

Minutes Planning & Zoning Commission
Tuesday, March 23, 2021
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Commissioners: Chair Darrell Page, Bob Caddell, Vice Chair Darrell Helms (arrived at 6:17 PM), Jim Hoy, Josh Mendoza; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Alternate: Stephen Scott

Absent: Commissioners Steve Clark, Pam Carter, Alternate Commissioner Jennifer Gallant

Others: Councilmember Rich Wise

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 6:03 PM.

Item #3 – Approval of Agenda

Motion was made by Commissioner Hoy and seconded by Commissioner Mendoza to approve the agenda with the addition of adding Item 3a. **Motion carried 4-0.**

Item #3a – Excuse Commissioner Attendance

Motion was made by Commissioner Mendoza and seconded by Commissioner Scott to excuse Commissioner Clark, Commissioner Carter and Alternate Commissioner Gallant from the meeting. **Motion carried 4-0.**

Alternate Commissioner Scott served as Commissioner in the absence of two (2) Commissioners.

Item #4 – Approval of Minutes – Open Session 02-23-2021

Motion by Commissioner Hoy and seconded by Commissioner Caddell to approve open session 02-23-2021 minutes. **Motion carried 4-0.**

Item #5 – Public Comments

No public comments.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Ms. Watts reviewed the zoning permits since the February 23 meeting.

b. Update on Projects

Cedar Creek – continue to review construction drawings (KB Homes)

Pulte Homes – reviewing preliminary plat

Smith Douglas Homes – sketches have been received for the project on Bethel School Road, south of the park; will be requesting a rezoning in the future

Property at the county line – 700+ acres still moving forward; will be meeting to discuss the project

True Homes – property near speedway will be coming back for review

Commissioner Helms arrived at 6:17 PM.

Item #7 – Zoning Map Amendment

- a. **ZMA-2021-02 - Zoning Map Amendment** – Randall and Brenda Morrison, located at 911 Sleepy Hollow Road; Midland, NC 28107 (9.61 +/- acres) Cabarrus County PIN# (5534-54-1337)

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for residential uses and is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8 and October 11, 2016, April 11, 2017, and July 10 and September 11, 2018 as shown on the adopted Land Use Map. This amendment is reasonable due to the existing surrounding residential uses as well as future plans for this area to remain residential. This amendment will allow the subject property to be used in accordance with the standards of the “Single Family Residential” (SFR) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town.

Motion by Commissioner Scott and seconded by Commissioner Hoy to recommend Town Council designate the subject property as “Single Family Residential” (SFR), 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 shown on the adopted Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland. This amendment is reasonable due to the existing surrounding residential uses as well as future plans for this area to remain residential. This amendment will allow the subject property to be used in accordance with the standards of the “Single Family Residential” (SFR) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town. **Motion carried 5-0.**

- b. **ZMA-2021-03 - Zoning Map Amendment** – Ralph E. Morgan, c/o Thayer Contracting, Inc., located at 10257 Jim Sossoman Road; Midland, NC 28107 (3.89 +/- acres) Cabarrus County PIN# (5545-98-9727)

Commissioner Mendoza requested to be recused.

Motion by Commissioner Hoy and seconded by Commissioner Scott to recuse Commissioner Mendoza from discussion and action of ZMA-2021-02 because of potential conflict of interest. **Motion carried 4-0.**

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for residential uses and is consistent with the Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8 and October 11, 2016, April 11, 2017, and July 10 and September 11, 2018 as shown on the adopted Land Use Map. This amendment is reasonable due to the existing surrounding residential uses as well as future plans

for this area to remain residential. This amendment will allow the subject property to be used in accordance with the standards of the “Single Family Residential” (SFR) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town.

Motion by Commissioner Hoy and seconded by Commissioner Caddell to recommend Town Council designate the subject property as “Single Family Residential” (SFR), 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 shown on the adopted Land Use Map appearing therein which covers areas outside the city limits of the Town of Midland. This amendment is reasonable due to the existing surrounding residential uses as well as future plans for this area to remain residential. This amendment will allow the subject property to be used in accordance with the standards of the “Single Family Residential” (SFR) Zoning District in the future. The amendment allows for the potential growth and expansion of the economic base of the Town. **Motion carried 4-0.**

Item #8 – Zoning Text Amendment

ZTA-2021-01 – Zoning Text Amendment – Consideration of adding a new Zoning District option & criteria to Article 8, Zoning Districts, of the Midland Development Ordinance - Planned Neighborhood Development district (PND)

Ms. Watts explained the different districts in the MDO. Reviewed staff report.

Motion by Commissioner Hoy and seconded by Commissioner Mendoza to recommend to Town Council an amendment to the existing text in Article 8 of the Midland Development Ordinance as presented and to add the attached language and to recommend approval of **ZTA-2021-01**, as presented with the addition of 25 foot front setbacks, to Town Council, 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 4-1 (Commissioner Caddell opposing).**

Item #9 – Noise Ordinance Modification

Noise Ordinance #2005-44 Modification

Ms. Watts stated she had not received comments from the Sheriff’s Department.

Item #10 – Adjournment

Motion was made by Commissioner Helms and seconded by Commissioner Scott to adjourn the meeting. **Motion carried 5-0.**

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The meeting was adjourned at 8 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board