

## **Gastonia Planning Commission May 9<sup>th</sup>, 2024 Meeting Minutes**

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The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, May 9, 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, Julie Coffey, and Jeff Howe

Absent: Commissioners Glenn Silverman and Anthony Gallant

Staff Members Present: Charles Graham, Quentin McPhatter, Jalen Nash, Maddy Gates, Jordan Tubbs, Joe Gates, Becky Mintz, Keith Lineberger and Amber Bridges

### **Item 1a: Role Call / Sound Check**

Chair Ferguson noted the absence of Commissioners Silverman and Gallant and declared a quorum for the meeting.

### **Item 1b: Calls/Contacts to Planning Commission Members**

No Commissioners received any contacts.

### **Item 1c: Approval of April 4<sup>th</sup>, 2024 Meeting Minutes**

Vice Chair Ghorley made a motion to adopt the April 4<sup>th</sup> minutes as presented and Commissioner Chapman seconded the motion. The motion unanimously passed (6-0).

### **Item 2: Public Hearing – Bolding Street Lofts (File #202400036)**

Subject hearing involves a request to rezone approximately 8.35 acres from RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to RMF CD (Residential Multi-family – Conditional District). The subject property is located on Bolding Street and is owned by Tesfagaber W. Petros.

Chair Ferguson recognized Jordan Tubbs, Senior Planner, for staff presentation. The zoning map was presented. Mr. Tubbs stated the rezoning request is to RMF CD for one tax parcel located on Bolding Street. He explained the intent of the rezoning request which was to facilitate an apartment development with a maximum of 168 units. Mr. Tubbs stated that the request must comply with all development standards of section 8.1.10 in the Unified Development Ordinance (UDO). The site plan was displayed. Mr. Tubbs explained the overall layout of the site including parking, open space and buffers. He stated that the site has one access point which is permitted with the requirement that all buildings have fire sprinklers. He stated that a Traffic Impact Analysis (TIA) is required for the development but has not yet been completed. Mr. Tubbs displayed the agreed upon conditions of approval and shared information on stormwater requirements. He discussed the surrounding zoning of the property and the existing conditions. Mr. Tubbs stated the request is consistent with the 2025 Future Land Use Map for residential uses and staff is recommending approval.

Chair Ferguson recognized Michael Beck, 404 N. Marshall St., Winston-Salem, NC. Mr. Beck stated that he was present on behalf of the applicant, Wynnefield Forward. He shared that the applicant is a local developer with 30-plus apartment communities in North Carolina and two others in the City of Gastonia. Mr. Beck stated that Wynnefield Forward produces work-force housing and that they would be the developer and the managing company of the facility.

Commissioner Harris asked Mr. Beck what the on-site topography is like and if the stormwater pond shown on the site plan would be able to hold all potential water and runoff. Mr. Beck replied that he was unsure of the topography and referred to staff. Mr. Tubbs approached and stated that the City is aware of the stormwater concerns. He noted that staff has conditioned further review of on-site stormwater management and that the applicant is aware that it may alter the site layout as construction documents are reviewed later on. Mr. Tubbs also stated that there are local and state standards that the developer will have to follow to mitigate stormwater.

Commissioner Harris asked Mr. Beck if he previously stated that the development would be targeted towards work-force housing and asked for clarification on what kind of bond deals would be associated. Mr. Beck replied “Yes”, that is it targeted for work-force housing. He also stated that the bond deals are for the two other projects in Gastonia that Wynnefield Forward has. Mr. Beck clarified that the Bolding Street project would be a 9% Low Income Housing Tax Credit (LIHTC) development. Chair Ferguson asked if a neighborhood meeting was held and what the community feedback was. Mr. Beck replied “Yes”, and stated that the adjoining property owners, Mr. and Mrs. Wilfong attended sharing concerns for fencing and buffers along the property lines. Mr. Beck stated that the facility will have on-site management and lease agreements that will be enforced. He also shared that Wynnefield Forward does not typically install fences but he noted that there is a 25-foot buffer required along all property lines. Lastly, Mr. Beck stated there were questions on what kind of housing would be provided which he clarified to be work-force housing; meaning 40% to 80% of the median income range.

