

LENOIR CITY COUNCIL
TUESDAY, OCTOBER 15, 2024
6:00 P.M.

PRESENT: Mayor Joe Gibbons presiding. Councilmembers present were Jonathan Beal, Todd Perdue, Kimmie Rogers, David Stevens, City Manager Scott Hildebran, City Clerk Shirley Cannon and City Attorney Timothy Rohr.

VIA PHONE: Councilmember Crissy Thomas

CITY STAFF: In attendance was Finance Director Donna Bean, Fire Chief Norman Staines, Deputy Fire Chief Kenny Nelson, Police Chief Brent Phelps, Police Major Andy Wilson, Planning Director Hannah Williams, Parks & Recreation Director Phil Harper, Public Services & Public Works Director Jon Hogan, Director of Special Projects & Grants Jared Wright and Public Information/Communication Director, Joshua Harris, Economic Development and Main Street Director Brenda Floyd

ABSENT: Councilmembers Ike Perkins and Ralph Prestwood were absent from the meeting.

I. CALL TO ORDER

Mayor Gibbons stated to keep everyone in the community and our City staff in your thoughts and prayers as we are still navigating through this difficult time, recovering from the hurricane. Also, keep in your thoughts Councilman Ike Perkins for health concerns and former Fire Chief Bobby Coffey's family members on his passing.

- A. The meeting was opened by a moment of silence and the pledge of allegiance as led by Mayor Gibbons.
- B. Special Recognition: "The City of Lenoir Customer Service Team will recognize Master Patrol Officer Chris Smith and the 2023 Annual Golden Ticket Award Winner. Golden Tickets are a way for City employees to recognize their coworkers for going above and beyond their normal responsibilities to provide "Service Beyond Measure" to fellow staff and the public."

Customer Service co-chairs, Joshua Harris and Crystal McCurry along with Chief Phelps presented the award to Master Officer Chris Smith for the 2023 Annual Golden Ticket Award Winner.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

A. Rezoning; 134 Ideal Drive SE: A public hearing will be held to consider a request to rezone 134 Ideal Drive SE, NCPIN2758560560 from R-12 (Medium Density, Single Family) to R-6 (Multi-family). The Planning Board approved the request and Staff recommends adoption of the proposed rezoning based on the following consistency statement:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map

designating the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

Mayor Gibbons opened the public hearing.

Hannah Williams, Planning Director presented this case for 134/134B Ideal Drive SE. The applicant has requested to rezone from zoning R-12 to R-6. The property is developed with a single-family house, accessory structure, carport, and workshop. The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into 2 lots so the house can stand alone on one lot and the workshop can stand on the second lot. The property cannot be subdivided in its current zone, R-12 district because of the lot size of 12,000 square feet and non-residential uses are limited. The R-6 district would allow for 6,000 square foot lots. This is a transitional area with residential and some businesses.

Mayor Gibbons asked if anyone would like to address the council concerning this case. Hearing no one, he closed the public hearing.

Council member Perdue stated he feels this fits within our comprehensive plan and ensures for fair and efficient growth.

Upon a motion by Councilmember Perdue, City Council voted 5-0 to approve the rezoning request for 134,134B Ideal Drive SE, based on the consistency statement listed above and presented by City staff.

B. Rezoning; NE Corner of Hickory Boulevard (Hwy 321 & Victoria Court Intersection): A public hearing will be held to consider rezoning the property located on the NE Corner of Hickory Boulevard at the intersection of Hwy 321 and Victoria Court intersection, NCPIN 2758732805 as the applicant Southwood Realty Company, is requesting to rezone the property, split zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development. The Planning Board approved this request and Staff recommends approval based on the following consistency statement:

The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that “predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions.” Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

Mayor Gibbons opened the public hearing,

Hannah Williams, Planning Director presented the rezoning case for property located at

Hickory Blvd. (321 and Victoria Ct. intersection). The applicant is requesting to rezone the property, which is currently split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed 136 unit multi-family development. Southwood Reality has the parcel under contract, as well as an adjacent 5 acre property that is completely zoned B-2.

The zoning district R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 would allow multi-family. Mrs. Williams stated it does border the Lakeside Terrance neighborhood, but due to elevation changes it will have little or no impact by this development.

Councilmember Beal asked with this rezone, do we anticipate a new access point from Hwy 321. Mrs. Williams stated this rezoning is not tied to a site plan, the developers also have the adjacent property under contract which has Hwy 321 frontage. There will most likely be 2 driveways off Hwy 321.

Mrs. Williams stated for the record that the applicant and developers are in the audience for any questions.

Mayor Gibbons asked if anyone would like to address the council concerning this case. Hearing no one, he closed the public hearing.

Mayor Pro Tem Stevens stated this does fall in line with our comprehensive plan and is a great opportunity for additional housing.

Upon a motion by Mayor Pro Tem Stevens, City Council voted 5-0 to approve the rezoning request for NCPIN 2758560560, based on the consistency statement listed above and presented by City staff.

C. Ordinance; Electronic Message Boards Signage: A public hearing will be held to consider amending Appendix A of the Lenoir City Code by Ordinance as related to Sign Regulations regarding Electronic Message Signs and Eliminating Duplicative Code Sections, Providing for Severability, Codification, and an Effective Date. The applicant Doug Perkins of Mt. Pilgrim Baptist Church has proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. The Planning Board also analyzed and made recommendations in other zoning districts.

Mayor Gibbons opened the public hearing.

Hannah Williams, Planning Director presented the text amendment case for Electronic Message Boards. The applicant is Mt. Pilgrim Baptist Church, Meadowbrook Baptist Church also has an interest in the sign ordinance change who is in the audience. Planning Board discussed the changes in August and September. Mrs. Williams referred to the information packet that was provided for Council. The Planning Board approved Electronic Message Boards to be allowed for religious and civic institutions in zoning districts O&I, B-1, B-5, & B-6 and residential zoning with an 8 second static display, a 2 second transition, along with the following:

- No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.

- All signs must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
- Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.
- Where EMBs must be oriented to face away from any adjacent residential property
- EMBs must be programmed to shut off between the hours of 9pm and 7am
- prohibit ground mounted Electronic Message Board Signs in the B-3 district
- prohibit ground mounted signs on any property that is designated as a National Register Historic Place

Mayor Gibbons asked if anyone would like to address the council concerning this case. Hearing no one, he closed the public hearing.

Upon a motion by Councilmember Beal, City Council voted 5-0 to approve the ordinance for Electronic Message Boards, based on the consistency statement listed above and presented by City staff.

A. Ordinance Amendment; Light Pole Banners: A public hearing will be held to consider amending Appendix A of the Lenoir City Code as related to Sign Regulations regarding Light Pole Banners by Ordinance and Eliminating Duplicative Code Sections, Providing for Severability, Codification, and an Effective Date. The applicant Emma Shell of UNC Health Caldwell (the hospital) proposed that the sign code allow for light pole banners on private poles for certain land uses. While the Planning Board did not recommend adoption of the ordinance as presented at the September meeting, Staff drafted an ordinance of narrower scope for City Council's consideration.

Hannah Williams presented this case. She referred to the Planning Department's Memorandum included in the agenda packet for additional background information.

Mayor Gibbons asked to be recused from this case due to being a member of the Caldwell UNC Board of Directors.

Upon a motion by Councilmember Perdue, City Council voted 5-0 to recuse the Mayor from the case.

Mayor Pro Tem Stevens opened the public hearing.

Hannah Williams presented this case and stated Planning Board reviewed the ordinance in September and felt it was too broad. Staff narrowed the scope to fewer uses to only allow public service facilities. Planning Board has not reviewed this drafted ordinance. Mrs. Williams read the definition of public service facility for the record:

"A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services."

Other changes suggested by staff include:

- o Only light poles that are owned by and located entirely on the property of the public service facility can have banners.
- o Light pole banners can only be on public service facilities in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2.
- o Light pole banners must be for on-premise advertising.
- o Only two banners are allowed per pole, and up to 12 poles can have banners.
- o The banner size was scaled down from 15 square feet to 12 square feet.
- o Banners must maintain a vertical clearance of 12 feet from the grade to the banner.
- o Banners must be mounted perpendicularly from the pole.

Applicant, Emma Shell, at 12 Cottage Ct. Granite Falls, NC approached council. She represents UNC Caldwell. She stated the banners are already up, we were told these are not approved and want to get official. Currently, the banners are pictures of staff. They feel this is a welcoming environment for visitors and patients.

Mayor Pro Tem Stevens asked if anyone would like to address the council concerning this case. Hearing no one, he closed the public hearing.

Councilmember Perdue stated this would be good service from a wayfinding standpoint, but it would be wise to send back to the Planning Board to review staff's drafted revision. He does have some concerns about previous discussions where banners can be placed in the City of Lenoir. Mr. Perdue will hold his concerns until a recommendation from Planning Board is presented.

Upon a motion by Councilmember Perdue, City Council voted 5-0 to send the Light Pole ordinance back to the Planning Board to review the drafted version.

Mayor Pro Tem Stevens closed the public hearing.

III. CONSENT AGENDA ITEMS

A. Minutes: Approval of the Committee of the Whole minutes of Tuesday, September 24, 2024 as submitted.

B. Minutes: Approval of the City Council minutes of Tuesday, October 1, 2024 as submitted.

C. Closed Session Minutes: Approval of the closed session minutes of the Tuesday, October 1, 2024 meeting as reviewed by the City Council, City Attorney and City Manager.

D. NCDOT Disaster Relief Debris Removal (DRDR) Agreement: Approval of the North Carolina Department of Transportation (NCDOT) Disaster Relief Debris Removal Agreement as recommended.

E. Design-Build Method of Project Delivery: Staff recommends consideration and acceptance of the Design-Build method of project delivery for interior modifications and improvements at the Lenoir Aquatics and Fitness Center as part of the current 2022 Parks and Recreation Trust Fund (PARTF) project. If accepted, a Request for Qualifications (RFQ) for Design-Build services will be published to begin the selection process.

F. Fireworks Authorization Permit; Hibriten High School: Approval of a Fireworks Authorization Permit as submitted by Hibriten High School to have a fireworks display on the requested dates of October 18, 25, and November 1, 8, 15, 22 and 29 with the ability to move dates due to weather. The school has contracted with Team PyroStar to do the displays.

Upon a motion by Councilmember Perdue, City Council voted 5-0 to approve the consent

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

Items of Information

1. One stop voting begins on Thursday, October 17 from 8:00 a.m. – 7:30 p.m. Monday through Friday, November 1 at the Caldwell County Resource Center located at 120 Hospital Avenue (former library) and on Saturday, November 2 from 8:00 a.m. – 3:00 p.m. Election Day is Tuesday, November 5.
2. The annual Wood, Fire, Smoke Festival will be held on Saturday, October 19 from 10:00 a.m. – 7:00 p.m. in downtown Lenoir.
3. The Board of Adjustment will meet on Monday, October 21 at 5:30 p.m. at the City/County Chambers.
4. The Parks & Recreation Advisory Board will meet on Monday, October 21 at 6:00 p.m. at the Aquatic & Fitness Center.
5. The Committee of the Whole will meet on Tuesday, October 22 at 8:30 a.m. at City Hall, Third Floor.
6. The Lenoir City Council and the Caldwell County Commission will hold a joint meeting on Tuesday, October 22 at 5:00 p.m. at the City Council Chambers to discuss economic development.
7. The annual Mad Hatters Pumpkin Patch Parade and the Trick or Treat event will be held on Friday, October 25 from 3:00 p.m. – 6:00 p.m. in downtown Lenoir.
8. A Halloween Cruise-In Event will be held on Saturday, October 26 beginning at 3:00 p.m. in downtown Lenoir.
9. The Planning Board will meet on Monday, October 28 at 5:30 p.m. at the City/County Chambers.
10. The Foothills Regional Airport Authority will meet on Wednesday, October 30 at noon at the airport facility.

No comments.

VII.ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 7:00 p.m.

Shirley M. Cannon, City Clerk

CONGRATULATIONS!

4 Hours Off with Pay

Chris Smith

July 18, 2024

Your Golden Ticket nomination was determined to be the most deserving of the 2023 fourth quarter submissions by the Customer Service Team. Therefore, you have received an additional four (4) hours off with pay. Thank you for providing Service Beyond Measure!

KEEP AND SUBMIT THIS CERTIFICATE WITH THE TIMESHEET THAT THE EXTRA FOUR (4) HOURS OFF WITH PAY IS USED.

*Must be used within one (1) year of the date issued shown above.
Is not payable upon separation from the City of Lenoir.*



A blue ink handwritten signature, likely of Joshua Harris, written over a horizontal line.

Joshua Harris, Customer Service Team Co-Chair

CONGRATULATIONS!

8 Hours Off with Pay

Chris Smith

July 18, 2024

Your Golden Ticket nomination was determined to be the most deserving of the calendar year 2023 submissions by the Customer Service Team. Therefore, you have received an additional eight (8) hours off with pay. Thank you for providing Service Beyond Measure!

KEEP AND SUBMIT THIS CERTIFICATE WITH THE TIMESHEET THAT THE EXTRA EIGHT (8) HOURS OFF WITH PAY IS USED.

*Must be used within one (1) year of the date issued shown above.
Is not payable upon separation from the City of Lenoir.*



Joshua Harris

Joshua Harris, Customer Service Team Co-Chair

November 29, 2023

Dear Officer Smith,

It's almost been three years since you assisted me with a situation involving my artistic son. Please pardon me for not writing you sooner. We think often about how helpful you were, and how you saved my son's life. Every time I finally have a chance to sit down to compose a letter, I get interrupted. Life with two teenagers is busier than I could have ever imagined.

Back in January of 2021, when you were called to help me, because my son was trying to throw things at me, out of some fit of rage, you were the first responsible adult to bring to my attention that his actions were not based on his personality, but on the fact the medicine was causing the anger and aggression. I remember thinking he looked like a bull in a china shop, but I was giving him the

ADHD medication, just as the doctor had prescribed. You had the keen insight to tell me to look at his eyes, and you recommended I talk with ~~the~~ ^{his} doctor about changing his medication. That was life changing for our family! That night, you not only saved one family from a future of more of the same, but you also changed the direction of my son's life. I had him seeing a child psychiatrist, and it had been recommended to me that he may need to be sent to a facility for middle school age boys with behavior issues. He was heading down a sad, hopeless path, but your suggestion alone changed everything! I took him off the ADHD medicine, and within weeks, he was a totally different kid.

The medicine was ruining our lives, and we couldn't even see it.

I thank God, on a regular basis, that He gave you the knowledge to be aware of such things in our

children and community.

You'll be happy to know [REDACTED] is in high school, is taking Honors English, and currently has all As and one B. Without being asked, he cleans his room each day, along with helping with other chores.

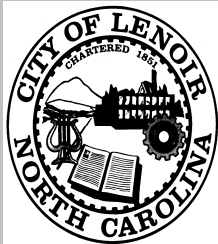
His teachers describe him as being helpful and kind. We live a peaceful life, and his future looks as bright as any child who doesn't have autism. Who do we have to thank for this? You!

You saved his life, and saved our family!

We all think you, from the bottom of our hearts. We will always remember what you have done for us, and will continue to pray for your health and safety on the job.

May God bless you all the days of your life.

Sincerely,
[REDACTED]



Staff Report

Zoning Amendment

CASE NUMBER R #4/24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property
134 Ideal Dr

SUMMARY

Owner

Edward J Lutz & Carolyn W Lutz
Revocable Living Trust

Applicant

Joseph Lutz

Location

134/134B Ideal Drive

NCPIN

2758560560

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 1, 2024

Description of Request:

The applicant requests that the City re-zone 134 Ideal Drive SE from R-12 (Medium Density, Single Family) to R-6 (Multi-family), as the applicant would like to divide the parcel into two in order to separate the workshop building from the residence. Each resulting lot will be lower than R-12 required lot size.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 9.

Planning Board Recommendation:

Approval of the request.

