

Gastonia Planning Commission November 7th, 2024 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 pm on Thursday, November 7th, 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, Carl Harris, Jeff Howe Anthony Gallant and Julie Coffey

Absent: Commissioners Glenn Silverman

Staff Members Present: Charles Graham, Maddy Gates, Jordan Tubbs, Keith Lineberger, Cory Steiss, 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

Vice Chair Ghorley received one contact. No other Commissioners were contacted.

Item 1c: Approval of October 3rd, 2024 Meeting Minutes

Vice Chair Ghorley made a motion to adopt the October 3rd, 2024 minutes as presented and Commissioner Gallant seconded the motion. The motion to approve the October 3rd, 2024 meeting minutes was unanimously passed (7-0).

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

Item 2: Public Hearing – S. New Hope Village (File #202400109)

Subject hearing involves a request to rezone approximately 35.81 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located between S. New Hope Road and Lowell Bethesda Road and is owned by multiple owners.

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 a portion of two tax parcels for a total of approximately 35.81 acres, located between S. New Hope Road and Lowell Bethesda Road. She discussed the zoning and land uses of the surrounding properties, which were primarily residential in Gastonia. Ms. Gates stated that the request was for PD-RRDD for a maximum of 92 single-family homes. The site plan was displayed. She stated that all single-family homes are front loaded with a minimum lot width of 56-feet. Ms. Gates discussed the access points from S. New Hope Road and Swamp Chestnut Oak Drive, which she stated would connect through the Bethesda Oaks neighborhood. Additionally, she stated that all lots which abut Bethesda Oaks will have an increased rear setback of 30-feet and any lots which have an existing easement, will provide setbacks outside of the easement. Ms. Gates noted that all other newly created lots will have setbacks as described in the "Zoning Code Summary" on the site plan. She pointed out key features of the site plan, including the open space and tree save area. Ms. Gates displayed the elevations and noted that it reflects a variety of front loaded single-family home products. She 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. Ms. Gates stated that the City Traffic Engineer, Cory Steiss, is present and available for any questions.

Commissioner Gallant asked Mr. Steiss what traffic calming measures would be applied. Mr. Steiss replied that traffic calming measures are determined case by case, but can include traffic circles, pinch points, medians or any other type of device to slow traffic and increase safety. Commissioner Gallant asked if the traffic calming measures for this specific development had been decided yet. Mr. Steiss replied "No" and stated that they are typically determined further into construction drawings and design.

Chair Ferguson recognized the applicant Richard Denzler, 1673 Perth Road, Mooresville, NC. Mr. Denzler stated that the applicant team has produced a video showing the overall subdivision design. The video presented by Mr. Denzler was played.

Chair Ferguson recognized Bill Radcliff, 2530 Cyprus Oak Drive, Gastonia, NC. Mr. Radcliff stated that he is the (Home Owners Association) HOA president for the Bethesda Oaks neighborhood and that he will be presenting on behalf of the neighborhood. He stated that the neighborhood is in favor of the development but has some concerns. Mr. Radcliff expressed concern for the connection to Swamp Chestnut Oak Drive being a full access. He noted that the neighborhood was not notified of this change to the site plan. He stated that he felt Swamp Chestnut Oak Drive could be an emergency access only, which was Bethesda Oak's preference. Mr. Radcliff stated that the HOA board met with

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the developer and that the developer was in agreement to keep the two neighborhoods separate. He also discussed the removal of the buffer between the proposed development and the Bethesda Oaks neighborhood, which was shown on a previous version of the plan. He stated that the residents of Bethesda Oaks would like to see a barrier or buffer between the two communities. Mr. Radcliff discussed concerns for stormwater management and potential issues during the construction phase such as dirt, noise, and hours of operation. Finally, he stated that he would hope the City, developer and community can come to a mutually agreeable project.

Commissioner Gallant asked Mr. Radcliff if he had discussed the previously discussed concerns with the applicant and what the result was. Mr. Radcliff replied “Yes” and stated that the applicant was in agreement with making the connection to Swamp Chestnut Oak Drive being an emergency access only, which would keep the two neighborhoods separate.

Ms. Gates approached to answer questions from the Commission. Vice Chair Ghorley asked Ms. Gates why the development needed two accesses if it was less than 100 units. Ms. Gates stated that Swamp Chestnut Oak Drive is a stub road which was originally designed for a future connection. She stated that the zoning ordinance and the subdivision ordinance both require connection to existing stub roads for greater connectivity and traffic flow. Vice Chair Ghorley asked if the connection to S. New Hope Road will be constructed as shown on the site plan. Ms. Gates replied “Yes”. Vice Chair Ghorley asked if the development had three accesses, including a connection to Lowell Bethesda Road. Ms. Gates replied “No” stating that the development does not connect directly to Lowell Bethesda Road. Further, she noted that the proposed development does stub to the southernmost property, tax parcel 300663, as requested by the city. Ms. Gates stated that the requirement for connection to an existing stub is a standard rule that would be applied to any new development. Vice Chair Ghorley asked Ms. Gates if there is a possibility to make the Swamp Chestnut Oak Drive stub an emergency access only. Ms. Gates replied that it was proposed as an emergency access at one point, which was reviewed by staff. She stated that after extensive review, the city determined it needed to be a full access connection and not an emergency access only. Additionally, Ms. Gates added that several access points for a development is better for traffic dispersion and traffic flow.

