

**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
APRIL 30, 2013 – 5:00 P.M.
TOWN HALL**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD REGULAR MEETING HELD ON
APRIL 30, 2013 AT 5:00 P.M. AT THE MIDWAY FIRE AND RESCUE BUILDING, 228
MIDWAY SCHOOL ROAD, MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Chairperson Charles Waddell called the meeting to order.

Planning & Zoning Board members present were: Jackie Edwards, Lynn Griggs, Keith Leonard, LeeAnn Thomas, and alternate member Jamie Hester. Town Manager Ryan Ross, Town Clerk Linda A. Hunt, and Town Planning Consultant Vagn Hansen, Zoning Administrator Andy Goodall were present.

APPROVAL OF MINUTES

On motion by Board member Jackie Edwards, seconded by Board member LeeAnn Thomas, the Planning & Zoning Board voted unanimously to approve the March 26, 2013 minutes as presented.

ADOPT AGENDA

Zoning Administrator Andy Goodall informed the Board that the agenda needed to be amended to add the subdivision plat for Nathaniel Hines and wife, Ruby J. Hines, which was recently submitted.

On motion by Board member Lynn Griggs, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adopt the agenda as amended.

PUBLIC COMMENT PERIOD

There were none.

PLANNING BOARD CASES

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT (2013-ZTA-01) – ARTICLE 14 –
DEFINITIONS AND SECTION 3.5 – TABLE OF PERMITTED USES**

At the last Planning Board meeting, Mr. Christopher Shumate appeared before the Board to request a change in the Town's zoning ordinance to allow him to also operate a pawn shop in his new business located at Midway Town Center shopping center on Hickory Tree Road.

Zoning Administrator Andy Goodall reported that in January 2013, the Town planning staff issued Ms. Sonya Shumate a change of use permit to open a retail establishment involved in the sale of firearms, sporting goods, jewelry and related retail items. After the business, West Salem Gun Jewelry and Loan, began operation, staff discovered that the owners were running a pawnshop. The Town of Midway Zoning Ordinance does not currently permit pawnshops within the town limits. Currently, the owners have suspended the loan aspect of the business until the Town takes action on the proposed changes to the Zoning Ordinance that includes language defining pawnbrokers and pawn shops and to allow them as a permitted use in the Community Shopping (CS) zoning district.

Mr. Goodall reported that since the last meeting, Mr. Shumate has submitted a Zoning Ordinance Amendment Application to amend the text of Article 14, Section 3-5 to define pawnbroker and to allow operation of a pawn shop in the zoning district.

Shown below are the proposed text amendments:

Section 3.5 – TABLE OF PERMITTED USES

	RA-1	RA-2	RA-3	RS	RM-1	RM-2	RC	CS	OI	HC	LI	HI
Pawnshop								X				

(Page 3-8)

Section 3.5 – NOTES TO TABLE OF PERMITTED USES

8. It is unlawful for any person, firm, or corporation to establish or conduct a business of pawnbroker (pawnshop) unless such person, firm, or corporation has procured a license from the Town of Midway to conduct business in compliance with the requirements of NCGS 9A-2.

9. No pawnshop shall be located any closer than 1500 feet in any direction of another pawnshop.

(Page 3-10)

Article 14 - DEFINITIONS

PAWNBROKER – Any person engaged in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders. (Source: Pawnbrokers Modernization Act of 1989, NCGS 91A-2.

PAWNSHOP – The location at which, or premises in which, a pawnbroker regularly conducts business (Source: Pawnbrokers Modernization Act of 1989, NCGS 91A-2)

Discussion followed by the Board and staff regarding the rezoning request from Mr. Shumate.

Following discussion, Zoning Administrator Andy Goodall said that as required by statute, the Planning Board must adopt a statement of consistency with the Town’s adopted plans and/or policies.

Statement of Consistency

The Planning Board finds the proposed amendments (2013-ZTA-01) to the Town of Midway Zoning Ordinance to be consistent with the purpose set out in the ordinance to accomplish compatible development of the land within the Town of Midway.

