



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, SEPTEMBER 29, 2020**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
SEPTEMBER 29, 2020 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD,
MIDWAY, NORTH CAROLINA**

CALL TO ORDER

Vice-Chairman Carl Tuttle called the meeting to order.

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

Town Manager Tammy Michael, Town Clerk Linda Hunt, Deputy Clerk Tammy Robertson, Davidson County Zoning Officer Lee Crook, and Councilors Mike McAlpine and Jackie Edwards were present.

APPROVAL OF MINUTES

On motion by Board member James Smith, seconded by Board member Charles Waddell, the Board voted unanimously to approve the August 25, 2020 minutes as presented.

Before the adoption of the agenda, Town Manager Tammy Michael stated that the agenda would need to be amended changing the order of business. With Vice-Chairman Carl Tuttle wishing not to serve as Chairman of the Planning Board with the passing of Chairperson LeeAnn Tuttle-Thomas, Election of Officer – Planning Board Chairperson will need to be moved to the first item of business.

ADOPT AGENDA

The agenda was amended as follows:

Under VI. REGULAR BUSINESS, **change order of business to:** **A.** Election of Officer – Planning Board Chairperson **B.** Review Rezoning Request – Midway Swim and Racquet Club **C.** Discussion – Development of Ordinance Regarding Free Range Fowl **D.** Review Land Use Plan – Jason Epley – Benchmark CMR, Inc.

On motion by Board member Jamie Hester, seconded by Board member James Smith, the Board voted unanimously to adopt the agenda as amended.

PUBLIC COMMENTS PERIOD

There were none.

REGULAR BUSINESS

ELECTION OF CHAIRPERSON

Vice-Chairperson Carl Tuttle opened the floor for nominations for Chairperson of the Planning Board.

Jamie Hester nominated James Smith for Chairperson. Carl Tuttle nominated Jamie Hester for Chairperson.

Jamie Hester withdrew her name from consideration.

There being no further nominations, the floor was closed.

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

Deputy Clerk Tammy Robertson administered the oath of office to James Smith Chairperson. Term of office expires March 2021.

REVIEW REZONING REQUEST – MIDWAY SWIM AND RACQUET CLUB

Davidson County Zoning Officer Lee Crook presented to the Planning Board a request by Midway Swim and Racquet Club to rezone property in the Midway Township, Tax Map 14, Lot 75 containing 2.56 acres more or less. Said property is located on the north side of East Eller Drive approximately 320 feet northeast of the Old US Highway intersection (117 E. Eller Dr). The rezoning is requested to change from that of HC, (Highway Commercial District), to that of RS, (Low Intensity Residential District).

Mr. Crook stated that the rezoning request is due to memberships being down because of COVID-19 and the Pool Board wants the rezoning changed from HC to RS to reduce overhead expenses. Midway Swim and Racquet Club is not allowed in the HC District. Zoning Maps from 1982 indicate that it was zoned HC at that time. It has existed as a legal nonconforming use all these years. RS is the correct zoning for Midway Swim and Racquet Club.

Mr. Crook presented the following staff analysis and recommendation regarding the Pool Board's request to rezone property in the Midway Township. The rezoning is considered to be a downzoning given the fact the use is going from a higher intensive district to a restrictive, less intensive residential district. Staff feels the rezoning request is reasonable and consistent with the overall comprehensive plan of the area. The property is contiguous to an already established RS District on its northern boundary. The property used as a private swim and racquet club acts as a buffer between an LI (Light Industrial District) to the south with an active business and a platted residential subdivision on the north.

Staff is recommending the request to rezone the subject property from HC to RS be granted as the use will remain harmonious with surrounding properties and is consistent with the comprehensive plan for the Town of Midway.

