

**MINUTES
PLANNING BOARD MEETING
September 23, 2024
5:30 P.M.**

LOCATION:
City /County Meeting Room
905 West Avenue

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

MEMBERS ABSENT:

STAFF PRESENT: Hannah Williams, Lauren Hartley, Matt Duchan

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

MINUTES:
Board Member Bryant made a motion to approve the meeting minutes, as amended of August 26, 2024, seconded by Board Member Careccia. All were in favor, none opposed.

Chairperson McCarl suggested to change the agenda order of business to New Business cases (1-3), then Old Business case (1).

Board Member Careccia, made a motion to change the agenda items as stated, seconded by Board Member Baker. All were in favor, none opposed.

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.

Planning Director, Hannah Williams presented the rezoning case for 134/134B Ideal Drive SE.

The applicant has requested to rezone from zoning R-12 to R-6. The property is developed with a single-family house, accessory structure, carport, and workshop. The applicant is seeking to subdivide the subject property (134 Ideal Drive SE) into 2 lots so the house can stand alone on one lot and the workshop can stand on the second lot. The property cannot be subdivided in its current zone, R-12 district because of the lot size of 12,000 square feet and non-residential uses are limited. The R-6 district would allow for 6,000 square foot lots. Staff is recommending approval and finds it to be consistent with the comprehensive plan.

Mrs. Williams read the consistency statement as follows:

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.

Chairperson McCarl asked about the workshop being in residential zoning, which is not permitted. Hannah Williams responded, there are some non-conforming structures in older neighborhoods. She cannot recommend a commercial zoning district in this residential area to rezone for the workshop. Mrs. Williams stated the applicant does want to keep this unit for personal purposes and no business can use this workshop in the future without further rezoning.

The applicant, Joseph Edward Lutz at 4047 Harbour Ct. Granite Falls, NC approached the board. His parents bought this property in 1996, it is now deeded into the family trust. Mr. Lutz would like to rezone, so his parents can sell this property due to their age and declining health. His father would like to keep the workshop for personal use. The workshop is not a commercial business and hasn’t been in over 30 years.

Board Member Careccia, made a motion to approve the rezoning request and consistency statement as presented and call for a Public Hearing for City Council to consider the request on October 15, 2024. Board Member Baker seconded the motion, which was voted upon and passed unanimously.

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.*

Planner, Matt Duchan presented this rezoning case for property located at Hickory Blvd. (321 and Victoria Ct. intersection). The applicant is requesting to rezone the property, which is currently split-zoned B-2 and R-15, to be exclusively zoned as B-2 (General Business) to allow for a proposed 136 unit multi-family development. The zoning district R-15 only permits single-family homes and accessory dwellings/apartments, while permitted uses in B-2 would allow multi-family.

Mr. Duchan stated the proposed development would address the need for greater, denser housing stock in Lenoir.

Matt Duchan read the consistency statement as follows:

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.

William Radford at 165 S. York St Gastonia, NC is the VP of Southwood Reality Company. They are a family owned company that runs and maintains apartment units.

Tom Jones, at 724 5th Ave Hendersonville, NC with WGLA Engineering is the hired engineer for the project. He answered questions from the board and stated the apartments would be for the entire property.

Board Member Baker, made a motion to approve the rezoning request and consistency statement as presented and call for a Public Hearing for City Council to consider the request on October 15, 2024. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

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.

Planner, Matt Duchan presented the text amendment case regarding pole banners submitted by UNC Health Caldwell. They have proposed to add pole banners as a permitted sign type to the Lenoir Sign Ordinance.

The code currently reads:

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 hospital is currently under violation of the sign ordinance for displaying pole banners. Staff is proposing the following alternate/additions to the code:

Design:

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. A maximum of two light pole banners may be displayed per light pole.

Light pole banners are limited to a maximum area of 15 square feet.

Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.

Light pole banners shall be mounted to project perpendicular from light poles.

Other Permit Criteria:

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

Matt Duchan read the following consistency statements to be considered for approving and denying the 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.

Board Member Bryant discussed poles in the right of way and proposed to add language stating only poles owned by the property owner can be used.

Board Member Bryant, made a motion to amend the ordinance language to state “Light poles privately owned and located entirely on private property are permitted to mount banners in all districts.” Board Member Baker seconded the motion. The motion was not voted on by the board.

