



CITY OF TRINITY
PLANNING & ZONING BOARD MEETING
Trinity City Hall Annex
Tuesday, May 28, 2013, 7:00 p.m.

MINUTES

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

Planning & Zoning Board Members Absent: Jimmy Peace, Jeff Taylor

Other Present: Mayor Carlton Boyles, Council Member (Liaison) Linda Gantt, Council Member Kristen Varner, 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.

1. Call to Order & Welcome

Chair McNabb recognized the presence of a quorum and called the meeting to order at 7:03 p.m. He welcomed those in attendance.

2. Pledge of Allegiance

Chair McNabb led the Pledge of Allegiance.

3. Invocation

Chair McNabb gave the Invocation.

Organizational Items:

Chair McNabb stated there were no organization items to be considered by the Board.

Action Items: Public Hearing

4. Zoning Ordinance Text Amendment Request – Lights for Christ Ministries, Inc.

a) Staff Presentation

Planning Director Julie Maybee stated that this was a public hearing item. She presented the staff report, and requested that it be incorporated into the record (see Exhibit A).

Planning Director Maybee conveyed that Lights for Christ Ministries, Inc. had filed a request to amend the City’s Zoning Ordinance, Article VII, Section 7-15 “to allow churches, religious congregations and their customary accessory uses to be allowed with a special use permit in the Village Center Overlay.”

Planning Director Maybee stated that in accordance with Article XVII of the City’s Zoning Ordinance, notice of the public hearing was duly advertised in “*The High Point Enterprise*” on May 16, 2013 and May 23, 2013.

Planning Director Maybee conveyed that anybody that owns land within the City can request a text amendment. Lights for Christ Ministries, Incorporated (Inc.) owns land within the City of Trinity.

Planning Director Maybee highlighted the City’s relevant land development plan history. She conveyed in 2007, the City of Trinity adopted a Land Development Plan. A copy of has been provided to the Board earlier, and it is incorporated in the staff report. The primary purpose of the plan is to provide guidance for making strategic decision about future growth and development in the community. The plan also serves as: (1) a source of factual information; (2) a guide to local government decisions; (3) an opportunity for community involvement; and (4) an outline for strategic action. The plan is intended to serve as a guide to the property owners and developers who propose site improvements, the staff who review and comment on these proposals and the elected appointed officials who consider these requests.

Planning Director Maybee stated that based on plan statistics, the area of Trinity is approximately 17 square miles. With careful land use planning and a well thought out plan for City services, there is an adequate supply of suitable land for future development.

She added the City's Zoning is a tool for implementing the Land Development Plan, Village Center Master Plan contained within *The 21st Century Plan for Old Town* (Center City Plan) adopted by the City Council.

Planning Director Maybee stated the looking at the City's zoning ordinance, the City has 12 zoning districts. In 7 of those districts Churches, religious congregations and their customary accessory uses are allowed.

Planning Director Maybee presented a power point presentation that is incorporated into the record as Exhibit #B. The Village Center District as shown on the land development map adopted with the plan basically accommodates a medium to high density mixed use. It is an activity center along Main Street/ NC Highway 62 that is generally within a five (5) minute walk (1/4) mile or 1300 feet of the intersection of Meadowbrook Drive and Braxton Craven Road. She stated the Village Center is the heart of the community and discussed the uses allowed and envisioned for the area.

Chair McNabb asked what uses allowed in the district. Planning Director discussed the uses allowed within Village Center

Board Member Hobbs asked about churches. Planning Director Maybee responded they are a special use. There are no churches in the Village Center.

b) Applicant Presentation

J.R. (Melvin) Hughart, 1021 Sagewood Lane, Archdale, addressed the Board. Mr. Hughart then stated "... that first of all, I can't believe that in this country it still baffles my mind that there are areas, I feel like, we elect to keep God out. I don't take it personally because nobody knows me nor do I know them except for [Board Member] Rick Ivey. ..., I believe, first of all, we are all God fearing people or we, barring for not, should be. If you read the scripture and know the Bible, you know that God requires 10%. The first 10% he asks for is the first fruits. This primary area in Trinity is the first fruits of the property. The very area we are trying to, that's supposed to be the first 10% to be returned to God. We are trying to take that and say God you can't be here. We are going to put in a shopping center here. If we are going to put in a shopping here [like] the maps I saw upon on the screen. I've seen pictures of them that dated back to 2008. Somebody should have bought the property before they made plans to build something there."

