-fourth; therefore, this item will automatically go on to City Council for a new hearing and their consideration.

Mr. Thompson stated that if City Council cancels their December 17th meeting, a second notification will be mailed.

Item 5: Other Business

Update on Council Votes

Three items were presented at the City Council meeting in November; File # 9318 annexation on Neal Hawkins Road for townhomes, amending the Unified Development Ordinance (File # 9338), and the West Franklin Urban Redevelopment Plan. All items were approved.

Several items will be presented at the December meeting and Mr. Thompson provided a summary of items to be presented, including an update with Mr. Demetri Baches. Commissioner Gallant stated he will not be present at this meeting.

Representative for November 19th City Council Meeting (if needed)

No representative is needed at this meeting.

There being no further business, Chairperson Goode adjourned the meeting at 6:46 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson