

Minutes Planning & Zoning Commission
Tuesday, April 26, 2016
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Pam Barger; Ann Holland, Pam Carter, Scott Burroughs, Steve Clark, Michael Aldridge; Hilda Keeney, Planning and Zoning Clerk; Richard Flowe, Planning, Zoning & Subdivision Administrator
Others: Councilman Rich Wise

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 7 PM.

Item #3 - Approval of Agenda – **Motion** was made by Commissioner Holland and seconded by Commissioner Clark to approve the agenda as written. **Motion carried 7-0.**

Item #4 – Approval of Minutes – Open Session 03-22-2016

Motion by Commissioner Holland and seconded by Commissioner Barger to approve open session 03-22-2016 minutes. **Motion carried 7-0.**

Item #5 – Public Comment –

Mary Kressler:

She spoke the last time that Mr. Grimmer wanted to revise some plans. We are the second resident and really the first resident now because the first resident has moved out of Tucker Chase so we are the originals. When we bought our house we were told there would be a pool and it was right where the pool is now, where he placed the sign. That went on for three or four years, we never got the pool. At that point, we were told there would to be 70 homes that would have to be built before we could get a pool. After about four or five years, he met with the three oldest residents that lived there and wanted to up it to 100 homes before we had a pool. So we said okay and he kind enough to reduce our maintenance fees \$100 but the pool will be coming. In the meantime, we are getting new builders, losing builders, getting new builders. The third builder put out a website there would be a pool within a year and a lot of residents that bought homes were told that. A year came and went and there was no pool. So now we are on our fifth builder we have always been told three would be a pool. A one of the homeowners meetings he brought up now there had to be 120 homes. Okay, great. We are still waiting for our pool, we made 20 more homes to get it. The space he has provide for our common space for the pool has always been that size. There has never been a question about adding or dividing anything. What most of the residents want to do, I think most of them in the future is build a clubhouse on one of the lots. We have a picnic that takes up a good lot or more in space when we have our annual picnic. If you put a pool on the lot and parking space, there is all our common space used for our activities not houses. My understanding is the people whose house lives next to the common area do not want a house on either side. One house is angled so it would look 'kinda funny' to put a house on that end and the other end, I don't think would look good either because it would be shoved over. I think what we all would like is to have him leave the common space alone. I understand he wants to put two additional lots back in, that would be fine and would not bother anybody at the front end. At one point he wanted to change the location of our pool which we all bought our homes with that being where the pool was going to be set so that it is

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in the middle of our subdivision with an equal distance to everybody. If he wants more lots, add them to the phase he is adding to now. Don't touch what has been there for 10 years and they come up and say at the last minute I want to put a lot here and a lot there. We waited forever to get our HOA we have not got it yet. He changed it from seven years to 10 years and he will probably change it again, I don't know, that is not the issue. The issue is the common space where the pool is but we have all been told over the years that we are going to get one, people have not paid their dues in protest of not getting a pool. That's the only way they can go back to do something that would make him, hopefully build a pool but it doesn't. I don't think we want that plan for the pool changed. We have enough of activities that we have planned out with the picnic, pool, parking lot and a clubhouse would take up that space and they you have to put borders around for the landscaping.

Mr. Flowe addressed the history on Tucker Chase. Staff met with Mr. Grimmer about 6 years ago and put on paper when the triggers would be and they are getting close to that now. They owe plans to the Town soon and have trigger points. They have to submit their plans for construction of the pool and amenity area and everything else by a certain number of housing permits. They have to get it started with a certain number of housing permits and be finished within a certain number of housing permits. They are close and anticipating the site plan submittal on the pool site hopefully within the next month or two months. Recently we looked with him at a rough sketch or two where he was wrestling with how to orient things, etc. Where we left this this same subject about five or six months ago was when he requested to reduce the size of the common open space where the amenity area was going to be. The concern was let's not reduce it until we know what it is going to take to do a nice amenity area with pool and cabana, etc. We worked with him on that and he brought in sketch after sketch and was roughing it out himself, that's okay to a point but seems like it was taking a long time. We tried to encourage him to get somebody that could nail this down to drawings to scale. It is hard to look at a hand drawn that is not drawn to an accurate scale. We worked with him until we felt we had reached a point where we had to just say no until he gets some kind of detailed drawings in we can't go any further with that. What the exercise did, it showed it should fit in there nicely. He stated he was not advocating for or against him, just letting you know that the pool, the parking that is required to go with a pool of that size with cabana, landscaping and everything else that goes with it will fit on a couple of those lot size areas there. He then wanted to have two lots and we told him we did not want to go into our safety net area until we saw a specific drawing. Then he came back with a couple of days later with another idea to set aside a third lot. It was going to be two lots for the amenity area and a third lot that he was going to donate to the HOA to build whatever they wanted in the future. This is information none of you heard. These are plans we received about two weeks ago and were rejected and said no to creating a lot that sits and waits on somebody to change their mind. Because he agreed changes have been made by the declarant which is the role the developer plays in a land development project until under the planned communities act of North Carolina 75% of the lots are sold to private individuals then they must turn it over to you – state rule. By being the declarant of the HOA, he has done a lot of things you have described. We have done what we can with our role in that we legitimately have. We can't get involved in whether he is doing everything he is

