

Gastonia Planning Commission
April 5, 2018

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:31 pm on Thursday, April 5, 2018, in the Council Chambers at City Hall.

Present: Commissioners Rodney Armstrong, Jerry Fleeman, Kristie Ferguson, Mark Epstein, Pamela Goode, Jim Stewart, Bob Cinq-Mars, and Bob Biggerstaff

Absent: Commissioners: None

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Chrystal Howard, Secretary; Randi P. Gates, AICP, Principal Transportation Planner/Gaston-Cleveland-Lincoln MPO Administrator; and Cary Rodriquez, Project Manager

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Approval of March 8, 2018 Minutes

Commissioner Fleeman made a motion to approve the February minutes as written and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

Item 2: Public Hearing – Eden Investment Group, LLC (File # 8948)

Subject hearing involves a request to rezone approximately 0.33 acre from C-3 (General Commercial District) to UMU (Urban Mixed Use District). The property is located at 320 E. Third Avenue. The property is owned by Eden Investment Group, LLC.

Chairperson Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation.

Ms. McMakin thanked the Commissioners for being present this evening. Ms. McMakin stated that the home was converted to an office use many years ago and the office relocated. At this time the subject property is for sale and is vacant. The subject property consists of one (1) tax parcel totaling approximately 0.33 acre that is currently zoned C-3 (General Commercial District) and this request is to rezone the site to UMU (Urban Mixed Use District). Ms. McMakin stated that Mr. Tom McPhaul is the applicant representing Eden Investment Group, LLC. Ms. McMakin explained that this property has been listed for sale by Mr. McPhaul and several inquiries were received about using this property for residential use. Currently in the Unified Development Ordinance (UDO) dwellings are not permitted in the C-3 district. Ms. McMakin stated she talked to Mr. McPhaul about the surrounding zoning districts. The subject property has very minimal front setbacks, rear parking, and limited off street parking. After talking with staff, Mr. McPhaul indicated on behalf of the owner that they would request the UMU district to allow the option to sell for a dwelling use, office, and/or limited commercial. The subject property is bordered by C-3 district to the north, east and west. Directly across E. Third Avenue are several parcels zoned O-1 (Office District). There are a mixture of existing houses currently being rented for office and single and multi-family residential uses within this block and along E. Third Avenue. The Future Land Use Map in the 2025 Comprehensive Plans shows commercial use along S. Broad Street that transitions to residential going east along E. Third Avenue. The subject property's current zoning allows for several types of commercial uses. However, the C-3 district does not permit single-family residential. In close proximity to the subject property there are homes along E. Third Avenue going through extensive renovations for single-family residential use. The rezoning to the UMU district would allow for a variety of uses including office or residential. The UDO describes the UMU as containing development features such as no or very minimal front setbacks, limited off-street parking, and redevelopment of such areas both for commercial and residential purposes is encouraged. Given the current zoning surrounding the subject property as well as the existing mixture of offices and types of residential uses along E. Third Avenue, staff recommends approval of the request as presented.

Commissioner Epstein asked if the current homes in the C-3 district are non-conforming and Ms. McMakin answered that this is correct.

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Commissioner Epstein asked to define spot zoning and would this request fall into the definition of spot zoning. Ms. McMakin deferred to Mr. Charles Graham. Ms. McMakin stated that there is UMU in close proximity but not directly adjacent. Mr. Jason Thompson explained how the UDO is structured. Mr. Graham answered that spot zoning can be explained by creating an isolated parcel with a zone that is basically unrelated to all other surrounding zoning. Generally speaking spot zoning is inappropriate and should not be done; however, it is not prohibited if there is reasonable grounds for adopting and it is related to properties surrounding it.

Commissioner Epstein asked if it is the City's position that this is reasonable because it allows for some commercial uses and Mr. Thompson answered yes, UMU is mainly a commercial use and is not very limited on commercial uses. Mr. Thompson also commented that this area is an odd area for the City from a zoning perspective.

