

Gastonia Planning Commission
January 3, 2019

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:40 pm on Thursday, January 3, 2019, in the Council Chambers at City Hall.

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

Absent: Commissioner Jerry Fleeman

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Chrystal Howard, Secretary; Tucker Johnson, PE, Assistant City Engineer; Keith Lineberger, Land Development Project Manager, Robert Cloninger, Division Manager-Field Operations; and Rusty Bost, PE, Director of Development Services

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners stated there were no contacts.

Item 1c: Approval of October 4, 2018 Meeting Minutes

Commissioner Cinq-Mars made the motion to approve the October 4, 2018 minutes as written and Commissioner Stewart seconded the motion. The motion was unanimously approved (7-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – JP Development Group LLC (File # 9135) Continued

Subject hearing involves a request to rezone approximately 19.17 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to RS-8 CD (Residential Conditional District, minimum 8,000 sq. ft. lots). The subject property is located on the northwest corner at the intersection of Winterlake Drive and Elam Street. The property is owned by Jerry M. Gunter Trust & Windley Family Trust.

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

Commissioner Epstein addressed Chairperson Goode to recuse himself because the northern edge of this rezoning is across from his home. Commissioner Epstein stated he was advised it was not necessary to recuse, but will after an abundance of caution. He recognized his vote will be in the affirmative of whatever motion is made to approve or deny. Chairperson Goode recused Commissioner Epstein from the meeting and he will return to the dais for the next matter.

Ms. McMakin stated this item was a rezoning request presented at the December meeting and continued. This agenda item is located off of Winterlake Drive and Elam Street. At that meeting there was a lot of public input during the public hearing and a lot of issues discussed by staff, applicant, and citizens that came to the meeting. Planning Commission unanimously voted to continue this hearing until tonight so that the applicant could look back at the subdivision to do any further analysis, time to review any needed calculations, and time to add or modify any conditions. The applicant submitted a revised rezoning site plan, reviewed the issues, and proposed some new conditions listed in the agenda packet. Ms. McMakin briefly explained the rezoning map. The request is for a single-family RS-12 district, minimum 12,000 sq. ft. lots, to be rezoned to RS-8 CD, minimum 8,000 sq. ft. lots. Ms. McMakin displayed the revision by the applicant and notes provided in addition to the five proposed zoning conditions listed in the December staff report. The applicant approached Ms. McMakin earlier this evening and asked that one condition under the architectural standards number four (iv) that lists front elevation windows with styled grids be deleted as it is more of a style type item that could become dated from the proposed conditions. No other changes were made to the site plan, there are still 51 proposed lots and the acreage is total site area of over 19 acres. Ms. McMakin briefed the Commissioners on the new proposed conditions. Ms. McMakin reiterated the revisions include the six new conditions, the tree save area which would have some disturbance for sewer installation and easement, but the lot numbers remained the same. Ms. McMakin displayed the proposed

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conditions. The applicant sent another site plan that reflects these changes; however, it was too late in the evening to display on the screen.

Commissioner Cinq-Mars asked Ms. McMakin to show the sewer line on the site plan. Ms. McMakin replied that the sewer line was not indicated on the site plan yet and the tree save area was not on the original site plan. No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Rick Judson, 1005 N. Church Street of Charlotte, NC. Mr. Judson is representing the applicant. He provided his background and their purchase of the subject property. Mr. Judson explained they spent time on the marketing and analysis on what a community and consumer would want. The community meeting requirement was fulfilled and they received good input. Community concerns registered were addressed and the initial suggestion was modified. Regulatory items presented by the Planning department were addressed. They continue to try and achieve everything that has been asked of them. Mr. Judson stated they found a lot of positive things about the community. Mr. Judson stated they conducted a survey of every single house on the adjacent property and a value analysis on every single lot in the community from Union Road. He explained the revised change in lots and the previous zoning district change. He mentioned engineers were present to discuss the tree save and open area. Mr. Judson explained the average value of the expected finished product. He continued that aesthetic suggestions were met. Lastly, as part of the due diligence, a breach in the dam was discovered and is being addressed with an engineering firm. The breach is a caution issue, not a hazard, and will be fixed immediately upon or prior to purchase or during purchase of the property currently being negotiated.

