



**Gastonia Planning Commission
Meeting Schedule
November 9th, 2023**

5:00 DINNER

5:30 – UNTIL PLANNING COMMISSION MEETING
(City Hall – City Council Chambers)

.....
ITEM 1a: Role Call / Sound Check

ITEM 1b: Calls/Contacts to Planning Commission Members

ITEM 1d: Approval of October 5th, 2023 Minutes

ITEM 2: Public Hearing – Delmont Court (File #202300210)

Subject hearing involves a request to rezone approximately 1.43 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RMF CD (Residential Multi-family – Conditional District). The subject property is located at the intersection of Delmont Court and Edgewood Road and is owned by RYSM Investments, LLC

Staff Presentation: Maddy Gates, MURP – Senior Planner

ITEM 3: Public Hearing – 2950 Union Road (File #202300322)

Subject hearing involves a request to rezone approximately 1.13 acres from OLC (Office Light Commercial) to C-2 CD (Highway Business – Conditional District). The subject property is located at the intersection of Old Neal Hawkins Road and Union Road and is owned by Cecchini and Cecchini, Inc.

Staff Presentation: Maddy Gates, MURP – Senior Planner

ITEM 4: Public Hearing – S. New Hope Road & Perry Street (File #202300363)

Subject hearing involves a request to rezone approximately 0.72 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RS-8 (Single-family Residential). The subject property is located between S. New Hope Road and Perry Street and is owned by Snarkus Holdings, LLC.

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 5: Public Hearing – 207 & 209 E. Fifth Avenue (File #202300366)

Subject hearing involves a request to rezone approximately 0.33 acres from C-2 (Highway Business) to C-1 (Neighborhood Business). The subject property is located at 207 and 209 E. Fifth Avenue and is owned by Carolina Elite Builders, LLC.

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 6: Public Hearing – Unified Development Ordinance Amendment (File #202300419)

Subject hearing involves amending *Section 9.18.3 Multi-Use Paths: Greenways and Street-side Paths* of the Unified Development Ordinance to include the adopted City of Gastonia Bicycle Plan to facilitate in the determination of multi-use paths, trails and greenway locations.

GASTONIA PLANNING COMMISSION MEETING
Gastonia Council Chamber – City Hall – Gastonia, NC

➤ *The Gastonia City Council will be holding a Public Hearing on the Text Amendment request at the **November 21st, 2023** meeting.*

Staff Presentation: Jason Thompson, AICP – Planning Director

ITEM 7: OTHER BUSINESS

ITEM 8: ADJOURNMENT

.....

UPCOMING IMPORTANT DATES

November 21st & December 5th – City Council Meeting – 6:00 p.m.

December 7th – Planning Commission Meeting – 5:30 p.m.

ALL INTERESTED PERSONS WISHING TO COMMENT SHOULD APPEAR AT THE PUBLIC HEARING. INDIVIDUALS REQUIRING SPECIAL ACCOMMODATIONS WHEN ATTENDING THIS MEETING AND/OR IF THIS INFORMATION IS NEEDED IN AN ALTERNATIVE FORMAT BECAUSE OF A DISABILITY, SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, LOCATED IN CITY HALL AT 181 S. SOUTH STREET, TELEPHONE: (704-866-6786), FAX: (704-836-0022) OR BY EMAIL: JUDYS@CITYOFGASTONIA.COM. THE HUMAN RESOURCES DEPARTMENT REQUESTS AT LEAST 72 HOURS' NOTICE PRIOR TO THE MEETING TO MAKE THE APPROPRIATE ARRANGEMENTS.

Gastonia Planning Commission October 5, 2023 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:31 p.m. on Thursday, October 5, 2023, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Chair Kristie Ferguson and Commissioners Jim Stewart, Carl Harris, Megan Chapman, Chad Ghorley, Anthony Gallant, and Glenn Silverman

Absent: Commissioner Rodney Armstrong

Staff Members Present: Charles Graham, Jason Thompson, Quentin McPhatter, Maddy Gates, Jalen Nash, Rusty Bost, and Tucker Johnson

Item 1a: Role Call / Sound Check

Chair Kristie Ferguson noted the absence of Commissioner Armstrong and declared a quorum for the meeting.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioner Silverman had no contacts. Commissioner Harris had one contact. Commissioner Ghorley had one contact. Commissioner Gallant had two contacts. Commissioner Stewart had no contacts. Commissioner Chapman had two contacts. Chair Ferguson had one contact.

Item 1d: Approval of September 7, 2023 Meeting Minutes

Commissioner Stewart made a motion to adopt the September 7th minutes as presented and Commissioner Silverman seconded the motion. The motion unanimously passed (7-0).

Item 2: Public Hearing – Edgewood Road (File #202300273)

Subject hearing involves an annexation and assignment of zoning request for approximately 230.41 acres from Gaston County I-1 (Light Industrial) to City of Gastonia I-1 (Light Industrial). The subject property is located west of Edgewood Road, north of Kings Mountain Highway, and is owned by I-85 Highway 29/74 and Christa Overcash.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the October 17th, 2023 meeting.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. Mr. Thompson stated the application request is an annexation and assignment of zoning request. The zoning map was presented. Mr. Thompson stated the request is for one tax parcel that is located along Interstate 85 in the western part of Gastonia. He stated the subject property is currently zoned I-1 (light industrial) under Gaston County's jurisdiction and the request is for the same I-1 (Light Industrial) zoning in the City of Gastonia's jurisdiction. Mr. Thompson explained that typically the reason behind these annexation requests is for the need to access city utilities and services. He stated there is a representative of the applicant present to answer any questions. Mr. Thompson noted the area is indicated as primarily industrial in the 2025 Comprehensive Plan and that staff is recommending approval.

Chair Ferguson asked the board if there were any questions for staff. Commissioner Gallant asked Mr. Thompson if this was an annexation request, with no change in the zoning. Mr. Thompson stated there may be some subtle differences between the County's I-1 and the City's I-1 zoning districts, but for the most part, they are generally similar. He stated someone could develop the property for an industrial use right now.

With there being no further questions for Mr. Thompson, Chair Ferguson recognized the applicants, Keith McVean and Scott Bosco at 100 N. Tryon St., Charlotte, NC. Commissioner Chapman asked Mr. Bosco how he found Gaston County from Connecticut. Mr. Bosco responded that Indus is a real estate developer with projects in Charlotte and Concord, and they started in Gaston County about a year and a half ago. Commissioner Harris asked Mr. McVean what the plans are for the subject property. Mr. McVean responded the plans are to develop it with uses allowed in the I-1 industrial district. He mentioned that Scott's company is exploring warehouse distribution uses aimed at generating jobs.

Chair Ferguson asked if there was any more discussion. With there being no further discussion, Chair Ferguson asked for the wishes of the board. Commissioner Chapman made a motion to recommend approval of the request as presented with the statement of consistency and reasonableness. Commissioner Ghorley seconded the motion. With there being no discussion, the motion of recommendation for approval was unanimously passed 7-0.

Gastonia Planning Commission October 5, 2023 Meeting Minutes

Item 3: Public Hearing – Robinson Road (File #202200613)

Subject hearing involves an annexation and assignment of zoning request for approximately 122.047 acres from Gaston County R-1 (Single-family Limited Residential) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Road and is owned by Robinson Road Investments, LLC.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the October 17th, 2023 meeting

Chair Ferguson recognized Jason Thompson, Planning Director, for staff presentation. The rezoning map was displayed. Mr. Thompson reiterated that the annexation and assignment of zoning request, if approved by the City Council, would be considered a satellite annexation, meaning it is not contiguous to the city boundary. He stated this has not been uncommon over the past few years, and staff has been receiving a lot of proposals similar to this one. The site plan was presented. Mr. Thompson stated the proposal is to allow up to 199 single-family dwellings on lots that are a minimum of 56 feet in width. He stated there are two access points into the development and noted that this particular site has a fair amount of topography and streams. Mr. Thompson shared the representative elevations and stated that the applicant is Mattamy Homes, who is present. He stated the 2025 Comprehensive Plan does indicate residential uses for this location. Mr. Thompson shared the conditions and stated that they are typical for this type of residential development. He stated staff is recommending approval of the request as presented.

Chair Ferguson asked the board if there were any questions for staff. With there being no questions for staff, Chair Ferguson recognized Brittany Lins at 1420 E. 7th St., Charlotte, NC. Ms. Lins stated she and Jerry Whelan are representing Mattamy Homes. She noted that Matt Mandel from ESP Associates, who did the site and civil work and Brady Finkley with Kimley Horn are both present. She noted Brady was in attendance for any traffic related questions. Ms. Lins shared the site plan and stated the property is on Robinson Road where it has only a small amount of road frontage. She noted that the access points are from Robinson Road and Pam Drive and that the subject property is currently in Gaston County's low-density residential zoning, R-1. She stated the Gastonia 2025 Comprehensive Plan is supportive of residential uses at this location.

Ms. Lins presented that the rezoning request is for 199 for-sale single-family homes, which is approximately 1.6 dwelling units per acre. Ms. Lins stated Mattamy Homes is 'For Sale' only, with covenants and restrictions in place to make sure that these are homeowners and that a community is being built. On the site plan, Ms. Lins pointed out the clustered layout design of the lots which she noted was done to preserve large areas of open space and stay out of the environmentally sensitive areas, such as streams. She stated this proposal is preserving over 12 acres of open space, and 18 acres of tree save area. Ms. Lins stated that currently with Gaston County's R-1 zoning, the entire site could be developed with single-family lots, but it wouldn't be required to protect these open space and tree save areas. She noted that the proposal started over a year ago and that a neighborhood meeting was held in March 2023, where they received a lot of feedback from neighbors. She presented the original site plan and discussed the changes made as a response of the neighborhood meeting which included pushing lots off of the property lines, providing buffers, and moving an access location to Pam Drive. She shared that the original access point was off of Hazelnut Place in the Saddlewood neighborhood which has one access point and a blind curve on Robinson Road. As a result of neighborhood feedback, the Pam Drive access was proposed which is a straight shot to Robinson Road. Ms. Lins stated they feel that this secondary access was a better option although they anticipate most of the residents would use the Robinson Road access.

Ms. Lins stated a traffic impact analysis was conducted by Kimley Horn for this project, which was commissioned by the City of Gastonia staff. Ms. Lins shared an excerpt from the study, that noted that the development is not expected to have significant adverse traffic impacts. Ms. Lins stated she knows that there are some current traffic concerns along Robinson Road, but she feels that they've done the mitigations required and have agreed to everything from the traffic study. Ms. Lins stated one request to be considered is for speed bumps on Pam Drive, if the residents agree. She noted that if Pam Drive residents agreed, Mattamy is willing to install and pay for those speed bumps. Ms. Lins stated the statute says that if 60% of the neighbors agree to the speed bumps, then they can move forward with them; and if they don't get 60% wanting speed bumps, they're not going to. Ms. Lins stated as part of their zoning commitments, they have agreed to coordinate with the neighbors and NCDOT on that recommendation.

Chair Ferguson recognized Jerry Whelan at 12642 Penfield Court, Huntersville, North Carolina. Mr. Whelan gave a summary of Mattamy Homes. Mr. Whelan stated that they have elements of brick and stone in all of their products. Enhanced side elevations were presented. He stated their product is

Gastonia Planning Commission October 5, 2023 Meeting Minutes

somewhere in the 1,800 to 3,000 square feet range, and that all lots will have two-car garages. Ms. Lins discussed some similar developments in the surrounding areas that Mattamy Homes has been involved in and stated she was available for any questions.

Chair Ferguson asked the board if there were any questions for the applicants. Commissioner Harris asked Ms. Lins if there was anything else that the neighbors were concerned about during the neighborhood meetings. Ms. Lins responded that the main concerns at the first meeting were pushing the lots off the property lines. She stated in their second community meeting held in September, which was not required, she believes traffic along Robinson Road was probably the hot-button item. Ms. Lins stated there were some questions about how the traffic study was prepared and school overcrowding. She noted that they did get confirmation from Gaston County Schools that there was no current overcrowding.

Commissioner Harris asked Ms. Lins to go over the proposed recommendations from the traffic study. Ms. Lins responded that the traffic study concluded that there wasn't a significant impact from their site. She stated there were three recommendations; one is to add a single eastbound egress lane and single ingress lane along access A – Robinson Road, which they've done; provide a 100-foot internal protected stem along access A; and a sight distance evaluation on access A. Ms. Lins stated for Pam Drive, there was a recommendation to do the traffic calming of the speed bumps should the Pam Drive neighbors want those. Commissioner Ghorley asked Ms. Lins how many homes could they have if they chose to go with larger lots. Ms. Lins responded they could potentially do larger lots, but generally speaking, unit count is based on market thresholds and larger lots could be less marketable. Commissioner Ghorley expressed his concerns with the amount of traffic this development would potentially generate on Pam Drive. Additionally, he stated he had some concerns with sightlines and safety on Robinson Road. Ms. Lins responded the sightlines were studied in the traffic study, but did not come up as a concern. She referred to the traffic engineer for more detail.

Chair Ferguson recognized Brady Finkley with Kimley Horn at 200 South Tryon Street Suite 200, Charlotte, North Carolina. Mr. Finkley first noted that Kimley Horn was picked by the City of Gastonia to conduct the traffic study but that traditionally in the industry, the applicant would pick the traffic firm. In response to Commissioner Ghorley, Mr. Finkley stated that, in terms of sightlines, they did not perform a site distance evaluation, but that was one of their recommendations in the traffic study. Commissioner Gallant asked Mr. Finkley when the traffic study was conducted. Mr. Finkley responded that the counts were conducted on two different days because, as Ms. Lins previously mentioned, there was initially a connection to the Saddlewood neighborhood. He stated the initial counts were collected in January 2023, and again in May of 2023 when the site plan was revised. Commissioner Gallant asked Mr. Finkley what day of the week the counts were conducted on. Mr. Finkley responded on Wednesday, January 18th and Thursday, May 4th.

Commissioner Ghorley asked Mr. Finkley how much traffic he predicted leaving the neighborhood daily. Mr. Finkley responded they did not collect daily counts, instead, they collected AM/PM peak hour counts. He stated in the AM it was ten, and in the PM it was six. Mr. Finkley stated that was in a one-hour frame. Commissioner Ghorley asked Mr. Finkley how many total trips is he expecting for a new neighborhood with 199 homes. Mr. Finkley responded that AM is 139 trips in and out, and the PM is 190 trips in and out. Mr. Finkley discussed the added recommendation for speed bumps concerning safety. Commissioner Ghorley asked Mr. Finkley how many speed bumps were proposed, and how long of a distance will there be between speed bumps. Mr. Finkley responded he believes the speed bumps are being designed by the City and NCDOT, but they do have a design based on what they had looked at with ITE (Institute of Transportation Engineers) guidelines. He stated they are looking at four to six-speed humps over a half-mile stretch to keep speeds between 25 to 30 miles per hour.

