



**TOWN OF MIDWAY
PLANNING & ZONING BOARD MINUTES
TUESDAY, JUNE 28, 2016**

**MINUTES OF MIDWAY PLANNING & ZONING BOARD MEETING HELD ON TUESDAY,
JUNE 28, 2016 AT 5:00 P.M. AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY,
NORTH CAROLINA**

CALL TO ORDER

Chairman Charles Waddell called the meeting to order.

Planning & Zoning Board members present were: Charles Waddell, LeeAnn Thomas, Carl Tuttle, and James W. Smith. Absent: Jamie Hester. Alternate: Vacant.

Town Planner Erin Burris, Interim Town Manager Gary Looper and Town Clerk Linda Hunt were present.

APPROVAL OF MINUTES

On motion by Board member Carl Tuttle seconded by Board member James Wayne Smith, the Board voted unanimously to approve the May 31, 2016 minutes as presented.

ADOPT AGENDA

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the Board voted unanimously to adopt the agenda as presented.

PUBLIC COMMENT PERIOD

Ms. Gitana Marlow, who resides on Bobby Willard Road, addressed the Planning Board regarding her complaints regarding properties located at 146, 156 and 210 Bobby Willard Road, stating that she had first spoken with the former Town Manager and the horrendous conditions nearly three years ago; however, the conditions of the properties have not improved but only gotten worse. The properties have been abandoned and all three are extremely overgrown and junk in the yards. In addition, the mobile homes located on the properties appear to be unsafe as well. The taxes on the properties have not been paid in years. Ms. Marlow urged the Planning Board to work toward getting this matter resolved as quickly as possible.

Interim Town Manager Gary Looper advised Ms. Marlow that notices of violations and civil citations had been issued on each of the properties and that the former Town Manager had contacted the Town Attorney and the Davidson County Inspection Department regarding the issues. Mr. Looper added that Davidson County would be responsible for foreclosing on the property for back taxes. Mr. Looper assured Ms. Marlow that the process has been restarted. If the Town gets no response, the matter will be turned over to the Town Attorney and the Town will push as far as possible to remedy the situation. He noted that it would take up to a month or so to get the weeds taken down and to rid the dilapidated structures on the properties could take 3, 6, 9 months or so.

Planning Board Chairman Charles Waddell thanked Ms. Marlow for her comments and encouraged her to speak to Town Council about her concerns.

PLANNING BOARD CASES

SUB-2016-02 – SWICEGOOD PLAT – MINOR SUBDIVISION

Town Planner Erin Burris reported that Trey Swicegood has requested the subdivision of 3.859 acres out of a larger 25+/- acre tract for the property located on North Payne Road, identified by Davidson County Parcel Number 6831-01-05-3218.

Staff has reviewed the plat and the newly created lots meet all the minimum requirements of the Town of Midway Subdivision and Zoning Ordinances. Pending revision of the plat to meet the following requirement of the Subdivision Ordinance, staff recommends approval:

1. Show setbacks in table form and on lots: Front 30', Side 10', Side Street 15', Rear 20'.

Ms. Burris asked Surveyor Brad Coe to draw a vicinity map on plat as well.

On motion by Board member James Wayne Smith, seconded by Board member LeeAnn Thomas, the Board voted unanimously to recommend approval of the Swicegood Subdivision Plat, pending revision of the plat to meet the following requirement of the Subdivision Ordinance:

1. Show setbacks in table form and on lots: Front 30', Side 10', Side Street 15', Rear 20'.
2. Add vicinity map on plat.

PLANNING BOARD TRAINING

Town Planner Kassie Watts gave the following PowerPoint presentation on the Midway Zoning Ordinance as the second part of a series of Planning Board training:

Midway Zoning Ordinance

- Article 1 – General Provisions
 - Authority
 - Intent
 - Applicability
- Article 2 – Establishment of Zoning Districts and Map
 - Interpretation of District Boundaries

Midway Zoning Ordinance

Article 3 – Establishment of Use Regulations and Schedules

- RA-1, RA-2, RA-3 – Rural Agricultural Districts
- RS- Low Density Residential District
- RM-1 – Medium Density Residential District
- RM-2 – High Density Residential District
- RC – Rural Commercial District

Midway Zoning Ordinance

Article 3 – Establishment of Use Regulations and Schedules

- CS- Community Shopping District
- O/I – Office and Institutional District
- HC – Highway Commercial District
- LI – Limited Industrial District
- HI – Heavy Industrial District

Midway Zoning Ordinance

- Section 3-3 – Conditional Use Districts

Purpose of Conditional Use Districts. If the regulations and restrictions of a zoning district permitting a proposed use are inadequate to ensure the compatibility of the proposed development with the immediately surrounding neighborhood in accordance with the principles of this ordinance and applicable adopted plans, the property owner may apply for rezoning to a conditional use district bearing the same designation as a standard zoning district but subject to additional conditions.

Midway Zoning Ordinance

- Section 3-4 – Overlay Districts

Overlay Districts are established to impose additional development regulations for a unique area without changing the underlying base zoning of property within the area.. Regulations established by an Overlay District supersede the regulations of the base zoning district or other general development regulations when the Overlay District regulations are more stringent. Otherwise, where the regulations of the underlying base zoning district are more stringent, or an issue is not addressed by the Overlay District, the base zoning or general development requirement applies.

Midway Zoning Ordinance

- Article 4 – Area, Height and Placement Regulations

Regulations governing the required minimum lot size, minimum lot width, required front, side and rear setbacks, maximum bldg. height and maximum lot coverage for each of the general districts shall be shown in the Table located at the end of Article 4.

Midway Zoning Ordinance

- Article 5 – Planned Development Districts

- General Description
- Definition
- Relationships to other Zoning & Subdivision Regulations
- Where and How Permitted
- PD Amendment Procedures/Administrative Actions
- Planned Development/Specialized Districts

Midway Zoning Ordinance

- Article 6 – Special Uses
 - Two classes of Special Uses
 1. Class A – Approved or Disapproved by TC
 2. Class B – Approved or Disapproved by BOA
 - Application Procedure
 - Action on Application
 - Minor Changes and Modifications of Plan
 - Construction

Midway Zoning Ordinance

- Article 7 – Signs
 - Those subject to control vs. those not subject
 - Traffic Safety Precautions
 - Restrictions on Illumination, Banners, Streamers, Flashing Lights
 - Prohibited Locations
 - Temporary Signs
 - Permitted Signs (Size and Number)

Midway Zoning Ordinance

- Article 8 – Off-Street Parking and Loading
 - Off-Street Parking and Loading Required
 - Joint Parking Facilities
 - Off-Street Parking Design Standards/Requirements
 - Off-Street Loading and Unloading Requirements

Midway Zoning Ordinance

- Article 9 – Non-Conformities – intent is to require cessation of certain non-conformities, to permit others to continue until they are removed or cease, but not to encourage survival.
 - Definitions
 - Non-conforming lots of record
 - Non-conforming uses of land
 - Non-conforming uses of structures
 - Non-conforming signs
 - Non-conforming structures
 - Repairs and Maintenance

Midway Zoning Ordinance

- Article 10 – Board of Adjustment
 - Establishment
 - Powers of Board
 - BOA Administration
 - Quorum and Vote Required
 - Granting Variances – Must comply with NCGS
 - Application of Special Use Power
 - Application of Interpretation Power
 - Appeal Stays Further Proceedings
 - Exceptions to Stay of Action
 - Appeals of BOA Actions

Midway Zoning Ordinance

- Article 11 – Amendments
 - Amendment Initiation
 - Procedure for Amendment
 - Referral to Planning Board
 - Public Hearing and Notice
 - Receipt of Applications and Public Hearing by TC

Midway Zoning Ordinance

- Article 12 – Administration
 - Duties of Zoning Administrator
 - Power and Limitations of Zoning Administrator
 - Zoning Compliance Permit Required/Applications
 - Certificates of Occupancy
 - Health Department Approval
 - Fees
 - Administration and Enforcement of Performance Standards

Midway Zoning Ordinance

- Article 13 – Violations and Penalties
 - Violations
 - Penalties
 - Remedies

Midway Zoning Ordinance

- Article 13 – Violations and Penalties
 - Violations
 - Penalties
 - Remedies
- Article 14 – Definitions
- Article 15 – Vested Rights
 - Establishment
 - Termination

Midway Zoning Ordinance

- Article 16 – Legal Status Provisions and Effective Date
 - Severability
 - Conflict with Other Laws
 - Effective Date

Midway Zoning Ordinance

- Article 17 – Core Commercial Overlay District
 - Development of Approval Procedures
 - Site Layout/Development Patterns
 - Relationship to Surrounding Development
 - Vehicular and Pedestrian Access and Circulation
 - Parking
 - Landscaping and Screening
 - Architectural Guidelines
 - Lighting
 - Signage
 - Underground Utilities
 - Use Restrictions

OTHER BUSINESS

There were none.

REPORTS

JANUARY – MAY 2016 REPORTS

A. ZONING & SIGN PERMIT ACTIVITY

Permit #	Date	PIN	Add. #	Street Name	Permit Description	Applicant
S-2016-01	1/13/2016	6830-02-78-9887	189	Hickory Tree Road	Existing multi-tenant freestanding sign panel addition	Burton Sign Works
Z-2016-01	1/14/2016	6831-04-70-5035	11141	Old US Highway 52	Interior Upfit of Suite 6-Bakery and coffee shop in existing retail space	Zeno Marshall, Jr.
Z-2016-02	02/09/2016	6841-02-55-265	250	N. Lee St.	Installation of in-ground pool	Alvin Linville
Z-2016-03	4/19/2016	6830-04-62-0134	323	Midbrook Run	Detached Garage (3 bays)	Ashley Hilchey
Z-2016-04	05/15/2016	6831-03-42-3298	120	Steelman Lane (at corner of Hickory Tree Road)	Construction of Single Family Residence	James Thomas
Z-2016-05	05/31/2016	6841-04-63-1726	340	Dixie Club Road	12' x 32' Pool House	Mike Phillips

