



Lenoir Planning Board

Agenda • November 25, 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 January 7, 2025 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 October 28, 2024 Minutes

NEW BUSINESS**1. R 6-24 1829 Blowing Rock Blvd.**

Applicant: Austin Northern

Owners: Austin Northern & Callie Northern

Location: 1829 Blowing Rock Blvd.

The applicant is requesting to rezone the subject property (4.07 AC) from R-R (Rural Residential) to B-2 (General Business) to develop a commercial site. The applicant has also submitted an annexation petition.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on January 7, 2025.*

2. SUP 3-24 2550 Hickory Blvd.

Applicant: Jonathan Yates (TowerCom)

Owners: STAT Inc.

Location: 2550 Hickory Blvd.

The applicant is requesting to construct a 165 foot monopole wireless communication tower and associated ground equipment on a 3600 square foot leased portion of the subject property.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on January 7, 2025.*

3. ZOA 5-24

Applicant: City of Lenoir

Location: Industrial Zoning Districts

Planning staff recommends permitting “Cultural and Community Facilities, Churches, Synagogues, Mosques” by right in industrial districts.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on January 7, 2025.*

5. ZOA 4-24

Applicant: M&R Beach Bingo

Location: Citywide

The applicants from Appeals Case AP 1-24 have applied for a text amendment to exclude beach bingo from Section 611 and allow it wherever Indoor Recreation is allowed.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on January 7, 2025.*

OLD BUSINESS**1. ZOA 2-24 Tabled - 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 the sign ordinance regulations regarding light pole banners. This case was tabled at the October 28, 2024 Planning Board meeting for more information.

Recommended Action: *Approval of the request, and call for a public hearing at City Council on January 7, 2025.*

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

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

Owner: 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 7, 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

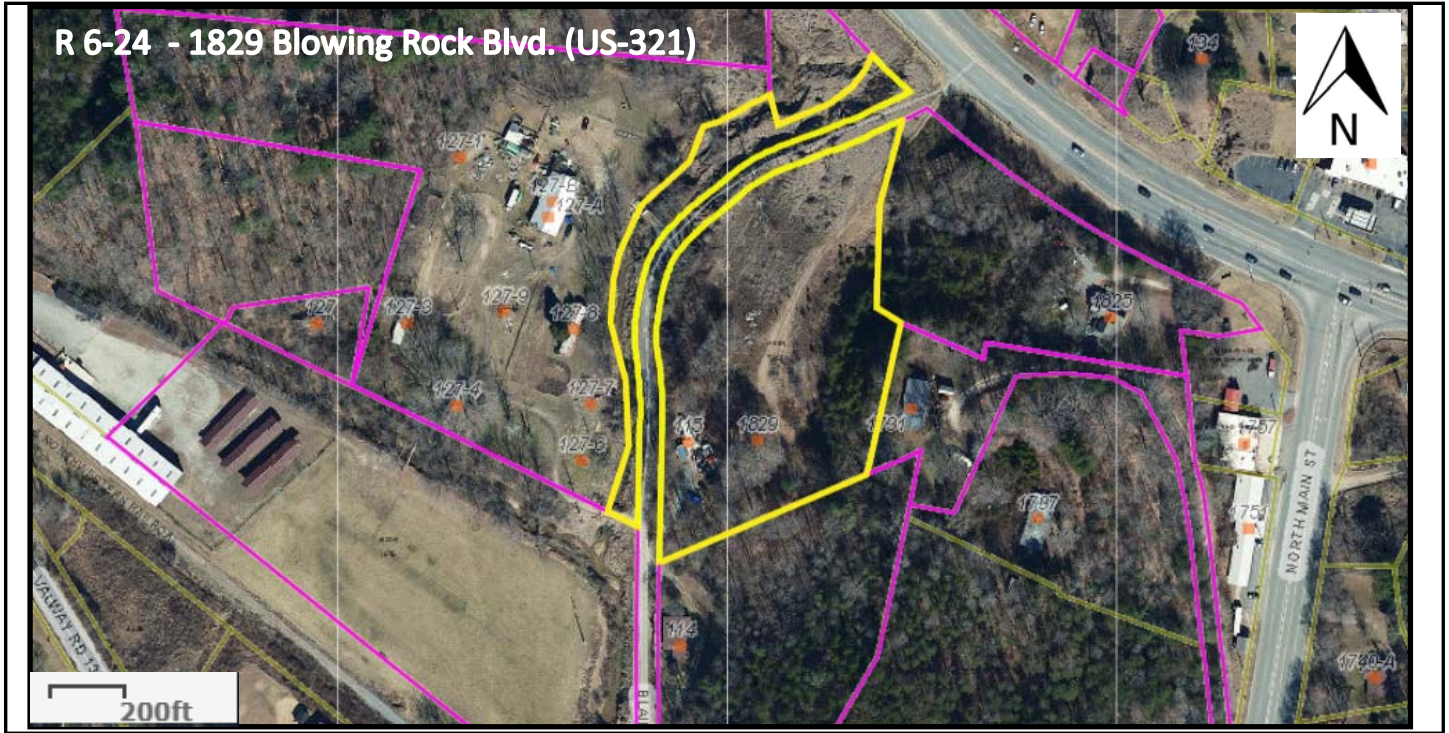


Staff Report

Zoning Amendment

CASE NUMBER R #6-24

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Austin Northern

Callie Northern

Applicant

Austin Northern

Location

1829 Blowing Rock Blvd.

NC PIN

2840657903

Project Planners

Hannah Williams, AICP, CZO

Matt Duchan

Description of Request:

The applicant is requesting to rezone the subject property (4.07 AC) from R-R (Rural Residential) to B-2 (General Business) to develop a commercial site. The applicant has also submitted an annexation petition.

