



**City of Trinity, North Carolina
Planning & Zoning Board Meeting Minutes
March 28, 2016 - 6:00 p.m.**

Members Present: Vice Chair, Richard McNabb; **Board members** Harold Hobbs, and Martha Stunda.

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

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

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 welcomed all visitors.

II. Approve and/or Amend Agenda

Vice-Chair McNabb called for a motion to amend or approve the agenda. *Board member Stunda motioned to approve the agenda. Board member Hobbs seconded. The motion was approved unanimously with a vote of 3 ayes and 0 nays with 2 board members absent.*

III. Approve and/or Amend Minutes from February 22, 2016

Vice-Chair McNabb called for a motion to amend or approve the February 22, 2016 minutes. *Board member Stunda motioned to approve the minutes. Board member Hobbs seconded. The motion was approved unanimously with a vote of 3 ayes and 0 nays with 2 board members absent.*

IV. Public Hearing

Open Comments:

Marsha Riddick, 7125 Turnpike Rd: Talking to Marc Allred before the meeting. He told me it would allow R-10 residential density that is similar to Colonial Village density. How many houses per acre is that?

Marc Allred: 4.

Marsha Riddick: My property is about 23 acres off of Turnpike Rd. And the back of my property lines up with this property. Myself and my family are against that type of density. Its much too dense. You've got the Country Club and NC 62 adjacent to it.

Item 1. Remove Conditions from PIN # 6797757381 & 6797665604.

Marc Allred, Planning Director: This property was once owned by one owner. This property is now owned by two separate owners. The two owners are Colonial Charter LLC and Community One Bank. This property totals 147 acres with the main road Collett Farm Rd coming off of NC 62. It has Turnpike Properties on the north end, Colonial Circle on the south end, and the Country Club on the west end.

We are here because the current zoning was voted on by City Council in 2006. The application was made by RJM Development. At that time, all parcels were owned by one owner. The condition that was put on this property was Planned Unit Development allowed only by Special Use Permit. So they had one (1) use which was Planned Unit Development. In 2014, City Council took all forms of Cluster Development out of the City of Trinity Zoning Ordinance. Since there is an 8-year span between the City Council decisions from 2006 to 2014, the 2014 Council had no idea the effect it would have on the two (2) parcels off of Collett Farm.

The Land Use for these parcels is Mixed Use. This makes the zoning of RM(residential mixed) compliant with the Land Use Plan. The proposed zoning is dropping the condition of a Planned Unit Development and adding a condition of no apartments. The zoning itself will remain RM-CZ.

There are two (2) streams that cross in front of it. No proposed development, topography is hilly. You can see the two major streams cutting across your property. Property does have a sewer line going through it. The main access would be Collett Farm off of NC-62. Traffic count is 6,200, there is no traffic count for Colonial Circle. No improvements are planned to occur on either road.

From a proposed zoning condition, the staff has had a discussion about this. There has been some interest in putting senior living apartments in the City of Trinity. However, you can't do a condition based on age. Staff is concerned about apartments and increased need in law enforcement. The staff is recommending a removal of the PUD and adding a condition in of no apartments. So the zoned would stay the same, the conditions would change.

Richard McNabb, Vice-Chair: Is there wetlands on this tract of land?

Marc Allred, Planning Director: There is a wetlands to it. There are two beaver ponds on the property.

Richard McNabb, Vice-Chair: That is what it looks like to me.

Richard McNabb, Vice-Chair: So your recommendation is to remove the PUD and add apartments.

Marc Allred, Planning Director: Our attorney has recommended you remove the PUD. Reason why is you cannot take all uses away from a property. You can restrict, but not eliminate all uses. The City did not mean to do this. It was something caught administratively earlier this year.

Martha Stunda, Board Member: is the company looking at doing those apartments looking at doing condos or townhouses? Or is going to be a nursing home?

Marc Allred, Planning Director: I didn't go into a lot of depth because we didn't have a lot of options. They looked at the two properties zoned RM-CZ on our zoning map with a color of light blue. One off of Finch Farm. My feeling is it wasn't a nursing home. It was for a senior person who wants to live in an apartment and doesn't want to mow their grass anymore or have the responsibility of owning a home.

Martha Stunda, Board Member: More like a senior village?

Marc Allred, Planning Director: Yes, more like a senior village.

Martha Stunda, Board Member: Nothing where they transfer back to a medical facility.

Marc Allred, Planning Director: No, independent living is the term I'm looking for. I apologize for not giving this presentation to the Planning Board. We are the oldest community in Randolph County. If you look at our average age, we are much older than the average age of North Carolina or the United States. And what is coming into town is actually seniors. As our population age goes that route, your going to see people and organizations try to make money off of it. So they are trying to provide a service that they see our community needs.

That being the case, b/c you can't make a condition that says only of a certain age. The staff felt it best to go with no apartments until a more specific action comes to the City.

Richard McNabb, Vice-Chair: With no other questions from staff. We will open public comment for this topic. Hearing none for. The one against stated it before the hearing. Public hearing is closed. Marc has given the staff recommendation.

Board member Stunda motioned to approve the change in conditions based on staff recommendation. Board member Hobbs seconded. The motion was approved unanimously with a vote of 3 ayes and 0 nays with 2 board members absent.