The board discussed proposed ordinance allowances (15 square foot, 2 per light pole) and the amount of signage this would create.

Board Member Case felt it was too broad and the amount of organizations included may create sign clutter. He stated it would also be permitted in all districts within those organizations.

Board Member Bryant, withdrew the previous motion to amend the ordinance language to state “Light poles privately owned and located entirely on private property are permitted to mount banners in all districts.”

Board Member Case, made a motion to deny the text amendment request based on the consistency statement presented by staff. Board Member Bryant seconded the motion, the motion carried 6-4, with Board Members Scobie, Terry, Lazo, and Greene voting against.

OLD BUSINESS:

Tabled from August 26, 2024

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 October 15, 2024.

Chairperson McCarl stated this case was tabled at the September Planning Board meeting. The first motion was to accept the alternate ordinance proposal by staff but removing (i). Then, another motion was made to amend and remove (i) and (ii).

- (i) Where 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

Planning Director, Hannah Williams referred to the resource packet on additional information

including EMB signage specifications and regulations. Mrs. Williams presented the following intensity recommendations to be considered:

- (i) No sign shall be brighter than is necessary for clear and adequate visibility and shall not exceed a maximum of 5,000 nits during the day and 500 nits during nighttime hours.
- (ii) All signs must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.
- (iii) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 nits.

Hannah Williams stated she recommends that if religious and civic institutions are allowed to erect EMBs in residential, they should also be in the lesser commercial districts. She also recommended prohibiting EMBs for ground mounted signs in the Downtown Lenoir National Register Historic District.

Mrs. Williams read the following consistency statements to be considered for motion to approve or deny provided by staff:

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.

Board discussion ensued about EMB sign messages, time, and light brightness in a residential district.

Board Member Baker, withdrew his second to the amendment eliminating (i) and (ii) from the alternate ordinance proposal by staff from the August 26, 2024 Planning Board meeting. No second was made by any board member, Chairperson McCarl went forward with the meeting.

Tim Baker at 207 Ridge Street NW, Lenoir NC is the Associate Pastor at Meadowbrook Baptist Church. He spoke about his knowledge of EMB signs, nits and lighting. Mr. Baker stated the church would not be opposed to turning the sign off at a certain time.

Board Member Case, made a motion to approve the alternate ordinance proposal including (i) and (ii) and the recommended intensity standards and call for a Public Hearing for City Council to consider the request on October 15, 2024, Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

Board Member Case asked about amending the ordinance to the Municipal Service District instead of the Downtown Lenoir National Register Historic District. Planning Director, Hannah Williams suggested to prohibit it for all of B-3 (Central Business Downtown), which is slightly larger than the Municipal Service District.

Hannah Williams presented on EMBs being allowed for religious and civic institutions in residential zoning districts and for the board to consider permitting them for religious and civic institutions in districts **O&I, B-1, B-5, & B-6.**

Sandy Hoyle at 1567 Shuford Farm Road Connelly Springs, NC approached the board. He currently works for Sign Systems in Hickory, NC. Mr. Hoyle answered questions from the board and gave information that may be helpful in considering this request.

Board Member Bryant, made a motion to approve Electronic Message Board's for religious and civic institutions in zoning districts O&I, B-1, B-5, & B-6 with a 8 second static display, a 2 second transition, along with the intensity standards 1-3 and call for a Public Hearing for City Council to consider the request on October 15, 2024, which was read for the record presented by staff, Board Member Case seconded the motion, which was voted upon and passed unanimously.

Board Member Case, made a motion to prohibit ground mounted Electronic Message Board Signs in the B-3 district, Board Member Parson seconded the motion, which was voted upon and passed unanimously.

The Planning Director and the board discussed the National Register Historic District and what would be allowed for EMB signs. Board Member Bryant asked about historic properties outside of the Downtown Lenoir National Register Historic District. Mrs. Williams stated that many historic properties in Lenoir outside of the historic district are listed on the National Register of Historic Places.

Board Member Bryant made a motion to prohibit ground mounted signs on any property that is designated as a National Register Historic Place and call for a Public Hearing for City Council to consider the request on October 15, 2024, Board Member Baker seconded the motion, which was voted upon and passed unanimously.

OTHER BUSINESS

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

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 7:15 p.m.

Lucy McCarl
Chairperson

Hannah Williams
Planning Director