



Meeting Information

Location

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

Time

5:30 p.m.

Board Members

Lucy McCarl, Chairperson

Curtis Baker

James Bradshaw

Sharon Bryant

Kyle Case, Vice-Chair

Michael Careccia

Marta Lazo

Tammy Greene

Dontrell Parson

Tim Scobie

Lenoir Planning Board

Agenda • May 22, 2023

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 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 June 20, 2023 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 April 24, 2023 Minutes

NEW BUSINESS**1. R# 1-23 2702 Ellerwood Road**

Applicant: Norman Staines

Owners: Norman & Kim Staines

Location: 2702 Ellerwood Road

The applicant requests that the City re-zone a portion of the property (partially in County jurisdiction) from IND (Caldwell County Industrial District) to R-20 (Low Density Single Family).

Recommended Action: Approval of the request, and call for a public hearing at City Council on June 20, 2023.

2. Oaths of Office**OTHER BUSINESS****1. Update on zoning permits issued.****ADJOURNMENT**

MINUTES
PLANNING BOARD MEETING
April 24, 2023
5:30 P.M.

LOCATION:
City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: James Bradshaw, Sharon Bryant, Michael Careccia, Kyle Case, Marta Lazo, Lucy McCarl, Tim Scobie

MEMBERS ABSENT: Curtis Baker, Tammy Greene

STAFF PRESENT: Hannah Williams, Lauren Hartley

Chairperson McCarl called the meeting to order and determined a quorum was present.

MINUTES:
Board Member Scobie moved approval of the meeting minutes of March 27, 2023, seconded by Board Member Careccia. All were in favor, none opposed.

NEW BUSINESS:
1. ZOA# 1-23 Retail Definition Amendment

Applicant:	John Moore, Brushy Mountain Builders
Owners:	N/A
Location:	Citywide

The applicant is proposing amending Appendix A, Article IV of the Lenoir Zoning Ordinance related to pawn and trade shops.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on May 16, 2023.*

Planning Director, Hannah Williams presented this item. The applicant, John Moore is proposing to change the retail definition for pawn and trade shops from intensive retail to light retail. The applicant is interested in having a pawn shop business at property he owns, which is zoned B-6 (transitional business). Light retail includes many things that would be sold in pawn shops and is allowed in many zoning district. Intensive retail is more restrictive and is not allowed in the B-6 zone. Staff is requesting approval based on the consistently statement, which was read for the record.

Mrs. Williams answered the board's questions.

Board member McCarl made an amendment to add pawn and trade shops (indoor display

only) in light retail, outdoor display would be allowed for intensive retail. Board member Bryant seconded the amendment.

The applicant, John Moore addressed the board. He stated the future tenant would not be displaying anything outdoors. Lawn and jewelry are their main focus. Mr. Moore asked if it would be allowed for them to display something on the covered porch such as a lawn mower, during business hours only.

Hannah Williams and John Moore discussed with the board their concerns about the outdoor storage being displayed.

Board member McCarl proposed an amendment and retraced the previous to say “Any retail use that displays a majority of their product indoors and does not store product outdoors.” Board member Scobie seconded the retraction and amendment.

Board Member Bryant made a motion to approve the amendment for Appendix A, Article IV ZOA#1-23 as stated and call for a Public Hearing for City Council to consider the request on May 16, 2023. Board Member Case seconded the motion, which was voted upon and passed unanimously.

2. Subdivision Ordinance-Minor Modification Amendment

Applicant:	City of Lenoir
Owners:	N/A
Location:	Citywide

City staff are proposing to amend the Subdivision Ordinance in Chapter 19 of the Lenoir Code of Ordinances relating to modifications of major subdivisions.

Recommended Action: Approval of the request, and call for a public hearing at City Council on May 16, 2023.

Planning Director, Hannah Williams presented the ordinance amendment to allow for minor modifications to major subdivisions. This administrative flexibility reduces the need for another full approval process to accommodate a limited change to the plans for a project. This would be for a case that already passed city council and needs a minor change.

