

Marshville Planning Board

September 12, 2013, 7:00 PM

Marshville Town Hall

REGULAR MEETING MINUTES

Board Members Present: Chairman Susan Drake, Planning Board Members Rusty Johnson, Virginia Morgan, Lorraine Long, Nancy Ogburn, Jim Rowell, Brian Weber, Mark Traywick, and Jerry Powell.

Staff Present: Mandy Edwards, Planning & Zoning Administrator

Welcome/Pledge of Allegiance

Chairman Drake called the meeting to order at 7:00 p.m. and welcomed the members of the public. The Pledge of Allegiance was offered by all in attendance.

Consideration of Agenda

Mr. Rowell made a motion to adopt the agenda as presented. The motion was seconded by Mr. Traywick and passed unanimously.

Public Comment

Chairman Drake opened the public comment portion of the meeting. She explained to the public that the hearing on the agenda is an establishment of zoning, and that it must be done because the Town of Marshville annexed the property on August 19, 2013. She further explained that in an establishment of zoning, all uses allowed within a district must be considered, rather than a single particular use. She then asked if anyone from the public had a comment.

Mr. Lee, indicated that he is an attorney for Mr. Danny Lee Baker, and that he wanted to recommend to the Planning Board that they approve the establishment of zoning request to establish zoning as RA-40. He indicated that it was zoned RA-40 under Union County zoning, and that his client was in favor of the request. No other members from the public made comment.

Consideration of an Establishment of Zoning Request – Hasty Road Property

Chairman Drake opened the meeting to discuss the Establishment of Zoning request from the Town of Marshville for the Hasty Road property, further identified by Union County Parcel ID Numbers 02086016 and 02303057. She said that the property had been recently annexed and that this was necessary to establish the Town of Marshville zoning on the property. She then asked Ms. Edwards to present the case.

Ms. Edwards said that she wanted to begin by addressing a procedural issue. She said that there had been a lot of rumors around town and in the newspaper regarding a possible use on the property. She said that the purpose of this meeting was only to make a recommendation to the Town Council to establish zoning on the property. She said that the reminders to board members and the general public not to speak about specific uses during this process were to protect the process and the Town. She said that the Town could not consider specific uses at this point in the process, because it was not a conditional zoning. Therefore, no specific uses or conditions can be tied to the establishment of zoning, except that all uses allowed in the district by right would be potential uses after the establishment of zoning. She further explained that any uses that are allowed with a special use permit would require a hearing before the Board of Adjustment. If an

application is submitted and a hearing takes place, then there will be notice published in the newspaper. At that hearing, any persons wishing to present relevant evidence will be allowed to speak.

Ms. Edwards then presented the facts of the application, indicating that the property is located on Hasty Road, and that the recommendation was to establish zoning on the property as RA-40. She said that the property was zoned RA-40 under Union County jurisdiction, and that Marshville RA-40 was the most similar district in the Town of Marshville Land Use Ordinance. She also said that the request was consistent with the most proximate area of the currently adopted Town of Marshville Land Use Plan. She said that staff recommended approval of the request to establish zoning as RA-40, and then asked if any members had questions.

Ms. Ogburn asked when the nearby property in the ETJ had been rezoned to RA-40. She said that an older map from 2007 in her book showed the property as R-30, and she didn't know why that had been changed. She said that she did not think the Town of Marshville needed more agricultural property and that the zoning should be established as R-30.

Chairman Drake said that the zoning had been changed when the current Land Use Plan was adopted. She said that the Town should establish zoning on the property that is consistent with the surrounding properties. Ms. Edwards said that if the property were zoned anything other than RA-40, there would need to be a discussion about why this was more reasonable than RA-40. Ms. Ogburn made a motion to establish zoning on the property as R-30. There being no second, and the motion died.

Mr. Rowell said that RA-40 was reasonable because it was consistent with the zoning on surrounding properties. He also said that it was consistent with the currently adopted Town of Marshville Land Use Plan. Mr. Rowell made a motion to adopt a statement that the request is reasonable because it is consistent with the surrounding zoning, and a statement that the request is consistent with the currently adopted Town of Marshville Land Use Plan, and to recommend approval of the request to the Town Council. The motion was seconded by Mr. Traywick. The motion passed 7-1, with Ms. Ogburn voted to against.

Work Session

Mr. Rowell made a motion to go into work session. The motion was seconded by Mr. Johnson and passed unanimously. Chairman Drake asked Ms. Edwards what was on the agenda for discussion during the work session. Ms. Edwards answered that there was no specific item on the agenda related to the work session. She said that they could continue the work session until the September 26, 2013, at which time Mr. Flowe would have more information related to the Town of Marshville Town Plan 2035 for discussion and review.

Adjournment

Mr. Powell made a motion to continue the meeting for the work session until September 26, 2013. The motion was seconded by Mr. Rowell and passed unanimously.

These minutes approved this _____ day of November, 2013.

By: _____
Susan Drake, Chair

Attest: _____