



Meeting Information

Location

City /County Meeting Room
905 West Avenue
Lenoir, NW 28645

Time

5:30 p.m.

Board Members

Lucy McCarl, Chairperson

Tim Scobie, Vice-Chair

Sharon Bryant

Richard Hedrick

James Bradshaw

Mac Martin

Merlin Perry

Jeff Church

Leah Hamilton

Larry Smith

Lenoir Planning Board

Agenda • November 26, 2018

Welcome!

We are glad you have joined us for tonight's meeting. The Lenoir Planning Board is an advisory board to City Council comprised of citizen members who voluntarily devote their time and talents to a variety of zoning and land development issues in the community. All Planning Board recommendations are subject to final action by City Council. We anticipate the recommendations of today's meeting will be presented at the City Council meeting on November 20, 2018 for approval of recommended actions.

General Rules of Order

The Board is pleased to hear all non-repetitive comments. However, since a general time limit of five (5) minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the Recording Secretary. When the Chairperson recognizes you, state your name and address and speak directly into the microphone. ROBERT'S RULES OF ORDER govern the conduct of the meeting.

OPENING SESSION

- Determination of a Quorum
- Call to Order
- Consideration of October 22, 2018 Minutes

NEW BUSINESS

1. COMMUNICATION TOWER ZONING ORDINANCE AMENDMENT

Applicant: City of Lenoir

Owner: N/A

Location: Citywide

ZOA#3-18: The planning department is proposing amending Appendix A, Section 910-912 of the Lenoir Zoning Code, related communication tower height.

Recommended Action: Staff recommends approval, call for a Public Hearing for City Council to consider the request on November 14, 2017.

2. INTRODUCTORY WORKSHOP FOR ZONING CODE USE & DEVELOPMENT OVERHAUL

Staff will present an overview of materials for changes to zoning ordinance.

OTHER BUSINESS

- Update on zoning permits issued

ADJOURNMENT

**MINUTES
PLANNING BOARD MEETING
OCTOBER 22, 2018
5:30 P.M.
801 WEST AVENUE**

MEMBERS PRESENT:

Lucy McCarl, Sharon Bryant, Merlin Perry, Leah Hamilton, James Bradshaw, Mac Martin, Tim Scobie, Jeff Church, Richard Hedrick, Larry Smith

MEMBERS ABSENT:

STAFF PRESENT:

Jenny Wheelock, Hannah Williams, Jackie Sigmon

MINUTES:

Vice-Chair Scobie moved approval of the meeting minutes of July 23, 2018 as written. Board Member Smith seconded the motion, which was voted upon and passed by unanimous vote.

**NEW
BUSINESS:**

1. ASHE AVENUE CONDITIONAL USE PERMIT

**Applicant: Jesse Plaster
Owner: Education Foundation
Location: 1015 Ashe Avenue, on the block between Willow Street and Boundary Street NCPIN: 2749771412
CUP#1-18 Request a Conditional Use Permit for a 3 unit multi-family townhome development in the Central Business District (B-3).**

Board Member Church asked to be recused from this item on the agenda stating a conflict of interest because he served on the board for the Education Foundation. Board Member Bryant moved approval of the request. Board Member Hedrick seconded the motion, which was voted upon and passed by unanimous vote.

This item was presented by Hannah Williams. Using the staff report and PowerPoint presentation, Ms. Williams presented the proposed project, staff's conditions and recommendations, and responded to board questions.

Ms. Williams stated the applicant was requesting a Conditional Use Permit for a 3 unit multi-family townhouse in the B-3, downtown district. Ms. Williams said the proposed project consisted of a single two-story residential building with three separate entrances for each unit. The development is intended to be housing for teachers in their first 1 to 4 years of teaching at Caldwell County Schools. It is directly across from the Education Foundation's Ledbetter Angel Center, a gathering space for teacher training, tutoring, and special guests.

Ms. Williams stated the request met the standards for Conditional Use Permit approval which are listed on page 4 of the staff report.

Ms. Williams stated that staff recommended approval of the request subject to the conditions in the staff report.

1. Prior to obtaining zoning and building permits, the applicant shall resubmit plans for appearance review to ensure aesthetically appealing architecture that is in harmony with existing structures and the B-3 district.
2. Sidewalks must be installed to connect to sidewalks on either side of the property to match existing widths or meeting the minimum City standard width of 5 feet, whichever is greater.
3. All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
4. The apron and at least the first 15 feet of driveway from Ashe Avenue must be paved.
5. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
6. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

Pat Triplett, Director of the Education Foundation came forward and gave the following response to questions from the board. Ms. Triplett stated the foundation was building the units for teachers to have affordable housing. Ms. Triplett said the two parcels were given to the foundation through an estate and they were building the townhomes with donor funds.

Jesse Plaster, applicant and architect for the project gave the following responses to questions from the board. Mr. Plaster said because of the natural slope of the lot they won't require fill dirt. Mr. Plaster said each unit would have

two bedrooms and there would be a shared driveway with a parking area in the back.

Samuel Patterson of 1011 Ashe Avenue spoke in favor of the request.

