

Minutes Planning & Zoning Commission
Tuesday, November 27, 2018
7:00 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, Steve Smith; 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 6:05 PM.

Item #3 – Approval of Agenda

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

Item #4 – Approval of Minutes – Open Session 10-23-2018

Motion by Commissioner Hoy and seconded by Commissioner Helms to approve open session 10-23-2018 minutes. **Motion carried 7-0.**

Item #5 – Public Comment

Alan Burnette – Tattoo and Body Artist Piercing Parlor

- Ask Board to consider allowing tattoo parlors in NC 24/27 Commercial and US 601 Commercial zoning districts
- Restrictions being placed is a way of saying we don't want it
- Tattoos are main stream – probably 50% of the people under the age of 30 or 40 are getting tattoos – those that don't have them, good chance they will have them
- Tattoos, and not just because you have a tattoo, does not mean you are a better person or does not make one a second class citizen
- Doctors, lawyers, all walks of life, preachers have tattoos – does not make them a bad person
- A person that goes to a tattoo artist is not a second class citizen
- Yes, we have some people in prison with tattoos all over their face and piercings – anything can be taken to extreme
- All surrounding towns in Cabarrus County are permitted by right
- NC 24/27 and US 601 corridor asking to be allowed in with distance of 300 feet or 500 feet knocks out about 95% of available buildings – not many available buildings in Midland area – will change as time goes on
- No new houses built on NC 24/27 from the county line to the county line in probably the last 35 years – US 601 from crossroads to Corning probably the last house built was in the early 80s – nobody is going to build houses – as the area grows the residents will be bought up and will the commercial in the future
- It is not a place you loiter around - I've been to different tattoo shops and I do not see people hanging around
- It takes anywhere from an hour to four hours depending on what you are getting
- May not have four or five customers in one day
- Massage parlors, vape shops, etc. allowed in commercial

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- A tattoo shop is not a bad thing – look at NoDa one of the hottest areas in Charlotte now – area has risen in value in the past few years – tattoo shops did not make the values rise or did they decrease in value
- Tattoos are now used for make-up, hide scars from surgeries
- Asking you to consider and put your personal opinions aside
- You are not bringing down the Town of Midland with tattoo shops

Luis Albiza – Cedar Creek

- Lives off Pelhelm Lane behind Cedar Creek neighborhood is potentially going to be built
- Know the nightmares that went on with Fox Creek and do not want the nightmares repeated
- Seen potential plan and understand it is not office yet
- Certain things are not already adding up: 50' buffers being reduced to 25' and that needs to be consistent
- Not here to stop progress – I'm a developer and contractor and make a living doing this
- Need to have controlled developments – what happened in Fox Creek is out of control in my opinion
- When property is compressed so much and the lots are so little the purchase eventually becomes rental – large neighborhood largely rentals history shows property value around usually drops significantly
- 10,000 square foot lots are a little close – I personally built three developments in Harrisburg and the minimum lots are 12,000 square feet up to 20,000 square feet
- Nightmare that happened with Army Corp of Engineers (the creek) needs oversight – there is a creek on the proposed development – when the creek was screened up the neighborhoods suffered from flood problems on the adjacent properties – needs to be strict oversight and can't do what they want
- Suggest that a separate independent group overlook and bring suggestions because not everyone has time to keep an eye on it
- Not enough of green space being offered – with streets and sidewalks the trees being proposed are five gallon bucket trees and will never bloom to be much because not enough space
- Need to consider more green area
- All for development but lots need to be bigger – creek needs to be looked at thoroughly by Army Corp of Engineers and multiple people – maximizing density is sometimes not the smartest thing for the Town – don't maximize density the price values are higher
- Look at Bethel Glen – beautiful community – lots are in 10,000 square foot and did an all brick community – property values will be higher in an all brick community
- Consider some of these options so a \$200,000 neighborhood does not become rental property
- Plenty of places to develop rental properties – long term will hurt Town and residents because people will want to move to Midland for rental property – long term shows renters do not care for properties
- Put more restrictions and consider what is going on because it is affecting the Town and residents

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- Growth with control if fine – growth without control does not work

Jason Weinstein

- Reside at 3605 Pelham Lane
- Thoughts on preliminary project – planning stages for the property?

Kassie Watts stated this is a conditional rezoning with an associated site plan. If approved, will need to go through preliminary plat and construction reviews. Zoned single family residential now. Option the developer has to get a smaller lot size. Single family residential allows for 11,600 square feet and the lots are about 10,000 square feet the rezoning will allow that.

