



Planning Board Regular Meeting Minutes

July 19, 2022, 6:00 p.m.

Marvin Village Hall, 10006 Marvin School Road

Members Present: Chair Cates, Vice-Chair Holzberg, Malinda Daniel, Michael Lavelle, Ken Marino (via Webex), Kent Renner (via Webex)

Staff Present: Councilman Marcolese (Council Liaison) (via Webex), Austin W. Yow, Hunter Nestor

A. AGENDA ITEMS

1. **Call to Order & Determine Quorum**

Chair Cates called the meeting to order at 6:01pm and determined a quorum was present.

2. **Adoption of the Agenda**

Moved by Vice-Chair Holzberg

Seconded by Michael Lavelle

To adopt the agenda as presented.

Vote: Motion Passed Unanimously

3. **Adoption of the Previous Minutes**

Moved by Vice-Chair Holzberg

Seconded by Malinda Daniel

To adopt the minutes from 6/21/22 as presented.

Vote: Motion Passed Unanimously

4. **Public Comment Period**

No comments were given.

B. ITEMS OF DISCUSSION

1. Discussion and Recommendation of Village of Marvin Zoning Designations for Annex Petition Properties

TIME STAMP 4:00

(See attached, Item 1, which is incorporated as a reference in these minutes).

Hunter Nestor, Planning & Zoning Administrator, explained that the Village has received two annexation petitions from homes in Weddington Chase. He explained that the once annexed, these properties will need to be rezoned to Marvin zoning. He recommended that the Board recommend rezoning the properties as RUC.

Moved by Michael Lavelle

Seconded by Malinda Daniel

To recommend designating both of the Weddington Chase properties RUC-Marvin Residential Union County District

Vote: Motion Passed Unanimously

2. Discussion and Recommendation of the Heritage at Marvin MHD Rezoning Submittal

TIME STAMP 6:30

(See attached, Item 2, which is incorporated as a reference in these minutes).

Mr. Nestor asked Ben Kuhn of Jones Homes USA to brief the Board on changes made to the proposal since the Board's preliminary review. Mr. Kuhn explained the proposal and its consistency with the Marvin Heritage District Form-Based Code. He stated that the proposal has approximately 1.55 units per acre. He explained that the PR&G Board recommended that the trail to be installed along the perimeter of the property should be paved along New Town Road, but composed of crushed concrete down Meadowlark Lane. The Board also recommended that the trail along New Town be lit with low-voltage lighting on timers, while the trail down Meadowlark be unlit. The Board also recommended the use of native plants.

He then briefly reviewed proposed home elevations, which had been revised after meetings between the developer and Councilmembers. Mr. Kuhn also briefed the Board on color schemes, building materials, etc.

Mr. Nestor then presented his report. He noted that the proposal conditional rezoning. He noted that should the Planning Board make a recommendation, the proposal will then go to Council, who would call for a public hearing to be held in August. He then stated that the ongoing conversations between the developer and Union County over sewer access does not affect the review process in Marvin. He noted that the only deviation that the developer is requesting is to reduce the setbacks for accessory structures from 10 feet to 5 feet. Mr. Nestor then explained that conditional zoning allows for these deviations to be granted on a case-by-case basis, without setting a legal precedence.

The Board discussed this request in depth. Mr. Kuhn chose to withdraw his request for the deviation. The Board then discussed fences in the front yard, asking Mr. Nestor to add this to the list of conditions. The Board also discussed a fee-in-lieu for the improvements to the land to be donated to the Village.

Mr. Nestor noted that the draft development agreement has been included in the agenda packet. He stated that he has already made recommendations for changes to be made to the agreement. He also stated that the agreement is being reviewed by the Village Attorney.

The Board then discussed school capacity. Mr. Nestor noted that the developer's study on school capacity would be reviewed by Union County prior to having their plans approved. Mr. Kuhn stated he would get further input from Union County Public Schools prior to the Council meeting.

Moved by Michael Lavelle

Seconded by Vice-Chair Holzberg

To recommend approval of the Conditional Rezoning submission with the following additional conditions:

- CCR's for the development shall be reviewed and approved prior to a land development permit.
- Require a photometric plan for all pedestrian facilities and signs during the construction plan phase.
- Development shall be subject to the Village of Marvin Engineering Standard Manual.

- The maintenance plan shall be submitted for consideration.
- Discuss any recommended road improvements and traffic calming with NCDOT.
- No fencing shall be allowed in the front yard.
- Receive comments from Union County Public Schools on school capacity prior to the public hearing.
- Remove the deviation on side and rear setbacks for accessory structures.

Vote: Motion Passed Unanimously

C. AGENDA ITEMS

1. Review of Action Items

There were no action items.

2. Board Member Comments

Chair Cates: She concurred with Mrs. Daniel and Mr. Holzberg's comments. She thanked staff for their hard work.

Vice-Chair Holzberg: He concurred with Mrs. Daniel. He then thanked staff for their hard work, noting all the work on the new Village Hall.

Malinda Daniel: She encouraged anyone with concerns to voice them at the Council meeting.

Michael Lavelle: He thanked John Jones for her service on the Planning Board. He wished him and his wife Ann all the best.

Councilman Marcolese: He thanked the Board for their diligence on their review of the Heritage at Marvin conditional rezoning.

D. ADJOURNMENT

Moved by Michael Lavelle

Seconded by Chair Cates

To adjourn the meeting at 7:32pm.

Vote: Motion Passed Unanimously

Kelly Cates
Planning Board Chair

Austin W. Yow
Village Clerk & Assistant to the Manager