



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, MARCH 28, 2017**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
MARCH 28, 2017 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman Charles Waddell 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.

Town Planner Richard Smith, Town Manager Gary Looper, Town Clerk Linda Hunt, and Deputy Clerk Tammy Robertson 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 February 27, 2017 minutes as presented.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

ELECTION OF OFFICERS

Chairman Charles Waddell opened the floor for nominations for Chairperson of the Planning Board.

LeeAnn Thomas nominated Jamie Hester for Chairperson.

There being no further nominations, the floor was closed.

On motion by James Smith, seconded by LeeAnn Thomas, 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.

Carl Tuttle nominated James Smith for Vice-Chairperson.

There being no further nominations, the floor was closed.

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

Town Clerk Linda A. Hunt administered the oaths of office to Jamie Hester Chairperson, and James Smith Vice-Chairperson. Terms of office expire March 2018.

DAVIDSON COUNTY ZONING ORDINANCE RECOMMENDATIONS

At their last two regular meetings held on January 31, 2017 and February 27, 2017, the Planning Board reviewed and discussed key differences between the existing Midway Zoning Ordinance and the Davidson County Zoning Ordinance (effective September 1, 2011), and amended as recently as November 2, 2015 for consideration for adoption.

Proposed Revisions to the Ordinance discussed and recommended are:

- Revised all references to Davidson County, Board of Commissioners, County Manager, etc. where applicable
- Removed Planned Employment Center District
- Removed Airport Overlay
- Added Town's provisions for Core Commercial Overlay District (CCOD)
- New Mixed Use Districts kept as an option
- Kept Section 3.08 and Section 1.09
- Removed non-conformities from the Table of Use (TOU) chart
- Incorporated additional standards (CCOD) for hotels/motels including CUP for Board of Adjustment (BOA) approval
- Removed junk vehicles from TOU.
- Limited Residential Storage facility further (not everywhere, not on vacant residential lots)
- Limited solar farms to a minimum of 5 acres up to 15 acres
- Review Conditional Zoning at a later date
- Signage- Midway presently allow 16 square ft. onsite residential and charitable signs, whereas County Ordinance permits 32 square ft. banner signs and special events signs are not presently permitted in Town Ordinance, whereas County allows them 30 days out and 32 square ft.
- Minimum lot size to remain as current (30,000 square ft.), but okay with decreasing minimum lot width from 125 ft. to 100 ft. as in the County's Ordinance
- Accessory structures must be located behind principal structure
- Internal Review Committee (IRC) new
- County Ordinance amended up to November 2, 2015
- Edited TOU chart to remove Davidson County footnotes

Proposed added uses to Permitted Use Table:

- Accessory Residence to a Commercial Use within a single structure
- Agritourism Business, less than 10,000 square ft. retail area
- Agritourism Business, 10,000 square ft. or more retail area
- Airport, General Aviation
- Animal Husbandry
- Biodiesel Fuel Production, Accessory Use
- Daycare, Home (large)
- Firing Range, Indoor
- Recreational Facility, Commercial Outdoor
- Micro Farm
- Retreat Center, public or private
- Solar Collector/Energy System, Accessory Use
- Solar Farm
- Special Event, Accessory Use

- Structure, Non-Permanent
- Travel Trailer/Recreational Vehicle, Temporary Accessory Use (Disaster Hardship)
- Utility Tower, Water Storage Tanks
- Vending Kiosk, accessory to a commercial
- Water and Sewer Lines
- Wind Energy Facility
- Wind Energy Facility, Accessory Use
- Reclassified wholesale storage to a Mini-Storage Warehousing/Self Storage Facility & added supplemental standards

Proposed removed uses from Permitted Use Table:

- Expansion of a Non-Conforming Commercial or Industrial Use in a Residential District
- Dumpster Site (Box Site)
- Junk Motor Vehicles, Accessory Use
- Landfill, Greater than 10 acres
- Manufactured Home, Park Model (on individual lot)
- Rural Family Occupation of a non-agricultural or commercial nature
- Removed non-residential kennels from all residential districts and added standards

The items that the Planning Board decided to include as part of their recommendations are:

