

Gastonia Planning Commission
August 3, 2017

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:35 pm on Thursday, August 3, 2017, in the Public Forum Room at the Gaston County Courthouse.

Present: Commissioners Jerry Fleeman, Kristie Ferguson, Mark Epstein, Pamela Goode, Bob Biggerstaff, and Jim Stewart

Absent: Commissioners Rodney Armstrong and Bob Cinq-Mars

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Tucker Johnson, PE, Assistant City Engineer; Robert Cloninger, Stormwater Utility Administrator; and Chrystal Howard, Secretary

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

One contact was received by Commissioner Epstein.

Item 1c: Approval of June 8, 2017 Minutes

Commissioner Epstein made a motion to approve the June minutes as written and Commissioner Stewart seconded the motion. The motion was approved unanimously.

Item 1d. Oath of Office:

Ms. Chrystal Howard administered the oath of office to Commissioner Bob Biggerstaff.

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Spring Hill Land Trust (File # 8787)

Subject hearing involves a request to rezone approximately 2.23 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to C-1 CD (Neighborhood Commercial Conditional District). The property is located at the southwest corner of the intersection of Linwood Road, S. Myrtle School Road, and Davis Park Road. The property is owned by Robert Ray Smith and others.

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

Ms. McMakin provided the site description and background on the subject property as presented in the agenda. Ms. McMakin referred the Commissioners to the proposed zoning conditions.

Proposed Zoning Conditions:

1. The minimum building setback of 30 ft. from the adjacent residentially zoned parcels as shown on the site plan.
2. All facades shall have primary building materials consisting of brick or brick veneer, and/or stone or stone veneer. Concrete masonry units, concrete panels or tile may be used as a secondary building material.
3. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
4. In no instance shall the zoning conditions exempt a project from other development requirements.

Ms. McMakin briefly explained the adjoining properties and available public facilities. This rezoning request proposes to build a commercial building and associated driveways and parking. There are concerns of the impact that a commercial zoning at this intersection could have for the current residents and potential impacts to the S. Myrtle School/Davis Park Road corridor. With the widening project, this corridor will likely be further studied and may create some changes to the 2025 Comprehensive Plan and Future Land Use Map for this area. The Comprehensive Plan shows the subject property and other lots surrounding the subject property to remain a residential land use. Although the Future Land Use Map does not specify the type of residential land use, it can be in various forms such as townhomes, duplex, triplex(es), quadplex(es), apartments, etc. that can be used for in-fill development. Therefore, staff recommends that the request be denied.

Commissioner Fleeman inquired about the traffic count at the intersection. Mr. Thompson explained preference has been given to proposals that consolidate multiple properties and represent more comprehensive approach to changing the nature of the course.

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Commissioner Epstein commented that the City has taken a position of residential versus commercial; therefore, he inquired about any internal discussion about office instead of commercial. Ms. McMakin answered that based on the applicant's specific request for either retail store or fast casual type restaurant, the office or office like commercial district would not have accommodated the specific land use request mentioned to staff as part of this request. This is a corridor that is seen changing because of the widening and different pressures that would be coming on in the future. Instead of looking at it piece by piece, staff's standpoint either from Planning Commission or City Council's directive is to look at this as the entire corridor including this particular property. No further questions for staff.

