

Gastonia Planning Commission
November 8, 2018

Chairperson Pamela Goode declared a quorum and the Gastonia Planning Commission meeting opened at 5:34 pm on Thursday, November 8, 2018, in the Council Chambers at City Hall.

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

Absent: Bob Biggerstaff

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: Approval of September 6, 2018 Meeting Minutes

Commissioner Fleeman made the motion to approve the September 6, 2018 minutes as written and Commissioner Cinq-Mars seconded the motion. The motion was approved unanimously (7-0).

Chairperson Goode explained the rules of procedure and time limitations.

Item 2: Public Hearing – Linwood Road Storage LLC (File # 8767 Revision)

Subject hearing involves a request for a revision of an existing conditional use permit for approximately 12.18 acres. The property is zoned C-2 (Highway Commercial District) and is located at 1005 Linwood Road. The property is owned by Linwood Road Storage LLC c/o Macritchie Storage Fund.

Chairperson Goode stated because of the quasi-judicial format of this hearing persons wishing to speak and offer evidence are required by North Carolina law to be sworn in or affirmed, and asked all speakers to come forward. Speakers were sworn in by Ms. Howard.

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

Ms. McMakin reminded the Commissioners of why speakers are sworn in on this particular item being a conditional use permit. She stated this was an existing project. The project number remained as 8767 and is now a revision of the Linwood Road property that Linwood Road Storage LLC has acquired. Ms. McMakin provided the background and proposed zoning action as presented in the staff report. The applicant made improvements to the exterior of the building, remodeled a portion of the interior to provide indoor storage, and has started leasing those units. A portion of the building is being utilized by the Family Christian Center but they will be moving soon to their new location. As the administrative approval provided in the Unified Development Ordinance is capped at up to a ten percent increase, the applicant has provided an amended CUP request. The amended request would increase the maximum square footage from 20,000 to 30,000 square feet for the drive up outdoor mini-warehouse units that will be located on a portion of the existing parking area and will be fenced when completed. The applicant has been going through the Technical Review Committee process receiving specific reviewing comments on the construction document plans.

The loading dock area to the rear of the property has not been utilized; therefore, the architect indicated additional spaces to be used for recreational vehicles and vehicles with trailers. The applicant informed staff they have received requests for this type of parking. Buffering and landscaping requirements will meet the ordinance; however, staff asked the Commissioners to add a new condition #7 the accommodation of 12 spaces as indicated on the site plan, everything would be to the rear, not visible from a public street, and meet the buffering and landscaping requirements.

The proposed zoning conditions for this revised CUP request are as follows:

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1. The Conditional Use Permit from City of Gastonia Case File #8767 will remain in effect except as modified in condition two (2) below.
2. This condition will replace previous condition number one (1) of File #8767: This conditional use permit allows for the development of up to a maximum 30,000 sq. ft. of mini-warehouse use as shown on the attached revised plan dated 10/5/18.
3. Signage shown is conceptual only and will be permitted as a separate permit and must meet standards as specified by the City of Gastonia Unified Development Ordinance.
4. All other specifications and general provisions shall be met as required by the City of Gastonia Unified Development Ordinance including buffers and landscaping and meeting the Urban Standards Overlay District.
5. In no instance shall the zoning conditions exempt a project from other development requirements.
6. Where the notes or depictions on the site plan may conflict with these conditions, the conditions shall govern.

Commissioner Fleeman asked if the Family Christian Center is a tenant. Ms. McMakin stated to her understanding there was an agreement between the owner and the tenant that Family Christian Center could stay in the facility for a certain amount of months until they found a new facility and relocated.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Morgan Bullen, 435 Fourth Avenue SW, Calgary of Canada. Ms. Bullen stated they are requesting additional square footage for some of the outbuildings. The original plan was to have a partial second floor inside the existing building which was approved. With the amount of square footage and capital costs associated with the project, it did not make economic sense to them. Now they want to make up the additional square footage lost inside the building by not having the second floor. They will add to the drive up buildings increasing the square footage and slightly increasing the unit count from 100 units to 152 units on the outside. They have been open since June of 2018 and have received requests from customers for available rental parking spaces for boats, trailers, and recreational vehicles. Ms. Bullen stated they are exploring this for the facility and demand. Twelve parking spaces are currently outlined in the rear for testing the rental parking.

