

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

PLANNING BOARD MEETING MINUTES

August 17, 2021 – 6:30pm Village Hall, 10004 New Town Road Regular Meeting (Virtual Meeting)

AGENDA ITEMS

1. Call to Order

Vice-Chair Cates called the meeting to order at 6:32pm.

2. Determine Quorum

Vice-Chair Cates determined a quorum was present.

Present: Vice-Chair Cates, Malinda Daniel, Michael Lavelle

Present Virtually via Webex: Chairman Jones, Richard Holzberg, Ken Marino, Kent Renner, Councilman Marcolese

Absent: None

Staff Present: Hunter Nestor, Austin W. Yow, Tom Weitnauer

3. Adoption of the Agenda

MOTION: Malinda Daniel moved to adopt the agenda as presented. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 7-0.

4. Adoption of the Minutes for: 7/20/21

MOTION: Malinda Daniel moved to adopt the minutes as presented. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 7-0.

5. Public Comment Period

No comments were given.

ITEMS OF DISCUSSION

TIME STAMP 2:30

1. Discussion and Recommendation of Special Use Permit Application #21-12695, Pool in Rear Yard that Abuts a Side Yard, as Required per §151.054(E)(3) (See attached, Item 1, which is included as a reference in these minutes).

Hunter Nestor, Planning & Zoning Administrator, explained that the applicant is applying for a special use permit for a pool in their rear yard that abuts their neighbor's side yard. He stated that the applicant is compliant with the Village's ordinances and is sufficiently screened. He added that the applicant is receiving written approval from the side yard neighbor. The Planning Board discussed the application and asked questions regarding fencing and submission requirements.

MOTION: Michael Lavelle moved to recommend approval of SUP 21-12695 as submitted, contingent upon the submittal of an approval letter from the neighbor. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously, 7-0.

TIME STAMP 12:55

2. Review and Discuss Gates at Marvin Construction Plans (See attached, Item 2, which is included as a reference in these minutes). Mr. Nestor explained that the submittal is for a six-home rural subdivision named "The Gates at Marvin." He stated that the submittal is compliant, except for the landscape/tree mitigation plan. The applicant has not submitted these plans yet. The Planning Board discussed the plans and asked questions regarding septic fields, the removal of trees, and driveway permits.

Ben Kuhn of Jones Homes, the applicant spoke on the removal of trees and the approval of septic permits, the installation of septic lines, and driveway permits. The applicant stated that a mitigation plan would be included in the submittal to the Village Council but noted that they were only removing the trees necessary to build the primary structures and driveways.

MOTION: Michael Lavelle moved to waive the 15-day submission requirement. Richard Holzberg seconded the motion. **VOTE:** The motion passed unanimously, 7-0.

MOTION: Vice-Chair Cates moved to recommend approval of the preliminary plat and construction plan for the Gates at Marvin subdivision, contingent upon submission of the landscape and tree mitigation plan and contingent upon approval from the Village Engineer and external agencies. Richard Holzberg seconded the motion.

VOTE: The motion passed unanimously, 7-0.

TIME STAMP 43:30

3. Discussion and Recommendation of Zoning Designation for Newly Annexed Parcel 06210007A, 8802 Bonds Grove Church Road (See attached, Item 3, which is included as a reference in these minutes).

Mr. Nestor explained that the parcel in question was annexed by the Village in July and is currently zoned Union County R-40. He added that staff is recommending rezoning the parcel as R-Marvin residential.

MOTION: Malinda Daniel moved to recommend designating parcel 06210007A as R-Marvin residential. Vice-Chair Cates seconded the motion.

VOTE: The motion passed unanimously, 7-0.

TIME STAMP 47:10

4. Discussion and Recommendation of Zoning Designation for Newly Annexed Parcel 06207005C, Marvin Efird Park (See attached, Item 4, which is included as a reference in these minutes).

Austin W. Yow, Village Clerk & Assistant to the Manager, explained that the recently annexed parcel is a part of Marvin Efird Park but was never annexed into Marvin. Mr. Yow explained that a formula outlined state law prohibited the Village from annexing the parcel due to the size of the satellite annexation of Marvin Efird Park.

MOTION: Ken Marino moved to recommend designating parcel 06207005C as R-Marvin residential. Kent Renner seconded the motion.

VOTE: The motion passed unanimously, 7-0.

TIME STAMP 51:50

5. Review Minor Subdivision Application for 9819 Chestnut Road

Mr. Nestor explained that this minor subdivision application is for discussion only. He explained that the applicant wishes to subdivide the 8.54-acre lot into four lots that range between 1.45 acres and 2.66 acres. He added that a final plat will be submitted for Planning Board review next month. The Planning Board discussed this item in depth.

TIME STAMP 1:16:15

6. Update on the Marvin Heritage District Timeline

Mr. Nestor explained that the Marvin Heritage District is moving forward. He explained that the form-based code is being reworked to legally circumvent state law disallowing the regulation of residential designs. He explained that a conditional zoning district will be created for the district and the form-based code would become a small-area land use plan that would be incorporated into the Village's Land Use Plan.

