



City of Trinity
PLANNING & ZONING BOARD MEETING

April 22, 2024 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 March 25, 2024 Planning and Zoning Minutes

3. Public Meeting

- a. **Request for Property Rezoning - Corner of Mendenhall Rd. and Old Mendenhall Rd.** (*Planning Jay Dale*)
- b. **Work Session - Proposed Water Management Ordinance** (*Planning Consultant Carrie Spencer*)

4. Comments from Board

5. Adjournment



City of Trinity
PLANNING & ZONING BOARD MEETING

March 25, 2024
Trinity City Hall Annex

MINUTES

PRESENT

Chairman Hunter Hayworth
Vice Chair Debbie Jacky
Board Member Keith Aikens
Board Member Pattie Housand

ABSENT

Board Member Ambrose Rush

OTHERS PRESENT

City Manager Stevie Cox
City Clerk Darien Comer
Planning Director Jill Wood
Planning Jay Dale
Public Works Director Rodney Johnson

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

Board Chairman Hayworth led the Pledge of Allegiance and Mayor McNabb gave the invocation.

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

Board Vice Chair Jacky made a motion to amend the agenda by removing the Swearing in of Ambrose Rush. The motion was seconded by Board Member Aikens with a unanimous vote of 4 ayes and 0 nays.

Swearing in of Planning and Zoning Board Member; Ambrose Rush

The Clerk advised that Mr. Rush would not be able to continue as a member of the Planning Board due to a change in his work schedule. Removed from the Agenda.

Board Vice Chair Jacky made a motion to approve the agenda as amended. The motion was seconded by Board Member Aikens with a unanimous vote of 4 ayes and 0 nays.

Approval of Minutes

Board Member Aikens made a motion to approve the February 26, 2024 minutes. The motion was seconded by Board Member Housand with a unanimous vote of 4 ayes and 0 nays.

Request for Property Rezoning - Corner of Mendenhall Rd. and Old Mendenhall Rd.

Board Vice Chair Jacky made a motion to Table the Rezoning Request to the April 22, 2024 Planning and Zoning Meeting. The motion was seconded by Board Member Aikens with a unanimous vote of 4 ayes and 0 nays.

There were residents present for the meeting that wanted to speak.

Speaking Against:

Tanya Wright at 5728 Old Mendenhall Road, owns property at 5898 and 5703 Old Mendenhall Road. They have removed all the trees and there is gravel there. She is against the rezoning.

Jeff Brown at 5702 Cedar Post Street, concerned with larceny and vagrancy. Stated his concerns with tractor trailers and school traffic with more storage buildings.

Request for Property Rezoning - 0 Surrett Dr. PIN #7708323924

Planner Jay Dale presented the request for property rezoning at 0 Surrett Drive. Alejandro Robles Fuerte and Monica Ponce are requesting that .67 acres located at the corner of 0 Surrett Drive be rezoned from R-40 to M-1. It is the desire of the property owner to operate an outdoor storage lot.

The owners were not present.

Speaking For:

None

Speaking Against:

None

Board Vice Chair Jacky made a motion to recommend to the Council that this request be denied as not consistent with the Land Development Plan. The motion was seconded by Board Member Aikens with a unanimous vote of 4 ayes and 0 nays.

Request for Property Rezoning - 6695 Auction Rd

Planning Director Jill Wood presented to the Board a request for a Property Rezoning at 6695 Auction Road. Automotive Recovery Services Inc. is requesting 26.95 acres be rezoned from RA to M2-CZ (Light Industrial/Conditional Zoning). It is the desire of the property owner to expand the existing business, formerly known as Mendenhall Auction, as per the site plan.

Colin McGrath Land Use and Zoning Attorney with Poyner Spruill at 301 Fayetteville Street Suite 1900, Raleigh, NC. Mr. McGrath spoke to the Board and presented a power point on behalf of Automotive Recovery Services DBA Insurance Auto Auctions. Presented a power point and answered questions from the Board.

William Dytrych with Insurance Auto Auctions at 2 Westbrook Corporate Center, Westchester, Illinois. Mr. Dytrych is manager of real estate development for IAA. He informed the Board about the business being worldwide with 200 locations throughout the United States, Canada, and England. The aspect of the business is that they auction off salvage cars and low value vehicles. They are not a junk yard. They run a consignment business.

