



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 • December 17, 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 January 15, 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 November 26, 2018 Minutes

NEW BUSINESS

1. REALTY STREET REZONING

Applicant: Ben Griffin

Owner: Ben and Jackie Griffin

Location: 515 Realty Street at the northeast intersection with Pennton Avenue, in transitional area between Lerinco and Morganton Boulevard.

R# 3-18 The applicant requests that the City re-zone the subject property from B-2 (General Business) to I-2 (Heavy Industrial), for industrial development.

Recommended Action: Staff recommends approval based on the consistency statement on page 6 of the staff report, and call for a Public Hearing for City Council to consider the request on January 15, 2018.

2. STACEY PLACE CONDITIONAL USE PERMIT

Applicant: Angie Meadows

Owner: Resurrection Hope Church of God

Location: 732 Stacey Place, off of Walt Arney Road, north of Southwest Boulevard

CUP# 2-18 The applicant is requesting a Conditional Use Permit for a Day Care Facility in the Medium-Density Residential (R-9) zoning district, in order to establish a Montessori school on an existing church property.

Recommended Action: Staff recommends approval, subject to the conditions in the staff report.

3. ARROWOOD STREET CONDITIONAL ZONING ORDINANCE

Applicant: Gail Greer

Owner: Camelot Golf Center LLC

Location: 211 Arrowood Street, across of entrance to Hibriten High School.

CZ# 5-18 The applicant is requesting a Conditional Zoning District for a property with an existing (inactive) restaurant and clubhouse, to accommodate multi-family developments at low to medium densities, along with nonresidential uses. The base zoning district for this

request is R-15 and R-12.

Recommended Action: *Staff recommends approval, subject to the conditions of the district.*

CONTINUING 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 January 15, 2018.*

OTHER BUSINESS

- Update on zoning permits issued

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
November 26, 2018
5:30 P.M.
905 WEST AVENUE

MEMBERS PRESENT:

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

MEMBERS ABSENT: Merlin Perry

STAFF PRESENT:

Jenny Wheelock, Hannah Williams

MINUTES:

Board Member Bradshaw moved approval of the meeting minutes of October 22, 2018 as written. Board Member Hamilton seconded the motion, which was voted upon and passed by unanimous vote.

**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 January 15, 2019.

Jenny Wheelock, Planning Director discussed proposed changes to section 910 of the Lenoir Zoning Ordinance. Ms. Wheelock explained that finding adequate sites to place cell towers to improve service coverage under current requirements is very difficult for cell companies. Ms. Wheelock said collocation between towers is difficult when the maximum height limit for towers is 110', and that 165' is more adequate for collocation. Ms. Wheelock also stated that public perception of cell towers is becoming more favorable, due to the desire of better cell coverage.

A general discussion ensued about the public perception of cell towers and heights of existing towers. There are general concerns with some planning board members over setbacks, public perception, size of towers. Board member Hedrick expressed interest in hearing expert advice and research on cell towers.

Mr. Hedrick made a motion to table the discussion about cell towers to a later time, seconded by Sharon Bryant. The motion carried unanimously to be tabled until the December or January meeting, depending on availability of additional information.

2. INTRODUCTORY WORKSHOP FOR ZONING CODE USE & DEVELOPMENT OVERHAUL

This item was presented by Jenny Wheelock, Planning Director. Using a PowerPoint presentation, Ms. Wheelock presented an overview of the existing regulations, explained the proposed amendments, and responded to Board questions.

Ms. Wheelock explained the proposed ordinance would clarify development standards and permitted uses in the Lenoir Zoning Code. She offered to meet individually with board members to discuss changes, and then meet together as a board in January 2019 for consideration.

OTHER BUSINESS:

The board wants to thank the city for its service over the weekend after the sunned ice storm on Saturday, 11/24. Ms. Wheelock stated she would share that positive feedback with City Council and department heads. The board also discussed scheduling the Planning Board meeting Christmas luncheon and when to conduct December agenda business. It was decided that the luncheon will take place at noon, and business will take place at 5:30 on December 17th, 2018.

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 7:37 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director



Staff Report

Zoning Amendment

CASE NUMBER R #3/18

LOCATION MAP/AERIAL PHOTOGRAPH



Address: 515 Realty St

Left: Aerial Image of subject property

Below: View from Realty Street



SUMMARY

Owner/Applicant

Ben Griffin

Location

515 Realty St at northeast intersection with Pennton Ave, in transitional area between Lerinco and Morganton Blvd

NC PIN

2749638920

Project Planner

Hannah Williams

Updated November 28, 2018

Description of Request:

The applicant requests that the City re-zone the subject property from B-2 (General Business) to I-2 (Heavy Industrial), for industrial development.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 6.

Planning Board Recommendation:

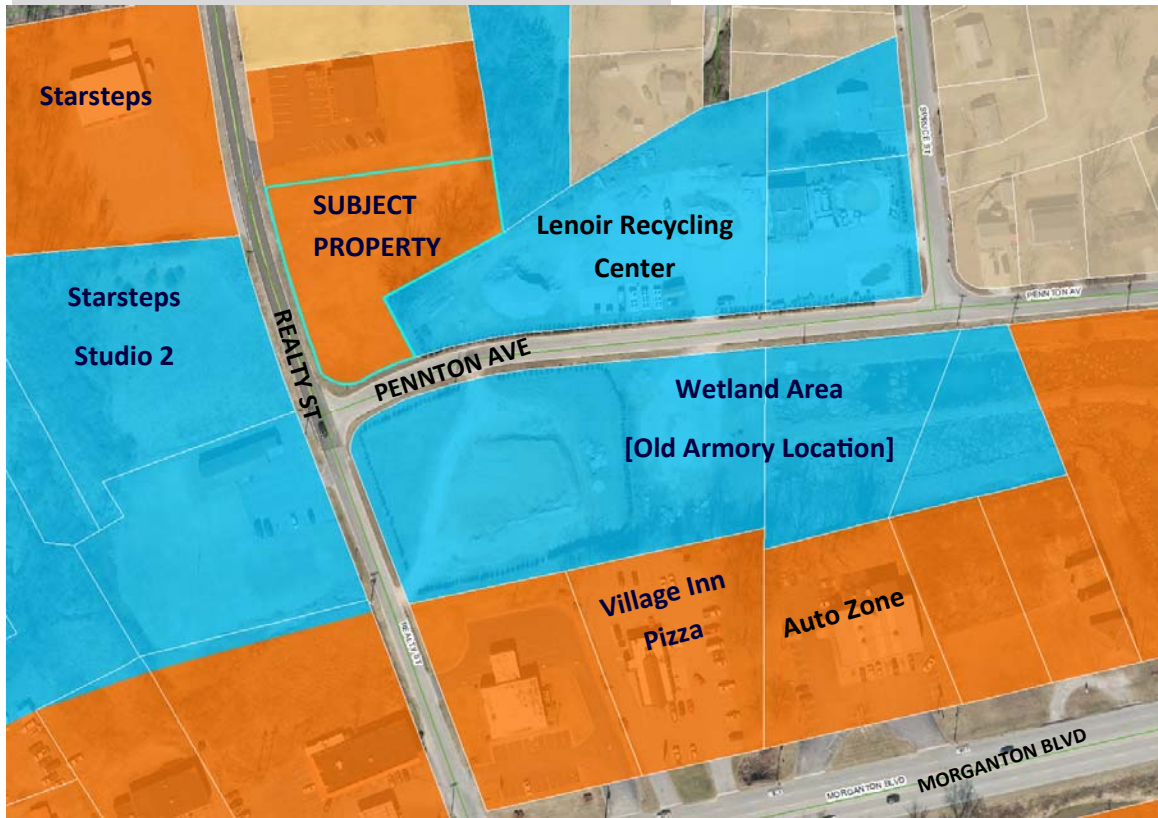
Public Comment:

Planning Board Meetings: December 17, 2018. Notices were mailed to property owners within 100 ft. of the subject property on December 7, 2018.

City Council (Public Hearing): Anticipated to be scheduled for January 15, 2018.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: B-2



Proposed Zoning: I-2



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

The I-2 Heavy Industrial District is intended to produce areas for intensive manufacturing processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts. Industrial zoning is established to provide for uses that might require location near or adjacent to major thoroughfares.

The B-2 General Business zoning 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 the motoring public both local and transient.

Subject and Surrounding Properties

The subject property is located in the B-2 General Business district and is currently undeveloped. The property is north of Morganton Boulevard commercial area, and south of the Lerinco/Cotton Mill Hill neighborhood. There is some floodplain delineation on the southern corner of the subject property, but the corner is heavily vegetated and steep. Should development occur in the floodplain corner of the property, a floodplain development permit will be needed.

The property borders I-2 zoned properties. It is adjacent from the Lenoir Recycling Center to the east. It is across the street from the constructed wetland of the former armory location. The Startsteps Dance Studios are split-zoned I-2 and B-2. There is a doctors office building, zoned B-2, on the property to the north off Realty Street. The subject property is close to the Bernhardt Furniture Plants, the Google Data Center, and other heavy industrial uses.

Request

The rezoning request comes at the same time as a development proposal for _____. Although current plans should have limited influence over the decision to rezone, it should be noted that this property has sat undeveloped for many years. Rezoning this property to I-2 would bring an infill lot into commercial use without the development needing to meet the strict design standards of the B-2 district. The type of building proposed would match the other low density buildings and uses in the immediate vicinity. It should be noted that the other nearby developments that are zoned B-2 do not meet the design standards that the property is currently subjected to.

