

CITY OF GASTONIA
ZONING BOARD OF ADJUSTMENT

January 24, 2019

Minutes

The regular meeting of the Zoning Board of Adjustment was held on Thursday, January 24, 2019 at 9:03 a.m. in the City Council Chambers at City Hall.

Board Members present: Chairman Lee Taylor Jr., William Marino, James Nebo, Melanie Blankenship and Michael Dickson

Board Members absent: Sidney Craig

Staff present: Charles Graham, Assistant City Attorney; Joe Gates, CZO, Zoning Administrator; and Chrystal Howard, Secretary

Roll Call

Chairman Taylor stated he received one contact and the remaining board members stated there were no contacts.

Chairman Taylor called the Board of Adjustment meeting to order.

Item I: Approval of December 6, 2018 Minutes

Chairman Taylor explained a title change revision on page 2 paragraph 2. Board Member Blankenship made a motion to approve the revised minutes of December 6, 2018 and Board Member Marino seconded the motion. The motion was approved unanimously (5-0).

Because of the quasi-judicial format of these hearings it is required by North Carolina law to swear in persons that speak before the commission and offer evidence. Ms. Howard administered the oath to speakers.

Item II: Public Hearing #9169 – GPSD Properties, LLC – 937 Cox Rd.

The applicant has submitted a special exception to allow for off-street parking in excess of fifty (50) percent of what is required in Table 10.5-1 at 937 Cox Rd.

Chairman Taylor opened the public hearing and recognized Mr. Joe Gates, CZO, Zoning Administrator for staff presentation.

Mr. Gates thanked the board members for being present. Mr. Gates stated the applicant, GPSD Properties, LLC proposed a special exception request for 937 Cox Road. The property is undeveloped and the intent of use would be medical office. The proposed entrance is on Cox Road with a private drive as a second entrance. The Unified Development Ordinance (UDO) for medical office is allowed to have parking at a rate of 1 space per 300 sq. ft. and the administrator may grant 50 percent above the requirement, or 120 parking spaces based on the proposed building sq. ft. of 24,000. The applicant is seeking 148 spaces, 85 percent above the requirement. Mr. Gates concluded his presentation with explaining Section 5.12.2 (D) and Section 10.1 (D)(3)(e)(2).

Chairman Taylor requested clarification on Section 10.1 (D)(3)(e)(2). Mr. Gates replied that staff discussed this with Robinson & Sawyer, Inc.'s Civil Engineering Consulting and Design group prior to the decision to move forward with the application request. Staff's interpretation was a substantial improvement of water quality and Phase 2 stormwater control would need to be met. The intent of the ordinance would be to go above and beyond the requirements in order for an interpretation. Mr. Gates reminded the board that the site plan is preliminary.

Board Member Dickson commented about the medical office classification that this situation would require more parking and was a shortcoming of the ordinance.

No further questions were asked by the board.

Chairman Taylor recognized Mr. Julian Thome, 95 Bonnie Lane of Atlanta, GA. Mr. Thome is with Medical Management Associates a consulting firm and is acting as a fee developer for GPSD Properties, LLC. Mr. Thome read from the first page of the Piedmont Plastic Surgery & Dermatology report that was provided to the board and staff, and he briefly explained the attached preliminary site plan and elevations. Mr. Thome finish his presentation by requesting approval for up to 8 spaces per 1,000 sq. ft. to meet their long term needs and thanked the board for their consideration of the request. No questions were asked by the board.

Chairman Taylor recognized Dr. Benson Timmons, 1207 Audubon Drive of Gastonia, NC. Dr. Timmons is a Co-Managing Partner of Piedmont Plastic Surgery and Dermatology (PPSD). Dr. Timmons provided a brief background of PPSD. He stated constructing this building would enhance and improve the services they provide in Gastonia. He commented that 15 providers and 71 employees would utilize about 86 spaces. He continued by explaining services that would be provided and how the 120 spaces would not be adequate. Lastly, Dr. Timmons briefly talked about the underground storm management system.

