



City of Trinity
PLANNING & ZONING BOARD MEETING

September 25, 2023 at 6:00 PM

Trinity City Hall Annex

AGENDA

NCGS § 143-318.17 Disruption of official meetings

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor.

(1919, c. 655, s 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. s. 14 (c).)

Action may be taken on agenda items and other issues discussed during the meeting

1. Call to Order

- a) **Pledge of Allegiance**
- b) **Invocation**
- c) **Welcome Guests and Visitors**
- d) **Approve and/or Amend Agenda**

2. Approval of Minutes

- a. Approve the August 17, 2023 Joint Council and Planning & Zoning Minutes
- b. Approval of August 28, 2023 Planning & Zoning Minutes

3. Public Meeting

Ryan and Cale Lohr, Trinity, North Carolina, is requesting that 1.56 acres located on Meadowbrook Dr. PIN#7707760032, be rezoned from R-40 to M2-CZ. The Conditional Zoning District would allow a 36' x 36' addition to the existing repair garage. It would also require the property owner to maintain the existing foliage within a setback of 100' from the road.

- a. 1) **Conflict of Interest Statement (*Planning and Zoning Board Chair*): Is there anyone that needs to recuse themselves from voting due to a conflict of interest?**

- 2) **Presentation**
- 3) **Public Comment**
 - **For the rezoning**
 - **Against the rezoning**
- 4) **Other Public Comments**
- 5) **Planning Board Discussion** (*Planning & Zoning Board Chair*)
- 6) **Planning Board Recommendation** (*Planning & Zoning Board Chair*)

4. Development Ordinances Revision Project

5. Comments from Board

6. Adjournment



**SPECIAL CALLED MEETING MINUTES
CITY OF TRINITY
CITY COUNCIL AND PLANNING AND ZONING BOARD
AUGUST 17, 2023
TRINITY CITY HALL ANNEX**

City Council Members Present: Mayor Richard McNabb; **Council Members:** Mayor Pro-Tem Bob Hicks, Tommy Johnson and Robbie Walker.

City Council Members Absent: Jack Carico and Ed Lohr.

Planning and Zoning Board Present: Vice Chair Debbie Jacky, Patti Housand and Keith Aikens.

Planning and Zoning Board Absent: Chair Hunter Hayworth and Ambrose Rush.

Others Present: City Manager Stevie Cox; City Attorney Bob Wilhoit; City Clerk Darien Comer; Interim Planner Carrie Spencer; Public Service Director Rodney Johnson; Sarah Sinatria Gould, Inspire Placemaking Collective.

Call to Order, Welcome Guests and Visitors

Mayor Richard McNabb called the meeting to order at 6:00 pm and welcomed everyone. Vice Chair Debbie Jacky called the meeting to order at 6:01 pm and welcomed everyone.

Pledge of Allegiance

Mayor Richard McNabb led the Pledge of Allegiance and gave the Invocation.

Introduction of Staff

City Manager Stevie Cox introduced the City Staff and Presenter.

Presentation of Comprehensive Land Use Plan “Vision Trinity” by Sarah Gould, Inspire Placemaking

Inspire Placemaking Sarah Gould presented a Presentation of the Comprehensive Land Use Plan “Vision Trinity”.

Provides some highlights of the discussions with City Council and Planning Board.

Adjournment

Councilman Walker made a motion to adjourn. The motion was seconded by Mayor Pro-Tem Hicks with a unanimous vote of 3 ayes and 0 nays.

Board Member Housand made a motion to adjourn. The motion was seconded by Board Member Aikens with a unanimous vote of 3 ayes and 0 nays.

Attest:

Mayor Richard McNabb

Vice Chair Debbie Jacky

Darren P. Comer, City Clerk

DRAFT



**City of Trinity, North Carolina
Planning & Zoning Board Meeting
City Hall Annex, 6703 NC Hwy. 62, Trinity, NC
August 28, 2023
Regular Meeting Minutes**

Board Members Present: Board Chairman Hunter Hayworth; Vice Chairman Debbie Jacky, Ambrose Rush, and Patti Housand

Board Members Absent: Keith Aikens

Others Present: City Manager Stevie Cox; Planning Carrie Spencer; City Clerk Darien Comer; City Attorney Bob Wilhoit; Public Works Director Rodney Johnson.

