

## **Gastonia Planning Commission October 5, 2023 Meeting Minutes**

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The Gastonia Planning Commission meeting opened at 5:31 p.m. on Thursday, October 5, 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, Megan Chapman, Chad Ghorley, Anthony Gallant, and Glenn Silverman

Absent: Commissioner Rodney Armstrong

Staff Members Present: Charles Graham, Jason Thompson, Quentin McPhatter, Maddy Gates, Jalen Nash, Rusty Bost, and Tucker Johnson

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

Chair Kristie Ferguson noted the absence of Commissioner Armstrong and declared a quorum for the meeting.

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

Commissioner Silverman had no contacts. Commissioner Harris had one contact. Commissioner Ghorley had one contact. Commissioner Gallant had two contacts. Commissioner Stewart had no contacts. Commissioner Chapman had two contacts. Chair Ferguson had one contact.

### **Item 1d: Approval of September 7, 2023 Meeting Minutes**

Commissioner Stewart made a motion to adopt the September 7<sup>th</sup> minutes as presented and Commissioner Silverman seconded the motion. The motion unanimously passed (7-0).

### **Item 2: Public Hearing – Edgewood Road (File #202300273)**

Subject hearing involves an annexation and assignment of zoning request for approximately 230.41 acres from Gaston County I-1 (Light Industrial) to City of Gastonia I-1 (Light Industrial). The subject property is located west of Edgewood Road, north of Kings Mountain Highway, and is owned by I-85 Highway 29/74 and Christa Overcash.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the October 17<sup>th</sup>, 2023 meeting.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. Mr. Thompson stated the application request is an annexation and assignment of zoning request. The zoning map was presented. Mr. Thompson stated the request is for one tax parcel that is located along Interstate 85 in the western part of Gastonia. He stated the subject property is currently zoned I-1 (light industrial) under Gaston County's jurisdiction and the request is for the same I-1 (Light Industrial) zoning in the City of Gastonia's jurisdiction. Mr. Thompson explained that typically the reason behind these annexation requests is for the need to access city utilities and services. He stated there is a representative of the applicant present to answer any questions. Mr. Thompson noted the area is indicated as primarily industrial in the 2025 Comprehensive Plan and that staff is recommending approval.

Chair Ferguson asked the board if there were any questions for staff. Commissioner Gallant asked Mr. Thompson if this was an annexation request, with no change in the zoning. Mr. Thompson stated there may be some subtle differences between the County's I-1 and the City's I-1 zoning districts, but for the most part, they are generally similar. He stated someone could develop the property for an industrial use right now.

With there being no further questions for Mr. Thompson, Chair Ferguson recognized the applicants, Keith McVean and Scott Bosco at 100 N. Tryon St., Charlotte, NC. Commissioner Chapman asked Mr. Bosco how he found Gaston County from Connecticut. Mr. Bosco responded that Indus is a real estate developer with projects in Charlotte and Concord, and they started in Gaston County about a year and a half ago. Commissioner Harris asked Mr. McVean what the plans are for the subject property. Mr. McVean responded the plans are to develop it with uses allowed in the I-1 industrial district. He mentioned that Scott's company is exploring warehouse distribution uses aimed at generating jobs.

Chair Ferguson asked if there was any more discussion. With there being no further discussion, Chair Ferguson asked for the wishes of the board. Commissioner Chapman made a motion to recommend approval of the request as presented with the statement of consistency and reasonableness. Commissioner Ghorley seconded the motion. With there being no discussion, the motion of recommendation for approval was unanimously passed 7-0.

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### **Item 3: Public Hearing – Robinson Road (File #202200613)**

Subject hearing involves an annexation and assignment of zoning request for approximately 122.047 acres from Gaston County R-1 (Single-family Limited Residential) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Road and is owned by Robinson Road Investments, LLC.

