



**TOWN OF MIDWAY
PLANNING & ZONING BOARD
MINUTES
TUESDAY, DECEMBER 13, 2022**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
DECEMBER 13, 2022, AT 5:00 P.M. AT 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, James Smith, Jamie Hester, Carl Tuttle, and Paula Hill. Alternate member Richard Miller was present. Absent: None.

Town Manager Tammy Michael and Town Clerk Linda Hunt were present.

Davidson County Zoning Administrator Lee Crook and Zoning Officer Josh Tussey were present.

APPROVAL OF MINUTES

On motion by Board member Paula Hill, seconded by Board member Carl Tuttle, the Board voted unanimously to approve the November 29, 2022 minutes as presented.

ADOPT AGENDA

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

PUBLIC COMMENT PERIOD

There were none.

REGULAR BUSINESS

**ICECHOICE LLC – ICE VENDING MACHINE – 183 HICKORY TREE ROAD – CORE
COMMERCIAL OVERLAY DISTRICT (CCOD)**

Brook Hinman, owner of IceChoice, LLC, was present.

Zoning Administrator Lee Crook reported the Planning staff has reviewed the plans for the proposed new project for IceChoice vending machine located at 183 Hickory Tree Road. This business falls within the Town's CCOD overlay district. As such, the business must satisfy all applicable requirements assigned in Section 3.08, Core Commercial Overlay District.

The purpose of the CCOD is to establish a set of development and design standards to regulate new development within the Town of Midway's core commercial area around the US 52 and Hickory Tree Road interchange. These standards were 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 Town Council to establish a long-term vision for growth in the Town's commercial core.

Mr. Crook stated that having reviewed the plans, it is staff's opinion that the facility as proposed complied with the intent and spirit of the CCOD. In certain instances where safety could affect the public health, safety and general welfare, alternate methods of compliance were used to meet the spirit of the CCOD regulations. This is the case mainly with the landscaping of the CCOD. It is staff's opinion that the area around the proposed ice machine could pose a safety issue if strict adherence to the landscaping regulation is followed. With respect to all other aspects of the CCOD, staff feels that this application is compliant.

Under discussion, Mr. Hinman pointed out that the materials as shown in the photographs of the ice machine provided to the Planning Board are hard to find and could get cost prohibitive.

Mr. Crook pointed out the CCOD requires a minimum of 70% of the exterior walls to be unpainted brick. The remaining 30% of the exterior wall area may contain accent materials that meet high quality standards, which are outlined in detail in the CCOD.

Discussion points were:

- Ice vending machine is a modular structure
- Modular structure can be placed on asphalt – concrete slab not required (3 ft. of brick won't collapse asphalt)
- Ice vending machine weighs 10,000 pounds
- Cost of materials
- Roof of the ice vending machine to match the metal roofing at the shopping center
- Paint textured (to match shopping center)
- Skirting – 24-30 inches
- Reducing the number of decals on machine
- Landscaping requirement
- IceChoice has a five-year lease with option for three-year extension

Mr. Hinman proposed using a minimum of 36% brick/brick thin veneer with the remainder being stucco painted to match the existing textured paint at the shopping center. Metal roof to match the existing roof at the shopping center.

Following discussion, the Board found that strict adherence to the 70% brick requirement would have a negative financial impact and be cost prohibitive. The Board also found that since this is a modular structure and subject to be moved, the 70% brick requirement would make it a permanent structure that could not be moved.

On motion by Board member Jamie Hester, seconded by Board member James Smith, the Board voted unanimously to allow the variation to the 70% brick requirement in the CCOD in this instance in order to meet the aesthetics of the existing shopping center subject to the following conditions: (1) the structure have 36 inches of brick veneer around the perimeter and (2) the paint and metal roofing to match the existing shopping center.

On motion by Board member James Smith, seconded by Board member Paula Hill, the Board voted unanimously to deviate from the CCOD requirement for landscaping around the ice vending machine due to it posing a safety issue.

NC CUSTOM SHEDS & FENCES – SIGNAGE – 11064 OLD US HIGHWAY 52 – CORE COMMERCIAL OVERLAY DISTRICT (CCOD)

Davidson County Zoning Administrator Lee Crook reported by John Byrum, owner of NC Custom Sheds & Fences, has requested a CCOD review for the sign for his storage building display area located at 11064 Old US Highway 52. The business will not have an office located on the property but approximately four (4) storage building displays will be placed on the site. Contact information will be placed on the proposed sign for prospective customers to make appointments to view the interior of said buildings.

For development other than commercial centers in the CCOD, a monument sign is required with a maximum square footage of 48 square feet. Monument signs are only illuminated externally. The proposed sign is 4 x 4 ft. and will need to be located outside the Department of Transportation right of way.

On motion by Board member James Smith, seconded by Board member Paula Hill, the Board unanimously approved the sign for NC Custom Sheds & Fences as proposed, contingent upon: (1) the sign being located outside the Department of Transportation right of way and (2) meeting the parking requirements for the business.

OTHER BUSINESS

There was none.

ADJOURNMENT

On motion by Board member Jamie Hester, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn the meeting.

Charles Waddell, Chairperson

Linda A. Hunt, Town Clerk