He stated that a draft of the plan should be reviewed by the Planning Board and Marvin Heritage District Strategic Plan Committee in September. He explained that with this new direction for the zoning, property owners would be required to apply for rezonings of their properties individually. The Planning Board discussed this item in depth.

AGENDA ITEMS

1. Review of Action Items

There were no action items.

TIME STAMP 1:25:15

2. Board Member Comments

Vice-Chair Cates: She encouraged everyone to be careful with the ongoing pandemic and the Delta variant. She encouraged the continued use of virtual participation at meetings.

Richard Holzberg: He stated he appreciated all the work staff done.

Councilman Marcolese: He thanked Mr. Nestor for his detailed explanation of the Marvin Heritage District, which emphasized controlling development and placing the burden of development on the property owners.

ADJOURNMENT

MOTION: Malinda Daniel moved to adjourn the meeting at 8:01pm. Michael Lavelle seconded the motion. **VOTE:** The motion passed unanimously, 7-0.

Adopted: 9-21-2071

John Jones, Planning Board Village of Marvin Chairman

Austin W. Yow

Village Clerk & Assistant to the Manager

Item 1.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

DATE: August 12, 2021

TO: Planning Board

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Special Use Permit #21-12695 to allow a swimming pool located in the rear yard of a residential lot located at 608 Running Horse LN that is adjacent to the side yard of adjoining residential lots.

Overview

APPLICANT

Anthony and Sylvan Pools

PROPERTY OWNERS:

Marc and Kerri Denner

REQUEST: Applicant requests a Special Use Permit to allow a swimming pool located in the rear yard of a

residential lot located at 608 Running Horse LN that is abutting the side yard of adjoining

residential lot (612 Running Horse LN).

LOCATION:

608 RUNNING HORSE LN (Parcel Number 06-222338)

LAND USE AND ZONING:

The property is zoned R - MARVIN RESIDENTIAL DISTRICT. The property is located within the Marvin Creek Subdivision.

Surrounding Zoning:

North: R-Marvin Residential South: R-Marvin Residential East: R-Marvin Residential West: R-Marvin Residential

Surrounding Land Use:

North: Residential South: Residential East: Residential

West: Residential (612 Running Horse LN)

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Background

The property is located in the Marvin Creek Subdivision at 608 Running Horse LN in Marvin, NC and is zoned R-Marvin Residential. The surrounding properties are zoned R-Marvin Residential.

The applicant is proposing to construct an in ground swimming pool to be located in the rear yard. However, a Special Use Permit (SUP) is required when a pool is located in a lot where the rear yard abuts the side yard of an adjacent lot per §151.054(E)(3) of the Marvin Code of Ordinance. This lot is adjacent to one side yard at 612 Running Horse LN

Review/Discussion

A Special Use Permit is a process which allows the Planning Board and Village Council to review and approve specific uses that are in keeping with the intent and purpose of the zoning district but may have substantial impacts on the surrounding area. This process allows conditions or restrictions to be placed on an approval that would minimize impacts to the surrounding area.

Swimming pools are an accessory use allowed in the R-Marvin Residential District, provided that the pool is located in the rear yard and the following setback requirements are met:

Swimming pool, measured from	20 feet rear yard			
water's edge	20 feet side yard or the principal			
	structure on the street side			
Pool Equipment	20 feet side and rear yard			
Pool Decking	15 feet rear yard			
	20 feet side yard or the principal			
	structure on the street side			
Pool houses, cabanas, and the like	See §151.054 (B)			

All swimming pools located on lots where a rear yard abuts a side yard of an adjacent lot shall be subject to a conditional use permit as provided for in § 151.100.

The proposed pool complies with all setback requirements, having a 144' rear yard setback (minimum 20') and 67'/48' left/right side setbacks (minimum 20'). There is existing heavy screening including evergreens. Attached is the zoning permit the applicant has applied for with this additional information.

Additionally, the applicant has secured verbal testimony (requested to have it in writing) of the neighbors whose side yard is abutting to the rear yard of his property.

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Finding of Facts

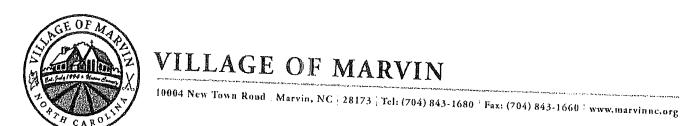
In consideration of the request for a Special Use Permit, the Village Council will need to make the following findings:

- 1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- 2. The use meets all required conditions and specifications;
- 3. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity;
- 4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the Village of Marvin Land Use Plan; and
- 5. Additional review criteria, as stated in this chapter shall also be considered and addressed where required. *There are no additional review criteria for the proposed use.*

Staff Recommendation

Staff recommends that the Planning Board recommend approval of SUP 21-12695 to the Village Council as presented.

