

Gastonia Planning Commission April 6, 2023 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:32 p.m. on Thursday, April 6, 2023 in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Chair Kristie Ferguson and Commissioners Jim Stewart, Carl Harris, David Wilson, and Rodney Armstrong

Absent: Commissioner Chad Ghorley, Anthony Gallant, Glenn Silverman

Staff Members Present: Charles Graham, Jason Thompson, Maddy Gates, Jalen Nash, Shelley DeHart, and Tucker Johnson

Item 1a: Role Call / Sound Check

Chair Kristie Ferguson declared a quorum.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners were not contacted.

Item 1c: Approval of March 9, 2022 Meeting Minutes

Commissioner Stewart made a motion to adopt the March 9, 2023 minutes as presented and Commissioner Harris seconded the motion. The motion unanimously passed (5-0).

Chair Ferguson explained the rules of procedure and time limitations.

Chair Ferguson announced Item number 202200615, Dallas Bessemer City Highway, has been tabled and will not be heard tonight.

Item 2: Public Hearing (Continued from March 9th) – 1818 W. Fifth Avenue (File #202300024) - ~~WITHDRAWN~~

Subject hearing involves a request to rezone approximately 0.34 acres from RS-8 (Single-family Residential) to RS-8 CD (Single-family Residential – Conditional District) for changes to an existing structure, and development of one new infill single-family house. The subject property is located at 1818 W. Fifth Avenue, adjacent to Sherman Street. The property is owned by Statement Homes, LLC.

Chair Ferguson stated that file number 202300024, that was continued from the March 9 Gastonia Planning Commission meeting has been withdrawn, therefore, there will be no public hearing for this item.

Item 3: Public Hearing – Shannon Bradley Road (File #202200544)

Subject hearing involves a rezoning request for approximately 0.97 acres, and partial annexation (0.06 acres) from I-2 (General Industrial) to C-3 (General Business). The subject property is located south of Bessemer City Road on Shannon Bradley Road and is owned by Norris D. Lamb Jr.

*The Gastonia City Council will be holding a Public Hearing on the rezoning and annexation of 0.06 acres at the **April 18, 2023** City Council meeting.*

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director for the purpose of staff presentation. Mr. Thompson stated the request is from I-2 to C-3 and that the subject property is located in an area of transition. The zoning map was presented and Mr. Thompson noted there is currently both industrial uses and C-3 zoning in the surrounding area. He stated staff is supportive of the request and he will be happy to answer any questions.

Chair Ferguson asked the Commissioners if there were any questions for staff. With there being no further questions, Chair Ferguson recognized recognized Ty Toney, 1425 Merrimont Ave, Kings Mountain, NC. Mr. Toney stated that he now owns the property but the tax records still reflect Mr. Lambs name. He stated the request is from I-2 to C-3 and includes an annexation request. Chair Ferguson asked the Commissioners if they have any questions for Mr. Toney. With there being no further questions, Chair Ferguson asked the board for a motion.

Commissioner Stewart made a motion to close the public hearing and recommend approval of the item as presented with the statement of consistency and reasonableness. Commissioner Wilson seconded the motion of recommendation for approval. The motion was approved (5-0).

Item 4: Public Hearing – Lofts at Court Drive (File #202300050)

Subject hearing involves a request to rezone approximately 12.64 acres from RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to RMF CD (Residential Multi-family – Conditional District). The subject property is located on Court Drive, between Smyre Drive and Log Cabin Drive and is owned by Jerry and Alice Woods.

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Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director for the purpose of staff presentation.

Mr. Thompson stated the request was for 200 dwelling units in a multi-family development. Mr. Thompson noted, that the property was previously zoned for multi-family years ago and at some point got rezoned back to a single family district. Mr. Thompson stated there is precedent here for multi-family zoning and project approval. He presented the zoning conditions, stating they are similar in nature to conditions the Commission has seen for other multi-family projects. Mr. Thompson noted the applicant, Wynnefield Properties, has had two previous multi-family rezonings approved within the past several months and that the proposed project is consistent with adopted plans. Mr. Thompson noted the 2025 Future Land Use Map and the Smyre Mill Village plan, that both recognized the appropriateness and need for higher density residential in this vicinity. He stated staff is recommending approval of the request and he is happy to answer any questions.

Chair Ferguson asked the Commissioners if there were any questions for Mr. Thompson. Commissioner Wilson asked Chair Ferguson if there was anyone signed up to speak against this item. Chair Ferguson responded "Yes, several". Discussion ensued over who signed up to speak for or against the request.

