



CITY OF TRINITY
PLANNING & ZONING BOARD MEETING
Trinity City Hall Annex
Thursday, November 7, 2013
7:00 p.m.

MINUTES

Planning & Zoning Board Members Present: Chair Richard McNabb, Vice-Chair Lynn Kennedy, Gene Byerly, Harold Hobbs, and Don Payne.

Planning & Zoning Board Members Absent: Rick Ivey, James Peace

Other Present: Council Member Chester Ayers, Council Member Debbie Frazier, Council Member (Liaison) Linda Gantt, City Manager/Finance Director/City Clerk Debbie Hinson, City Attorney Bob Wilhoit, Planning Director Julie Maybee, Assistant City Clerk Annette deRuyter, members of the media and public.

I. Call to Order & Welcome

Chair Richard McNabb recognized the presence of a quorum and called the meeting to order at 7:06 p.m.

a) Pledge of Allegiance

Chair McNabb led the Pledge of Allegiance.

b) Invocation

Chair McNabb gave the Invocation.

c) Welcome Guest and Visitors

Chair McNabb welcomed all those in attendance.

II. Organizational Items

None.

III. Minutes

Chair McNabb conveyed that the Board needed to consider the minutes of January (January 22, 2013), May (May 28, 2013) with corrections in yellow, July (July 23, 2013), and August (August 27, 2013) minutes (See **Exhibit A**).

There being no further changes, Chair McNabb called for a motion to approve the minutes as corrected. Member Gene Byerly moved to approve. The motion was seconded by Board Member Harold Hobbs and was unanimously approved by all those in attendance by a 5-0 vote.

IV. Planning Board Public Hearings:

- 1. Quasi-Judicial Public Hearing to consider a Special Use Permit Request #SUP-10.1.13: Colonial Baptist Church of Trinity requests a special use permit to add a one (1) story addition and parking to their existing facility on Welborn Road, and referenced as Randolph County PIN's 6797813101 and 6797816304.**

Chair McNabb conveyed to the Board they had a public hearing on the first item. He attended the Church; and he wanted to make the Board aware of that. He stated he would not vote (on the request) if that was agreeable with all the Board members, and asked them to raise their right hand. By a show of hands, all members in attendance concurred. Chair McNabb then thanked Board Members.

Chair McNabb stated that the Board had a request for a Special Use Permit #SUP-10-1-13 from Colonial Baptist. He asked the Planning Director to tell them what they needed to know.

Planning Director Maybee conveyed that this was a quasi-judicial public hearing; and she asked to be sworn in.

Chair McNabb conveyed that if anyone was interested in speaking at this public hearing, for or opposed, they would need to come forward and be sworn in.

Planning Director Maybee was sworn in by the City Manager/Finance Director/ City Clerk Debbie Hinson to present testimony. (A copy of the signed oath is on file with the City Clerk's office.)

a) Staff Presentation

Planning Director Maybee conveyed that that since this a quasi-judicial public hearing testimony presented is considered evidence in making the decision, and making the required findings of fact.

Planning Director Maybee discussed information contained in the staff report (See Exhibit B). She conveyed that Colonial Baptist Church (of Trinity) requests a special use permit to add a 1 story 42' x 65' brick veneer addition to facility located on Welborn Road, and it referenced on Randolph County PIN's 6797813101 and 6797816304. She added that a deed had been prepared; and these lots combined. The property is located at 6792 Welborn.

Planning Director Maybee stated the property is zoned Residential Agricultural (RA). A special use permit is required for church in the zoning district; and it (the request) is forwarded for the Board's consideration.

She conveyed the public hearing was advertised as required by the ordinance. The applicant and property owners within 600' of the site were notified. Advertising/ notification was consistent with that for City Council. The property was also posted.

Planning Director Maybee gave a power point presentation, and it is incorporated into the record as Exhibit C. She identified the property on Welborn Road and land uses. The predominant land use, on the same of road as the church and in the immediate area, consists of residences, a residential subdivision, and fields. There is also a manufacturing use in the area.

Planning Director Maybee conveyed that the addition is going on the very back side of the church near the day care. As depicted in the power point presentation, the addition will be used as a multi-purpose room to accommodate the church and day care.

Planning Director Maybee conveyed that in looking at North Carolina Department of Transportation (NCDOT) requirements, the road (Welborn) is considered a major road. However, they do not have any recent traffic counts for it. She researched back to the early 2000's and no traffic counts were available.

Referring to the site plan, she reiterated that the addition is going on the back side (of the church).

