



## 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

Sharon Bryant

Kyle Case, Vice-Chair

Michael Careccia

Marta Lazo

Tammy Greene

Dontrell Parson

Tim Scobie

Edward Terry

# Lenoir Planning Board

## Agenda • August 26, 2024

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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 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 September 17, 2024 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 July 22, 2024 Minutes

## NEW BUSINESS

### 1. ZOA# 1-24 Electronic Message Boards in residential

Applicant: Doug Perkins, Mt. Pilgrim Baptist Church

Owners: N/A

Location: Citywide

The applicant is proposing amending Appendix A, Article XI, section 1108 (c) of the Lenoir Zoning Ordinance related to Electronic Message Board in residential districts.

Recommended Action: Pending board discussion and motion, call for a public hearing at City Council on September 17, 2024.

## OTHER BUSINESS

### 1. Update on zoning permits issued.

## ADJOURNMENT

**MINUTES**  
**PLANNING BOARD MEETING**  
**July 22, 2024**  
**5:30 P.M.**

**LOCATION:**  
City /County Meeting Room  
905 West Avenue

**MEMBERS PRESENT:** Curtis Baker, Sharon Bryant, Kyle Case, Marta Lazo, Tim Scobie, Edward Terry

**MEMBERS ABSENT:** Michael Careccia, Tammy Greene, Lucy McCarl, Dontrell Parson

**STAFF PRESENT:** Hannah Williams, Lauren Hartley, Matt Duchan

Vice Chair Case called the meeting to order and determined a quorum was present.

**MINUTES:**  
Board Member Scobie made a motion to approve the meeting minutes, as amended of June 24, 2024, seconded by Board Member Bryant. All were in favor, none opposed.

**NEW BUSINESS:**

**1. SUP# 2-24 117 Maple Drive NW**

Applicant: Outcast Community Church (Josh Clark)

Owners: HASO Holdings LLC

Location: 117 Maple Drive NW

The applicant is requesting a Special Use Permit for a church in the existing West Lenoir Elementary School building in the Single Family (R-12) zoning district. It's owned by HASO holdings LLC.

*Recommended Action:* *Approval of the request, and call for a hearing at City Council on August 20, 2024.*

Planner, Matt Duchan presented case SUP# 2-24 at 117 Maple Drive NW. The applicant is requesting a Special Use Permit for a church to locate in the former West Lenoir Elementary School. They intend to turn the auditorium and two classrooms in the elementary school into a church with Sunday School rooms. The remainder of the building will go unused. The gym and remaining classrooms will be untouched as part of this project. The applicant does not intend to make any changes to parking and will maintain existing fencing and landscaping on the property. The church hours will be on Sunday mornings. The surrounding area largely features residential

zoning with a mix of B-2 and O-I. Mr. Duchan read the findings and staff recommendations from the staff report. Mr. Duchan stated there is a typo on page 7 of the staff recommendations that should state “Staff recommends approval of the requested Special Use Permit for the proposed church”.

Planning Staff answered the board’s questions.

**Board Member Baker made a motion to approve the request and recommendations as presented and call for a Public Hearing for City Council to consider the request on August 20, 2024. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.**

**This vote was rescind due to another speaker from the audience.**

Waitsel B. Smith Jr. at 1419 Poplar St NW addressed the board. Mr. Smith stated he is concerned about the name of the church, Outcast Community Church and what they represent. He also stated his concern about any new property owners in the neighborhood, the traffic and signage. He stated all of the surrounding neighbors are against this idea.

Vice Chair Case stated the Planning Board cannot regulate what is done inside the church, only the land use.

The applicant, Josh Clark addressed Mr. Smith’s concerns and any from the board. The church doesn’t plan on making any exterior changes other than signage. They need to expand the church for more room and growth.

**Board Member Bryant made a motion to renew the previous approved motion. Board Member Scobie seconded this motion, which was voted upon and passed unanimously.**

**2. R# 3-24                      Ellison Place (various parcels)**

Applicant:                      David Reule

Owners:                         Virginia B. Mullis

Location:                      Ellison Place (various parcels)

The applicant is requesting a Conditional Zoning District to accommodate 11 single-family lots along Ellison Place.

