



Town of Marshville
Town Council Regular Meeting
Monday, February 1, 2021 - 7:00 PM
Marshville Town Hall, 118 East Union St., Marshville, NC
28103

Agenda for Zoom Meeting

1. Call to Order/Invocation/Pledge of Allegiance
2. Reading of Public Comments Received by Email
3. Adoption of the Agenda
4. Adoption of Consent Agenda
5. Discussion/Action on 122 South Main Street Subdivision
6. Discussion/Action of R/MST to Main Street Periphery
7. Town Manager's Comments
8. Council Members Comments
9. Mayor Comments
10. Adjournment

Planning Board Meeting February 8, 2021 – Town Hall – 7 pm - ZOOM
Work Session February 15, 2021 – Town Hall – 7 pm - ZOOM
Regular Session March 1, 2021 – Town Hall – 7 pm - ZOOM

TOWN OF MARSHVILLE

est. 1877

On 11/2/2020, all members/representatives of members of the Technical Review Committee (TRC) approved Andrew and Katie Helms subdivision of their property located on S White Street and Griffin Lane, parcel number 02311007, with a 10% exemption on setback requirements so as to move the bottom west corner of their property out of the approved 40' Right-of-Way off Griffin Lane.

Those members include:

1. Planning, Zoning and Subdivision Administrator-Carina Soriano
2. Public Works Director-Stephen Mull
3. Public Works Engineer-Stephen Mull (temporary)
4. Stormwater Administrator-Stephen Mull
5. Town Manager-Franklin Deese
6. All Planning Board Members-Susan Drake, acting as representative for the Board
7. Other agencies/individuals as appropriate-no others deemed necessary at this time.

CASE NUMBER: 21-02

OWNER: Andrew & Katie Helms

APPLICANT: C Gary Brooks, CGB Associates, PLLC.

PROPOSED ZONING ACTION: Subdivide property into two parcels, confirm Right of Way on Griffin Lane as 40ft.

LOCATION: 122 S White St

TRACT SIZE: 1.05 acres

PARCEL: 02311007

Background

- The Technical Review Committee met on this topic on November 5, 2020 and voted unanimously to recommend to the Planning Board.
- At the December 14, 2020 Planning Board meeting, the planning administrator brought the subject up to the planning board, and the board voted 5 to 2 to recommend to the Town Council a 40ft Right of Way for Griffin Lane and to recommend the property for subdivision with the necessary 10% flexible development standard included.
- The purpose of the legislative hearing today is to consider a 40 ft Right of Way for Griffin Lane and the subdivision of 122 S White Street into two parcels, with a 10% flexible development standard for property measurements and setbacks.

Site Description

The property currently contains a duplex, grandfathered in from previous zoning ordinance requirements and accessed from both South White Street as well as Griffin Lane. The property is wooded behind the duplex, perpendicular to Griffin Lane. This property is a corner lot. The parcel to the west does not contain any development and has a moderate tree line along the shared property line with 122 S White Street. The property to the north of the subject property has a detached single-family residence on it, fronting S White Street. 122 S White Street is zoned Single Family Residential 3. This zoning district has a permitted residential density of 3 units/acre and permitted building types are detached house and civic building. Current measurements of the property boundaries place the bottom west corner of the property partially in the Griffin Lane Right of Way and the stoop/entrance stairs to the house facing Griffin Lane extends up to 4ft into the side yard setback. Please see the attached property survey (122 White Street survey v2-10-28-20) for further details.

Land Use Plan

The Marshville 2035 Comprehensive Plan calls for medium density residential development in this area. The current single family residential 3 zoning district is intended for the most intense single family residential development. In order to approve a subdivision, property boundaries must not cross into bordering streets Right of Way, nor can existing buildings sit in setbacks. In order to remedy this, a 10% exemption under the flexible development standards must be approved in order to approve the subdivision. Please see the attached (Marshville-Article 14-Flexible Standards, 14.3-1 (C) and 14.3-2) for the definition of flexible development standards in regards to setbacks and lot dimensions.

Proposed Request Summary

The Planning, Zoning and Subdivision Administrator has proposed to confirm a 40ft Right of Way for Griffin Lane, in order to consider the applicant's request to subdivide 122 S. White Street into two parcels, along with 10% flexible development standards. All uses for Single Family Residential 3 are below:

- Agricultural production (crops only)
- Athletic fields
- Single family detached dwelling
- Family Care Facility (Family Care Home)

2

- Group Care Facility
- Junked Motor Vehicle Storage as Accessory Use
- Public Parks and Recreation Facilities
- Portable Storage Unit (POD) as temporary use
- Religious Institutions
- Swim and Tennis Club
- Swimming Pool as Accessory Use
- Temporary Construction, Storage or Office
- Temporary Real Estate Office (with building permit for permanent building)
- Utility Substation
- Micro wireless facility
- Concealed wireless (telecommunication) facilities
- Collocated wireless (telecommunication) facilities

Conclusion

Issues to consider as part of the project review include:

- The adequacy of S White Street to handle additional development on the proposed second property
- All listed, special uses and uses listed with additional standards for the Single Family Residential 3 zoning district.

Statement of consistency and reasonableness (motion to approve): The proposed map amendment to the adopted Town map is consistent with the Marshville 2035 Comprehensive Plan, by continuing to meet the adopted goals of Section 5.II of the Marshville 2035 Comprehensive Plan emphasizing management of growth and reasonableness.

Statement of consistency and reasonableness (motion to deny): The proposed map amendment to the adopted Town map is inconsistent with the Marshville 2035 Comprehensive Plan by not continuing to meet the adopted goals of Section 5.II of the Marshville 2035 Comprehensive Plan while emphasizing management of growth and unreasonableness.

TOWN OF MARSHVILLE

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118 E. Union Street • Marshville, NC 28103 (P) 704.624.2515 • (F) 704.624.0175 • www.marshville.org

Site Plans

Every application for a minor subdivision approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question. If the subdivision is located within a floodway or floodplain, then a Flood Plain Development Application, Permit and Certification as per Article 18.3 of the Town of Marshville's Unified Development Ordinance are required (if applicable) before a subdivision plat will be approved.

The applicant for a minor subdivision final plat approval shall submit to the land use administrator a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision.

All minor subdivision plats shall satisfy the following criteria as well as any state survey criteria that may supersede the following:

1. Certificate of Accuracy
2. Certificate of Ownership and Dedication
3. Area for Notary Public Certificate to sign
4. Area for Review Officer of Union County to sign
5. Area for Planning, Zoning & Subdivision Administrator from the Town of Marshville to sign
6. Article of Purpose of Plat
7. Seal of Surveyor,
8. Parcel PIN and Address
9. Table of Setbacks, including Dashed Lines in Lot(s)
10. Control Corner
11. Tie Lines
12. Surrounding Property Owners
13. Lot Dimensions, and Directions of Lots Labeled
14. Accessory Encroachment (if applicable)
15. Location of all Existing Buildings on the Tract to be Subdivided
16. Location Map Box
17. Compass
18. Right of Way and Any Easements, including those dedicated to the public Right of Way of Each Public Street and Easement*
19. Zoning District
20. NCDOT Minimum Construction Standards for Subdivision Roads (if applicable)
21. Scale According to Which the Plat is Drawn in Feet per Inch or Scale Ratio in Words or Figures and Bar Graph
22. Whom the Survey is Done For, Property Owners (if different)
23. Lot Size/Ratio
24. Legend
25. Monumentation Legend

- 26. Notes (if applicable)
- 27. Flood Plains (if applicable)
- 28. Utilities (if applicable)
- 29. All Additional Information Required by NC G.S. 47-30 for Exempt Subdivisions

* Responsibility and maintenance for public deemed rights-of-way, easements, open spaces, and sites for public facilities shall follow the guidelines as laid out in Article 16.1-8 (A-C) of the Town of Marshville Unified Development Ordinance.

Applicant Certification and Signature

I hereby certify that the above information is, to the best of my knowledge, true and correct. I understand that incorrect or missing information may cause a delay in the issuance of a major development permit, a denial of a major development permit, or the revocation of a major development permit that has been issued as a result of the information included in this application. I further agree to provide the Land Use Administrator with any additional information that may be required to show compliance with the Marshville Land Use Ordinance.

