



**City of Trinity, North Carolina  
Planning & Zoning Board Meeting Minutes  
February 22, 2016 - 6:00 p.m.**

**Members Present:** Chair, Lynn Kennedy; **Vice Chair**, Richard McNabb; **Board members** Harold Hobbs, & Hunter Hayworth, and Martha Stunda.

**Members Absent:** None

**Others Present:** Planning and Zoning Director, Marc Allred; Mayor, Jesse Hill; City Manager, Debbie Hinson; Stormwater Administrator/Public Works Director, Rich Baker; and other interested parties.

**I. Call to Order**

Chair Kennedy called the meeting to order at 6:00 pm.

**a) Pledge of Allegiance**

Chair Kennedy led the Pledge of Allegiance.

**b) Invocation**

Vice Chair McNabb gave the invocation.

**c) Welcome Guests and Visitors**

Chair Kennedy welcomed all visitors.

**II. Approve and/or Amend Agenda**

Chair Kennedy called for a motion to amend or approve the agenda. *Vice Chair McNabb motioned to approve the agenda. Board member Stunda seconded. The motion was approved unanimously with a vote of 5 ayes and 0 nays with no board members absent.*

**III. Approve and/or Amend Minutes from December 28, 2015**

*Board member Kennedy made a motion to approve the Minutes as written. The motion was seconded by Board member McNabb and approved unanimously with a vote of 5 ayes and 0 nays no board members absent.*

#### IV. Public Hearing

##### **Item 1. Rezoning of Trinity Heights, Reavis, and Meadowview Subdivisions where sewer is available.**

**Marc Allred, Planning Director:** Mr. Allred explained that when the development was created, many of the lots were subdivided into half an acre lots. At that time, septic tank regulations were more lenient. At the turn of the century, septic tank regulations became stricter and it is now very hard to get septic tanks to perk in half-an acre without really good soils. City of Trinity at the time, zoned the area to R-40 which is one house per acre to protect against septic tank issues.

Now we come to the present where sewer is now available through most of Trinity Heights. There are 37 vacant lots that have access to sewer and have an average of .74 acres. Due to the zoning, very few of these parcels can be developed with a zoning of R-40. If they were rezoned to R-20 the owner would be able to develop the property.

Member McNabb asked if everything in this location was R-40?

Planning Director answered yes.

Member McNabb asked for staff recommendation.

Planning Director Allred advised members that staff recommends rezoning this area.

**Jason & Jamie Davis of Tony Dr:** What are the requirements to build modular or stick-built and if this was a request for spot zoning.

Planning Director Allred replied that where we have single-family, we allow modular homes. The Zoning Ordinance does not separate the two. The City would not allow a manufactured home or a mobile home in R-20 or R-40. That will not change. The only difference is properties that were subdivided below an acre would be able to develop them. City of Trinity only allows manufactured home replacement, so if no manufacture home currently exists there, then no manufactured home can be put in this area.

This is not spot zoning. As long sewer is available our Land Use plan allows for R-20 lots. One of the differences between the two zones is R-40 allows for duplexes, R-20 does not. I know the subdivision has a couple of these, if rezoned to R-20, no more duplexes would be allowed.

**April Marsh of 4886 Tony Dr:** My concern is I moved from Archdale where I lived in an area where I was on top of my neighbors. I moved to Trinity to intentionally get away from that and you want to rezone where we will all be on top of one another. I'm concerned about the mobile home issue because, there is a mobile home right outside of our neighborhood because it is trashed and I don't want those type of neighbors in my back yard. I want to be very mindful of who my neighbors are around and I don't want people right on top of me.

**Curtis Eanes Jr of 4914 Trinity Blvd:** I just want to say I'm against it. It will be a downgrade of the neighborhood. I don't want people right on top of me. When you get that kind of stuff in my neighborhood it will hurt me when trying to refinance or sell because the value of your house will go down. I've got other things to be doing besides coming up here and trying to protect my property.

**Chair Kennedy:** Staff has already given their recommendation. Public hearing has been closed. Any board discussion.

**Board member Stunda:** I have concerns about modular homes situation in Trinity Heights. I know of one was put at end of Merle Dr that was a mobile home and it was allowed. They said it was a modular home and go look at it and prove it otherwise. So I did, I crawled under it and found out it wasn't what I call a modular home. A modular home is what I consider to be brought in pieces and assembled at the site. That is the concern I have at Trinity Heights. I don't want to see it and I don't want it to go down any more than it already has. There is enough stuff over there now they don't need to make it any worse. I'm not sure about going to an R-20 zoning. I am concerned about the modular/mobile home situation.