Staff Recommendation:

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

Planning Board Recommendation:

Public Comment:

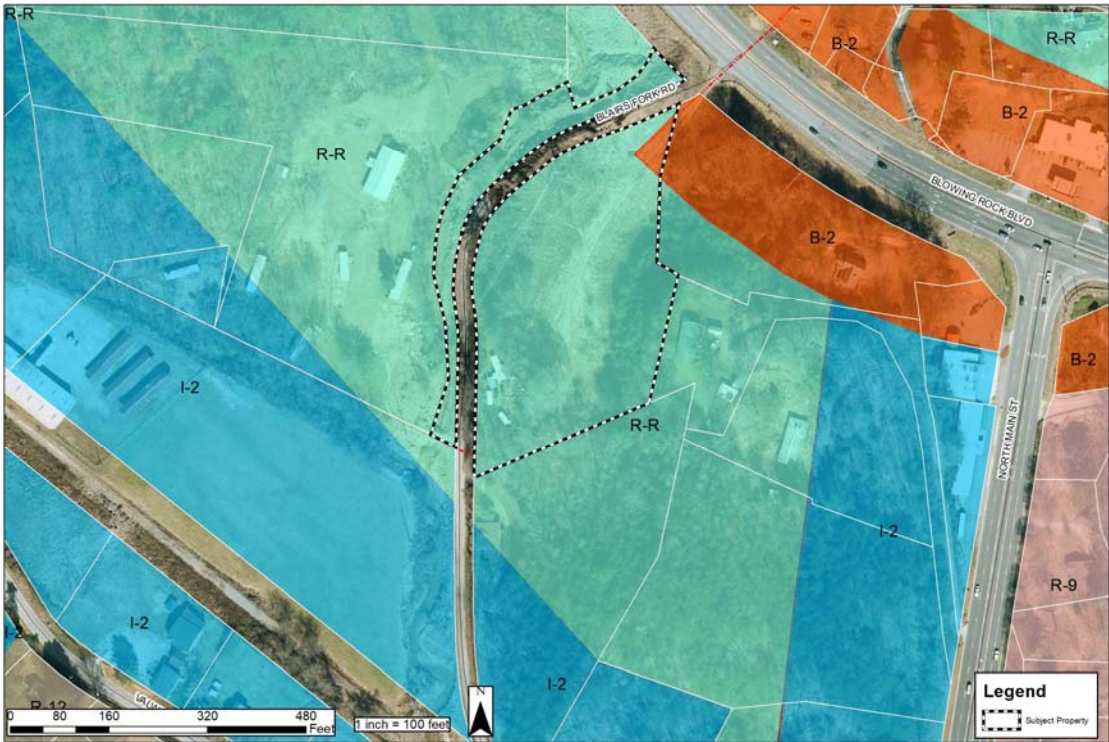
Planning Board Meeting: November 25, 2024.

Notice of the meeting was mailed to the owners of all adjacent parcels (identified on map above) on November 15, 2024.

City Council (Public Hearing): Scheduled for January 7, 2025.

EXISTING AND PROPOSED ZONING MAPS

Existing Zoning: R-R



Proposed Zoning: B-2



BACKGROUND AND STAFF 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.

Reason for Request

The applicant is requesting this zoning change in order to own or lease out a commercial building. The subject property is currently zoned R-R (Rural Residential) and is located in the ETJ. Therefore, the property owners would only be permitted to build an accessory dwelling, a detached single-family home, a duplex, or a double-wide manufactured home. The applicant has also requested to annex into the city limits.

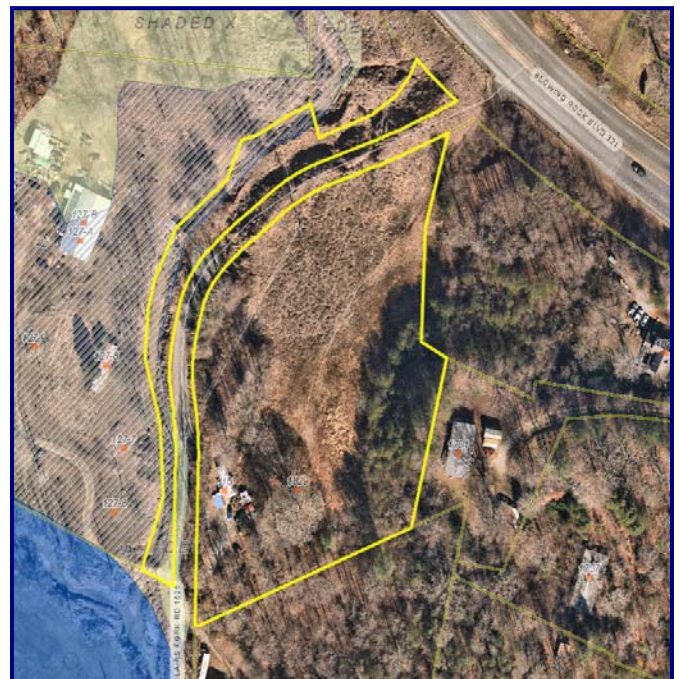
Intent of the Zoning Districts

R - R (Rural Residential) District is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

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 at the intersection of Blairs Fork Road and Blowing Rock Boulevard (US-321) is 4.07 acres. The property has a manufactured home and several vehicles on the property and currently maintains two addresses: 115 Blairs Fork Road and 1829 Blowing Rock Blvd. The majority of the property is located on the east side of Blairs Fork Road, but the property also has a narrow strip that runs along the west side of Blairs Fork Road until the 321 intersection. The property that abuts the strip is a former mobile home park with addresses 127 A & B Blairs Fork Road and 127-1 through 7 Blairs Fork Road. To the south of the property is the former Carolina & Northwestern Railroad rail line which will serve as a portion of the Overmountain Victory Trail. The southern end of the property can be accessed via Blairs Fork Road from Valway Road in addition to a driveway off of 321. South of the property along North Main Street is a combination of I-2 (Heavy Industrial) and B-2 (General Business).



AE Floodplain shown on the northwest side of the Right-of-Way on the subject property.

BACKGROUND AND STAFF ANALYSIS (CONTINUED)

Zoning Analysis

The property owner intends to construct a commercial building to sell or lease. A building example has been proposed and the property owner would likely seek out a trade business (i.e. plumbing, electrician, mechanic) to occupy the space. Most properties along US-321 are zoned B-2 (General Business), so this would establish conformity with other 321 properties. The surrounding area however, is a combination of I-2 (Heavy Industrial) and the property's current zoning designation, R-R (Rural Residential). Much of the property north of the subject property maintains R-R zoning in the ETJ, which has much to do with decreased density as drivers exit city limits until reaching the county boundary. The subject property features a floodplain area on the west side of Blairs Fork Road. If approved for rezoning and subsequent redevelopment, the property owner would be required to remove manufactured homes off the property.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan's future land use map identifies this parcel as a "Future Commercial Site." The property is flanked to the east by "existing non-residential" zones, and is in close proximity to existing medium and high residential areas. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish a commercial use on an otherwise inactive site originally zoned for residential.