Public Comment:

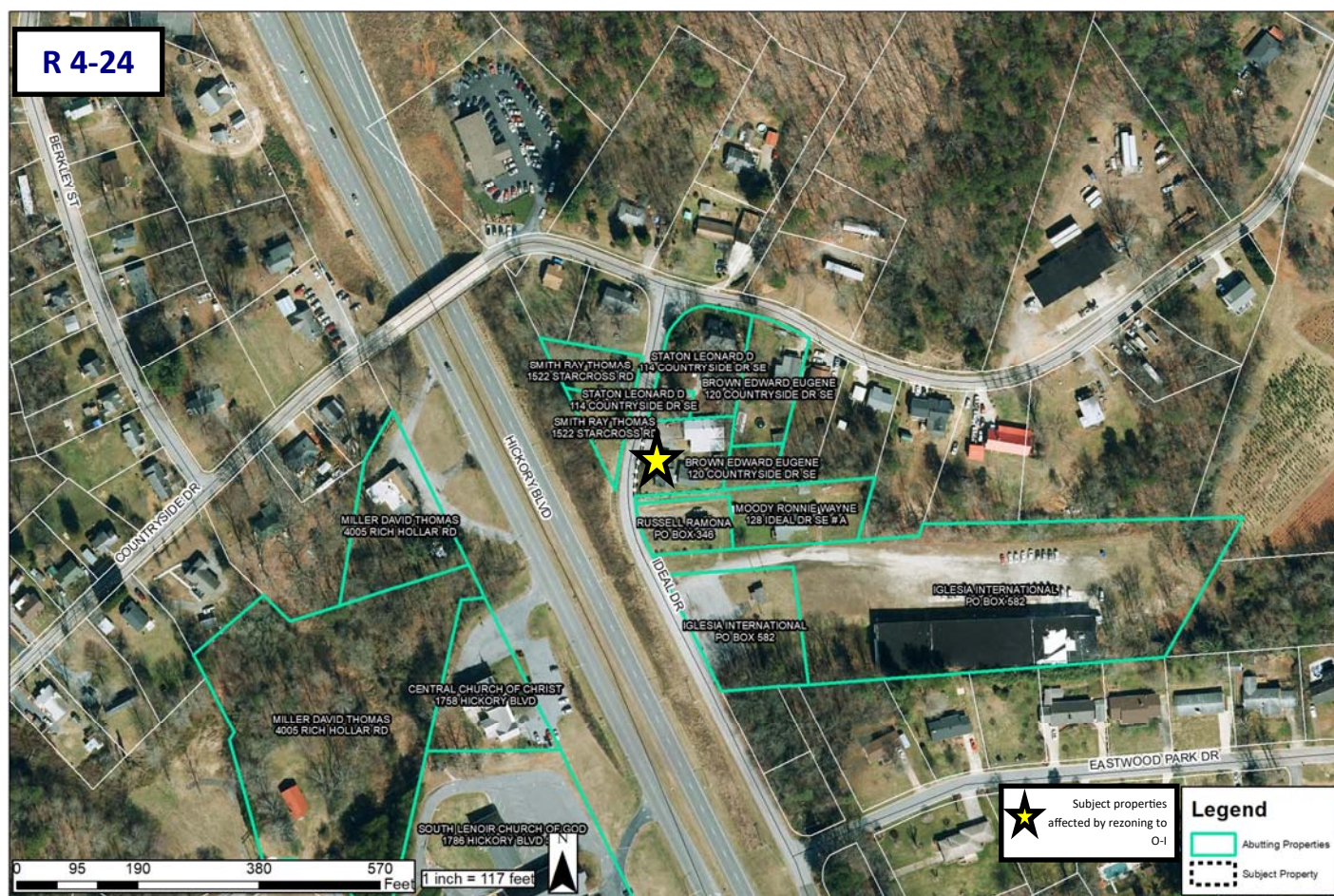
None.

Planning Board Meeting:

September 23, 2024. Notices were mailed to adjacent property owners on or before September 13, 2024.

City Council (Public Hearing): Scheduled for October 15, 2024. Notices were mailed to adjacent property owners on October 4, 2024. Notice of the meeting was published in the News-Topic on October 3, 2024 and October 10, 2024. Notice has been posted on the property at least ten days in advance of the public hearing.

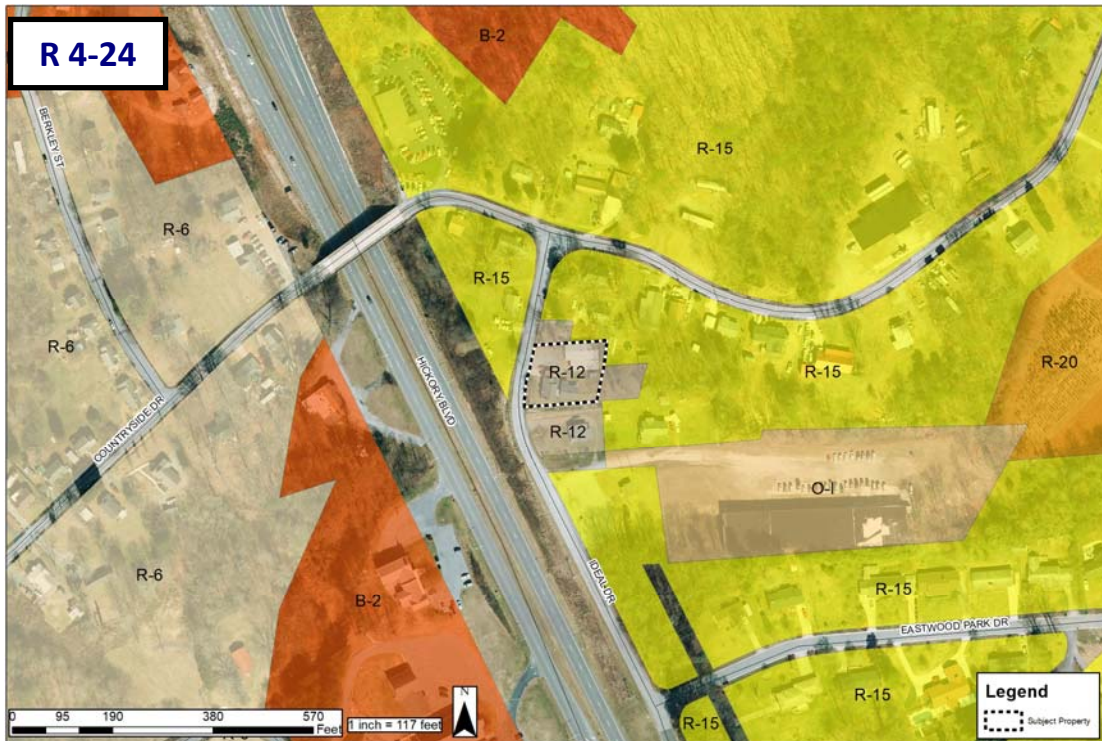
ABUTTING PROPERTY OWNERS



NCPIN	Name	Address	City	State	Zip Code
2758560518	Leonard & Mavis Station	114 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561651	Edward Eugene Brown	120 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561213	Iglesia International Cristo Vive Inc.	PO BOX 582	LENOIR	NC	28645
2758468684	Ray Thomas Smith & Sylvia Smith	1522 STARCROSS RD	LENOIR	NC	28645
2758453998	David Thomas Miller	4005 RICH HOLLAR RD	Lenoir	NC	28645
2758457854	South Lenoir Church of God	1786 HICKORY BLVD SW	LENOIR	NC	28645
2758560349	Ramona Russell	PO BOX 346	LENOIR	NC	28645
2758467123	Central Church of Christ	1758 HICKORY BLVD	LENOIR	NC	28645
2758562401	Ronnie Wayne Moody	128 IDEAL DR SE # A	LENOIR	NC	28645

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-12



Proposed Zoning: R-6



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

The City of Lenoir Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

R - 12 Residential (Single-family) District is intended to establish and preserve land within the city for medium density single-family residences and compatible land uses. Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

R - 6 Residential (Multi-family) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Applicant's Request

The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into two lots so that the house can stand alone on one lot and a workshop can stand on the second lot. The subject property cannot be subdivided in its current zone, R-12 district (Medium Density Single Family), where lot size is 12,000 square feet. The resultant lots would each be 7,200 to 8,500 SF. Rezoning this lot to R-6 would enable the applicant to continue to own his 3000 SF workshop while selling the rental house on the property.

Subject and Surrounding Properties

The subject property is addressed as 134 Ideal Drive, located off of Hickory Boulevard (US-321) just north of the Civic Center. The property features the aforementioned workshop (~3000 sq. ft.) addressed as 134-B Ideal Dr, as well as a carport in addition to a single-family home and an accessory structure at the rear, which total around 2000 sq. ft.

Some of the properties immediately surrounding 134 Ideal Drive are zoned R-12. On Countryside Drive, the vast majority of properties on the east side of 321 are zoned R-15, while the west side of 321 is zoned B-2 along the highway frontage. The R-6 (multi-family) zoning district comprises the western neighborhoods beyond 321 (Ideal Drive, Berkley Street, Locust Place).

Whitnel Towing and the former (condemned) Kingdom Hall are nearby on Countryside Drive. Iglesia Internacional Cristo Vive, south of the subject property is currently zoned O-I. The church's building was used as a truck rental company up until the church bought the property in 2013. This property as well as the subject property border single-family neighborhoods to the north and south. The neighborhood to the south of the church is Eastwood Park which is bounded by the Civic Center campus to the south.

Zoning Analysis

The applicant's request to rezone the subject property to R-6 is considered a "spot zone" by definition. Spot zones are not illegal in NC, but good zoning practice dictates that such requests be scrutinized for their overall compatibility with the surrounding districts, and not be arbitrarily applied. Staff reviewed the area and found the development standards of proposed R-6 zone to be somewhat consistent with the development pattern in the area.

The subject property is in a transitional area between a major highway corridor and an established neighborhood. This section of Ideal Drive serves as a ramp between US-321 and a low density residential area. Zoning districts are rarely flawless in these transitional zones—which is why non-residential uses, such as impound lots, truck rentals, and churches exist in the area that has residential zoning.

The R-6 zoning district has shallower setbacks than R-12. The existing home at 134 Ideal Dr will be more conforming to the zoning district. The R-12 district requires a 40' front yard and 12' side yard where the R-6 district requires a 35' front yard and 10' side yard.

BACKGROUND AND STAFF ANALYSIS CONTINUED

yard. The house sits 25' back from front property line, and 10' from the side. While it doesn't meet the development standards exactly, the site is more suited to the R-6 standards.

No zoning analysis is complete without considering the permitted uses in each zone (see Page 6) - however, no land use change is proposed at this time and is unlikely to happen on this .37 acre lot (without introducing nearby properties, which would require their own zoning process). The R-6 zoning district does introduce a mix of housing types into a single family zone. R-12 allows single family homes by right. Duplexes, townhomes, and garden apartments are allowed with a Special Use Permit. R-6 allows those uses by right, along with doublewides, zero lot line dwellings, and bungalow courts. As stated, this property is built out, and it is unlikely any land use change will occur on the property without a larger scale zoning change than what is being proposed today.



Subject property and surrounding area in 2010 (according to Caldwell County GIS).

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The subject neighborhood is already identified as “existing medium residential” and “existing non-residential” on the future land use map of the comprehensive plan. Rezoning the subject property would bring the lot further into conformity with the zoning standards, making future development requests in the neighborhood more straightforward. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

BACKGROUND AND STAFF ANALYSIS CONTINUED

Comparison of Zoning Districts

	R-12	R-9
Development Standards	Minimum Lot Size — 12,000 ft² Minimum Lot Width—60 ft. Setbacks Front - 40' Side Yard—12' Street Side Yard: 25' Rear Yard - 30'	Minimum Lot Size — 9,000 ft² Minimum Lot Width—50 ft. Setbacks Front - 35' Side Yard—12' Street Side Yard: 25' Rear Yard - 25'
Summary of Permitted Uses*	Accessory Cottage or Apartment Family/Group Care Facilities (1-6) Dwelling, Single-Family Detached	Accessory Cottage or Apartment Attached Dwellings (Townhomes) Bungalow Court
Summary of Special Uses (R-12)*	Attached Dwellings (Townhomes) Bed & Breakfast Duplexes Manufactured Home Parks (Existing) Multi-Family, low-density (Garden Apartments) Planned Residential Development Group Housing (1-6, no care provided)	Duplexes Dwelling, Single-Family Detached Manufactured Home (Class A Doublewide) Multi-Family, low-density (Garden Apartments—4.8 units/ac) Family/Group Care Facilities (1-6) Zero Lot Line Dwelling Bed and Breakfast Cultural and Community Facilities (Church) Multi-family high density (9 units/ac) Group Housing (non-care, 1-6 residents) Family/Group Care Facilities (7+ residents) Public Service Facilities

*See Section 600 Tables A and B for a complete list of permitted and special uses in each district.

PROPERTY PHOTOS



View of property facing south on Ideal Dr.



View of middle of property separating house on right, workshop on left.



View of property facing north on Ideal Dr.



View of subject property from the south. On the right is 128 Ideal Dr.

PROPERTY PHOTOS



Iglesia Internacional Cristo Vive, already zoned O-I



Property owned by IICV, currently zoned R-15

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Staff recommends that the Planning Board recommend approval of the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on October 15, 2024:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designated the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

PLANNING BOARD RECOMMENDATION

Planning board recommends approval of the request based on the consistency statement and staff recommendations.



Staff Report

Zoning Amendment

CASE NUMBER R #5-24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property
Hickory Blvd
(US-321)

SUMMARY

Owner

William H. Stewart Jr. & Mark Alexander

Applicant

Southwood Realty Company

Location

Hickory Blvd. (321 and Victoria Ct. intersection)

NCPIN

2758732805

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated October 9, 2024

Proposed Amendment:

The applicant is requesting to rezone the property, split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development.

Staff Recommendation:

Approval, based on the consistency statement on page 7.

Planning Board Recommendation:

Approval of the request.

Public Comment:

The owner of Southwood Realty and Tom Jones, engineer on the project, provided public comment.

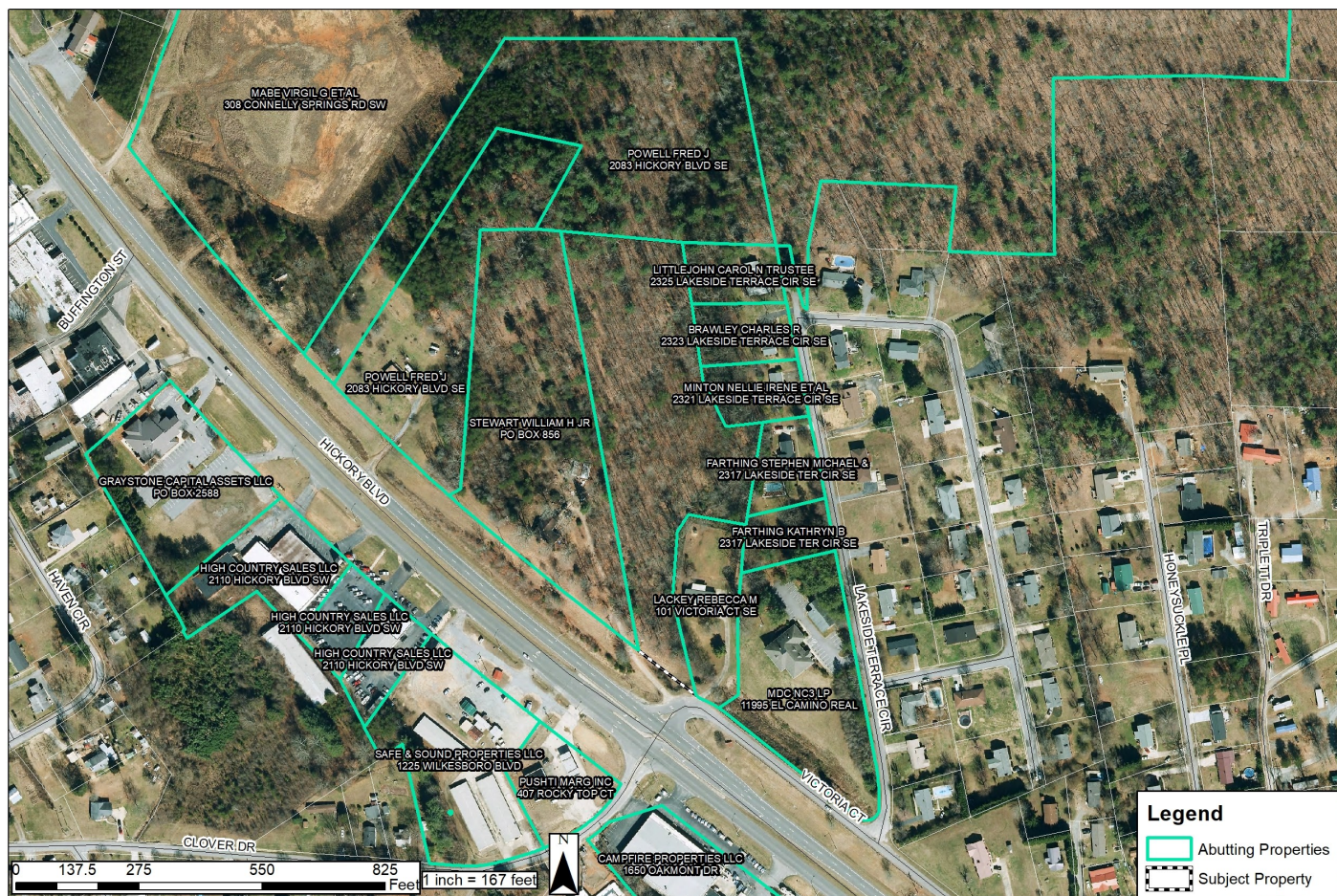
Planning Board Meeting:

September 23, 2024. Notices were mailed to adjacent property owners on or before September 13, 2024.