Chairperson Goode recognized Mr. Lee Berger, 125 W. Tremont Avenue of Charlotte, NC. Mr. Berger is with Spring Hill Land Trust. Mr. Berger stated that the traffic counts, vehicles per day, were assessed; Davis Park Road 12,000, South Myrtle School Road 11,000, and Linwood Road 3,500 to 6,500. When assessing the area the following was reviewed; traffic counts, current road widening, and identified as a potential opportunity for retail development. A neighborhood meeting was held and neighborhood concerns are being accommodated. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Daniel Almazan, 306 Oak Brook Drive of Salisbury, NC. Mr. Almazan is a Real Estate Agent with Allen Tate Realtors. Mr. Almazan delivered a positive opinion regarding Spring Hill Land Trust. Mr. Almazan is in support of the request and is present for any questions. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Robert Smith, 141 Burton Hills Circle of Gastonia, NC. Mr. Smith is representing his family members who are owners of the subject property. Mr. Smith is in support of the request. Mr. Smith provided history and reason for selling the property. Mr. Smith was informed that the property was too small to attract multi-family developers, who normally seek sites of 200 or more units, and provided explanation. Mr. Smith stated his disappointment with the denial recommendation by staff based on the Future Land Use Map in the 2025 Comprehensive Plan for residential use. Mr. Smith acknowledged that surrounding properties are single-family residential; however, he stated that a number of properties are held for investment and offered details. Mr. Smith talked about the travel volume expressing that this volume of traffic does not normally show conducive environment to build residential housing unless it is multi-family in nature. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Sam Kline, 9108 Shorewood Place of Belmont, NC. Mr. Kline is a Licensed Commercial Real Estate Broker with Coldwell Banker Commercial MECA in Belmont and is in support of the request. Mr. Kline commented that the multi-family development is not conducive on this property. Mr. Kline stated that Dollar General tends to serve the community. The widening of the road by DOT and increased traffic is conducive for retail making and a great use of the land. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Jeannie Davis, 2149 Linwood Road of Gastonia, NC. Ms. Davis stated her major concern is traffic flow and she shared her difficulties with visibility existing her driveway. Ms. Davis asked what the City will do about the traffic flow if approved. Commissioner Epstein answered that the Planning Commission cannot answer her questions, but the Mr. Thompson may be able to assist. Mr. Thompson was unaware of any imminent proposed changes to Linwood Road; however, Linwood Road has been on a list in a plan for many years for some degree of realignment in the area. If accidents are occurring at the intersection, police and a traffic engineer can evaluate the area for improvement. Ms. Davis will provide her contact information for further evaluation of the area. Commissioner Epstein asked Ms. Davis if she is in support or against the request and she answered that she is against the request. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Howard Waters, 2200 Linwood Road of Gastonia, NC. Mr. Waters is against the request. Mr. Waters asked if the rezoning only affects the subject property and Commissioner Epstein answered that the subject property is the only property being rezoned. No further questions were asked by the Commissioners.

Commissioner Stewart made the motion to close the public hearing and Commissioner Epstein seconded the motion. The motion was approved unanimously.

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Commissioner Epstein began by providing closing remarks.

Commissioner Stewart made the motion to approve as presented and to add a condition limiting uses to retail, if applicant is in agreement, with the statement of consistency and reasonableness and Commissioner Fleeman seconded the motion. Comments ensued amongst Commissioners Epstein, Fleeman, and Ferguson. Commissioner Stewart amended his motion to include upon applicant and owner agreement adding a condition to limit permitted uses to retail and full brick masonry on all four sides. Commissioner Fleeman seconded the amended motion. The amended motion was approved 4-2 (Epstein and Goode opposed).

Item 3: Public Hearing – Jeffery S & Angela C Davis (File #8788)

Subject hearing involves a request to rezone approximately 1.35 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to OLC (Office Light Commercial District). The property is located at 1915 Union Road. The property is owned by Jeffery S. and Angela C. Davis.

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

Ms. McMakin provided the evaluation (site description, background, adjoining properties and land use trends, available public facilities, and consistency with adopted plans) as presented in the agenda. Staff recommends approval of the request as presented.

Commissioner Fleeman requested confirmation that a beauty shop is allowed. Ms. McMakin answered that a barber/beauty shop is permitted by right with supplemental regulations in the OLC zoning district and the site meets all land use and zoning supplemental regulations. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Jeffery Scott Davis, 1922 McBrayer-Springs Road of Shelby, NC. The applicant, Mr. Davis, stated that they would like to turn the vacant house into a hair salon/wig shop and is aware a parking lot is required. The house will be brought to code regulations. Only 100 feet behind the house and the right side of the house will be cleared. Some trees were removed. The salon will have 6 booths and his daughter has 7 years' experience. The work schedule will be from Tuesday through Saturday starting approximately 8 a.m. and no later than 9 p.m. The road will be widened to 20 feet for parking. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Deborah Timmons, 1915 Elmwood Drive of Gastonia, NC. Ms. Timmons is against the request and is she concerned that paving may increase water flow into the nearby flood zone. Heavy rain storms already floods the underpass approximately 6 feet and the concern is that it might elevate. Others concerns are light pollution and loud music. Based on the lot size, types of allowed issues, and parking requirements, Mr. Thompson doubts the threshold to require any stormwater management is the case and not detained. Mr. Thompson further explained OLC district.