With there being no further questions for the applicant(s), Chair Ferguson opened the discussion with residents. She recognized John Sarn, 409 Eagles Walk, Gastonia, NC. Mr. Sarn discussed his work experience with residential developments and stated it was important to work in the context of being sensitive to the surrounding areas. Mr. Sarn expressed concern that this development did not fit into the existing neighborhood context and that it would change the overall character. Mr. Sarn asked that the Commission would take into account the existing context of the surrounding area. He stated bigger lots and farther off of Robinson Road would be better.

With there being no questions for Mr. Sarn, Chair Ferguson recognized Greg Dills at 916 Robinson Road. Mr. Dills stated his biggest concern is the traffic and the development not fitting in the area. He stated most of the properties in the area are between one acre to 250 acres. Mr. Dills stated the homes have five-foot side setbacks, which means there is 10-feet between the houses and there's nothing similar in the area. Mr. Dills expressed his concerns about the potential traffic problem along Pam

Gastonia Planning Commission October 5, 2023 Meeting Minutes

Drive and Robinson Road. He discussed multiple car wrecks that have happened on his property due to sightlines and speeding.

With there being no questions for Mr. Dills, Chair Ferguson recognized Kirsten D'Amore at 1030 Robinson Road, Gastonia, North Carolina. Ms. D'Amore stated her 28-acre farm property is directly adjacent to the proposed neighborhood. She stated she appreciates the revisions that have already been made to the plans, however, her main concern is the change of the Robinson Road community, which is generally very rural. Ms. D'Amore stated existing homes are on larger lots, and she is concerned about traffic. She stated the homes are pretty and good quality, but they're going to be right next to each other and it is too dense. Ms. D'Amore stated if you drive down Robinson Road, there are no neighborhoods like the current proposal, and you can only find neighborhoods such as this one in the city. She stated she believes the lots should be larger with more space, and she disagrees with there being no demand for larger lots in Gaston County.

With there being no questions for Ms. D'Amore, Chair Ferguson recognized Mike White at 512 Pam Drive, Gastonia, North Carolina. Mr. White stated Pam Drive is not set up for the additional traffic. He noted that he believes speed bumps do not work. Mr. White further discussed his concerns with traffic and the danger it poses to children in the neighborhood. Chair Ferguson asked Mr. White if he would be in favor of speed bumps on Pam Drive. Mr. White responded "Yes", but shared concerned that they won't work.

With there being no further questions for Mr. White, Chair Ferguson recognized Mike Stewart 5222 C.R. Wood Road, Gastonia, North Carolina. Mr. Stewart stated he lives a mile down the road from this development in question. Mr. Stewart expressed his concerns with the lot width and house width as well as the amount of cars per dwelling. Mr. Stewart expressed his concerns about the additional traffic this development will create on Robinson Road. He believes the road will have to be widened or a stop light will need to be added. Additionally, he expressed concern that the development did not fit with the area and that larger lots with less units would be better. Mr. Stewart stated that the Commission should recommend denial.

With there being no questions for Mr. Stewart, Chair Ferguson recognized Mark Wilson at 132 Pam Drive, Gastonia, NC. Mr. Wilson stated he has been a Pam Drive resident since 1995 and that his main concern, above all, is the traffic. He expressed his safety concerns for the neighborhood children due to speeding. He also noted that Pam Drive has no lines in the road and no sidewalk. Mr. Wilson stated he was also concerned about the City of Gastonia annexing more land in this area in the future including his own property if this gets approved. Mr. Wilson asked Chair Ferguson if the subject property in the request will now be in the City. Chair Ferguson responded that if it is approved it will be in the City. Commissioner Ghorley asked Mr. Wilson if there were any sidewalks on Pam Drive. Mr. Wilson responded "No". Chair Ferguson asked Mr. Wilson if this were to pass, would he be in favor of speed bumps on Pam Drive. Mr. Wilson responded reluctantly that he would be in favor only for the safety of the children.

With there being no further questions for Mr. Wilson, Chair Ferguson recognized Randolph Nichols at 129 Pam Drive, Gastonia, NC. Mr. Nichols stated he has been at his property for 36 years. Mr. Nichols expressed his concerns about the potential traffic this development might generate and stated he does not believe speed bumps work. He expressed concern that the development would bring 400 plus cars to the area. He noted that it was shared that the majority of the traffic would go to Robinson Road but that is not true. Additionally, he shared that Robinson Road is only two lanes and is already unsafe. Chair Ferguson asked Mr. Nichols if he would sign a petition in favor of speed bumps on Pam Drive. Mr. Nichols responded "Yes" but doesn't believe they will work.

Chair Ferguson recognized Kathy Nichols at 129 Pam Drive, Gastonia, NC. Ms. Nichols asked if 100% of the neighbors agree that they don't want the connection to Pam Drive open, is that going to matter and is it an option. Chair Ferguson stated she would get that answered for Ms. Nichols on a rebuttal.

With there being no questions for Ms. Nichols, Chair Ferguson recognized Pam White at 4640 Camille Street, Gastonia, NC. Ms. White shared that Pam Drive is named after her, that her dad owned all of the property in this area before it was developed. She shared that she has lived in this area for 60 years and expressed her traffic and school concerns. Ms. White noted that she doesn't believe the applicant(s) checked with the school system about overcrowding. She stated if the Commission approves this, she believes she will be annexed into the city limits at some point. Ms. White stated she did not want that or this project.

With there being no questions for Ms. White, Chair Ferguson recognized Cheryl Aldridge at 605 Cedar Grove Drive, Gastonia, NC. Ms. Aldridge expressed her concerns with the traffic along Robinson

Gastonia Planning Commission October 5, 2023 Meeting Minutes

Road. She stated Robinson Road was not built for City traffic and noted that at night, there are zero lights and no white lines painted on the road. She stated her concern with the turn on Little Mountain Road and the speeding along Robinson Road. She also shared concern for school buses going in and out of the new development. Ms. Aldridge stated she disagrees that there will be two cars per house, and she believes it's more like three or four cars per house.

With there being no questions for Ms. Aldridge, Chair Ferguson recognized William Jarman at 1687 Robinson Road, Gastonia, NC. Mr. Jarman stated his family's property is 300 acres directly across the street from the subject property. He expressed his concerns with the amount of trash already existing on Robinson Road and how more traffic will only contribute to the trash problem. He stated that he would like to know the number of fatalities on Robinson Road in the past 10 years. Additionally, he noted that this development is a punishment for Pam Drive residents. Mr. Jarman stated at the price point of \$400,000 on these houses, he would like to know how they are going to sell almost 200 homes at that price because it doesn't seem to fit in rural Gastonia. Mr. Jarman expressed his concerns over the traffic on Robinson Road. He stated the intersection of Sparrow Dairy and Robinson Road that hasn't been mentioned at all, is the most screwed-up intersection in Gaston County.

Charles Graham, Assistant City Attorney, stated he wanted to clarify some information for the surrounding property owners regarding annexations. He stated the annexation laws were changed several years ago so that the only viable way to annex property is at the property owner's request. Mr. Graham stated with this current proposal, the developers have requested the annexation, and the City would not be in a position to annex anybody else unless requested.

Mr. Thompson stated staff does make contact with Gaston County Schools on every type of rezoning petition and annexation request. He stated staff has had recent meetings with Gaston County Schools on what their enrollment is, and their response to staff was that there was not an overcrowding problem.

Mr. Graham also noted the rules of procedure as they pertain to discussion times for the applicant and the members of the public.

Ms. Lins stated she would like to rebut several of the comments made. She stated first, in regards to the sensitivity of the existing area, that she believes they have tried to put a lot of effort into that. She stated the buffer looks small on the site plan but it is actually 122 acres' worth. Ms. Lins responded to the request of pushing back from Robinson Road, stating that they only have a small amount of frontage on Robinson Road. She stated you only see the side of one house, which is not out of scale from other houses that you would see along Robinson Road. Ms. Lins stated her perspective is that bigger lots aren't always necessarily better. She stated if the development was across the whole site under the current zoning, there would be no buffer, no tree save and no open space requirements. Ms. Lins spoke again about the clustered layout of the site and the preserving of open space and trees.

Ms. Lins continued by discussing the comment to push the development farther back off of Robinson Road, noting that there is 100 feet from that protected driveway stem that was part of the traffic study. For the side yard comparison and the houses being too close together, Ms. Lins responded 5-foot is typical of what we're seeing in a lot of developments. She also noted that she has some comparables of recent rezonings that have been approved with similar lot lines. For the Pam Drive concerns, Ms. Lins noted the requirement for two accesses is for fire code for safety and maneuverability. Additionally, she stated that they felt Pam Drive was a better access point and two accesses would still be required even if this was a by-right request. She noted the subdivision ordinance requires connectivity wherever possible and that is what they are trying to achieve. Ms. Lins shared the process of a conditional rezoning request including commitments to buffers, open space, tree save, lot count, elevations, conditions, speed bumps and a traffic study that a by-right project would not otherwise have. She shared information on the elevations, stating building footprints are 40-feet in width which would leave 16-feet of additional space per lot. Additionally, she added that the intent is not to annex any additional property other than the parcels included in the request.

In terms of traffic, Ms. Lins noted that the two accesses may look close to one another but they are actually 570-feet apart. Further she noted there is no sidewalk on Pam Drive, and they couldn't add it even if they wanted to because it is on other people's property. She shared that Pam Drive neighbors would have access to the amenities of the development including the walking trails and the dog park. In regards to speed bumps, she noted there are several different kinds, including traffic tables and those made for fire trucks. She stated speed bumps would be coordinated with NCDOT for the best and safest option for Pam Drive neighbors. In regards to schools, Ms. Lins noted she did reach out to Gaston County Schools and can share her correspondence. She noted they told her there was no overcrowding issue. Lastly, she addressed the concerns for traffic on Robison Road stating Gastonia is a desirable and growing city. Ms. Lins argued that Mattamy homes wants to make it as safe and accessible as possible to be an advocate for the community but that they are only one developer.

Gastonia Planning Commission October 5, 2023 Meeting Minutes

Commissioner Ghorley asked Ms. Lins what the width of the entrance is. Ms. Lins responded it would be 50-feet of right of way. Commissioner Ghorley asked for the current width of Robinson Road. After discussion, it was determined that the current width was 20-feet. Further, Commissioner Ghorley asked Ms. Lins if this new community would include sidewalk. Ms. Lins responded “Yes”, noting that it would be only for their property and would not encroach onto Pam Drive. Commissioner Ghorley shared his concerns for traffic, density, Pam Drive, and safety. He noted that he appreciated the ongoing cooperation from Mattamy Homes to adjoining neighbors.

Commissioner Gallant asked Mr. Finkley for clarification on the traffic study, specifically how it was conducted and how results are generated. Mr. Finkley explained the trip generation process, noting that it is an industry standard across the nation that uses traffic manuals, trip patterns and proposed land use. He also shared the expected trip generation from this development and how that is computed. Commissioner Chapman asked Mr. Whelan what the possibilities are to make improvements in regards to the concerns from neighbors. Mr. Whelan stated that is the purpose of the neighborhood meetings and changes were made but that he is open to further discussion and suggestions. At this point, Mr. Whelan noted he doesn’t have an exact answer. He noted that if Mattamy homes does not get 60% of signatures for speed bumps, that they would have to keep an open dialogue with Pam Drive residents to work towards a solution. Commissioner Silverman asked Ms. Lins if options to access the site from the west, towards Forbes Road, was explored. Ms. Lins responded noting the subdivision ordinance requirements and the need to connect to existing stubs. Further, she stated it was explored but that there were no existing accesses for them to connect to. Commissioner Silverman also stated that concerns for traffic are not necessarily in the purview of the Planning Commission and may be better suited for City Council. He noted that he would like to see the numbers from the traffic study closer.

Commissioner Harris asked Mr. Whelan about the two creeks on the site plan and what the plans are to cross them. Chair Ferguson recognized Matt Mandel, 3475 Lakemont Boulevard, Fort Mill, SC. Mr. Mandel responded that the creeks have been analyzed by a streams and wetlands consultant and that if approved, the crossing would be designed to meet State, County and City requirements. Commissioner Ghorley asked if there was a representative from the community that would like to explain what they would want to see on the subject property, instead of this development. Commissioner Stewart stated he would like to know the size of the existing lots on Pam Drive. Mr. Graham, stated to Chair Ferguson the procedures for selecting a member of the public to represent the community. Chair Ferguson allowed the members of the public to pick a representative.

Mr. Jarman spoke on behalf of the neighbors. He stated Pam Drive lots are one half to three quarters of an acre. He spoke of existing traffic and density concerns. Mr. Jarman shared his experience with a nearby development which has large, spaced out lots with low density; he noted that was what the community would like to see. Commissioner Ghorley asked the applicants if they would ever consider three quarters of an acre lots. Mr. Whelan responded explaining the market research that is conducted to produce and sell a community of this type. He indicated that even with larger lots, it would require the same amount of roads and other infrastructure which would bring the housing costs up to the \$800,000 range. He noted that there isn’t a current market for that price range.

Chair Ferguson discussed procedures of the board. Commissioner Stewart made a motion to close the public hearing. Commissioner Ghorley seconded the motion. The motion to close the public hearing was unanimously approved 7-0. Commissioner Stewart noted he liked the site layout, the open space, and the natural aspects but that he was concerned about context. Further he noted that he felt the lots were too small and too close together. Commissioner Silverman also noted that the site is constrained by the creeks and wetlands which is why the layout looks as such. Commissioner Gallant expressed concerns about safety and the consequences of land use. Commissioner Ghorley agreed with Commissioner Gallant and emphasized safety as his biggest concern. Chair Ferguson discussed the differences between a use by-right option and a conditional rezoning.

Commissioner Silverman made a motion to recommend denial of the request as presented. Commissioner Ghorley and Stewart seconded the motion. Commissioners Ghorley, Stewart, Silverman, Chapman, Gallant, and Harris voted in favor of the motion. Chair Ferguson voted against the motion. The motion to recommend denial of the request as presented was passed (6-1).