Chair Ferguson noted the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of Zoning request at the October 17<sup>th</sup>, 2023 meeting

Chair Ferguson recognized Jason Thompson, Planning Director, for staff presentation. The rezoning map was displayed. Mr. Thompson reiterated that the annexation and assignment of zoning request, if approved by the City Council, would be considered a satellite annexation, meaning it is not contiguous to the city boundary. He stated this has not been uncommon over the past few years, and staff has been receiving a lot of proposals similar to this one. The site plan was presented. Mr. Thompson stated the proposal is to allow up to 199 single-family dwellings on lots that are a minimum of 56 feet in width. He stated there are two access points into the development and noted that this particular site has a fair amount of topography and streams. Mr. Thompson shared the representative elevations and stated that the applicant is Mattamy Homes, who is present. He stated the 2025 Comprehensive Plan does indicate residential uses for this location. Mr. Thompson shared the conditions and stated that they are typical for this type of residential development. He stated staff is recommending approval of the request as presented.

Chair Ferguson asked the board if there were any questions for staff. With there being no questions for staff, Chair Ferguson recognized Brittany Lins at 1420 E. 7th St., Charlotte, NC. Ms. Lins stated she and Jerry Whelan are representing Mattamy Homes. She noted that Matt Mandel from ESP Associates, who did the site and civil work and Brady Finkley with Kimley Horn are both present. She noted Brady was in attendance for any traffic related questions. Ms. Lins shared the site plan and stated the property is on Robinson Road where it has only a small amount of road frontage. She noted that the access points are from Robinson Road and Pam Drive and that the subject property is currently in Gaston County's low-density residential zoning, R-1. She stated the Gastonia 2025 Comprehensive Plan is supportive of residential uses at this location.

Ms. Lins presented that the rezoning request is for 199 for-sale single-family homes, which is approximately 1.6 dwelling units per acre. Ms. Lins stated Mattamy Homes is 'For Sale' only, with covenants and restrictions in place to make sure that these are homeowners and that a community is being built. On the site plan, Ms. Lins pointed out the clustered layout design of the lots which she noted was done to preserve large areas of open space and stay out of the environmentally sensitive areas, such as streams. She stated this proposal is preserving over 12 acres of open space, and 18 acres of tree save area. Ms. Lins stated that currently with Gaston County's R-1 zoning, the entire site could be developed with single-family lots, but it wouldn't be required to protect these open space and tree save areas. She noted that the proposal started over a year ago and that a neighborhood meeting was held in March 2023, where they received a lot of feedback from neighbors. She presented the original site plan and discussed the changes made as a response of the neighborhood meeting which included pushing lots off of the property lines, providing buffers, and moving an access location to Pam Drive. She shared that the original access point was off of Hazelnut Place in the Saddlewood neighborhood which has one access point and a blind curve on Robinson Road. As a result of neighborhood feedback, the Pam Drive access was proposed which is a straight shot to Robinson Road. Ms. Lins stated they feel that this secondary access was a better option although they anticipate most of the residents would use the Robinson Road access.

Ms. Lins stated a traffic impact analysis was conducted by Kimley Horn for this project, which was commissioned by the City of Gastonia staff. Ms. Lins shared an excerpt from the study, that noted that the development is not expected to have significant adverse traffic impacts. Ms. Lins stated she knows that there are some current traffic concerns along Robinson Road, but she feels that they've done the mitigations required and have agreed to everything from the traffic study. Ms. Lins stated one request to be considered is for speed bumps on Pam Drive, if the residents agree. She noted that if Pam Drive residents agreed, Mattamy is willing to install and pay for those speed bumps. Ms. Lins stated the statute says that if 60% of the neighbors agree to the speed bumps, then they can move forward with them; and if they don't get 60% wanting speed bumps, they're not going to. Ms. Lins stated as part of their zoning commitments, they have agreed to coordinate with the neighbors and NCDOT on that recommendation.

