



AGENDA
MARSHVILLE PLANNING BOARD MEETING
February 12, 2024 - 7:00 PM.

1. Call To Order
2. Determination of Quorum
3. Invocation and Pledge
4. Approval of tonight’s Agenda
5. Consent Agenda: Approval of December 11, 2023 meeting minutes
 Approval of January 8, 2024 meeting minutes
6. 2035 Plan update (“2045 Plan”)
7. 2023 re-cap (Wells)
8. Development Ordinance sections deserving a closer look:
 - Highway district sign requirements (maximum dimensions): report on status
 - Kennels: next steps?
 - Event venues/retreat centers
 - *Recommended definition of “Retreat Center”*
 - *Do “Clubs & Lodges” need a definition?*
 - *Should Retreat Centers be subject to Additional Standards (and if so, which ones)?*

9. Permits issued during the previous month: FYI

Permit type	Issue date	Address
Zoning compliance permit (new home construction)	1/16/2024	1136 Forest Dr.
Zoning compliance permit (interior remodel)	1/18/2024	901 Hasty Rd.
Zoning compliance permit (garage)	1/22/2024	413 CM James Rd. ⁽¹⁾
Zoning compliance permit (fence)	1/22/2024	722 E. Union St.
Zoning compliance permit (new business)	1/26/2024	112 W. Main St.
Zoning compliance permit (new business)	1/26/2024	6405 W. Marshville Blvd.

⁽¹⁾ ZBA matter

10. Public Comments
11. Adjourn



Planning Board Minutes

December 11, 2023

In Attendance: Chair Susan Drake, Vice Chair Nancie Mandeville; Board Members Tom Appenzeller, Tracy Stancill, LaDell Gardner

Staff Attendance: Planning and Zoning Administrator Jonathan Wells and Town Clerk Ashlie Vincent

Call to Order: Chair Drake called the meeting to order.

Adoption of Agenda: The motion to adopt the agenda was made by Member Johnson and seconded by Member Appenzeller—all ayes.

Consent Agenda: The motion to adopt the consent agenda was made by Member Johnson and seconded by Vice Chair Mandeville—all ayes.

2045 Plan Update:

Mr. Wells told the board he had received a summary that afternoon about the 2045 Plan and distributed a copy. The survey should be ready by Christmas. Chair Drake asked how the survey would be delivered. Mr. Wells replied it would be online. Vice Chair Mandeville suggested sharing the survey via Facebook to reach more people. Chair Drake asked if this would come to the planning board. Mr. Wells stated if the board is interested, he can email out the survey and allow for a few days to get feedback.

Highway District Sign Discussion:

The board briefly discussed the specifics of the changes to the allowed signage size in the highway district. The board's consensus is to let signage be 10% of the façade or 32 square feet, whichever is larger. The motion to approve the text amendment was made by Member Appenzeller and seconded by Vice Chair Mandeville—all ayes.

Kennels Discussion:

Mr. Wells gave an overview of the information he gathered and presented to the board. He asked the board if they needed more time to review and discuss the information in their January

meeting. Chair Drake stated it may be a good idea to give the board more time to look over the definition. Vice Chair Mandeville will send information to Mr. Wells to be distributed to the board for the next meeting.

Permits Issued Previous Month:

Vice Chair Mandeville stated there is some confusion with public and zoning permits. She proposed a wording change. Mr. Wells noted that the ordinance references zoning permits, but other places have used zoning verification. Vice Chair Mandeville expressed that changing the wording may help the public understand better. Chair Drake stated that if the board could not answer the questions from the public, then direct them to the manager or Mr. Wells. The fee schedule is set by the council, not the planning board.

Board Comments:

Member Stancill asked about an update on code enforcement. Clerk Vincent stated there have not been any updates to report. Vice Chair Mandeville stated that Matt Tarlton had said he would be coming to the meeting and asked if that was still to happen. Clerk Vincent replied she was uncertain. Chair Drake said she would be happy to entertain anyone from TRC who is willing to speak to the planning board. Member Johnson explained his reasoning for not responding to emails as he preferred publicly discussing anything to be as transparent as possible.

Public Comments: None

Adjournment: The motion to adjourn the meeting was made by Member Johnson and seconded by Member Stancill—all ayes.



Planning Board Minutes

January 08, 2024

In Attendance: Chair Susan Drake; Board Members Tracy Stancill, Tom Appenzeller, LaDell Gardner, Rusty Johnson

Absent: Vice Chair Nancie Mandeville

Staff Attendance: Planning and Zoning Administrator Jonathan Wells and Town Clerk Ashlie Vincent



Call to Order: Chair Drake called the meeting to order.

Invocation: Member Johnson gave the invocation.

Pledge of Allegiance: All shared in the Pledge of Allegiance.

Adoption of Agenda: The motion to move the kennel discussion to item 8a was made by Member Johnson and seconded by Member Stancill—all ayes.

Consent Agenda: The approval of the December minutes was tabled until February due to the clerk's error.