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 comprehensive plan establishes a future land use map, which identifies the subject property as "existing nonresidential" and does not propose a different future land use. However, the comprehensive plan also encourages the development of industrial uses in areas with appropriate access and infrastructure; the subject property is undeveloped and adjacent to industrial uses. The Comprehensive plan also encourages opportunities for infill development when possible. The subject property is an undeveloped lot in a transitional area, ideal for new development within the City Limits. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

Transportation

This property is at the corner of Realty Street and Pennton Avenue. Any development to this property could be accessed by either city-maintained street.

BACKGROUND AND STAFF ANALYSIS CONTINUED

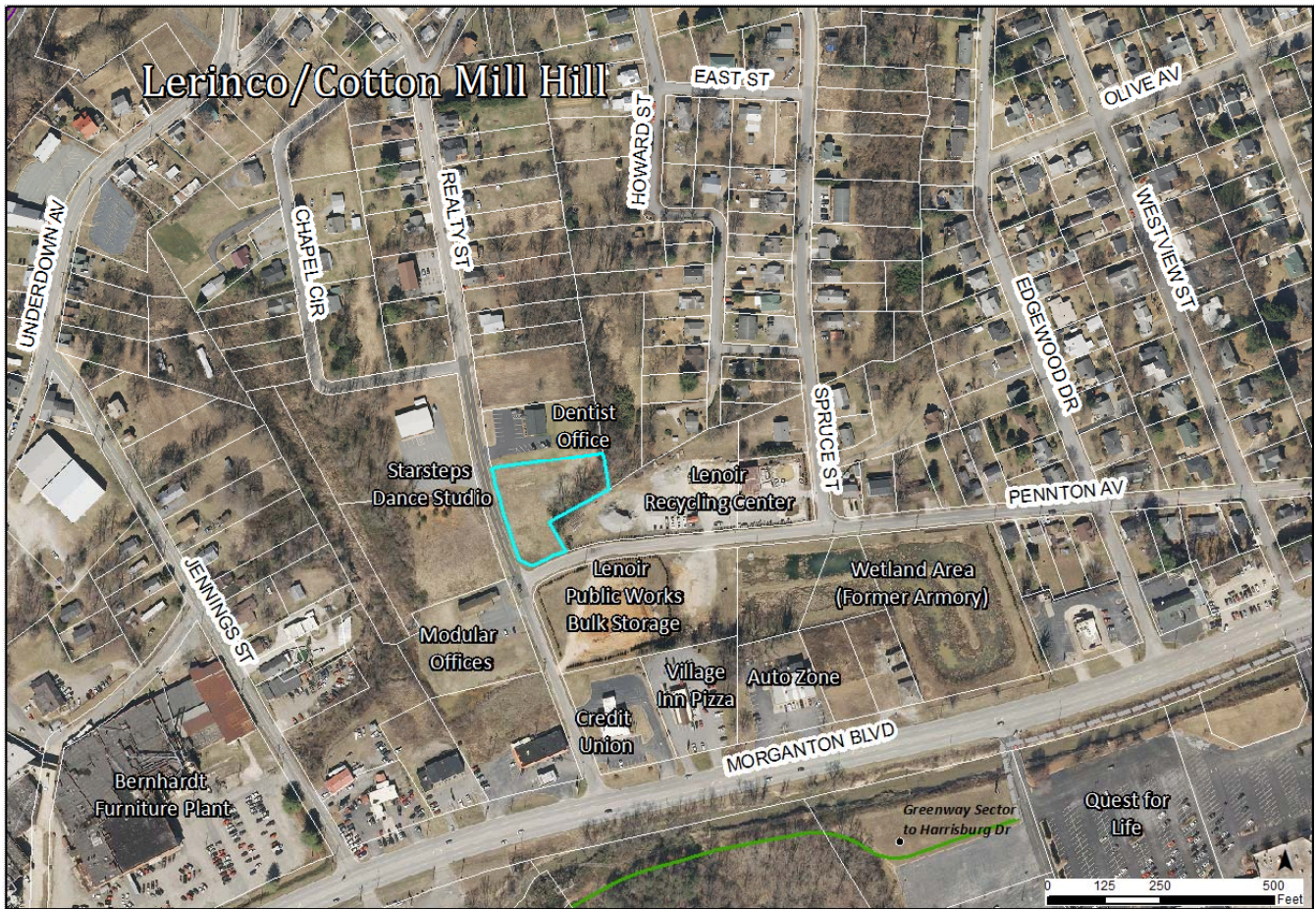
Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and conditional uses for each zoning district. The B-2 zoning district allows a wide range of residential, commercial, and other non-residential uses. There is some overlap with uses allowed in the I-2 district, however the I-2 allows for intensive industrial uses. The change to I-2 would eliminate the design standards requirement.

Comparison of Zoning Districts

	B-2	I-2
Development Standards	Min Lot Size - None Setbacks Front— With side and rear parking - 40' from the centerline of street, right-of-way or 10' from street right-of-way whichever distance is greater. Side Yard— None for nonresidential Abutting residential - 30 feet Rear Yard— None for nonresidential Abutting residential - 30 feet Max Building Height - 65 feet	Minimum Lot Size - 20,000 square feet Minimum Front Yard - 25 feet from right-of-way Minimum Side Yard - Abutting residential or office: 40 ft; Abutting commercial or industrial: None; Abutting side Street: 25 ft Minimum Rear Yard - Abutting residential or office - 40 feet; Abutting commercial or industrial district - None Max Building Height - 65 feet
Summary of Permitted Uses	Accessory Use Or Accessory Bldg. (Nonresidential) Accessory Use Or Accessory Bldg. (Residential) Commercial Business Dwelling, Group Dwelling, Single-Family Detached Dwelling, Two-Family Offices/Clinics Restaurants Supermarkets	Accessory Use Or Accessory Bldg. (Nonresidential) Accessory Use Or Accessory Bldg. (Residential) Small Businesses Commercial Businesses Contractors Office and Equipment Storage Furniture Manufacturing Public Service Facilities Truck Terminals **For further uses see section 814 in Lenoir Zoning Ordinance

AERIAL PHOTO/SURROUNDING DEVELOPMENT



Southern view of property, facing Pennton Ave and Realty St intersection



SURROUNDING DEVELOPMENT



Left: Across the street to the north of subject property, Starsteps Dance Studio.

Right: Across the street to the south of subject property, Mmdular offices.



Left: Adjacent to the north of the subject property, medical office building.

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 January 15, 2019:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it facilitates the development of an unused property in a transitional area that is already served by existing infrastructure. The proposed amendment is reasonable and in the public interest because it allows for construction in the area between a large commercial corridor and a residential neighborhood, supporting future growth.

PLANNING BOARD RECOMMENDATION



Staff Report

Conditional Use Permit

CASE NUMBER CUP #2/18

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

732 Stacey Place



Proposed Use
will be in building
marked with red.



SUMMARY

Owner

Church of Resurrection Hope

Applicant

Angie Meadows

Location

732 Stacey Pl, off of Walt
Arney Road, north of South-
west Blvd

NC PIN

2758052325

Project Planner

Hannah Williams

Updated Dec 4, 2018

Applicant's Request:

The applicant is requesting a Conditional Use Permit for a Nursery Schools & Day Care Facility in the Medium-Density Residential (R-9) zoning district, in order to establish a Montessori school on an existing church property.

Staff Recommendation:

Approval of the request, subject to the conditions in this report.

Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for December 17, 2018. Notices were mailed to property owners within 100 ft. of the subject property on December 7, 2018.

City Council (Public Hearing): Anticipated to be scheduled for January 15, 2018.

*****This request is considered quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public meeting*****

BACKGROUND AND ANALYSIS

Intent of Conditional Use Permits

Conditional uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The conditional use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Conditional Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Conditional Use Permit following a quasi-judicial hearing.

Intent of the Zoning District

The R-9 Multi-family Residential District is intended to accommodate medium density single-family residential and multi-family residential, double wide manufactured homes and compatible land uses. Multi-family complexes of three (3) or more units are allowed as conditional uses. Other listed conditional uses are Libraries, Museums, Art Galleries, Adult Day Cares, Extended Care Facilities, and Group Dwellings.

Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Subject and Surrounding Properties

The subject property is owned by and used as a church. The property is intersected by Stacey Place. The church property on the north side of Stacey Place is zoned R-9 (Multi-Family), and is developed with the principal church buildings, the sanctuary and the social hall. The church property on the southern side of Stacey Place is zoned B-2 (General Business), and has some storage buildings, extra parking, and a playground with open space. There is a striped crosswalk across Stacey Place that provides pedestrian access to both sides of the property.

The subject property is located in a residential neighborhood, adjacent to single family dwellings. Most of the homes on Walt Arney Rd are zoned R-9. The homes along Stacey Place are zoned B-2 (General Business). The development behind the church is zoned I-2 (Heavy Industrial), and is a plastics manufacturing facility. The industrially-zoned development is required to have a 40' residential buffer and a 15' vegetated buffer when side and rear property lines abut a residential zone. Bufferyards are the responsibility of the use necessitating the buffer, and the I-2 property exceeds these buffer requirements.

The non-residential daycare use in the R-9 multi-family residential district is also required by code to have a 15' wide landscaped buffer between its property line and residential uses. The existing church building is legally non-conforming because it does not meet this standard. However, the retaining wall on site between the church and the adjacent single-family dwelling meets the intent of this buffer (please see photos on page 9). Since the proposed use will not expand the development in any way, and the installation of additional buffering is challenging, staff finds the existing conditions will continue to satisfy the intent of the code.

Proposed Use

The applicant proposes to use a large classroom in the social hall of the church during the week as a Montessori-style preschool. The applicant proposes no changes to the existing buildings or any kind of improvements. There is off-street parking on-site. The church does not have other uses during the hours the daycare will operate, besides minor office and grounds-keeping activities. The classroom in the social hall of the church is about 1200 sq. ft. The day care currently has 15 students enrolled, with a potential maximum of 23 students in the proposed location.

Transportation and Access

Stacey Place is a dead-end street, with four residential driveways intersecting the street. Institute of Transportation Engineer's 9th edition report on Trip Generation states that single family homes generate 1 trip per unit in the PM peak hour, while day cares with

BACKGROUND AND ANALYSIS

a unit of 1000 sq. ft. generate 12.46 trips per unit in the peak PM hour. There are over 30 parking spaces in the off street parking on the north side of Stacey Place, which is large enough to contain the trips generated in the busiest hours. Along with the secondary lot on the south side of Stacey Place, the day care traffic should not impede the flow of traffic along Stacey Place or Walt Arney Road. This is not a significant impact on existing infrastructure. No traffic study is needed.

The proposed use on this site will have a drop-off line for students entering the school under staff supervision. The drop off line will be required to have five stacking spaces before the drop off point (Sec. 1000 of Lenoir Zoning Code). To accommodate this, the day care will block off parking areas on the north side of Stacey Place to accommodate five 9x18' stacking spaces. Please see map on page 7. Typically, morning drop off will occur around 8 am, and afternoon pickup will occur between 12 pm and 3 pm. During the drop off time, there is parking available on the property on the south side of Stacey Place. During other hours, the primary parking lot will be available for parking.

Signage

Non-residential conditional uses with an approved conditional use permit located within residential zoning districts are permitted some signage. The applicant proposes to use the allowed directional signage less than 3 ft. in height and 3.2 sq. ft. in copy area to show location of proposed day care. Reconfiguration of copy area on the existing church monument sign to include day care signage is also allowed. The signage will be located on-site and will meet all other locational requirements.

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 comprehensive plan does not specifically discuss churches or day-cares, but it does encourage expanding the use of existing buildings. This proposed project is located at a church that is built out in a residential area. The proposed use will adhere to the plan's recommendations for protecting residential character of neighborhoods by ensuring that the area will not become more congested with traffic through off-street parking and loading.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The development will comply with most requirements of non-residential uses in the R-9 district, with the exception of the 15' wide vegetated bufferyard for a use that abuts a residence, in which a 3-5' retaining wall on site will accommodate. Because the existing development will not expand, this legally non-forming condition is allowed to remain.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *There is one existing driveway into the church parking lot, and the limited size of the use ensures that it will not cause congestion.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *There are over 25 parking spaces in the primary parking lot adjacent to the social hall, as well as a paved parking area on the southern section of the property across the street. This more than complies with the required 3 spaces per the Zoning Ordinance. The applicant has also shown how the drop off line will flow through the primary parking lot to allow for 5 stacking spaces before the drop-off point.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The subject property is on a dead-end street. Only four single-family dwellings use the street to access Walt Arney Road. The large parking areas and walkways can contain the pick-up and drop-off traffic that the day-care will generate.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *A landscape plan was not submitted. The church buildings are positioned on a lower elevation than the adjacent single-family residence. An on-site retaining wall between the primary parking lot and the single family residence shields lights and noise created by parking traffic.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *This development is currently planning to use a directional sign less than 3 ft. in height and less than 3.2 sq. ft. in copy area. Any exterior lighting will be incidental to the needs of the day care use, and will be designed to be fully cut-off and shielded from neighboring residential property.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The subject property is developed as a church, and the proposed use will be inside the existing social hall of the church. There are no proposed changes to the exterior of the social hall to accommodate this use.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The proposed use of the property is accessory to the church. The applicant has stated that the day care will operate Mondays through Fridays during the school year, with some summer activities between the hours of 8am and 3pm. While this applicant proposes an intensification of the existing use, the impacts of 15-23 children will be minor and should not have overly adverse impacts on the few residences nearby.*

STAFF RECOMMENDATIONS

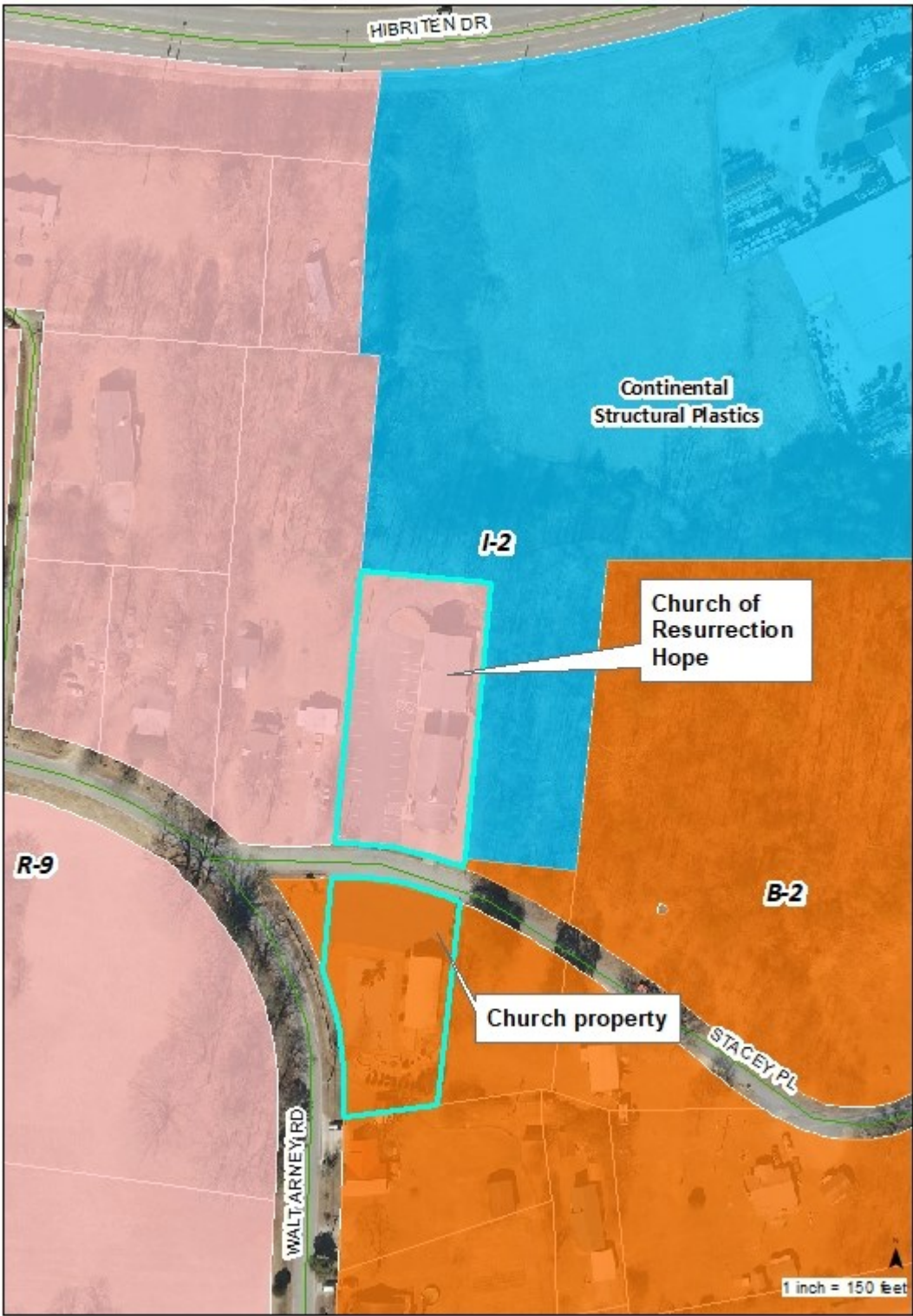
Staff recommends approval of the requested Conditional Use Permit for the proposed youth day care, with the following conditions:

1. Student enrollment is limited to 23 students.
2. Any new lighting for the daycare use shall be fully cut-off and shielded so as to eliminate and minimize light spill-over onto adjacent residential properties.
3. Traffic flow of the student drop off line must allow for five stacking spaces before the drop off point, as well as an adequate turn radius for cars exiting the parking lot. This may be accomplished through temporary setup of cones and barriers, in order to allow the parking lot to function normally during off-hours and church use.
4. Additional ground-mounted signage is allowed for one sign no taller than 3 ft and limited to 3.2 sq. ft. of sign copy area. Reconfiguration of copy area on the existing church monument sign to include day care signage is also allowed. Signs of corrugated plastic are prohibited.
5. Valid permits and inspections must be obtained for this use, including and any other federal, state, or local regulation that applies.
6. If the use has not been established within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

PLANNING BOARD RECOMMENDATIONS

ZONING MAP

732 Stacey Place
Subject Property 



PROPOSED DROP OFF PLAN

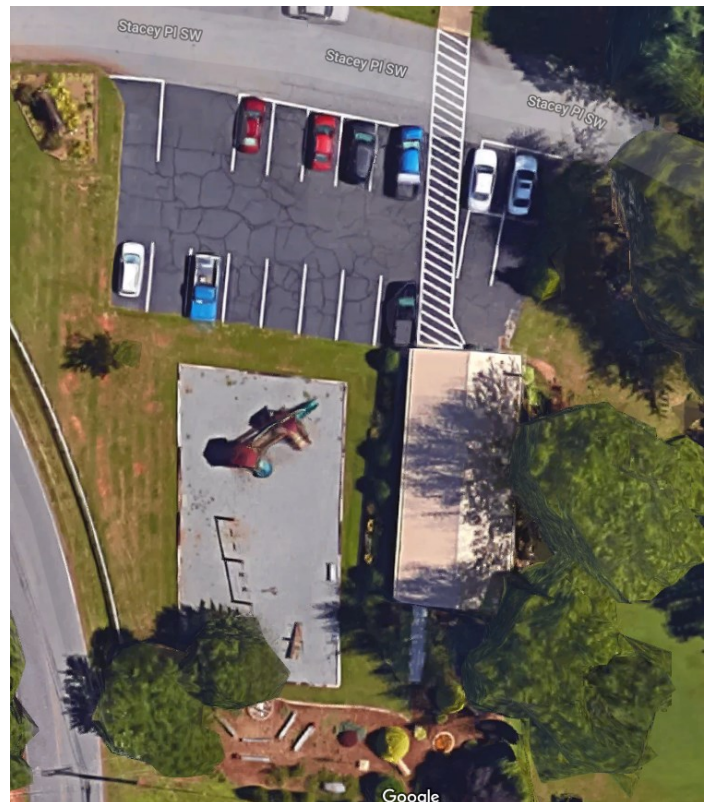


DETAILED AERIAL MAP



Left: Aerial image of Resurrection Hope Church. Social Hall is the proposed location for the day care. There is sidewalk in front of social hall, but not across parking lot to the front cross-walk.

