

Gastonia Planning Commission March 3, 2022 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, March 3, 2022 in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Commissioners Rodney Armstrong, Jim Stewart, Anthony Gallant, Carl Harris, Bob Cinq-Mars, Kristie Ferguson, and Chad Ghorley

Absent: Commissioner David Wilson

Staff Members Present: Charles Graham, Jason Thompson, Rusty Bost, Quentin McPhatter, Joe Gates, Jana McMakin, and Chrystal Howard

Item 1a: Role Call / Sound Check

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners were not contacted.

Chairwoman Ferguson declared a quorum.

Item 1c: Approval of February 3, 2022 Meeting Minutes

Commissioner Cinq-Mars made the motion to adopt the February 3, 2022 minutes as revised and Commissioner Harris seconded the motion. The motion unanimously passed (7-0).

Chairwoman Ferguson explained the rules of procedure and time limitations.

Item 2: Public Hearing – Howe Farm Partners, LLC, Kenneth L. Howe, Sr. & Eleanor O. Howe, and Southwood Realty Company (File #202100404)

Subject hearing involves a request to assign a zoning district in conjunction with an annexation request for approximately 325.976 acres from RS-12 (Gaston County, Single-family Residential District) and CD/RMF (Gaston County, Multi-family Residential Conditional District) to PD-RRDD (City of Gastonia, Planned Development-Revised Residential Development District). The subject property is located at the end of Howe Dairy Road and Huffman Road, and will connect to Forbes Road. The property is owned by Howe Farm Partners, LLC, Kenneth L. Howe, Sr. & Eleanor O. Howe, and Southwood Realty Company. This item will be heard by City Council at the April 19, 2022 meeting at 6:00 PM.

Chairwoman Ferguson opened the public hearing and recognized Jana McMakin, Senior Planner, for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and identified the subject properties, Gaston County and City properties and jurisdictions. She briefly explained the Planning Commission and City Council roles, reiterated the property owners, and noted access points at Howe Dairy Road, Forbes Road and Huffman Road. Ms. McMakin stated this plan would be known as Howe's Landing Residential, and noted the different existing topographical and environmental features and easements. She displayed the master plan sheet and explained the two different proposed plan uses, townhomes attached units and remaining lots as single-family detached consisting of either rear or front load. She stated the applicant requested a total of 877 units consisting of 173 townhomes (20 ft. lot width) and a maximum of 704 single-family detached homes (lot widths of 32 ft., 40ft., and 56 ft.). Ms. McMakin referred to the proposed zoning conditions. She noted the Executive Summary of the required Traffic Impact Analysis (TIA) was included in the agenda packet, and the Future Land Use Map in the 2025 Comprehensive Plan indicated mixed use for the subject property and surrounding properties. This was based on the Traditional Neighborhood Development zoning and plans from 2005, and the remaining portion of the subject property indicated residential land use as suitable. Ms. McMakin displayed the site plan and noted access points, phasing plan, townhomes on Huffman Road, and amenities. She displayed phasing plans and the architectural elevations submitted for each building type, conceptual amenity, and the common open space. Staff recommended approval of the request.

Clarification was made that this item is to be heard by City Council on Tuesday, April 19th.

Commissioner Harris asked if there were three access points and Ms. McMakin replied that he was correct and noted the access points at Howe Dairy Road, Forbes Road and Huffman Road.

Chairwoman Ferguson began with the applicant and recognized Managing Partner at Suncrest Real Estate & Land, Sean Cooney, 2701 E. Camelback Road of Phoenix, AZ. Mr. Cooney stated this request was for an 877-unit community known as Howe's Landing. They have been working with staff for the past year on the design to comply with the ordinance. He shared their success with Nolen Farm and informed the Commission their commitment was for the next ten years.