Board Vice Chair Jacky made a motion to recommend to Council that the request be approved as consistent with the Land Development Plan. The motion was seconded by Board Member Housand with a vote of 3 ayes and opposed by Board Member Aikens.

Comments from Board

Board Vice Chair Jacky inquired about the next Ordinance Workshop meeting. Planning Director Jill Wood advised that it would be next month.

Adjournment

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

Attest:

Hunter Hayworth, Board Chairman

Darien P. Comer, City Clerk



Memorandum

TO: City of Trinity Planning Board

FROM: Jay Dale, Planner

CC: Stevie Cox, City Manager
Robert Wilhoit, City Attorney

DATE: April 12, 2024

REF: Request for Property Rezoning – Corner of Mendenhall Rd. and Old Mendenhall Rd.

Summary:

TRACY MAHAN, Trinity, North Carolina, is requesting that 2.33 acres located at the corner of Mendenhall and Old Mendenhall Rd, PIN#6798661434, be rezoned from R-40 to M-1. It is the desire of the property owner to operate an outdoor storage lot.

Attachments:

- Application for Rezoning
- Site Plan
- Property Map (County GIS)
- Site Photographs

REZONING REQUEST SUMMARY

TRACY MAHAN, Trinity, North Carolina, is requesting that 2.33 Acres located at the corner of Mendenhall Rd. and Old Mendenhall Rd. PIN# 6798661434 be rezoned from R-40 to M-1. It is the desire of the property owner to operate an outdoor storage lot.

Application/Site plan issues to consider:

- **Outside storage would be required to meet the fencing/buffering requirements of the Zoning Ordinance.**
- **Multiple M2 in the area.**

Adjoining Zoning:

This site is located at the corner of Mendenhall Rd and Old Mendenhall Rd.. The property to the north is zoned M-2 and R-40. The property to the south is zoned R-40, the property to the east is zoned R-40, and the property to the west is zoned M-2 and R-40.

Transportation:

Mendenhall Rd is maintained by NCDOT and located in close proximity to US Hwy 29.

Future Land Use Category: **SECONDARY GROWTH AREA**

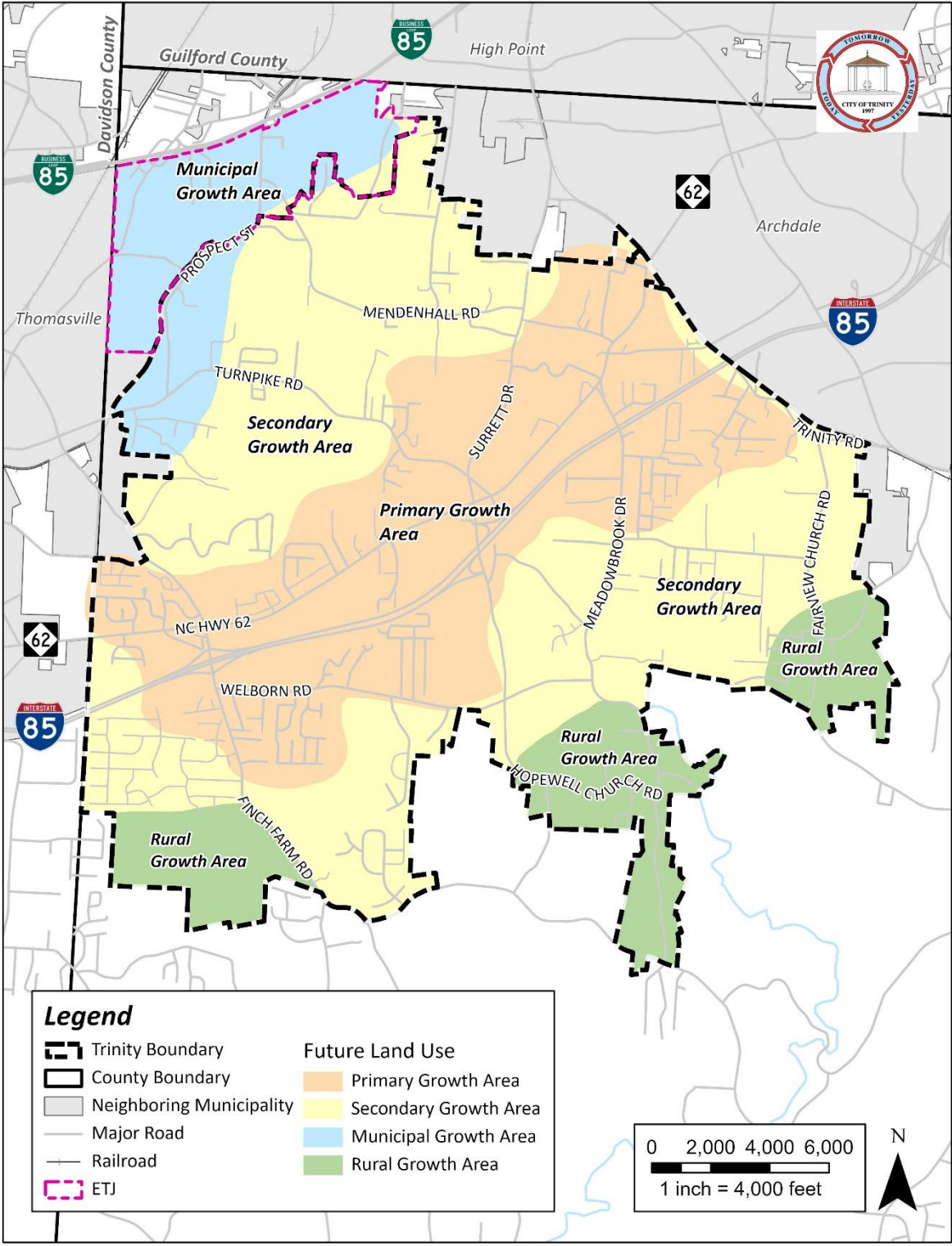
Transitional residential development is predominant in this area with major subdivisions scattered between agricultural and commercial land use patterns. Public sewer infrastructure access is not prioritized for these areas. Conventional and low density open space residential subdivisions are expected with neighborhood serving commercial uses where appropriate.

