

**MINUTES
PLANNING BOARD MEETING
October 28, 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, Lucy McCarl, Tim Scobie, Edward Terry, Dontrell Parson

MEMBERS ABSENT: Marta Lazo

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 September 23, 2024, seconded by Board Member Terry. All were in favor, none opposed.

NEW BUSINESS

**1. ZOA 3-24 Lowes Rear Entrance Road, off McLean Drive
NCPIN 2759433724**

Applicant: Lennar Homebuilders (Christian Jones)

Owners: Broyhill Timber Resources Inc.

Location: Lowes Rear Entrance Road, off McLean Drive

The applicant is requesting to amend the text within CZ-9 to reflect a minimum setback of five (5) feet, and a minimum lot size of 3600 square feet.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on December 3, 2024.*

Planning Director, Hannah Williams presented the text amendment case submitted by Lennar Homebuilders. This property is a 157 acre tract that is vacant and undeveloped. In October 2022 City Council passed CZ-9, which was originally proposed for residential development with a mix of housing types. The CZ-9 ordinance included three different sections, with required public road connections, open space ratios, public greenway, an HOA to manage open space and other community amenities. Lennar Homebuilders is proposing a similar plan to the CZ-9 but also includes single-family detached housing in cluster subdivisions. The applicants are requesting a

minimum setback of 5 feet and a minimum lot size of 3600 SF. They are not proposing to remove any other conditions in the ordinance.

The proposed amendment offers clustering development standards by describing a reduced minimum lot size and side setback. The current required minimum lot size is not specified in the conditions of the CZ-9 ordinance, so the base district (R-12) minimum lot size is 12,000 SF. The required side setback is specified in CZ-9 for single family homes, which is 10 feet. The applicant is seeking to accomplish clustering with smaller lot sizes and setbacks.

Planner, Matt Duchan continued presenting this case. The proposed changes would be considered a cluster development. A cluster subdivision is a land development practice that helps communities to protect open space and environmentally-sensitive areas. Cluster subdivisions also tend to have smaller lot sizes to create more housing options for a growing population that demands them. It is common for lot width, lot size, and setbacks to be reduced to accommodate these needs. Mr. Duchan stated the policy concepts from the comprehensive plan and how this development meets those concepts.

The CZ-9 ordinance describes the permitted uses, development standards, and conditions of the zoning district agreed on by the developer and city. Details related to easements, streets, sidewalks, and stormwater provisions in each section will be established during the Major Subdivision process, consistent with the overall concepts allowed by the CZ ordinance, with a preliminary plat coming back before the Planning Board and City Council for a quasi-judicial hearing.

Once infrastructure is installed, the developer proposes the Final Plat for Council approval, at which point it is recorded with the Register of Deeds and the lots are officially subdivided/created. When the developer is ready to start construction of the homes, zoning, building, driveway, and stormwater permits are required. Planning staff will use the CZ ordinance to guide the Major Subdivision and administratively review zoning permits. Staff is recommending approval of this text amendment request.

Matt Duchan read the consistently statement for the record as follows:

Consistency Statement

The proposed zoning amendment is consistent with the land use policy concepts in the Comprehensive Plan that call for distinctive neighborhoods that preserve open space, enhance walkability, accommodate a range of housing types, use stormwater measures as community amenities, and foster a strong sense of place. The proposed development is consistent with the Future Land Use Map, which identifies the parcel as “medium density residential” and “mixed use with commercial” — while commercial uses aren’t proposed, the densities and mix of housing types proposed are consistent with the larger area accommodating a mix of uses. The re-zoning is reasonable and in the public interest because it provides much-needed single-family housing near the US-321 commercial corridor.

Applicant, Christian Jones at 3941 Arbor Lane Charlotte, NC is representing Lennar Homebuilders. Lennar is still in due diligence for this property. Mr. Jones stated the reason for this revisions is there is a large population that is unserved for young families that are interested

in new homes with a small yard. He stated Lennar identified that townhomes are not the best strategy because there is some pushback from the market. These homes will be a detached layout with front and rear yards.

Board Member Baker asked if these homes will be built similar to one another. Mr. Jones responded, yes but there are different floor plans ranging from 1300-2700 SF to meet a wide variety of different home buyers.

Chairperson McCarl asked if they had considered retirement age folks who would be interested in a one level home. Mr. Jones responded, they do have a one level floor plan and may do an active adult community quad. Chairperson McCarl asked the reason for needing the houses 10 feet apart. Mr. Jones replied, the reason is to keep the final homes reasonably priced, it would cost more because of the extra infrastructure between wider setbacks.

Planning Director, Hannah Williams stated she wanted to point out that today, someone could propose all single family homes and build a subdivision with the current CZ-9 ordinance with no zoning amendment hearing. The lot sizes would need to be 12,000 SF.