This request is consistent with the intent of the Village of Marvin's Zoning Ordinance. Staff has identified that the applicant has existing above-average screening of this lot, secured written testimony from all adjacent neighbors, and has significant setbacks;



CONDITIONAL USE PERMIT APPLICATION

PAGE 1 OF 3

Application Number:	Application Date:	1-21
Applicant's Name: Anthony & Sylva	n Pools - Legh	
Property Owner's Name: March Kern	Denrer	
Applicant's phone Owner's phone	FAX	Mobile
Relationship of Applicant to Property Owner:	Contractor	
Property Location: Coo & Punning Hors	e lone	
Parcel Number: C633338 Deed	d Book and page #: 43	298
Existing Zoning: Martin		
Proposed Conditional Use: Thyround 7	2001 20'X40'	
A completed written and in the complete of the		

A completed written application for a Conditional Use Permit shall be filed with the Zoning The application, at a minimum, shall include the following required information:

- 1. A scaled boundary surveyed drawn to an appropriate scale prepared by and certified to be correct by a surveyor or engineer registered with the State of North Carolina, showing the total acreage, present zoning classification(s), date and north arrow. On this survey shall be sketched the information required in sections 3, 4, 5, 6, and 7.
- 2. The owners' names, addresses, and tax parcel numbers (as shown on the current year Union County Tax Records), and the uses and current zoning classifications of all adjacent properties.
- 3. All existing easements, reservations, rights-of-way and all yard requirements for the zoning district.
- 4. A site plan showing all existing and/or proposed buildings, storage areas, parking and access areas, proposed size, layout and setbacks of land and proposed structures, and proposed number, type, and location of signs. For residential uses this shall include the number of units and an outline of the area where the structures will be located. For nonresidential uses, this shall include the approximate square

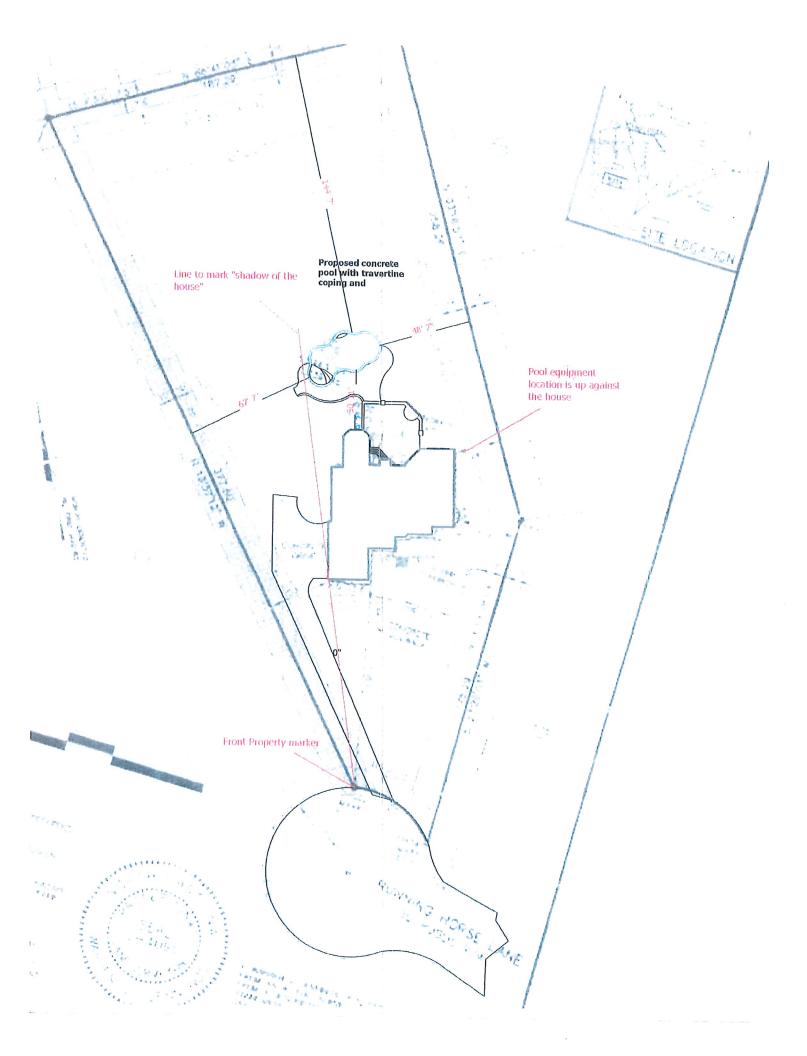
footage of all structures and an outline of the area where the structures will be located.

