

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

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

**Alternates:** Stephen Scott, Jennifer Gallant

**Absent:** Commissioners Steve Clark, Josh Mendoza

**Others:** Councilmember Rich Wise

**Item #1 – Invocation & Pledge of Allegiance**

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

**Excuse Attendance of Commissioners**

**Motion** was made by Commissioner Hoy and seconded by Commissioner Helms to excuse Commissioner Clark and Commissioner Mendoza from the meeting. **Motion carried 6-0.**

Alternate Commissioners served in the absence of Commissioners Clark and Mendoza.

**Item #3 – Approval of Agenda**

**Motion** was made by Commissioner Hoy and seconded by Commissioner Carter to approve the agenda. **Motion carried 6-0.**

**Item #4 – Approval of Minutes – Open Session 03-23-2021**

**Motion** by Commissioner Caddell and seconded by Commissioner Helms to approve open session 03-23-2021 minutes. **Motion carried 6-0.**

**Item #5 – Public Comments**

The following registered to address the Commission but preferred to hear the Zoning Map Amendment ZMA-2021-04(C) presentation with hopes their questions and concerns would be addressed during the presentation:

- Frank Bass – 11387 Callisto Ct Midland NC (Cabarrus County Resident)
- Jerry Davis – 11900 Gatewood Rd Harrisburg NC (Cabarrus County Resident)

Jill Ray – 1615 Morrison Road, Concord & William Shaver – 1613 Morrison Road, Concord submitted written comments regarding Forestar Group, Inc. regarding the Albemarle Road Site Rezoning. The Commission reviewed/read their comments.

**Item #6 – Planning, Zoning & Subdivision Reports**

**a. Zoning Permit Review**

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

**b. Update on Projects**

**Midland Crossing (former Cedar Creek)** – grading permit issued for first phase; continue to review construction drawings

**Wicker Park (Pulte Homes)** – TRC met and finalizing details for preliminary plat approval so construction drawings can begin

**Smith Douglas Homes (Bethel School Road)** – still in discussion and working

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through utility issues

**Hwy. 601 & Flowes Store Road Project** – received rendering; rezoning request will be before the P&ZC in the next few months

**Item #7 – Zoning Map Amendment**

**Zoning Map Amendment -ZMA-2021-04(C)** – The Town of Midland will hold a Public Hearing on the question of a conditional rezoning request by Lower Rocky River-Morrison Road LLC, Keith G. Baker and Carolyn Roberts, Albemarle Road – Howell Road LLC, Pioneer Mill Road LLC A NC LLC and Inglefield Enterprises LTD.

The properties are identified as Cabarrus County PIN#'s 5524-15-9853, 5524-17-1342, 5524-28-9123, 5515-81-7060 & 5514-79-6250, totaling 695.76 acres. The properties are currently zoned Cabarrus County “Countryside Residential” (CR) and “Office Institutional” (OI) and the proposed zoning is Town of Midland “Planned Residential Development

**a. Staff Report**

**BACKGROUND & PETITION INFORMATION**

On April 9, 2021 the Town of Midland received a rezoning application and conceptual zoning site plan (Exhibit #1) for a conditional zoning map amendment for the properties shown on the attached map (Exhibit #2). The specifics of the rezoning application are as follows:

**Applicant:** Forestar USA Real Estate Group, Inc.

**Owner Information:** Lower Rocky River-Morrison Road, LLC, Keith G. Baker and Carolyn Roberts, Albemarle Road-Howell Road LLC, Pioneer Mill Road LLC A NC LLC & Inglefield Enterprises LTD

**Existing Zoning:** Cabarrus County “Countryside Residential” (CR) and “Office Institutional” (OI)

**Proposed Zoning:** Planned Residential Development - Conditional (PRD-CZ)

**Permitted Uses:** All uses permitted in the Planned Residential Development (PRD) zoning district as shown in Article 8, Table 8.1 - Table of Uses, would be permitted on the subject property.

