

**Gastonia Planning Commission**  
**November 9, 2017**

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Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:32 pm on Thursday, November 9, 2017, in the Council Chambers at City Hall.

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

Absent: Commissioner Jerry Fleeman

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; and Chrystal Howard, Secretary

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

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

Commissioners stated there were no contacts.

**Item 1c: Approval of September 7, 2017 Minutes**

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

Chairperson Goode explained the rules of procedure and time limitations.

**Item 2: Public Hearing – Russell & Rosan Sprinkles (File # 8847)**

Subject hearing involves a request for a conditional use permit for an animal hospital (indoor) on approximately 1.57 acres. The property is zoned OLC (Office Light Commercial District) and is located on the west side of Union Road, north of the intersection of Rivermont Drive. The property is owned by DM Boyd III and William G. Boyd.

Chairperson Goode stated that because of the quasi-judicial format of this hearing persons wishing to speak and offer evidence are required by North Carolina law to be sworn in. Ms. Howard administered the oath.

Chairperson Goode recognized Commissioner Epstein's request to recuse himself from this item. Commissioner Cinq-Mars made a motion to approve the request to recuse Commissioner Epstein and Commissioner Stewart seconded the motion. The motion was approved unanimously.

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

Ms. McMakin stated Dr. Sprinkles submitted a Conditional Use Permit (CUP) request to construct a new animal hospital, indoor only, located on the subject property which is vacant and zoned OLC (Office Light Commercial District). The property is approximately 1.57 acres, is located on the west side of Union Road, and is currently a vacant site. The applicant currently has a veterinary facility located in the City of Gastonia but are wanting to expand and build a new facility. For indoor animal hospitals, if the lot containing the use is located within 100 feet of a residentially zoned district, a CUP is required. The applicant has provided a survey of the subject property and a conceptual site plan.

Proposed conditions for the CUP:

1. Permit allows for the use of the site for animal hospital with indoor kennels only.
2. Existing vegetation along rear property line to remain undisturbed as indicated on the site plan.
3. Any additional building must go through Technical Review Committee for site plan review and approval.
4. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
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.

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The applicants provided on the site plan an additional building with a proposed driveway, parking area, animal hospital of approximately 56,000 sq. ft., indoor kennel with a small pet evaluation area that would be fenced, possible OLC district potentially for a different building use. One of the conditions staff is recommending is that this building will need to go through the Technical Review Committee (TRC) at that time to review any site plan issues, stormwater, etc. The subject property is bordered by OLC (Office Light Commercial District) zoning to the north and to the east across Union Road. There is RS-12 (Residential District, minimum 12,000 sq. ft. lots) zoning with single-family homes in the South Pines neighborhood to the south and west of the property. The Future Land Use Map within the 2025 Comprehensive Plan shows the property as commercial. Therefore the request can be considered consistent and appropriate with the 2025 Comprehensive Plan and Future Land Use Map. This would be a site specific plan for the animal hospital, so staff is recommending approval of the request as presented. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Robert L. Brandon, 9355 Bonnie Briar Circle of Charlotte, NC. Mr. Brandon stated that this request is for an animal hospital with indoor runs and explained the reason for the conditional use permit process. Mr. Brandon explained his statement of justifications presented in the agenda. A packet was distributed of Mr. Brandon's presentation of the zoning request. Mr. Brandon stated that the existing 15' wide vegetation will remain and if any portions of the buffer that may not be sufficient beyond what code will require subsequent additions to that buffer will be made.

Chairperson Goode inquired about the hours of operations and traffic. Mr. Brandon stated that the hours of operation are typical to any animal hospital but there will be someone on staff at night. Mr. Brandon said that there will be additional traffic but no large scale parking and at night will be very low traffic. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Bill Curry, 8287 Normandy Road of Denver, NC. Mr. Curry was present for questions. No questions were asked by the Commissioners.

