

Marshville Planning Board Meeting

December 14th, 2020 7:00 PM

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

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

Staff Present (in Person): Michael Garrison

Staff Present (via Zoom): Carina Soriano

Absent: None

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

Approval of November 9th minutes: Ms. Drake asked for a motion to approve the minutes. Mr. Johnson made motion, Mr. Appenzeller seconded. All ayes. Motion passed unanimously.

122 S. White Street Subdivision: Ms. Soriano gave a quick overview of the property and reminded everyone that the property is currently zoned SFR3 and the property has a duplex on it. Ms. Soriano then read off the list of current uses allowed for SFR3.

Ms. Drake asked if everyone has had the chance to see the property.

Mr. Burton and Mr. Weber confirmed they have seen the property.

Mr. Appenzeller asked when the Technical Review Committee (TRC) that made the approval for the Planning Board to discuss the division of the property was formed.

Ms. Soriano explained that the committee has been around since Blair was here and that the committee currently consists of herself, Public Works Director Stephen Mull, Town Manager Frank Deese, and Fred Burton, however since Fred was in the hospital when this was voted on, Ms. Drake had filled in.

Ms. Drake made a statement saying that as a participant in the TRC meeting and having never participated in one before, she approved the request based on technicalities that are addressed by the TRC, but upon additional review will reverse her decision on this particular piece of property because of its zoning, the applicable table of uses, and because of its location. Ms. Drake did state that this property is still useable even if this subdivision request is denied.

Mr. Appenzeller asked if they are only requesting to make the property two lots instead of one and nothing else.

Ms. Soriano confirmed that was correct.

Mr. Johnson stated since we would only be adding an extra lot, he doesn't see anything wrong with approving it.

Mr. Weber asked if this subdivision would allow the owners to sell that piece of land.

Ms. Soriano stated that is correct.

Mr. Johnson made motion to approve recommending to Town Council the subdivision of 122 S. White Street.

Mr. Weber seconded.

Ms. Drake asked if everyone would make their vote verbally.

Ms. Griffin stated she could go either way (This means a vote in the affirmative).

Mr. Weber voted for approval.

Mr. Johnson voted for approval.

Mr. Burton voted for approval.

Ms. Stancill voted for approval.

Mr. Appenzeller voted no.

Ms. Drake voted no.

Motion passed 5 to 2.

Flag Signs Language: Ms. Soriano discussed language that she wrote up to make flag signs permanent instead of the 21 day limit. The changes Ms. Soriano proposed the square footage allowed would be 10ft with a max size of 12ft. There would be a maximum of four signs allowed on a property, depending on the property size. The minimum setback would be 10ft. Ms. Soriano then opened the floor for comments.

Mr. Weber said you need to figure out the space in between flag signs and recommended 15ft space between each flag sign.

Ms. Drake asked if anyone else had questions or comments.

Mr. Burton stated he wanted a minimum distance from the vehicular entrance/exit to the property.

Ms. Drake stated that not everyone who wants to put up flag signs is going to have space or dimensions to meet the specific language in the ordinance and the language needs to be specific enough for the majority of the people who may want to use flag signs. Ms. Drake then stated she personally finds them to be a nuisance.

Mr. Appenzeller then asked why we need to even allow them and asked if we could look at not allowing them in the city limits.

Ms. Drake explained that we could look at that option and the town used to not allow them before.

Mr. Weber stated that the flags are designed to grab people's attention to the business and we need to be helping businesses as much as possible.

Ms. Drake stated there are better ways to get people's attention to a business and that a lot cluttered with flags would be unsightly and distracting.

Mr. Burton asked how the town would enforce the flag sign ordinances.

Ms. Soriano explained the point would be to enforce the newest ones and then eventually get to the existing places that already have flag signs up and there would need to be a coordination between code enforcement, planning and zoning and public works to take the flags down if the property owner is not going to properly maintain them.

Mr. Weber suggested taking an unofficial vote to see who is and isn't in favor of having flag signs.

Ms. Griffin voted for no flags.

Ms. Stancill voted no due to the fact that if the town can't properly enforce the maintenance of the flag signs then it is a waste.

Mr. Appenzeller voted for no flag signs.

Mr. Weber voted he is for the flag signs.

Mr. Johnson voted in favor of the flag signs.

Mr. Burton voted against the flag signs.

Ms. Drake voted against the flag signs.

Mr. Appenzeller then made a motion to take the flag signs out altogether.

Mr. Burton seconded.

Ms. Drake then asked Ms. Soriano if the Board is within their rights to do that. Ms. Soriano affirmed they are because the Board would be recommending to Town Council to remove flag signs from the ordinance and if they approve it then the Board can take it out.

Ms. Drake asked for all those in favor to say "aye" and all opposed to say "nay".

Ms. Griffin, Ms. Drake, Mr. Burton, Ms. Stancill, and Mr. Appenzeller all voted aye.

Mr. Weber and Mr. Johnson voted nay.

Motion passed 5 to 2 to recommend to Council to remove flag signs from the town ordinance.