Vice Chair Ghorley stated that he has significant concerns for Swamp Chestnut Oak Drive. He stated that it is not a wide road and that there are parking issues, which more traffic would make unsafe. Mr. Steiss approached to discuss no parking signage plans during construction documents. He stated that signage for no parking is reviewed prior to approval. Mr. Steiss also noted that staff can look further into signage for Bethesda Oaks. Vice Chair Ghorley asked Mr. Steiss if there are any traffic calming tools that can be used in Bethesda Oaks, like speed humps. Mr. Steiss replied that it could be considered further but that there are some already planned for Bethesda Oaks.

Commissioner Chapman asked Ms. Gates to display the property on Google Maps. Ms. Gates displayed an aerial of the property.

The applicant approached for rebuttal. Commissioner Harris asked Mr. Denzler if there are any stop signs or any areas to yield on the proposed road. Mr. Denzler replied “No” and stated that the road is designed to provide natural traffic calming which avoids 90-degree intersections and the need for stops. Commissioner Harris asked what the straight road was across the open space on the site plan. Mr. Denzler replied that it was a pedestrian trail for connection to the amenity center. Commissioner Harris asked if only one stormwater pond will be enough to hold the potential runoff. Mr. Denzler replied “Yes” and stated that the proposed development is below Bethesda Oaks and that water will run along the slope which falls to the east. Commissioner Harris also asked if vinyl siding will be used for the development. Mr. Denzler stated that there will be no vinyl siding and that Eastwood Homes is the tentative builder.

Vice Chair Ghorley referred to the site plan and asked Mr. Denzler if there will be a buffer between proposed lot 49 and Bethesda Oaks. Mr. Denzler replied “No” and stated that there is an existing berm with vegetation, however the development team will not know full grading details until construction documents. Vice Chair Ghorley stated that all other lots seem to have some kind of separation except for lot 49. Mr. Denzler stated that there was previously a buffer on the site plan but that it was removed due to the requirements that buffers cannot be on individual property and instead, have to be on HOA property.

Assistant City Attorney, Charles Graham, reminded the Commissioners that building materials cannot be considered as part of the land use decision. Commissioner Coffey discussed lot 49 and asked Mr. Denzler if a fence would be provided. Mr. Denzler replied “No” and stated that it is a side setback, not a rear setback. Commissioner Coffey asked Ms. Gates what the side setback was. Ms. Gates replied “5-foot”. Commissioner Coffey asked Mr. Denzler if additional setbacks would be provided for lots abutting Bethesda Oaks. Mr. Denzler replied that the condition for additional setbacks is for rear yards,

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not side yards. Commissioner Coffey asked Mr. Denzler if lot 49 was a concern voiced by any Bethesda Oaks neighbors. Mr. Denzler replied “No” and stated that he was not aware of any concerns.

Chair Ferguson recognized Luisa Suggs, 2509 Lowell Bethesda Road, Gastonia, NC. Ms. Suggs stated that she is one of the owners of the subject property. She asked the Commissioners if the development will be confined only to the area designated on the site plan. Chair Ferguson replied “Yes”. Mr. Graham clarified that the development will only be for the property as shown on the site plan and the zoning map. Ms. Suggs stated that there is an inconsistency between the zoning map and the contract that was agreed to. Chair Ferguson recognized Michael Dickson, 548 Deerwood Drive, Gastonia, NC. Mr. Dickson stated that he is representing the sellers of the subject property. He noted that the subject property was supposed to end at the creek and the sewer easement. Ms. Gates clarified that the property shown on the zoning map was received from a survey by the applicant, which is also reflected on the site plan. In response, Mr. Graham stated that the petition is for a conditional rezoning for a site specific site plan, including all property identified on the zoning map and the site plan. He noted that if the acreage is incorrect, the item should be continued to give the applicant and all property owners time to correct the site plan and map.

Commissioner Chapman made a motion to continue the item to the December 5th, 2024 Planning Commission meeting to allow the applicant, property owners and staff time to revise the zoning map and site plan with the accurate acreage. Commissioner Coffey seconded the motion. The motion to continue the item to the December 5th, 2024 meeting was unanimously passed (7-0).