**Parcel ID Numbers:** 5514-79-6250, 5524-17-1342, 5524-28-9123, 5524-15-9853 and a portion of 5515-81-1706

**Area in Acres:** +/-695.76 acres

**Site Description:** The property is vacant and undeveloped.

**Adjacent Land Use:** Residential (Porter’s Landing and Cedarvale Farms subdivisions to the north.) Institutional (The Howell Center to the south.) The properties are bordered to the west by the Mecklenburg County line and to the south by NC Hwy 24/27.

**Surrounding Zoning:** The property is surrounded by Cabarrus County “Countryside Residential” (CR) zoning to the north and eastern sides. Properties to the south are zoned Cabarrus County “Office Institutional” (OI) and Town of Midland “Industrial” (IND).

**Utility Service Provider:** The property will be served by public water and sewer provided by the City of Concord.

### INTENT OF ZONING DISTRICT

#### **Proposed District: Planned Residential Development (PRD)**

The Planned Residential Development District (PRD) permits flexibility in the design, construction, and processing of residential developments. Planned Residential Developments (PRD) are well planned, efficient residential developments that are compatible with the Town’s distinctive character but may otherwise be unachievable under conventional zoning and subdivision regulations. These regulations are further intended to promote cluster development and encourage integrated conservation design that creates sustainable, economical, and efficient use of the land, while providing a harmonious variety of housing choices and preservation of natural and scenic qualities of open spaces. The Planned Residential Development District is a Conditional Zoning District under the standards of the Midland Development Ordinance.

### EXHIBITS

1. Conceptual Zoning Plan (Submitted by Applicant)
2. Subject Property Map (Submitted by Applicant)
3. List of Proposed Development Standard Conditions (Submitted by Applicant)
4. Summary of Neighborhood Meeting (Submitted by Applicant)

### LAND USE PLAN ANALYSIS

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for Neighborhood and Residential uses with a Traditional Neighborhood Development Overlay option 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 appearing therein.

The property is currently vacant. This amendment is reasonable because the subject properties are adjacent to existing residential uses and the development is in keeping with the town's plans for future residential development in this area as shown on the Future Land Use Map and the associated rezoning plan. This amendment will allow the subject property to be used in accordance with the standards of the Planned Residential Development Conditional (PRD-CZ) zoning district in the future. The amendment allows for the potential growth and expansion of the residential housing inventory of the town, as well as the economic base of the town.

#### FINDINGS AND CONCLUSIONS

Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general use district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans.

The applicant has submitted a Conceptual Rezoning Plan (See Exhibit #1) and a list of Development Conditions (See Exhibit #3) for the overall development of the subject properties that will be attached to the approval of the conditional rezoning should the Town choose to approve this request. If approved the Ordinance, Rezoning Plan and Development Conditions will be recorded in the Cabarrus County Register of Deeds and will be tied and binding on the subject properties. If approved, the applicant would then be required to go through full Preliminary Plat review and approval for a Major Subdivision, which includes review and approval by the Technical Review Committee (TRC) and all associated service providers. (Fire, Water, Sewer, NCDOT, etc.)

Highlights of the proposed conceptual site plan include the following:

- 1,310 single family lots maximum
- Three (3) lot sizes (42, 52 and 66 foot wide lots)
- Average Density is 1.9 units per acre
- +/- 173.94 acres of open space (10% is required, applicant showing 25%)
- Petitioner is donating approximately 23.759 acres of property to the Town of Midland for the development of a future EMS/Fire station, to be designed and constructed at a later date by the Town of Midland and other potential service providers.
- The concept plan shows 5 entrances into the site.
- Solid waste will be the responsibility of the Home Owners Association. This will save the town \$220,080 per year in expenses.

The proposed development is projected to generate annually:

- \$864,600 in new property tax revenue
- \$86,460 in new vehicle tax revenue
- \$133,620 in new capital recovery fee revenue

Staff has reviewed the Conceptual Zoning Plan and finds that it meets the standards of the Planned Residential Development - Conditional as outlined in Article 8.4-13 of the Midland Development Ordinance.

