

Minutes
Planning & Zoning Commission Meeting
Tuesday, March 28, 2023
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Commissioners: Chair Darrell Helms, Kurt Foundos, Jennifer Gallant, Jim Hoy, Paul O'Neil, Stephen Scott; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner; Savannah Suggs, Assistant Town Clerk

Absent: Josh Mendoza

Others Present: Rich Wise

Item #1 – Invocation & Pledge of Allegiance

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

Excuse Attendance of Commissioner

Motion was made by Commissioner Scott and seconded by Commissioner Foundos to excuse Commissioner Mendoza from the meeting due to work obligations. **Motion carried 5-0.**

Item #3 – Approval of Agenda

Motion was made by Commissioner Scott seconded by Commissioner O'Neil to approve the agenda. **Motion carried 5-0.**

Item #4 – Approval of Minutes – Open Session 02-28-2023

Motion by Commissioner O'Neil and seconded by Commissioner Gallant to approve the open session 02-28-2023 minutes. **Motion carried 5-0.**

Item #5 – Public Comments

No public comments.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Ms. Watts presented the zoning permits issued since February 28, 2023.

b. Update on Projects

- **Smith Industrial Park** – Huntley Brothers finishing their site plan – comments from fire and comments from Concord regarding the fire hydrant location – will be addressed on the final submittal
- **Midland Crossing** – continue to work on issues with NCDEQ on erosion control stormwater permits
- **Sewer along NC Hwy 24/27** – construction will begin soon – stakes been given to residents for their connections are to be installed
- **Conditional Rezoning** – request to be heard at meeting next month

Item #7 – Zoning Text Amendment – ZTA-2023-01 – To consider proposed text amendment, modifying the permitted uses of Article 8, (Zoning Districts) Table 8.1 (Table of Uses, Section 1 – General), and Article 10 (Uses with Additional Standards and Special Uses) within in the Midland

Minutes
Planning & Zoning Commission Meeting
Tuesday, March 28, 2023
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Development Ordinance.

Staff has been approached by a local business, Hartsell Funeral Home (HFH), to consider an amendment to the Midland Development Ordinance to allow for an “Event Center” to be added as a “use” to the MDO. HFH owns an older home adjacent to the funeral home which they would like to utilize as an event center space. This use would operate as an **accessory** to the functions of the funeral home. Events such as showers, celebrations of life, parties, smaller weddings, etc. could be held at the house and on the grounds behind the house where a pond is located. The visitors would utilize the existing parking available on the funeral home property, as well as some parking to be created immediately adjacent to the house as part of a required site plan approval.

The “Event Center” text amendment being proposed under ZTA-2023-01 would be allowed in only the Old Midland, (OM) and Old Midland Periphery (OMP) zoning districts. An “Event Center” would be permitted as a “*special use*”, listed in Table 8.1 as (S (10.2-17)) and would reference Article 10 for the special use permit requirements.

The proposed text amendment would add a new line item for “Event Center” to Table 8.1 (Table of Uses, Section 1 – General), and the following language shown in italics below to Article 10 (Uses with Additional Standards and Special Uses):

10.2-17 Event Center

- A. *Zoning Districts: OM, OMP*
- B. *An event center may be established only as an accessory use to another principal commercial use and must be tied together by the issuance of a zoning compliance permit.*
- C. *ADA parking must be paved.*
- D. *No on street parking or parking in undesignated areas.*
- E. *Events must end by 11 pm.*
- F. *Ingress and egress via foot traffic must be tied from the principle use to the accessory use by means of a sidewalk.*
- G. *Establishment of event center use must submit a site plan per Article 7 and must comply with all applicable standards of the Midland Development Ordinance and any other local, state and federal regulations.*

STAFF RECOMMENDATION

Staff recommends considering this language suggested above, along with the revised Table 8.1. The Commission may consider any additional criteria deemed appropriate to add or remove from the proposed amendment. The Commission was reminded that staff provided background information, that this amendment request is a result of a specific business’s interest, the amendment must be considered based on whether or not it is appropriate for the entire town regarding all properties that would potentially be eligible for this use per the proposed amendment language.

Once you have agreed upon the criteria and language, which you deem this use to be appropriate, staff will forward your recommendation on to Town Council for a final decision.

Minutes
Planning & Zoning Commission Meeting
Tuesday, March 28, 2023
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Staff recommends approval of ZTA-2023-01.

Motion by Commissioner Foundos and seconded by Commissioner O'Neil recommend approval of Ordinance #ZTA-2023-01 to the Midland Town Council, to amend the existing text in Article 8 (Zoning Districts) permitted uses within Table 8.1 (Table of Uses, Section 1 – General) and Article 10 (Uses with Additional Standards and Special Uses) of the Midland Development Ordinance to add the attached language and amended table, 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 § 160D-604d. 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 5-0.**

Item #8 – Other Business

Having discussions with some of the property owners that own a stretch of buildings on Kingsbury. Franz Architectural has been renovating the first building, doing extensive interior work and living there. Also, have been in contact with the owners of an empty lot and empty building. However, Mr. Franz builds high end doors and windows. He had approached staff of building bungalows in the downtown area but difficult for people to let go of the property. Mr. Franz prepared a rendering of his vision of upfitting the buildings. He has also purchased a lot behind the buildings that fronts on Garmon Mill Road and plans to construct a building on that property and discussed the permitting process with staff.

Item #9 – Adjournment

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

The meeting was adjourned at 6:32 PM.

Darrell Helms, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board