Item 3: Public Hearing – Old Modena Street (File #202400263)

Subject hearing involves a request to rezone approximately 0.75 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RS-8 CD (Single-family Residential, minimum 8,000 sq. ft. lots – Conditional District). The subject property is located on Old Modena Street and is owned by Asset Solution Services, Inc.

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 0.75 acres located on the eastern side of Old Modena Street, zoned RS-12. Mr. Tubbs stated there is one existing single family residence on tax parcel 221507 and that tax parcel 221508 is vacant. The site plan was displayed. Mr. Tubbs shared that the applicant is requesting to rezone both parcels to RS-8 CD to facilitate the development of two, single-family attached, two-unit dwellings resulting in 4 new lots as shown on the attached site plan. He noted that as proposed, all units are to be side-loaded with driveway access from Old Modena Street. Mr. Tubbs stated that all design aspects of this development will be further reviewed by TRC during the review processes and that conceptual elevations have been submitted which show the proposed two-story duplex type product. Mr. Tubbs discussed conditions #2 and #3 in the staff report and stated that they are in regards to driveways and also an agreement to construct a 6-foot privacy fence along the southern most property line of the project area. Mr. Tubbs described the surrounding properties which were predominantly zoned RS-12. He noted that there are two previously approved RS-8 CD properties with similar land uses approximately 500-feet to the south of the subject property. Mr. Tubbs stated that the Future Land Use Map in the 2025 Comprehensive Plan indicates residential uses for this site and that it is consistent with the Comprehensive Plan. He stated that staff is recommending approval of the request as presented.

Mr. Tubbs also noted that initially, the applicant, Mr. Gardner, submitted a site plan showing 3 duplexes (6 lots), but due to the concern about density from the surrounding property owners and staff’s design recommendations, Mr. Gardner reduced the number of units to more closely align with the existing character of the neighborhood.

Mr. Tubbs displayed the proposed elevations. Chair Ferguson recognized the applicant, Peter Gardner, 13522 Brandon Trail Drive, Charlotte, NC. Mr. Gardner stated that he wanted to bring more high-quality but affordable housing options to the city of Gastonia. He described the sizeable floor plans and design aspects of the single family attached two-unit product.

Chair Ferguson recognized Kenneth Gantt, 4349 Cross Ridge Drive, Gastonia, NC. Mr. Gantt stated that he was in opposition to the rezoning due to the site plan revisions not being to scale, setback requirements, and general concerns about the height of the proposed dwellings. Mr. Gantt did note that he had not seen the most recent submittal and that Mr. Gardner had agreed to address many of the neighboring owners’ concerns through conditions. Mr. Gantt expressed concern that the site plan would change after an approval from the Planning Commission. Mr. Gantt asked that a conditional requirement of no on-street parking be added to the application.

Commissioner Chapman asked staff if the applicant would be responsible for the addition of curb and gutter and/or sidewalk, and if on street parking could be limited. City Engineer, Keith Lineberger, stated that the Engineering Department could look into limiting on street parking to one side only. Mr.

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Lineberger also stated that engineering would also look into possibly requiring curb, gutter, and sidewalk during the subdivision review process. Mr. Gantt returned to the podium to see if on-street parking could be restricted on the side of the street where the proposed development was to take place. Mr. Lineberger replied stating that on-street parking would most likely be limited to the side opposite of fire hydrants.

Commissioner Howe asked if the driveway widths shown on the site plan were standard. Mr. Lineberger stated that the driveway widths shown on the site plan were not to scale and that the Engineering Department would regulate the apron widths. He stated that driveways can encroach within the setback up to 3-feet from the property line. Commissioner Howe asked if vehicles could be parked side by side on the driveways. Mr. Lineberger stated that if the driveways were built to maximum specifications, that vehicles could potentially be double parked on the driveways shown on the site plan. Chair Ferguson stated that if on-street parking became a nuisance that residents could call local law enforcement to resolve the issue. Ms. Gates added that the driveway standards follow zoning ordinance requirements to facilitate duplexes in RS-8 zoning districts.

Commissioner Coffey asked if the applicant could have built the two duplexes within the zoning district without rezoning. Mr. Tubbs replied “No” stating that duplexes are allowed by right in RS-8, but not in RS-12.

Commissioner Chapman made a motion to close the public hearing and Commissioner Gallant seconded the motion. The motion to close the public hearing was unanimously passed (7-0). With no further discussion, Commissioner Gallant made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Howe seconded the motion. The motion to approve the request as presented was unanimously passed (7-0).

Item 4: Public Hearing – 1111 E. Garrison Boulevard (File #202400437)

Subject hearing involves a request to rezone approximately 0.22 acres from O-1 (Office) to C-1 (Neighborhood Business). The subject property is located at 1111 E. Garrison Boulevard and is owned by FMM Acquisitions, LLC.