Chair Ferguson recognized Jerry Whelan at 12642 Penfield Court, Huntersville, North Carolina. Mr. Whelan gave a summary of Mattamy Homes. Mr. Whelan stated that they have elements of brick and stone in all of their products. Enhanced side elevations were presented. He stated their product is

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somewhere in the 1,800 to 3,000 square feet range, and that all lots will have two-car garages. Ms. Lins discussed some similar developments in the surrounding areas that Mattamy Homes has been involved in and stated she was available for any questions.

Chair Ferguson asked the board if there were any questions for the applicants. Commissioner Harris asked Ms. Lins if there was anything else that the neighbors were concerned about during the neighborhood meetings. Ms. Lins responded that the main concerns at the first meeting were pushing the lots off the property lines. She stated in their second community meeting held in September, which was not required, she believes traffic along Robinson Road was probably the hot-button item. Ms. Lins stated there were some questions about how the traffic study was prepared and school overcrowding. She noted that they did get confirmation from Gaston County Schools that there was no current overcrowding.

Commissioner Harris asked Ms. Lins to go over the proposed recommendations from the traffic study. Ms. Lins responded that the traffic study concluded that there wasn't a significant impact from their site. She stated there were three recommendations; one is to add a single eastbound egress lane and single ingress lane along access A – Robinson Road, which they've done; provide a 100-foot internal protected stem along access A; and a sight distance evaluation on access A. Ms. Lins stated for Pam Drive, there was a recommendation to do the traffic calming of the speed bumps should the Pam Drive neighbors want those. Commissioner Ghorley asked Ms. Lins how many homes could they have if they chose to go with larger lots. Ms. Lins responded they could potentially do larger lots, but generally speaking, unit count is based on market thresholds and larger lots could be less marketable. Commissioner Ghorley expressed his concerns with the amount of traffic this development would potentially generate on Pam Drive. Additionally, he stated he had some concerns with sightlines and safety on Robinson Road. Ms. Lins responded the sightlines were studied in the traffic study, but did not come up as a concern. She referred to the traffic engineer for more detail.

Chair Ferguson recognized Brady Finkley with Kimley Horn at 200 South Tryon Street Suite 200, Charlotte, North Carolina. Mr. Finkley first noted that Kimley Horn was picked by the City of Gastonia to conduct the traffic study but that traditionally in the industry, the applicant would pick the traffic firm. In response to Commissioner Ghorley, Mr. Finkley stated that, in terms of sightlines, they did not perform a site distance evaluation, but that was one of their recommendations in the traffic study. Commissioner Gallant asked Mr. Finkley when the traffic study was conducted. Mr. Finkley responded that the counts were conducted on two different days because, as Ms. Lins previously mentioned, there was initially a connection to the Saddlewood neighborhood. He stated the initial counts were collected in January 2023, and again in May of 2023 when the site plan was revised. Commissioner Gallant asked Mr. Finkley what day of the week the counts were conducted on. Mr. Finkley responded on Wednesday, January 18th and Thursday, May 4th.

Commissioner Ghorley asked Mr. Finkley how much traffic he predicted leaving the neighborhood daily. Mr. Finkley responded they did not collect daily counts, instead, they collected AM/PM peak hour counts. He stated in the AM it was ten, and in the PM it was six. Mr. Finkley stated that was in a one-hour frame. Commissioner Ghorley asked Mr. Finkley how many total trips is he expecting for a new neighborhood with 199 homes. Mr. Finkley responded that AM is 139 trips in and out, and the PM is 190 trips in and out. Mr. Finkley discussed the added recommendation for speed bumps concerning safety. Commissioner Ghorley asked Mr. Finkley how many speed bumps were proposed, and how long of a distance will there be between speed bumps. Mr. Finkley responded he believes the speed bumps are being designed by the City and NCDOT, but they do have a design based on what they had looked at with ITE (Institute of Transportation Engineers) guidelines. He stated they are looking at four to six-speed humps over a half-mile stretch to keep speeds between 25 to 30 miles per hour.

