

## **Gastonia Planning Commission December 8, 2022 Meeting Minutes**

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The Gastonia Planning Commission meeting opened at 5:30 p.m. on Thursday, December 8, 2022, in the Council Chambers at City Hall, 181 S. South Street of Gastonia, NC.

Present: Vice-Chair Jim Stewart, Commissioners David Wilson, Carl Harris, Anthony Gallant, Rodney Armstrong, Chad Ghorley, and Glenn Silverman

Absent: Chairwoman Kristie Ferguson

Staff Members Present: Charles Graham, Quentin McPhatter, Jason Thompson, Jason Pauling, Maddy Gates, Tucker Johnson, Chrystal Howard, and Jalen Nash

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

Vice-Chair Jim Stewart declared a quorum.

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

No commissioners received contacts.

### **Item 1c. Oath of Office:**

Ms. Chrystal Howard administered the oath of office to newly appointed Commissioner, Glenn Silverman.

### **Item 1d: Approval of November 3<sup>rd</sup>, 2022 GPC Minutes**

Commissioner Ghorley made a motion to adopt the November 3<sup>rd</sup>, 2022, minutes as presented. Commissioner Harris seconded the motion. The motion was unanimously approved (7-0).

Vice-Chair Stewart explained the rules of procedure and time limitations.

Jason Thompson, Planning Director stated that the applicants for the first Public Hearing item (Item 2) on the agenda are running late and mentioned the option to reorder the agenda.

Vice-Chair Stewart asked if there was a motion to delay item 2 on the agenda. Commissioner Gallant made a motion to delay item 2. Commissioner Ghorley seconded the motion, and there was no discussion of the Board. The motion was unanimously approved (7-0)

### **Item 3: Public Hearing (Continued) – Cox Road Industrial (File #202200473)**

Subject hearing involves a request to rezone approximately 16.5 acres from O-1 (Office), OLC (Office Light Commercial), and I-2 (General Industrial) to I-1 CD (Light Industrial - Conditional District). The subject property is located east of Cox Road and south of East Ozark Avenue/Lowell Road. The property is owned by ICLUB Investments, LLC. and Bala Palani, LLC.

Vice-Chair Stewart opened the public hearing and recognized Jason Pauling, Assistant Planning Director, for the purpose of staff presentation. Mr. Pauling stated that this case was continued from last month, and this is a property on Cox Road, about sixteen and a half acres to rezone to rezone to a I-1 CD, which is light – industrial conditional district.

Mr. Pauling referenced an aerial map and stated the property is currently vacant and wooded, and it adjoins the railroad and is across from the Town of Ranlo to the north at East Ozark and Lowell Road. Mr. Pauling stated directly east to of the property is the Smyre Village Neighborhood, and to the west across the street is the existing Bimbo bakery and a mix of office and commercial uses to the south.

Mr. Pauling referenced the zoning map and stated currently there are two parcels in this request, split-zoned between I-2, O-1, and OLC. He said that Smyre Village exists to the east and is zoned RS-8. He stated property in Ranlo and to the north along East Ozark and Lowell Road is zoned a mixture of heavy commercial and industrial. Mr. Pauling stated the Bimbo bakery across Cox Road is zoned I-2, and property to the south is zoned a mixture of C-1, OLC, and RMF.

Mr. Pauling referenced the site plan and stated this request is for a rezoning to I-1 CD (Light Industrial, Conditional District), in order to develop a distribution facility of up to 180,000 square feet on the property, with primary access from Cox Road across from the bakery. He stated the property also borders the railroad tracks to the north, and a small creek/wetland area to the south, both of which limits additional access. Mr. Pauling stated that it will be imperative for the applicant to coordinate with the City Engineering, Fire Department, and NCDOT through the site plan review process. Mr. Pauling stated the building, located mostly in the center of the main portion of the site, will include employee parking and primary access on one side, and the main distribution/truck access area on the

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other. He stated a type 'D' buffer is shown adjoining the residential area and to the south. Mr. Pauling stated water and sewer are available, but extensions may be required during site plan review.

Mr. Pauling reference elevations submitted by the applicants and stated the applicants have submitted representative elevations for the building, featuring a combination of decorative cement, painted panels, pre-fabricated metal accents, and aluminum and glass store fronts where the entrance points are located.

Mr. Pauling referenced the future land use plan map, and stated the future land use plan designates Office Center for this property, which is intended to be appropriate for large office park, and research or medical-style campus uses, but could also contain some light industrial. Mr. Pauling stated that staff feels that this use as planned and with appropriate conditions within I-1 is compatible with this area.

Mr. Pauling presented proposed conditions and stated that he would touch on a few of them beyond the standard conditions. He stated that sidewalk is required along Cox Road, as well as curb and gutter, and that the applicants have also indicated a use table on the site plan consistent with those uses allowed in I-1, and also uses that will be excluded.

Mr. Pauling referenced the Consistency Statements, and stated that this concludes staff's presentation and he is happy to answer any questions, and also referenced that the applicant has a presentation as well.