SECONDARY GROWTH AREA CHARACTERISTICS:

- Medium density.
- Unlikely to have access to sewer within the foreseeable future.
- Predominately residential.
- Contains scattered agricultural areas.

- Includes land available for development.
- Contains natural scenic, historic and other heritage assets.

VISION TRINITY FUTURE LAND USE MAP



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 application and request to the City of Trinity to amend the Zoning Ordinance and change the Official Zoning Map of the city as hereinafter requested, and in support of this application the following facts are shown:

Zoning: Current Zoning R-40 Requested Zoning M-1 ~~00~~ outdoor storage lot

Conditional Zoning: _____

Property Owner Information:

Property Owner: Tracy Mahan
Address: 2019 Kennedy RD
City: Thomasville State: NC Zip: 27360
Phone: (home/work) _____ (cell) 336-250-7916

Applicant Information (note: must show proof as to legally representing property owner):

Applicant: Tracy Mahan
Address: 2019 Kennedy RD
City: Thomasville State: NC Zip: 27360
Phone: (home/work) _____ (cell) 336-250-7916

Site Information:

PIN # 6798661434
Property Address: No Physical Address
Deed Book: 002876 Page: 00831
Area: Trinity

Are there any structures currently on the property to be rezoned? _____ yes no

List structures: _____

What is the current land use on the property to be rezoned (i.e. commercial, residential, farming, vacant etc.)? Vacant

What current land uses and zoning are adjacent to the property to be rezoned?

North: Zoning M2 Land Use _____
South: Zoning R-40 Land Use _____
East: Zoning R-40 Land Use _____
West: Zoning M-2 Land Use _____

Conditions if requesting Conditional Zoning:

If the property is rezoned, it is understood by all, that development must conform to the minimum requirements of the City of Trinity Zoning Ordinance and all other development ordinances of the City and of Randolph County.

Deadline for rezoning applications is the first Monday of each month. Incomplete applications will be scheduled for hearing the following month. Fee: \$600.00

Staff Notes:

Tracy Mahan
(name of applicant)

Tracy Mahan
(signature of applicant)

[Signature]
(signature of Zoning Administrator)

2-23-24
(date)

Office Use

Date Received: 2/23/24

Fees Paid: 600

Staff Review: [Signature]

Planning Board Review: _____

City Council Review: _____



