

**Gastonia Planning Commission**  
**October 4, 2018**

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Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:28 pm on Thursday, October 4, 2018, in the Council Chambers at City Hall.

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

Absent: Commissioners Kristie Ferguson and Rodney Armstrong

Staff Members Present: Charles Graham, Assistant City Attorney; Jason Thompson, AICP, Planning Director; Jana McMakin, AICP, Senior Planner; Chrystal Howard, Secretary; Keith Lineberger, Land Development Project Manager; Tucker Johnson, PE, Assistant City Engineer; 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 2: Draft Residential Development Standards Amendments to Gastonia UDO**

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

Mr. Thompson thanked the Commissioners for being present this evening. He stated the draft in the agenda is the first draft and it will be presented by Mr. Demetri Baches. This draft is not in any particular format that would be added to the Unified Development Ordinance (UDO).

Clarification occurred on the meeting formality, such as an open public hearing or work session.

Mr. Baches began by briefly explaining why he was unable to attend the last scheduled workshop. Mr. Baches asked the Commissioners to think of the code as a collection of material scattered throughout an ordinance that addresses single family residential and assembled into a standalone document that addresses most issues. Once the group agrees upon the changes, the next step is determine what to do with it such as reinsert, create a separate document referring to the ordinance, or make its own zoning classification. Mr. Baches explained how single family residential became the focus for improvement. The single family residential can be broken into three or four categories, SFR-1, SFR-2, SFR-3 and SFR-4. For single family detached districts, Mr. Baches explained the districts residential density limit, excluding accessory dwellings and general requirements in the agenda.

Commissioner Epstein mentioned tiny homes and Mr. Baches replied that it requires a deeper discussion than the Planning Commission involving Building Services Department, Public Works, Finance, and other city departments. Zoning ordinances when rewritten are a big deal. Working with just houses, how rear lanes and alleys fit, how wide lots can be when transitioning to an alley or rear lane are discussed in the ordinance. The three classifications have minimum lot widths, so the rear lane discussion is included just in case of moving forward with this route and add another level of density. Mr. Baches continued that uses allowed in the categories are a standard list.

Commissioner Cinq-Mars commented that SFR-1, 1.5 unit/acre is 29,000 square feet and the lot size table is 10,000 – 20,000 square feet and Mr. Baches replied that these were gross not net. Clarification on gross and net residential density tables displayed. Mr. Johnson explained that gross is the lot of land. Mr. Bost gave an example of 4 units per acre was inclusive of open space and public right-of-way and the next table in the agenda was specific to individual lots.

Commissioner Epstein asked why SFR-4 was not included in the table and Mr. Baches replied that the city does not currently have much of it, and to include it, involves a scope of work.

Brief discussion ensued on communities that have mix of single family house, small apartments, duplexes, and triplexes. Mr. Baches continued by explaining design requirements as presented in the agenda. He commented on the underlined blank areas are an anticipation of areas plugging into what the city already has in the ordinance or that other sections may need to be modified. He briefly talked about streets, alleys and blocks. He mentioned how cul-de-sacs were considered

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premium real estate, allowed, and resolved connectivity and topography. The problem with cul-de-sacs is that it costs the city a lot of money to have their entire community develop cul-de-sac communities. Looping infrastructure is much better than dead end construction and transportation is important. Reduce using cul-de-sacs as a marketing gimmick.

Commissioner Epstein commented that language is pulled from an existing ordinance and collated in this draft and Mr. Baches stated some was pulled. Clarification occurred on the recommendation for new language. Mr. Baches reminded the Commission that this draft is the existing ordinance, other ordinances, and modified based on what he has seen and discussions in Gastonia. This is the first take of the new version.

Commissioner Epstein inquired about “close” or “eyebrow” cul-de-sacs. Mr. Baches stated it was a much less asphalt intensive cul-de-sac. A “close” is a long rectangular cul-de-sac with a green space instead of a big giant lollipop. An “eyebrow” tapers off like a hammer head.

Commissioner Cinq-Mars inquired about the 250 feet in length and Mr. Baches answered it becomes a long road that dead ends, cost infrastructure issue, circulation, pedestrian, and maintenance connections.

Brief discussion ensued on fire hydrant spacing and fire truck access. Mr. Baches continued his presentation explaining lots less than 50 feet in width and rear alley access. Mr. Thompson stated they are hearing a lot of problems from an operation perspective and this is getting to a point where we have residential development rules and regulations. Commission Stewart commented that fire trucks are used as first responders and not only fires.