Mr. Hughart further conveyed to the Board, "We came over here in January and February and stated our [Church] intentions. We were in the process of buying the property; and that we had intentions of building a church there. Not one person asked any questions or made any kind of statement, what so ever, until after they had made the deal with the real estate company. Then

we get a call from the City of Trinity saying oh wait a minute, you can't build a church there."

Mr. Hughart added that "they are not coming to threaten. We are in this thing up to our eye balls. We have lawyers that are working on this and have worked on this. Their advice to me was too simply state that not only is this against the constitution but it is discrimination to say that religious organizations cannot be at this location. We are not going away. We are willing to fight this as long as it takes, if we have to go all the way to the Supreme Court. I think we need to get together, and need to make the City of Trinity - I mean we have a little grocery store here that went out of business. I lived down on Turnpike for 14 years. We are talking about putting in a shopping center with millions of dollars, and when we couldn't keep up the Leachon Wagoner for a few hundred thousand."

Mr. Hughart stated "I'm not saying you don't have a good insight; and I'm not saying you don't have good vision. I don't think to say you don't have good plans. But, I wished somebody would have told me in January when we made this statement. That we were going to buy the property and use it to build a church. Somebody could have spoke up then and said that's not allowed. Maybe we would have looked at it a little different.

Our plans, we have not idea of what our plan is - how far, how great or how big this thing may go. If you look at Jerry Falwell's University, I guarantee you that when he built Thomas Road Baptist Church, he had no idea of the magnitude of the impact that Liberty University was going bring in the future. Oral Roberts University the same thing.

So we have no idea of how far this is going to go or of how big or great it is going to be. We do intend to build an initial building to seat somewhere close to 300 people. We would appreciate your support. We pray that God will bless you and thanks again for your time listening to me."

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

Joe Wingfield, 5206 Canton Drive, Trinity addressed the Board. He stated: "... that I have lived in the Archdale/Trinity area since the mid 70's. My children went to school in the Trinity and Archdale school system. I've been is involved with Life for Christ Ministries. It's the most different kind of ministry than what I grew up in. I've been to Baptist Churches and Methodists Churches. Lights for Christ is a non-denominational church. But, if you want to hear the true word - Lights for

Christ is the place to be. It's all about the gospel and the word of God. It is not about politics, who is who, how you dress or that type of thing. It is a genuine church. I think it would be good for Trinity. I have been up and down Hwy 62 a lot of times over the years; and I have seen it change. I'll be honest with you, I know that old house over there was part of the heritage and so forth. But, it looks better with it gone in my opinion. At the same time, like JR said, we looked at that property. Felt like there weren't any obstacles that prevented us from buying it and building. There is a church on the corner and another one down the street a little ways. It's a lot of opportunity for people, if everybody went to church that probably should go to church, we wouldn't have enough churches. A lot of churches don't survive today because their membership is falling. Lights for Christ are a new church on the corner. We have a building now that is in east High Point. We know it is in a bad area but we had to get what we could afford. We would like to move it out into an area that would help draw people. It would be an opportunity for people to come and get something that is missing in their lives. I have been going there for almost four (4) years. It is the best thing that has happened to me and my family."

Robert McGhee, 4752 Maplewood Drive, addressed the Board. He conveyed that: "... six (6) years ago I moved out of High Point into Trinity; bought a home at 4752 Maplewood Drive. I go to church at Lights for Christ Church in High Point.

The country was founded on religious beliefs. I realize to today, that it is hard to believe your Congress. The first Bible printed in the United States was ordered by Congress.

Every community that wants to grow and go forward needs a good sound Christian base for the families that live there. I have told people many times if you don't have your children in church on Sunday morning, when they grow up you go visit them in prison.