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 subject property is identified as 1111 E. Garrison Boulevard and that the request was for a general rezoning from office zoning to C-1, Neighborhood Business. Ms. Gates discussed the surrounding area of the subject property and noted that there is a combination of office, commercial and residential uses and zoning at the intersection of Dogwood Drive and E. Garrison Boulevard. She noted that there is an existing building on the property, resembling a single-family home, which was previously used for office purposes. Ms. Gates stated that the 2025 Future Land Use Map indicates office uses for the subject property, however staff feels a request for commercial zoning is compatible due to the mix of uses in the area and the fact that E. Garrison Boulevard is a major thoroughfare, likely to include and support commercial and retail uses. She stated that staff is recommending approval of the request as presented. Ms. Gates provided the Commissioners with a list of uses for C-1 and O-I zoning.

With no questions for staff, Chair Ferguson recognized the applicant, Amy Liu, 15840 Waldrop Hill Court, Huntersville, NC. Ms. Liu stated that she is the applicant and property owner and would like to use the property as an Italian ice cream shop.

Chair Ferguson recognized Karen Laird, 1103 E. Garrison Boulevard, Gastonia, NC. Ms. Laird stated that she has owned the property and business directly west of the subject property for 20 years. She stated that the block east of Dogwood Drive has always been used and zoned for office. Ms. Laird stated that she felt commercial zoning and the use for an Italian ice cream shop was not compatible with the area.

Commissioner Chapman asked Ms. Gates if the subject property could be developed as any of the uses listed on the C-1 zoning district chart, if the rezoning was approved and the Italian ice cream shop closed. Ms. Gates replied “Yes” and stated that it could be developed as any uses indicated “by-right” or “by-right with supplemental regulations”. Commissioner Chapman asked if some of the listed uses would be restricted due to the proximity of the subject property to Grier Middle School, Lineberger Park and the Schiele Museum. Ms. Gates asked Commissioner Chapman to clarify specific uses. Commissioner Chapman stated that she had concern for the use “Adult Establishment” and asked Mr. Graham for additional details on that use. Mr. Graham replied stating that there are provisions in the ordinance that set distance requirements for the Adult Establishment use in proximity to schools. Ms. Gates discussed the purpose of supplemental regulations and stated that they are additional regulations for the property based upon the specific use.

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Commissioner Chapman made a motion to deny the request as presented stating that the request does not align with the current zoning for the surrounding area. The motion to deny did not receive a second and therefore fails. Commissioner Chapman made a motion to close the public hearing. Vice Chair Ghorley seconded the motion. Commissioner Coffey asked the Commissioners what type of businesses exist adjacent to the subject property. The Commissioners did not know. Mr. Graham stated that the adjacent business can change depending upon uses allowed in the underlying zoning district. With no further discussion, the motion to close the public hearing was unanimously passed (7-0).

The Commissioners discussed the proximity of the subject property to Grier Middle School, Lineberger Park and the Schiele Museum. Commissioner Gallant stated that he did not have any concerns with the request. Commissioner Coffey stated that her concerns are not related to the proposed Italian ice cream shop but rather to the other allowed uses in C-1 since this is a general rezoning request. Further, Commissioner Coffey stated that the uses in the C-1 zoning district are too broad. Commissioner Gallant stated that he was concerned about focusing on hypotheticals. The Commissioners discussed the difference between the uses "Restaurant" and the use "Restaurant within other Facilities". Mr. Graham stated that supplemental regulations are dependent upon the specific use and can include setbacks, lighting, hours of operations, etc. Mr. Graham also explained the differences between supplemental regulations and conditional zoning.

Chair Ferguson, Vice Chair Ghorley and Commissioner Harris discussed the regulations and protections that could be provided in supplemental regulations. Commissioner Howe noted that C-1 zoning currently exists on E. Garrison Boulevard and is consistent with the block.

With no further discussion, Vice Chair Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion to approve the request as presented was passed (5-2). Chair Ferguson, Vice Chair Ghorley and Commissioners Harris, Gallant and Howe voted in favor of the motion to approve. Commissioners Coffey and Chapman voted against the motion to approve. Chair Ferguson stated that the vote did not represent a ¾ majority and that the item would continue to the December 17th City Council meeting for a final hearing and vote.

Item 5: OTHER BUSINESS

Ms. Gates stated that a Planning Commission representative is needed for the November 19th, 2024 City Council meeting.

Ms. Gates reminded the Planning Commissioners of upcoming events for the Comprehensive Plan Update.

Item 6: ADJOURNMENT

Chair Ferguson entertained a motion to adjourn. Vice Chair Ghorley made a motion to adjourn and Commissioner Gallant seconded the motion. The motion to adjourn was unanimously passed (7-0). The meeting adjourned at 7:30 PM.

Rebeca Mintz, Secretary

Kristie Ferguson, Chairperson