



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, MAY 28, 2019**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
MAY 28, 2019 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman LeeAnn Thomas 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.

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Town Attorney Jim Lanik, Davidson County Zoning Officer Travis Swain, Davidson County Planner Scott Leonard and Patrick Hennigan with Glenwood Development Company were present.

APPROVAL OF MINUTES

On motion by Board member Jamie Hester, seconded by Board member Charles Waddell, the Board voted unanimously to approve the April 30, 2019 minutes as presented.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

**CORE COMMERCIAL OVERLAY DISTRICT (CCOD) PERMIT REVIEW – STATE
EMPLOYEES CREDIT UNION ATM – MIDWAY COMMONS SHOPPING CENTER**

Davidson County Planner Scott Leonard and Davidson County Zoning Officer Travis Swain presented to the Planning Board, for review, a CCOD permit for a State Employees Credit Union (SECU) ATM to be located in the Midway Commons Shopping Center parking lot.

Pat Hennigan with Glenwood Development, LLC addressed the Planning Board stating that the SECU wants to build the ATM with a stucco material that is like the shopping center.

Mr. Leonard said that the exterior material on the shopping center alternates brick and stucco and the Town's Zoning Ordinance states in Section 3.07 Core Commercial Overlay District Subsection (J):

that a consistent architectural style or theme should be used throughout a commercial center, and in particular to tie outlying pad site buildings to the primary building.

The Town's Zoning Ordinance under Article III Permitted and Conditional Uses in Section 3.07 Core Commercial Overlay District Subsection (C) Building Materials states the following:

All structures shall be required to have a minimum of 70% of the exterior wall area of the structure clad in unpainted brick. The remaining 30% of the exterior wall area may contain accent materials that meet high-quality standards.

Mr. Swaim said that landscaping is also a requirement in the CCOD but landscaping around an ATM could cause a safety issue. The existing landscaping around the parking lot would meet the CCOD requirements as stated in the Zoning Ordinance.

On motion by Board member Jamie Hester, seconded by Board member Charles Waddell, the Board voted unanimously to approve the construction of the SECU ATM with the exterior wall area of the ATM structure to be built with 70% brick material and the remaining 30% of the exterior wall area to be built with accent materials that meet high-quality standards and to eliminate the landscaping requirement due to safety issues.

CORE COMMERCIAL OVERLAY DISTRICT (CCOD) PERMIT REVIEW – VODOO VAPES SIGN – MIDWAY COMMONS SHOPPING CENTER

Mr. Swaim presented to the Planning Board for review a permit for a proposed sign for VooDoo Vapes located in the CCOD in the Midway Commons Shopping Center. The business must satisfy signage requirements found on page III-36 of the Midway Zoning Ordinance Subsection (I) Multi-tenant buildings that states:

One (1) wall sign shall be allowed per tenant per building wall that contains a direct customer access to the tenant's space.

Wall signage for tenants shall be of an identical size and placement height, and shall not exceed 50 square feet per tenant.

Tenant spaces containing more than 25,000 square feet of gross floor area may install wall signage with up to 75 square feet of area.

The Davidson County Planning Department has reviewed the requirements and finds that the sign satisfies the requirements as stated in the Town's Zoning Ordinance.

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the sign permit for the Voodoo Vapes sign that was installed before following and securing the necessary permit process in the CCOD in the Midway Commons Shopping Center as presented.

REVIEW – PROPOSED REGULATIONS FOR ELECTRONIC GAMING FACILITIES TO THE TOWN OF MIDWAY ZONING ORDINANCE NO. 17-3

At the Planning Board meeting held on April 30, 2019, the Board discussed a draft of proposed levels of regulations for Electronic Gaming facilities in the Town presented by Davidson County Planner Scott Leonard and Davidson County Zoning Officer Travis Swain.

The proposed regulations include limiting the number of facilities to three with at least 1,000 feet between gaming facilities. Facilities are to be at least 1,000 feet from schools, churches, daycares, assisted living homes, fire departments and from property line to property line.

The Planning Board also favored a Special Use permitting process that would require all applications for Skilled Gaming facilities to first go before the Planning Board for recommendation and then proceed to a quasi-judicial hearing before the Board of Adjustment.

The Planning Board continued discussions on whether the gaming facilities should include a sunset clause, which would close the facility within a certain amount of time if it isn't in compliance with the Town's Zoning Ordinance.

Also discussed, was whether or not to allow the facilities to continue to operate around the clock or to set operation hours between 8:00 a.m. and 12:00 a.m, covering the doors and windows and having one parking space for every machine and employee.

After discussion, the Planning Board asked Mr. Leonard and Mr. Swain for more time to make a decision on the proposed guidelines for the Electronic Gaming facilities.

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to table the discussion of the proposed regulations for Electronic Gaming until the next Planning Board meeting on June 25, 2019.

ADJOURNMENT

On motion by Board member James Smith, seconded by Board member Charles Waddell, the Board voted unanimously to adjourn the meeting at 6:29 p.m.

LeeAnn Tuttle-Thomas, Chairperson

Tammy H. Robertson, Deputy Clerk