Commissioner Cinq-Mars asked if the twelve parking spaces become a good business model will they consider looking at some other part of the property to expand. Ms. Bullen answered that they will not expand in the front. The rear of the building has additional room not being utilized and they would come back and potentially ask for more parking spaces to be approved. She stated that what is profitable in their business is the self-storage units not necessarily the parking. If the drive-up buildings and the rest of the building leases, the applicant may, in the future, ask for more building(s) to be built on the south side of drawing while it is still parking. It is not in the plans to convert to additional parking.

Mr. Thompson briefly explained that the ordinance specifically explains the administrative authority staff has to approve changes to conditional use permits or conditional zoning districts.

Commissioner Epstein asked if the applicant will need to come to the Planning Commission if they request additional parking spaces in the rear at a later time. Mr. Thompson answered that careful wording of the additional proposed new zoning condition #7 to allow them some flexibility can added by the Planning Commission. Ms. Bullen inquired about capping it at this meeting. Commissioner Epstein stated the language 'up-to' has been used in the past and asked Ms. Bullen her projected parking spaces. Ms. Bullen stated the maximum should not exceed 40 parking spaces.

Commission Cinq-Mars inquired about an elevated wall in the rear and Ms. Bullen answered the line shows the perimeter of the property line and the current fence location. Anything beyond the fence is not landscaped. Brief discussion ensued on future possibilities and how to address the condition in their vote.

No further questions were asked by the Commissioners.

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Commissioner Fleeman made a motion that the request for revision of the existing conditional use permit be approved provided an additional condition #7 be added to allow the applicant to add up to 40 outdoor parking spaces, which shall be further limited by all the spaces being behind the main rear building elevation line and with the statement of consistency and reasonableness. Commissioner Stewart seconded the motion. The motion was unanimously approved 7-0.

Statement of consistency and reasonableness (*motion to approve*): The proposed conditional use permit is consistent with the Gastonia 2025 Comprehensive Plan, any applicable duly adopted small area plans, and the proposed development plan is conforming to all other applicable standards of the Unified Development Ordinance, therefore, the Planning Commission considers an affirmative vote to be reasonable and in the public interest.

Item 3: Public Hearing – Tulip Drive Properties, LLC (File # 9130)

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

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

Ms. McMakin stated Tulip Drive Properties, LLC filed the application who is the property owner of #13 on the rezoning map. This parcel is a split zoned property and is asking for the RS-8 portion to be rezoned to I-2 in order to move forward with plans for possible future development. This item is a general rezoning. Land use in this area have mostly been seeing an increase in industrial uses along Tulip Drive, as well as, additional commercial uses along Hwy 321. The Hwy 321/I-85 interchange project construction has begun with mostly clearing and grading. The Future Land Use Map in the 2025 Comprehensive Plan indicates the subject property as industrial. Staff recommends approval of the request as presented. No questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Joe Jacobs, 1018 Cheviot Lane of Gastonia, NC. Mr. Jacobs stated he is the manager of Tulip Drive Properties, LLC. Tulip Drive Properties, LLC also owns the adjacent properties 517 and 529 Tulip Drive. Mr. Jacobs has agreed upon the purchasing of Mr. Kimbro's land. Mr. Jacobs stated the request is to rezone so the entire tract of land will be I-2 instead of split zoned. He continued that currently the land is 82 percent I-2 and 18 percent RS-8. Lastly he stated they do not have any current plans to develop the property. No questions were asked by the Commissioners.

Chairperson Goode recognized Ms. Lila Perkins, 1568 Rankin Lake Road of Gastonia, NC. Ms. Perkins stated her property joins 1572 Rankin Lake Road. Ms. Perkins stated she had listed her property for sale a few years ago and the realtor went to the Clerk of Courts and informed her that there would be no privacy fence on either side of her property. She shared her concerns about the possibility of future lighting shining into her bedrooms. She stated she understood some of the different reasons for the rezoning. If the property is rezoned, she shared her concerns about commotion, privacy fences, and lastly shrubbery and trees coming up against her back door. When she bought the property the insurance company at that time provided her with a discount because the fire hydrant was on her property. Her current insurance company provides her with a discount on her property insurance, because the fire hydrant is supposed to be on her property. Ms. Perkins explained how the original survey was conducted when Hwy 321 was two lanes and how the recent survey was conducted differently.