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Chairwoman Ferguson recognized Chris Todd with Timmons Group, 610 E. Morehead Street of Charlotte, NC. Mr. Todd stated Timmons Group, engineering and landscape/architectural firm, was representing the petitioner Suncrest Real Estate. He stated this plan was for a total of 877 lots (2.6g DU/A), 704 single-family detached with lots sizes as 33 ft., 40 ft., and 56 ft., and 173 single-family attached with a lot size as 20 ft. He displayed a site plan concept rendering and identified connection points, 150 ft. and 158 ft. Duke Energy easements, 50 ft. gas easement, streams, and a pond. He added that they delineated the three stubs, streams, wetlands, easements to determine what land is remaining. Mr. Todd displayed zoomed-in images of the site plan concept rendering for the townhomes, pond, single-family detached, access points, easements, streams, amenity center, and proposed greenway. He noted the greenway was on the site's south end to help connect the park, and their plan has a collector greenway pass throughout the development. Mr. Todd briefly mentioned the elevation renderings presented by staff, and also stated a TIA study was completed and approximately nine intersections were studied.

Commissioner Harris asked if the layout resembled Nolen Farms and Mr. Todd replied it would be an upgrade of architectural standards and more robust from Nolen Farms appealing to different buyers with a focal amenity of an existing pond. Commissioner Harris asked how the wetlands were designed into the development and Mr. Todd replied that they were staying out of the jurisdictional wetland and stream features on the site. Commissioner Cinq-Mars asked how stormwater will be handled and Mr. Todd replied that they will adhere to the City of Gastonia's stormwater ordinance where water will be directed to several stormwater ponds on site. Commissioner Cinq-Mars inquired about the 20 ft. width townhomes having windows and doorways and Mr. Todd replied that the townhomes are alley fed with driveway in the back and this was a common townhome width. Commissioner Harris asked if the underground pipes were releasing water and Mr. Todd replied that this was at the ponds and there were no rain gardens.

Chairwoman Ferguson recognized Rusty Bost, Director of Development Services. Mr. Bost stated his department consulted with two consultants to have an independent policy done. Davenport was the consultant that did the TIA and are present to answer technical questions. The final buildout of the project is 2027. Commissioner Cinq-Mars asked if there was a provision to have another TIA after completion of a phase and Mr. Bost replied that the TIA was done in phases with the first phase TIA having a buildout of 2023 and another phase TIA having a buildout of 2027. Included in the study were projects such as townhomes being constructed on Neal Hawkins Road between Hudson Boulevard and Neal Hawkins Road, apartments on the north side of Hudson Boulevard, improvements NCDOT has in the next five years for roadway improvements, and a two percent applied growth factor. Discussion ensued on speed limit impacting trip generation, not the TIA, and that speeds and crash are looked at by staff. Mr. Bost commented that a five-year beyond buildout run of the model was done too. Commissioner Harris asked if the City requires the developer to schedule their road improvements through phases. Mr. Bost replied that the developer was required to do improvements to decrease traffic created by them, documentation is done and included in the improved site plan. He gave an example of a new signal at Forbes Road and Neal Hawkins Road having to be installed at a certain point in the phases before staff releases a building permit. Commissioner Ghorley commented that questions were made that referenced having to wait for a TIA at the neighborhood meeting and asked if any follow-up occurred with the neighborhood. Mr. Todd replied that they had one community meeting and they received the TIA report within the past ten days. Chairwoman Ferguson thanked Mr. Todd for including their neighborhood meeting questions and responses sheet. Commissioner Ghorley asked how many builders would be used on this development and Mr. Todd replied that the development team indicated there could be potentially four to five and that it was still to be determined. Commissioner Ghorley asked if the price range for townhomes and single-family detached lots had changed and Mr. Todd replied that it had not. Discussion ensued on recently receiving the TIA results and the site plan being the same as presented at the neighborhood meeting.

Chairwoman Ferguson recognized Robert Ridgeway, 1299 Indigo Run Lane of Gastonia, NC. Mr. Ridgeway stated he did not have an issue with the development, but had an issue on the impact of traffic and other services. The growth compared to Riverwood development was about three times the size of Riverwood, and he was concerned that this traffic will exit on Neal Hawkins Road where Howe Dairy Road has a terminus. He talked about how the current traffic on Neal Hawkins Road was dangerous. He was also concerned with donut annexations creating problems for public services such as police and fire.

