



AGENDA
MARSHVILLE PLANNING BOARD MEETING
April 8, 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 March 11, 2024 meeting minutes
6. Election of Vice Chair
7. 2035 Plan update ("2045 Plan")
8. Rezoning petition RZA 24-01 "Taylor Ridge" - follow-up discussion
9. Rezoning petition RZA 24-02 "Event Venues": recommend text change and Consistency Statement
10. Kennel issue: determine path forward

11. Permits issued during the previous month: FYI

Permit type	Issue date	Address
Zoning compliance permit demolition	3/4/2024	725 Olive Branch St.
Zoning compliance permit residential remodel	3/28/2024	753 Flake St.

12. Status of May 13, 2024 Planning Board meeting
13. Public Comments
14. Adjourn



Planning Board Minutes

March 11, 2024

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

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



Call to Order: Chair Drake called the meeting to order at 7 p.m.

Invocation: Member Johnson gave the invocation.

Pledge of Allegiance: All shared the Pledge of Allegiance.

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

Consent Agenda: The motion to approve the consent agenda was made by Member Stancill and seconded by Member Johnson—all ayes.

2045 Plan Update:

Mr. Wells told the board that 85 responses were received from the survey. The survey would be closed out at the end of the week, and analysis would begin shortly after.

Rezoning petition – RZA-24-01: Taylor Ridge

Mr. Wells introduced the petition RZA-24-01 to the board. The petition is for 107 acres in the southwest part of the town, currently zoned Agriculture, to be rezoned to TMU with a TNDO overlay. The overlay would allow for a greater degree of flexibility in density in return for enhanced details regarding the applicant's final plans for the development.

Greg Williams from CC&W introduced himself to the board and briefly explained his work history. Mr. Williams presented the proposed development plan of 724 units consisting of 288 apartments, 184 townhomes, and 252 single-family homes to the board. He stated there would be

road improvements and extensions on Hasty Road and Helms Efird Road. A driveway permit would be applied to gain access to Highway 74. Access to water and sewer will be provided to the fire department, which would construct a wet well for a regional pump station. Mr. Williams stated after the community meeting they hosted on March 7th and after gathering feedback, they worked on revising their plan. The newly revised plan eliminated the 288 apartments. The new plan consisted of 184 townhomes and 346 single-family homes. Mr. Williams proposed pricing projections for the units but stated that the price would fluctuate with the market. The development would add 3.5 acres of commercial to the town. A traffic impact study would be completed as requested by the town staff.

Questions from the Planning Board:

Member Gardner asked about the parking logistics for the townhomes and single-family homes. Mr. Williams replied that designated parking, driveways, and garages will be utilized. The single-family homes would have two-car garages and two-car driveways. The HOA would be in charge of establishing and regulating parking.

Chair Drake asked Mr. Williams if the proposal would be the final project or if it would be sold to a second party. Mr. Williams responded no. The proposed plan would be the maximum density and would only change regarding reducing density.

Chair Drake asked Mr. Williams about the power lines being buried, whether there would be an HOA, and whether all apartments were removed from the plans. Mr. Williams stated that the power lines would be buried, a HOA would be put in place, and all apartments would be removed.

Chair Drake asked Mr. Williams if he considered a different zoning classification for the property. Mr. Williams replied that he had worked with town staff to determine the correct and best zoning for the project.

Chair Drake suggested that higher-end units on more acres may bring more elevated businesses and employment to the town.

Member Johnson asked about the width of the roads in the development. Mr. Williams replied that they would be 60 ft. wide, except Hasty Road, which would be 80 ft. wide.

Member Gardner asked who would implement the HOA and how it would be maintained. Mr. Williams replied that the developer and builder would create the initial documents for restrictions to set up the HOA. Once the HOA is established, the residents tend to uphold and maintain it.

Chair Drake expressed her concern about the TMU zoning and the many uses that would be allowed. Mr. Wells responded that the HOA would help control what is permitted by having restrictions and prohibitions. Mr. Williams stated that the HOA would be given an extensive list of things that are not allowed to develop the Code of Restrictions. Mr. Wells noted that the TNDO overlay would allow for conditions to be placed, but the conditions would need to be detailed. Chair Drake implored that the conditions be thoroughly detailed.

Member Appenzeller asked how many townhomes and single-family homes there were. Mr. Williams stated that each townhouse had approximately 91 units but did not specify the single-family homes. Member Gardner pointed out that the site plan listed three different lot sizes: 188 38'x105' lot, 88 43'x100' lot, and 70 53'x100' lot.

Chair Drake asked if approval was granted, when they would break ground, and what the completion time for the project would be. Mr. Williams replied that it would be about two years before any construction would begin.