**PROPOSED DEVELOPMENT STANDAR CONDITIONS ZMA-2021-04 (CZ):**

Site Area: +/- 695.764 acres

Parcel ID Number: 55147962500000, 55241713420000, 55242891230000,  
55241598530000 & portion of 55158170600000

Existing Zoning: Countryside Residential, Office Institutional (Cabarrus County)

Proposed Zoning: Planned Residential Development Conditional (Town of Midland)

Existing Use: Vacant

Proposed Uses: Up to 1,310 Single-Family Detached Residential Dwelling Units  
Maximum

Proposed Density: Up to 1.9 Dwelling Units per acre Maximum

Parking: Shall meet or exceed Midland Development Ordinance standards

**I. General Provisions**

1. These Proposed Development Standard Conditions form a part of the Rezoning Plan associated with the Rezoning Petition filed by Forestar (USA) Real Estate Group, Inc. (the "Petitioner") to accommodate the development of a single-family residential detached community on an approximately 695.764 acre site located north of Highway 24/27 and west of Pioneer Mill Road, more particularly depicted on the Rezoning Plan (the "Site"). The Site is comprised of Parcel Identification Numbers 55147962500000, 55241713420000, 55242891230000, 55241598530000 & portion of 55158170600000.
2. Development of the Site shall be governed by the Rezoning Plan, the Planned Residential Development Standards in Article 8, the Proposed Development Standard Conditions and the applicable provisions of the Midland Development Ordinance (the "Ordinance").
3. Unless the Rezoning Plan or these Proposed Development Standard Conditions establish additional site-specific standards, the regulations established under the Midland Development Ordinance shall govern the development and use of the Site.
4. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations which may need to be altered due to unforeseen circumstances, such as environmental constraints. Any such alterations and modifications shall be reviewed by the Town and shall not materially change the overall design intent depicted on the Rezoning Plan. See Article 5.4-3 in the Ordinance.

5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of the Ordinance.
6. Base information provided by Cabarrus County GIS and boundary surveys prepared by ESP Associates, Inc. titled “Boundary Survey of: Squires Realty, Inc. Property Containing 480.647 Acres”, “Boundary Survey of: Pioneer Mill Road, LLC & Inglefield Enterprises, LTD Property Containing 92.287 AC”, “Boundary Survey of: Property of Jessie G. Baker & M. DeWitt Baker Being 25.724 Acres”, and “Boundary Survey of: Albemarle Road-Howell Road, LLC Property Containing 120.865 Acres” dated February 17, 2021.

## II. Permitted Uses

The Site shall only be devoted to a residential community containing a maximum of 1,310 single-family detached residential dwelling units and any incidental and accessory uses relating thereto that are allowed in the PRD zoning district.

## III. Transportation

1. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placements and configurations of the vehicular access points shown on the Rezoning Plan are subject to any modifications required to accommodate final site and construction plans and designs along with any adjustments required by the Town and/or NCDOT for approval.
2. As depicted on the Rezoning Plan, the Site shall be served by internal public streets. Adjustments to the alignments and locations of these streets shall be allowed per Town Engineer approval, during the construction permitting process, as long as they meet the original design intent shown on the Rezoning Plan and outlined in these Development Standards.
3. The Petitioner shall construct all internal public streets to meet Town of Midland standards and external public streets to meet NCDOT public street standards and specifications.
4. Petitioner shall construct internal sidewalks for pedestrian use and accessibility based on Town of Midland and NCDOT standards. Sidewalks shall meet ADA requirements. Sidewalk and ramp details to be provided during construction permitting process.
5. The use of closes, forecourts, knuckles (or eyebrows) and other alternative road designs shall be allowed at the discretion of, and reviewed by, the Town Engineer for compliance with Town standards during the construction permitting process.
6. A TIA shall be conducted to determine any and all off-site traffic improvements. Adjustments to the Site may be needed in order to accommodate these improvements.