supposed to do for you or that you have in your covenant because some of those things are beyond local government's ability to be involved in. As far as the division of the property, reshaping or re-figuring of the property, that is clearly our role making sure the amenities package is done and done properly and it not so out of scale that it does not serve a neighborhood. We are going to require him to do what he says he is going to do. We have specifics in writing, an agreement between the developer, the Town and the County on the second entrance. The second entrance is not the subject now but questions are asked from time to time with the second entrance will happen. Mr. Flowe "tipped his hat" to Mr. Grimmer for surviving the recession and the aftermath. You don't realize this unless you live in a community that failed. A lot of developers failed but somehow Mr. Grimmer held on and for that I'm going to say you are very fortunate to still have that. There is somebody still on the other end of those agreements and somebody we can hold to the requirements. What is being looked at is his resubmittal that was delivered today. He gave us the one that was rejected two weeks ago by the deadline but told him we were not going to do it as multiple lots, the amenity area is one piece of property. It is smaller than where he tried to put the four lots, he wants to build one extra house in that area and he has the right to submit. This will be taken up during the convening of the TRC later.

Item #6 – Planning, Zoning and Subdivision Reports

a. Zoning Permit Review

Mr. Flowe summarized and answered questions regarding the zoning permits issued March 23 through April 26, 2016. Shortest report ever. Speedway renovations, conditional use permit for non-commercial equestrian facility, one residential house. His summary of the report is it represents the calm before the relatively busy storm. Plans have been approved in the Wyndham Forest, Saddlebrook has sold out, still see activity in Bethel Glen, gearing up for more activity in Tucker Chase over time. Bethel Park has been some turnover in the development team and not sure the schedule.

b. Update on Projects

- Finishing up the Old Midland sewer project – connection on homes, slow down because of an obstacle but got through that. The project is about over. Had left over federal money and Town's match been able to put sewer in about half of the Old Midland area. The Town is required to spend the federal and Town match money. Paved Creek Avenue because sewer had to be laid in the street and doing a hammer head turn around at the end because it was a dead end street with no provisions for emergency vehicles or garbage trucks to be able to maneuver. McCoy Street will be resurfaced.
- Pepsi is relocating. They are consolidating their facilities (Charlotte and Midland facilities) closer to the interstate and Harrisburg. Cabarrus County and the economic development team is pursuing opportunities for the Pepsi facility. The building has strong attributes, has the right ceiling heights and clearances inside to be an ideal location for a targeted specialized

manufacturing. In the Town's efforts to improve the competitiveness of the site, we are addressing the sewer – presently there is an on-site wastewater disposal system (spray field) and we want to get rid of that. We have approached Pepsi and the adjacent property owner, with about 150-160 acres, originally donated to Queens University. Queens University has no need for that property and want to sell the property but to sell it, it needs sewer service to have significant value. In working with Queens University and Pepsi they have agreed to jointly fund a sewer study that is being done in collaboration with the Town but using quasi-money from Queens and private money from Pepsi to conduct the study in concert with the City of Concord who owns and operates the systems in the Midland area and the Water and Sewer Authority of Cabarrus County which is the overall overarching wastewater handling or treatment entity in the region. It is a very inter-agency collective effort to come up with solutions and the target goal is to abandon the pump station located at the head waters of Tucker Branch (near Tractor Supply on 601) and relocate that further downstream along Tucker Branch stream to enable to serve a larger basin within that area. Hopefully, if able to be funded, it would open a lot of opportunities for the Town in the future if it is able to be funded and the goal with the study is to determine cost and determine what would be needed and then determine who the partners might be participating. There are several private development interests that might have an interest. Queens and Pepsi and others in the area can see the benefit of relocating the pump station further down to open up the area along 24/27.