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Vice Chair Ghorley asked if there were any specific requests from neighbors that the applicant was able to provide. Mr. Beck replied that he was not aware of any. Commissioner Chapman asked Mr. Beck when the neighborhood meeting was held. Mr. Beck replied that it was on March 14<sup>th</sup>. Commissioner Chapman also asked if the apartment buildings would be three or four stories. Mr. Beck responded that the developer will comply with the North Carolina Finance Housing Agency (NCFHA) and the zoning ordinance in terms of building height.

Chair Ferguson announced that there are 5 speakers in opposition and 20 minutes available for public comment. She stated that each speaker will get 4 minutes at the podium due to the time limitation policy. Chair Ferguson recognized Chris Payne, 2760 Stagbuck Dr., Gastonia, NC. Mr. Payne displayed a presentation to share with the Commissioners. He stated that the development sign was posted on the property the same day as the neighborhood meeting, which he expressed was not enough notice to neighbors. He also shared concerns for traffic on Bolding Street and the location of the development entrance on a curve. Mr. Payne stated that Bolding Street is very narrow and the intersections are not safe. Lastly, he expressed concerns for additional cars on a sub-par road and mitigations for safety issues.

Chair Ferguson recognized Debra Wheeler, 206 Bolding St., Gastonia, NC. Ms. Wheeler stated the development sign was posted on-site after 4PM and also expressed that it was not enough notice. She shared concerns for speeding and un-safe road conditions on Bolding Street. Ms. Wheeler also stated that there is a lot of wildlife due to the creek on the property.

Commissioner Harris asked staff what the policy is for posting signs. Mr. Tubbs responded that signs have to be posted two weeks before the public hearing. He also stated that the distance for required notifications is 100-feet excluding right-of-way. Vice Chair Ghorley asked if staff tracks neighborhood meeting information. Mr. Tubbs replied that it is required 15-days prior to the public hearing but that staff does not schedule or attend the neighborhood meetings.

Chair Ferguson recognized Cornelius Okonkwo, 417 Bolding St., Gastonia, NC. Mr. Okonkwo stated that the neighborhood will be very congested with the additional housing and that he did not believe it fit with the area. He expressed concern for a single access into the site. Mr. Okonkwo also stated he felt that the property should be developed as single-family homes not apartments. Along with other neighbors, he expressed discontent with the timing of the sign posting.

Chair Ferguson recognized Octavius Sims, 424 Bolding St., Gastonia, NC. Mr. Sims stated that he has lived on Bolding Street for 20 years and that it is a tight knit neighborhood. He shared concerns for traffic and pedestrian safety. He asked the Commissioners to consider the location and if it was the right fit for the area.

Chair Ferguson recognized Tiffany Sims, 424 Bolding St., Gastonia, NC. Ms. Sims expressed her appreciation for the Bolding Street neighborhood. She stated that the apartments will reduce the value of the community. Ms. Sims shared concerns for the construction period, specifically how long it will last and other impacts of access and noise. She stated that she did not feel the new project would fit compatibly with the neighborhood. Lastly, she noted that the sign may have been out of compliance. Commissioner Chapman asked Ms. Sims if she saw a yellow sign on the property. Ms. Sims replied "No".

The Commissioners asked staff for clarification on the neighborhood meeting policy and notification process. Ms. Gates stated that there are two required signs; one is the yellow City sign and one is the larger green development sign. She stated that both signs are required to be posted two weeks prior to the public hearing, not the neighborhood meeting. Ms. Gates explained that neighborhood meetings are required to be held 15-days prior to the Planning Commission meeting and that applicants must send out notification letters to all property owners within 100-feet, 10-days prior to the neighborhood meeting. Chair Ferguson asked Ms. Gates how many properties were notified. Ms. Gates replied "14". She continued to state that the posting of the sign, the neighborhood meeting, and the date the notifications were sent, were all in compliance with the ordinance. Lastly, Ms. Gates shared that all applicants have to submit a report of the meeting minutes and a copy of the attendance list after it is held.

