

Gastonia Planning Commission April 4th, 2024 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, April 4, 2024, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Vice Chair Chad Ghorley and Commissioners Megan Chapman, Anthony Gallant, Glenn Silverman, Carl Harris, Julie Coffey, and Jeff Howe

Absent: Chair Kristie Ferguson

Staff Members Present: Charles Graham, Quentin McPhatter, Jalen Nash, Maddy Gates, Jordan Tubbs, Tucker Johnson, Cory Steiss and Amber Bridges

Item 1a: Role Call / Sound Check

Vice Chair Chad Ghorley noted the absence of Chair Kristie Ferguson and declared a quorum for the meeting.

Item 1b: Oath of Office

Planner Jalen Nash administered the Oath of Office to Commissioners Julie Coffey and Jeff Howe.

Item 1c: Calls/Contacts to Planning Commission Members

Commissioner Gallant received one contact. None of the other Commissioners received any contacts.

Item 1d: Approval of February 8th, 2024 Meeting Minutes

Commissioner Gallant made a motion to adopt the February 8th minutes as presented and Commissioner Chapman seconded the motion. The motion unanimously passed (7-0).

Item 2: Public Hearing – 1033 Brown Street (File #202400085)

Subject hearing involves a request to rezone approximately 0.33 acres from C-3 CD to RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots). The subject property is located at 1033 Brown Street and is owned by Ralph Bridges.

Vice Chair Ghorley recognized Jordan Tubbs, Senior Planner, for staff presentation. The zoning map was presented. Mr. Tubbs stated the rezoning request is for two tax parcels located on Brown Street. He shared that a previous conditional rezoning for the property from 2002 was approved for a fuel station but was never built. Mr. Tubbs explained the existing conditions of the two properties and the surrounding zoning. He shared that adjoining properties are a combination of industrial, commercial, and single-family residential. Mr. Tubbs stated the request is consistent with the 2025 Future Land Use Map for residential uses and staff is recommending approval.

Commissioner Chapman asked Mr. Tubbs to explain the 20-year gap between the two rezoning petitions. Mr. Tubbs replied that he was unsure why the fuel station was never built but stated that the property is intended to be used for single-family residential.

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

Item 3: Public Hearing – S. New Hope Road and E. Perry Street (File #202300464)

Subject hearing involves a request to rezone a portion of tax parcel 115678 for approximately 0.23 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 S. New Hope Road and E. Perry Street and is owned by Snarkus Holdings, LLC

Vice Chair Ghorley recognized Maddy Gates, Senior Planner, for staff presentation. The zoning map was displayed. Ms. Gates stated that the rezoning request is for a portion of tax parcel 115678 to facilitate the creation of two new single-family residential lots. She noted that a similar request had been submitted by the same applicant as a general rezoning which was heard at the November 2023 Planning Commission meeting. She further stated that the request was denied due to density and land use concerns. Ms. Gates explained that the applicant has returned with a conditional rezoning for .23 acres to RS-8 CD. The site plan was displayed. Ms. Gates stated that the subject property is proposed to be subdivided into two lots; with one on S. New Hope Road proposed as RS-8 CD and one on Perry Street that was remaining as RS-12. She noted that the RS-8 and RS-12 zoning district standards are included in the staff report for review. Conceptual elevations submitted by the applicant were displayed. Ms. Gates stated that the request is consistent with the Future Land Use Map for residential uses and staff is recommending approval as presented.

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Commissioner Gallant asked Ms. Gates to clarify the previously denied request for this property. Ms. Gates responded that it was heard at the November 2023 meeting as a general RS-8 rezoning and was denied by Planning Commission due to concerns for density and land use.

Vice Chair Ghorley recognized Tish Sanchez, P.O. Box 1405, Harrisburg, NC. Ms. Sanchez stated she is the applicant and the home builder for the project. She stated they held a neighborhood meeting and conceptualized the site plan from feedback received from the neighbors. Commissioner Harris asked Ms. Sanchez if there were any concerns voiced at the neighborhood meeting. Ms. Sanchez replied that there were no concerns but noted that residents wanted to see conceptual elevations for the homes which she stated were the same elevations presented tonight. Vice Chair Ghorley asked if any Perry Street neighbors attended. Ms. Sanchez replied that there was one neighbor from Perry street and one neighbor from Bayview present.