- NC DOT will be addressing replacing one of the bridges over the Rocky River on 24/27 in probably 2022 or 2023. We have been responding to their requests for environmental impact information. Rocky River crossing at Mt. Pleasant Road is nearing completion.

c. Trends

- Hand-out - Trulia report: Charlotte's Among the Top 10 Markets Since Housing Bottom of 2012

Item #7 – Recess for Technical Review Committee Meeting

a. Tucker Chase – Preliminary Plat Review

Mr. Flowe opened the TRC meeting at 7:30 PM – on the drawings he noted the first cloud which shows 15-1 is a revision that was before this body back in 2015 where the original plan had a round-about and the lots with different configuration – discussed those at those times – those have been revised they are still the same as they were revised at that time back in late 2015 – the cloud remains to tract where changes occurred – the amenity area that was subject of conversation last year - met with developer on several occasions and talked on how to configure – proposed amenity area needs to be one site whether there is

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extra space in it or not so control transfers to the HOA all the property transfers as one unit and not smaller lots or portions thereof – on the draft there is a lot 120A they are proposing to add and a 20 foot buffer between that lot and the beginning of any development on the site and up against 119 they are proposing that as well – with this amenity area for the pool, parking and all the stuff we have gone over with the developer – we have only seen sketch plans – the sketch plan process was healthy for them and for staff to determine what would fit and not fit – their next step is to actually submit formal detail drawings to scale that detail every little nuance of the parking lot, ramps, parking space striping, etc.

The second part of the request – noted on the drawing 2016-2 – another part of the second revision – that area has not been developed – looking at trying to get an extra lot in there as part of this proposal as well and my meetings with the developer, this is me just sharing with you my direct conversations with the developer, not me advocating yes or not, up or down – if someone has a question, let's keep it as a question and let's see if we can get the answers – the discussion was of the importance to have sufficient funding to do a nice job with the amenity area – a lot of the earlier conversations, and even their agreement, called for them to spend about \$150,000 which was a number that was just created and that's not much – from what I have experienced with the developer and their goal and based on what we are asking them to do and what would be necessary to put in the right kind of space is more like a \$350,000 pool and amenity area and that is their background or basis for why they were asking for another lot here or there if they could get those – net increase over the original plan approved a long time ago is one lot in the western area, one lot next to the amenity area and one lot in the new area off Kim Court – that is the background – from the technical standpoint they meet the size requirements and all the technical standards but the big issue he felt like the neighborhood is going to be concerned with is whether it is reasonable to reduce what was original amenity area in size and still have the high quality – from a technical standpoint based on study done with the developer drawings, sketches and discussions on numerous occasions, he believed it could be done with room for additional growth in the area – discussion for a building, additional parking but nothing specific because he is not proposing to build the second building or additional parking – something being set aside HOA if they wanted to do some other type of facility – playground, larger parking area for pool, etc. it could be used for those things.

There has been discussion to move things around and the MDO calls for terminating vistas – entering street, drive along at the end of the street that makes a “T” intersection is an ideal location for something with an appeal (i.e., cabana, clubhouse, etc.) with landscaping. This was discussed with Mr. Grimmer to make a more substantial statement and demonstrates the commitment originally made to do something nice for the community. That is the background and where we

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are. This is the follow-up to the original request for revised preliminary plat we received about six months ago. In the meantime, we have been trying to work out the details and staff is taking the information and will work with others that are part of the TRC (i.e. utility) there are not a lot of big set of issues related to this location. Will look at it from a safety standpoint, meet all the codes that apply, landscape parking area, all the normal things you would see in any type of new development under the Town's Ordinances is required there.

Commissioner Holland: presented her concerns regarding the angle of the houses. Coming down the street, want to keep everything pleasing and aesthetically correct with a good flow.

Mr. Flowe: responded using a technical explanation. In the past he has used the positioning of a house on the lot. Some people tend to look at the house on the lot everything lines up but sometimes you have to use proper placement of the house on the lot. We have had to rotate houses a few degrees (a real number and real house) and it works and it is between a row of homes and an amenity area clubhouse.