Commissioner Stewart asked for clarification on proposed zoning condition 11. Mr. Judson replied this was an industry standard. He did not want to propose vinyl nor exclude vinyl from gables, dormers, soffits, decorative scallops, and areas where vinyl is practical. The intent is to allow for the use of vinyl without having vinyl boxes.

Chairperson Goode recognized Ms. Judy Brown, 2274 Winterlake Drive of Gastonia, NC. Ms. Brown welcomed the development and her main concern was the traffic light issue on Union Road and Elam Street intersection. She stated a traffic light was needed at this location. No questions were asked by the Commission.

Chairperson Goode recognized Ms. Carolyn Amos, 2274 Winterlake Drive of Gastonia, NC. Ms. Amos stated she was neither for nor against this request. Her concerns are about the traffic and the dam. She stated Malcolm Street has the same traffic problems as Elam Street and driving through the church parking lot area may become an issue. She commented that Winterlake residents know the traffic issues. Her second concern regarding the dam was addressed. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Yvette Brown, 2274 Winterlake Drive of Gastonia, NC. Ms. Brown withdrew her opportunity to speak.

Chairperson Goode recognized Ms. Ann Sauls, 931 Malotte Lane of Gastonia, NC. Ms. Sauls explained how Malotte Lane connects with Elam Street and Malcolm Street. Her concern was about the traffic. She stated traffic rolls through the stop sign on Winterlake Drive creating a dangerous intersection. Existing Elam Street and Union Road, traffic backup, and returning traffic are a concern. Ms. Sauls continued by sharing possible traffic issues on neighboring streets. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Garry Hough, 2282 Winterake Drive of Gastonia, NC. Mr. Hough owns lots #16 and #17 on the map. Mr. Hough agreed traffic would be an issue. Mr. Hough stated to the Commission to pay attention to details and make sure they understand what is being said. He shared his experience of dealing with deception. Mr. Hough shared FEMA and flood zone maps and briefly explained each page. Mr. Hough finished by informing the Commission that a nursing home was at the end of the floodway. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Diane Wray, 2234 Winterlake Drive of Gastonia, NC. Ms. Wray stated her concern was rezoning to smaller lots. The Shannon development has larger lots and aesthetically the smaller lots will not fit in with the neighborhood. Ms. Wray was also

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concerned about the drainage especially heavy rain falls and adding the solid surface between roads, sidewalks, and homes with little green space. Lastly she was concerned about how much of existing trees would be removed. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Katrina Keogh, 2060 Shannon Drive of Gastonia, NC. Ms. Keogh stated previous speakers brought up excellent points about traffic. Ms. Keogh inquired if a traffic study was done during the study for speed bumps on Winterlake Drive. She asked if a Letter of Intent from Eastwood Homes had been received. Ms. Keogh asked why the community did not receive in their mailing the Planning Commission's agenda and the covenants and restrictions. Ms. Keogh commented that posted zoning signs were not updated and neighborhoods were unaware of this meeting. Ms. Keogh asked what kind of guarantee the community has on aluminum siding and price point.

Mr. Thompson clarified the process remains the same for notifications. He stated at every meeting the chairperson makes everyone aware at the start of the public hearings that if anyone would like to be made aware of subsequent hearings let staff know. He continued that Planning Commission agendas are accessible on the website. Mr. Thompson also encouraged anyone in attendance to call the Planning Department to have information provided to them. Full Planning Commission agendas have never been mailed to entire neighbors as it is not part of the legal requirement, but agendas are readily available if someone would like to request it. He clarified that public hearings and proper notification were bound by the ordinance and state statute with regards to how this takes place. Every case, with no exceptions, was required to do the following; advertise in a local newspaper, post a sign or signs on the subject property, and mail notice to every property within 100 ft. of the subject property. If a person does not own a parcel within this proximity standard, a notification would not be mailed to the owner. These steps are done in every case including this case as required by ordinance and state statute. Mr. Thompson mentioned he discussed this information at the last meeting and wanted to clarify to everyone again at this evening.

Chairperson Goode recognized Mr. Rick Judson. Mr. Judson stated the candor received at the community meeting was good and they learned a lot and responded to it. He explained their mailing compliance and briefly explained the notifications opportunities given at the community meeting. He reminded everyone that the engineers were present and could address water retention issues in specificity.