Chairman Hayworth called the meeting to order at 6:00 PM.

Chairman Hayworth led the Pledge of Allegiance and gave the Invocation.

Chairman Hayworth welcomed Guests and Visitors.

Chairman Hayworth called for a motion to amend or approve the agenda as presented.

A motion was made by Board Member Housand to approve the Agenda as presented. The motion was seconded by Board Member Jacky and approved unanimously with a vote of 4 ayes and 0 nays.

Approval of Minutes from August 28, 2023, Planning and Zoning Meeting

A motion was made by Board Member Housand to approve the Minutes from the July 24th, 2023 Meeting as presented. The motion was seconded by Board Member Rush and approved unanimously with a vote of 4 ayes and 0 nays.

Public Meeting

No Comments.

Comprehensive Land Use Plan “Vision Trinity”

Interim Planner Carrie Spencer and Inspire Placemaking Sarah Gould gave a presentation of the “Vision Trinity” Comprehensive Land Use Plan. Members of the Board had questions and discussed the plan. Discussion included growth areas, transportation and parks and recreation. The consultant and staff recommended revisions to address concerns and clarified the intent of the plan.

Board Member Housand made a motion to recommend approval of the Comprehensive Land Use Plan to the City Council with modifications. The motion was seconded by Board Member Jacky with a unanimous vote of 4 ayes and 0 nays.

Board Member Housand made a motion to adjourn the meeting. The motion was seconded by Board Member Jacky with a unanimous vote of 4 ayes and 0 nays.

Attest:

Board Chairman Hunter Hayworth

Darien P. Comer, City Clerk

REZONING REQUEST SUMMARY

RYAN & CALE LOHR, Trinity, North Carolina, are requesting that 1.56 acres located on Meadowbrook Dr. PIN#7707760032 be rezoned from R-40 to M2-CZ. The Conditional Zoning District would allow a 36' X36' addition to the existing repair garage. It would also require the property owner to maintain the existing foliage within a setback of 100' from the road.

Land Use Area: RESIDENTIAL

Description:

Areas is a mix of residential use types with some highway commercial and other O&I type uses

Appropriate Uses include:

- *Property is to be conditionally zoned for the operation of an auto repair business.*

Zoning Districts expected in Land Use Area:

- *R-40 (Residential 40,000 sq. ft. lot)*
- *R-20 (Residential 20,000 sq. ft. lot)*
- *RM (Mixed Residential)*
- *O&I (Office & Institutional)*
- *HC (Highway Commercial)*

Adjoining Zoning:

This site is located on Meadowbrook Dr at property PIN#7707760032. The property to the north is zoned (R-40), the property to the east is zoned (R-20), and the property to the south and west is zoned by (R-40).

Transportation:

Meadowbrook Dr is maintained by NCDOT.

Application/Site plan issues to consider:

- **This is a request for Conditional Zoning. This will strictly limit the property to the requested use of an auto repair with a 36'X36' addition to the existing structure along with the 100' buffer the property owner has placed on the application. The Board can also place additional Conditions on the property as long as the property owner agrees to them in writing.**
- **Any new or expanded outside storage would NOT be covered by the current "grandfather" clause that currently applies to the property. New outside**

storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.

- The currently existing auto repair business predates the incorporation of the City of Trinity and is a pre-existing, non-conforming use that has maintained an uninterrupted business.
- The proposed 36’X36’ addition would allow for inside storage of autos and parts.
- HC Zoning District located 1000 ft south of this site on Meadowbrook Dr.

REZONING CRITERIA

Article XVII, Amendments and Changes of the Zoning Ordinance states:

Section 17-1 Motion to Amend.

(1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified, or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.

(2) Notice and Public hearing on Amendment Planning and Zoning Board Review

- a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.
- b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).

City Council Public Hearing

- c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.

(3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:

1. a completed rezoning application.
2. an accurate survey of the property to be rezoned,
3. a deed or legal description which establishes ownership, and,
4. if the proposed zoning boundary splits an existing parcel, a metes and bounds description shall be required in addition to the survey.

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

- (4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.
- (5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.
The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.
- (6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).
- (7) Withdrawal of Request - Any applicant for rezoning may withdraw his/her petition any time prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at any time for cause upon request by an applicant.
- (8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.



