

Marshville Planning Board Meeting

July 13, 2020 7:00PM

Present (in person): Frances Griffin

Present (via Zoom): Fred Burton, Susan Drake, Tracy Stancill, Rusty Johnson, Tom Appenzeller, Brian Weber

Absent: None

Pledge/Invocation: All stood for pledge. No Invocation was given.

Public Comments: No public comments were submitted prior to meeting.

Rezoning Application: 402 E. Union Street: The Board began discussing the rezoning application. Ms. Drake explained that the applicant is wanting to rezone their property from Civic to RMST.

Ms. Soriano explained that the property is currently zoned Civic because it used to be part of the Firehouse property. However, the owner of the neighboring property at 408 E. Union Street (New Path Properties) has purchased the property and would like to rezone it to match his current property. Ms. Soriano went on to explain that his proposal meets all of the requirements of the UDO. Ms. Soriano then opened up the floor for questions from Planning Board members.

Ms. Drake then asked Ms. Soriano to refresh everyone what the RMST district table of uses include.

Ms. Soriano then explained the table of uses.

Ms. Drake then asked there were any questions or comments.

Mr. Burton commented that there is curb cut for a sidewalk wheel chair ramp and asked if there was a possibility to cut down a rose bush there that obstructs the road on E. Union Street.

Ms. Soriano explained that the owner would have to take care of that when he starts to build on the property.

Mr. Weber asked if there is currently a home on the property.

Ms. Soriano acknowledged there is.

Mr. Weber then asked if the owner is going to be putting up a business and taking the home down.

Ms. Soriano stated that she did not receive any documents indicating that.

Mr. Weber asked if they are allowed to ask for the purpose of the rezoning.

Ms. Drake explained that the real question here would be if you consider the change from Civic to RMST is an appropriate change based on the given definitions and uses of RMST.

Ms. Soriano explained that she does not have any formal reason given from the applicant.

Mr. Johnson asked if it was in line with the 2030 plan.

Mr. Weber asked if they discussed in past meetings if the board were discussing changing some of the current properties around that property to RMST.

Ms. Soriano explained that the properties in question were on the north side of this property and would follow Olive Branch Drive and did not include this particular property.

Ms. Soriano asked if there were additional questions.

Mr. Burton stated that the owner at New Path Properties of the adjoining address of 408 E. Union Street would like to continue the same use they are currently using and not build anything new there.

Ms. Soriano stated that she did not know.

Mr. Weber asked if the Fire Department was zoned Civic.

Ms. Soriano confirmed the Fire Department was zoned Civic and that New Path Properties is zoned RMST.

Mr. Weber stated that he did not have an issue changing 402 E. Union Street to RMST and that the change would be beneficial down the line.

Mr. Johnson stated that if there were no more questions or comments then he would like to make a motion to recommend to the Town Council to approve this property be rezoned to RMST based on the fact that it is in line with the future land use map.

Mr. Burton seconded.

Ms. Drake then announced that she would call each Planning Board Member's name and asked them to state if they are voting yes or no.

Ms. Drake voted yes.

Mr. Weber voted yes.

Ms. Griffin voted yes.

Mr. Johnson voted yes.

Ms. Stancill voted yes.

Mr. Appenzeller voted yes.

Mr. Burton voted yes.

Motion passes unanimously to recommend to Council the approval of this rezoning.

Rezoning Application: Lot 3, Green Street: Ms. Drake explained that the applicant would like to rezone this property from Single Family/Residential to RMST.

Ms. Soriano explained that the property is the end parcel on the cul-de-sac on Green Street. Ms. Soriano explained that the applicant's zoning requirements are in line with the RMST and opened up the floor for questions and comments.

Mr. Appenzeller asked if the lot is in line the zoning requirements then why wasn't it rezoned RMST to begin with.

Ms. Drake explained that when the Board four years ago were assessing each parcel in the city limits and in the ETJ, the Board looked at each parcel and designated what the board thought would work at the time. This parcel was voted unanimously by the Planning Board to leave zoned as Single Family/Residential. Ms. Drake went on to explain that most of the other parcels surrounding the lot were also zoned as Single Family/Residential.

Mr. Weber asked if the lot in question was the large lot between Old Hwy 74 and Green Street.

Ms. Drake said no and that the lot is land locked.

Ms. Soriano pointed out that it is the center 7.6 acre lot.

Ms. Drake asked if everyone could see where the parcel is located.