Item 4: Public Hearing – Robinson Clemmer Road (File #202200661)

Subject hearing involves an annexation and assignment of zoning request for approximately 48.897 acres from Gaston County RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Clemmer Road and is owned by Robert J. Neunzig.

Gastonia Planning Commission October 5, 2023 Meeting Minutes

Chair Ferguson stated the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of zoning request at the October 17th, 2023 meeting

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map was presented. Mr. Thompson stated the location of the request and noted this was also an annexation. The site plan was presented. Mr. Thompson shared that the request is for 119 single-family residential lots. He discussed conditions, site layout, and property area. He stated the Future Land Use Map in the 2025 Comprehensive Plan indicates residential uses for the property and staff is recommending approval.

Chair Ferguson recognized the applicants John Carmichael 101 N. Tyron Street, Charlotte NC, Clay McCullough 1616 Cleveland Avenue, Charlotte, NC, and Nick Bushon 1111 Hawthorne, Charlotte, NC. Mr. Carmichael discussed the site location, layout, density, request, and future land use. He explained the changes made after the first site plan submittal in response to staff comments, including providing all single-family detached lots, reducing density and increasing open space. He shared the access points into the site, amenities, buffering, enhanced landscaping, and trails. Mr. Carmichael presented the illustrative conceptual elevations. He noted the applicant is in agreement with the proposed conditions. Commissioner Gallant asked if a neighborhood meeting was held. Mr. Carmichael responded “Yes”, in January and the feedback was traffic concerns and density.

Chair Ferguson recognized Martha Ramey, 703 Robinson Clemmer Road, Dallas, NC. Ms. Ramey explained that her property is right next to the proposed development. She shared concerns about traffic, car wrecks, the existing conditions of Robinson Clemmer Road, and overall safety. Ms. Ramey noted that she felt this development didn’t fit in with the area and she preferred that the site remain as open space.

Chair Ferguson recognized Russell Tanner, 320 Briarwood Drive, Dallas, NC. Mr. Tanner noted he lived adjacent to the proposed development. He expressed concerns about traffic and current congestion in this area. He indicated there are two other developments on Robinson Clemmer Road and concerns that the road can’t handle the future volume.

Commissioner Ghorley asked the applicants if a Traffic Impact Analysis (TIA) has been done. Mr. McCullough stated that they have completed scoping. Further he explained due to the reduction in the lots and the need for traffic counts while school is in session, it was delayed. Further he noted that it is expected to be completed before construction drawings. Commissioner Ghorley asked about mitigations. Mr. McCullough indicated that they will be responsible for all mitigations that result from the TIA.

Ms. Ramey spoke about previous car wrecks in the area and the safety of school buses and children. Chair Ferguson discussed traffic concerns and noted that residents can call the police if there are major speeding issues. Commissioner Gallant asked fellow Commissioners if they should wait to vote until the TIA is complete. Mr. Thompson noted, per the code, the TIA only needs to be completed before construction drawings but it is not required to be complete at this point in the process. Commissioner Chapman asked what the other developments in the area were. Mr. Thompson responded that they are in the County or the Town of Dallas but not in the City of Gastonia’s jurisdiction, so he did not know what they are. Further, he explained the City’s annexation agreement with the Town of Dallas, sharing that the City cannot annex any further north than this development. Commissioner Ghorley discussed the by-right options for this property.

Commissioner Ghorley made a motion to recommend approval of the request as presented with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion to recommend approval was unanimously passed 7-0.

Item 5: Public Hearing – Unified Development Ordinance Amendment (File #202300365)

Subject hearing involves amending Section 12.3 Prohibited Signs in the Unified Development Ordinance pursuant to Part XIII of Session Law 2021-138 (Senate Bill 300), stating that a violation of Section 12.3 is punishable as a misdemeanor. This ordinance amendment requires two reads.

Chair Ferguson stated the Gastonia City Council will be holding two Public Hearings on the Text Amendment request at the October 17th, 2023 and November 21st, 2023 meetings.

Chair Ferguson opened the public hearing and recognized Charles Graham, Assistant City Attorney, for the purpose of staff presentation. Mr. Graham stated the legislature over the past two years has decriminalized local government ordinances. Further he explained that the local governments must

Gastonia Planning Commission October 5, 2023 Meeting Minutes

specifically state if they want an ordinance to be criminalized. He shared the reasoning is mainly for signs placed in the right of way and he discussed that civil citations and fines have not worked.

Discussion ensued amongst the Commissioners on the punishment for a misdemeanor. Mr. Graham indicated the ordinance was drafted by the Police attorney who was not able to attend tonight. Commissioner Chapman made a motion to recommend approval. Commissioner Ghorley seconded the motion. Commissioners Ghorley, Chapman, Silverman, Ferguson, Harris, and Stewart were in favor of the motion. Commissioner Gallant was opposed to the motion. The motion to recommend approval was passed (6-1).

Item 6: Other Business

Mr. Thompson and the Commissioners discussed providing a representative for the Robinson Road annexation at the October 17th City Council meeting.

Item 7: Adjournment

Chair Ferguson entertained a motion to adjourn the October 5th Planning Commission meeting. Commissioner Ghorley made a motion to adjourn the meeting. Commissioner Harris seconded the motion. The motion to adjourn the October 5th Planning Commission meeting was unanimously passed 7-0. The meeting adjourned at 8:05 PM.

Respectfully submitted,

Jalen Nash, Planning Technician

Kristie Ferguson, Chairwoman

**PUBLIC HEARING
STAFF REPORT**

File # 202300210

GPC Hearing Date: November 9th, 2023

OWNER: RYSM Investments, LLC.
APPLICANT: Joshua Shope
PROPOSED ZONING ACTION: Rezoning from RS-12 to RMF CD
LOCATION: 101 Delmont Court, adjacent to Edgewood Road (PIDs# 309570).
TRACT SIZE: Approximately 1.43 acres
WARD: 6

EVALUATION:

Site Description and Background

The subject property for this rezoning request consists of one tax parcel (PID 309570) located at the corner of Delmont Court and Edgewood Road (101 Delmont Ct.). The property is currently zoned RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and consists of an existing 16-unit multi-family apartment complex built in 1970.

The rezoning request is from RS-12 to RMF CD (Residential Multi-family – Conditional District). RMF CD is requested to facilitate an expansion of the existing apartment complex to include 6 additional units. The overall site density for the proposed 22-units is 15.4 dwelling units per acre. The two existing buildings face internally to the site and are located along Edgewood Road and the southernmost property line. The new building is proposed to be two-stories, 6,000 sq. ft. and located centrally to the site.

The total amount of parking for the site is existing, no new parking is proposed. The applicant is required to provide a Type C buffer along all property lines which abut single-family residential zoning. Additionally, a Type A buffer and sidewalk is proposed along Delmont Court and Edgewood Road. To meet current RMF code standards, the applicant is required to provide open space. Of the open space amount that is required, 75% must be improved and usable. The new building must be constructed in character and likeness of the existing buildings.

Proposed zoning conditions:

1. Development shall be generally consistent with the attached site plan including a maximum of 22 apartment units.
2. The applicant(s) shall provide a fee-in-lieu for any deficiency in required open space per section 8.1.10 of the Unified Development Ordinance.
3. Construction shall be generally consistent with the character, details and likeness of the existing buildings. Applicants shall continue to provide elevation details throughout site plan review and zoning permits.
4. Sewer extension is required by the developer to serve the new building. This includes, but is not limited to, improvements such as the addition of a manhole in the cul-de-sac of Delmont Court.
5. In no instance shall the zoning conditions exempt a project from other development requirements.
6. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Adjoining Properties and Land Use Trends

Adjoining properties are a combination of residential and commercial land uses and zoning. To the north, south, and west of the subject property is RS-12 zoning in the Edgewood Acres neighborhood. To the east, across Edgewood Road, is C-2 (Highway Business) zoning consisting of a shopping center that includes a grocery store, restaurants and other smaller scale commercial and retail uses.

Available Public Facilities

Water and sewer are available to serve the property.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates residential uses for the subject property.

Conclusion

The applicant is requesting a rezoning to RMF CD (Residential Multi-family – Conditional District) to facilitate the expansion of an existing apartment complex. Based on the surrounding residential character of the area, the submitted site plan, and proposed conditions, **staff recommends that the request be approved as presented.**



Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): Based on the 2025 Comprehensive Plan as well as surrounding zoning and land uses, the Planning Commission considers an affirmative vote for a multi-family development to be reasonable, compatible, and in the public's interest.

Statement of consistency and reasonableness (motion to deny): The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.

Applicant: Joshua Shope

Owner: RYSM Investments, LLC

Planning Comm Hearing: Nov. 9, 2023

Request: RS-12 to RMF-CD

Ward: 6

Total Tract Size: approx. 1.43 acres

Parcel ID #: 309570



Subject Property

Legend

- AP Airport
 - C-1 Light Commercial
 - C-2 Highway Commercial
 - C-3 General Commercial
 - CBD Central Business District
 - I-U Urban Industrial
 - I-1 Light Industrial
 - I-2 General Industrial
 - I-2 General Industrial
 - O-1 Office
 - OLC Office/Light Commercial
 - O-M Medical Office
 - PD IRD Planned District Infill Res Devt
 - PD PRD Planned District Planned Res Devt
 - PD RRDD Planned District Revised Res Devt District
 - PD PUD Planned District Planned Unit Devt
 - PD TND Planned Dist Traditional Neighborhood Devt
 - RLD Residential Low Density
 - RS-12 Residential 12000sqft lots
 - RS-8 Residential 8000sqft per lot
 - R-A Rural/Agricultural
 - RMF Residential Multi-Family District
 - SP State Park District
 - TMU Transitional Mixed Use
 - UMU Urban Mixed Use District
- Roads
- ▭ Parcels
- ▭ Buildings

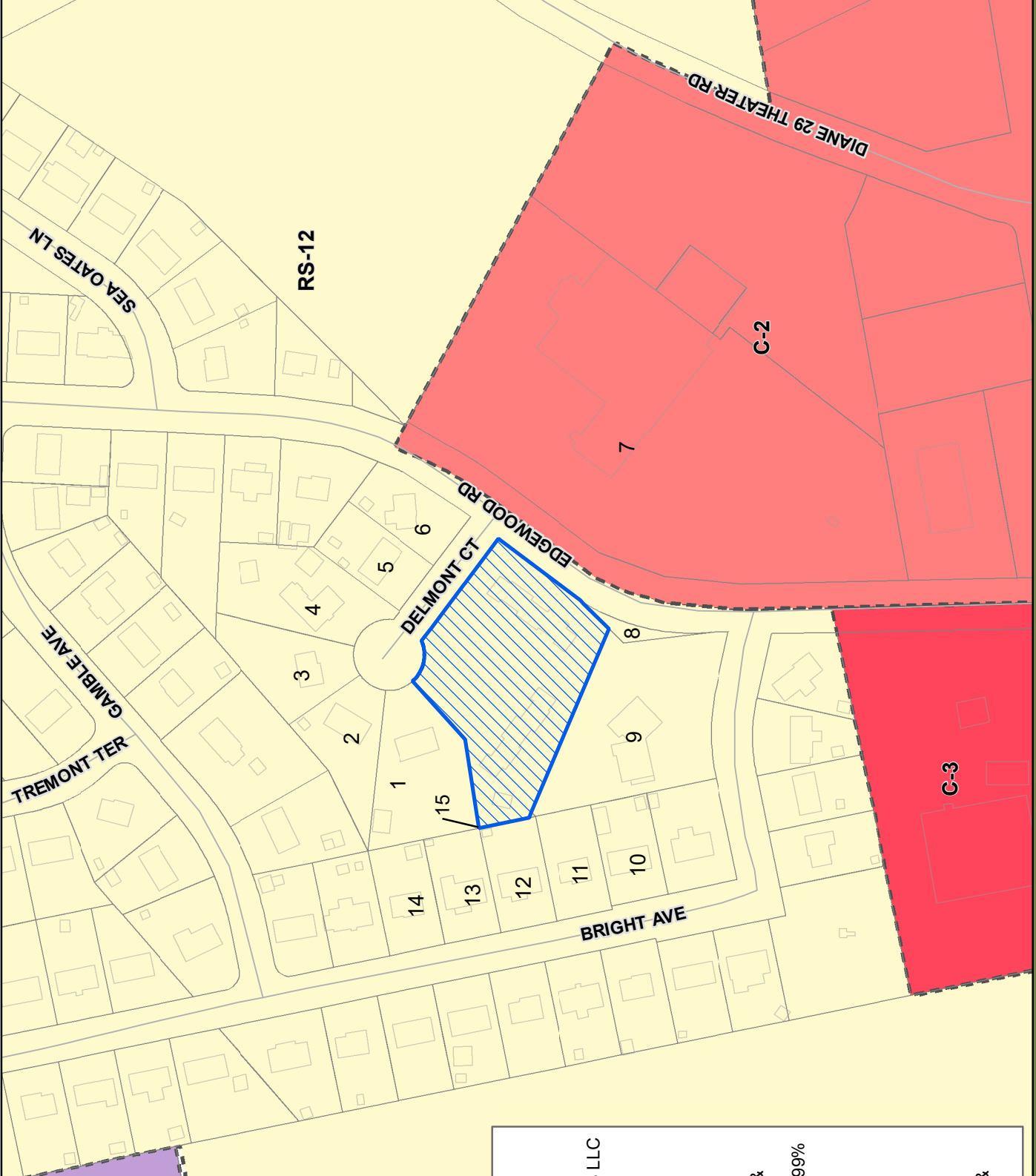
Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.



1:2,400

1 inch represents 200 feet

Plot Date: October 26, 2023



1. NEWMAN JOSHUA S & NEWMAN NATASHA D
2. TURNER CARTER P & TURNER SOPHRONIA
3. GREEN CREEK PROPERTIES LLC
4. NEWMAN STEPHEN A & NEWMAN VANESSA H
5. BADOSKY JOSEPH
6. BOWERS SANDRA L
7. LAFFEY DG LLC
8. DIANE 29 THEATRE INC C/O PERRY A COUMAS
9. BRANCH HOLLY ROBINSON & BRANCH MATTHEW CALEB
10. WEAVER REBECCA MOSIER 99% & WEAVER DANIEL RAY
11. PHILLIPS CLYDE S
12. CLINTON LARRY E & CLINTON ANNA H
13. WALLER ANDREAT C/O ANDREA T HILL
14. ADAMS MARTHA B C/O MARTHA B HARVELL
15. BRANCH HOLLY ROBINSON & BRANCH MATTHEW CALEB



I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on October 27, 2023.

Application
PLMAC202300210

PROJECT:
**DELMONT CT
APARTMENTS**
PROJECT ADDRESS:
**101 DELMONT CT
BESSEMER CITY, NC
28016**

REZONING PACKAGE

© BLACK MARIA, 2023

No.	Description	Date
1	REVISED	02/28/2023
2	REVISED	11/02/2023

Project No.: 23098

Issue Date:
02/28/2023

Sheet Title:
**ARCHITECTURAL SITE
PLAN**

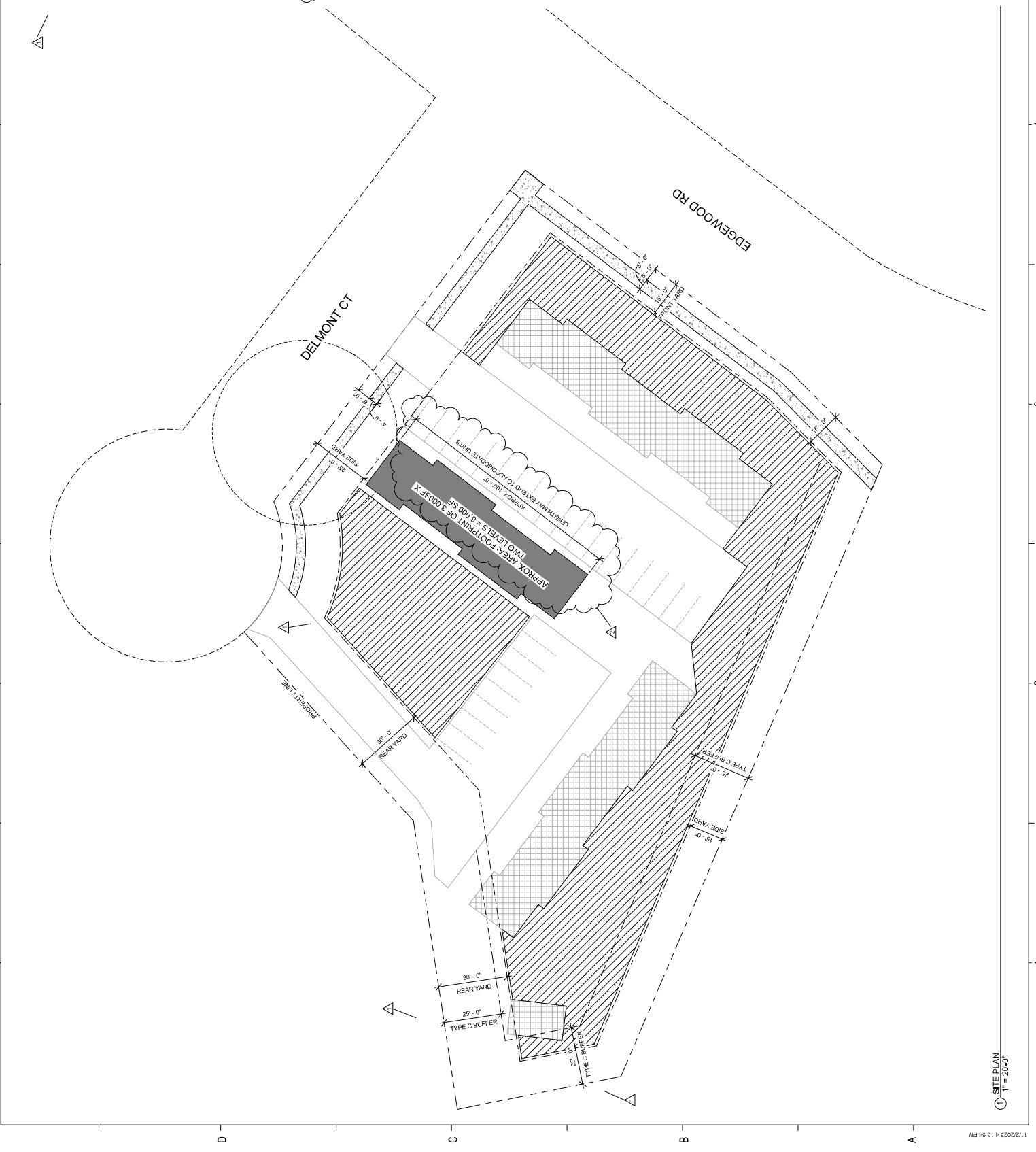
Sheet Number:
A001

SITE DATA

SUBJECT PROPERTY LOT SIZE: 62,203 SF
CURRENT ZONING: RS-12
PROSPECTIVE ZONING: RMF-GD
EXISTING UNIT COUNT: 16 APARTMENTS
PROPOSED UNIT COUNT: 6 NEW APARTMENTS
TOTAL UNIT COUNT: 22 TOTAL APARTMENTS
EXISTING DENSITY: 11.2 PER ACRE
PROPOSED DENSITY: 15.4 PER ACRE
REQUIRED OPEN SPACE: 17,800 SF
PROPOSED OPEN SPACE: APPROX. 17,255 SF
IMPROVED OPEN SPACE: APPROX. 12,941 SF IMPROVED THROUGH
OUT THE ENTIRE DEVELOPMENT AND NATURAL AREAS AVAILABLE
TO ENTIRE DEVELOPMENT
TREE SAVE AREA: NONE REQUIRED BUT THERE ARE TWO LARGE
TREES ALONG DELMONT CT THAT WILL BE REMOVED. THESE
TREES WILL BE REPLACED BY NEW PLANTINGS AS REQUIRED. ALL
OTHER TREES ALONG DELMONT CT WILL BE MAINTAINED.
MAX PARKING REQUIRED: 1.5 X 22 = 33 SPACES
PARKING PROVIDED: 26 SPACES - ALL EXISTING
BUFFERS: TYPE A ALONG DELMONT AND EDGEWOOD, TYPE C
ALONG ALL OTHER PROPERTY LINES
OPEN SPACE DEFICIT WILL BE MATCHED BY FEEN-JUEU
PAYMENTS AS REQUIRED. EXISTING OPEN SPACE IS GRASS
AND PERIMETER OF SITE ONLY. OPEN SPACE APPROVED IN
REZONING WILL BE LANDSCAPED AND INCLUDE A NEW CENTRAL
AREA.

LEGEND

	PROPERTY LINE
	EXISTING STREET
	EXISTING TREES TO BE REMOVED
	EXISTING BUILDING
	PROPOSED NEW BUILDING AREA
	PROPOSED NEW OPEN SPACE
	NEW SIDEWALK



1 SITE PLAN
1" = 20'-0"

PROJECT:
DELMONT CT
APARTMENTS
PROJECT ADDRESS:
101 DELMONT CT
BESSEMER CITY, NC
28016

Revised For:

REZONING PACKAGE

Approved & Issued: 02/28/2023

© BLACK MARIA 2023

No.	Description	Date

Project No.: 23406

Issue Date:

02/28/2023

Sheet Title:

**EXISTING SITE
BUILDINGS**

Overall Drawing Scale: As Shown
Sheet Number:



NOTE: BOTH EXISTING MULTIFAMILY BUILDINGS ON THE SITE ARE IDENTICAL AND WILL REMAIN AS-IS WITH NO CHANGES. ANY NEW BUILDING WILL MATCH EXTERIOR OF EXISTING BUILDING IN SHAPE, MASSING, SCALE, AND MATERIALS. THE INTENT IS TO MATCH NEW BUILDINGS TO EXISTING IN EVERY WAY POSSIBLE.

① EXISTING BUILDING ON SITE
1/16" = 1'-0"

D

C

B

A



CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

ATTN: Please upload applications and all attachments separately to our online portal at the following address: <https://devsvcs.cityofgastonia.com/> and click on "Apply for a Planning Permit"

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

- 1. Identify the request (example: rezone from RS-12 to OLC CD; etc.): Rezone from RS-12 to RMF-CD
-
-

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

- 2. Gaston County Tax Identification Number(s): 309570
-

- 3. Subject property addresses: 101 Delmont Ct, Bessemer City, NC 28016
-

- 4. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business 'x' located on the east side). Staff will erect the signs approximately 15 days prior to the meeting. There are two existing townhome-style apartment buildings, each with 8 units, as well as parking pads.
-
-

- 5. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).

- 6. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes

- 7. The real property to be rezoned is owned in fee simple by RYSM Investments, LLC as evidenced in deed from (date) 03/17/2023 recorded in DB: 5400 PG: 2363-2367 in the Gaston County Registry

- 8. The real property for which the above request is sought is located on the South side of Delmont Ct between Bright Ave and Edgewood Rd having a frontage of 180 feet and depth of 230 feet and acreage of 1.428.

- 9. Are sewer and water available on the property? Yes

- 10. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of- way shall not be included in the measurement.)

- 11. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary). RYSM Investments, LLC, 3222 West Canyon Ave, San Diego, CA 92123
-

12. Name and address of applicant: Joshua Shope, 1417 Wandering Way Drive, Charlotte, NC 28226
Telephone #: 704-930-3448 E-mail address: joshua.shope@gmail.com

13. Interest in subject realty: Architect

14. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True True False

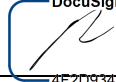
15. Has this property previously been subject to any of the following (please add case # and date)?
- Conditional Use Permit _____
 - planned unit development _____
 - subdivision ordinance _____
 - Planned Residential Development _____
 - Other Conditional District _____

If yes, please explain None

16. Name and address of person to present item at public hearing: Joshua Shope, 1417 Wandering Way Drive, Charlotte, NC 28226
Telephone number: 704-930-3448 Email: joshua.shope@gmail.com

I, Joshua Shope, certify that I have read the information provided in the public hearing information package on the 3rd day of June, 2023.

SIGNATURES: All property owners must sign when a CD is requested.

DocuSigned by:
 6/4/2023 | 10:39 PM EDT
4F2D934610AA4E9...

**PUBLIC HEARING
STAFF REPORT**

File # 202300322

GPC Hearing Date: November 9th, 2023

OWNER: Cecchini and Cecchini, LLC.
APPLICANT: Cecchini and Cecchini, LLC.
PROPOSED ZONING ACTION: Rezoning from OLC to C-2 CD
LOCATION: 2950 Union Road (PID# 141442)
TRACT SIZE: Approximately 1.13 acres
WARD: 5

EVALUATION:

Site Description and Background

The subject property includes one tax parcel, consisting of approximately 1.13 acres located at the corner of Union Road and Old Neal Hawkins Road. The parcel is currently zoned OLC (Office Light Commercial) and was previously used a Bank of America with a drive through that has since closed in 2022.

The applicant is requesting to rezone from OLC to C-2 CD (Highway Business – Conditional District). C-2 CD is requested to facilitate a multi-tenant building for two take-out style restaurants. The request includes a full renovation and a 642 sq. ft. flat roof addition to the eastern side of the existing building. The applicant has proposed a vehicle drive through pick-up window for “Restaurant Tenant 1” (as shown on the attached site plan) on the eastern side of the building. This includes pick-up only drive through services, there is no drive through ordering menu at this location. Required stacking for “Restaurant Tenant 1” will be further reviewed during the site plan review process and must be approved by the Technical Review Committee (TRC) and the Traffic Engineer. “Restaurant Tenant 2” is for take-out only and no drive through is permitted. Additionally, there is an existing 1,210 sq. ft. of office use on the second floor to remain.

The total amount of parking for the site is existing and no additional parking spaces are permitted. Parking will be further reviewed during the site plan review process. A multi-use path is planned on Union Road per the Gaston-Cleveland-Lincoln Comprehensive Transportation Plan. As a result, the developer is required to provide a 30-foot public easement for said path along their property line on Union Road. A fee-in-lieu for the multi-use path is not required. The applicant has submitted conceptual renderings and elevations for the full renovation of the existing building as well as the proposed 642 sq. ft. addition. Currently the front façade on Union Road has one central entryway, the applicant is proposing to create two separate entries, one for each tenant. The proposed elevations include design elements such as new windows, awnings, plantings, signage and dumpster screening. Approval of signage will not be included in this request and must be applied for separately.

Proposed zoning conditions:

1. Development shall be generally consistent with the attached site plan including a maximum of 3,980 sq. ft. of restaurant uses and 1,210 sq. ft. of office uses. Any proposed change in use will require an amendment of the conditional zoning district.
2. “Restaurant Tenant 1”, as shown on the site plan, shall be considered as a “Restaurant with a drive through” use. This includes vehicle pick-up only drive through services for online or call-in orders, there is no drive through ordering menu at this location. Required stacking for “Restaurant Tenant 1” will be further reviewed during the site plan review process and must be approved by the Technical Review Committee (TRC) and the City Traffic Engineer.
3. The applicant(s) is required to provide a 30-foot public easement along the property lines on Union Road for a multi-use path as shown on the GCLMPO Comprehensive Transportation

Plan. The dedication of ROW letter will need to be accepted for the final site plan submittal review to be approved.

4. Construction shall be generally consistent with character and details as depicted in the submitted elevations. The applicant(s) shall continue to provide elevation details for all sides throughout the site plan review and zoning permit processes.
5. Approval of signage will not be included in this request and must be applied for separately.
6. In no instance shall the zoning conditions exempt a project from other development requirements.
7. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Adjoining Properties and Land Use Trends

Adjoining properties are a combination of residential, office and commercial land uses and zoning. To the north of the subject property is one parcel zoned OLC, consisting of Fidelity Bank. Further north and west is single-family residential uses zoned RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots). To the south is C-1 (Neighborhood Business) and C-2 (Highway Business) zoning and uses which includes the Robinwood Crossing shopping center, a Walgreens and a KFC. East of the subject property is single-family residential, zoned RS-12.

Available Public Facilities

Water and sewer are available at the property.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates commercial uses for the subject property. This is consistent along the Old Neal Hawkins Road, Robinwood Road, and Union Road intersections.

Conclusion

The applicant has requested a rezoning from OLC to C-2 CD to facilitate a multi-tenant building with two restaurants, one of which includes a vehicle drive through for pick-up orders only. Based on the submitted site plan, detailed elevations, and proposed conditions, **staff recommends the request be approved as presented.**



Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): Based on the 2025 Comprehensive Plan as well as surrounding zoning land uses, the Planning Commission considers an affirmative vote for a C-2 CD commercial use to be reasonable, compatible, and in the public's interest.

Statement of consistency and reasonableness (motion to deny): The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.

