

Gastonia Planning Commission June 3, 2021 Meeting Minutes

The Gastonia Planning Commission meeting opened at 5:33 pm on Thursday, June 3, 2021 via Zoom.

Present: Commissioners Rodney Armstrong, Jerry Fleeman, Pamela Goode, Bob Cinq-Mars, Jim Stewart, and David Wilson

Absent: Commissioners Kristie Ferguson and Anthony Gallant

Staff Members Present: Charles Graham, Quentin McPhatter, Jason Thompson, Tucker Johnson, Jana McMakin, and Kristen Wheeler.

Guest Speakers: Demetri Baches, AICP, CNU-A, Metrocology, Inc. and F. Richard "Rick" Flowe, AICP, N-Focus, Inc.

Item 1a: Role Call / Sound Check

Commissioner Ferguson and Commissioner Gallant were recognized as absent. Remaining Commissioners were present.

Item 1b: Calls/Contacts to Planning Commission Members

Commissioners were not contacted.

Item 1c: Approval of May 6, 2021 Meeting Minutes

Commissioner Fleeman made the motion to approve the May 6, 2021 minutes and Commissioner Cinq-Mars seconded the motion. The motion was approved (6-0).

Chairwoman Goode explained the rules of procedure and time limitations.

Because of the quasi-judicial format of the conditional use permit hearings, persons wishing to speak and offer evidence are required by North Carolina law to be sworn in or affirmed. In lieu of swearing, Ms. Kristen Wheeler administered the affirmation.

Commissioner Fleeman made a motion to change the agenda schedule so public hearing item # 4 was heard first since he was registered to speak on this item. Commissioner Wilson seconded the motion. The motion passed (6-0).

Item 4: Public Hearing – Gastonia Moose Lodge 1303 (File #202100137)

Subject hearing involves a conditional use permit request for a use with open air storage on approximately 29.86 acres. The subject property is zoned I-2 (General Industrial District) and is located at 626 Diane 29 Theater Road. The property is owned by Gastonia Moose Lodge 1303.

Chairwoman Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin affirmed the oath. She displayed the rezoning map and stated the owner's name, applicant's name, location, current zoning district, and the reason for the conditional use permit. The component of commercial vehicle and truck parking, as well as, an office and portable toilet services referred to as open air storage use in the Unified Development Ordinance was the reason for a conditional use permit. Ms. McMakin explained the quasi-judicial hearing process. She described adjoining properties and zoning. Ms. McMakin stated a summary was provided by the applicant, as well as, a list of proposed zoning conditions included in the agenda. She stated available public facilities. Ms. McMakin stated the 2025 Comprehensive Plan indicated the subject property as predominately commercial and some residential on the Future Land Use Map, the property was zoned I-2, and the request meets the UDO requirements; therefore, staff recommended approval.

Commissioner Wilson asked if anyone was opposed to the request and Ms. McMakin replied that there are speakers registered to speak.

Chairwoman Goode recognized the applicant, Steed Story, 3929 Northerly Island Court of Gastonia, NC. Mr. Story affirmed the oath. He would like to relocate his business to this property. Mr. Story stated his business mainly handles dumpster rentals and portable restrooms. Mr. Story shared the existing property would be utilized, outlying vegetation would not be removed from the surrounding property line, the existing baseball field would be utilized for outdoor storage, and storage would not be visible from property lines.

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Chairwoman Goode asked if the storage would be visible from the road and Mr. Story replied that it would not be visible because of topography and natural vegetation.

Chairwoman Goode recognized Pamela Breedlove, 616 Diane 29 Theater Road of Bessemer City, NC. Ms. Breedlove affirmed the oath. She wanted to know the business plans to cleaning and disposing of materials, and what transportation will occur on Diane 29 Theater Road. Ms. Breedlove was concerned about excessive traffic and possible road damage on Diane 29 Theater Road.

Chairwoman Goode recognized Janice Gamble, 646 Diane 29 Theater Road of Gastonia, NC. Ms. Gamble stated they have two properties that abut the subject property. Ms. Gamble stated she was concerned about the traffic, roads and property values. She asked if the heavy trucks will tear up the roads, who will provide maintenance to the roads, will this decrease the value of properties, and will the dumpsters bring rodents to the area.