I moved to this area because it is low profile, low crime. I don't have to worry about someone breaking into my house and stealing. I can leave my doors unlocked. It's a nice community. It would be a blessing to have my church here where I don't have to travel eight (8) miles to go to it. I could meet more of the community as they attend the church and become members. I think it would be a great opportunity for Trinity. It is a City vision. The vision for the City must be on lines parallel with the Christian belief. We are in the Bible belt. We are going to be the last strong hold in the south against same sex marriages and other things that people up north are for. It is an abomination to God, the same sex marriages. We are in the Bible belt. Thank God for that. I'm certainly 100% against such things as that. The only way to keep it out of our area, our community and state, is to have churches and more Americans. Thank you."

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 was in 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

Kristen Varner, 7123 NC Hwy 62, addressed the Board and stated: “I’m devastated, as a Trinity community member, the Trinity Inn was so heartlessly torn down. During the mid 1800’s the inn was a hotel for visitors and dormitory for students at Trinity College, which later became Duke University. The Trinity Militia composed of local college students were also housed there during the Civil War. This building was our most historic structure still standing. Trinity incorporated for one main reason that was to protect our identity and sense of community. The Trinity Inn was once the heart and soul of the City of Trinity. It was still a reminder and connection to this past. Our history is irreplaceable.

I cannot fathom why someone would purchase property for a specific purpose if the zoning does not allow it for that purpose; and then show absolutely no regard or respect for the community and tear down piece of our history. At least the community and historic society should have been contacted to allow for pieces of the history to be salvaged if it was going to be raised to the ground. I don’t understand someone wanting to be part of this community and showing it such little respect. Then turn around then want the City to make allowances for them. It has been said that an old building has two enemies – water and stupid men.

I would rather have this land remain vacant, as a reminder to this community, what stupid men can do. As far as the text amendment proposal, the previous Council voted on a specific plan to encourage retail economic growth and what we want to become our downtown, which excluded churches among other uses. Obviously, Trinity does not discriminate against churches or houses of worship. It seems that there is almost a church on every corner. There are almost seventeen (17) square miles and seven (7) other zoning districts where houses of worship are allowed to build. The small strip of land, a quarter of a mile, designated as the Village Center from Braxton Craven to Meadowbrook Road, is the only place that they are not allowed purely for economic reasons.

Churches are tax exempt and would not add to retail sales, therefore, generating no revenue for the City. Also, with such a small area designated for retail, a church occupying four (4) acres would tremendously limit area available for retail opportunities and a tax base for

the City. I respectfully requests that the members of the Planning Board to deny the text amendment request based purely on an economic basis but also asked you to return to this applicant the respect he showed this community”.

Kevin Varner, 7123 NC Hwy 62, addressed the Board. He relayed the directional traffic encountered when backing out of his driveway from Mendenhall Extension, Trinity High School, an [Trinity] elementary school, Braxton Craven and a church across the street.

Mr. Varner added: “...Now they want to put another church across the street. [We] have 6 churches within a half a mile from my house. Now some guy wants to tell me that he wants to put one more church across the street. There will be 7 churches within a half a mile of my house; and we are going to make the world a better place? I don’t think so.”

Mr. Varner further stated “I also watched them rip the house down which was awful. I have never seen a house so well built and still stable. ... We talk with each other as the community; and make sure that we do things in right for each person as a community. Then you come in my community and you tear down a house that means a lot to my community. Then you want to talk about the Supreme Court. So be it. That’s fine. But in my community, when you come to my community we talk about things. We don’t always agree but we always work things out. We always make time for each other. We will always make time for each other. I’ll make time for my neighbors. I will make time for ones that I don’t agree with, and ones I do agree with. But if anybody wants to be a part of the community they need to come to us and be a part of this community. I don’t think that is really what happened. Thank you.”