Signature: Andrew K Helms

Date: 09-30-2020

Subdivision Application

TOWN OF MARSHVILLE

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Permit #: SDP
Date Received: _____
Staff Initials: _____

Date of Subdivision Request: 9-30-2020

The property owners would like to request a subdivision of:

Existing lot(s): 7 - 122 S White St.

Parcel Number(s): 0231107

Proposed lots: 2 + 2 into

As per survey by CG-B Associates, LLC Date of survey: 1-9-2020

Reason for Request and proposed development (if applicable):
Split into 2 parcels so lot 2 can be sold or new construction house to be built & sold

Current Land Use: Residential (number of dwelling units), Commercial or Industrial (type of Commercial or Industrial land use), briefly describe:
Duplex with 2 units

Print All Property Owners Names
As they appear on the Title Andrew H Helms ; Katie M Helms Signatures Katie M Helms
Andrew H Helms

Contact Person: Andrew Helms
Address: 1504 Tom Helms Rd. Monroe, NC 28110
Phone: 704-201-8790
E-mail Address: DrewHelmsconstruction@gmail.com

ARTICLE 14

FLEXIBLE DEVELOPMENT STANDARDS

14.1 Purpose

The purpose of this section is to provide the *Planning, Zoning & Subdivision Administrator* with limited authority in accordance with G.S.160D-403(d) to allow deviations from the minimum development standards for setbacks, lot area, and lot dimension as otherwise set forth in this land development ordinance provided that certain conditions exist. The intent of this section is to promote both the orderly and efficient development and/or redevelopment of property within the Town of Marshville.

14.2 Approval of Flexible Development Standards

Determination of the applicability of flexible development standards shall be made by the *Planning, Zoning & Subdivision Administrator* and, in applying these standards, the *Planning, Zoning & Subdivision Administrator* may establish conditions to ensure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the *Planning, Zoning & Subdivision Administrator* shall be in writing and may be appealed to the Board of Adjustment by following the procedures for zoning appeals as provided in Article 6 of this Ordinance.

14.3 Flexible Development Standards Permitted

The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the allowances set forth in this section. The *Planning, Zoning & Subdivision Administrator* shall maintain appropriate records to ensure compliance with this provision. The following flexible development standards may be approved by the *Planning, Zoning & Subdivision Administrator*:

14.3-1 Setbacks. The *Planning, Zoning & Subdivision Administrator* is authorized to approve requests that deviate from required setbacks set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type Standards) of this Ordinance by up to ten percent (10%) of the required setbacks or 32 inches, whichever is greater, upon determination that one or more of the following conditions exists:

(A.) There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to:

- (1.) the *Lot of Record* does not meet the dimensional standards established for the zoning district in which it is located;
- (2.) the *Lot of Record* has topographic limitations that require placement of the

structure into the required setback area; or

(3.) the structure is physically in line with an existing, legally-established wall or walls of a principal structure already within the minimum setback area.

(B.) The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirement(s).

(C.) The reduction of the front and/or corner side setback allows the structure to meet the average front and/or corner side setback of other existing structures in the applicable block face.

(D.) The placement of the proposed structure will allow for the preservation of significant existing vegetation.

14.3-2 Lot area and lot dimension. The *Planning, Zoning & Subdivision Administrator* is authorized to approve requests to permit a reduction of up to ten percent (10%) in the minimum lot area or lot dimensional standards set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type standards), upon finding that the reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot and that the reduced lot area and/or lot dimensions are in keeping with the existing pattern of development in the area.

14.3-3 Building coverage and frontage. The *Planning, Zoning & Subdivision Administrator* is authorized to approve requests to permit a reduction of up to ten percent (10%) in the building coverage and frontage standards set forth in Article 8 (Zoning Districts) and Article 9 (Building and Lot Type Standards) of this Ordinance, upon finding that the reduced building coverage and/or frontage will not adversely impact the development pattern of the street which is the location of the property for which the adjustment is requested.

