



## Meeting Information

### *Location*

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

### *Time*

5:30 p.m.

### *Board Members*

Lucy McCarl, Chairperson

Jeff Church, Vice-Chair

Curtis Baker

James Bradshaw

Sharon Bryant

Marta Lazo

Mac Martin

Tim Scobie

Vacant Seat

Vacant Seat

# Lenoir Planning Board

## Agenda • March 28, 2022

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### *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 April 19, 2022 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 February 28, 2022 Minutes

## NEW BUSINESS

### 1. #R 2-22 Summerhill Subdivision Phase I/II

Applicant: Cape Hatteras, LLC

Owner: Cape Hatteras, LLC (majority owner); various

Location: Summerhill Subdivision Phase I/II

Proposed re-zoning from R-12 to Conditional Zoning (will be “CZ-8” on the Official Zoning Map). The proposed CZ-8 district seeks to retroactively approve the reduced setbacks shown on the Phase 1 plat, and modify previous conditions related to stormwater management.

Recommended Action: Approval of the request, and call for a public hearing at City Council on April 19, 2022.

## OTHER BUSINESS

### 1. Update on zoning permits issued.

## ADJOURNMENT

**MINUTES**  
**PLANNING BOARD MEETING**  
**February 28, 2022**  
**5:30 P.M.**

**LOCATION:**  
Virtual

**VIA TELECONFERENCE:**  
Sharon Bryant, Jeff Church, Lucy McCarl, Tim Scobie

**MEMBERS ABSENT:** Curtis Baker, James Bradshaw, Marta Lazo, Mac Martin

**STAFF PRESENT VIA TELECONFERENCE:**  
Jenny Wheelock, Hannah Williams, Lauren Hartley

Chairperson McCarl called the meeting to order.

**MINUTES:**  
Board Member Church moved approval of the meeting minutes of January 24, 2022. Board Member Bryant seconded the motion, which was voted upon and passed by unanimous vote.

**NEW BUSINESS:**

**1. R# 2-22 Summerhill Subdivision Phase I/II**

Applicant: Cape Hatteras, LLC  
Owner: Cape Hatteras, LLC (majority owner); various  
Location: Summerhill Subdivision Phase I/II

Proposed re-zoning from R-12 to Conditional Zoning (will be “CZ-8” on the Official Zoning Map). The proposed CZ-8 district seeks to retroactively approve the reduced setbacks shown on the Phase 1 plat, and modify previous conditions related to stormwater management.

*Recommended Action: Table this item for one month, until the next regularly scheduled Planning Board meeting on Monday, March 28, in order to allow staff and the applicant additional time to finalize stormwater management details.*

Planning Director, Jenny Wheelock addressed questions from the properties owners that were in attendance on the zoom meeting. Planning staff will be able to better answer questions once the staff report and conditions of this case are complete. This case will come before the board again in March.

Ms. Wheelock stated more research is required for this conditional zoning case. While looking at the conditions and stormwater infrastructure that were originally owned and maintained by the HOA, it was then discovered there are some stormwater issues.

**Board Member Church made a motion to table the Summerhill Subdivision Phase 1/II to the March meeting. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.**

**OTHER BUSINESS**

1. Hannah Williams presented an interactive map of the special use districts approved between years 1983-2014, when the SUD process was retired. From this map you can see the parcels that are labeled CZ-L (conditional zoning legacy) that will be shown as a different color on the zoning map. These parcels do not have an ordinance but were made conditional zoning through the old process. If a parcel has been rezoned it will show the case number assigned. Example CZ-7.
2. Staff provided an updated list of issued zoning permits to the board, as general information.
3. Director Wheelock presented to the board the new google drive. This will allow Planning Board to be able to access documents easily.

**ADJOURNMENT:**

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 6:10 p.m.

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**Lucy McCarl**  
**Chairperson**

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**Jenny Wheelock**  
**Planning Director**

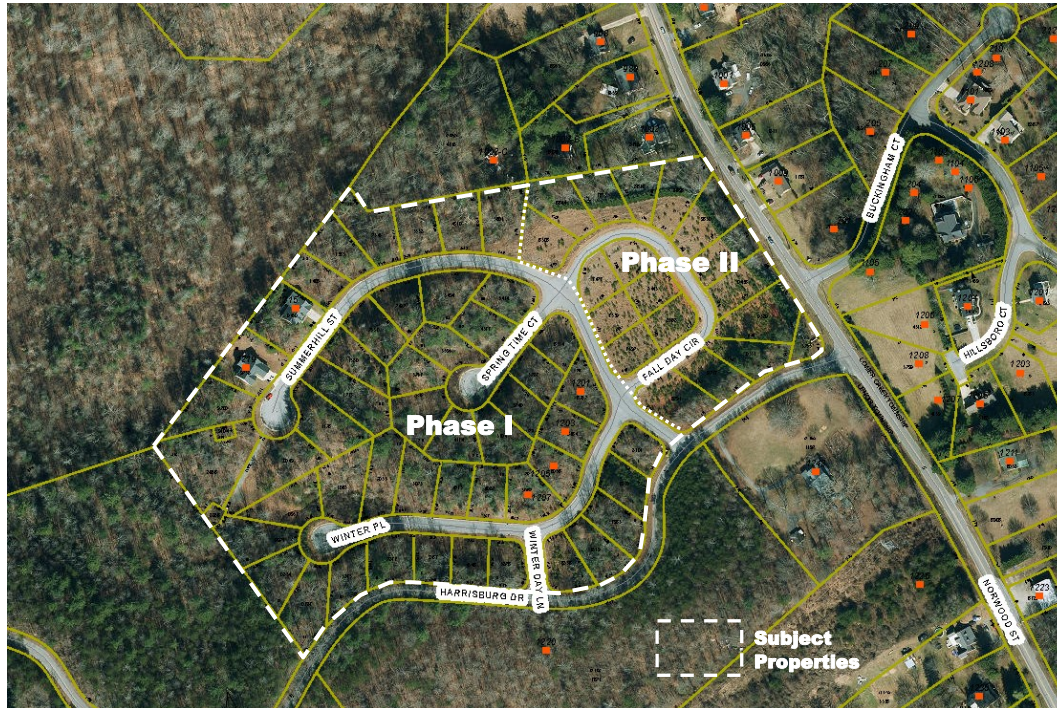
# Staff Report

## CONDITIONAL ZONING REQUEST

CASE NUMBER R #2/22



### LOCATION MAP/AERIAL PHOTOGRAPH



Subject Properties:

Summerhill Subdivision

Phases I & II

### SUMMARY

**Owner**

Multiple

**Applicant**

Monroe Cobey,  
Cape Hatteras LLC

**Location**

Summerhill Subdivision

**NC PIN**

Multiple

**Project Planner**

Jenny Wheelock, AICP, CZO

*Updated March 22, 2022*

**Applicant's Request:**

The applicant is requesting to re-zone the subject properties to a Conditional Zoning district (CZ-8), to officially adopt reduced setbacks and to modify conditions related to stormwater management that were attached to the previous approval.

**Staff Recommendation:**

Approval, with the conditions outlined in the staff report.

**Planning Board Recommendation:****Public Comment:**

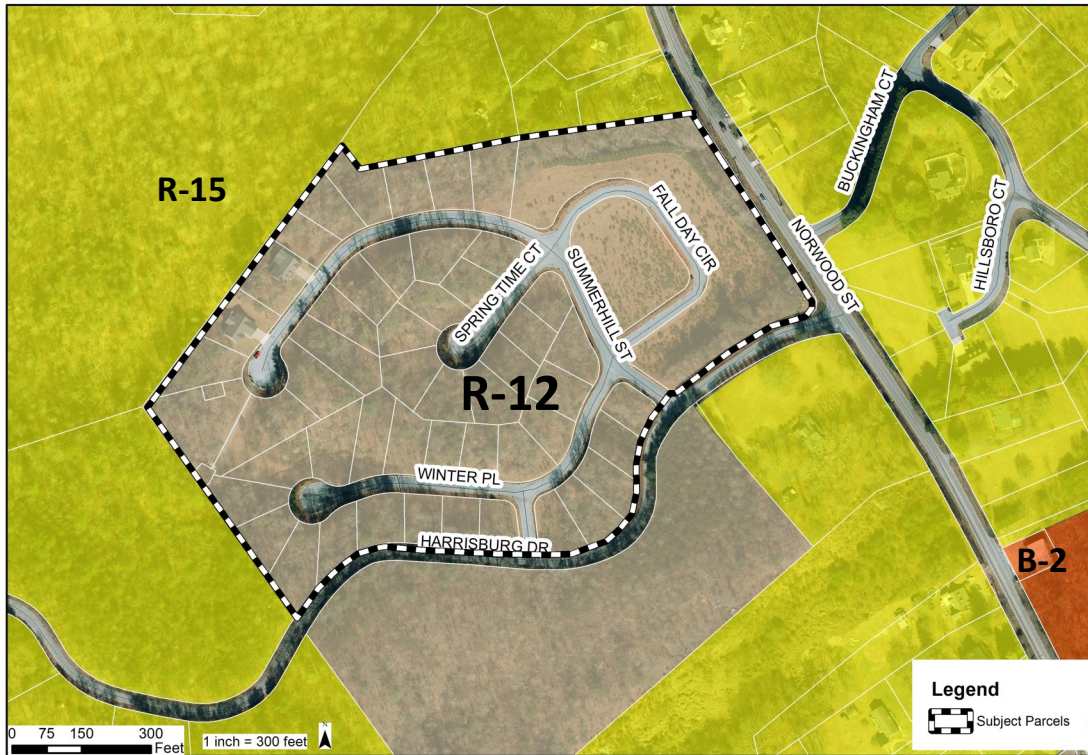
**Planning Board Meeting:** Tabled on February 28, 2022. Notices were mailed to all Summerhill owners and adjacent property owners on February 18, 2022, and several participated via Zoom to ask questions about the request.

Staff re-sent courtesy notices to owners and adjacent property owners on March 18, 2022, for the March 28, 2022 Planning Board meeting.

**City Council (Public Hearing):** Anticipated to be scheduled for March 15, 2022.

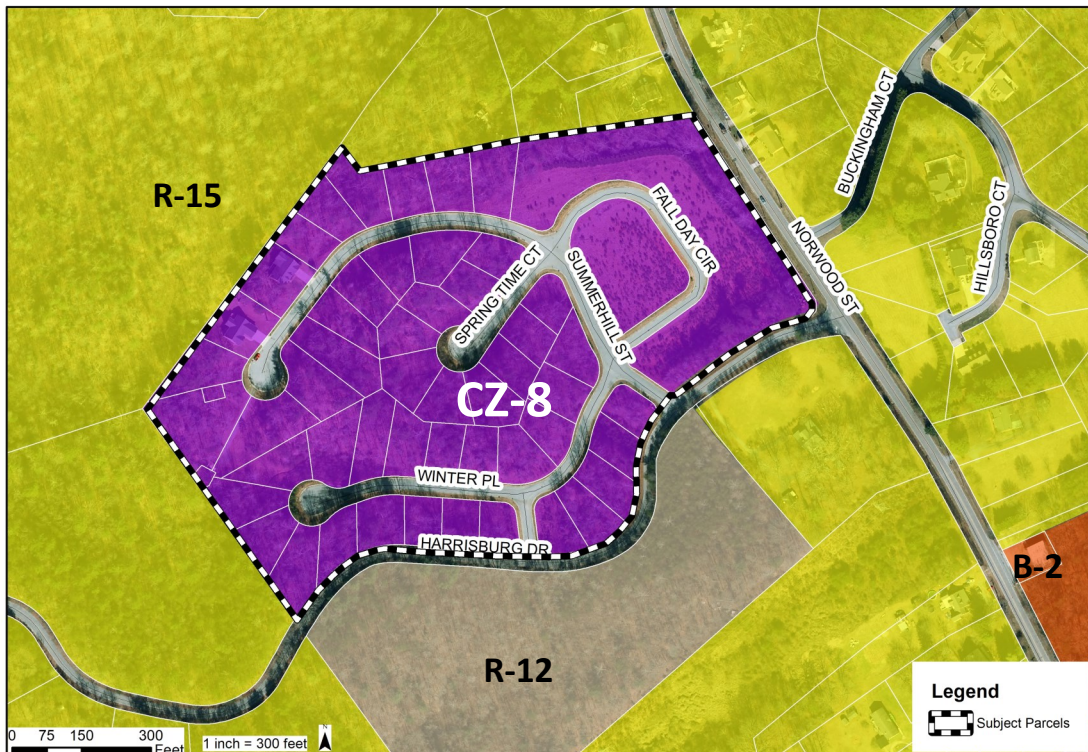


## EXISTING ZONING



Zoned R-12, with a CUP for a Planned Residential Development (CUP 5/11-06 )

## PROPOSED ZONING



CZ-8  
(CZ-8 Ordinance will incorporate special conditions/allowances from CUP 5/11-06 )

## 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. Conditional Zoning is 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. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

### Subject and Surrounding Properties

The Summerhill Subdivision is located west of Norwood Street and north of Harrisburg Drive in the southwest quadrant of the City. The subdivision is zoned R-12 and contains 69 lots, the majority of which remain vacant. Building activity has picked up in recent years — there are now six completed homes and four additional homes under construction. An un-named intermittent stream runs east-west through the center of the development, feeding a tributary to Lower Creek located on western boundary.

The surrounding area to the west, north, and east is zoned R-15, with about 10 acres to the south zoned R-12. Most of the surrounding properties are large wooded tracts, with a handful of older single family homes along Norwood Street. Summerhill is located about half a mile north of the McLean Drive and Norwood Street intersection in Whitnel, about half a mile east of the Google Data Center, and about a mile south of Caldwell Memorial Hospital.

### Summerhill Subdivision History

The Summerhill development was initially approved in February 2006 as a Conditional Use Permit (CUP 1/2-06 ) for a "Planned Residential Development" with a preliminary plat (SP-1/2-06) showing 51 single family lots and 38 townhome lots. In 2007, there was no explicit authority in the zoning ordinance to adopt alternative development standards through a CUP, but like many Planned Residential Developments approved during this time period, the lots shown on the plat were smaller than the 12,000 sq. ft. minimum lot size required by the R-12 zoning district.

In March of 2007, City Council approved a request to amend the Conditional Use Permit to allow 18 single family lots instead of the 38 townhome lots initially contemplated (CUP 5/11-06 ), along with a preliminary plat showing the same as "Phase II" (SP-3/11-06), and a final plat for "Phase I" to record the 51 single family lots initially approved in Feb. 2006 (SF- 1/2-07). There was no indication in the application, staff analysis, or meeting minutes that modifications to the R-12 setbacks were proposed, but at some point prior to recording the final mylar for Phase I, the setback notes on the face of the plat were changed to state the setbacks would be: 20' front yard (R-12 minimum is 40') , 10' side yard (R-12 minimum is 12'), and a 20' rear yard (R-12 minimum is 35').

While plat notes aren't legally binding, the incorrect setbacks on the plat create confusion for would-be buyers. Some of the existing houses have been built relying on the lesser setbacks. The final plat for Phase II was approved by the City Council in January 2022 and was recorded with conventional R-12 setback standards. However, reduced setbacks create more opportunities to thoughtfully site homes with respect to the topography of an individual lot, and the conventional R-12 setbacks make building on some of the smaller lots nearly impossible

One of the conditions proposed for this conditional zoning district would officially adopt the setbacks shown on the 2007 plat. However, due to concerns of over-building and the resultant stormwater run-off (see next section for full discussion), a limit on built-upon area is also added as a condition of approval.



## BACKGROUND AND ANALYSIS

### Stormwater Concerns

During street construction (early 2007), the developer was cited by the NCDNR for construction site run-off, and was subsequently required by NCDNR to install sediment control measures. Neither the Asheville DEQ office (f/k/a NCDNR) nor the applicant have been able to locate drawings or design details of the sediment ponds or the rock step dams/weirs, but historic aerials show the general location of the drainage structures.

In 2007, the Planning Board and Council both expressed concerns over the prevention of future stormwater issues in Summerhill. Recognizing the need for stormwater control would not end with construction, they required that some of the temporary SW features become permanent, with an expectation that the HOA would be responsible for owning and maintaining these facilities. Specifically, lots 13 and 41B were to be deeded to the HOA, and the two sedimentation collection ponds located on those lots were to become permanent. However, design standards for permanent stormwater control or maintenance expectations were not addressed. Likewise the drainage areas on Lots 28,29, 14,15, 16 or 17 were not addressed at all — but these lots contain the natural drainage area for the Phase II portion of the development and show serious erosion just from the street run-off.

The applicant now proposes to deed the entire drainage area to the HOA (see stormwater analysis, page 7, and the Concept Plan in Appendix A), creating approximately 2.5 acres of open space and reducing the overall density of the project from 3 du/acre to just under 2.5 du/acre.

## STORMWATER PARCELS/HISTORIC AERIALS

2010 Aerial Photo — outlined parcels to be deeded to HOA





## BACKGROUND AND ANALYSIS

### Proposed Amendment

The applicant requests that the setbacks for Summerhill Phases I & II be reduced from the standard setbacks of R-12, to the setbacks listed on the final recorded plat on Plat Book 24, Page 82 (20' front yard, 10' side yard, 20' rear yard, 15' streetside yard). Limitations on overall built upon area are proposed to lessen the volume of stormwater runoff, and parcels dedicated to storage, treatment, and conveyance of stormwater are expanded. Overall, the changes represent additional flexibility for building on challenging lots with lots of grade changes, with better overall consideration/protection against future stormwater violations.

## PROPOSED SPECIAL CONDITIONS

### Proposed Conditional Zoning District: CZ-8 Specific Standards

Special conditions proposed for CZ-8 ordinance:

1. **Base Zoning.** Base zoning district is R-12. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the R-12 zoning district.
2. **Permitted Uses.** Single family detached homes, incidental accessory uses to single family homes, passive recreation/open space, residential community amenities.
3. **Minimum Setbacks.**
  - Front (measured from the edge of the right-of-way): 20 ft.
  - Side: 10 ft.
  - Rear: 20 ft.
  - Street side: 15 ft.
4. **Maximum Built Upon Area.** Built upon area/impervious surfaces on each lot/combination of lots shall be determined using the following formula:  
$$(\text{Lot Depth} - 75 \text{ ft.})(\text{Lot Width} - 24 \text{ ft.}) = \text{Maximum s.f. BUA}$$
5. **Combination/Recombination.** Lots 11 and 12 must be combined as a single building site. Other lots may be combined, or split and recombined, provided that the overall density remains unchanged or is reduced.
6. **Home Owners Association (HOA) Required.** An HOA must be established and maintained in perpetuity. The HOA must, at a minimum, be responsible for maintaining all commonly owned private improvements, including open space, stormwater conveyance systems, and neighborhood entrance signage.
7. **Open Space/Drainage Areas.** Lots 13, 14, 15, 16, 17, 28, 29, 41a, and 41b must be held in common ownership under the Summerhill Homeowner's Association. Permitted uses of these lots are passive recreation, open space, and stormwater control. Walking paths, trails, picnic tables, and non climate-controlled structures less than 200 sq. ft. (gazebo, deck) may also be permitted, when located outside of the drainage basins.
8. **Drainage Easements/Environmentally Sensitive Areas.**
  - A. **Lots 38-39:** Prior to making application for zoning permits, the rear lot lines must be marked on the property by a licensed surveyor, or a survey drawing showing the location of the lot lines relative to the drainage area described in condition #7 must be submitted with the permit application. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required, at the discretion of the Lenoir Planning Director, depending on the extent of impacts shown by survey.
  - B. **Lots 6-8:** Development of these lots shall accommodate/preserve the existing vegetative conveyance located in the

front 1/3 of the lots to the maximum extent practicable. Modifications to the drainage patterns require review and approval by the Stormwater Administrator and must maintain the pre-development hydrologic response. Consolidation of these lots into fewer building sites, or limiting the impacts of driveways by utilizing shared driveways, is encouraged. Dedication of a private drainage easement to limit land disturbance and allow for maintenance by the HOA may be required.

**9. Low Density Design.** Development must conform to NCDEQ's SW Design Manual's low density design requirements for dispersed flow and vegetative conveyances whenever feasible.

**10. Erosion Control and Stormwater Maintenance Plan.** A site plan showing the overall stormwater drainage system for the subdivision must be submitted the Planning Department for review and approval prior to the issuance of any zoning permit on lots 1-3, 6-12, 30-40, 42, or 46-69. The site plan must include the following information:

1. Location of all curb inlets and their outfalls, with a brief assessment of the condition of each.
2. Location/size/detail of existing conveyance, including sediment basins, swales, channelized areas, rock dams/weirs, etc.
3. Grading plan
4. Landscaping plan
5. Public amenities/features (if proposed) - ex. walking trails

**11. Improvements Required.**

- A. Outfalls — secured against erosion using permanent matting, rip rap, or other approved methods of erosion control. (see Appendix B)
- B. Sediment Basins — remove sediment
- C. Grading/Landscaping — 3:1 slopes
- D. Phasing/Timing

\*\*\*DRAFT CONDITION — WILL SUBMIT CLARIFICATION AND/OR AMENDED CONDITION ONCE VETTED BY APPLICANT AND SW ADMIN.

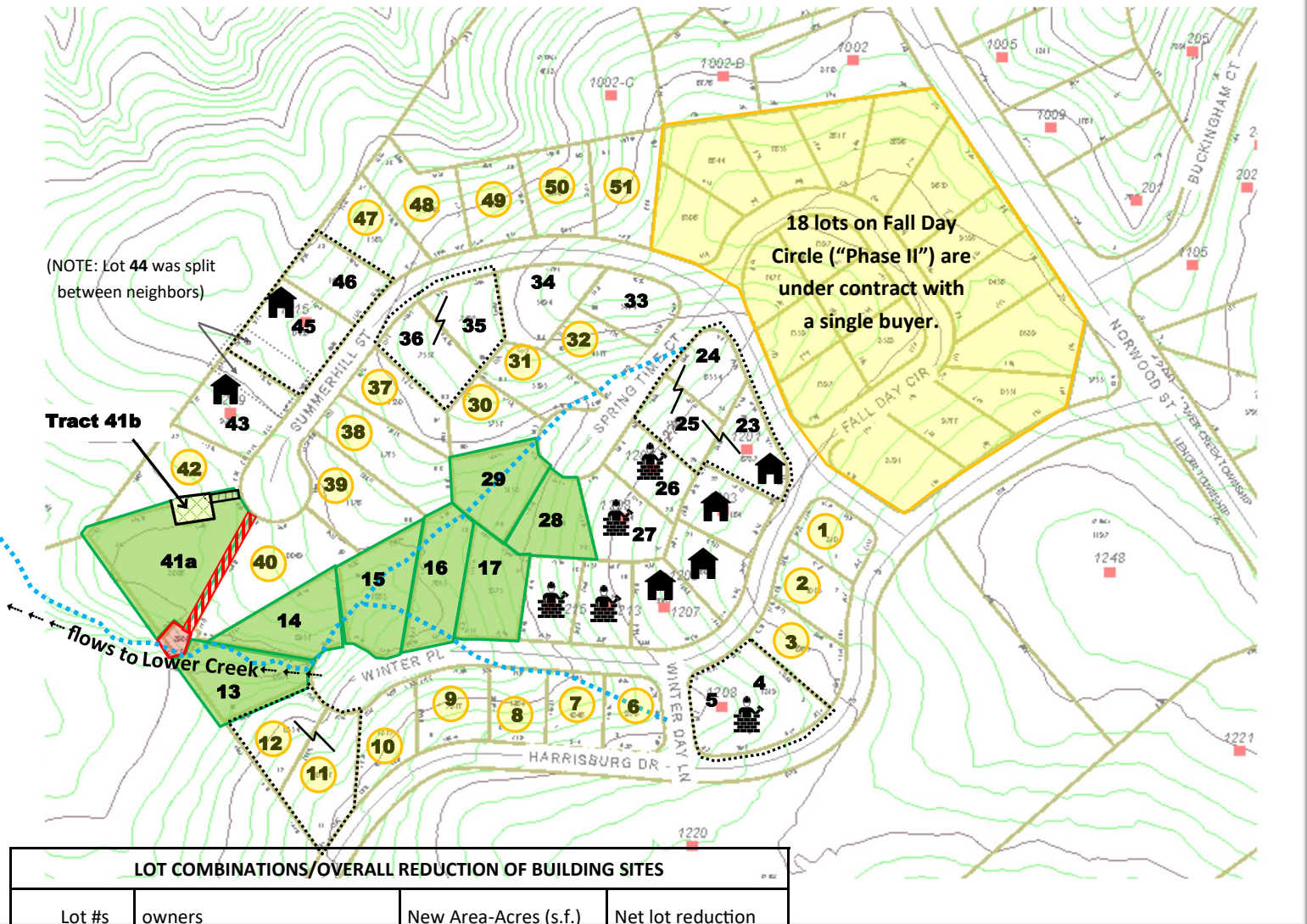
## CONSISTENCY STATEMENT/STAFF RECOMMENDATIONS

### Consistency with the Comprehensive Plan/Reasonableness of Amendment

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

The proposed Conditional Zoning Ordinance is consistent with the adopted Comprehensive Plan, and is reasonable and in the public interest, because it facilitates quality residential development that's already served by existing infrastructure, while providing additional open space for both community enjoyment and stormwater control. This amendment is consistent with the property's future land use designation of Medium Density Residential on the Future Land Use Map.

# LOT ANALYSIS— OWNERSHIP PATTERNS/DRAINAGE AREAS



- Lot consolidations (7 fewer lots)
- Stormwater tracts to be deeded to HOA (8 fewer lots)
- Pump Station on Lot 70, to be deeded to City of Lenoir.
- Owned by Cape Hatteras, LLC
- Existing House
- Under construction

## Density Analysis

**2006 Approval:** 89 lots (51 SF plus 38 townhomes)  
4.08 du/acre

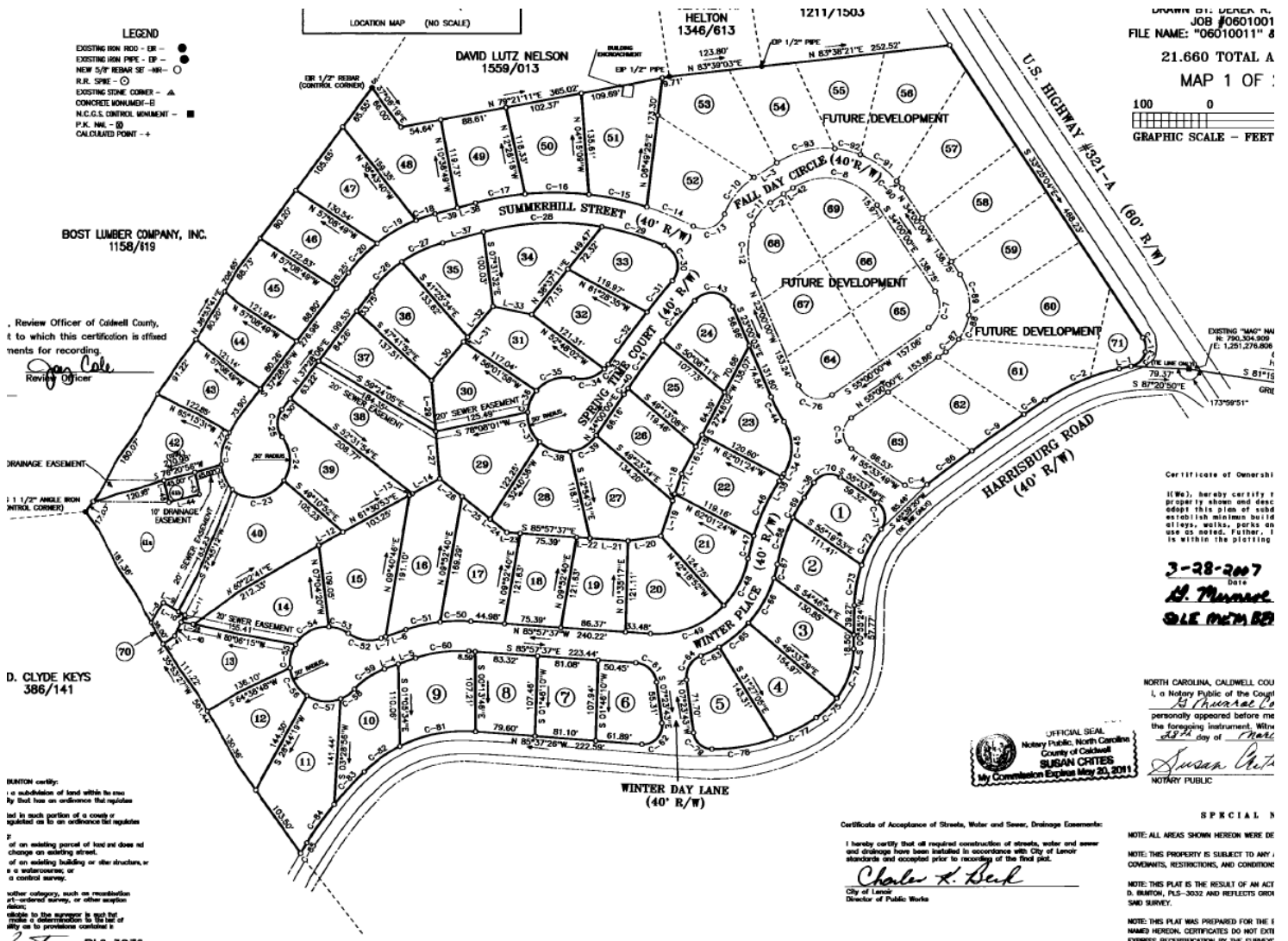
**2007 Amendment:** 68 buildable lots (69 lots, but 13 isn't buildable) 3.12 du/acre

**Current Proposal:** Net reduction of 15 lots (54/69)  
2.48 du/acre



# FINAL PLAT FOR SUMMERHILL SUBDIVISION PHASE I

Plat Book 24, Page 82.

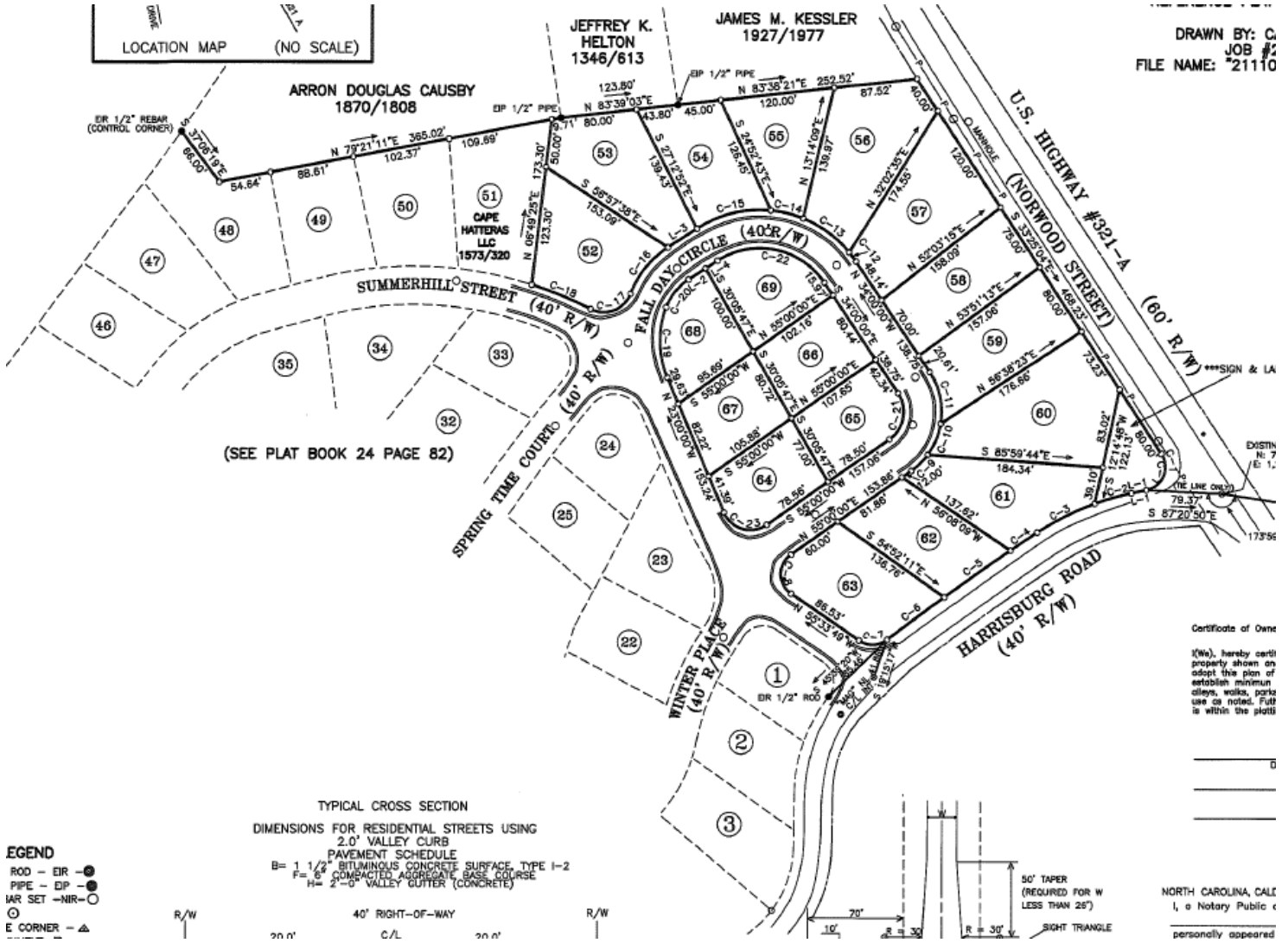


New Construction on Winter Place  
in Summerhill Phase I.



# FINAL PLAT: SUMMERHILL PHASE II

Plat Book 38, Page 18



Fall Day Circle in Summerhill Phase II.



## SITE PHOTOS — 2.23.2022



Erosion on Lot 29 below the outfall



Basin holding stormwater following 1" rain event (Lot 16)



Erosion and channelization (foreground) on Lot 13; sediment basin holding water following 1" storm event (background).



Stormwater conveyance swale on lots 6-8



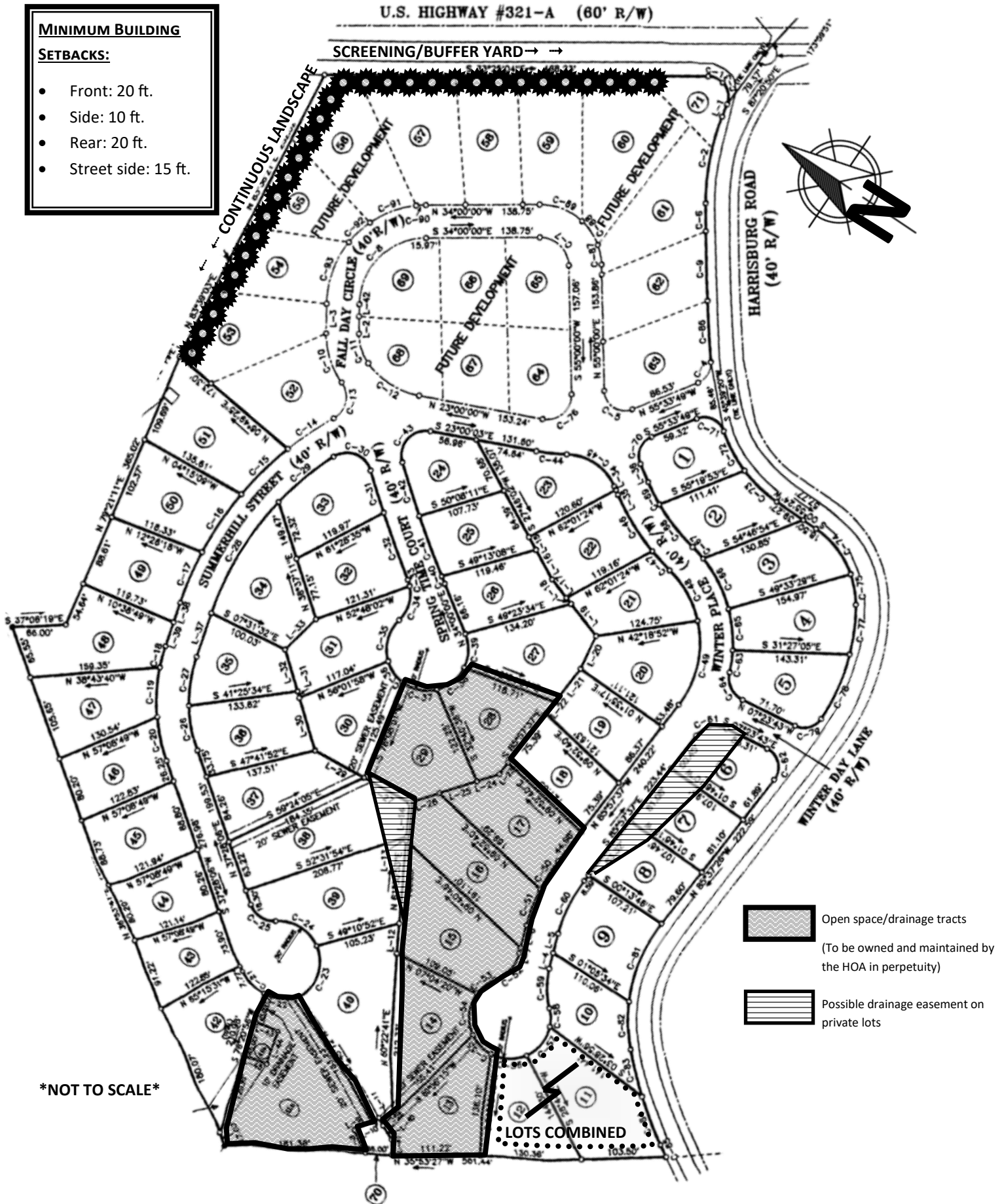
Homes under construction on lots 25-26 on Spring Time Court (foreground) and recently completed on lots 20-23 on Winter Place



## APPENDIX A: SUMMERHILL CZ-8 CONCEPT PLAN (2022)

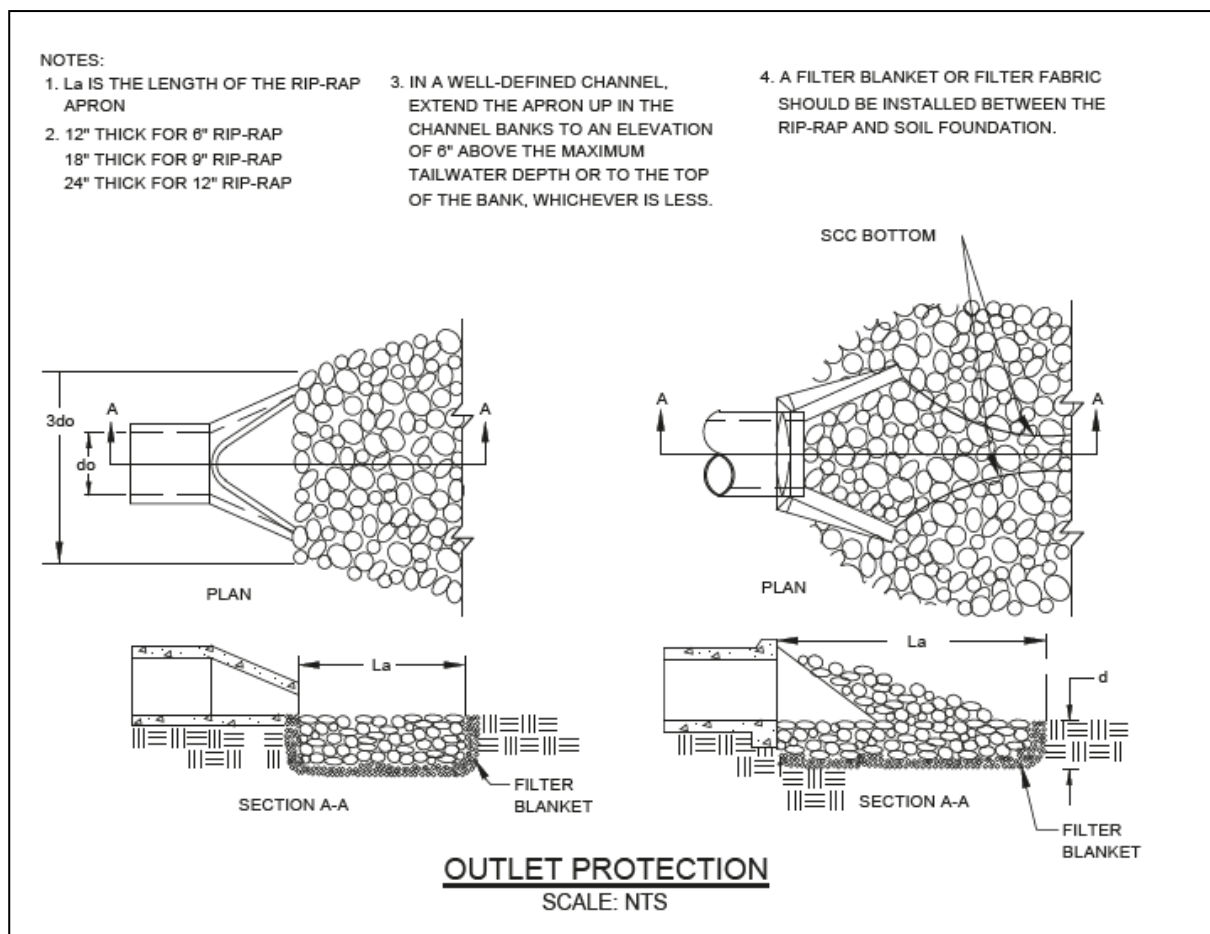
**MINIMUM BUILDING****SETBACKS:**

- Front: 20 ft.
- Side: 10 ft.
- Rear: 20 ft.
- Street side: 15 ft.





