



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, SEPTEMBER 29, 2015**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
SEPTEMBER 29, 2015 AT 5:00 P.M. IN THE TOWN HALL, 125 GUMTREE ROAD IN
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Chairman Charles Waddell called the meeting to order at 5:00 p.m.

Planning & Zoning Board members present were: Charles Waddell, Jackie Edwards, Jamie Hester, LeeAnn Thomas, Carl Tuttle, and Alternate James W. Smith. Absent: None.

Council present: Town Councilors Keith Leonard and Robin Moon.

Town Planner Erin Burris, Town Manager Ryan Ross, Town Clerk Linda Hunt, and Administrative Support Specialist Cindy Ramsey were present.

APPROVAL OF MINUTES

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the August 25, 2015 minutes as presented.

Town Clerk Linda Hunt said on the June 30, 2015 minutes the vote on the Land Development Ordinance (LDO) was incorrectly recorded and the minutes need to be amended to reflect the correct vote. The vote erroneously recorded the Board's vote to recommend to Town Council the adoption of the Land Development Ordinance as revised and its associated Zoning Map by a 4-1 split vote, listing Chairman Charles Waddell and Board members LeeAnn Thomas, Jamie Hester, and Carl Tuttle as voting in favor and Board member Jackie Edwards as voting against. Section IV. MEETINGS, Subsection F. Voting, of the Town of Midway Planning Board Rules of Procedure adopted by the Planning Board on February 26, 2013 states: "*All regular members except the Chairperson shall vote on each issue unless they have disqualified themselves due to a conflict of interest regarding the specific case before the Board. In the case of a tie, the Chairperson shall cast the deciding vote.*" Therefore, the minutes of the June 30, 2015 Planning Board regular meeting should be amended to correctly record the vote and read as follows: On motion by Board member Jamie Hester, seconded by Board member LeeAnn Thomas, the Planning Board voted by a **3 to 1 split vote** to recommend to Town Council the adoption the Land Development Ordinance as revised and its associated Zoning Map. **Voting in favor were: LeeAnn Thomas, Jamie Hester, and Carl Tuttle.** Voting against: Jackie Edwards.

Ms. Hunt asked for a motion to make the necessary amendment to correct the vote.

On motion by Board member Jackie Edwards, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the June 30, 2015 minutes as amended.

ADOPT AGENDA

On motion by Board member Jackie Edwards, seconded by Board member Carl Tuttle, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

There were none.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

Chairman Charles Waddell recognized Councilors Robin Moon and Keith Leonard who were in attendance and turned the floor over to them, noting the Councilors had some questions regarding the proposed Land Development Ordinance that they wished to ask the Board and Town Planner.

Councilor Robin Moon expressed the Town Council's appreciation to the Planning and Zoning Board for all their hard work and consideration during the last three years' process of drafting the Land Development Ordinance.

Mr. Moon commented that he has some questions to make sure he understands the reasoning behind the requirements of the LDO, so he is prepared if someone would ask him a question.

Chairman Charles Waddell reinforced to Mr. Moon that the Planning and Zoning Board has completed their part of the process and it is now in the hands of the Town Council, although the Planning and Zoning Board would be happy to answer any questions for clarification.

Mr. Moon stated that it is important to look at all aspects to be able to keep in mind what is best for the Town and realizes the importance of having ordinances in place to prevent things from getting worse. He also mentioned that although he is agreeable to complaint driven response, it is important to be careful of the kinds of ordinances that are in place.

Board Member Jamie Hester commented this proposed ordinance would help place the ground rules to determine the kind of action to be taken.

Chairman Waddell commented that it is important for the Town to have its own ordinances in place.

Town Planner Erin Burris commented that Minimum Housing ordinance is separate from the Land Development Ordinance and explained that the Land Development ordinance will mainly address any new developments or redevelopment of properties and the types of complaints mentioned by Mr. Moon would be covered under Code Enforcement ordinances if they had those in place.

Mr. Moon said he had some questions for clarification on some of the sections, such as on page 4-19, Section 4.4 (Accessory Structure Regulations) Subsection F (Minimum Separation) and 4.5 (Accessory Dwelling Unit Regulations) regarding the size of accessory structures. Ms. Burris explained that these regulations are not required but are not uncommon. This particular ordinance was drafted by Vagn Hansen and to the knowledge of Ms. Burris, was not questioned by anyone on the board at that time. It will not affect any structures already on the property, only any that might be added in the future. Those who currently have more than what is allowed by the ordinance would not be made to remove those structures, however they would not be allowed to add any more or to add on to what is there.