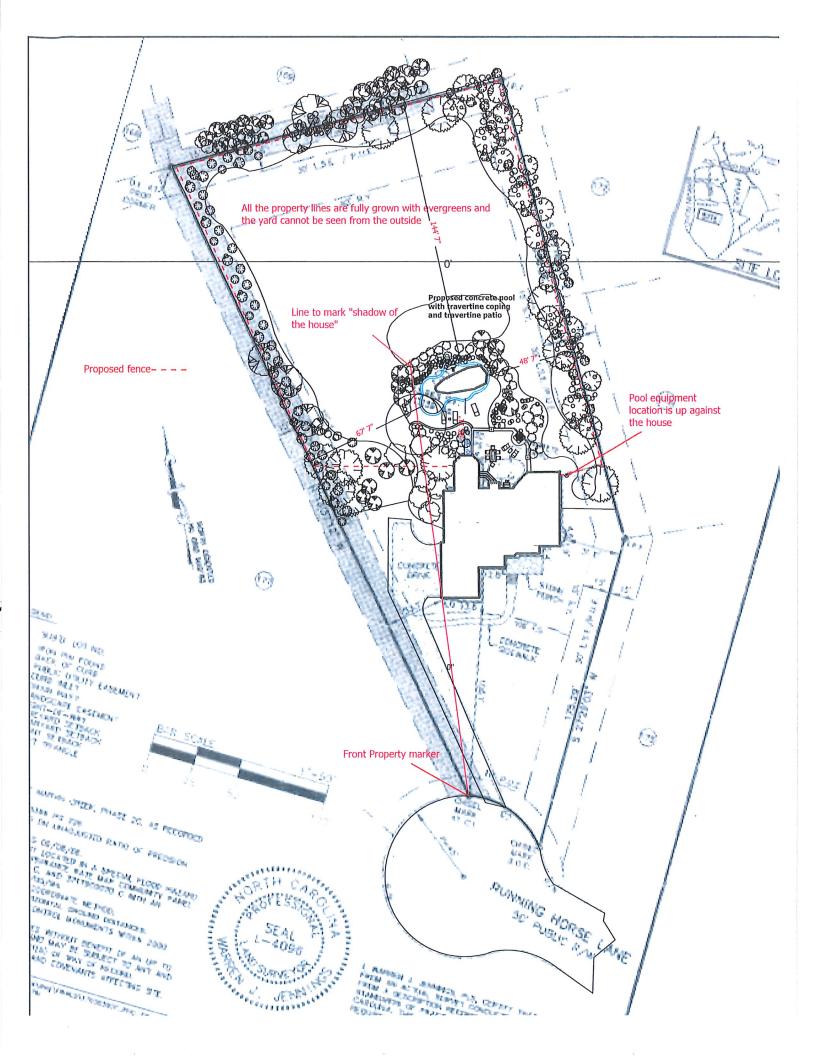
- 5. Traffic, parking and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.
- 6. Landscape plan at the same scale as the site plan showing existing and proposed trees, ground cover and landscape material, proposed screening, including walls, fences or planted areas as well as treatment of any existing natural features.
- 7. Plans and elevations for all proposed structures.
- 8. Depending on the nature of the proposed conditional use, the Zoning Administrator (or the Planning Board or Village Council) may require that the following information be submitted in scaled form along with other required information:
 - a) Delineation of the areas within the floodplain as shown on the official flood hazard boundary maps.
 - b) Accurate mapping of all soil classifications found on the site and general depths thereof. The applicant shall use the same classifications used by the U.S. Department of Agriculture.
 - c) Existing and proposed topography at five (5) feet contour intervals.
 - d) Plans for providing potable water and for the treatment of wastewater.
- 9. Proposed phasing, if any, and approximate completion time of the project.
 - a) All applications shall be signed by the applicant and shall be submitted with any application fee required by the Village.
 - b) The Zoning Administrator shall present any properly completed application to the members of the Planning Board at least fifteen (15) days prior to their next regularly scheduled meeting. The Planning Board by majority vote may shorten or waive the time provided in the Article for receipt of a completed conditional use application.
 - c) The Planning Board shall have a maximum of thirty (30) days from the date at which it met or until its next regularly scheduled meeting, whichever is longer, to review the application and to submit its recommendation to the Village Council. If a recommendation is not made during said time period, the application shall be forwarded to the Village Council without a recommendation from the Planning Board.
 - d) When dealing with the Conditional Use Permit process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Village Council may request needed additional information as they deem necessary.
 - e) Once the application is forwarded to the Village Council from the Planning Board, the Village Council shall consider conducting a public hearing as prescribed in Article 12.1.7 (a public

VILLAGE OF MARVIN Conditional Use Permit Application Page 3 of 3

hearing is required if CUP is to be approved). In the event the Village Council deems a public hearing appropriate, due notice of such public hearing shall be as prescribed in Article 12.1.7(A) and (B) of the Village of Marvin Zoning Ordinance.

regulation approval in the Village of Marvin a returned will be subject to a returned check fe adopted by the Village of Marvin.	Village of Marvin. Please note: all fees for are non-refundable, and checks that are e in accordance with the current fee schedule
To the best of my knowledge, all information herein subn	nitted is accurate and complete
Signature of Property Owner	7-31-31
Martine of Property Owner	Date
Signature of Applicant	1616
	Date
All of the information herein required has been submitted application.	by the applicant and is included or attached with this
Signature of Zoning Administrator	Date
This section to be filled out by	the Zoning Administrator
1. Completed application submitted on	
2. First reviewed by Planning Board on	
3. Action by the Planning Board taken on	
4. Action of the Planning Board:	
5. First reviewed by Village Council on	
6. Public Hearing held on	
7. Notification posted on Village of Marvin bulletin bo	ard on
8. Publication notices filed in	ard Off
(name of newspaper)	
(date of publication) and (date of publication)	on)
9. Action by the Village Council taken on:	
10. Action of the Village Council:	_





July 19, 2021

Item 2.