Board Member Hedrick moved Approval of the request, subject to the conditions in the staff report, and called for a Public Hearing for City Council to consider the request on November 20, 2018. Board Member Martin seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS:

Ms. Wheelock shared with the board that the attendance for the Neighborhood Map meeting was good and she appreciated the boards help with this project. Ms. Wheelock also thanked Board Member Martin and Church for their attendance at this meeting. Ms. Wheelock said she received a lot of positive comments from residents.

PERMITS ISSUED

The board was given a list of permits issued.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the meeting at 6:21 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING APPENDIX A OF THE
LENOIR CITY CODE RELATED TO THE PERFORMANCE
STANDARDS FOR COMMUNICATION TOWERS, PROVIDING
FOR CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, Sections 910-2 of the Lenoir Zoning Ordinance contain performance standards for communication towers, which always require a Conditional Use Permit; and

Whereas, the intent of these regulations is stated as “to allow...towers...while minimizing adverse visual and operational effects of towers through careful siting, design, and screening; to avoid potential damage to adjacent properties through proper setbacks; and to maximize the use of communication towers and existing structures to reduce the number of towers necessary to provide for the communication needs of Lenoir and surrounding areas;” and

Whereas, the current height limitation of 110 ft. limits opportunities for co-location (where multiple providers locate equipment on a single tower), increasing the need for additional towers in order to meet the growing demand for cellular service; and

Whereas, as cell phone use has dramatically increased since these regulations were first adopted, and towers have become more commonplace in our landscape, the general public has grown more accepting of towers within the community because it allows for more comprehensive cellular service; and

Whereas, Caldwell County recently amended their regulations to allow for towers at a maximum height of 195 ft., citing the need to increase cell coverage in Caldwell County; and

Whereas, allowing additional height on cell towers will increase the opportunities for co-location as well as provide better coverage in hilly areas, reducing the number of towers needed to provide continuous cellular coverage for multiple providers within the City limits; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City’s adopted Comprehensive Plan, which calls for limiting the number of new towers as well as for the ongoing accommodation of infrastructure upgrades to support growth and quality of life for Lenoir’s residents; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare, particularly considering the use of wireless communication by public safety officials; and

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

SECTION 1. Appendix A, Article IX of the Code of Ordinances, City of Lenoir, North Carolina, “Special Review Procedures for Conditional Uses” is hereby amended to read as follows:

910 Communication Towers

It is the intent of this Section to allow communication towers for mobile telephone services and other radio and television information services, while minimizing adverse visual and operational effects of towers through careful siting, design, and screening; to avoid potential damage to adjacent properties through proper setbacks; and to maximize the use of communication towers and existing structures to reduce the number of towers necessary to provide for the communication needs of Lenoir and surrounding areas.

Communication towers shall be a conditional use in all zoning districts except the B-5, B-6 and B-7 zoning districts, and shall be subject to approval by the Lenoir City Council, following review and recommendation by the Lenoir Planning Board, provided that the structure adheres to all of the following conditions in addition to those specified by Section 900 (Conditional Uses/~~Special Uses~~) of this Ordinance.

910.1 Communication towers shall at all times comply with Federal Communications Commission (FCC) standards for radio frequency emissions.

910.2 Prior to the issuance of a Conditional Use Permit, the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the communication facility. The applicant shall be required to maintain such coverage in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of its Maintenance & Removal Agreement have been satisfied.

910.3 Applicants shall first consider properties owned by the City of Lenoir or other government entity before considering private properties as locations for communication towers. The Planning Department will provide an inventory of City-owned properties. Public properties shall be subject to the same restrictions as private properties. If suitable public properties cannot be located, justification shall be provided which clearly explains why the public properties are not suitable and what alternatives were considered.

910.4 An application for a Conditional Use Permit shall be accompanied by a copy of an executed lease requiring the applicant to remove all above-ground portions of communication towers no later than ninety (90) days after cessation of operations. In addition, each applicant for a communication tower shall execute a facility maintenance/removal agreement prior to issuance of the Conditional Use Permit. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this Section and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance

with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. Such costs shall include, but not be limited to, administrative and job supervision costs. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as the City has first provided the applicant the following written notices at the applicant's last known address:

A. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least thirty (30) days to complete the work; and

B. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within ten (10) days.

C. All portions of abandoned or unused communication towers located above ground that are not removed within ninety (90) days of the cessation of operations, the facility may be removed as provided in the applicant's Maintenance/Removal Agreement by the City and the costs of removal recovered from the applicant's bond or other security.

910.5 Any communication tower in existence on the date of enactment of this Section which does not comply in all respects with these provisions shall be deemed a nonconforming use. In the event such facility shall be destroyed, or suffer damage in excess of 50% of the tax value of the facility's improvements, such facility shall not be repaired or replaced and shall be removed unless any replacement facility complies in all respects with the provisions of this Section. Except in the case of destruction or damage in excess of 50% of the tax value of the facility's improvements, technological upgrades of electronics and antennas are permitted.

910.6 Applications shall require payment of a nonrefundable \$2500 fee. This fee may be reduced to \$1000 when applicant is utilizing existing publicly- owned structures or land.

