

Minutes Planning & Zoning Commission
Tuesday, January 28, 2020
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Bob Caddell, Pam Carter, Jim Hoy; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Absent: Steve Clark, Darrell Helms

Others: Councilmember Rich Wise

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 6 PM.

Item #3 – Approval of Agenda

Motion was made by Commissioner Hoy and seconded by Commissioner Carter to approve the agenda. **Motion carried 4-0.**

Item #4 – Approval of Minutes – Open Session 11-26-2019

Motion by Commissioner Carter and seconded by Commissioner Caddell to approve open session 11-26-2019 minutes. **Motion carried 4-0.**

Item #5 – Election of Officers - Motion by Commissioner Hoy and seconded by Commissioner Carter to motion to table the Election of Officers until the next meeting, **Motion carried 4-0.**

Item #6 – Public Comments – no comments forthcoming.

Item #7 – Planning, Zoning & Subdivision Reports

a. **Zoning Permit Review**

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

b. **Update on Projects**

Wyntree – holding final plat because built retaining walls that exceeded the four (4) feet– non-engineered landscape wall – have not submitted plans to the County

Cedar Creek – working through construction drawings and water and sewer with City of Concord

Fox Creek – only few lots left and project will be finished up soon – still have a few items to complete, i.e., signage, lighting, etc.

Sealand – moving along and construction site looks great

Copart – met with engineers on which buildings to be demolished

Bethel Glen – submitted letter of safety issues to developer - sidewalks, stop signs, road failures, etc.

Item #8 – Zoning Text Amendments

- a. **ZTA-2020-01 - Article 2 – General Provisions - General Provisions, Section 2.13-1, Accessory Uses and Structures”**

PROPOSED AMENDMENT TO EXISTING TEXT (Shown below in *italics*)

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2.13-1 Accessory Uses and Structures. Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.

(A) Detached accessory structures may be built in the rear yard but such accessory structures shall not occupy more than thirty (30%) percent of the rear yard and shall not be closer than five feet to any side or rear lot line.

Motion by Commissioner Hoy and seconded by Commissioner Carter to recommend to Town Council amending the existing text in Article 2, General Provisions, Section 2.13-1, Accessory Uses and Structures, of the Midland Development Ordinance and to recommend approval of ZTA-2020-01, as presented, to Town Council, to amend the Midland Development Ordinance consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013, and subsequently amended March 8 and October 11, 2016, April 11, 2017 and July 10, and September 11, 2018 as required by NCGS § 160A-383. This amendment is reasonable because the standards established by this amendment are consistent with goals and strategies listed within Section Six of the Town Plan 2030. Motion carried 4-0.

- b. ZTA-2020-02 - Article 2 - General Provisions, Section 2.13-7 – Swimming Pools – Specify this section of the MDO applies to both above ground and below ground swimming pools.

PROPOSED AMENDMENT TO TEXT (Shown below in italics)

2.13-7 Swimming Pools.

Swimming pools located on any site, including single family residential sites, *having a depth of thirty-six (36) inches or greater at its shallowest point*, shall be:

- (A) Located in a side or rear yard only;
- (B) Located a minimum of fifteen feet from any property line;
- (C) Completely enclosed by a fence or wall no less than four feet but no more than eight feet, in accordance with the provisions of sub-section 2.13-2 Fences and Walls herein, in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

Motion by Commissioner Hoy and seconded by Commissioner Caddell to recommend to Town Council amending the existing text in Article 2, Section

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2.13-1, of the Midland Development Ordinance and to recommend approval of ZTA-2020-02, as presented, to Town Council, to amend the Midland Development Ordinance consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013, and subsequently amended March 8 and October 11, 2016, April 11, 2017 and July 10, and September 11, 2018 as required by NCGS § 160A-383. This amendment is reasonable because the standards established by this amendment are consistent with goals and strategies listed within Section Six of the Town Plan 2030. **Motion carried 4-0.**

Item #9 – Adjournment

Motion was made by Commissioner Carter and seconded by Commissioner Hoy to adjourn the meeting. **Motion carried 4-0.**

The meeting was adjourned at 6:50 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board