*Recommended Action:* *Approval of the request, and call for a public hearing at City Council on August 20, 2024.*

Planning Director, Hannah Williams presented the case for 111 Fairview Drive NW. The applicant is requesting a Conditional Zoning District for four (4) vacant properties to

build 11 single family homes, where each lot will be at least 6,000 square feet. The base zoning district for this request is, B-6 (transitional business), which allows for 10,000 square foot lots. Most of the street is currently vacant, with only 2 houses. The applicant, David Ruele has the property under contract. This conditional zoning ordinance would leave B-6 as the base zoning district and have special standards for single family development. The property at 119 Ellison Place is excluded from this Conditional Zoning and will retain the B-6 zoning. If this case is approved by the Planning Board and City Council, the Planning Department would then need a subdivision plat and zoning permits would be required for each lot. Staff is recommending approval of this request. Mrs. Williams read the consistency statement for the record.

Hannah Williams and the applicant, David Ruele answered the board questions.

Thad Mullis at 119 Ellison Pl NE addressed the board. Speaking for himself and neighbor, Jim Greene. This property originally was owned by his grandfather, but the original design of the neighborhood never transpired. It was zoned residential and then rezoned to B-6. Mr. Mullis stated he is concerned about the number of houses that will be built and the traffic to get on Hwy 321.

Board member Bryant stated she is worried the street is not wide enough for emergency vehicles to enter and exit. Ms. Bryant asked if a new road could be made to help with this problem. Planning Director, Hannah Williams stated Ellison Place is a 2 lane road.

The applicant, David Ruele spoke regarding the concerns. He stated he is planning to build nice but affordable houses, which is needed. If the plans change with possibly a new road the cost of the houses will go up.

The board discussed the traffic and emergency services vehicles concerns and the access to the houses.

Board Member Bryant made a motion to table, no seconds were made.

**Board Member Scobie made a motion to approve the request as presented with conditions that there is adequate room at the paving width of Ellison Place for emergency vehicles access and call for a hearing for City Council to consider the request on August 20, 2024. Board Member Baker seconded the motion, the motion passed with 5 votes in favor, 1 against from Board Member Bryant.**

#### **OTHER BUSINESS**

1. Staff provided an updated list of issued zoning permits to the board, as general information.
2. Vice Chair Case welcomed new member, Edward Terry to the Planning Board.

#### **ADJOURNMENT:**

Having no other matters to bring before the Board, Vice Chair Case adjourned the Planning Board meeting at 7:10 p.m.

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**Lucy McCarl**  
**Chairperson**

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**Hannah Williams**  
**Planning Director**

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## PLANNING DEPARTMENT MEMORANDUM

CITY OF LENOIR, 801 WEST AVENUE, LENOIR, NC 28645

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**TO:** Lenoir Planning Board  
**FROM:** Hannah Williams, AICP, Planning Director  
**DATE:** August 16, 2024  
**SUBJECT:** Proposed Ordinance Amendment for Electronic Message Boards (ZOA 1-24)  
**CC:** Scott Hildebran, City Manager  
TJ Rohr, City Attorney  
Doug Perkins, Applicant

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Doug Perkins of Mt. Pilgrim Baptist Church has made an application to the Planning Board for a Zoning Ordinance Amendment. Perkins is proposing to allow Electronic Message Boards (EMB) and internal illumination of signs in residential districts.

