



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 • June 26, 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 July 18, 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 May 22, 2023 Minutes

NEW BUSINESS**1. SUP# 1-23 537 Wilkesboro Blvd NE**

Applicant: Maxwell Barlowe

Owners: Barlowe Solutions LLC

Location: 537 Wilkesboro Blvd NE

The applicant is requesting a Special Use Permit for Major Vehicle services in the General Business District (B-2) zoning district.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on July 18, 2023.*

OTHER BUSINESS**1. Update on zoning permits issued.****ADJOURNMENT**

**MINUTES
PLANNING BOARD MEETING
May 22, 2023
5:30 P.M.**

LOCATION:

City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: Curtis Baker, Sharon Bryant, Michael Careccia, Tammy Greene, Marta Lazo, Lucy McCarl, Dontrell Parson, Tim Scobie

MEMBERS ABSENT: James Bradshaw, Kyle Case

STAFF PRESENT: Hannah Williams, Lauren Hartley

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

The board welcomed the new Planning Board member, Dontrell Parson.

MINUTES:

Board Member Bryant made a motion to approve the meeting minutes of April 24, 2023 with the correction on page 2, seconded by Board Member Careccia. All were in favor, none opposed.

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.

Planning Director, Hannah Williams presented this item using a PowerPoint presentation. Ms. Williams states the property at 2702 Ellerwood Road is owned by Norman and Kim Staines. Norman Staines will be the new city Fire Chief starting the end of June, he is required to have city residency as a department head. Currently, this property is mostly zoned R-20 (low density single family) with city zoning, a small portion is zoned IND (Caldwell County's Industrial zone). Staff is proposing to re-zone the entire property to

R-20 within the city limits. The annexation will be proposed to City Council at the June 20th meeting along with this re-zoning. Ms. Williams explained how part of the property was included in an involuntary annexation in 1998. Staff is recommending approval of this request and call for a public hearing on June 20, 2023.

Board Member Carrecia made a motion to approve the request as presented and call for a Public Hearing for City Council to consider the request on June 20, 2023. Board Member Baker seconded the motion, which was voted upon and passed unanimously.

OATHS OF OFFICE

Lauren Hartley administered oaths of office to Tammy Greene and Dontrell Parson.

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 6:15p.m.

Lucy McCarl
Chairperson

Hannah Williams
Planning Director



Staff Report

Special Use Permit

CASE NUMBER SUP #1/23

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

BARLOWE SOLUTIONS LLC

Applicant

Maxwell Barlowe

Location

537 Wilkesboro Blvd, between intersections of Hibriten Drive and Tremont Park Dr

NC PIN

2759596079

Project Planner

Hannah Williams

Updated June 16, 2023

Applicant's Request:

The applicant is requesting a Special Use Permit for Major Vehicle services in the General Business District (B-2) zoning district.

Staff Recommendation:

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

Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for June 26, 2023. Notices were mailed to adjacent property owners on June 16, 2022.