Next Steps

Following Planning Board, the rezoning request will be brought before a City Council public hearing and voted on. In the interim, a decision will be made regarding the applicant's annexation petition. Pending approval, the applicant will then submit a zoning permit application along with civil and architectural plans as applicable, which will be reviewed by City of Lenoir planning staff. Once approved, the applicant will apply for a driveway permit to NCDOT to have established access along Blowing Rock Boulevard (US-321).

AERIAL PHOTOGRAPHS (SURROUNDING AREA & PROPERTY OWNERS)



Letters were mailed informing the above property owners of the rezoning request on November 15, 2024.

Names	Address	City	State	Zip Code
Jeffrey Scott Wheeler	519 KENTWOOD ST SW	LENOIR	NC	28645
Janice K. Danford	330 ANGLEWOOD AVE	MARIETTA	GA	30064
Glenda B. Flynn	114 BLAIRS FORK RD	Lenoir	NC	28645
Larry & Kristey Gills	127 BLAIRS FORK RD LOT 1	LENOIR	NC	28645
Kentwood Properties LLC	1932 VALWAY RD	LENOIR	NC	28645
Jeremy Abdiel Rodriguez Astacio	1822 BLOWING ROCK BLVD	Lenoir	NC	28645
Heirs of Joe & Marie Hartley	1000 OLDE EASTWOOD VILLAGE BLVD	ASHEVILLE	NC	28803
DAHH Ventures LLC	PO BOX 546	LENOIR	NC	28645
Anita Hartley Duckworth	3187 MORNING SIDE LN	LENOIR	NC	28645

Comparison of Allowable Uses

Sec. 600 of the Lenoir Zoning Ordinance establishes a chart of permitted and special uses for each zoning district. The B-1 zoning district allows for retail and service uses that serve the immediately surrounding neighborhood. The B-2 zoning district allows for many residential, commercial, and institutional uses.

Comparison of Zoning Districts

	R-R	B-2
Development Standards	Min Lot Size— 20,000 sq. ft. for non-residential uses Setbacks Front: 40' Side Yard: 15' Street Side Yard: 25' Minimum Rear Yard: 35'	Min Lot Size - 0 Setbacks Front: 10' Side Yard: 0' Abutting side Street: 0' Minimum Rear Yard: 20' abutting residential, 0' otherwise
Summary of Permitted Uses	Accessory Cottage or Apartment Attached Dwellings (Townhomes) Bungalow Court Dwelling, single/two-family Manufactured Homes Special Uses: Day Care Centers Communication Towers Cultural and Community Facilities Greenhouses Neighborhood Business	Accessory Cottage or Apartment Attached Dwellings Billiards Community Facilities such as Churches Commercial Kennels Day Care Centers Dwelling, Single/Two-Family/Multi-family/Group Eating and Drinking (with or w/o drive through) Greenhouses, Commercial Manufacturing & Processing (Artisan & Light) Office/Clinics Public Service Facility Personal Storage Retail (Light & Intensive) Services (Automotive, Business & Personal) Indoor Shooting Range Veterinarian Warehousing Special Uses: Communication Towers Flea Markets

PROPERTY PHOTOS (1829 BLOWING ROCK BLVD.)



Entrance to the site just beyond Lenoir City Limits



Entrance to the site from Blairs Fork Road



Site photos provided by applicant

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 January 7, 2025:

The proposed zoning change is consistent with the Comprehensive Plan's policy concepts to revitalize under-utilized and vacant properties. The Future Land Use Map identifies the subject property as a "Future Commercial Site" surrounded by other properties categorized as future commercial sites in the ETJ. Annexing this property into city limits would expand business opportunities and provide essential services to residents as the applicant has proposed.

PLANNING BOARD RECOMMENDATION

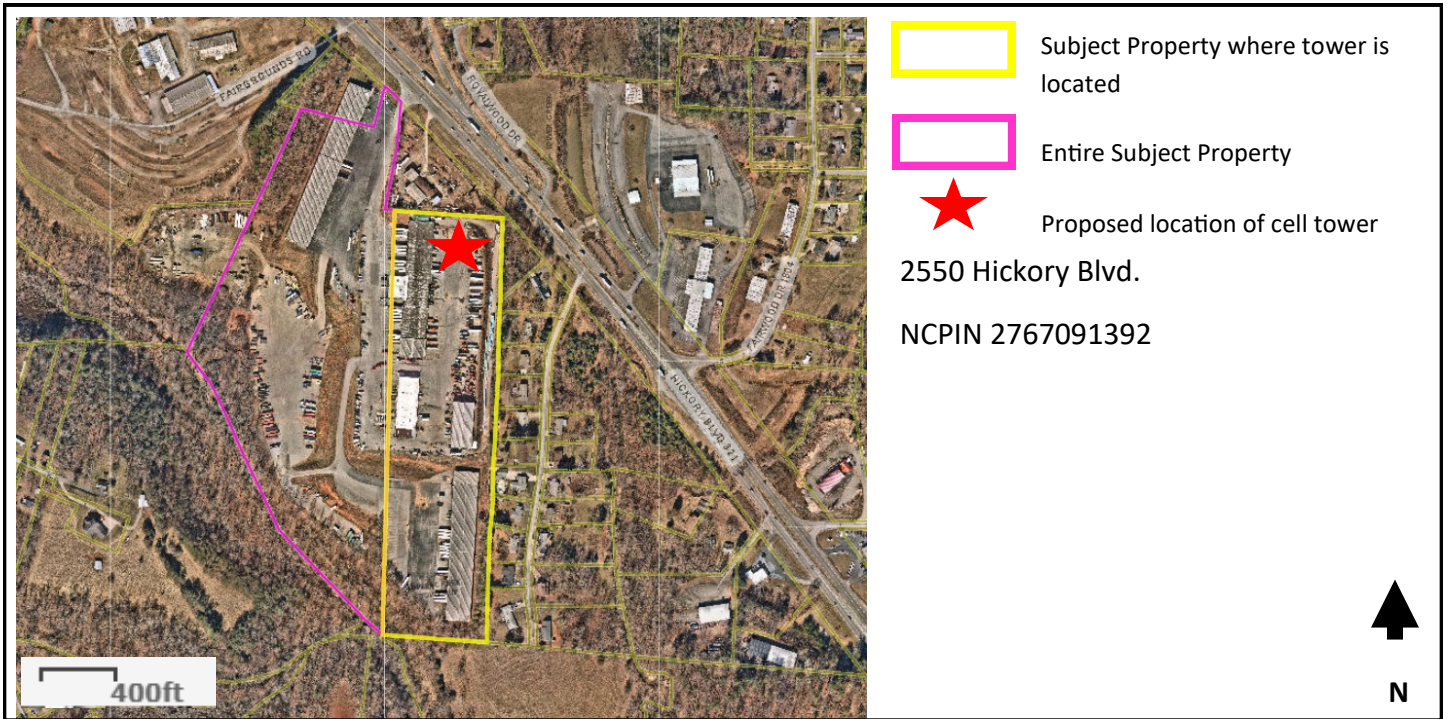


Staff Report

Special Use Permit

CASE NUMBER SUP #3-24

LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

STAT Inc.

Applicant

Jonathan Yates (TowerCom)

Location

2550 Hickory Blvd.

NC PIN

2758140788, 2767091392

Project Planners

Hannah Williams, AICP, CZO

MaTT Duchan

Updated Nov 11, 2024

Applicant's Request:

The applicant is requesting to construct a 165 foot monopole wireless communication tower and associated ground equipment on a 3600 square foot leased portion of the subject property.

Staff Recommendation:

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

Planning Board Recommendation:

Public Comment:

Planning Board Meeting:

November 25, 2024
Notices were mailed to property abutting owners of the subject property on November 15, 2024.

City Council (Public Hearing): Anticipated to be scheduled for January 7, 2025.

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

BACKGROUND

Intent of Special Use Permits

Special uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The special use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Special Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Special Use Permit following a quasi-judicial hearing.

Communication Towers

It is the intent of Section 910-912 of the City Code of Ordinances to allow communication towers for mobile telephone services and other radio and television information services, while minimizing adverse visual and operational effects of towers through careful siting, design, and screening; to avoid potential damage to adjacent properties through proper setbacks; and to maximize the use of communication towers and existing structures to reduce the number of towers necessary to provide for the communication needs of Lenoir and surrounding areas.

Communication towers are only allowed with Special Use Permits in the City of Lenoir, and must meet performance standards of Sec 910-912 in addition to those standards common to all special uses. The applicant identifies the standards and the full extent to which they will be adhered in Appendix A (pg 14).

Subject and Surrounding Properties

The subject property is located in the B-2 zoning district along Hickory Boulevard (US-321) on the STAT, Inc. property at 2550 Hickory Boulevard, just south of the Caldwell County Fairgrounds. The property has around 80 feet of street frontage, while the remainder is behind several single-family homes along Meadowview Place, as well as the Beaver's Auto Repair parcel and another parcel owned by STAT with frontage along Hickory Blvd. The subject properties that will be utilized combine for over 39.5 acres in total.

Intent of the Zoning District

The General Business (B-2) zoning 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.

Compliance with the City of Lenoir Zoning Code

T-Mobile proposes a new 165 foot monopole wireless communication tower with associated equipment structures pursuant to Sections 712, 900, 910, 912 and 1302.2 of the City of Lenoir Zoning Ordinance. The proposed tower is located on property owned by STAT, Inc. The property will be accessed via the west parcel, while the tower will be located on the eastern parcel. The applicant will adhere to restrictions pertaining to tower height, distance from other cell towers (1320 feet), and distance from residential structures. See page 8 which shows setbacks overlaid on the aerial plan, and page 10 for details on distance from residences, the nearest tower, and abutting streets.

STAFF ANALYSIS

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan addresses communication towers by encouraging co-location on existing facilities. In this case, there are not sufficient existing facilities to locate the proposed equipment, but the monopole design meets the intent of this policy to limit/mitigate the visual dominance of these structures. Additionally, the comprehensive plan calls for a bond to be posted to facilitate tower removal upon use cessation, which has been provided.

Compatibility with Surrounding Uses

The surrounding areas are zoned B-2 (general business), I-1 (light industrial), R-6 (high-density residential), and R-15 (single-family residential). The properties are wooded in nature, the few residential homes are approximately 270 feet or greater from the proposed tower. The traffic to the tower will be minimal due to the fact that this will be an unmanned tower. There will be on average one employee checking the tower and operations approximately one time per month. The proposed tower will have a small footprint and will have the least amount of impact to the surrounding community due to its location. An impact study conducted on the site shows no impact on the value of the properties surrounding the tower. (Appendix B, pg 20)

Vehicular Flow, Site Design & Parking

As shown on the attached site plans (pages 8-9), there is a proposed access easement between Stat, Inc. and TowerCom. T-Mobile will have access to the property for monthly visits to maintain tower services. Little to no impact is proposed to the site due to the communication tower being unmanned. The tower will allow a twenty foot by a sixty foot parking and turnaround area at the base of the antenna. Vehicles are currently able to traverse the entire paved property to access the area between the entrance on the west parcel to the entrance and physical location of the tower on the east parcel. There will be a gate that restricts access to permitted workers, as well as a security fence separating the tower from other structures and areas of the property.

Private Property Justification

Section 910.3 in city ordinance requires that the applicant explore the suitability of publicly owned land. Attached is a map of all the surrounding public properties (Appendix C, Pg 22). After a study was conducted TowerCom does not believe that any surrounding public properties would be suitable for the communication tower to be effective in its services. Refer to applicant's alternative candidates map in Appendix C.

Architecture

The proposed tower will be a monopole with all antennas and associated equipment to be located outside the pole. The proposed tower will be 165 feet in height. There will not be any other building associated with the Wireless Telecommunications Facility. The facility will be screened from adjacent properties by existing dense vegetation. Additionally, a new 15 foot wide buffer will be planted in accordance with section 712 of city ordinance. There is an existing vegetative buffer that will be utilized to screen in lieu of new landscaping. The proposed telecommunications tower will also be surrounded by a fence eight feet in height that is secured by a gate.

Setbacks

As shown in the aerial plan on page 8, the proposed facility will be set back from property lines greater than 50% of the proposed towers height, as required by section 912. The setback would therefore need to be 82.5 feet; the actual setback is a minimum of 113 feet from the property line.