Kenneth Carico, 4123 Forrest Manor, addressed the Board. He stated:”I don’t think we need another, somebody, that’s not going to pay taxes. We need tax money. We don’t have a whole lot. All we got is the people. We need businesses that will pay. We don’t need someone that calls their selves a church, and won’t bow his head when they pray. I don’t understand that. I don’t’ think Trinity was doing anything against the church like they say. They knew what they were buying. They knew it before they bought it; and they were told before they got it. We have a plan, and hopefully, we can still pull together. The way this town was disrespected with its history, I don’t care for that. No respect at all. None. Thanks.”.

iii. Other public comments

None. Chair McNabb then closed the public comment period. He conveyed the applicant may rebut comments if he so chooses.

d) Applicant Rebuttal

Mr. Hughart addressed the Board. He stated: "I just want to make a comment about the old house that was torn down. I talked with a lot of people here in Trinity. For the most part the house was unsalvageable. We didn't come in and tear the house down to be disrespectful to the City of Trinity. We did an extensive search on what it would take to restore the house. The bottom figure we came up with was \$300,000 to get started to restore that house. I don't have \$300,000. Apparently, the City of Trinity does not have \$300,000. And, the folks that are opposing the text amendment based on that old house don't have the \$300,000 to save that old house. It would have been a nice thing and a great thing to be able to save that house.

I have built houses for 15 years. I walked through that house several different times. There was nothing in that house that was salvageable; and nothing in that house worth carrying home. I looked at the wood. I tapped it. That house was a disaster waiting to happen.

We have people living in the house at night, burning kerosene heaters, burning kerosene lamps, smoking cigarettes, and doing drugs. The people next door were afraid to work late because they were afraid somebody from that old house may come over there and attack them. That is what one of people next door told me. So we felt it was in the best interest not only of the Church, but of the City and the people that were trying to use that old house as a place to sleep at night to tear it down. We think we did them all a favor by tearing that house down but nobody has the money to restore it that house. I apologize if we offended anybody or if anybody perceived us as being disrespectful because that was not the manner in which it was intended. "

Chair McNabb asked Mr. Hughart, Jr. if he bought the property through a realtor. Mr. Hughart, Jr. responded yes.

Chair McNabb asked if the realtor told him he could not build a church there. Mr. Hughart responded no.

Chair McNabb stated lays your problem. Mr. Hughart, Jr. stated "... the staff from the City of Trinity told him he could build it. Rich Baker told him there would not be any problem. We bought the house and made the commitments. We told the ladies that inherited the house that we would buy it from them. So we had the bank draft the funds to buy the house with. Then one day out of the blue Rich Baker called me up and said wait a minute. We are mistaken. Somebody brought it up last night we have a city inlay, which is the first I heard about it. We can't build a church here."

Chair McNabb responded the realtor is responsible by law to give you any material facts that affects your property you are buying. He did not do that. He did not fulfill his obligations under law.

Mr. Hughart responded “Ok. The realtor did not do that but I also came over here before we bought the property and told the City Council our intentions. We were in the process of buying the house, and that our intentions were to build a church. Nobody had a question or comment. “

Mr. Hughart stated “ ...I understand he [the realtor] was obligated but so was the City of Trinity to say wait a minute you can’t build a church there.”

Board Member Payne conveyed there should be minutes of that City Council meeting. Mr. Hughart, Jr. responded there is. He signed in and spoke at the meeting.

Mr. Hughart stated “...that he did not want to come across that they wanted to change all the rules and regulations of what you have planned. That is not how we went out for it. We came before the City Council before we bought it and stated our intentions. Nobody opposed it until we had already made commitments to purchase the property.”

Chair McNabb asked if there were any other questions for Mr. Hughart. There were none.

e) Staff recommendation

Planning Director Maybee stated that in researching property records, Lights for Christ Ministries purchased two parcels in that area. The deeds were recorded in the Randolph County Register of Deeds office on March 28, 2013.

Staff recommended denial of the proposed text amendment. It is not consistent with the City’s adopted land development plans.

Board Member Payne asked Director Maybee if she had checked the City Council minutes that this was discussed. Director Maybee responded the matter pre-dates her [employment] but in reviewing the file information it was discussed at the City Council’s February 19, 2013 meeting. The applicant wanted to go to City Council first. The City Council referred it to the Planning Board.

Chair McNabb asked Director Maybee if they came to City Council saying we are looking at doing this and the City Council rejected it to go back to the Planning Board. Director Maybee responded they referred it to the Planning Board.

City Manager/Finance Director Debbie Hinson addressed the Board. As she recalled, at a planning or an infrastructure meeting, Rich Baker asked at the

end of the meeting if they would be willing to consider a text amendment to allow a church in this district. It was not a Council meeting at that time.

City Manager/Finance Director Hinson conveyed it was then placed on the agenda. When it actually came to Council for consideration, Council discussed then, at that time, it was in the Village Center; and what the intent of the land development plan was. She would need to go back and look at the minutes to see how they were written. It was referred back to the Planning Board because of the land development plan that came about.

City Manager/Finance Director Hinson conveyed that she believed the realtor was aware of that. He had discussions with Mr. Baker.

City Manager/Finance Director Hinson further conveyed that when Mr. Baker first spoke with Mr. Hughart, Jr., he probably felt that he did not see that the property was in the Village Center. As soon as it was known, Mr. Baker called Mr. Hughart.

Chair McNabb conveyed that when the request went to the City Council it was referred to Planning Board. The realtor and Mr. Hughart had the responsibility of checking the zoning. Manager/Finance Director Hinson responded yes.

City Manager/Finance Director Hinson conveyed that she spoke with Mr. Hughart about this; and they had an excellent conversation. As to whether a text amendment was allowed or not it was up to the Board's. They also discussed the rezoning, and tried to cover everything. Bottom line, when this started out she did not believe they [Lights for Christ Ministries, Inc.] were owners of the property. Planning Director Maybee stated March 28.

It did not initially come before the Planning and Zoning Board because Mr. Baker asked Council to consider the text amendment. The ordinance does give Council the right to consider a text amendment before going to the Planning Board. However, at that meeting the *City of Trinity's Land Development Plan* was discussed and its intent. The Council then referred it to the Planning Board, and we do some research. Council did not hear the text amendment at that time..

City Manager/Finance Director conveyed that felt sure the realtor new about the property.

f) Board discussion

Vice-Chair Lynn Kennedy conveyed that she didn't think it was totally the City's fault. She tended

I don't think it is totally the City's fault. Tend to agree with the history of

Church would have purchased without being informed of exactly of the zoning.

g) Board Recommendation:

Chair McNabb called for a vote to accept staff's recommendation or pass the change to City Council.

Board Member Don Payne asked to be recused from voting on the request since he has a business relationship.

Attorney Bob Wilhoit recommended that the Board vote on recusing Board Member Don Payne as requested.

Board Member Harold Hobbs moved to recuse Board Member Don Payne from voting. The motion was seconded Vice-Chair Lynn Kennedy and unanimously approved by a 5 to 0 vote.

Vice Chair Kennedy stated: "I feel like the city process has really not worked the way it is supposed to and everybody's enlightened here. I tend to agree with the history being lost by this house being torn down. I also [am] a little disturbed this church organization would have purchased this property without being informed exactly the zoning of this area. I don't think it was to totally the City's fault. The realtor is absolutely responsible here."

Board Member Kennedy moved that it was best to deny the text amendment request. The motion was seconded by Board Member Gene Byerly. The motion was approved by a 3-2 vote. Board Member Harold Hobbs and Board Member Rick Ivey did not support the motion to deny the request.

5. Board Discussion Items:

a). Existing Manufactured Homes – Underpinning requirements

b). Replacement of Existing Manufactured Homes on Individual Lots

In response to a number of inquires, Planning Director Maybee requested the Board's direction/guidance concerning: (1) underpinning requirements in existing manufactured home parks, and (2) the replacement of manufactured homes on individual lots within a subdivision (items listed above). She conveyed that the ordinance did not give her leeway in waiving ordinance provisions. She presented the staff report that is included as Exhibit #2.

She indicated that there is an ordinance discrepancy concerning the skirting requirements for manufactured home in manufactured home parks. In particular, masonry skirting is required in an existing manufactured home park but not in a new manufactured home park. Because of the transient nature of manufactured

homes in parks, she felt masonry skirting should not be required. Rather, similar to that required in a new manufactured home park.

Planning Director Maybee conveyed based on Article IX of the Trinity's Zoning Ordinance, manufactured homes on individual lots are considered a non-conforming use unless located within a manufactured home overlay district. While the ordinance provides for such districts, there are no manufactured home overlay districts in the City or ETJ.