Chairperson Goode recognized Dr. Russell Sprinkles, 4618 McDade Lane of Gastonia, NC. Dr. Sprinkles answered that the current hours of operation will remain the same; Monday 7:30 a.m. to 8:00 p.m., Tuesday through Friday 7:30 a.m. to 5:30 p.m., and one Saturday a month 7:30 a.m. to 1:00 p.m. Dr. Sprinkles stated there is a major need for animal emergency clinic in the county, so they would like the option, should the decision to use the hospital in two avenues, as mostly a small hospital and maybe bring emergency staff to act as an afterhours emergency clinic should the need arise. As of now, the request is strictly based on their current regular hours of operation. The traffic flow is a main reason for wanting to move from their current location with a parking lot of eleven spaces and a staff of eight. Turning into the parking lot is on a two lane road and no turnout lane, and the new location provides a five lane highway with a central turn lane into the parking lot with needed parking space. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Rosan Sprinkles, 4618 McDade Lane of Gastonia, NC. Ms. Sprinkles was present for questions. No questions were asked by the Commissioners.

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

Commissioner Stewart made the motion to approve the request as presented with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously.

**Statement of consistency and reasonableness:** The proposed Conditional Use Permit is consistent with the current zoning and the land use identified in the Gastonia 2025 Comprehensive Plan, any applicable duly adopted small area plans, and any other development plans adopted by the City, and the proposed use for an animal hospital only allows for indoor kennels, therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

**Item 3: Public Hearing – William F Gray (File #8872)**

Subject hearing involves a request to rezone approximately 0.85 acres from C-1 (Neighborhood Commercial District) to C-3 (General Commercial District). The property is located at 904 Union Road. The property is owned by Gray Family Properties Ltd.

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

Ms. McMakin stated that the subject property consists of a single tax parcel totaling approximately .85 acres that is currently zoned C-1 (Neighborhood Commercial) and this request is to rezone the site to C-3 (General Commercial District). An existing building on the subject property is divided into separate leasable spaces with existing parking. The other footprint was a canopy from a convenience store with gas pumps. There are also two existing driveways onto Union Road and existing parking. Both public water and sewer currently serve the site. The subject property is bordered by a C-1 (Neighborhood Commercial) zoned parcel to the north and east. The remaining property to the south and across Union Road and along Osceola Street is zoned C-3 (General Commercial). The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property as suitable for commercial use. The subject property is currently zoned for commercial uses on the Official Zoning Map and is shown as commercial on the Future Land Use Map. Given the presence of existing C-3 zoning adjacent to the site and across Union Road and Osceola Street, staff recommends approval of the request as presented. Jana reminded the Commission that this item is a general rezoning request so there are no conditions or site plans as part of this request and it would allow uses permitted under the C-3 zoning district as long as applicable any supplemental regulations of this use.

Commissioner Cinq-Mars asked if staff is aware of what the property owner wants to have at this property and Ms. McMakin deferred this question to the property owner and reminded the Commission from a rezoning and land use decision consideration is on anything that would be permitted in the C-3 zoning district.

Ms. McMakin and Mr. Thompson explained some uses permitted in either C-1 or C-3 such as automobile sales, convenience store with gas sales, scale and intensity of types of retail uses per Commissioner Epstein's request. Discussion occurred on previous use and its nonconformance.

Commissioner Epstein inquired about any additional compelling uses that staff might think would be of interest to the Commission and surrounding neighbors in terms of intensity of use and hours permitted. Mr. Thompson and Ms. McMakin answered that there are a few specific uses tied to proximity to residential districts these may involve hours of operations restrictions; however, this would not be applicable to this parcel as it does not abut residential. Mr. Thompson continued by explaining one of the goals of the Unified Development Ordinance (UDO) was to avoid listing and defining every conceivable use. Ms. McMakin provided a document that displays uses permitted and Commissioner Epstein did not see anything that was considered a red flag to him. Ms. McMakin commented that there are several uses permitted by right with supplemental regulations and gave the Commission examples of body shops, repair shops, and increased retail square footage.

Commissioner Cinq-Mars asked if there would be a restriction on parking for a restaurant and Mr. Thompson answered that every use in the ordinance has a parking calculation that must be met as well as capping parking spaces, and this is provided in a table in the UDO. Commissioner Cinq-Mars asked if this property has enough square footage to allow a restaurant with necessary parking. Mr. Thompson answered that since staff was not approached with a restaurant proposal, the calculation has not taken place. Also, staff would not be able to issue a zoning permit required to establish the restaurant if the ordinance requirement was not met.

Commissioner Epstein asked if a fast-food restaurant could go in at this location if it met all the ordinance requirements and Mr. Thompson answered yes and with a drive-thru.