In a RA zoning district, the minimum setbacks (from property lines) are 10' side, 40' front and 25' back.

Planning Director Maybee conveyed it (proposed addition) will be well buffered. In speaking with the applicant, no trees will be

removed and the existing vegetation will remain. She then presented photographs of the site, surrounding land uses, buffering and existing vegetation.

Planning Director Maybee presented the zoning map, identified the location of the church property zoning and zoning districts in the area.

Planning Director Maybee presented the future land use plan and identified the location of the church property. The proposed addition will be consistent with the plan since this is a residential area, and a church is allowed in the area with a special use permit.

Planning Director Maybee discussed the findings of fact.

Chair McNabb asked if there were any questions for staff.

Chair McNabb asked since no one came up (to be sworn in City to speak on the matter), did they need to go through the request for the public for or against? Planning Director Maybee responded no.

Planning Director Maybee recommended that the Board make the required findings of fact so those recommendations can be forwarded to the City Council.

Staff discussed the required findings of fact with Board:

- (1) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare since: (1) the proposed addition meets setback requirements; (2) based on ordinance provisions there is adequate parking; (3) consideration/review of the site plan by the Technical Review Committee/NCDOT (representative) and consensus of support; (4) NC DOT representative did not see any problems with use/traffic generation; (5) good access and no change to the [site] drive location or entrance; and (6) site served by City water and sewer.
- (2) That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations: (1) the proposed addition meets setback requirements; (2) based on ordinance provisions there is adequate parking with generally 225 – 250 people attending church service and approximately 60 students in day care; (3) consideration/review of site plan by the Technical Review Committee/NC DOT [representative], and consensus of support; (4) NC DOT representative did not see an problems with use/traffic generations, (5) good access and no change to the

[site] drive location or entrance; and (6) site served by City water and sewer.

- (3) That the use or development is located, designed, and proposed to be operated so as not to substantially inure the value of adjoining or abutting property, or the use is a public necessity since there is: (1) no change in use [of the church property] since an addition; (3) church compatible with the surrounding residential land uses with a special use permit; (3) based on area maps the use is compatible with the predominately residential land use; (4) site buffered from residential uses by existing vegetation, (3) there is adequate parking on site.
- (4) That the use will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of the City of Trinity and its environment since: (1) as noted from the aerial maps, the church is buffered from adjoining property by vegetation that is already established; (2) predominately residential use in the immediate area with the exception of the manufacturing use; and (3) this is an existing church.

Chair McNabb acknowledged the findings.

b) Public Comment

None.

c) Applicant Rebuttal

None.

d) Staff recommendation

Planning Director Maybee recommended approval of special use permit based on those findings of fact.

Chair McNabb then closed the public hearing, and stated that they would.

e) Board discussion

Chair McNabb conveyed the findings of fact had been addressed. Board members concurred.

f) Board Recommendation

Chair McNabb called for vote.

Board Member Don Payne so moved to approve based on the findings of fact that's specified in Article VIII, Section 8-4 of the Zoning Ordinance. The motion was seconded Board Member Gene Byerly and unanimously approved by a 4-0 vote. Chair McNabb was excused by the Board from voting on the matter.

***Zoning Map Amendment Request #RZ-10.1.13: Lights for Christ Ministries, Incorporated (Inc.) has filed a request to rezone approximately 4 acres of land, referenced as Randolph County PIN's 7708616646 and 7708616472, on NC Hwy. 62, Trinity, NC from an R-40 Residential Zoning District to a Village Center (VC) Zoning District. Said lands are owned by Lights for Christ Ministries, Inc.; and addressed as 7058 and 7044 NC Hwy. 62, Trinity, NC.**

Attorney Wilhoit conveyed to Chair McNabb the Board needed to go back and address the first hearing (Exhibit D) that they requested to be tabled.

Chair McNabb conveyed they did have the first hearing for Lights for Christ; and they have asked that it be tabled at the present time. He didn't know whether they would come back with it or not. They have requested in writing that it be tabled.

Attorney Wilhoit advised Chair McNabb to take a vote.

Chair McNabb asked if everybody was in favor of tabling it.

Attorney Wilhoit advised Chair McNabb to get a motion and second.

City Manager/Finance Director/City Clerk Debbie Hinson asked are we going to do the date specific.

Board Member Don Payne moved to table it per their request. The motion was seconded by Gene Byerly.

Attorney Wilhoit asked Chair McNabb if the Board's next regular meeting was in January. Chair McNabb responded yes. Attorney Wilhoit advised the Board to have it tabled to January.

