

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, November 9, 2023, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Chair Kristie Ferguson and Commissioners Rodney Armstrong, Megan Chapman, Chad Ghorley, Anthony Gallant, and Glenn Silverman

Absent: Commissioners Jim Stewart and Carl Harris

Staff Members Present: Charles Graham, Jason Thompson, Maddy Gates, Jalen Nash, Keith Lineberger

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

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

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

Commissioner Chapman received one contact. None of the other Commissioners received any contacts.

### **Item 1d: Approval of October 5th, 2023 Meeting Minutes**

Commissioner Ghorley made a motion to adopt the October 5<sup>th</sup> minutes as presented and Commissioner Gallant seconded the motion. The motion unanimously passed (5-0).

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

Subject hearing involves a request to rezone approximately 1.43 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RMF CD (Residential Multi-family – Conditional District). The subject property is located at the intersection of Delmont Court and Edgewood Road and is owned by RYSM Investments, LLC

Due to a delay of the applicant, Commissioner Silverman made a motion to move Item 2 (Public Hearing – Edgewood Road; File #202300273) to the end of the agenda, before Item 7. Commissioner Ghorley seconded the motion. With there being no discussion, the motion to move Item 2 was unanimously passed 5-0.

### **Item 3: Public Hearing – 2950 Union Road (File #202300322)**

Subject hearing involves a request to rezone approximately 1.13 acres from OLC (Office Light Commercial) to C-2 CD (Highway Business – Conditional District). The subject property is located at the intersection of Old Neal Hawkins Road and Union Road and is owned by Cecchini and Cecchini, Inc.

Chair Ferguson recognized Maddy Gates, Senior Planner, for staff presentation. The zoning map was displayed. Ms. Gates discussed the previous use of the property as a drive through Bank of America. She stated the request was to C-2 CD, Highway Business, and was for a multi-tenant building proposed with two restaurant-type uses. The site plan was displayed. Ms. Gates discussed the specifics of the proposed project including the full renovation and the building addition. She noted that there are two tenants spaces shown on the site plan, one with a drive through window and one without. Further, she explained that “Tenant One” is requested to be a “Restaurant with a drive through” use but noted that it would be for order pick-up only, and there was no ordering menu at this location. Ms. Gates noted that the request to the C-2 zoning district was for the purpose of having the drive through pick-up option. The conceptual elevations were displayed. Ms. Gates discussed the new design details and the changes to the front façade. She stated that a list of conditions was included in the staff report and explained that they are in regards to items such as the drive through stacking, allowed uses, and proposed elevations. She noted that the Future Land Use map indicated commercial uses for the subject property, and that the request was consistent and staff is recommending approval as presented.

With there being no questions for staff, Chair Ferguson recognized Eric Fairbanks, 6532 Silver Fox Road, Charlotte, NC. Mr. Fairbanks discussed the drive through pick-up only window for Penn Station Subs. He stated it is a new concept, but that they don’t expect heavy vehicle stacking. Additionally, he noted that the same concept was done previously at their location in Dallas, NC and has been successful.

Commissioner Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Gallant seconded the motion. The motion to approve the request as presented was passed (6-0).

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

### **Item 4: Public Hearing – S. New Hope Road and Perry Street (File #202300363)**

Subject hearing involves a request to rezone approximately 0.72 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RS-8 (Single-family Residential). The subject property is located between S. New Hope Road and Perry Street and is owned by Snarkus Holdings, LLC.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. The zoning map was presented. Mr. Thompson stated that the request was for a general rezoning meaning that there is no site plan available and that it would be a consideration for all RS-8 uses. He explained allowed uses in RS-8 as well as discussing the potential for smaller lot sizes and higher density in comparison to the current zoning of RS-12. Mr. Thompson noted the lot requirements for RS-12 and RS-8. He discussed adjoining zoning and uses. Mr. Thompson discussed specifics of the parcel, stating that it had road frontage on both S. New Hope Road and E. Perry Street. He stated that the Future Land Use map indicates residential uses for the subject property and that the request is consistent. Finally, he discussed the existing Perry Street neighborhood and explained that staff was not in support of the request due to it not being compatible with the area. Mr. Thompson shared that RS-8 does not align due to the allowable lot sizes, density, and uses. He stated staff was recommending denial and that he would be available for questions.