Commissioner Epstein asked if office district was considered and Ms. McMakin answered that yes, the O-1 district and the OLC district were discussed. Commissioner Epstein asked why the UMU district was chosen instead of O-1 district. Ms. McMakin answered that it relates to how the UMU is described under the commercial uses in the UDO and the site's limitations. The applicant made the decision after speaking with staff that they want some flexibility.

Commissioner Cinq-Mars commented that the original rezoning application is listed residential and Ms. McMakin stated that the applicant's written request is to change the subject property to the UMU district. Commissioner Cinq-Mars and Ms. McMakin discussed neighboring properties that are non-conforming and not permitted in C-3 today. Mr. Thompson reminded the Commissioners that the application received was strictly for one parcel. Mr. Thompson explained non-conformance in the UDO and discussion ensued on non-conformance. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Tom McPhaul, 200 W. Main Avenue of Gastonia NC. Mr. McPhaul commented on how great a job staff did. Mr. McPhaul stated that the house has been vacant for approximately five years and that they have not had takers on this property commercially. Mr. McPhaul stated that most of the properties recognized in red on the map shown are rental properties or owner occupied. He also stated that their intent is for residential use to sell the property. Mr. McPhaul commented that the other side of the street is primarily residential. Lastly, Mr. McPhaul explained the status of neighboring properties and his view point. No questions were asked by the Commissioners.

Commissioner Cinq-mars made the motion to close the public hearing and approve the request as presented with the statement of consistency and reasonableness and Commissioner Epstein seconded the motion.

Commissioner Epstein stated that eighteen years from now successors will look and question this location. He stated this was odd but he understands the rationale and votes to approve. Commissioner Fleeman stated that every time residential and commercial mix the Commission has not been happy. Commissioner Fleeman stated that residents and businesses have not been happy and this is a vote to make some people not happy cause of spot zoning. Discussion occurred on the area. Commissioner Fleeman expressed his opinion that this is spot zoning and it hasn't worked before and will not work now. Commissioner Epstein recognized this as an empty structure and explained that this request is considered a reasonable justification for spot zoning. Commissioner Stewart stated that there is commercial with residential mixed in, and the residential has been there longer than the commercial. He also stated that the Commission may need to figure out a way to allow both uses in the C-3 without having to go through this every time. Discussion ensued. Commissioner Epstein asked Commissioner Stewart if he was in favor of the motion. Commissioner Stewart stated that he is in favor, but he does not want to see the whole area become limited. Commissioner Epstein inquired of counsel that the Commission could approve tonight for a less intensive use than the applicant has requested, and counsel affirmed this was within the Commission's power. Commissioner Epstein then recommended to the Commission of changing the request from UMU to O-1 (Office District). Discussion ensued to change the request to rezone to O-1 and a consensus was established. The Commissioners conferred procedure.

Commissioner Epstein withdrew his second and Commissioner Cinq-Mars withdrew his motion.

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Commissioner made the motion to approve the request to rezone approximately 0.33 acre from C-3 (General Commercial District) to O-1 (Office District) and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 3: Presentation on Transportation and Southeast Sewer Study

Chairperson Goode recognized Jason Thompson, Planning Director for the purpose of staff presentation.

Mr. Thompson recognized Cary Rodriguez as Project Manager for the City in the Engineering department and Randi P. Gates, Principal Transportation Planner for the City in the Planning department. Mr. Thompson explained that this presentation is a kickoff discussion about residential development standards. The outset of the presentation was presented by Mr. Thompson. Mr. Thompson stated that Gastonia is part of the Charlotte Metropolitan statistical area which is the fastest growing or one of the top five metropolitan area(s) in the Country. Mr. Thompson stated that the MSA boundary was changed a few year ago and the map displayed reflected the change. Mr. Thompson commented that the bulk of Gaston County is projected to have population growth based on the 2045 Metropolitan Transportation plan map. Mr. Thompson also talked about the inventory of homes for sale by county, average home sales price, month's supply of inventory, and closed sales for 2012-2017. Mr. Thompson explained to the Commissioners that the comprehensive review of the residential development standards is important because the inventory is very low as well as the increased number of new proposals as a way of development and economic energy continues to occur.