With there being no further questions for the applicant(s), Chair Ferguson opened the discussion with residents. She recognized John Sarn, 409 Eagles Walk, Gastonia, NC. Mr. Sarn discussed his work experience with residential developments and stated it was important to work in the context of being sensitive to the surrounding areas. Mr. Sarn expressed concern that this development did not fit into the existing neighborhood context and that it would change the overall character. Mr. Sarn asked that the Commission would take into account the existing context of the surrounding area. He stated bigger lots and farther off of Robinson Road would be better.

With there being no questions for Mr. Sarn, Chair Ferguson recognized Greg Dills at 916 Robinson Road. Mr. Dills stated his biggest concern is the traffic and the development not fitting in the area. He stated most of the properties in the area are between one acre to 250 acres. Mr. Dills stated the homes have five-foot side setbacks, which means there is 10-feet between the houses and there's nothing similar in the area. Mr. Dills expressed his concerns about the potential traffic problem along Pam

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Drive and Robinson Road. He discussed multiple car wrecks that have happened on his property due to sightlines and speeding.

With there being no questions for Mr. Dills, Chair Ferguson recognized Kirsten D'Amore at 1030 Robinson Road, Gastonia, North Carolina. Ms. D'Amore stated her 28-acre farm property is directly adjacent to the proposed neighborhood. She stated she appreciates the revisions that have already been made to the plans, however, her main concern is the change of the Robinson Road community, which is generally very rural. Ms. D'Amore stated existing homes are on larger lots, and she is concerned about traffic. She stated the homes are pretty and good quality, but they're going to be right next to each other and it is too dense. Ms. D'Amore stated if you drive down Robinson Road, there are no neighborhoods like the current proposal, and you can only find neighborhoods such as this one in the city. She stated she believes the lots should be larger with more space, and she disagrees with there being no demand for larger lots in Gaston County.

With there being no questions for Ms. D'Amore, Chair Ferguson recognized Mike White at 512 Pam Drive, Gastonia, North Carolina. Mr. White stated Pam Drive is not set up for the additional traffic. He noted that he believes speed bumps do not work. Mr. White further discussed his concerns with traffic and the danger it poses to children in the neighborhood. Chair Ferguson asked Mr. White if he would be in favor of speed bumps on Pam Drive. Mr. White responded "Yes", but shared concerned that they won't work.

With there being no further questions for Mr. White, Chair Ferguson recognized Mike Stewart 5222 C.R. Wood Road, Gastonia, North Carolina. Mr. Stewart stated he lives a mile down the road from this development in question. Mr. Stewart expressed his concerns with the lot width and house width as well as the amount of cars per dwelling. Mr. Stewart expressed his concerns about the additional traffic this development will create on Robinson Road. He believes the road will have to be widened or a stop light will need to be added. Additionally, he expressed concern that the development did not fit with the area and that larger lots with less units would be better. Mr. Stewart stated that the Commission should recommend denial.

With there being no questions for Mr. Stewart, Chair Ferguson recognized Mark Wilson at 132 Pam Drive, Gastonia, NC. Mr. Wilson stated he has been a Pam Drive resident since 1995 and that his main concern, above all, is the traffic. He expressed his safety concerns for the neighborhood children due to speeding. He also noted that Pam Drive has no lines in the road and no sidewalk. Mr. Wilson stated he was also concerned about the City of Gastonia annexing more land in this area in the future including his own property if this gets approved. Mr. Wilson asked Chair Ferguson if the subject property in the request will now be in the City. Chair Ferguson responded that if it is approved it will be in the City. Commissioner Ghorley asked Mr. Wilson if there were any sidewalks on Pam Drive. Mr. Wilson responded "No". Chair Ferguson asked Mr. Wilson if this were to pass, would he be in favor of speed bumps on Pam Drive. Mr. Wilson responded reluctantly that he would be in favor only for the safety of the children.