Board Member Careccia asked the price range of the homes. Christian Jones replied they are trying to stay around \$240,000 as a starting price.

Cliff Anderson at 1130 Hibriten Drive Lenoir, NC approached the board. He wanted to confirm the amount of homes to be built and the road that was originally proposed off Hibriten Drive has not changed. Mr. Anderson also asked if this would be a gated community.

Applicant, Christian Jones replied, there will be 450 homes and the community would not be gated. The proposed road connections from the original CZ-9 ordinance has not changed.

Board Member Terry asked if the setbacks were higher, would that decrease the neighboring buffer as well as the green space. Applicant, Christian Jones answered if they would have to expand the footprint of the development, he's not sure the project would be financially feasible.

David Waechter at 1555 Dulatown Road Lenoir, NC is with Overmountain Development. He put together the initial proposal for this project in 2022. He stated this proposal does not achieve the townhome design first presented and he supports this because it enhances the amount of green/open space. As the city is growing he believes the amount of green space is going to be more of an advantage of public interest than a larger single family yard. He stated they have been trying to find something that will fit into the master plan for this property.

Board Member Case, made a motion to approve the text amendment to CZ-9 and the consistency stated as presented by staff and call for a Public Hearing for City Council to consider the request on December 3, 2024. Board Member Baker seconded the motion, which was voted upon and passed unanimously.

OLD BUSINESS

1. 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 to amend the sign ordinance regulations regarding light pole banners. As of the public hearing on October 15, 2024 City Council requests review of the drafted pole banner ordinance.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on December 3, 2024.*

Planner Director, Hannah Williams stated this Pole Banner ordinance is coming before the board again with several changes. Planning Board discussed this proposed ordinance change at the September meeting and found the change too broad. It was not recommended for approval by a 6-4 vote. Pole banners are not common in our region and few areas allow them.

At the Committee of the Whole meeting September 24, Mrs. Williams gave an update on this ordinance not being approved by Planning Board. Council understood Planning Board's decision, however there was some concern about wanting to support Caldwell UNC Hospital.

Mrs. Williams stated after this discussion, staff altered the ordinance and put limitations on what land uses could use the signs and limited it to only public service facilities in certain commercial districts. After the Committee of the Whole meeting, the ordinance went to City Council for a public hearing on October 15, 2024. City Council still had some concerns and wanted the drafted ordinance to be reviewed and discussed by Planning Board again. The drafted ordinance states it would only apply to public service facilities. Hannah Williams read the definition of public service facilities for the record.

“A facility that is owned, operated, or financed, in whole or in part, by any public or governmental entity, and is dedicated to the provision of services to the general public. This includes public safety facilities (EMS, police, and fire protection), schools and education, hospitals and health care, and the public provision of social services.”

Other changes suggested by staff include:

1. Only light poles that are owned by and located entirely on the property of the public service facility can have banners.
2. Light pole banners can only be on public service facilities in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2.
3. Light pole banners must be for on-premise advertising.
4. Only two banners are allowed per pole, and up to 12 poles can have banners.
5. The banner size was scaled down from 15 square feet to 12 square feet.
6. Banners must maintain a vertical clearance of 12 feet from the grade to the banner.
7. Banners must be mounted perpendicularly from the pole.

Board Member Terry asked what the current banner size is at the hospital. Mrs. Williams stated under 12 SF, they would be in compliance with this proposed change.

Chairperson McCarl stated there are 44 banners between UNC Caldwell and Jonas Hill Behavioral Health. She is concerned this could cause sign clutter by opening it up to so many facilities.

Board Member Case stated the hospital is the only business requesting this change. If this is approved it is opening this option up to others.

Planning Director, Hannah Williams stated she tries to find a path forward for all applicants.

Board Member Careccia, made a motion to approve the amendment to the Light Pole ordinance as presented by staff. Board Member Terry seconded the motion, this was not voted upon by the board.

Chairperson McCarl, made a motion to amend the previous motion to the Light Pole ordinance to limit the number of light poles to (4). Board Member Bryant seconded the motion, which was not voted upon by the board.

Board discussion ensued on limiting the number of poles and possibly restricting it to the lot size of the individual property.

Board Member Bryant, made a motion to table the case until the November Planning Board meeting for more information on lot size, clarification of ownership for each property, the motion for limiting the light poles to (4) banners, and the motion of the amendment to the Light Pole ordinance Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

Hannah Williams asked the board if UNC Caldwell would withdraw this text amendment, would they still want to go ahead with the case. The board agreed, no they would not.

OTHER BUSINESS

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

ADJOURNMENT:

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

Lucy McCarl
Chairperson

Hannah Williams
Planning Director