General discussion from the Board ensued.

Board Member Case made a motion to approve the amendment to the Subdivision Ordinance as presented and call for a Public Hearing for City Council to consider the request on May 16, 2023. Board Member Case seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS

1. Staff provided an updated list of issued zoning permits to the board, as general information.

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 7:00 p.m.

Lucy McCarl
Chairperson

Hannah Williams
Planning Director

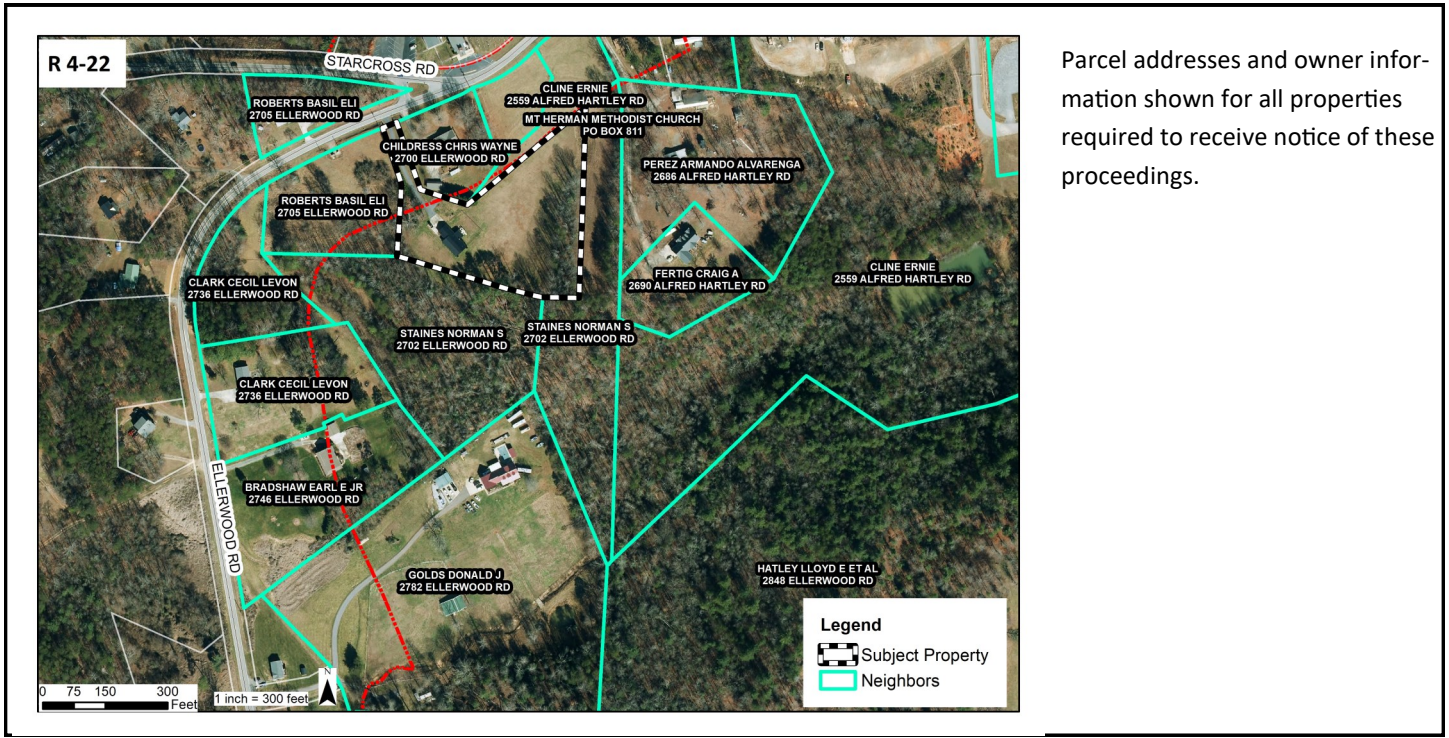


Staff Report

Zoning Amendment

CASE NUMBER R #1-23

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Norman & Kim Staines

Applicant

Norman Staines

Location

2702 Ellerwood Rd

NC PIN

2768447626

Project Planner

Hannah Williams, AICP, CZO

Description of Request:

The applicant requests that the City re-zone the portion of 2702 Ellerwood Rd (partially in County jurisdiction) from IND (Caldwell County's Industrial District) to R-20 (Low Density Single Family). An annexation petition has also been submitted.