2045 Plan:

Mr. Wells reported to the board that the 2045 survey would be ready to post online shortly and thanked everyone for their comments and input. Member Stancill asked if the board would see the updated survey before it went live. Mr. Wells said he would send the new link to the members and, if they had any more input, to email Tom from N-Focus.

Development Ordinances:

- Highway District Signs:

Mr. Wells told the board that in their December meeting, a recommendation was made, but he had forgotten to have the board give a consistency statement.

The motion to recommend Consistency Statement A was made by Member Appenzeller and seconded by Member Johnson—all ayes.

- A. *“The proposed Text Amendment to the Marshville Development Ordinance (MDO) is considered consistent with the Marshville Town Plan 2035 by continuing to meet the Objective of the Plan ‘To improve the quality of life of the citizens of Marshville by encouraging responsible growth management decisions, protecting the small Town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy’, and to align with the adopted Goals of Sec. 6 (General Development Strategies) to ‘Ensure that Marshville’s development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development.’”*

- **Event Venues:**

Mr. Wells spoke to the board about the lack of definitions for retreat centers and clubs/lodges. He inquired whether they felt the need to make a new classification for event centers in the ordinance. Member Appenzeller stated there didn’t need to be a definition for them and call it a venue. Member Gardner agreed that the venues would cover many bases and simplify it.

Mr. Wells pointed out the need for balance between open but restrictive ordinances to encourage development. Standards for food preparation, live music, and alcohol consumption may need to be looked at. Member Johnson suggested thinking about the zoning districts where venues would be allowed. Chair Drake suggested spending more time reviewing definitions and thinking about zones to bring back for discussion.

Board Comments:

Member Stancill asked Mr. Wells if Ryan Homes disclosed any of the properties in their face-to-face meeting. Mr. Wells replied that nothing was presented at the meeting.

Member Johnson asked about an update on QuikTrip. Mr. Wells informed the board that they were in the process of getting their stormwater permits and possibly a few months out on any groundbreaking. Member Johnson commented that he felt there should be a board representative on the Technical Review Committee. Chair Drake suggested the board request the town council.

A motion to request a member of the planning board to be a part of the TRC was made by Member Johnson and seconded by Member Stancill—all ayes.

Chair Drake asked the clerk to present the request to the town manager to have it on an upcoming agenda in February or March.

Public Comments: None

Adjournment: The motion to adjourn the meeting was made by Member Johnson and seconded by Member Stancill—all ayes.

Kennel issue – Town of Marshville January 2024

1. a. Are the current Use Categories contained in the Table of Uses sufficient (see below)?
 - Kennels or pet grooming with outdoor pens/runs
 - Veterinary services with outdoor kennels
 - Kennels or pet grooming no outdoor pens or runs
 - Veterinary services without outdoor pens/runs
 - b. Is there a need to create additional categories (e.g. boarding kennels, shelter/foster facilities, breeding facilities)? And within what districts should these uses fall?
 - c. Can any of the above existing bulleted categories be collapsed (e.g. kennels/pet grooming with outdoor pens, and veterinary services w/outdoor pens) as they are permitted within same zones?

(Decisions regarding the above may result in recommended changes to Table of Uses)
-
2. a. Based upon decisions made above, what districts should each be allowed in the Table of Uses?
 - b. Related to this, should any be allowed subject to additional standards (Article 10), and what should those new standards be (e.g. buffering, distance from residential areas, hours of use of outdoor runs, etc.)? Are the standards in Art. 10.1-23 sufficient (see below)?

(Again, potential Table of Uses changes)
 - c. Based upon the decisions made regarding categories under #1 above, re-visit the Definitions contained in Article 3 of the Development Ordinance, specifically:
 - Are all of the Use Categories adequately covered by and aligned with existing Definitions (see below)?
 - If changes are warranted to edit existing Definitions or add/delete, what changes are warranted?
 - d. Should pet boarding be more tightly-regulated as a Home Occupation (e.g. limit of number of pets)?

Additional Standards currently in Art. 10.1-23:

Kennels and veterinary services with outdoor pens are subject to the following Development Standards:

- (1.) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.
- (2.) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer (see Article 11).

There are no Additional Standards for kennels and veterinary services without outdoor pens.

Definitions:

The Marshville Development Ordinance currently does not have definitions for:

- Kennel
- Veterinary services
- Pet grooming
- Pens or runs

Examples of Definitions from peer ordinances:

Troutman

“Kennels outdoor”: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing or medical treatment of the physical disorders of animals. Includes outdoor pens.

“Outdoor kennel”: a commercial enterprise that involves the containment of animals in an enclosure such as a pen outside a permanently constructed building for an extended period of time. This does not include fenced areas for brief animal exercise.

“Veterinary services” Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; indoor boarding services for pets; and grooming.

Monroe

“Animal hospital/veterinarian”: a facility where animals are provided medical care. Animals may be boarded or stay overnight within a completely enclosed building.

“Animal shelter/kennel”: the use of land for boarding animals; may include a pet resort which provides day care for pets in addition to grooming and training. Includes outdoor play area for animals. *Monroe*

Waxhaw

“Animal kennel”: “a use or structure intended and used for the breeding or accommodation of domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot. Not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

“Animal Shelter”: A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept for purposes of distribution to the general public.