FINDINGS

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

1. The proposed special use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The proposed tower will meet all the standards of the B-2 zoning district. The proposed height of the tower is 165 feet.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The applicant will be utilizing the existing driveway to the STAT Inc. property. After a 60-day construction period, the facility will be visited by technicians 8-10 times per year and will not affect congestion or pedestrian safety. There is a 30-foot wide easement proposed through the STAT property for T-Mobile to utilize as needed.*
3. Off-street parking and loading areas will be provided in compliance with Section 1000 and off-street loading will be provided in compliance with Section 1001 of Lenoir's Zoning Ordinance. *The proposed communications tower is fully compliant with Sections 1000 and 1001 of the Lenoir Zoning Ordinance. There will be provided parking at the base of the tower for an employee.*
4. The establishment of the special use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *The proposed wireless communication tower will aid in the normal and orderly development and improvement of surrounding property by providing essential and effective wireless infrastructure.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *The applicant will utilize existing screening and landscaping on the Stat, Inc. property which will minimize all impacts on adjoining property.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *No exterior lighting is proposed and the applicant will only deploy site identification and emergency signage as required by FCC.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already in construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The structure will improve wireless infrastructure in the vicinity and not result in the depreciation of property values in the area.*
8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed special use will not be harmful or annoying to surrounding properties. *The proposed facility will be unmanned and operated at all times and will not produce any off-property noise, odor, lights, vibrations, fumes, or glare.*

STANDARDS

Additionally, the following standards must be met to grant approval of a SUP for a communications tower. Staff has reviewed the application and found it to be in compliance with all of the following standards. A detailed analysis has been provided by the applicant in Appendix A.

- ☒ The proposed tower will comply with Federal Communications Commission (FCC) standards for radio frequency emissions.
- ☒ The applicant has provided certificates of insurance demonstrating a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the communication facility.
- ☒ The applicant considered properties owned by the City of Lenoir or other government entity before considering private properties as locations for communication towers, and has provided justification that explains why the public properties are not suitable and what alternatives were considered. See Appendix A.
- ☒ The application included a copy of an executed lease requiring the applicant to remove all above-ground portions of communication towers no later than ninety (90) days after cessation of operations. See Appendix A/Exhibit 5 in final copy.
- ☒ The applicant has executed a facility maintenance/removal agreement, which shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of Section 910.4. See Appendix A/Exhibit 5 in final copy.
- ☒ The applicant has posted a \$10,000 cash bond, or other security satisfactory to the City, to secure costs of removing all above ground portions of a communication tower (not including any part of the foundation) in the event the applicant fails to do so within ninety (90) days of cessation of operation of the facility. See Appendix B.
- ☒ No electric transmission tower is located within a ¼ mile radius laterally of the proposed telecommunications tower site, or an electric transmission tower is located within ¼ mile but road access and necessary utilities cannot be obtained to service the existing electric transmission tower to accommodate the communication facilities, or the electric utility owning the electric transmission tower is unwilling to allow its use for communication facilities, or the planned equipment would exceed the structural capacity of the existing electrical transmission tower. See Appendix A.
- ☒ The tower is a monopole design and has been engineered and constructed to permit the co-location of at least two additional users.
- ☒ The tower does not exceed a height of 165 feet, which is measured from base of tower to top of tower.
- ☒ The base of the tower is surrounded by a fence or wall at least eight feet (8') in height unless the tower co-locates on a structure that makes such fence or wall impractical. The fence/walls is screened accordance with Section 712 (Buffering and Screening) of the Lenoir Zoning Ordinance.

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Special Use Permit for the proposed 165-foot tall monopole design communication tower, with the following conditions:

1. Approval of this special use permit request is only valid for the development of the proposed communications tower as shown on the submitted plans. Future modifications to allow for the co-location of additional service providers are allowed, provided such modifications do not increase the height of the tower, or change the design of the tower to anything other than a monopole design.
2. The applicant must maintain the minimum liability coverage required by Sec. 910.2 in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of the Maintenance & Removal Agreement have been satisfied.
3. All above-ground portions of the communication tower must be removed within 90 days of the cessation of operations, or the facility may be removed by the City as provided in the applicant's Maintenance/Removal Agreement by the City. The costs of removal will be recovered from the applicant's bond or other security.
4. The applicant shall continue the \$10,000 bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.
5. No advertising logo is permitted on the tower.
6. The facility must remain an unmanned facility, with occasional on-site checks for operational purposes by staff.
7. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
8. If a building permit has not been issued within 24 months of the adoption of the Special Use Permit, the approval shall be considered null and void.