Chairperson Goode recognized Mr. David Wallick, 1916 Elmwood Drive of Gastonia, NC. Mr. Wallick is against the request. Mr. Wallick is a first-time homeowner and is relieved to hear about a beauty shop versus a mall. Mr. Wallick's predominant worry is encroachment. For assurance of any encroachment, Mr. Wallick prefers a masonry wall and not a wire fence. Another worry is the attraction of crime. No questions were asked by the Commissioners.

Chairperson Goode recognized Tiffany Lowery, 1910 Elmwood Drive of Gastonia, NC. At this time, Ms. Lowery does not have an issue with a beauty shop. Ms. Lowery is also for a wall to provide privacy. Ms. Lowery also stated that her concern of the property becoming commercial of any type. No questions were asked by the Commissioners.

Commissioner Fleeman asked Mr. Thompson to describe the buffer. Mr. Thompson answered that the UDO states this is a type B buffer. If all plantings, it has to be 10 feet from the property line consisting of 4 canopy trees, 4 understory trees, and 35 shrubs per every 100 linear feet along the buffer. Existing vegetation can count towards buffer requirement and staff will review standards are met. If a wall fence or berm is used, it is only 5 feet from the line with 3 canopy trees, 3

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understory, and 35 shrubs per every 100 linear feet. Mr. Thompson clarified what the Commissioners will vote upon for this request.

Commissioner Epstein made the motion to close the public hearing and Commissioner Stewart seconded that motion. The motion was approved unanimously.

Commissioner Epstein made the motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion and the motion was approved 6-0 unanimously.

Item 4: Public Hearing – Joseph P Pearson (File # 8789)

Subject hearing involves a request to rezone approximately 13.92 acres from O-M CD (Medical Office Conditional District) to C-2 CD (Highway Commercial Conditional District). The property is located at 3199 E. Franklin Boulevard. The property is owned by Harold J. Lineberger and others.

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

Ms. McMakin stated a revised copy of the staff report was provided to each Commissioner with a change located at the bottom of page 4-3 under the statement of consistency and reasonableness. Ms. McMakin stated the subject property is on the south side of E. Franklin Boulevard between Armstrong Park Road and Lineberger Road and the tract size is approximately 13.92 acres. Ms. McMakin provided item description, background and proposed zoning conditions as presented in the agenda. Ms. McMakin briefly explained the adjoining properties and available public facilities. The Future Land Use Map within the 2025 Comprehensive Plan indicates the subject property as suitable for residential. Therefore, the proposed rezoning is inconsistent with adopted plans for the area. Ms. McMakin finished with her conclusion as provided in the agenda. Although the 2025 Plan indicates residential for the subject property, the applicant has agreed to several conditions through the conditional rezoning process that take the existing residential neighborhood into account and provide more of a compatible transition. Given this and the factors mentioned, staff recommends approval of the requested zoning change.