City Council (Public Hearing):

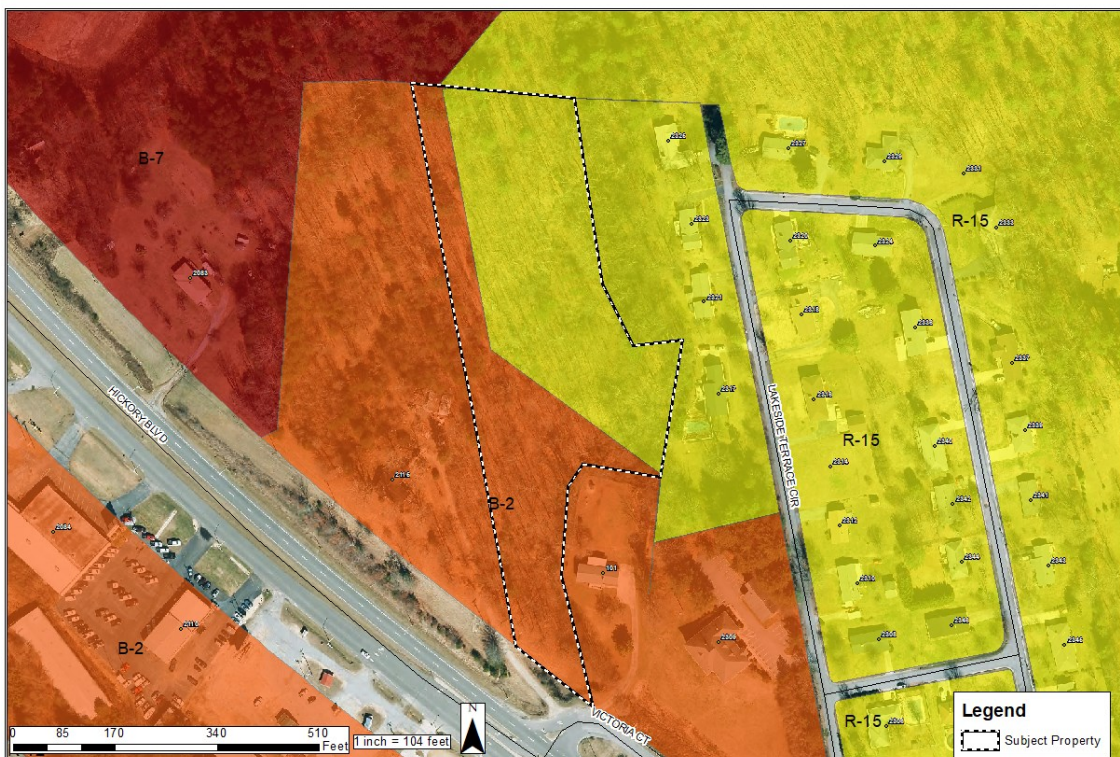
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ABUTTING PROPERTY OWNERS

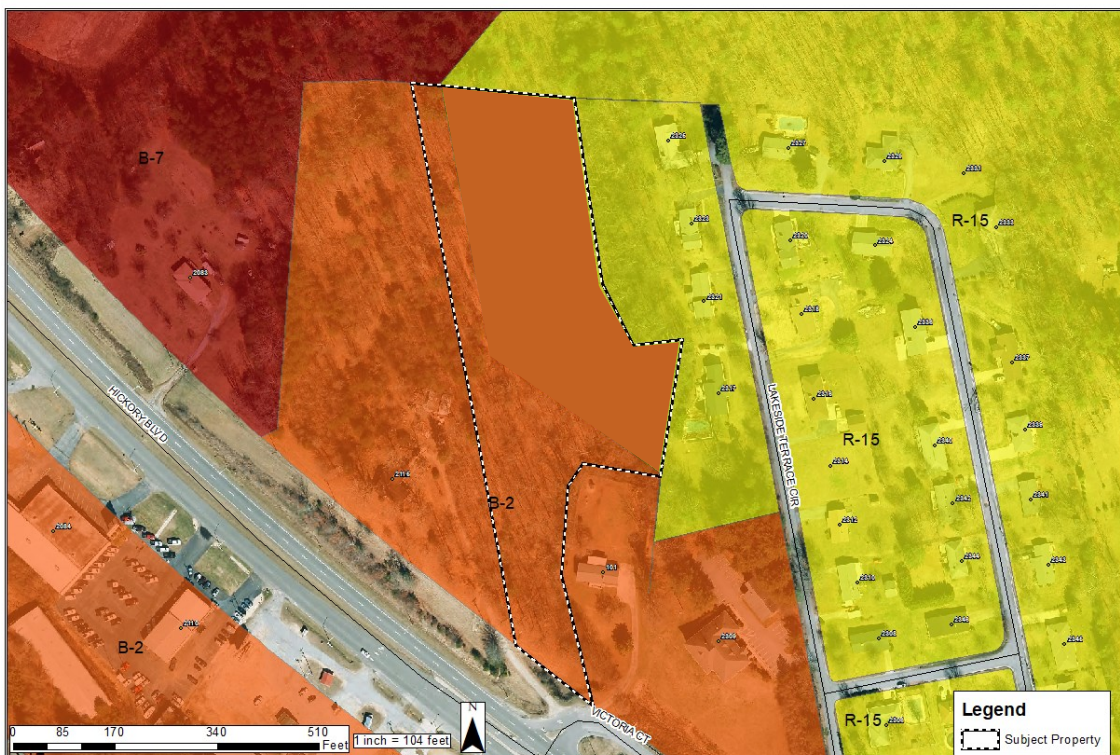


NCPIN	Name	Address	City	State	Zip Code
2758635382	High Country Sales LLC	2110 HICKORY BLVD SW	LENOIR	NC	28645
2758637151	Safe & Sound Properties LLC	1225 WILKESBORO BLVD	LENOIR	NC	28645
2758646611	Virgil Mabe et al	308 CONNELLY SPRINGS RD SW	LENOIR	NC	28645
2758735360	MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
2758639073	Pushti Marg Inc.	407 ROCKY TOP CT	LENOIR	NC	28645
2758647113	Fred & Margaret Powell	2083 HICKORY BLVD SE	LENOIR	NC	28645
2758743094	Charles & Megan Brawley	2323 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758735630	Kathryn & Stephen Farthing	2317 LAKESIDE TER CIR SE	LENOIR	NC	28645
2758733415	Rebecca Lackey	101 VICTORIA CT SE	LENOIR	NC	28645
2758631712	Graystone Capital Assets LLC	PO BOX 2588	HICKORY	NC	28603
2758639922	William Stewart Jr. & Mark Alexander	PO BOX 856	CORNELIUS	NC	28031
2758722797	Campfire Properties LLC	1650 OAKMONT DR	LENOIR	NC	28645
2758734911	Nellie Minton et al	2321 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758743178	Carol Littlejohn & Trustees	2325 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645

Existing Zoning: R-15/B-2



Proposed Zoning: B-2



BACKGROUND AND ANALYSIS

Zoning Map Amendments

The City of Lenoir Zoning Ordinance establishes an official zoning map/atlas for the City of Lenoir. The zoning map may be amended from time to time by the City Council when public necessity, convenience, general welfare, or good zoning practice justifies the amendment. The zoning map cannot be changed until the Planning Board reviews the request and makes a report to City Council on the proposed change and the City Council holds a public hearing to consider the request.

Intent of the Zoning Districts

The R-15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

The B-2 (General Business) District is intended to provide for a wide variety of retail, service and other activities, controlled by performance standards, at locations along major transportation routes, to serve both local and transient traffic. While generally located in areas that are auto-centric, the General Business zoning district is intended to promote development that equally considers pedestrian traffic, because this district is often located in close proximity to multi-family developments and short-term lodging. This district is designed to accommodate a moderate to high intensity of development along key commercial corridors in the City, with robust design standards to encourage a unique sense of place and promote a multi-modal future with support for transit, bike, and pedestrian infrastructure.

Subject and Surrounding Properties

The subject property is located along Hickory Blvd (US-321) at the Victoria Court intersection and is split zoned B-2 and R-15. The property is a little over five (5) acres and is currently vacant. This property is generally hilly as you go north and features a creek on the eastern side of the property. While this property abuts a neighborhood, it is generally buffered with mature trees so as to provide adequate separation from adjacent homes. The three homes that run along the northeast side of the parcel are all over 100' from their rear property lines.

The property to the west is zoned entirely B-2, contains a single home, and is also owned by the subject property's owner. East of the property, all properties are zoned R-15. The Lakeside Terrace neighborhood is just east of the subject property and comprises the majority of adjacent property owners to the south and east. Bumgarner Camping Center is located southeast of the property and Autoworld of Lenoir is southwest of the property, both across 321. The Caldwell County Fairgrounds is around a half-mile south of the site, while the J.E. Broyhill Civic Center is about a half-mile northwest of the subject property.

