



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, APRIL 24, 2018**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
APRIL 24, 2018 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman Jamie Hester called the meeting to order.

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

Interim Town Manager/Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Davidson County Planner Scott Leonard and Davidson County Zoning Officers Lee Crook and Travis Swain were present.

APPROVAL OF MINUTES

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the February 27, 2018 minutes as presented.

OATHS OF OFFICE

Deputy Clerk Tammy Robertson administered the oaths of office to the following reappointed members of the Midway Planning and Zoning Board/Board of Adjustment.

- Jamie Hester – Term will expire March 2021
- Charles Waddell – Term will expire March 2021
- LeeAnn Thomas – Term will expire March 2021

ELECTION OF OFFICERS

Chairman Jamie Hester opened the floor for nominations for Chairperson of the Planning Board.

James Smith nominated Jamie Hester for Chairperson.

There being no further nominations, the floor was closed.

On motion by Board member Charles Waddell, seconded by Board member James Smith, the Board voted unanimously to elect Jamie Hester as Chairperson of the Planning Board.

The floor was opened for nominations for Vice-Chairperson of the Planning Board.

LeeAnn Thomas nominated James Smith for Vice-Chairperson.

There being no further nominations, the floor was closed.

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the Board voted unanimously to elect James Smith as Vice-Chairperson of the Planning Board.

Deputy Clerk Tammy Robertson administered the oaths of office to Jamie Hester, Chairperson, and James Smith, Vice-Chairperson. Terms of office expire March 2019.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

DISCUSSION – EXPANSION OF CORE COMMERCIAL OVERLAY DISTRICT

At the Planning Board meeting on February 27, 2018, Scott Leonard, Planner with Davidson County, gave a power point presentation defining and illustrating different types of Mixed Use Districts located throughout Davidson County.

Mr. Leonard said that the intent of Mixed Use Residential Districts are to provide for the development of planned communities that may incorporate a full range of housing types and where appropriate, compatible non-residential uses that provide goods, services and employment opportunities.

Mixed Use Commercial Districts are intended to provide for the development of planned commercial sites that incorporate a mixture of retail, service, office, institutional and high density residential opportunities.

After the presentation, Mayor Pro Tem Mike McAlpine asked Mr. Leonard if the Town’s Core Commercial District (CCOD) could be extended along the entire sewer lines and if so, asked the Planning Board to consider lines A and B of the total linear project of the sewer system be incorporated into the CCOD. After discussion, the Planning Board requested the concept of extending the CCOD to be presented to the Town Council for their input.

At the regular Town Council meeting on April 2, 2018, Mr. Leonard advised Council that in accordance with the Town’s Zoning Ordinance, in order for a developer to apply for a permit to develop a Mixed Use Development, there had to be tracts of land available that are over ten acres and accessible to public sewer. Questions arose on how to extend the CCOD to include tracts of land over ten acres that are not currently in the CCOD. Mr. Leonard stated this would have to be handled through the rezoning process.

Town Council voted unanimously to: 1. Initiate a rezoning request to expand the CCOD as outlined by Scott Leonard, Planner with Davidson County; 2. Call for a public hearing to be held on Monday, June 4, 2018 at 7:00 p.m. at Town Hall to receive citizen input on the expansion of the CCOD; and 3. Send to the Planning Board for review and recommendation on expansion of the CCOD.

Town Council wanted all tracts of land over ten acres that meet the qualifications for a Mixed Use District to be included in the application to amend the Town’s Zoning Ordinance, Section 3.07 Core Commercial Overlay District, by expanding the boundary of the overlay district.

The purpose of the CCOD is to establish a set of development and design standards to regulate new development within the Town’s core commercial area around the US 52 and Hickory Tree Road interchange. These standards are established with the intent to ensure conformity of new development in this area with the adopted US Highway 52 Corridor Plan, which was adopted by the Midway Town Council to establish a long- term vision for growth in the Town’s commercial core.

Exemptions to these standards set forth in this Article do not apply to the use, construction, expansion or reconstruction of single family dwellings, two-family dwellings (duplexes) or residential accessory structures.

There are prohibited uses from being established within the area covered by the CCOD. These regulations supersede the Table of Permitted Uses set forth in Section 3.08 of the Town's Zoning Ordinance. The prohibited uses include: abattoirs, adult uses, automobile graveyards, bottling plants, brick, tile and cement manufacturing, chemical manufacturing, compartmentalized storage for individual storage of residential and commercial goods, extraction of earth products, farm machinery sales, flea markets (indoors, outdoors), foundry casting, freight terminals, fuel oil dealers, furniture manufacturing, golf driving range, golf (miniature), greenhouses, hazardous waste facility, indoor firing range, junkyard, commercial kennels, landfills, light manufacturing, unclassified, livestock sales, manufacturing or processing, manufactured home class A, B, C, manufactured home parks, manufactured home sales, outdoor advertising sign, outdoor storage yard, petroleum bulk stations, terminals, race and drag strips, saw mills, skeet trap, rifle and pistol ranges, storage of low explosives, travel trailer parks and campgrounds, warehouses and wireless telecommunication facilities.

Lee Crook, Zoning Officer with Davidson County, stated that the Planning Board is looking at three levels of regulations in extending the CCOD:

1. Underlying Zoning District – the Table of Permitted Uses in the Town's Zoning Ordinance, specifies what can and cannot happen in each zoning district.
2. Properties in the Underlying Zoning District that fall under the CCOD regulations have additional requirements if not exempted or prohibited.
3. Town's Land Development Plan – recent case law ties together zoning changes with land development plans. If plans go against the adopted land development plan, the plan has to be amended to reflect the zoning change.

Planning Board member James Wayne Smith stated that he is in favor of extending the CCOD for the Town's benefit but hopes that Council will listen to the affected property owners and take their concerns into consideration before moving forward with the expansion.

Mr. Leonard said that there are currently five proposed tracks of land that meet the eligibility requirements for a Mixed Use Commercial or a Mixed Use Residential development. He advised the Planning Board to consider the specific areas to be considered in the Town's CCOD and determine if all of those tracks of land fall into that area.

Mr. Crook reiterated to the Planning Board that the Town's Zoning Ordinance is the only document that can dictate use in a particular area. The CCOD can only make that area look a certain way.

The Planning Board recommended that notices be mailed to the affected property owners in order to allow them the opportunity to voice their support and concerns at the next Planning Board meeting on May 29, 2018 at 5:00 p.m. at Town Hall, before making a formal recommendation to the Town Council to extend the Town's CCOD.

For discussion only.

ADJOURNMENT

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to adjourn at 5:55 p.m.

Jamie Hester, Chairperson

Tammy H. Robertson, Deputy Clerk