

**Gastonia Planning Commission**  
**August 9, 2018**

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Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:32 pm on Thursday, August 9, 2018, in the Council Chambers at City Hall.

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

Absent: Commissioners Rodney Armstrong and Mark Epstein

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

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

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

Commissioners stated there were no contacts.

**Item 1c: Oath of Office**

Ms. Chrystal Howard administered the Oath of Office to Commissioners Fleeman and Goode.

Chairperson Goode explained the rules of procedure and time limitations.

**Item 2: Public Hearing – Sal Salinas (File # 9048)**

Subject hearing involves a request to rezone approximately 2.11 acres from O-1 (Office District) to C-3 (General Commercial District). The subject property is located on the western side of Old Redbud Drive. The property is owned by Old Red Bud Landing LLC c/o Larry Lynn.

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

Ms. McMakin thanked the Commissioners for being present this evening. She began by stating that the subject property is a 2.11 acres site currently zoned O-1 (Office District). Staff was informed by Mr. Salinas that he wants to do some improvements on the McKinney-Salinas Honda Dealership site and are interested in utilizing the subject property for overflow inventory of vehicles. Ms. McMakin reminded the Commission this request is a general rezoning request instead of a conditional request and to keep in mind of all the uses that are permitted under the C-3 district. The site is vacant. Ms. McMakin displayed the rezoning map and provided a brief description of adjoining properties and zoning districts. The Future Land Use Map in the 2025 Comprehensive Plans indicates the subject property for office use, but after a comprehensive review, staff recommends approval of the request to the C-3 district as presented. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Lauren Salinas Layne, 4295 Wilkinson Boulevard of Gastonia, NC. Ms. Layne is representing the applicant Mr. Sal Salinas and she stated the property at 4295 Wilkinson Boulevard will undergo renovations. The request is to rezone the subject property for extra storage for inventory. This would allow them to continue to grow and invest in Gastonia and their business.

Brief discussion occurred between Chairperson Goode and Ms. Layne on the planning of renovations at 4295 Wilkinson Boulevard. Ms. Layne noted the additional storage will be needed once renovations begin.

Chairperson Goode addressed the public and offered an opportunity for anyone interested in speaking to sign up. No one from the public raised their hand or came forward to sign the sign-in sheet; therefore, Chairperson Goode continued with the public hearing.

Commissioner Cinq-Mars inquired about the need for storm water control. Ms. McMakin answered that even though the primary use of the property is for parking of vehicles, the applicant is required to go through the Technical Review Committee and explained the process. Brief discussion ensued on impervious surface. No further questions were asked by the Commissioners.

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

**Item 3: Public Hearing – City of Gastonia (File # 9049)**

Subject hearing involves a request to rezone approximately 22.87 acres from UMU (Urban Mixed Use District) and C-3 (General Commercial District) to CBD (Central Business District). The property is comprised of 22 parcels and is generally located north of W. Franklin Boulevard and south of the railroad. There are multiple property owners.

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

Mr. Thompson thanked the Commissioners and began briefing the Commission on the City's progress with the FUSE multipurpose stadium and event facility. Along with the progress, the hope is to spur redevelopment of this vicinity leading to this request to rezone property moving west from downtown from the current split zoning designation to the same zoning designation as downtown. Another component part of the discussion is item 4 – Amending the Unified Development Ordinance (UDO) (File #9065) to address changes adding uses into the CBD zoning district. The thoughts behind this ordinance amendment is to allow uses that would reasonably and logically compliment this type of facility. Mr. Thompson continued that 22 tax parcels are within this area and split between 9 property owners. Staff met with the affected property owners to discuss the impacts of these proposed changes on their properties. Mr. Thompson explained the public hearing notification procedures completed by staff. The CBD was explained as a unique zoning district because it is design driven and is flexible. He stated that this is setup this way because of the environment that is seen in this urban core. Buildings have a pedestrian orientation, multi-story buildings, minimal setbacks, a built environment that is focused on well designed, walkable mixed use types of development. This rezoning is about setting the stage, not only the construction of the stadium, but for everything around it to be able to redevelop in a fashion that will be complimentary to both downtown and to FUSE area.

