

**Gastonia Planning Commission
December 3, 2020 Meeting Minutes**

The Gastonia Planning Commission meeting opened at 5:31 pm on Thursday, December 3, 2020 via Zoom.

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

Absent: Chairperson Pamela Goode

Staff Members Present: Charles Graham, Assistant City Attorney; Quentin McPhatter, Assistant City Manager; Jana McMakin, AICP, Senior Planner; and Chrystal Howard, Secretary to the Planning Commission

A moment of silence occurred in remembrance of family and friends affected physically, emotionally or economically by COVID-19.

Item 1a: Role Call / Sound Check

Commissioners were recognized.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioner Ferguson received one contact. Remaining commissioners stated there were no contacts.

Vice-Chairman Cinq-Mars declared a quorum.

Item 1c: Approval of November 5, 2020 Meeting Minutes

Commissioner Stewart made the motion to approve the November 5, 2020 minutes and Commissioner Armstrong seconded the motion. The motion was approved (7-0).

Item 2: Continued 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.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation.

Commissioner Fleeman stated he needed to be recused from this item based on advice he received from Assistant City Attorney, Charles Graham. Commissioner Wilson stated he also needed to be recused from this item. Vice-Chairman Cinq-Mars recognized Commissioner Fleeman and Commissioner Wilson as recused and declared a quorum.

Ms. McMakin displayed the rezoning map. She commented that this item was deferred from the last meeting to allow the applicant additional time to work with planning staff on the rezoning request. The applicant is requesting an annexation into the City limits and the assignment of zoning. Ms. McMakin commented that the Planning Commission is involved with the zoning assignment portion of the request. She continued with the site description and background and also the adjoining properties and land use trends detailed in the staff report on agenda page 2-1 and 2-2. Ms. McMakin displayed the applicant's conceptual rezoning site plan that currently meets the Unified Development Ordinance (UDO) requirements. She commented on parking, dog park, gathering areas, connections on E. Hudson Boulevard, proposed maximum of 153 single-family attached townhome units, and the six zoning conditions. The Future Land Use Map in the 2025 Comprehensive plan indicates residential use for the subject property. Staff recommended approval of the request.

Vice-Chairman Cinq-Mars recognized the applicant, James Martin, 227 W. Trade Street of Charlotte, NC. Mr. Martin thanked Ms. McMakin for her presentation. He stated the draft Traffic Impact Analysis study was received as required by staff. Two connections are on E. Hudson Boulevard to keep traffic off of Neal Hawkins Road and confines of the site. The Hudson Boulevard Townhomes – Site Plan and Hudson Boulevard Townhome Architecture were

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displayed and Mr. Martin reviewed the architectural commitments provided on agenda page 2-6 and page 2-7.

Commissioner Ferguson made a motion to approve (move forward with a favorable recommendation) with the statement of consistency and reasonableness and Commissioner Armstrong seconded the motion. The motion of recommendation was approved (7-0, Fleeman and Wilson recused).

Item 3: Continued 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.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin stated this request was continued from November. She displayed the zoning map and thanked Ms. Julia-Baker Granata for creating the detailed map which includes parcel dimensions, as well as approximate size. Ms. McMakin stated the applicant provided a sketch displaying an option on how the parcel may be subdivided including dimensions. She reiterated the subject hearing request and added that side setbacks would decrease from 12 ft. to 8 ft. Ms. McMakin stated the staff recommended denial of the request.

Vice-Chairman Cinq-Mars asked for reasons on why staff recommended denial. Ms. McMakin replied that some of the main reasons that staff recommended denial are that the parcel is zoned RS-12, many of the lots meet the RS-12 standards, no RS-8 zoning surrounding the property and in the same block and street, and the flexibility of RS-8 zoning, but not RS-12.

Commissioner Stewart asked about the different configuration of the lots shown on the sketch and Ms. McMakin replied that it is usually about sewer and how Two Rivers requires connection.

Vice-Chairman Cinq-Mars recognized James Fiscus, 7804 Fairview Road of Charlotte, NC. Mr. Fiscus thanked Commissioner Wilson for his comments at the last meeting. Mr. Fiscus mentioned comments or concerns made by Commissioner Stewart and Commissioner Armstrong regarding surrounding lot sizes. He also mentioned Commissioner Fleeman's concern about the floodplain and the city managing it. Mr. Fiscus stated that there was no city owned land that needed to be maintained on this project. He commented that lots will be privately owned and setup to have access to sewer. Mr. Fiscus noted that the homes will not be square as shown on the sketch, houses will not be built in the floodplain, approximately 30 ft. to 50 ft. will be cleared for backyards, and the rest of the backyard will remain as a natural scape. He stated that lot 12 on the zoning map has a front width of 75 ft., is 11,073 sq. ft., and does not meet the frontage and square footage requirement. Based on the sketch, Mr. Fiscus shared that he will not meet the frontage requirement, but will meet the square footage requirement. He added that he has a list of properties within a tenth of a mile that do not meet one or more of the requirements. Mr. Fiscus commented that his lots would not be out of place in comparison to his list of properties that do not conform to RS-12.

Vice-Chairman Cinq-Mars asked Ms. McMakin if she had any further comments. Ms. McMakin replied that the City has two predominate residential districts RS-8 and RS-12. She commented on the City's history with different configurations and dimension changes throughout the years, the establishment of the Unified Development Ordinance, and existing lots within any city zoning districts that are nonconforming in lot width and square footage.

