



Lenoir Planning Board

Agenda • September 23, 2024

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

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 October 15, 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 August 26, 2024 Minutes

OLD BUSINESS**1. ZOA# 1-24 Electronic Message Boards in residential
 Tabled from August 26, 2024**

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 October 15, 2024.*

NEW BUSINESS**1. R# 4-24 134/134B Ideal Drive SE**

Applicant: Joseph Lutz

Owners: Edward J. Lutz & Carolyn W. Lutz Revocable Living Trust

Location: 134/134B Ideal Drive SE

The applicant requests that the City re-zone 134/134B Ideal Drive SE from R-12 (Medium Density, Single Family) to R-6 (High Density Residential).

Recommended Action: *Approval of the request, and call for a public hearing at City Council on October 15, 2024.*

2. R# 5-24 Hickory Blvd. (321 and Victoria Ct. intersection)

Applicant: William H. Stewart Jr. and Mark Alexander

Owners: Southwood Realty Company

Location: Hickory Blvd. (321 and Victoria Ct. intersection)

The applicant requests rezoning the property which is currently split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business).

Recommended Action: *Approval of the request, and call for a public hearing at City*

Council on October 15, 2024.

3. ZOA# 2-24 Pole Banners

Applicant: UNC Health Caldwell –Emma Shell

Owners: Caldwell Memorial Hospital C/O Jim Smith

Location: 321 Mulberry Street

The applicant is proposing amending Article XI, section 1101.2 of the Lenoir Zoning Ordinance related to Exempt Signs.

Recommended Action: Approval of the request, and call for a public hearing at City Council on October 15, 2024.

OTHER BUSINESS

- 1. Update on zoning permits issued.**

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
August 26, 2024
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, Tim Scobie, Edward Terry, Dontrell Parson

MEMBERS ABSENT: Kyle Case

STAFF PRESENT: Hannah Williams, Lauren Hartley, Matt Duchan

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

MINUTES:
Board Member Scobie made a motion to approve the meeting minutes of July 22, 2024, seconded by Board Member Parson. All were in favor, none opposed.

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.

Hannah Williams, Planning Director presented text amendment ZOA# 1-24 for Electronic Message Boards (EMB) signs in residential zoning. Mt. Pilgrim Baptist Church has submitted this request for a text amendment to state:

- ▶ 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 permitted in residential districts

Mrs. Williams read the definition and regulations from the Lenoir sign code for Electronic Message Boards stating these signs are prohibited in residential zoning districts. The church is located in the R-6 (multi-family) zoning district. If this amendment is granted, it would apply to

all properties in residential. Staff provided an alternate proposal request by staff stating:

- ▶ 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.

Mrs. Williams read 2 consistency statements for motion to approve and motion to deny the request for the record.

The applicant, Doug Perkins at 845 Corpening Place approached the board. He attends Mt. Pilgrim Baptist Church where Ike Perkins, his father is the pastor. The church was in the market for a new sign to enhance their religious spirits and get their message out. The church is in a residential area, but there are not many houses surrounding it. They do not plan to have any flashing lights or movement with the sign. Mr. Perkins stated he believes this is a good amendment to consider and thanked the board for their time.

The board discussed the time restrictions, message type, and lighting or lumens.

Rev. Roger Beck at 4638 Blair Drive approached the board. He is the senior pastor at Meadowbrook Baptist Church. The church previously had a marquee sign, but was able to buy an EMB sign with a memorial that was given. The church went through a sign company but they failed to get the proper permit. Rev. Beck stated he is all for the text amendment and EMB signs being allowed in residential, these signs are much easier to get the message across. He stated, you never know when God is going to use a word to speak with someone, our church doesn't want to be a nuisance to the community and will abide to any rules.

Tim Baker at 207 Ridge Street NW is the associate pastor at Meadowbrook Baptist Church. Chairperson McCarl asked if the sign could be programed to be turned off at sundown. Mr. Baker replied yes and stated at this time the sign does scroll but can be changed to make it stationary. The light is not bright and doesn't emit out. The church would have an issue with the sign not being able to face any adjacent residential property. The church does have houses around it, but they have not received any complaints. Mr. Baker asked if it would be possible for the City of Lenoir to adopt the same ordinance used for Caldwell County, he read the ordinance to the board. Chairperson McCarl stated yes, they would look into it.

Board member Baker brought up the lumens in EMB signs and how to incorporate that in the text amendment.

Board Member Baker made a motion to approve the alternate request with (i) removed as presented. Board Member Scobie seconded the motion.

Hannah Williams stated she is not prepared to discuss lumens at this time, but could research it.

Board Member Lazo made a motion to amend the previous approval and to remove (i) and (ii) in the alternate request as presented. Board Member Baker seconded the motion.

A discussion ensued about the brightness, lumens and time restrictions of the EMB signs being in residential zoning.

Board Member Bryant made a motion to table the text amendment request until September 23, 2024 for more information on lumens and light restrictions. Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

Planning Director, Hannah Williams continued with her presentation on Electronic Message Boards. There is conflict in the sign code. The B-3 zoning does not allow EMB signs, in the code it states to refer to the B-6 zoning for ground mounted signs. The B-6 zoning does allow for EMB signs. Hannah gave these proposed ordinances:

- ▶ Electronic Message Boards are prohibited or permitted in B-6.
- ▶ Electronic Message Boards are prohibited or permitted in the National Register Historic District in Downtown Lenoir
- ▶ Electronic Message Boards are prohibited or permitted in O&I, B-1, and B-5

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, Vice Chair Case adjourned the Planning Board meeting at 6:54 p.m.

Lucy McCarl
Chairperson

Hannah Williams
Planning Director

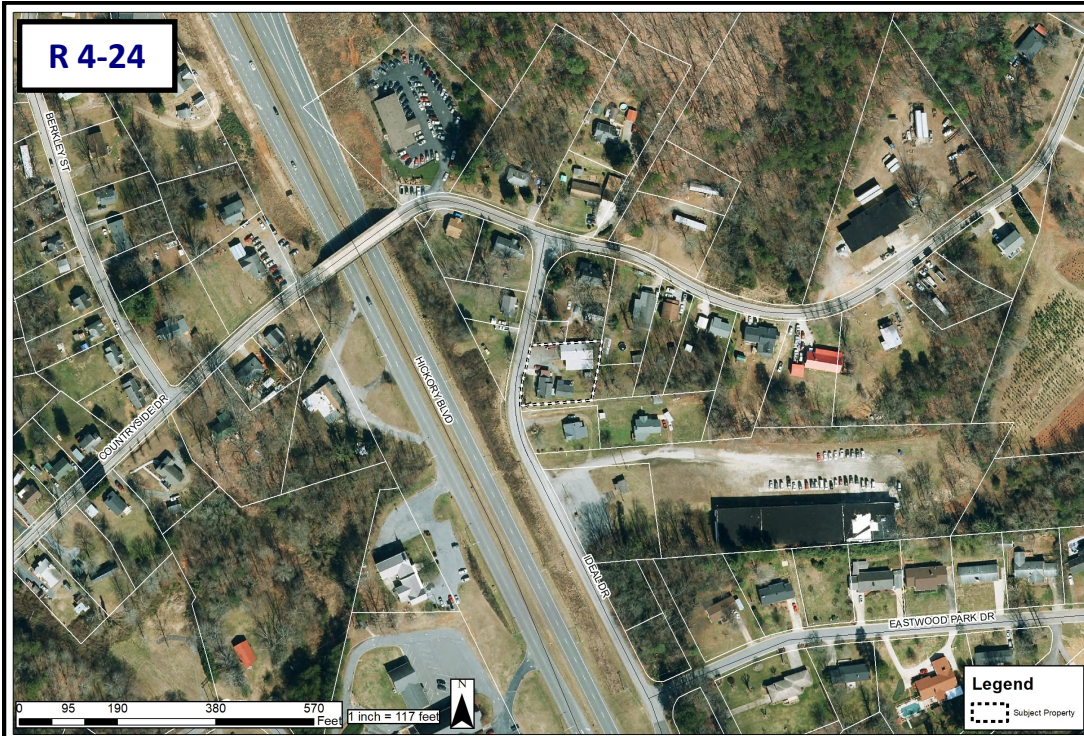


Staff Report

Zoning Amendment

CASE NUMBER R #4/24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property

134 Ideal Dr

SUMMARY

Owner

Edward J Lutz & Carolyn W Lutz
Revocable Living Trust

Applicant

Joseph Lutz

Location

134/134B Ideal Drive

NCPIN

2758560560

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated September 11, 2024

Description of Request:

The applicant requests that the City re-zone 134 Ideal Drive SE from R-12 (Medium Density, Single Family) to R-6 (Multi-family), as the applicant would like to divide the parcel into two in order to separate the workshop building from the residence. Each resulting lot will be lower than R-12 required lot size.

Staff Recommendation:

Approval of the request, based on the consistency statement on page 7.

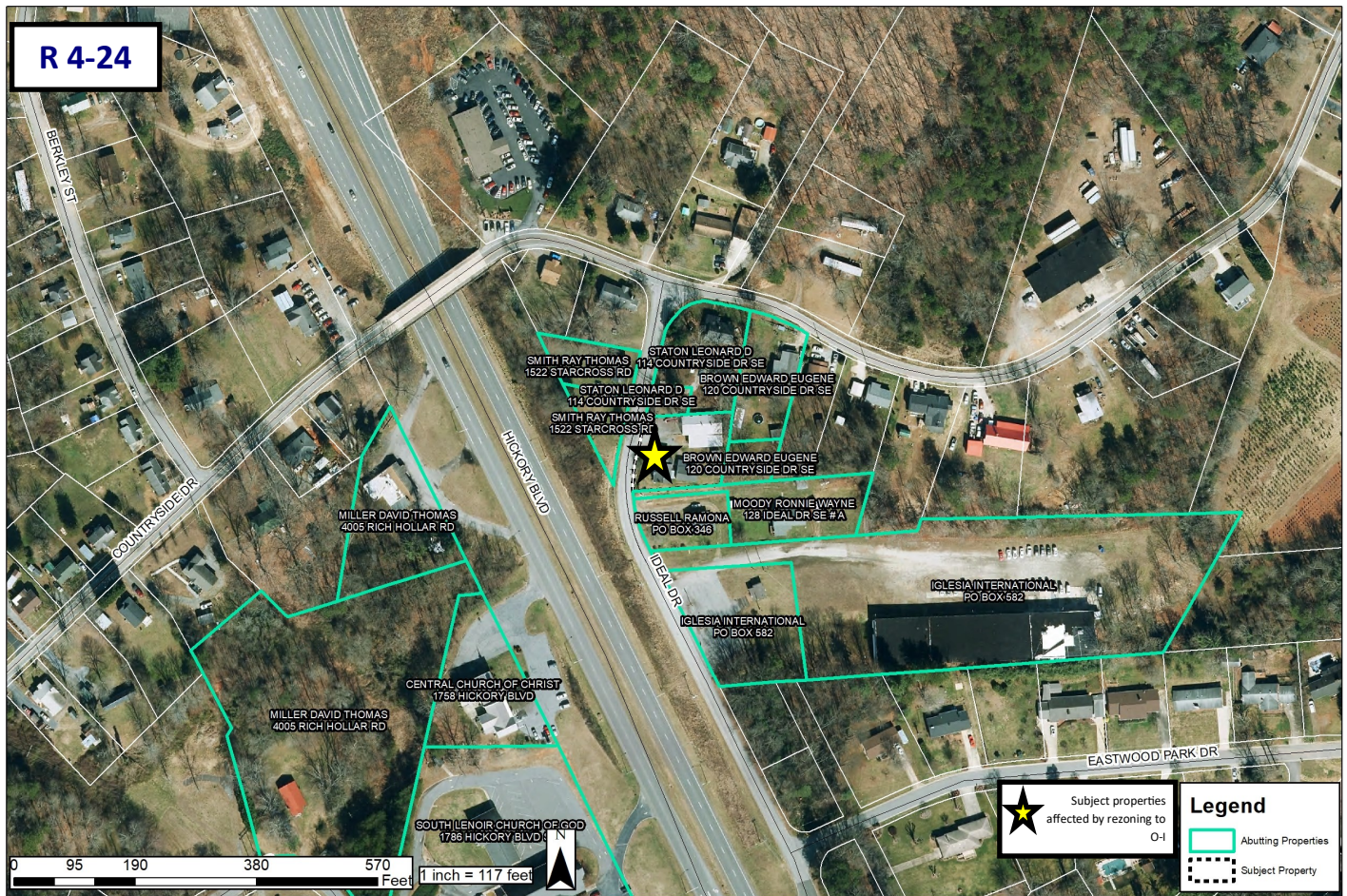
Planning Board Recommendation:

Public Comment:

Planning Board Meetings: September 23, 2024. Notices were mailed to adjacent property owners on or before September 13, 2024.

City Council (Public Hearing): Anticipated to be scheduled for October 22, 2024.

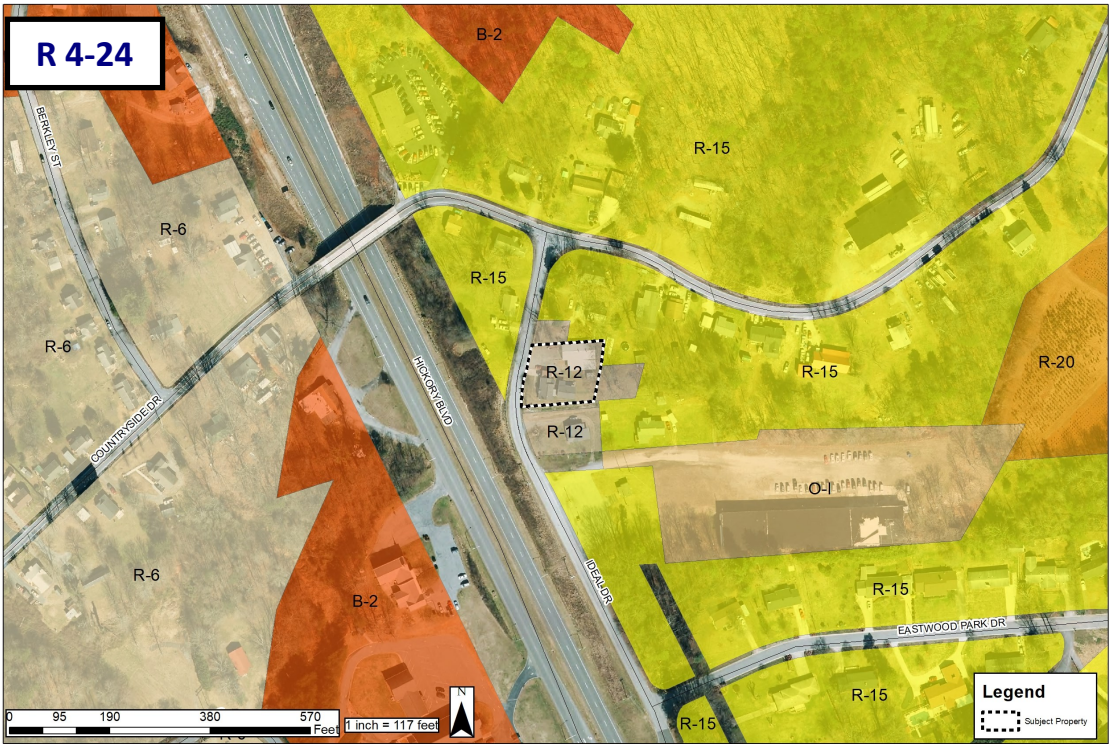
ABUTTING PROPERTY OWNERS



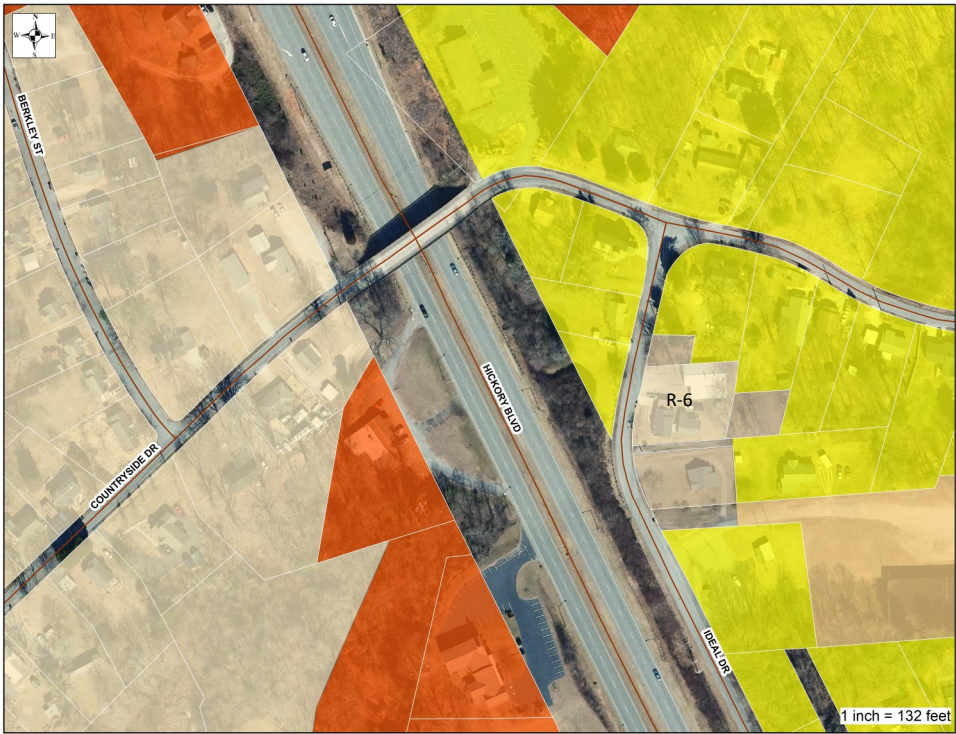
NCPIN	Name	Address	City	State	Zip Code
2758560518	Leonard & Mavis Station	114 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561651	Edward Eugene Brown	120 COUNTRYSIDE DR SE	LENOIR	NC	28645
2758561213	Iglesia International Cristo Vive Inc.	PO BOX 582	LENOIR	NC	28645
2758468684	Ray Thomas Smith & Sylvia Smith	1522 STARCROSS RD	LENOIR	NC	28645
2758453998	David Thomas Miller	4005 RICH HOLLAR RD	Lenoir	NC	28645
2758457854	South Lenoir Church of God	1786 HICKORY BLVD SW	LENOIR	NC	28645
2758560349	Ramona Russell	PO BOX 346	LENOIR	NC	28645
2758467123	Central Church of Christ	1758 HICKORY BLVD	LENOIR	NC	28645
2758562401	Ronnie Wayne Moody	128 IDEAL DR SE # A	LENOIR	NC	28645

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-12



Proposed Zoning: R-6



BACKGROUND AND STAFF ANALYSIS

Zoning Map Amendments

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

Intent of the Zoning Districts

R - 12 Residential (Single-family) District is intended to establish and preserve land within the city for medium density single-family residences and compatible land uses. Regulations are designed to allow predominately single-family residences at medium densities, with duplex, townhome, low-rise apartments, and planned residential developments allowed at compatible densities as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

R - 6 Residential (Multi-family) District is intended to establish and preserve areas of land within the city for medium and high density residences, including single family, doublewide manufactured homes, duplexes, townhomes, multi-family developments, and other compatible uses at appropriate densities. Higher density multi-family developments are allowed as special uses. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Applicant's Request

The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into two lots so that the house can stand alone on one lot and a workshop can stand on the second lot. The subject property cannot be subdivided in its current zone, R-12 district (Medium Density Single Family), where lot size is 12,000 square feet. The resultant lots would each be 7,200 to 8,500 SF. Rezoning this lot to R-6 would enable the applicant to continue to own his 3000 SF workshop while selling the rental house on the property.