Chairwoman Ferguson transitioned to those in opposition. She reiterated time limitation, read through the names in opposition, and allowed each speaker to decide if they want to speak or donate their time to another speaker.

Chairwoman Ferguson recognized Dawn Cross, 1104 Old South Lane of Gastonia, NC. Ms. Cross was concerned about the public services and excess drain on the resources, impact on schools

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especially the smaller schools such as Robinson School, and asked if Federal funds will be used in this development.

Commissioner Ferguson recognized James Howell, 1482 Plantation Trail of Gastonia, NC. Mr. Howell stated he lives in the Riverwood Plantation development and he serves as the secretary and treasurer of Riverwood Plantation Homeowners Association. He had concerns about the access points for the new development, and the increase volume of traffic on Neal Hawkins Road. Riverwood Plantation development has two ways to exit on Riverwood Parkway to Union Road or Neal Hawkins Road. He talked about the difficulties with existing traffic and density of the development as a concern.

Commissioner Ferguson recognized Sarah Penley, 1112 Old South Lane of Gastonia, NC. Ms. Penley stated she was speaking as a property owner and not in a professional capacity. Ms. Penley shared that she was not opposed to the development, and she complimented the property owner, Timmons Group, and staff. Ms. Penley was concerned about traffic on Howe Dairy Road and she appreciated that other major projects under construction were included in the study. She noted that Gaston County has an application for a property on Neal Hawkins Road to rezone to RMF, and she encouraged communication between County and the City. Ms. Penley commented on problems occurring with contiguous annexations with feeder roads not maintained by the City. She mentioned that at the community meeting the developer was willing to make some improvements to Howe Dairy Road if required. Ms. Penley shared history on Howe Dairy Road as it was paved by residents and then taken over by the state. She noted the road may not be to current road standards and was an existing problem for public fire service, and gave an example of a house fire and a neighbor unable to exit their driveway. Ms. Penley encouraged the development, but was concerned about the way the development was being planned with increased traffic, and the inability to complain to anyone about the road issues. She shared that the last thoroughfare was built by the City of Gastonia, road improvements in her area were made by the City of Gastonia, and the difficulties to get the state to do road improvements. She asked the Commission to think about this thoughtfully and to ask the developer to minimize impact on the area.

Commissioner Ferguson recognized Lisa Dent, 1345 Farragut Court of Gastonia, NC. Ms. Dent shared that she faces the beautiful farm view and knew that this would be eventually developed. She was concerned about the impact the proposed high density development will have, flooding as her property already floods when it rains hard, and flooding creating more problems to her property with land erosion. Ms. Dent is a biologist and was concerned about the wildlife and nature and she would like to see some of it stay with a less dense neighborhood. She commented on all the developments being built and was concerned about infrastructure and the increased need for fire, police, rescue services, hospital, teachers, and schools. Ms. Dent was also concerned whether or not the sewage system will be able to handle the proposed development, runoff, and landfill. Lastly, Ms. Dent commented that the neighborhood was less dense than the proposed development, and she would like to see a less dense development.

Commissioner Ferguson recognized Mildred Greene, 326 Huffman Road of Gastonia, NC. Ms. Greene asked if her property will be part of the City or County.

Chairwoman Ferguson recognized Sean Cooney and Chris Todd for rebuttal. Commissioner Ghorley asked if any consideration was given to having less properties. Mr. Cooney replied that this proposal was a large community, 2.2 units per acre, and was considered a low density community. Mr. Cooney thanked Ms. Penley for her comments. Mr. Cooney stated that at the community meeting he told property owners on Howe Dairy Road that with their help if they want their road improvement, Suncrest was happy to improve the road to a standard they want. He continued that they did not own the land; therefore, they will need help with whatever was needed such as easements. As a developer and civic neighbor, Mr. Cooney committed to the Planning Commission that if they see the need, add a condition to include the TIA improvements for Howe Dairy Road. Mr. Bost stated the city would be happy to work with the developer and neighbors on making this happen while including time frames. He noted that this is a NCDOT road and will require their involvement to address what can and cannot be done within their right-of-way. Assistant City Attorney Charles Graham clarified that property owners along the side of the road will also have to cooperate in granting easements or a condemnation would have to be done. Chairwoman Ferguson asked how the Planning Commission should articulate the offer of cooperation if the board chooses to entertain it. Attorney Graham advised adding a condition that, provided everybody will cooperate, the developer will improve the road. Commissioner Stewart stated the city should facilitate the option with the developer and neighborhoods. Commissioner Ghorley thanked the developer for their willingness and noted to the neighbors that this was something that does not happen often. Commissioner Harris asked if the rezoning development submitted to the county was included in the TIA.