Mr. Burton said that he looked at Google Maps and that if it's the one he's looking at then it's almost in the Drake House backyard.

Ms. Drake explained that the property boundary with hers is probably ten acres away.

Mr. Johnson asked if it's the property behind Mill Tree Apartments.

Ms. Soriano said that is the property in question.

Mr. Johnson asked what Mill Tree is currently zoned as.

Ms. Soriano said the apartments are zoned as RMST.

Mr. Weber said on the zoning application it is listed as SFR1.

Ms. Soriano stated that the property currently under discussion is SFR1.

Mr. Johnson asked if the property beside Mill Tree is also RMST.

Ms. Soriano confirmed it is.

Mr. Johnson said then they would pretty much just be extending the RMST that is already there back a little bit further.

Mr. Weber expressed concern that the lot is not off of a major street but off of a dead end side street with no access to it until you get to Green Street and wondered if they would have to widen that street out if the applicant put in a building there and how it would work.

Ms. Soriano explained that it would depend upon what the owner would be looking to build there.

Mr. Weber asked if the town would be responsible for changing the street size to accommodate a new structure if it is zone differently.

Ms. Drake said that would have to be a decision made by a technical review committee.

Mr. Appenzeller asked if the property has access to water and sewer.

Ms. Drake said she believes it does or would be able to tap into the water and sewer system.

Mr. Burton explained that street improvements would need to be addressed if they submit plans to actually build something.

Ms. Drake said she has a few statements she would like to make concerning this property. Ms. Drake stated that she does not believe RMST would be appropriate for this particular piece of property because in the definition, it does not surround the main street or main street periphery as stated in the RMST definition. She also stated that this particular property has no existing development and does not support the core of central downtown and is far enough outside of the core downtown that it does not meet the criteria. The property only limited access to one street, which is Green Street which itself has no sidewalks or bike lanes and no pedestrian access to the core of downtown.

Ms. Soriano informed Ms. Drake that she is listed as one of the neighbors on the property report and would constitute a conflict of interest. Therefore Ms. Drake's vote would not be able to be counted.

Ms. Drake stated that if the Board feels there is a conflict of interest then she would abstain from voting.

Mr. Johnson asked where Ms. Drake's property on Green Street is and asked if it bordered Cindy Street and that on the map he is looking at it is listed as number 7.

Ms. Drake said that her property does not boarder Cindy Street.

Mr. Johnson said that on the map he is looking at has her listed as neighbor 7.

Ms. Drake explained that the property that is being requested to be rezoned borders Cindy Street. Her property does not.

Ms. Soriano showed the map she is using from Union County GIS and drew an X at the property under discussion.

Mr. Johnson said the map he was given says something different.

Ms. Soriano said the map he was given was a different report given by a realtor.

Mr. Weber said that the property in question does in fact boarder Ms. Drake's property.

Ms. Soriano explained that the Board would need to take a vote on whether Ms. Drake should abstain from the vote and she would need to recuse herself from the discussion going forward.

Mr. Burton made a motion to ask Ms. Drake to rescue herself from voting due to a conflict of interest.

Mr. Weber seconded.

Mr. Burton then asked each Board member how they vote.

Mr. Appenzeller voted yes.

Mr. Weber voted yes.

Ms. Stancill voted yes.

Ms. Griffin voted yes.

Mr. Johnson lost connection to Zoom.

Mr. Weber stated that they have a majority vote.

Mr. Burton announced that they have a majority vote and asked Ms. Drake to recuse herself from the vote and discussion.

Ms. Drake agreed to recuse herself.

Mr. Johnson arrived at town hall in person.

Mr. Burton asked for a motion on what the board would like to recommend to Council regarding this rezoning request.

Mr. Johnson made motion to recommend that the Town Council deny the rezoning application based on the town plan 2030.

Mr. Weber seconded.

Mr. Burton asked the Board members if they vote yes to deny the application or not to deny.

Mr. Appenzeller voted yes to deny.

Mr. Weber voted yes to deny.

Ms. Stancill voted yes to deny.

Mr. Johnson voted yes to deny.

Ms. Griffin voted yes to deny.

Motion passed unanimously to recommend to Council not to rezone Lot 3 on Green Street.

Adjournment: Ms. Drake asked for a motion to adjourn. Mr. Johnson made motion, Mr. Burton seconded. All Ayes. Motion passed unanimously. Meeting adjourned at 8:09 pm.

