

AGENDA
MARSHVILLE PLANNING BOARD WORK SESSION
January 9th, 2014
7:00 p.m.

1. Welcome and Pledge
2. Consideration of Agenda
3. Approval of Minutes (12/12/13)
4. Election of Officers
5. Public Comments
6. Request for Zoning Map Amendment
 - a. 403 E. Union Street – Case File ZMA-13-26
Rezoning Request from R-10 to B-2
7. Enter into Work Session
 - a. Continue Review of Marshville Town Plan 2035
8. Adjournment

Marshville Planning Board

December 12th, 2013, 6:00 PM

Marshville Town Hall

WORK SESSION MEETING MINUTES – CONTINUED FROM 11/21/13

Board Members Present: Chairman Susan Drake, Planning Board Members Loraine Long, Nancy Ogburn, and Jerry Powell (new members not counted until regular meeting began).

Staff Present: Miles Thomas, Interim Planning & Zoning Administrator; F. Richard Flowe, Planning Staff

Welcome/Pledge of Allegiance

Chairman Susan Drake called the meeting to order at 6:00 p.m. and welcomed the members of the public.

Work Session – Continue Marshville Town Plan 2035 Draft Review

Chairman Drake asked if they had a motion to continue review of the Town Plan 2035 draft from the last Planning Board Meeting on November 21st, 2013.

Ms. Nancy Ogburn motioned to continue the meeting, and *Mr. Jerry Powell* seconded the motion. The motion passed unanimously.

Chairman Drake asked for an update on the previous meeting, and what place we would like to pick up with this evening in review.

Mr. Miles Thomas opened with discussion on the Future Land Use map and explained the modifications he had made since the last meeting of the Planning Board. He explained that the area to the West of downtown had been changed to ‘Transitional Mixed-Use’ and the residential areas to the North of downtown had been changed to ‘Transitional Neighborhood.’

Chairman Drake asked why staff had chosen ‘Transitional Neighborhood’ for the area North of downtown instead of Residential.

Mr. Thomas continued that the use of the term ‘neighborhood’ afforded the area a greater breadth of development options. Residential seemed to have a connotation towards the development of only single-family residential, while the intention for this area was to allow the transitional area to bleed into the downtown core area development. This would provide greater interpretation of the phrasing to allow for residences within mixed-use commercial/retail buildings, courtyard homes, and other higher density development.

Chairman Drake asked how the Town Plan could be used to incorporate low impact furniture making, and other related crafts without allowing industrial downtown. She shared a story about a visit to another small town nearby where there was a furniture and general woodwork store that both produced and sold the products in the same downtown shop.

Mr. Thomas explained that the Town Plan could guide the Land Use Ordinance in creating a number of options for that sort of development. He explained three options for allowing this type of use while limiting its impact, including:

- **Supplemental Use Regulations for Uses-by-Right:** Additional conditions can be provided in your Land Use Ordinance, which require a use-by-right to meet certain standards to be

allowed within certain districts. For example, if someone were to want to operate a day-care from home this could be a use-by-right in residential with supplementary regulations guiding its operation. It may have to meet conditions that it operate on the same health regulations as other day-cares, have an enclosed play area, and provide service to no more than (6) persons. Similar conditions could be imposed on woodworking/furniture-making operations downtown that limit the impact of their operation.

- **Conditional Use Regulations:** Conditional Uses are similar to Supplemental Uses but require the applicant to individually meet the conditions of operation and hold a public hearing with the Town Board. In a Conditional Use Application the applicant must prove they meet the findings required by the ordinance, and there must be absolute agreement between the Board and the Applicant for the application to be approved.
- **Rezoning to an Overlay District:** A low-impact industrial overlay may be applied to certain areas within downtown as a traditional rezoning. These are referred to as Conditional Zoning and do not require a quasi-judicial proceeding, but do allow conditions to be agreed upon and imposed to limit the extent of operation on a case-by-case basis.

Mr. Flowe and Mr. Thomas continued explaining the Town Plan Future Land Use category 'Transitional Neighborhood' in greater detail, and read the proposed text to include in the Town Plan.

Chairman Drake announced that the time had come to close the previous session and open the new Planning Board session to invite the Board's new members into the discussion.

Ms. Loraine Long motioned to adjourn the meeting, and *Mr. Jerry Powell* seconded the motion. The motion passed unanimously.

Marshville Planning Board

December 12th, 2013, 7:00 PM

Marshville Town Hall

REGULAR MEETING MINUTES

Chairman Susan Drake called the meeting to order at 7:00 p.m. and welcomed the members of the public. The Pledge of Allegiance was offered by all in attendance.

Ms. Loraine Long motioned to approve the agenda adding the swearing in of new members as item (4), and *Mr. Jerry Powell* seconded the motion. The motion passed unanimously.

Mr. Jerry Powell motioned to approve the minutes, and *Ms. Loraine Long* seconded the motion. The motion passed unanimously.

Ms. Tonya Johnson swore in the new Planning Board Members *Mandi Maske*, and *Richard Paschal*.

Chairman Drake asked that staff schedule a time to meet with the new Planning Board Members and asked them to be brought up to speed on the Town Plan 2035.

Ms. Nancy Ogburn asked staff what the status of historic preservation was in the Town Plan and if staff could retrieve the historic homes in Marshville book from the library.

Mr. Flowe stated that we could discuss that, but that would likely be done if the Town Board requested the creation of a Local Historic Preservation.

Mr. Flowe and Mr. Thomas continued presentation of the Town Plan 2035 including discussion on:

TOWN OF MARSHVILLE

est. 1877

201 West Main Street • Marshville, NC 28103
Town Hall - 704.624.2515 • Fax - 704.624.0175
www.marshville.org

January 2nd, 2014

MEMORANDUM

To: Planning Board

From: Miles S. Thomas, Interim Planning, Zoning & Subdivision Administrator

Re: Zoning Map Amendment Request – 403. E Union Street

Background Information

The Town of Marshville has received a Zoning Map Amendment requested from Wade & Dawn Von Egidy on their property located at 403 E. Union Street (Union County Parcel ID: 02-305-067, see attached map). The subject property is located within the Town of Marshville's Town Limits and is approximately .524 acres.

The property is currently zoned R-10 Residential, and the requested zoning designation is to B-2 Community Business. Rezoning from R-10 to B-2 would allow the existing land usage without creating any non-conformities. Staff has notified the adjoining property owners of this request by mail, and posted a sign on the subject property.

Findings and Conclusions

Staff has concluded that the existing land usage would not be affected by the requested rezoning, and would provide that anything that is an applicable use in the B-2 district would be permissible if the rezoning is granted.

The B-2 (community business) district is designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the B-1 zone. The B-2 thus may provide a transition in some areas between a B-1 zone and a residential zone or may allow for smaller scale commercial development in rural areas, particularly at

crossroads or other high traffic areas that are not generally suited for residential development.

Plan Consistency and Reasonableness

Staff believes the proposed rezoning is consistent with the Town's Land Use Plan, and is shown as Traditional Neighborhood/Higher Density on the Future Land Use Map. This statement is reasonable because the subject property is surrounded by adjacent land use identified as 'Office' on the Future Land Use Map, which is defined as:

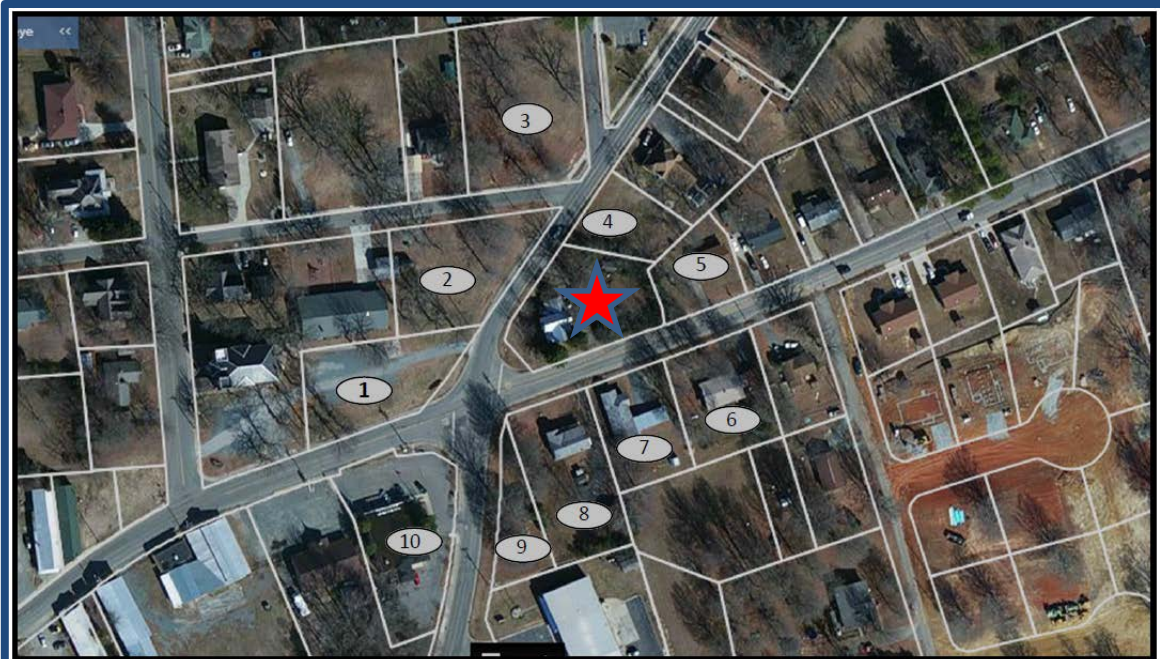
Office: This planning area is suitable for offices (including medical and lawyer's offices) and some light commercial uses. Because the area serves as a buffer between residential uses and heavier commercial uses, single family and well-planned multi-family uses are also allowed.

