



**City of Trinity, North Carolina
Planning & Zoning Board Meeting Minutes
June 7, 2016 - 6:00 p.m.**

Members Present: **Vice Chair**, Richard McNabb; **Board members** Harold Hobbs, Hunter Hayworth, and Keith Aikens.

Members Absent: **Chair**, Lynn Kennedy.

Board Liaison: Gene Byerly.

Others Present: Planning and Zoning Director, Marc Allred; Mayor, Jesse Hill; City Manager, Debbie Hinson; 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. Administer the Oath of Office to Planning and Zoning Member Keith Aikens

Assistant City Clerk Annette DeRuyter administered the Oath of Office to Mr. Keith Aikens as the at-large representative for the Planning & Zoning Board.

III. Approve and/or Amend Agenda

Vice-Chair McNabb called for a motion to amend or approve the agenda. *Board member Hayworth motioned to approve the agenda as written. Board member Hobbs seconded the motion. The motion was approved unanimously with a vote of 4 ayes and 0 nays with Chair Kennedy absent.*

IV. Approve and/or Amend Minutes from April 25, 2016

Vice-Chair McNabb called for a motion to amend or approve the April 25, 2016 minutes. *Board member Hayworth motioned to approve the minutes as written. Board member Hobbs seconded the motion. The motion and second was approved unanimously with a vote of 4 ayes and 0 nays with Chair Kennedy absent.*

V. Public Hearing

Item 1. Rezone PIN # 7707382587, Tract 1 from Residential Agriculture (RA) to Residential 10 (R-10) with the Trinity Town Center Subdivision.

Vice Chair McNabb opened the Public Hearing at 6:05 PM.

Vice-Chair McNabb asked if anyone had a conflict of interest with any of the items listed on the Agenda.

Board member Aikens stated that he could not vote on Item numbers 1 & 2.

Board member Hunter wanted clarification if Mr. Aikens was stating that his reply was for Item numbers 1 & 2 as listed on the Agenda.

Board member Aikens confirmed that it was for Items 1 and 2 only.

Vice Chair McNabb called for a motion to recuse Board member Aikens from Item numbers 1 & 2 as listed on the Agenda. Board member Hayworth motioned to recuse Board member Aikens from Item 1 & 2. 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.

Planning Director Allred reviewed this request as follows:

Tract 1's boundary on the east side is the tributary to the Uwharrie River and the Uwharrie River on the south. The surrounding properties is vacant to the north and east, industrial to the west, and industrial & manufactured homes to the south.

I went over the change in the subdivision that was recommended by the Technical Review Committee. The dead end road now has a hammerhead turnaround and an easement going into Mr. Johnson's property which will be explained when I go over the transportation portion of the staff report. A property was lost because of this, so the lots have gone from 63 lots to 62 lots.

This property is in the Regional Center and it is compliant with the City of Trinity's Land Use Plan. Total size is 27.3 acres, with a tributary to the Uwharrie River and a flood plain on the southern portion of the property. Topography is a gradual decent to the south with some extreme topography where the entrance will be and the northeast section.

The Stormwater director calculated 15% for impervious surface which means they would not need any curb or gutter. They were helped by the flood plain in the south and the 50' sewer easement in the east.

The sewer easement would be a part of the greenway trail that the subdivision would connect to. The greenway connects to the high school.

Access to the development would be from Surrett Drive. In 2022, the North Carolina Department of Transportation has planned a 4-lane divided road with a median.

The request for the easement is because a 45 mph road with a median can only have a cut located every 1,200 feet, at a minimum. If a cut in the median is to happen at this entrance location, there would not be a cut in the median for the property to the north located at Mr. Johnson's property. The easement is there to help protect the value of Mr. Johnson's property and to give any future tenants of Mr. Johnson's property the ability to make a left hand turn.

Staff Recommendation: This subdivision will help spur growth for the I-85/Hopewell Church Rd Regional Center which our Land Use Plan calls for. Staff recommends the rezoning and the subdivision.