With there being no further questions for Mr. Wilson, Chair Ferguson recognized Randolph Nichols at 129 Pam Drive, Gastonia, NC. Mr. Nichols stated he has been at his property for 36 years. Mr. Nichols expressed his concerns about the potential traffic this development might generate and stated he does not believe speed bumps work. He expressed concern that the development would bring 400 plus cars to the area. He noted that it was shared that the majority of the traffic would go to Robinson Road but that is not true. Additionally, he shared that Robinson Road is only two lanes and is already unsafe. Chair Ferguson asked Mr. Nichols if he would sign a petition in favor of speed bumps on Pam Drive. Mr. Nichols responded "Yes" but doesn't believe they will work.

Chair Ferguson recognized Kathy Nichols at 129 Pam Drive, Gastonia, NC. Ms. Nichols asked if 100% of the neighbors agree that they don't want the connection to Pam Drive open, is that going to matter and is it an option. Chair Ferguson stated she would get that answered for Ms. Nichols on a rebuttal.

With there being no questions for Ms. Nichols, Chair Ferguson recognized Pam White at 4640 Camille Street, Gastonia, NC. Ms. White shared that Pam Drive is named after her, that her dad owned all of the property in this area before it was developed. She shared that she has lived in this area for 60 years and expressed her traffic and school concerns. Ms. White noted that she doesn't believe the applicant(s) checked with the school system about overcrowding. She stated if the Commission approves this, she believes she will be annexed into the city limits at some point. Ms. White stated she did not want that or this project.

With there being no questions for Ms. White, Chair Ferguson recognized Cheryl Aldridge at 605 Cedar Grove Drive, Gastonia, NC. Ms. Aldridge expressed her concerns with the traffic along Robinson

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Road. She stated Robinson Road was not built for City traffic and noted that at night, there are zero lights and no white lines painted on the road. She stated her concern with the turn on Little Mountain Road and the speeding along Robinson Road. She also shared concern for school buses going in and out of the new development. Ms. Aldridge stated she disagrees that there will be two cars per house, and she believes it's more like three or four cars per house.

With there being no questions for Ms. Aldridge, Chair Ferguson recognized William Jarman at 1687 Robinson Road, Gastonia, NC. Mr. Jarman stated his family's property is 300 acres directly across the street from the subject property. He expressed his concerns with the amount of trash already existing on Robinson Road and how more traffic will only contribute to the trash problem. He stated that he would like to know the number of fatalities on Robinson Road in the past 10 years. Additionally, he noted that this development is a punishment for Pam Drive residents. Mr. Jarman stated at the price point of \$400,000 on these houses, he would like to know how they are going to sell almost 200 homes at that price because it doesn't seem to fit in rural Gastonia. Mr. Jarman expressed his concerns over the traffic on Robinson Road. He stated the intersection of Sparrow Dairy and Robinson Road that hasn't been mentioned at all, is the most screwed-up intersection in Gaston County.

Charles Graham, Assistant City Attorney, stated he wanted to clarify some information for the surrounding property owners regarding annexations. He stated the annexation laws were changed several years ago so that the only viable way to annex property is at the property owner's request. Mr. Graham stated with this current proposal, the developers have requested the annexation, and the City would not be in a position to annex anybody else unless requested.

Mr. Thompson stated staff does make contact with Gaston County Schools on every type of rezoning petition and annexation request. He stated staff has had recent meetings with Gaston County Schools on what their enrollment is, and their response to staff was that there was not an overcrowding problem.

Mr. Graham also noted the rules of procedure as they pertain to discussion times for the applicant and the members of the public.

Ms. Lins stated she would like to rebut several of the comments made. She stated first, in regards to the sensitivity of the existing area, that she believes they have tried to put a lot of effort into that. She stated the buffer looks small on the site plan but it is actually 122 acres' worth. Ms. Lins responded to the request of pushing back from Robinson Road, stating that they only have a small amount of frontage on Robinson Road. She stated you only see the side of one house, which is not out of scale from other houses that you would see along Robinson Road. Ms. Lins stated her perspective is that bigger lots aren't always necessarily better. She stated if the development was across the whole site under the current zoning, there would be no buffer, no tree save and no open space requirements. Ms. Lins spoke again about the clustered layout of the site and the preserving of open space and trees.