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

TO:

Planning Board

FROM:

Hunter Nestor, Village Planning & Zoning Administrator

SUBJECT:

Discussion and Recommendation of Construction Plan for Gates at Marvin

DATE:

August 12, 2021

Background

Back in February and March of 2021. The Planning Board recommended to the Village Council to amend the language for Rural Subdivisions.

- (1) A subdivision that meets all of the following requirements:
 - (a) Involving not more than eight lots;
 - (b) With a parent tract of at least 12 acres;
 - (c) Minimum lot sizes are two acres;
 - (d) A minimum of half of the resulting lots are larger than 2.5 acres; and
 - (e) No more than one new road is created, which must be platted for public dedication

The Planning Board voted to keep a minimum tract size of 12 acres, and ensure that rural subdivision roads may not have gates by making them be platted as public.

Jones Homes has submitted their construction plans for a Rural Subdivision. Planning Staff has determined that the plans, after a round of revisions, that the proposal meets all requirements (Specifically, the architecture, landscape, buffer, and signage requirements). Everything in the construction plan other that the Landscape/Tree Mitigation Plan, have been reviewed and approved by the Village Engineer. The applicant is revising the plan and will have a final updated set of plans prior to the meeting.

Following the recommendation of the Planning Board and the vote by Council, the Construction Plan will be reviewed by the Village Engineer and all applicable outside agencies. So long as those revisions do not affect the zoning regulations in a way that reduces the quality, the construction plan need not be reviewed again by the Planning Board and Council.

Current

Staff recommends Planning Board review the construction plan and recommend approval contingent upon approval from the village engineer after revieing the updated plans or with modifications, if any are discussed, or deliberate at the next meeting if substantial revisions or additional information is required.

LAND DEVELOPMENT PLANS FOR

THE GATES AT MARVIN

US LAND HOLDINGS LLC

VILLAGE OF MARVIN, NC

JUNE 29, 2021

SHEET INDEX

COVER SHEET	EXISTING SURVEY	LAYOUT PLAN	UTILITY PLAN	UTILITY DETAILS	EROSION CONTROL PLAN	EROSION CONTROL DETAILS	
C1.00	C1.01	C1.02	C1.03	C1.04	C1.05	C1.06	

VICINITY MAP



PROJECT TEAM

US LAND HOLDINGS, LLC PO BOX 78926 CHARLOTTE, NC 28271 704,552,5338 CONTACT: MEL GRAHAM OWNER

SURVEYOR

R. JOE HARRIS & ASSOCIATES, INC.
127 BEN CASEY DRIVE, SUITE 101
FORT MILL, SC
603,802,1799
CONTACT, KENNETH GREEN

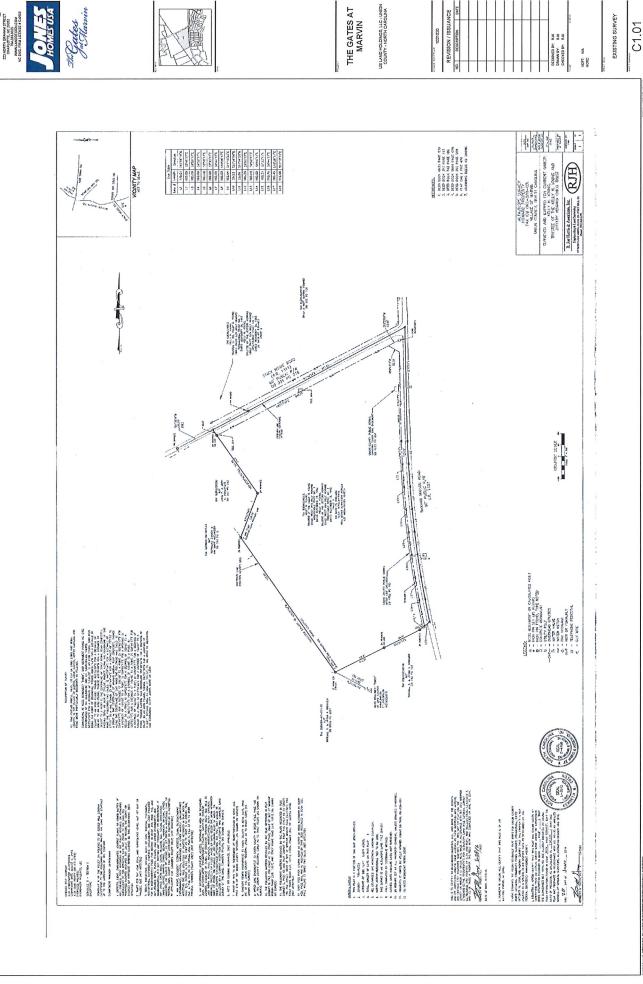
LANDSCAPE ARCHITECT LANDDESIGN 223 NORTH GRAHAM STREET CHARLOTTE. NO 28202 704.333.035 CONTACT NAME: MARK KIME

