

# Marshville Planning Board Meeting

## November 9th, 2020 7:00 PM

**Present (in person):** Frances Griffin, Rusty Johnson, and Tom Appenzeller

**Present (via Zoom):** Susan Drake, Tracy Stancill, and Brian Weber

**Absent:** Fred Burton

**Pledge/Invocation:** All stood for pledge. Invocation was given by Mr. Johnson.

**Approval of September 14<sup>th</sup> minutes:** Ms. Drake asked for a motion to approve the minutes. Mr. Johnson made motion, Ms. Griffin seconded. All ayes. Motion passed unanimously.

**Reminder of Swearing-In Requirements for all Planning Board Members:** Ms. Drake asked that anyone that hasn't been sworn in to make an appointment at Town Hall to get sworn in for both Planning Board and Board of Adjustments.

**Presentation of 122 S. White Street Subdivision:** Ms. Soriano explained that the home owner of this corner lot is proposing to subdivide it so that there is a second lot formed that will front onto S. White Street and the remaining corner lot will still have an Griffin Lane and S. White Street. The issue is that the edge property jets into the street right of way which is not allowed in the town's UDO is not allowed when asking for a subdivision. Ms. Soriano stated that we are looking at the signing of a 40ft right of way which is the minimum standard through NCDOT. The town needs to establish a right of way to determine where the setbacks fall within the property line. Ms. Soriano then put forth a motion to recommend that the Planning Board approve the 40ft right of way to be sent to Town Council.

Ms. Drake then asked if there was a motion.

Mr. Appenzeller then asked why this was necessary.

Ms. Soriano explained this is part of the process for this particular subdivision approval because the property jets into the right of way. In order to approve the subdivision, we first have to ensure that the road that the property jets into has a right of way and then determine where the set backs are. That allows the Board to ensure the property meets all requirements to be subdivided.

Ms. Soriano went on to explain that this brings us to the second piece of this agenda item is what is called the Flexible Development Standard which allows for the technical review committee, Planning Board and eventually Town Council to approve a 10% development adjustment to move the property line a little bit to ensure the current house will not end up in the setbacks one the property is subdivided. This allows the town to move the property edge back a little bit to enable the property owner to have their property divided.

Mr. Appenzeller asked if we really want to property divided.

Ms. Soriano explained that the property is currently located in a Single Family/Residential 3 area and currently have one duplex on the corner and the owners are looking to divide the property down the middle and that it is up to the Planning Board to decide if the property should be subdivided and send the recommendation to Town Council.

Mr. Appenzeller asked if the Board doesn't approve this part then the whole issue is rendered moot.

Ms. Soriano stated that is technically correct.

Ms. Griffin asked if they were wanting to put in a development in and Mr. Johnson explained that they are just wanting to add one house on the property.

Ms. Soriano next explained that because she does not have any official plans, the board needs to look at all of the reasonable uses the SFR3 area because in theory the property owners choose to do nothing with the property if it is subdivided or they could put any one of the additional uses from the SFR3 list on the property. Ms. Soriano then read the SFR3 list of uses.

After hearing *wireless telecommunication facilities* listed as one of the uses, Mr. Weber asked if they could put a cell tower there.

Ms. Drake explained that cell towers are not allowed in town limits or the ETJ.

Mr. Appenzeller asked how large the property would be if it is divided.

Ms. Soriano explained the lot that would be created would be .55 of an acre and the other lot would be .38 of an acre and both fit the minimum 11,600 square ft. that the town has for SFR3.

It was pointed out by Mr. Weber that there is currently a duplex there and that is not allowed in SFR3.

Ms. Soriano explained that it was grandfathered in before the current zoning ordinances were adopted and is a legal nonconformity.

Ms. Griffin asked who currently owns this property.

Ms. Soriano said the property is owned by Andrew and Katie Helms.

Ms. Drake stated that this property is too small to do most of the uses listed for SFR3.

Ms. Stancill asked if there were any plans for the property and Ms. Soriano stated she currently does not have any plans from the property owners.

Mr. Johnson asked if the TRC (Technical Review Committee) has approved this and Ms. Soriano stated that the TRC has approved this and that she has included this in the packets that were handed out.

Ms. Drake pointed out that the TRC recommendation is to go to the Planning Board with this as a recommendation to take to the Council with a recommendation.

Ms. Soriano stated that this is not the first time the Board has voted on issues like this and that the Board did vote to approve a division of a property in 2019.

Ms. Drake asked about group homes that were listed in SFR3 uses and asked what the town has listed from group homes.

Ms. Soriano stated that it is conditional.

Mr. Appenzeller stated that he would like the opportunity to actually see the property before voting to divide it.

Ms. Drake suggested that the Board could table this agenda item until the next meeting so the board members could have a chance to look at the property.

Ms. Stancill stated she would like to see the property for herself since she is not familiar with it.

Mr. Weber stated that he is fine waiting to vote on the agenda item.

Mr. Johnson stated that he is fine either way.

Ms. Griffin said she would like to wait also.

Ms. Drake announced that the Board will wait until the December meeting to approve the right away and the setbacks for 122 S. White Street.

**Presentation of final draft R/MST to MSP table of uses and adjusted zoning map:** Ms. Soriano went over the zoning map with the MSP areas listed. Ms. Soriano then presented the final draft of the table of uses.