The adjacent zoning districts include B-2 Community Business, and seems to fit within this zone as a transition from B-1 to Residential as defined in the Land Use Ordinance for this district.

Policy Implications

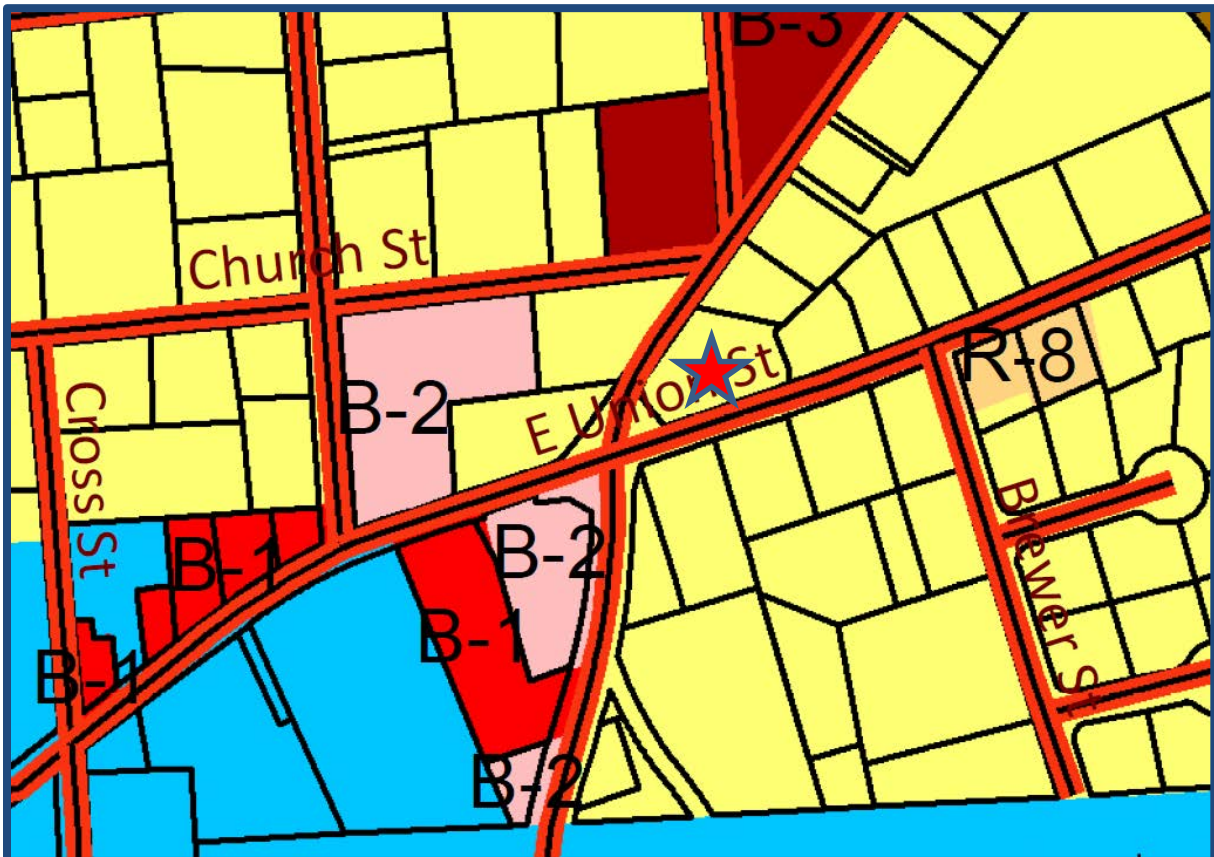
North Carolina General Statute 160A-383 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

All applicable uses of the proposed zoning district shall be enabled on the subject property once the Town Council has approved the zoning map amendment.



 Subject Property 401/403 E. Union Street Tax ID # 02-305-067 Current Owners: Wade & Dawn Vonegidy

Zoning Map Excerpt



2004 Future Land Use Map Excerpt