Commissioner Fleeman asked what will be done about separate pieces of property under separate ownership and terminating a street connection on a temporary basis. He asked how it would be enforced on the next person on the next piece of property to design back to the existing. Mr. Thompson answered that this is already done for nonresidential development and gave an example. Ms. McMakin commented she has heard and seen in subdivisions where it will connect a sign that will state this is intended to connect. Brief discussion ensued on cul-de-sacs, plans on street connections and design of streets and curbs.

Mr. Baches continued with his presentation explaining design requirements as presented in the agenda. He mentioned a note he had on width of lot and whether it is serviced or not from the back/rear. He stated this was the shadow residential zone, 50 ft. or less, the higher density not currently listed as a single family residential. Allowing the density wanted and maintaining character of value when driving down the street eliminating the driveways and allows continuous lawns. Mr. Baches commented on garages used as storage, and garage fronts with a small door.

Commissioner Cinq-Mars inquired about the use of crawl-space construction techniques in detached residential structures and professional landscape design required to meet this characteristic of site development. Mr. Baches explained crawlspace, slab on grade and the value component of both allowing the betterment of the community overall. Brief discussion ensued on the comfort of a house built on top of a crawlspace and a slab. Commissioner Stewart explained some possible building code issues. Commissioner Cinq-Mars mentioned basements to consider. Mr. Baches reminded the Commissioners this is regarding new homes going into green filled sites.

Ms. McMakin inquired how other communities in North Carolina, due to the state statute that has taken local government ability away for certain standards, dealt with the lobbying that restricts from placing architectural requirements on houses. It’s important on considering when and how the term “shall” or “should” is used. Mr. Baches said they are making everything conditional use and this was a path discouraged.

Mr. Baches commented that visibility and aggressiveness of the garage was what destroys a neighborhood. Recent housings are a house attached to a garage, and the privacy of the garage and its location is everything. Mr. Baches replied moving the garage further back to provide emergency vehicles enough space to get on the property seems to be a full proof method dictating the floor plan of the house. From a legislative point of view, the authority granted to municipalities by the state and federal government is the health, safety, and welfare, and zoning regulations are provided to ensure these concerns.

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Commissioner Fleeman mentioned boomers aging and accessibility issues need addressed. A concern of his was rising a house 4 feet bring about two ramps with a 5 by 5 landing resulting in a dominant feature of the front porch. He stated to be careful with using the term “shall” such as with a crawlspace. Mr. Baches commented instead of talking about crawlspace, the house must be raised in accessibility to it and must be provided from side or rear. A single family home is not required to have handicap accessibility from a legal point of view, but from a market point of view it is critical.

Mr. Baches continued with his presentation on standard encroachment in setbacks and attached housing. Commissioner Stewart stated he was concerned about the steps and overhangs coming out into the encroachment as shown on slide 15. Brief discussion ensued on setback encroachment. Commissioner Stewart inquired about street trees and the interference with a house. Mr. Thompson stated this concern can be worked out with species selection, and developments are setup to work well with this configuration.

Commissioner Epstein read *Groups of attached house buildings that are not integrated into a pedestrian oriented mixed-use urban pattern shall not be permitted within Gastonia* and requested a visual of this type of attached housing that would be in a mixed use pattern. Mr. Baches mentioned high density residential neighborhoods have no relationship to anything around them. Commissioner Epstein inquired about little infill and having provisions for high quality infill development. Mr. Baches replied that this relates in infill zoning. Brief discussion ensued on the use of the word, shall.

Mr. Baches continued with off-street and on-street parking and impacting how homes are built with placement of the garage on low density lots, high density lots, and front or side entry parking on high density lots pushing the garage behind the front of the house. Commissioner Cinq-Mars stated there was no mention of basement. Mr. Baches stated the issue is the first floor elevation of the house above grade that needs raised and then continued with this presentation. Commissioner Epstein talked about conditional use permits possibly becoming problematic after ten or more years. He continued that the Planning Commission has taken a stand of trying to gravitate away from conditional use. Commissioner Epstein asked how the city will make a developer go conditional use. Mr. Thompson replied it is about the setup on how different land uses are permitted. This is part of the decision to make in this process. If certain standards are good then these may become by-right. In situations without authority or ability to apply enough standards, theses may become conditional. Mr. Thompson shared a couple of conversations he has had with developers. Commissioner Epstein commented that the hammer held over the head of developers to discourage and use general rezoning is the political side. Mr. Baches commented that most zonings are inadequate to secure good outcomes and briefly explained. Commissioner Epstein commented to include as much as legally allowable into the zoning ordinance and not withhold as a wish list for conditional use. Mr. Thompson commented that homebuilders would agree based on previous conversations. Mr. Baches stated making it standard zoning could fix this. It is a health, safety, emergency access issue and allows the city to control some building placement a bit.