Mr. Thompson referred to legal for advice on how to handle both agenda items; File # 9049 and File # 9065 and Attorney Graham explained options and the requirement to have two votes.

Mr. Thompson reminded the Commissioners of their authority to the rezoning and the text amendment.

Commissioner Fleeman provided a hypothetical situation of making UMU & C-3 all to C-3 instead of CBD and asked if it was possible because of handling these in reverse order. He continued that it is necessary to know what the uses and zoning regulations are in the CBD before making a rezoning decision on these parcels. Commissioner Fleeman explained the uses needed to be handled first. Mr. Thompson explained the changes from a text amendment perspective are the 11 uses being added.

Commissioners reviewed the proposed uses.

Chairperson inquired about the possibility of bringing in sponsors and Mr. Thompson stated with the desired type of development for this vicinity having it zoned to the district requested would be a benefit for development and redevelopment.

C-3 district was briefly explained as large scale commercial retail activity and Franklin Square was given as an example. The vision with the space available CBD designation allows for much denser development on these properties than what is currently permissible.

Commissioners noted 12 uses being added to chart.

Mr. Thompson referred to Commissioner Fleeman's hypothetical situation and stated that the Planning Commission has the ability to approve a less intense rezoning. Being a hypothetical situation, Mr. Thompson stated the C-3 district being the least restrictive and most intensive commercial zoning district that the Commission would not able to be approve. The Commission could approve as an example an O-1 district.

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Commissioner Cinq-mars requested clarification on Section 12.9. Mr. Thompson stated the ordinance does not have flexibility for signage related to stadiums and multi-purpose event facilities that are very large, big expanses of walls, larger than any other type of building or structure. Signage is being considered in the stadium package with an interest to have the ability to do large impactful signage making the facility stand out. As the restrictions and standards are presently in the CBD, it does not allow it. This will give the Design Review Committee the flexibility.

Commissioner Fleeman referred the Commissioners to vote on amending the UDO prior to voting on the rezoning.

Discussion ensued on the uses allowed, such as brew-pub, batting cages, virtual golf range, miniature, golf driving ranges, restaurants, Dave & Busters and Top Golf.

Discussion ensued on the linguistics of the recommendation to City Council.

Chairperson Goode commented that no one is signed up to speak on these items or any remaining items.

The baseball hitting cages were discussed amongst Commissioners.

Brief discussion ensued on uses, such as broadly market, technology, market volatility, change rapidly occurring, and the future stadium.

Mr. Thompson reiterated that the two agenda items are the map amendment and the text amendment and these are two separate votes.

Commissioners moved to item 4 to vote upon a recommendation prior to voting on this rezoning item.

After making a motion of recommendation for item 4, Commissioner Cinq-Mars made a motion to approve the rezoning request as presented and Commissioner Stewart seconded the motion. The motion was unanimously approved 6-0.

**Item 4: Public Hearing – Amending the Unified Development Ordinance (File # 9065)**

Subject hearing involves a request to amend Table 7.1-1 Table of Uses and Section 12.10 Central Business District Sign Specifications of the Unified Development Ordinance to permit additional uses and add sign flexibility in the CBD (Central Business District).

This item was opened and discussed along with the previous agenda item, File # 9049.

Commissioner Cinq-Mars made a motion of recommendation to approve the uses as presented adding Baseball Hitting Ranges and Commissioner Fleeman seconded the motion. The motion was unanimously approved 6-0.

Commissioners moved to item 3 to vote on the rezoning request.

**Item 5: Public Hearing – Amending the Unified Development Ordinance (File # 9066)**

Subject hearing involves a request to amend 7.6.2.C Certificate of Appropriateness Required to clarify the approval process for a certificate of appropriateness when work has been done in violation of the Unified Development Ordinance (UDO).