Subject and Surrounding Properties

The subject property is addressed as 134 Ideal Drive, located off of Hickory Boulevard (US-321) just north of the Civic Center. The property features the aforementioned workshop (~3000 sq. ft.) addressed as 134-B Ideal Dr, as well as a carport in addition to a single-family home and an accessory structure at the rear, which total around 2000 sq. ft.

Some of the properties immediately surrounding 134 Ideal Drive are zoned R-12. On Countryside Drive, the vast majority of properties on the east side of 321 are zoned R-15, while the west side of 321 is zoned B-2 along the highway frontage. The R-6 (multi-family) zoning district comprises the western neighborhoods beyond 321 (Ideal Drive, Berkley Street, Locust Place).

Whitnel Towing and the former (condemned) Kingdom Hall are nearby on Countryside Drive. Iglesia Internacional Cristo Vive, south of the subject property is currently zoned O-I. The church's building was used as a truck rental company up until the church bought the property in 2013. This property as well as the subject property border single-family neighborhoods to the north and south. The neighborhood to the south of the church is Eastwood Park which is bounded by the Civic Center campus to the south.

Zoning Analysis

The applicant's request to rezone the subject property to R-6 is considered a "spot zone" by definition. Spot zones are not illegal in NC, but good zoning practice dictates that such requests be scrutinized for their overall compatibility with the surrounding districts, and not be arbitrarily applied. Staff reviewed the area and found the development standards of proposed R-6 zone to be somewhat consistent with the development pattern in the area.

The subject property is in a transitional area between a major highway corridor and an established neighborhood. This section of Ideal Drive serves as a ramp between US-321 and a low density residential area. Zoning districts are rarely flawless in these transitional zones—which is why non-residential uses, such as impound lots, truck rentals, and churches exist in the area that has residential zoning.

The R-6 zoning district has shallower setbacks than R-12. The existing home at 134 Ideal Dr will be more conforming to the zoning district. The R-12 district requires a 40' front yard and 12' side yard where the R-6 district requires a 35' front yard and 10' side

BACKGROUND AND STAFF ANALYSIS CONTINUED

yard. The house sits 25' back from front property line, and 10' from the side. While it doesn't meet the development standards exactly, the site is more suited to the R-6 standards.

No zoning analysis is complete without considering the permitted uses in each zone (see Page 6) - however, no land use change is proposed at this time and is unlikely to happen on this .37 acre lot (without introducing nearby properties, which would require their own zoning process). The R-6 zoning district does introduce a mix of housing types into a single family zone. R-12 allows single family homes by right. Duplexes, townhomes, and garden apartments are allowed with a Special Use Permit. R-6 allows those uses by right, along with doublewides, zero lot line dwellings, and bungalow courts. As stated, this property is built out, and it is unlikely any land use change will occur on the property without a larger scale zoning change than what is being proposed today.



Subject property and surrounding area in 2010 (according to Caldwell County GIS).

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 subject neighborhood is already identified as “existing medium residential” and “existing non-residential” on the future land use map of the comprehensive plan. Rezoning the subject property would bring the lot further into conformity with the zoning standards, making future development requests in the neighborhood more straightforward. Staff finds the proposed re-zoning to be consistent with the goals and policy concepts of the Comprehensive Plan.

BACKGROUND AND STAFF ANALYSIS CONTINUED

Comparison of Zoning Districts

	R-12	R-9
Development Standards	Minimum Lot Size — 12,000 ft ² Minimum Lot Width—60 ft. Setbacks Front - 40' Side Yard—12' Street Side Yard: 25' Rear Yard - 30'	Minimum Lot Size — 9,000 ft ² Minimum Lot Width—50 ft. Setbacks Front - 35' Side Yard—12' Street Side Yard: 25' Rear Yard - 25'
Summary of Permitted Uses*	Accessory Cottage or Apartment Family/Group Care Facilities (1-6) Dwelling, Single-Family Detached	Accessory Cottage or Apartment Attached Dwellings (Townhomes) Bungalow Court
Summary of Special Uses (R-12)*	Duplexes Attached Dwellings (Townhomes) Bed & Breakfast Duplexes Manufactured Home Parks (Existing) Multi-Family, low-density (Garden Apartments) Planned Residential Development Group Housing (1-6, no care provided)	Duplexes Dwelling, Single-Family Detached Manufactured Home (Class A Doublewide) Multi-Family, low-density (Garden Apartments—4.8 units/ac) Family/Group Care Facilities (1-6) Zero Lot Line Dwelling
		Bed and Breakfast Cultural and Community Facilities (Church) Multi-family high density (9 units/ac) Group Housing (non-care, 1-6 residents) Family/Group Care Facilities (7+ residents) Public Service Facilities

*See Section 600 Tables A and B for a complete list of permitted and special uses in each district.

PROPERTY PHOTOS



View of property facing south on Ideal Dr.



View of middle of property separating house on right, workshop on left.



View of property facing north on Ideal Dr.



View of subject property from the south. On the right is 128 Ideal Dr.

PROPERTY PHOTOS



Iglesia Internacional Cristo Vive, already zoned O-I



Property owned by IICV, currently zoned R-15

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 September 23, 2024:

The proposed zoning map amendment is consistent with the adopted Comprehensive Plan because it establishes zoning that is more consistent with the adopted future land use map designated the area to remain “medium density residential,” and better matches the existing development pattern. This will ensure fair and efficient growth, reduce non-conformities, and establish sensible, straightforward zoning standards. The proposed amendment is reasonable and in the public interest because it promotes infill development at appropriate densities, making more efficient use of the City’s existing infrastructure investments while creating opportunities for affordable housing for people in all stages of life.

PLANNING BOARD RECOMMENDATION



Staff Report

Zoning Amendment

CASE NUMBER R #5-24

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property
Hickory Blvd
(US-321)

SUMMARY

Owner

William H. Stewart Jr. & Mark Alexander

Applicant

Southwood Realty Company

Location

Hickory Blvd. (321 and Victoria Ct. intersection)

NCPIN

2758732805

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Updated September 11, 2024

Proposed Amendment:

The applicant is requesting to rezone the property, split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed multi-family development.