7. Petitioner agrees to provide an 80-foot landscape area along project frontage on existing public roads (Lower Rocky River Road, Morrison Road, Pioneer Mill Road, and Albemarle Road). See detail on this sheet.

#### IV. Architectural & Individual Lot Standards

1. Buildings shall be oriented towards the internal street system to reinforce the streetscape.
2. Preferred Exterior Building Materials:
  - a. Traditional Development: All principal and accessory buildings shall be comprised of any combination of brick, natural stone (or its synthetic equivalent), stucco, cementous products (such as HardiPlank, panel, or shingles), aluminum wrapped wood fascia, and/or other materials approved by the Zoning & Subdivision Administrator.
  - b. Active Adult Development: All principal and accessory buildings shall be comprised of any combination of brick, natural stone (or its synthetic equivalent), stucco, cementous products (such as HardiPlank, panel, or shingles), aluminum wrapped wood fascia, vinyl siding (unless not a Del Webb product, then only HardiPlank shall be used), and/or other materials approved by the Zoning & Subdivision Administrator.
3. Prohibited Exterior Building Materials:
  - a. Traditional Development:
    - i. Vinyl siding (but not vinyl handrails, windows, or door trim)
    - ii. Concrete masonry units not architecturally finished.
  - b. Active Adult Development:
    - i. Concrete masonry units not architecturally finished.
    - ii. Should there not be a Del Webb product used for this area of the development, vinyl siding shall be deemed a prohibited building material (but not vinyl handrails, windows, or door trim).
4. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12, unless a flat roof architectural style is employed. Homes shall comply with the Anti-Monotony Standards as outlined in Article 2 of the Ordinance.
5. The Petitioner shall minimize the visual impact of garage doors visible from network-required streets by adding additional architectural treatments such as translucent windows, decorative handles/straps, or projecting elements over the garage door opening.
6. Roof overhangs, eaves, cornices, chimneys, gutters, vents, bay windows, pilasters, pillars, open porches (if provided), and other architectural elements may project up to 24 inches into the required setbacks.

7. Placement of mechanical/AC units shall be located at the rear of, and directly adjacent to, the home. Placement of mechanical/AC units shall be prohibited in the front, side and rear yard setbacks.
8. In the event any home is built with a one-car garage, an additional parking pad or wider driveway shall be provided in the front yard to accommodate an additional parking spot.
9. Minimum front yard building setback shall be at least 25 feet.
10. Minimum side yard building setback shall be at least 5 feet and side corner at least 10 feet.
11. Minimum rear yard building setback shall be at least 15 feet.
12. Minimum lot width shall be at least 42 feet at front setback line and minimum lot size shall be at least 5,670 square feet.
13. No single lot size shall comprise more than 50% of the lots in the development. Lot size variations shall be in increments of 10 feet minimum.
14. Petitioner shall commit to three (3) lot sizes; 42, 52, and 66-foot wide lots.
15. All garbage and recycling pickup shall be the responsibility of the HOA.

**V. Open Space**

1. The Petitioner shall provide natural areas and open space areas (both improved and passive) as generally depicted on the Rezoning Plan and that meet the requirements outlined in Article 21 of the Ordinance.
2. 5% of all proposed lots shall front/face an improved open space area.
3. All lots within the Site shall be located within a ¼ mile of an improved open space area.
4. Typical improved open space areas (as shown on the Rezoning Plan) shall be, but not limited to:
  - a. Landscaped areas along development frontage to existing roads
  - b. Greenspace/landscape areas parallel to the Site's proposed boulevards and collector streets
  - c. Pocket parks
  - d. Closes
  - e. Amenity areas
5. Improved open space shall be any open space area that has been improved for pedestrian use. Typical improvements shall include, but not limited to:
  - a. Walkways
  - b. Benches
  - c. Playgrounds
  - d. Ball fields
  - e. Shelters (pergola, kiosk, gazebo, picnic shelter etc.)
  - f. Bermed areas w/landscaping
  - g. Amenity areas and their elements within (as outlined below under note 7)



