TRINITY CITY PLANNING & ZONING MEETING

April 26, 2005
7:00 pm

The Trinity Planning Board held their April 26, 2005 meeting at Trinity United Memorial Methodist Church. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: Chairman J. R. Ewings; Planning Board Members Linda Gant, Vernel Gibson, Buddy Maness, Richard McNabb, Paula Peace, Danny Phillips, Melvin Patterson, and Robbie Sikes.

PLANNING BOARD MEMBERS ABSENT: None

OTHERS PRESENT: Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; City Clerk, Debbie Hinson, Council members Bridges and Talbert, and other interested parties.

ITEM 1. Call to Order.
Chairman Ewings called the April 26, 2005 meeting to order at 7:00 p.m.

ITEM 2. Pledge of Allegiance.
Chairman Ewings led the Pledge of Allegiance.

ITEM 3. Invocation.
Planning Board member Vernel Gibson gave the invocation.

ITEM 4. Approval of Minutes (3-22-05)
Chairman Ewings called for any changes or corrections to the March 22, 2005 minutes.

The following corrections were made to the minutes.
Item 5 2nd paragraph; correct spelling of the word trucks.
Item 6 motion: correct spelling of the word made.

Hearing no other corrections, Chairman Ewings called for a motion to approve the minutes.

Board member Peace made a motion to adopt the minutes of the March 22, 2005 minutes with noted corrections. Board member McNabb seconded the motion. The motion and second was approved unanimously by all Board members present.

ITEM 5. Public Comments Section
Chairman Ewings opened the floor to anyone who wished to make comments. Hearing none, Chairman Ewings proceeded to the next agenda item.

ITEM 6. Rezoning Request #Z05-02 (4971 NC Hwy 62) ***Public Hearing***
Sketch Plan Review – Somersworth

Prior to beginning this Public Hearing, Chairman Ewings reviewed the Public Hearing procedures and reminded the public that the Planning Board was a recommending board only and that their recommendations were forwarded to the City Council who met on the third Tuesday of each month.

Chairman Ewings called for Mr. Stumb, Planning/Zoning Administrator to brief board members on this item.

Mr. Stumb referred the Planning Board to the handouts included in their packet as well as the colored maps placed at their seats tonight concerning this project. Mr. Stumb called Planning Board members attention to the current zoning on the land use map. This property shows a mix of uses. As indicated by the plan the majority of this property is projected or planned to be highway commercial with a small portion sectioned off for low to medium density residential. I believe this should play a big factor in the decision making of this board.

Board members and Mr. Stumb discussed the current zoning designated on the land use plan, if R-12 Zoning was included on the land use plan, as well as what would be done with the brick house currently located on the property. Mr. Stumb advised members that the current zoning for this property was as indicated on the colored maps, mixed uses with the majority of the proposed use to be used for highway commercial and that the R-12 Zoning had been approved by Council but that it was not shown on the current land use plan. Mr. Stumb stated he felt the brick house on this property would be torn down if this plan moved forward.

At this time Chairman Ewings opened the Public Hearing to those who wished to speak in favor of this request.

Gary Peacock, 1716 Trowbridge Ct., High Point; My partner Mr. Jim Marlowe and I came before you several months ago and discussed the possibility of R-12 Zoning. This property is approximately 47 acres and joins the Country Club. As indicated on the map we want to do residential commercial with R-12 zoning and reserve an area for commercial. We want to produce a reasonable priced home on 12,000 square foot lots. We believe this is a good transition for surrounding properties.
Mr. Peacock called for questions.

Board member Maness discussed with Mr. Peacock the property that was the current location of the small chapel. He also asked the approximate distance from NC Highway 62 to the back side of the property and if hydrants were planned for this project.

Mr. Peacock advised board members that Mr. Loflin had advised them the chapel would be moved to another location. We have no intention to destroy the chapel. Mr. Peacock stated it was approximately 800 feet in distance and that there would be hydrants, paved streets, curb and gutter, and water and sewer lines in this development.

There were further questions from Board members concerning the size and price range of homes as well as the back of the homes facing 62 and if Mr. Peacock was requesting the entire 47 acres to be rezoned to R-12.

Mr. Peacock stated that his request was for the entire property to be rezoned R-12. He also advised board members that the size of the homes he proposed would range in size from 1,200 square feet to 2,000 square feet with cost ranges between $130,000.00 and $160,000.00. The homes in this proposed development will back up to 62. There will be berms between the backs of the homes and NC Highway 62.

With no one else speaking against the project, Chairman Ewings opened the request to anyone who wished to speak against the project.

