

Minutes Planning & Zoning Commission  
Tuesday, January 23, 2018  
7:00 PM Midland Town Hall  
4293-B Hwy. 24/27E  
Midland, NC 28107

**Attendance:** Chair Darrell Page; Commissioners: Pam Carter, Steve Clark, Mary Ann Evanoff, Edward Gregory, Ann Holland, Danny Lee Page; Hilda Keeney, Planning and Zoning Clerk; Kassie Watts, Town Planner  
**Others:** Councilmember Rich Wise, Jim Hoy

**Item #1 – Invocation & Pledge of Allegiance**

**Item #2 – Open** – Chair Page called the meeting to order at 7:09 PM.

**Item #3 – Approval of Agenda**

Chair Paged informed the Commission that Item #9 has been removed from the agenda.

**Motion** was made by Commissioner Carter and seconded by Commissioner Holland to approve the agenda with Item#9 being removed and renumbering the remaining agenda items. **Motion carried 7-0.**

**Item #4 – Approval of Minutes** – Open Session 11-28-2017

**Motion** by Commissioner Page and seconded by Commissioner Clark to approve open session 11-28-2017 minutes. **Motion carried 7-0.**

**Item #5 – Public Comment** – no comments forthcoming.

**Item #6 – Meeting Dates for Board of Adjustment** – February 27, June 26, & October 23, 2018  
**Motion** by Commissioner Holland and seconded by Commissioner Carter to designate February 27, June 26, & October 23, 2018 as meeting dates for the Board of Adjustment. **Motion carried 7-0.**

**Item #7 – Planning, Zoning and Subdivision Reports**

a. **Zoning Permit Review**

Ms. Watts reviewed the zoning permits issued since November meeting.

b. **Update on Projects**

- **Banks Massey** – water lines installed, installed all landscaping, project close to completion – a building will be constructed on the back lot
- **Allen’s Mini-Storage** – buildings will need sprinkler system based on Fire Marshall comments, road will be constructed, building plan approved
- **Wyndham Forest** – continues to make progress
- **Fox Creek** – homes continue to be constructed and selling fast
- **Tucker Chase** – no changes
- **C F Steele** – moving along
- **Bethel Glen** – safety issues made and issuing permits
- **Old Bethel School** – Town reached a settlement agreement with all parties and met with one of the parties to review the punch list items
- **True Homes** – presented a preliminary sketch plan for review for Bethel Park

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- on Garmon Mill Road  
➤ **Sign Sweep** – removed illegal signs on NC Hwy. 24/27 and US Hwy. 601

**Item #8 – Zoning Map Amendment**

- a. **AJ Tucker Family, LLC - ZMA-2018-01 - Zoning Map Amendment**  
The Town of Midland received a petition for a “zoning map amendment” to re-zone property owned by AJ Tucker and AJ Tucker Family Partnership. The properties, totaling 10.48 acres, are located at 1227, 1255, and 1293 NC Hwy 24-27 East; Midland, NC 28107 and are further identified as Cabarrus County PIN#’s 5534-69-2615, 5534-69-5598, & 5534-69-4533. The subject properties are currently zoned Single Family Residential (SFR) and the proposed zoning district is the “NC 24/27 Commercial” (C 24/27) designation.

**Motion** by Commissioner Holland and seconded by Commissioner Carter to recommend to Town Council to designate the subject property as “NC 24/27 Commercial” (C 24/27) to be consistent with portions of the *Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2*, adopted October 8, 2013 and subsequently amended March 8, 2016, October 11, 2016 and April 11, 2017 as shown on the adopted Land Use Map. This amendment is reasonable because the subject properties are adjacent to other commercially zoned properties and existing commercial uses, and the properties have significant frontage on a major thoroughfare where commercial uses are appropriate and where future utility infrastructure is expected. This amendment allows the subject properties to be used in accordance with the standards of the “NC 24/27 Commercial” (C 24/27) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community. **Motion carried 7-0.**

- b. **Thomas Howell - ZMA-2018-02 - Zoning Map Amendment**  
The Town of Midland received a petition for a “zoning map amendment” to re-zone property owned by Thomas J. Howell. The property, totaling 5.38 acres, is located at 11466 Troutman Road; Midland, NC 28107 and is further identified as Cabarrus County PIN# 5545-23-7036. The subject property is currently zoned Single Family Residential (SFR) and the proposed zoning district is the “Agriculture” (AG) designation.