Chair Ferguson recognized Davis Ray, 5614 Riverdale Dr., Jamestown, North Carolina. Mr. Ray stated he is here on behalf of Wynnefield Properties, which is a North Carolina apartment developer. Mr. Ray noted the number of properties under Wynnefield's management and current projects. He stated they have worked with the City of Gastonia and have also held a public meeting for this project. Mr. Ray referenced the site plan and explained the development consists of a mix of one, two, and three bedroom apartments spread throughout seven buildings. He noted the list of neighborhood and/or lifestyle amenities and specifics of the proposal. Mr. Ray stated the site is within close proximity to a lot of different life amenities/services, such as retail, restaurants, banks, health care, and future jobs with Gatewat 85 which is a reason why they chose this particular site. He stated that at the neighborhood meeting, one of the attendees brought up traffic concerns, Mr. Ray reiterated that traffic would have to be addressed through an approval process from multiple governing agencies. Mr. Ray stated he is available to answer any questions.

Chair Ferguson asked the board if they have any questions for the applicant. With there being no further questions, Chair Ferguson recognized Dan Keeps, 850 Log Cabin Dr., Gastonia, NC. Mr. Keeps noted his biggest concern is the applicant has two different entrances, one off Court Dr., and one off Log Cabin Dr. Mr. Keeps expressed concern with the entrance on Log Cabin Dr., stating it is a dead end. He asked if the Commissioners have been informed that one of the exits out of the community is a one lane road under a railroad trestle. He stated the addition of new vehicles traveling in and out of that exit, would pose a problem. Mr. Keeps asked if Wynnefield Properties has done a crime analysis with their similar projects in other cities. Mr. Keeps asked for further information on the type of housing being proposed.

With there being no further questions from Mr. Keeps, Chair Ferguson recognized Lester and Virginia Hovis, 2999 Millstone Dr., Gastonia, NC. Mrs. Hovis noted her and her husband have lived in the neighborhood for five years and they like the area but have a few questions about the project. Mrs. Hovis stated she would like an explanation on what a Conditional District is. She expressed concern with the apartments being three stories and the proposed density. Mrs. Hovis stated with three stories, the apartments would be looking down on their property and into their backyards. She stated her concerns with crime and traffic due to poor street quality and people driving over the speed limits. She expressed that she believes these issues will get worse. Mrs. Hovis asked how the utilities department is going to handle the extra needs and if that is going to be a strain.

Mr. Hovis pointed out his property in reference to the proposed development. He stated one of his main concerns is the entrance on Court Drive adjacent to his property. He asked if the City of Gastonia is going to re-open the land strip beside his house, that was previously a closed ROW. Mr. Hovis expressed that this entrance location, if opened, would ruin his life. Mr. Hovis noted that Smyre Village is an old community with little to no renovations, including narrow roads with no sidewalks or drainage. He shared his concern with the proposed density and the increase in vehicles on Court Dr., Log Cabin Dr. and Aberdeen, stating if there was an emergency, it would be dangerous to get out with limited exits and entrances. He stated the possibility of extending Aberdeen to provide relief. Lastly, Mr. Hovis shared concerns of crime and the quality of life for current residents.

Commissioner Wilson asked Mr. Hovis if Log Cabin Dr. is currently a dead end on one side and an ingress/egress on the other. Mr. Hovis responded "Yes", there is a dead end on one side of Log Cabin Dr.

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With there being no further questions for Mr. Hovis, Chair Ferguson recognized Jim Warner, at 772 Log Cabin Dr, Gastonia, NC. Mr. Warner stated Mr. Keeps and Mr. Hovis have touched the concerns he wanted to speak about. Mr. Warner reiterated the concerns of traffic, with only two means of ingress/egress, no sidewalks, and Court Dr. being too narrow for two vehicles. He noted existing traffic in the area on NC-7, Court Dr. and Smyre Dr. is tight and will only get worse with 200 plus more individuals. Additionally, Mr. Warners added that the existing entrance under the railroad trestle is dangerous. Mr. Warners expressed his concerns over water pressure in the area and asked if that would get worse with increased population in the area. He added that there has been new single family development on Log Cabin Dr. and there are a lot of new families and children in the neighborhood. He noted he is worried that the addition of the apartments will alter the current make up of the community.

With there being no questions, Chair Ferguson recognized Elton Walker, at 712 Smyre Dr., Gastonia, NC. Mr. Walker stated his concerns with the increase of traffic from this proposed development and others that have occurred in the area. He expressed concern that the new development will be used as a cut through for commercial vehicles from the industrial complex, adjacent to the neighborhood. He stated that although the City put a sign up on Symre Dr. to resolve the issue, commercial vehicles do it anyway.