Mr. Royal Hinshaw with Davenport, 119 Brookstown Avenue of Winston-Salem, NC was recognized. Mr. Hinshaw stated the developments included in the study are the proposed Hudson townhome

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development, 153 townhomes on Southeast Boulevard, Ruby Dickson's townhomes development and phases 4 and 5 of the Village Parkside development, already approved developments, as well as, a growth rate in background traffic on the south side of the area of study, and required development by NCDOT. NCDOT's standard requirement that any approved development's traffic will be included in the next applicant's study of their projected traffic.

To answer applicants' questions, Chairwoman Ferguson stated no federal funds will be used on this project. Also, 326 Huffman Road was not part of this request or annexation, so the parcel will remain in Gaston County's jurisdiction. Commissioner Cinq-Mars asked to see an interactive map differentiating in color city and county jurisdictions and Google Maps was used to show each jurisdiction with different color shades of green. Brief discussion ensued. Commissioner Harris asked if the units were 50 percent brick and Ms. McMakin referred the Commission to agenda page 2-19. Commissioner Harris identified the 4th bullet and noted it was 50% of front elevations. Chairwoman Ferguson read the conclusion of the staff report on agenda page 2-2.

Commissioner Stewart made the motion to approve (move forward with a favorable recommendation) the rezoning along with the condition that improvements to Howe Dairy Road be made by the developer in cooperation with all property owners with frontage along Howe Dairy Road. These improvements to be approved by NCDOT and this process facilitated by the City of Gastonia. This condition includes being able to get the cooperation of property owners with frontage along Howe Dairy Road including easements, and/or rights-of-way, or whatever is required along with the statement of consistency and reasonableness (*As the proposed residential use is largely consistent with the 2025 Comprehensive Plan and surrounding land uses, the Planning Commission considers an affirmative vote to be reasonable and in the public's interest*). Commissioner Ghorley seconded the motion. Commissioner Harris stated that if the developer was unable to get all parties in agreement, the additional road improvements on Howe Dairy Road will not occur. Chairwoman Ferguson stated that if the City of Gastonia featured more neighborhoods and communities where people could have ease of accessibility to their daily conveniences within a geographical area, traffic would not be the focus. Motion to recommend approval was unanimously approved (7-0).

Chairwoman Ferguson recessed the meeting at 6:36 p.m. and reconvened at 6:52 p.m.

Item 3: Public Hearing – Unified Development Ordinance Amendments (File #202200178)

Subject hearing involves a request to amend *Table 2.7.1-Defined Terms of Chapter 2, Table 7.1-1 Table of Uses of Chapter 7 Use and Building Lot Standards, Section 8.3.1 Commercial Vehicle and Truck Storage and 8.4.15 School, Vocational of Chapter 8 Supplemental Use Regulations, Section 10.13 of Chapter 10 Off Street Parking and Loading and Section 11.16 Open-Air Storage and Solid Waste Dumpster Screening of Chapter 11 Screening and Landscaping* to the Unified Development Ordinance to further clarify requirements for uses that require outdoor storage of vehicles, products and materials. The amendments made will aim to standardize requirements. This item will be heard by City Council at the March 15, 2022 meeting at 6:00 PM.

Chairwoman Ferguson opened the public hearing and recognized Joe Gates, Zoning Administrator, for the purpose of staff presentation. Mr. Gates stated this amendment was to consolidate similar and like uses throughout the code to make it more concise and easier for the development community to understand. This amendment is largely focused on outdoor storage as the primary use for the City of Gastonia to be ready for expansion. Staff has been working with Metrocology on these text amendments.