Chairwoman Goode recognized Brian Smith, 552 Diane 29 Theater Road of Gastonia, NC. Mr. Smith stated he affirmed the oath. He stated his address was an adjoining property. Mr. Smith was concerned about future possibilities. He explained the previous use of the property. He noted that the storage lot was 30,000 square feet and a 121-foot border. Mr. Smith mentioned the 76-foot border to the nearest property on the aerial view on agenda page 4-7, but no mention was made of the border dimensions by the baseball field. He noted that some areas considered natural border is open area and not vegetation. Mr. Smith asked if the owner planned to open the former road creating a commercial entrance in between two residential properties. Mr. Smith was concerned about the risk of rodents and smell. He referred to the written comment on agenda page 4-1, '*We only haul construction and demolition waste creating virtually no odor.*' and commented that there could be an odor. Mr. Smith also referred to the written comment on agenda page 4-1, '*Occasionally there may be a need to set a covered container at the office until the next business day due to landfill/transfer station hours.*' and commented that if there is a holiday, it may be four to five days.

Chairwoman Goode recognized the applicant, Steed Story for rebuttal. Regarding the concern of the road, Mr. Story stated there were no plans to utilize the road and trucks would only utilize the main drive off of Diane 29 Theater Road. Mr. Story stated he had twelve trucks that typically make one to two stops per day at the office typically at the beginning and end of the work day. Mr. Smith shared a conversation he had with Mr. Thompson proposing a provision within the conditional use permit that would state none of the commercial vehicles would utilize that access drive and utilize only the main drive. Regarding the concern of waste being stored to next business day, he shared that if trucks are unable to make it to the landfill before closing hours, materials will be stored to the next business day, but the business plan is to have trash dumped every day. Regarding storage of the dumpster and portable restrooms, Mr. Story stated anything brought back will be in it. Mr. Story commented that he has never seen a rodent problem. He stated that no building will be erected in the open area storage, only a gravel base layer for the stored dumpsters and portable restrooms.

Mr. Thompson affirmed the oath. Discussion ensued on the complexity of creating a road through a flood plain, limited access section, as well as, dependent upon NCDOT approval. Commissioner Wilson described the property and commented on the topography.

Commissioner Stewart made a motion to close the public hearing and Commissioner Cinq-Mars seconded the motion. The motion to close the public hearing was passed (6-0).

Brief discussion ensued on considering the proposed provision to be added within the conditional use permit.

Commissioner Stewart made a motion to approve the project with the provision to be added within the conditional use permit that none of the commercial vehicles would utilize that access drive and are to only utilize the main drive off of Diane 29 Theater Road. Commissioner Fleeman seconded the motion. The motion was approved (5-1 Wilson).

Item 2: Public Hearing – Myers Memorial United Methodist Church (File #202100117)

Subject hearing involves a conditional use permit request to construct a columbarium for Myers Memorial United Methodist Church on approximately 3.59 acres. The subject property is zoned

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OLC (Office Light Commercial District) and is located at 301 S. New Hope Road. The property is owned by Myers Memorial United Methodist Church.

Chairwoman Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and provided the background and request in the staff report. The aerial view was displayed showing existing items on the property and the proposed columbarium. Renderings and site plan of the columbarium and landscaping were displayed. Ms. McMakin noted this project will be reviewed by the Technical Review Committee (TRC). Staff recommended approval of the request as presented.

Chairwoman Goode recognized John Fletcher, 2159 Sam Wilson Road of Charlotte, NC. Mr. Fletcher affirmed the oath. Mr. Fletcher stated this was a small pocket area outside of the Christian Fellowship Center (CFC). Church members have expressed a need and desire for a columbarium. Mr. Fletcher stated Carolina Bomanite Corporation would install the columbarium. He stated columbariums are built with a one hundred plus life expectancy, are an asset to the church property, have a nice visible space, and are made from quality materials. He explained installing the columbarium for the purpose of inurning ashes. Mr. Fletcher noted that this would not add a significant increase in traffic. He stated the structure will be approximately six to seven feet tall, well landscaped, ornamentally fenced, and have outdoor night lighting and passive night lighting.

Commissioner Cinq-Mars made a motion to approve the project. He stated this looked like a very nice project and similar to two columbariums he was aware of. Commissioner Wilson seconded the motion. The motion was approved (6-0).