“Animal Hospital”: A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use.

Union County

“Animal service”: uses that provide goods and services for care of animals.

“Boarding or shelter”: breeding, boarding, care or training services for dogs cats and small animals including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers & animal rescue shelters.

“Grooming”: grooming of dogs, cats and similar small animals including dog bathing and clipping salons and pet grooming shops. Grooming does not include overnight boarding or outdoor animal runs or kennels.

“Veterinary”: animal hospitals and veterinary clinics. Any veterinary uses that involve outdoor animal runs or kennels are regulated as boarding or shelter uses.

Wingate

“Kennels, outdoor”: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.”

Definitions from NCGS 19A-23 ("Protection of Animals" statute)

"Animal" means any domestic dog (*Canis familiaris*), or domestic cat (*Felis domestica*).

"Animal shelter" means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

"Approved foster care provider" means an individual, nonprofit corporation, or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

"Approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

"Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

"Pet shop" means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage compartment or hutch.

Definitions that are irrelevant to zoning discussions were omitted.

EVENT VENUES/RETREAT CENTERS: Moving forward, February 2024

Planning Committee consensus reached during January's meeting:

- "Event venues" and "retreat centers" are not sufficiently different from one another so as to warrant separate and different classifications in the Table of Uses
- However, "Retreat Center" (which currently is listed in the Table of Uses) needs to have a definition developed and included in Article 3 of the Ordinance (Definitions). This definition should be broad enough so as to describe what could reasonably be considered both "event venues" and "retreat centers".
- A variety of different definitions from several different sources should be considered.
- Once a definition is crafted, it does not appear as though a change in the Table of Uses (either in land use classifications or permitted zones) would be necessary, unless Additional Standards are to be added.

Outstanding questions:

- How should the definition of "Retreat Centers" be worded (suggestion below)?
- Does "Club or Lodge" need a Definition created in order to distinguish it separate from "Retreat Centers"?
- Should "Retreat centers" be subject to Additional Standards?

Definitions (and sources):

"Event center/convention center": Venues or facilities used by a group of people for temporary events such as conferences, sports, weddings, event halls, concerts, or similar events. Examples may include a convention center, coordinate wedding and banquet halls, sports stadiums, or concert hall. (*Monroe*)

Staff comment: use of the term "temporary" suggests that the land use is not permanent, thereby calling into question whether such properties would be subject to Article 15 "Special events & temporary structures".

"Event center": A multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or parties, concert settings, and general get-togethers. An event center could typically have a catering kitchen, indoor and/or outdoor seating and a stage or event area. (*Waxhaw*)

Staff comment: use of "venue facility" is repetitive. This definition raises the issue of on-site food preparation and outdoor events.

"Event center": a facility or portion thereof which is rented, leased or otherwise made available to any person or group for private events or functions that is not open to the general public. (2018 internal document: Blair Israel?)

Staff comment: this calls into question whether the "event center" is in fact a secondary use to the primary use of the property such as a church, fire station, lodge, school, restaurant, etc. whereas the Table of Uses should focus in upon the primary if not exclusive use of the property.

" **Banquet Hall, Ballroom, or Catering Facility:** shall mean a meeting facility designed for use by varying groups of people, which may be rented or leased to accommodate private functions such as weddings, banquets, anniversaries and similar celebrations. Such a facility may include a partial or full kitchen for food preparation or catering, the service and/or sale of alcoholic beverages for on-site consumption to guests of the private events only, an open floor area which may be used for dancing and similar entertainment and/or seating for guests. A restaurant that only occasionally leases out to private parties is not a Banquet Hall."

Matthews

Staff comment: raises the issue of alcoholic beverages: does this belong in the definition? Also, it feels too "wordy": perhaps some of this stuff belongs in "additional standards"...?

Definitions suggested by LaDell (WordHippo):

"Venue":

- The place, area, or space occupied by, or intended for, an event, activity or purpose
- A place or service used for the communication of ideas or information.
- An establishment, especially for meals, recreation, socializing or entertainment.
- A place for meeting, and typically socializing, with others
- A place where banquets are held.
- A theatre where films are shown for public entertainment.
- An arena for recreating or spectating.

Definition suggested by staff:

"Retreat Centers": "Also can be referred to as 'event facilities', these are properties whose primary purpose is to host special events or occasions such as receptions, reunions, business meetings, etc. Facilities such as churches, fire halls, lodges, schools, restaurants, etc. which may occasionally accommodate these events are NOT considered 'retreat centers' because holding such events is secondary to the primary use of those properties. Retreat Centers are not subject to the requirements of Article 15.2 ('Special Events'). Retreat Centers do not have on-site lodging accommodations".

"Retreat Center" potential Additional Standards:

- Restrictions on preparation of food on-site (as opposed to serving food prepared elsewhere)
- Restrictions on serving of alcohol
- Frontage on certain street types
- Parking requirements
- Restrictions on holding of on-site outdoor events
- Hours of operation
- Other ?