Chair Page opened the floor for public comments:

Donovan Benson – 11740 Troutman Road

- life-long resident on Troutman Road
- last rezoning meeting he attended was about the same topic
- agriculture can have hog, turkey and dairy farms
- does not want those type of farms in the area

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- most of Troutman Road residents have resided there 50 and 60 years
- does not want animal farms
- Troutman Road is a small road, commercial will bring big trucks
- have issue with manure odors

Monique Price – 11675 Troutman Road

- hopes to own her Mom's property someday
- came to meeting two years ago with same zoning issue
- spraying fertilizer smells horrible and can't go outside
- animals (pigs, etc.) can stretch out - whatever he wants on the land he can have it
- whenever zoning comes in, it is not being checked behind to see what is being built
- on the property next door is zoning for a single family home – it is not single family home
- called to make sure what it was and was told it was a single family home and plans were available at Town Hall for review
- asked the neighbor when they were moving in and was told it was not really a home it would be a car garage and wood shop but could stay there if desired but lives down the street
- has to deal with noise at 6 AM they were out cutting down trees
- this is a single family resident and Midland is known for quietness, we don't really have crime here, we are a tight knit community, we know everybody on the street
- we don't want somebody coming in with big trucks, landscaping
- says he will eventually have his own home and have plants
- opposes change to agriculture
- she and her nephew have asthma – could not go out during the cookout time
- does not want to smell animals, fertilizer and wants to sit outside and have cookouts and parties

Billy Joe Gore – 11510 Troutman Road

- lives next to property
- concern here before for a rezoning and it was denied and stated that it would remain residential
- problem if zoned agriculture anyone else can come in and put whatever
- when fields are fertilized, the smell is awful
- nothing against shrubbery, plants, etc.
- denied before and comes up again, one gets approved, something else on the agenda
- get one passed, be another passed on down the road

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Joshua Grant – Petitioner

- looked at various properties over the past 18 months
- looking to move business and live on the property
- works 12-14 hours a day during the spring and fall and misses seeing his children grow up
- looking for property to house landscaping business and to grow plants for his projects
- does not grow with water soluble nutrients – green oriented
- currently have garden center at Albemarle Road and Arlington Church
- enjoyed walking the property several times and would enjoy being there

Chair Page asked the Commissioners for their thoughts and comments.

Commissioner Page

- lived in Midland entire life
- believes everyone should have a quality of life no matter what
- not saying he is a bad person but understands the point of turning the property into agriculture
- if something were to happen then the land is agricultural – anybody can move in
- he has lived on a farm and knows and understands their concerns for the odors
- great he wants to build a home on the property
- need to understand where the other property owners are coming from
- once voted on as agriculture, it is free game

Commissioner Holland

- can't make the decision to go with it
- it should stay as is

Commissioner Carter

- in the landscape business and knows Mr. Grant, trust him and know what he has
- he does not farm, he plants his things and does not use manure

Commissioner Holland

- the fact is it is all residential
- went through this two years ago
- once one piece is granted agricultural, anything can go in and has a vacant lot next to her and understands the odors

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Commissioner Clark

- in agreement with Commissioner Carter's comments
- in five or ten years it could turn into whatever

Commissioner Gregory

- agreed with Commissioner Holland
- when the farms are fertilized, can't do anything outdoors
- can't control what will happen over the next 10 to 15 years
- can't vote on changing the zoning

Commissioner Evanoff

- is there not plenty of land in Midland that would allow his business

Ms. Watts stated

- other agricultural and commercial zoned properties
- putting together his business plan and looking for property for sale that meets his needs and is affordable
- understands concerns of neighbors and what could happen if property is sold
- no conditional zoning in Midland

**Motion** by Commissioner Holland and seconded by Commissioner Gregory to recommend to Town Council to deny the rezoning request from single family residential (SFR) to agricultural (AG). **Motion carried 6-1. Commissioner Carter voted against the motion.**

**Item #9 – Adjournment**

**Motion** was made by Commissioner Carter and seconded by Commissioner Gregory to adjourn the meeting. **Motion carried 7-0.**

The meeting was adjourned at 8:32 PM.

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Darrell Page, Chair, Midland Planning & Zoning Commission

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Hilda Keeney, Planning & Zoning Commission Clerk to the Board