Ms. Lins continued by discussing the comment to push the development farther back off of Robinson Road, noting that there is 100 feet from that protected driveway stem that was part of the traffic study. For the side yard comparison and the houses being too close together, Ms. Lins responded 5-foot is typical of what we're seeing in a lot of developments. She also noted that she has some comparables of recent rezonings that have been approved with similar lot lines. For the Pam Drive concerns, Ms. Lins noted the requirement for two accesses is for fire code for safety and maneuverability. Additionally, she stated that they felt Pam Drive was a better access point and two accesses would still be required even if this was a by-right request. She noted the subdivision ordinance requires connectivity wherever possible and that is what they are trying to achieve. Ms. Lins shared the process of a conditional rezoning request including commitments to buffers, open space, tree save, lot count, elevations, conditions, speed bumps and a traffic study that a by-right project would not otherwise have. She shared information on the elevations, stating building footprints are 40-feet in width which would leave 16-feet of additional space per lot. Additionally, she added that the intent is not to annex any additional property other than the parcels included in the request.

In terms of traffic, Ms. Lins noted that the two accesses may look close to one another but they are actually 570-feet apart. Further she noted there is no sidewalk on Pam Drive, and they couldn't add it even if they wanted to because it is on other people's property. She shared that Pam Drive neighbors would have access to the amenities of the development including the walking trails and the dog park. In regards to speed bumps, she noted there are several different kinds, including traffic tables and those made for fire trucks. She stated speed bumps would be coordinated with NCDOT for the best and safest option for Pam Drive neighbors. In regards to schools, Ms. Lins noted she did reach out to Gaston County Schools and can share her correspondence. She noted they told her there was no overcrowding issue. Lastly, she addressed the concerns for traffic on Robinson Road stating Gastonia is a desirable and growing city. Ms. Lins argued that Mattamy homes wants to make it as safe and accessible as possible to be an advocate for the community but that they are only one developer.

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Commissioner Ghorley asked Ms. Lins what the width of the entrance is. Ms. Lins responded it would be 50-feet of right of way. Commissioner Ghorley asked for the current width of Robinson Road. After discussion, it was determined that the current width was 20-feet. Further, Commissioner Ghorley asked Ms. Lins if this new community would include sidewalk. Ms. Lins responded “Yes”, noting that it would be only for their property and would not encroach onto Pam Drive. Commissioner Ghorley shared his concerns for traffic, density, Pam Drive, and safety. He noted that he appreciated the ongoing cooperation from Mattamy Homes to adjoining neighbors.

Commissioner Gallant asked Mr. Finkley for clarification on the traffic study, specifically how it was conducted and how results are generated. Mr. Finkley explained the trip generation process, noting that it is an industry standard across the nation that uses traffic manuals, trip patterns and proposed land use. He also shared the expected trip generation from this development and how that is computed. Commissioner Chapman asked Mr. Whelan what the possibilities are to make improvements in regards to the concerns from neighbors. Mr. Whelan stated that is the purpose of the neighborhood meetings and changes were made but that he is open to further discussion and suggestions. At this point, Mr. Whelan noted he doesn’t have an exact answer. He noted that if Mattamy homes does not get 60% of signatures for speed bumps, that they would have to keep an open dialogue with Pam Drive residents to work towards a solution. Commissioner Silverman asked Ms. Lins if options to access the site from the west, towards Forbes Road, was explored. Ms. Lins responded noting the subdivision ordinance requirements and the need to connect to existing stubs. Further, she stated it was explored but that there were no existing accesses for them to connect to. Commissioner Silverman also stated that concerns for traffic are not necessarily in the purview of the Planning Commission and may be better suited for City Council. He noted that he would like to see the numbers from the traffic study closer.

