

Minutes
Special Planning & Zoning Commission Meeting
Monday, January 31, 2022
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Commissioners: Bob Caddell (arrived at 6:11 PM), Pam Carter, Jennifer Gallant, Vice Chair Darrell Helms, Jim Hoy, Josh Mendoza; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Alternates: Kurt Foundos; Stephen Scott (listening by phone until 6:23 PM)

Absent: Chair Darrell Page

Others: Councilmember Rich Wise; Fire Chief Larry Colely

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Vice Chair Helms called the meeting to order at 6:02 PM.

Item #3 – Approval of Agenda

Motion was made by Commissioner Hoy seconded by Commissioner Carter to approve the agenda. **Motion carried 5-0.**

Excuse Attendance of Commissioner

Motion was made by Commissioner Carter and seconded by Commissioner Mendoza to excuse Chair Page from the meeting due to illness. **Motion carried 5-0.**

Clerk Keeney announced in the absence of Chair Page, Alternate Commissioner Foundos will serve as Commissioner for the meeting.

Item #4 – Approval of Minutes – Open Session 10-26-2021

Motion by Commissioner Carter and seconded by Commissioner Hoy to approve the open session 10-26-2021 minutes. **Motion carried 5-0.**

Item #5 – Public Comments

No public comments.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Ms. Watts reported the status of zoning permits since the October 2021 P&ZC meeting.

b. Update on Projects

- Smith Industrial Park – review almost completed – decided to put in fast gear and do their construction drawings along with their site plan review – not what staff recommends because if changes made to site plan wasted time and money because you have to go back and do them
- Huntley Brothers Project – will be in the Smith Industrial Park – site plan submitted and under review – met with owner for a preliminary overview
- Sealand – bond estimates received – Engineer reviewed site since they are proposing the road be a public right of way and a few more calculations need to be done – landscape islands put back in and bonding last inch of – trying to get temporary

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- certificate of occupancy
- Wicker Park – moving along – go before Concord City Council to get their formal allocation approval for utilities
- Midland Crossing – moving along

Item #7 – Zoning Text Amendment - ZTA-2022-01

To consider proposed text amendments modifying the development standards of Article 8 (Zoning Districts), Article 10 (Uses with Additional Standards and Special Uses) and permitted uses within Table 8.1 (Table of Uses, Section 1 – General) in the Midland Development Ordinance.

The Town Council has discussed various options over the last several months, to strengthen the residential development standards in the “Old Midland” area.

Over the last several years, the community and Town Council have expressed a desire for larger lot developments with increased setbacks. Smaller lot sizes cause the home’s building footprint to crowd the front and side yard lot lines resulting in inadequate front and side yard setbacks between homes. Inadequate front setbacks do not accommodate the needed distance from the right of way required to park a standard vehicle, or larger vehicle, without overhanging the sidewalk and encroaching into the right of way. In the case of one of the more recent subdivision developments in the town, this scenario has resulted in vehicles being parked on both sides of the streets, blocking ingress and egress access for Fire and EMS vehicles. This circumstance creates an imminent public safety concern if Fire and EMS are unable to quickly arrive on the scene of the call.

Chief Coley presented the problems the fire department would face.

- Flames in close proximity to each structure.
- The vinyl siding on houses today is a petroleum-based product and auto-ignites at 850°. If exposed over one minute at 850° it auto-ignites with no flame impingement. Radiant heat is problem they are concerned with.
- Setting up apparatus, tower and ladder trucks, want A/B side and A/D side scrubbed so if it gets out of hand they do a combination attack and knock it back down. Do not have that luxury when 12’ apart. Two exposures in the middle is their worse problem of about 25%. 100% house is about 750 gallons of water per minute.
- Visited Old Midland and the maximum gallons off the grid is 1,300 gallons per minute.
- Using National Fire Protection Act (NFPA) calculations.
- Another tactic is a trench cut.
- Ideal angle for the ladder is 75°.

Commissioner Caddell asked if the calculation information is accessible. The NFPA information is available online.

In addition, small side yard setbacks can cause homes to be constructed in very close proximity to one another. Minimal spacing between homes can cause an imminent public safety concern

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when a fire begins in one home and is able to “jump” the small distance between it to the home on the neighboring property, resulting in the fire spreading quickly and creating multi-structure fires. This concern is compounded by the fact that Midland is still largely a rural community with limited water line infrastructure that is needed to fight a quickly spreading multi-structure fire.

Currently, the zoning districts in the “Old Midland” area allow for 2,000 SF to 5,000 SF lot sizes (.05 to .11 acre), 24’ to 50’ lot widths, 0’ to 6’ side yard setbacks, 6’ to 8’ rear yard setbacks, and 8’ to 12’ corner lot side yard setbacks.

The following is a breakdown of the zoning districts that will be modified in the proposed text amendment:

Residential/Old Midland Transitional District (R/OMT): 5,000 SF minimum lot size (.11 acre), 50’ minimum lot width, 12’ minimum front setback, 6’ minimum side yard setback, 6’ rear yard setback, 12’ minimum corner lot side yard setback (or as required by buffering standards and/or building type)

Old Midland Periphery District (OMP): 4,000 SF minimum lot size (.09 acre), 50’ minimum lot width, 12’ minimum front setback off back of curb, 6’ minimum side yard setback, 6’ minimum rear yard setback, 12’ off back of curb minimum corner lot side yard setback

Old Midland District (OM): 2,000 SF minimum lot size (.05 acre), 24’ minimum lot width, 8’ minimum front yard setback off back of curb, 0’ minimum side yard setback, 8’ minimum rear yard setback, 8’ off back of curb minimum corner lot side yard setback

These text amendments would change the minimum lot sizes, minimum lot widths, minimum front, side, rear and corner yard setbacks, in the “Old Midland” districts identified above, to be consistent with the dimensional standards of the Single Family Residential (SFR) zoning district.

Single Family Residential (SFR): 11,600 SF minimum lot size (.26 acre), 72’ lot width, 30’ front yard setback, 10’ side yard setback, 10’ rear yard setback, 18’ minimum corner lot side yard setback (or as required by buffering standards and/or building type)

These text amendments would also change the allowed uses permitted in Table 8.1, Table of Uses, Section I-General, in the “Old Midland” zoning districts identified above, to be the consistent with the Single Family Residential (SFR) zoning district. Specifically, single family detached dwellings will continue to be permitted, but duplex dwellings, multifamily dwellings (8 units or less), multifamily dwellings (apartments or condominiums), and attached house dwellings (townhomes) will no longer be permitted.

These text amendments would also modify Article 10, Section 10.1-24 Multi-Family Development in Single Family Area to remove R/OMT, OMP and OM from the districts

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permitting this use.

The proposed text amendments to the relative sections of Article 8 (Zoning Districts), Article 10 (Uses with Additional Standards and Special Uses) and permitted uses within Table 8.1 (Table of Uses, Section 1 – General) are attached for your review. Language being added to the text is shown in red and removal of language in the text is shown in red with a strike through mark.

STAFF RECOMMENDATION

The staff and Town Council previously discussed rezoning the “Old Midland” area to Single Family Residential (SFR) to accomplish the above, however after review staff determined the proposed text amendments are preferable in accomplishing the above goals for future residential development in this area. Specifically, because the R/OMT, OMP, and OM districts allow for Civic uses (such as a church), Shop Front uses (such as a coffee shop), and Urban Workplace (such as a lawyer office). The SFR zoning district does not allow these uses and would thereby restrict most non-residential development in the “Old Midland” area. The town wants to continue to encourage those non-residential uses in “Old Midland” and these proposed text amendments would allow for that.

The above proposed text amendments are a win/win that will strengthen the residential development standards in the “Old Midland” area and prevent the creation of future public safety concerns.

Motion by Commissioner Mendoza and seconded by Commissioner Hoy to recommend to Midland Town Council to amend the existing text in Article 8 (Zoning Districts), Article 10 (Uses with Additional Standards and Special Uses) and permitted uses within Table 8.1 (Table of Uses, Section 1 – General) of the Midland Development Ordinance to add the attached revised language and to recommend approval of ZTA-2022-01, as presented, amending 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 6-0.**

Item #8 – Election of Officers for Calendar Year 2022

Commissioners Mendoza and Helms asked the Commissioners they be considered for the position of Chair.

Motion by Commissioner Hoy and seconded by Commissioner Foundos to elect Commissioner Helms as Chair and Commissioner Mendoza as Vice Chair. **Motion carried 6-0.**

Item #9 – Adjournment

Motion was made by Commissioner Mendoza and seconded by Commissioner Hoy to adjourn the meeting. **Motion carried 6-0.**

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The meeting was adjourned at 6:57 PM.

Darrell Helms, Vice Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board