Vice Chair Ghorley recognized Bill Kelley, 1725 S. New Hope Road, Gastonia, NC. Mr. Kelley stated he owns a dental business directly east of the subject property. He explained that he previously rezoned his dental office building and had to provide a 6-foot tall brick wall, add sidewalk, and preserve trees as part of his approval. Mr. Kelley shared that he did not support the rezoning petition to build a new home on S. New Hope Road due to proximity to his business and the small size of the lot. Mr. Kelley stated he did not believe the rezoning petition would improve the overall area.

Vice Chair Ghorley recognized Roy Will Kelley, 1725 S. New Hope Road, Gastonia, NC. Mr. Roy Kelley stated that he and his family have invested a lot into their property and dental business and cared about the area. He shared concerns for the new home being located too close to their property and the roof of the home showing over the brick wall. Mr. Roy Kelley expressed that he did not think the proposed project fit with the neighborhood.

Vice Chair Ghorley recognized David Jenkins, 2210 Bayview Street, Gastonia, NC. Mr. Jenkins stated his property is directly west of the site. He shared that he was okay with the rezoning as long as the Perry Street lot would only have one home on it. Commissioner Chapman asked Mr. Jenkins if he was present at the November 2023 Planning Commission meeting. Mr. Jenkins replied "Yes". Ms. Gates approached to clarify the lot size requirements in RS-12. She stated that the lot on Perry Street could not be subdivided into a smaller lot due to the minimum lot width and lot size requirements.

Vice Chair Ghorley recognized Jose Sanchez, P.O. Box 1405, Harrisburg, NC. Commissioner Ghorley asked Mr. Sanchez if he also owned the homes located west of the subject property. Mr. Sanchez replied that he owns 1715 S. New Hope Road, which is directly west. He explained that 1707 S. New Hope Road is for sale but he does not own it. Ms. Sanchez approached to address a comment regarding the home size. She shared that the home width is 40-feet and the lot width is 60-feet, which would provide 10-feet on each side of the house. Commissioner Harris asked the Sanchez's if they were aware of the Kelley family's opposition. Mr. Sanchez replied "No", and shared that the Kelley's did not attend the neighborhood meeting or contact them. Commissioner Silverman asked for clarification on the neighborhood meeting notifications. Ms. Sanchez stated she mailed and hand delivered notifications. She also stated that she hand delivered a letter to the dentist office receptionist.

Commissioner Harris asked staff to provide a Google Maps visual of the property. Commissioner Chapman asked staff to clarify the lot size requirements. Ms. Gates stated that there are dimensional requirements for creating new lots in all zoning districts. She stated that for RS-8, the requirement is 8,000 sq. ft. minimum lot size and 60-foot minimum lot width. For RS-12, she stated the requirements are 12,000 sq. ft. minimum lot size and 90-foot minimum lot width. Ms. Gates also noted that house size is not typically regulated but noted that there are setbacks that have to be met. A visual of the property from Google Maps was presented. Commissioner Silverman asked Mr. Kelley if the brick wall was along the entire property. Mr. Kelley replied that the wall is along the west and rear sides of the property. Commissioner Silverman also asked if the vegetation shown on Google Maps is representative of what is there currently. Mr. Kelley replied "Yes" and stated that he believed it was accurate.

Commissioner Chapman asked Ms. Gates if sidewalk was planned to be extended. Ms. Gates responded that she did not believe so and noted that the requirement for sidewalk would be with a major subdivision, which is 4 or more lots.

Commissioner Silverman made a motion to close the public hearing. Commissioner Chapman seconded the motion. The motion to close the public hearing was unanimously passed (7-0). Commissioner Silverman discussed sidewalk along S. New Hope Road and noted that he felt it was not an issue. Commissioner Coffey discussed preserving trees on the property. Vice Chair Ghorley indicated that any tree related issues would have to meet the tree ordinance and be reviewed by the municipal arborist.