Commissioner Harris asked Mr. Whelan about the two creeks on the site plan and what the plans are to cross them. Chair Ferguson recognized Matt Mandel, 3475 Lakemont Boulevard, Fort Mill, SC. Mr. Mandel responded that the creeks have been analyzed by a streams and wetlands consultant and that if approved, the crossing would be designed to meet State, County and City requirements. Commissioner Ghorley asked if there was a representative from the community that would like to explain what they would want to see on the subject property, instead of this development. Commissioner Stewart stated he would like to know the size of the existing lots on Pam Drive. Mr. Graham, stated to Chair Ferguson the procedures for selecting a member of the public to represent the community. Chair Ferguson allowed the members of the public to pick a representative.

Mr. Jarman spoke on behalf of the neighbors. He stated Pam Drive lots are one half to three quarters of an acre. He spoke of existing traffic and density concerns. Mr. Jarman shared his experience with a nearby development which has large, spaced out lots with low density; he noted that was what the community would like to see. Commissioner Ghorley asked the applicants if they would ever consider three quarters of an acre lots. Mr. Whelan responded explaining the market research that is conducted to produce and sell a community of this type. He indicated that even with larger lots, it would require the same amount of roads and other infrastructure which would bring the housing costs up to the \$800,000 range. He noted that there isn’t a current market for that price range.

Chair Ferguson discussed procedures of the board. Commissioner Stewart made a motion to close the public hearing. Commissioner Ghorley seconded the motion. The motion to close the public hearing was unanimously approved 7-0. Commissioner Stewart noted he liked the site layout, the open space, and the natural aspects but that he was concerned about context. Further he noted that he felt the lots were too small and too close together. Commissioner Silverman also noted that the site is constrained by the creeks and wetlands which is why the layout looks as such. Commissioner Gallant expressed concerns about safety and the consequences of land use. Commissioner Ghorley agreed with Commissioner Gallant and emphasized safety as his biggest concern. Chair Ferguson discussed the differences between a use by-right option and a conditional rezoning.

Commissioner Silverman made a motion to recommend denial of the request as presented. Commissioner Ghorley and Stewart seconded the motion. Commissioners Ghorley, Stewart, Silverman, Chapman, Gallant, and Harris voted in favor of the motion. Chair Ferguson voted against the motion. The motion to recommend denial of the request as presented was passed (6-1).

### **Item 4: Public Hearing – Robinson Clemmer Road (File #202200661)**

Subject hearing involves an annexation and assignment of zoning request for approximately 48.897 acres from Gaston County RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to City of Gastonia PD-RRDD (Planned Development – Revised Residential Development District). The subject property is located on Robinson Clemmer Road and is owned by Robert J. Neunzig.

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Chair Ferguson stated the Gastonia City Council will be holding a Public Hearing on the Annexation and Assignment of zoning request at the October 17<sup>th</sup>, 2023 meeting

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff presentation. The zoning map was presented. Mr. Thompson stated the location of the request and noted this was also an annexation. The site plan was presented. Mr. Thompson shared that the request is for 119 single-family residential lots. He discussed conditions, site layout, and property area. He stated the Future Land Use Map in the 2025 Comprehensive Plan indicates residential uses for the property and staff is recommending approval.

Chair Ferguson recognized the applicants John Carmichael 101 N. Tyron Street, Charlotte NC, Clay McCullough 1616 Cleveland Avenue, Charlotte, NC, and Nick Bushon 1111 Hawthorne, Charlotte, NC. Mr. Carmichael discussed the site location, layout, density, request, and future land use. He explained the changes made after the first site plan submittal in response to staff comments, including providing all single-family detached lots, reducing density and increasing open space. He shared the access points into the site, amenities, buffering, enhanced landscaping, and trails. Mr. Carmichael presented the illustrative conceptual elevations. He noted the applicant is in agreement with the proposed conditions. Commissioner Gallant asked if a neighborhood meeting was held. Mr. Carmichael responded “Yes”, in January and the feedback was traffic concerns and density.