Discussion occurred on the location of the bridge and when it will be recognized on the site plan. Commissioner Epstein inquired if a neighborhood meeting occurred and Ms. McMakin answered a neighborhood meeting occurred. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Charlie Pearson, 3609 Augusta Court of Gastonia, NC. Mr. Pearson is the applicant and is requesting a rezoning to C-2 CD. Mr. Pearson commented that the proposed development will have less square footage than the current zoning allows. Mr. Pearson talked about the current zoning and neighboring parcel zones. Mr. Pearson commented that the nearest resident to the proposed buildings is 350 to 400 feet. Mr. Pearson continued that two neighborhood meetings were held and concerns were discussed. Concerns consisted of traffic, sound and light pollution, big box retail, flooding and erosion. The applicant is working with NCDOT regarding traffic and required roadway improvements. Lighting and sound was explained as presented in the proposed zoning conditions. Mr. Pearson continued to explain other proposed zoning conditions provided in the staff report. Mr. Pearson recognized Mr. Robert Billings, Hydraulics Civil Engineer, as present to answer any technical questions. Mr. Pearson briefly discussed the walkway before his time limitation ended. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Robert Billings, 2347 Old NC 27 of Mount Holly, NC. Mr. Billings stated that he is the owner of New River Engineering and provided a brief history of the business and his professional background. Mr. Billings stated he thinks the Pearson's design is conservative. Mr. Billings explained the no-rise requirement and any impact to the flood plain elevations. This site is a forestry site and is scheduled to be clear cut. The clear cut will result in significant erosion and other issues. Mr. Billings stated that he was the Flood Plain & Hydraulics Engineer for Starbucks, new Myra hotel currently being built, and a retaining wall to clarify his culvert knowledge of this area. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Barry Gragg, 503 Rosemary Lane of Gastonia, NC. Mr. Gragg is against this request and shared his family history in Gardner Park. Mr. Gragg is very concerned

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about the development in this wooded area regarding noise, undesirable cut through, and the increase of congested traffic. Mr. Gragg stated that he has always enjoyed the woods and the esthetically, pleasing offset it provides to the existing heavy development. Mr. Gragg is requesting the Commission to not allow the property to be developed into a retail area.

Commissioner Epstein requested from staff an affirmation that the bridge is off of Deerwood Drive indicating that people should stay on surface streets and not forced to trespass into resident's yards and this was confirmed. Commissioner Epstein asked the applicant how many people in the audience are represented by Mr. Gragg. Mr. Gragg asked the audience to raise their hands if they are in support of what he stated and those in support raise their hands. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Eric Elliott, 410 Deerwood Drive of Gastonia, NC. Mr. Elliott is also against this request. Mr. Elliott's mother is concerned about safety. Mr. Elliott thanked Planning staff for their professionalism and courtesy, and he also thanked Mr. Pearson for speaking at the neighborhood meetings. Mr. Elliott presented his presentation to the Commissioners and explained concerns regarding stormwater, troubled parcel with issues, and flooding. Mr. Elliott provided a history of this property. Mr. Elliot asked the Planning Commission to save the woods, don't go commercial, protect natural resource that filters floodwater, over wash, and runoff which is an esthetic amenity. No questions were asked by the Commissioners.

Commissioner Epstein thanked Mr. Elliott for his presentation and stated that tax value of land or development and benefit is rarely discussed in meetings. Mr. Epstein explained that the Planning Commission tries to meet the needs and values of the City and neighborhoods. Mr. Epstein commented that decisions are not made based on Mr. Pearson, the Pearson family, or business and offered his votes from previous rezoning requests on the subject property.

Chairperson Goode recognized Mr. Joe Pearson, 900 Cloister Drive, NC. Mr. Pearson is in support of the request. Mr. Pearson explained NCDOT's commitment to widening the road. Mr. Pearson also explained the parcel being a part of the North Carolina Timber Management Plan and the reason for clear cut of timber. Mr. Pearson commented that the conditional use will include a buffer of walls and plantings. Mr. Pearson commented that an effort will be made to try and install a regional basin. He discussed possible tenants and explained more about the buffer.

Commissioner Epstein asked when the Forest Management agreement was brought into effect and Mr. Pearson answered that it's been in place for 10 to 20 years. Discussion occurred between Commissioner Epstein and Mr. Pearson that there isn't a plan for senior housing. No further questions were asked by the Commissioners.

Rebuttals occurred amongst Mr. Elliott, Mr. Gragg, Mr. Billings, and Mr. Steven Kay at 328 Rosemary Lane of Gastonia, NC regarding the wildlife, forestry, or floodplain.

Commissioner Epstein inquired if this request is approved, the timber plan and clear cut will be obviated and Mr. Pearson confirmed that this is correct. Discussion occurred between Commissioner Epstein and Mr. Gragg on the clear cut and the buffer from the development.