Discussion ensued on Table 7.3-1 Bulk and Use Chart of the Unified Development Ordinance and it was determined that RS-12 does not have flexibility on the lot width for new lots.

Commissioner Fleeman made a motion to close the public hearing for discussion and Commissioner Stewart seconded the motion. The motion to close the public hearing was approved (7-0).

Regarding the applicant's sketch, Vice-Chairman Cinq-Mars observed how dramatic the sewer line runs through the middle and back side of the lot that is 80 ft. x 200 ft. He mentioned maybe

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having this parcel be subdivided into four lots instead of five lots; therefore, the parcel may not need to be rezoned. Brief discussion ensued on the sewer easement width and if it will affect anything. Commissioner Stewart estimated a 10 ft. sewer easement. It was determined that the public hearing would need to be opened to receive clarification on the sewer easement width. Commissioner Ferguson noted three points; no neighborhood meeting was held and may not be required for this application, only one parcel (lot 12 on zoning map) was nonconforming in the immediate adjacent properties, and a conditional zoning request would have been preferred for her for the applicant's sketch to have any credibility.

Commissioner Wilson commented on the investment to be made by the applicant in a depressed neighborhood with brand new homes and this is something the City wants; therefore, he made a motion to approve with the statement of consistency and reasonableness. From the same perspective, Commissioner Gallant seconded the motion. The motion passed (5-2 Ferguson and Cinq-Mars); therefore, this item will automatically move forward to City Council for a new hearing and their discussion.

Item 4: Public Hearing – Harry Glenn (File #202000280)

Subject hearing involves a request to zone (in conjunction with an annexation request) approximately 1.7757 acres from C-3 (Gaston County, General Commercial District) to C-3 (City of Gastonia, General Commercial District). The subject property is located on the south side of Union Road. The property is owned by Glenn Family Irrevocable Trust.

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and commented that this request is in conjunction with a pending annexation request to be heard by City Council on December 15th. Therefore, this request is in the form of a recommendation to City Council. Ms. McMakin stated surrounding properties are zoned Gaston County C-3. The applicant has a restaurant on-site and they would like to have alcohol sales as part of the restaurant. Staff did not receive inquiries or calls on this request.

There being no questions or discussion, Commissioner Stewart made a motion to approve (move forward with a favorable recommendation) with the statement of consistency and reasonableness and Commissioner Armstrong seconded the motion. The motion of recommendation was approved (7-0).

Item 5: Public Hearing – Amending the Unified Development Ordinance (File #202000235)

Subject hearing involves a request to amend Table 7.1-1 Table of Uses of Chapter 7 Use and Building Lot Standards, Chapter 8 Supplemental Use Regulations, Chapter 9 General Provisions, Section 14.5 Notice of Violation Procedures, and Chapter 10 Off-Street Parking and Loading of the Unified Development Ordinance to delete maximum square footage for barber/beauty shop and grooming services, to add permissible locations for recycling deposit stations, clarify a conflict regarding violation procedures, and amend parking standards including parking and use of recreational vehicles (RVs).

Vice-Chairman Cinq-Mars opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the staff report and stated this item was for review and recommendation of the Planning Commission. Their recommendation will be forwarded to City Council at their December 15th meeting. Ms. McMakin commented that most of these changes were brought about by the Zoning Administrator, Joe Gates, who worked with Assistant City Attorney, Charles Graham and Assistant City Manager, Quentin McPhatter on these issues. Regarding item #1 in the staff report, Ms. McMakin briefly explained the proposed text amendment to remove the square footage restriction in the Table of Uses regarding barber/beauty shops in the OLC district. For item #2 in the staff report, she briefly explained the proposed text amendment permitting city recycling deposit stations with supplemental regulations in all zoning districts rather than what is currently permitted. For item #4 in the staff report, Ms. McMakin noted a conflict in the violation notices. Section 14.5 referring to Chapter 5 has a disconnect to the number of days, so the proposed amendment would allow a recipient 30 days to comply as indicated in Chapter 5. For item #3 in the staff report, she stated it was about Recreational Vehicles (RVs). With different enforcement issues, this proposed text amendment provides clarifications to the length of stay and number of occurrences allotted per year for visitors, RV parking will include side yard and rear yard, parking areas are to have an improved surface, and RVs/campers are not to be used as a permanent residential quarters or

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dwellings in any way. Lastly, Ms. McMakin commented that some of these proposed text amendments were brought about because of COVID.

Hearing no questions, Commissioner Fleeman made a motion to approve (move forward with a favorable motion) and Commissioner Stewart seconded the motion. The motion of recommendation was approved (7-0).

Item 6: Other Business

Update on Council Votes

No City Council updates for November.

The Isaacs Group (File # 202000034), Harry Glenn (File # 202000280), Amending the Unified Development Ordinance (File # 202000235) approved this evening will move forward to City Council on December 15th, along with one appeal submitted by Ronald Werran (File # 202000206). The Modern Rising Inc. (File # 202000066) will move forward to City Council in January.

Regarding the appeal, Ms. McMakin updated the Commission that the applicant was the intended buyer for the property with the owner's consent of the rezoning request. She commented that the applicant was unable to obtain financing; therefore, the owner is appealing the rezoning to keep the property zoned O-1 CD.

There being no further business, Vice-Chairman entertained a motion to adjourn the meeting. Commissioner Ferguson made a motion to adjourn the meeting and Commissioner Fleeman seconded the motion. The motion to adjourn passed (7-0); therefore, the meeting adjourned at 6:27 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson