

**TOWN OF MIDWAY
PLANNING AND ZONING BOARD/BOARD OF ADJUSTMENT
MINUTES
MAY 29, 2012 – 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, Jackie Edwards, Sue Stephens, LeeAnn Thomas, and Charles Waddell. Absent: none. Town Manager Ryan Ross, Town Clerk Linda Hunt, and Town Planner Vagn Hansen were present.

PUBLIC COMMENT

There were none.

APPROVAL OF MINUTES

On motion by Board member Jackie Edwards, seconded by Board member Charles Waddell, the Board voted unanimously to approve the minutes of the April 24, 2012, Planning and Zoning Board meeting as presented.

ADOPT AGENDA

On motion by Board member Sue Stephens, seconded by Board member Lee Ann Thomas, the Board voted unanimously to adopt the agenda as presented.

ELECTION OF OFFICERS

As set forth in the organization and rules section (a) of the ordinance establishing the Planning and Zoning Board, the Board shall have a Chairman and Vice Chairman. The Board shall elect a Chairman and Vice Chairman from among the appointed members of the Board.

Chairman Lynn Griggs and Board member Jackie Edwards were reappointed by Town Council on March 19, 2012.

Chairman Griggs opened the floor for nominations.

Board member Sue Stephens nominated Jackie Edwards as Chairman.

On motion by Board member Charles Waddell, seconded by LeeAnn Thomas, the Board voted unanimously to elect Jackie Edwards as Chairman of the Planning and Zoning Board.

Board member Jackie Edwards nominated LeeAnn Thomas to serve as Vice Chairman.

On motion by Board member Charles Waddell, seconded by Board member Sue Stephens, the Board voted unanimously to elect LeeAnn Thomas as Vice Chairman.

PLANNING BOARD CASES

ZONING ORDINANCE TEXT AMENDMENT FOR TRUCK STOPS – TA 2012-02

Town Planner Vagn Hansen presented the proposed Zoning Ordinance text amendment for truck stops to the Board for review.

The proposed text amendment to the ordinance is as follows:

Amendment to Article 14 – Definitions

Add term “Truck Stop” to the list of definitions in Article 14.

Amendment to Article 3-5 – Table of Permitted Uses

Truck Stop will be established in the Table of Permitted Uses and added as a Class B Special Use in the Highway Commercial District (HC), Limited Industrial (LI), and Heavy Industrial (HI) districts. The use will be prohibited in all other districts.

Amendment to Article 17-12(b) – Uses Prohibited in the Core Commercial Overlay District

Truck Stop will be listed as a prohibited use in the Core Commercial Overlay District.

Mr. Hansen recommended the Board approve the proposed text amendment for Truck Stops.

On motion by Board member Waddell, seconded by Board member Jackie Edwards, the Planning Board voted unanimously to approve the proposed Zoning Ordinance Text Amendment for Truck Stops and to recommend adoption of the amendment to the Zoning Ordinance to Town Council.

As required by statute, the Planning Board must adopt a statement of consistency with the Town’s adopted plans. Mr. Hansen presented the following Statement of Consistency that the Planning Board may utilize:

Statement of Consistency

The Planning Board finds that the proposed text amendment to establish Truck Stops as a use in the Table of Permitted Uses, to make Truck Stops a use requiring approval of a Class B Special Use Permit in the Highway Commercial, Limited Industrial, and Heavy Industrial districts, to establish the proposed definition of Truck Stops, and to make Truck Stops a prohibited use in the Core Commercial Overlay District is consistent with the Town of Midway Land Use Plan and the U.S. Highway Corridor Plan. Specifically, the proposed will reinforce the Town’s goals for enhancing its Core Commercial Overlay District through regulating uses which are not consistent with the goals for the development of that area, while permitting this type of use, subject to a Special Use Permit, in areas of Town where such uses may be more appropriately located given the heavy truck traffic, high levels of vehicle emissions and other off-site impacts that are typically associated with such uses.

On motion by Board member Sue Stephens, seconded by Board member LeeAnn Thomas, the Board voted unanimously to adopt the Statement of Consistency as presented.

SUBDIVISION RECOMMENDATION – BARBARA WHITE (HEBRON CHURCH ROAD)

At its last meeting on April 24, 2012, the Planning Board tabled the consideration of the proposed subdivision until the May 29, 2012 Planning Board meeting to allow more time for the surveyor to provide additional information on the proposed lot configuration and access.

Town Planner Vagn Hansen told the Board the final plat for the subdivision of the Barbara White property on Hebron Church Road in Midway has been submitted for approval by the Board. Mr. Hansen pointed out that the access to the second lot has been changed as recommended. Access to the new lot in the subdivision has been changed from the preliminary plat as recommended. Mr. Hansen said the proposed subdivision meets the minimum requirements.

