



**CITY OF TRINITY  
PLANNING & ZONING BOARD MEETING  
Trinity City Hall Annex  
Tuesday, July 23, 2013 7:00 p.m.**

**MINUTES**

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

**Planning & Zoning Board Members Absent:** Board Member Rick Ivey

**Other Present:** Mayor Carlton Boyles, Council Member (Liaison) Linda Gantt, Council Member Debbie Frazier, City Manager/Finance Director 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 McNabb recognized the presence of a quorum and called the meeting to order at 7:03 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 those in attendance. He indicated the Board would follow the agenda.

## **II. Organizational Items**

Chair McNabb advise the members that Board Member Jeff Taylor had resigned. Planning Director Maybee indicated that efforts would be made to advertise the vacancy.

## **III. Minutes**

No action taken by the Board at this time.

## **IV. Planning Board Public Hearings:**

### **1. Special Use Permit (Quasi-Judicial Public Hearing) #SUP.07.1.13 William & Amy Beusse**

**Chair McNabb conveyed that if anyone was interested in speaking and presenting testimony concerning the special use permit they would need to come forward and be sworn in by the City Clerk.**

**Planning Director Maybee was sworn in to present testimony.**

#### **a) Staff Presentation**

Planning Director Julie Maybee addressed the Board. She presented the staff report; and requested that it be incorporated into the public record (see Exhibit A). She conveyed that a special use permit request was received from William and Amy Beusse. They own a property/home in Steeplegate subdivision. It is located at 3773 Steeplegate Drive.

She stated notice of the public hearing was advertised in accordance with the City of Trinity's Zoning Ordinance provisions.

Planning Director Maybee then gave a power point presentation and requested that it be incorporated into the record, see Exhibit A-1. She stated the subject property is located in an R-40 Residential Zoning District. Referring to a photograph of the home, she indicated that a special use permit is required for an accessory building when it has a separate electrical service.

She gave a brief history of the request; and indicated that she was initially contacted by the Randolph County Inspection Department. The applicant was building a 1 ½ story accessory building with a separate electrical service. Applicable ordinance provisions were discussed with the applicant and contractor. The property owners plan to utilize the structure as a pool house, and not for residential purposes. She presented photographs of the interior and exterior of

the home showing the location of the existing 200 amp service, the interior and exterior of the accessory building, surrounding residential land uses, and location of other residential accessory buildings in the immediate area.

Referring to the site plan, Planning Director Maybee stated the accessory building meets minimum setback requirements; and is located at least 10' behind the front of the house.

She reviewed/addressed the findings of fact and conveyed they needed to be considered when making a recommendation to the City Council. First, that 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: (a) the use is in a residential area; (b) it is compatible with the residential use; and (c) meets minimum setback requirements and is a min. of 10' behind the front of the home. Second, that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations: a) the use is in a residential area; (b) it is compatible with the residential use; and (c) meets minimum setback requirements and is a min. of 10' behind the front of the home. Third, that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity since the use is in residential area. Forth, the use or development 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 City of Trinity since: (a) this is a residential use; and (b) there other accessory buildings in the area.

Planning Director Maybee conveyed that the Technical Review Committee had met and discussed the proposed special use permit. It was the consensus of the committee to recommend approval of the request. The accessory structure is not to be utilized for dwelling purposes.

Chair McNabb asked if a garage door would be put on the front of the building. Planning Director Maybee responded yes. There is also an attached garage at the residence.

Chair McNabb asked how many square feet were within the building. Planning Director Maybee responded that it was a 16' x 30' 2 story building.

Board Member James Peace asked Planning Director Maybee if she was aware of any other accessory structure with a separate electrical service. She responded that she was not personally aware of that.

But, if she was made aware of some she would request that they obtain a special use permit based on current ordinance provisions.

Planning Director Maybee conveyed if the Board would like to take another look at this ordinance provision it could be done down the road; and pros and cons taken into consideration.

She added that she spoke with a member of the Steeplegate Home Owners Association. Their Board was meeting and asked for their input.