Chair Drake asked about the plan's lack of retention of mature trees. Mr. Williams responded that mass grading would be required, but it would buffer and protect what could be saved. Each unit of housing would include a landscaping package, and street trees would be through the development.

Member Johnson asked what would be in the two amenity sections of the development. Mr. Williams said it varies between builders. Some builders start building amenities in the earlier phases to attract people, while others wait longer. Some possible amenities include clubhouses with pools, dog parks, walking trails, and pickleball courts.

Member Johnson asked about the 3.5 acres of commercial space. Mr. Williams stated it could be for retail, but he would like to see a restaurant there.

Member Johnson asked about road improvements on Phillip Sanders Road and Old Highway 74. Mr. Williams said they would follow the direction from what the TIA study determines. If DOT grants permission to repair the state road, they will do so.

Member Gardner asked if the development would be annexed into the town. Mr. Wells confirmed it would require an annexation to receive water and sewer from the town. It would be a contiguous annexation.

Mr. Wells encouraged the board to consider what additional information could be incorporated into the proposal. He told them to take their time to consider it and send any requests or questions to him so he could forward them to Mr. Williams.

Chair Drake informed Mr. Williams that the Planning Board would not make a decision that night and wished to spend some more time reviewing the proposal's details. Mr. Williams requested that a decision be made in 30 days, whether negative or positive, so they could go before the town council.

Public Comments:

- **Barbara Simpson:**

She thanked the Planning Board for their work. She stated that she had posted information about Redfern Place from the May 8th Planning Board meeting on Facebook and that the Planning Board had not violated any confidentiality. She had asked Mr. Williams at the community meeting about replacing the 288 apartments with larger homes on larger lots, and his response

was that this was the only market based on their analysis that Marshville had. She expressed the need for sufficient guild lines and requirements for builders. She has spoken to other town managers in towns around the size of Marshville to gather information on how they handle developments and the process. She urged the council, planning board, and town staff to work together and listen to citizens' input to make Marshville what they want it to be.

- **Marlene Griffin:**

She stated that Marshville has had a bad reputation regarding housing and schools. She agrees that building homes is good, but having larger homes on larger lots is preferable because it allows for privacy and less noise. She is concerned about the potential increase in traffic and crime.

- **Todd Griffin:**

He expressed concern about the proposed development's high density and how it would strain the town's sewer system, school, traffic, and infrastructure. He pointed out that a road from the project seems to be going through his property. He stressed to the board that it should consider the 2035 plan and use it as a guideline to make the right choices.

- **Jimmy Haggler:**

He stated that citizens in the ETJ had been penalized in the past with the five-acre deal and feels that allowing this development is unfair. He noted the dead-end road by his house would see more traffic and cause problems for his property.

- **Fern Shubert:**

She thanked the developer for removing the 288 apartments from the plan. She stated that Union County has done a lot of wrong over many years with water and sewer. Now that Marshville no longer relies on Union County, capacity is attracting these types of development. She said to be selective in who is chosen.

Board Comments:

Member Johnson thanked the public for showing up and announced that the Planning Board and Board of Adjustments had two seats open for citizens living within town limits.

Member Stancill asked if there were any Redfern Place or Ryan Homes updates. Mr. Wells replied there were no new updates.

Chair Drake stated that they would have to hold the election for vice chair at the next meeting.

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



To: Town of Marshville Town Council and Mayor
From : Jonathan Wells, Planning & Zoning Administrator
Date: April XX, 2024
Subject: **REZONING STAFF REPORT: RZA-24-02: Event Centers**

Property: n.a. – this is a proposed Text Amendment

Applicant name: Jonathan Wells, Planning & Zoning Administrator

Applicant request: Town staff have received several inquiries as to whether the town Development Ordinance permits “event centers” or “event facilities”, from parties expressing interest in locating such facilities in town. Currently Article 8 (Table of Uses) of the Marshville Development Ordinance does not allow for that land use.

“Event facilities” are properties whose primary purpose is to accommodate special events and celebrations such as wedding receptions, graduations, reunions, business events, etc. These facilities differ in substance from other types of land uses, such as churches, schools, fire halls, lodges, restaurants, and other types of establishments that may periodically host special events of the kind held in “event facilities”. However the primary use of these properties is to serve another (primary) purpose: as a school, or a church, etc. In contrast, the primary or sole purpose of event facilities is to accommodate special events and celebrations.

To date, staff has been able to address questions about event centers by using two land uses that are listed in Article 8 of the Development Ordinance (Table of Uses): “Clubs & Lodges” and “Retreat Centers”. Neither land use has the benefit of having its definition contained in the Development Ordinance.