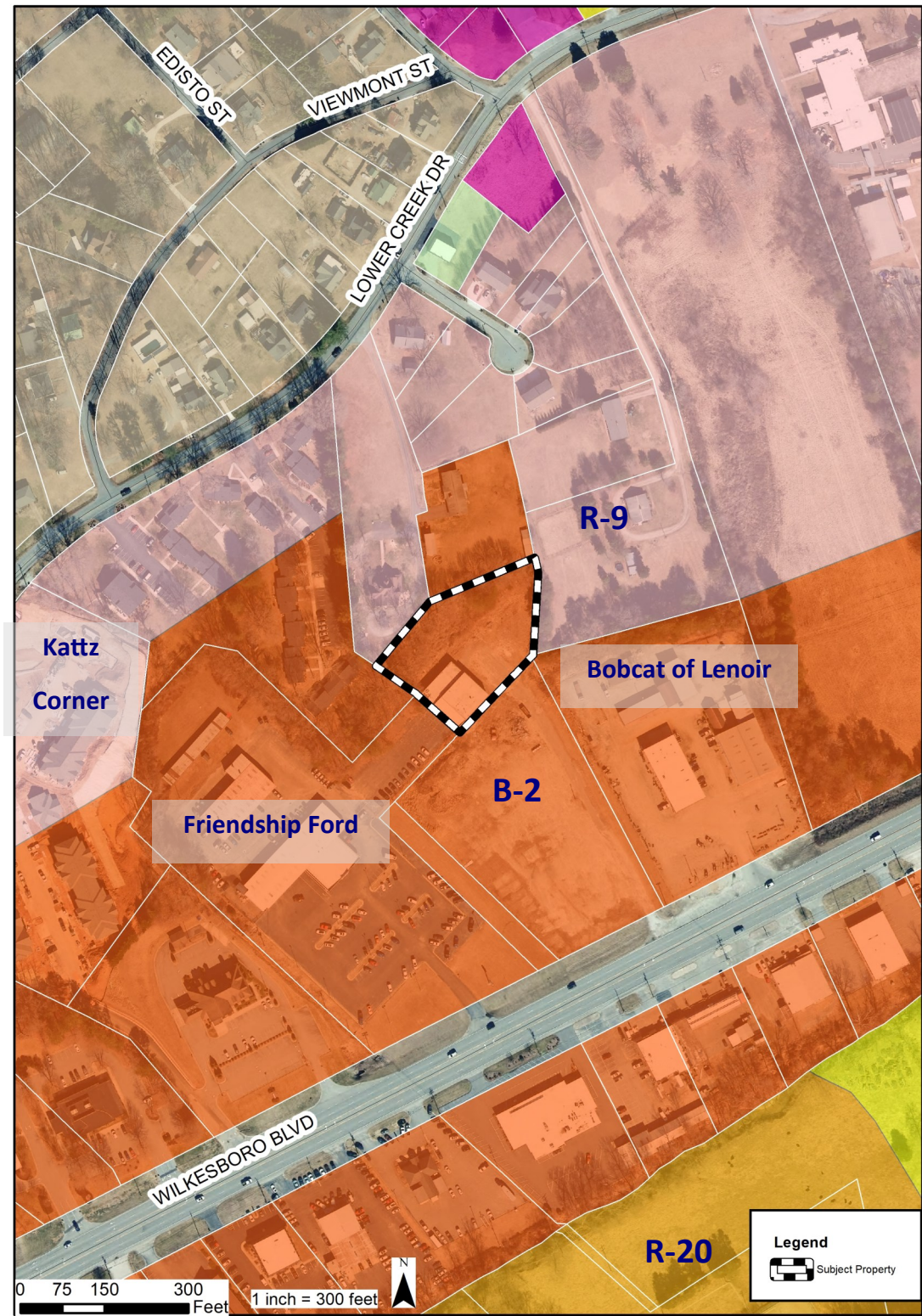
City Council (Public Hearing): Anticipated to be scheduled for July 18, 2023.

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

ZONING MAP

537 Wilkesboro Blvd

 Subject
Property



Legend

 Subject Property

BACKGROUND AND ANALYSIS

Intent of Special Use Permits

Special 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 special 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 Special 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 Special Use Permit following a quasi-judicial hearing.

Intent of the Zoning District

Article V of the Lenoir Zoning Code states:

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

Subject and Surrounding Properties

The subject property is just over one acre in size, and developed with one service garage. The building was built in 1970, with a rear addition completed in 1981. There is a large gravel parking area east of the building. In the rear of the lot, there is an incline and a mature tree line which borders residential properties. Elevation changes from 1120 ft to 1150 ft in short span, creating a berm that offers a sense of separation between the residential uses and the subject property. The building had not been used for some time prior to Barlowe Solutions beginning operations in late 2022. The lot is considered legally non-conforming because it does not have 25' of public road frontage, as is required in Sec. 800 of the Lenoir Zoning Ordinance. However, there is a 30' driveway easement that runs with the land across the abutting property to the south, giving the subject property access to Wilkesboro Blvd (See Appendix A).