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Commissioner Silverman made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Gallant seconded the motion. With no further discussion, the motion to approve as presented was passed (6-1). Commissioner Chapman voted against the motion, all other Commissioners voted in favor of the motion to approve.

Item 4: Public Hearing – Union New Hope Road Development (File #202300485)

Subject hearing involves a request to rezone approximately 66.474 acres and annex approximately 3.976 acres. The total 70.45 acres is requested from Gaston County R-1 (Single-family Limited Residential) and C-3 CD (General Business – Conditional District) to C-3 CD. The subject property is located south of Union New Hope Road, at Union Road and Wilson Farm Road and is owned by Edward Mauney and 4-Star Investors: Union Road, LLC. *The Gastonia City Council will be holding a Public Hearing on the annexation and assignment of zoning request at the **April 16th, 2024** City Council meeting.*

Vice Chair Ghorley opened the public hearing and recognized Maddy Gates, Senior Planner, for the purpose of staff's presentation. The zoning map was presented. Ms. Gates discussed the location and surrounding zoning of the subject property. She stated that tax parcel 306164 is currently zoned C-3 CD in the City of Gastonia and was included in the original approval for the Presley development, which allowed up to 750,000 sq. ft. of commercial space. Additionally, she added that tax parcel 306164 was never developed and is currently vacant and wooded. Ms. Gates discussed the intent of the rezoning for 200 townhomes, 250 apartments, 140,000 sq. ft. of retail space and 5 outparcels with commercial related uses. The site plan was displayed. Ms. Gates explained each portion of the site plan including unit counts, access locations, buffering, and associated uses for the outparcels. She stated a Traffic Impact Analysis (TIA) is required but is still under review with the City and North Carolina Department of Transportation (NCDOT). She shared the agreed upon conditions and the submitted elevations for all building types. Lastly, Ms. Gates stated the request is consistent with the Future Land Use Map for commercial uses and staff is recommending approval as presented.

Commissioner Harris asked Ms. Gates if a TIA was done previously for the Presley and Nolen Farms development and if another TIA was required. Ms. Gates replied that the rezoning petition is a new development that had not been previously studied. Cory Steiss, City Traffic Engineer, stated that the previous TIA for Nolen Farms was only for the residential portion and did not include the subject property of the current rezoning request. Mr. Steiss also noted that a new TIA would be for additional mitigations but would not change anything that had been previously studied.

Vice Chair Ghorley recognized Chris Robusto, 517 Sutton Road, Fort Mill, SC. Mr. Robusto discussed the previous rezoning for the subject property, which was called "Presley". He stated it was from 2007 and included the Nolen Farms property as well as a 750,000 sq. ft. commercial village. He shared that there was previously a freeway planned along this corridor which was never funded or built. Mr. Robusto discussed the intent of the current rezoning petition which was to reduce the commercial square footage and add townhomes and apartments. He explained the road network for the development, the desired uses, and the site layout. Mr. Robusto also mentioned that he has been working with City staff in regards to sewer access and capacity. Commissioner Harris asked Mr. Robusto to explain the planned phasing of the project. Mr. Robusto shared that phase one would be townhomes, phase two would be apartments, and phase three would be the commercial portion. Mr. Robusto stated that the TIA is also phased accordingly. Lastly, Mr. Robusto discussed the neighborhood meeting which was held with 30 plus attendees. He stated there was no major concerns presented by the neighbors.

Commissioner Harris asked Mr. Robusto if there was any opposition from the neighbors. Mr. Robusto stated that the neighborhood meeting went well, and that there were a lot of questions but not any opposition that was presented. Commissioner Harris asked if City Fire, Police and Utilities had been addressed during staff review. Mr. Robusto replied "Yes" and stated that the majority of the property is already in Gastonia with access to those services. Commissioner Harris also asked what the height restriction is for townhomes. Mr. Robusto replied that it is 45-feet and three-stories in the Gastonia ordinance. Lastly, Commissioner Harris asked about green space on the site. Mr. Robusto replied that they are providing open space and tree save area over the required amount and that there is a Type C buffer along all property lines.