Commissioner Epstein had Ms. Perkins confirm that she was against the rezoning request as acknowledged on the sign-in sheet. He stated that the applicant did not have any plans at this time to develop. Commissioner Epstein asked Ms. Perkins to confirm that if this parcel was rezoned and they develop her concerns are lighting, disruptions, and being sandwiched between different commercial buildings. She confirmed she understood.

No further questions were asked by the Commissioners.

Commissioner Stewart made a motion to approve request as presented with the statement of consistency and reasonableness and Commissioner Fleeman seconded the motion.

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Commissioner Fleeman stated there are residential and commercial properties side by side. The screening and lighting that Ms. Perkins does not want will be looked at in the Technical Review Committee (TRC) if the applicant considers to develop and asked staff if there was a way to recognize this, such as an asterisk. Mr. Thompson briefly explained how the ordinance is structured for mitigation of potential negative impacts, such as lighting analysis, significant landscape and buffering requirements. Commissioner Fleeman commented that he wanted everyone to know about TRC and what occurs at the meeting.

The motion was unanimously approved 7-0.

Statement of consistency and reasonableness (*motion to approve*): The proposed rezoning can be considered consistent with the Gastonia 2025 Comprehensive Plan and the existing zoning on the majority of the subject parcel, therefore the Planning Commission considers an affirmative vote to be reasonable and in the public interest

Item 4: Public Hearing – City of Gastonia (File # 9131)

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

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

Commissioner Stewart addressed Chairperson Goode to recuse himself from this item as he is working on the City of Gastonia's Master Plan regarding properties in this area on Broad Street. Chairperson Goode excused Commissioner Stewart from the meeting.

Mr. Thompson began by addressing property owned by the City of Gastonia known as the Municipal Operations Center. Over time the City of Gastonia has acquired additional properties and identified properties zoned I-2. The City of Gastonia is currently engaged with a consultant to produce a master plan for the Municipal Operations Center. The property to be rezoned has been acquired by the City in the 2014-2017 time period. As part of this master planning effort, and in preparing future possibilities for the use of this land, it is in the City's best interest for consistency to rezone to I-2. The subject property consists of three tax parcels and portions of two more tax parcels currently zoned RS-12 (Residential District, minimum 12,000 sq. ft. lots). This request is to rezone the site to I-2 (General Industrial District). The Future Land Use Map in the 2025 Comprehensive Plan indicates the subject property as industrial. Staff recommends approval of the request as presented.

Commissioner Epstein inquired what was in the houses. Mr. Thompson stated some houses have been torn down and others are vacant. Commissioner Epstein asked if any were occupied and Mr. Thompson replied that one house had occupants during the summer, but there are no longer occupants in the houses.

No further questions were asked by the Commissioners.

Chairperson Goode recognized Mr. Don Barkley, 3101 Whitson Road of Gastonia, NC. Mr. Barkley clarified that he is neither for nor against the rezoning. He stated he is concerned about accuracy. Mr. Barkley commented that a signed application from the City was not provided because they are exempt from city zoning; however, it is imposed on everyone else. Mr. Barkley brought to the Commissioners attention the parcel zoned I-2 CUP. He stated this was the first imposed property zoned industrial. Mr. Barkley explained that he was asked several years ago to extend his industrial zoning to the back property line, so the City could purchase it without it being considered spot zoning which he did. Mr. Barkley commented on parcels zoned I-U (Urban Industrial) district from I-2. He continued that he never had #23 (as shown on the zoning map/adjacent property owners' map) rezoned to I-2 and that it was zoned residential. He's been nervous about these change and he wants to bring this issue to someone's attention. He commented that the City of Gastonia has installed a nice chain link fence. Mr. Thompson stated he will research to determine when #23 was changed. He stated this may have changed with the adoption of the Unified Development Ordinance (UDO) in 2009. Mr. Barkley has heard that spot zoning is