Mr. Grimmer: originally tried to place the pool on two lots but the depth created a problem in getting it sited. The pool has a 20' buffer between the pool and the house, will be setting 25' from the lot line, and will ask the builder to push it back as far as possible. If a standard house with a two car garage is placed on the lot it works fine and if they place a three car garage house it is going to be deeper and we would recommend they build one of their smaller houses and set it back as far as possible and if necessary and it can be rotated.

Mr. Flowe: Mr. Grimmer do you have architectural control or if he approves before they come to the Town for a zoning permit?

Mr. Grimmer: he did not review the sites but reviewed all the plans and then they come to the Town for final approval.

Mr. Flowe: wonders can be done with the sighting of a house by viewing the aerial photography and see how existing houses are positioned. Site plans are on each of the existing houses and see their dimensional are. Without local architectural control in the HOA, the Town does not have unlimited authority. If the setback is a set number for all homes, that is the number the Town administers to and if the architectural control authority, they can control more than the Town can to ensure the outcome. Don't have a false sense the Town can control everything through zoning. Particularly, in the aftermath of Senate Bill 25 of the 2015 legislative session where the jurisdiction's authority was pulled to have any form of architectural control on single family and two dwellings unless they were in a

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development where the developer asked for a higher level of flexibility in exchange for higher level of design quality. The Town cannot by law any longer require certain things. The Ordinance was updated and some things were removed from the Town's Ordinance and the Town cannot add that as a stipulation.

Mr. Grimmer: there are always trade-offs. Midland prefers streets to go through and does not like cul-de-sacs. Mr. Grimmer stated the arrangement presented was the best they could come up with.

Mr. Flowe: the biggest thing the Town has design control over is the amenity area, landscaping, etc. because it is considered non-residential.

Chair Page asked for the number of units.

Mr. Flowe: everything is going to be 223 lots and if the townhomes are removed it is 163. We have to look at the total from a planning standpoint. That is why there are two entrances and intra-connections, etc. Under the new standards there would not have been two cul-de-sacs and would have probably changed the look in some of these areas. This is working under the old ordinance (grandfathered in) and will be respected through the second phase of the project. Any expansion or other neighborhoods connect in and this neighborhood grows in will be the new development Ordinance that would be followed.

Commissioner Carter: will the clubhouse be near the pool?

Mr. Flowe: there is not a clubhouse proposed at this time. There is a cabana, pool, parking, bathrooms, etc. The clubhouse is something they wanted to have room for should the neighborhood decide to construct in the future. He wanted to make sure there is room if the neighborhood decided otherwise.

Commissioner Barger: what is the width of the lot?

Mr. Grimmer: about 60'.

Commissioner Clark: what would be the impact to the builder if he did not build a house? If he sold a lot to a builder, what impact would it have to the community, financially? How would it impact the pool and clubhouse?

Mr. Grimmer: this lot was before 2008, one lot was worth about \$60,000 now about \$45,000-\$50,000. Another lot for the amenities package will be common open space and not have any restrictions. If at some time the HOA decided not to build and want to sell it, 80% of the homeowners would have to agree to sell a piece of common open space.

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Someone in the audience: he had the original plans for the pool but they were never permitted by the Town so they are not official.

Mr. Grimmer: that was a similar pool the HOA has agreed would be built.

Mr. Flowe: perused the plan with a 2200 square foot pool. They were submitted for the County permitting review and City of Concord utility review apparently.

Chair Page: what is the approximate size of the pool?

Mr. Grimmer: thought it was 125' long x 20' wide.

Mr. Flowe: he would take input from audience but there will not be a vote. The intent is to see the site plan on the pool. We have seen hand drawn plans but now that you say 120' that would not fit on two lots because there are buffers that come off both ends and wants to see what he is talking about. Mr. Flowe has asked for the site plan several times and is going to need to see that we are going to be able to stick with something that is going to be a reasonable size because I do not want to leave a situation behind where HOA to be changed later into a lot so the HOA can sell it and build a house. That is not why we are looking at that site for. We are looking at getting the amenities site to be a permanent common open space. If the HOA does change their mind, they not only have to have their Board vote, it will have to come back to the Town and be re-hashed as another major subdivision review amendment because it will be increasing density in that development and do not think it is a suitable option. Need to decide what you common open space is set it aside, lock it down for the HOA and give the HOA ability to make their own decisions in time when under their local control. He believes that is best interest in keeping the spirit of the ordinance on what the amenity areas are for. They are not there for later on to do something different in terms of selling and making money, they are there for the community's recreational benefit.