Ms. Gates stated the site plan has approximately eight acres of open space and over ten acres of tree save area, which meets the ordinance. She also discussed the differences between commercial and subdivision review, noting that the townhome portion will have to request water and sewer allocation with the submittal of a preliminary plat. Commissioner Chapman asked Ms. Gates if the total site was 70-acres or 74-acres. Ms. Gates replied that it was 70.45 acres total.

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Vice Chair Ghorley recognized Richard Ewell, 9138 Myrna Drive, Gastonia, NC. Mr. Ewell stated he was a resident of the Nolen Farms neighborhood across the street. He shared that residents in the Nolen Farms neighborhood are opposed to the development. Mr. Ewell also stated he was against the proposed rezoning petition. Commissioner Silverman asked Mr. Ewell to share reasons as to why he was opposed to the development. Mr. Ewell responded that it was due to traffic, congestion and busy roads.

Mr. Robusto approached to rebuttal. He stated that the proposed development would produce less traffic than what the existing zoning allows for 750,000 sq. ft. of commercial. He also shared that he had not heard of any opposition from the Nolan Farms development.

Commissioner Gallant made a motion to approve the rezoning request and recommend approval for the assignment of zoning as it was presented with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion to approve the rezoning request and recommend approval for the assignment of zoning was unanimously passed (7-0).

Item 5: Public Hearing – Crowders Spring Camp (File #202300313)

Subject hearing involves a request to rezone approximately 2.84 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to C-1 CD (Highway Business – Conditional District). The subject property is located at 413 Misty Lane and is owned by Now Outreach, Inc.

Vice Chair Ghorley opened the public hearing and recognized Maddy Gates, Senior Planner, for the purpose of staff presentation. The zoning map was presented. Ms. Gates discussed the location and surrounding zoning of the subject property. She stated the intent of the rezoning was to provide an additional access location and office facility for the Crowders Spring Camp. She explained that the Crowders Spring Camp is directly northwest of the subject property and zoned C-1 in Gaston County. The site plan was displayed. Ms. Gates explained the current access on Linwood Road and the proposed new access on Misty Lane. She explained the specifics of the site plan including the building location, parking, and driveway. She shared that the request is for 413 Misty Lane and a 0.31-acre portion of 419 Misty Lane due to the needed location of the driveway. The proposed conditions and submitted elevations were presented. Ms. Gates stated the 2025 Future Land Use Map shows residential uses, but shared that staff feels an office use in this location would be appropriate due to the site plan and conditions. As such, she stated staff is recommending approval as presented. Ms. Gates shared the site plan for the full Crowders Spring Camp but noted it was only for reference since it was not included in the request and is in Gaston County.

Vice Chair Ghorley recognized Nate Flowers, 3707 Autumn Gold Court, Charlotte, NC. Mr. Flowers stated that he was representing the applicant. He shared information on the Crowders Camps non-profit and the operations of their facilities. He discussed their existing location on Camp Rotary Road and the need for expansion of an additional camp. Mr. Flowers explained the site plan and the location of the new access on Misty Lane. He shared conceptual elevations for the office building, dining hall and cabins that will be a part of the camp. Lastly, Mr. Flowers stated the full camp site plan is in review with Gaston County and that there are no indications of impact or needed changes to the Misty Lane site plan.

With no questions for staff or Mr. Flowers, Commission Chapman 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 unanimously passed (7-0).

Item 6: Public Hearing – 216 W. Davidson (File #202400055)

Subject hearing involves a request to rezone approximately 0.31 acres from RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to RMF (Residential Multi-family). The subject property is located at 216 W. Davidson Avenue and is owned by the City of Gastonia.