Commissioner Fleeman asked Mr. Thompson if he had a detail of the City of Gastonia. Discussion occurred on the median between the City of Gastonia and Belmont.

Chairperson Goode recognized Cary Rodriguez, Project Manager for the southeast sewer and water extension presentation. Ms. Rodriguez stated that in 2009 there was a southeast sewer study done and then in 2017 a consultant HDR revised the study by adding the service area of Cramerton. Ms. Rodriguez displayed existing sewer infrastructure, pump stations, the Eagle Road wastewater treatment plant in Cramerton and the existing water infrastructure. Ms. Rodriguez proceeded to explain proposed development such as the Presley Development with expected 650 to 700 lots. Mr. Thompson stated that at the next meeting when the consultant will be present, proposed developments will be discussed in greater detail with additional maps. Commissioner Cinq-Mars asked for copies of the packet. Ms. Rodriguez continued that Springhaven subdivision is expected to have a proposed 200 acres, Maycroft Subdivision is under construction with 59 lots, The Enclave at Cramer Woods Phase 1 is under construction with 59 lots, and The Enclave at Cramer Woods Phase 2 proposes 112 lots. Ms. Rodriguez talked about the Villages at Cramerton Mill with 64 lots under construction and 82 lots proposed in Phase 1B. Ms. Rodriguez continued with the MT land development known as Riverside currently in review with Cramerton and they expect around 115 lots, and the Courtyards at Cramerton had a preconstruction meeting today. Ms. Rodriguez brought Belmont to the Commissioners attention because it is a project of 460 acres. Developers are working on with Belmont on a small area plan and it will incorporated into their comprehensive land use plan. Ms. Rodriguez explained as part of phase 1, four pump stations will be eliminated due to maintenance, being very old, and are at capacity. Also, a new pump station will be built. Phase 2 will serve from the Armstrong Ford pump station to a southeast pump station and then up the creek toward Springhaven to other pump stations servicing developments. Phase 2 will serve Presley and any other developments that come to the area.

Discussion ensued on the Presley development, cost development, and rezoning. Mr. Thompson explained that the presentation is about infrastructure in the southeast necessary for the long range planning.

Ms. Rodriguez continued her presentation stating that in the future the hope is to expand the system to the southern part beyond the tentative Catawba Crossings with another large pump station. This system is not designed at this time.

Ms. Rodriguez explained her purpose for working at the City as a Project Manager.

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Mr. Thompson and Mr. Graham explained Two Rivers is the water and sewer utility for the City of Gastonia controlled by the City Council and also provides utility outside the city limits to surrounding communities both municipal and county for a fee.

Ms. Rodriguez stated that the MT land development will be designing and installing the water service for their development, but the City will designing and constructing another water line. Ms. Rodriguez was unsure the when the Beatty Road line will be designed and built because it will be development driven. It will add more redundancy and more capacity nearby. Mr. Rodriguez finished her presentation by summarizing the southeast sewer and water stats displayed.

Commissioner Fleeman addressed new water and sewer tap fees and system development fees. Commissioner Fleeman stated that \$1,780 is charged for 3/4 inch water tap, \$1,240 wastewater, and the proposed southeast development area charge is \$3,150 for a total of approximately \$6,000 water and sewer tap fee. Commissioner Fleeman provided an example of a sprinkler requiring 6 inch meter size water/sewer tap totaling approximately \$500,000. Commissioner Fleeman shared his feelings on the study and the impact on growth it will have on the City. Discussion ensued on the proposed fees and the possible impact. Commissioner Fleeman read, "A neighboring utility comparison at this item will provide somewhat meaningless information." from the City of Gastonia, NC System Development Fee Study section Comparison with Neighboring Utilities on page 16.