CIVIL ENGINEER
AUDDESION
223 NORTH GRAHAM STREET
CHARLOTTE, NO 28202
CMARLOTTE, NO 28202
CONTACT NAME, ALY SSA M. MONIACI, PE

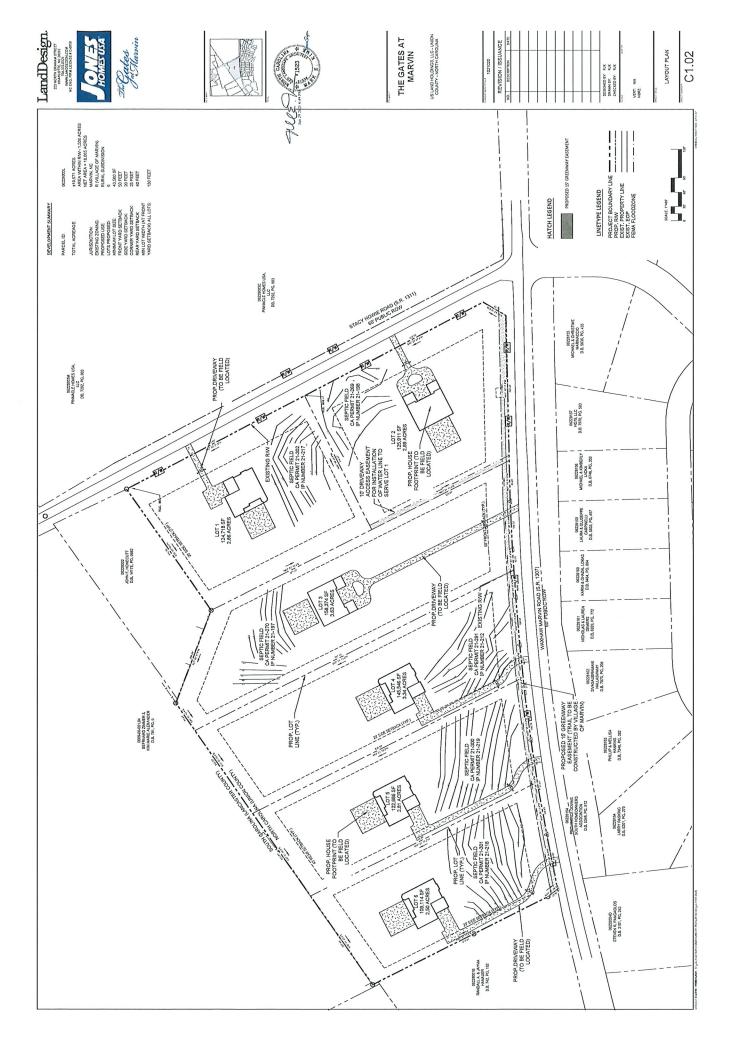


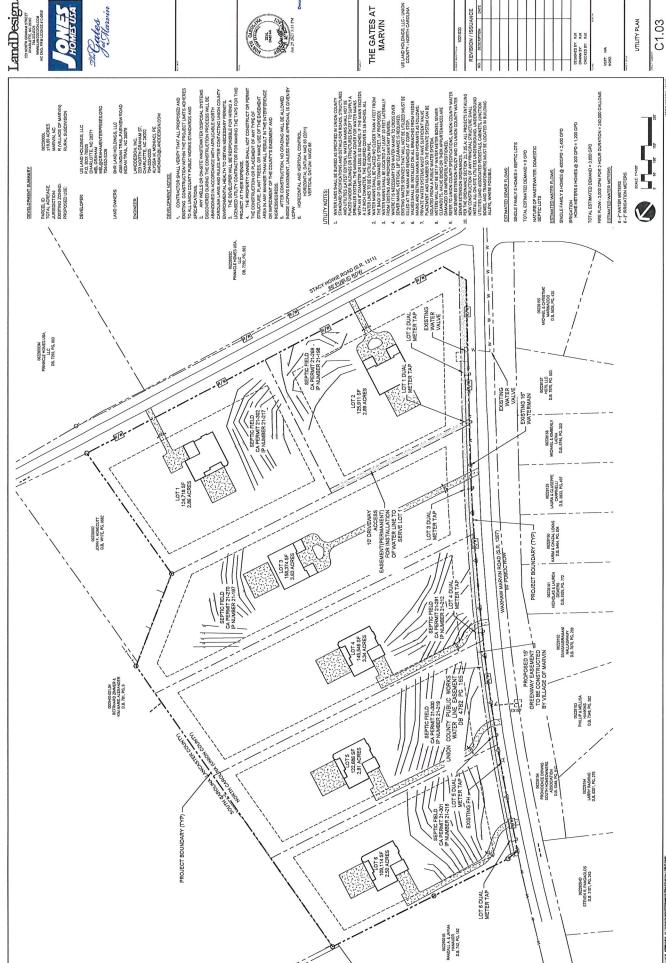






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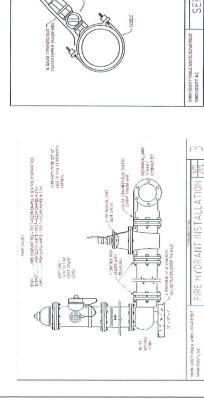