Assistant City Attorney, Charles Graham, clarified that "notifications" as Ms. Gates mentioned, are required by state statute to be written and mailed to all properties within 100-feet. Mr. Graham also stated that the green development sign is regulated by the ordinance but is the responsibility of the applicant. Chair Ferguson asked Ms. Gates if staff receives a list of property owners in regards to the neighborhood meeting. Ms. Gates replied "Yes", and stated that the applicant sends a copy of the sign, the meeting notification letter, and the mailing list which staff reviews and keeps on file. She also noted that there is a sign template to follow but that she also recommends that applicants include the

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neighborhood meeting information on the sign, but that it is solely a recommendation and not a requirement.

After staff discussion, Mr. Beck approached for questions. Commissioner Howe asked Mr. Beck if the connection to Simmons Street would be possible, as its shown on the site plan. Mr. Beck replied that a TIA is required and that the applicant will have to install any required mitigations, which could include the Simmons Street connection. Commissioner Harris asked if the development only has one entrance. Mr. Beck replied “Yes” and stated that all buildings will have a fire sprinkler system, which is a fire code requirement. Vice Chair Ghorley asked Mr. Beck about the possibility of having Simmons Street be an emergency access. Mr. Beck replied that he would have to discuss that with the applicant.

Vice Chair Ghorley stated that he was struggling with the lack of attendance at the neighborhood meeting and asked Mr. Beck to provide additional information. Mr. Beck responded that he was not present at the meeting but believes that the applicant sent all notifications as required by the ordinance. Commissioner Harris asked Mr. Beck where the neighborhood meeting was held. Mr. Beck replied that it was held at the T. Jeffers Center in Gastonia. Commissioner Howe asked Mr. Beck if the notification letters that the applicant is required to send includes the information for the neighborhood meeting? Mr. Beck replied “Yes” and stated that it only goes to properties within 100-feet.

Chair Ferguson announced to the audience that the Commissioners were comparing the public comment sign-in sheet with the 14 properties that were sent notifications. Chair Ferguson clarified that of the 14 neighbors that were sent notification letters by the applicant and City staff, none of them were present at the Planning Commission meeting. Mr. Beck approached for rebuttal. He stated that he did not believe property values would decrease due to the new apartments and that Wynnefield Forward has no intentions to change the characteristics of the community. He also noted that the typical construction period is 18 months.

Keith Lineberger, Assistant City Engineer, approached to discuss the driveway connection to Bolding Street. He stated that the current driveway layout and intersection will be further reviewed by staff, if approved. Mr. Lineberger stated the City is aware of the traffic concerns and noted that the main priority for the City is to make that intersection as safe as possible. He stated that the current layout is likely to change to ensure traffic and safety standards are met.

To clarify earlier discussion on the procedure for notifications, Mr. Graham stated that there are two layers of notice which include notification letters and signs. He stated that a City sign and a sign posted by the applicant are required two weeks prior to the public hearing. Mr. Graham explained that the purpose of the signs is to notify the broader community since the state statute only requires the notification letters be sent to property owners within 100-feet. Those that receive the letters can attend the community meeting and the public hearing. The larger community receiving notice by the signs can attend the public hearing to give their thoughts and better inform the Commission’s decision.

Commissioner Chapman made a motion to close the public hearing and Vice Chair Ghorley seconded the motion. The motion to close the public hearing unanimously passed (6-0). Vice Chair Ghorley stated that the property is currently zoned RS-8 and is surrounded by primarily residential uses which is consistent with the request for apartments. He also noted that he had concerns for the existing conditions of Bolding Street but believes the TIA will address those concerns. Commissioner Harris agreed with Vice Chair Ghorley and stated that affordable housing is needed in Gastonia. Chair Ferguson stated that the request to Residential Multi-family is still a residential zoning district and that RS-8 is currently a higher density district. She stated that she feels apartments are an appropriate use for the property and location.