Ms. Rodriguez recognized Randi P. Gates, Principal Transportation Planner/Gaston-Cleveland-Lincoln MPO Administrator for the Transportation presentation. Ms. Gates began with providing a background of Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO). She stated that the Federal legislation requires urbanized areas that have a population of 50,000 and greater be a part of a metropolitan planning organization; therefore, we are the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO). The primary function is to carry out the transportation planning process amongst 34 local governments. All modes of transportations are planned by NCDOT as well as Federal Highway Administration. Ms. Gates provided a map of the 2045 Metropolitan Transportation Plan (MTP) which is a long range plan with the horizon year of 2045. The map represents highway project and all modes of transportation ranked by horizon year of when they feel a project can be completed. A local ranking methodology is used and utilizes existing congestion, safety, cost effectiveness of a project, freight volume, planned consistency, cost, multi-modal accommodation, and also if a project is supporting economic development, environmental justice, and land use plans. Ms. Gates continued with the topic on projects funded through the State Transportation Improvement Program (STIP). I-85 Widening, NC 279 Widening, US 74 Catawba River Bridge Upgrade were explained. Ms. Gates briefly explained projects that have been submitted for funding through the NCDOT Prioritization 5.0. The projects discussed were SR 2439 (Beatty Road), SR 2439 (Lowell Bethesda Road), and NC 274 (Union Road). Ms. Gates finished her presentation explaining the need for the Catawba Crossings project, which is a long range plan that has not been submitted for funding through the NCDOT Prioritization 5.0 and that a feasibility study is the next step.

Commissioner Epstein asked if the State is involved and if staff is working with Mr. Harris (of Lincoln Harris). Ms. Gates answered that the State is involved and that we are currently working with them and are conversing with Mr. Harris.

Commissioner Cinq-Mars and Ms. Gates discussed industrial traffic. Commissioner Cinq-Mars was happy to hear that the future includes railroad and passenger traffic from the airport into potentially Shelby.

Commissioner Epstein inquired about a timeline for the Catawba Crossing project and Ms. Gates answered that proposed submittal for funding will be the NCDOT Prioritization 6.0 round. Potentially projects would be submitted in 2019 or 2020 as part of a 10 year plan.

No further questions were asked by the Commissioners.

Mr. Thompson reiterated that the point of this information is to set the stage for the review of residential development standards. The focus was on the southeastern portion of the city because of the projects, but the reality is the residential development standards discussion is the whole city.

Chairperson Goode commented that she would have liked a printed copy of the presentation.

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Discussion ensued on the City of Gastonia, NC System Development Fee Study, citizen involvement and the Planning Commission's purview.

Item 4: Other Business

Public Hearing – Gary E McCord (File # 8924) - Subject hearing involves a request to rezone approximately 4.56 acres from C-2 CD (Highway Commercial Conditional District) and RS-8 (Residential District, Minimum 8,000 sq. ft. lots) to C-2 CD (Highway Commercial Conditional District). The property is located at the intersection of S. New Hope Road and Pineview Lane. The property is owned by Ashbrook Station Ltd. At the February 8, 2018 Gastonia Planning Commission, Commissioner Fleeman made the motion to approve the request as presented and Commissioner Stewart seconded the motion. This item was appealed to the Gastonia City Council. The Gastonia City Council approved the request at the March 20, 2018 meeting.

Commissioner Stewart provided a presentation regarding a company that closed their operation and is moving to 209 Hancock Street located within the City of Gastonia. The purpose of the presentation was to discuss the requirements for someone moving into an existing building, how it involves Unified Development Ordinance (UDO), other items involved in the UDO and possible problems. Mr. Thompson stated that there is no active ordinance amendment or a comprehensive rewrite of the UDO. Mr. Thompson encouraged Mr. Stewart and all Commissioners to call him or staff immediately on any issues that may contradict or not required by the ordinance. Mr. Thompson reminded the Commissioners that it is in the realm of the Planning Commission as a whole to ask staff to review a possible potential amendment. Commissioner Fleeman suggested to the Commission the consideration of a rehab section in the UDO.

There being no further business, Chairperson Goode adjourned the meeting. Chairperson Goode adjourned the meeting at 7:24 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson