

Minutes Planning & Zoning Commission
Tuesday, August 23, 2016
7:00 PM Midland Town Hall
4293-B Hwy. 24/27E
Midland, NC 28107

Attendance: Chair Darrell Page; Commissioners: Ann Holland, Scott Burroughs, Steve Clark, Pam Barger, Pam Carter,; Hilda Keeney, Planning and Zoning Clerk; Kassie Watts, Town Planner; Richard McMillian, Town Engineer; Doug Paris, Town Manager
Absent: Commissioner Michael Aldridge

Item #1 – Invocation & Pledge of Allegiance

Item #2 – Open – Chair Page called the meeting to order at 7:02 PM.

Item #3 – Approval of Agenda – Motion was made by Commissioner Barger and seconded by Commissioner Carter to approve the agenda as written. **Motion carried 6-0.**

Item #4 – Approval of Minutes – Open Session 06-28-2016
Motion by Commissioner Holland and seconded by Commissioner Carter to approve open session 06-28-2016 minutes. **Motion carried 6-0.**

Item #5 – Public Comment – no comments forthcoming.

Item #6 – Planning, Zoning and Subdivision Reports

a. **Zoning Permit Review**

Ms. Watts summarized and answered questions regarding the zoning permits issued since the July 1, 2016 P&ZC meeting.

Update on Projects

- Jordan Dental – preconstruction meeting was held and construction is underway.
- Saddlebrook Phase 2 – grading and clearing. Removed some trees behind some of the homes Clydesdale Court. Some homeowners were upset however the property was not common open space, it was future development for a B&P. Worked with Carolina Development who is the developer and True Homes to come up with plans to do replanting and have offered to plant opaque evergreen buffer.
- Tucker Chase – received last permit on August 2. Mr. Grimmer’s engineer did re-submit a proposal for the Hwy. 601 turn lane. The Town’s engineer is currently reviewing and also submitted a proposal to cut two (2) more lots out of amenities center. Staff is working with the Mr. Grimmer to get the amenities center constructed, roads in shape and turn lane installed.
- Banks Massey – met with Brian Turner. A concept plan was submitted as to the location of roads and how the lots will fit. Staff reviewed the proposal and sent preliminary comments.
- Allen Storage – have not submitted an official plan but submitted conceptual

- plans but still in negotiations to obtain the property.
- Wyndham Estates – have not heard and update on start date. Have received general questions. Had several inquiries regarding re-zoning large parcels and the requests are for zoning designations that do not comply with the Land Use Plan. Staff would like to do a quick overview of what the Land Use Plan states. Giving the Commissioners an idea of what will be taking place in next couple of months regarding requests and proposals. Modifying the Land Use Plan occasionally, we don't want individuals coming before the Commission asking for a Land Use amendment just to get a re-zoning. We are receiving more requests and need to look at the Plan again. How the Town deems development, how the Council wants to develop, the P&ZC needs to agree on the Plan remaining the same or make adjustments.
- Received an annexation petition for the property adjacent to the multi-modal area. Owned by William Purser and looking to annex into the Town and to re-zone to industrial.

Item #7 – Land Use Plan Review Training

- Overview of existing land use plan
- Property owner rights
- Land use planning not an exact science
- Have public input sessions before adopting a plan
- Be pro-active rather than re-active
- Constitutional references how the Town has the power to do zoning and planning functions
- 1st Amendment – speech, religion, assembly, press, petition
- 5th Amendment – taking - make practical use of property and zoning is not considered a taking
- 10th Amendment – gives undelegated powers to the states and enabling legislation to local governments
- 14th Amendment – due process, fair procedure, equal protection
- Land Use Implementation and Strategy Plans
 - Purpose
 - to provide action plan for development related goals and policies of the Town
 - Provide a transition between Land Use Plan, codified Ordinances and other implementation tools
 - Provide pattern of location and future characteristics for future development
 - Allow Town to update goals on regular and as needed bases – Land Use Plan indicates the P&ZC needs to review yearly
 - Planning Processes and Products
 - Process: collaborative work with interested public to define issues, goals and objectives
 - Product: identifies activities and foreseeable developments that are allowed, restricted or excluded for all or part of the area

- Decisions based on desired future conditions
- Basic elements of a comprehensive land use plan are in the Town's plan – goals and objectives, land use, community facilities, transportation, housing, parks and recreation, historic preservation, urban design, economic development, environment, natural hazards and guidelines to implement the Plan
- MDO describes the relationship to Land Use and Comprehensive Master Plan as: “The administration, enforcement, and amendment of the Midland Development Ordinance shall be carried out consistently with plans and documents comprising the “Midland Land Use Plan”, adopted May 11, 2010, including subsequent amendments, and the “Town Plan 2030 – Land Use and Comprehensive Master Plan – Revision I”, adopted August 9, 2011 including subsequent amendments adopted by the Town Council of the Town of Midland. New planning documents or small area plans adopted by the Town Council are automatically incorporated into this Ordinance.”
- GS 160A-383 – Purposes in View
 - Zoning regulations shall be made in accordance with a comprehensive plan.
 - The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.
- Town Plan 2030 – land Use Plan Objective
 - “To improve the quality of life of the citizens of Midland by encouraging responsible growth management decisions, protecting the small town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy.”
- Guiding Principles of MDO as stated in the “Midland Land Use Plan”
 - Ensure that Midland's development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development;
 - Improve the effectiveness of Town government and achieve greater autonomy through the fostering of greater coordination among Town officials, governing boards, and citizens on development decisions;
 - Enhance existing Town services and add new services and programs to allow for future development in designated areas and to ensure that all citizens have access to essential services;
 - Encourage the establishment of a Town tourism program and coordinate with local tourist attractions to create a regional tourism destination center;
 - Develop new recreational and cultural facilities, programs, and events that accommodate a variety of uses and appeal to both Town residents and visitors; and,
 - Preserve and protect areas of historic significance and natural countryside throughout the Midland area.
- Land Use Theory
 - Urban Core-Intense Office & Retail & Very High Density Residential
 - Industrial/Manufacturing

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- Medium Density Residential
- Low Density Residential
- Agricultural/Open Space
- Land Use Classifications
 - Agricultural
 - Neighborhood
 - Residential Uses (single family detached, two-family (duplex), multi-family (apartments condos, townhomes))
 - Commercial Destination Center
 - Neighborhood Commercial Center (retail, office, service, institutional (private))
 - Industrial (light and heavy manufacturing, wholesale, distribution, resource extraction)
 - Civic (churches and places of worship, schools, government and other public buildings, non-profit organizations)
 - Parks (Town Plan 2030 includes parks as its own land use classification, therefore the Land Use Plan has six basic categories)
- Amendments to Development Ordinance and Zoning Map
 - *“The Midland Town Council may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160A-384. Such amendments shall be evaluated for compliance with the “Town Plan 2030 – Land Use and Comprehensive Master Plan – Revision I”, adopted August 9, 2011 and other applicable adopted plans and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the Town Council, after recommendation from the Planning and Zoning Commission.”*

Item #8 – Adjournment

Motion was made by Commissioner Carter and seconded by Commissioner Barger to adjourn the meeting. **Motion carried 6-0.**

The meeting was adjourned at 7:58 PM.

Darrell Page, Chair, Midland Planning & Zoning Commission

Hilda Keeney, Planning & Zoning Commission Clerk to the Board