On motion by Board member LeeAnn Thomas, seconded by Board member Charles Waddell, the Board voted unanimously to approve the final subdivision plat of the Barbara White property on Hebron Church Road and to recommend approval of the plat to the Town Council.

OTHER BUSINESS

INTRODUCTION OF LAND USE AND DEVELOPMENT ORDINANCE – ARTICLE 8 – USE REGULATIONS

Town Planner Vagn Hansen gave the following overview of Article 8 of the proposed Land Use and Development Ordinance:

Article 8 – Use Regulations

Purpose – The purpose of this Article is to establish the uses which are allowed within the zoning districts set forth in Article 6 of the Ordinance.

Permitted Uses – Uses which are explicitly set forth in the Table of Permitted Uses as being permitted within a particular zoning district, either by right or upon the issuance of a Special Use Permit, may be established upon the issuance of the proper development approvals as established in Article 3 of the Ordinance.

Prohibited Uses

Uses which are not explicitly set forth as being permitted within a particular zoning district, either by right or upon the issuance of a Special Use Permit, shall be prohibited.

Unlisted Uses

Only those uses which are explicitly listed in the Table of Permitted Uses may be established within the area subject to the jurisdiction of this Ordinance. When an unlisted use is proposed, the Ordinance Administrator shall make a written determination as to the compatibility of the proposed use with any analogous uses that are the functional equivalent of the proposed use.

Multiple Principal Uses

Two or more permitted principal uses may occupy the same structure or lot, provided that the most restrictive provisions set forth in the Ordinance for the use or development of the lot shall apply.

Table of Permitted Uses

The Table of Permitted Uses defines the uses which are allowed within the jurisdiction of this Ordinance and within the respective zoning districts established in Article 6. Additional restrictions on permitted uses are established within the standards for the various Overlay Districts. The cells within the Table of Permitted Uses are coded in the following manner:

Permitted Uses = “P”

Specials Uses = “S”

Prohibited Uses = Blank Cell

Accessory Use Regulations - General

Accessory uses which are customarily associated with the principal uses(s) on a lot shall be permitted in each zoning district provided that each accessory use on a lot shall be clearly subordinate to the principal use(s) on the lot with regard to size and/or intensity of use.

Accessory Use Regulations – Home Occupations

Home occupations shall be permitted on any lot containing a residential use subject to certain limitations.

Temporary Uses

Temporary uses, such as festivals, the seasonal sale of agricultural products, outdoor religious assembles, and temporary structures, such as constructions offices, tents and produce stands shall be permitted within zoning districts which allow similar permanent principal uses.

Town Planner Vagn Hansen encouraged the Board to read Article 8 of the proposed Land Use and Development Ordinance thoroughly to be prepared to ask any questions they may have at the next Planning Board meeting in June.

ACCESS MANAGEMENT PLAN UPDATE

Town Planner Vagn Hansen reported he has met with Jonathan Guy of Kimley-Horn and Associates, Inc. to discuss the access management plan that the Town of Midway is preparing for Hickory Tree Road (from Hartman Road to Old US 52) and for Old US 52 (from Gumtree Road to the southern leg of Country Lane). The Town earlier engaged the services of Kimley-Horn and Associates to prepare the access management plan.

The project team will be holding a public input meeting on Tuesday, June 26, 2012 at 7:00 p.m. in the meeting room of the Midway Fire Department located at 228 Midway School Road. The team will make a presentation on the project, which will be followed by an opportunity for public input from property owners regarding the planning effort.

Mr. Hansen recommended the Planning and Zoning Board change the location for its meeting on June 26, 2012 from Town Hall to the Midway Fire Department for easy transition to the public input meeting.

It was the consensus of the Planning and Zoning Board to change the location for its June 26, 2012 meeting from Town Hall to the Midway Fire Department. The meeting will begin at its normal time of 5:00 p.m.

REPORTS

ZONING ADMINISTRATOR'S REPORTS

Town Planner Vagn Hansen reported the following:

- No permits issued since the last Planning Board meeting
- Dollar General submitted its architectural plans to Mr. Hansen today (May 29, 2012)
- Outstanding complaints on yard conditions

These reports were for information only.

TOWN MANAGER'S REPORTS

Town Manager Ryan Ross gave the following reports:

- The new businesses recently opened in Midway are doing well.
- There is a consolidated effort to get enough signatures on a petition to have a referendum put on the next ballot for the sale of alcohol. The signatures of at least 35% of registered voters in Midway are required for a referendum.

REPORTS FROM PLANNING BOARD MEMBERS

Board member Sue Stephens, who was recently appointed to the Town Council, told the Board it has been a pleasure serving on the Planning Board and that she will miss serving on the Board. Ms. Stephens encouraged the Board members to feel free to talk to her about anything.

ADJOURNMENT

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

ATTEST:

Lynn Griggs, Planning Board Chairman

Linda A. Hunt, Town Clerk