Commissioner Clark: if he was just going to build a pool first and a cabana, what about restrooms?

Mr. Grimmer: would include pool, clubhouse, dressing areas, bathrooms, deck furniture, landscaping, parking, fencing, etc.

Question from audience: is there a deadline on when they can stop flip flopping and say we don't get what we want it's the original, we're done?

Mr. Flowe: it does not quite go that way, this is actually how it goes: there is a

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deadline and until a set of plans are submitted to the Town on the amenity area, when that threshold is hit, permits stop. So that is what is controlling that aspect of it and it is not going to flip flop back and just go all the back, this change was made, this change is still on the table for consideration so the option of going all the way back exactly like it was originally is not necessarily a real option. We have already approved this change over here and do not see a problem with the change over here. The only discussion is really been here about this one additional lot next door to the amenity area. That has been the heated discussion.

James Allen: homeowner #120. His house is sitting basically back way back here and is oriented just with this. If you are putting house in this way, whether they are sitting right here and my house is back here, I'm sorry but I'm sitting looking at their back porch and I'm not really exactly excited. This is a 20 foot storm drainage and my car is parked 25 feet from my front porch so you can see my view from my front porch that is where I would be looking at the back of the house. To be honest with you, I have walked this common space plenty enough to know this corner, right there, is within this giant ditch. Back of my house is about 30 feet from that point, so my house is right here looking this way. There is a giant ditch at that corner. That corner is in that giant ditch and back here is the end of the property line back there which is about 30 foot cliff of nothing but granite. I don't think you can add too much back there especially with the water drain off coming from here, this way, and this neighborhood. All converge about right here. So unless you want to cover up that natural habitat with all that drain, I don't see how you are going to do it because you are going to disturb all those drains.

Mr. Grimmer: there is about 90 feet from the right-of-way where the trouble starts and lot is 40' x 60' if you take 20', etc.

Mr. Allen: that corner is right there. Unless you are going to add a half lot into the woods, forest and drain lines, this back wall is nothing but a 20' drop-off. I can see the rocks and can bring you pictures. The wall is there. Like I said, if you are going to add a half lot and cover up 30' of natural habitat over granite.

Mr. Grimmer: we originally tried to put the pool here but it is not deep enough going in there and tearing all this out.

Mr. Allen: you are going to tear down a 160' granite wall?

Mr. Grimmer: it is not a wall, where they poured rock in there and had to be hauled off. This is the big part of the pool, visualize a cliff so the pool house is right there and the pool is here. Then you are looking at the pool house.

Mr. Allen: how big is the lot?

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Mr. Grimmer: about 60'.

Mr. Allen: about 60' and 20' is about 75'. That is roughly 75' from my front porch. That gives you an idea, so somewhere between here, this line there is going to be a whole other house.

Mr. Grimmer: it was designed that way.

Mr. Allen: he specifically chose this lot because they said they were going to put a pool there. My wife is on disability and she has good days and bad days. On good days I picked this lot so we would be next to the pool. That was three years ago. Adding another lot makes it even more difficult.

Mr. Grimmer: I understand but I can't control that.

Mr. Allen: you can control when you got 63 here you don't need one extra lot.

Mr. Grimmer: staff was not interested in that as Mr. Flowe explained. We looked at the possibility of putting it over here, this is the best place for it, it works the best, it has a buffer area on either side, this lot works the best and you have 20' feet between you and the lot line.

Mr. Allen: we talked about how an orientation of a house looks when you come into a neighborhood. The house would look more oriented that way next to this one, perfectly parallel than you come in looking at this house going this way and you got this house going that way. That just looks silly. I'm sorry for common sense but that is it (audio unclear).

Mr. Flowe: I don't want this to digress into an argument because what I'm doing is taking in as information. I'm picking all the good information out of everybody and my inclination is that as we complete our technical review is the Kiln Court area is a very doable modification just like we did over here. This is a very feasible modification. On this one, I'm not prepared to make any final recommendation on this change until we see something that resolves and reconciles these issues. If we have people who have made their financial decisions based on it that is where you test putting in the two lots up there. This parking was not acceptable. If you went over here with one lot and that was pointed out just a moment ago, if you move that lot over there, you say you rather not do the pool down there that would be an option. Instead of shifting 120A to where that location is.