Right: Updated aerial image of southern section of church property, shows striped crosswalk for access to outdoor playground and more parking.



EXISTING CONDITIONS ON SITE



Above: View of church social hall from main parking lot

Below: Retaining wall with plantings on top. along primary parking lot adjacent to residence.



EXISTING CONDITIONS ON SITE



Above: Striped sidewalk across Stacey Place



Above: Outdoor playground on southern section of property.

Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER CZ #5/18



LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Camelot Golf Center LLC

Applicant

Gail Greer

Location

211 Arrow St SE, across from entrance to Hibriten High School. (+/- 48.5 acres).

NC PIN

2860225868

Project Planner

Hannah Williams

Jenny Wheelock, AICP, CZO

Updated Dec 7, 2018

Applicant's Request:

The applicant is requesting a Conditional Zoning District for a property with an existing (inactive) restaurant and clubhouse, to accommodate multi-family developments at low to medium densities, along with allowances to re-use the existing restaurant building. The base zoning district for this request is proposed as R-12.

Staff Recommendation:

Approval of the requested conditional zoning district (CZ-5) ordinance, which is attached for reference.

Planning Board Recommendation:**Public Comment:**

Planning Board Meeting: December 17, 2018. Notices were mailed to property owners within 100 ft. of the subject property on December 7, 2018.

City Council (Public Hearing): Anticipated to be scheduled for January 15, 2018.

BACKGROUND AND ANALYSIS

Intent of Conditional Zoning

The City of Lenoir's 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 Conditional Zoning process is a process to amend the zoning map and associated district regulations intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings. The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. In considering a request for a Conditional Zoning District, the Planning Board and City Council may approve conditions or use limitations that are mutually agreeable to the applicant, property owner, and the City, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will address the interests of the landowners, neighbors, and the public. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. The Conditional Zoning District is adopted as a map amendment and by ordinance.

Subject and Surrounding Properties

The subject property is a large 48.5 acre tract, located in the R-15 and R-12 (Single Family) zoning districts, south of Wilkesboro Boulevard, off of Arrowood Street. The restaurant building and a storage building are the only structures on the property. There are two sections to this property: the 32 acres of floodplain area that contains a pond and the two structures, and the 16 upland acres that are accessible from Falls Street. This property has been a golf course, driving range, and restaurant, but is currently inactive.

This property is in a primarily residential area. The properties south of the subject property are zoned R-R (Rural Residential) and R-15. There is a small mobile home park off of Falls Street, and several single family dwellings. Hibriten High School to the west of Arrowood is zoned R-9. Properties along Wilkesboro Boulevard that border the subject property are zoned B-2 (General Business), R-R (Rural Residential), and B-6 (Exclusive Business). Along Wilkesboro Boulevard there are some active businesses, unused commercial buildings, and single family dwellings.

Previous Approvals

This property was initially developed under the R-15 zoning district as a Country Club/Golf Club, which was a Conditional Use. The building that exists today was approved as a clubhouse/country club building for the golf course use. However, when the golf course use was discontinued, the building (with a full commercial kitchen) was leased several times for various restaurant uses, even though the R-15 zoning district does not permit restaurants.

In 2003, the upland portion of the site was re-zoned from R-15 to R-12, in order to allow for the owner to request a Conditional Use Permit for a "Planned Residential Development," which may include multi-family dwelling units. In that same year, a Conditional Use Permit for a Planned Residential Development was approved for a townhome-style apartment complex with 108 units. Conditions of that approval included bufferyards along the east, south, and west property lines, a stipulation that the existing private driveway from Arrowood Street be maintained as access for the residential development, and that a secondary point of access be constructed from Fall St. At that time, it was stipulated that Fall St. be widened to meet public standards and dedicated to the City as a public road. The development was never actualized, and the Conditional Use Permit expired after 24 months of inactivity.

Proposed Development

There are two factors driving this request — the desire to re-use the existing building immediately, and the desire to market the upland portion of the property for higher density residential development than is allowed "by right" under the code. Through the Conditional Zoning process, we can legalize appropriate uses for the existing building, without opening up the parcel to inappropriate uses or too intense of development. Uses that are proposed include restaurant (with or without alcohol, which is regulated in accordance with ABC rules), office, day care, and residential amenities such as a club house, community room, or computer lab.

BACKGROUND AND ANALYSIS

For the upland portion, the Conditional Zoning district would create “by right” multi-family uses, with overall density caps, and program in the same types of conditions that would typically be applied to a specific development proposal through the Conditional Use process. This allows for very similar outcomes in the ultimate build-out, but creates a lasting flexibility for a property that is currently on the market. The proposed zoning district would allow for a variety of residential developments to occur on the upland portion of the property, but will limit the overall density consistent with best zoning practices and previous approvals on the site. Proposed uses to be permitted on this site are multi-family developments from garden apartments and patio homes to assisted living facilities with graduated care.

Density and Trip Generation Analysis

Intensification of development rights on properties should be analyzed both on their overall impact to the community as well as their specific intensification of impact over what might be allowed “by right” on the site. In this example, although any development will increase traffic and density, the R-12 zoning carries with it a certain available density that anyone can currently “max out.” For this site, the most intense development allowed “by right” today would be a residential subdivision with minimum lot sizes of 12,000 sq. ft. For our analysis, we used the 15 acres referenced in previous CUP application and excluded all of the low-lying areas. Here is a break down of density and project trip generation rates:

By-Right	2003 Approval	Current Proposal
54 dwelling units (single family homes on 12,000 sq. ft. lots)	108 dwelling units	Up to 10 du/acre, with a traffic impact analysis required for any density above 7.2 du/acre
3.6 du/acre	7.2 du/acre	
363 daily trips*	726 daily trips (increase of 363 trips)	Without TIA: 726 daily trips (Increase of 363 trips) With a TIA: 1008 daily trips (increase of 645 trips)
*To ease comparison, a standard generation rate of 6.72 daily trips was used, based on the ITE’s trip generation handbook’s rate for multi-family apartments. Single family homes actually have a slightly higher trip generation rate, on average, than apartments, so the actual “base” trip generation rate may actually be a little higher than what’s shown here.		

The above table illustrates this site as having a “base” trip generation of about 363 daily trips, so the allowance for additional densities for multi-family certainly increases potential traffic from the site. The 2003 approval would have created about 363 additional trips. The 7.2 du/acre threshold for requiring a Traffic Impact Analysis is consistent with the previous approvals, with a maximum density proposed that’s consistent with the densities approved recently for other multi-family projects around Lenoir. At the maximum, the current proposal could generate 672 daily trips over the “by right” development.

For comparison, Viridian (the new apartment complex built in 2014 off Linkside Place) has an approximate density of 10.6 dwelling units/acre, and Arbor Glen (the senior apartment complex built in 2015 off Abington Rd) has an approximate density of 8.2 dwelling units/acre. The recently permitted but not yet constructed Crescent Pointe at Greenhave (the senior apartment complex next to Bo’s near Walmart) will be approximately 18 du/acre, and Trillium (an apartment complex approved 3 years ago and never developed across the street from Hibriten High School) was approved at 9.2 du/acre.

Given the densities commonly approved around the City for apartment complexes falling within a range of 8-10 dwelling units (Crescent Pointe is an outlier, but is located in a more intensely developed area than the other projects), the base densities and trip generation of the site today, and the previous approval, staff is recommending two density caps for the development: a cap at 7.2 du/acre that would not be required to do additional traffic analysis, and an ultimate cap of 10 du/acre that would allow for some

BACKGROUND AND ANALYSIS

additional units, but only if a traffic analysis is completed and the impacts mitigated.

Transportation

Access to the development would be primarily through the existing driveway off of Arrowood Street (seen on page 1). A secondary access off of Falls Street would remain private, which allows the improvement of the road by the developer within the existing 30 ft. right-of-way (public dedication of this street would require acquiring additional right-of-way). Staff does not find a need for a new public road to serve this location, and a standard section of 26-ft (2 12-ft lanes plus a shoulder/gutter area) can be accommodated within the existing right-of-way.

At higher densities, a traffic impact analysis will be required. If the TIA reveals that traffic generated will cause surrounding intersections or streets to fail, the developer shall be required to mitigate those impacts. If a mitigation strategy cannot be reached, the development will be treated as a Conditional Use Permit instead of “by right,” and the public, Planning Board, and City Council will have the ability at that time to weigh-in on what improvements are necessary or how the development can be modified.

