

**TOWN OF MIDWAY  
PLANNING & ZONING BOARD MINUTES  
TUESDAY, FEBRUARY 27, 2018**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,  
FEBRUARY 27, 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, Jamie Hester, Carl Tuttle, LeeAnn Thomas and James Smith. Absent: None. Alternate: Vacant.

Davidson County Planner Scott Leonard, Interim Town Manager/Town Clerk Linda Hunt, and Deputy Clerk Tammy Robertson were present.

**APPROVAL OF MINUTES**

On motion by Board member Carl Tuttle, seconded by Board member Charles Waddell, the Board voted unanimously to approve the November 28, 2017 minutes as presented.

**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 – MIXED USE ZONING DISTRICTS**

Mr. Scott Leonard, Planner with Davidson County Planning and Zoning, gave a power point presentation to the Planning Board defining and illustrating different types of Mixed Use Districts located throughout the County.

**Section 3.04 MIXED USE ZONING DISTRICTS**

The purpose of mixed-use zoning districts is to encourage the development of planned communities that may incorporate a full range of housing types and compatible nonresidential uses that provide goods, services, and employment opportunities. The districts encourage high quality design and the innovative arrangement of buildings and open spaces throughout the project. To enable this, these districts provide flexibility from the conventional use and dimensional requirements of the other general zoning districts.

**(A) MX-R, Mixed Use, Residential District**

The intent of the Mixed Use, Residential District is 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.

### **Standards**

- 1) This district permits residential mixed use development (dwellings and permitted accessory uses and structures) on tracts which are ten (10) acres or larger and mixed residential and non-residential use development on tracts that are no less than fifteen (15) acres.
- 2) The use of this district shall be limited to areas along major thoroughfares, minor thoroughfares or collector streets having adequate access. Developments seeking MX-R zoning shall be encouraged to locate in areas with adequate public facilities including public water and sewer service, schools and transportation facilities.
- 3) This district shall allow for any use as indicated in the Table of Permitted Uses; provided that no more than fifteen percent (15%) of the total project acreage is dedicated for commercial uses.
- 4) Development proposals within this district shall comply with the applicable development standards as described in Article VI.

### **(B) MX-C, Mixed-Use, Commercial District**

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

### **Standards**

- 1) This district permits mixed use development on tracts of no less than 25 acres.
- 2) The use of this district shall be limited to areas along major thoroughfares, minor thoroughfares or collector streets having adequate access. Developments seeking MX-C zoning shall be encouraged to locate in areas with adequate public facilities including public water and sewer service, schools and transportation facilities.
- 3) This district shall allow for any use as indicated in the Table of Permitted Uses; provided that no more than fifteen percent (15%) of the total project acreage is dedicated for residential uses.
- 4) Development proposals within this district shall comply with the applicable development standards as described in Article VI.

Mr. Leonard gave some examples of Mixed Use Developments in the County:

1. Meadowlands is a Residential Mixed Use Development with patio homes, single family homes, walking trails and a golf course.
2. Friedberg Village is also a Residential Mixed Use Development with single family homes, town homes, quad homes, club house and a pool.
3. Miller's Creek is the only true Mixed Use Development in the County. It offers retail, industry, restaurants, residential and an office park. This Mixed Use Development incorporates all of the County's land uses.

Mr. Leonard said that Miller's Creek was never zoned for a Mixed Use District. It has been rezoned several times to allow different types of businesses to be built in the park. This is called a Planned Community. Mr. Leonard told the Planning Board that the Town allows for Mixed Use Developments in its Zoning Ordinance as the County's does.

Typically, a percentage of the land in a Mixed Use Development is left open and often used as

a passive recreation area. For Mixed Use Developments in the Town of Midway, ten percent of the development must be left as open space.

In the Town's Zoning Ordinance that defines Mixed Use Districts there are limits on how much density can be provided to a developer. For a Mixed Use Residential Development a developer cannot exceed four dwelling units per acre. A Mixed Use Residential Development also has to contain at least ten to fifteen acres, have public sewer and no more than fifteen percent development registered for commercial development. A Commercial Mixed Use District would only allow fifteen percent residential development.

Mr. Leonard informed the Planning Board that there is also a Mixed Use Master Plan that requires the developer to present the entire plan to the Planning Board for approval. With this type of Mixed Use Plan the Planning Board would have to specify the reason for accepting the plan but not a reason for denying the plan. The Planning Board can approve or deny the overall plan but not one specific area of the plan. The Mixed Use Master Plan can be rezoned, and often times is because it could take up to ten years to complete a mixed use development and often times markets change and the developer will want to build whatever is selling at that time. Changes in the original plan would first have to be approved by the Planning Board.

Mayor Pro Tem Mike McAlpine asked Mr. Leonard if the Town's Core Commercial District 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 Core Commercial District. After discussion, the Planning Board requested the concept of extending the Core Commercial District be presented to the Town Council for their input.

Mr. Leonard stated that his purpose for talking with the Planning Board about Mixed Use Developments is to see if the Town views Mixed Use Developments as a positive as the County does. If so, it helps him to answer questions when he receives calls from people inquiring about developing a Mixed Use Development in the Town. Mr. Leonard is asking if the Planning Board wants the Mixed Use Districts to be promoted since they are an allowable use in the Town's Zoning Ordinance.

For information only.

### **UPDATE – CODE ENFORCEMENT VIOLATIONS – 261 BAXTER ROAD AND 154 LIVENGOOD DRIVE**

Mr. Leonard provided to the Planning Board an update on two code enforcement violations in the Town that are in violation of the Town's Solid Waste and Zoning Ordinances.

The owner of the property located at 261 Baxter Road was originally contacted by Mr. Lee Crook Zoning Officer for Davidson County Planning and Zoning and notified of the Solid Waste Violation on his property in October 2017. The owner was given thirty days to rid his property of scrap metal. Since that time, Mr. Crook has visited the site several times and found no evidence that the owner has attempted to clean up the property. Mr. Crook plans to contact Town Attorney Jim Lanik to proceed with corrective action against the owner.

The owner of the property located at 154 Livengood Drive is in violation of the Town's Zoning Ordinance. Originally The owner was in violation of the Town's Solid Waste Ordinance by having some small scale recycling activity on his property. The owner brought in a building to house his items but now the building has become the issue because the owner has not obtained the necessary permits for the building. The building is located too close to the front of the property line to meet setbacks and now has become a Zoning Ordinance Violation. If the owner chooses to keep the

building on his property, he will have to obtain a variance in order to do so.

**OTHER BUSINESS**

Board member Charles Waddell mentioned the amount of trash on Norman Shoaf Road and would like to see it cleaned up. Chairman Jamie Hester said this could possibly be an Adopt a Highway service project for Oak Grove High School's Junior Civitans.

**ADJOURNMENT**

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to adjourn the meeting at 6:33 p.m.

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Jamie Hester, Chairperson

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Tammy H. Robertson, Deputy Clerk