Z-2016-06	05/31/2016	6842-04-81-1672	147	N. Cedar Drive	16' x 20' Rear Deck Addition	Amy Smith
Z-2016-07	06/07/2016	6841-01-29-3470	266	Hayes Road	Replacement of MH with newer MH	James Lamando Pearson
Z-2016-08	06/14/2016	6830-02-79-8984	11157	Old US Hwy 52	2,200 sq. ft. two bay car wash	Mike Phillips
Z-2016-09	06/21/2016	6841-01-29-3126	230	Hayes Road	10' x 20' Accessory Structure	Terry Boner
Z-2016-10	06/21/2016	6841-03-14-5412	1078	Gumtree Road	Faith Church Interior Upfit	Thomas General Constructors, LLC

B. CODE ENFORCEMENT VIOLATIONS

Case Number	Date Issued	Address	Violation	Action	Status
V-2015-03 & 07	2-23-2015 & 4-30-15 & 9-23-15	376 Midbrook Run	Unscreened outdoor storage, junk vehicle, possible unsafe structure	Citation	Partially Abated
V-2015-04	3-2-15 & 10-1-15	145 Woodfield Drive	Junk vehicles	Citation	Partially Abated
V-2015-06	4-21-15 & 5-19-15	201 Paint Horse Trail	Unpermitted carport over property line	Notice of Violation & Civil Citation	Car port moved, need permit
V-2015-08	4-30-15	154 Livengood Drive	Unscreened outdoor storage, debris	Notice of Violation	Partially Abated
V-2015-09	4-30-15	175 Baxter Drive	Possible illegal business, junk vehicles, outdoor storage, unpermitted accessory structure	Notice of Violation	Partially Abated
V-2015-11	4-30-15	261 Baxter Drive	Possible illegal business, outdoor storage, junk vehicles	Notice of Violation	Partially Abated
V-2015-12	5-12-15 & 7-28-15	156 Bobby Willard Road	Noxious growth, debris, possible unsafe structure	Notice of Violation, Civil Citation	No Action, Attorney Contacted, Davidson Co. Inspections contacted
V-2015-13	5-12-15 & 7-	146 Bobby	Noxious growth, debris, possible unsafe	Notice of	No Action, Davidson Co.

	28-15	Willard Road	structure	Violation, Civil Citation	Inspections contacted
V-2015-14	5-12-15 & 7-28-15	210 Bobby Willard Road	Noxious growth	Notice of Violation, Civil Citation	No Action, Notice Returned
V-2015-16	5-19-15 & 7-14-15 & 9-23-15	7990 Old Lexington Road	Unscreened outdoor storage, junk vehicles, noxious growth	Citation	No Action
V-2015-19	7-14-15 & 9-23-15	155 Lee Street	Unscreened outdoor storage, high grass	Citation	No action
V-2015-22	9-29-15?	175 Lori Lane	High grass, possible unsafe structure	Notice of Violation	No action
V-2015-23	9-29-15?	450 Lori Lane	Junk vehicles	Notice of Violation	No action
V-2015-24	9-29-15?	544 Lori Lane	Possible unsafe structure	Notice of Violation	No action
V-2015-25	9-29-15?	269 Lori Lane	Possible addition without permit	Notice of Violation	No action
V-2016-01	3-16-2016	298 Eastwood Drive	Littering, Noxious Growth and Unpermitted Junkyards	Notice of Violation – Upon further investigation, violation shall be sent to nearby property owner	Pending-Ongoing
V-2016-02	3-16-2016	143 Sinkland Drive	Noxious Growth	Notice of Violation – Met with both property owners involved. Still working through drainage issue.	Pending-Ongoing Partially Abated
V-2016-03	06-22-2016	1847 Hickory	Operating illegal	Notice of	Pending -

		Tree Road	business	Violation	Ongoing
V-2016-04	06-22-2016	10693 Old US Hwy 52	Operating Lawnmower Business – Outdoor Storage	Notice of Violation	Pending - Ongoing
V-2016-05	06-22-2016	196 Tro-tod Drive	Outdoor Storage	Notice of Violation	Pending - Ongoing
V-2016-06	06-22-2016	12387 Old US Hwy 52	Overgrown Grass	Notice of Violation	Pending - Ongoing
V-2016-07	06-22-2016	1845 Gumtree Road	Overgrown Grass	Notice of Violation	Pending - Ongoing
V-2016-08	06-22-2016	175 Gardner Court	Overgrown Grass and bushes, Trees down	Notice of Violation	Pending - Ongoing
V-2016-09	06-22-2016	213 Spry Road	Overgrown Grass	Notice of Violation	Pending - Ongoing

ADJOURNMENT

On motion by Board member LeeAnn Thomas, seconded by Board member Carl Tuttle, the Board voted unanimously to adjourn the meeting at 5:57 p.m.

Charles Waddell, Chairperson

Linda A. Hunt, Town Clerk