Reason for Request

The subject property is split-zoned B-2 (General Business) and R-15 (Single-family Residential). The applicant, Southwood Realty has the property under contract to purchase from the owner to develop a proposed 136-unit multi-family apartment complex. In order to utilize the adjacent property to the west, as well as the subject property, B-2 zoning is required to allow for multi-family housing across the entire development. R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 run the gamut from single-family to high-density residential uses as well as functioning as Lenoir's most flexible commercial district.

Location, Location, Location

The subject property is located in a peripheral area of town south, close to city limits where Lenoir and Hudson meet, and would contribute to an ever-pressing need for greater housing stock. In a sense, this area is centralized to both cities and would function well as a commuter community for local industry professionals and App State (Boone and Hickory campuses) and Caldwell Commu-

BACKGROUND AND ANALYSIS (CONT.)

nity College students.

The R-15 portion of the property precludes any form of multi-family housing or commercial development from being built. The current split-zoning would only serve low-density residential and commercial opportunities in an inconsistent fashion. R-15, unlike B-2, is not flexible or highly permissible beyond single-family housing opportunities, whereas B-2 is considered the city's most flexible zoning district.

The Lakeside Terrace neighborhood adjacent to the property will have little to no impacts from this rezoning, since 60% of the tract is already zoned B-2. There is a mature tree line on the subject property that provides a natural buffer between the two properties. That, along with hilly topography and the bank of the creek also provide adequate separation between future development on this tract and the neighborhood, so there are few if any possibilities of interaction.

The proposed development would address the need for greater, denser housing stock in Lenoir, especially to serve growing industry in Lenoir, Caldwell County, and the greater Unifour area. Southwood Realty has carried out several developments in western North Carolina with the vast majority of their developments breaking ground in Gastonia where their headquarters is located.

BACKGROUND AND ANALYSIS

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The current zoning district is intended essentially only for single-family housing, while the proposed zoning district permits a variety of housing types as well as commercial uses. The R-15 zoning district allows for single-family, while The B-2 zoning district allows for a mix of residential uses at all density levels, as well as a variety of commercial uses.

Comparison of Zoning Districts

	R-15	B-2
Development Standards	Min Lot Size– 15,000 SF	Min Lot Size - N/A
	Setbacks	Setbacks
	Front: 40'	Front: 10'
	Side Yard: 15'	Side Yard: 0'
	Street Side Yard: 25'	Street Side Yard: 0'
	Minimum Rear Yard: 35'	Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, single family detached	Attached Dwellings (townhomes)
	For special uses see Section 600, Table A in Lenoir Zoning Ordinance	Bed & Breakfast
		Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group
		Billiards and Pool Halls
		Day Care Centers
		Cultural and Community Facilities
		Commercial Kennels
		Eating and Drinking (w/ & w/o drive-thru)
		Greenhouses
		Hospitals/Clinics
		Hotels/Motels
		Manufacturing & Processing: Boutique/Artisan/Light
		Night Clubs
		Office (medical/dental)
		Recreation (outdoor/indoor)
		Retailing (light/intensive)
		Services (automotive/business and personal)
		Shooting Range
		Studios and Specialty Schools
		Veterinarians
		Warehousing
		For special uses see Section 600, Table A in Lenoir Zoning Ordinance

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Consistency with the Comprehensive Plan

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following statement on the consistency and reasonableness of the request.

The future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that "predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions." Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

PLANNING BOARD RECOMMENDATION

Planning board recommends approval of the request based on the consistency statement and staff recommendations.

SITE PHOTO



STREET VIEW



Site can be accessed via driveway off of Victoria Ct.



Lakeside Terrace & Victoria Ct. Intersection

PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: October 8, 2024
SUBJECT: ZOAs 1-24 for Electronic Message Boards
CC: Scott Hildebran, City Manager
TJ Rohr, City Attorney

Application for Text Amendment

In August of this year, Doug Perkins of Mt. Pilgrim Baptist Church proposed that the sign code allow for Electronic Message Boards (EMB) in residential districts. The proposed sign code text amendments have been analyzed and edited by staff and the Lenoir Planning Board. This memo aims to summarize the text amendments and explain its application prior to the Public Hearing scheduled for October 15, 2024.

Background

Currently, EMB signs are prohibited in residential districts as ground-mounted and building-mounted signs. They are also prohibited in O&I, B-1, B-5, and B-6. They are prohibited as building-mounted signage within the National Register Historic District in Downtown Lenoir, but allowed outside of the historic district within B-3 (the downtown zoning district). The ordinance conflicts on EMBs as ground-mounted signage in B-3. Since the applicant was approaching the Planning Board about allowing EMBs in residential, staff took the opportunity to discuss EMBs in these other commercial districts and request clarification on conflicts.

The EMB text amendment application was first discussed by Planning Board in August. It was tabled, as board members requested more information on brightness intensity. Staff provided several resources to the Planning Board regarding intensity, electronic sign ordinances from nearby municipalities (see enclosures).

Proposed Ordinance Amendment

At the September Planning Board meeting, Planning Board recommended the following changes:

1. EMB Design and Operating Standards (See Section 1107.6 of the proposed ordinance).
 - a. Change display changes from three seconds to eight seconds with a two second transition time.
 - b. Add a maximum brightness of 5,000 nits during the day and 500 at nighttime.
 - c. Require a dimmer control and photocell sensor to automatically adjust a display's intensity to ambient conditions, as well as a certification from the EMB manufacturer pre-setting the display to a maximum of 5,000 nits.
2. EMB regulations in Residential Districts and O&I, B-1, B-5, and B-6. (See Section 1108 and Figure 1110 of the proposed ordinance).
 - a. Allow for religious institutions and public service facilities located in residential districts to have EMB signs for up to 50% of the sign copy area (generally 16 SF).
 - b. Require the EMB to shut off between the hours of 9PM and 7AM.
3. EMB regulations in Downtown and Historic Properties (See Sec 1107.6c-1 and Figure 1112.1)
 - a. Prohibit EMBs as ground-mounted signs in B-3. (Building Mounted EMB are still allowed in B-3 outside of the National Historic Register District.)

- b. Prohibit any property designated on the National Register of Historic Places within Lenoir's zoning jurisdiction from displaying EMBs.

Consistency Statement

Planning Board adopted the following consistency statement when recommending these EMB amendments:

While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

Enclosures

ZOA 1-24 Ordinance

EMB Resources provided to Planning Board for September's Meeting

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE RELATED TO SIGN REGULATIONS REGARDING LIGHT POLE BANNERS, PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, a public service facility representative requests to install light pole banners, prompting staff to review the current ordinances and recommend approval of the proposed amendments; and

Whereas, the Lenoir Zoning Ordinance does not allow for vertically-oriented banners to be attached to privately owned light poles; and

Whereas, light pole banners on private property, owned by and located entirely on public service facility property, can enhance placemaking for such facilities, and

Whereas, the City Council find that this ordinance is consistent with the City's Comprehensive Plan, which calls for the review of existing development ordinances and identification of regulations needing updating or removal,

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Appendix A, Article XI of the Code of Ordinances, City of Lenoir, North Carolina, "Sign Regulations" is hereby amended to read as follows:

1105 Sign Definitions - If questions arise related to the interpretation of any of the following definitions, or the classification of a proposed sign in accordance with the following definitions, the City of Lenoir Illustrated Sign Type Design Manual, as may be amended from time to time, is hereby incorporated by reference and shall be used to clarify the intent of the definitions.

Light Pole Banners. Banners mounted on and with arms installed perpendicular to a light pole in a vertically-oriented manner.

1107 General Requirements For All Districts

Sec. 1107.7 ~~Penalties for Violation – Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.~~ Light Pole Banners – Public Service Facilities, as defined in the Lenoir Zoning Ordinance, shall be permitted to install banners on light poles that are owned by and located entirely on the property of the public service facility in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2. Light pole banners shall conform to the following:

- (a) Light pole banners shall not be used as a temporary, off-premise advertising sign.
- (b) A maximum of two (2) banners shall be displayed on up to twelve (12) poles on any given site.
- (c) Light pole banners are limited to a maximum area of 12 square feet.
- (d) Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- (e) Light pole banners shall be mounted to project perpendicular from light poles.