Staff Recommendation:

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

Planning Board Recommendation:

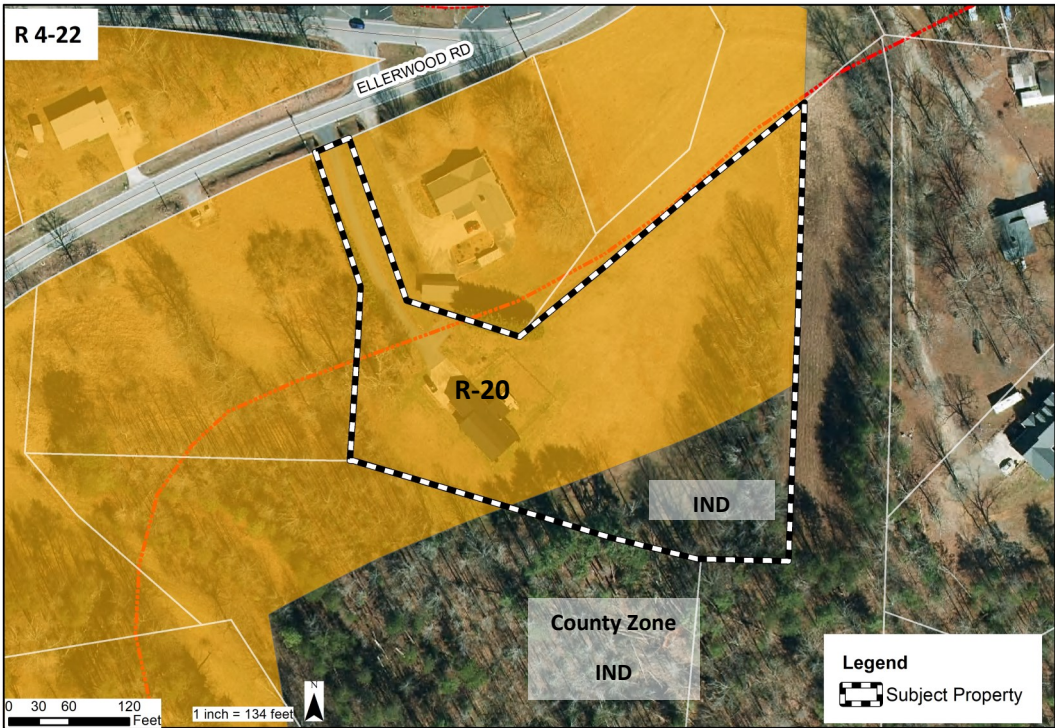
Public Comment:

Planning Board Meeting: May 22, 2023. Notice of the meeting was mailed to the owners of all adjacent parcels (listed on map above) on May 12, 2023.