Mr. Grimmer: it would cost the money we gain from one lot because you would have to tear all this out and put a whole bunch of dirt in there. This works

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perfectly and (audio unclear). It works best for anything we have come up with.

Chair Page: Explain the difference in the original plan and the current proposal.

Comment/Question from audience: you have left one lot for the parking. Is that correct? I understand you are using a lot for the parking which will give you 10 parking spaces for a subdivision with 160 homes. That is not enough parking. You need more area for parking. Someone on the committee asked you what would it mean to you to not build this lot? Can you put this lot someplace else in your new phases and use the common space as it was originally intended? With that house angled it is going to be very difficult, the parking, you need a lot more parking than what you are giving. Ten spaces is not enough.

Mr. Flowe: we will be taking up the details on the parking and everything when we get the actual site plan for the pool facility. We have had that same conversation.

Comment/Question from audience: you did not answer that gentleman's question. What would happen if you did not build anything on that space?

Mr. Grimmer: it is budgeted at \$50,000 maybe buy furniture, we don't have to. All that is in the specs for pool area. What I'm trying to get to...

Comment from audience: put the lot somewhere else, you've got land.

Mr. Grimmer: I don't have any more land. I can't make another lot.

Comment from audience: you need a bigger parking area and should leave it like it is like you planned it in the very beginning because of all the rocks and the things we will have to do too to put the clubhouse on. We want it to look nicely (audio unclear).

Mr. Grimmer: if I move it down one lot and put the lot at the other place and you build a clubhouse (audio unclear).

Comment from audience: that is why we don't want you to building anything there.

Mr. Flowe: they want their original amenity area that is clear.

Mr. Grimmer: closed six of the 28 lots today in the back. We need to start the back phase. Can't start that until we are in the position to close some of those lots to have money to build a pool.

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Mr. Flowe: there was nothing in place when I go here. There was an “X” marks the spot and we entered into an agreement to make sure this got built and there was a statement in the agreement that it would be at least \$150,000 that he put in there. We did not ask for that because we had nothing. There was a note that said amenity area. We are not interested in seeing a token. What he is trying to do is generate that extra revenue based on his pro forma.

Mr. Flowe: asked Mr. Grimmer when he can get something to scale so we can test fit these things on this site? A site plan for the pool that meets our standards that we can get to the finish line on.

Mr. Grimmer: plan to have the plans back to Mr. Flowe within less than two weeks.

Mr. Flowe: we are closing in quickly and need to do it at the May meeting because the June meeting is a Board of Adjustment meeting not a Planning & Zoning Commission meeting.

Mr. Grimmer: there has been a lot of thought and work do to this by the Board of Directors to make decisions for the homeowners because you are never going to get 51% of the homeowners to agree. That is why we have CCR and a Board. At some point before we finish this we will be responsible to turn the pool and common open space over to the club. The Board recommends that the planning staff approve the plan like it is. Then we were going to work on the swim club plans.

Mr. Flowe: speculating a lot on the possibilities without something concentrate to look at and that is what I’m asking for.

b. **Jordan Dental – Site Development Plan Review**

The site is a couple of parcels on Hwy. 601 South on the right, behind the Speedway Mart, the Main Street alignment is in this area right here Main Street is shown in our master plans on this side, this side does not have any thing shown only other than sketch work and that we did and that is why is says possible future Main Street right-of-way everything is sent up so this is basically a corner lot. The building elevations have a very nice look to them not just toward the parking area and 601 but also the future Main Street when that happens in that area. There are two things I want to go over with you so you will know the status of it. We just got the plans over past few weeks we have had some final touches to get from the engineer on storm water calculations. The Town engineer was working on that since yesterday and as 5 PM today I do not have the end result of calculation pack and all they have to do on the storm water part because we are a