1107.8 Penalties for Violation - Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.

SECTION 3. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 4. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 3rd day of October and this 10th day of October, 2024.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2024.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

**ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH
CAROLINA:**

City Clerk

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DEPARTMENT MEMORANDUM

October 3, 2024

City of Lenoir - Administration
Special Projects and Grants
801 West Avenue
Lenoir, North Carolina 28645

RE: Project Delivery Methods – Design-Build and Design-Bid-Build
Lenoir Aquatics and Fitness Center
2022 PARTF Project

The City of Lenoir received a North Carolina Division of Parks and Recreation – Parks and Recreation Trust Fund (PARTF) grant in the amount of \$500,000 in 2022. With grants of this nature, the application process requires certain recreational elements and facility improvements to be enumerated. Full compliance with funding agency guidelines is necessary to receive grant dollars, and the project scope can only be changed through proper justification and written, expressed approval by the funding agency.

Our 2022 application featured a project scope with construction of new recreational and support elements. These included a splash pad (currently under construction), a picnic shelter (currently under contract), an accessible connector path/greenway trail extension at the Rotary Soccer Complex (currently in final design), and installation of smaller elements, including new concrete cornhole boards and a ping pong table, at the Lenoir Aquatics and Fitness Center (LAFC).

The 2022 application also included a host of interior facility renovations and improvements at LAFC intended to improve accessibility, provide adequate space(s) to meet current visitor needs, and offer renovation, repairs, and up-fitting to interior areas in desperate need of improvement. The LAFC improvement scope included the whirlpool, locker rooms and restrooms, and racquetball courts.

After consulting with staff and touring the facility, it was determined that guidance from a design professional with public aquatic facility experience was necessary to adequately assess the facility's condition, determine how best to satisfy the requirements of our PARTF funding contract, and best leverage our budget by developing a project scope to address immediate needs and identify future programmed improvement projects.

Given that, PARTF grant contracts include a standard three (3) year timeframe, we realize that time is of the essence to develop the LAFC interior renovation project and complete construction. The City of Lenoir's funding agreement with PARTF (contract time) is scheduled to end in October 2025. With this aggressive schedule in mind, we are considering the "Design-Build" method of project delivery to expedite completion of the work. This delivery method includes contracting with a single entity to provide both design and construction services, and each of these efforts can occur simultaneously once plans are developed to a point where necessary permits can be obtained.



The Design-Build (DB) delivery method differs from the traditional “Design-Bid-Build” (DBB) delivery method in that it allows an owner to hire, through a qualification-based selection process, one firm to provide design and construction services as opposed to an owner hiring a design consultant, allowing the designer to complete project plans and specifications, advertising the project for bids, and awarding the construction contract to a separate firm. With the DBB delivery method, each step in the project development process relies on completion of the preceding step, thus requiring more time for projects to move through design to construction and completion.

While each project delivery method is proven, effective, and allowable for public projects per North Carolina general statutes, there are pros and cons for each method to be considered prior to committing to either delivery method. For DB projects, having design and construction services under the responsible charge of a single firm or entity allows for schedule compression, potential cost savings through avoidance of change orders, a higher quality project since designers and constructors are on the same team, and the transfer of risk from the owner to the DB team (Procure, Six, Frisa, 2024). Conversely, DB projects offer challenges to project development including schedule conflict management that the builders must address, cost uncertainties when budgets and scopes are not clearly defined, and communication gaps should the designer and constructor not practice frequent, regular, and effective communication.

DBB projects also have similar pros and cons that may influence an owner to select this method of delivery. In the traditional DBB scenario, the owner maintains control over each project participant through separate contracts. This role separation allows participants to focus on their respective specialties. Cost certainty achieved through a vetted design process, and administration of competitive bidding, are also positive attributes of the DBB method. As with DB, however, DBB project may also pose challenges to owners. Through lengthy design development and construction processes, the potential for aggressive scheduling may not be possible, and the owner carries more risk for cost escalation through change orders and delays (Procure, Six, Frisa, 2024).

With approximately one (1) year remaining in our current PARTF contract time, a limited budget for completion of significant interior renovations, and design challenges involving interior space and MEP system reconfiguration, we support acceptance of the Design-Build method of project delivery for completion of the remaining work at the Lenoir Aquatics and Fitness Center. This method will allow aggressive scheduling to complete the work within the remaining contract time, offer value through designer and constructor coordination for space improvements, and minimize risk to the City by having a single entity responsible for completion of the work.

Respectfully Submitted,
CITY OF LENOIR

Jared Wright
Director of Special Projects and Grants
City of Lenoir



References

1. Six, Alex; Frisa, Kristen. "Design-Build vs Design-Bid-Build: Which Is Right for Your Project?" *Procore*, August 13, 2024, www.procore.com/library/design-build-vs-design-bid-build. Accessed October 3, 2024.

§ 143-128.1A. Design-build contracts.

- (a) Definitions for purposes of this section [are as follows]:
 - (1) Design-builder. – As defined in G.S. 143-128.1B.
 - (1g) Design professional. – As defined in G.S. 143-128.1B.
 - (1p) First-tier subcontractor. – As defined in G.S. 143-128.1B.
 - (2) Governmental entity. – As defined in G.S. 143-128.1B.
 - (3) Licensed contractor. – As defined in G.S. 143-128.1B.
 - (4) Licensed subcontractor. – A person or entity, not including design professionals or employees of the design-builder, that will be performing work under the design-builder and whose scope of work proposed for the project requires that it be licensed in accordance with Article 2 or Article 4 of Chapter 87 of the General Statutes.
 - (5) Unlicensed subcontractor. – A person or entity, not including design professionals or employees of the design-builder, that will be performing work under the design-builder and whose scope of work proposed for the project does not require that it be licensed in accordance with Article 2 or Article 4 of Chapter 87 of the General Statutes.
- (b) A governmental entity shall establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project, and such criteria shall, at a minimum, address all of the following:
 - (1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.
 - (2) The time constraints for the delivery of the project.
 - (3) The ability to ensure that a quality project can be delivered.
 - (4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.
 - (5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section.
 - (6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1).
- (c) A governmental entity shall issue a public notice of the request for qualifications that includes, at a minimum, general information on each of the following:
 - (1) The project site.
 - (2) The project scope.
 - (3) The anticipated project budget.
 - (4) The project schedule.
 - (5) The criteria to be considered for selection and the weighting of the qualifications criteria.
 - (6) Notice of any rules, ordinances, or goals established by the governmental entity, including goals for minority- and women-owned business participation and small business participation.

- (7) Other information provided by the owner to potential design-builders in submitting qualifications for the project.
- (8) A statement directing each design-builder to submit in its response to the request for qualifications an explanation of its project team selection. The governmental entity may specify which one of the following project team selection options shall be used or, if not specified, the response shall consist of either of the following project team selection options:
 - a. A list of the licensed contractors, licensed subcontractors, and design professionals whom the design-builder proposes to use for the project's design and construction. If this project team selection option is used, the design-builder may self-perform some or all of the work with employees of the design-builder and, without bidding, also enter into negotiated subcontracts to perform some or all of the work with subcontractors, including, but not exclusively with, those identified in the list. In submitting its list, the design-builder may, but is not required to, include one or more unlicensed subcontractors the design-builder proposes to use. If this project team selection option is used, the design-builder may, at its election and with or without the use of negotiated subcontracts, accept bids for the selection of one or more of its first-tier subcontractors.
 - b. A list of the licensed contractors and design professionals whom the design-builder proposes to use for the project's design and construction and an outline of the strategy the design-builder plans to use for open subcontractor selection based upon the provisions of Article 8 of Chapter 143 of the General Statutes. If this project team selection option is used, the design-builder may also self-perform some of the work with employees of the design-builder, but shall not enter into negotiated contracts with first-tier subcontractors.

(d) Following evaluation of the qualifications of the design-builders, the three most highly qualified design-builders shall be ranked. If after the solicitation for design-builders not as many as three responses have been received from qualified design-builders, the governmental entity shall again solicit for design-builders. If as a result of such second solicitation not as many as three responses are received, the governmental entity may then begin negotiations with the highest-ranked design-builder under G.S. 143-64.31 even though fewer than three responses were received. If the governmental entity deems it appropriate, the governmental entity may invite some or all responders to interview with the governmental entity.

(e) The design-builder shall be selected in accordance with Article 3D of this Chapter. Each design-builder shall certify, in the response to the request for qualifications in subsection (c) of this section, to the governmental entity that each design professional who is a member of the design-build team, including subconsultants, was selected based upon demonstrated competence and qualifications in the manner provided by G.S. 143-64.31.