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

Mr. Thompson stated this ordinance amendment was a result of conversations and a suggestion from a current City Council member. This amendment is specific to the two regulatory Historic Districts, York-Chester and Brookwood. When someone seeks to do work to a property or building, the UDO process is to seek a Certificate of Appropriateness. Mr. Thompson explained basically 4 levels of approval; verify with staff no approval is needed for regular maintenance, staff level, minor work level, and major work level. Situations have occurred when someone has done work without the necessary approval creating concerns. When staff is made aware of the

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situation, staff's responsibility under the ordinance to enforce the ordinance. When work is done without receiving a Certificate of Appropriateness, an appropriate method to deal with the violation is to have the individual be required to go to the Historic District Commission regardless of what would have been their approval level. This amendment is about making this change in the ordinance. If work was done without a Certificate of Appropriateness that constitutes a violation in the Historic District, the remedy is to file an application to the Historic District Commission. This idea was presented at a Historic District Commission meeting and the Commissioners were in support of this change.

Commissioner Fleeman made a motion of recommendation to approve the request as presented and Commissioner Cinq-Mars seconded the motion. The motion was unanimously approved 6-0.

**Item 6: Public Hearing – Amending the Unified Development Ordinance (File # 9067)**

Subject hearing involves a request to amend Section 12.5.10 Planned Development Sign Plan Flexibility Option of the Unified Development Ordinance to modify the minimum square footage requirements and further clarify the flexibility option.

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

Mr. Thompson stated multiple conversations occurred with individuals interested in taking advantage of this flexibility option that already exists in the ordinance. The underlying zoning district has its own sign square footage regulations maximums. This provision states that if a person is willing to submit a master sign package and commit to coordinating signage throughout a development, this will allow flexibility on maximum square footage. Currently developments 200,000 square feet and over are eligible. Coordinated signage in exchange for additional square footage is a positive enhancement for both development and the overall community. The amendment is aimed at bringing the square footage threshold down; therefore, making more developments eligible for this option.

Commissioner Cinq-Mars made a motion of recommendation to approve the request as presented and Commissioner Ferguson seconded the motion. The motion was unanimously approved 6-0.

Commissioner Cinq-Mars stated the text amendments in the agenda have the date August 21, 2018. Mr. Thompson addressed the Commission that staff was made aware today that a decision was made to move the City Council meeting date from August 21<sup>st</sup> to August 23<sup>rd</sup>. Staff met the requirement to place a new legal ad in the newspaper advertising the new meeting date. The amendment forms will also need to be updated.

**Item 7: Major Subdivision Preliminary Plat – Ronnie McAlister – Northampton Phase 3 Lot 18-D (File # 9033)**

Request involves a Major Subdivision Preliminary Plat for three (3) lots located off of Maria Lynn Court.

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

Mr. Lineberger stated that Mr. McAlister submitted a preliminary subdivision plat to subdivide an undeveloped parcel in the Northampton subdivision into 3 single-family lots. Parcel is located on Maria Lynn Court just east of Gaston Day School Road and north of Kendrick Road. The property is located within the City of Gastonia and currently zoned RS-12. Public water and sewer current exist on Maria Lynn Court and will serve the property. A section along Maria Lynn Court along the proposed development currently lacks sidewalk, but has curb and gutter and paved road. Normally the developer will be required to install the improvements; however, due to the lack of existing sidewalk in the rest of the developed subdivision, installation of a new sidewalk on these three lots would be impractical. The City is requesting money in lieu of the required improvements. Since the plat is in conformance with the Unified Development Ordinance (UDO), staff recommends approval.

Commissioner Cinq-Mars inquired about condition number 19. Site grading shall not occur prior to the submission of an approved soil erosion and sedimentation control plan and the approval of engineering construction plans. Commissioner Cinq-Mars stated that one of the lots was leveled

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and trees removed and asked if this is allowed prior to approval. Mr. Lineberger stated that grading can occur as long as they have approval from the county for their erosion control permit if required.

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

**Item 8: Other Business**

Brief discussion ensued on representatives for the Thursday, August 23<sup>rd</sup> City Council meeting. Mr. Thompson reminded the Commission that the text amendment items will be presented at this meeting. If the rezoning items are appealed, these items will be presented at the second City Council meeting in September.

The next meeting is scheduled on Thursday, September 6<sup>th</sup> and a Special Workshop Meeting is scheduled on Tuesday, September 25<sup>th</sup>.

There being no further business, Commissioner Goode adjourned the meeting at 6:39 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Pam Goode, Chairperson