Item 2. Rezoning of PIN # 6798909075, 6798908065, & 6798907056 from R-40 to R-20 on Brooks Circle.

Marc Allred, Planning Director: A request by Curtis Austin, owned by Delores Mitchell. Request to rezone from R-40 to R-20. If you look at the map, you will see the three lots up for rezoning. They are the same size as two of the lots across the street. The third lot is 2 acres in size. Its zoned R-40, as septic tank regulations became stricter, you could not build on half an acre lot. Now there is sewer, the option exists if the zoning is changed.

Martha Stunda, Board Member: Where is this?

Marc Allred, Planning Director: Off of Turnpike Rd.

Martha Stunda, Board Member: Before Myers St?

Marc Allred, Planning Director: Yes.

Marc Allred, Planning Director: Property has been zoned R-40 since the City incorporated that zone. North side is residential, east is vacant, south is one vacant and one single-family house. West is vacant and one with a pool. Because the area can get sewer, R-20 would make it compliant with our land use plan. The owner is looking at putting 3 single-family homes. One on each individual lot. Total size of the parcel is 1.62 AC. There is no stream or flood zone. There is a hill on the north side. From a sewer standpoint, this is a good thing as the houses will be built above the line and gravity will do all the work. Main access would be Brooks Circle, there is no traffic count there nor is there any improvement planned for this road. Staff recommends this rezoning.

Richard McNabb, Vice-Chair: This is the best use of the land since sewer is there correct?

Marc Allred, Planning Director: Yes.

Richard McNabb, Vice-Chair: Any questions for Marc?

With no question, Vice-Chair McNabb opens the public hearing.

Boyce Queen, 6176 Brook Cir Ext: I'm against the rezoning. I've been living here since 1985. I recommend to the board that we leave the zoning the way it is. The person who owns the land can build two houses instead of three. If you let one person, you will have to let them all. There is a lot of the community that doesn't want it rezoned. I think it's the people who live in the area who should be considered. Not someone from South Carolina or Texas. How much property do you need to build a house there.

Marc Allred, Planning Director: 40,000 square feet.

Boyce Queen: And you want to rezone it to 20,000 square feet. I'm just saying you should go with the people who live in that area.

Ruby Welch, 5168 Brook Circle: I would like to know what type of houses he would like to build there? I'm against 3.

Richard McNabb, Vice-Chair: We can't tell him what type of houses to build unless you've got an HOA.

Ruby Welch: Where they want to build 3, you can now have one up there?

Marc Allred, Planning Director: That is correct. Due to the size, only one house would be allowed.

Ruby Welch: Correct, so leave it like it is.

Vice-Chair McNabb: Its been like that b/c the homes did not have sewer when they were built.

Ruby Welch: So this Planned Unit Development is R-40.

Marc Allred, Planning Director: This isn't a Planned Unit Development, this is one house per lot.

Vice-Chair McNabb: Mr Austin builds nice houses. He builds them all over the county. Its not expensive, but its what people can afford.

Ruby Welch: We would like to leave it like it is.

Vice-Chair McNabb: Public hearing is closed. What is Staff's recommendation.

Marc Allred, Planning Director: Staff recommends rezoning.

With no further discussion, *Board member Stunda made a motion to not recommend rezoning to R-20. The motion was seconded by Board member Hobbs and was approved unanimously by a vote of 1 ayes and 2 nays with 2 members absent.*

Item 3. Rezoning of PIN # 7707398460 from RA to R-20 on Payne St.

Marc Allred, Planning Director: Jerry Dills is the request and owner. Its always been zoned RA. The properties around it are half-an-acre. To the north and south is residential. To the east is a church and to the west is vacant. The property is 1.04 acres. There is a stream on the west end. No flood plain there. Flat at the point on Payne St, but there is a drop-off towards the creek. He will not be able to build 30 feet from the stream, but the house is far from that. Sewer is on the north side of the property.

Vice-Chair McNabb: there is nothing there now.

Marc Allred, Planning Director: As you can see from the picture, there is nothing there. Some construction material, but no house. Only access is Payne St, no traffic count and no improvement. Staff does recommend.

Martha Stunda, Board Member: What is the name of the street as you go back in there.

Marc Allred, Planning Director: Sabine St.

Vice-Chair McNabb: With no questions for staff, open for public hearing.

No one from the public spoke. Vice-Chair McNabb closed the public hearing.

Board member Stunda motioned to approve the change in conditions based on staff recommendation. Board member Hobbs seconded. The motion was approved unanimously with a vote of 3 ayes and 0 nays with 2 board members absent.

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 Colonial Circle.

2. Permits Report (Planning Director Allred)

Planning Director Allred reviewed the Permits report.

VI. Comments from Staff

Marc Allred Planning Director reminded the public that this is a recommendation board. And depending on the owner, this request may continue to the City Council.

Annette DeRuyter discussed the dates for City Haul. It will be April 28, 29 and 30, 2016 and the new shredding option that is being offered for April 29, 2016 only.

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 March 28, 2016 Planning/Zoning Meeting at 6:45 p.m. The motion was seconded by Board member Hobbs, and approved unanimously by a vote of 3 ayes and 0 nays with 2 Board members absent.***