With no further discussion, Vice Chair Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Howe seconded the motion. With no discussion, the motion to approve the request as presented was passed (5-1). Commissioner Chapman voted in opposition of the motion. All other Commissioners voted in favor.

### **Item 3: Public Hearing – 1801 E. Franklin Boulevard (File #202400071)**

Subject hearing involves a request to rezone approximately 0.445 acres from C-1 (Neighborhood Business) to C-3 (General Business). The subject property is located at 1801 E. Franklin and is owned by SAS Real Estate, LLC.

Chair Ferguson recognized Jordan Tubbs, Senior Planner, for staff presentation. The zoning map was displayed. Mr. Tubbs stated the request is for the General Business zoning designation. He stated that a general request would allow for all by-right uses in C-3. Mr. Tubbs discussed the context of the subject area which consists of commercial and residential zoning and land uses. He stated that although the Future Land Use Map indicates commercial uses for the subject property, staff is recommending

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denial of the request as its presented due to the intensity and scale of C-3 uses and its proximity to residential uses.

Chair Ferguson recognized Tom McPhaul, 204 W. Tenth Avenue, Gastonia, NC. Mr. McPhaul stated that he is representing the applicant and has owned the property since 2021. He stated that the previous intent was to rent the property, not sell it. He stated that C-1 is a limiting zoning district and that no one has been interested in the property. Further, he stated that he believes the property is in a good location and that C-3 would allow for more opportunity. Vice Chair Ghorley asked Mr. McPhaul if there has been any interest to buy the property with it possibly being C-3. Mr. McPhaul replied that he believes it would be good for auto sales but that there have not been any official discussions. Commissioner Harris asked what the size of the existing structure was. Mr. McPhaul replied that it is roughly 1,500 square feet but that it is two-stories. He also noted that the parking lot is roughly 0.44-acres and already paved.

Commissioner Howe asked if the property is accessed off of W. Franklin Boulevard. Mr. McPhaul stated that the driveway was off of Ridge Lane but that there are several ways to access the property other than W. Franklin Boulevard. Vice Chair Ghorley asked if the applicant would be interested in the C-2 zoning district. Mr. McPhaul replied that he believes C-3 was better and that it allows for auto sales.

Chair Ferguson recognized Debbie Rhyne, Charlotte, NC. Ms. Rhyne stated that she had previously spoken with the applicant and that auto sales were not mentioned. She shared concerns for the property being C-3 due to the fact that there are a lot of residential homes in this area. Ms. Rhyne stated that her biggest worry was not knowing what was intended for the property, including what kind of buffers and fencing would be added since she is an adjoining property owner. Lastly, she stated that C-3 has too wide of a variety of uses and that she feels it is not consistent with the area.

Commissioner Chapman made a motion to close the public hearing and Vice Chair Ghorley seconded the motion. The motion to close the public hearing unanimously passed (6-0). Chair Ferguson stated that her concern is the general rezoning request and the wide possibility of land uses. Further, she noted that there are a lot of C-3 uses that are not compatible with adjoining residential zoning. The Commissioners reviewed the table of uses for the commercial zoning districts.

Vice Chair Ghorley made a motion to deny the request as presented with the consistency and reasonableness statement. Commissioner Chapman seconded the motion. With no further discussion, the motion to deny as presented was unanimously passed (6-0).

### **Item 4: Public Hearing – 1792 Hoffman Road (File #202400068)**

Subject hearing involves a request to rezone approximately 9.79 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to C-2 (Highway Business). The subject property is located at 1792 Hoffman Road and is owned by Keith Clark.

Chair Ferguson opened the public hearing and recognized Maddy Gates, Senior Planner, for the purpose of staff's presentation. The zoning map was presented. Ms. Gates explained that the request was a general rezoning to C-2 for two tax parcels. She referenced the zoning map and discussed the narrow road frontage on Hoffman Road and the flag shape of the lot, which she stated is primarily used for residential purposes. Ms. Gates discussed the context of the subject area which consists of commercial and residential zoning and land uses. She noted that the 2025 Future Land Use Map indicates residential uses for the subject property and that the request is not consistent. Ms. Gates stated that staff is recommending denial as presented due to the primarily residential character of Hoffman Road as well as the larger variety and intensity of uses in C-2. Lastly, she shared that C-2 requires property with adequate road frontage, visibility and access which the subject property does not have.