Miles Talbert, Colonial Circle, Trinity; Mr. Talbert stated that this property was originally scheduled in the city as commercial property. Are we going to let the developers design the city? I am not necessarily against this project. I just ask that you think about this. This is where we were going to build our stores and our city. Maybe we shouldn't build our city here. Maybe we should build houses here and build our stores somewhere else, but I am not to sure about this.

With no others speaking, Chairman Ewings closed the Public Hearing and opened this item to the Planning Board for discussion and or action.

Following are Board members comments concerning this request.

Planning Board member Gant voiced her concerns about rezoning the entire property to R-12. If all of this is rezoned to R-12 the developer will not have to develop any commercial since the entire property has been rezoned to R-12. She also discussed the number of students that would be attending Randolph County Schools as well as the traffic. Member Sikes addressed Mr. Talbert's comments concerning the city allowing a developer to design the city. This may be the intention of the city; however, an individual owns this property and has the right to sell the land. There is a project that has been brought before this board for consideration. Member McNabb stated that between Unity and Finch Farm and NC Highway 62 and Hopewell will be a good part the city's location since this is where our two (2) major interchanges with the Interstate are located. I feel this is where McDonalds, Lowe's, etc. This is a large section of highway commercial that will not be available if we change the zoning. Once we zone it R-12 we will not have any control over what happens here. Member Patterson discussed the recommendations listed on the land use plan (highway commercial) compared to the current RA/R40 Zoning on this property. As this stands if someone wanted to build homes on this property they would be free to do so with the current zoning. Therefore, we are not preventing homes being built on this property or the owner from selling his property, only the amount of homes that can be developed and the lot size is what is affected by the current zoning. We will have a lot of smaller homes built in the Trin-Thom development and I do not think our city needs just smaller homes. I believe that we need some nicer homes as well. It is my feeling to be left as is or if the zoning is changed it should be changed to reflect Highway Commercial Zoning. Member Phillips stated that he felt the City should look at the long term plan and consider the long term effect.

With no further discussion or comments, Board member Patterson made a motion to deny R-12 Zoning. Board member Peace seconded the motion. The motion and second carried with 7 votes to deny and 1 abstaining vote from Member Sikes. Therefore, the motion carried 8 to 0 to deny the request.

ITEM 7. Special Use Permit Request #SPU-05-02 (5655 Meadowbrook Dr)
Public Hearing

Chairman Ewings opened this request and called for Mr. Stumb to address Board members concerning this request.

Mr. Stumb advised Board members this was a request for a Special Use Permit to operate a Reception House. This facility will be used for day events, parties, receptions, family reunions, etc. There have been 2 additions to the design standards and conditions. Numbers 1 through 11 remained the same. The two (2) additions are;

12. **No driveway access will be permitted along Merle Drive.**
13. **The Special Use Permit will only include existing structures. New construction on this lot will require a separate Special Use Permit or an amendment to the current permit.**

These conditions were added due to concerns of neighbors and were never the intention of Ms. Stunda to install a driveway along Merle Drive or to add additional structures. However, in the event the property was sold these conditions will remain with the property and would prevent this from happening. The uses of all of the property surrounding this property are residential. This site does meet all of the requirements of the Ordinance. The existing parking is either buffered by buildings or trees. There is also overflow parking that will provide more than adequate parking for functions held at this location.

Chairman Ewing opened the Public Hearing and asked those who wished to speak either for or against to come forward and be sworn in to speak.
After being sworn in by the City Clerk, the following persons spoke on this request.

Martha Stunda; Ms. Stunda advised Board members that she was the owner of the property. She advised members that this property had been her parent's home place and that it was her desire to share this with the community. I wanted to use it for luncheons, dinners, rehearsals, anniversaries, and small weddings. I have no intention of adding a drive on Merle Drive and I certainly do not need to add any more buildings.

The name of this facility would be Morgan Manor. We have gone in and done some upgrades to make the home conducive to this type of business. I live next door and I guarantee there will not be a lot of noise generated. I will not have something at this location unless it is supervised by me or someone else. I am very well aware of the surrounding neighbor's privacy.

Miles Talbert, Trinity: Mr. Talbert discussed the historic value of this property. Ms. Stunda is proposing a place for people to go for anniversary parties and the like. This will really be nice to have this facility in Trinity. I support her effort.

Ginger Thornburg, 5590 Merle Drive, Trinity: Ms. Thornburg advised members that she had only lived in this area since October, 2004. I was the person who called and voiced a concern about the driveway on Merle Drive. We were concerned that a right of way would have been put on Merle Drive which is a dead end road. Our concerns were for our children in the neighborhood. Since there has been a stipulation that this can not happen I am totally satisfied with this and I think this house is gorgeous and that this is really great for the community. Ms. Thornburg discussed the current process of notification to property owners and the lack of notification to residents that she felt should be notified.