## APPENDIX B: OUTLET PROTECTION DETAILS



Additional guidance on outlet protection from the NC Erosion and Sediment Control Planning and Design Manual is as follows:

1. Ensure that the subgrade for the filter and riprap follows the required lines and grades shown in the plan. Compact any fill required in the subgrade to the density of the surrounding undisturbed material. Low areas in the subgrade on undisturbed soil may also be filled by increasing the riprap thickness.
2. The riprap and gravel filter must conform to the specified grading limits shown on the plans.
3. Filter cloth, when used, must meet design requirements and be properly protected from punching or tearing during installation. Repair any damage by removing the riprap and placing another piece of filter cloth over the damaged area. All connecting joints should overlap so the top layer is above the downstream layer a minimum of 1 foot. If the damage is extensive, replace the entire filter cloth.
4. Riprap may be placed by equipment, but take care to avoid damaging the filter.
5. The minimum thickness of the riprap should be 1.5 times the maximum stone diameter.
6. Riprap may be field stone or rough quarry stone. It should be hard, angular, highly weather-resistant and well graded.
7. Construct the apron on zero grade with no overfill at the end. Make the top of the riprap at the downstream end level with the receiving area or slightly below it.
8. Ensure that the apron is properly aligned with the receiving stream and preferably straight throughout its length. If a curve is needed to fit site conditions, place it in the upper section of the apron.
9. Immediately after construction, stabilize all disturbed areas with vegetation

## Permit Report

02/18/2022 - 03/18/2022

| Permit # | Permit Date | Permit Type | Applicant Name | Issued Date | Description | Parcel Address |
|----------|-------------|-------------|----------------|-------------|-------------|----------------|
|----------|-------------|-------------|----------------|-------------|-------------|----------------|

**Group: Accessory/Addition**

|         |           |                     |                  |           |                                 |                      |
|---------|-----------|---------------------|------------------|-----------|---------------------------------|----------------------|
| 2022041 | 3/7/2022  | Accessory/Addition  | Jonathan Beal    | 3/7/2022  | deck in rear                    | 1023 WILLIAMSBURG DR |
| 2022033 | 2/24/2022 | Accessory/Addition  | Richard Williams | 2/24/2022 | deck in Rear                    | 730 SEEHORN ST       |
| 2022032 | 2/23/2022 | Accessory/Addition  | Julie Brakefield | 2/23/2022 | Backyard Chicken Permit         | 518 JENNINGS ST      |
| 2022031 | 2/23/2022 | Accessory/Addition  | Claude Winkler   | 2/23/2022 | Side addition and covered porch | 1921 STARLIGHT CT SE |
| 2022030 | 2/21/2022 | Accessory/Addition  | Shannon Yates    | 2/22/2022 | Home-based Day Care             | 512 EDGEWOOD DR      |
| 2022036 | 2/28/2022 | Zoning Verification | Tammy Gragg      | 2/28/2022 | open shed with metal roof       | 336 BROOKDALE PL     |
|         |           |                     |                  |           |                                 |                      |

**Group Total: 7**

**Group: Manufactured Home**

|         |           |                   |                           |           |                   |                  |
|---------|-----------|-------------------|---------------------------|-----------|-------------------|------------------|
| 2022045 | 3/14/2022 | Manufactured Home | Stonegate Developers, LLC | 3/14/2022 | manufactured home | 1114 VIRGINIA ST |
|         |           |                   |                           |           |                   |                  |

**Group Total: 1**

**Group: Permanent Sign**

|         |           |                |                     |           |                        |                 |
|---------|-----------|----------------|---------------------|-----------|------------------------|-----------------|
| 2022046 | 3/16/2022 | Permanent Sign | Frye's Sign Company | 3/16/2022 | sign-Coco Bail Bonds   | 215 CHURCH ST   |
| 2022039 | 3/3/2022  | Permanent Sign | Yorke Lawson        | 3/4/2022  | sign-Blue Bell         | 1241 COLLEGE AV |
| 2022037 | 3/1/2022  | Permanent Sign | Frye's Sign Company | 3/1/2022  | 2 signs-lawyers office | 606 COLLEGE AV  |
|         |           |                |                     |           |                        |                 |

**Group Total: 3**

**Group: Residential Addition**

|         |           |                      |                 |           |                  |                         |
|---------|-----------|----------------------|-----------------|-----------|------------------|-------------------------|
| 2022044 | 3/10/2022 | Residential Addition | Matthew Shivers | 3/10/2022 | enclosed carport | 2385 RAINBOW HEIGHTS CR |
|         |           |                      |                 |           |                  |                         |

**Group Total: 1**

**Group: Single Family Home**

|         |          |                    |                     |          |                        |                      |
|---------|----------|--------------------|---------------------|----------|------------------------|----------------------|
| 2022043 | 3/8/2022 | Single Family Home | Chad Schmidt        | 3/9/2022 | single family dwelling | 1208 Winter Place SW |
| 2022038 | 3/2/2022 | Single Family Home | Sedgewick Homes LLC | 3/2/2022 | single family home     | 2430 VINE ST         |
|         |          |                    |                     |          |                        |                      |

**Group Total: 2**

**Group: Zoning Verification**

|         |           |                     |                                 |           |                     |                   |
|---------|-----------|---------------------|---------------------------------|-----------|---------------------|-------------------|
| 2022042 | 3/7/2022  | Zoning Verification | Sam Morgan State Farm Insurance | 3/7/2022  | verification letter | 237 SOUTH MAIN ST |
| 2022035 | 2/28/2022 | Zoning Verification | Kaye Reynolds                   | 2/28/2022 | handicap ramp       | 304 HIBRITEN AV   |
|         |           |                     |                                 |           |                     |                   |

**Group Total: 3**

|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|

**Total Records: 17**

**3/17/2022**