Commissioner Stewart and Commissioner Epstein had discussion on the uses on the property from present to the future possibilities.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Will Jones, 2920 Robinwood Road of Gastonia, NC. Mr. Jones was present to answer any questions.

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Commissioner Epstein asked Mr. Jones to share what he plans to do on the subject property. Mr. Jones answered that they plan to lease the existing structure and acreage for mini storage outdoor facilities that a person would have in their backyard. Mr. Jones continued that primarily it is a sales lot for those particular structures. Storage sheds was stated by a board member and Mr. Jones answered exactly. No further questions were asked by the Commissioners.

Commissioner Epstein made the motion to approve the request as presented with the statement of consistency and reasonableness and Commissioner Fleeman seconded the motion. The motion was approved unanimously.

**Statement of consistency and reasonableness:**

The proposed rezoning is consistent with the commercial land uses along Union Road designated in the 2025 Comprehensive Plan and is in harmony with the current commercial zoning and development surrounding the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

**Item 4: Public Hearing – Lakshmi Hotel, Inc. (File #8873)**

Subject hearing involves a request to rezone approximately 1.86 acres from O-1 CD (Office Conditional District) to C-2 CD (Highway Commercial Conditional District). The property is located on the east side of N. New Hope Road, just north of the intersection of Remount Road. The property is owned by New Hope Y & S LLC.

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

Ms. McMakin stated that the applicant is requesting to rezone four (4) of the five (5) parcels that are currently zoned O-1 CD (Office Conditional District) to C-2 CD (Highway Commercial Conditional District) to construct a hotel. In October of 1999, a Conditional Use Permit (CUP) (File #389-99) was granted for office uses containing a portion of the subject property (518 and 526 N. New Hope Road). The primary CUP conditions included no access to Sinclair Street and a minimum 15 ft. buffer along the Sinclair Street property line with an eight (8) ft. wooden fence and additional vegetative plantings. In January of 2001, a CUP (File #477-00) was granted for office uses also containing a portion of the subject property (542 and 550 N. New Hope Road). The primary CUP conditions included specifying access from Melvin Drive and N. New Hope Road, restricting access from Sinclair Street, and a 12 ft. buffer along the Sinclair Street property line with a six (6) ft. masonry wall and additional vegetative plantings. The attached site plan shows the proposed four story hotel building, driveway access to N. New Hope Road (full access proposed) and Remount Road (right-in/right-out proposed), dumpster area, and parking areas. Ms. McMakin referred the Commissioners to their agenda packet materials submitted by the applicant including a site plan, elevations, building materials, description of the front, left, rear and right elevations, rendering perspectives of the hotel, floor plan, and interior elevations of each floor. Ms. McMakin commented that this is a new line of Hilton Hotels called Tru. Ms. McMakin stated the main highlights of the hotel.

**Proposed Zoning Conditions:**

1. If adjacent parcel to the north (parcel 119513) will still be used as residential, a Type A Buffer must be installed.
2. A Type C buffer (15 ft.) is being proposed with installation of a six (6) ft. wall constructed of brick facing Sinclair Street (interior material will match primary hotel building material) and additional plantings as required by the Unified Development Ordinance.
3. A stub connection must be made to the adjacent parcel to the north (parcel 119513).
4. Dumpster to be screened with materials to match screening wall.
5. No access will be permitted from Sinclair Street.
6. Development of the site shall be generally as shown on the attached site plan.
7. Final driveway access to be determined by NCDOT and the City of Gastonia.
8. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance.
9. In no instance shall the zoning conditions exempt a project from other development requirements.

The subject property is adjacent to the Chapel Acres subdivision zoned RS-12 (Residential, minimum 12,000 sq. ft. lots) and comprised of single-family homes built between approximately