Other Development Standards

The attached CZ-5 ordinance contains references to other development regulations and how they might apply to the subject property. Specific design standards are proposed, and locations of bufferyards established. Standard code provisions related to parking, plantings, landscaping, open space requirements, etc., continue to apply, as well as standard requirements related to development in flood-prone areas and the process by which the property would be subdivided.

One notable change is an allowance for platted lots to have private road frontage instead of public frontage, as long as the overall residential parent parcel meets the frontage requirements on Arrowood Street. This is to facilitate townhomes, patio homes, and other fee-simple developments that have both common areas and privately owned lots — in this location, public roads don’t necessarily make sense, and provided that a homeowner’s association is created for the ongoing maintenance of common areas, including driveways and roadways, staff supports these roads remaining private.

Consistency with the Comprehensive Plan

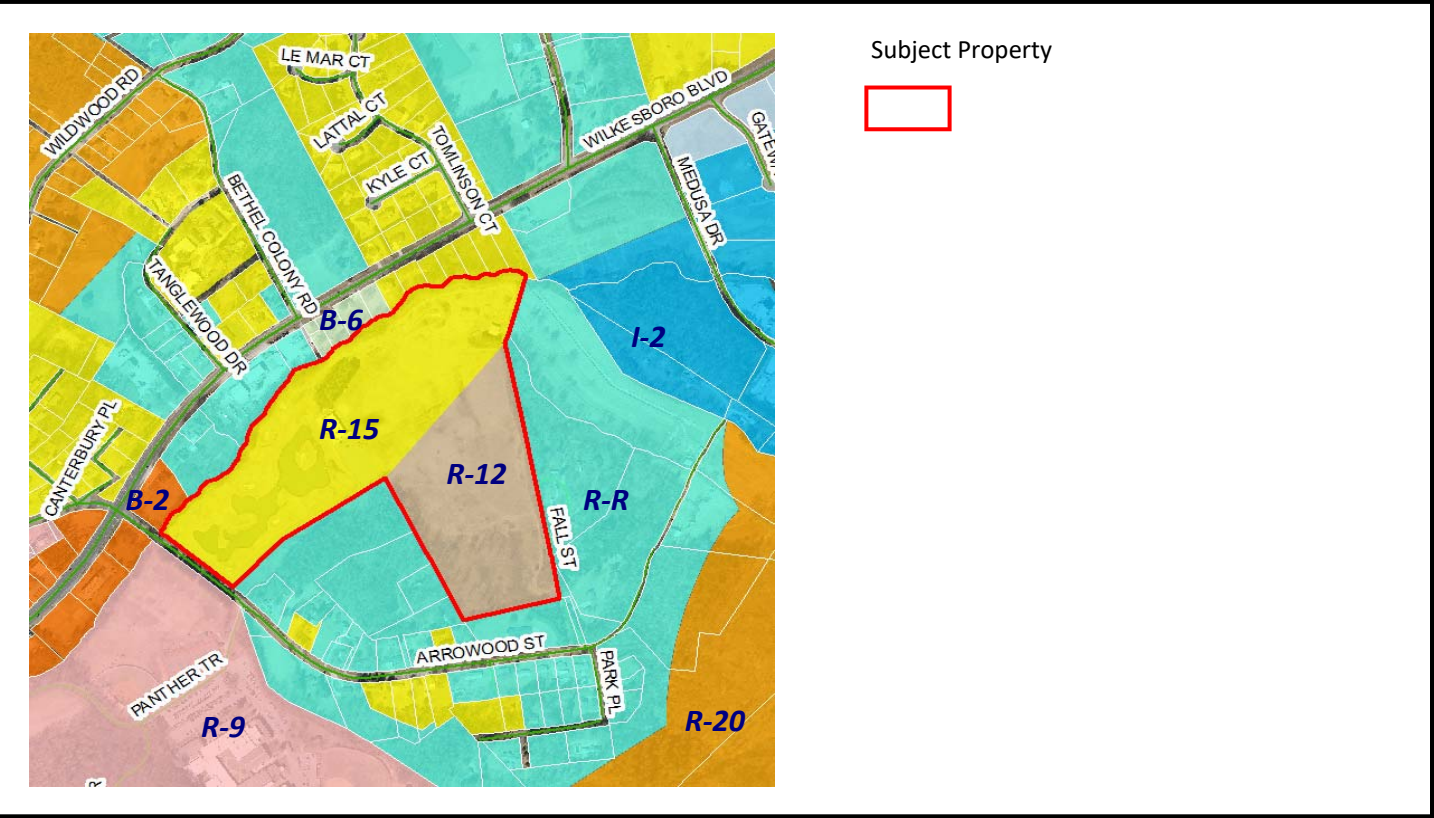
All decisions of the Planning Board and City Council should be based on consistency of the proposal with the Comprehensive Plan and any other officially adopted plan that is applicable. The Comprehensive Plan calls for progressive and sound land use policies that take stakeholder interests into consideration in order to ensure that the City grows fairly, effectively, and efficiently. Additionally, the Comprehensive Plan calls for the promotion of housing for people in all stages of life, and the protection of environmentally sensitive areas. The proposed CZ-5 district is consistent with the Comprehensive Plan because it allows for intensification of development on this property outside of flood-prone areas, with a variety of housing types to meet the changing needs of Lenoir’s residents of all ages.

STAFF RECOMMENDATIONS

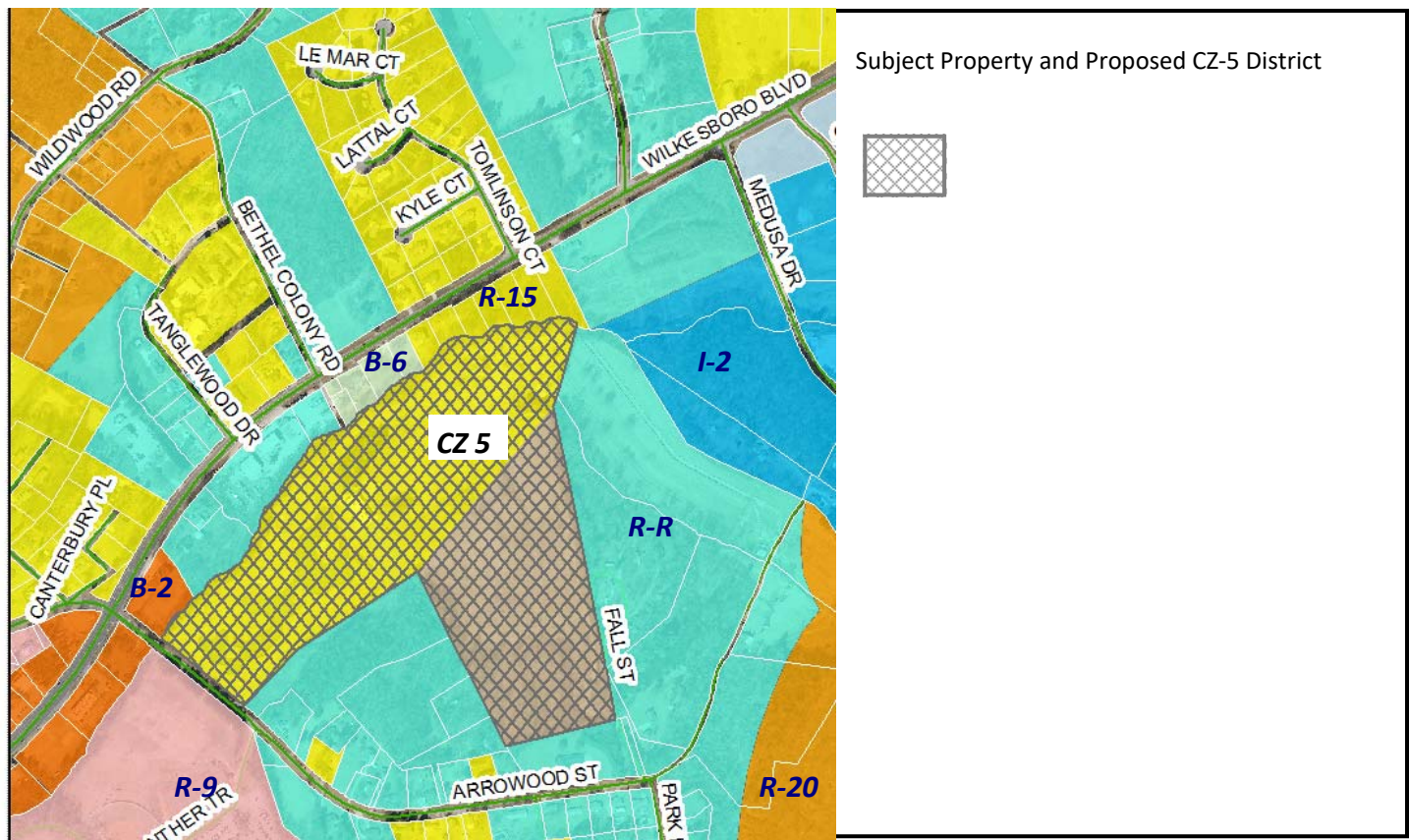
Staff recommends approval of the attached Conditional Zoning District (CZ-5) ordinance.