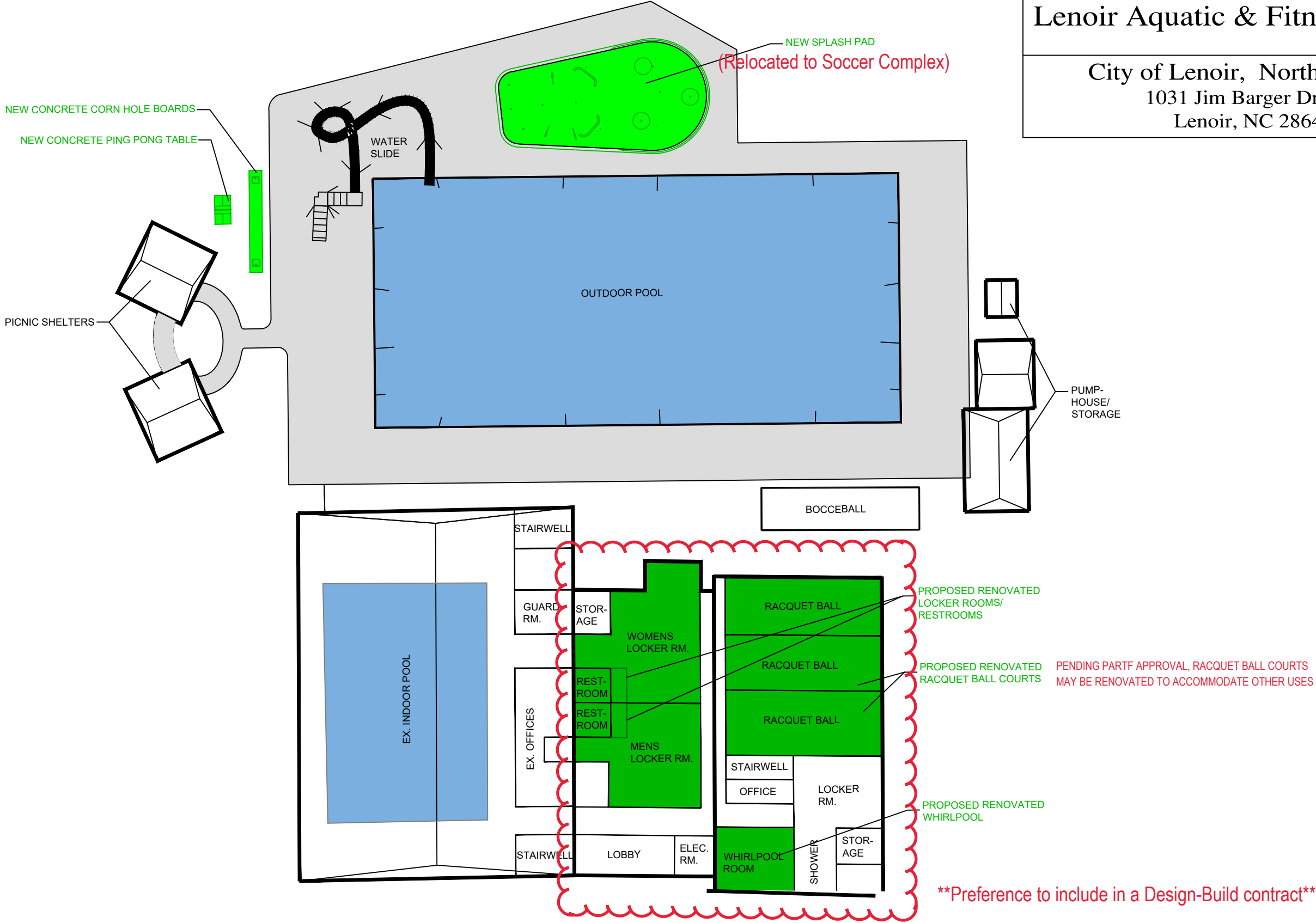
(f) The design-builder shall provide a performance and payment bond to the governmental entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes. The design-builder shall obtain written approval from the governmental entity prior to changing key personnel as listed in sub-subdivision (c)(8)a. or (c)(8)b. of this section after the contract has been awarded. For purposes of this subsection, "key personnel" shall mean either of the following:

- (1) For the project team selection option under sub-subdivision (c)(8)a. of this section, the licensed contractors, licensed subcontractors, and design professionals identified in the response to the request for qualifications.

- (2) For the project team selection option under sub-subdivision (c)(8)b. of this section, the licensed contractors and design professionals identified in the response to the request for qualifications. (2013-401, s. 4; 2014-42, s. 7; 2022-1, s. 2(a).)

PARTF FLOOR PLAN
Lenoir Aquatic & Fitness Center

City of Lenoir, North Carolina
1031 Jim Barger Dr. NE
Lenoir, NC 28645



City of Lenoir
Parks and Recreation Department
2022 PARTF Project
Summary of Elements and Budget



Item	Description	Estimate	Actual	Variance
1	Racquetball Court Renovation (3)	\$ 60,000.00		\$ (60,000.00)
2	Whirlpool Renovation	\$ 120,000.00		\$ (120,000.00)
3	Locker Room and Restroom Renovation (2)	\$ 300,000.00		\$ (300,000.00)
4	Splash Pad	\$ 300,000.00	\$ 313,685.00	\$ 13,685.00
5	Concrete Ping Pong Table	\$ 3,000.00		\$ (3,000.00)
6	Concrete Corn Hole Boards	\$ 1,000.00		\$ (1,000.00)
7	Picnic Shelter	\$ 80,000.00	\$ 48,000.00	\$ (32,000.00)
8	ADA Connector Path	\$ 8,300.00		\$ (8,300.00)
Construction Subtotal		\$ 872,300.00	\$ 361,685.00	\$ (510,615.00)
Contingency		\$ 43,615.00		\$ (43,615.00)
Legal and Administrative		\$ 174,460.00		\$ (174,460.00)
TOTAL		\$ 1,090,375.00	\$ 361,685.00	\$ (728,690.00)

****\$728,690.00** remaining in project budget to complete interior renovations and procurement/construction of other small recreational elements**

§ 14-413. Permits for use at public exhibitions.

(a) For the purpose of enforcing the provisions of this Article, the board of county commissioners of any county, or the governing board of a city authorized pursuant to subsection (a1) of this section, may issue permits for use in connection with the conduct of concerts or public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Provided that no such permit shall be required for a public exhibition under any of the following circumstances:

- (1) The exhibition is authorized by The University of North Carolina or the University of North Carolina at Chapel Hill and conducted on lands or in buildings in Orange County owned by The University of North Carolina or the University of North Carolina at Chapel Hill.
- (2) The exhibition is authorized by the University of North Carolina School of the Arts and conducted on lands or in buildings owned by the State and used by the University of North Carolina School of the Arts.
- (3) The exhibition is authorized by The University of North Carolina or North Carolina State University and conducted on lands or in buildings in Wake County owned by The University of North Carolina or North Carolina State University.

(a1) For the purpose of enforcing the provisions of this Article, a board of county commissioners may authorize the governing body of any city in the county to issue permits pursuant to the provisions of this Article for pyrotechnics to be exhibited, used, or discharged within the corporate limits of the city for use in connection with the conduct of concerts or public exhibitions. The board of county commissioners shall adopt a resolution granting the authority to the city, and it shall remain in effect until withdrawn by the board of county commissioners adopting a subsequent resolution withdrawing the authority. If a city lies in more than one county, the board of county commissioners of each county in which the city lies must adopt an authorizing resolution. If any county in which the city lies withdraws the authority of the city to issue permits for the use of pyrotechnics, the authority of the city to issue permits for the use of pyrotechnics will end, and all counties within which the city lies must resume their authority to issue the permits.

(b) For any indoor use of pyrotechnics at a concert or public exhibition, the board of commissioners or the governing body of an authorized city may not issue any permit unless the local fire marshal or the State Fire Marshal (or in the case of The University of North Carolina, the University of North Carolina at Chapel Hill, or North Carolina State University it may not authorize such concert or public exhibition unless the State Fire Marshal) has certified that:

- (1) Adequate fire suppression will be used at the site.
- (2) The structure is safe for the use of such pyrotechnics with the type of fire suppression to be used.
- (3) Adequate egress from the building is available based on the size of the expected crowd.

(c) The requirements of subsection (b) of this section also apply to any city authorized to grant pyrotechnic permits by local act and to the officer delegated the power to grant such permits by local act.

(d) A board of county commissioners or the governing board of a city shall not issue a permit under this section unless the display operator provides proof of insurance in the amount of at least five hundred thousand dollars (\$500,000) or the minimum amount required under the North Carolina State Building Code pursuant to G.S. 143-138(e), whichever is greater. A board of county commissioners or the governing board of a city may require proof of insurance that exceeds these minimum requirements. (1947, c. 210, s. 4; 1993 (Reg. Sess., 1994), c. 660, s.

3.1; 1995, c. 509, s. 11; 2003-298, s. 1; 2007-38, s. 2; 2009-507, s. 2; 2013-275, s. 2; 2015-124, s. 2.)