On motion by Board member Jamie Hester, seconded by Board member Carl Tuttle , the Board voted unanimously to recommend to Town Council to approve the rezoning request by Midway Swim and Racquet Club to rezone 2.56 acres in the Midway Township, Tax Map 14, Lot 75. The property is located on the north side of East Eller Drive approximately 320 feet northeast of the Old US Highway 52 intersection (117 E. Eller Dr). The rezoning is requested to change from HC (Highway Commercial District) to RS, (Low Intensity Residential District).

**PLANNING BOARD RESOLUTION OF RECOMMENDATION
TOWN OF MIDWAY**

Applicant: Midway Swim & Racquet Club, Inc.

Location: On the north side of E. Eller Drive approximately 320 feet northeast of the Old US Hwy 52 intersection at 117 E. Eller Dr.

Lot size: 2.56 acres more or less

Parcel ID #: Midway Township, Tax Map 14, Lot 75

District: HC

Meeting Date: 9-29-2020

Request: Rezone to RS District

Plans: GIS Map prepared by Staff on 9-2-2020

Whereas, the proposed RS district is reasonable and consistent with the overall comprehensive plan for the area;

Whereas, the Planning Board convened to consider and prepare a recommendation on the application on 9-29-2020, at which time the Applicant and/or Applicant's representative was given the opportunity to present arguments and County staff was given opportunity to comment on the Application; and

Whereas, the Planning Board has made the following conclusions:

- 1) **Said property is not conducive for highway commercial development due to topography and its close proximity to existing residential uses;**
- 2) **The existing use of said property as a "Country Club, Membership Swim and Tennis Club" is a legal non-conforming use in the current HC, Highway Commercial Zoning District;**
- 3) **Rezoning said property to RS, Low Intensity Residential District would place the Midway Swim and Tennis Club in a conforming zoning district and bring the use into harmony with the Town of Midway Zoning Ordinance.**

Now Therefore Be It Resolved, on the basis of the foregoing findings and conclusions that the Planning Board does hereby recommend to the Town Council that the request for rezoning to RS be **GRANTED** as presented.

DISCUSSION – DEVELOPMENT OF ORDINANCE REGULATING FREE RANGE FOWL

Town Manager Tammy Michael presented to the Planning Board ordinances from surrounding Towns regulating free range fowl in a residential area. Currently, the Town of Midway does not have an ordinance to regulate fowl. Town Hall has received several complaints/concerns regarding free range chickens.

The Planning Board discussed options that could be incorporated into an ordinance such as adding a sunset clause that would allow a certain amount of time for owners of fowl to come into compliance with the

ordinance, establishing setbacks from property lines for housing of fowl, or adding screenings such as a tree line if the setbacks were not able to be met.

On motion by Board member Charles Waddell, seconded by Board member James Smith, the Board voted unanimously to direct Town Manager Tammy Michael work with Davidson County Planning and Zoning to develop an ordinance for the Town of Midway regulating free range fowl to be presented to the Planning Board at the October 27, 2020 Planning Board meeting.

REVIEW LAND USE PLAN – JASON EPLEY, VAGN HANSEN, BRIDGET CALLEA – BENCHMARK CMR, INC.

At the August 25, 2020 Planning Board meeting, Jason Epley and Bridget Callea with Benchmark CMR, Inc. continued discussing the Land Use Plan update with the Planning Board by providing background research summary statistics on the Town’s population, housing, employment, land development, transportation, and the Town’s existing Land Use Plan to give insight on how to plan and update the Land Use Plan for 2020-2030.

With the Land Use Plan update, residents of the Town of Midway were able to take part in a Community Survey from August 1, 2020 – August 31, 2020 that was developed by Mr. Epley and the Planning Board to gain insight on residents’ perceptions of the Town’s services, the future of the Town and what actions should be considered in the coming years to assist the Town in ensuring orderly development without sacrificing Midway’s small-town community and quality of life.

Bridget Callea with Benchmark provided the following survey results:

WHO TOOK THE SURVEY

Respondent Affiliation

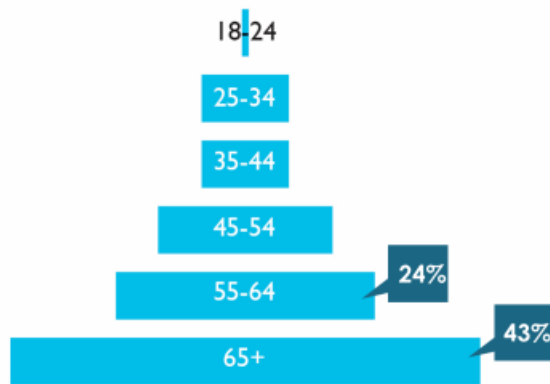
	PERCENT OF RESPONSES	NUMBER OF RESPONSES
I live in Midway	94%	224
I work in Midway	6%	15
I own property in Midway	69%	165
I own a business in Midway	7%	16
Other	5%	13

254 TOTAL RESPONSES

(2 PAPER)

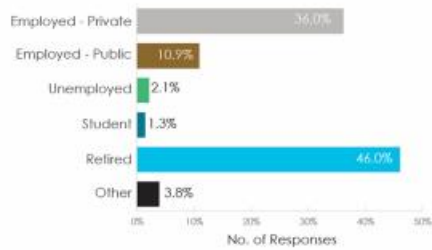
WHO TOOK THE SURVEY

Respondent Age Distribution

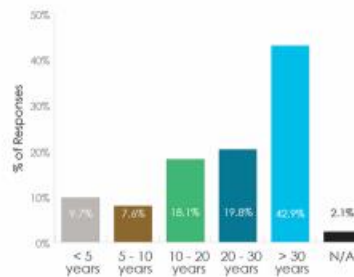


WHO TOOK THE SURVEY

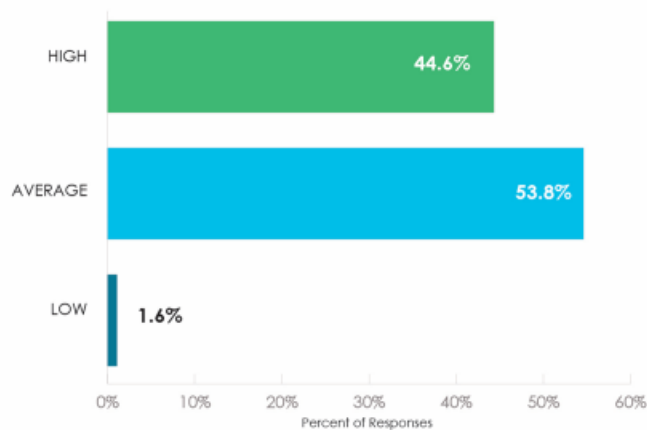
Employment Status



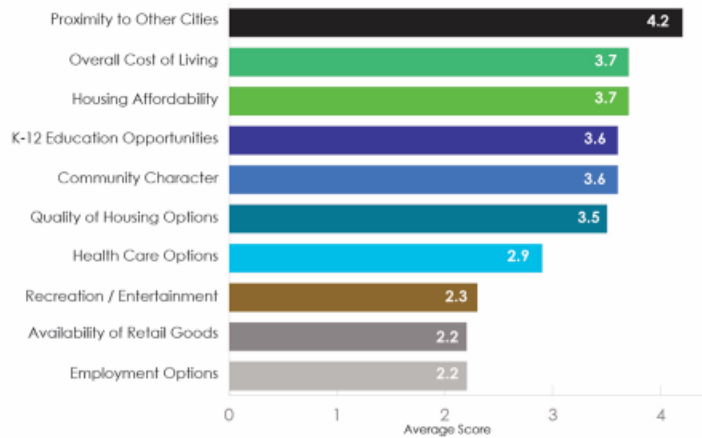
Longevity of Residence



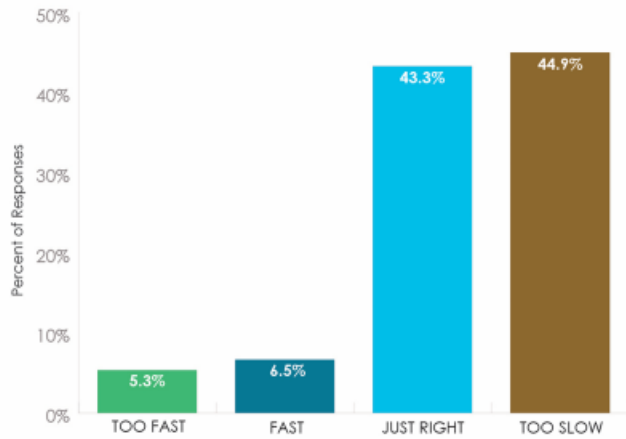
HOW WOULD YOU RATE YOUR QUALITY OF LIFE?



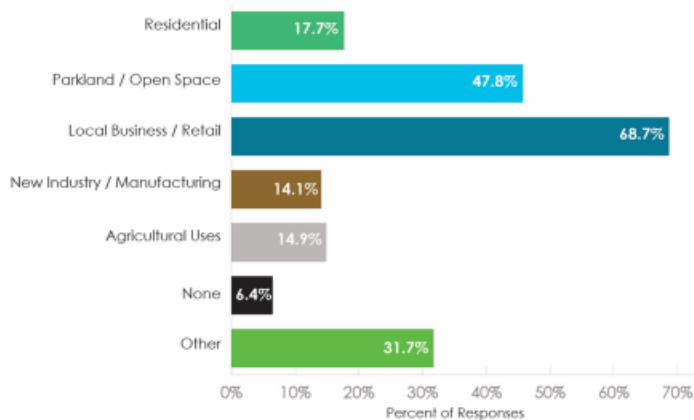
WHAT IS YOUR PERCEPTION OF THESE FACTORS (1-5)?



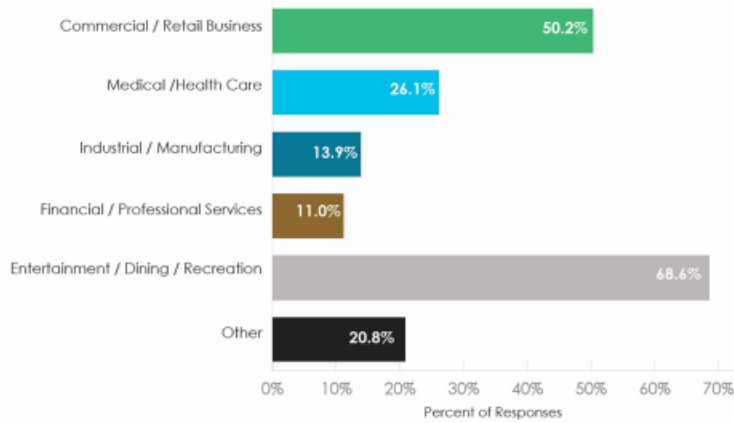
WHAT'S YOUR PERCEPTION OF THE PACE OF GROWTH?



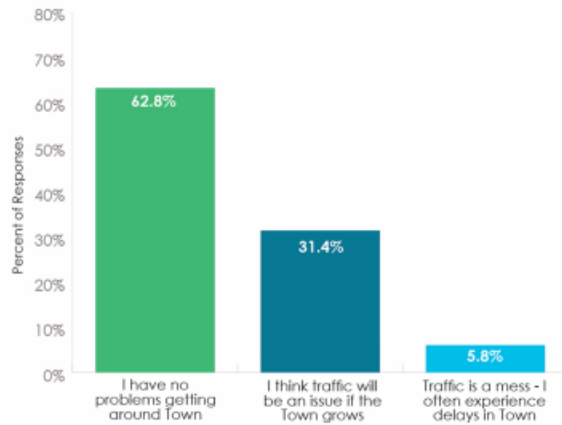
WHAT TYPES OF NEW DEVELOPMENT DO YOU PREFER?



MOST NEEDED FOR ECONOMIC DEVELOPMENT?



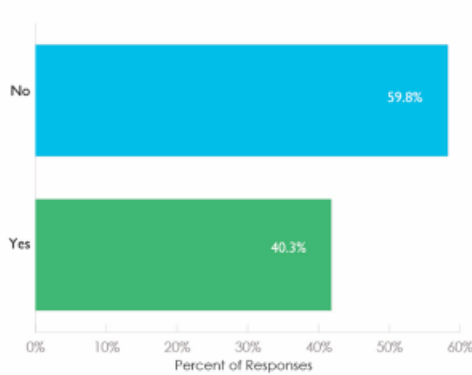
WHAT IS YOUR PERCEPTION OF TRAFFIC?



WHAT ARE THE TOP TRANSPORTATION ISSUES?

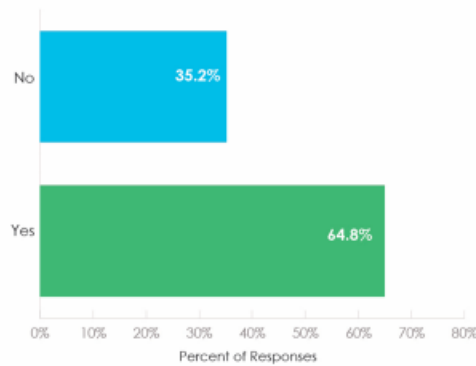


WOULD YOU LIKE OTHER TYPES OF TRANSPORTATION?



Greenway Bus
Sidewalks
Permit Golf Carts on Roads
Bike Lanes Train

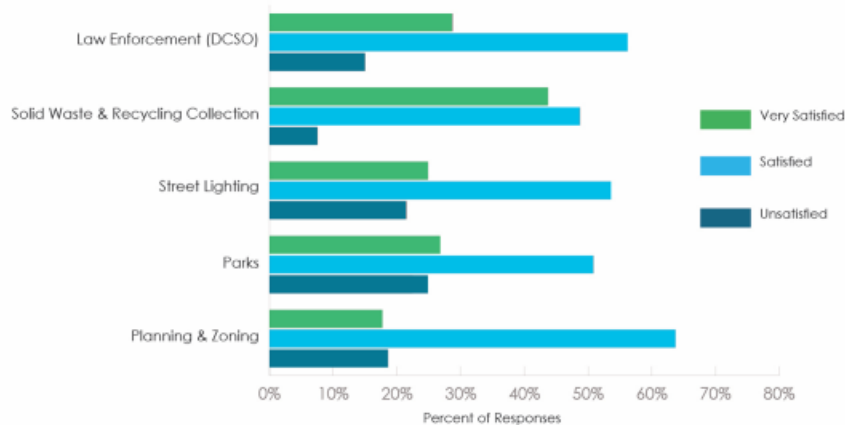
ARE YOU SATISFIED WITH EXISTING PARKS & RECREATION?



WHAT NEW RECREATIONAL AMENITIES DO YOU WANT?

ymca Basketball Court
Tennis Court
Outdoor Exercise Course
Gym
Bike Trails
Events at Park
Playground
Pool
Volleyball Court
Baseball / Softball Field
Splash Pad
Dog Park
Trees

HOW SATISFIED ARE YOU WITH TOWN SERVICES?



VISIONING SESSION

Vagn Hansen with Benchmark shared the current vision (2010-2020 Land Use Plan) with the Planning Board by stating that the Town of Midway is:

- A Town that has true “sense of place” and unique character.
- A Town that has developed and grown in harmony with the environment.
- A Town that is a viable place to do business, with vibrant commercial areas and new businesses.

Four major topics have emerged in updating the Land Use Plan for the next ten years that include:

- Commerce and Business
- Parks and Recreation
- Transportation
- Community Character and Identity

Mr. Hansen said with the information that has been gathered through research and survey results, the process of developing a new vision for the Town can begin.