The NC-18/Wilkesboro Blvd corridor is largely zoned B-2, like the subject property. Directly to the south of the subject property is an undeveloped, vacant lot that recently was used as a shed retailer. To the south of and abutting the subject property are several automotive-oriented businesses. Specifically, two other major vehicle service uses are also located in the vicinity, Bobcat of Lenoir and Caldwell County School's bus garage. The Friendship Ford dealership is located to the west of the subject property. To the north are a mix of residential uses that are accessed on Lower Creek Drive, in the R-9 zoning district. Several apartment complexes, duplexes, and single family homes are located on this section of Lower Creek Drive.

Proposed Use

The applicant is using the property and building for a heavy equipment repair and hydraulic hose shop. According to the Permitted Use Chart in Sec. 600, Table B, Major Vehicle Services requires a Special Use Permit in the B-2 zoning district. At this time, the business operates out of bays in the building and uses the parking on site. No substantial improvement or exterior changes are proposed at this time beyond painting.

Major Vehicle Services has the following definition, according to the Lenoir Zoning Ordinance (Article IV): "Service uses involving the repair, alteration, restoration, towing, painting, or finishing of automobiles, trucks, recreational vehicles, boats, and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes major

BACKGROUND AND ANALYSIS

repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments. Bus terminals, fleet and bus garages, and similar large-scale vehicle maintenance facilities are also considered major vehicle uses.” Major vehicle service is allowed by right in Industrial districts and considered a special use in B-2 and B-7 (Highway Business). (Note: B-7 is virtually an unused zoning district in Lenoir, with only one vacant property zoned B-7.) East of the Hibriten Drive intersection, Wilkesboro Boulevard has a more industrial-commercial feel than the corridor closer to Smith’s Crossroads. This vicinity of Wilkesboro Boulevard has a variety of commercial uses that develop with large buildings on large tracts. Although the uses are intensive, the large lots make this area less dense.

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 lays out several policy goals regarding commercial and industrial sites, and encourages reuse of commercial and industrial buildings. The plan also calls for considering the existing topography to avoid grading and filling unnecessarily. This establishment is right-sized for the existing building and lot without the need to grade, meeting several of the plan’s goals.

SITE PHOTOS



Existing building and customer equipment



Driveway across Corriher Property



FINDINGS

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

1. The proposed special 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 existing building does not comply with the B-2 front yard setback of 10', nor does it have 25' of public road frontage, but complies with all other setback, lot size, and height requirements. Because the existing development does not propose expansion at this time, the two legally non-conforming conditions are 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 across the abutting property to access this development. The easement in place in Deed Book 2083 Page 581 and drawn in Plat Book 37 Page 91 ensure that this access will be available without issue.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *This site has a large parking area on the east side of the property that is used to store customer vehicles and equipment. Three parking spaces per 1,000 SF of floor area is required by the zoning ordinance. For this space, 22 spaces are required, and more than that are provided.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The establishment of this use will have minimal impacts to surrounding properties because it is located along Wilkesboro Blvd, an area where automotive service and sales, and major vehicle service is already common. This use will not hinder the development of the southern lot fronting Wilkesboro Blvd, which is also zoned B-2, nor will it hinder the residential zones to the north due to the mature tree buffer.*
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. *Where the subject property shares a boundary with residential properties, the mature tree line and berm must be maintained by the property owner. If the existing tree line is damaged or dies, it must be replaced with a 20' vegetative buffer as a condition of approval, consisting of a combination of evergreen and deciduous trees, in accordance with the standards in Sec. 712.8 of the Lenoir zoning ordinance. The berm must also be maintained and replaced should it be damaged.*
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 will be permitted signs as allowed in the General Business zone, according to Article 11 of the Lenoir Zoning Ordinance with a valid Zoning Permit. No additional lighting is proposed at this time. As a condition of approval, all exterior lighting will be designed to reduce glare and light pollution on neighboring properties.*
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. *No major renovation or substantial improvement has been proposed at this time outside of basic maintenance of the building, so the appearance and character will remain the same. Substantial improvements to this property will be subject to the architectural and site design standards for the B-2 zoning district, according to Sec. 714 of the Lenoir Zoning Ordinance. An expansion to the floor area greater than 10% is considered a major modification and would require SUP approval.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *The proposed use has similar hours and intensity to nearby automotive and major vehicle uses. The use will be limited to the size of the and location of the existing building and parking lot in its current configuration.*

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Special Use Permit for the proposed major vehicle service, with the following conditions:

1. *All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.*
2. *The mature buffer and berm are required to remain and must be maintained by the subject property owner in accordance with Condition #5. If the existing tree line is damaged or dies, it must be replaced with a 20' vegetative buffer. The berm must also be maintained.*
3. *The applicant must obtain zoning and sign permits from the Lenoir Planning Department within two years of the issuance of the SUP. All proposed changes must adhere to Sec. 714 of the Lenoir Zoning Ordinance.*

PLANNING BOARD RECOMMENDATIONS

APPENDIX A—DRIVEWAY EASEMENT

Deed Book 2063, Page 581

BK 2063 PG 581 - 582 (2)

This document presented and filed:
08/03/2022 11:33:12 AM

Fee \$26.00

Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

Charles R Corriher, Jr. (Seal)
Construction Attachments, Inc
By: Charles R Corriher, Jr President

W.R. Shytte and Sandra D. Shytte, Trustees, or their successors in trust, under the Shytte Living Trust dated August 23, 1995

Prepared by: Dewey L. Keller, Attorney at Law, AUCN
NORTH CAROLINA

**JOINT RIGHT OF WAY AND
ROAD MAINTENANCE AGREEMENT**

CALDWELL COUNTY

THIS JOINT RIGHT OF WAY AND ROAD MAINTENANCE AGREEMENT, made and entered into this the 3rd day of November, 2021, by and between Construction Attachments, Inc., Grantor, their heirs and assigns, and W.R. Shytte and Sandra D. Shytte, Trustees, or their successors in trust, under the Shytte Living Trust dated August 23, 1995, Grantees; their heirs and assigns;

WITNESSETH:

WHEREAS, Construction Attachments, Inc is the owner of a certain tract of land located in Caldwell County, North Carolina recorded in Deed Book 1233, Page 514 in the Caldwell County Registry and;

WHEREAS, W.R. Shytte and Sandra D. Shytte, Trustees, or their successors in trust, under the Shytte Living Trust dated August 23, 1995 is the owner of a certain tract of land located in Caldwell County, North Carolina recorded in Deed Book 1765 Page 419 in the Caldwell County Registry and;

Whereas Grantors, their heirs and assigns to convey a nonexclusive 30 foot Right of Way as shown on Plat Book 37, Page 91, Caldwell County Register of Deeds ingress and egress from NC Hwy 18 & 90 to the property belonging to Grantees. This right of shall run with the land. Both parties may use the right of way and agree to maintain said right of way on a pro rata basis.

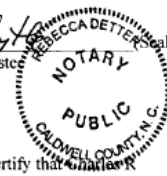
IN WITNESS, THEREOF, the said parties to this instrument have hereunto set their hands and seals, this the 3rd day of November, 2021.

W.R. Shytte (Seal)
W.R. Shytte, Trustee

NORTH CAROLINA
CALDWELL COUNTY

I, a Notary Public in and for said County and State, do hereby certify that Charles R Corriher, Jr. President of Construction Attachments, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 2nd day of August, 2022
Rebecca Dettter
My commission expires 9-22-25 Notary Public



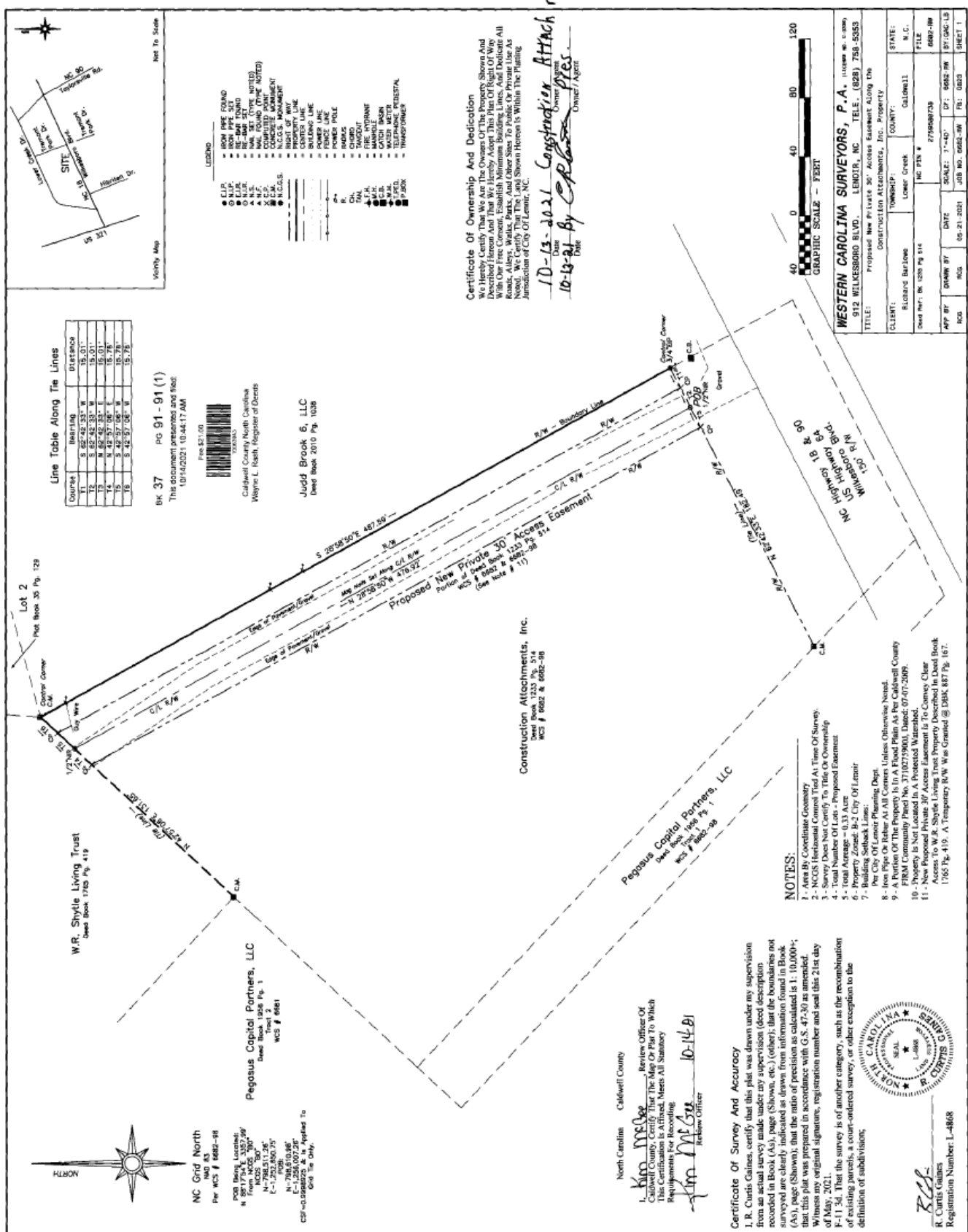
NORTH CAROLINA
CALDWELL COUNTY

I, a Notary Public in and for said County and State, do hereby certify that W.R. Shytte and Sandra D. Shytte, Trustees, or their successors in trust, under the Shytte Living Trust dated August 23, 1995 personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 3rd day of November, 2021.
Rebecca Dettter
My commission expires 9-22-25 Notary Public



Plat Book 37, Page 91



Permit Report

05/14/2023 - 06/09/2023

Permit #	Permit Date	Permit Type	Applicant Name	Issued Date	Description	Parcel Address
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Group: Accessory

2023110	6/2/2023	Accessory	Christopher Childress	6/2/2023	Above ground pool	2700 ELLERWOOD RD
2023108	5/31/2023	Accessory	Dwayne Pruitt	5/31/2023	accessory building	1303 FARMVIEW PL
2023106	5/30/2023	Accessory	Walter Ortiz	5/30/2023	inground pool	217 MCLEAN DR
2023092	5/15/2023	Accessory	Marshall Clary	5/15/2023	accessory building	923 RIDGEWOOD DR

Group Total: 4

Group: Change of Use

2023093	5/15/2023	Change of Use	Castle Court Properties, LLC	5/15/2023	change of use	1044 WEST AV

Group Total: 1

Group: Driveway

2023114	6/8/2023	Driveway	Mary Mullin	6/8/2023	driveway	1036 WILLIAMSBURG DR
2023105	5/26/2023	Driveway	Lot Lopez	5/26/2023	driveway	1108 PENNTON AV

Group Total: 2

Group: Non-residential

2023109	6/1/2023	Non-residential	Jeremy Greer	6/2/2023	Window Replacement	901 ASHE AV
2023107	5/30/2023	Non-residential	Roy Hall	5/30/2023	additions	312 LUTZ ST
2023103	5/23/2023	Non-residential	David Waechter	5/23/2023	church cremation wall	806 COLLEGE AV
2023102	5/18/2023	Non-residential	John Greene	5/18/2023	commercial building	2000 VALWAY RD

2023101	5/17/2023	Non-residential	William Clayton	6/6/2023	Site redevelopment and 2-tenant building	314 BLOWING ROCK BV
2023095	5/16/2023	Non-residential	BRUSHY MTN BUILDERS - Dylan Moore	5/24/2023	Mattress Warehouse Construction	125 HICKORY BV

Group Total: 6

Group: Permanent Sign

2023104	5/25/2023	Permanent Sign	Allies Country Crafts	5/25/2023	sign-Allie's Country Crafts	603 LOWER CREEK

Group Total: 1

Group: Residential Addition

2023100	5/17/2023	Residential Addition	Blake King	5/17/2023	deck in rear	2312 OLDE MEADOW DR
2023091	5/15/2023	Residential Addition	Iris Fuentes	5/15/2023	covered porch	215 SHARON AV

Group Total: 2

Group: Single Family Home

2023113	6/8/2023	Single Family Home	Mary Mullin	6/8/2023	single family home	1036 WILLIAMSBURG DR
2023111	6/5/2023	Single Family Home	Bampy's Homes LLC	6/5/2023	modular home	782 Severt CR
2023096	5/17/2023	Single Family Home	Wendell Hildebrand		single family home	2618 Friendswood St.

Group Total: 3

Group: Temporary Advertising

2023098	5/17/2023	Temporary Advertising	Tara Cooke	5/17/2023	Temp banners-Planet Fitness	875 BLOWING ROCK BL
2023097	5/17/2023	Temporary Advertising	Kellan Huntley	5/17/2023	temporary banners	212 WILKESBORO BV
2023094	5/16/2023	Temporary Advertising	Tara Cooke	5/16/2023	temp banner-Planet Fitness	843 BLOWING ROCK BL

Group Total: 3

Group: Zoning Verification

2023112	6/6/2023	Zoning Verification	Geovany Martinez Lopez	6/6/2023	zoning verification	1657 NORWOOD ST
2023099	5/17/2023	Zoning Verification	HAMILTON SQUARE LLC	5/17/2023	verification letter	315 ELIZABETH ST

Group Total: 2

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Total Records: 24

6/9/2023