Councilor Keith Leonard asked for a little more clarification regarding ordinance regarding lot size in Section 4.4 (Accessory Structure Regulations), to which Ms. Burris said it does have an exemption for

agricultural purposes, but it does not have a regulation for lot size, which could be added if Council decided they want that in there.

Mr. Moon asked about Section 4.6 (Planned Unit Development District Standards), Subsection J (Residential Design Standards on Page 4-24, regarding garages, to which Ms. Burris replied this regulation currently does not apply to anyone in the Town of Midway and someone would have to specifically ask for this zoning.

The next section Mr. Moon asked for more information about was having businesses in the home as set out in Section 5.7 (Accessory Use Regulation), Subsection B Home Occupations on Page 5-5 (Accessory Use Regulation). Ms. Burris explained that this allows a very small area of the home, no more than 25% to be used for business. The standards listed are extremely common and prevent someone from running a store out of their home. The numbers of client visits per day are limited to no more than 8. Ms. Burris also added that the business would be allowed to have one small sign outside the home.

Mr. Moon then asked about article 6.6 (Driveway Standards) on page 6-5 regarding Driveway Standards, and Ms. Burris replied this ordinance sets the basic width (10 feet) and length (20 feet) to make sure there is enough space allowed to park a vehicle without it being in the yard or hanging out over a street or sidewalk. This ordinance would not make anyone change a current driveway, as it would only affect any new driveways.

Mr. Moon then questioned for clarification on Article 5.3 - Use Regulations, Section 5.3 (Prohibited Uses) specifically H-I (Heavy Industrial) and L-I (Light Industrial). Ms. Burris explained that the Planning and Zoning Board had recommended that H-I be eliminated and change the zoning to L-I. She would need to look further to determine which properties would be affected.

Mr. Moon then asked if this change would cause an increase in taxes to which Ms. Burris replied it should not have any effect on the taxes. She said what it should do is change the information on the tax cards which would occur from the information she would send to the tax office.

Board member James Smith commented that he did not mean to undermine any member of the Board by voicing his concerns, as he was only concerned with the effects, if any, on the businesses.

Regarding the change in zoning from H-I to L-I, Ms. Burris said she must evaluate each property, post the property and would then have to send notices to each property owner and adjacent property owners regarding a possible change in zoning; as required by law. A notice of Public Hearing must also be published in the local newspaper 10 days before the public hearing is held.

Mr. Moon then brought up concerns for clarification on what items need to go to Council and what will not. He felt that there needs to be clearer definition on that. Board Member Charles Waddell asked about the Council getting the same reports as the Planning and Zoning Board. Board member Jamie Hester mentioned concerns about getting questions or information thorough social media before they were notified.

REPORTS**AUGUST & SEPTEMBER 2015 REPORTS****A. ZONING PERMIT ACTIVITY**

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
Z-2015-11	8/4/2015	6831-03-31-3765	430	Hartman	New single-family residential home	Jacob Wilkes
Z-2015-12	8/6/2015	6831-03-24-0111	129	North Wind Drive	New single-family residential home	Richard DeHart
Z-2015-13	8/11/2015	6841-04-63-1726	185	O'Farrell Street	Deck addition	Eddie Trent of AKR Builders
Z-2015-14	9/1/2015	6830-04-62-0134	323	Midbrook Run	New single-family residential home	Darcy Laporte
Z-2015-15	9/8/2015	6831-04-70-8144	11141	Old US Highway 52	Exterior upfit-stacked stone, wrap beam	Zeno Marshall, Jr.
Z-2015-16	9/15/2015	6841-01-29-3126	230	Hayes Road	Accessory Structure-carport	Terry Boner

