

Minutes Planning & Zoning Commission
Tuesday, September 22, 2020
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Bob Caddell (arrived at 6:14 PM), Pam Carter, Steve Clark, Darrell Helms, Jim Hoy, Josh Mendoza; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Alternate: Jennifer Gallant

Others: Councilmember Rich Wise

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 6:02 PM.

Item #3 – Approval of Agenda

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

Item #4 – Approval of Minutes – Open Session 08-25-2020

Motion by Commissioner Carter and seconded by Commissioner Helms to approve open session 08-25-2020 minutes. **Motion carried 6-0.**

Item #5 – Public Comments –

Ann Meidenbauer – 12844 Hill Pine Rd. (Bethel Glen Subdivision)

Her backyard faces Saddlebrook subdivision and have had issues with the noise for several months. Contacted the Sheriff's Department and was told there was nothing they could do until after 11 PM. a letter Last week received a letter stating the homeowners were going to have two (2) parties – one last weekend and one this weekend – and were asking for a sound permit for sound amplification. Many must have called and objected because the permit was revoked, the music would be lower, the sheriff officers would be patrolling and officers were seen patrolling. Have heard rumors that other activities were going on in that particular home, which also concerned them. The music is loud enough on the back porch to listen but much of it was very objectionable and vulgar music. Their option was to go in the house, close the doors and windows so you don't hear it. Investigated for an ordinance for Cabarrus County, which was vague but further investigate on the web found Ordinance 2010-93 which talks about public nuisance. She quoted the term nuisance from the Ordinance “the term nuisance shall mean or refer to any condition or any use of property or act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public, adversely affects the general health, happiness, security or welfare of others or is detrimental to the rights of others to the use of their own property and their own comfort, happiness and emotional stability.

Her questions were:

- can the ordinance be modified to include some of the issues the residents are seeing
- is there a limit on getting a permit for amplification (once, twice a year)
- anything to improve the ordinance

July 4th and Juneteenth was very loud and every other weekend the music is loud.

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Chair Page questioned the distance from her house and if was from the same house.

Ms. Meidenbauer stated within a 500 foot radius according to the letter that was asking for the permit. You can't see them because of the woods but you certainly can hear them.

Commissioner Hoy asked what the officers said when they arrived on the scene.

Ms. Meidenbauer stated they could not see them. They saw them on their street because they had called on Saturday night when the music started because they had been assured it would be a small party by someone at the Sheriff's Department. A neighbor went to the subdivision the last weekend to see what was going on because she was concerned and upset about it and stated there were at least 40 cars in the neighborhood. They had valet parking and parking on the streets.

Ms. Watts stated that the HOA management group had received a complaint with pictures. The vehicles were parked along the road and in street yard.

Commissioner Helms asked if the HOA knew about the noise, etc.

Ms. Watts stated they had spoken with the property owner and advise them of the complaints received but was not aware any violation(s) had been issued. The noise ordinance is enforced by the Sheriff's Department but the HOA has their own restrictive covenant. There are two (2) different HOAs but one (1) management company.

Alternate Commissioner Gallant stated guidance from a recent newsletter, if it is the same management company, for noise complaints that neighbors should not be able to hear it from inside their homes with their windows and doors closed.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Ms. Watts reviewed the zoning permits since the August 25th meeting.

b. Update on Projects

Pinnacle Crane – submitted building plans to County and ready to start construction; some areas of the roads did not meet criteria and continue to work on roads

Copart – preliminary approval from health alliance regarding septic needs; submitted engineering drawings for the turn lane and being reviewed

Wyntree – moving along and maybe finished by end of year

Cedar Creek – continues to move along

Fox Creek – barrier removed between Fox Creek and Bethel Glen; still need some repairs on sidewalks, streets and signage

Rosewood Trail – moving along; Commissioner Mendoza stated lot 1 will be complete by second week of October, lot 2 had some logistics with lumber; continue to move along

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Shea Homes – neighborhood meeting planned for 6 PM on October 5th
Bethel Glen – case has been appealed according to Town Attorney
Tucker Chase – no further information

Item #7 – Noise Ordinance Modification

a. Noise Ordinance #2005-44 Modification

Ms. Watts presented a background of the Town's current Noise Ordinance that was adopted in 2005. It is identical to the existing Cabarrus County Noise Ordinance. Due to recent complaints regarding excessive noise in residential districts, staff has been directed to submit the existing Noise Ordinance for consideration of potential modifications.

The Commissioners were given a copy of the Kannapolis Noise Ordinance for potential consideration to enhance the Town's Ordinance to include additional prohibited acts, applicable hours of enforcement, permit requirements, and address concerns staff are receiving from the residents.

Item #8 – 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 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board