Vice-Chair Stewart asked if there were any questions for staff. With there being no further questions, Vice-Chair Stewart recognized Jack Cranford, 4283 Woodland Brook Dr. Atlanta, Georgia.

Mr. Cranford stated he is with Strategic Real Estate Partners and they're a developer in the southeast, and are currently developing in Savannah, Charlotte, and Atlanta. He stated we have four other buildings in the metro Charlotte area. He stated they were approached about the site and have some interest from several different users. He stated that they are working to get the property rezoned, and we're here to answer any questions and help any way we can. He stated we appreciate Jason and the rest of the planning staff for helping us get here, and looking forward to continued relationship with guests. Vice-Chair Stewart asked are there any questions for the applicant.

Commissioner Harris asked the applicant if that is a tilt-up structure. Mr. Cranford responded "yes".

Commissioner Ghorley asked the applicant if this is similar to what's going on with the projects off I-85. Mr. Cranford responded "yes."

Commissioner Gallant asked Mr. Cranford what is going to be distributed out of the building? Mr. Cranford responded that right now it is speculative. He stated light industrial distribution uses are generally who the tenants are.

Commissioner Ghorley asked Mr. Cranford if they held a neighborhood meeting. Mr. Cranford responded "yes". Commissioner Ghorley asked if there was any opposition. Mr. Cranford responded "no". Commissioner Ghorley asked Mr. Cranford was there any concerns raised at the neighborhood meeting. Mr. Cranford responded "no".

Commissioner Harris asked Mr. Cranford if there was a TIA required in that area and if there were any concerns for traffic. Mr. Cranford responded there was no TIA requirement in that area by the state or city.

Commissioner Harris asked Mr. Cranford about some sidewalk improvements he sees on the site. Mr. Cranford stated he thinks that was all existing prior to us becoming involved.

Vice-Chair Stewart asked if there any other questions from the board? Commissioner Silverman had a question for staff regarding the buffer. He asked what are the requirements for the type D buffer between this property and then the neighborhood bordering it. Mr. Pauling stated a type D is a 35-foot, and opaque. Mr. Thompson stated that the most common one we end up talking about is usually the type C or type D, and a certain schedule plantings of shrubs, understory trees, and canopy trees. Mr. Thompson stated that the type D is typical when industrial uses are proposed next to residential and it's a pretty substantial buffer.

Vice-Chair Stewart asked if there any other questions and if not, what are the wishes of the board.

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Commissioner Ghorley made a motion to approve the conditional rezoning with a statement consistency and reasonableness. Commissioners Gallant and Harris seconded the motion. With no further discussion, Vice-Chair Stewart takes the vote. The motion was unanimously approved (7-0).

### **Item 4: Public Hearing – Synergy Square (File #202200523)**

Subject hearing involves a request to rezone approximately 0.90 acres from C-3 (General Business District) to CBD (Central Business District). The subject property is located on West Airline Avenue between Pryor Street and North Cherry Street. The property is owned by Black Titan of NC, LLC. – Derrick Harris.

Vice-Chair Stewart opened the public hearing and recognized Jason Pauling, Assistant Planning Director, for the purpose of staff presentation. Mr. Pauling stated this is a general rezoning request from C-3 (General Commercial) to CBD (Central Business District).

Mr. Pauling referenced an aerial map and stated that the property is approximately 0.90 acres, and is currently vacant. He stated the property is located at the northeast corner of Airline Avenue and Pryor Street. He stated there are a mix of uses surrounding this property, including a plumbing supply store to the east, Gastonia Freedom School directly north, a mix of vacant commercial property to the west across Pryor Street, and vacant property backing up to the railroad across Airline. Mr. Pauling stated the City of Gastonia recently developed a new transit station on the southwestern corner of Airline and Trenton, and this site is about 500-feet from the FUSE facility.

Mr. Pauling referenced the zoning map and stated as far as existing zoning, this area has transitioned to more of an urban context over the last few years. He stated the CBD district has been expanding, piggybacking on the success of the FUSE district, whereas General Commercial may not be appropriate anymore in this area. Mr. Pauling stated there are similar uses allowed in Central Business District that are also allowed in C-3, however site dimensional and height requirements are relaxed in the Central Business District, and design requirements are more appropriate.

Mr. Pauling referenced the Future Land Use Map and stated the map indicates mixed use for this property and surrounding properties. He stated staff recommends approval of this rezoning, said that concludes staff's presentation. He said he would be happy to answer any questions, and that the applicant is present as well.

Vice-Chair Stewart asked if there are any questions for staff?

Vice-Chair Stewart recognized Derrick Harris, 3410 Oakhill Ln., Gastonia, NC.

Mr. Harris stated we concur with Mr. Pauling, and we envision a mixed-use urban-style apartment complex for development here with ground floor commercial and residential above. Mr. Harris stated this fits in perfectly with the future plans of Gastonia and the FUSE district.

