

Minutes Planning & Zoning Commission
Tuesday, November 26, 2019
6:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

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

Others: Councilmember Rich Wise

Item #1 – Invocation & Pledge of Allegiance

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

Item #3 – Approval of Agenda

Motion was made by Commissioner Hoy and seconded by Commissioner Helms to approve the agenda. **Motion carried 7-0.**

Item #4 – Approval of Minutes – Open Session 09-24-2019

Motion by Commissioner Helms and seconded by Commissioner Hoy to approve open session 09-24-2019 minutes. **Motion carried 7-0.**

Item #5 – Public Comments – no comments forthcoming.

Item #6 – Planning, Zoning & Subdivision Reports

a. Zoning Permit Review

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

b. Update on Projects

Wyntree – sign permit issued – final plat under review

Cedar Creek – preliminary plat approved – working through construction drawings and water/sewer with Concord – Smith Douglas will not be the builder

Fox Creek – continue to have issues with parking but doing better

Sealand – issued permit for the office building – site plan approved – all directions have been sent for the public road construction and right-of-way

Copart – issued permit for fence – no demolition permits issued

Boring for the sewer has gone well. Received a draft report and hit rock. Final report will be presented to the Town Council in December.

Item #7 – 2020 Meeting Schedule

Motion by Commissioner Helms and seconded by Commissioner Carter to cancel the December 2019 P&Z meeting. **Motion carried 7-0.**

Motion by Commissioner Helms and seconded by Commissioner Hoy to approve the 2020 Planning & Zoning Commission & Board of Adjustment (BOA) meeting schedule.

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2020 BOA* & Planning & Zoning Commission Meeting Schedule - 4th Tuesday
1/28/2020
2/25/2020
3/24/2020
4/28/2020
5/26/2020*
6/23/2020
7/28/2020
8/25/2020
9/22/2020
10/27/2020
11/24/2020*
12/22/2020
* BOA Meeting

Motion carried 7-0.

Item #8 – Potential Zoning Text Amendments for Discussion

I. Article 2 – General Provisions - Implementation of a size limit on accessory structures in residential zoning districts.

Staff receive many requests for accessory structures in the residential zoning districts. Typically these are for the standard “outbuilding” sized structures that are anywhere from 10 x 12 to 20 x 20. Citizens utilize these for a range of storage uses, primarily for additional automobiles, yard equipment, seasonal decoration storage, etc. However, in some instances Staff receive requests for very large accessory structures 100 x 50. These cases can lend themselves to a variety of issues that include the creation of home occupations without a permit and the construction of unsightly, large structures in residential zones that aren’t in keeping with the aesthetics of a single family neighborhood.

Commissioners asked for recommendations to include:

- limiting to percentage of rear yard
- square footage

- separation between buildings
- height
- location/position

2. Article 2 - General Provisions, Section 2.13-7 – Swimming Pools – Specify this section of the MDO applies to both above ground and below ground swimming pools.

The MDO does not currently specify that the requirements applicable to below ground swimming pools also apply to above ground swimming pools. These include requirements for location and fencing. Clarification on this issue would be helpful for the administration of the ordinance.

Commissioners asked for recommendations to include:

- all pools treated alike
- size
- height

3. Article 8 – Zoning Districts – Requirement for Zoning Districts that currently allow less than 30 foot minimum front setback, to be required to have minimum 25 foot front setback for any front loaded garage.

Some neighborhoods allow for a 20 front setback and produces a multitude of issues created by single car driveways, homeowners utilizing their garages as storage space as opposed to a parking space, cars overhanging the sidewalk impeding pedestrian movement, cars parking in the right of way and street yard, etc.

Commissioners asked for recommendations to include:

- less than 30' setback unless a rear or side loading garage
- corner lots having potential for parking over sidewalk

4. Article 2 – General Provisions – Requirement for all single car garages to have an additional parking pad requirement.

As a spin off amendment from #3 above, Staff believes it would be in the best interest of the Town to consider requiring an additional parking pad for single car garages to prevent the same series of issues (cars overhanging the sidewalk, cars parking in the road, etc.)

Commissioners asked for recommendations to include:

- double width driveway entrance
- single width driveway entrance with pull-off

5. Article II – Landscape Requirements and Tree Protection, Section II.6-1 Use District Buffer – Clarify that the perimeter landscape buffer requirement shall apply to properties in the Town of Midland, but also to comparably zoned properties lying in the unincorporated area of Cabarrus County.

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The MDO addresses zoning districts under the Town's jurisdiction. It does not address how to apply these requirements to adjacent properties that are under the County's jurisdiction that have similar uses and similar zoning districts. As we continue to annex property this interpretation must be made by Staff more frequently. While Staff believes the Town's intent is to apply these buffering standards regardless of whose jurisdiction it is, we would like clarification to incorporate into the ordinance to further validate these decisions and to remove any ambiguity that could be used to skirt the intent of the Ordinance.

Staff will take the recommendations/ideas of the Commissioners and will bring a "draft amended text" at the next regular meeting.

Item #9 – Adjournment

Motion was made by Commissioner Helms and seconded by Commissioner Carter to adjourn the meeting. **Motion carried 7-0.**

The meeting was adjourned at 7:30 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board