PLANNING BOARD RECOMMENDATIONS

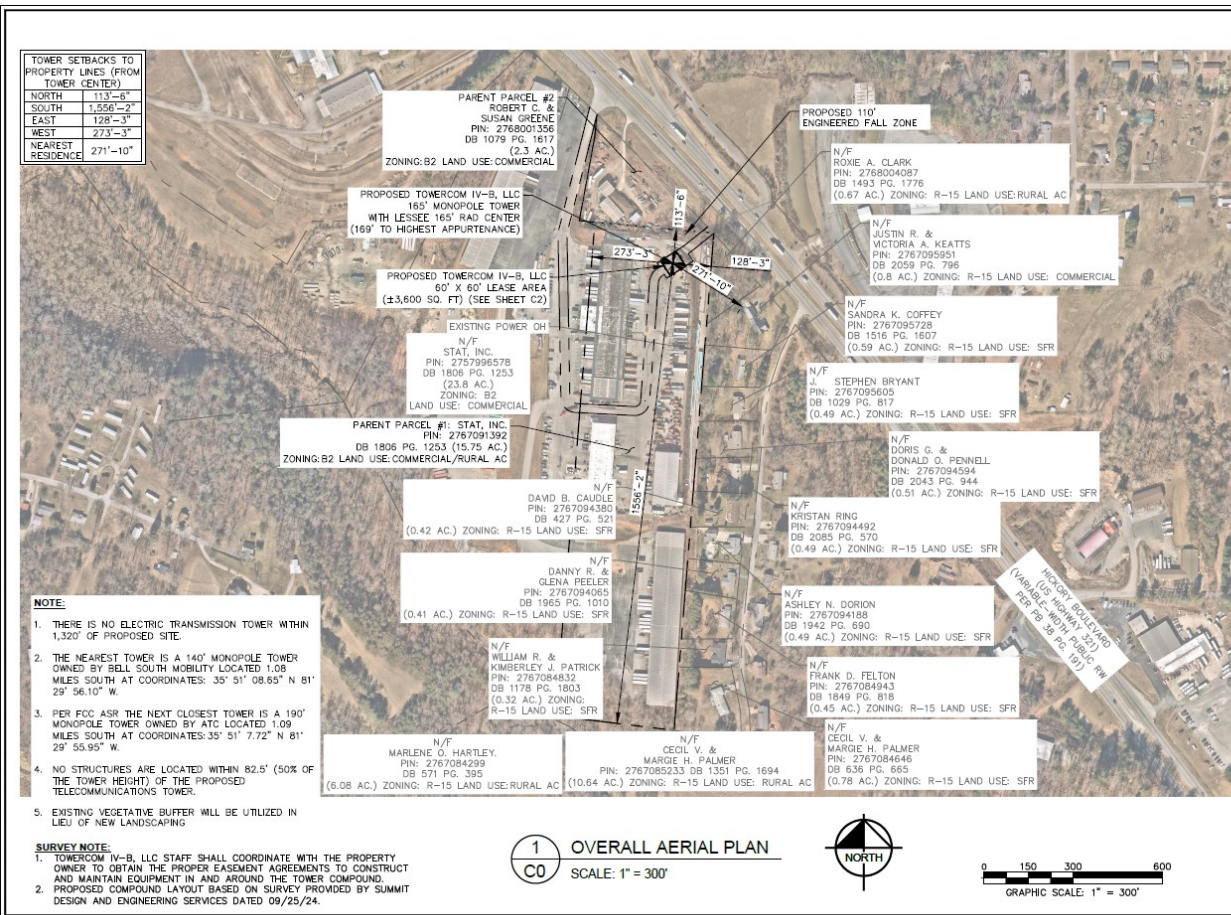
ZONING MAP



Development Standards in B-2 Zoning District					
	Minimum Lot Size	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
B-2 Zoning	None	None	Front: 35' from ROW Side: 15' Rear: 30' Note: setbacks for communication towers are 50% of tower height	65 ft. (1)	Wide range of commercial, retail, and professional services; range of special uses including multifamily dwellings (See Sec. 600 and Sec. 810 for full list)

1. Section 706 allows exceptions to this height limitation for facilities like communication towers. Max Height for communication towers is 165 feet, per section 910.12 of ordinance.

OVERALL AERIAL PLAN (SHOWING SETBACKS)



T Mobile

PROJECT INFORMATION:
SITE NAME:
JOYCETON
T-MOBILE SITE NAME:
5HK0655C
2150 HICKORY BLVD
LENOIR, NC 28645
CALDWELL COUNTY

PLANS PREPARED BY:
Kimley-Horn
11720 AUBURN PARK DRIVE, SUITE 800
ALPHARETTA, GA 30009
PHONE: 770-418-1280
WWW.KIMLEY-HORN.COM
NC License #20102

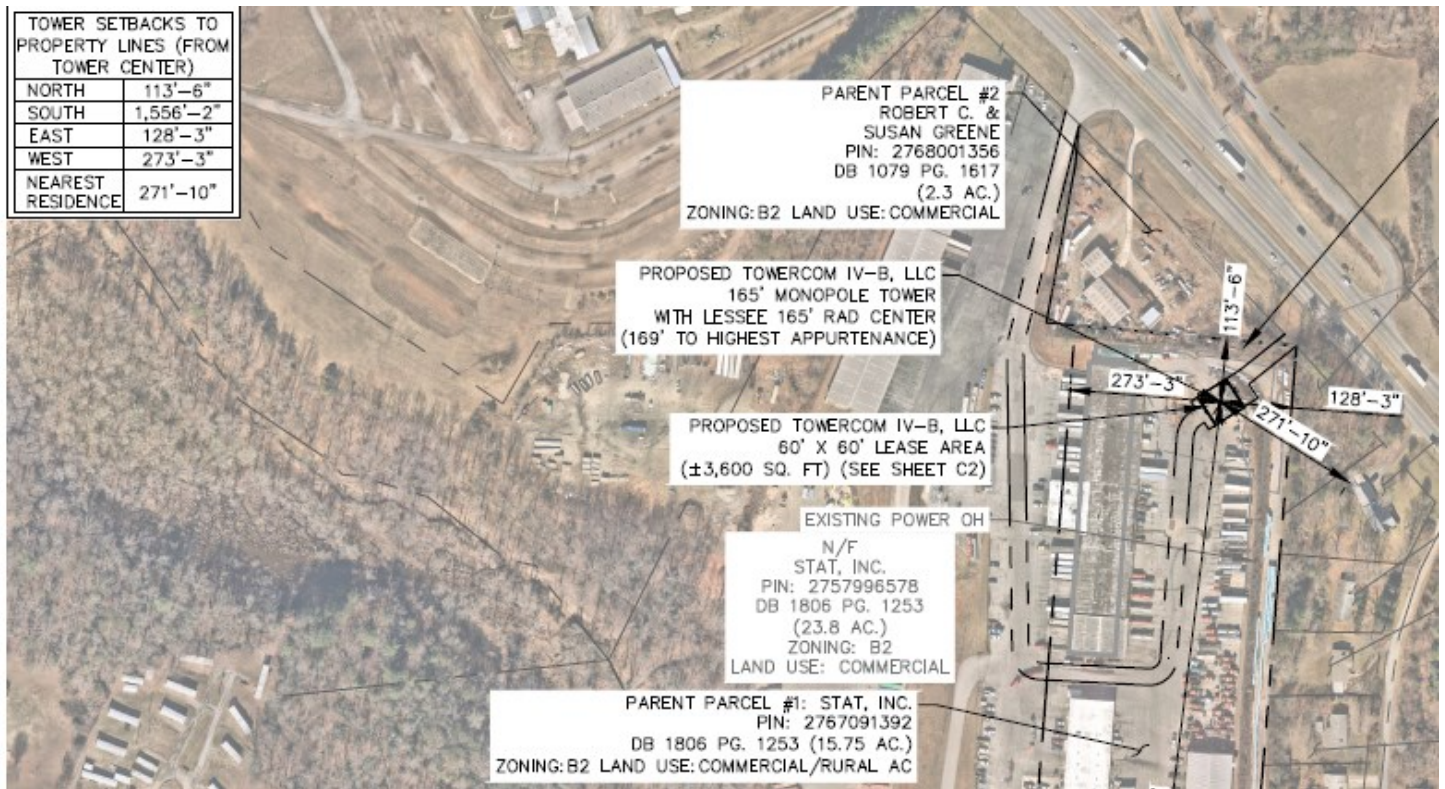
REV. DATE: ISSUED FOR: BY:

8		
7		
6		
5		
4		
3		
2		
1	10/28/24	CONSTRUCTION ALP
0	10/22/24	PRELIMINARY ALP

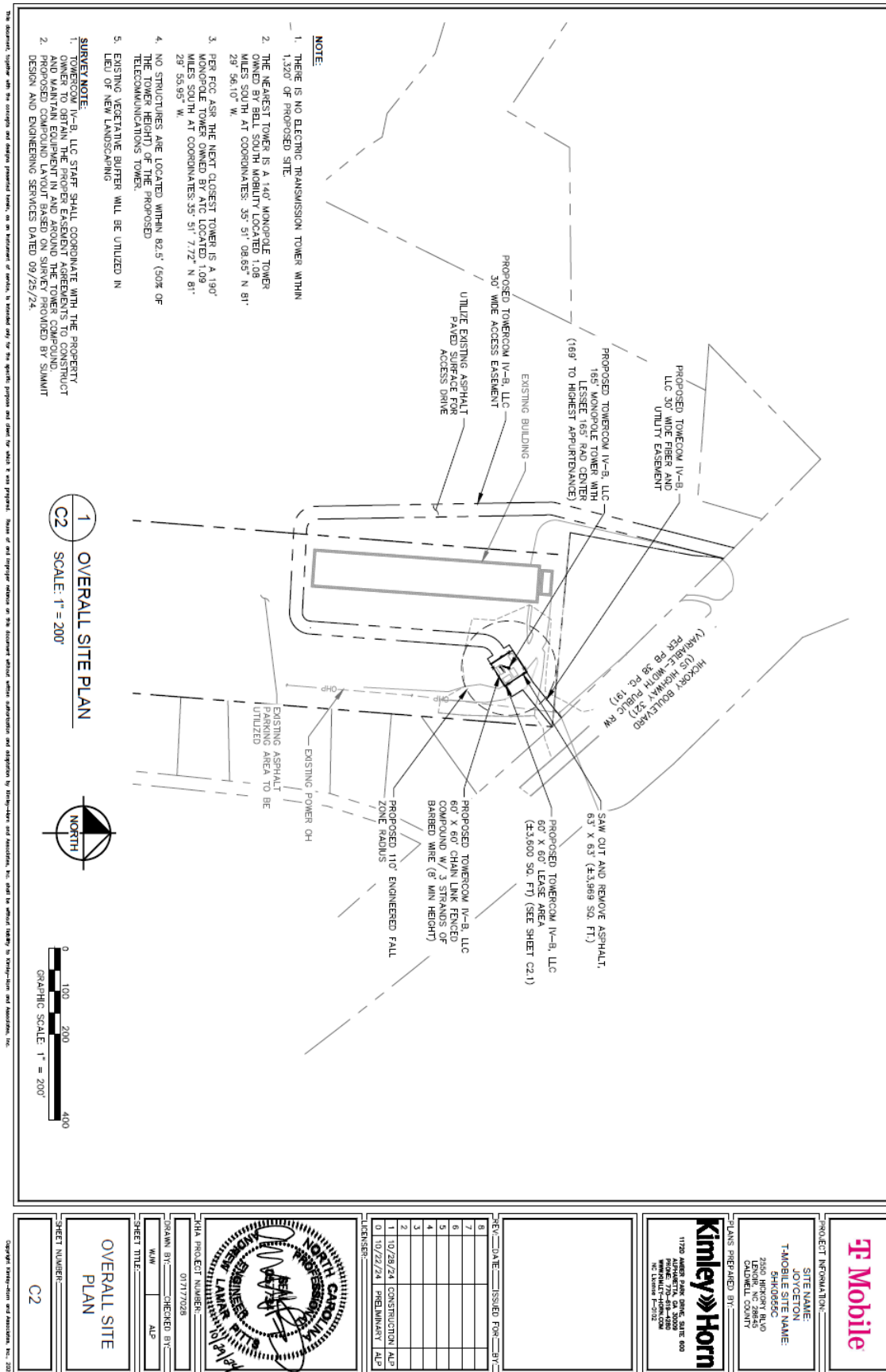
LICENSER:



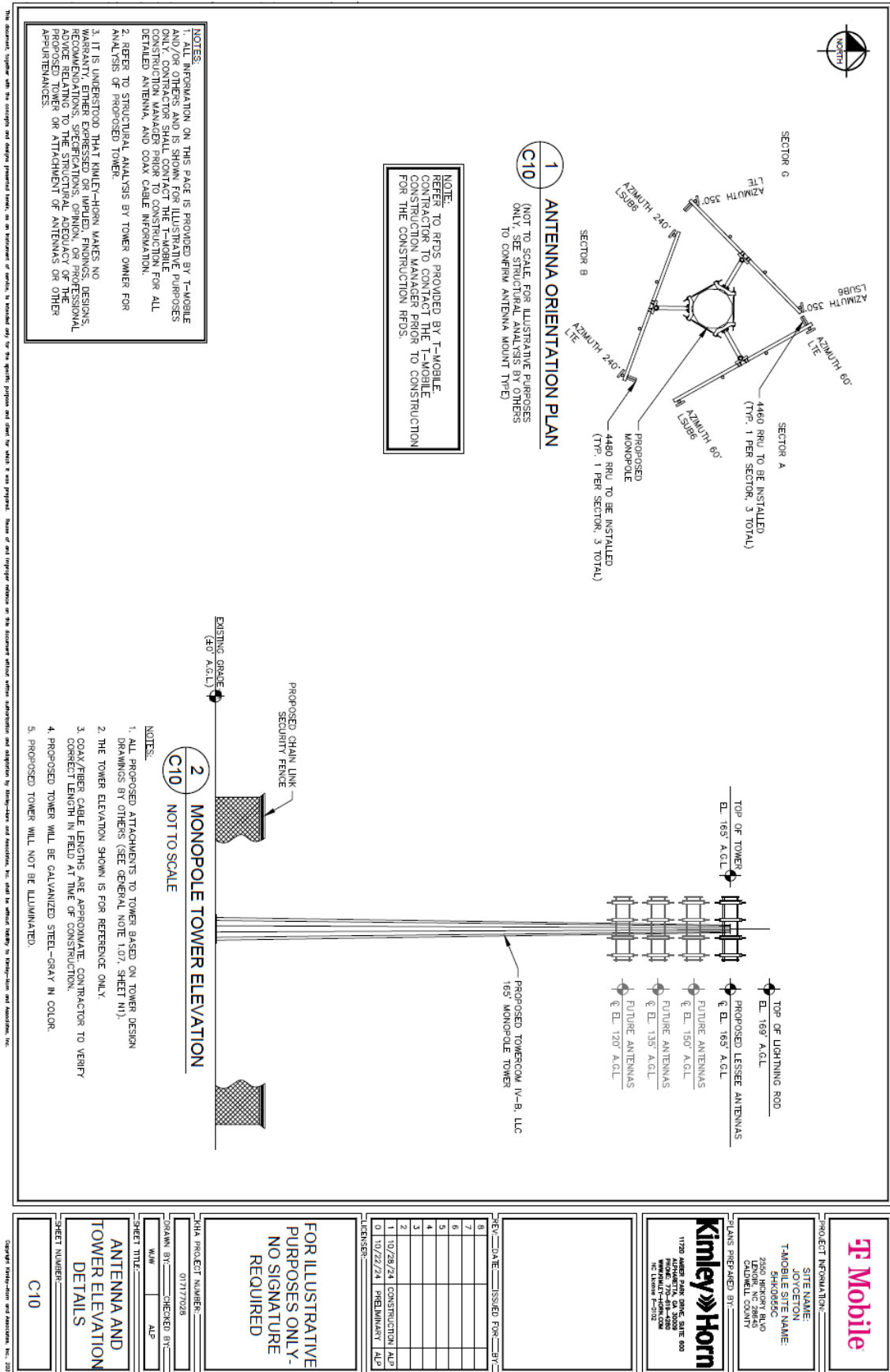
KHA PROJECT NUMBER:
017177028
DRAWN BY: CHECKED BY:
WJW ALP
SHEET TITLE:
OVERALL AERIAL PLAN
SHEET NUMBER:
C0