COMMERCE AND BUSINESS:

Is Midway conducive to growth? If not, what conditions need to change? What assets exist that can attract new business? How do you describe Midway in the future?

With the initial Land Use Plan in 2010, there was a desire to see growth. With the sewer being installed and the shopping center adding retailers such as Badcock Furniture and Walmart Express, progress was being made, then the momentum slowed. Board member Jamie Hester expressed her desire to see commercial growth in the Town and with vacant commercial lots available, she feels there are viable options for restaurants, a grocery store, and other commercial business to locate in Midway and she does not know why Midway is not achieving commercial growth.

Board member James Smith stated that Midway is surrounded by grocery stores in Arcadia, Welcome, and Wallburg and a grocery store operator in Midway would have to be very competitive to draw the shoppers away from the existing stores in neighboring towns.

Town Manager Tammy Michael said that Council's main focus has been to procure a grocery store for Midway. The problem for potential businesses is the lack of rooftops in the Town in order to support a new business. The more demand, the more likely the Town is to get a business. Town Council knows that the Midway can support a grocery store and if traffic counts rather than rooftops were considered, the more likely Midway could attract commercial businesses. Many people who do not live in Midway, but travel through Midway on a daily basis, would shop in the Town if commercial businesses were available.

PARKS AND RECREATION

Mr. Hansen said from the results of the survey, the residents are extremely enthusiastic about the new Town Park and it has created a lot of energy. From that enthusiasm, Midway seems to be emerging as a community that is focused more on providing recreational amenities to the residents. Mr. Hansen asked the Board what other needs from a recreation standpoint can the Town provide for the residents. Board member Jamie Hester commented that a YMCA would take care of other needs. Town Manager Tammy Michael said that currently, the YMCA is looking to offer satellite programs in the North Davidson area shopping centers where vacant parcels are available, instead of building a physical structure.

TRANSPORTATION

Several responses emerged from the survey regarding transportation in the Town, from speed limits being too high, country roads not conducive for the amount of traffic on them, heavy traffic along Midway School Road with schools at each end, Hickory Tree Road traffic, and no accommodations to make travelling safe for people without a mode of transportation.

Mr. Hansen asked the Planning Board how they envision traffic looking in the Town within the next twenty years. With the widening of Hickory Tree Road, roundabouts will be added to provide a smooth flow of traffic. Sidewalks could provide another mode of transportation for those who wish to walk instead of travel by automobile. Mrs. Michael said that the Town would have to work under the restraints and guidelines of what the North Carolina Department of Transportation (NCDOT) would allow, but safety for the residents is of high concern to the Town.

COMMUNITY CHARACTER AND IDENTITY

The desire of residents based on the survey, is to be able to distinguish Midway as a community that is identifiable based on places, spaces and things that are associated with the community. The building of Town Hall and the new Town Park are a major step in building that type of character. The building of a park or a school allows the Town to attract development that is more likely conducive of the type of growth and ideals that the community wants. Board member Jamie Hester said that she would like for the Town to be more environmentally conscious, with every decision that is made, how it would affect the environment. Once the picnic shelter is built, the Town could offer events such as fall festivals or spring days, something that invites the people into the Town making the Town more civic minded.

Mr. Hansen and the Benchmark staff will review the Planning Board's feedback and form a cohesive set of statements that reflects the major themes discussed.

Jason Epley with Benchmark gave a timeline on having the Land Use Plan completed along with drop-in meetings for the community. A mid-point presentation to update Council on the progress of the Land Use Plan can be tentatively set for the December 7, 2020 Town Council meeting, along with having two public drop-in meetings, to be scheduled at a later date. Benchmark plans to have the full Land Use Plan draft completed by March 2021, with the Plan being adopted by Town Council at the regular Town Council meeting on May 3, 2021.

OTHER BUSINESS

There was none.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn the meeting at 6:30 p.m.

Carl Tuttle, Vice-Chairperson

Tammy H. Robertson, Deputy Clerk