

Minutes Planning & Zoning Commission
Tuesday, March 26, 2019
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Bob Caddell, Pam Carter, Darrell Helms, Jim Hoy, Steve Smith; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner
Commission Members Absent: Steve Clark

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 Smith and seconded by Commissioner Helms to approve the agenda. **Motion carried 6-0.**

Item #4 – Approval of Minutes – Open Session 02-26-2019

Motion by Commissioner Helms and seconded by Commissioner Hoy to approve open session 02-26-2019 minutes. **Motion carried 6-0.**

Item #5 – Public Comments –

Jesse Watkins – 3925 Spring Drive

Born and raised in Midland, Cabarrus County. Lives on the first tract on Spring Drive which is across the road from the Copeland property. His grandfather, Dewey Watkins, initially owned all the land on Spring Drive. When initially established was called Southern Carolina Estates. All the property in Southern Carolina Estates has a regulation/covenant that no lot is to be sold less than two (2) acres. All lots on Spring Drive is larger than two (2) lots and his lot is three (3) acres and faces the Copeland property. His main concern is everyone on Spring Drive has larger lot sizes and their lot values are related to the sizes on the road. He had talked with all residents on Spring Drive who are not excited about the fact the zoning on the Copeland property being single family residential. Also, it is awkward for his property to be three (3) acres and in front of his house and unknown to him how many houses are proposed for the Copeland property. His question is the Copeland land in anyway bound by the covenant that was established with Southern Carolina Estates. Maybe not. If not, he speaks on behalf of residents on Spring Drive that are interested in keeping their neighborhood similar to what it is now where people are self-sufficient, most everyone who lives there cannot see any neighbors and people who moved on Spring Drive like being in isolation. He moved to Midland, he purchased his grandfather's property in 2011, because they like country living. Whatever is done, it is done with knowledge that everyone that bought on Spring Drive has larger lot sizes. He is not sure what the proposal is. Wanted to share that the covenants on Spring Drive are to be no less than two (2) acres.

Lisa Strickland – 3800 Spring Drive

Owns property that is directly behind the property that is to be rezoned. Density is a big concern. In addition, the sensitivity of watershed behind her house and the proposed property is directly uphill from it. Looked at Midland's policies regarding filling in wetlands and different areas around the water. Do not want to disturb the trees or have to fill in substantial amounts of the property to make it buildable. It slopes down to her pond. The pond also has an active wood duck habitat. Worked to place nesting boxes and had 13 ducks on the pond this morning. Do

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not want to upset the wildlife habitat that lives on the pond. Want to maintain the lifestyle she moved there for – larger lots, have privacy, not see neighbors, target practice, hunt on their 15 acres. Does not know what the proposal is but would like the Commission to keep these concerns in consideration as the decision is made.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

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

b. Update on Projects

Fox Creek – permits being issued for Phase 2 and 3 – continue to work through parking issues

Cedar Creek – preliminary plat submitted and TRC meeting within next couple of weeks

Old Bethel School – few calls on the status of the school – maintenance agreement almost up (one year) and hope the property will continue to be maintained in accordance with the agreement – cameras have helped vandalism

Wyndtree – working through the construction drawings with the City of Concord

Sealand Corp. – final site plan to be turned in; NC Department of Environmental Quality determined the draw across property is actually a stream and had to be piped

Allen Mini Storage – hope to open in May

Dollar General – continue discussions – looking at various sites

Clutter Busters – six buildings originally approved by county and only three (3) built – starting another building

Item #7 – Zoning Map Amendment

ZMA-2019-03 – Property of Thayer Contracting, Inc. c/o Chris Thayer, located at 10130 Jim Sossoman Road, Midland, NC 28107, being Cabarrus County PIN# 5545-99-6681, totaling approximately 14.83 acres. The property is currently zoned Agriculture (AG) and the proposed zoning district is Single Family Residential – Conditional Zoning (SFR-CZ).

Joshua Mendoza and Chris Thayer – Contractors filing the application

Joshua Mendoza presented a presentation on their vision for the parcel, show lot lines, potential home plans, access to home sites, create approximately 10 one plus (1+) acre custom home builds, perimeter of existing parcel will incorporate the 10 foot open space buffer acting as a bike or walking trail, lots share driveways via easements, retain maximum tree canopy, 2,500 square foot homes, price \$325,000+, etc.

Jamie Williams – 9999 Jim Sossoman Road

Strange that hardy board is proposed, too much maintenance having to paint every five to seven years. A number of houses in the area are or have vinyl. Also, she is a civil engineer and knows grading is a big thing for the area. A 25,000 square foot lot, the

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pads are not large enough to grade around with equipment. Concerned about drainage being proposed, stormwater basin required, water quality. Does not foresee grading being limited, driveways, yes, pads no, septic system. The pond, foresees a lot of clearing. If extensive clearing, is there a proposed landscape plan to replace trees. Concern with 10 foot shared driveways with cars going in and out. Main concern is the clearing and drainage between houses.

Joshua Mendoza responded to the concerns. This being the initial step of the process, the map is not official, to get the P&Z recommendation and voted by Town Council. The requirements of the TRC and the Department of Environmental Quality will need to be submitted and approval received.

Lisa Strickland stated with that many homes and septic tanks, all are straight downhill to her pond, all the septic run-off needs to be addressed. Not sure about the perk tests on the property, holes were only about eight (8) inches deep and not sure deep enough to get a proper read. If a walking trail is put on the perimeter, a nice amenity for the people, but wood ducks are very shy animals and would scare off all the ducks off.

Motion was made by Commissioner Hoy and seconded by Commissioner Helms to recommend Town Council designate the subject property as SFR-CZ with the associated conceptual site plan and conditions, to be 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, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is adjacent to existing residential uses and would be in keeping with larger lot sizes as they currently exist in the adjacent existing Southern Cabarrus Estates subdivision to the east. The lots in Southern Cabarrus Estates require a 2 acre minimum lot size per their private restrictive covenants. The proposed lots under this request will be a minimum of one acre in size as shown on the associated concept plan and in compliance with the MDO which allows 11,600 square foot lots in the SFR zoning district except lot #11 on Spring Drive will remain a two (2) acre minimum regardless. 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 residential housing inventory of the Town, thus providing opportunities for local jobs for the community. **Motion carried 5-1 opposed Steve Smith.**

Item #8 – Zoning Text Amendment – ZTA-2019-01 – Consideration to revise language in Article 19, Watershed Protection Ordinance, of the Midland Development Ordinance.

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Proposed Amendment to existing text for zone 3. New Lots in the Surface Water Buffer: To the extent practical, no new single-family or two-family residential lots shall be created which are entirely or partly contained within the surface water buffer.

Motion was made by Commissioner Caddell and seconded by Commissioner Helms to recommend Town Council amend the existing language in Article 19, Watershed Protection Ordinance, of the Midland Development Ordinance and to recommend approval of ZTA-2019-01, as presented, 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 6-0.**

Item #9 – Adjournment

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

The meeting was adjourned at 7:40 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board