On motion by Board member LeeAnn Thomas, seconded by Board member Keith Leonard, the Statement of Consistency was adopted and the proposed Zoning Ordinance text amendments to define pawnbrokers and pawnshops and to allow them as a permitted use in the Community Shopping (CS) zoning district were recommended for approval by Town Council by a 3-1 split vote. Voting in favor were Board members Griggs, Leonard, and Thomas. Voting against was Board member Jackie Edwards.

TOWN OF MIDWAY LAND USE AND DEVELOPMENT ORDINANCE – ARTICLES 9-11 (FIRST DRAFT)

Town Planning Consultant Vagn Hansen gave a brief overview of the first draft of Articles 9-11 of the Town of Midway Land Use and Development Ordinance. Articles 1-8 and 12-16 of the proposed ordinance have previously been reviewed by the Planning Board.

Shown below is an abbreviated version of the Articles as drafted.

ARTICLE 9 – GENERAL DEVELOPMENT STANDARDS

9.1 Fences and Wall

9.1.1 Applicability

The provisions of this Section shall apply to all new construction, redevelopment, or replacement of fences or wall not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. In the event of any inconsistency between the provisions of this Section and any screening standard in Section 9.2, Screening, the latter shall govern.

9.1.2 General Requirements for Fences and Wall

- (A) Location**
- (B) Temporary Fences**
- (C) Fences on Retaining Walls or Berms**
- (D) Fences and Wall within Required Buffers and Landscaping Areas**

9.1.3 Height Requirements for Fences and Walls

All fences and walls shall conform to the following standards. In all cases, heights are measured from natural grade.

- (A) Residential**
- (B) Nonresidential**
- (C) Exemption for Required Screening**
- (D) Exemption for Recreational Fencing**
- (E) Exemption for Safety**

9.1.4 Visibility Clearance

Fences and walls may not be placed in any location that would obstruct the vision of motorists or pedestrians, or otherwise create a safety hazard.

9.1.5 Regulation of Certain Fencing Materials

- (A) Barbed Wire and Above Ground Electrified Fences**
- (B) Debris, Rolled Plastic, Sheet Metal, Plywood or other Waste Materials**

9.2 Screening

Screening shall be required in order to conceal specific areas of high visual impact from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

9.2.1 Applicability

The standards of this section shall apply to all uses except for single family and two family (duplex) dwellings.

9.2.2 Exemption

Screening shall not be required for an item that is not visible from a public right-of-way or customer parking area or from an adjacent property due to the presence of a natural buffer or fence on the perimeter of the property housing the item to be screened.

9.2.3 Items to be Screened

- (A) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);
- (B) Loading and service areas;
- (C) Outdoor storage areas; and
- (D) Mechanical and utility equipment.

9.2.4 Screening Methods

The following items are permitting for use as screening methods. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

- (A) Vegetative Materials
- (B) Berms
- (C) Fencing and Walls

9.3.2 Outdoor Storage

9.3.1 Applicability

9.3.2 Location

9.3.3 Screening

9.4 Outdoor Display of Merchandise

9.4.1 Purpose

The purpose of these standards are to ensure that outdoor merchandise display areas are appropriately located and regulated so as not to impede the efficient or safe use of vehicular parking areas and pedestrian pathways.

9.4.2 Location

9.4.3 Limits on Goods Displayed

9.5 Outdoor Lighting

9.5.1 Purpose

The purpose of this Section is to control light spillage and glare so as not to adversely affect motorists, pedestrians, and land uses on adjacent properties.

9.5.2 Applicability

9.5.3 Exemptions

9.5.4 Design Standards for Exterior Lighting

All exterior lighting shall conform to the following standards:

- (A) Maximum Lighting Height
- (B) Direction of Illumination
- (C) Location
- (D) Shielding

9.5.5 Illumination of Outdoor Sports Fields and Performance Areas

9.5.6 Sign Lighting

9.6 Driveway Standards

The standards established in this section are intended to provide a minimum degree of regulation. Where applicable, additional standards imposed by NCDOT shall apply.

9.6.1 Residential Driveways

9.6.2 Commercial Driveways

9.7 Sight Distance

Clear sight distance shall be provided and maintained at all street intersections through the provision of a clear 10'x70' sight triangle as specified by the NC Department of Transportation.