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1940 to 1970. The property located on the other three (3) intersections of N. New Hope Road and Remount Road is zoned C-3 (General Commercial) with two (2) drive-through restaurants and a vacant parcel. To the immediate north is part of the 2001 O-1 CD rezoning and is currently being used for residential use. The properties located to the west across N. New Hope Road include the CarMax Dealership zoned C-3 and a 2006 C-2 CD rezoning for a convenience store (with attached drive-through restaurant) and gas pumps that is currently still vacant. The Summit (located along both the north and south sides of Court Drive and Summit Crossing Place) within the Gaston Memorial Medical Park is experiencing additional development with an increase of medical office buildings. Recent construction north of the subject property includes the Kedplasma building located on the southeast corner of N. New Hope Road and Melvin Drive and the CaroMont administrative building on the northeast corner. The review of site plan all of the documents will have to go to the Technical Review Committee (TRC). The 2025 Comprehensive Plan promotes the continued expansion of office uses based on the location along N. New Hope Road between Remount Road and Melvin Drive. Ms. McMakin concluded that while the property has been zoned for office uses for several years, it has not been developed and still exists as residential. With the growth at the nearby medical office center and close proximity to the N. New Hope/I-85 interchange, the request is to rezone to C-2 CD for a new hotel. The applicant's proposed hotel will have no large outdoor amenities (pool) nor any interior meeting or event areas, which should limit outdoor noise and eliminate any daily usage of the facility to simply those seeking to stay overnight. The only outdoor area proposed is a small patio seating area adjacent to the building to accommodate up to 10-12 people. The applicant is also proposing a masonry wall to ensure additional screening and restricting access from Sinclair Street. While the 2025 Comprehensive Plan indicates office use for this site, staff believes that the operational characteristics that will result from the features previously described (no large outdoor amenities, no meeting space) will limit the intensity of the day-to-day activities on the site. This, combined with the brick wall inside the required buffer separating the site from the adjacent neighborhood are reasons that staff recommends approval of the request.

Commissioner Cinq-Mars requested further explanation of Proposed Zoning Conditions: 3. A stub connection must be made to the adjacent parcel to the north (parcel 119513). Ms. McMakin stated that this is the fifth property the same owner owns. Since this parcel would still have O-1 CD, staff encourages a stub connection be made to use the N. New Hope Road exit too. If this parcel is developed by another entity into something else, we would look at restricting access to Sinclair Street. Commissioner Cinq-Mars stated that the new entity would block access to Sinclair Street. Ms. McMakin was unable to say for sure unless a request came in. Ms. McMakin commented that Kedplasma does not have Sinclair access and this proposal does not have Sinclair access. Ms. McMakin added that if staff does not ask for the stub connection now the opportunity is missed.

Commissioner Biggerstaff asked if there was enough parking for 96 rooms according to the plans and Ms. McMakin answered that it is just enough according to the Unified Development Ordinance (UDO) requirements. It was relayed to the applicant that if they are proposing 96 rooms and they do not have any large meeting areas then it is a one-to-one basis and 96 parking spaces are required. Discussion occurred on the parking spaces shown on the plan.

Commissioner Stewart asked if any discussion occurred on stormwater onsite and Ms. McMakin noted that this would be underground. Mr. Thompson commented that parking, construction drawings, stormwater, development standards, would be reviewed and confirmed by the TRC if the conditional rezoning is approved. If the required parking cannot be met on the site, at that point of time, then they cannot get a zoning permit.

Commissioner Ferguson inquired about the full access proposed to N. New Hope Road and final driveway access to be determined by NCDOT and the City of Gastonia, and if this is to address any left turn coming out of the concrete driveway. Mr. Thompson answered that in order to get the driveway, NCDOT has to issue a driveway permit. The site plan is sent to the Division 12 office in Shelby and the City of Gastonia's engineering staff meet with NCDOT. This has been communicated to Division 12, but a solid response has not been received regarding full access driveway restrictions. Mr. Thompson referred this question to the applicant to possibly elaborate more. Further discussion amongst Commissioners and staff occurred on this access.

Chairperson Goode recognized Mr. Doug Arthurs, 420 E Long Ave of Gastonia, NC. Mr. Arthurs is representing the applicant. Mr. Arthurs provided renditions of the hotel with traffic access. Regarding NCDOT approval, no communication was received at this time and will have to be

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determined later. The preference is to have a left in and left out and a traffic break at Remount Road. A community meeting was held and most of the community was receptive to this request. Mr. Arthurs explained objections that the community had with the Kedplasma center development and the heavily traffic area, so an arrangement was worked out with the neighborhood to build a 6' brick wall removing access to Sinclair Street. In addition to the wall, there will be a vegetative buffer. Mr. Arthurs addressed to the Commission that the site plan has 96 parking spaces, not 93 spaces. Mr. Arthurs explained this request will not have intensive traffic and will be an aesthetic pleasing development. Mr. Arthurs asked for the Commission to approve this request to construct a hotel with all the proposed conditions.