Ms. Drake asked about the utility substation and stated that it should not be in the MSP or the R/MST and stated this needs to be discussed by the Board.

Ms. Soriano asked if there were any more opinions on the utility substation use.

Mr. Weber asked where the R/MST is located at.

Ms. Soriano explained that the R/MST is located predominantly north of 74 with a portion along W. Main Street and a wedge between Olive Branch Road and the railroad tracks.

Mr. Weber asked if utility substations are allowed anywhere else in town.

Ms. Soriano confirmed that utility substation is permitted every zone in town.

Mr. Weber stated that he is in agreement with Ms. Drake in that the utility substation should not be in the R/MST.

Ms. Drake then asked how the rest of the board feels about this.

Ms. Stancill agreed with Mr. Weber saying a utility stations locks land up.

Ms. Drake then asked if everyone would be in agreement to remove utility substation from the table of uses in the R/MST.

Mr. Weber stated he was in agreeance.

Ms. Drake then stated she does not think group care facility should not be in the table of uses based on the fact it has a wide use definition and the fact the board had to add a bunch of conditional requirements that didn't work out with one.

Mr. Weber asked to take a quick vote to see if group homes should be removed and send the Town Council the table with these two definitions removed.

Ms. Drake asked for a consensus of the board on removing utility substation and group care facility.

Mr. Weber said to approve table of uses with utility substation and group care facility removed.

Mr. Johnson said he would remove utility substation but would like to keep the group care facility.

Ms. Stancill said she is ok with taking both uses out.

Ms. Griffin said she is fine either way.

Mr. Appenzeller said he would like to take out the utility substation but keep group care facility.

Ms. Drake stated she is in favor of removing both.

Ms. Drake stated that the majority is to take both the utility station and the group care facility out.

Ms. Drake asked the Board if everyone is ok with the uses listed for the MSP.

Mr. Johnson asked about video tape rental stores and sales.

Mr. Weber stated that if there is no relevance for family video rental stores anymore then that leaves the definition open for "inappropriate" video stores and is in favor of removing it because it is irrelevant.

Ms. Drake agreed and asked what the other Board members thought.

Ms. Stancill wouldn't mind taking video store rentals out.

Ms. Griffin said she agrees.

Mr. Johnson said to remove.

Mr. Appenzeller agreed.

Ms. Drake stated that video tape rental and sales will be taken out.

Ms. Drake requested a motion approve the MSP zone as is shown on the map, accompanied by the table of uses as approved by the Planning Board. Mr. Weber made motion, Mr. Appenzeller seconded. All ayes. Motion passed unanimously.

**Confirmation of Flag Signs Decision:** Ms. Soriano discussed the back ground for this agenda item. Ms. Soriano said she did not have any specific language drawn up yet.

Ms. Stancill asked if the board discussed the time limit for flags back in March.

Ms. Soriano confirmed they did but it is very hard to enforce time limits and that's why she and Ms. Drake thought it would be good to bring the issue back up.

Ms. Stancill explained that the issue first arose because Bo jangles had wanted to put up pennant style flags and were told no but then Elizabeth Baptist Church put up pennant flags. Ms. Stancill also explained that the church never took the flags down.

Ms. Soriano said that the intent here is to lean toward making the flag signs permanent as long as it is not blocking sight lines for traffic.

Ms. Drake stated that the Town could control the number of flag signs put up and that they cannot block right of ways but time limits will be difficult to enforce.

Ms. Soriano made the suggestion of making a motion to make them permanent pending the condition of limiting the number on the property and cannot be within driving sight lines or leaving the time limit of 21 days.

Mr. Weber stated he is for letting businesses advertise but when there are so many flag signs up it becomes a nuisance. Mr. Weber suggested taking the time limit out and adding a restriction on the amount per distance between the signs.

MR. Appenzeller asked if they could ban them all together.

Ms. Soriano confirmed the Board could do that.

Ms. Drake requested a motion to make the signs permanent with restrictions. Mr. Weber made motion. Mr. Johnson seconded. Ms. Drake, Ms. Stancill, and Ms. Griffin all gave ayes. Mr. Appenzeller opposed. Motion passed 5 to 1.

**Tiny Home Ordinance update from Richard Flowe:** Ms. Soriano discussed the guidance Mr. Flowe from N-Focus has recommended. She discussed the 160-D changes from Raleigh do not allow rules and requirements for tiny homes and only allows the town to make restrictions on trailer mounted homes or camper type homes. The town cannot make rules or restrictions for site built or modular. Ms. Soriano stated that the restrictions on trailer mounted and camper type homes would need to be discussed with Mr. Flowe.

Mr. Weber asked if these new restrictions on lot size.

Ms. Soriano said that is correct.

Ms. Drake thanked the board for the hard work and research the Board put into this item.

**Public Comments:** Ms. Drake reminded the Board that meeting will continue to be the second Monday of the month at 7:00 pm unless otherwise noted. Ms. Drake asked if there were any public comments. Ms. Amundson asked again about the no kill shelter on Main Street and asked about permits and stated that she does not think this is something that should be on Main Street.

Ms. Drake stated that the Board will be looking at the table of uses for the shelter.

**Adjournment:** Ms. Drake asked for a motion to adjourn. Mr. Johnson made motion, Mr. Weber seconded. All Ayes. Motion passed unanimously. Meeting adjourned at 9:00 pm.