City of Trinity
Rezoning Request Application

The undersigned does hereby respectfully make an application and request that the City of Trinity to amend the Official Zoning Map as hereinafter requested, and in support of this application the following facts are shown:

Zoning: Current Zoning R-40 Requested zoning M2CZ
Conditional: X

Property Owner Information

Property Owner: Ryan and Cale Lohr
Address: 5366 Meadowbrook Dr
City: Trinity State: NC Zip: 27370
Phone: 336-870-1737

Site Information

PIN # 7707760032
Property Address: 5350 Meadowbrook Dr
Deed Book: _____ Page: _____
Area: 1.56 acres
Parcel Map: _____ Site Plan: _____

Applicant Information

Applicant: owner
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____

Statement of Conditions:

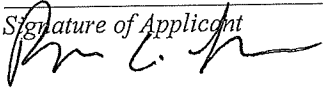
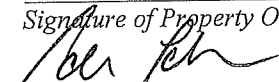
200 ft. setback from street – maintain existing foliage in 100 ft setback – 36' x 36' addition to existing garage – privacy fence along rear property line for 30 ft _____

Rezoning Request: #RZ
Form#11714

Note: Information and Fee Required from Applicant and Processing of Information: Applicants must present the following information as required by Article XVII, Section 17-1(3) of the Zoning Ordinance:

1. _____ Completed rezoning application;
2. _____ An accurate survey of the property to be rezoned, and;
3. _____ A deed or legal description which establishes ownership;
4. _____ If the proposed zoning boundary splits an existing parcel a meets and bounds description shall be required in addition to the survey,

Please submit application material and fee (\$600, six hundred dollars) 20 days before the Planning and Zoning meeting the request is to be heard.

Name of Applicant*	Signature of Applicant	Date
Ryan C Lohr		9.8.2023
Name of Property Owner	Signature of Property Owner/Authorized Agent	Date
Cale E. Lohr		

*"Article XVII, Section 17-1: The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are part of this ordinance. No regulation or maps shall be amended, supplement, changed, modified or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard."

<u>Office Use</u>	
Date Received: _____	
Application #: _____	
Staff Review: _____	Comments
Planning Board Review: _____	
City Council Review: _____	

BK 2796 PG 1969 (3)

This document presented and filed:
03/11/2022 02:58:35 PM

DEED
Fee \$26.00 Excise Tax: \$0.00



Randolph County North Carolina
Krista M. Lowe, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: NTC

Parcel Identifier No. 7707-76-0032

✓ Mail/Box to: ~~Grantee~~ Edward + Denise Lohr 5366 Meadowbrook Dr. Trinity NC 27203

This instrument was prepared by: B. Peter Jarvis, Attorney, PO Box 4585, Archdale, NC 27263 (No Title Examination Requested or Performed)

Brief description for the Index: MEADOWBROOK;E

THIS DEED made this 8 day of march, 2022, by and between

GRANTOR(S)

GRANTEE(S)

EDWARD E. LOHR, and wife
DENISE W. LOHR

CALE E. LOHR, and
RYAN C. LOHR

Property Address:
0 Meadowbrook Dr
Trinity, NC 27370

Mailing Address:
5207 Farlow St
Archdale, NC 27263

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of , Trinity Township, Randolph County, North Carolina and more particularly described as follows:

See Attached Exhibit A

EXPRESSLY RESERVING a Life Estate in the above described property unto Grantors and their assigns. Grantors shall have full ownership, possession and use of the property, as well as the rents, revenues and profits generated by the property during the term of her natural life. Upon the expiration of Grantor's natural life, the ownership, possession, use, rents, revenues and profits of the above described property shall revert to the Grantee.

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
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EXHIBIT A

BEGINNING at Cook's North corner; thence East 410 feet to a stake in Albertson's line; thence North 277 feet to Collins' corner in Albertson's line; thence West with Collins' line 415 feet to a stake at the public road; thence South with said road 290 feet to the Beginning. Containing 2 3/4 acres be the same more or less.

RYAN & CALE LOHR REZONING REQUEST

Section 3a.



Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.

Map Scale
1 inch = 94 feet
9/13/2023