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illegal and asked if this has changed. Attorney Graham commented that there are justifications for limited spot zoning, but as a general matter spot zoning is improper. Attorney Graham inquired to what parcel is considered spot zoning. Mr. Barkley answered that #3 would become spot zoned. Mr. Barkley asked why he was not notified of when this parcel was changed being the adjacent property owner. Mr. Thompson stated this may have changed with the UDO adoption and explained the rules for large scale notifications and why adjacent owners may not have received a notice. It would have been part of a broad look of the entire city and been presented to City Council for full adoption. Mr. Barkley stated the City purchased it about a year ago and that he is not opposed to the zoning. Mr. Barkley commented that if the rezoning request is approved and the City finds out #3 was not zoned I-2 then spot zoning has been created. Further discussion occurred between Mr. Thompson and Mr. Barkley on the possibility of spot zoning #3 and the adoption of the zoning maps.

Brief discussion ensued regarding another parcel on Franklin Boulevard unrelated to the zoning request.

Mr. Barkley asked Mr. Thompson to provide him with an answer to his inquiry and commented that as of this evening he is ready and may appeal to Gastonia City Council. He thanked the Commission for their time. Chairperson Goode thanked Mr. Barkley for bringing this matter to their attention.

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

Item 5: Major Subdivision Preliminary Plat – Spencer Mountain Village Phase 4 (File #9021)

Request involves a Major Subdivision Preliminary Plat for Spencer Mountain Village Phase 4 submitted by ESP Associates, Inc. The property is located east of Lower Dallas Highway at the end of Eastway Drive.

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

Mr. Lineberger stated ESP Associates, Inc. has submitted a preliminary subdivision plat for a development to be known as Spencer Mountain Village Phase 4. The property is beside the City's Long Creek Wastewater Treatment Plant at the end of Eastway Drive. The property is zoned PD-PRD. The original 2004 rezoning approval for this subdivision included 149 townhomes. Since then the City has issued an Administrative Amendment allowing for the construction of 73 single family homes to replace the townhomes. This preliminary plat proposal is for 51 single family homes. Public water and sewer will service the property through extensions from the existing line that runs through or adjoin the property. The "Preliminary Plat" is in conformance with the City of Gastonia's Subdivision Ordinance and is recommended for approval by staff. No questions were asked by the Commissioners.

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

Item 6: Other Business

Update on Council Votes: Gastonia City Council denied these requests:

Public Hearing – Triangle Real Estate (File # 9072): Subject hearing involves a request to rezone approximately 17.99 acres from RMF (Residential Multifamily District) and RMF CD (Residential Multi-family Conditional District) to RMF CD and RMF CD to RS-12 (Residential District, minimum 12,000 sq. ft. lots).

Public Hearing – Latisha Watson and Claudia Charles (File # 9073): Subject hearing involves a request to rezone approximately .37 acres from C-1 (Neighborhood Commercial District) to C-2 (Highway Commercial District). The subject property is located at 539 N. Chester Street. The property is owned by Shree Gopal Inc.

No representative is needed for Tuesday, November 20, 2018 City Council Meeting.

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Mr. Thompson stated staff is working with the consultant on the Residential Development Standards. Requested changes and concerns are begin addressed and staff is still working on reaching out to different stakeholder groups for feedback. Staff plans to provide another update at the next meeting. Commissioner Stewart requested a revised copy of the UDO when it is ready.

Brief discussion ensued on the reserved parking lot spaces and asked for clarification on after hour use. Commissioner Epstein suggested vehicle tags. Commissioner Cinq-Mars stated the Webb valet uses the parking lot. Regarding after hours, it was Attorney Graham's understanding that no one would tow from this parking lot and he will clarify with the City Manager and report back to the Commission. Brief discussion ensued.

Chairperson Goode requested the Commission be included with updates regarding FUSE. Brief discussion ensued for the chair and vice-chair to be notified and attend future meetings. Mr. Thompson will forward this request to manager's office.

Staff received a rezoning application to be presented at the December 6, 2018 Planning Commission meeting. Commissioner Epstein stated he will need to recuse himself from this item.

There being no further business, Commissioner Goode adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Pam Goode, Chairperson