Applicant: Cecchini and Cecchini Inc.
Owner: Cecchini and Cecchini Inc.
Planning Comm Hearing: Nov. 9, 2023
Request: OLC to C-2 CD
Ward: 5
Total Tract Size: approx. 1.1313 acres
Parcel ID #: 141442



Subject Property

Legend

- AP Airport
- C-1 Light Commercial
- C-2 Highway Commercial
- C-3 General Commercial
- CBD Central Business District
- I-U Urban Industrial
- I-1 Light Industrial
- I-2 General Industrial
- I-2 General Industrial
- O-1 Office
- OLC Office/Light Commercial
- O-M Medical Office
- PD IRD Planned District Infill Res Devt
- PD PRD Planned District Planned Res Devt
- PD RRDD Planned District Revised Res Devt District
- PD PUD Planned District Planned Unit Devt
- PD TND Planned Dist Traditional Neighborhood Devt
- RLD Residential Low Density
- RS-12 Residential 12000sqft lots
- RS-8 Residential 8000sqft per lot
- R-A Rural/Agricultural
- RMF Residential Multi-Family District
- SP State Park District
- TMU Transitional Mixed Use
- UMU Urban Mixed Use District
- Streams
- Lakes
- Parcels
- Buildings

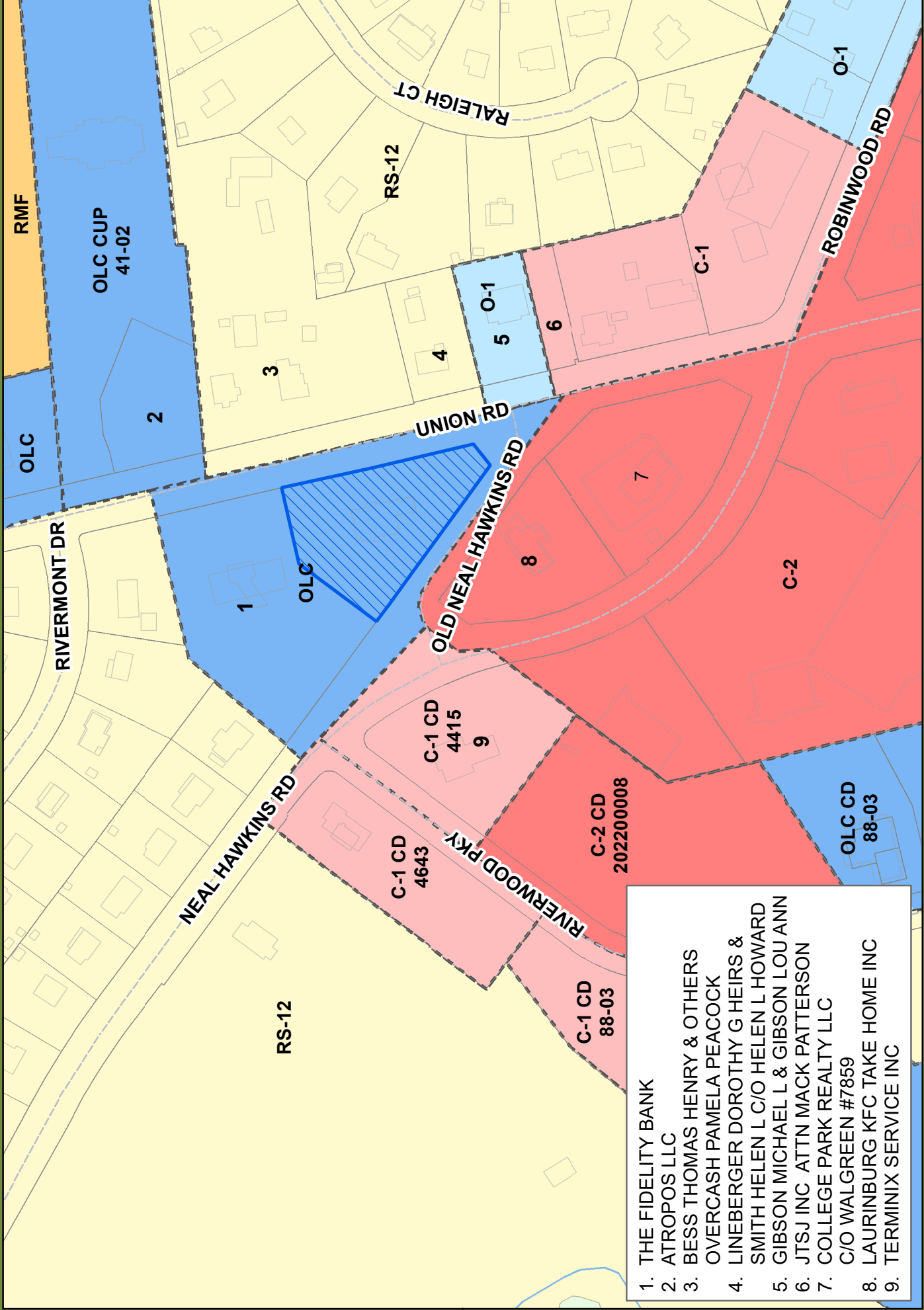
Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.



1:2,400

1 inch represents 200 feet

Plot Date: October 16, 2023



1. THE FIDELITY BANK
2. ATROPOS LLC
3. BESS THOMAS HENRY & OTHERS OVERCASH PAMELA PEACOCK
4. LINEBERGER DOROTHY G HEIRS & SMITH HELEN L C/O HELEN L HOWARD
5. GIBSON MICHAEL L & GIBSON LOU ANN
6. JTSJ INC ATTN MACK PATTERSON
7. COLLEGE PARK REALTY LLC C/O WALGREEN #7859
8. LAURINBURG KFC TAKE HOME INC
9. TERMINIX SERVICE INC



I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on October 27, 2023.

Application
PLMAC202300322

PROJECT DESCRIPTION:
 RENOVATE THE EXISTING BUILDING AND
 CONSTRUCT A 642 SF ADDITION FOR A MULTI-
 TENANT BUILDING THAT WILL CONSIST OF TWO
 SEPARATE TAKE-OUT STYLE RESTAURANTS.

THE PENN STATION RESTAURANT IS TO HAVE A
 PICK-UP WINDOW FOR VEHICLES TO PICK-UP
 CALL-IN ORDERS. THERE WILL BE NO DRIVE-THRU
 ORDERING MENU FOR THIS PROPERTY. DRIVE-
 THRU CAR STACKING IS NOT EXPECTED TO
 OCCUR ON THIS PROPERTY.

- DRAWING INDEX:**
- T0 ARCHITECTURAL SITE PLAN
 - T1 COLORED RENDERINGS
 - T2 ELEVATIONS
 - T3 ELEVATIONS
 - T4 GENERAL FLOOR PLAN

FIRST FLOOR BUILDING AREA.....	3,980 SF
RESTAURANT TENANT 1 (PENN STATION)...	1,896 SF
RESTAURANT TENANT 2 (TBD).....	1,630 SF
SECOND FLOOR.....	1,210 SF

- EXISTING SITE (PARCEL # 141442)
- 1.13 ACRES
- 26 PARKING SPACE (2 ADA SPACES)
- DUMPSTER ENCLOSURE
- TWO NEW POLE SIGNS TO BE INSTALLED WHERE
 PREVIOUS EXISTING SIGNS USED TO BE

ZONING DISTRICT
 EXISTING ZONING - OLC....PROPOSED ZONING - C-2

LAND USE
 EXISTING - VACANT BANK
 PROPOSED - RESTAURANTS WITH DRIVE THRU

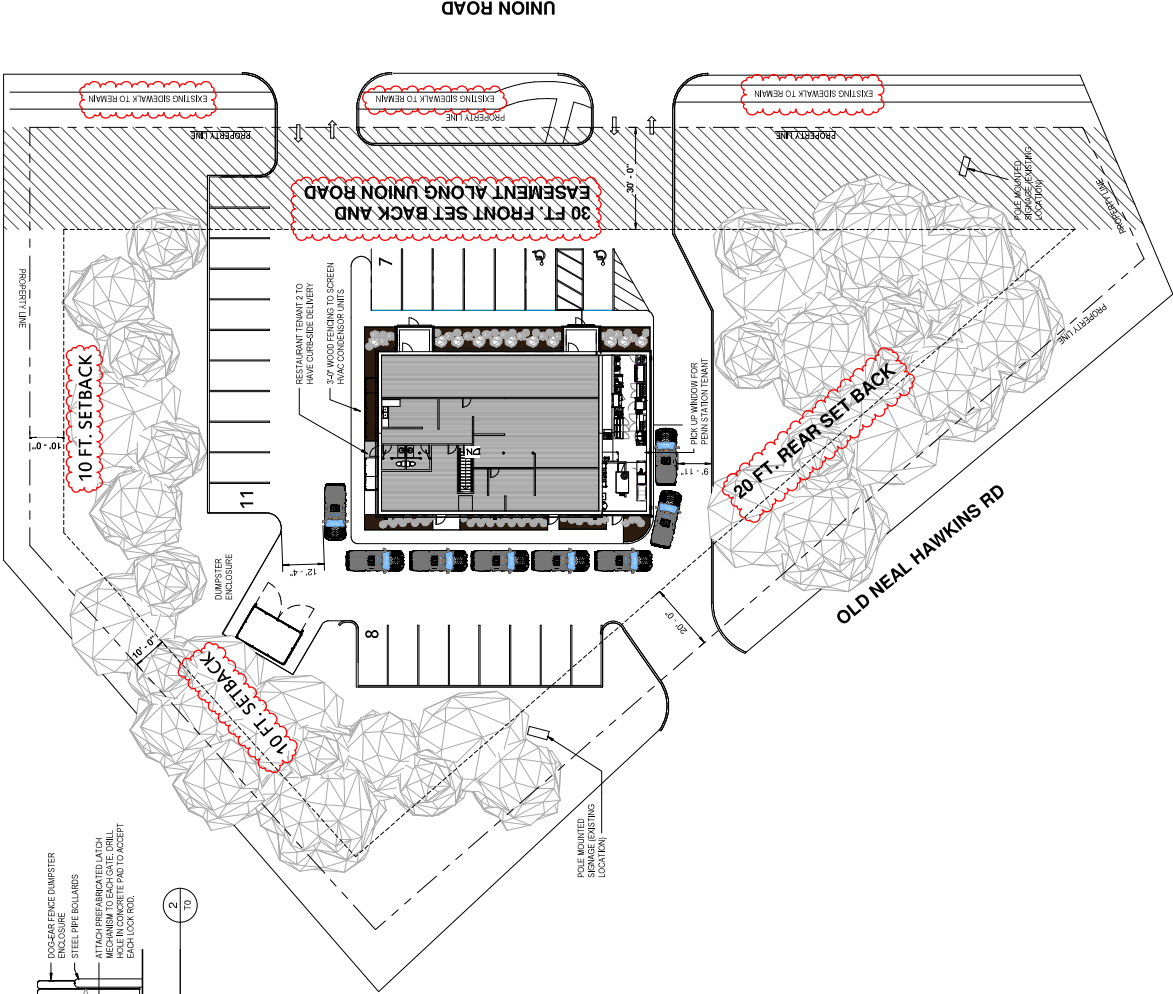
PARKING-based on Section 10.11 Table A footnote 1
REQUIRED:
 (5) SPACES PER 1,000 SF FOR C-2 DISTRICTS
 5 x 4 (4,000 SF ROUNDED UP FROM 3,980SF)
 20 PARKING SPACES
PROPOSED: 26 EXISTING PARKING SPACES TO REMAIN



Building Alteration for:
 REV. DATE 11/09/23 ZONING REV
 CKD

Drawn By: MR Checked By: MR

Date: 11-01-23 Job No: 23,139





NICHIHA CLADDING
TUFFBLOCK MODERN
SERIES

STEEL

PEWTER

WALNUT



KIB A Incorporated, A KUBITZKY GROUP COMPANY
OHIO

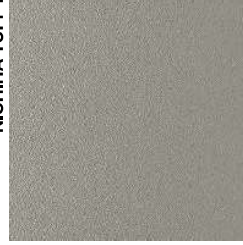
29 HIGH STREET
Milled, Ohio 45150
513.752.7800
Fax: 513.752.7833
www.kiba.com

SHEET CONTENTS:
RENDERINGS

NICHIHA TUFF BLOCK - STEEL COLOR



NICHIHA TUFF BLOCK - PEWTER COLOR



NICHIHA TUFF BLOCK - WALNUT COLOR



NEW LARGER
WINDOWS

3-FT. WOOD FENCE
SCREENING
FOR GROUND
COMPRESSORS

6-FT. WOOD FENCE
SCREENING
FOR DUMPSTER
ENCLOSURE

NEW SIDE DOOR FOR
OTHER TENANT

ADDITION - FLAT
ROOF FOR ROOF
TOP MECHANICAL
EQUIPMENT

BACK DOOR FOR
PENN STATION
TENANT

REPLACE EXISTING
DOOR TO ELECTRICAL
ROOM

BACK DOOR FOR
OTHER TENANT



Building Alteration for:
2950 UNION ROAD
GASTONIA, NC 28854

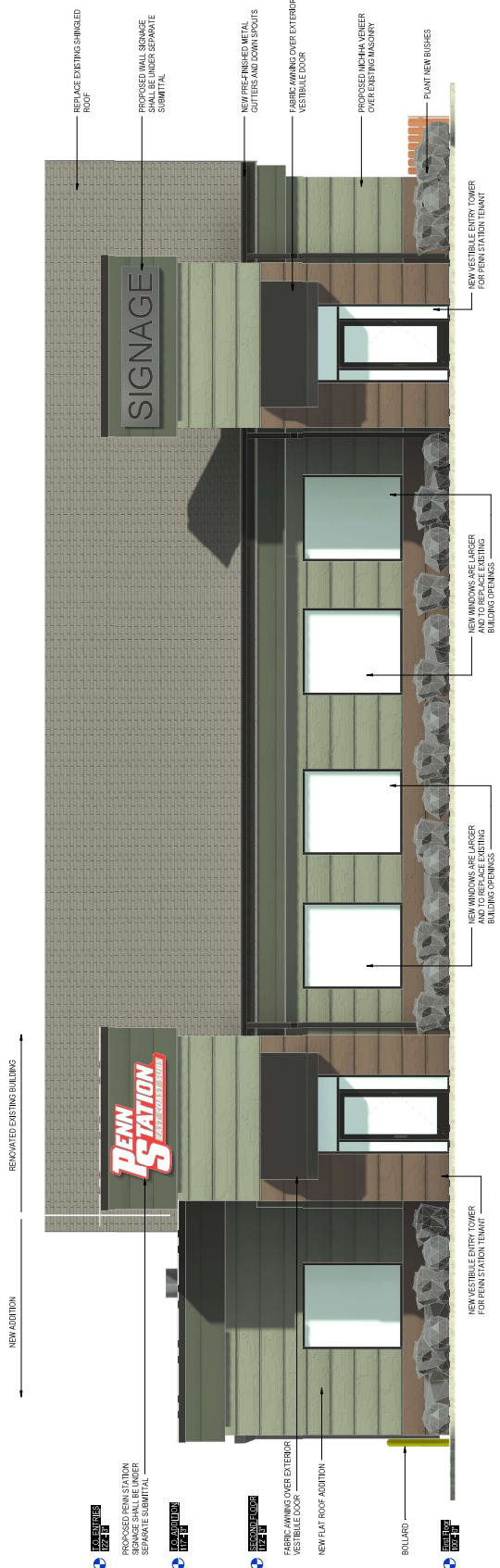
REV. DATE CKD

Drawn By: MR Checked By: MR

Date: 11-01-23 Job No: 23,139

11

SHEET CONTENTS:
 ELEVATIONS



WEST ELEVATION
 SCALE: 1/4" = 1'-0"