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Phase 2 Storm Water Community under NC's EPA mandates. Introduced the contractor and engineer, the other thing we did is something we mention in our meeting before is the sidewalk and a couple ways that could go just in or just out of this right-of-way, you have the possible future right-of-way and the existing right-of-way, it can go somewhere in that area. If it does go outside the right-of-way, it does have to have an easement for public access and we need to factor that sidewalk in the citations, will be on the comments, and the storm water, hopefully, everything smooth. Did not find anything else in the technical review but going to give you a little more information so the TRC can see everything. To walk you through, the actual edge of the pavement is out here this little solid line here, what will happen there will be curb and gutter that comes out and stops before the road, do not want it going all the way to the road, we want it to stop before the road and pavement out to the road and not sure that 1:1 is going to work on one side but works fine on the other side. This is where we have had problems in the past, in a subdivision they have not run the tape route far enough and end up potholing where the new pavement matches with the old pavement. We want to make sure for vehicles turning it is going to be a little close so we may need to go a little more than 1:1 because you end up with a too sharp of a point there and that ends up unraveling without traffic on it. It is a delicate balance and it might need to be brought down a little further, I'm looking off this radius. When you come out of the radius, are you using auto turn by chance (auto turn was used) you may need to look at that because tying new curb and gutter into the ribbon paved highways (it is the back right rear tire dropping) when coming out and creating potholes where these come together. That is the only thing that we have come up with. Architectural style proposed was shown and meets all the administration articulation standards for non-residential development. Looking at the big picture as Main Street goes by someday, the property is an odd shape and hopefully they will have room to create additional buildings in the future that might front on Main Street. The entrance off 601 has to deal with some realities. The fact that Main Street is not there but 601 is but we want it far enough away so that it is not crowded at the intersection and so it's a lot of nuances. Have worked with them to do some value engineering and helped them to reduce some of their paving. Property owner plans to close the loan the end of May and start construction in June. The engineering plans are in plan review stage with Cabarrus County.

Anticipate issuing approved as noted, can deal with the sidewalk being added as a field change rather than waiting for the drawings to come in. They will be marked up so the recorded copies and TRC's copies are the same.

Mr. Flowe adjourned the TRC meeting at 8:35 PM.

Item #8 – Reconvene Planning & Zoning Commission Meeting

Minutes Planning & Zoning Commission
Tuesday, April 26, 2016
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Reconvened the P&ZC meeting at 8:36 PM.

Item #9 – Zoning Text Amendment Recommendation – Warehouse Use Permitted with Additional Standards in C 24/27 and C 601 Districts

Mr. Flowe stated a demand for higher quality self-storage facilities. Under the MDO self-storage facilities are limited to industrial areas. Staff has been approached doing high-end facilities on 24/27. Staff drafted an amendment for discussion to be added as Section 10.1-35 to the MDO. This would add self-storage warehouses to the C24/27 and C601 districts with added standards: conform to the highway building standards; exempt a few things because of the nature of these buildings not being all about people, they do have to have lots of access (lots of doors, etc.); heavy duty screening specific to site, exterior lighting; and fence and wall standards.

Motion by Commissioner Aldridge and seconded by Commissioner Carter to recommend to Town Council under Ordinance Number 05-2016-(T)(A) as drafted and amend Part 2, Subsection B replace OR with AND adopt on Part 3 consistency statement: The Town Council finds that text amendments to the Town of Midland Development Ordinance contained herein are consistent with Town Plan 2030 Land Use and Comprehensive Master Plan, Revision 2, adopted October 8, 2013 and amended March 8, 2015 as required by NCGS 160A-383. The 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 7-0.**

Item #10 – Town Plan 2030 Future Land Use Map Update – Discussion of Revisions to Non-Residential Growth Areas

Queens University has requested for the Town to consider having some commercial zoning adjacent to the Pepsi site on 24/27 at the same depth as the Pepsi site and across the front of the property. Currently, some of the property is inside the Town limits and some is outside the Town limits. The Town has received an annexation petition to bring in the remainder of their 160+ acres into the Town limits.

There are a couple of other areas we have discussed modification with the County in cooperation with their economic development initiatives. Industrial is stopped against Whitley Road across from Corning but on the opposite side of Whitley Road. So we have two corners at the intersection of Whitley Road one corner is zoned industrial and the other is not. The conversation with the economic development team is to go back as far as Whitley Road but to add what has been referred to as the Love property to the industrial land use. It is out of our Town limits but in the Town's service area. Cabarrus County staff has asked the Town to look at the area as well because if the Town makes a couple of updates to the land use plan, they want to adopt the Town's plan.

The other area the County has the Town to look into is located 24/27 near the County line there are several industrial grade businesses.

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Item #13 – Adjournment

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

The meeting was adjourned at 9:10 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board