

Minutes Planning & Zoning Commission
Tuesday, October 23, 2018
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Pam Carter, Darrell Helms, Jim Hoy, Steve Smith; Hilda Keeney, Planning & Zoning Clerk; Kassie Watts, Town Planner
Absent Commissioners: Steve Clark
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 and seconded by Commissioner Helms to approve the agenda with changes to Item #7 by moving: Item #7a to 7c; Item 7b to 7a; and Item 7c to 7b.
Motion carried 5-0.

Item #4 – Approval of Minutes – Open Session 09-25-2018

Motion by Commissioner Carter and seconded by Commissioner Hoy to approve open session 09-25-2018 minutes. Motion carried 5-0.

Item #5 – Public Comment –

Allen Burnette – speaking to give opinions and facts on tattoo shop wanting to coming to Midland

- In 2018, the oldest tattoo discovered was discovered on two mummies from in Egypt dated 3351 to 3017 BC
- Tattooing has been around for a long time – not just coming back in the past 15-20 years
- A hot property estimated 20,000 tattoo artist operating in the US according to the US & World Report which stated an establishment was being added in the country everyday
- Using tattoos to cover surgical scars; use as permanent make-up
- Tattoos is only one of seven search items out of the 50 search items in the past four years
- Estimated 25-30% of all Americans have tattoos – one or more tattoos
- 1.6 billion dollars spent per year in the tattoo industry in the US
- Self-expression in the form of art work and passion about
- People with tattoos are artist and come from all walks of life
- Rules governing tattooing in North Carolina 15A NCAC 18A.3200 NC Department of Health & Human Services – Division of Public Health – Environmental Health Section – must be licensed and inspected
- Should be permitted by right in commercial

David Lofton

- tattoo artist wanting to move to area
- Been tattooing for 30 years and strictly making living at it for over 20 years
- Lives in the area – looks after his mother - looking to down size

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- Low traffic business – appointments 2-3 per day
- Has done reconstructive surgeries and make-up tattoos
- Was in Concord now located in China Grove as a one man show
- May look a one or two artist if able to relocate to the area
- No problems or complications with the health department

Amy Lindler

- Resident known of Midland
- Known Dave Lofton for 5 years
- Only person ever tattooed her
- She has been a banker for 25 years; no issues with tattoos in the workplace
- Dave Lofton is a great person, family man and would love to see a tattoo shop in Midland

Item #6 – Planning, Zoning and Subdivision Reports

a. Zoning Permit Review

Ms. Watts reviewed the zoning permits issued since the September meeting.

b. Update on Projects

Allen's Mini-Storage – paved the road today; moving along; hope to be open by January 1st

Wyndham Forest – building out

Fox Creek – working on second phase; waiting for final plat

Tucker Chase – status unchanged

Old Bethel School – no changes

Bethel Park – to be renamed; working with surveyor and engineer; been submitted to TRC for review and comment

PVG Trucking Company – engineer sending site plan

Sealand Corp. – have not received official site plan to TRC

Reminded Commission of the ribbon cutting for Champion Landscaping on Friday, October 26 at 11 AM.

Item #7 – Zoning Text Amendments

- a. **ZTA-2018-08 – Zoning Text Amendment** – Consideration to amend the Open Space requirement for commercial zoning districts in Article 21, Open Space, of the Midland Development Ordinance.

The Midland Development Ordinance (MDO) currently requires 7.5% Open Space in all non-residential (commercial and industrial) districts with the exception of Main Street (MS) and Old Midland (OM) zoning districts. Staff received a request from Rick Allen, who is currently developing the Allen Storage Center on NC Hwy 24/27, to consider removing this requirement from the NC 24/27 Commercial (C

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24/27) zoning district, which is the zoning district in which he is currently developing his self-storage warehousing facility.

Staff has reviewed the request and being that the NC 24/27 Commercial (C 24/27) zoning district and the US 601 Commercial (C 601) zoning district are essentially the same districts, just named differently based on their geographic locations, staff would recommend removing this requirement from both C 24/27 and C 601, should the Planning and Zoning Commission feel this is an appropriate amendment to recommend approving to Town Council. In addition, due to the high price of commercial and industrial land, staff would also recommend removing the open space requirement from the Industrial (IND) zoning district. The open space requirements for residential development, as well as for civic development such as schools, churches, etc., will remain the same.

Motion by Commissioner Hoy and seconded by Commissioner Helms to recommend approval of ZTA-2018-08, as presented, to Town Council on November 13, 2018, 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 § 160A-383. 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.**

- b. **ZTA-2018-07 – Zoning Text Amendment** – Consideration to add Tattoo & body artist piercing parlor to the NC 24/27 Commercial (C 24/27) and US 601 Commercial (C 601) zoning districts.

Motion by Commissioner Helms and seconded by Commissioner Hoy to table further discussion until staff discusses the amendment with the Town’s attorney. **Motion carried 5-0.**

- c. **ZTA-2018-06– Zoning Text Amendment** – Consideration to repeal and replace Article 18, Flood Damage Prevention of the Midland Development Ordinance to reflect the effective date of the new FEMA Flood Insurance Rate Maps which will become effective on November 16, 2018.

The updated Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Cabarrus and Mecklenburg counties will become effective on November 16, 2018. It has been ten (10) years since the last update. The US Department of Homeland Security requires all jurisdictions, including the Town of Midland, to update their floodplain management measures, including the Floodplain Damage Prevention Ordinance (FDPO) which is located in Article 18 of the MDO, to meet or exceed the minimum National Flood Insurance Program

(NFIP) requirements. This update must be completed by November 16, 2018 in order to avoid suspension from the NFIP. If suspended, the community becomes ineligible for flood insurance through the NFIP, new policies cannot be sold, and existing policies cannot be renewed, therefore this update is very important.

The ordinance reflects the new map effective dates and other minor changes recommended by FEMA that are needed in our ordinance.

Motion by Commissioner Hoy and seconded by Commissioner Carter to recommend to rescind the existing language in Article 18, Floodplain Damage Prevention, of the Midland Development Ordinance and to recommend approval of ZTA-2018-06 Flood Damage Prevention Ordinance, as presented, to Town Council on November 13, 2018, 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 § 160A-383. 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.**

- d. **ZTA-2018-09 – Zoning Text Amendment** – Consideration to remove the definitions located in Article 3, Definitions, of the Midland Development Ordinance, associated with the Flood Damage Prevention Ordinance.

Article 3, Definitions, includes all the definitions used throughout the Midland Development Ordinance, including those outlined in the Flood Damage Prevention Ordinance, which is located in Article 18 of the MDO. For ease of housekeeping, and in order to keep this information in one specific location within the ordinance, as opposed to scattered throughout various Articles, this text amendment will remove all definitions specific to the FDPO from Article 3 and they will be permanently housed in Article 18. Therefore, in the future, when additional updates to the FPDO are required by FEMA, we will be updating one Article of the MDO instead of multiple Articles.

Motion by Commissioner Smith and seconded by Commissioner Helms to recommend approval of ZTA-2018-09 Definitions, as presented, to Town Council on November 13, 2018, 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 § 160A-383. 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.**

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Item #8 – Adjournment

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

The meeting was adjourned at 7:34 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board