9.8 Solid Waste Facilities

9.8.1 Applicability

The standards of this section shall apply to all uses with the exception of single family and two family (duplex) dwellings.

9.8.2 Location

9.8.3 Screening

ARTICLE 10 – LANDSCAPING AND BUFFERING STANDARDS

10.1 General Standards for Landscaping and Buffering

10.1.1 Purpose and Intent

The purpose of the landscaping and buffer requirements is to provide standards that will protect the health, safety and general welfare of the public, enhance property values, improve the appearance of the community, and preserve and enhance the natural environment. Planting yard regulations are established to minimize potential conflicts between abutting developments, enhance the appearance of buildings and parking lots, and create a unified and attractive streetscape. These requirements will be applied to all new development, redevelopment and building expansion projects, including streetscaping of new and existing rights-of-way.

10.2 Landscaping and Buffer Yard Design Standards

10.3 Buffer Yards

10.4 Building Yards

10.5 Parking Lot Yards

10.6 Street Yards

ARTICLE 11 – TREE PRESERVATION AND PROTECTION

11.1 Purpose

The purpose of this Article is to provide incentives for developers to preserve and protect existing mature trees in conjunction with new development.

11.2 Applicability

The standards set forth in this Article may be utilized by developers who desire to receive credit towards the tree planting requirements established in Article 10. Landscaping and Buffering Standards and/or the minimum parking requirements in Article 13.

11.3 Tree Preservation Incentives

The following incentives shall be provided when a development proposal complies fully with the standards and requirements set forth in this Article:

11.3.1 Tree Preservation Credits

11.3.2 Reduction in Minimum Parking Requirements

11.4 Tree Preservation and Protection Plan Required

In order to qualify for tree preservation incentives, the developer must submit and receive approval of a Tree Preservation and Protection Plan in accordance with the standards in Section 3.2.13. The plan shall indicate the size, type and location of the tree(s) to be preserved, tree protection zones and the location and type of all active and passive tree protection measures.

11.5 Preservation of Trees Through Development Required

11.6 Tree Protection Measures During Construction

Planning Consultant Vagn Hansen pointed out that Article 11 – Tree Preservation and Protection is a voluntary option but it does offer incentives are provided for developers to preserve and protect existing mature trees.

After a brief discussion, Mr. Hansen asked the Board to take some time to examine the proposed articles and to contact him if there are any questions or concerns.

For review only.

SUBDIVISION PLAT FOR NATHANIEL HINES AND WIFE, RUBY J. HINES – 263 NORMAN SHOAF ROAD

Zoning Administrator Andy Goodall presented the Board with copies of the final subdivision plat prepared by Kenneth L. Foster, RLS, for Nathaniel Hines and wife, Ruby J. Hines, which was submitted last week for review and approval. The plat is of a survey that creates a subdivision of land within the Town of Midway. The proposed plat divides the Hines property on Norman Shoaf Road in the Town of Midway into two lots with the new lot consisting of 2.953 acres. Easement to the property follows the existing driveway.

Mr. Goodall advised the Board the plat meets all the subdivision requirements and that the next step would be for the Planning Board to recommend approval of the subdivision plat to Town Council.

On motion by Board member LeeAnn Thomas, seconded by Board member Keith Leonard, the Planning Board voted unanimously to recommend Town Council approve the subdivision plat for Nathaniel Hines and wife, Ruby J. Hines.

REPORTS

ZONING ADMINISTRATOR'S REPORT

Zoning Administrator Andy Goodall reported that since the last Planning Board meeting, he has been working on the following issues:

- Resolving complaints
- Issuing 3 zoning permits
- Drafting text amendments for the Town's Zoning Ordinance regarding pawnbrokers/pawnshops
- Reviewing subdivision plat for the Hines property.

For information only.

TOWN MANAGER'S REPORTS

There were none.

REPORTS FROM PLANNING BOARD MEMBERS

Board member Lynn Griggs asked about the status of Dr. Schmuck's situation. Mr. Goodall responded that to date, the variance application has not been returned.

ADJOURNMENT

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

Charles Waddell, Chairperson

Linda A. Hunt, Town Clerk