### **Signs in Residential Zoning Districts**

Signs in residential districts are restricted more than signs in commercial and industrial districts. Currently, EMB signs and internal illumination of signs are prohibited in residential districts. Section 1108 of the sign code is copied below:

1108 Signs In Residential Districts - In residential zoning districts (R-R, R-20, R-15, R-12, R-9, and R-6), signs must conform to the following:

- (a) On individual lots in residential zoning districts, including detached, semi-detached, and townhome lots, individual signs are limited to 3 sq. ft. with a maximum of 9 square ft. of total sign area permitted per road frontage, per lot. This sign area allowance includes but is not limited to: home occupation signs, lawn signs, real estate signs, contractor signs, and non-commercial signs. Signs may be freestanding, mounted to a permanent building structure or displayed in a window and may be permanent or temporary. These signs do not require a zoning permit.
- (b) Major subdivisions, planned unit developments, multi-family developments, and non-residential special uses with an approved special use permit located within residential zoning districts are permitted one monument sign not to exceed 32 sq. ft. in area and 6 ft. in height for each separate street entrance (for major subdivisions) or street frontage (for single development sites). Individual principal buildings are also allowed 8 sq. ft. of wall signage. All signs permitted by this subsection require approval of a uniform sign plan and a zoning permit.
- (c) Electronic Message Boards and internal illumination of signs are prohibited in residential districts.

By the code above, a non-residential use in a residential zone is allowed one type of freestanding sign: a 6-foot tall monument sign with up to 32 square feet of copy area. Building-mounted wall signs are allowed with 8 square feet of copy area. Today, neither building-mounted nor freestanding signs are permitted an EMB in residential districts.

EMB signs are further regulated in Section 1107.6 of the sign code, in subsection C and in footnotes in Figures 1109 and 1110.

1107.6 Illumination and Electronic Signs - Illuminated and electronic signs, where otherwise permitted by this Article, shall conform to the following:

- (c) *Electronic Message Boards.* Electronic message boards are limited to light emitting diode (LED) or liquid crystal display (LCD) boards and shall not contain any scrolling, moving, or animated display. The minimum time between display changes shall be three seconds for on-site commercial signs and eight seconds for billboard signs.

This section requires EMB signs to display static images that are not animated, and that images must display for at least 3 seconds for on-site commercial signs.

Footnote 2 of Figure 1109 and 1110:

Electronic Message Boards must be oriented to face away from any adjacent residential property.

### **Existing Violations**

Planning staff has inspected signs on all churches in residential districts in the City, and have found three sites in violation of the EMB sign prohibition. None of these sites are currently under zoning enforcement. Appropriate action will be taken pending the results of this ordinance amendment application.

### **Zoning Analysis**

Residential zoning districts provide quiet neighborhood environments, with the general usage meant for residential and family life. The form, design, and intensity of nonresidential uses are scaled down to limit disturbance. For these reasons, electronic message board signs, which can be bright, distracting, and highly visible, have been prohibited in residential districts. Residential districts are compatible with low traffic areas. An EMB sign could cause a disproportionate amount of disturbance to the surrounding neighborhood compared with the number of people who might see the message an EMB conveys in a residential area. The City of Lenoir is not alone in a prohibition on EMBs in residential districts. Hickory, Boone, and Wilkesboro ordinances all have similar EMB prohibitions in residential districts in their zoning ordinances.

However, it is possible to regulate electronic message boards in residential districts without a full prohibition. For example, the City of Morganton allows up to 50% of the copy area of any wall sign or freestanding sign to be electronic changeable copy in residential and commercial districts. Additionally, a case can be made to support the cause of religious and civic institutions, whose functions and events provide a community benefit. Recently, the City of Whiteville changed their sign ordinance to allow religious institutions to have EMB signs in the ETJ residential zoning district. Residential districts in the Whiteville city limits still prohibit all EMB signs.

Currently, the zoning ordinance does not regulate signs by owner or purpose. The focus of Lenoir's sign regulation is on type, size, location, and design. But it is possible for the zoning ordinance to allow for religious and civic institutions to have EMB signs in residential districts. EMB signs can be further regulated with a limitation on copy area, and timing of the display. See sample ordinance language below.

### **Proposed Ordinance by Applicant**

1108 Signs In Residential Districts - In residential zoning districts (R-R, R-20, R-15, R-12, R-9, and R-6), signs must conform to the following:

(c) Electronic Message Boards and internal illumination of signs are ~~prohibited~~ permitted in residential districts.

### **Alternate Ordinance Proposal**

1108 Signs In Residential Districts - In residential zoning districts (R-R, R-20, R-15, R-12, R-9, and R-6), signs must conform to the following:

(c) ~~Electronic Message Boards and internal illumination of signs are prohibited in residential districts.~~ For religious and civic Institutions located in residential districts, up to 50% of the sign copy area of the monument sign may be an Electronic Message Board.

- (i) EMBs must be oriented to face away from any adjacent residential property.
- (ii) EMBs must be programmed to shut off between the hours of 9PM and 7AM.

**Statement of Plan Consistency and Reasonableness**

*Below are two draft consistency statements approving or denying the request. A consistency statement must be read into the record and a motion made to adopt or reject the statement prior to a motion being made regarding the ordinance amendment request.*

**(Motion to approve)** While the proposed zoning ordinance amendment is not considered in the policy concepts found within the Lenoir Comprehensive Plan, the review of existing development ordinances and identification of regulations needing updating or removal is appropriate. The plan also encourages community collaboration in development decisions. Therefore, the proposed ordinance is consistent with the strategies discussed in the Comprehensive Plan. The amendment is reasonable and in the public interest because it promotes equitable sign regulations in all zoning districts.

**(Motion to deny)** The proposed zoning ordinance amendment is not consistent with the Lenoir Comprehensive Plan Lenoir because it does not align with the land use strategies in the Comprehensive Plan, which calls for protecting the distinctive residential character of Lenoir's neighborhoods. Therefore, the proposed amendment is not in the public's interest at this time.

## Permit Report

07/15/2024 - 08/16/2024

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

Group:

|  |  |  |  |  |  |  |
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Group Total: 3

Group: Accessory

|         |           |           |                |          |                                                           |                   |
|---------|-----------|-----------|----------------|----------|-----------------------------------------------------------|-------------------|
| 2024200 | 8/2/2024  | Accessory | Barry Canipe   | 8/2/2024 | 16x8 deck, 16x4 ramp                                      | 2133 OLDE FARM RD |
| 2024199 | 8/2/2024  | Accessory | Ginger Blinson | 8/8/2024 | 12'x24' carport                                           | 321 MULBERRY ST   |
| 2024197 | 7/31/2024 | Accessory | Corrie Shelton | 8/1/2024 | I would like to add a 10X16 or 12X16 shed to the property | 812 SPRINGSIDE PL |
|         |           |           |                |          |                                                           |                   |

Group Total: 3

Group: Driveway

|         |           |          |             |           |                          |                      |
|---------|-----------|----------|-------------|-----------|--------------------------|----------------------|
| 2024191 | 7/25/2024 | Driveway | Mary Mullin | 7/25/2024 | Two-phase driveway (70') | 1036 WILLIAMSBURG DR |
|         |           |          |             |           |                          |                      |

Group Total: 1

Group: Floodplain Development

|         |           |                        |                    |  |                      |                    |
|---------|-----------|------------------------|--------------------|--|----------------------|--------------------|
| 2024187 | 7/22/2024 | Floodplain Development | Richard L Saunders |  | Retail Shed Business | 1202 NORTH MAIN ST |
|         |           |                        |                    |  |                      |                    |

Group Total: 2

Group: Manufactured Home

|         |           |                   |                 |          |                                                                         |                     |
|---------|-----------|-------------------|-----------------|----------|-------------------------------------------------------------------------|---------------------|
| 2024201 | 8/6/2024  | Manufactured Home | Shawn Corpening | 8/6/2024 | double-wide                                                             | 826 LINK PL         |
| 2024196 | 7/31/2024 | Manufactured Home | Sam Zayicek     | 8/1/2024 | Setup a new singlewide 14x66 manufactured home on vacant lot inside MHP | 1425 Furrow Lane SW |

|         |           |                   |             |          |                                                                     |                     |
|---------|-----------|-------------------|-------------|----------|---------------------------------------------------------------------|---------------------|
| 2024195 | 7/31/2024 | Manufactured Home | Sam Zayicek | 8/1/2024 | Setup a singlewide 14x60 manufactured home on vacant lot inside MHP | 1425 Furrow Lane SW |
|         |           |                   |             |          |                                                                     |                     |

Group Total: 3

Group: Non-residential

|         |           |                 |                         |           |                                                                                                         |                     |
|---------|-----------|-----------------|-------------------------|-----------|---------------------------------------------------------------------------------------------------------|---------------------|
| 2024192 | 7/26/2024 | Non-residential | Carrols, LLC            |           | Addition of a second drive-thru lane at the existing Burger King at 102 Blowing Road Road (Lenoir, NC). | 102 BLOWING ROCK BV |
| 2024188 | 7/22/2024 | Non-residential | Richard L Saunders      |           | Retail Shed Business                                                                                    | 1202 NORTH MAIN ST  |
| 2024184 | 7/15/2024 | Non-residential | Floyd Christopher McCoy | 8/12/2024 | ACM Band install and drive through canopy install                                                       | 670 MORGANTON BV    |
|         |           |                 |                         |           |                                                                                                         |                     |

Group Total: 4

Group: Permanent Sign

|         |           |                |                      |           |             |                     |
|---------|-----------|----------------|----------------------|-----------|-------------|---------------------|
| 2024204 | 8/9/2024  | Permanent Sign | Frye's Signs Company | 8/9/2024  | sign        | 626 HARPER AV       |
| 2024203 | 8/7/2024  | Permanent Sign | Will Coffey          | 8/7/2024  | sign        | 113 TREMONT PARK DR |
| 2024190 | 7/24/2024 | Permanent Sign | Jon Rogers           | 7/24/2024 | sign        | 920 WILKESBORO BV   |
| 2024185 | 7/15/2024 | Permanent Sign | Miranda Hernandez    | 7/15/2024 | sign-church | 603 LOWER CREEK     |
|         |           |                |                      |           |             |                     |

Group Total: 4

Group: Residential Addition

|         |           |                      |             |           |              |                     |
|---------|-----------|----------------------|-------------|-----------|--------------|---------------------|
| 2024189 | 7/23/2024 | Residential Addition | Marta Lazo  | 7/22/2024 | additions    | 225 TAYLORSVILLE RD |
| 2024186 | 7/17/2024 | Residential Addition | Cobb Milner | 7/17/2024 | covered deck | 1514 WAKEFIELD DR   |
|         |           |                      |             |           |              |                     |

Group Total: 2

Group: Single Family Home

|         |           |                    |                   |           |                    |                       |
|---------|-----------|--------------------|-------------------|-----------|--------------------|-----------------------|
| 2024206 | 8/9/2024  | Single Family Home | Marcelo Hernandez | 8/9/2024  | single family home | 1626 DULATOWN RD      |
| 2024202 | 8/7/2024  | Single Family Home | Victory Builders  | 8/7/2024  | single family home | 1203 Summerhill St SW |
| 2024183 | 7/15/2024 | Single Family Home | Claudiu Popan     | 7/15/2024 | single family home | 141 HAIGLER RD        |
|         |           |                    |                   |           |                    |                       |

Group Total: 3

Group: Temporary Advertising

|         |           |                       |                     |           |                                          |                    |
|---------|-----------|-----------------------|---------------------|-----------|------------------------------------------|--------------------|
| 2024205 | 8/9/2024  | Temporary Advertising | Redline Auto Sports | 8/9/2024  | temp flags                               | 1120 NORTH MAIN ST |
| 2024194 | 7/30/2024 | Temporary Advertising | Keith Marquez       | 7/30/2024 | 4x8 banner, balloons, blown-up stringman | 515 WILKESBORO BL  |
|         |           |                       |                     |           |                                          |                    |

Group Total: 2

Group: Zoning Verification

|         |          |                     |                          |          |                            |                  |
|---------|----------|---------------------|--------------------------|----------|----------------------------|------------------|
| 2024198 | 8/1/2024 | Zoning Verification | Naudy Elias Hidalgo Pena | 8/1/2024 | Zoning Verification Letter | 2308 ICENHOUR CT |
|         |          |                     |                          |          |                            |                  |

Group Total: 1

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

Total Records: 28

8/16/2024