

**TOWN OF MIDWAY
PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT
MINUTES
OCTOBER 25, 2011 – 5:00 P.M.**

CALL TO ORDER

Planning and Zoning Board Chairman Lynn Griggs called the meeting to order.

Planning and Zoning Board members present were: Lynn Griggs, Sue Stephens, LeeAnn Thomas, and Charles Waddell. Absent: Jackie Edwards. Town Administrator Ryan Ross, Town Clerk Linda Hunt, and Planning and Zoning Consultant Vagn Hansen of Benchmark CMR, Inc. were present.

PUBLIC COMMENT

There were none.

APPROVAL OF MINUTES

On motion by Board member Sue Stephens, seconded by Board member LeeAnn Thomas, the Board voted unanimously to approve the minutes of the September 27, 2011 meeting as presented.

ADOPT AGENDA

On motion by Board member Sue Stephens, seconded by Board member Charles Waddell, the Board voted unanimously to adopt the agenda as presented.

PLANNING BOARD CASES

There were none.

OTHER BUSINESS

DISCUSSION – FIRST DRAFT OF ARTICLES 1-5 OF PROPOSED TOWN OF MIDWAY LAND USE AND DEVELOPMENT

Planning Consultant Vagn Hansen stated he hoped the Board members has had sufficient time to review the first draft of Articles 1-5 of the proposed Town of Midway Land Use and Development Ordinance that was presented at the September 27, 2011 Planning Board meeting. Mr. Hansen asked if the Board had any questions or comments about the articles.

Board member Sue Stephens asked for clarification of portions of the following sections:

Article 3 – Review and Approval Procedures

- Section 3.1 Common Review Procedures
 - 3.1.13 Changes to Applications
 - (C) Changes in Proposed Conditions of Approval

- Section 3.2 Standards, Procedures and Requirements for Development Applications
 - 3.2.3 Conditional Zoning District Classification
 - (C) Conditions
 - 3.2.4 Special Use Permit

Mr. Hansen explained the difference between a special use permit and variance as follows:

- Special Use Permit – Permit is usually good for two years but may be extended to five years.
- Variance – Examples: odd shaped residential lot, zoning with setback lines
Board of Adjustment could allow variance

Board member Sue Stephens asked Mr. Hansen to define a Board of Arbitration. Mr. Hansen responded that the Board of Arbitration is like a jury. It is a panel of impartial persons appointed to resolve a dispute. There are generally three arbitrators, but there may be up to five. Parties in arbitration agree to allow the decision of the Board of Arbitration to be binding and to forego the right to an appeal.

Chairman Griggs asked about the store fronts of Dollar General stores, noting the difference of materials used on the exterior of the stores. Mr. Hansen stated the stores are 70% brick which meet the requirements and noted that the Planning Board would not be able to change those requirements.

Mr. Hansen told the Board that if everyone is okay with Articles 1-5, he will move forward with the remaining articles for the Land Use and Development Ordinance.

Board member Stephens asked if anyone has read the section on Nonconforming Uses in Article 5. A brief discussion followed regarding the Board's areas of concern and possible zoning changes that could address those concerns.

Chairman Lynn Griggs encouraged the Board to continue to review the articles to see if there are any additional questions or comments they would like to make at the next Planning Board meeting.

PLANNING BOARD MEETING SCHEDULE FOR 2012

Planning Board Chairman Lynn Griggs asked for the Board's input regarding the proposed meeting schedule for 2012. Currently, the Board meetings are held on the last Tuesday of each month at 5:00 p.m. at Town Hall. Mr. Griggs said if the Board approves following that same schedule for next year, he will prepare the meeting schedule for 2012 accordingly.

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to approve to continue meeting on the last Tuesday of each month at 5:00 p.m. at Town Hall for 2012.

ZONING ADMINISTRATOR'S REPORT

Planning Consultant Vagn Hansen reported the following to the Board:

Permits: Three permits have been issued since the last meeting.

Complaints:

- Appliances in yard at 376 Midbrook Run have been removed.
- Vacant lot on Country Lane has been mowed.
- Owner of house on Country Lane has stated that the wood stacked up in his yard will be used for a chicken stew in the near future. Property will be rechecked.

Mr. Hansen advised the Board that a sign will be posted on the outside bulletin board at Town Hall to notify interested persons of the dates he will be in the office and accepting applications for permits, along with contact information for Mr. Hansen should anyone need to get in touch with him outside his regular hours.

These reports were for information only.

TOWN ADMINISTRATOR'S REPORT

Town Administrator Ryan Ross reminded the Board of the Open House at Wal-Mart Express on Tuesday, November 15, 2011 to which they have been invited. Mr. Ross encouraged the Board to attend the open house.

Mr. Ross also reminded the Board that the Grand Opening of the Wal-Mart Express will be on Wednesday, November 16, 2011.

This item was for information only.

REPORTS FROM PLANNING BOARD MEMBERS

The Board members discussed having a separate tab on the Town of Midway's website that would be dedicated solely for information pertaining to planning and zoning information and issues.

On motion by Board member Charles Waddell, seconded by Board member Sue Stephens, the Board voted unanimously to request Council's approval to add the tab for planning and zoning and that the request be included on the agenda for the next Town Council meeting on November 7, 2011.

ADJOURNMENT

On motion by Board member Charles Waddell, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adjourn the meeting.

ATTEST

Lynn Griggs, Planning Board Chairman

Linda A. Hunt, Town Clerk