After the staff recommendation, Vice-Chair McNabb asked if the 3 lots located on the bottom of the site plan was there because of the flood plain. He also asked if the black and white dots located on the aerial map represented the sewer line.

Planning Director confirmed that the 3 lots located on the site map were placed there because of the flood plain and the dots referred to by Vice-Chair McNabb did represent the sewer line.

There was further discussion concerning if the sewer line must follow the creek. Mr. Allred confirmed to members the sewer line is parallel to the creek on the Tract 1 side and no building on the creek could take place on that side of the creek. You could build in the flood zone, but there is a lot more regulations you must follow and I don't think these developers want to go through that.

At this time, Vice-Chair McNabb opened the Public Hearing and asked anyone speaking to come to the podium and state their name and address for the record.

Speaking against the request: None.

Speaking for the request:

Fred Ridge, 341 Haw Rd, Brown Summit: Mr. Ridge asked if there were any questions from members. There were no questions from members at this time.

Adam Baldwin, 4940 Hoover Hill Rd, speaking on behalf of 6402 NC Hwy 62: Mr. Baldwin asked what type of housing is planned for this development.

Mr. Ridge replied these would be single- family homes with a price range from \$159,000 to \$179,000.

Vice-Chair McNabb called for a motion to recommend the rezoning and subdivision to City Council. Board member Hayworth made that motion. The motion was seconded by Vice-Chair McNabb and approved unanimously with a vote of 3 ayes and 0 nays with Chair Kennedy absent and Board member Aikens recused.

Item 2. Rezone PIN # 7707382587, Tract 2 from Residential Agriculture (RA) to Highway Commercial (HC).

Vice-Chair McNabb opened this item and called on Planning Director Allred for briefing on this request.

Planning Director Allred informed members that this request is by the same property owner as Tract 1 and for the Tract 2 property on the other side.

Tract 1 is meant to provide some density to make this portion of the property easier to sell for commercial use.

To the north of this property is a church and some single-family homes. To the east is single-family residential, south is industrial and manufactured homes, and to the west is Tract 1.

This is part of the Regional Center and Highway Commercial is compliant with this property.

Total size of this lot is 21.06 AC. Flood zone area is to the Southside of the property. Sewer surrounds the property on the other side of the creek and on NC-62.

Average daily traffic is 4,200 with no improvements scheduled by the North Carolina Department of Transportation.

Staff Recommendation: This would be a good place to have commercial. However, without a site plan, any use that is allowed for Highway Commercial in the Zoning Ordinance would be allowed. Therefore, the staff is not giving a recommendation.

What staff is providing is the Permitted Uses table for the two boards to look over. The X located on the chart under the use indicates that use is permitted. If an S is located on the chart under the use, then the owner or developer would need a Special Use Permit which requires a site plan. If the two boards are comfortable with having the allowed uses as indicated by the X on this property, then make your decision based on that.

Vice-Chair McNabb wanted clarification concerning uses marked on the chart with an X and asked if the X was shown under any of the uses allowed on the Permitted Uses Table, does that mean the applicant does not have to appear in front of council or anyone?

Planning Director Allred stated the applicant would have to meet with the Technical Review Committee, but as long as they meet the Codes of the Zoning Ordinance no further action would be required.

Vice-Chair McNabb shared that during his review of the allowed uses there are 2 or 3 things I would not want in this area.

At this time Vice-Chair McNabb opened the Public Hearing asking anyone wishing to speak to come to the podium and state their name and address.

Speaking against the request: None.

Speaking in Support of the Request:

Fred Ridge, 341 Haw Rd, Brown Summit: Vice-Chair McNabb: Mr. Ridge asked if there were any questions from members.

There was a brief conversation between Mr. Ridge and members concerning whether or not he had any development plans at this time for this property.

Mr. Ridge stated that he did not have plans at this time but felt if the property is zoned you can start talking to people.

Adam Baldwin, 4940 Hoover Hill Rd, speaking on behalf of 6402 NC Hwy 62: Mr. Baldwin asked Mr. Ridge for confirmation that there are no commercial plans for now and was he just fishing for opportunities?