Board Member Payne asked about the 400 amp service. Planning Director Maybee stated the owner had looked at upgrading the existing 200 amp service at the house to a 400 amp service. However, there was limited space in the washroom; and it affected the appearance on the house on the exterior. It would be bulky. So they wanted to pursue the option of placing a 200 amp service on the accessory as provided for under the ordinance.

**b) Applicant Presentation**

There was none.

**c) Public Comment**

Chair McNabb stated no signed up to speak.

**i. For the request**

None.

**ii. Against the request**

None.

**iii. Other public comments**

None.

**Chair McNabb then closed the public comment period.**

**d) Applicant Rebuttal**

None.

**e) Staff recommendation**

Planning Director Maybee recommended approval of the special use permit based on the findings of fact discussed earlier, and stipulated that accessory building not to be utilized for dwelling purposes.

**f) Board discussion**

There was no further discussion.

**g) Board Recommendation**

City Manager/Finance Director Hinson and City Attorney Robert Wilhoit advised the Board to incorporate the findings of fact in the motion.

Board Member Donald Payne moved to recommend approval of the special use permit request, and incorporated the findings of fact/stipulations as referenced. The motion was seconded by Board Member Gene Byerly. The motion was unanimously approved by a 6-0 vote.

**2. Rezoning Request #RZ-07.1.2013 – Juanita S. Loflin**

**a) Staff Presentation**

Planning Director Julie Maybee presented the staff report, and it be incorporated into the record as Exhibit B. She indicated the property is located at 7374 NC Hwy 62.

Planning Director Maybee conveyed that back in 2011 requests came before the Planning Board to rezone properties in the Center City area. This property was not included in the rezoning request. There were approximately 260 property owners that were notified in the area.

Planning Director Maybee stated the property is zoned R-40 Residential. It is in the Old Town Overlay as well. In looking at the Randolph County tax records, the building has been used as a commercial building. It was built in 1965. There are almost 3, 924 sq. ft. of heated space in the building. It currently has four tenants: clothing store, barber shop, beauty shop and church. They are requesting that it be rezoned Residential Mixed Use (RM-U). The rezoning would be consistent with the City' Land Development Plan, as amended.

Planning Director Maybee presented a power point presentation (see Exhibit B-1) showing the existing and adjacent land uses in the area.

She referenced the dimensional provisions included in the staff report; and added the site is in the Uwharrie River Watershed. It is not within a 100 year flood plain.

Planning Director Maybee discussed the zoning of adjacent properties. She conveyed the rezoning would be appropriate and in compliance with the City's Future Land Use Map.

Chair McNabb discussed the location of the property boundaries.

**b) Applicant Presentation**

None.

**c) Public Comment**

Chair McNabb stated this was a public hearing. He asked if anyone would like to speak for or against the request to give their name and address. They would have three minutes to speak.

**i. For the request**

None.

**ii. Against the request**

None.

**iii. Other public comments**

None.

**Chair McNabb then closed the public comment period.**

**d) Applicant Rebuttal**

None.

**e) Staff recommendation**

Based upon the information presented, Planning Director Maybee recommended approval of the rezoning request.

**f) Board discussion**

There was no further discussion among Board Members.

**g) Board Recommendation**

Board Member James Peace moved to approve the rezoning request. The proposed action is consistent with the City of Trinity's Comprehensive Plan and other approved plans. Rezoning the (existing) commercial property from an R-40 Residential District to a RM-U Zoning District is in compliance with the future land use plan. The motion was seconded by Harold Hobbs. The motion was unanimously approved by a 6-0 vote.

**3. Zoning Ordinance Text Amendment Request #TA-07.2.13 – Juanita S. Loflin**

**a) Staff Presentation**

Planning Director Julie Maybee presented the staff report, and it is incorporated into the record (see Exhibit C). On behalf of Juanita S. Loflin, Janice L. Smith and Sylvia L. Baird filed a request to amend the City's Zoning Ordinance to allow pet grooming as a "permitted use" in the RM-U (Old Town Overlay). Contingent upon the approval of the property rezoning/and text amendment, they would like to lease a tenant space at 7374 NC Hwy 62 to a pet groomer. The text amendment would apply to all properties within the RM-U Zoning District (Old Town Overlay).

Planning Director Maybee conveyed in reviewing the City's Zoning Ordinance, pet grooming is not allowed in any zoning district.