The Commissioners discussed the intent of the rezoning and the allowed uses. Mr. Thompson stated that the applicant was present and that he would refer to them to answer. Chair Ferguson recognized Jose Sanchez, P.O. Box 1405 Huntersville, NC. Mr. Sanchez stated he was the property owner and the representative for Snarkus Holdings, LLC. He shared that he is a local home builder that has done several other infill developments in Gastonia. He noted two recent homes built on Oakwood Street. He stated he owns the property adjacent to this request, at 1715 S. New Hope Road. Mr. Sanchez shared that he was not in agreement with the recommendation from staff. He explained that the intent of the rezoning was to subdivide the property and get two or three single-family lots, although they think two would be better. Mr. Sanchez stated that he feels this project would bring needed infill housing to the City. He referred to the City of Gastonia Comprehensive Plan, noting that infill development was listed as a one of the future goals. Further, Mr. Sanchez referred to the site plan and showed that there are several lots in the Perry Street neighborhood that have smaller lot width and size than is required in the RS-12 zoning district. He stated that since these lots exist, that the RS-8 request is consistent. Mr. Sanchez discussed the need for additional housing in Gastonia and the benefits of infill development. Finally, he shared that he is committed to providing a nice looking product that would fit in with the character of the area. He urged the Commissioners to consider new development in this area and the rezoning request.

In response to Mr. Sanchez, Mr. Thompson noted that the RS-12 requirements for single-family residential development are 12,000 sq. ft. minimum lot size and a minimum of 90-foot lot width. He stated that the existing lots in this neighborhood that do not meet these requirements are considered legally nonconforming and were created prior to the adoption of the ordinance. Further, he noted that any new lots created in RS-12 now, would be required to meet the dimensional standards and that there is not any flexibility. Commissioner Silverman asked Mr. Sanchez about the residence and lot size of 1715 S. New Hope Road. Mr. Sanchez replied that he owned that parcel and that it had 60-feet of frontage on S. New Hope Road. He further stated that the frontage for the subject property on S. New Hope Road also had 60-feet of frontage. Discussion ensued amongst the Commissioners in regards to the allowed uses in RS-8 and the flag shape of the lot. The Commissioners stated that they would like to hear from the members of the public before asking any further questions.

Chair Ferguson recognized Mark Lanier, 5311 Old Town Lane, Gastonia, NC. Mr. Lanier shared that he was not in favor of the rezoning request. He expressed concerns with the compatibility of potential development within the existing neighborhood. Mr. Lanier stated he did not like the uncertainty of a general rezoning request and that there is no site plan or commitment. He stated there is a significant difference between two new lots or three new lots and he would prefer to have a site plan be reviewed. Lastly, he noted that he would like the neighborhood to have the opportunity for input if future development is to occur.

Chair Ferguson recognized Janice Grayson, 1660 E. Perry Street, Gastonia, NC. Ms. Grayson shared that she is a long time resident of the Perry Street neighborhood and was opposed to the rezoning request. She expressed concerns for existing speeding issues on Perry Street due to it being used as a cut through from Armstrong Park Road. She stated that she is currently working on a petition to reduce the speed limit from 35 miles per hour to 25 miles per hour for safety purposes. Ms. Grayson also shared that the Perry street neighborhood is an older community and that she was concerned for the possibility of duplexes. She noted that she is not against new development but is against the possibility of high density in a single-family residential area. She stated she would like the Commissioners to deny the request.

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

Chair Ferguson recognized Paul Bell, 1652 E. Perry Street, Gastonia, NC. Mr. Bell shared that he is also a long time resident of the Perry Street neighborhood and was opposed to the rezoning request. He discussed the existing lots in the neighborhood that are similar in size to the subject property, noting that they used to be owned by one family and then were subdivided. He stated that he would like the property to remain RS-12 because he felt RS-8 did not fit with the character of the area. Lastly, he noted that a driveway at this location on S. New Hope Road was very unsafe.

Chair Ferguson recognized David Jenkins, 2210 Bayview Drive, Gastonia, NC. Mr. Jenkins shared that his property is directly abutting the subject property. He stated that he did not support the request and was concerned with what would potentially be developed. Mr. Jenkins shared that he did not want a two-story or taller home adjacent to his backyard. Further, he noted that a two-story would not fit with the residential character since the neighborhood is primarily one-story ranch houses. He stated that he was not in favor of the request as it was presented.

Chair Ferguson recognized Cathy Costello, 1734 E. Perry Street, Gastonia, NC. Ms. Costello shared that she has lived on E. Perry Street since she was a young child. She noted that the houses in the neighborhood are older ranch-style homes with unique and specific character. She shared concerns for the possibility of higher density and duplexes. She stated that duplexes would not be compatible. Ms. Costello also expressed concerns with the existing traffic on Armstrong Park Road which cuts through the neighborhood. She shared that people often speed on E. Perry Street and it has become dangerous. She stated that she was not in favor of the request as it was presented and believes it should be denied.