14.3-4 Density Credits and Severable Development Rights. The *Planning, Zoning & Subdivision Administrator* is authorized to approve requests to permit Density Credits and/or the transfer of Density Credits that are development rights originating in dedicated rights-of-way in accordance with G.S. 136-66.10 or G.S. 136-66.11 to contiguous or non-contiguous property.

14.4 Variances

No variances shall be allowed with regard to deviations from development standards that have been approved pursuant to this Article nor shall any deviations from these development standards make void or otherwise modify any variance decision by the *Board of Adjustment*.

**PUBLIC MEETING
STAFF REPORT
Marshville Town Board
January 19, 2021**

CASE NUMBER: 21-01

ISSUE: Rezoning Residential/Main Street Transitional (R/MST) to Main Street Periphery (MSP)

Background

- This project was originally proposed/worked on by Blair Israel when he was Planning Administrator for Marshville.
- At the August 12, 2019 Planning Board meeting, the planning administrator brought the subject up to the planning board, where changes were made to the format of the chart as well as the overall readability, as well as a few text changes.
- During their November 2020 meeting, the Planning Board, by a unanimous vote, voted to recommend approval of the proposed amended zoning map amendment.
- The purpose of the legislative hearing today is to consider the adoption of changes to some of the Residential/Main Street Transitional (R/MST) zoned district to the Main Street Periphery (MSP) zoning district.

R/MST to MSP

The purpose of this proposed zoning map amendment is to expand the amount of uses allowed in the downtown area of Marshville. Please see the chart included in your agenda packet for the current R/MST uses that would be expanded upon in the MSP and the map included in your agenda packet for what areas of current R/MST zoning district would be replaced with the MSP zoning district.

Land Use Plan

The Marshville 2035 Comprehensive Plan calls for development policies that are conducive to the long-term vision for the future and adequately control the location and appearance of future development.

Proposed Request Summary

The planning and zoning administrator has brought forward the rezoning of most of the residential/main street transitional zoning district north of Highway 74 to the main street periphery zoning district for consideration of adoption by the Town Council of Marshville. The zoning map amendment meets the adopted goals of the Marshville Town Plan in Section 5. II that emphasize management of growth and reasonableness.

Rezoning Conditions:

1. None

Conclusion

Issues to consider as part of the project review include:

Statement of consistency and reasonableness (motion to approve): The proposed map amendment to the adopted Town map is consistent with the Marshville 2035 Comprehensive Plan, by continuing to meet the adopted goals of Section 5.II of the Marshville 2035 Comprehensive Plan emphasizing management of growth and reasonableness.

Statement of consistency and reasonableness (motion to deny): The proposed map amendment to the adopted Town map is inconsistent with the Marshville 2035 Comprehensive Plan by not continuing to meet the adopted goals of Section 5.II of the Marshville 2035 Comprehensive Plan while emphasizing management of growth and unreasonableness.

Table 8.1 - Table of Uses P = Permitted use C = Conditional use S = additional standards	R/MST
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R/MST USES		23
Accessory Dwelling Unit	S (10.1-3)	
Bed and Breakfast (Tourist Home, Boarding House)	S (10.1-8)	
Day Care Center, Home Occupation for less than 6 children	S (10.1-15)	
Dwelling, Duplex	P	
Dwelling, Multifamily 8 Units or Less	S (10.1-24)	
Dwelling, Single Family Detached	P	
Dwelling, Attached House (Townhouse)	P	
Family Care Facility (Family Care Home)	P	
Fences & Walls (see section 2.13)	P (2.13-2)	
Home Occupation	S (10.1-21)	
Portable Storage Unit (POD) (as Temp. Use - Art. 15)	P	
Religious Institutions (or Place of Worship)	S (10.1-11)	
Satellite Dish As Accessory Use	P	
Sign (as an Accessory Use as permitted by Art. 17)	P	
Temporary Construction, Storage or Office;	S (10.1-30)	
Temporary Real Estate Office (with building permit for permanent building, see Article 15)	P	
Two Family Dwelling (Twin Home or Duplex)	P	
Wireless Telecommunication Facilities, Microcell	S (10.1-32)	
Wireless Telecommunication Facilities, Concealed	S (10.1-33)	
Wireless Telecommunication Facilities, Co-Located	S (10.1-34)	
Yard Sale (no more than 3 per year)	(Sect. 15.3)	
Athletic Fields	P	
Parks and Recreation Facilities, Public	S (10.1-26)	

USES THAT CHANGED		3
Junked Motor Vehicle Storage as Accessory Use		
Swim and Tennis Club		
Swimming Pool As Accessory Use	P	

R/MST Uses-these uses remain permitted (or otherwise noted) in the R/MST zone.