PLANNING BOARD RECOMMENDATIONS

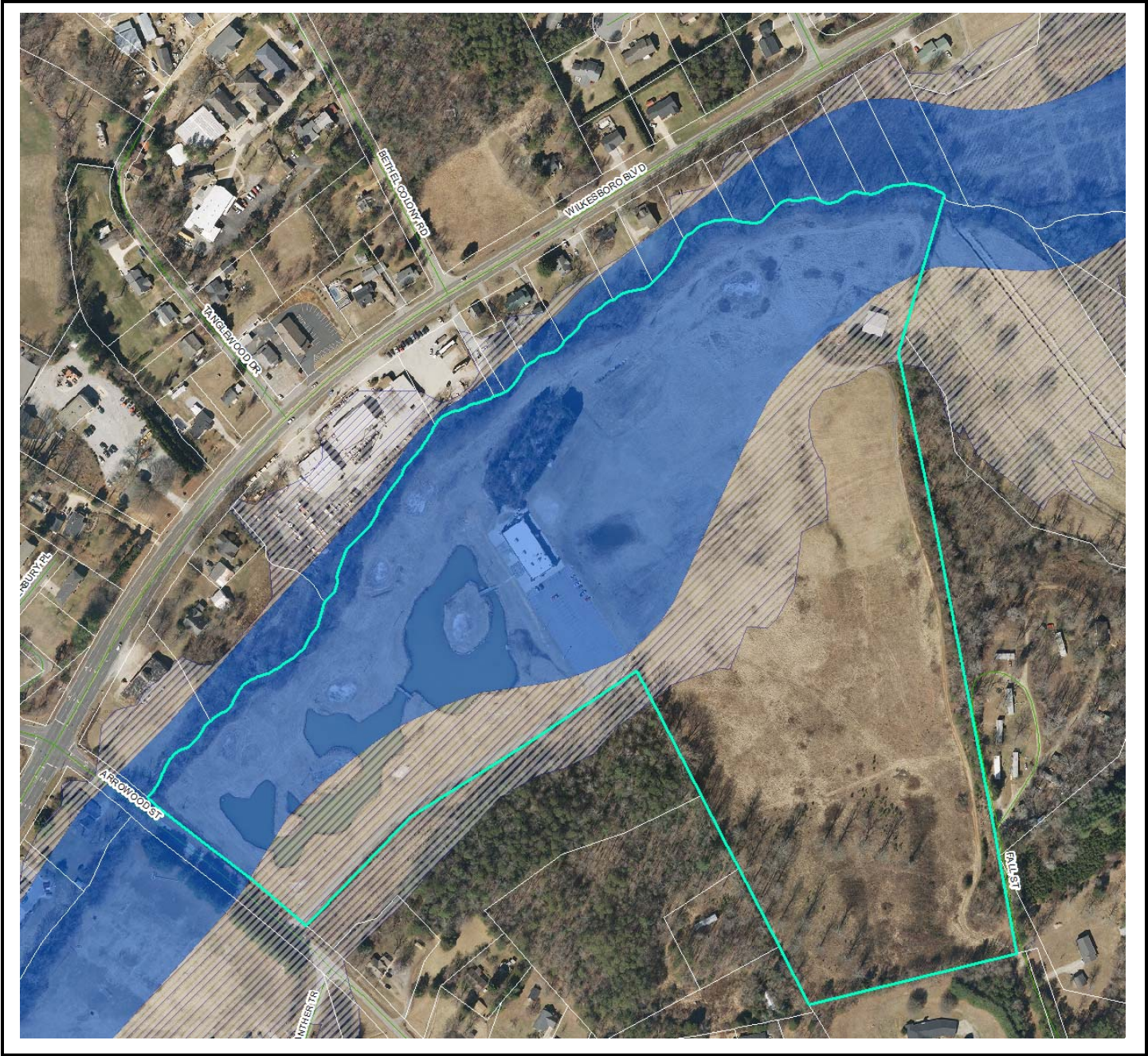
EXISTING ZONING



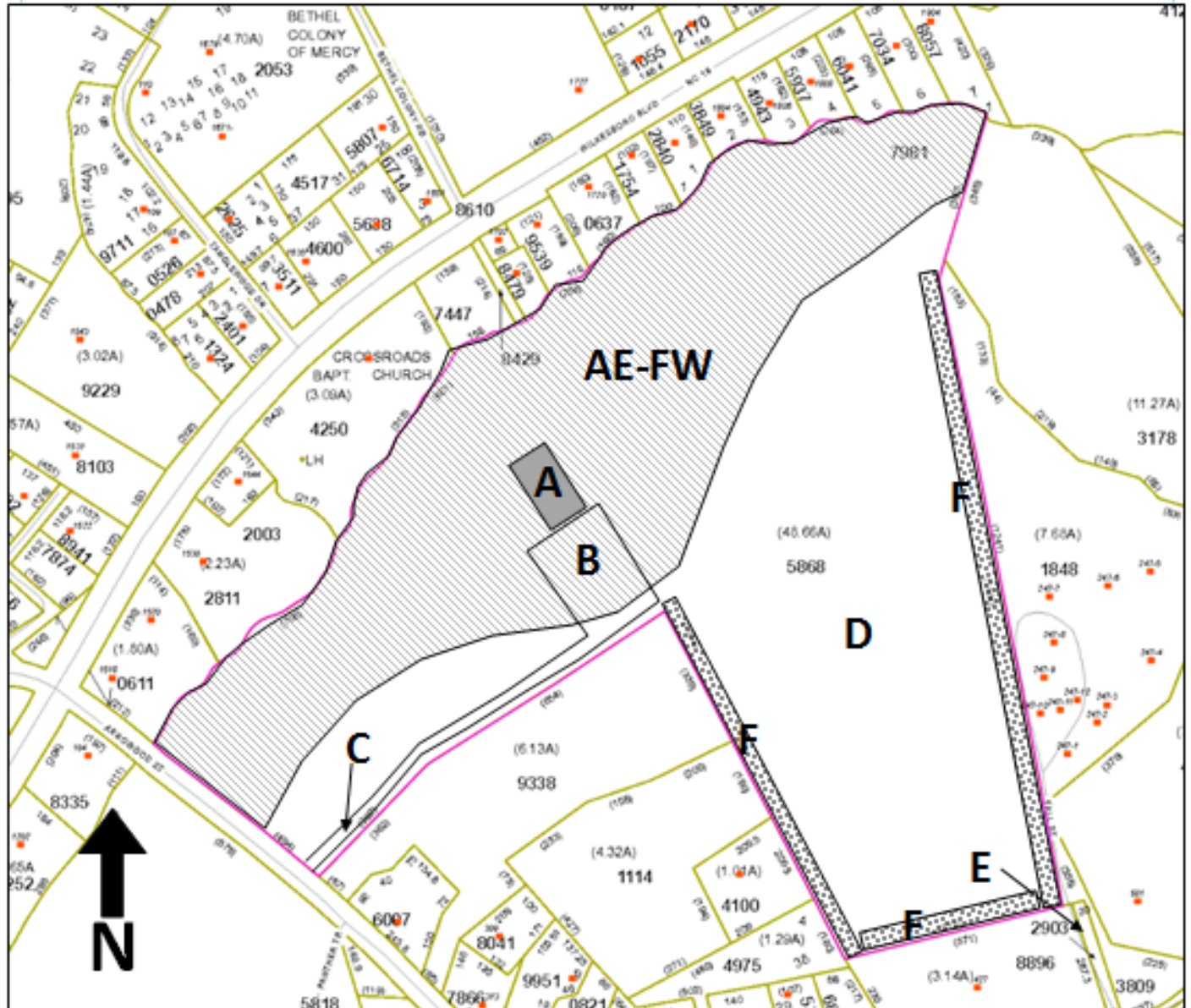
PROPOSED ZONING



FLOODPLAIN MAP



CONCEPT PLAN



Concept Plan Legend:

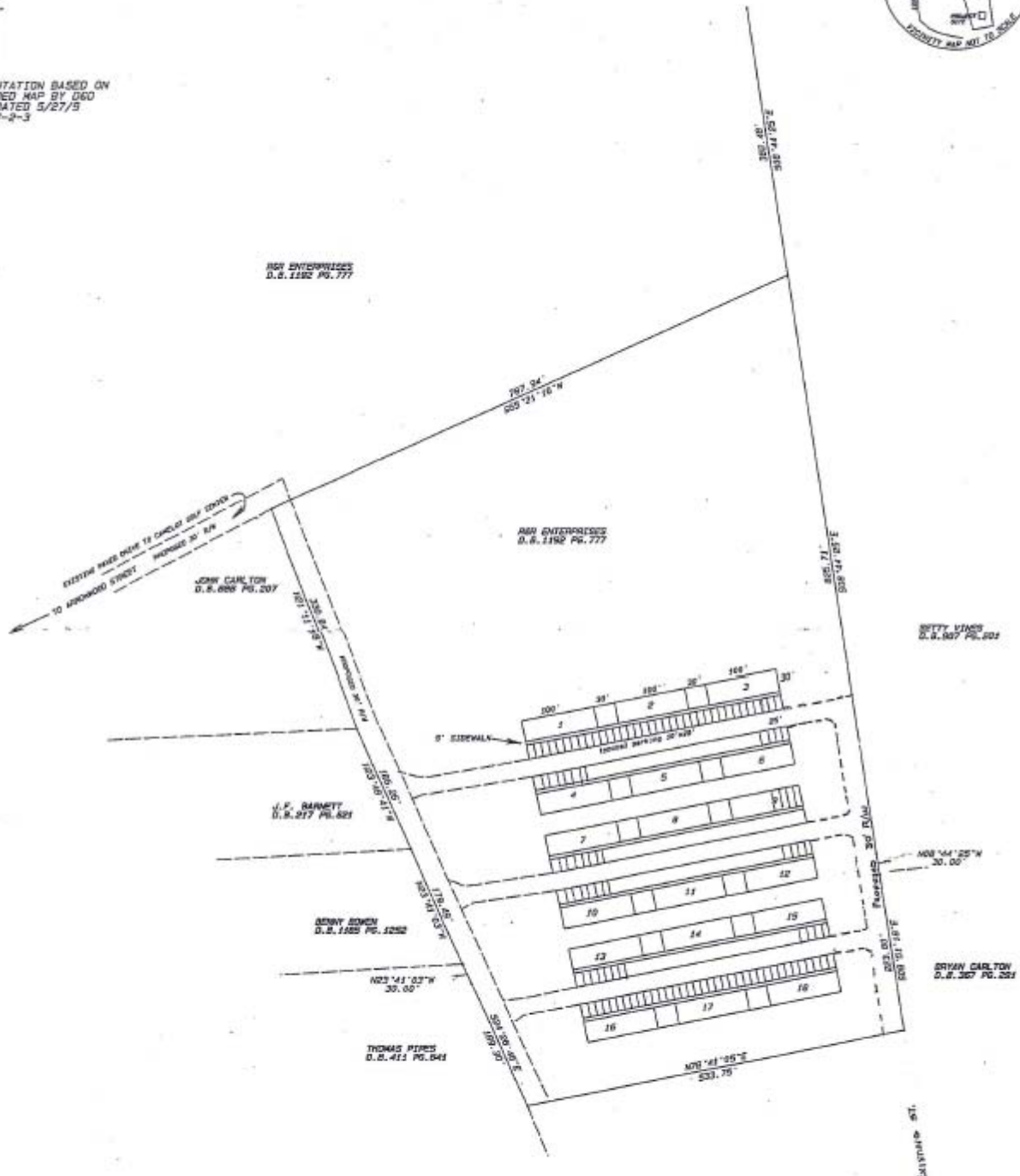
- A: Existing building, originally developed as a club house for Camelot Golf Club
- B: Existing Parking lot developed for Camelot Golf Club
- C: Primary ingress/egress
- D: Upland property reserved for permitted residential uses in accordance with CZ-5
- E: Private road to be opened to provide secondary access point for residential development
- F: Bufferyard areas — to be maintained and/or installed with residential development

(AE-FW is the non-encroachment floodway area)

2003 PLANNED RESIDENTIAL DEVELOPMENT (CONCEPT PLAN)

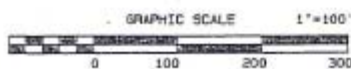


NORTH ORIENTATION BASED ON
AN UNRECORDED MAP BY DED
SURVEYORS DATED 5/27/93
TAX MAP: 97-2-3



PRELIMINARY SKETCH FOR TOWNHOUSES AT CAMELOT GOLF CENTER

NO SURVEY MADE AT THIS TIME. BOUNDARY INFORMATION TAKEN
FROM AN UNRECORDED MAP BY "DED SURVEYORS".
REFERENCE DEED BOOK 1192 PAGE 777



SURVEY FOR: RICHARD GREER			
SCALE: 1" = 100'	APPROVED BY:	DRAWN BY	
DATE: 3/13/2003		REVISED	
TOTAL AREA 15.00 ACRES			
DRAWING NUMBER		FILE: UPTOWN	

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, DESIGNATING CERTAIN LAND
GENERALLY LOCATED SOUTH OF WILKESBORO BLVD.,
NORTH AND EAST OF ARROWOOD ST., AND WEST OF FALL
ST., AND COMPRISED OF 48.66 ACRES, MORE OR LESS, AS
CONDITIONAL ZONING DISTRICT #5 (CZ-5) ON THE CITY'S
OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF
THE OFFICIAL ZONING MAP; PROVIDING FOR
SEVERABILITY, AND AN EFFECTIVE DATE.**

Whereas, at its regularly scheduled meetings of December 17, 2018, the Lenoir Planning Board considered zoning application case number CZ-5, requesting the Conditional Zoning district designation, for approximately 48.66 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

Whereas, the property owner desires to allow the re-use of the existing commercial building on the property, and provide for the development of the remainder of the property with multi-family housing, necessitating the need for Conditional Zoning; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-5, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan, which calls for creation of more housing opportunities for people

at all stages of life and concentrating density away from environmental sensitive and flood-prone areas; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; 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; and

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

SECTION 1. ZONING. After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-15 and R-12 zoning districts to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-5").

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-5 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-12 zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as **Exhibit "B"** (hereinafter the "Concept Plan"). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
3. **Modification.** The special conditions specific to the CZ-5 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted Uses.** In addition to the uses allowed in the R-12 zoning district, the following additional uses are permitted:

- a. Existing Building (Labeled “A” on Concept Plan): Club house, country club, restaurant (with or without on-premise alcohol), non-residential amenities for residential development (computer labs, community rooms, etc.), offices, light retail, and day care uses.
 - b. Upland Property (Labeled “D” on Concept Plan): Cluster developments, multi-family developments, bungalow courts, patio homes, duplexes, zero-lot-line single family developments, townhomes, assisted living facilities, and nursing homes.
 - c. Floodway Property (Labeled AE-FW on the Concept Plan): The only permitted uses of the floodway property, except for the existing development, are passive recreation/open space, walking trails, and golf courses.
5. **Density.** Residential uses shall be limited to a maximum density of 10 dwelling units/acre. Density calculation shall be based on the land area outside of the AE-FW Special Flood Hazard Area (approximately 16 acres). For assisted living facilities and nursing homes that have shared kitchen facilities and common areas, with either single occupancy or shared occupancy rooms, each 2 patient beds shall be considered one dwelling unit.
6. **Minimum Lot Size and Frontage.** There shall be no minimum lot size or public roadway frontage required for individually platted residential lots (i.e. townhomes, patio homes, etc.), as long as the parent tract for the residential development maintains a minimum frontage of 40 ft. on Arrowood Street. If private roads are developed in conjunction with platted lots, a homeowner’s association must be established to provide for the ongoing maintenance of private roads. If the northern portion of the parcel containing the existing building is to be subdivided separately an access easement along the private driveway for use by both the upland acreage and the existing building will be required.
7. **Traffic Study Required.** Any residential development exceeding 7.2 dwelling units/acre or generating more than 726 daily trips (based on ITE trip generation rates for the proposed development type) requires a Traffic Impact Analysis and all traffic improvements necessary to mitigate the impacts of the development on the surrounding street network shall be considered a part of the requirements of this section. This requirement shall only be waived by the City Council, after recommendation by the Planning Board, through the Conditional Use Permit process.
8. **Ingress and Egress.** The access point from Arrowood Street shall be maintained, and shall be available for use by the existing building as well as future residential development. A secondary access point must be provided, which may be a private street. Fall St., labeled as “E” on the Concept Plan, is the preferred location for the secondary access. An alternative location for ingress/egress may be approved in lieu of opening Fall St., when supported by a Traffic Impact Analysis.
9. **Bufferyards and Maintenance.** A 15-foot vegetated buffer will be maintained or established around the entire upland portion of the site (excluding ingress/egress points) planted in accordance with the bufferyard standards of the Lenoir Zoning Ordinance. See buffer areas labeled “F” on the Concept Plan.
10. **Special Flood Hazard Areas.** Development shall not be expanded in the portions of the site located within the AE-FW Special Flood Hazard Area, except as allowed by the Lenoir Flood Damage Prevention Ordinance.
11. **Lighting.** All new and replacement light fixtures shall be fully cut-off and shielded so as to prevent light spill-over onto adjacent properties.
12. **Design.** Residential uses shall meet the open space and recreational space requirements of the Lenoir Zoning Ordinance. All units shall have either a covered entrance with a front-gabled roof or a front porch. Buildings containing more than one residential dwelling shall be articulated using a combination of architectural features, material changes, changes in roof lines, and projections and recesses to break up the massing of the building. Minimum roof pitch shall be 4:12. For detached dwellings, a minimum of 3 variations of front facades must be used, and no two immediately adjacent structures shall have the same façade.
13. **Sidewalks.** A 5-ft. wide sidewalk shall be provided to give direct pedestrian access from the upland portion “D” of the site to the existing building “A.” A 5-ft. wide sidewalk shall be provided to give a

direct pedestrian connection to Arrowood Street. 8 ft. wide asphalt greenways may be utilized as an alternative to 5-ft. standard sidewalks.

14. **Signage.** Building-mounted signage shall follow the sign rules of the B-2 zoning district for the existing non-residential building. All other development shall follow the sign standards for residential districts. On Arrowood Street, in order to accommodate ground-mounted signage for the existing building and upland residential development, one monument sign up to 8 ft. tall and 50 sq. ft. of copy area is permitted. On Fall St., or any other secondary access point located at least 300 ft. away from the existing driveway, an additional monument sign is permitted at a maximum height of 6 ft. with a maximum copy area of 32 sq. ft. The signs allowed under this section for both the commercial and residential portions of the site may be located within easements for private roads opened to serve this development and still be considered to be “on premise” signs.

SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. 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, the 7th day of July and the 14th day of July, 2017.

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 18th day of July, 2017.