Member McNabb asked what the ordinance currently state about modular homes?

Planning Director Allred answered that from a use standpoint, Trinity doesn't separate the two.

Member Stunda expressed her thoughts concerning a modular home. When I think of a modular home, I think of a nice home. (modular homes shown on the screen) This is modular homes, my concern is a manufactured home.

Member McNabb asked if under the current zoning a modular home could be placed on the properties in this area.

Planning Director Allred answered yes.

Member Hayworth asked why this change is being requested.

Planning Director Allred advised members that the City is requesting this change. We have some interest from realtors to help with infill. The City needs more density and one of the places we looked at was Trinity Heights to help with filling in vacant lots.

Member McNabb asked how many lots and Planning Director Allred replied 37 lots.

Chair Kennedy asked what stipulations could be applied if each property is treated on an individual basis and not a blanket statement. Could it be by a property owner request?

Planning Director stated yes. It could get denied that way to. It's up to the Planning Board and City Council if they want to go that route.

Member Hayworth stated that he would rather see it go that route. Otherwise, it seems like government overreach.

Board member Hobbs agreed with Member Hayworth.

With no further discussion, ***Board member Hunter made a motion to not recommend (deny) the rezoning of Trinity Heights subdivision from R-40 to R-20. The motion was seconded by Board member Stunda and approved unanimously with a vote of 5 ayes and 0 nays.***

## **Item 2. Addition of R-10 as a Zoning District.**

Marc Allred, Planning Director began by stating that R-10 is one house per 10,000 square feet or 4 houses per acre. An example of this is Colonial Village in Trinity. This type of development is to help pay for our sewer so our sewer system can become more self-sufficient. To do this, we need more dense development. Mr. Allred reviewed the areas (using the map from the power point) and advised members these areas are around our I-85 intersection.

The text amendment changes will in the Permitted Uses Table and the uses allowed would copy R-12. The only difference is where we allow R-10 and R-12 and there is a lot width difference. In R-12, lot width requirements are 75 feet, R-10 requires 60 feet.

Chair Kennedy opened this item for questions to the board since there was no public signed up to speak regarding this request.

Board Member Stunda referred to Colonial Village where R-10 is located. She asked about the zoning in Kingsfield and believed it was R-12. I looked at it compared to Colonial Village and R-10. I know looking at young people and into the future, they don't want big lots, they want something they can afford to buy. But, they don't want to be smashed together. I do think there is a difference between R-12 and R-10. I like the distances between those in Kingsfield better than I do those in Colonial Village. I think we need to stick with R-12. That will allow for plenty of houses to be built.

Board member McNabb called for the staff recommendation?

Planning Director Allred replied that staff recommends R-10.

With no further discussion, *Board member McNabb makes a motion to recommend adding R-10 to the City of Trinity Zoning Ordinance. The motion was seconded by Board member Hobbs and denied by a vote of 2 ayes and 3 nays. The 3 nays were Chair Kennedy, board members Stunda, and Hayworth.*

### **Item 3. Land Use Plan Changes.**

**Marc Allred, Planning Director:** I'm going to skip the first portion of this presentation because R-10 was denied.

Planning Director Allred called members attention to the power point map presentation and the parts of the map that is orange in color. This is the mixed district.

This request is to allow commercial to be added in the mixed district where it is ¼ of a mile from the Regional Center or Center City.

City of Trinity is in motion to put in sewer in all of Turnpike Industrial Park. This will increase the number of employees in the area.

Another change is to allow commercial in the Employment Center to service the increase in employees in the area. Employment Center is the lighter blue in the Northern corner of the map.

The last change request is to allow institutional in all Land Use Districts. Institution is a society or organization founded for religious, social, and other similar purposes. Examples are churches, government, and other civic organizations. It would allow institution in all of our land use districts.

Remember, Land Use is not changing the property right now. It tells you what your property uses can be rezoned to.