Staff Recommendation:

Approval, based on the consistency statement on page 6.

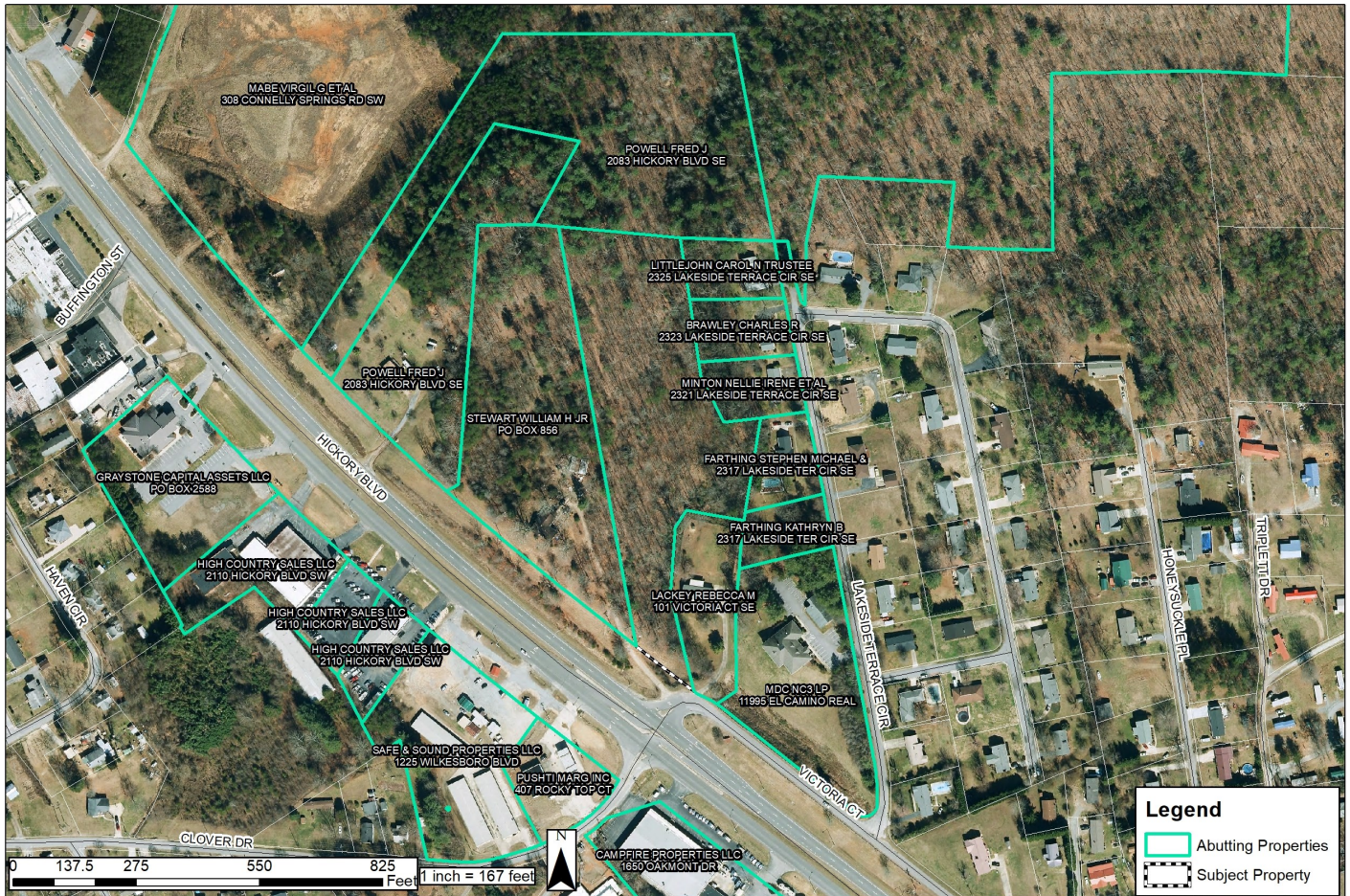
Planning Board Recommendation:

Public Comment:

Planning Board Meeting: Scheduled for September 23, 2024. Notices were mailed to adjacent property owners on or before September 13, 2024.

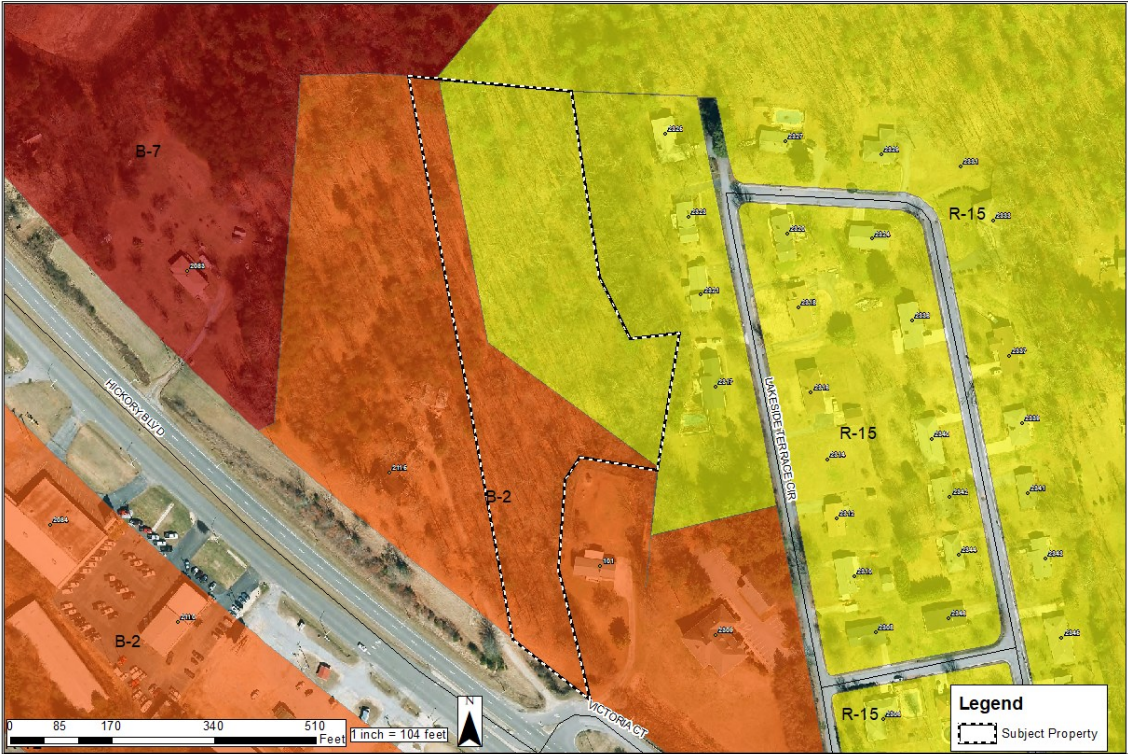
City Council (Public Hearing): Anticipated to be scheduled for October 22, 2024.

ABUTTING PROPERTY OWNERS

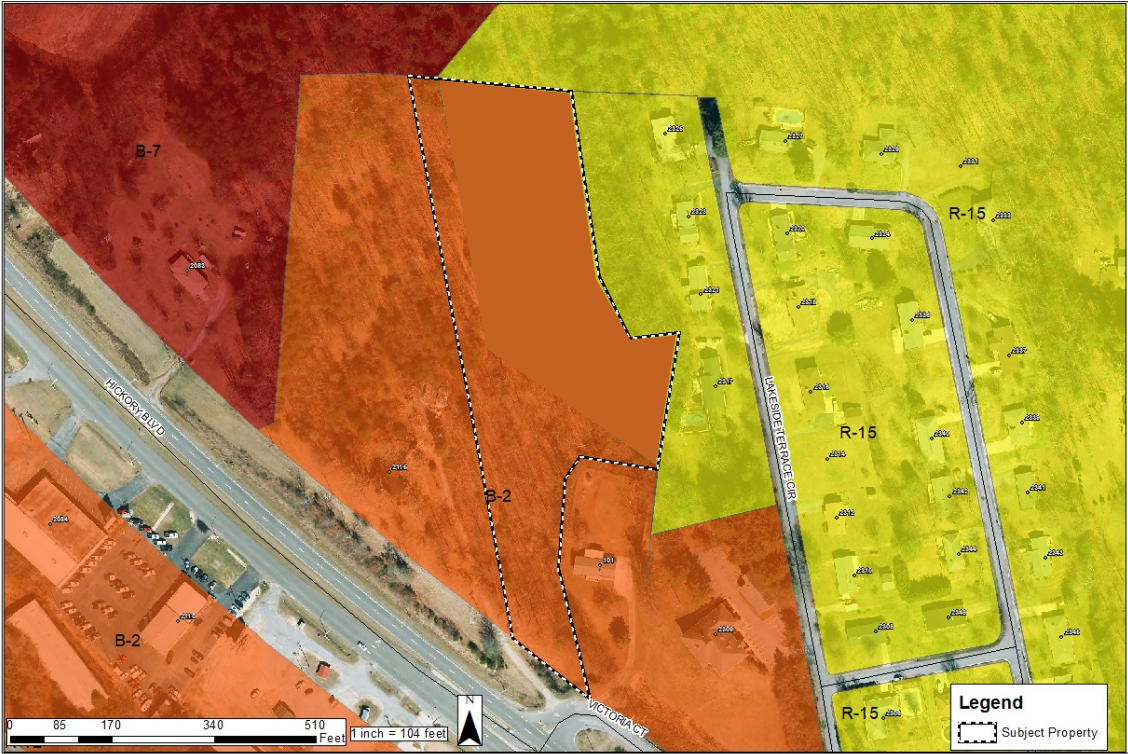


NCPIN	Name	Address	City	State	Zip Code
2758635382	High Country Sales LLC	2110 HICKORY BLVD SW	LENOIR	NC	28645
2758637151	Safe & Sound Properties LLC	1225 WILKESBORO BLVD	LENOIR	NC	28645
2758646611	Virgil Mabe et al	308 CONNELLY SPRINGS RD SW	LENOIR	NC	28645
2758735360	MDC NC3 LP	11995 EL CAMINO REAL	SAN DIEGO	CA	92130
2758639073	Pushti Marg Inc.	407 ROCKY TOP CT	LENOIR	NC	28645
2758647113	Fred & Margaret Powell	2083 HICKORY BLVD SE	LENOIR	NC	28645
2758743094	Charles & Megan Brawley	2323 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758735630	Kathryn & Stephen Farthing	2317 LAKESIDE TER CIR SE	LENOIR	NC	28645
2758733415	Rebecca Lackey	101 VICTORIA CT SE	LENOIR	NC	28645
2758631712	Graystone Capital Assets LLC	PO BOX 2588	HICKORY	NC	28603
2758639922	William Stewart Jr. & Mark Alexander	PO BOX 856	CORNELIUS	NC	28031
2758722797	Campfire Properties LLC	1650 OAKMONT DR	LENOIR	NC	28645
2758734911	Nellie Minton et al	2321 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645
2758743178	Carol Littlejohn & Trustees	2325 LAKESIDE TERRACE CIR SE	LENOIR	NC	28645

Existing Zoning: R-15/B-2



Proposed Zoning: B-2



BACKGROUND AND 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.

Intent of the Zoning Districts

The R-15 Residential (Single-family) District is intended to accommodate low density single-family residences and compatible land uses. R-15 is normally serviced by public water and sewer facilities. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

The 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 located along Hickory Blvd (US-321) at the Victoria Court intersection and is split zoned B-2 and R-15. The property is a little over five (5) acres and is currently vacant. This property is generally hilly as you go north and features a creek on the eastern side of the property. While this property abuts a neighborhood, it is generally buffered with mature trees so as to provide adequate separation from adjacent homes. The three homes that run along the northeast side of the parcel are all over 100' from their rear property lines.

The property to the west is zoned entirely B-2, contains a single home, and is also owned by the subject property's owner. East of the property, all properties are zoned R-15. The Lakeside Terrace neighborhood is just east of the subject property and comprises the majority of adjacent property owners to the south and east. Bumgarner Camping Center is located southeast of the property and Autoworld of Lenoir is southwest of the property, both across 321. The Caldwell County Fairgrounds is around a half-mile south of the site, while the J.E. Broyhill Civic Center is about a half-mile northwest of the subject property.

Reason for Request

The subject property is split-zoned B-2 (General Business) and R-15 (Single-family Residential). The applicant, Southwood Realty has the property under contract to purchase from the owner to develop a proposed 136-unit multi-family apartment complex. In order to utilize the adjacent property to the west, as well as the subject property, B-2 zoning is required to allow for multi-family housing across the entire development. R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 run the gamut from single-family to high-density residential uses as well as functioning as Lenoir's most flexible commercial district.

Location, Location, Location

The subject property is located in a peripheral area of town south, close to city limits where Lenoir and Hudson meet, and would contribute to an ever-pressing need for greater housing stock. In a sense, this area is centralized to both cities and would function well as a commuter community for local industry professionals and App State (Boone and Hickory campuses) and Caldwell Commu-

BACKGROUND AND ANALYSIS (CONT.)

nity College students.

The R-15 portion of the property precludes any form of multi-family housing or commercial development from being built. The current split-zoning would only serve low-density residential and commercial opportunities in an inconsistent fashion. R-15, unlike B-2, is not flexible or highly permissible beyond single-family housing opportunities, whereas B-2 is considered the city's most flexible zoning district.

The Lakeside Terrace neighborhood adjacent to the property will have little to no impacts from this rezoning, since 60% of the tract is already zoned B-2. There is a mature tree line on the subject property that provides a natural buffer between the two properties. That, along with hilly topography and the bank of the creek also provide adequate separation between future development on this tract and the neighborhood, so there are few if any possibilities of interaction.

The proposed development would address the need for greater, denser housing stock in Lenoir, especially to serve growing industry in Lenoir, Caldwell County, and the greater Unifour area. Southwood Realty has carried out several developments in western North Carolina with the vast majority of their developments breaking ground in Gastonia where their headquarters is located.

BACKGROUND AND ANALYSIS

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The current zoning district is intended essentially only for single-family housing, while the proposed zoning district permits a variety of housing types as well as commercial uses. The R-15 zoning district allows for single-family, while The B-2 zoning district allows for a mix of residential uses at all density levels, as well as a variety of commercial uses.

Comparison of Zoning Districts

	R-15	B-2
Development Standards	Min Lot Size– 15,000 SF	Min Lot Size - N/A
	Setbacks	Setbacks
	Front: 40'	Front: 10'
	Side Yard: 15'	Side Yard: 0'
	Street Side Yard: 25'	Street Side Yard: 0'
	Minimum Rear Yard: 35'	Minimum Rear Yard: 20'
Summary of Permitted Uses	Accessory Cottage or Apartment	Accessory Cottage or Apartment
	Dwelling, single family detached	Attached Dwellings (townhomes)
	For special uses see Section 600, Table A in Lenoir Zoning Ordinance	Bed & Breakfast
		Dwelling, Single/Two-Family/Multi-family (medium and high density)/Group
		Billiards and Pool Halls
		Day Care Centers
		Cultural and Community Facilities
		Commercial Kennels
		Eating and Drinking (w/ & w/o drive-thru)
		Greenhouses
		Hospitals/Clinics
		Hotels/Motels
		Manufacturing & Processing: Boutique/Artisan/Light
		Night Clubs
		Office (medical/dental)
		Recreation (outdoor/indoor)
		Retailing (light/intensive)
		Services (automotive/business and personal)
		Shooting Range
		Studios and Specialty Schools
		Veterinarians
		Warehousing
		For special uses see Section 600, Table A in Lenoir Zoning Ordinance

STAFF RECOMMENDATION AND CONSISTENCY STATEMENT

Consistency with the Comprehensive Plan

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 future land use map identifies the subject properties as existing non-residential zones, but is surrounded by existing medium-density residential and existing high-density residential. The plan states that "predominantly single-family zoning districts should be more flexible to allow multi-family development as a permitted use with certain conditions." Additionally, the comprehensive plan calls for development of quality multi-family buildings as a growth destination for both professionals and retirees alike. By changing the zoning designation from R-15 to B-2, this area would have greater flexibility to achieve these policy concepts. Staff finds the proposed re-zoning to be consistent with the goals of the Comprehensive Plan. The change is reasonable and in the public interest because it accommodates future residential development in a convenient and centralized location, which can be better served by city infrastructure when expanded.

PLANNING BOARD RECOMMENDATIONS

SITE PHOTO



STREET VIEW



Site can be accessed via driveway off of Victoria Ct.



Lakeside Terrace & Victoria Ct. Intersection

PLANNING DEPARTMENT MEMORANDUM

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

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: September 13, 2024
SUBJECT: Proposed Ordinance Amendment for Private Utility Pole Banners (ZOA 2-24)
CC: Scott Hildebran, City Manager
TJ Rohr, City Attorney
Emma Shell, Applicant

Emma Shell of UNC Health Caldwell has made an application to the Planning Board for a Zoning Ordinance Amendment. The hospital proposes to add pole banners as a permitted sign type to the Lenoir Sign Ordinance.

Pole Banners in Article XI – Sign Regulations

Pole Banners are only mentioned twice in the sign code. The code currently prohibits signage to be attached to utility poles and light poles, but exempts government-erected banners placed on poles in the public right-of-way.

1. Sec. 1107.4 - Locational Requirements

(d) *Prohibited Locations.* Signs shall not be attached to utility poles, light poles, dumpsters, rocks, trees, or other signs, except as expressly allowed in this ordinance for vertically oriented banners attached to utility poles and light poles.

2. Sec. 1101.2 - Exempt Signs

The following signs are exempt from the sign regulations contained in this ordinance: Signs of duly constituted government bodies, including traffic regulatory devices, street signs, way-finding signs, and vertical banners attached to utility poles in the public right-of-way; legal notices; warnings at railroad crossings; name or address signs on mailboxes; street numbers; customary warning and no trespassing signs.

The applicant proposes to change the ordinance to allow charitable, military, religious, or service organizations to attach vertical banners to private utility or light poles. See the attached letter from the applicant for further information and their proposed text amendment language.

Existing Violations

It was brought to Planning Staff's attention that UNC Health Caldwell was displaying pole banners on their main campus by another organization. This other organization desired to erect their own vertical banners on private light poles and sought permits from the Planning Department – which staff could not do due to the restriction against pole banners. Staff notified the hospital that the banners were in violation of the sign ordinance and discussed remedying steps.

Zoning Analysis

The intent of the sign ordinance is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. Specifically, sign codes intend to:

- (a) Promote and reduce sign or advertising distraction and obstructions that may contribute to traffic accidents,
- (b) Protect commercial property values by creating a more attractive economic and business climate,
- (c) Protect residential property values by creating an attractive aesthetic in residential areas,
- (d) Enhance and protect the physical appearance of the community, and
- (e) Provide fair, equitable, and predictable sign standards.

Pole banners displayed on private light poles can provide a strong sense of place, and enhance the appearance of campus-style developments. They can provide patrons with an idea of what to expect from the goods and services offered on site. However, too many signs can be a distraction to drivers and difficult to maintain in a clear and organized fashion. UNC Health's proposal for only certain non-profit organizations to display pole banners on private light poles, along with design and locational criteria added by staff, may strike an adequate balance between enhancement and organization of these types of banners.