Referring to the Table of Permitted Uses, she indicated the use would be similar to that of a veterinary clinic allowed in the zoning/old town overlay.

Chair McNabb stated the some pet groomers have boarding. Planning Director Maybee responded the specific request did not include boarding. She would consider that [use] similar to a kennel.

Chair McNabb conveyed in his opinion that they may want to be spelled it out further as to: (a) what is considered pet grooming, and (b) a kennel. However, it is up to the Board.

Planning Director Maybee conveyed that she would like to look at the [Trinity's Zoning Ordinances] *Table of Permitted Uses* and the intent of each zoning district, and the uses allowed with each. Also, she felt an inventory of existing land uses was needed. Are the uses [existing land uses] consistent with the zoning district and ordinance? Does the City have a lot of non-conforming uses?

She added that pet grooming would be an appropriate use in a Highway Business (B-1) Zoning District. Chairman McNabb concurred.

Planning Director Maybee related rather than listing specific uses allowed within a district [the Board] may want to look broader categories and performance standards. What is the effect/impact of the use? Otherwise, text amendments would be on going when something is not included within the ordinance. This is a long term goal.

Chair McNabb commented that it is makes it difficult to grow business when they need to go through so many steps.

Board Member Harold Hobbs asked if a new category was being proposed to the table [of permitted uses] for pet grooming. Planning Director Maybee responded yes.

Board Member Hobbs conveyed that sometimes groomers board animals.

Planning Director Maybee relayed if the Board was inclined to include boarding, some specific provisions could be developed for the zoning district, as well as the overlay.

Board Member Hobbs stated that they may have a request for it one day, and they expected it.

Chair McNabb stated that is something the Board needed to look at.

**b) Applicant Presentation**

None.

**c) Public Comment**

Chair McNabb asked if anyone would like to speak for or against the request to give their name and address. They would have three minutes to speak.

**i. For the request**

**Jennifer Trotter, 1313 Lake Drive, Archdale** addressed the Board and conveyed she was the groomer interested in going into the tenant space. At this point, she was not going to board animals but would like that option in the future. She would like that addressed so she would not be held up.

**Chair McNabb asked if there was anyone else that was for the zoning ordinance text change. No one else spoke in favor of the request.**

**Chair McNabb asked if anyone wanted to speak against the request. If they wanted to do so, they needed to come forward to the microphone, state their name and address. They would have three minutes.**

**ii. Against the request**

None.

**iii. Other public comments**

None.

**Chair McNabb then closed the public comment period.**

**d) Applicant Rebuttal**

None.

**e) Staff recommendation**

Chair McNabb conveyed staff supported the text amendment. Planning Director Maybee concurred.

**f) Board discussion**

There was no further discussion.

**g) Board Recommendation**

Board Member Don Payne moved to recommend approval of the text amendment request to allow pet grooming as a “permitted use” in the RM-U zoning District (Old Town Overlay). In future bring better definition to the Planning Board addressing boarding. The motion was seconded by Harold Hobbs; and unanimously approved by the Board by a 6-0 vote.

**4. Zoning Ordinance Text Amendment Request #RA-7.2.13 – Staff**

**a) Staff Presentation**

Planning Director Julie Maybee presented the staff report, and it is incorporated into the record (see Exhibit D). She conveyed at the last meeting, changes to North Carolina General Statutes (NCGS) were discussed pertaining to the placement of political signs. Compliant political signs are now allowed the public road right-of-way as provided by the statute.

Planning Director Maybee gave a power point presentation. It is included as Exhibit D-1. She conveyed that she spoke with the Randolph County Board of Elections. Complaint political signs can be set in the road right-of-way 30 days before early voting starting on October 17, 2013; and must be taken down 10 days after election. Election is on November 5. She reviewed State standards for complaint political signs.

Planning Director Maybee reviewed existing zoning ordinance sign provisions pertaining to election signs, and discussed proposed text amendments. She conveyed the proposed text amendments were to address/reflect changes in State law. She further indicated the proposed provisions were a starting point, and requested the Board's input/guidance in allowing them on lot or in road-right-of-way. For instance, could be an option in choosing to place it on the lot or in the right-of-way. Planning Director Maybee recommended a uniform standard. In either instance, property owner's permission should be obtained.