- His approach is the development that has taken place thus far in Midland, which is very limited - Fox Creek is a great example of what is taking place
- Suppose to have been a buffer and there was no buffer because the buffer was taken down
- Little knowledge about the property being developed as the previous property was clear cut and to be turned into a tree farm – for that to occur trees had to be planted and that would be the agreement
- Every stick of tree on the property was cut, sold (if it is the same property he is thinking of and thinks it is) it is not treed today and was treed previously not more than three or four years ago
- When property was clear cut, he lost the buffer because all the trees back up to his property.
- There is no buffer so there really is no discussion for a buffer for this property because there are no trees
- Like noted that the property has been clear cut and now talking about developing the property
- Confusing from the standpoint of how do you get a permit and approval to clear cut when he has to get approval to cut and put something on his own property.
- Regarding setbacks and the size of the lots, but in addition already seeing a 25' buffer on 50' is what was required and 50' is what was to be seen on Fox Creek
- Drive in on Gelding, past the church, as far as the eye can see because there is not a stick around and don't think that is how we want Midland developed
- Propose a conservation board to join the Planning and Zoning and Town Board
- Proposed he be willing to chair a group but the group would get involved from everything - from the initial project development and be a body who would complete the wetland mitigation study but does not know how it is completed today
- Served previously on a town and county board for conservation. Town was similar to Midland (3,000 people) completely rural farming community which was being pushed on because of growth
- Built a house here, likes and loves Midland and does not want to leave. Moved from Huntersville because of the development

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- Risking life to pull out of neighborhood driveway and does not know how adding another 130 cars without a traffic light – to add that many people is a concern
- Lot size – like space whether give a lot or open space, people come out for a reason – like open space, have a beautiful park, greenways
- Love what the Town is doing with the amenities
- Would like to get more involved – like the effort that has been made – would like to work more on how to develop grown and how to develop around a master plan associated with conserving our outdoor space

Janet Thompson – Zoning

- Lives at 3611 NC Hwy 24/27
- Across the street from where Cedar Creek development it located
- Risk life to check mailbox
- Been almost rear-ended many times turning into driveway coming from Locust
- Owns 44 acres across street which is a tree farm – property backs into Riceland Way and Tucker Chase community (which has not been our friend)
- Concerned about density
- Knows nothing about buffer and scares her
- Her property has a drainage problem and does not know what the wetland thing is
- She is scared to death – she inherited the land from her mother-in-law who has lived here and the property has been in the family for 100s of years
- Would like to see an up-value of the property and not down grade
- Served on a community board in Charlotte (Stonehaven Complex) for three years and build low income housing behind – seen what is happening in Mecklenburg County and does not want it in Midland

Item #6 – Planning, Zoning and Subdivision Reports

a. Zoning Permit Review

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

b. Update on Projects

Allen's Mini-Storage – hope to open beginning of year

Wyndham Forest – continues to build out

Fox Creek – submitted final plat for phase 2 and 3; have bonds for all roads and they are auto renewing and do not expire

Tucker Chase – remains unchanged

Old Bethel School – rumors of realtor on site but no communication

Bethel Park – to be renamed; been through TRC and resubmitted plan and reviewing administratively; working through some stormwater issues

PVG Trucking Company – reviewed site plan with TRC and engineer working on final comments; working with to meet architectural standards

Sealand Corp. – erosion control permit from State; working with their site plan and plan to move building closer to road; submitting full plan for TRC review and approval

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Item #7 – Zoning Text Amendment

- a. **ZTA-2018-07 – Zoning Text Amendment** – “*Tattoo and Body Artist Piercing Parlor*” to Article 8 – Zoning Districts; Article 10 – Uses with Additional Standards and Conditional Uses

Motion by Commissioner Helms and seconded by Commissioner Caddell to table further discussion and have staff to present more options. **Motion carried 7-0.**

Item #8 – Zoning Map Amendment

- a. **ZMA-2018-09 – Zoning Text Amendment** – George Plummer and Blair Kee – 3306, 3410, 3506, & 3608 NC Hwy 24/27 E; Midland, NC 28107, being Cabarrus County PIN#’s 5544-68-7359, 5544-79-3103, 5544-78-6989, & 5544-79-9074.

Motion by Commissioner Hoy and seconded by Commissioner Smith to recommend Town Council designate the subject property as Traditional Neighborhood Development Overlay - Conditional (TNDO - CZ) with the associated conceptual site plan and conditions, to be 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, but lying within the area known as the Midland Service Area, as required by NCGS § 160A-383. This amendment is reasonable because the majority acreage of subject properties are adjacent to existing residential uses and would be an extension of an existing subdivision as shown on the associated concept plan. In addition, the location of the commercial component of the TNDO along the frontage of NC Hwy 24/27 would comply with the FLUP’s vision for commercial development along the major corridor where utilities are currently located and expansions are slated. This amendment will allow the subject property to be used in accordance with the standards of the 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 through the addition of commercial outparcels along NC Hwy 24/27, thus providing opportunities for local jobs for the community. **Motion carried 7-0.**

Chair Page stated Ann Holland had resigned her position on the Planning & Zoning Commission and Board of Adjustment. She was the representative on the TRC. Chair Page designated Commissioner Caddell as the representative to the TRC and Commissioners Helms and Hoy as alternates.

Motion by Commissioner Helms and seconded by Commissioner Carter to cancel the December 2018 monthly meeting. **Motion carried 7-0.**

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Item #9 – Adjournment

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

The meeting was adjourned at 8:21 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board