Vice Chair Ghorley opened the public hearing and recognized Jordan Tubbs, Senior Planner, for the purpose of staff presentation. The zoning map was presented. Mr. Tubbs stated the request was for a general rezoning to RMF, and that the applicant was the City of Gastonia. He shared that the intent of the request is related to the City's ongoing affordable housing study and the production of diverse affordable housing types. Mr. Tubbs discussed the surrounding zoning and land uses. He stated that the adjoining zoning districts allow for higher density residential and shared that staff feels the request to RMF is consistent with the area. Lastly, he stated that the request is consistent with the 2023 Affordable Housing Plan and the 2025 Future Land Use Map for residential uses and that staff is recommending approval as presented.

Commissioner Harris asked if there were any details as to what would be developed on the subject property. Mr. Tubbs replied that it was currently planned for a triplex.

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

Item 7: Unified Development Ordinance Amendment (File #202400074)

Subject hearing involves a request to amend Section 7.6.1 FH Flood Hazard Overlay District to the Unified Development Ordinance to exempt public facilities from a portion of the ordinance. *The Gastonia City Council will be holding a Public Hearing on the text amendment request at the April 16th, 2024 City Council meeting.*

Vice Chair Ghorley opened the public hearing and recognized Tucker Johnson, City Engineer, for the purpose of staff presentation. Mr. Johnson stated the text amendment request was for the Flood Hazard Overlay District, which is the code section that regulates any encroachments into the 100-year floodplain. He explained what is considered a floodplain, what areas would be studied, and how floodplain is mapped by the Federal Emergency Management Agency (FEMA). Mr. Johnson discussed the process for applying for an encroachment, which he stated is an administrative review by staff. He stated the text amendment request is in regards to an exemption in the no-rise ordinance for public facilities which would include parks, treatment plants, utility sub-stations, bridges, and amenity areas. Mr. Johnson discussed how this amendment relates to a similar exemption for public transportation projects. He stated that the proposed exemption has specific parameters including on-site containment of the Base Flood Elevation (BFE) rise and agreement from adjoining property owners. Mr. Johnson stated staff is recommending approval as presented.

Commissioner Silverman asked Mr. Johnson to provide history of the flood plain ordinance. Mr. Johnson replied that it was adopted with the original adoption of the ordinance and stated that mapping of the floodplain has been used since the 1970s. Commissioner Silverman asked if the exemption is for the future Linwood Springs Park. Mr. Johnson replied that the Linwood Park is part of the reason but he also noted that the amendment could relate to improvements for sewer plants or pump stations in the future as the City continues to grow. Mr. Johnson stated the proposed text amendment was thoroughly reviewed by staff and written for a wide range of facilities. Commissioner Silverman asked staff what mitigations would be provided for impacts to the BFE. Mr. Johnson replied that a flood study would be required, which would define the impacts and provide mitigations such as slowing the spread of water, changing stream bank flow and modifying the bed roughness. Commissioner Chapman asked if public facilities would be required to produce a flood study if the BFE was raised. Mr. Johnson replied “Yes” and stated it would be done by a consultant.

Vice Chair Ghorley asked if there have been any exemptions for previous projects. Mr. Johnson discussed recent applications for exemptions but stated they were still in review. Commissioner Chapman made a motion to close the public hearing. Commissioner Gallant seconded the motion. The motion to close the public hearing was unanimously passed (7-0). Commissioner Gallant asked if the exemption is the only change to the ordinance. Assistant City Attorney, Charles Graham, replied “Yes” and explained that the proposed text amendment is a limited exemption for publicly owned facilities but requires a flood study to be produced and mitigations to be provided. He also discussed on-site containment and agreement of adjoining property owners, which is required.

Commissioner Chapman made a motion to recommend approval of the text amendment request as presented with the statement of consistency and reasonableness. Commissioner Silverman seconded the motion. With no further discussion, the motion to recommend approval as presented was unanimously passed (7-0).