Chair McNabb inquired under current ordinance provisions how many campaign signs are allowed per lot. Planning Director Maybee responded 1 sign per candidate per lot. In reviewing other ordinances, it is standard provision.

Under the new State law, they are allowed in the road right -of-way provided they are compliant. Not a limit as to the number. She would double check the statute.

Chair McNabb asked about the provision of one sign obstructing another. Planning Director Maybee responded the sign should not be placed so as to obstruct the visibility of another one.

Board Member Payne conveyed that could be an enforcement challenge. Planning Director Maybee conveyed she would send out a letter to candidates informing them of ordinance provisions. She had done that in other places.

## **b) Applicant Presentation**

**N/a**

**c) Public Comment**

Chair McNabb asked if anyone would like to speak for or against the request to give their name and address. They would have three minutes to speak.

**i. For the request**

None.

**Chair McNabb asked if anyone wanted to speak against to the request. If they wanted to do so, they needed to come forward to the microphone, state their name and address. They would have three minutes.**

**ii. Against the request**

None.

**iii. Other public comments**

None.

**Chair McNabb then closed the public comment period**

**d) Applicant Rebuttal**

N/a

**e) Staff recommendation**

Staff sought input from the Board. She recommended uniformity in drafting provisions.

**f) Board discussion**

Vice Chair Lynn Kennedy conveyed that "... based on past history within this City, this whole issue can become a bee's nest. Whatever is decided regarding political signs, need to make sure that everybody that is associated with a candidate, any race or any office knows the exact requirements. In the past, we have run off of many different rules, regulations and laws."

Vice Chair Kennedy added that "...the provisions needed to be really specific as to: (a) the time frames they can be put out; (b) where they can be put out; and (c) the differentials between the road

right-of-ways, and the rights/ limitations of the private property owners. Does a property owner have to go completely by the general statutes? Is there a time frame? Can someone already have a sign out if it is out of the road right-of-way and in his/her yard? Need to be very specific. If we don't, we will have another bee's nest. It will then come back on this Board and City Council by our citizens and candidates.”

Chair McNabb asked if the general statutes had to be followed. Planning Director Maybee responded yes in regards to the placement of signs within the road right-of-way of the state highway system. It is different for City maintained streets; and we have options. But from a code enforcement standpoint she recommended uniformity.

Planning Director Maybee asked if the Board would like to keep the provision of 1 [political] sign per zoning lot? She added could also look at the zoning district, and see what size of freestanding sign is allowed. Freestanding signs are message neutral.

Planning Director Maybee conveyed the proposed provisions address “portable or temporary” political signs.

She concurred with making people aware of provisions. She could prepare a letter for review; and distribute information to sign companies in the immediate area.

Chair McNabb conveyed that most streets within the City are maintained by the state; and he thought provisions should follow state law.

Board Member Don Payne concurred. He thought it would be helpful to send information out to the candidates; or have a candidate training session.

Chair McNabb and Board Member Don Payne conveyed that it was the candidates' responsibility to follow the law.

g) **Board Recommendation**

Vice Chair Lynn Kennedy moved to table the issue until the next meeting. Requested that Planning Director Maybee write out rules and regulations for the Board's consideration, provide any information concerning the general statutes, and proposed text amendments. The motion was seconded by Board Member Don Payne. The motion was unanimously approved by a 6-0 vote.

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

Planning Director Maybee advised the Board that the State Legislature was in the process of changing a lot of state laws that will impact the City. She will keep the Board informed.

**V. Planning & Zoning Board Adjournment.**

Being no further business, Board Member Harold Hobbs moved to adjourn the Planning & Zoning Board Meeting at 8:10 p.m. The motion was seconded by Board Member Don Payne and unanimously approved by all members in attendance.

Respectfully Submitted,

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**Planning Board Chair Robert McNabb**

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**Julie Maybee, Planning Director**

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**Annette deRuyter, Assistant City Clerk**

*On \_\_\_\_\_ Board Member \_\_\_\_\_ moved to approve the minutes. The motion was second by Board Member \_\_\_\_\_ and approved with a \_\_\_ to \_\_\_ vote.*