Chair Ferguson recognized Martha Ramey, 703 Robinson Clemmer Road, Dallas, NC. Ms. Ramey explained that her property is right next to the proposed development. She shared concerns about traffic, car wrecks, the existing conditions of Robinson Clemmer Road, and overall safety. Ms. Ramey noted that she felt this development didn’t fit in with the area and she preferred that the site remain as open space.

Chair Ferguson recognized Russell Tanner, 320 Briarwood Drive, Dallas, NC. Mr. Tanner noted he lived adjacent to the proposed development. He expressed concerns about traffic and current congestion in this area. He indicated there are two other developments on Robinson Clemmer Road and concerns that the road can’t handle the future volume.

Commissioner Ghorley asked the applicants if a Traffic Impact Analysis (TIA) has been done. Mr. McCullough stated that they have completed scoping. Further he explained due to the reduction in the lots and the need for traffic counts while school is in session, it was delayed. Further he noted that it is expected to be completed before construction drawings. Commissioner Ghorley asked about mitigations. Mr. McCullough indicated that they will be responsible for all mitigations that result from the TIA.

Ms. Ramey spoke about previous car wrecks in the area and the safety of school buses and children. Chair Ferguson discussed traffic concerns and noted that residents can call the police if there are major speeding issues. Commissioner Gallant asked fellow Commissioners if they should wait to vote until the TIA is complete. Mr. Thompson noted, per the code, the TIA only needs to be completed before construction drawings but it is not required to be complete at this point in the process. Commissioner Chapman asked what the other developments in the area were. Mr. Thompson responded that they are in the County or the Town of Dallas but not in the City of Gastonia’s jurisdiction, so he did not know what they are. Further, he explained the City’s annexation agreement with the Town of Dallas, sharing that the City cannot annex any further north than this development. Commissioner Ghorley discussed the by-right options for this property.

Commissioner Ghorley made a motion to recommend approval of the request as presented with the statement of consistency and reasonableness. Commissioner Harris seconded the motion. The motion to recommend approval was unanimously passed 7-0.

### **Item 5: Public Hearing – Unified Development Ordinance Amendment (File #202300365)**

Subject hearing involves amending Section 12.3 Prohibited Signs in the Unified Development Ordinance pursuant to Part XIII of Session Law 2021-138 (Senate Bill 300), stating that a violation of Section 12.3 is punishable as a misdemeanor. This ordinance amendment requires two reads.

Chair Ferguson stated the Gastonia City Council will be holding two Public Hearings on the Text Amendment request at the October 17<sup>th</sup>, 2023 and November 21<sup>st</sup>, 2023 meetings.

Chair Ferguson opened the public hearing and recognized Charles Graham, Assistant City Attorney, for the purpose of staff presentation. Mr. Graham stated the legislature over the past two years has decriminalized local government ordinances. Further he explained that the local governments must

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specifically state if they want an ordinance to be criminalized. He shared the reasoning is mainly for signs placed in the right of way and he discussed that civil citations and fines have not worked.

Discussion ensued amongst the Commissioners on the punishment for a misdemeanor. Mr. Graham indicated the ordinance was drafted by the Police attorney who was not able to attend tonight. Commissioner Chapman made a motion to recommend approval. Commissioner Ghorley seconded the motion. Commissioners Ghorley, Chapman, Silverman, Ferguson, Harris, and Stewart were in favor of the motion. Commissioner Gallant was opposed to the motion. The motion to recommend approval was passed (6-1).

### **Item 6: Other Business**

Mr. Thompson and the Commissioners discussed providing a representative for the Robinson Road annexation at the October 17<sup>th</sup> City Council meeting.

### **Item 7: Adjournment**

Chair Ferguson entertained a motion to adjourn the October 5<sup>th</sup> Planning Commission meeting. Commissioner Ghorley made a motion to adjourn the meeting. Commissioner Harris seconded the motion. The motion to adjourn the October 5<sup>th</sup> Planning Commission meeting was unanimously passed 7-0. The meeting adjourned at 8:05 PM.

Respectfully submitted,

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Jalen Nash, Planning Technician

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Kristie Ferguson, Chairwoman