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

Commissioner Ferguson stated she appreciated the applicant's response addressing concerns presented from the last public hearing meeting.

Commissioner Stewart made a motion to approve the request as presented with the eleven zoning conditions and the statement of consistency and reasonableness and Commissioner Ferguson seconded the motion. The motion was approved 6-1 (Cinq-Mars).

Statement of consistency and reasonableness (motion to approve): The proposed rezoning is consistent with the 2025 Comprehensive Plan, the existing residential zoning of the property, and the architectural standards and materials is in harmony with the current residential zoning and development surrounding the subject property. Therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Chairperson Goode commented if anyone appeals our decision, the case will go on to the City Council for a new hearing and final action on Tuesday, February 19, 2019 at 6:00 p.m. in the Gaston County Courthouse.

Item 3: Public Hearing – Duncan & Smith, LLC (File # 9145)

Subject hearing involves a request to rezone approximately 5.65 acres (east side of Stroupe Road) and approximately 4.75 acres (west side of Stroupe Road) from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to RS-8 (Residential District, minimum 8,000 sq. ft. lots). The subject property is located on the east and west side of Stroupe Road. The property is owned by Duncan & Smith, LLC.

Chairperson Goode recognized Commissioner Epstein to the dais.

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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 began with the location of the subject property. Ms. McMakin explained the entire property and the hatched area on the map represents the request. The applicant originally went through the Planning Commission on January 5, 2017 for a preliminary plat approval of 58 single-family lots known as Cramer Estates under the current RS-12 zoning district. After analyzing construction documents and other matters, the applicant has submitted a request to rezone to RS-8 (Residential District, minimum 8,000 sq. ft. lots) for a portion of the future subdivision. The subject property for this zoning request is approximately 10.4 acres located on the east side (5.65 acres) and west side (4.75 acres) of Stroupe Road that would be developed as RS-8. She stated this is a general rezoning request and not a conditional rezoning request, so no site specific plan or elevations. The applicant will have to go through the major subdivision process if it is to be rezoned. Ms. McMakin explained the RS-8 and RS-12 dimensional standards that would be used if rezoned. All adjoining properties are zoned residential and are residential uses. Catawba Hills is located to the south and is zoned PD-PRD (Planned Development-Planned Residential Development). The remaining surrounding property is comprised of larger lots zoned RS-12. The Future Land Use Map in the 2025 Comprehensive Plan indicates residential for the subject property and surrounding properties. Staff recommends that the request be approved as presented. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Tony Duncan, 4101 Kings Mountain Highway of Bessemer City, NC. Mr. Duncan briefly explained the time frame on acquiring both properties. His idea is to build patio homes based on the demand; therefore, the request to rezone from RS-12 to RS-8. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Frank Craig, 2543 Gleneagles Drive of Gastonia, NC. Mr. Craig is the Civil Engineering Consultant and is present to answer any engineering questions. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Angela Dixon, 3588 Catawba Creek Drive of Gastonia, NC. Ms. Dixon stated she is #20 on the rezoning map and this is first time receiving a notification on the property. She commented on trees being removed on the property and her concern was on what would be built on the property, such as houses or apartments. This was her first notice received of what was taking place on the property.

Commissioner Epstein requested Ms. McMakin to clarify what would be permitted and the setbacks. Ms. McMakin stated the RS-8 zoning district proposed is single-family detached only and no apartments and nothing attached. She continued that duplexes would be allowed on a corner lot if it meets the standards. Based on discussion with the developer, it was her understanding that duplexes were not the applicant's intent. Only single-family would be permitted in this subdivision and this will go through the major subdivision process. The setback would be 30 feet from the property line to the principal structure. Mr. Thompson clarified the original proposal was RS-12 by-right zoning; therefore, no notification occurred.

Chairperson Goode recognized Ms. Evon Robbins, 502 Stroupe Road of Gastonia, NC. Ms. Evon stated she is #42 on the rezoning map. Her concern is the traffic and there are no speed signs or speed bumps. She used a race track as a metaphor for Stroupe Road. She requested speed bumps in the neighborhood on Stroupe Road. She pointed out that Catawba Creek Drive has speed bumps. She explained the traffic that travels through and at different times and days. Her other concern was safety. She asked what would become of the neighborhood safety with more housing in the area.