Proposed Ordinance

The applicant proposed an exemption for pole banners erected on private property for charitable, military, religious, or service organizations. However, staff proposes to add vertically-oriented pole banners as a sign type that requires a valid zoning permit.

Definition:

Light Pole Banners: Banners mounted on and with arms installed perpendicular to a light pole in a vertically-oriented manner

Design:

1. Light poles located entirely on private property are permitted to mount banners in all districts. Light pole banners shall not be used as a temporary off-premise advertising sign.
2. A maximum of two light pole banners may be displayed per light pole.
3. Light pole banners are limited to a maximum area of 15 square feet.
4. Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
5. Light pole banners shall be mounted to project perpendicular from light poles.

Other Permit Criteria:

Only charitable, military, religious, or service organizations shall be permitted to erect light pole banners on private property.

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 enhancing sense of place, and limiting distracting signage. This ordinance provides for placemaking for non-profit organizations while placing appropriate restrictions on design and location. 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 limiting signs that can be distracting. Therefore, the proposed amendment is not in the public's interest at this time.

ATTN: City of Lenoir Planning Board, City Council
Re: Zoning Text Amendment Request to Article XI Section 1101.2

To Whom it May Concern:

My name is Emma Shell and I serve as the Marketing Communication Coordinator at UNC Health Caldwell. It has been brought to our attention that signage on our main hospital campus is currently non-compliant according to the current sign regulations in our City of Lenoir Code of Ordinances. It was not our intention to circumvent the established regulations, and we aim to bring our signage into compliance as soon as possible. Our pole banners are located on our main hospital campus only and are used to create a professional and welcoming environment for our patients. They are currently displaying our team members that provide healthcare to the citizens of Lenoir as well as Caldwell County and beyond.

To maintain the pole banners, we suggest a text amendment to Article XI Section 1101.2 in the Code of Ordinances. The current text reads:

“Exempt Signs - The following signs are exempt from the sign regulations contained in this ordinance: Signs of duly constituted government bodies, including traffic regulatory devices, street signs, way-finding signs, and vertical banners attached to utility poles in the public right-of-way; legal notices; warnings at railroad crossings; name or address signs on mailboxes; street numbers; customary warning and no trespassing signs.”

We propose to amend the text in the following manner:

“Exempt Signs - The following signs are exempt from the sign regulations contained in this ordinance:

1. Signs of duly constituted government bodies, including traffic regulatory devices, street signs, way-finding signs, and vertical banners attached to utility poles in the public right-of-way; legal notices; warnings at railroad crossings; name or address signs on mailboxes; street numbers; customary warning and no trespassing signs.
2. Signs of charitable, military, religious, or service organizations including vertical banners attached to utility or light poles on private property”

The new text would allow not-for-profit organizations to use vertical pole banners to welcome visitors to their campuses and clearly denote their location. I have included a photo of our current pole banners for your reference.

If you require additional photos or any additional information, please do not hesitate to reach out. We are grateful for your willingness to consider this text amendment.

Warm Regards,

Emma Shell, Marketing Communication Coordinator
Emma.shell@unchealth.unc.edu
321 Mulberry Street, SW
Lenoir, NC 28645
(828)757-5519



Permit Report

08/19/2024 - 09/11/2024

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

2024231	8/30/2024	Accessory	Don Coffey	8/30/2024	carport	2340A VINE ST
2024229	8/28/2024	Accessory	Steven Davis	8/28/2024	In-ground pool	703 WILMORE ST
2024228	8/28/2024	Accessory	Amanda Wood	8/28/2024	open carport	2404 LINCOLN LN
2024227	8/28/2024	Accessory	Amanda Wood	8/28/2024	above ground pool	2404 LINCOLN LN
2024224	8/26/2024	Accessory	Steve Davenport	8/26/2024	wrap-around deck	1815 CHROSARO PL
2024222	8/26/2024	Accessory	Dennis Mooney	8/26/2024	accessory building	505 KINCAID ST
2024220	8/26/2024	Accessory	Perez Maria Del Carmen	8/26/2024	carport	504 LINCOLN LN

Group Total: 7

Group: Manufactured Home

2024237	9/10/2024	Manufactured Home	Sam Zayicek	9/10/2024	single-wide	1430 Furrow Lane SW
2024217	8/22/2024	Manufactured Home	Sam Zayicek	8/22/2024	single-Wide	1424 Furrow Lane SW
2024215	8/20/2024	Manufactured Home	Ryan Davis	8/20/2024	single wide	716-1 NUWAY CR

Group Total: 3

Group: Non-residential

2024212	8/19/2024	Non-residential	Linda Wilson	8/20/2024	childcare; offices; group gathering space	111 FAIRVIEW DR

Group Total: 1

Group: Permanent Sign

2024234	9/4/2024	Permanent Sign	John Snyder	9/9/2024	Billboard	544 WILKESBORO BV
2024233	9/3/2024	Permanent Sign	Renee Osborne for Signage Industries	9/3/2024	monument sign	1120 TAYLORSVILLE RD
2024216	8/20/2024	Permanent Sign	Linda Wilson	8/20/2024	Signs	111 FAIRVIEW DR

Group Total: 3

Group: Residential Addition

2024238	9/10/2024	Residential Addition	Ever Vasquez	9/10/2024	addition in rear	411 SOUTH MAIN ST
2024236	9/4/2024	Residential Addition	David Patterson	9/4/2024	deck	810 PROSPECT ST
2024232	9/3/2024	Residential Addition	Juan Banegas	9/3/2024	enclose front porch and replace rock in front	1022 ASHE AV
2024230	8/28/2024	Residential Addition	Marquis Whitherspoon	8/28/2024	roof over existing deck	601 STAGE ST
2024219	8/26/2024	Residential Addition	Randy Hefner	8/26/2024	retaining wall	956 NORWOOD ST

Group Total: 5

Group: Single Family Home

2024213	8/20/2024	Single Family Home	Roland Trivett	9/5/2024	Single family home	0 LEE ROY LN

Group Total: 1

Group: Temporary Advertising

2024239	9/11/2024	Temporary Advertising	Sandy Austin	9/11/2024	temp banner	845 BLOWING ROCK BV

Group Total: 1

Group: Zoning Verification

2024225	8/27/2024	Zoning Verification	Charlie Holder	8/27/2024	verification letter	1217 DELWOOD DR

Group Total: 2

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Total Records: 25

9/12/2024