With there being no questions, Chair Ferguson recognized Karen Walker, at 712 Symre Dr., Gastonia, NC. Ms. Walker noted she has lived in the area for 20 years. She stated she has grandchildren that live in the area, and with no sidewalks it is not safe to walk. Ms. Walker expressed concern with area being a cut through during busy commuting times for people trying to get to I-85. She also expressed concern with the additional vehicles that will be added. Ms. Walker expressed her concern with crime possibly increasing and homelessness problems. Lastly, she shared concerns with parked cars in the road and speeding.

Chair Ferguson stated there are a list of concerns for staff and that the applicant is available for rebuttal, should they choose. Commissioner Harris asked Staff if a TIA was done prior to the meeting, or if there is any type of engineering traffic concerns in the area. Tucker Johnson, the Assistant City Engineer responded this project meets the threshold and will require a TIA, but staff hasn't required one yet at this point. He stated there was a time when the City required TIA's prior to rezonings, but now they are independent of Planning Commission approval. Mr. Johnson stated if this passes, a TIA will be required.

Chair Ferguson asked Mr. Johnson if he could break down what TIA stands for. Mr. Johnson stated TIA stands for Traffic Impact Analysis and that it will study the number of new trips coming and going from the apartment complex. He stated the TIA will model the road network and provide a list of improvements that the developer will have to make to accommodate the additional trips. Mr. Johnson presented the site on Google Maps to display the current road network. He noted the connection to Aberdeen and explained that truck traffic should not come through the neighborhood because it would be very difficult due to tight turns. Mr. Johnson noted the railroad trustle off NC-7 and the turn on Court Dr. would prevent truck traffic. Mr. Johnson stated that Aberdeen is going to eventually connect through to Lowell and provide direct access to the interstate. Mr. Johnson stated that it appears there are three means of egress but that they are substandard roads with no sidewalk or full width. He stated the Fire Marshall has looked at these developments off substandard roads and classified them as grandfathered in, meaning they don't require widening of the street to current codes. He noted that the TIA may find deficiencies in the neighborhood street network, and provide improvements. Lastly, Mr. Johnson addressed the question on water/sewer capacity, stating as far as service, it looks like there is adequate flow but it depends on elevation. He continued explaining the higher in elevation, the water pressure decreases. He stated he has not done a complete review on water and sewer but from his experience, the elevation explains the decreased water pressure but that there is adequate service.

Commissioner Wilson asked Mr. Johnson to zoom in on the map presented and point out the ingress/egress locations and the dead end in question. Mr. Johnson explained that currently, the area on the site plan shown as Court Dr. is not entirely correct. He continued to explain that right of way may be dedicated and extended for Court Dr. in the future, but as of now, it is not a road. Discussion ensued over the ingress/egress and the dead end on Log Cabin Dr. Lastly, Mr. Johnson noted that fire code requires two egress points into the site which is why there is one on Court Dr. and Log Cabin Dr.

Commissioner Armstrong asked Mr. Johnson if there were any plans for Log Cabin Dr. to get extended. Mr. Johnson responded "No", there's no plans and the only way it would get extended is if the TIA were to require it. Commissioner Wilson asked Mr. Johnson if the project to be built, where does he think majority of the ingress and egress would occur. Mr. Johnson responded he was not sure, but that the traffic engineers who do the TIA study would figure that out. He stated that in his opinion, the

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majority of the trips would go out of Court Dr. because it is a signalized intersection and gives direct access to I-85.

Commissioner Ferguson asked Mr. Thompson to explain what a conditional district means. Mr. Thompson replied explaining the differences between a general and a conditional zoning request. He stated the biggest difference, is a general rezoning allows for all uses in a requested zoning district while a conditional rezoning, specifically allows for one, or limits uses. He also explained a conditional rezoning requires written conditions, a site plan, and renderings, which makes the site in question tied to the conditional zoning approval.

Chair Ferguson noted that in terms of crime analysis and speed limit concerns, that would be an issue for the Police Department. Commissioner Armstrong asked Mr. Thompson to address the concerns about the apartment building height and asked if any buffering will be required. Mr. Thompson stated every zoning district has a maximum height restriction that cannot be exceeded. He noted the max height is measured at the top of last habitable space and not to the peak of the roof. Mr. Thompson stated the buffering is shown in the site plan and includes the required Type C buffer. He also explained various ways the buffer requirement can be met.