Commissioner Cinq-Mars asked for clarification on Avanti Holding LLC and New Hope Y & S LLC parcels and staff addressed and provided correction to these parcels on the map provided in their agenda.

Brief discussion occurred on parking spaces with the stub connection made to the adjacent parcel 119513 and no other access from Sinclair Street.

Chairperson Goode recognized Mr. Ashwin Shah, 1225 Audubon Drive of Gastonia, NC. Mr. Shah is the developer for the hotel. Mr. Shah stated they will not use rooms that exceed the parking spaces. Further discussion occurred on limited parking spaces and what will be reviewed by the TRC. This issue will have to be solved in the future to comply.

Chairperson Goode recognized Mr. Greg Mobley, 1818 Burton Hills Circle of Gastonia, NC. Mr. Mobley is a proponent for this request. Mr. Mobley stated that he has worked closely with the neighborhood regarding the Kedplasma Center. Mr. Mobley commented that the neighbors dislike the center's visitors due to trespassing and other problems. To address neighborhood concerns, the Kedplasma center will add an encroached 4' black fence along Melvin Drive. The fencing on Melvin Drive and the wall along and Sinclair Street will hopefully direct traffic along N. New Hope Road alleviating neighborhood concerns.

Discussion occurred regarding the corner of Melvin Drive and Sinclair Street. Attorney Graham reminded the Commissioners that the fence and other matters on Melvin Drive are not a condition to this rezoning nor a part of the rezoning; therefore, it is not part of consideration in terms of approving this rezoning request. This property is owned by another development and the city cannot add this condition on the rezoning of this parcel as it would be contract zoning.

Chairperson Goode recognized Mr. Fred McCall, 1818 Burt Avenue of Gastonia, NC. Mr. McCall lives on the corner of Sinclair Street and Burt Avenue and he is against this rezoning request. Mr. McCall provided history, approximately 10 to 15 years ago, of a hotel and restaurant request that was voted down completely. Mr. McCall requests the Commission to vote against this request as he does not want to look at a brick wall. Mr. McCall stated that his feelings will be hurt, and not a business deal, and he will probably move out of Gastonia after 40 plus years if this request is passed. Mr. McCall thanked everyone for their time this evening.

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

Commissioner Epstein recognized the residents in the surrounding area and stated his respect to them. Commissioner Epstein commented that the parcels are no longer considered residential and he explained his thought process when considering these types of developments and proposals. Commissioner Epstein provided his closing remarks. Commissioner Stewart expressed his agreement with Commissioner Epstein. Both Commissioners Epstein and Stewart noted their conflictions. Commissioner Goode is also in agreement. Commissioner Cinq-Mars stated one of the attractions is that no parking spaces are on the backside of the hotel along Sinclair Street. This is a benefit in his opinion. Commissioner Stewart commented that these facilities are generally well-kept, manicured yards and landscaping.

Commissioner Cinq-Mars made the motion to approve the request as presented with the statement of consistency and reasonableness and Commissioner Stewart seconded the motion. The motion was approved unanimously.

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**Statement of consistency and reasonableness (*motion to approve*):** While the proposed rezoning is inconsistent with the Gastonia 2025 Comprehensive Plan, the surrounding vicinity is currently developed largely for commercial and medical office uses. In addition, the subject property's proximity to an I-85 interchange and a signalized intersection provide conditions desirable for a new hotel. The conditional district rezoning option also provides the adjacent neighborhood more certainty regarding the development standards. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

**Item 5: Other Business**

Two rezoning items were presented at recent City Council meetings and the retail rezoning proposal was approved. File # 8789 rezoning request was continued from the September 19, 2017 meeting and will be presented on Tuesday, November 21, 2017. Discussion occurred on representation for this meeting.

Discussion occurred on a possible meeting for Tuesday, December 7, 2017.

There being no further business, Chairperson Goode entertained a motion to adjourn the meeting. Commissioner Cinq-Mars made the motion to adjourn the meeting and Commissioner Stewart seconded the motion. The motion was approved unanimously. Chairperson Goode adjourned the meeting at 7:18 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Bob Cinq-Mars, Chairperson