B. CODE ENFORCEMENT

Case Number	Date Issued	Address	Violation	Action	Status
V-2015-01	1-15-15	10693 Old US Highway 52	Unscreened outdoor storage	Notice of Violation	Abated
V-2015-02	2-19-15 & 3-10-15	759 Norman Shoaf Road	Unscreened outdoor storage, more than 4 yard sales	Notice of Violation	Abated
V-2015-03 & 07	2-23-2015 & 4-30-15 & 9-23-15	376 Midbrook Run	Unscreened outdoor storage, junk vehicle, possible unsafe structure	Citation	Partially Abated
V-2015-04	3-2-15 & 9-23-15	145 Woodfield Drive	Junk vehicles	Citation	Partially Abated
V-2015-05	3-31-15	11241 Old US Highway 52	Dilapidated fence	Notice of Violation	Abated
V-2015-06	4-21-15 & 5-19-15	201 Paint Horse Trail	Unpermitted carport over property line	Notice of Violation & Civil Citation	Car port moved, need permit
V-2015-08	4-30-15	154 Livengood Drive	Unscreened outdoor storage, debris	Notice of Violation	Partially Abated

V-2015-09	4-30-15	175 Baxter Drive	Possible illegal business, junk vehicles, outdoor storage, unpermitted accessory structure	Notice of Violation	Partially Abated
V-2015-10	4-30-15	254 Baxter Drive	Debris, outdoor storage	Notice of Violation	Abated
V-2015-11	4-30-15	261 Baxter Drive	Possible illegal business, outdoor storage, junk vehicles	Notice of Violation	Partially Abated
V-2015-12	5-12-15 & 7-28-15	156 Bobby Willard Road	Noxious growth, debris, possible unsafe structure	Notice of Violation, Civil Citation	No Action, Attorney Contacted
V-2015-13	5-12-15 & 7-28-15	146 Bobby Willard Road	Noxious growth, debris, possible unsafe structure	Notice of Violation, Civil Citation	No Action
V-2015-14	5-12-15 & 7-28-15	210 Bobby Willard Road	Noxious growth	Notice of Violation, Civil Citation	No Action, Notice Returned
V-2015-15	5-12-15	254 Bobby Willard Road	Unscreened outdoor storage, junk vehicles	Notice of Violation	Abated
V-2015-16	5-19-15 & 7-14-15 & 9-23-15	7990 Old Lexington Road	Unscreened outdoor storage, junk vehicles	Citation	No Action
V-2015-17	5-19-15	7970 Old Lexington Road	Unscreened outdoor storage, junk vehicles	Notice of Violation	Abated
V-2015-18	6-9-15	1718 Hickory Tree Road	Use of RV for residential purposes	Notice of Violation	After investigation, no one is living in RV. Awaiting residential zoning permit application for new house.
V-2015-19 (V-FY2016-01)	7-14-15	155 Lee Street	Unscreened outdoor storage, high grass	Citation	No action
V-2015-20 (V-FY2016-02)	7-14-15	273 Livengood Drive	Junk vehicles, noxious growth	Notice of Violation	Partial abatement
V-2015-20 (V-FY2016-03)	9-23-15	175 Lori Lane	High grass, possible unsafe structure	Notice of Violation	No action
V-2015-21 (V-FY2016-04)	9-23-15	450 Lori Lane	Junk vehicles	Notice of Violation	No action
V-2015-22 (V-FY2016-05)	9-23-15	544 Lori Lane	Possible unsafe structure	Notice of Violation	No action
V-2015-23 (V-FY2016-06)	9-23-15	269 Lori Lane	Possible addition without permit	Notice of Violation	No action

Ms. Burris stated she went out with Code Enforcement Officer Steve May to re-inspect properties and to work with him to make a priority list. Following are some of the properties that are being addressed:

- Sharon Rush's house at 376 Midbrook Run is having issues again - there is a new junk vehicle that was not there before.
- Bobby Willard Road – working with town attorney on some of the homes. Davidson County is supposed to inspect some of the homes and has not done so yet.
- 7990 Old Lexington has not moved the vehicles yet and has some overgrowth – another letter will be sent to them.

Ms. Hester mentioned the large number of car lots in the area and asked about regulating the number of car lots, to which Ms. Burris replied it could be done but then you start to interfere with the free market.

Ms. Hester asked about permits required for a moveable structure to which Ms. Burris replied any structure will need a zoning permit and any structure bigger than 12 feet in any dimension will also need a building permit.

PLANNING BOARD

There were none.

ADJOURNMENT

On motion by Board member LeeAnn Thomas, seconded by Board member Jamie Hester, the Board voted unanimously to adjourn the meeting at 5:58 p.m.

Charles Waddell, Chairperson

Cindy Ramsey, Recording Secretary