- Continue to permit signs for on-site residential and charitable signs, but to limit the size of these signs to 16 square ft. rather than the 32 square ft. allowed by the County.
- Permit (presently not permitted) banner signs and special event signs within 30 days of an event, but also limit these to 16 square ft. in size.
- Mirror the County provisions for solar farms, but include a maximum size of 15 acres for these in addition to a 5 acre minimum size.
- After discussing further, the Board decided not to create additional standards for auto body shops, auto repair businesses and motor vehicle repair operations at this time. The Board decided to leave the current County provisions intact, but to revisit these if they become an issue in the future.
- The Board was satisfied with keeping the Internal Review Committee as part of the overall review process for development projects.
- The Board did discuss the Planning Board possibly serving as the IRC in the future, but for now were satisfied leaving this as a staff committee.
- The Board's recommendation included adding language that says any hotels/motels built in the Highway Commercial District also have to meet the Core Commercial Overlay District standards like those that are built in the Community Shopping District.
- Restaurant Usage-Add to Commercial Shopping District (CS) as an allowed use.

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to recommend adoption of the Town of Midway Zoning Ordinance to Town Council.

DAVIDSON COUNTY SOLID WASTE ORDINANCE RECOMMENDATION

The Davidson County Solid Waste Ordinance was presented to the Town Council at their March 6, 2017 regular meeting for consideration of adoption. Council asked for the Planning Board to review the ordinance and give their recommendation for adoption.

Board member Charles Waddell made a motion to accept the Davidson County Solid Waste Ordinance as presented.

Discussion continued about the County's Solid Waste Ordinance and how it could be beneficial for the Town. The Solid Waste Ordinance could be applicable to the Town's Nuisance Ordinance for the removal of junk. However, the County does not have a nuisance ordinance for noxious growth so if the Town adopts

the County’s Solid Waste Ordinance for junk, the Town would have to amend its current ordinance for the Control of Littering, Noxious Growth and Unpermitted Junkyards to enable the Town to be able to enforce noxious growth in the Town as the County does not feel comfortable enforcing ordinances that are not their own.

Chapter 50: SOLID WASTE DISPOSAL (County)

Section:

- 50.01 Definitions
- 50.02 Applicability of federal and state laws
- 50.03 Storage and disposal
- 50.04 Landfill management
- 50.05 Boxsite ordinances, solid waste receptacles, and disposal of solid waste
- 50.06 Separation of recycled materials
- 50.07 Illegal storage, collection, and disposal of solid waste
- 50.08 Abatement of public nuisances
- 50.09 Administration and enforcement

- 50.99 Penalty

It was the consensus of the Planning Board to remove sections 50.04 Landfill management and 50.06 Separation of recycled materials from the Solid Waste Ordinance.

On motion by Board member LeeAnn Thomas, seconded by Board member James Smith, the Board unanimously recommended adoption of the Solid Waste Ordinance as proposed to Town Council.

TOWN OF MIDWAY
ZONING AND SIGN PERMIT REPORT
MARCH 28, 2017

ZONING & SIGN PERMIT ACTIVITY

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
Z-2017-01	1/03/2017	6841-03-40-4131	537	Garden Valley Drive	Living room addition on existing single-family home	Daniel Vines
Z-2017-02	1/17/17	6831-01-47-9043	1156	Quail Drive	32' x 28' detached garage	Lloyd Southern
Z-2017-03	1/31/17	6831-04-80-0343	11211, Unit #9	Old US Highway 52	Retail t-shirt store	Dewayne & Deborah Henderson
Z-2017-04	2/21/17	6830-02-85-6406	294	Eller Road	Manufactured home replacement	Teresa Smith

S-2017-01	2/27/17	6831-04-71-7702	189	Hickory Tree Road	Replacement signs (bank)	Burton Signworks (Monica Everhart)
Z-2017-05	3/7/17	6841-03-30-9105	131	Chinaberry Ln	12' x 30' accessory building	Michael Bailey
Z-2017-06	3/7/17	6841-04-63-1726	12073	Old US Highway 52	50' x 80' accessory farm structure (exempt)	Joe Zimmerman

Note: New permits/activity highlighted in yellow.