Planning Director Maybee conveyed this matter was brought to the Board's attention in 2010. Recommendations were made to the City Council, and the matter was tabled. (A copy of the meeting minutes is included in the staff report).

Attorney Wilhoit conveyed the Board can address key issues in the ordinance, even if text amendments pertaining to manufactured homes were tabled by the City Council in 2010. The Board can narrow the focus. Article IX, Section 9-3 prohibits the replacement of a Class B manufactured home with a Class A manufactured home on an individual lot.

Planning Director Maybee reviewed options to address matter such as a text amendment or rezoning property to fall within a manufactured home overlay. However, in regards to rezoning to an overlay, a minimum of 10 properties are required to be within the district.

Planning Director Maybee discussed the ordinances differences between a mobile home park and a subdivision with predominately manufactured housing.

Chair McNabb asked Planning Director Maybee about the manufactured home classifications. She responded that a Class A manufactured home is basically a double wide manufactured home; and Class B manufactured home is single wide manufactured home built after July 1, 1976.

Chair McNabb requested that staff rework ordinance provisions to address the referenced situations, and bring it back for the Board's consideration.

Planning Director responded that she would prepare text amendments that were limited in scope address the referenced situations. They would be presented at the June meeting.

City Manager/Finance Director Hinson asked if a special meeting could be held since there were people waiting to replace manufactured homes. Would need to allow enough time to run legal ads. Members will be called to set a date. Homes had been allowed in the past contrary to ordinance provisions. Board members indicated they would be willing to have a special meeting.

Nathaniel O'Sheilds, 4193 Wedgewood Terrace, addressed the Board. He felt there was a little confusion as to what needs to be done. This is not a nonconforming issue. The nonconformity is an individual zoned lot with a single wide manufactured home on that and it being replaced. His cousin would like to replace a 1969 single wide manufactured home in Dawnwood Forrest, not Dawnwood Acres, with a double wide manufactured home. It is not nonconforming because it is not an individual lot. The property is zoned Residential Mixed (RM), and is within a residential subdivision.

Chair McNabb stated that he would hear from staff. Planning Director Maybee conveyed that the property is zoned Residential Mixed (RM). Replacing a 14' x 66' single wide manufactured home with a 28' x 48' double wide manufactured home on a individual lot, within a residential subdivision, is an expansion of a non-conforming use. Under current ordinance provisions, the way it is written, this is not allowed because the building foot print will be bigger.

It was the consensus of the Board for staff to prepare text amendments, limited in scope, to address the above.

6. Planning Department Report – April 2013

Planning Director Maybee presented the staff report; this is included as Exhibit #3. She conveyed that enforcement is complaint driven. She added that she would also like to expand the report to include other department activities as well including permits, consultations, etc.

7. Closing Comments Planning & Zoning Board:

Chair McNabb asked if there were any comments from the Planning and Zoning Board.

Board Members Don Payne conveyed that there needs to better communication with our citizens. These misunderstandings cause the City a lot of problems. To citizens there are regulations are confusing and don't make sense. We need to listen to our citizens. He didn't think someone would purchase property to build a church there if they couldn't place one there. He was added he was glad Planning Director Maybee was there.

Planning Director that she would bring vague/contradicting ordinance provisions to the Board's attention; and she will work towards improving communication and community outreach.

Planning Director added they are working on having zoning information accessible from the internet.

Attorney Wilhoit addressed Mr. Payne's comment regarding the church. He referenced the ordinance section and stated churches are not allowed in the 7 of the

City's 12 zoning districts. The City has approximately 17 square miles; and only 1300 linear feet are within the Village Center.

Chair McNabb stated the realtor is responsible for informing his client of the material facts.

8. Closing Comments from Staff:

McNabb asked if there were any comments from staff. Staff thank the Board for their time and dedication.

9. Adjournment

Being no further business, Board Member Ivey moved to adjourn the Planning & Zoning Board Meeting at approximately 8:16 p.m. The motion was seconded by Board Member Hobbs, and unanimously approved by all members in attendance.

Respectfully Submitted,

Planning Board Chair Robert McNabb

Julie Maybee, Planning Director

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.*