Commissioner Cinq-Mars inquired about Robinwood Village and if the homes are attached or detached, because there was a parking issue. Mr. Thompson thought that these are Ryan Homes townhomes and he continued to expect to see more. Mr. Baches commented how Gastonia is in Charlotte’s next big wave. For the attached and draft, this would be the SF-4. Mr. Baches stated it sounded like SF-4 should be added into the draft being careful on how they address this issue.

Mr. Johnson inquired about home builders buying into this process for development or staying in the county and a continued trend of voluntary annexation. Mr. Baches replied that developers will build in both and what is being discussed at the low density level is better streets and more open space. The infill and pressure to do so will be much greater and impactful than the county version. Most developers want to be closer to jobs, employment, and retail. Mr. Baches continued that voluntary annexation will continue to happen and it will be built better with more incentive for people to come into town. This will also increase the amount of smaller builders in the builder eco system. Brief discussion ensued on redevelopment and annexation. Mr. Baches continued with his presentation on uses with additional standards section. He commented that number seven could be problematic. Commissioner Epstein asked about the language for development standards that is justified through safety and emergency vehicles. Mr. Baches stated this is where it is being pushed and determining how far to go, and currently there isn’t one. Mr. Thompson commented

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on the problem of navigating around legislation. Brief explanation occurred on accessory buildings already regulated in the ordinance. Commissioner Stewart inquired about defining standards and visual standards of the community to an owner. Mr. Thompson stated the goal in interpreting standards that deal with form is removing subjectivity and be very plain about what is seen.

Commissioner Cinq-Mars inquired about Home Occupations (A)(5) and parking a vehicle at the owner's residence that displays their company. Mr. Baches stated this is a decision for the board to make on whether or not to allow it to happen. He added this section because they become a problem at higher densities. Ms. McMakin stated some uses may already have regulations and revisions may be an option. Brief discussion ensued on parking in streets and code enforcement.

Mr. Baches continued with his presentation at streets and associated infrastructure standards. These are minimal items that would happen in a green filled site, such as an annexation into the city and large lot subdivision. Streets shall be interconnected, pedestrian scaled, bordered by sidewalks, have street trees, public streets, private street permitted, orientation of buildings face street, and street lighting depends on the type of street. Commissioner Epstein commented on minimum width of five feet on both sides of the street. He mentioned a previous item presented to the Commission regarding a developer that wanted a sidewalk on one side and have the ordinance changed for the entire city. Mr. Thompson followed up stating the development team informed him that they did not have a problem with sidewalk on both sides. Staff continues to work with the developer and they are developing that project with sidewalks on both sides. Mr. Baches commented that low density large lots may not need to have sidewalks. In regular subdivisions sidewalks are always needed. The only reason someone would not build a sidewalk is because they are poor developers and do not understand how to do the numbers right. There is no place that has overregulated itself to eliminate development. It becomes more development crazy and becomes too expensive to live there. No zoning regulations have ever stopped development from occurring. Commissioner Epstein thanked him.

Commissioner Stewart reminded the Commission not to forget about affordable housing. Mr. Baches stated to make sure the overall zoning ordinance focuses on affordability and how to maintain it. Some of this is policy.

Brief discussion ensued on the grammar of the unified development ordinance.

Mr. Johnson asked Mr. Baches where he would allow a private street because this has been problematic in the past. Mr. Baches stated that the city would allow it for unique circumstances such as when a developer is doing a project that has a density with a requirement of the infrastructure higher than what would be maintained by the city. Brief discussion ensued. Mr. Bost explained the unique situation with Heatherlock. A very high density project looking to do something extra ordinary might be a private street situation, or a very large luxury green field. Commissioner Cinq-Mars inquired about the back side of houses with an alley as a private street. Mr. Baches answered if the developer wants it private, then it is private.

Commissioner Fleeman read a portion from Design speeds on page 31, *Design speeds shall not exceed 30 miles per hour on any neighborhood, mixed-use and/or non-residential street. Petitioners for acceptance by the city for public maintenance shall include a request for designation of not more than 25 miles per hour.* He commented that a lot cannot be sold off a street that has not been accepted by the City of Gastonia and stated he was a little confused. He repeated watching the language and be very clear. Mr. Baches stated the last piece needs to clarify private versus public.