Commissioner Fleeman asked whether the City property will or will not be clear cut as part of the Forest Management Plan and inquired about soil erosion control. Mr. Robert Cloninger, Stormwater Utility Administrator for the City of Gastonia, agreed that there will not be soil erosion control or stormwater measures; however, Forest Practice Guidelines (FPG) is in place by the County Forester. Mr. Cloninger stated to his knowledge that the City's property will not be clear cut.

Mr. Thompson stated that the property may have never developed in the current zoning due to not receiving the tax credit project.

Commissioner Epstein commented that of the various proposals received of the property this request is the least intensive. Commissioner Epstein continued that he is fan of the pedestrian bridge and this is the best request encountered.

Commissioner Fleeman shared his knowledge and cautioned about clear cutting.

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On the basis on an environmental issue and not about the development proposal, Commissioner Fleeman made the motion to approve the request as presented and Commissioner Ferguson seconded the motion. Discussion ensued amongst the Commissioners. The motion was approved 6-0 unanimously.

Chairperson Goode declared a 5 minute recess. The meeting recessed at 7:54 p.m. and reconvened at 8:01 p.m.

Item 5: Public Hearing – Monique A Moody Adams (File # 8803)

Subject hearing involves a request for a conditional use permit for approximately .32 acres. The property is zoned RS-8 (Residential District, minimum 8,000 sq. ft. lots) and is located at 1901 Winget Street. The property is owned by Monique A. Moody Adams.

Chairperson Goode explained how this item may be heard at City Council. Chairperson Goode requested that anyone signed up to speak be sworn in. Ms. Howard administered the oath.

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

Ms. McMakin provided the site background, proposed zoning action, and description of adjoining properties and zoning as presented in the agenda. The applicant has met all requirements for a duplex and completed Findings of Fact found in the application. Therefore, staff recommends approval of the request as presented. No questions were asked by Commissioners.

Chairperson Goode recognized Ms. Monique Moody Adams, 668 Dewey Court of Fort Mill, SC. Ms. Monique explained the history of the property owned by her family. The applicant proposed a duplex to be used for a family member and perhaps serve the needs of the community. The applicant is present to answer any questions.

Chairperson Goode inquired about wheelchair accessibility and applicant was undecided at this time.

Additional speakers signed up to speak will need sworn in. Speakers declined speaking at this time.

Commissioner Ferguson thanked Ms. Adams for the thorough completion of her application.

Commissioner Epstein made the motion to approve the request as presented and Commissioner Stewart seconded that motion. The motion was approved 6-0 unanimously.

Item 6: Public Hearing – Amending the Unified Development Ordinance (UDO) (File # 8820)

An ordinance amending Table 2.7-1 Defined Terms and Section 12.2 Signs Not Requiring a Permit found in Chapter 12 Signs of the Unified Development Ordinance to define feather signs and list standards and specifications and permitted locations for feather signs.

Commission Epstein withdrew from the meeting and noted that his vote counted in the affirmative for any motion made.

Chairperson Goode opened the public hearing and recognized Jason Thompson, AICP, Planning Director for the purpose of staff presentation.

Mr. Thompson stated that this is a potential ordinance agreement that staff was directed to bring forward for recommendation by the Planning Commission and then City Council for consideration. Mr. Thompson explained feather signs, a type of temporary sign, are not specifically defined in the UDO and are not permissible. Staff has been directed to research and draft an amendment to the UDO that would allow feather signs under certain prescribed conditions. The proposed text amendment was explained as presented in the agenda. Mr. Thompson concluded that there has been an increase of the use of feather signs throughout the city, as well as, the various options of feather signs available in the sign industry. Currently, feather signs are prohibited. Based on a proposed effective date of August 16, 2017, if approved by the City Council, this ordinance amendment would allow for feather signs under certain prescribed conditions.

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Discussion ensued amongst Commissioners and Mr. Thompson.

Commissioner Fleeman made the motion to approve the request as presented and Commissioner Stewart seconded that motion. The motion was approved 6-0 unanimously.

Item 7: Other Business

The item filed by Waffle House Inc., File # 8768, was appealed and denied by City Council.

A representative is optional for the Tuesday, August 15, 2017 City Council Meeting.

There being no other business, Chairperson Goode adjourned the meeting at 8:18 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pamela Goode, Chairperson