910.7 An applicant for a Conditional Use Permit for a communication tower that includes a new or additional tower or increase in tower height, shall be required to post a \$10,000 cash bond, or other security satisfactory to the City, to secure costs of removing all above ground portions of a communication tower (not including any part of the foundation) in the event the applicant shall fail to do so within ninety (90) days of cessation of operation of the facility. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.

910.8 No communication tower shall be approved if an electric transmission tower is located within a one quarter mile radius (1320 feet) laterally of the proposed telecommunications tower site and if road access and necessary utilities can be obtained within a one quarter mile radius (1320 feet) of the existing electric transmission tower, unless the applicant can demonstrate that sufficient easements or other interests in real property cannot be obtained to

accommodate the communication facilities, or that the electric utility owning the electric transmission tower is unwilling to allow its use for communication facilities, or if the planned equipment would exceed the structural capacity of the existing electrical transmission tower.

910.9 Electric transmission towers less than one hundred ten (110) feet in height may be replaced by metal electric transmission towers up to one hundred ten (110) feet in height. Such replacement shall be at the discretion of the electric utility which owns or operates the electric transmission tower, taking into account safety, service disruptions, structural capacity and structure life or duty cycle. For purposes of this Section, such replacement electric transmission tower shall be deemed to be an existing structure.

910.10 The tower shall be of a monopole design, engineered and constructed to permit the co-location of at least ~~two~~three additional users.

910.11 The exterior appearance of all buildings associated with the tower shall be similar to residences in the general area.

910.12 No tower shall exceed the height of ~~140~~165 feet, which is measured from base of tower to top of tower.

910.13 The City Council may require that the applicant apply to the Federal Aviation Administration (FAA) for compliance with FAA standards for a dual lighting system rather than a red and white marking pattern, when such marking pattern is determined to be aesthetically blighting due to the visibility of the tower.

910.14 The base of the tower shall be surrounded by a fence or wall at least eight feet (8') in height unless the tower co-locates on a structure that makes such fence or wall impractical. Such fences or walls shall be screened in accordance with Section 712 (Buffering and Screening) of this Ordinance.

910.15 No advertising logo is permitted on any tower or antenna.

910.16 The City Council may require any other conditions, such as tower height or appearance, to mitigate the impact of the tower on adjacent properties and land uses.

911 Communication towers in residential zoning districts:

911.1 The tower shall be setback from any property line or structure not associated with the tower by a distance of not less than 200 feet, unless the Planning Board and City Council find that due to existing topography, vegetation, adjacent commercial or industrial development, or technical practicality, a lesser setback would still be harmonious with the surrounding area and meet the intent of this Section. In no case shall the setback be less than 50% of the height of the tower. Towers set back less than 200 ft. from any residential structure shall be designed to collapse in such a way that protects any nearby structure from potential damage.

911.2 Buildings associated with communication towers located in residential zoning districts may not be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment and instruments. Such buildings shall have brick veneer and a pitched roof.

912 Communication towers located in non-residential zoning districts (excluding B-5, B-6 & B-7):

912.1 The tower shall be setback from any property line or structure not associated with the tower by a distance not less than 50% of the tower's height.

912.2 The exterior appearance of all buildings associated with the tower shall be compatible with structures in the general area.

SECTION 2. 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 3. 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 _____ day of _____ and this _____ day of _____, 2018.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2018.

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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ZP 93-18	Fumiyoshi Drive Through	313 Harper Ave	2759079435	10/22/2018
ZP 94-18	addition	546 Hill Street	2749499828	10/8/2018
ZP 95-18	Property Shop vinyl sign	1248 Hickory Blvd	2759300456	10/9/2018
ZP 96-18	Wilkie Construction Enclosing Garage	2025 Harper Ave	2749028353	10/11/2018
ZP 97-18	Speedway Digital Panel	502 Wilkesboro Blvd	2759571745	10/11/2018
ZP 98-18	Liquid Roots Brewing	1048 Harper Ave	2749762840	10/24/2018
ZP 99-18	Liquid Roots Sign	1049 Harper Ave	2749762840	10/25/2018
ZP 100-18	Back Deck	806 Pennell St	2850621691	10/22/2018
ZP 101-18	Valero Station Signage	2175 Morganton Blvd SW	2749000399	10/22/2018
ZP 102-18	Rockhaven Florist Sign	337 Harper Ave	2759077653	10/23/2018
ZP 103-18	Radioshack Sign	202 Harper Ave	2759177450	10/24/2018
ZP 104-18	Leap of Faith Sgin	202 Harper Ave	2759177450	10/24/2018
ZP 105-18	Sharon Ave Shed Carport	417 Sharon Ave	2850004193	10/29/2018
ZP 106-18	Dulatown House Addition	1633 Dulatown Rd	2738928542	11/6/2018
ZP 107-18	MHP 1995 Single Wide Placement	105 Triplett Dr	2758837169	11/8/2017
ZP 108-18	Shoe Show Window Signage	845 Blowing Rock Blvd	2850116554	11/14/2018
ZP 109-18	Groome, Tuttle, Pike, Blair Signage	110 Mulberry St SW	2749874002	11/14/2018