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

****[Remainder of page intentionally left blank.]****

EXHIBIT "A"

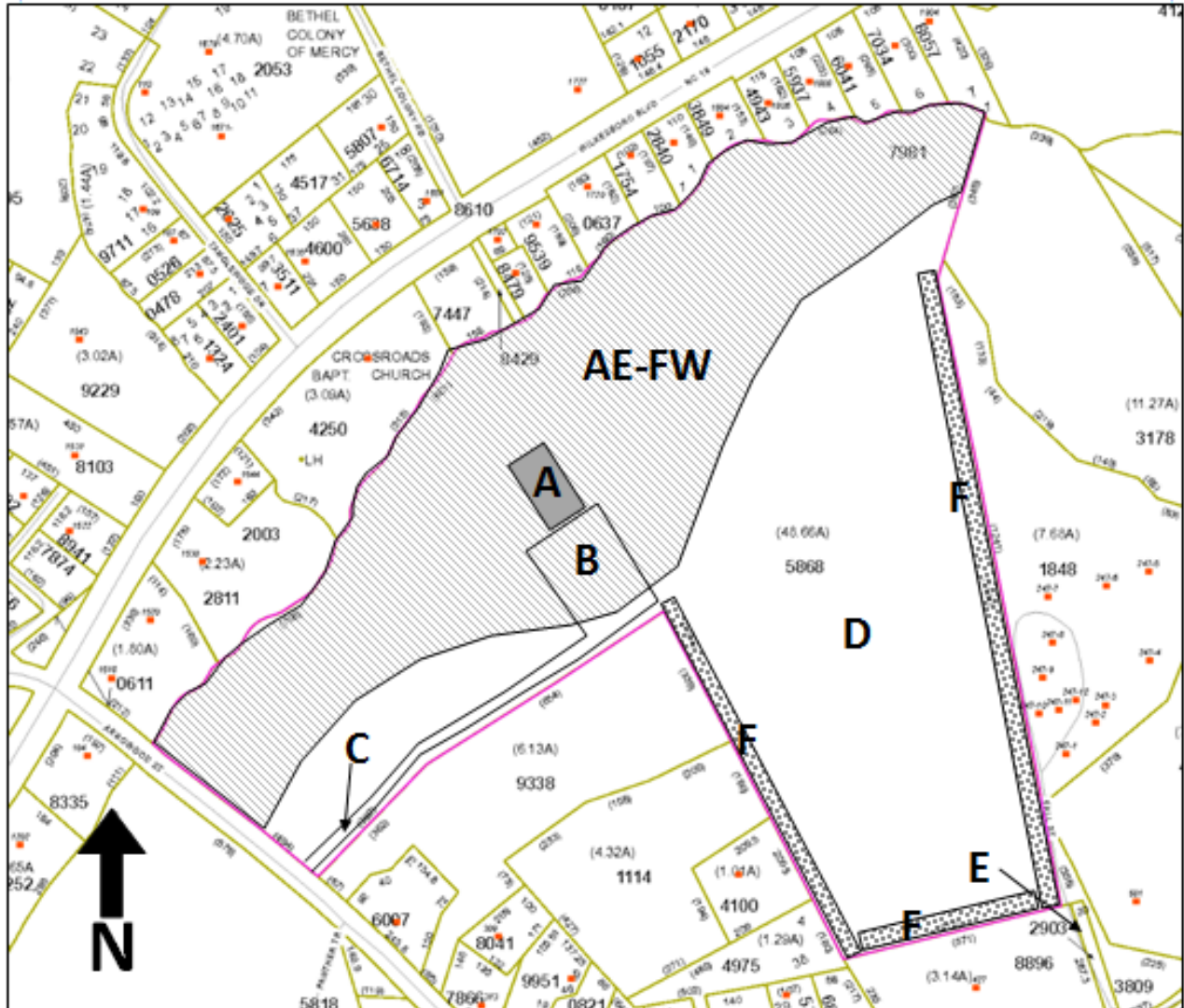
BEGINNING at a PK Nail (set) in a bridge over Lower Creek on Arrowood Street (SR-1709), said PK Nail being located S 47° 26' 00" E, 201.26 feet from a PK Nail in the centerline of Arrowood Street at the edge of Hwy. 18 (Wilkesboro Blvd.)

Preceding thence from said PK Nail (set), the point of beginning, leaving Arrowood Street and with Lower Creek for 3 calls: N 47° 53' 43" E, 575.92 feet; N 31° 45' 24" E, 463.18 feet; N 51° 10' 56" E, 294.45 feet to a point in Lower Creek and a common corner with the Gregory B. Barlow (694/29) property; thence leaving Lower Creek and with the Barlow property, N 24° 55' 06" W, passing a 3/4" Rebar at 225.16 feet and continuing 27.70 feet for a total distance along this bearing of 252.86 feet to a point in Hwy 18; thence with Hwy 18, N 62° 52' 52" E, 20.00 feet to a point in Hwy 18; thence leaving Hwy 18, S 24° 55' 06" E, passing a 3/4" Iron Pipe Set at 40.00 feet and continuing with the Barlow property, 208.69 feet for a total distance along this bearing of 248.69 feet to a point in Lower Creek and a common corner with the Barlow property; thence with Lower Creek for 2 calls: N 62° 39' 38" E, 87.97 feet; N 63° 31' 08" E, 113.87 feet to a point in Lower Creek and a common corner with the William Simmons (1047/1082) property; thence leaving Lower Creek and with the Simmons property, N 29° 39' 53" W, passing a 3/4" IPF at 25.00 feet and continuing 185.21 feet for a total distance along this bearing of 210.21 feet to a PK Nail in the margin of Hwy 18 and being a common corner with the Simmons property and NCDOT (1047/1015) property; thence with NCDOT, N 62° 32' 10" E, 160.70 feet to a 3/4" IPS in the margin of Hwy 18 and a common corner with the NCDOT property and the Basil G. Carswell (1086/443) property; thence leaving the margin of Hwy 18 and with the Carswell property, S 24° 55' 06" E, passing a 3/4" IPS at 160.00 feet and continuing 17.50 for a total distance along this bearing of 177.60 feet to a point in Lower Creek and a common corner with the Carswell property; thence with Lower Creek for 19 calls: N 58° 49' 23" E, 90.65 feet; N 56° 56' 09" E, 43.14 feet; N 50° 26' 53" E, 36.08 feet; N 30° 50' 42" E, 46.12 feet; N 60° 54' 26" E, 68.25 feet; N 56° 38' 43" E, 29.78 feet; N 74° 11' 13" E, 34.22 feet; S 83° 46' 03" E, 37.84 feet; N 72° 55' 34" E, 58.61 feet; N 74° 47' 39" E, 60.45 feet; N 77° 30' 06" E, 31.06 feet; S 85° 28' 00" E, 58.15 feet; S 87° 22' 33" E, 54.72 feet; N 86° 10' 49" E, 44.15 feet; N 82° 21' 27" E, 40.02 feet; N 73° 32' 39" E, 30.36 feet; S 82° 25' 20" E, 90.08 feet; S 57° 54' 09" E, 46.31 feet; S 70° 01' 37" E, 17.76 feet to a point in Lower Creek; thence leaving Lower Creek and with the Herbert E. Bryant (1066/221) property, S 22° 64' 02" W, passing a 3/4" IPS at 24.00 feet and continuing 380.61 feet for a total distance along this bearing of 404.61 feet to a 42" Ash tree in a fence line and a common corner with the Betty Jean Vines (907/201) property; thence with the Vines property, S 08° 44' 25" E, 1238.19 feet to a 1" IPF in the fence line and being a common corner with the Vines property and the Bryan K. Carlton (367/291) property; thence S 08° 51' 18" E, 223.80 feet to a 1/2" IPF; thence S 78° 41' 05" W, 533.75 feet to an axle in the line of the Thomas Pipes (411/641) property; thence with the Pipes property, N 24° 26' 46" W, 189.30 feet to a 4" I Beam and a common corner with the Pipes property and the Benny Bowen (1185/1252) property; thence with the Bowen property, N 23° 41' 03" W, 209.49 feet to a 1/2" IPF and being a common corner with the Bowen property and the J.F. Barnett (217/621) property; thence with the Barnett property, N 23° 48' 41" W, 186.26 feet to a Concrete Monument and being a common corner with the Barnett property and the John Bryan Carlton (886/207) property; thence with the Carlton property, N 21° 11' 18" W, 330.84 feet to a 3/4" IPS; thence continuing with the Carlton property, along a ditch line, S 32° 53' 34" W, 40.00 feet to a 3/4" IPS; S 61° 25' 08" W 248.65 feet, S 61° 43' 52" W, 334.95 feet; S 53° 02' 58" W, 129.97 feet; S 45° 16' 41" W, 295.95 feet to a PK Nail in Arrowood Street; thence with Arrowood Street, N 50° 10' 00" W 495.90 feet to the point of Beginning.

Containing 2155341.587 ± square feet, or 49.48 + Acres, by Computer, as surveyed by D & D Land Surveyors, 05/27/97.

Being the same property as conveyed from James E. Parlier and wife, Ellen Louise Parlier to R & R Enterprises, a North Carolina General Partnership, by Deed dated May 30, 1997, and recorded in Book 1192, at Page 783, Caldwell County Registry.

EXHIBIT "B"
CONCEPT PLAN



Concept Plan Legend:

- A: Existing building, originally developed as a club house for Camelot Golf Club
- B: Existing Parking lot developed for Camelot Golf Club
- C: Primary ingress/egress
- D: Upland property reserved for permitted residential uses in accordance with CZ-5
- E: Private road to be opened to provide secondary access point for residential development
- F: Buffervard areas — to be maintained and/or installed with residential development

(AE-FW is the non-encroachment floodway area)

**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) 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 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 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, and towers must be designed to collapse within a radius of half the tower height. In no case shall a tower be approved that is located within 200 ft. of any off-site residential structure.

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

****[Remainder of page intentionally left blank.]****

Permit Number	Project Name	Address	NC PIN	Date Issued
ZP 110-18	723 Circle Drive side deck	723 Circle Drive NE	2850612480	11/16/2018
ZP 111-18	Kelly Realty Sign	1144 Morganton Blvd	2749735553	11/20/2018