Commissioner Cinq-Mars asked if the underlined words in Section 1 were included or excluded and Mr. Gates replied that underlined words were new words added to an existing definition. Industrial heavy equipment, bulk storage, and commercial vehicle were line items consolidated to one use. Commissioner Cinq-Mars inquired why Section 5.b. Pervious Materials was crossed out. Mr. Gates replied that after working with staff on a couple projects and talking to developers, the decision was made to remove this section due to the soil types in the City of Gastonia, clay type soils, which does not work well with pervious surfaces. Commissioner Cinq-Mars asked if there was a requirement in parking areas for containment, if there was loss of liquid or solids that drop on the surface. Mr. Gates replied that this would be handled through the stormwater ordinance. Commissioner Cinq-Mars inquired about fences of existing businesses and if they are in compliance or if they will have to make improvements. Mr. Gates replied that existing and those already approved prior to the amendment, will not be affected. Mr. Gates commented that this was related to those who want property to park trucks, shipping containers, or material and he referred to Section 11.6 C and D screening requirements.

Commissioner Cinq-Mars made a motion to approve (move forward with a favorable recommendation) with the statement of consistency and reasonableness. Commissioner Gallant seconded the motion. The motion to recommend approval was unanimously approved (7-0).

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Item 4: Other Business

Update on Council Votes

No February updates.

Representative for March 15th City Council Meeting, if needed

Commissioner Ghorley or Chairwoman Ferguson volunteered to be the representative if their schedule allows.

Staff is working toward a joint meeting with City Council and Planning Commission with the tentative date as Wednesday, March 30th. More information to come.

Mr. Thompson reminded the Commission that staff has a staff review meeting each month for any rezoning or annexation request. An agenda is created and is sent to city departments, NCDOT Division 12, Gaston County schools, and possibly each jurisdiction that shares a boundary with the City of Gastonia. He also mentioned that he thought the City of Gastonia has annexation agreements with each jurisdiction that shares a boundary with the City of Gastonia. Regarding discussions about utilities, what jurisdiction can serve, land use and how it makes sense from a neighborhood perspective and directly adjoins. Mr. Thompson explained that staff does communicate and does send information out for feedback. He noted that staff has not received feedback from schools for quite a while. Mr. Thompson stated stormwater rules are what they are, and if the threshold is tripped requiring stormwater mitigation, then it has to be done and by the way the rules say to do it. Example was a stormwater pond handling water quantity and addressing water quality. He reminded the Commission that any requirements from a TIA have to be done. Mr. Thompson commented that state laws do not allow the City to take land and annex it into the City. He talked about the boundary along Neal Hawkins Road and Hudson Road as jagged with no logical sense, and the City had jurisdiction over the area from a building and permitting perspective when it had ETJ. Regarding trees and wildlife, Mr. Thompson noted that the City now has a tree ordinance a developer has to adhere to, property owners have the ability to voluntarily enter into conservation agreements and conservation easements to protect property and wildlife, and the City does not have ability to regulate wildlife. Chairwoman Ferguson requested Mr. Thompson's notes to be included in the minutes, mike drop play list, or email, and preferred receiving in email form. Mr. Thompson stated he can email his short notes to the Commission or address it in a format at the joint meeting. Regarding public safety and fire services at jagged city boundaries, Mr. Bost stated the fire department struggles with this and has contracts with all the volunteer fire companies around for first response to provide all the necessary coverage.

Brief discussion ensued on commercial desert, more rooftops increases potential commercial, walkable communities, smart growth magazine as the language being spoken and Chairwoman Ferguson encouraged the Commission to read. Commissioner Stewart commented on ETJ and was glad the City no longer had an ETJ. Brief discussion occurred on Nolen Farms possibly having its own commercial if the Garden Parkway was a project, and walkable communities as beneficial.

Item 5: Adjournment

There being no further business, Chairwoman Ferguson entertained a motion to adjourn the meeting. Commissioner Cinq-Mars made a motion to adjourn the meeting and Commissioner Harris seconded the motion. Hearing none in opposition, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Kristie Ferguson, Chairwoman