Item 3: Public Hearing – Better Path Homes, LLC (File #202100136)

Subject hearing involves a request to rezone approximately 0.29 acres from C-3 (General Commercial District) to O-1 (Office District). The subject property is located at 610 E. Third Avenue. The property is owned by Better Path Homes LLC.

Chairwoman Goode opened the public hearing and recognized Jana McMakin, Senior Planner for the purpose of staff presentation. Ms. McMakin displayed the rezoning map and provided a site description and background, and description of adjoining properties and zoning. She identified single-family dwellings adjacent to the subject property located within C-3 and O-1 zoning districts and a small contractor's office located as lot #2 on the rezoning map. Ms. McMakin explained the applicant submitted a request to rezone to the O-1 district to construct a single-family dwelling, applicant purchased property based on information survey error, property is zoned as C-3 and not residential, and that single-family residential uses were not permitted in a C-3 zoning district. The Future Land Use Map in the 2025 Comprehensive Plans shows residential as an appropriate land use for the subject property. No one opposed has signed up to speak. Staff recommended approval of the request.

Chairwoman Goode recognized the applicant Elijah English representing Better Path Homes LLC., 10927 Ballards Pond Lane in Matthews, NC. Mr. English stated the property was purchased with the understanding it was zoned RS-12 from their surveyor. Once the process reached zoning, it was determined the property was zoned C-3. He continued that their next step was to determine whether or not to rezone to RS-12 or O-1. It was determined that O-1 was a better fit, because it did not exclude office or commercial uses and it also allowed for residential. He noted there were adjacent parcels zoned O-1.

Commissioner Fleeman made a motion to approve the rezoning request with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded the motion. The motion was approved (6-0).

Item 5: Public Hearing – Maistro Investments LLC (File #202100139)

Subject hearing involves a conditional use permit (CUP) request for a manufacturing facility to be located in an existing shell building on approximately 13.42 acres in the Gastonia Technology Park. The subject property is zoned I-2 (General Industrial District) and is located at the end of Repi Court. The property is owned by Maistro Investments LLC.

Chairwoman Goode 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 property located in the Gastonia Technology Park. The applicant is proposing to use mostly thermoplastic polymers in their process (indoors only), which is considered a

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manufacturing good and classified as a class II operation requiring a CUP. Maistro Investments, LLC. submitted through John Doster a conditional use permit application and are working through all of the Unified Development Ordinance requirements. Staff recommended approval of the request.

Commissioner Stewart made a motion to approve the rezoning change with the statement of consistency and reasonableness and Commissioner Cinq-Mars seconded the motion. The motion was approved (6-0).

Item 6: Public Hearing – Unified Development Ordinance Amendments (File #202100190)

Subject hearing involves a request to amend Table 2.7.1-Defined Terms of Chapter 2, Table 7.3-1 Bulk and Use Chart of Chapter 7 Use and Building Lot Standards, Section 8.1.11 Revised Residential Development District (“R2D2”), and Section 8.1.17 Single-Family Attached Development to the Unified Development Ordinance to revise and clarify residential standards and options in the “R2D2” district. In addition, the Public Hearing will include all amendments made to the Unified Development Ordinance to be in accordance with Session Law 2020-25, Section 51.(b) requiring compliance with G.S. Chapter 160D. This item will be heard by the City Council at the June 15, 2021 meeting at 6:00 PM in the City Council Chambers, 181 S. South Street in Gastonia.

Chairwoman Goode recognized Jason Thompson, Planning Director for the purpose of staff presentation. Mr. Thompson stated this was a two-part set of ordinances. Referring to the staff memorandums, the first memorandum was regarding the continuation of changes with Metrocology, Inc. to different types of regulations for single-family development and corresponding road network that would accompany a new residential development. Staff continues to identify issues, trouble spots and opportunities while working with developers. Mr. Thompson talked about allowances for front loaded garages on townhomes for limited exceptions for circumstances beyond a developers control, as well as, architectural standards in a limited fashion in single-family housing. He stated Engineering staff was working with Metrocology, Inc. on street sections for new developments to function better as it relates to the private residential development. The second set and bulk of the amendment is about getting our ordinance in compliance with 160D legislation. F. Richard Flowe, AICP, with N-Focus, will talk about these amendments.

Commissioner Fleeman asked for a summary of March and April amendments versus June R2D2 amendments. Mr. Thompson replied that staff continues to fine-tune details of how the code is written. Demetri Baches with Metrocology, Inc. explained that engineering staff was able to modify street sections which was the main determinate on whether a project will look good. He stated staff came up with good intermediate street sections that will work over the next several months; however, there are more changes that will need to be made. Mr. Baches explained that the sections will allow the City to get into developing townhome projects and eventually future multifamily projects that will be more aesthetically pleasing. He shared that incorporating the new set of streets allows the city to make front loaded townhomes the exception and not the rule, noting any unit less than 40 feet in width in terms of lot dimensions will be fed off a rear lane or alley unless there are mitigating circumstances. He referred to Section 8.1.11 and noted changes that clarify text, Table C changes, sections moved in the ordinance for completeness, sections deleted and consolidated, establishment of blocks and road systems that is interconnected with three examples, and street sections appropriate and allowed.

Regarding front-loaded garages in the R2D2 zoning, Commissioner Fleeman asked what the difference was in June versus March and April. Mr. Baches replied that in March and April front-loaded garages were allowed by-right with no stipulation to do rear-loaded. Now that staff has a sufficient and more comfortable street sections, the ordinance is back to having the front-loaded become the exception and not the rule. Mr. Thompson recalled the adoption of R2D2 with a universal restriction on front-loaded townhomes and single-family attached, and the street sections were not conjoining yet. Discussion ensued on the street sections being part of the change back to more restrictive, as well as, developers providing assistance with identifying constraints that they faced.

Commissioner Stewart asked if street sections were created to be seen visibly. Mr. Tucker stated there were some street sections available on the website.

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Commissioner Cinq-Mars asked if green space was being lost behind the apartment buildings. Mr. Thompson replied that the garage does not have to be attached. He noted that in some cases the developer may seek to develop some units with a rear attached garage losing some green space in the rear, but with no front-loaded garage and driveway there is an opportunity for a nice public space in the front. He also noted that there are a lot of open space and amenity requirements that have to be adhered. Mr. Baches commented that in most instances townhomes provide a better private yard in the back with the garage in the rear. More tools are in place to reduce the number of projects.

A few R2D2 street sections available on the city website were displayed and briefly explained by Mr. Johnson. The fat alley cross section was displayed and the use was briefly explained by Mr. Baches. More street sections will be added to the website.

Commissioner Cinq-Mars asked if the specifications of the roads will handle the weight of fire trucks and garbage trucks. Mr. Johnson replied that the maps have an inset.

Commissioner Stewart asked if the City will take care of the street trees in the right-of-way and Mr. Johnson replied that this question would be good for Robert Cloninger who was not present. Mr. Thompson commented in position to zoning, it would typically be the responsibility of the Home Owner's Association, but there may be exceptions.

Referring to 8.1.11.5.a, Mr. Baches read edits made that were not included in the agenda.

a) The Administrator may determine the appropriate application of a Section based on **the overall development density for projects that consist of multiple building types** ~~Site Plan considerations~~. The following streets are approved for use within R-1, R-2, R-3 and R-4 Districts per City of Gastonia Engineering Specifications & Details Manual:

- i) ST2-45-20-1 and ST2-45-20-2: No on street parking. Appropriate for single family detached lots greater than **70' 80²** in width
- ii) ST1-46-20: No on street parking. Appropriate for Front Loaded Townhomes only and single family detached lots greater than **70' 80²** in width
- iii) ST1-50-24: Parallel parking on one side, appropriate for Rear Loaded Townhomes and single family detached lots **55' to 70' 65²** and less in width.
- iv) ST1-60-32: Parallel parking on both sides, appropriate for Rear Loaded Townhomes and single family detached lots **less than 55' 65²** and less in width.

Mr. Baches moved to Section 8.1.17 and stated the changes reflect whether a unit can be front-loaded or not. Townhomes are rear-loaded except in certain conditions. All of Section 8.1.17.e and subsets will be removed, which describes how attached units shall orient step-backs, to allow for more study.

Commissioner Cinq-Mars made a motion to approve (move forward with a favorable motion) what has been presented and Commissioner Armstrong seconded the motion. The motion was approved (6-0).

Mr. Thompson introduced Rick Flowe with N-Focus, Inc. Mr. Flowe stated he's been working on the modifications to the Unified Development Ordinance driven by the new enabling legislation and general assembly and shared a brief history on the timeline of the bill. He shared the saying, 'The hole of something is greater than the sum of its parts' and stated that this is what 160D does. Predominately chapter 4 and 5 have a lot of new changes driven by the general assembly in the process and procedure. Mr. Flowe stated that when looking at the little individual changes, you may not recognize what the big change and direction is. The big change is to eliminate subjectivity in the processes, as well as, includes the Oath of office, and recurring terms be reappointed. He continued that 160D becomes very specific because it reinvented or replaced the legislative authority the city has. Key decisions of the Planning Commission are no longer at the project level except in special use permits. Subdivision plats for preliminary plat review was used as an example of being done at staff level. Conditional use permits, parallel conditional zoning, special use districts, special exemptions, appeals are gone from the statuettes. Special use permits, conditional zoning will be available tools. Appeals and subdivision decisions will go to court and not council.

Commissioner Fleeman asked if the 3/4 majority vote on a rezoning was gone and Mr. Flowe replied that a zoning map amendment (rezoning) will remain as 3/4 majority vote. Clearer standards are needed on all special uses. He cautioned the Planning Commission that moving from

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an advisory role to a legislative role was one set of procedures, but the Planning Commission must proceed very meticulously in a quasi-judicial role.

Brief discussed ensued on appeals moving forward to the Superior Court as an appeal and not a new hearing, and that issues are raised for an appeal at a Planning Commission or City Council meeting. Mr. Flowe commented that Superior Court reviews the record in a court-like hearing.

Commissioner Wilson asked when this amendment will take effect if approved and Mr. Flowe replied he thinks it will be at 12:01 a.m. on June 16th, immediately following the City Council meeting.

Mr. Flowe stated the statuettes have been in effect since June 19th, 2020 and summarized that he was hired to make the Unified Development Ordinance compliant and advise the City on best practices. Mr. Flowe referred to his summary in the agenda packet beginning on agenda page 6-3 and stated it was a snapshot of what took place in each article.

Commissioner Wilson asked if this was being rolled out to everyone in North Carolina and Mr. Flowe replied that he was correct. 160D replaced Article 19 of Chapter 160A and the county's counterpart Article 18 of Chapter 153A. The Unified Development Ordinance will emerge establishing a more defined set of standards and specifications, tools in the tool box.

Mr. Flowe commented that after watching the meeting tonight, he will recommend of few skills that need polished up to protect the Commission and citizens from exposure and gave an example of a court case.

Commissioner Fleeman made a motion to approve (move forward with a favorable motion) the second half of the proposed amendments, what Mr. Flowe presented, and pass it on to City Council. The motion was seconded by Commissioner Stewart. The motion was approved (6-0).

Item 7: Other Business

Brief discussion ensued on moving forward with in-person meetings.

Update on Council Votes

Mr. Thompson shared that the Planning Commission at their May meeting made a motion of recommendation to approve the Subject hearing involving the request to amend *Table 2.7.1-Defined Terms* of Chapter 2, *Section 3.3.9 Nonconforming Off-Street Parking and/or Loading*, *Table 7.1-1 Table of Uses*, *Table 7.3-1 Bulk and Use Chart*, *Section 7.6.5 Urban Standards Overlay District* and *Section 7.11 Central Business District Design Standards* of Chapter 7 *Use and Building Lot Standards*, *Section 8.1.11 Revised Residential Development District ("R2D2")* of Chapter 8 *Supplemental Use Regulations*, Chapter 10 *Off-Street Parking and Loading* and *Section 11.5 Off-Street Parking Landscaping* of Chapter 11 *Screening and Landscaping* to the Unified Development Ordinance to clarify residential standards and options in the "R2D2" district, modify standards to for home family day cares, microblading, amend parking standards and associated sections for the City of Gastonia. City Council approved the Unified Development Ordinance amendments at their May meeting.

Representative for May 18th City Council Meeting, if needed

No discussion ensued.

Item 8: Adjournment

There being no further business, Chairwoman Goode entertained a motion to adjourn the meeting. Commissioner Fleeman made a motion to adjourn the meeting and Commissioner Stewart seconded the motion. Hearing none in opposition, the meeting adjourned at 7:56 p.m.

Respectfully submitted,

Chrystal Howard, Secretary

Kristie Ferguson, Chairperson