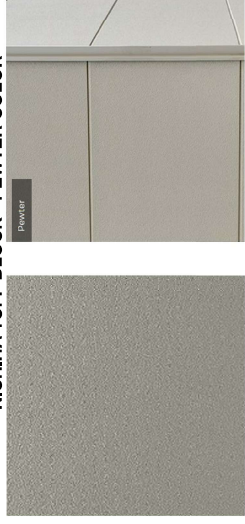


SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

NICHHA TUFF BLOCK - STEEL COLOR



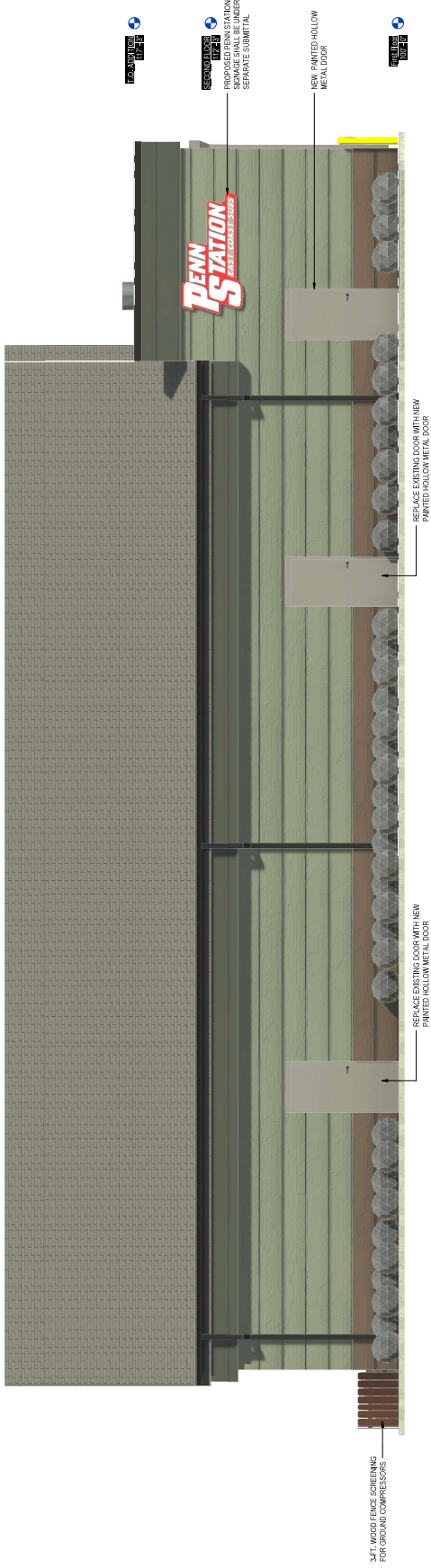
NICHHA TUFF BLOCK - PEWTER COLOR



NICHHA TUFF BLOCK - WALNUT COLOR



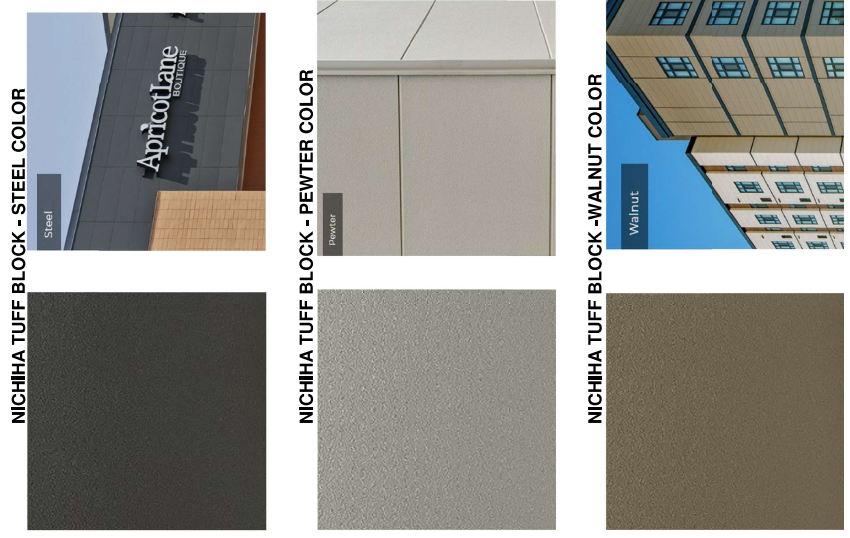
← RENOVATED EXISTING BUILDING → NEW ADDITION



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



NORTH ELEVATION
 SCALE: 1/4" = 1'-0"





29 HIGH STREET
MARIETTA, OHIO 45750
513.752.7800
FAX: 513.752.7833
WWW.KIBIA.COM

SHEET CONTENTS:
GENERAL FLOOR PLAN

Building Alteration for:
PENN STATION
EAST COAST SUBS
2950 UNION ROAD
GASTONIA, NC 20854

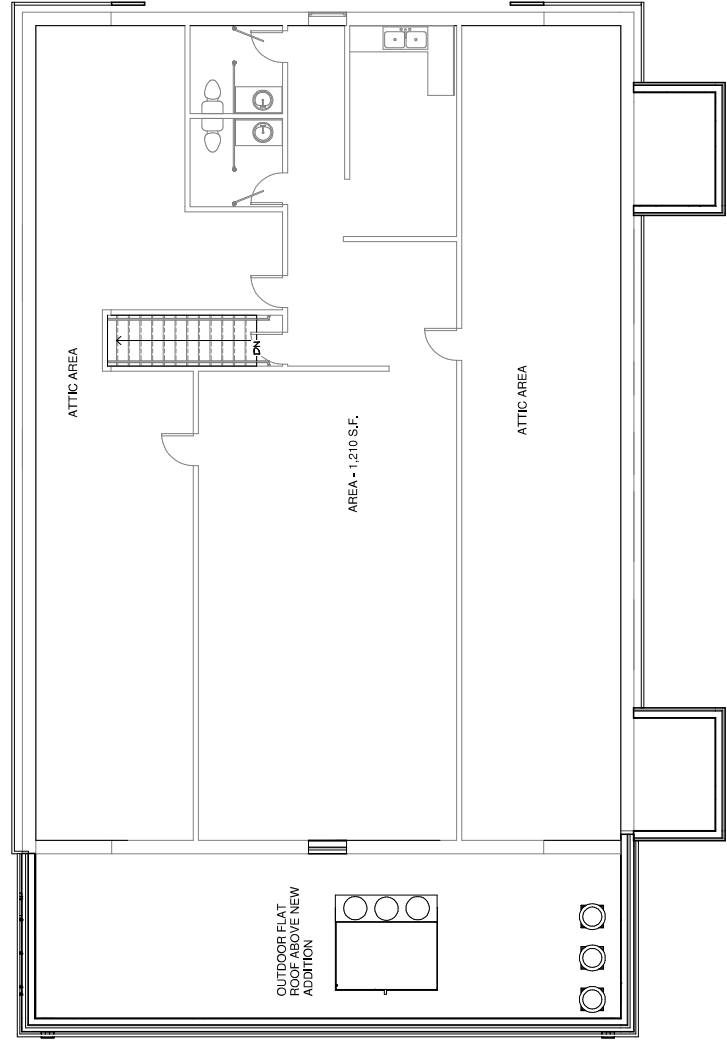
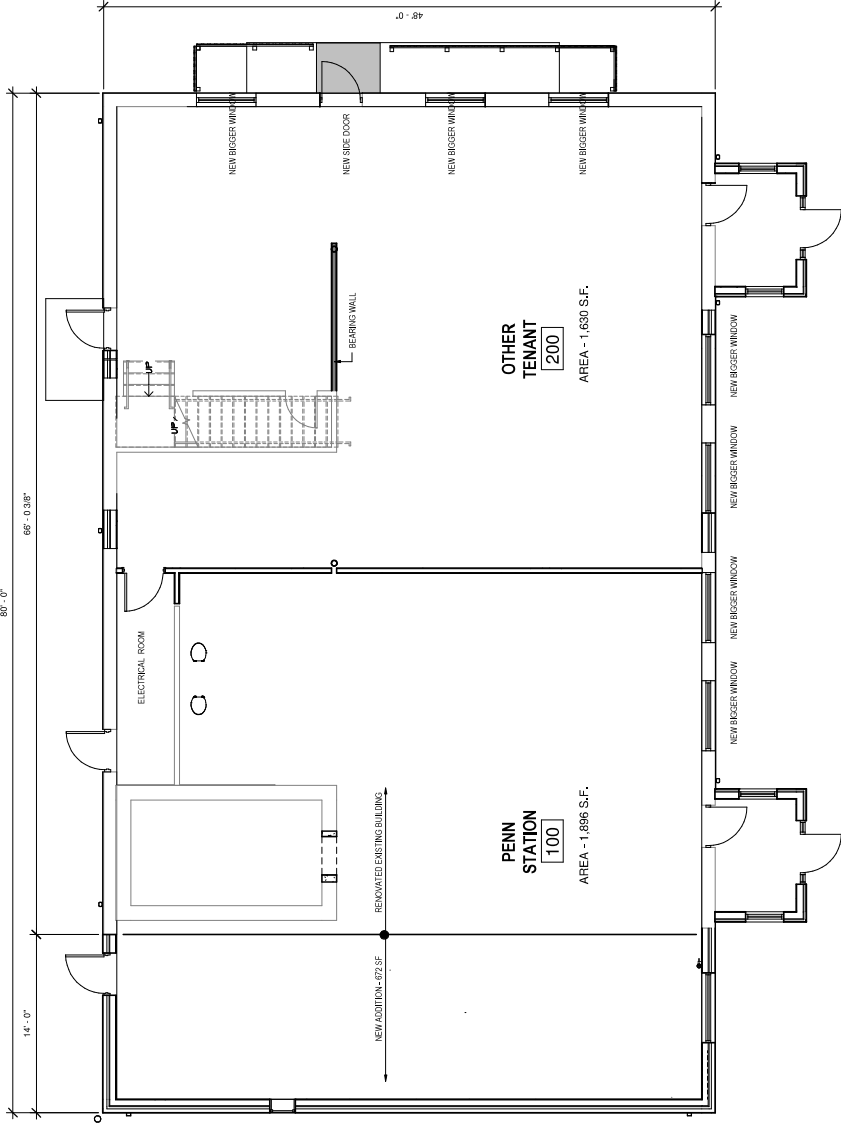
REV. DATE CKD

Drawn By: MR Checked By: MR

Date: 08/15/23 Job No: 23,139

14

FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"



SECOND FLOOR
SCALE: 3/16" = 1'-0"





CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

ATTN: Please upload applications and all attachments separately to our online portal at the following address: <https://devsvcs.cityofgastonia.com/> and click on "Apply for a Planning Permit"

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

- 1. Identify the request (example: rezone from RS-12 to OLC CD; etc.): Request rezoning from OLC to C-2 CD for the proposed submission of a multi-tenant take-out restaurant building.

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

- 2. Gaston County Tax Identification Number(s): 141442

- 3. Subject property addresses: 2950 Union Road, Gastonia, NC 20854

- 4. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business 'x' located on the east side). Staff will erect the signs approximately 15 days prior to the meeting. The property is located in the 'Y' of where Union Road and Old Neal Hawkins Road intersect. There is a vacant brick bank and drive thru on the property.

- 5. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).

- 6. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes

- 7. The real property to be rezoned is owned in fee simple by Cecchini & Cecchini Inc. as evidenced in deed from (date) 09/06/2018 recorded in DB: 4998 PG: 1945-1948 in the Gaston County Registry

- 8. The real property for which the above request is sought is located on the west side of Union Road between Union and Hawkins Rd ^{Old Neal} having a frontage of 135 feet and depth of 47 feet and acreage of 1.13.

- 9. Are sewer and water available on the property? Yes

- 10. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of- way shall not be included in the measurement.)

- 11. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary). Cecchini & Cecchini Inc.
P.O. Box 1150 Discovery Bay, CA 94505

12. Name and address of applicant: Matt Remar (agent for applicant) 29 High St. Milford, OH 45150
Telephone #: (513)752-7800 E-mail address: mremar@kbainc.com

13. Interest in subject realty: To renovate the existing vacant building to a multi-tenant take out restaurant

14. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

15. Has this property previously been subject to any of the following (please add case # and date)?
- Conditional Use Permit _____
 - planned unit development _____
 - subdivision ordinance _____
 - Planned Residential Development _____
 - Other Conditional District _____

If yes, please explain _____

16. Name and address of person to present item at public hearing: Eric Fairbanks
6532 Silver Fox Road, Charlotte, NC 28270
Telephone number: (704)966-6992 Email: eric@efpbrands.com

I, Matt Remar, certify that I have read the information provided in the public hearing information package on the 21st day of August, 2023.

SIGNATURES: All property owners must sign when a CD is requested.

DocuSigned by:
Barbara J. Cechini
C35A012802C8432...

DocuSigned by:
Robert Cechini
4F9A55F60CFF4FA...

