

Minutes Planning & Zoning Commission
Tuesday, September 28, 2021
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E, Midland, NC 28107

Attendance: Commissioners: Chair Darrell Page, Bob Caddell, Pam Carter (arrived at 6:09 PM), Jennifer Gallant, Vice Chair Darrell Helms, Jim Hoy, Josh Mendoza; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner

Alternates: Stephen Scott, Kurt Foundos (arrived at 6:30 PM)

Others: Councilmember Rich Wise

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 6:01 PM.

Item #3 – Approval of Agenda

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

Item #4 – Approval of Minutes – Open Session 07-27-2021

Motion by Commissioner Mendoza and seconded by Commissioner Caddell to approve the open session 07-27-2021 minutes. **Motion carried 6-0.**

Item #5 – Public Comments

No public comments.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

Ms. Watts reviewed the zoning permits since the July 27th meeting.

b. Update on Projects

Forestar Development (Albemarle Road site) – recently approved preliminary plat with conditions

Item #7 – Zoning Map Amendment

a. ZMA-2021-07 (CZ) - Zoning Map Amendment (Conditional) – Cabarrus County PIN#'s (5525-86-5909) Annexed September 14, 2021 (5525-66-7987 & 5525-96-0923) Annexed April 14, 2020.

Mark Van Dine of McAdams Company presented the updated plan using the additional 1.5 acres.

- Call for Public Hearing – Chair Page opened the public hearing at 6:20 PM.

No public comments presented.

Chair Page closed the public hearing at 6:20 PM.

Motion was made by Commissioner Hoy and seconded by Commissioner Mendoza to recommend Town Council designate the subject properties 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 (SFR-TNDO-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 6-0.**

- b. **ZMA-2021-08 (Zoning Map Amendment)** - The Midland Planning and Zoning Commission will consider the question of a rezoning request by Henry Trent Little, for properties located at 2839 NC Hwy 24/27 E; and 11990 Jim Sossoman Road; Midland, NC 28107 (Portions of Cabarrus County PIN#'s 5545-30-7353 & 5544-49-3710) totaling 9.1+/- acres. The zoning request is to change the properties from Town of Midland "Single Family Residential" (SFR) to Town of Midland "NC Hwy 24/27 Commercial" (C 24/27). The Planning and Zoning Commission will make a recommendation to Town Council.

Motion was made by Commissioner Mendoza and seconded by Commissioner Carter to recommend Town Council designate the subject properties as "NC Hwy 24/27 Commercial" (C 24/27), *inconsistent* 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. This amendment is reasonable due to the portions of the properties on the southern side of the power utility line/right of way, that cuts across the property fronting on both Jim Sossoman Road and NC Hwy 24/27 E being adjacent to commercially zoned property and fronting on a major thoroughfare. The town expects that this node will continue to develop commercially and commercial uses are currently developing in this area, therefore staff would consider this to be an extension of the existing commercial zoning in this area to the east. This rezoning is reasonable due to the property location along a major thoroughfare where a waterline is located and where sewer infrastructure is expected to be located at some point in the future. This amendment will allow the subject properties to be used in accordance with the standards of the "NC Hwy 24/27 Commercial" (C 24/27) Zoning District in the future. The remainder of the property north of the power utility line/right of way, will continue to be zoned "Single Family Residential" (SFR). **Motion carried 6-0.**

- c. **ZMA-2021-09 (Zoning Map Amendment)** - The Midland Planning and Zoning Commission will consider the question of a rezoning request by Billy and Catherine Carriker, for properties located at 12280 and 12210 US Hwy 601 S.; Midland, NC 28107 (Cabarrus County PIN#'s 5554-18-2743 and 5554-18-2947) totaling 6.65+/- acres. The zoning request is to change properties from Town of Midland "Main Street Periphery"

(MSP), to Town of Midland “US Hwy 601 Commercial” (C 601). The Planning and Zoning Commission will make a recommendation to Town Council.

Motion was made by Commissioner Hoy and seconded by Commissioner Gallant to recommend Town Council designate the subject properties as “US Hwy 601 Commercial” (C 601), *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. This amendment is reasonable due to the location along a major thoroughfare where water and sewer are available. The larger parcel, (PIN#5554-18-2947) 4.04 acres, has an existing commercial structure on the property. The properties are adjacent to other commercially zoned properties on the north, south and western sides. The town expects that this corridor will continue to develop commercially and commercial uses currently exist and are being developing in this area. This amendment will allow the subject properties to be used in accordance with the standards of the “US Hwy 601 Commercial” (C 601) Zoning District in the future. **Motion carried 6-0.**

- d. **ZMA-2021-10 (Zoning Map Amendment)** - The Midland Planning and Zoning Commission will consider the question of a rezoning request by Agent Debbie Clontz on behalf of the estate of Louise Moore Hull, for property located at 12101 Jim Sossoman Road; Midland, NC 28107, (Cabarrus County PIN# 5544-29-9780), totaling 10.86+/- acres. The zoning request is to change property from Town of Midland “Single Family Residential” (SFR) to Town of Midland “NC Hwy 24/27 Commercial” (C 24/27). The Planning and Zoning Commission will make a recommendation to Town Council.

Motion was made by Commissioner Mendoza and seconded by Commissioner Carter to recommend Town Council designate the subject properties as “NC Hwy 24/27 Commercial” (C 24/27), *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. This amendment is reasonable due to the property being adjacent to commercially zoned properties to the west and south. This rezoning is reasonable due to the property location along a major thoroughfare where a waterline is located and where sewer infrastructure is expected to be located at some point in the future. The town expects that this node will continue to develop commercially and commercial uses are currently developing in this area. Staff also considers this to be an extension of the existing commercial zoning in this area. This amendment will allow the subject properties to be used in accordance with the standards of the “NC Hwy 24/27 Commercial” (C 24/27) Zoning District in the future. **Motion carried 6-0.**

Item #8 – Adjournment

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

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The meeting was adjourned at 7:11 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board