Uses that changed-these uses were subject to increased scrutiny as part of the rezoning measure.

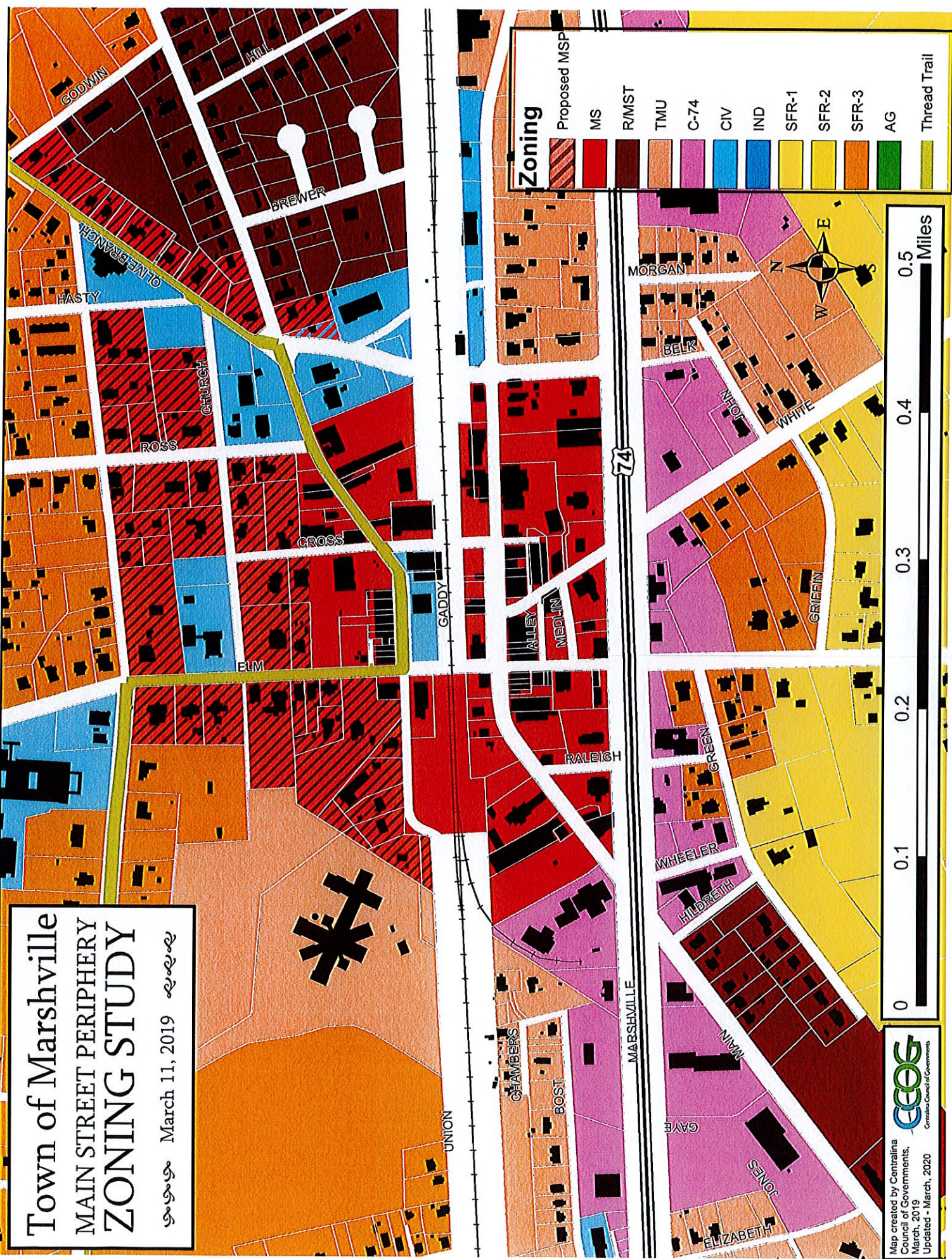
Uses added to MSP-these uses would be included in the MSP zone.