**PUBLIC HEARING
STAFF REPORT**

File # 202300363

GPC Hearing Date: November 9th, 2023

OWNER(S): Snarkus Holdings, LLC.
APPLICANT: Tish Sanchez
PROPOSED ZONING ACTION: Rezoning from RS-12 to RS-8
LOCATION: Between S. New Hope Road and E. Perry Street (PID# 115678)
TRACT SIZE: Approximately 0.72 acres
WARD: 3

EVALUATION:

Site Description and Background

The subject request consists of one tax parcel (PID 115678) currently zoned RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots). The applicant is requesting to rezone the property to RS-8 (Single-family Residential) which would traditionally allow for smaller lot sizes and a variety of residential uses. The subject property is located in the East Perry Street neighborhood and has approximately 60-feet of lot frontage on S. New Hope Road and approximately 120-feet of lot frontage on E. Perry Street. The subject property is currently vacant.

Adjoining Properties and Land Use Trends

Adjoining properties are a combination of residential, commercial and office land uses and zoning. To the west and south of the subject property is primarily single-family residential uses zoned RS-12 in the East Perry Street neighborhood. To the north, across S. New Hope Road, is a June, 1997 approval for the Brookdale New Hope assisted living facility which is zoned OM – CD (Office Medical – Conditional District; File# 226-97). Further north is single-family residential, zoned RS-12, consisting of the Lewis Place neighborhood. Directly east of the subject property is single-family residential zoned RS-12 and an October 2006 approval for a medical office building zoned OM – CD (Office Medical – Conditional District; File# 4735). Across Armstrong Park Road, is commercial zoning consisting of one vacant C-2 parcel and two C-1 CD parcels consisting of a CVS store and a multi-tenant commercial building.

Available Public Facilities

Water and sewer are available to serve the property.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates residential uses for the subject property.

Conclusion

The applicant has requested a rezoning to RS-8 (Single-family Residential). In consideration of the East Perry Street neighborhood being zoned RS-12 in its entirety, the request to RS-8 does not align with the current character of the area in terms of allowable lot sizes, density and uses. Staff feels the request to RS-8 is not compatible with the existing neighborhood. **Staff recommends that the request be denied as presented.**




Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): *The proposed zoning is consistent with the 2025 Comprehensive Plan and will result in the potential development of a single-family residential use. The Planning Commission considers an affirmative vote to be reasonable and in the public's interest.*

Statement of consistency and reasonableness (motion to deny): *The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.*



Applicant: Tish Sanchez
Owner: Snarkus Holdings, LLC
Planning Comm Hearing: Nov. 9, 2023
Request: RS-12 to RS-8
Ward: 3
Total Tract Size: approx. 0.72 acres
Parcel ID #: 115678

Subject Property

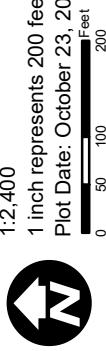


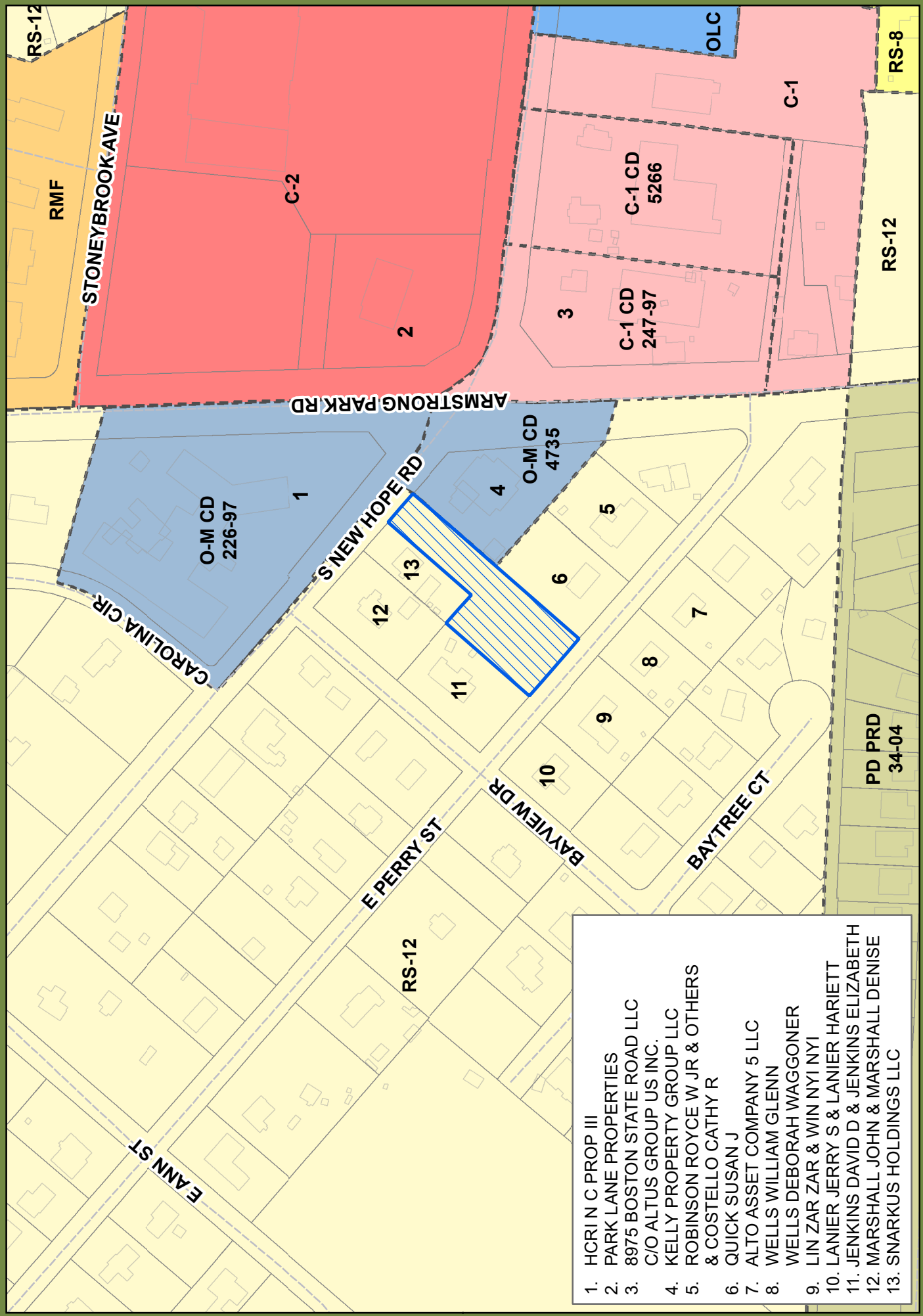
Legend

- AP Airport
- C-1 Light Commercial
- C-2 Highway Commercial
- C-3 General Commercial
- CBD Central Business District
- I-U Urban Industrial
- I-1 Light Industrial
- I-2 General Industrial
- I-2 General Industrial
- O-1 Office
- OLC Office/Light Commercial
- O-M Medical Office
- PD IRD Planned District Infill Res Devt
- PD PRD Planned District Planned Res Devt
- PD RRDD Planned District Revised Res Devt District
- PD PUD Planned District Planned Unit Devt
- PD TND Planned Dist Traditional Neighborhood Devt
- RLD Residential Low Density
- RS-12 Residential 12000sqft lots
- RS-8 Residential 8000sqft per lot
- R-A Rural/Agricultural
- RMF Residential Multi-Family District
- SP State Park District
- TMU Transitional Mixed Use
- UMU Urban Mixed Use District

 Parcels
 Buildings

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.

1:2,400
 1 inch represents 200 feet
 Plot Date: October 23, 2023




1. HCRIN C PROP III
2. PARK LANE PROPERTIES
3. 8975 BOSTON STATE ROAD LLC
C/O ALTUS GROUP US INC.
4. KELLY PROPERTY GROUP LLC
5. ROBINSON ROYCE W JR & OTHERS
& COSTELLO CATHY R
6. QUICK SUSAN J
7. ALTO ASSET COMPANY 5 LLC
8. WELLS WILLIAM GLENN
WELLS DEBORAH WAGGONER
9. LIN ZAR ZAR & WIN NYI NYI
10. LANIER JERRY S & LANIER HARIETT
11. JENKINS DAVID D & JENKINS ELIZABETH
12. MARSHALL JOHN & MARSHALL DENISE
13. SNARKUS HOLDINGS LLC



I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on October 27, 2023.

Application
PLMA202300363

**CITY OF GASTONIA
APPLICATION FOR PUBLIC HEARING**

Detach pages 1-10 from this packet and retain for your records.

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD or CUP for outdoor storage; etc.)
Rezone from RS-12 to RS-8

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number: **115678**.
Subject property address: **No assigned address**.
3. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business X located on the East side). Staff will erect the signs approximately 15 days prior to the meeting.
**The property is vacant and adjacent to PID 115679 (1715 S New Hope Rd).
The property frontage is located on S New Hope Rd near the Armstrong Park Rd intersection and the rear of the property is on E Perry St.**
4. Complete legal description by metes and bounds of said realty is attached to the application (a **copy of the deed** is sufficient).
5. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? **Yes**
6. The real property to be rezoned is owned in fee simple by **W.P. Cunningham, Jr. and wife, Debra Ledford Cunningham**
as evidenced in deed from **9/30/2011** recorded in Deed Book **4579** at page **200** in the Gaston County Registry.
7. The real property for which the above request is sought is located on the **south** side of **S New Hope Rd** between **Bayview Drive** and **Armstrong Park Rd** having a frontage of **60** feet and depth of **120** feet and acreage of **.72**.
8. Are sewer and water available on the property? **Yes**
9. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)
10. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary.)
W.P. Cunningham, Jr. and wife, Debra Ledford Cunningham
375 Pamela Street, Gastonia NC 28054
11. Name and address of applicant: **Tish Sanchez**
PO Box 1405, Harrisburg NC 28075
Telephone #: **980-285-8199** Fax #: _____
E-mail address: **tsanchez@jastradeservicesinc.com**

To subdivide into three (3) parcels to build new

12. Interest in subject realty construction homes

13. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

14. Has this property previously been subject to any of the following? conditional use permit planned unit development subdivision ordinance unified development
If yes, please explain _____

15. Name and address of person to present item at public hearing Tish Sanchez
PO Box 1405, Harrisburg NC 28075
Telephone number (980) 285-8199

I, Tish Sanchez, certify that I have read the information provided in the public hearing information package on the 11th day of September, 2023.

SIGNATURES: All property owners must sign when either a Conditional Use Permit or CD is requested.

T Sanchez _____

**PUBLIC HEARING
STAFF REPORT**

File # 202300366

GPC Hearing Date: November 9th, 2023

OWNER(S): Carolina Elite Builders, LLC.
APPLICANT: Igor Shiper
PROPOSED ZONING ACTION: Rezoning from C-2 to C-1
LOCATION: 207 and 209 E. Fifth Avenue (PID# 109032 & 109033)
TRACT SIZE: Approximately 0.33 acres
WARD: 5

EVALUATION:

Site Description and Background

The subject request consists of two tax parcels (PID 109032 and 109033) currently zoned C-2 (Highway Business). The applicant is requesting to rezone the property to C-1 (Neighborhood Business) in order to allow for a variety of smaller scale commercial, retail, and residential uses at the neighborhood level. Services in the C-1 zoning district should be compatible with the adjacent residential land uses. The subject property is located at 207 and 209 E. Fifth Avenue, and both are currently vacant.

Adjoining Properties and Land Use Trends

Adjoining properties are a combination of residential, commercial and office land uses and zoning. Directly north, across E. Fifth Avenue, is single-family residential uses zoned RS-8 (Single-family Residential) in the Bickett Avenue neighborhood. Further north is a combination of commercial uses zoned C-1 and office uses zoned OLC (Office Light Commercial). Properties to the east are zoned C-2 and consist of single-family residential uses. Further east, across Union Road, is C-1 zoning that includes both smaller scale office uses and single-family residential. Directly south of the subject property is the Water Tower Plaza shopping center, zoned C-2, which includes smaller scale commercial, retail, and restaurant uses. To the west, across S. Oakland Street, is a mix of residential uses and zoning including RS-8 and RMF (Residential Multi-family). The RMF property at 101 E. Fifth Avenue is currently vacant.

Available Public Facilities

Water and sewer are available to serve the property.

Consistency with Adopted Plans

The Future Land Use Map in the 2025 Comprehensive Plan indicates office uses for the subject property. This is consistent along Union Road from E. Third Avenue to E. Fifth Avenue. Although office uses are shown for the subject property, the primary character of this area is single-family residential. As such, a request for a less intense commercial use in the C-1 zoning district would be compatible with the surrounding area.

Conclusion

The applicant has requested a rezoning to C-1 (Neighborhood Commercial). Based on the primarily residential character of this area and the adjoining zoning and land uses, staff feels a general rezoning to neighborhood commercial is consistent with the surrounding area. **Staff recommends that the request be approved as presented.**



Maddy Gates, MURP
Senior Planner

Statement of consistency and reasonableness (motion to approve): *The proposed zoning is consistent with the 2025 Comprehensive Plan and will result in the potential development of a neighborhood commercial use. The Planning Commission considers an affirmative vote to be reasonable and in the public's interest.*

Statement of consistency and reasonableness (motion to deny):
The Planning Commission considers an affirmative vote to not be reasonable and to not be in the public interest.