Chair Ferguson recognized Susan Quick, 1724 E. Perry Street, Gastonia, NC. Ms. Quick stated that she is a resident of the Perry Street neighborhood and was against the rezoning request. She shared that her biggest concern was that it is a general rezoning and there are no specific plans. Ms. Quick noted that the applicant could build up to three lots which she did not support. She shared that she felt one single-family home would fit with the area best but that she did not like the uncertainty. Ms. Quick expressed her concern for RS-8 density and uses and its compatibility with the neighborhood.

After public comment, discussion ensued amongst the Commissioners in regards to the possibility of duplexes in RS-8. Mr. Thompson stated that duplexes are allowed by right in RS-8 but that they have a separate set of development requirements beyond just the lot dimensional standards. Commissioner Ghorley asked the applicant, Mr. Sanchez, if he plans to build two single-family homes. Mr. Sanchez responded that they initially thought to do three but have been considering only two. He further explained that the property had road frontage on two sides and that it made sense to subdivide the property and make it more usable. Discussion amongst the Commissioners ensued in regards to by-right options and the potential uses in RS-8.

Chair Ferguson recognized Tish Sanchez, P.O. Box 1405 Huntersville, NC. Ms. Sanchez stated that she is the wife of the applicant, Jose Sanchez, and that they work together. Commissioner Ghorley discussed the options of a general versus a conditional rezoning with the applicants. He stated that he felt the adjoining neighbors were not against development but rather would like to see a site plan and additional details. Commissioner Ghorley asked the applicants if staff had mentioned the idea of a conditional rezoning. Ms. Sanchez said "Yes", but stated that they decided to continue with a general. Mr. Thompson and Assistant City Attorney, Charles Graham, discussed with the applicants and the Commissioners what the process would be for denying the request and possibly doing a conditional rezoning instead. Mr. Graham stated that it would require an entirely new application and that the current item would need to be voted on since the public hearing had been opened. The Commissioners discussed the conditional rezoning possibility with the applicants. Ms. Sanchez stated that she would be willing to re-file as a conditional rezoning.

With no further discussion, Commissioner Chapman made a motion to deny the request as presented. Commissioner Ghorley seconded the motion. The motion to deny the request was unanimously passed 6-0.

### **Item 5: Public Hearing – 207 & 209 E. Fifth Avenue (File #202300366)**

Subject hearing involves a request to rezone approximately 0.33 acres from C-2 (Highway Business) to C-1 (Neighborhood Business). The subject property is located at 207 and 209 E. Fifth Avenue and is owned by Carolina Elite Builders, LLC.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. Mr. Thompson stated the request is to C-1, neighborhood business. He explained that it was a general rezoning request meaning that there is no site plan available and that it would be a consideration for all C-1 uses. The zoning map was displayed. Mr. Thompson discussed that the area is a combination of several zoning districts and uses including office, residential, and

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

commercial. Further he explained the small scale development intent of C-1, stating that it allows for some residential uses. He stated that although the Future Land Use map indicated office uses for the subject property, that staff felt a commercial district, specifically C-1, was more compatible with this area and would be consistent with the existing residential character of Fifth Avenue. Mr. Thompson stated staff was recommending approval and he was available for any questions.

Commissioner Silverman asked Mr. Thompson if the intent of the rezoning was for duplexes, as it was noted on the application. Mr. Thompson explained that it was a general request and that he would refer to the applicant to answer. Additionally, Mr. Thompson explained allowed uses in C-1 and noted that it was the most restrictive commercial district designed to serve neighborhoods and small geographical areas. He indicated that uses in C-1 are limited compared to the C-2 or the C-3 zoning districts.

With no further questions for staff, Chair Ferguson recognized Igor Shiper, 205 S. Academy Street, Lincolnton, NC. Mr. Shiper stated that he was representing Carolina Elite Builders and that they own the property. He shared that the intent of the rezoning was to build two duplexes. Further, he noted that his company has done several other infill residential projects in Gaston County.

