

REZONING REQUEST SUMMARY

The Trinity Planning Board met on Monday, September 25, 2023, to consider this request. Debbie Jacky made the motion, seconded by Keith Aikens, to recommend that the City Council **approve** this request for rezoning. The motion passed unanimously.

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 be strictly limited to an auto repair business within the existing building with a 36' X36' addition for storage with a 200 ft setback from the street. It would also require the property owner to maintain the existing foliage within a setback of 100' from the street and a privacy fence along the rear property line for 30'.

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.**

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:

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.

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).
 - c. City Council Public Hearing
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: _____

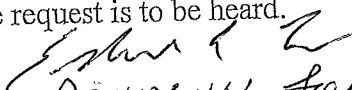
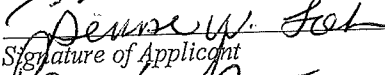
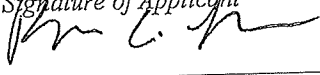
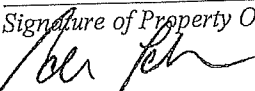
Statement of Conditions:

Strictly limited to an auto repair within the existing building with a 36'X36' addition to the existing structure for storage, along with 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 _____

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.

EDWARD E. LOHR		_____
DENISE W. LOHR		_____
Name of Applicant*	Signature of Applicant	Date
Ryan C Lohr		9.8.2023
Name of Property Owner	Signature of Property Owner/Authorized Agent	Date
Calc 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:	_____

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:

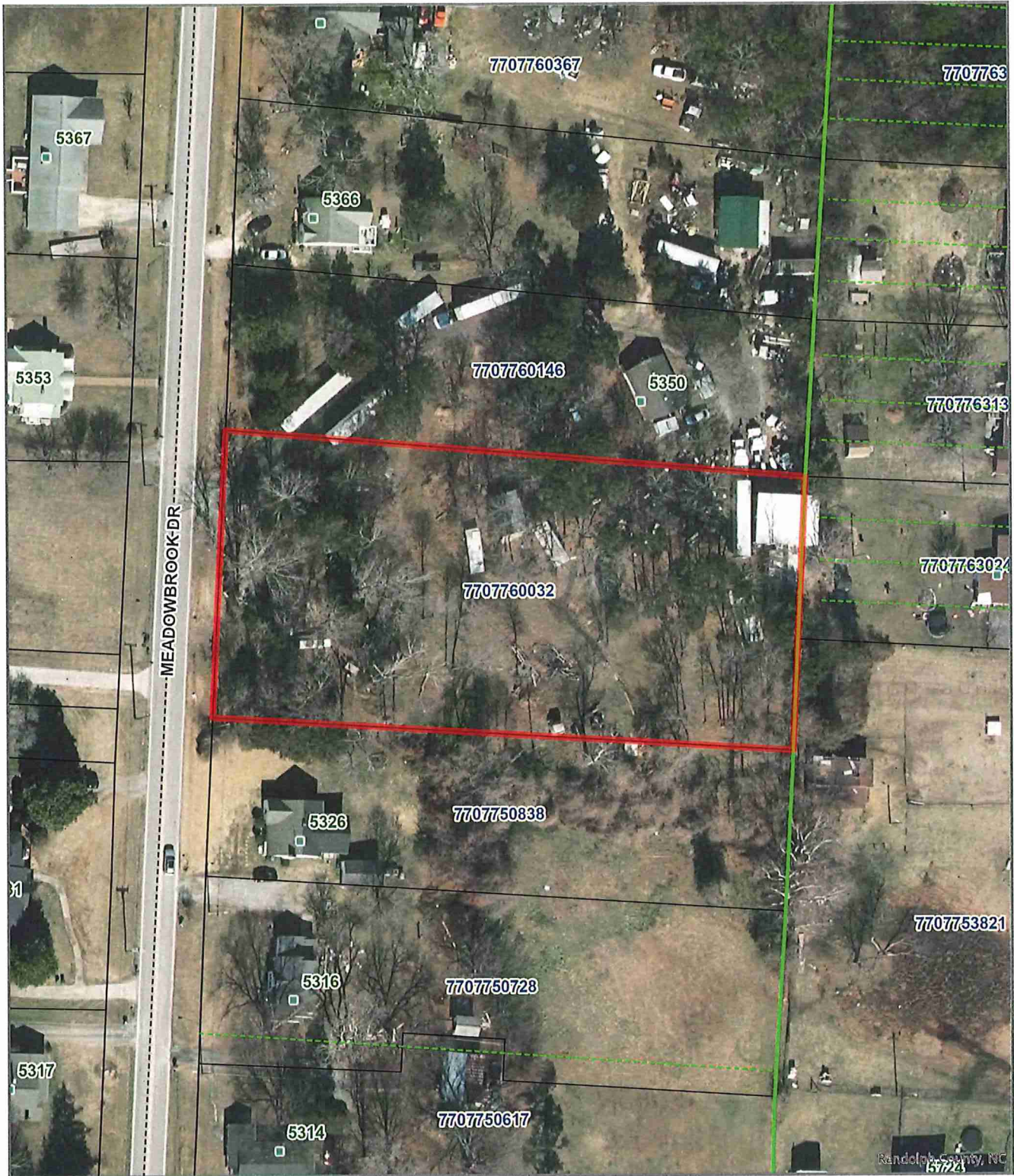
See Attached Exhibit A

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.

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



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