Item 8: Unified Development Ordinance Amendment (File #202400075)

Subject hearing involves a request to amend Section 7.6.5 USO Urban Standards Overlay District to the Unified Development Ordinance to revise regulations for non-residential accessory structures. *The Gastonia City Council will be holding a Public Hearing on the text amendment request at the April 16th, 2024 City Council meeting.*

Vice Chair Ghorley opened the public hearing and recognized Jordan Tubbs, Senior Planner, for the purpose of staff presentation. Mr. Tubbs stated the text amendment request was for the Urban Standards Overlay District (USO), which regulates architectural standards for non-residential buildings. He stated the text amendment request is in regards to building materials for new accessory structures for properties with an existing non-conforming primary structure. He explained that the current Section 7.6.5 requires accessory structures that are 750 square feet or greater to meet the list of building materials provided in the USO. In regards to the proposed amendment, Mr. Tubbs noted that the proposed change would allow new accessory structures to match the building materials of the primary structure, if they are considered non-conforming. He stated that this code section would not apply to newly developed sites, and that it would only be for existing non-conforming buildings. Mr. Tubbs

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stated staff is recommending approval as presented. The proposed text amendment was displayed and Mr. Tubbs noted that the changes are indicated in red.

Commissioner Gallant asked what the allowed building materials are and if the text amendment only applied to accessory structures over 750 square feet. Mr. Tubbs replied “Yes” and read excerpts from the code section in regards to allowed building materials. Commissioner Chapman asked staff why the requirement was set at 750 square feet. Mr. Tubbs replied that he was unsure why the requirement was 750 square feet. He stated the square footage is not changing, and clarified that the amendment is only for building materials. He added that Section 7.6.5 will still require other design standards that will apply to the accessory structures.

Assistant City Attorney, Charles Graham, noted that the 750 square feet requirement has been in the code for several years and is proposed to remain. Commissioner Gallant asked if there are any exceptions in the proposed text amendment in regards to size. Mr. Graham replied that there are several requirements in the code for new building construction regardless of Section 7.6.5. Mr. Tubbs noted that this amendment is consistent with Section 9.9 which addresses standards for accessory structures in terms of setbacks, location, and other zoning requirements.

Vice Chair Ghorley recognized Mike Gibson, 312 Eagles Walk, Gastonia, NC. Mr. Gibson stated he owns a business on Union Road and was looking to build a new accessory structure over 750 square feet. He stated the rear of his building has vinyl siding and he would like to do a vinyl siding accessory structure to match. Mr. Gibson expressed the need for the proposed text amendment. Commissioner Howe asked Mr. Gibson if the new accessory structure would be visible from the street. Mr. Gibson replied “No”. Mr. Graham stated that the text amendment would apply to all non-residential properties. Commissioner Gallant discussed if an exception was added to the text amendment. Ms. Gates replied that there is not an exception for the size of the accessory structure but discussed existing flexibility in the code which allows for administrator approval. She noted that all other design standards in the USO would apply to a new accessory structure except for the list of materials, only in the case that the primary structure is non-conforming.

Commissioner Chapman asked staff if the proposed text amendment would conflict with any other code sections. Mr. Graham replied “No”, and stated that all other applicable code requirements would still apply. The Commissioners discussed the 750 square feet requirement. Mr. Graham stated that the size requirement could be further examined by staff but is a separate issue. With no further discussion, Commissioner Chapman made a motion to recommend approval of the text amendment request as presented with the statement of consistency and reasonableness. Commissioner Silverman seconded the motion. With no further discussion, the motion to recommend approval as presented was passed (6-1). Commissioner Gallant voted against the motion. All other Commissioners voted in favor.

Item 9: Adjournment

Assistant City Manager, Quentin McPhatter, discussed items heard and approved at the March 19th City Council meeting. Mr. McPhatter also discussed planning a joint meeting between Planning Commission and City Council.

Item 10: Adjournment

Vice Chair Ghorley entertained a motion to adjourn the April 4th Planning Commission meeting. Commissioner Chapman made a motion to adjourn the meeting and Commissioner Gallant seconded the motion. The motion to adjourn was unanimously passed (7-0). The meeting adjourned at 7:30 PM.

Respectfully submitted,

Jalen Nash, Planner

Kristie Ferguson, Chairwoman