



**City of Trinity, North Carolina
Planning & Zoning Board Meeting
City Hall Annex, 6703 NC Hwy. 62, Trinity, NC
September 26, 2016 - 6:00 p.m.**

Meeting Minutes

Members Present: Vice-Chair: Richard Mc Nabb; **Board members:** Harold Hobbs and Keith Aikens.

Members Absent: Chair: Lynn Kennedy; **Board Member:** Hunter Hayworth.

Board Liaison: Gene Byerly was absent. **Mayor Hill** was acting Board Liaison for this meeting.

Others Present: Planning and Zoning Director, Marc Allred; Assistant City Clerk, Annette deRuyter; and other interested parties.

I. Call to Order

Vice-Chair McNabb called the meeting to order at 6:00 pm.

a) Pledge of Allegiance

Vice-Chair McNabb led the Pledge of Allegiance.

b) Invocation

Vice-Chair McNabb gave the invocation.

c) Welcome Guests and Visitors

Vice-Chair McNabb opened the meeting and welcomed all visitors.

II. Approve and/or Amend Agenda

Vice-Chair McNabb called for a motion to amend or approve the agenda. ***Board member Aikens motioned to approve the agenda as written. Board member Hobbs seconded the motion. The motion was approved unanimously with a vote of 3 ayes and 0 nays with Chair Kennedy & Board member Hayworth absent.***

III. Approve and/or Amend Minutes from June 27, 2016

Vice-Chair McNabb called for a motion to amend or approve the June 27, 2016 minutes. *Board member Hobbs motioned to approve the minutes as written. Vice-Chair McNabb seconded the motion. The motion and second was approved unanimously with a vote of 3 ayes and 0 nays with Chair Kennedy & Board member Hayworth absent.*

IV. Public Hearing

Item 2. Rezoning of 5278 Finch Farm Rd from R-40 to R-20.

Vice-Chair McNabb opened the Public Hearing at 6:04 PM.

Planning Director Allred reviewed the rezoning request as followed:

Applicant's Jennifer and Jason Dennis submitted an application to rezone 5278 Finch Farm Rd from R-40 to R-20. The applicant's property has access to sewer which makes this rezoning compliant with the Land Use Plan. There are no streams or environmental issues with the property. Approximately one half of the subdivision properties are less than 40,000 square feet and about one half are over 40,000 square feet. The main concern by staff is having a house that fits the neighborhood with an old covenant that required a house to be a minimum of 1,500 square feet.

After speaking with her neighbors, the applicant felt the desire to add the following and condition to her property:

Applicant's property requires a minimum of 1,500 heated square feet for any house that is built here.

Staff Recommendation: After receiving the condition submitted by Ms. Dennis, staff feels there is no reason not to recommend the rezoning to the Planning Board.

Vice-Chair McNabb opened the Public Hearing at 6:10 pm.

Speaking for the Request:

Jennifer Dennis, 5278 Finch Farm Rd: Ms. Dennis stated that before they moved to this location the house was falling apart. We have fixed up the house and made it a lot better. We love this neighborhood.

We have always wanted to do a new house with a garage, however to add a garage with the new house is not feasible due to the property boundary.

I have no problem doing 1,500 square foot and am planning to build 1,600 square foot with a 2 car garage, 32 feet deep and 58 feet wide. Our intention is to live in the new house and sell the old one.

Vice-Chair McNabb wanted to see how it could work and asked about other buildings on the property.

Ms. Dennis advised that one of the buildings shown on the picture is gone but the other building will remain on property.

Board member Aikens ask about the size of the properties and if this property size would be similar to other properties in this location.

Ms. Dennis responded to the question that most of the properties here are narrow but deep. This one will not be as deep but will be wide.

Vice-Chair McNabb asked Planning Director Allred if there were any buffer requirements.

Mr. Allred answered no, not for single-family residential properties bordering single-family properties.

Speaking Against the Request:

Kenneth Johnson, 5833 Country Meadows Ln: Mr. Johnson stated the developer cut up the lots to be the same size and he did not want any smaller lots. He introduced a petition and gave it to Assistant City Clerk, Annette DeRuyter. There are 16 lots in the developments and the property is not level.

James Barker, 6846 Country Meadows Ln: Our house was the last house built in subdivision. We moved there because of that and do not want another house. Traffic is too congested on Finch Farm Rd. What's to stop from keeping it to continue developing.

Jerry Sturgiss, 6808 Country Meadows Ln: We Moved here in 1999. Beautiful area and its getting too crowded.

Vice-Chair McNabb closed the Public Hearing at 6:27 PM.

Board member Aikens asked about other lot sizes and how many more lots could be split.

Planner Allred replied the next smallest lot is .62 acres. There are two lots remaining that could be split. One lot could be split at the end of the road. You would have to renovate the car garage. The last lot would be located across from Ms. Dennis but you would have to remove the fence for the police dog. But in reality, only one other lot is ready to be split without a lot of work being done to it.

Vice-Chair McNabb asked Mr. Allred for staff recommendation?

Staff Recommendation:

After receiving the condition submitted by Ms. Dennis, staff feels there is no reason not to recommend the rezoning to the Planning Board as long as the condition that the applicant proposes is included with the rezoning.

Vice-Chair McNabb asked if there was anyway Ms. Dennis could avoid her proposed condition.

Mr. Allred replied that she could not if City Council approves the condition. When she comes to get her zoning permit, I wouldn't allow it unless it was 1,500 square feet.

Vice-Chair called for a motion to rezone property 5278 Finch Farm Rd from R-40 to R-20 with the condition that the house not be smaller than 1,500 square feet. ***Board member Aikens motioned to approve the rezoning request. Board member Hobbs seconded the motion. The motion and second was approved unanimously with a vote of 3 ayes and 0 nays with Chair Kennedy & Board member Hayworth absent.***

III. New Business

a. Item 3. Dealing with Land Uses Not Specifically Addressed in a Zoning Ordinance.

i. Court rulings (Byrd vs Franklin)

1. **If an Ordinance does not have a land use as a permitted use and if the Ordinance does not have a similar use as the land use being proposed it cannot be prohibited.**

Planning Director Allred commented the courts have stated that if a Land Use is not in the Permitted Uses Table or not discussed in the Zoning Ordinance and it has no other Land Use that is similar. Then it cannot be prohibited. There are two issues in particular.

- ii. **Solar Farms:** I've left you a packet of information on solar farms. Originally had looked at 8 other municipalities, but the problem was that most municipalities do not have large open tracts of land like Trinity does. So it's not an issue. Then I came across good information from School of Government. I want council to look over and then make a decision next meeting.
- iii. **Tiny Home Parks:** We had a citizen come to me with this proposal. I regulated this like a manufactured home park. Which the citizen was not happy with. Will send more information to you later to discuss at the next meeting.

IV. Business from Staff

a. Item 4. Code Enforcement Report & Permits Report

- i. Planning Director Allred reviewed the Code Enforcement Report and Zoning Permit Report. There were no comments after the reports.

V. Comments from Staff

None

VI. Comments from Board

None

With no other business to discuss, *Vice Chair McNabb motioned to adjourn the September 26, 2016 Planning and Zoning Meeting at 6:50 pm. The motion was seconded by Board member Aikens. The motion and second was approved unanimously with a vote of 3 ayes and 0 nays with Chair Kennedy & Board member Hayworth absent.*