

Minutes Planning & Zoning Commission – Via Conference Call Due to Covid-19
Tuesday, May 26, 2020
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Bob Caddell, Steve Clark, Darrell Helms, Ann Holland, Jennifer Gallant Jim Hoy; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Alternates: Josh Mendoza

Absent: Pam Carter

Others: Councilmember Rich Wise; Michael Shea; Matt Kearnes; Eddie Moore

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 6:04 PM.

Item #3 – Approval of Agenda

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

Item #4 – Approval of Minutes – Open Session 04-28-2020

Motion by Commissioner Holland and seconded by Commissioner Hoy to approve open session 04-28-2020 minutes. **Motion carried 6-0.**

Item #5 – Public Comments – no comments forthcoming.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Due to Covid-19, the zoning permits report was not presented.

b. Update on Projects

Pinnacle Crane – approved site in the industrial center

Copart – site plan to go over final version on Thursday

Wyntree – continue to issue permits

Fox Creek – almost built out

Rosewood Trail - Lot 1 rough-in state & framing complete, Lot 2 cleared, awaiting building permit, Lot 10 sold, finalizing build quite with new owners,

Lots 4-9 house plan selection in process

Saddlebrook – Town accepted streets

Wyntree Forest – Town accepted streets

Item #7 – Zoning Map Amendments

a. ZMA-2020-03 (CZ) - Zoning Map Amendment – Renova LLC & Clarence F. Little – 10714 & 10640 Flowes Store Road (PIN 5525-66-7987 & 5525-96-0923)

i. Staff Report

On February 12, 2020 the Town of Midland received an application for a non-contiguous annexation and Conditional Zoning Map Amendment for the above noted properties. On April 14, 2020, the Midland Town Council voted unanimously to annex the property into the town limits. Pursuant to the N.C.G.S.'s, a Town zoning designation must be applied to the

property within 60 days of the effective date of the annexation. The applicant is requesting the property be rezoned for residential uses in accordance with the proposed Conceptual Site Plan (Exhibit #1). The Midland Development Ordinance Article 5.4-4(C) requires the Planning and Zoning Commission to make a recommendation on the zoning designation of the property. The recommendation will be forwarded to Town Council for a final decision.

Commissioner Helms – will swimming pool be made available to the purchaser of the homes.

Michael Shea – do amenities with pools about 80% to 90% of their communities. Probably going that way but cannot commit at this juncture.

Matt Kearns – Before marketing the homes in this neighborhood, that will be a 100% final decision whether there will be a pool. Usually any project over 100 lots, usually a pool will be built.

Michael Shea – need to get further into the engineering stage. Fit the site & all residents will enjoy. Not sure of the buyer demographics.

Steve Clark – concerned that when some buyers bought into neighborhoods & promised certain amenities & received no amenities.

Michael Shea – what they decide to do with that particular amenity, it will be rendered & involved in the sales process.

Commissioner Holland – it is a very big concern. Tucker Chase was promised amenities by company & realtors that the pool would be built & the roads fixed, walking trails available, etc. & now have nothing.

Michael Shea – they would be the largest investment in any community more so than any homebuilder, if something goes bad off the bat is not going to prove well for their development & would not want to put the Town in that position. Never misrepresented what was to be done amenity wise & does not see it being a problem with this community. Once the game plan is figured, he would put on paper but at this juncture prior to zoning, it is too early to know if the amenities will fit in the plan as of now. They don't get popular not building amenities that are promised & they do not play that game.

Commissioner Hoy – familiar with some of the other Shea developments, know Shea builds quality homes & nice developments. Could be a little premature talking about some of these plans, but from the standpoint of Midland & the Midland area & how it is growing your involvement in our area is something we should welcome because your reputation has been good. His question was the minimum square foot size of homes.

Matt Kearnes – single story homes would be about 1,800 sq. ft. & two story would be about 2,400 sq. ft. & go up to approximately 3,600 sq. ft.

Michael Shea – not a volume builder, push price points & build slower.

Kassie Watts – work with Shea over the years & build a good product & development that we would be proud of. Understands the concerns about the amenities. During the rezoning, we are placing conditions on there & the way it is worded it says they may have these items. It is the developer's discretion to make that decision. The ordinance gives several options as to what the amenities can be. Amenities will be determined on the preliminary plan process.

Commissioner Caddell – site plan has typical corner lot size showing a 15' rear yard is that typical?

Matt Kearns – these are to give ideas, there are 30' setback, sides call for 6' but the product size calling for 40' & 45' those setbacks call for 7.5'. The rear yard will have to meet minimum requirements. The setbacks will be greater.

Kassie Watts – single family residential zoning requirements are 10' setback they were developing under the basic standards of single family residential could actually be smaller than what it is.

ii. **Open Public Hearing**

Josh Mendoza – 12893 Hill Pine Road

Speaking as a resident, speaking in reference to the 50' buffer proposed for the entire parcel. He lives adjacent to the Fox Creek subdivision, in the initial submission & subdivision plats they also showed the 50' buffer. That was subsequently removed after a couple of years, another process & allowed a fair increase in the home density in this neighborhood. Now we have neighbors that have backyards bumping up to their homes & sides of their homes. He wondered what protections will be put in place to insure that the buffer is not removed & stays in perpetuity through the completion of this project.

Kassie Watts – this rezoning is required to comply with this site plan. The situation that happened with Fox Creek, the subdivision was originally approved to show a buffer & then a rezoning & part of the rezoning removed the perimeter buffer. As part of their conceptual site plan, they also did a conditional zoning when they revised the project & that removed the buffer. As a result, the Town initiated a text amendment which added in the requirement to show the 50' buffer for single family development. That is part of the ordinance now. The conditional zoning allows you to add conditions & have a flexible design but you still have to meet the basic criteria & the 50' buffer is required by the ordinance on this project as they move in to preliminary plat approval.

No others spoke & the Chair closed the public hearing.

iii. **Consider ZMA-2020-03(CZ) Zoning Map Amendment**

The Town Council voted to approve this annexation request on March 10, 2020. A Town of Midland zoning designation must now be applied to the property. The subject property, located at 12400 Old Camden Road,

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Midland, NC 28107 (Cabarrus County PIN# 5534-07-0234) is approximately 51.1 acres in size and is currently zoned Cabarrus County “Office Institutional” (OI). The proposed zoning district is the Town of Midland “Industrial” (IND) designation.

Motion by Commissioner Hoy and seconded by Commissioner Holland to recommend to Town Council designate the subject property as Single Family Residential - Traditional Neighborhood Development Overlay - Conditional Zoning (SFR-TNDO-CZ) with the associated conceptual site plan and conditions, to be consistent with the intent and language of 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 subject properties are adjacent to existing residential uses and would be an extension of an existing subdivision as shown on the associated concept plan. This amendment will allow the subject property to be used in accordance with the standards of the Single Family Residential - Traditional Neighborhood Development Overlay (TNDO) 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 6-0.**

Item #8 – Adjournment

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

The meeting was adjourned at 7:08 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board