Commissioner Harris asked the applicant if the size of the retention pond shown in the site plan is required. Mr. Ray responded the site plan is illustrative to show the location of the pond, but it is speculative at this point. He noted Wynnefield uses various different pond types which would be reviewed in later construction documents. Commissioner Harris asked Mr. Ray if he went with a two-story concept instead of three, if the project would be financial feasibility. Mr. Ray responded that at this time, it would not. He stated further that the architect on the project could look into possibly having two-stories for the buildings adjacent to residential. Chair Ferguson noted a two-story building would still require a change in land use.

Mr. Ray stated his company will work with city staff to address any issues, including the traffic concerns and the tight neighborhood streets. Mr. Ray stated Wynnefield has their own property management company and they will work closely with the Police Department in the area. In reference to the buffer, Mr. Ray noted this site has some mature vegetation currently which will be left undisturbed as much as possible. Mr. Ray identified areas on the plan where there would be replanting. He stated they try to avoid fencing, because it's not a natural component and instead would prefer adding additional landscaping and buffering.

Commissioner Harris asked Mr. Ray if his company has on site property management. Mr. Ray responded that the property will have full time management, but they do not live on site. With there being no further questions, Chair Ferguson asked what are the wishes of the board. Discussion ensued over the options of the public hearing.

Commissioner Wilson moved to close the public hearing. Commissioner Stewart seconded the motion. The motion to close the public hearing was approved (5-0). Commissioner Armstrong expressed his concerns with the location, road systems and the proposed density. Chair Ferguson asked Commissioner Armstrong if the requested zoning district of RMF was a concern. Commissioner Armstrong replied "Yes", stating his main concern was the number of units and the density proposed.

Commissioner Wilson motioned to approve the project as presented with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion. With there being no further discussion, Chair Ferguson takes the vote. The motion to approve was passed (4-1).

Chair Ferguson noted that if the Planning Commission decision is appealed, this item would then be heard by City Council on Tuesday May 16, 2023.

Item 5: Public Hearing – Villages at Lynnhaven (File #202300051)

Subject hearing involves a request to amend the conditional zoning district (File 202200570) for approximately 22.28 acres zoned RMF CD (Residential Multi-family – Conditional District). The subject property is located north of W. Hudson Boulevard, adjacent to Clyde Street. The property is owned by Usmani Holdings, LLC., and Jon and Peyton Apel.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. Mr. Thompson noted this is another request for residential multi-family conditional zoning from the same applicant as the previous hearing. Mr. Thompson noted that the tax parcel in question is split north and south of W. Hudson Blvd. He explained that the southern portion was previously approved and that the current request is to expand onto the northern portion of the site. Mr. Thompson stated the applicant has previously gotten conditional zoning approval for RMF for the site to the west and that this is a continuation of a larger scale project. Mr. Thompson presented the

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proposed elevations and stated 8.1.10 in the code has design standards for multifamily. Mr. Thompson stated the 2025 Comprehensive Plan indicates office and commercial uses for this area, but staff feels multi-family zoning is compatible given the RMF projects adjacent. He states staff recommends approval.

With there being no questions, Chair Ferguson recognized Davis Ray, 5614 Riverdale Dr., Jamestown, NC. Mr. Ray stated Wynnefield was able to attain additional land and add 72 more units. Mr. Ray stated this request is similar to the previous item and discussed some possible amenities.

Commissioner Wilson asked Mr. Ray what the distance was from Clyde St. to the ingress/egress point. Mr. Ray responded it would be about 250 to 300 feet but that it is a right in/right out drive. Mr. Ray noted that access off Clyde St. was not proposed due to topography and existing wetlands. Commissioner Harris asked Mr. Ray if the elevations of the buildings are the same as the previous application. Mr. Ray responded "Yes".

Chair Ferguson asked for the wishes of the board. Commissioner Stewart made a motion to approve the project as presented with the statement of consistency and reasonableness. Commissioners Wilson and Harris seconded the motion. The motion to approve was unanimously approved (5-0).

Item 6: Public Hearing – 211 E. Eighth Avenue (File #202300062)

Subject hearing involves a request to rezone approximately 0.26 acres from C-2 (Highway Business) to C-1 (Neighborhood Business). The subject property is located at 211 E. Eighth Avenue, east of S. Oakland Street and is owned by Helmsman Homes, LLC.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation.

Mr. Thompson stated this rezoning request is from C-2 to C-1 which is the neighborhood commercial district. Mr. Thompson explained that this request is a down zoning, meaning it would be a more restrictive zoning district than what is currently there. Mr. Thompson stated the applicant is Helmsman Homes and the request would most likely be for the development of one single-family home. He explained that single family dwellings are not permitted in the C-2 zoning district but that the Commissioners have to consider all C-1 uses. He noted the Comprehensive Plan indicates commercial for the subject property and that staff is recommending approval.