Internet Café/Electronic Gaming Operation Zoning District: Ms. Soriano explained that this topic pertains to folks putting up internet cafes within town borders. These would essentially be gambling parlors. Currently there is a discrepancy in the town zoning ordinance that internet cafes are allowed in the commercial 74 zoning district in the conditional use industrial district. Ms. Soriano stated she would like to clear up which zoning district it is allowed in and also Ms. Drake would like to have a discussion as to whether they should even be allowed within the town borders.

Ms. Drake asked if they should even be allowed at all.

Mr. Weber stated he is not for allowing them at all.

Ms. Drake asked if there was a motion on the floor to allow internet cafes/electronic gaming in town boarders.

Mr. Appenzeller asked if they need to have a place for them.

Ms. Drake explained that it was better to have it listed in the table of uses but with no designated zone.

Ms. Soriano stated that the idea of including them in the ordinance is to show that the town does have some regulations associated to it even if it is not allowed the town does not allow them in any particular zoning district.

Mr. Weber made a motion to eliminate internet cafes/electronic gaming from the zoning in town providing that the state does not require them.

Mr. Appenzeller seconded.

Ms. Griffin, Ms. Stancill, Mr. Burton, Mr. Weber, and Mr. Appenzeller all voted aye.

Mr. Johnson opposed.

Motion passed 5 to 1.

Animal Shelters and Zoning District: Ms. Soriano explained that it has been brought to the Board's attention that there is a feral cat shelter operating in the Main Street District. This falls under the kennel section of the table of uses and if there needs to be a separate definition that encompasses specifically animal shelter?

Mr. Appenzeller stated he has received complaints about the smell.

Mr. Appenzeller then asked how they got permission to open that up.

Ms. Soriano explaining that they technically fall under kennels or pet grooming with no outdoor pens or outdoor run, they are allowed within the Main Street District.

Mr. Weber thinks they door have outdoor kennels.

Ms. Soriano explained that Steve May, the current code enforcement officer, reported that they do not have any outdoor kennels.

Mr. Weber asked if the person running the shelter is giving the cats that are taken in away or are they selling them.

Ms. Soriano stated she understands that they are taking the cats in and keeping them in the kennels and she does not know if they are selling them or giving them away, but this was first brought to her attention by Diane Amundson.

Ms. Drake stated that it is her understanding that they are a no kill shelter and are taking feral or unwanted cats, sending them to the Humane Society to get fixed, and then they are being brought back into the facility to be adopted out. Ms. Drake said she doesn't know if they are running on contributions or are self-funded. She went on to say it is a very humane thing they are doing but questioned if it is in the right place in town to be doing this. Ms. Drake then suggested that the board decide if this does in fact fall under the town's definition of "kennel" and if it does not, then develop some language for no kill shelters and where they should be zoned.

Mr. Appenzeller asked who owns the building.

Mr. Weber and Ms. Stancill said they think it is the Stegalls who own the building.

Ms. Drake stated that the Board needs to pinpoint if they are in fact a kennel or not and the town needs to have its ducks in a row before telling a business whether they can have their operations there or not after they've already begun setting things up.

Mr. Weber stated that the woman who runs it is already painting the building and spent money into setting up.

Ms. Soriano explained that possible animal shelters independent of animal grooming or kennels could have their own category in the table of uses and that could be regulated as such. If not, then the Board could always amend the permitted listed uses and make it conditional. Ms. Soriano stated that if it is not an issue, then the Board could move on to the next agenda item.

Mr. Appenzeller stated it's an issue.

Mr. Weber also agreed the smell is an issue and there are several businesses beside and across the street from it.

Ms. Stancill stated that there are also several restaurants close by and the more animals that are there, the worse the smell might be.

Mr. Weber suggested that there needs to be a further investigation as to what they are considered and what is allowed there.

Ms. Stancill agreed.

Ms. Drake stated that if they are not going to be allowed then to not let this drag out and continue letting them set up and to bring something back for the January meeting.

Mr. Appenzeller asked if they have a permit to operate.

Ms. Soriano explained the town does not issue permits and that they would either need a business permit from either the county or the state. She is not sure if shelters fall within the business category.

Ms. Drake suggested that the Board find out if they have a permit or need one and if the town has an odor nuisance ordinance.

Mr. Johnson cautioned about an odor because businesses like Pilgrim's Pride and Bakery Feeds at times produce bad smells.

Ms. Stancill asked how they are disposing of litter and fecal matter.

Ms. Soriano stated she does not know but hopes to have more concrete evidence about operations and classification for the Board in January.

Mr. Burton made a motion to table this topic until January.

Mr. Johnson seconded.

All ayes. Motion passed unanimously.

Public Comments: No public comments.

Ms. Drake stated that she and Town Manager Deese agreed it is time to go back and review the table of uses and to setup workshops next year to go back and review the tables and asked the Board to direct herself and Ms. Soriano if they would like to do a regular meeting each month and also a workshop where no votes would take place, or to advertise the meetings per month so the Board can vote in a workshop. Ms. Drake requested a decision from the Board at the January meeting.

Adjournment: Ms. Drake asked for a motion to adjourn. Mr. Johnson made motion, Mr. Weber seconded. All Ayes. Motion passed unanimously. Meeting adjourned at 8:44 pm.