- h. Formal greenspace bordered by streets and sidewalk (close)
- 6. Proposed soft surface trails shown on the Rezoning Plan are conceptual and representational and subject to location change. Size, material, location, and orientation of proposed trails shall be detailed and designed during construction document phase.
- 7. In addition to the proposed natural and open space areas, the Petitioner shall provide two sizeable amenity areas for the traditional and active adult communities within the Site.
  - a. Traditional Amenity:
    - i. Traditional Amenity shall be approximately 3-5 acres, in the location as generally depicted on the Rezoning Plan. The Traditional Amenity shall consist of a clubhouse or cabana, pool(s), play court(s), play equipment, walks, landscaping, dog park, parking, or similar. Final design of amenity area shall be prepared during construction permitting process.
  - b. Active Adult Amenity:
    - i. Active Adult Amenity shall be approximately 8-10 acres, in the location as generally depicted on the Rezoning Plan. The Active Adult Amenity shall consist of a clubhouse, pool(s), play court(s), play equipment, walks, landscaping, dog park, parking, or similar. Final design of amenity area shall be prepared during construction permitting process.
- 8. Amenity areas shall be opened and ready for use for residents once 100% of homes are built in the first phase of each respective development area (traditional/active adult).

#### **VI. Environmental Features**

- 1. Site and/or lot grading may occur, when necessary, within the Type E Buffer, 80' landscape area, stream buffers, and tree save areas as permitted within the Ordinance. No grading shall be permitted until a grading permit and approval have been obtained from the Town of Midland and NCDEQ. See Article 19 in the Ordinance.
- 2. Floodplain information obtained from FEMA Firm Panels 3710551400M, 3710552400K, 3710551500K, & 3710552500K effective date of studies 11/16/2018.
- 3. Stream/wetland information based on preliminary information obtained from "Working Draft WL Sketch" prepared by Wetlands & Waters, Inc. dated January 2, 2021 and Cabarrus County GIS data.

#### **VII. Parking**

- 1. Parking shall comply with the requirements set forth in Article 12 of the Ordinance.

2. This PRD Rezoning Plan shall not be required to comply with Article 2.19-1 through 2.19-8 of the Ordinance.
3. Landscaping, including required buffers, shall comply with the requirements set forth in Article II of the Ordinance.

#### VIII. Lighting

All freestanding lighting fixtures installed on the Site greater than 21 feet in total height (i.e., excluding decorative lighting less than 21 feet in height that may be installed along the driveways and sidewalks as pedestrian/landscaping lighting) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site.

#### IX. Civic/Institutional Allocation

The Petitioner shall set aside as a donation to the Town of Midland approximately 23.759 acres of parcel #55158170600000 for a future EMS/Fire station, to be designed and constructed at a later date by the Town of Midland. The land to be donated represents 3.4% of the overall Site acreage (695.764 AC), which is 1.4% more than what is required within a PRD (2% or 13.92 AC).

#### X. Binding Effect of the Rezoning Documents and Definitions

If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan and these Development Standards shall, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective successors in interest and assigns.

Throughout these Development Standards, the terms, "Petitioner" and "Owner" or "Owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioner or the owner or owners of any part of the Site from time to time who may be involved in any future development thereof.

These conditions and approvals shall be recorded in the CCROD and shall run with the property.

The conceptual site plan is illustrative. Final Design of the project as reviewed by the Technical Review Committee shall be subject to meeting all Town of Midland zoning and development standards.

#### POLICY IMPLICATIONS

The Town of *Midland Development Ordinance* and the North Carolina General Statutes require the P&Z Commission to make a recommendation on the zoning map amendment. The applicant held a Neighborhood Meeting on April 15, 2021 at 6 pm. The meeting summary, list of notified property owners and exhibits.