Applicant: Igor Shiper

Owner: Carolina Elite Builders, LLC

Planning Comm Hearing: Nov. 9, 2023

Request: C-2 to C-1

Ward: 5

Total Tract Size: approx. 0.33 acres

Parcel ID #: 109032, 109033



Subject Property

Legend

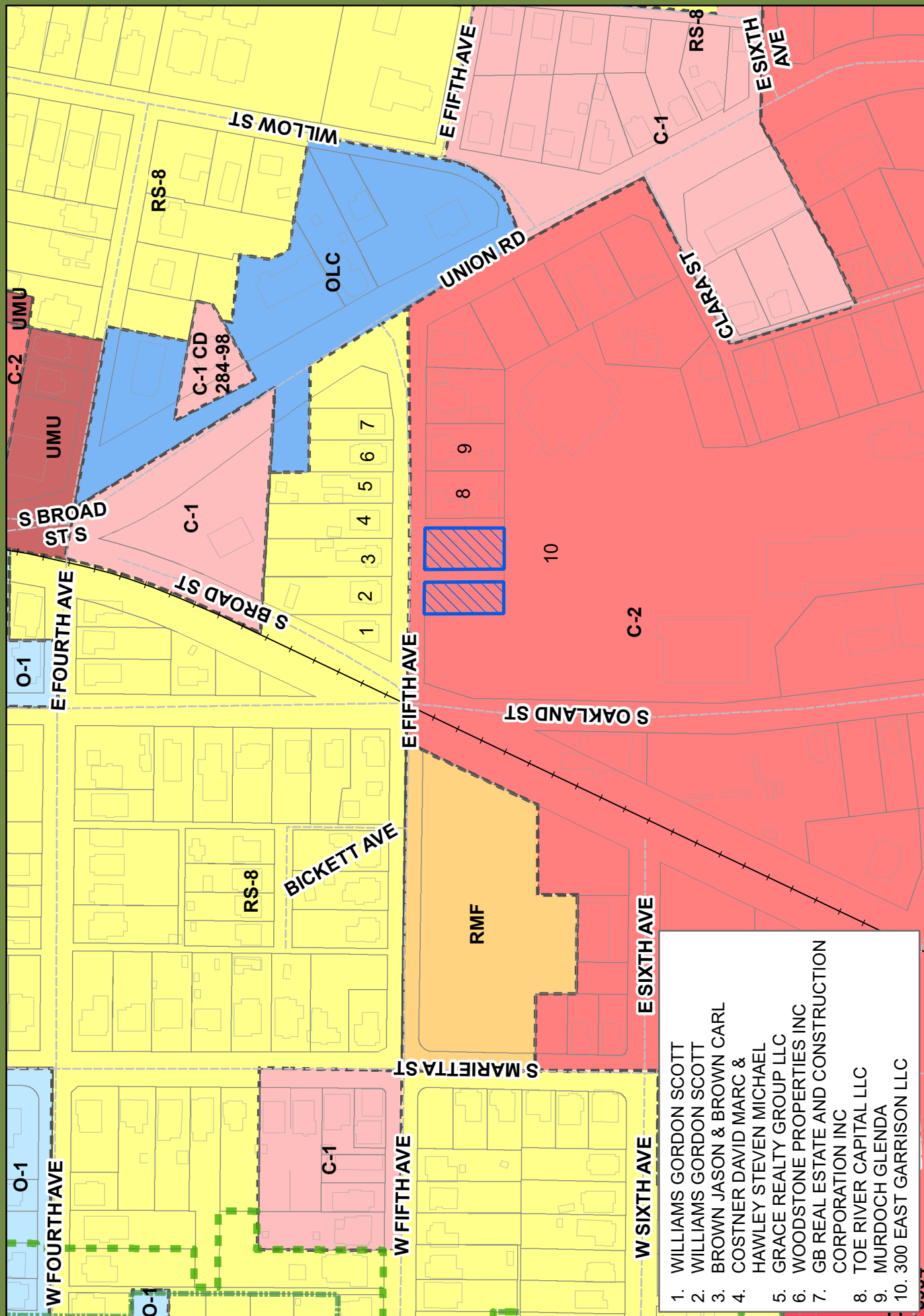
- AP Airport
- C-1 Light Commercial
- C-2 Highway Commercial
- C-3 General Commercial
- CBD Central Business District
- I-U Urban Industrial
- I-1 Light Industrial
- I-2 General Industrial
- I-2 General Industrial
- O-1 Office
- OLC Office/Light Commercial
- O-M Medical Office
- PD IRD Planned District Infill Res Devt
- PD PRD Planned District Planned Res Devt
- PD RRDD Planned District Revised Res Devt District
- PD PUD Planned District Planned Unit Devt
- PD TND Planned Dist Traditional Neighborhood Devt
- RLD Residential Low Density
- RS-12 Residential 12000sqft lots
- RS-8 Residential 8000sqft per lot
- R-A Rural/Agricultural
- RMF Residential Multi-Family District
- SP State Park District
- TMU Transitional Mixed Use
- UMU Urban Mixed Use District
- Railroad
- York-Chester Local Historic District
- Parcels
- Buildings

Note: For a complete elaboration of zoning classifications, see the Unified Development Ordinance or contact the City of Gastonia Planning Department at (704) 854-6652.

1:2,400

1 inch represents 200 feet

Plot Date: October 25, 2023



1. WILLIAMS GORDON SCOTT
2. WILLIAMS GORDON SCOTT
3. BROWN JASON & BROWN CARL
4. COSTNER DAVID MARC & HAWLEY STEVEN MICHAEL
5. GRACE REALTY GROUP LLC
6. WOODSTONE PROPERTIES INC
7. GB REAL ESTATE AND CONSTRUCTION CORPORATION INC
8. TOE RIVER CAPITAL LLC
9. MURDOCH GLENDA
10. 300 EAST GARRISON LLC



I, Julia Baker-Granata, hereby certify that all mail notices, in the absence of fraud, were mailed to all affected and adjoining property owners on October 27, 2023.

**Application
PLMA202300366**



CITY OF GASTONIA APPLICATION FOR PUBLIC HEARING

ATTN: Please upload applications and all attachments separately to our online portal at the following address: <https://devsvcs.cityofgastonia.com/> and click on "Apply for a Planning Permit"

The undersigned do hereby make application to the City of Gastonia for the hereinafter described request and in support of this request, the following facts are shown:

1. Identify the request (example: rezone from RS-12 to OLC CD; etc.): Rezoning from C-2 Commercial to C-1 for a Residential Duplex

Please Note: Before applying for a rezoning, applicants are advised to determine if their property is subject to private deed restrictions to be sure the intended use of the property is allowed. The City of Gastonia neither keeps records of, enforces, nor overrules private deed restrictions.

2. Gaston County Tax Identification Number(s): 109032 & 109033
3. Subject property addresses: 207 East 5th Ave, Gastonia, NC
209 East 5th Ave, Gastonia, NC
4. In order for our staff to place the rezoning signs on the property, please describe what is on the subject property and or adjacent properties (example: a white frame house is located on the property; the property is vacant with Business 'x' located on the east side). Staff will erect the signs approximately 15 days prior to the meeting. Properties are side-by-side. 207 is the first vacant lot on the right when you turn on the road. 209 is the adjoining lot with a small house.
5. Complete legal description by metes and bounds of said realty is attached to the application (a copy of the deed is sufficient).
6. In order to be familiar with the subject property the City staff may need to walk the property. Do we have the property owner's permission to do so? Yes
7. The real property to be rezoned is owned in fee simple by Carolina Elite Builders as evidenced in deed from (date) 9-26-23 recorded in DB: 3007 PG: 610 in the Gaston County Registry
8. The real property for which the above request is sought is located on the right side of E Fifth Ave between 109034 and 221904 having a frontage of _____ feet and depth of _____ feet and acreage of 0.14 and 0.19
9. Are sewer and water available on the property? Yes
10. The tax sheets for all persons or firms that own the subject land and land adjacent to or within 100 feet of all sides, including property across the street, from the property for which the request is sought are attached. (Note: When measuring the 100-foot distance, street rights-of-way shall not be included in the measurement.)
11. If the applicant does not own the property sought to be rezoned, the names and addresses of the legal owners are listed below. The owner's names and their addresses are recorded in the Gaston County Tax Office. (Use additional sheets of paper if necessary). Carolina Elite Builders
206 S. Academy St., Lincolnton, NC 28092

12. Name and address of applicant: Igor Shiper
Telephone #: 704-452-1117 E-mail address: Taylor@ceboffice.com

13. Interest in subject realty: _____

14. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being used as requested. True False

15. Has this property previously been subject to any of the following (please add case # and date)?

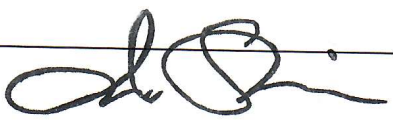
- Conditional Use Permit NO
- planned unit development NO
- subdivision ordinance NO
- Planned Residential Development NO
- Other Conditional District NO

If yes, please explain N/A

16. Name and address of person to present item at public hearing: Igor Shiper / Taylor Lail
205 S. Academy St., Lincolnton, NC 28092
Telephone number: 704-452-1117 Email: Taylor@ceboffice.com

I, Igor Shiper, certify that I have read the information provided in the public hearing information package on the 27th day of September 20 23.

SIGNATURES: All property owners must sign when a CD is requested.

 _____



MEMORANDUM

DATE: September 27, 2023

TO: Michael Peoples, City Manager

FROM: Rusty Bost, PE, Director of Development Services

SUBJECT: Subject hearing involves amending *Section 9.18.3 Multi-Use Paths: Greenways and Street-side Paths* of the Unified Development Ordinance to include the adopted City of Gastonia Bicycle Plan to determine multi-use path, trails and greenway locations.

PROPOSED TEXT AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE – 9.18.3 MULTI-USE PATHS: GREENWAYS AND STREET-SIDE PATHS

The City frequently receives requests for rezoning's for new residential development. Many of the proposed developments include trails as amenities, and some are on land that the City might already have plans for future trail corridors (the City's Greenway Plan, Parks and Recreation Master Plan, or on the GLCMPO's Comprehensive Transportation Plan). There is a need to standardize when and how these trails are constructed and include newly adopted plans. The draft text amendment shown provides for clear direction to developers which type is required and where.

CONCLUSION

If approved, this revision would include the adopted City of Gastonia Bicycle Plan to *Section 9.18.3 Multi-Use Paths: Greenways and Street-side Paths*. Staff recommends approval as presented.

Statement of Reasonableness and Consistency (motion to approve):

This ordinance is consistent with the Gastonia 2025 Comprehensive Plan, and is reasonable and in the public interest.

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF
THE CITY OF GASTONIA**

WHEREAS, the City of Gastonia deems it necessary to update the Unified Development Ordinance in order to provide additional clarification as needed; and

WHEREAS, the City of Gastonia deems it necessary to and in the public interest to have clear, concise and consistent standards for the management of growth and development throughout the city; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASTONIA as follows:

Section 1. *Amend Section 9.18.3 Multi-Use Paths: Greenways and Street-side Paths as follows:*

9.18.3 – Multi-use Paths: Greenways and Street-side Paths

- A. Purpose and Definitions.** The purpose of the requirements for multi-use paths is to promote the community’s vision for a comprehensive system of greenways and paths that support a high quality of life by providing recreational, health, environmental, economic, and connectivity benefits. For the purpose of this section, certain terms are defined as follows:
1. Multi-use paths: Paved paths that are intended to be shared by several types of users, such as pedestrians, bicyclists, wheelchair users, and others.
 2. Greenways: Multi-use paths that are located in alignments that are independent from roadway alignments;
 3. Street-side paths: Multi-use paths that are located along-side or in the right-of-way of streets and roads.
- B. Locations.** Multi-use paths shall be located in accord with the Gastonia Greenway Plan, **the Gastonia Bicycle Plan**, the Comprehensive Parks and Recreation Master Plan, and/or the GCLMPO Comprehensive Transportation Plan (CTP).

Applicability.

1. Development requiring site plan review, if located along a corridor identified in the above referenced plans as having a future public multi-use path, shall install the multi-use path (or boardwalk if soil conditions dictate), in accord with specified design standards, in a dedicated public right-of-way or easement, as part of the development process, if such development is any of the following:
 - i. Major subdivision;
 - ii. Unified development;
 2. Additionally, development activity that is required to provide a sidewalk under Section 9.18.1, and that is on a site recommended to have a street-side path in the adopted plans referenced above, shall provide the path in place of the required sidewalk.
 3. All other development activity requiring site plan review, if located along a corridor identified in the above referenced plans as having a future public multi-use path, shall provide the public right-of-way or easement for the path.
 4. Development that abuts an existing multi-use path in the public system, or developments that construct portions of the public system, must provide public access through at least one paved access path (or boardwalk if soil conditions dictate), in accord with specified design standards. Development that is required to provide only a right-of-way or easement for a segment of the public path system must also provide a public easement for at least one access path.
- C. Acceptance.** The City of Gastonia maintains sole discretion on property acceptance.
- D. Open Space Credit.** The acreage associated with an easement for a greenway, but not for a street-side path, may be counted toward the acreage required for Common Open Space.
- E. Payment-in-lieu.**
1. The City may permit or require payment in lieu of construction of the multi-use path in situations where the installation would be impractical, serve no useful purpose, and/or would be untimely with respect to a future improvement in the area. The right-of-way or easement is nevertheless required in cases where payment in lieu of construction is accepted.
 2. In cases where the City permits or requires payment-in-lieu, an engineered estimate of the costs of constructing the multi-use path(s) shall be provided to the City.
 3. Funds collected in lieu of construction of a required multi-use path must be expended on construction of the multi-use path network. Construction of sidewalks that are not part of the adopted greenway/multi-use path network shall not be an eligible use of funds accepted in lieu of construction of the adopted multi-use path system.

F. Design Standards.

1. Construction of multi-use paths shall adhere to standards for “shared use paths” in the most current version of the American Association of State Highway and Transportation Officials’ *Guide for the Development of Bicycle Facilities* and to applicable requirements of the Americans with Disabilities Act.
2. Access paths, linking to the main system of multi-use paths, shall be a minimum of seven (7) feet wide, paved with asphalt or concrete, and shall adhere to applicable requirements of the Americans with Disabilities Act.
3. Where a multi-use path is constructed in an independent alignment, the width of the public easement or the right-of-way within which the path is located shall be a minimum of twenty (20) feet, or a total of ten (10) feet wider than the minimum required width of the path, whichever is greater, in order to allow for the maintenance of shoulders and clear zones. Where construction of the path is not required at the time the public easement or right-of-way is provided, the easement or right-of-way shall be a minimum of thirty (30) feet wide.
4. The width of the public easement for access paths shall be a minimum of fifteen (15) feet wide.
5. Where a multi-use path is to be constructed adjacent to a road, the width of easements or dedications will be determined by the City Engineer, as related to the width of the road and right-of-way.
6. Along public greenways, park benches and trash receptacles shall be provided at a frequency of at least one (1) per one-quarter ($\frac{1}{4}$) mile and pet waste stations at a frequency of at least one (1) per one-half ($\frac{1}{2}$) mile, as conditions allow. These shall be installed by the City with funds provided by the developer, based on specifications prescribed by the Parks & Recreation Director.

Section 2. Should any provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 3. This ordinance shall take effect and be in force from and after the date of its adoption.

Section 4. This ordinance is consistent with the purpose and intent of the Unified Development Ordinance, Gastonia 2025 Comprehensive Plan and any applicable duly adopted small area plans, and is reasonable and in the public interest because it promotes the health, safety, and welfare.

This the _____ day of _____, 2023.

Walker E. Reid III, Mayor

ATTEST:

Suzanne Gibbs, City Clerk

Ord23-799.docx