Commissioner Epstein commented that the Planning Commission does not have jurisdiction over speed bumps and referred her request to Mr. Thompson. Mr. Thompson asked Ms. Robbins to leave her contact information, so staff can provide her with the appropriate contact. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Tony Duncan. Mr. Duncan commented that the lots appear to be on average 150 feet with 30 to 40 feet from the woods line. Existing trees will probably remain as buffers.

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No questions were asked by the Commissioners.

Commissioner Cinq-Mars made a motion to approve the request as presented and Commissioner Stewart seconded the motion. The motion was unanimously approved 7-0.

Item 4: Major Subdivision Preliminary Plat – Franklin Woods (File #9161)

Subject involves a Major Subdivision Preliminary Plat for a unified development to be known as Franklin Woods submitted by TIC Franklin. The property is located on the south side of East Franklin Boulevard between Cox Road and Lineberger Road.

Chairperson Goode opened the public hearing and recognized Keith Lineberger, Land Development Project Manager for the purpose of staff presentation.

Mr. Lineberger stated TIC Franklin has submitted a preliminary subdivision plat for a unified development to be known as Franklin Woods. The property is located on the south side of East Franklin Boulevard across from Franklin Square. The proposed development will contain a maximum of 9 separate parcels. The property is zoned C-2 CD. Public improvements are required making this a major subdivision. The developer will extend the existing waterline located in East Franklin Boulevard which is needed to serve the development with water. Sewer service will be provided by extensions from the existing outfall sewer line to the south. NCDOT is responsible for completing an additional through lane along the frontage of the parcel. The developer is responsible for sidewalk improvements; however, due to the through lane and timing, the developer will be responsible for payment in lieu of the sidewalk before the final plat can be recorded. The city will construct a sidewalk at an appropriate time. The "Preliminary Plat" is in conformance with the City of Gastonia's Unified Development Ordinance; therefore, staff recommended approval subject to the condition listed in the staff report.

Commissioner Cinq-Mars asked if the state will construct the sidewalk when they build the road or will the city construct the sidewalk afterwards. Mr. Bost, Director of Development Services, replied that the state will construct the sidewalk. The city will accept payment in lieu from the developer for his responsibility and then forward the payment to the state. The city through the state will be contributing to the construction of the sidewalk.

Commissioner Epstein made a motion to approve the request as presented and Commissioner Stewart seconded the motion. The motion was unanimously approved 7-0.

Item 5: Other Business

No representatives are needed for Tuesday, January 22, 2019 City Council Meeting.

Update on Council Votes: Gastonia City Council approved the following items on December 18th:

Public Hearing – Tulip Drive Properties, LLC (File # 9130)

Subject hearing involves a request to rezone a portion of 1.86 acres from RS-8 (Residential District, minimum 8,000 sq. ft. lots) to I-2 (General Industrial District). The subject property is located on the southeast corner of the intersection of Tulip Drive and Rankin Lake Drive. The property is owned by Jack M. Kimbro.

Public Hearing – City of Gastonia (File # 9131)

Subject hearing involves a request to rezone approximately 3.62 acres from RS-12 (Residential District, minimum 12,000 sq. ft. lots) to I-2 (General Industrial District). The subject property is generally located on the western side of N. Broad St. and north of Boxwood Lane. The property is owned by the City of Gastonia.

Mr. Thompson commented the Single Family Residential Development study will continue soon.

Mr. Thompson stated discussions have taken place regarding a potential scope expansion. This will be presented to City Council at their Strategic Planning Session scheduled on January 26th. Two distinct studies, a potential commuter rail line and a potential light rail line, are taking place related to the possibility of rail transit coming out of uptown Charlotte into Gaston County both with stops in Gastonia. Brief discussion ensued on the potential rail line. Mr. Thompson commented to convince other entities that we are ready for this growth, the city is preparing in advance. He briefly explained the type of ordinance change that will be proposed is of a greater

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movement commonly known as form based regulation which makes sure the built environment of the community works well together. The development community, consumers, and the public will be able to have a choice and it is back to an organic style of planning focusing on urban design and street scape design.

There being no further business, Chairperson Goode adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson