

**TOWN OF MIDWAY
PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT
MINUTES
APRIL 24, 2012 – 5:00 P.M.**

CALL TO ORDER

Planning and Zoning Board Chairman Lynn Griggs called the meeting to order.

Planning and Zoning Board members present were: Lynn Griggs, Jackie Edwards, Sue Stephens, LeeAnn Thomas, and Charles Waddell. Absent: none. Town Manager Ryan Ross, Town Clerk Linda Hunt, and Planning and Zoning Consultant Vagn Hansen of Benchmark CMR, Inc. were present.

PUBLIC COMMENT

There were none.

APPROVAL OF MINUTES

On motion by Board member Sue Stephens, seconded by Board member Jackie Edwards, the Board voted unanimously to approve the minutes of the March 27, 2012, Planning and Zoning Board meeting as presented.

ADOPT AGENDA

On motion by Board member Lee Ann Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to adopt the agenda as presented.

PLANNING BOARD CASES

CORE COMMERCIAL OVERLAY DISTRICT (CCOD) SITE PLAN APPROVAL – DOLLAR GENERAL STORE (Old US 52)

Town Planning Consultant Vagn Hansen introduced Mr. George Venters of Vanguard Property Group who was there on behalf of the developer, Glandon Forest Equity, LLC of Raleigh, North Carolina. Mr. Hansen and Mr. Venters presented an overview of the site plan for the proposed Dollar General Store.

Highlights of the presentation were as follows:

- Location - Old US Highway 52 – inside town limits
- Acreage – 0.86 acres (small site)
- Building – 9,000 sq. ft.
- Parking spaces – meets requirements - 30 total, including 2 handicap accessible spaces
- No side setback line
- Front setback – 50 ft.
- Rear setback – 10 ft.
- Two access points
- Underground utilities
- Type A lighting
- Solid waste at back
- Stop signs at entrances
- Georgian Tudor architectural design
- Exterior of building – all brick
- Corner entry door
- Landscaping

- Sign – Channel letters

Mr. Venters told the Planning Board that if the Board approves the site plan, groundbreaking for the project will begin in June and will be completed by October 1, 2012 at which time the store will be turned over to Dollar General.

The Planning Board said they were extremely pleased with the site plan for the Dollar General Store.

On motion by Board member Charles Waddell, seconded by Board member Sue Stephens, the Planning Board voted unanimously to approve the site plan for the Dollar General Store as presented.

SUBDIVISION RECOMMENDATION – BARBARA WHITE (HEBRON CHURCH ROAD)

Planning Consultant Vagn Hansen presented a subdivision plat for review by the Planning Board for a one lot subdivision for Barbara White on Hebron Church Road. Mr. Hansen recommended conditional approval of the proposed subdivision to the Board, with the proposed condition of reconfiguring the lot and access to Hebron Church Road in order to provide more appropriate dedicated access to the property.

On motion by Board member Waddell, seconded by Board member Thomas, the Planning Board voted unanimously to table its consideration of the proposed subdivision until the following meeting in order to receive additional information on the proposed lot configuration and access.

STATEMENT OF CONSISTENCY – ELECTRONIC GAMING OPERATIONS TEXT AMENDMENT

Planning Consultant Vagn Hansen explained that as required by statute, the Planning Board has reviewed the proposed text amendment (Electronic Gaming Operations) to the Zoning Ordinance for consistency with the Town's adopted plans. Mr. Hansen recommended the Board adopt the proposed Statement of Consistency which will be forwarded to the Town Council with the Board's recommendation for adoption of the amendment.

Consistency Statement

“The Town Council finds that the proposed text amendment to establish Electronic Gaming Operations as a use in the Table of Permitted Uses, make Electronic Gaming Operations a use permitted by right in the Highway Commercial District, establish the proposed definition of Electronic Gaming Operations, and make Electronic Gaming Operations a prohibited use in the Core Commercial Overlay District is consistent with the Town of Midway Land Use Plan and the US Highway 52 Corridor Plan. Specifically, the proposed amendment will reinforce the Town's goals for enhancing its Core Commercial District through regulating uses which are not consistent with the goals for the development of that area, while facilitating commercial growth in areas of Town where such uses may be more appropriately located.”

On motion by Board member Jackie Edwards, seconded by Charles Waddell, the Planning Board voted to adopt the Statement of Consistency and to recommend adoption of the text amendment to the Town Council.

OTHER BUSINESS

NEWSLETTER ITEMS FROM PLANNING BOARD

Planning Board Chairman Lynn Griggs advised the Board he has not been contacted by the Council's newsletter committee to submit Planning Board information for the Town's newsletter. Mr. Griggs said if the Board was in agreement, he would contact Councilor John Byrum to see if the committee wants to include Planning Board information in the newsletter. It was the consensus of the Planning Board to pursue the matter.

ELECTRONIC GAMING/SWEEPSTAKES

This matter was covered during the discussion of Regular Business Item 3. Statement of Consistency – Electronic Gaming Operations Text Amendment.

REPORTS

ZONING ADMINISTRATOR’S REPORTS

Planning Consultant Vagn Hansen reported he had issued two permits as follows:

- Swimming pool – David Smith Road
- Pizza Hut sign

TOWN MANAGER’S REPORTS

Town Manager Ryan Ross reported the dilapidated outbuilding at 376 Midbrook Run has now broken in half. The property owner is Ms. Sharon Rush who resides at that address.

REPORTS FROM PLANNING BOARD MEMBERS

The members of the Planning Board expressed their growing concerns regarding the lack of response by some property owners to clean up their properties once they are notified they are in violation Town’s ordinance controlling littering, noxious growth, and unpermitted junkyards.

Board member Sue Stephens asked Mr. Hansen if all the businesses in the Core Commercial Overlay District were aware they were in that zoning district and if they had copies of the zoning map. Mr. Hansen assured Ms. Stephens the businesses had been informed. Mr. Hansen told the Board he would make copies of the large zoning map and would bring them to the next meeting.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member Jackie Edwards, the Board voted unanimously to adjourn the meeting.

ATTEST:

Lynn Griggs, Planning Board Chairman

Linda A. Hunt, Town Clerk

**TOWN OF MIDWAY
PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT
MINUTES
FEBRUARY 28, 2012 – 5:00 P.M.**

CALL TO ORDER

Planning and Zoning Board Chairman Lynn Griggs called the meeting to order.

Planning and Zoning Board members present were: Lynn Griggs, Jackie Edwards, Sue Stephens, LeeAnn Thomas, and Charles Waddell. Absent: none. Town Administrator Ryan Ross, Town Clerk Linda Hunt, and Planning and Zoning Consultant Vagn Hansen of Benchmark CMR, Inc. were present.

PUBLIC COMMENT

There were none.

APPROVAL OF MINUTES

On motion by Board member Charles Waddell, seconded by Board member Jackie Edwards, the Board voted unanimously to approve the minutes of the January 31, 2012 Board meeting as presented.

ADOPT AGENDA

On motion by Board member Sue Stephens, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adopt the agenda as presented.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

REVIEW OF LAND USE DEVELOPMENT ORDINANCE ARTICLES 6 AND 7

Planning Consultant Vagn Hansen asked the Board if they had any questions about Articles 6 and 7 of the Land Use Development Ordinance which were reviewed at the January 31, 2012 Planning Board meeting.

Planning Board member Sue Stephens questioned three accessory structures being allowed under the following section:

7.4 Accessory Structure Regulations

The following regulations shall apply to accessory structures, except accessory dwelling units.

7.4.2 Number

- (A) On lots containing residential uses, no more than 3 accessory structures may be established.

Mr. Hansen said he tried to fit the area. If the lot is tiny, three accessory structures would not be allowed due to setbacks, etc. A freestanding garage would be counted as one. Mr. Hansen said he had built in some leeway for lot sizes; however, there are no limitations on farms.

Ms. Stephens asked for clarification on the following items:

7.6.7 Signs

Signs within a PUD are subject to the following standards.

(B) Signs allowed in residential portions of a PUD shall comply with the minimum standards set forth for signs in the UR district.

7.7 Core Commercial Overlay District Standards

The following standards shall apply to all land use and development activity within the Core Commercial Overlay District, with the exception of the construction of a single family and two family (duplex) dwellings and residential accessory structures.

7.7.1 Site Layout

(B) Multiple Building Developments

(5) To the maximum extent practicable, pad sites shall be clustered together to define street edges and entry points or to enclose and create usable public spaces between buildings. The even dispersal of pad sites in widely-spaced pattern within the development is not permitted.

No other questions were raised by the Board

REPORTS

ZONING ADMINISTRATOR'S REPORTS

Planning Consultant Vagn Hansen reported permits have been issued for a house on Norman Shoaf Road and for a sign for Pizza Hut.

TOWN MANAGER'S REPORTS

Dollar General Store

Board member Sue Stephens asked about the status of the new Dollar General Store.

Town Manager Ryan Ross replied that Dollar General is asking for the Town to be more lenient on some of its building requirements.

Planning Consultant Vagn Hansen said negotiations are ongoing, noting the store's representative says the store has a set budget for this store and therefore, cannot meet the Town's building requirements.

Board member Jackie Edwards asked if the new Dollar General Store would be allowed to put items in front of the store, stating she is not in favor of it.

Streetlights

Town Manager Ryan Ross informed the Board that the North Carolina Department of Transportation (NCDOT) has informed him that fifteen (15) poles are needed for streetlights to light the intersection of U. S. Highway 52 and Hickory Tree Road as well as the core commercial district on Hickory Tree Road.

Planning Consultant Vagn Hansen said he plans to talk to Kimley-Horn and Associates, Inc. regarding the Town's interest in developing a Transportation and Access Management Plan which requires the skill of a traffic engineer.

Town Hall

Town Manager Ryan Ross reported the Town Hall project is moving forward and the Lease Agreement is being drawn up.

REPORTS FROM PLANNING BOARD MEMBERS

Signs

Planning Board Chairman Lynn Griggs asked what could be done about the signs that are being put up on power poles. Planning Consultant Vagn Hansen stated Duke Energy could be contacted about it since it is their poles. Mr. Hansen added that if the owner of the signs being put up can be determined, a letter can be written to the owner to take down the signs.

Farms

Mr. Griggs said he wanted to know how farms would be zoned.

Mr. Hansen responded that west of Highway 52 is going to change due to growth in that area, however, east of Highway 52 will likely stay the same. He added that agriculture areas will not be heavily regulated.

Board member Sue Stephens said Midway wants to keep its farms and also to control future growth, adding she thinks it is a matter of educating citizens on the Land Use and Development Ordinance.

Referencing the ordinance, Board member Jackie Edwards pointed out the Board has one shot at this and it needs to be done right.

Beckerdite Farm

Chairman Griggs expressed his strong disapproval of the Beckerdite Farm heirs receiving a letter from the Town regarding the need to repair the front porch on the homeplace. He said there are only two North Carolina Century Farms in the Town of Midway, one of which is his and the other being the Beckerdite Farm which is in a voluntary rural agricultural district. Mr. Griggs said the Town needs to be sensitive and compassionate about the farm issues so the farm does not lose its identity. He further stated sometimes the Town needs to give some leeway.

Planning Consultant Vagn Hansen said the Town would have to decide whether to leave the structure as is or to enforce the code. Chairman Griggs stated he wanted the Town Council to make the decision.

Town Manager Ryan Ross stated that only one letter written and mailed. Mr. Ross then read the letter to the Board, noting the Town had received three complaints prior to the letter being sent.

ADJOURNMENT

On motion by Board member Sue Stephens, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn the meeting.

ATTEST

Lynn Griggs, Planning Board Chairman

Linda A. Hunt, Town Clerk