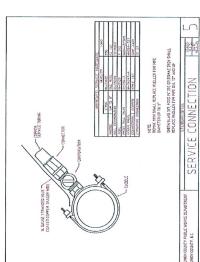
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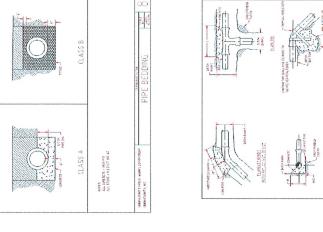


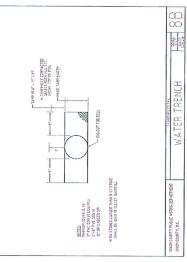


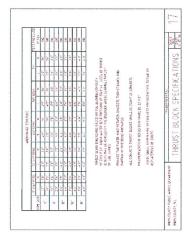


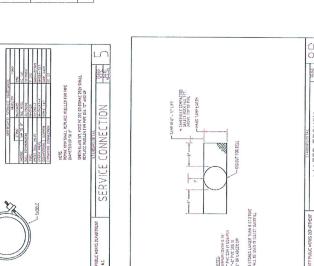
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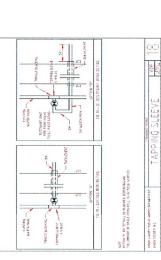








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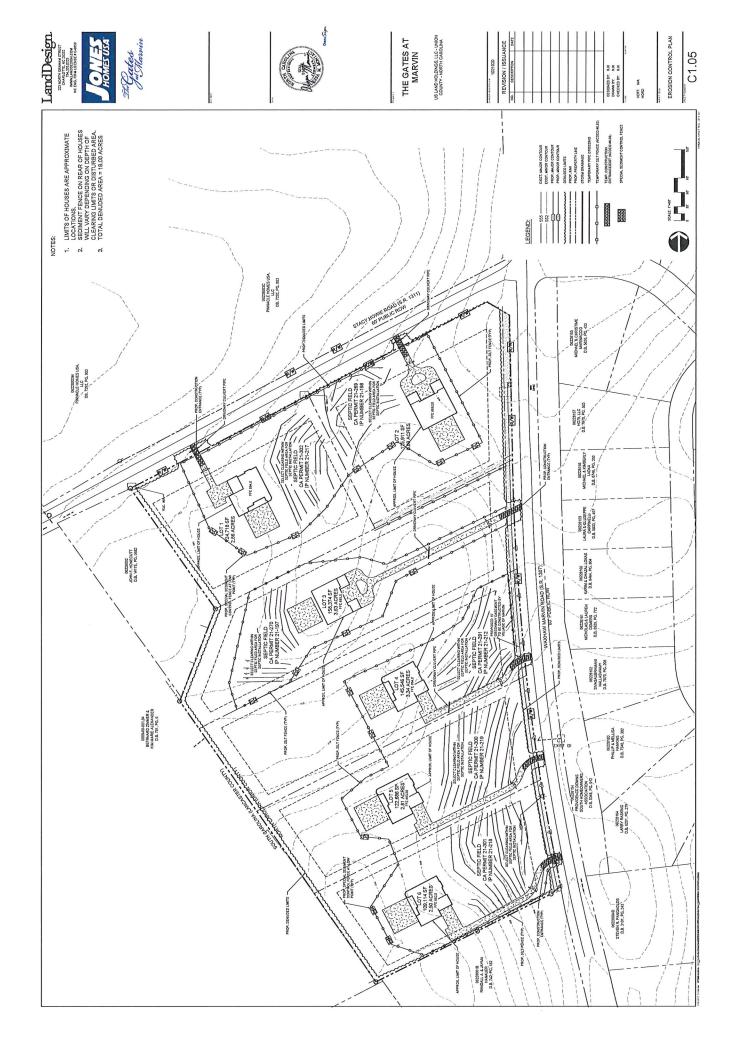


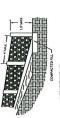
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US LAND HOLDINGS, LLC - UNION COUNTY - NORTH CAROLINA

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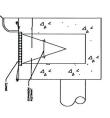




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SEEDING SPECIFICATIONS:

TEMPORARY SEEDING	
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MULCH (STRAW)	4000
SUMMER (MAY 1-AUG 15)	DATE OF STREET
OERWAN MILLET	40
10-10-10 FERTILIZER	750
MULCH (STRAW)	4000
FALL (AUG 15 - DEC 30)	Socration of the control of the cont
RYE (ORAIN)	120
LIMESTONE 10-10-10 EED TH 17ED	2000
MULCH (STRAW)	4000
PERMANENT SEEDING	
SPECIES/AMENDMENT TALL FESCUE	RATE (LB/ACRE)
SERICEA LESPEDEZA KOBE LESPEDEZA	20
LIMESTONE 10-10-10 FFRTI IZER	4000



