

Minutes Planning & Zoning Commission
Tuesday, August 25, 2015
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Vice Chair Ann Holland; Commissioners Pam Barger, Mary Little; Planning and Zoning Clerk to the Board Hilda Keeney; Planning, Zoning & Subdivision Administrator, Richard Flowe; Assistant Planning, Zoning & Subdivision Administrator Jason Earliwine

Absent: Commissioner Pam Carter

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 7:05 PM.

Item #3 – Approval of Agenda

Motion was made by Commissioner Little and seconded by Vice Chair Holland to approve the agenda. **Motion carried 4-0.**

Item #4 – Approval of Minutes – Open Session 07-28-2015

Motion by Commissioner Barger and seconded by Vice Chair Holland to approve open session 07-28-2015 minutes. **Motion carried 4-0.**

Item #5 – Public Comment - No comments were forthcoming.

Item #6 – Planning, Zoning and Subdivision Reports

a. Zoning Permit Review

Mr. Flowe summarized and answered questions regarding the permits issued since the July meeting.

b. Regional Trends

*Metro Charlotte sees dip in unemployment (Charlotte Business Journal - April 8, 2015)

*Charlotte area home sales increase 20% in March (Charlotte Observer - April 8, 2015)

*Cabarrus County made the list of top 10 North Carolina counties bringing the most investments in county

*Money Magazine (September 2015) 50 best places to live in America – number one is the Town of Apex, NC - caption of the top five - what put its on the map (housing prices, population; unemployment rates):

Apex, North Carolina - high tech and high paying jobs scene of Silicon Valley with a small town southern vibe all in one affordable package

Papillion, Nebraska – revitalized downtown to match the strong job market with a major bang for the housing buck

Sharon, Massachusetts – diverse population drawn by excellent schools and prime location between three job hubs

Louisville, Colorado – commitment to smart growth that keeps the Rocky Mountain magnet from encroaching on the great outdoors

Snoqualmine, Washington – amenities of a newer community with a

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sole of a old northwest logging town

*Charlotte Observer - home|design (August 22, 2015) – a community in Charlotte known as Cherry was an older neighborhood and predominately lower income – concern with the neighborhood being affected by new development moving in and long time residents were concerned

Item #7 – Review - MDO Article 17 Draft Edits Per US Supreme Court Decision

Mr. Flowe introduced the US Supreme Court case what drove it and what it means for the Town and all municipalities in United States that regulate signage. Review Article 17 (Town's sign ordinance regulation) and review Article 3 which has a few definitions. By the September P&ZC meeting we need to set a goal of trying to have a recommended draft later this year, preferably at the September meeting, if possible.

Zoning ordinances traditionally have all had few similarities (in the bones of an ordinance):

- **severability clause** – if a court (i.e. Supreme Court) finds any provision of an ordinance to be unconstitutional or invalid that the remainder of the ordinance remains intact and only provisions that are affected by the constitutional ruling are dismissed. The MDO does contain language that the Supreme Court ruling has now reversed and because of the severability clause does not invalidate the whole MDO – only those portions that are in conflict with that ruling
- **conflicting provisions** – two conflicting standards in the ordinance the more stringent shall apply

The Supreme Court case (Reed vs. Town of Gilbert (Airzona)) was about a sign that was posted that said what it said and a group representing Reed was concerned that other provisions in the ordinance treated other signs differently. The ruling in Reed vs. Town of Gilbert basically says that any ordinance that determines, or sets an applicable rule or regulation, based upon the message or anything that is ascertained from the message. Can't use the message to define the sign. Consideration to start classifying the temporary sign the same as permanent signs. Use the design of the sign and the use of the zoning district to break up it up a little. May have different rule for a temporary sign in a residential area than may have in a commercial area.

Mr. Flowe reviewed Article 17 with suggested amendments and a PDF will be emailed to the Commission members and to send any comments or suggestions to Mr. Flowe for further discussion at the September meeting.

Item #8 – Review – MDO Article 16 & Discuss North Carolina HB721

Mr. Flowe stated most of HB721 was moderated by the House and Senate and the Governor signed it. The final version is considerably less concerning. The language it contains now will have a minor affect on the Town. Land development is taking several acres and converting the land into multiple lots but streets, roads and pipes for residential or commercial use. Land development is preparing the land for the actual vertical construction.

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Mr. Flowe gave a history of land development planning.

The final version of HB721 is 125% of the cost of the outstanding improvements which the Town can live with if limiting the scope (i.e. no releases along the way). When we accept a financial guarantee within the perimeters of the updated law, the Town holds the full amount until all the work is completed.

A draft of Article 16 has not been completed and should have only minor amendments. Staff will submit the amended Article 16 at to the Commissioners at the P&ZC September meeting.

Item #9 – Adjournment

Motion was made by Commissioner Little and seconded by Vice Chair Holland to adjourn the meeting. **Motion carried 4-0.**

The meeting was adjourned at 9 PM.

Darrell Page, Chair Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board