Chair McNabb called for a motion to have it tabled to January.

Board Member Don Payne moved to have it tabled to January. The motion was seconded by Gene Byerly. The motion was unanimously approved by all those present by a 5-0 vote.

V. Business from Staff for the Planning & Zoning Board – Discussion (Planning Director Julie Maybee)

1. Text Amendment Discussion: Boarding

Planning Director Julie Maybee discussed the staff report, and it is included as **Exhibit E** and power point presentation **Exhibit C**.

She conveyed that the Board had asked her earlier to clarify/define what is considered boarding.

Planning Director Maybee conveyed the City's Zoning Ordinance does not define boarding or address kennel, except in Section 7-15. It allows a commercial kennel with an outdoor run as a special use in a RA, M-1 and M-2 Zoning District.

A veterinary clinic (with an outdoor run) is allowed as a special use in RA, M-1, and M-2. A veterinary clinic with no out-door run is allowed as a permitted use in RM-U Old Town Overlay, a permitted use in the O-I, VC, HC, M-1 and M-2 Zoning District..

Pet Grooming is allowed as permitted use in the RM-U Old Town Overlay.

She conveyed a complaint had been received; it is in the code report, about someone operating a kennel/puppy mill. The ordinance (zoning) does not address a kennel, boarding kennel. It is not clear. Could this be considered a home occupation if someone is raising pets at their house to sell or breed them.

Planning Director Maybee conveyed she had looked a lot of different ordinances. One ordinance, from Fuquay-Varina had some good definitions **(See Exhibit E)**. She reviewed the provisions.

She asked for the Board's direction is pursuing this avenue further in preparing a text amendment, breaking it (definition) down, and recommending what zoning districts they should be included in.

Board Member Don Payne asked if the provisions would interfere with someone's right in raising a show dog. Planning Director Maybee responded no, just would need to address it in the provisions. We do need some definitions in the ordinance.

Vice – Chair Kennedy stated that we do have a lot of families that have had horses all of our lives. So we have to take it into consideration. We still have a lot of farm families and it is inconveniencing them.

Planning Director Maybee conveyed there are NC General Statutes that define a bonafide farm; and we need to make sure our regulations do not conflict with that.

Vice-Chair Lynn Kennedy moved that the Board take a look at this at one of our future meetings. The motion was seconded by Harold Hobbs and unanimously approved by all those in attendance by a 5-0 vote.

2. Text Amendment Discussion – Temporary Emergency Residence

Planning Director Maybee discussed the staff report (included as **Exhibit F**) and gave a power point presentation (**see Exhibit # C**). She conveyed that every now and then people have a terrible fire and they lose their house.

Recently, there was a fire out on Sisters Lane, and the house was totally destroyed. She was approached by the property owner as to what they could do. There are no ordinance provisions to address this unless you have a residential accessory use. There were no habitable accessory buildings on the property.

In other areas, there are provisions for a temporary emergency shelter that are straight forward and laid out. The state building code needs to be taken into consideration, especially in determining what is considered temporary (residence). How long can temporary power be on to a place?

Planning Director Maybee added there are other events, such as, ice storms or tornados that can destroy a home. A lot of times people want to remain on- site while their home is being rebuilt.

Planning Director Maybee conveyed that she is looking at working with Randolph County Environmental Health and Inspection Department to develop provisions to address this if the Board is interested in pursuing it. She added a definite time frame would need to be included. Don't what to have to take code enforcement. There needs to be a clear understanding how long it (temporary residence) can stay out there. Also, for a temporary residence can a camping trailer, RV or manufactured home be used?

She asked the Board for direction in pursuing something like this. She added that it will take some time to develop some provisions and safeguards too.

Board Member Gene Byerly conveyed it is really something that needs a hard look. As mentioned by Planning Director Maybee, there definitely needs to be a time line when you pull something in there. Most insurance companies will provide for a loss of use, a home for you to live in.

Chair McNabb concurred.

Planning Director Maybee convened that we would need to work with the Inspection Department to make sure they comply with the State Building Code, especially with electrical service.

Board Member Don Payne conveyed there are many philosophies about temporary shelters. He referenced the floods in 1999 where the eastern part of the State was flooded. Camping trailers were set up for a whole community. In New Orleans, they had 8,000 campers available for folks to live in, and were checked by the county health department to make sure they were sanitary to live in and kept that way. It was only for 18 months. So you can limit those things.