Working closely with the Planning Board during the past several months, the wording in Development Ordinances in several peer communities was examined. The process centered around “Retreat Centers” which are now permitted in certain districts (AG, TNDO and CIV) and the fact that the Ordinance does not contain a “Retreat Center” definition.

Following a discussion of several different options, the Planning Board endorsed the following changes that would serve to clarify the town’s position in its Development Ordinance as to how Event Centers would be handled as a land use.

First, the Board recommended adding a definition for “Retreat Center”, which would incorporate “Event Facilities”. The recommended definition is:

“Retreat Center”: 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”.

This definition was derived after reviewing definitions used in ordinances of several other jurisdictions.

Second, the Board recommended amending Article 8 (Table of Uses) by amending the “Retreat Center” category to read **“Retreat Center/Event Facility”**.

Two other factors were discussed by the Planning Board: first, whether “retreat center/event facility” should be permitted in zones other than allowed currently, and second whether any Additional Standards (found in Article 10 of the Development Ordinance) for “retreat centers/event facilities” were warranted. In both instances the Board felt no changes were necessary at this time.

The Board also recommended adoption of the companion Consistency Statement depicted below:

“The proposed text amendment 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.’. The proposed Map Amendment is also considered consistent with the Future Land Use Map contained in the Marshville Town Plan 2035.”

The full range of Consistency Statement options is attached below.

CONSISTENCY STATEMENTS FOR RZA-24-02 "Retreat Centers and Event Facilities"

If the proposed changes are to be approved AND they are considered to be consistent with the 2035 Plan:

- A. "The proposed Text Amendment 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.' It is considered to be reasonable and in the public interest." (recommended by Planning Board)

If the proposed changes are to be approved BUT they are considered to NOT be consistent with the 2035 Plan:

- B. "The proposed Text Amendment is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of one or more of the Objectives and Goals contained within the Plan. However, the proposed change is still considered to be reasonable and in the public interest."

If the proposed changes are NOT to be approved BECAUSE they are considered to NOT be consistent with the 2035 Plan:

- C. "The proposed Text Amendment is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of the Objectives and Goals contained within the Plan. Furthermore, the proposed changes are not considered to be reasonable and in the public interest."

If the proposed changes are NOT to be approved EVEN THOUGH they are considered to be consistent with the 2035 Plan:

- D. "Even though the proposed Text Amendment is considered to be consistent with the *Marshville Town Plan 2035* by continuing to meet the Objectives and adopted Goals of Sec. 6 of the Plan, the proposed amendment is not approved in that it is not considered to be reasonable and in the public interest."

Other:

- E. Other.

KENNEL ISSUE, April 2024

Consensus reached at February 12 Planning Board meeting:

- The current four use categories in Art. 8 (Table of Uses)
 - Kennels/pet grooming with outdoor pens/runs
 - Veterinary services with outdoor kennels
 - Kennels/pet grooming with no outdoor pens or runs
 - Veterinary services without outdoor pens/runsShould be collapsed into two categories, one with and the other without outdoor pens/runs
- The two new categories created above should include (in addition to kennels, pet grooming and veterinary services) boarding, breeding and fostering
- The two new categories for the Table of Uses therefore would be:
 - “Kennels, pet grooming, veterinary services, boarding, breeding and fostering with outdoor pens/runs”
 - “Kennels, pet grooming, veterinary services, boarding, breeding and fostering without outdoor pens/runs”Replacing the four categories currently in the Table.
- No changes in definitions should be considered at this time
- No change in the zones in which the above new categories are permitted should be considered at this time
- No Additional Standards for these new uses should be considered to be added to Article 10 of the MDO at this time.
- Pet boarding needn't be added as an allowed home occupation, as the town code limits keeping of more than two dogs per residence.

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 - Kennels/pet grooming with outdoor pens/runs
 - Veterinary services with outdoor kennels
 - Kennels/pet grooming with no outdoor pens or runs
 - Veterinary services without outdoor pens/runsShould be collapsed into two categories, one with and the other without outdoor pens/runs
- The two new categories created above should include (in addition to kennels, pet grooming and veterinary services) boarding, breeding and fostering
- The two new categories for the Table of Uses therefore would be:
 - “Animal services with outdoor pens/runs”
 - “Animal services without outdoor pens/runs”Replacing the four categories currently in the Table.
- A new “Animal services” definition should be created which should read: “Kennels, pet grooming, veterinary services, boarding, breeding and fostering”
- No changes in definitions should be considered at this time
- No change in the zones in which the above new categories are permitted should be considered at this time
- No Additional Standards for these new uses should be considered to be added to Article 10 of the MDO at this time.
- Pet boarding needn’t be added as an allowed home occupation, as the town code limits keeping of more than two dogs per residence.