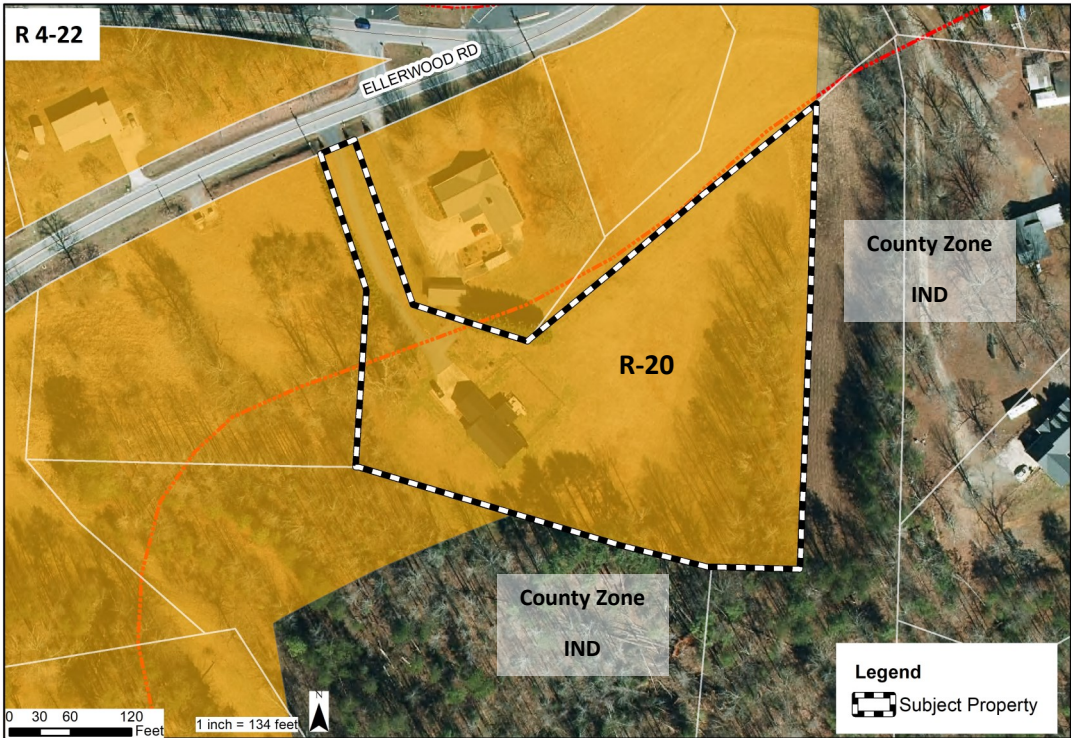
City Council (Public Hearing): Anticipated to be scheduled for June 20, 2023.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-20 and IND



Proposed Zoning: R-20



ARIAL PHOTOGRAPHS



Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The R-20 is intended to accommodate low density single-family residences and compatible land uses. Caldwell County's IND zoning district is established as a district in which the principal use of land is for the processing of natural resources and the manufacturing and/or assembly of finished products.

Comparison of Zoning Districts

	R-20	Caldwell County IND
Development Standards	Min Lot Size— 20,000 SF Setbacks Front: 40' Side Yard: 15' Abutting side Street: 25' Minimum Rear Yard: 35'	Min Lot Size - 0 SF Setbacks Front: 30' Side Yard: 25' Abutting side Street: 25' Minimum Rear Yard: 25'
Summary of Permitted Uses	Accessory Cottage Single Family House **For special uses see Section 600, Table A in Lenoir Zoning Ordinance **	Any light industrial permitted use Assembly and production of machinery, appliances, and furniture Building materials storage and sales yards Billboards and off-premise signs Industrial supplies and equipment [...] Processing of raw natural resources into usable materials *See Caldwell County Zoning Ordinance for more info*

BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

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

Reason for Request

The applicant is requesting this zoning change in conjunction with an annexation. The Staines will petition the City Council to annex into the City Limits in June 2023. The applicant has a city limits residency requirement.

Intent of the Zoning Districts

R - 20 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Caldwell County's Industrial District is established as a district in which the principal use of land is for the processing of natural resources and the manufacturing and/or assembly of finished products which normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

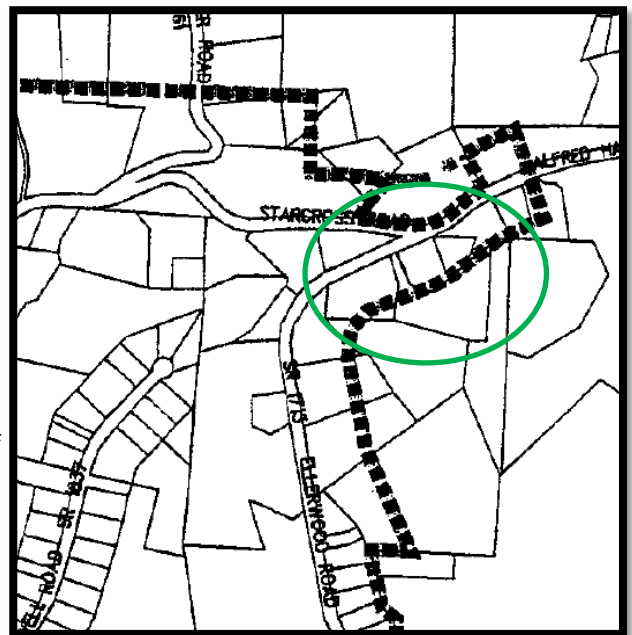
Subject and Surrounding Properties

The subject property is located on Ellerwood Road, near the intersection with Starcross Road and Alfred Hartley Road. The property has a single-family house on it built in 2001. The city limits currently end at the interior end of the driveway. The house and cleared parts of the yard are in the ETJ and zoned R-20. The southeastern corner of the property, where the tree line begins, is within Caldwell County's zoning jurisdiction, in the Industrial zone. This property is served by Lenoir water but does not receive sewer.

The city limits end at the Starcross Road and Alfred Hartley Road intersection with Ellerwood Road, and continue southeast of the subject property. Both sides of Ellerwood Rd are zoned R-20 and developed with low density single family homes. Alfred Hartley Road continues northeast of the subject property and is zoned RA-20 (residential-agricultural) on the north side and Industrial on the south side by Caldwell County. There is a church and several low density houses in the RA-20 district near the subject property, while there are several industrial uses in the Industrial district, such as Pine Mountain Finishings and Ronnie's Body Shop.

Zoning Analysis

Originally proposed in 1998, and after several years of litigation, the City of Lenoir involuntarily annexed 12 areas into the city limits in 2001. A portion of the subject property was part of Area 3 in this annexation. It is not known why only the front part of these properties were annexed in. It appears that the city limits boundary is about 240' off of the centerline of Ellerwood when no other physical constraint is present (such as a stream). Area 3 was in the ETJ prior to annexation. Before and after the annexation, the area was zoned R-20. (See Appendix A for entire map of proposed an-



Close-up of subject property and surrounding area on Area 1, 2, & 3 map of 1998 involuntary annexation

STAFF ANALYSIS CONTINUED

nexation)

The subject property has been used as a single family home for more than 20 years. The development pattern of large, rural residential lots in front of larger wooded tracts is repeated southeast of the property and along the north side of Alfred Hartley Road. The established tree lines provide mature buffering from nearby industrial properties. Expanding the R-20 zone to encompass the entire parcel adds consistency to the development standards of the property. It is also a statutory requirement that Lenoir's zoning jurisdiction includes all of the city limits.

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's future land use map identifies this parcel as "existing low residential density" and does not identify any other future land use for the property. The proposed zoning change is consistent with the Comprehensive Plan's policy concepts to adopt sensible and straightforward zoning standards and to preserve open space. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

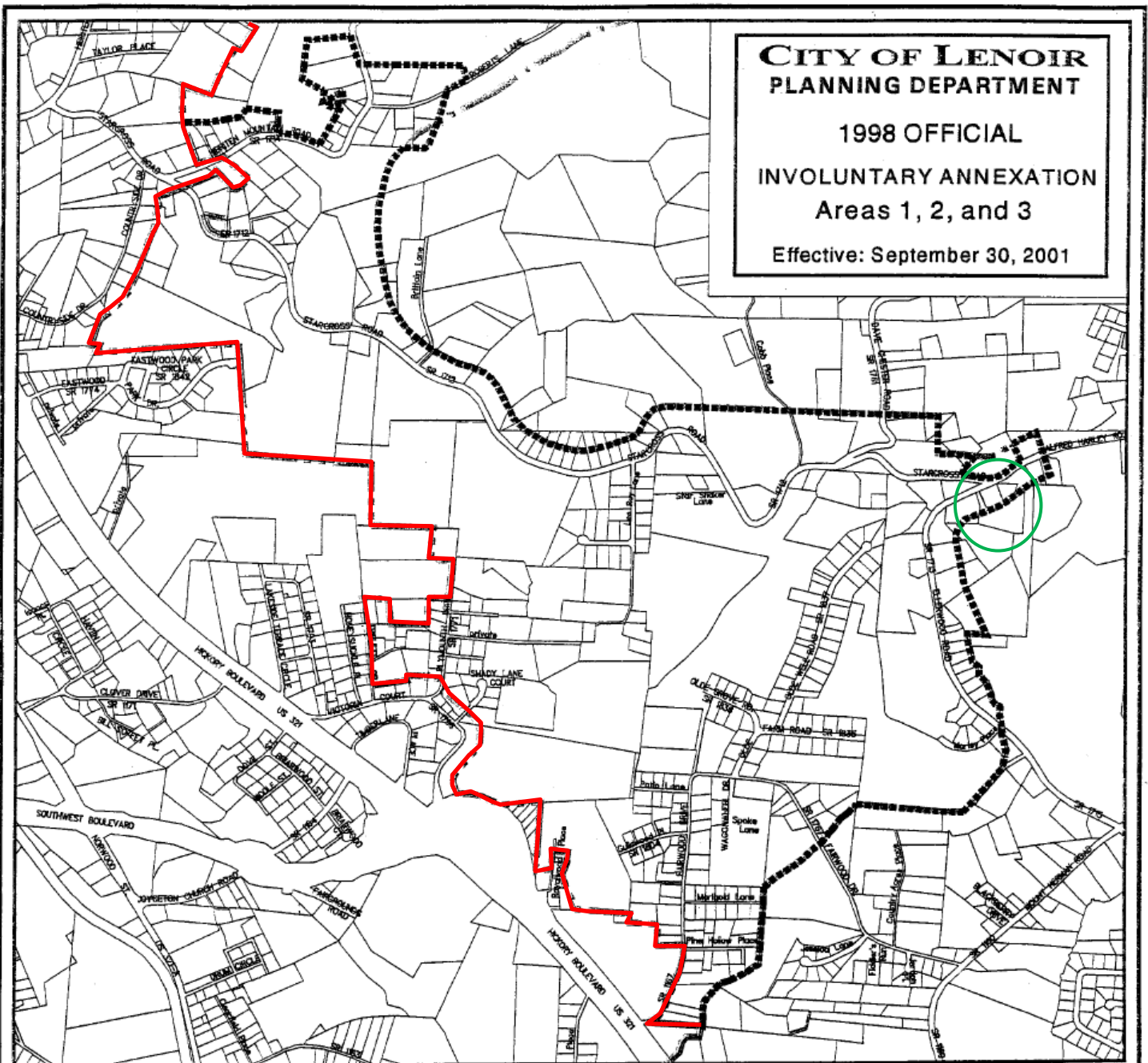
STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

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 June 20, 2023.

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it allows one zoning jurisdiction to provide development standards to the property, bringing straightforward zoning standards and predictability to a low density area. The proposed amendment is reasonable and in the public interest because it brings development consistency to the parcel.

PLANNING BOARD RECOMMENDATION

APPENDIX A—ANNEXATION MAP FROM 2001



CITY OF LENOIR
PLANNING DEPT-GIS
801 WEST AVENUE
P.O. BOX 958
LENOIR, NC 28645

CITY OF LENOIR PLANNING DEPARTMENT

1998 OFFICIAL INVOLUNTARY ANNEXATION

Areas 1, 2, and 3

Effective: September 30, 2001

NOTE: DATABASE FILE ORIGINATING FROM CALDWELL COUNTY GIS MAPPING

LEGEND

- Lenoir City Limits
- ETJ Limits
- Property Location



Map Scale: 1" = 1400'

Permit Report

04/07/2023 - 05/12/2023

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

Group: Accessory

2023088	5/11/2023	Accessory	Dawn Gordon	5/11/2023	accessory building	414 CRESTMERE ST
2023077	4/28/2023	Accessory	Joshua Miller	4/28/2023	accessory building	635 POWELL RD
2023073	4/24/2023	Accessory	Bob O'Connor	4/24/2023	shed	220 MCLEAN DR

Group Total: 3

Group: Change of Use

2023089	5/11/2023	Change of Use	Dawn Gordon	5/11/2023	home-based business dog grooming	414 CRESTMERE ST

Group Total: 1

Group: Driveway

2023082	5/4/2023	Driveway	James Gill	5/4/2023	driveway	819 BEVERLY CR

Group Total: 1

Group: Floodplain Development

2023090	5/11/2023	Floodplain Development	Edward Owens	5/11/2023	floodplain-temp structure	708 LYNHAVEN ST
2023087	5/11/2023	Floodplain Development	Edward Owens	5/12/2023	Streambank Restoration	708 LYNHAVEN ST
2023079	4/28/2023	Floodplain Development	Joshua Miller	4/28/2023	144 SF shed	635 POWELL RD
2023067	4/18/2023	Floodplain Development	Carlos and Jessica Gibbs	4/18/2023	12 x 10 Building	CREEKWAY DR

Group Total: 4

Group: Non-residential

--	--	--	--	--	--	--

2023083	5/4/2023	Non-residential	John Moore	5/8/2023	minor renovations	606 BLOWING ROCK BV
2023066	4/18/2023	Non-residential	Carlos and Jessica Gibbs	4/18/2023	12 x 10 Building	CREEKWAY DR

Group Total: 3

Group: Permanent Sign

2023086	5/10/2023	Permanent Sign	Rebecca Phillips	5/10/2023	sign-Moonjoy Meadery	902 West Ave NW
2023085	5/5/2023	Permanent Sign	Action Sign	5/8/2023	sign-Horizon Specialists	125 HOSPITAL AV
2023081	5/2/2023	Permanent Sign	James Bryan Davis Jr	5/2/2023	sign	103 INDUSTRIAL CT
2023080	5/2/2023	Permanent Sign	Rene Subia/Vida Signs LLC	5/2/2023	sign	116 WILKESBORO BV
2023071	4/21/2023	Permanent Sign	Pastor David Haltom	4/21/2023	temp banner	1023 MORGANTON BV

Group Total: 5

Group: Residential Addition

2023084	5/5/2023	Residential Addition	Angel Cobas	5/5/2023	deck	408 BEALL ST
2023072	4/21/2023	Residential Addition	Verenisis Reyes	4/21/2023	enclose existing porch	1310 LENWELL ST
2023069	4/19/2023	Residential Addition	Zoila Garcia	4/19/2023	deck	822 TREELAND CR
2023064	4/10/2023	Residential Addition	Terry Hartman	4/10/2023	Roof Addition	1203 Winter PL

Group Total: 4

Group: Single Family Home

2023076	4/26/2023	Single Family Home	Glenn Miller	4/26/2023	single family House	506 RIDGEWAY PL
2023068	4/18/2023	Single Family Home	Ben Griffin	4/18/2023	single family home	814 Mulberry St SW
2023065	4/18/2023	Single Family Home	Nancy Crowell	4/18/2023	single family home	1959 BUSH PL

Group Total: 3

Group: Zoning Verification

2023075	4/25/2023	Zoning Verification	Arielle Lindley	4/25/2023	verification letter	505 Wilkesboro BV
2023070	4/19/2023	Zoning Verification	Stephenie Oxford	4/19/2023	verification letter	101 MAIN ST

Group Total: 2

--	--	--	--	--	--	--

Total Records: 26

5/12/2023