THE GATES AT MARVIN

US LAND HOLDINGS, LLC - UNION COUNTY - NORTH CAROLINA

	ISSUANCE	DATE
1021020	REVISION / ISSU	DESCRIPTION
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DATE					
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DESIGNED BY: RJK
DRAWN BY: RJK
CHECKED BY: RJK

EROSION CONTROL DETAILS

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August 3, 2021

Mr. Hunter Nestor Senior Planner/ Zoning Administrator Village of Marvin 10004 New Town Road Marvin, NC 28173

SUBJECT: Plan Review for The Gates at Marvin Subdivision

Dear Mr. Nestor:

Pursuant to the Village of Marvin's request, AMT performed a construction plan review for The Gates at Marvin Subdivision on August 3, 2021. The plans are attached with a few minor revisions to be in compliance with Village of Marvin Standards. The Developer will need to revise and re-submit construction plans prior to beginning work. The Developer shall submit a Landscape / Tree Mitigation plan for approval prior to beginning work as well.

If you have questions or need further assistance, please let us know.

Sincerely,

A. Morton Thomas and Associates, Inc.

Philip Moxley, PE

Senior Engineering Manager



10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

DATE: August 12, 2021

TO: Planning Board

FROM: Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Rezoning of two annexed properties, Parcel 06210007A, 8802 Bonds Grove Church Road and Parcel 06207005C, Marvin Efird Park

Background

Both Properties were recently voluntary annexed during the July regular scheduled council meeting.

LOCATIONS:

8802 Bonds Grove Church Road (Parcel Number 06210007A) Parcel adjacent to Efird Park (Parcel Number 06207005C)

Per North Carolina General Statute the Village must rezone the properties to one of our Zoning Designations. Both properties are surrounded by R-Marvin Residential District. Rezoning these properties to R-Marvin Residential District will create no non-conformities with our ordinances as both properties are compliant with our current R-Marvin Residential District with the use and structures on the properties.

Recommendation

Planner's Recommendation: Staff finds the proposed zoning designations for the newly annexed properties is consistent with the recommendations of the Comprehensive Land Use Plan. The current surrounding uses and zoning are consistent with the proposed zoning map amendments and Staff recommends designating both properties R-Marvin Residential District



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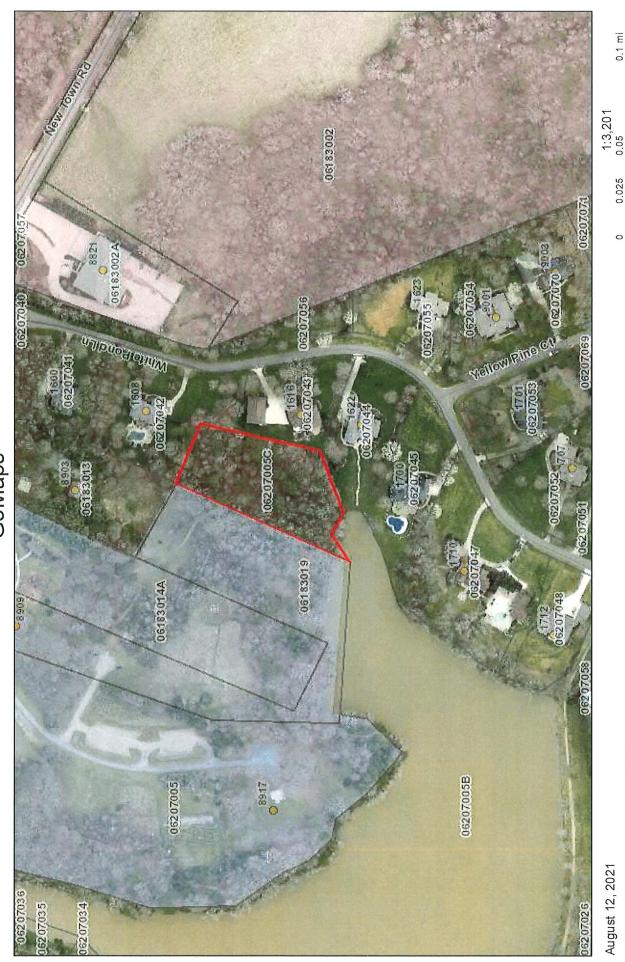
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Parcels Roads

Address Points Parcel Hooks

August 12, 2021

Parcel Encumbrances



August 12, 2021

Address Points

0

Parcels

Roads

0 0.0425 0.085 0.17 km Sources: Esri, HERE, Garnin, USGS, Internap, INCREMENT P. NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thaland), NGCC, (c) OpenStreetMap contributors, and the GIS User Community.

0.1 mi

0.025

Parcel Hooks

Parcel Encumbrances