Mr. Baches continued with his presentation on street sections; yield movement, slow movement, and free movement. The decision would be based on the density of housing built around it. Commissioner Cinq-Mars asked about a boulevard with an island in the middle and Mr. Baches answered that this is possible for a large subdivision. Commissioner Epstein asked if he was suggesting a provision for each of these depending on the type of development and Mr. Baches agreed. Commissioner Epstein stated that the ordinance would require one versus the other depending on other criteria that is in the development. Commissioner Epstein asked if the data shared about the least to most safe types of streets will be part of the public presentation and Mr. Baches stated he would. Commissioner Epstein inquired about hybrid streets, elephant ears, for consideration and Mr. Baches answered that it should be considered and that these are expensive

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streets. Brief comparison occurred on existing streets within the city limits and the three types of streets. Mr. Baches commented that a typical subdivision street curb to curb averages over 40 feet. Mr. Johnson commented that a normal street in a subdivision is 28 feet back to back, (12 feet each direction with 2 feet roll curb on each side) and this was parking, lane, lane, and parking. The collection street is 33 feet back to back. Rolled and vertical curb was briefly explained and determined to have this stipulated in this ordinance. Commissioner Epstein restated what Mr. Johnson stated, as well as the types of streets being suggested. Mr. Thompson commented that a key component is making sure of correct width street and infrastructure with the appropriate lot sizes, widths, setbacks, vehicular access locations in alleys and back roads. He continued that the appropriate street cross section needs to correspond with the density of the development. Commissioner Fleeman stated he is at a loss with some of these street sections. Streetscape is typically around 38 feet on the charts. The front setback are from 40 feet to 15 feet. Mr. Baches replied that there is a rear lane in the back, wet in the front and dry in the back or vice-versa. He commented this would be a complete change of habits. Commissioner Fleeman stated they are legislating utilities in the back and Mr. Baches replied eventually and utility boxes are best placed as well. When developing at this density with rear lanes, utilities will be through the rear lanes. Commissioner Fleeman asked about the utility easement and if it was still in the front yard allowing encroachment into the setback. Mr. Thompson stated that it sounds as if there may be an inconsistency with the way the proposal is currently written. Commissioner Stewart inquired about an easement in between two back yards without a drive lane. Mr. Lineberger commented that this may involve taking out fencing and trees. Mr. Baches stated the double language will be removed. Brief discussion ensued on utilities in the rear.

Mr. Baches finished his presentation on open space categorized by size. Open space types include Squares, Parks, Forecourts, Plazas, Greenways, and Natural and Agricultural and briefly reviewed. Mr. Thompson commented that this is an upgrade from what is currently in the ordinance because it is for the most part vague about the requirements. He commented that he thinks staff and the development community will likely see this as an improvement because it is clear standards.

Commissioner Epstein inquired about the action plan. Mr. Thompson answered that he was making notes of every concern raised or anything that may be problematic. Mr. Thompson provided options to continue the discussion this evening and/or email any additional comments or concerns. Staff will compile everything and edit as necessary.

Commissioner Cinq-Mars stated he had a problem with how unusable land is assigned for credit as open space. Mr. Baches replied that this would not be the case anymore and Mr. Thompson replied that this was changed a long time ago.

Commissioner Epstein asked to resend the draft along with the off-street and on-street parking provided in blue and red and include some of the changes that Commissioners have a consensus on. Mr. Baches replied that he will wait a few weeks to allow everyone time to think about this some more.

Mr. Bost commented about receiving better actionable input in this process, so this will be broken up into three parts; people that build, people that own, people that live in the neighborhoods. Mr. Johnson is working with all the city departments. Homeowner associations are a good resource for the city for input on what they have to deal with on a daily basis within a neighborhood. Mr. Bost will meet with the Gaston County Home Builders Association who merged with Charlotte Mecklenburg Home Builders Association bringing local and multi-use feedback. He will also talk to local builders and developers in Gaston County. Staff is reaching out to the community.

Commissioner Epstein requested adding the fourth category in the revised draft and highlighting it with a different font color and labeling it as provisional.

Commissioner Fleeman suggested the idea of an amendment to the 2025 Comprehensive Plan. Mr. Thompson stated he will provide him with what is currently in the plan. He stated that this can be discussed further.

Commissioner Stewart requested a visual of lot sizes shown as described to scale with dimensions, as well as, easements for each classification. Mr. Bost reminded the Commissioners of the flexibility this draft will allow.

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**Item 3: Other Business**

There being no further business, Commissioner Goode adjourned the meeting at 7:42 p.m.

Respectfully submitted,

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Chrystal Howard, Secretary

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Pam Goode, Chairperson