Chair McNabb conveyed that they needed to look at the situations. High Point had a tornado.

Vice Chair Lynn Kennedy stated that Denton had one as well.

Board Member Don Payne stated there are folks in our community that don't have insurance. That he had been here for many years. There are lots of people that do not want to leave their property sitting empty where it could be vandalized, ripped off or copper stolen from the air conditioning units. Need to consider putting a time line though.

Chair McNabb concurred.

Board Member Gene Byerly moved to have the Planning Director work on the matter (text amendments). The motion was seconded by Harold Hobbs and unanimously approved by all those in attendance by a 5-0 vote.

3. Code Enforcement Report through October 11, 2013.

Planning Director Maybee presented the code enforcement report, included as **Exhibit G** and power point presentation (included as **Exhibit C**). Photographs of public nuisance and zoning violations were presented and discussed. She conveyed that she worked with people to bring about compliance. Steady progress needed to be made cleaning places up. She was able to get a lot more cooperation that way rather than taking a total hard line approach on it.

She worked on developing partnerships with other agencies to help bring properties into compliance.

4. Discuss Hold/Scheduling a Workshop: New Planning Legislation

Planning Director Maybee conveyed that she attended a workshop last week about a lot of new planning legislation. She asked if the Board

would be interested in a quick workshop; try to keep it less than an hour, to go over these new provisions.

She stated the new provisions over rides our local law. The workshop will help give direction as to how go forward with our ordinance.

Chair McNabb asked is this was State changes. Planning Director Maybee responded yes, some sweeping changes.

Chair McNabb responded that it couldn't hurt us.

Planning Director Maybee stated that she would like to set each member up with a notebook. So when these types of changes come up, like the Planning Legislation, or a lot of different handout they can be included in the notebook.

Planning Director Maybee stated that to make the review of Board's packet (agenda) material easier, she will put material in a notebook. The notebooks will be recycled from each meeting. It will be tabbed into sections. After the meeting, the contents will be removed. Clips will be provided if members want to keep the contents. The notebooks will then be used for next meeting. She had worked that way in the past. It is so much easier to keep track of the papers because it can be a challenge sometimes.

Chair McNabb asked Planning Director Maybee when she had time for the workshop. Planning Director Maybee responded maybe the first part of December; or she could poll members now and then to see what would work.

Chair McNabb asked if there was anything on the books for the December meeting. Planning Director Maybee responded they did not have anything for the November 26, 2014.

City Manager/Finance Director/City Clerk Hinson conveyed that they would not have anything in November because of Thanksgiving, and they would not have anything in December because of Christmas unless they came in.

City Manager/Finance Director/City Clerk Hinson asked Planning Director Maybee if this is something that should be heard by both Boards in a joint meeting. Planning Director Maybee conveyed yes.

Planning Director Maybee stated that she would like to get David Owens from the Institute of Government. He gave the workshop she attended and he was a good presenter. It was a good presentation.

Chair McNabb asked Planning Director Maybee to see what she could do. Maybe we can get a date a majority can attend.

VI. Board Business/Discussion

Chair McNabb asked if there was any business the Board needed to discuss tonight.

Vice-Chair Kennedy responded yes we do. We had an open project for a dedication of the area within the City Hall yard for Guy Marino, which was one of our Board Members that passed away over year and half ago now. Because our members are going off the Board, and Jeff is already gone from the Board, we would like to know what the status of that project is.

City Manager/Finance Director/City Clerk Hinson conveyed to the Board that everything is complete with the exception of the plaque. It has been order. A tree and a bench with pavers in front are already in place. Utilities have been run for a light to be installed once the plaque once it arrives. It will shine on the plaque. The plaque will be similar to what is out front. It will be grasp type plaque that will be put on wood; and placards will go with that. It can be used for other members, residents or anyone that this Board or Council agrees/says they would like to honor. At that point and time, we can order the plaque that will go on the large plaque in that area. Whoever you want to honor we can order another tree or whatever, we certainly have the area to do it. It is located out in the front where the large rock is at.

VII. Planning & Zoning Board Adjournment.

There being no further business, Board Member Don Payne moved to adjourn the meeting. The motion was seconded by Harold Hobbs and unanimously approved by all those in attendance, by a 5-0 vote.

On _____ Board Member _____ moved to approve the minutes. The motion was second by Board Member _____ and approved with a ___ to ___ vote.

Respectfully Submitted,

Planning Board Chair Richard McNabb

Julie Maybee, Planning Director

Annette deRuyter, Assistant City Clerk