With no further discussion, *Board member Kennedy made a motion to recommend modifying the Land Use Plan as stated. The motion was seconded by Board member McNabb and was approved unanimously by a vote of 5 ayes and 0 nays.*

### **Item 4. Remove Conditions from PIN # 6797109121; Eastern Portion is Zoned RM-CZ and Western Portion is Zoned R-20-CZ.**

Chair Kennedy opened this item and advised those present that the City Attorney Herman will be presenting Items 4 & 5 together. Before we start, I want to have a clarification. This portion of our meeting is for corrections that have been done in the past. It is to remove conditions from our ordinances. We do not have an active developer for this property as we have in the past. Before a developer is accepted in, and we may have several next time, we will go back through the criteria that was mentioned before. An active developer will take in a lot of different spectrums including DOT, environmental, along with what I call a comparability report, now it's called appraisal studies. We don't want our residents to be up in arms, this is only to remove conditions that make it comparable across our entire city within the zoning regions.

**Attorney Herman:** I agree with what the chair said. There is no reason to open up a can of worms here. This was brought up to you administratively as it was found in the Ordinance. My recommendation is that you table the matter. We want to look at our provisions in 7-12 of the Ordinance that deals with how these conditions were established.

I need more time to come in front you to remove them administratively or otherwise. I can tell you it was an area where the staff was confused and therefore it was flagged. After talking with the Planner and Manager, there are some other things I want to unravel and I don't want to waste a lot of your time. My recommendation is to table the matter.

Chair Kennedy advised Attorney Herman that a couple of people have signed up to speak on this request. Do you want the board to tablet this request and let those who have signed up to speak come back and give their opinion at a later date?

Attorney Herman stated yes. I don't mean to shut them out, but nothing is happening. This is entirely administrative. There is more I want to look at before going forward.

Chair Kennedy spoke for the entire board stating that “I do appreciate you showing up and voicing your opinion and participation. Rick McCormick and a Danny Phillips have signed up to speak on this request. Would you like to speak tonight or let us do our homework and come back?”

**Danny Phillips, 7191 Hunters Club Dr:** I appreciate your time and that you would like to bring homes to the City of Trinity. We’re not going to grow unless we bring homes. All I ask and our residents ask, is put them in areas that can accommodate it. We have a ton of traffic on Finch Farm Road because of the schools. It can be a nightmare for us to make a left turn out of our subdivision. Then we hear a possibility of 150 homes. There is a lot of areas that could be redeveloped. Morris Road, Sumner Road, all of that area is prime land and can accommodate extra traffic and Finch Farm Road is covered up.

**Rick McCormick, 7060 English Pride Dr:** It sounds like there isn’t any proposed development in the vicinity. My concern is to add conditions between my property and the Interstate. If they are going to develop that, then I would like it if they could build a sound proof wall due to noise. Consider a condition that would protect our house from I-85.

**Barry Lawrence, 3730 Steeplegate Dr:** I just want to voice my concern about traffic. But there is potential rumors about developers. It is premature to remove conditions until we finally see what the development is going to be.

Chair Kennedy replied to Mr. Lawrence that she did not think you were here when I explained this. This request is just removing conditions to make them similar throughout the entire city. There may be some developers soon. What I can tell you is when development comes to this City there will be plats to be passed on to the boards, and we will have a criteria requiring Traffic Impact Studies, Environmental Impact Studies, and Appraisal Studies that will be required for the new development.

Mr. Lawrence replied that no one is wanting to prohibit someone from making the best use of their property. However, in an area where everything is so tight the only way for the subdivision to be built is to come through our subdivision (Steeplegate). It took me 5 minutes today to get out of the subdivision at 6 PM. If any engineering studies criteria is met, will that still be out for public review?

Chair Kennedy answered yes.

With no other comments, Chair Kennedy closed the Public Hearing.

## **V. Business from Staff**

### **1. Code Enforcement Report (Planning Director Allred):**

Planning Director Allred reviewed the Code Enforcement Report. He went into more depth and detail concerning the active property on Merle Drive and Mendenhall Road.

### **2. Permits Report (Planning Director Allred)**

Planning Director Allred reviewed the Permits report.

## **VI. Comments from Staff**

Annette DeRuyter discussed dates for City Haul and Jacob Carroll Pick-Up.

## **VII. Comments from Board**

There were no comments from the Board.

## **VIII. Planning & Zoning Board Adjournment**

With no other business to discuss, *Board member McNabb made a motion to adjourn the February 22, 2015 Planning/Zoning Meeting at 6:30 p.m. The motion was seconded by Board member Hobbs, and approved unanimously by a vote of 5 ayes and 0 nays with no Board members absent.*