**TOWN OF MIDWAY
CODE ENFORCEMENT REPORT
MARCH 28, 2017**

CODE ENFORCEMENT VIOLATIONS

Case Number	Date Issue/Update	Address	Violation	Action	Status
V-2016-21	11/15/16	145 Woodfield Drive	Junk vehicles	NOV	abated
V-2016-20	3/7/17	1379 Country Ln	Junk vehicles	NOV	abated
V-2016-19	11/15/16	Corner of Gardner Ct & West Ln	Noxious growth	NOV	Town abated
V-2016-18	11/15/16	175 Lori Ln	Junk vehicle	NOV	abated
V-2016-17	9/20/16	1293 Country Ln	Overgrown grass	NOV	Abated 9/27/16
V-2016-16	8/23/2016	194 Woodtree Ln	abandoned vehicles; grass	NOV	abated
V-2016-14	8/23/2016	102 Woodtree Ln	abandoned vehicles; grass; auto parts storage; old wood	NOV	abated
V-2016-15	8/23/2016	376 Midbrook Run	Potential: Minimum Housing issues; weeds, debris	NOV	no change
	10/4/2016	323 Midbrook Run	Burned out structure		site visit; construction underway (permitted)

V-2016-09	3/7/17	213 Spry Rd.	Overgrown Grass	NOV	grass cut, no other changes
V-2016-08	8/25/2016	175 Gardner Ct.	Overgrown grass, bushes, trees down	NOV	abated
V-2016-07	8/25/2016	1845 Gumtree Rd	overgrown grass	NOV	abated
V-2016-06	8/26/2016	12387 Old Hwy 52	overgrown grass	NOV	abated
V-2016-05	3/7/17	196 Tro-Tod	Outdoor storage	NOV	owner purchasing storage bldg; no change
V-2016-04	8/2/2016	10693 Old Hwy 52	Operating lawnmower bus. Outdoor storage	NOV	no change
V-2016-03	11/15/2016	1847 Hickory Tree Rd	Operating illegal business	NOV	sign down; nothing on display
	8/2/2016	Old 52; hickory tree to gumtree	Tall grass in ROW		abated
	8/2/2016	271 Woods Lane	animal boarding; cars in & out; loose dogs; noise nuisance		abated; no new violations noted
	8/2/2016	261 Spry Rd; (neighbor)	Neighbor overgrown property		abated
	5/3/2016	1111 Country Ln	Tall grass		abated
	5/3/2016	1271 Country Ln	Tall grass		abated
	8/2/2016	377 Baxter Rd	potential illegal construction business		no evidence
V-2016-02'	3/16/2016	143 Sinkland Dr.	Noxious Growth	NOV; working w both property	Pending - Ongoing;
				owners; working through drainage issue	Partially abated

V-2016-01'	3/7/17	298 Eastwood Dr.	Litter, Noxious Growth, Unpermitted Junkyard	NOV; investigation - notice send to nearby property	No change
V-2015-25	8/2/2016	269 Lori Lane	Possible Addition w/o permit	NOV	coordinate with Davidson Co. inspections
V-2015-24	8/2/2016	544 Lori Lane	Possible unsafe structure	NOV	coordinate with Davidson Co. inspections
V-2015-23	11/15/2016	450 Lori Lane	Junk Vehicles	NOV	abated
V-2015-22	11/15/2016	175 Lori Lane	High Grass, Possible Unsafe structure; junk vehicle	NOV	abated
V-2015-21	8/2/2016	Old 52 (next to K- Roo Express)	High Grass	NOV	abated
V-2015-19	7-14-15; 9-23-15	155 Lee St	Unscreened outdoor storage; high grass	Citation	No Action
V-2015-14/V-2016-12	3/7/17	210 Bobby Willard Rd	Noxious Growth,	NOV, Civil Citation	Abatement in progress
V-2015-13/V-2016-11	3/7/17	146 Bobby Willard Rd	Noxious growth, debris, possible unsafe structure	NOV, Civil Citation	abated
V-2015-12/V-2016-10	3/7/17	156 Bobby Willard Rd	Noxious growth, debris,	NOV, Civil Citation	abated
		Willard Rd	possible unsafe structure		

Note: latest activity shown in **bold**

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn at 6:08 p.m.

Jamie Hester, Chairperson

Tammy H. Robertson, Deputy Clerk