Table 8.1 - Table of Uses P = Permitted use C = Conditional use S = additional standards	MSP
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USES ADDED TO MSP		50
Accounting, Auditing or Bookkeeping Services	P	
Administrative or Management Services	P	
Advertising Agency	P	
Alteration, Clothing Repair	P	
Architect, Engineer or Surveyor's Office	P	
Arts and Crafts Store	P	
Barber Shop	P	
Beauty Shop	P	
Bookstore	P	
Camera Store	P	
Candy Store	P	
Clothing, Shoe and Accessory Store	P	
Communication or Broadcasting Facility, without Tower	P	
Computer Sales and Service	P	
Dance School	P	
Dental, Medical or Related Office	P	
Dwelling, Multifamily (apartments or condominiums)	S (10.1-24)	
Employment Agency, Personnel Agency	P	
Finance or Loan Office	P	
Floor Covering, Drapery, and/or Upholstery Sales	P	
Florist	P	
Furniture Sales	P	
Gift or Card Shop	P	
Government Office	P	
Hobby Shop	P	
Home Furnishings Sales	P	
Insurance Agency (w/out on-site claims inspections)	P	
Law Office	P	
Library	P	
Lighting Sales and Service	P	
Market Showroom (Furniture, Apparel etc.)	P	
Medical, Dental or Related Office	P	
Motion Picture Production	P	
Museum or Art Gallery	P	
Musical Instrument Sales	P	
Newsstand	P	
Office Machine Sales	P	
Office Uses Not Otherwise Classified	P	
Optical Goods Sales	P	
Photocopying and Duplicating Services	P	
Photography, Commercial	P	
Photography Studio	P	
Printing and Publishing Operation	P	
Real Estate Office	P	
Recorded Media (Record, CD, Tape) Store	P	
Shoe Repair or Shoeshine Shop	P	
Stationery Store	P	
Stock, Security or Commodity Broker	P	
Television, Radio or Electronics Sales & Repair	P	
Travel Agency	P	

Town of Marshville MAIN STREET PERIPHERY ZONING STUDY

March 11, 2019



Zoning

Proposed MSP	MS	RIMST	TMU	C-74	CIV	IND	SFR-1	SFR-2	SFR-3	AG	Thread Trail
[Hatched Pattern]	[Red]	[Dark Red]	[Light Orange]	[Pink]	[Light Blue]	[Blue]	[Yellow]	[Light Yellow]	[Orange]	[Green]	[Yellow-Green]



Map created by Centralina Council of Governments, March, 2019
Updated - March, 2020

Clerk

From: Frank Deese
Sent: Thursday, January 28, 2021 4:27 PM
To: Clerk; bobby@cgm-attys.com; fdeese@gmail.com
Subject: February 1 Regular Meeting

TOWN OF MARSHVILLE is inviting you to a scheduled Zoom meeting. Participants will be allowed in meetings at approximately 6:55 PM. The "Chat" feature will not be available for this meeting. Anyone interested in having comments read into the open meeting minutes should email those comments to clerk@marshville.org before 12 noon on February 1, 2021.

Topic: February Regular Meeting

Time: Feb 1, 2021 06:45 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88958597477?pwd=cjgzdmpWNHdORWRUb0JhSEV1eXViZz09>

Meeting ID: 889 5859 7477

Passcode: 285559

One tap mobile

+13126266799,,88958597477#,,,,*285559# US (Chicago)

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Dial by your location

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+1 301 715 8592 US (Washington DC)

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+1 253 215 8782 US (Tacoma)

Meeting ID: 889 5859 7477

Passcode: 285559

Find your local number: <https://us02web.zoom.us/j/kg3l5be1M>