Chairman Taylor asked why this location was chosen. Dr. Timmons replied that this spot is adjacent to other medical practices and the hospital, and it allows transition from their three locations.

Brief discussion ensued on the maximum number of people per 24,000 sq. ft. Dr. Timmons commented that they are in a preliminary stage, but it would be over a hundred. Mr. Gates stated the occupancy load would be determined during the building review. The 148 spaces was based on the preliminary site plan provided in the agenda. Mr. Gates suggested proposing a number per 1,000 sq. ft. instead of a total number.

No further questions were asked by the board.

Chairman Taylor recognized Dr. Josh Porter, 121 S. Shore Drive of Belmont, NC. Dr. Porter is a General Dermatologist and he provided a brief background of his previous experience. He explained the parking lot ratio and their various facilities reaching or exceeding full capacity. No questions were asked by the board.

Chairman Taylor recognized Mr. Sam Pierce, 2331 Ryan Conley Court of Gastonia, NC. Mr. Pierce was assisted by Mr. Rudy Flint and both Mr. Pierce and Mr. Flint are joint property owners. Mr. Pierce explained the original plan was a 30,000 sq. ft. building with a retention pond. He provided positive feedback on the underground system compared to a retention pond. Mr. Pierce shared his history with Dr. Timmons and his group. He shared his past experience of trying to find an empty parking space at a medical facility and the justification for the additional parking request for this medical office.

Mr. Gates inquired about sharing with neighboring practices. Dr. Timmons replied that there were no sites adjacent to this parcel for expansion with the exception of the one behind owned by a large company. He was unsure if they would sell part of their parking lot.

No further questions were asked by the board.

Chairman Taylor recognized Mr. Donald Smith, 707 E. Second Avenue of Gastonia, NC. Mr. Smith is a Civil Engineer with Robinson & Sawyer, Inc. and was present to answer any questions.

Chairman Taylor requested confirmation that 148 parking spaces were shown on the rendering and site plan as the maximum and Mr. Smith replied that this was currently correct as preliminary.

Brief discussion ensued on the standard parking lot requirements and landscaping. Overall standard parking lot requirements are being met and it is the applicant's intention to meet landscaping requirements.

Mr. Gates explained why the applicant was at their current stage in the process and the reason for the applicant's request.

Mr. Smith explained the underground water quality structure options and detention structure.

Board Member Blankenship was unsure that the current proposed 148 parking spaces request would be enough. Dr. Timmons replied that the engineers are researching the possibility of staff parking under the building. Brief discussion ensued on the future plan expansion ratio. The applicant revised the proposed request that PPSD seeks approval for up to 8 spaces per 1,000 sq. ft. to meet its long term needs.

No further questions were asked by the board.

Based on the current ordinance not addressing this specific use, the current format does not work for the proposed use for this building and this would not have an adverse effect on the neighboring properties, Board Member Dickson made the motion to approve the request granting up to 8 spaces

per 1,000 sq. ft. of building space and Board Member Blankenship seconded the motion. The vote was unanimously approved (5-0).

Board Member Dickson addressed Chairman Taylor to recuse himself from the meeting due to a prior commitment. Chairman Taylor excused Board Member Dickson from the meeting.

Item III: Other Business or Announcements

The next Board of Adjustment meeting is scheduled on Thursday, February 28, 2019. Chairman Taylor and Board Member Blankenship announced that they will not be able to attend the February meeting. Staff has not received any application to be heard and they will provide an update after the scheduled submittal deadline.

Brief discussion ensued on ex parte communication. Chairman Taylor requested a notification to be sent to all board members explaining this issue and proper protocol. Mr. Gates replied that staff will provide a document to be used as a reference. Chairman Taylor requested this issue be presented on the next agenda as business to discuss.

There being no further discussion or announcements, Chairman Taylor adjourned the meeting at 10:00 a.m.

Respectfully Submitted:

Chrystal Howard, Secretary

Zoning Board of Adjustment
City of Gastonia, NC

Chairman Lee Taylor Jr.

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