Chair Ferguson recognized Keith and Melissa Clark, 1792 Hoffman Road, Gastonia, NC. Ms. Clark stated that her and her husband are the applicants for the request. She stated that their neighbor to the east recently rezoned his property from RS-12 to C-2 and that they wished to do the same. She stated that they intend to sell the property along with their neighbor, Mr. McCaslin. Ms. Clark stated that there are inquiries from other adjoining property owners to rezone their property to C-2 also. Mr. Clark indicated on the zoning map that the adjoining property owners they were speaking of were numbers 4 and 5 on the map. Ms. Clark discussed the desire for the C-2 zoning district in order to sell their property and hopefully have it developed. Commissioner Coffey asked Ms. Clark what property was recently rezoned. Ms. Clark responded that it was number 3 on the zoning map.

Commissioner Harris asked the Clark's what the blue shaded area was on their property as shown on the zoning map. Mr. Clark replied that it was a creek and that the City designated it as floodplain. Ms. Clark also noted that there is a sewer line and a power line on the property.

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Chair Ferguson discussed the previous rezoning for Mr. McCaslin's property that was heard at the February 8<sup>th</sup>, 2024 Planning Commission meeting and was approved. Chair Ferguson asked Ms. Gates why the previous request had staff's support but this one did not. Ms. Gates replied that there are two reasons for the different recommendations between the two requests. She stated that the first difference was the composition of the subject property and more particularly the frontage. Ms. Gates noted that a requirement of C-2 is high visibility from the street and adequate road access which the subject property lacks. Ms. Gates also stated that each request is unique and that the overall context of the area for the two parcels in question was not compatible for commercial zoning. Further, she discussed the configuration of the two tax parcels including the narrow road frontage and the hindrance of floodplain, sewer lines, and power easements. Commissioner Coffey asked Ms. Gates if the property labeled as "9" on the zoning map was a residence. Ms. Gates replied that she believed it was.

Commissioner Coffey asked staff what the process would be if a request is denied and the applicant wanted to re-apply. Ms. Gates replied that the applicant would have to wait a year before re-applying for the same exact request. She noted that a significantly different request, including a different zoning district or a conditional district, would only be 180-days.

Ms. Clark approached to note that she had previously spoke with developers that were interested in the property and that they were waiting to hear about the Planning Commission decision before moving forward. Commissioner Coffey shared that she had concerns for the property in question being a flag lot and discussed the possibility for adjoining neighbors to rezone their property. Chair Ferguson noted that although there are conversations for the future intent of the property, that the request is general and that the rezoning of neighboring properties is not included in the current request. Ms. Clark stated that the property is currently a flag lot but if it is recombined with the adjoining property that it would have more road frontage. Chair Ferguson advised Ms. Clark to discuss future recombinations and rezonings of property with staff.

Vice Chair Ghorley made a motion to deny the request as presented with the consistency and reasonableness statement. Commissioner Harris seconded the motion. With no further discussion, the motion to deny as presented was unanimously passed (6-0).

### **Item 5: Other Business**

Assistant City Manager, Quentin McPhatter, discussed items heard and approved at the April 16<sup>th</sup> City Council meeting. Mr. McPhatter also discussed the joint meeting between Planning Commission and City Council that will be occurring in June.

Lastly, Mr. McPhatter announced two new Planning staff members, Becky Mintz, Planning Technician, and Joe Gates, Assistant Planning Director.

### **Item 6: Adjournment**

Chair Ferguson entertained a motion to adjourn the May 9<sup>th</sup> Planning Commission meeting. Vice Chair Ghorley Harris made a motion to adjourn the meeting and Commissioner Harris seconded the motion. The motion to adjourn was unanimously passed (6-0). The meeting adjourned at 7:05 PM.

Respectfully submitted,

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Jalen Nash, Planner

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Kristie Ferguson, Chairwoman