Mr. Ridge confirmed there were no plans at this time.

I would not put in a car lot in this area because I wouldn't make any money off of it. A hotel would be great, and a grocery store would be wonderful. The property has been in my family for over 100 years. I don't want to put something that is undesirable on this property.

Mr. Baldwin asked if there was an update for NC Highway 62 planned and should there not at least be a turn lane planned for this area if it was developed.

Planning Director Allred confirmed there are no plans for improvement in this area.

Mr. Ridge advised members and Mr. Baldwin that he had talked with the North Carolina Department of Transportation (NCDOT) and has been informed that there could be 3 entrances without improving the road.

Vice-Chair McNabb confirmed that NCDOT will take care of this issue and that the City has no authority over state maintained roads.

Vice-Chair McNabb stated "I'm for it being developed, but would like to know what we are going to do."

Andy Aikens, 6752 Fairview Church Rd: I contacted Dollar General about looking at this property but it was not zoned for what they wanted to build. It was Mr. Aikens opinion that property located along the Circle J intersection is too expensive and felt that people could afford the property at this location. The Finch Farm Community is asking for millions of dollars. We are trying to get the future of Trinity started with commercial on NC Highway 62.

Vice-Chair McNabb confirmed that he was for commercial growth in this area, but, if I were a developer, I would go to the City and ask "What's the zoning, and what is the possibility of getting it changed?" Then I would go to the owner and say, "do you want to sell it?"

Mr. Aikens shared that the developers are going to build this. We are not going to put something cheap in there. You've seen how I keep up my properties on Turnpike and I keep it up. I want something nice coming into Trinity.

Vice-Chair McNabb discussed a situation that the City of Archdale had faced along a section of South Main. Archdale left the door open and they had a mess before they got some control over it. I don't want to follow that path. I trust you, I would just like more control over what goes in.

There was discussion between Board member Hayworth and Vice-Chair McNabb concerning what was listed on the Table of Uses that he was opposed too and what stood out as a questionable use.

Vice-Chair McNabb discussed his issues with carnivals, and tattoos, but didn't remember all that was questionable.

Board Member Aikens asked if the carnival would need to be approved beforehand or would it already be accepted. He asked if some of the uses could be exempted from the list.

Vice-Chair McNabb confirmed that the carnival would not need to be approved beforehand.

Planning Director Allred discussed the possibility of exemption of uses from the list and advised members that he did not know if this was possible.

Further discussion continued between Board members concerning the costs of properties in the area being discussed, the possibility of larger companies looking at the property for one of the uses where costs would not be an issue, and what may prompt a larger or top company to look for variety of properties. These reasons combined with the fact that Trinity has the most open land in the area is a reason to think about how property in Trinity is developed. As a developer, you look at the availability and what you can do with it.

Vice-Chair McNabb said that his thought is to not turn this request down, but pass it on to the City Council without a recommendation for them to look at. As you know, Archdale left the door open and they have one terrible mess. In my opinion, the City needs to look like Eastchester and not Westchester.

Ed Price, Price Realty: One advantage to having the property zoned retail or commercial is that you can advertise nationally. This allows national developers to look at what is available. It's a tremendous advantage for attracting business if it is already zoned Highway Commercial (HC).

I agree with the Chairman that the City should look at creating an overlay similar to the Eastchester Overlay District. This is something I opposed in the beginning, but now support. It created a nice business area and made all the property around it more valuable. You have the opportunity to make NC Highway 62 more like Eastchester. Most of the time, the first user will dictate what goes there by putting restrictions on the owner to protect its investment. For example, we did a Longhorn Development that put restrictions on the property to protect itself because you're not going to put 2 million dollars into a property and not protect it.

Vice-Chair McNabb asked if the City didn't just drop the Overlay Districts.

Planning Director Allred replied yes but the Highway Commercial Zone has some restrictions relating to the exterior and other items.