Delores Hoschouer, 5529 Merle Drive, Trinity: Ms. Houschouer concerns were what would happen in the future to this property if sold. If Ms. Stunda decides not to do this in 5 years will this be rezoned to be some type of business under commercial. I do not want the neighborhood to change. Are we changing the zoning that will allow something to come into our neighborhood that we don't want?

Members advised Ms. Hoschouer that if this was approved it will remain as it is approved because the zoning remains with the property. If another use were proposed it would have to come back to this board as another Special Use request and be approved.

Rich Lamb, 5585 Merle Drive, Trinity: I am one of the people that live on the opposite side adjacent to this property. I did not receive a letter concerning this request. I am not going to say that I am against this request, however I am curious about what the statutes are concerning business and how long do they last. Can it be transferred easily with the property zones? Is it good for 5 years and can it be renewed to something larger? These are my concerns.

With no others speaking, Chairman Ewings closed the Public Hearing and turned the discussion over to Planning Board members for discussion and or action.

Member Sikes responded to Mr. Lamb's concerns by stating this was a Special Use Permit Application for a Special Event site. No other stipulations apply to this request. If the owner does anything else she will have to come back to this board and ask for a rezoning.

There was discussion concerning how late events could take place at this location and the possibility of concerts. Member McNabb advised board members and members of the audience the events would be allowed Sunday through Thursday until 10:00 p.m. and 11:00 pm Friday and Saturday.

With no further discussion, Member Sikes made a motion to approve the Special Use Permit. Member Gant seconded the motion. The motion and second was approve unanimously by all Board Members present.

Additional Comments
After the vote, Chairman Ewings thanked persons in attendance for their public comments. This is what helps this board look at residents concerns and how we might help to address them.

Member Gibson commented about the beauty of this house and the site. I was hoping this would someday transpire and it has. Ms. Stunda will keep this straight. This is a plus for Trinity and I am grateful to have such a place as this and I am sure the residents will enjoy this as well.

The following are the Design Standards and Conditions placed upon this Special Use Permit #SPU-05-02 (5655 Meadowbrook Drive)

1. **Parking shall be allowed at one space per 3 guests plus one per employee.**

2. **All parking shall be buffered from adjacent properties by a buffer strip consisting of a screened fence or a planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, less than one row of dense shrubs, spaced not more than five feet apart.**

3. **A parking plan shall be presented to show adequate parking for a variety of events and guests as well as space for over flow parking.**

4. **No reception house or other similar uses shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.**

5. **An owner or manager shall be on the premises for every event.**

6. **The use shall be located in a structure which was originally constructed as a single family dwelling.**

7. **Meals served on premises shall be only for guests of the facility.**

8. **The reception house shall meet all applicable health, fire safety and building codes and shall be operated so as not to give the appearance of being a business. Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or the neighborhood.**

9. **No additional dwellings shall be placed on the same lot as the reception house unless otherwise permitted.**

10. **Outdoor activity hours: Special functions conducted outdoors and outdoors activities related to special functions are prohibited after 10:00 pm on Sunday through Thursday nights. Friday and Saturday and evenings before national holidays, outdoor activities are prohibited after 11:00 pm. All activities shall comply with the Noise Ordinance of the City of Trinity.**

11. **Signs identifying the operation shall be non-illuminated and shall be either wall or yard signs, no more than 4 square feet in area. One sign per zoning lot.**

12. **No driveway access will be permitted along Merle Dr.**

13. **The Special Use Permit will only include existing structures. New construction on this lot will require a separate special use permit or an amendment to the current permit.**

ITEM 8. Zoning Ordinance Amendment
a. Apartments
b. Public Hearing Notification, Adjoining Property Owner

Chairman Ewings opened this item and called for Mr. Stumb to address members on these items.

(A) Apartments

Mr. Stumb addressed this issue concerning lighting issues. He discussed the Lighting Ordinances and Requirements that he reviewed to obtain what he felt would fit with apartments.

The following is the Lighting Plan submitted to Members to be incorporated into the Ordinance Design Standards in relationship to the Trin-Thom Development and the Apartment Section of the Ordinance.

Lighting Plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting,

When abutting a residential district lighting shall be designed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles. (Foot-candle- a quantitative unit measuring the amount of light cast onto a given point, measured as on (1) lumen per square foot.