Commissioner Armstrong asked Mr. Shiper what the vacant spaces are between the lots, shown on the zoning map. Mr. Shiper responded that they are road easements but that they are considering having them closed for additional land on each parcel. Mr. Thompson shared that easements such as these, are common in some of the older neighborhoods in Gastonia. He explained the process for road closures and how the subsequent land area would be divided. Assistant City Attorney, Charles Graham, noted that a road closure request would have to go through the legal department and be approved by City Council. Discussion ensued amongst the Commissioners in regards to C-1 uses and by right options. Commissioner Armstrong asked Mr. Shiper if the acreage listed on the zoning map was for both parcels. Mr. Shiper replied "Yes". As a response to acreage, Mr. Thompson noted that due to the small parcel sizes, uses would be even more restricted. Further, he added that additional code requirements such as setbacks, buffers, and parking for most commercial uses would be difficult to accommodate on lots of this size. Discussion ensued amongst the Commissioners in regards to infill development and the current uses on E. Fifth Avenue.

With no further discussion, Commissioner Ghorley made a motion to approve the request as presented with the statement of consistency and reasonableness. Commissioner Armstrong seconded the motion. The motion to approve the item as presented was unanimously passed 6-0.

### **Item 6: Public Hearing – Unified Development Ordinance Amendment (File #202300419)**

Subject hearing involves amending *Section 9.18.3 Multi-Use Paths: Greenways and Street-side Paths* of the Unified Development Ordinance to include the adopted City of Gastonia Bicycle Plan to facilitate in the determination of multi-use paths, trails and greenway locations.

Chair Ferguson stated the Gastonia City Council will be holding a Public Hearing on the Text Amendment request at the November 21<sup>st</sup>, 2023 meeting.

Chair Ferguson opened the public hearing and recognized Jason Thompson, Planning Director, for the purpose of staff's presentation. Mr. Thompson explained the text amendment request and the overall uses of the City of Gastonia's adopted plans and how they relate to new developments. He stated Section 9.18.3 is used to indicate to developers and staff when things such as road extensions, greenways, or bicycle paths are planned and discusses how they should be designed and implemented. He noted several other plans included in this section of the code such as the Comprehensive Transportation Plan, the Parks and Recreation Plan, the Gastonia Greenways Plan and stated that the text amendment is simply proposing to add the newly adopted Gastonia Bicycle Plan so that it can be enforced. Commissioner Silverman asked Mr. Thompson if only the wording in the red underline was the new addition to Section 9.18.3. Mr. Thompson replied "Yes".

Commissioner Silverman made a motion to recommend approval of the text amendment as presented. Commissioner Ghorley seconded the motion. With no further discussion, the recommendation for approval was unanimously passed 6-0.

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

Subject hearing involves a request to rezone approximately 1.43 acres from RS-12 (Single-family Residential, minimum 12,000 sq. ft. lots) to RMFCD (Residential Multi-family – Conditional District). The subject property is located at the intersection of Delmont Court and Edgewood Road and is owned by RYSM Investments, LLC

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

Chair Ferguson opened the public hearing and recognized Maddy Gates, Senior Planner, for the purpose of staff's presentation. The zoning map was presented. Ms. Gates discussed the subject property location and adjoining land uses and zoning. She stated the property currently consists of an existing apartment development that was built in 1970 and has 16-units. She noted that the request was to rezone the entire parcel to RMF CD, Residential Multi-family, for the purpose of adding six additional units, making it a total of 22-units. The site plan was displayed. Ms. Gates discussed the location, size, and design of the existing building and the proposed new building. She stated that the existing development was done prior to the adoption of the Unified Development Ordinance and is legally nonconforming. Further, she noted that the entire site, including the new building, would need to be brought up to current multi-family code standards. She pointed out several new additions to the development including sidewalk, open space, and buffers. A picture of the existing building was presented. Ms. Gates noted that the new building would be similar in color, likeness, and character as to match the existing. She shared the proposed conditions and indicated that the request was consistent with the Future Land Use map for residential uses. Ms. Gates stated staff was recommending approval and is available for any questions.

With no questions for staff, Chair Ferguson recognized Josh Shoupe, 1417 Wandering Way Drive, Charlotte, NC. Mr. Shoupe indicated he was available for any questions. He noted that the picture included in the packet was old and that the buildings have since been renovated and painted white. He indicated that the new building would still resemble the existing ones. Commissioner Ghorley asked for clarification on the unit count. Mr. Shoupe replied that 16 units are existing and six units will be added. Commissioner Silverman asked Mr. Shoupe to discuss the current building layout and how many units were in each building. Mr. Shoupe replied that the buildings face inward on the site and that each building has eight units. Commissioner Ghorley also asked Mr. Shoupe how much parking is existing and if any additional parking was included. Mr. Shoupe replied that there are 26 existing parking spaces and that no additional spaces are to be provided. Discussion ensued amongst the Commissioners regarding parking requirements and parking needs.