With no further discussion, *Vice-Chair McNabb called for a motion not to give a recommendation to the City Council. Board member Hayworth made that motion. 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 absent and Board member Aikens recused.*

Item 3. Rezone PIN # 6797655162, from Residential 40(R-40) to Residential 20 (R-20).

Vice-Chair McNabb opened this item and called on Planning Director Allred for briefing on this request.

Planning Director Allred reviewed this request as follows:

This property is owned by Miles Talbert who lives on Cedarberry Road. The entire subdivision is divided into half acre lots. The City rezoned the area to R-40 to protect itself from septic tank failures. Since then, sewer infrastructure has been installed and is now available to the property owners.

Single-Family Residential property surrounds this parcel. The property consists of 1.68 acres and is compliant with the Land Use Plan because it has sewer. There is an unnamed tributary on the eastern portion of the property and although the GIS doesn't show it, there are flooding issues here.

The area is fairly flat along the creek. The issue we have with this deals with flooding, sewer, and the creek. You have a 30-foot stream buffer and a 20-foot sewer easement.

Vice-Chair McNabb asked if the barn on this property was located on the easement?

Planning Director Allred replied the barn is on the edge and not on the easement. There are some concerns by staff that the eastern portion of the parcel would be unbuildable and nothing could be done with it.

Vice-Chair McNabb asked if the property owner wanted to separate the property on the right side of the sewer.

Planning Director Allred replied yes. The owner has been trying to sell this property for a while now and has had issues selling the property with the barn.

What this change will do is separate the house from the barn. The request does meet the Land Use Plan and would look like the surrounding properties.

Staff's concern is what happens to the parcel that is separated from the house and will it become a future nuisance if the owner does not live near it.

Vice-Chair McNabb asked what can be done with the property.

Planning Director Allred explained that it would take some effort to develop this property due to the flood area or removal of the barn.

Utilities Director Rich Baker briefed Board members regarding stormwater issues for this property.

The stormwater concern are the flood plain issues. That being said, you can bring in fill to the flood plain, however, you would have to prove there would be no adverse impact above or below that property. There would have to be some mapping to determine where the 100-year flood plain is located. Unless Mr. Talbert can figure out a way to put a house outside of the flood plain, it will be difficult.

At this time Vice-Chair McNabb opened the Public Hearing and asked that anyone who wanted to speak regarding this item to come forward and state their name and address for the record.

Speaking against the request: None.

Speaking for the request:

Miles Talbert, 6512 Cedarberry Rd: We purchased this property and now want to divide to extend our septic tank that is no longer needed. I would like to subdivide it at the same spot now. People have not shown any interest because of the barn. I thought it would be really easy but it was not. I've had to pay \$300 to rezone. All the houses in the development are R-20. Ours was to when I built it. The county put the two properties together. All I want to do is separate it so they don't interfere with selling the house. We thought it would be simple to separate.

Board member Aikens asked Mr. Talbert if he would have the separation of the lots done professionally by a surveyor and have topo's if needed.

Mr. Talbert replied yes.

With no other discussion, *Vice-Chair McNabb called for a motion to recommend the rezoning to the City Council. Board member Hayworth made a motion to so recommend. The motion was seconded by Board member Hobbs and was approved unanimously with a vote of 4 ayes and 0 nays with Chair Kennedy absent.*

The Public Hearing section was closed at 7:00 PM.

VI. Business from Staff

1. Code Enforcement Report (Planning Director Allred):

Planning Director Allred reviewed the Code Enforcement Report.

2. Permits Report (Planning Director Allred)

Planning Director Allred reviewed the Permits report. Colonial Village is now completely full.

VII. Comments from Staff

There were no comments from staff.

VIII. Comments from Board

There were no comments from the Board.

IX. Planning & Zoning Board Adjournment

With no other business to discuss, *Board member Hayworth made a motion to adjourn the June 8, 2016 Planning/Zoning Meeting at 7:05 p.m. The motion was seconded by Board member Hobbs, and approved unanimously by a vote of 4 ayes and 0 nays with Board member Kennedy absent.*