Chair Ferguson recognized Christine Newsome, 110 Stanton Lane Mooresville, North Carolina. Ms. Newsome stated the intent is to build a single family residence. She noted there are existing single family residences on both sides of the property.

Chair Ferguson asked for the wishes of the board. Commissioner Armstrong made a motion to approve the project as presented with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion was approved unanimously (5-0).

Item 7: Public Hearing – 1410 S. Marietta Street (File #202300063)

Subject hearing involves a request to rezone approximately 0.11 acres from C-3 (General Business) to C-1 (Neighborhood Business). The subject property is located at 1410 S. Marietta Street, between E. Ruby Avenue and Davenport street and is owned by Helmsman Homes, LLC.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation.

Mr. Thompson stated this hearing is very similar to the previous public hearing, and includes the same applicant. He stated the request is to rezone from C-3 to C-1, neighborhood commercial. Mr. Thompson noted the Comprehensive Plan indicates residential uses for the subject property and staff is recommending approval.

Chair Ferguson recognized Christine Newsome, at 110 Stanton Lane, Mooresville, North Carolina. Ms. Newsome stated this hearing is the same as the previous, with the purpose of building a single family home.

Commissioner Harris asked Ms. Newsome what type of dwelling units Helmsman Homes develops and if they are affordable. Ms. Newsome responded that Helmsman develops spec homes for resale. She stated they are single-family dwellings either for sale or for rent, but they are entry level homes. Commissioner Stewart asked Ms. Newsome for other locations where Helmsman Homes has built in

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Gastonia. Ms. Newsome responded they have one on S. South Street in the Historic District and two duplexes on Lewis Street. Ms. Newsome stated Helmsman Homes has also built in Gaston County.

Chair Ferguson asked for the wishes of the board. Commissioner Harris made a motion to approve the project as presented with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion. The motion was unanimously approved (5-0).

Chair Ferguson requested a 8 minute recess.

Item 8: Public Hearing – Unified Development Ordinance Amendments (File #202300103)

Subject hearing involves a request to amend *Section 7.1-1 Table of Uses, Section 7.3-1 Bulk and Use Chart, Section 7.6.5 Urban Standards Overlay District USO, Section 8.1.4 Urban Multi-Family and Mixed-Use Residential, and Section 8.1.5 Dwelling, Two Family* to the Unified Development Ordinance to 1) revise the permitted uses and dimensional requirements for all applicable residential uses previously amended by the Revised Residential Development District (*Sections 8.1.11 and 8.1.17*), 2) exempt temporary mobile classrooms on school properties from architectural requirements, and 3) add Urban Multi-Family and Mixed-Use Residential standards

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation.

Mr. Thompson stated the ordinance amendment includes three different requests. He stated the first includes proposing a new set of development standards for urban multi-family projects and mixed use projects, specifically targeting urban multi-family buildings and urban mixed use buildings. Mr. Thompson displayed the Urban Core map and explained the geographic area that the new development standards would apply to. He explained that the Urban Core map is made up of existing zoning districts and boundaries, including areas such as the Historic District overlay and the Gateway District overlay. Mr. Thompson stated the second request is in regards to the Revised Residential Development District (RRDD). He stated that the amendment would allow for RRDD to be used to provide flexibility in some areas in the City that target mid-level density. For the last request of the amendment Mr. Thompson stated staff has been working with Gaston County Schools to give them some flexibility with nonresidential building design standards and materials standards. He stated it's not uncommon for schools, particularly if they're going through an expansion or construction project to use these portable mobile classrooms. Mr. Thompson stated this would exempt those buildings from design standards and materials standards, so long as they're temporary. He noted temporary, in this case, is two years or less for modular classroom.

Commissioner Harris asked Mr. Thompson what would happen to these buildings after the two years. Mr. Thompson replied, that they would then become permanent structures and have to be fixed or removed.

With there being no further discussion, Chair Ferguson asked for the wishes of the board. Commissioner Stewart made a motion for recommendation of approval with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion for recommendation of approval was unanimously passed (5-0).

Item 10: Other Business

Planning Director, Jason Thompson, stated that there were two approvals for annexation and assignment of zoning at the March 21, 2023 City Council meeting. He noted both were for industrial spec building projects, one was located on Apple Creek Parkway and the other was on Delta Drive. Chair Ferguson stated no representative is needed at the April 18th City Council meeting.

Item 11: Adjournment

There being no further business, Commissioner Stewart made a motion to adjourn the meeting and Commissioner Wilson seconded the motion. Hearing none in opposition, the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Jalen Nash, Planning Technician

Kristie Ferguson, Chairwoman

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