Notice of this regular Planning and Zoning Commission meeting, public hearing and this agenda item have been publicized, letters have been mailed to all adjacent property owners of the subject properties, and zoning hearing signs have been posted on the properties in accordance with the state statutes.

Town of Midland Development Ordinance standards will apply following the:

1. Public Hearing held by the Planning and Zoning Commission (April 27, 2021)
2. P&Z Commission motion to make a recommendation to Town Council
3. Public Hearing held by the Town Council (May 11, 2021), and
4. Adoption of an Ordinance (ZMA-2021-04(CZ)) including both Reasonableness and Consistency Statements designating the Town zoning classification.

### Developer Presentation

Representing the Forestar USA Real Estate Group, Inc. were Tom Kutz, Matt Mandle and Alex Bondo.

### Overview

- Largest residential developer in the nation
- Publicly held on the New York Stock Exchange
- 53 divisions in 21 states
- Build and development approximately 14,000-15,000 residential lots a year
- Provide residential development lots to homebuilders in the metro area across the United States
- High demand for housing and very low supply
- Low risk to developers
- Submitted application in February and went through the TRC review; reviewed plans and took comments; resubmitted plan; held neighborhood meeting; next step will be Town Council public hearing
- Entrance locations – Pioneer Mill Road, Morrison Road, Lower Rocky River Road, Albemarle Road
- Base home prices in today's market will start at \$350,000 to \$550,000 but does not include options (options range \$20,000 to \$60,000) that can be added to the home
- Traffic impact analysis will be presented at the preliminary plat stage and will coordinate with the Town and the NC Department of Transportation
- Property will be donated for a future EMS station  
Water and sewer facilities provided by City of Concord
- Buffer to adjacent properties will be a 50 feet and along existing road frontage 80 foot
- Tentative construction schedule will be summer of 2022 before ground is broken and start land development, summer of 2023 home construction start and commence and property owners move in late 2023 and early 2024
- Full build out is about a five (5) to eight (8) year process

- Some adjacent neighbors may be able to connect to public utilities, depending on their location
- Site is wooded and some open areas and considerable amount of floodplain and topography changes to the site
- Opportunities for natural open space to remain with trails
- Propose to rezone CR and OI in the County to PRD Conditional Zoning in the Town
- PRD gives flexibility for residential development that is compatible with the Town's character
- Promotes a cluster style development that allows preservation
- Proposing up to 1,310 home sites with density of 1.9 units per acre
- Robust street network with sidewalks, open space and pocket parks provided
- Soft surface trail system proposed
- Architectural commitments and standards proposed
- Two (2) different development areas - traditional and active adult
- Mixture of ranch style and two (2) story structures
- Active adult (example Del Webb product)
- All structures will have front load garage doors
- Square footage 1,500 square feet to 3,400 square feet depending on options
- Tree save, open space and soft surface trails; three (3) miles of trail system
- Lots fronting open space
- Lots backing up to open space
- Pocket parks
- Proposed amenities and open areas maintained by HOA
- Have not contracted with any builders at this time but are interested in working with Del Webb as a builder
- With this cluster development the average lot size would be approximately .2 of an acre
- The active adult and traditional areas are about 600 houses in each area
- Amenities proposed: bocce courts, tennis courts, monumentation at each entrance, clubhouse, natural trails, pocket parks, bench seating, dog parks, playgrounds, etc.
- Once rezoning and preliminary plat has been approved a traffic impact analysis will be conducted with NC DOT and any required improvements will be the responsibility of developer
- Active adult community typically age 55 and older
- There will be HOA fees
- Consultants have been hired to provide studies regarding wetlands, endangered species, historical artifacts, etc.
- Normal utilities will be provided: phone, gas, electrical, cable, etc.
- Union Power & Electric proposing re-routing one of their lines through the site

b. Open Public Hearing

Chair Page opened the public hearing for anyone to make comments.

Jerry Davis – 11900 Gatewood Rd Harrisburg NC (Cabarrus County Resident) –

his questions/concerns were answered during the presentation.

Frank Bass – 11387 Callisto Ct Midland NC (Cabarrus County Resident) – what was presented from a construction standpoint, land mitigation and preservation was all fine and good. The issue is density, no way around it. There may be others that want to live on top of one another on small lots. To say the development is consistent with the community is not true. There is nothing like that around the area. Cedarville is across from him and is not like that. Even without the adult community portion, this is twice as big as Cedarville. His worry is on the impact on schools which has not been addressed nearly enough but they are not Midland schools, they are Harrisburg schools. He has a child that will be directly impacted by the schools. Hope someone will offer some land to build a school on. The other issues is Porters Landing and Cedarville Farms and his small development combined are going to use these same streets which are two-lane except Albemarle Road. They are underutilized now but they need work. The Town gets a lot of tax income from it but what does the homeowner get from Midland. They do not get a garbage can because they are paying for that themselves. They get utilities but there are a number of communities in unincorporated Cabarrus County around Midland that do not have the same amenities and have been here for years. This is going to be in the Town of Midland, the property owners can vote for you folks and if they don't like it, they can vote you out. I'm a stone's throw from the Town and I do not have that luxury unless I come before the board and ask to annex my property and why would I do that.

Jill Ray – 1615 Morrison Road, Concord & William Shaver – 1613 Morrison Road, Concord submitted written comments. This being a legislative hearing, written comments are allowed to be submitted to the Commission as public comment.

Commissioner Gallant questioned water not being connected to a water utility but via a well in Ms. Ray's written comments.

The water will be provided by the City of Concord's water system. If Ms. Ray would like to tap into the water system, she would need to contact the City of Concord. City of Concord will not be tapping into anything on her property.

Commissioner Gallant stated you need to have the rooftops to drive the business, but being a resident of Midland for three (3) years, she is waiting on the growth to come but based on what is happening so far, it is not happening inside the Town of Midland.

Chair Page stated the Commission has had the information prior and have reviewed. What the Commission does is listen to everything from the citizens of the Town and from the developers. The Commission makes a recommendation to approve, disapprove or modify to Town Council. Town Council will hold another public hearing and make the final decision.

Commissioner Scott asked for the number of houses in the Town?

Ms. Watts stated that she thought there were approximately 1,300 houses being served currently through the garbage/recycling system.

Chair Page asked for a motion to close the public hearing.

**Motion** to close public hearing by Commissioner Hoy and seconded by Commissioner Helms. **Motion carried 6-0.**

c. Consider Recommendation to Town Council ZMA-2021-04(C)

**Motion** by Commissioner Hoy and seconded by Commissioner Helms recommend Town Council designate the subject property as Planned Residential Development - Conditional (PRD - CZ) with the associated conceptual rezoning plan and development 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.

The property lies within the area designated on the adopted Town Plan 2030 Future Land Use Map for Neighborhood and Residential uses with a Traditional Neighborhood Development Overlay option 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 appearing therein.

The property is currently vacant. This amendment is reasonable because the subject properties are adjacent to existing residential uses and the development is in keeping with the town's plans for future residential development in this area as shown on the Future Land Use Map and the associated rezoning plan. This amendment will allow the subject property to be used in accordance with the standards of the Planned Residential Development Conditional (PRD-CZ) zoning district in the future. The amendment allows for the potential growth and expansion of the residential housing inventory of the town, as well as the economic base of the town. **Motion carried 5-1 (Commissioner Scott opposing).**

**Item #8 – Noise Ordinance Modification**

**Noise Ordinance #2005-44 Modification**

**Motion** by Commissioner Hoy and seconded by Commissioner Gallant move discussion of the Noise Ordinance to the May 2021 meeting. **Motion carried 6-0.**

**Item #9 – Adjournment**

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

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

The meeting was adjourned at 8:20 PM.

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Darrell Page, Chair, Midland Planning & Zoning Commission

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Hilda Keeney, Planning & Zoning Commission Clerk to the Board