Vice-Chair Stewart asked the board if there any questions for the applicant

With no further question, Vice-Chair Stewart asked what are the wishes of the board?

Commissioner Carl Harris made a motion to approve the rezoning with the statement of consistency and reasonableness. Commissioner Chad Ghorley seconded the motion. The motion was unanimously approved (7-0).

Vice-Chair Stewart stated we're going to go back to item number two the public hearing.

### **Item 2: Public Hearing (Continued) – Union Road Townhomes (File #202200487)**

Subject hearing involves a request to assign a zoning district in conjunction with an annexation request for approximately 1.46 acres from Gaston County O-1 (Office) to City of Gastonia PD-RRDD (Planned District – Revised Residential Development District). The subject property is located between Union Road and Robinson Road, adjacent to Pineridge Lane. The property is owned by South Oak Partners, LLC. The-city council will hold a public hearing for this agenda item on December 20, 2022

Vice-Chair Stewart opened the public hearing and recognized Jason Pauling, Assistant Planning Director, for of staff presentation. Mr. Pauling stated that this case before you is a continuance for 1.46 acres on Union and Robinson Road. He stated both the annexation and rezoning are scheduled for final hearing at City Council on December 20, 2022, and Planning Commission vote tonight will be for recommendation.

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Mr. Pauling referenced an aerial map and stated the property is currently vacant and includes some wooded areas. He stated properties to the north are also vacant, and that this property is approximately 100-foot south of the intersection of Union and Pineridge Lane, and 750-foot south of where Union and Robinson intersect.

Mr. Pauling referenced the zoning map and stated this request consist of two tax parcels currently in the Gaston County jurisdiction and zoned O-1. He stated that directly east, the property is inside the City of Gastonia and contains a strip shopping center zoned C-2, which includes the Mighty Dollar as the anchor. He stated that directly south, ~~is~~ property also in the City of Gastonia and zoned O-1, which includes an existing TV service business. He stated further south, property is zoned residential. He stated that along Robinson Road to the west, are mostly existing single-family uses zoned R-1, and to the north properties between Robinson and Union are zoned a combination of C-2 and O-1.

Mr. Pauling referenced the site plan and stated that it has been through revisions and the site has challenges based on size. He stated that the intent is to conform to 8.1.17 of the UDO for attached single-family, whereas the applicant is proposing a new public street along the south end of the property connecting between Robinson and Union. Mr. Pauling stated the proposal is up to 13 units within three buildings with architectural frontage on a small strip of common open space to the north. He stated we have seen a lot of larger plans styled to meet the new code and this gives you a chance to see some of the intent behind R2D2 on a smaller scale.

Mr. Pauling referenced the submitted elevations and stated at this time, very limited information has been provided regarding elevation details. He stated that what has been provided is a duplex layout, but staff has conditioned detailed, color elevations be submitted should this request be approved. He stated that it has been discussed with the applicants that the elevations being presented does not meet the code.

Mr. Pauling referenced the future land use plan and stated that the recommendation for these parcels, as well as the area to the north where Robinson and Union split, is for commercial use. He stated as a major thoroughfare, the case can be made that commercial is appropriate along Union Road with limited driveways, but not along Robinson Road and normally, staff would recommend a transition between standard commercial (C-2 or C-3) and the residential area, which would be C-1, OLC, or O-1. He stated that all of these districts allow for planned, attached single-family. Mr. Pauling stated that staff can therefore make the case that PD-RRDD is appropriate for this property and this area if designed and laid out properly.

Mr. Pauling referenced staff's recommended conditions and stated, as noted earlier in his presentation, one of the conditions require the applicant to provide additional details on the elevations for the front, rear, and side units that face Union and Robinson. He stated that this is a typical condition, whereas in the past we have conditioned that residential units be predominantly brick, stone, or other masonry product mixed with fiber cement (hardie board siding). He stated conditions 3 and 4 will require development services approval of both the new street, as well as improvements required for Union and Robinson as part of a major subdivision request. He stated that condition 5 encourages tree save within the common open space, and condition 6 is coordination of water and sewer services, which are available to serve the property once it is annexed.

Mr. Pauling stated that this concludes staff's presentation as he referenced the consistency statements for the board's consideration, and that he would be happy to answer any questions.

Vice-Chair Stewart recognized David Tibbals, 8111 Sealey Court Charlotte, North Carolina. Mr. Tibbals stated he is the owner of South Lake partners and owner of the land. He stated we do have a color rendition of the five unit building. Mr. Tibbals presented the color elevations. Mr. Tibbals stated we are committed to brick and fiber cement siding in this elevation. He stated they have gone back and forth with several different iterations of trying to do this project and is available to answer any questions you may have.

Commissioner Harris asked Mr. Tibbals what percentage of brick are you proposing. Mr. Tibbals responded 50% brick on the units that would have brick on the lower level, and then the balance would be siding throughout.

Commissioner Harris asked Mr. Tibbals what is your dwelling unit square footage. Mr. Tibbals responded that these units are approximately 1400 square feet and are planned for one-car garages. Mr. Tibbals stated that he had a different builder in the begin of this project, but with the market conditions that builder has changed. He stated they may come back with a three story two car garage product that might have some differentiation but would still honor the architectural requirements where we're proposing.

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Commissioner Harris asked staff what's the height restriction in that district. Mr. Thompson stated we can get that answer for you, that's the new R2D2. Mr. Thompson stated we haven't really dealt with any height issues to date and most that we've dealt with has been two levels are lower, so it hasn't been an issue.

Commissioner Harris asked Mr. Tibbals is this for sale or rental. Mr. Tibbals responded these will be for sale.

Commissioner Gallant asked Mr. Tibbals if they had any neighborhood meetings regarding this project. Mr. Tibbals stated we did send out a notice to all the adjoining owners for a neighborhood meeting, which was done via zoom and had one attendee, Mr. Benton he believes, a property owner to the north that we spoke to about the project. Mr. Tibbals stated we have discussed potentially growing the project to include more property, but we have not come to agreement at this point.

Commissioner Gallant asked Mr. Tibbals were there any concerns that Mr. Benton had regarding the project. Mr. Tibbals responded that to his knowledge he was not against it at the time of our neighborhood meeting.

Commissioner Stewart recognized Jay Bingham of 3303 Union Rd., Gastonia, NC. Mr. Bingham stated he is the owner of Advanced TV service here in Gastonia, and has been in business since 1977. He stated we're located directly in front of the Forestbrook shopping center and his property is adjacent to Mr. Tibbals' property. Mr. Bingham stated that he and Mr. Tibbals have talked back and forth on several occasions on different ideas and different plans that never really went forward. Mr. Bingham stated that he felt that a project like this, going from Commercial to Residential, would not be in our favor. He stated the neighbors don't feel like it flows with the future land use plan, which calls for commercial. Mr. Bingham stated we feel like if this was switched from Commercial to Residential it would upset the lay of the land. Mr. Bingham stated he doesn't recall any zoom meeting that Mr. Tibbals mentioned. He stated some of the others that are here this evening also didn't hear about the meeting. Mr. Bingham stated he is open to discuss this project. He stated that the switch from Commercial to Residential would affect future property value and potential growth and development of other properties. Mr. Bingham stated we're in a good, strong area on Union Road and the shopping center across the street is a thriving shopping center. He stated they've just recently renovated that shopping center. Mr. Bingham stated that he also spoke to the property owners at the corner of Union and Robinson Road, and they purchased their property nearly 30 years ago and are in favor of commercial development. Mr. Bingham stated that other property owners also feel that it would not be good to change property that has been commercial for almost 30 years. Mr. Bingham discussed the other investors that came in with commercial building plans. Mr. Bingham stated he doesn't oppose residential on the back side along Robinson Road because that would flow with the residential in that area, but as far as upsetting the commercial property on Union Road, we feel like it would be detrimental.

Commissioner Stewart recognized Phillip Hicks, 147 Robinson Road. Mr. Hicks stated he is adjoining to Jay's property to the south. He stated he has the same concerns as Jay and he doesn't know that the commercial area should be broken up with residential. Mr. Hicks also stated concerns over traffic and using the new road as a cut through.

Commissioner Stewart recognized Mark Schenck, 3311 Union Rd., Gastonia, NC. Mr. Schenck stated it doesn't seem to make sense be breaking the entire stretch of properties up into three sections where you'd have commercial on one end and residential in the middle.

Commissioner Stewart recognized Lee Woody, 1961 Cottage Ct, Gastonia, NC. Ms. Woody stated it would be a traffic nightmare to have that kind of additional traffic on Union Road. She stated we can't even get out of that shopping center where the Food Lion is because of traffic. She stated there is traffic from the elementary school as well. Ms. Woody stated that she didn't know about the Zoom meeting and does not know how to use Zoom. She stated she did speak with Mr. Belton, and they have one-half interest in the same lot directly adjacent to the north. Ms. Woody stated she doesn't think that Mr. Belton expressed that he would be willing to sell that property.

Commissioner Stewart recognized Mr. Tibbals again to address the comments made. Mr. Tibbals stated there has been discussions about commercial, but the current zoning is actually Office for the property to the south and north in the County. He stated if you look at other districts, in general zoning categories, office and residential are generally compatible.

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Discussion ensued on whether Mr. Bingham would be allowed to speak a second time. Mr. Bingham stated that Mr. Schenck's property is zoned C-3. He stated our hopes as far as future growth and build was for commercial, not office.

Vice-Chair Stewart asked Mr. Jason Thompson, Planning Director if he would address the different uses. Mr. Thompson stated with regard to residential in the presence of office, and in an area like this, the O-1 zone property to the south, which is inside the city limits. allows residential. Mr. Thompson stated it's any property owner's decision as to how they want to use their own property or who they might want to sell it to, for that individual or that group to develop it. He stated that residential would already be permitted in some of the locations along this this corridor. Mr. Thompson stated you are considering a site specific development plan, because this is a conditional rezoning district and you have specifics about exactly what is being proposed to happen. He stated in properties zoned O-1, ~~the~~ single family residential is a use by right, and no one would have to come to this board to ask for permission for that residential.

Commissioner Silverman asked Mr. Thompson would he mind elaborating on the planed district a little bit. Mr. Thompson responded as Jason Pauling pointed out, we typically have been looking more at large developments in R2D2, and the big picture when it comes through, but this is a smaller scale development He said that the Planned District has always been set up as a conditional zoning request to allow for us to examine projects that do not fit the traditional zoning we've always had.

Commissioner Armstrong asked Mr. Thompson if there's anything to prevents the new street from being a cut through from Robinson to Union Road, or vice versa. Mr. Thompson responded that it's a public street and there is a traffic calming manual that has been approved and is administered by the engineering department. He stated that he doesn't believe it would change much given that this request is only 13 units. He stated that this is not subject to a traffic impact analysis, but generally speaking, there are manuals published by Nationwide traffic engineering organizations that are used to estimate or forecast how development and different kinds of development generate traffic and where that traffic goes. He stated commercial development or nonresidential development, particularly retail, or even an office would be expected in C-3 zonings to generate more traffic on a daily basis than residential would. Mr. Thompson stated in a majority of residential cases, on most days a trip is generated away from the dwelling unit and back, whereas with retail or office uses there's traffic all day long.

Commissioner Harris asked Mr. Thompson with the current zoning O-1, that the applicant could build what he has proposed. Mr. Thompson responded that it is in the county jurisdiction right now, but that our O-1 zoning district allows single-family residential. Mr. Thompson stated the City and County UDO's were originally drafted at the same time, so there are common elements in them. He stated that over time that diverges a bit, because we're a city of 80,000 people and Gaston County is more rural, so you're going to expect for some of those things to change and to be different. Mr. Thompson reiterated that a lot of the basic parts of the codes are the same.

Vice-Chair Stewart asked if there any more questions for staff or the applicant. With there being no further questions, Vice-Chair Stewart asked what are the wishes of the board? Mr. Thompson reminded the board that this is going to City Council with an annexation, this vote would be for a recommendation. Commissioner Ghorley made a motion to close the public hearing. Commissioner Harris seconded the motion. Commissioner Ghorley stated his concerns over safety and traffic being the reasoning behind his motion.

Commissioner Harris stated he would like to reopen the public hearing for a question. Commissioner Harris made a motion to open the public hearing. Commissioner Ghorley seconded the motion.

Commissioner Harris stated he is looking at safety concern for cutting through from one street to another. He stated it looks like more of a residential drive on the Robinson side and more like a type two or whatever it is on the left side? Tucker Johnson responded he thinks the way they depicted this drawing that its tied into an existing apron and that's not the way it'll be once Engineering reviews it. He stated that this is not an approved plan and we will require-a full roadway radius. Commissioner Harris asked Mr. Johnson if it will be a type 2. Mr. Johnson responded that DOT is probably going to require 20-25-foot minimum radius and it'll be a city standard street, so it's going to be 24-foot-wide, paved road between. He stated there is a concern over people coming up Union Road needing to make a left turn at the light, they could just pop through the neighborhood and pop out on the other side.

Commissioner Wilson asked Mr. Johnson will this actually be a designated city road. Mr. Johnson responded "yes". Commissioner Wilson asked Mr. Johnson can the city or state require that there be speed humps in there as a deterrent. Mr. Johnson responded we have a policy on speed humps, and they are discouraged. He stated what neighborhood streets should be designed with traffic calming in

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the beginning, without speed humps. Mr. Johnson stated he doesn't know of another case where we required speed humps at the beginning.

Commissioner Silverman stated in past experience, adding speed humps requires certain distances, whether it be to or from a curve or stop sign. He stated it's much harder to add speed humps afterwards and he doesn't think that you can require one in the beginning. Mr. Thompson stated it is possible to add a zoning condition to require some kind of traffic calming.

Discussion ensued over traffic calming solutions.

Commissioner Silverman asked was there potential that property owners were discussing with other property owners of possibly changing their layouts and having other options, maybe facing this to Robinwood almost taking this whole plan and just turning it on its side. Mr. Thompson responded that he doesn't know if that would necessarily yield the same results because it would be shorter distance.

Vice-Chair Stewart asked Mr. Thompson about the open area at the top. Mr. Thompson responded that it's proposed as green space. Vice-Chair Stewart asked if this was a part of the property. Mr. Thompson and Mr. Tibbals responded yes.

Vice-Chair Stewart stated there's a whole lot of things that need to happen before this is approved, so we'll get to see it again. Mr. Thompson stated I don't think it would come back to you because preliminary plats are now administrative approvals, but the final plats go to council and they don't come here.

With there being no further comments or questions, Vice-Chair Stewart asked if there a motion to close the public hearing. Commissioner Harris motioned to close the public hearing. Commissioner Armstrong seconded the motion. The motion to close the public hearing is approved (6-0).

Vice-Chair Stewart asked the board if there is a motion of recommendation. Commissioner Gallant made a motion to recommend approval of the rezoning to City Council. Commissioner Ghorley seconded the motion. The motion passed (7-0).

### **Item 5: Public Hearing – The Lofts at Hudson (File #202200571)**

Subject hearing involves a request to rezone approximately 24.97 acres from C-2 (Highway Business District) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to RMF CD (Residential Multi-Family Conditional District). The subject property is located north of W. Hudson Boulevard between Clyde Street and Lynhaven Drive. The property is owned by Usmani Holdings, LLC.

Vice-Chair Jim Stewart opened the public hearing and recognized Jason Pauling, Assistant Planning Director, for the purpose of staff presentation. Mr. Pauling stated that this is a request to rezone close to 25 acres from C-2 and RS-8 to RMF-CD.

Mr. Pauling referenced the aerial map and stated the property consists of three tax parcels with frontage on Clyde Street, Lynhaven Drive, and a portion on East Hudson Boulevard. He stated that the property is currently vacant, and bisected by a creek and overhead electric easement. Mr. Pauling stated the City of Gastonia Fire Station #5 exists to the south, an existing shopping center with Food Lion as the anchor borders the site to the south and west, the Gaston County Health Department across Hudson to the southwest. He stated there are existing multi-family and single-family uses to the north adjacent to this property. Mr. Pauling stated further to the north of the site, Hunter Huss High School is close in proximity.

Mr. Pauling referenced the Zoning Map and stated the property is split-zoned, with C-2 (Highway Commercial) closer to Hudson Boulevard between the fire station and shopping center. He stated the remainder of the property is zoned RS-8. Mr. Pauling also stated a mixture of RS-8 and RMF border the property to the north.

Mr. Pauling referenced the site plan and stated the applicant is requesting to rezone the property to RMF-CD in order to develop 252 apartments. He stated primary entrances to the site will be from Clyde Street with no driveways proposed on Hudson or Lynhaven, however the applicants are planning to construct about 0.3 miles of greenway through the site. He stated this greenway will connect between Lynhaven and Clyde along the creek, and additional amenity areas and open space is planned as well.

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Mr. Pauling referenced elevations and stated the building proposed will be three stories and consists of brick predominantly with fiber cement accent siding and shakes.

Mr. Pauling referenced the future land use map and stated the map suggests commercial along Hudson and residential for the rest of the site. Mr. Pauling stated the multi-family residential development based on the conditions proposed, the site plan submitted, and compliance with section 8.1.10 of the UDO is supported by staff.

Mr. Pauling presented the proposed zoning conditions, stated that this concluded staff's presentation, and asked if there were any questions and that the applicant was here as well.

Commissioner Glenn Silverman asked Mr. Pauling if there's a greenway on the proposed development map, if so, is that connecting to the existing Gastonia Greenway or is it stand alone. Mr. Pauling stated that right now there is not any developed Greenway here. He stated there is a sidewalk and bike lanes on Lynhaven and sidewalk on Clyde, and that the proposed greenway is shown on the City's adopted Greenway Plan and would connect between Lynhaven and Clyde.

Commissioner Carl Harris asked staff if this development includes multiple property owners. Mr. Pauling stated there are three tax parcels, but one owner to his knowledge

With there being no more question for staff, Vice-Chair Stewart recognized Davis Ray, 5614 Riverdale Dr., Jamestown, North Carolina. Mr. Ray stated we are proposing 252 units on the subject property. He said that Wynnefield properties is a developer, general contractor, and property management agency based out of Jamestown, North Carolina. He stated they're a 50-year-old family company from the state of North Carolina. Mr. Ray stated that they own and/or manage about 90 properties with another 16 communities under construction from Lenoir all the way to Wilmington.

Commissioner Ghorley asked Mr. Ray if there are currently any projects in Gastonia or Gaston County. Mr. Ray responded "no".

Commissioner David Wilson asked Mr. Ray if they have all of their plans drawn to work around the floodplain. Mr. Ray responded these are obviously conceptual plans and they have to go through the engineering phases. He stated they have been working on this property for about five years now with a couple of different designs and saw an opportunity to maximize the property in its entirety, rather than segmenting it. Mr. Ray stated they will have some additional detailed due diligence with their engineering team.

Commissioner Harris asked Mr. Ray the distance of one of the setbacks. Mr. Ray responded he is not exactly sure what the what the measurement is, but he believes it's between 50 and 70 feet.

With there being no further questions for the applicant, Vice-Chair Stewart asked for the wishes of the board. Commissioner Ghorley made a motion to approve the rezoning with the statement of reasonableness and consistency. Commissioners Harris and Gallant seconded the motion. The motion was unanimously approved (7-0).

### **Item 6: Public Hearing – The Reserve at Hudson (File #202200570)**

Subject hearing involves a request to rezone approximately 19.06 acres from C-2 (Highway Business District) and RS-8 (Single-family Residential, minimum 8,000 sq. ft. lots) to RMF CD (Residential Multi-Family Conditional District). The subject property is located north and south of W. Hudson Boulevard between Clyde Street and McArver Street. The property is owned by Usmani Holdings, LLC.

Vice-Chair Stewart opened the public hearing and recognized Jason Pauling, Assistant Planning Director, for the purpose of staff presentation. Mr. Pauling stated this rezoning case is directly adjacent to the Loft at Hudson rezoning case that was just heard and is known as the Reserve at Hudson. He stated the Reserve at Hudson is a senior apartment project along East Hudson Boulevard on approximately 19.06 acres. Mr. Pauling stated this request is for RMF-CD.

Mr. Pauling referenced the aerial map and stated that this site, split by Hudson and Clyde Street, is vacant. He stated a portion of the site located at the northeast corner of Hudson and Clyde has topographic challenges, and although this it is part of the request, it will remain undisturbed. Mr. Pauling stated this property is adjacent to Fire Station #5, and the Food Lion shopping center across Hudson Blvd. He stated it is adjacent to the Gaston County Health Department facility directly west, and existing single-family to the south.

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Mr. Pauling referenced the zoning map and stated the site is split with some C-2 across from Food Lion, and also RS-8. Mr. Pauling stated the Health Department property is zoned OLC (Office, Light Commercial) to the west and residences to the south are zoned RS-8.

Mr. Pauling referenced the site plan and stated the primary development area is approximately 10.79 acres, with a new driveway entrance proposed on Hudson Blvd. across from Clyde St. He stated the proposal features 164 units within a single four-story building. Mr. Pauling stated the proposal also calls for an additional 2.16 acres of tree save area in addition to the undisturbed area across the street. He stated the applicants will also be required to install a 10-foot multi-use path along Hudson Blvd. according to the City's Municipal Transportation Plan.

Mr. Pauling referenced a drawing provided by staff showing the connectivity between the Lofts at Hudson and the Reserve at Hudson. He stated on this drawing, staff has shown the relationship between both projects, including the portion of the property to remain vacant. He stated that within the undisturbed area, staff is requesting and conditioning sidewalk extension along Clyde St, and payment-in-lieu of construction for approximately 275-feet of greenway extension shown in red on the drawing presented. He stated this also shows the multi-use path along Hudson, the greenway through the Lofts, and potential bus stops.

Mr. Pauling referenced the submitted elevations and stated this product will be similar to the Lofts.

Mr. Pauling referenced the Future Land Use Plan and stated the map suggests a mix of commercial and offices in this location. He stated that office is generally suggested for O-1, OLC or other mixed use zones, which also allow residential in most cases. He stated that staff supports senior-style apartments in this location based on the site plan design, and per the conditions presented.

Mr. Pauling presented and discussed the proposed conditions and the statements of consistency and reasonableness. He said that this concludes staff's presentation and asked if there were any questions from the Commission.

Commissioner David Wilson stated Clyde St has a lot of traffic and asked Mr. Pauling if there will only be one entrance. He stated that there is already a turn there, so there won't be a right in/right out, correct. Mr. Pauling stated this one will require a TIA and he thinks they're going to combine the two projects into one TIA for the whole area.

Commissioner Glenn Silverman asked Mr. Pauling about the property in the northeast corner and if the applicant didn't plan on developing it because of obstacles. Mr. Pauling stated it may be because topographic challenges and he'll let the applicant speak more about it.

Commissioner Carl Harris asked Mr. Pauling about the retention pond. Commissioner Silverman asked Mr. Pauling if that pond is because of the runoff or is that because of other requirements, besides that retention pond. Mr. Pauling responded that at this stage they show those because conceptually they're supposed to have it, but the details of how big or small that gets happens during site plan review.

With there being no further questions for Mr. Pauling, Vice-Chair Stewart recognized Davis Ray, 5614 Riverdale Dr., Jamestown, North Carolina.

Mr. Ray addressed the comments regarding the entrance. He stated we try to, on their conceptual layouts, be as open-minded as we can, but we realize with the amount of traffic not only on Hudson but also on Clyde that this would likely be a right in/right out.

Mr. Ray addressed the comments on the pond. He stated that Jason's comments are accurate and this is all conceptual at this point. Mr. Ray stated that this will be specked by their engineering team.

Commissioner Harris asked Mr. Ray what are the age restrictions. Mr. Ray responded these would be 55 and older.

Commissioner Harris asked Mr. Ray if they have built senior apartments like this before. Mr. Ray responded that currently, as far as this particular building design, they have four under construction in High Point, Sanford, and Greensboro. He stated that they are not quite to this scale or this many units, but they have built quite a few of these.

With there being no further questions or comments, Vice-Chair Stewart asked for the wishes of the board. Commissioner Ghorley made a motion to approve the rezoning with the statement of

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reasonableness and consistency. Commissioner Wilson seconded the motion. The motion was unanimously approved (7-0).

### **Item 7: Public Hearing – Unified Development Ordinance Amendments (File #202200633)**

Subject hearing involves a request to amend *Section 7.6.1 (FH) Flood Hazard Overlay District* to the Unified Development Ordinance to allow for a rise in the Base Flood Elevation for public transportation projects.

Vice-Chair Stewart recognized Mr. Tucker Johnson, Assistant City Engineer for the purpose of staff presentation. Mr. Johnson stated this item is a request to modify section 7.6.1 of the UDO, which is the flood hazard overlay. He stated this ordinance regulates encroachments in the floodplain. On an annual basis, he said we typically get requests from homeowners adding on to their house into the floodplain, or decks protruding into the floodplain. Mr. Johnson stated there are also larger projects as part of major subdivisions, and mass grading where they want to level out the site. He said that the same set of rules apply for all these different projects. He stated that this ordinance is going to be very prohibitive for traffic flow, street connections that are going to cross floodplain, and it's not going to be feasible to achieve a no-rise on a lot for public transportation projects moving forward. He stated it created the need for us to look at modifications. He said that some current city projects are going to be affected by this moving forward, and that Engineering has looked at possible modifications to the ordinance that we could make that would give us the opportunity to permit these connections, but wouldn't jeopardize what we've got in the city right now. He stated this very prohibitive ordinance that we have, that does not allow for a rise in the base flood elevation, has been a very good thing for the city over the years. He stated that we've got one repetitive claim in the history of the city, which means that they somebody has had flood damage twice and made a claim on flood insurance. Mr. Johnson stated we're kind of an anomaly and it's due to this prohibitive ordinance that we have, but we think this is an opportunity to be proactive and look forward.

Commissioner David Wilson asked Mr. Johnson if right now we have a zero rise. Mr. Johnson responded that we have a 0.00 rise.

Commissioner Wilson asked Mr. Johnson if all this had to run through Mooresville (NCDENR) or somewhere before. Mr. Johnson responded that was erosion control. Mr. Johnson explained the process of flood permitting in the City's UDO, including the detail of the five findings of facts that need to be tweaked. Mr. Johnson stated we added some language to this ordinance to account for that. Commissioner Wilson asked Mr. Johnson to explain the difference between the floodplain and floodway. Mr. Johnson stated that the floodplain is a reference to the 100-year floodplain, and it's called 100-year floodplain because it's based on what's called a 100-year storm. He stated in non-engineering terms, that this is basically a storm that you expect every 100 years. Mr. Johnson stated the floodway is as if you compress the floodplain to where it went up one foot in elevation, that becomes the floodway. He stated that's considered the area of flow, where flow is moving. Mr. Johnson stated FEMA looks at those two areas a little bit differently.

Mr. Johnson stated we would require written permission from the homeowners. He stated any affected property owners would have to agree to it or it would kill the project and that would be one of the protections written into the ordinance. Mr. Johnson stated we saw an opportunity here to strengthen the requirements of access. He stated in regard to emergency vehicle access, you need to be able to get to subdivisions in a flooding event to get people out, but we don't have a requirement for roads built to be above the base flood elevation right now. Mr. Johnson stated there's a chance that a road tops in a flooding event and we've got water in the road, so what we would do is add language that will require roads to be built at two feet above the flood elevation, which is called the regulatory elevation. So we strengthen the access requirements. Mr. Johnson stated that he thinks moving forward looking at the way the city is going to expand and the creeks that are there, that this will promote good access.

With there being no further questions, Vice-Chair Stewart asks for the wishes of the board. Commissioner Ghorley made a motion to approve. Commissioner Wilson seconded the motion. The motion was unanimously approved (7-0).

### **Item 8: Approval of 2023 GPC Public Hearing Schedule**

Vice-Chair Stewart recognized Maddy Gates and Jason Thompson for the purpose of staff presentations. Mr. Thompson went over the procedures for choosing the dates on the schedule and the details added to the 2023 Public Hearing Schedule.

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Vice-Chair Stewart asked if there was a motion to adopt the 2023 public hearing schedule. Commissioner Gallant made a motion to accept the 2023 Public Hearing Schedule, Commissioner Wilson seconded the motion. The motion was unanimously approved (7-0).

**Item 9: Other Business**

Mr. Thompson updated the board on City Council votes.

**Item 10: Adjournment**

Vice-Chair Jim Stewart asked the board and staff if there was any discussion before closing the meeting. With there being no further discussion, Commissioner Ghorley made a motion to adjourn. Commissioner Gallant seconded the motion. The motion was unanimously approved (7-0)

The meeting adjourned at 7:09 PM.

Respectfully submitted,

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Jalen Nash, Planning Technician

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Jim Stewart, Vice-Chair