Mr. Shoupe stated that space was limited on the site for additional parking due to open space requirements and the needed buffers. Mr. Thompson further noted that providing open space is a requirement of the current multi-family code section but that a condition was written for a fee-in-lieu option for any deficiencies. Mr. Shoupe noted that the exact fee-in-lieu had not yet been decided but that they are willing to work with staff on it. Mr. Thompson noted that the parking requirements in the code are maximums and that what is shown on the site plan, does meet code. Discussion ensued amongst Mr. Thompson and Commissioners regarding parking maximums in the code. The Commissioners requested to hear from the members of the public that were signed up against this request.

Chair Ferguson recognized William Leech, 101 Delmont Court, Gastonia, NC. Mr. Leech stated he was a resident of the apartments and had several concerns with the request. He stated one of his biggest concerns was the location of the new building which is on a very sloped hill. He also expressed concern with parking and stated that there are existing parking problems. Further, he noted that there are regularly no available parking spaces and that residents park in front of units, which blocks the walkways. He stated he would like to see more parking available to residents and was in opposition of the request if more was not provided.

With no questions for Mr. Leech, Chair Ferguson recognized Rafe Creed, 101 Delmont Court, Gastonia, NC. Mr. Creed stated he was also a resident of the apartments. He stated he was not against the rezoning entirely but that he had concerns with parking and sidewalk on Edgewood Road. Mr. Creed indicated that Edgewood Road is very unsafe and that he has seen several accidents from reckless driving and speeding. He noted that sidewalk on Edgewood Road would not be practical or safe for users. Mr. Creed also expressed concerns for the existing lack of parking. He stated that an additional six units, each with possibly two cars, would make parking nearly impossible. He urged the Commissioners to deny the request due to insufficient parking.

Commissioner Chapman asked the applicant, Mr. Shoupe, if additional parking could be added. Mr. Shoupe responded that it possibly could but that he would need to remove some open space which would be an additional cost due to a fee-in-lieu requirement. Mr. Shoupe discussed the existing layout and options for potential parking locations. Commissioner Armstrong asked if additional parking could be a fire safety issue due to access. Mr. Thompson replied that the Fire Department has reviewed the current plan and did not have any concerns but noted that they would need to review again if the plan changed.

Commissioner Ghorley stated that he understood the concerns of the residents and felt a final vote could not be made and that he would like to see a revised site plan with more parking. Mr. Shoupe stated he would like to work with staff to discuss the specifics of the fee-in-lieu and possibly adding

## **Gastonia Planning Commission November 9, 2023 Meeting Minutes**

---

parking. Discussion ensued amongst the Commissioners in regards to needed parking and the potential to continue the item. Mr. Shoupe noted he appreciated the feedback and that he would be happy to re-work the plan but that he is representing his client, the property owner, and would need to discuss with him. Chair Ferguson asked Mr. Shoupe if he would be willing to continue the item in order to see if additional parking can be added. Mr. Shoupe replied “Yes”.

Commissioner Chapman made a motion to close the public hearing and Commissioner Ghorley seconded the motion. The motion to close the public hearing was unanimously passed 6-0. Discussion ensued amongst the Commissioners in regards to parking concerns. Commissioners noted they were in favor of the project but wanted to make sure the public’s concerns were addressed.

With no further discussion, Commissioner Gallant made a motion to continue the item to the December 7<sup>th</sup> Planning Commission meeting in order to allow the applicant to add additional parking. Commissioner Ghorley seconded the motion. With no discussion, the motion to continue the item to the December 7<sup>th</sup> Planning Commission meeting unanimously passed 6-0.

### **Item 7: Other Business**

Mr. Thompson shared updates from previous City Council items. He stated the Robinson Clemmer Road and Edgewood Road annexations were approved at the October 17<sup>th</sup> City Council meeting. He noted that the Robinson Road development had been withdrawn.

### **Item 8: Adjournment**

Chair Ferguson entertained a motion to adjourn the November 9<sup>th</sup> Planning Commission meeting. Commissioner Ghorley made a motion to adjourn the meeting and Commissioner Silverman seconded the motion. The motion to adjourn was unanimously passed 6-0. The meeting adjourned at 7:20 PM.

Respectfully submitted,

---

Jalen Nash, Planning Technician

---

Kristie Ferguson, Chairwoman