There was discussion between Board members and Chairman Ewings concerning the items that were being voted on. Chairman Ewings advised Board members that the Lighting Ordinance was what this motion and vote was on.

Member Phillips made a motion to accept the Lighting Plan as presented. Member Gibson seconded the motion. The motion and second was approved unanimously by all members present.

(B) Public Hearing Notification, Adjoining Property Owner

Mr. Stumb discussed the current process for notification of property owners. The Ordinance currently states that anyone who has property touching or adjoining the property in question will be noticed. This is the minimum requirements under the North Carolina General Statutes.

Other options that the city could implement is to use distances of 100, 200, 300, or 600 feet for noticed adjoining property owners. With the distance of 100 feet it will remain much the same as now for persons that touch the property, the 200 feet would include most of the property owners across the street, 300 feet will include everyone across the street and at 600 feet you will be contacting the majority of the property owners within the neighborhood. The higher distance standard will notify more property owners that would be noticed. There are a number of different requirements from other municipalities. The distance of 600 feet is the highest I saw, some municipalities use 500 feet or below.

Chairman Ewings discussed the possibility of increasing the distance number and also adding more signs to notify residents of a proposed change. Committee member Gant discussed her feelings concerning the limited notification to residents in the Kingston neighborhood from an earlier request under the current standings. Board members discussed the additional costs to increase the distance requirements that would notify more property owners as well as the addition of more signs. After further discussion between Chairman Ewings, Board members, Mr. Stumb, and members of the audience, concerning ways to improve notification to more property owners Mr. Stumb suggested a different sign that would be easier for the public to see.

After further discussion, ***Committee member Gant made a motion to change the distance for notification to 600 feet, and increase the number of signs posted concerning a change. Committee member Phillips seconded the motion. The motion and second was approved unanimously by all Board members present.***

ITEM 9. Comments from the Board

Chairman Ewings opened this item and called for comments from Board members.

Committee member Patterson discussed the changes made to the Ordinance that pertained to dog runs or kennels. Committee member Gant advised member Patterson that dog runs or kennels were permitted in RA or R/40 as a Special Use.

Ordinances for Vicious Dogs

Member Patterson discussed a situation in his neighborhood concerning a new resident that had moved into his neighborhood that owned 4 or 5 pit bulls. This is not adjacent to my property but I am concerned. Members discussed what constituted a kennel or dog run. Chairman Ewings and other members advised Member Patterson that the section concerning dog kennels and dog runs were to address veterinarians that may put an area for dogs to run while in their care. This is not what would be used to address your situation. Member Patterson asked if there was anything in the Ordinance that addressed the number of dogs allowed to owners or any Ordinances concerning vicious animals. Chairman Ewings and members advised Mr. Patterson that there was not an Ordinance in place that addressed how many dogs any one person could own and that the City of Trinity contracted with the City of Archdale for animal control. Members advised Mr. Patterson to contact the Animal Control Officer. Members discussed if dog breeding was considered a business and how this could be handled since Trinity did not have a police department. At the conclusion, Mr. Stumb advised Mr. Patterson this was an issue that needed to be brought before the Council since the Planning/Zoning Board was a recommending body to the Council only.

Design Standards

Member Gant discussed with Board members an earlier discussion that she had pursued with Mr. Stumb concerning the possibility of setting some design standards for commercial buildings. She discussed other towns she had visited that included the Town of Clayton where an overlay design had been applied which had changed the overall appearance of Wall-Mart, and some Physicians Offices. The Wall-Mart was not the normal building but was done in all brick. Member Gant discussed her fears of commercial development with metal buildings and with no overlay district or design standards. She asked for members comments on her idea to include a Commercial Overlay in the Ordinance for Commercial Development.

After discussion among Board members, Chairman Ewings, and Board members, it was the consensus of the board to discuss this item at their next Regular Meeting to be held in May. Chairman Ewings asked that all members get their suggestions together prior to the meeting and forward to Mr. Stumb so that he could research your suggestions and comments prior to the May meeting.

ITEM 10. Comments from Staff

NONE.

ITEM 11. Adjourn

With no other business to discuss, Chairman Ewings called for a motion to adjourn.

Planning Board member Sikes made a motion to adjourn the April 26, 2005 Regular Meeting of the Trinity Planning/Zoning Board. Board member McNabb seconded the motion. The motion and second was approved unanimously by all Board members present.

These minutes were approved as written with no corrections by Board member Peace, seconded by Board member Patterson and approved unanimously by all Board members present at the regular meeting on May 24, 2005.

_____	_____
Debbie Hinson, City Clerk	**J.R. Ewings, Chairman**
_____	_____
Date	**Date**