OVERALL SITE PLAN



TOWER ELEVATION SHOWING CO-LOCATION



[illegible]

[illegible]

EXISTING SITE PHOTO



Hickory Blvd. street view showing entrance to site and approximate location of cell tower beyond frontage and blue building



Meadowview Pl. street view identifying properties on right side of street abutting cell tower property; no street view on Meadowview

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

(Ord. of 1-19-2021, § 8)

910 Communication Towers

It is the intent of this Ordinance to allow communication towers for mobile telephone services and other radio and television information services, while minimizing adverse visual and operational effects of towers through careful siting, design, and screening; to avoid potential damage to adjacent properties through proper setbacks; and to maximize the use of communication towers and existing structures to reduce the number of towers necessary to provide for the communication needs of Lenoir and surrounding areas. Wherever a communication tower is permitted as a Special Use (see

Article VI Permitted Use Chart), the following application requirements and review standards shall apply in addition to those specified in Sec. 900 for all Special Uses.

Communication towers shall be a special use in all zoning districts except the B-5.

Please see the Site Plan and Drawings by North Carolina Professional Engineer Andrew Lamar Pitts attached hereto as Exhibit "1" and incorporated herein by reference. The Stat, Inc property is in the B-2 district.

910.1 Communication towers shall at all times comply with Federal Communications Commission (FCC) standards for radio frequency emissions.

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

Please see the NIERIS letter by North Carolina Professional Engineer William Panek attached hereto as Exhibit "2" and incorporated herein by reference.

910.2 Prior to the issuance of a Special Use Permit, the applicant shall be required to provide certificates of insurance demonstrating it has a minimum of \$1,000,000 in general liability insurance covering any liability arising out of its construction or operation of the communication facility. The applicant shall be required to maintain such coverage in full force and effect until such time as all above-ground portions of the facility have been removed and all other conditions of its Maintenance & Removal Agreement have been satisfied.

Please see the Certificate of Insurance attached hereto as Exhibit "3" and incorporated herein by reference.

910.3 Applicants shall first consider properties owned by the City of Lenoir or other government entity before considering private properties as locations for communication towers. The Planning Department will provide an inventory of City-owned properties. Public properties shall be subject to the same restrictions as private properties. If suitable public properties cannot be located, justification shall be provided which clearly explains why the public properties are not suitable and what alternatives were considered.

Please see the Alternative Candidate Analysis by Robin Clement of TowerCom hereto as Exhibit "4" and incorporated herein by reference.

910.4 An application for a Special Use Permit shall be accompanied by a copy of an executed lease requiring the applicant to remove all above-ground portions of communication towers no later than ninety (90) days after cessation of operations. In

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

addition, each applicant for a communication tower shall execute a facility maintenance/removal agreement prior to issuance of the Special Use Permit. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately remove the facility in compliance with the provisions of this Ordinance and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. Such costs shall include, but not be limited to, administrative and job supervision costs. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as the City has first provided the applicant the following written notices at the applicant's last known address:

A. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least thirty (30) days to complete the work; and

B. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within ten (10) days.

C. All portions of abandoned or unused communication towers located above ground that are not removed within ninety (90) days of the cessation of operations, the facility may be removed as provided in the applicant's Maintenance/Removal Agreement by the City and the costs of removal recovered from the applicant's bond or other security.

Please see Provision 18 in the Redacted Lease attached hereto as Exhibit "5" and incorporated herein by reference.

In addition, please see the Facility Maintenance/ Removal License Agreement attached hereto as Exhibit "6" and incorporated herein by reference.

910.5 Any communication tower in existence on the date of enactment of this Ordinance which does not comply in all respects with these provisions shall be deemed a nonconforming use. In the event such facility shall be destroyed, or suffer damage in excess of 50% of the tax value of the facility's improvements, such facility shall not be repaired or replaced and shall be removed unless any replacement facility complies in all respects with the provisions of this Ordinance. Except in the case of destruction or damage in excess of 50% of the tax value of the facility's improvements, technological upgrades of electronics and antennas are permitted, consistent with this Ordinance.

This is non-applicable as this is an application for a new facility.

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

910.6 Applications shall require payment of a nonrefundable \$2500 fee. This fee may be reduced to \$1000 when applicant is utilizing existing publicly- owned structures or land.

Applicant accepts and acknowledges this provision. A check for \$2,500 is provided along with this application.

910.7 An applicant for a Special Use Permit for a communication tower that includes a new or additional tower or increase in tower height, shall be required to post a \$10,000 cash bond, or other security satisfactory to the City, to secure costs of removing all above ground portions of a communication tower (not including any part of the foundation) in the event the applicant shall fail to do so within ninety (90) days of cessation of operation of the facility. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its Maintenance/Removal Agreement have been satisfied.

Please see the \$10,000 Removal Bond attached hereto as Exhibit "7" and incorporated herein by reference.

910.8 No communication tower shall be approved if an electric transmission tower is located within a one quarter mile radius (1320 feet) laterally of the proposed telecommunications tower site and if road access and necessary utilities can be obtained within a one quarter mile radius (1320 feet) of the existing electric transmission tower, unless the applicant can demonstrate that sufficient easements or other interests in real property cannot be obtained to accommodate the communication facilities, or that the electric utility owning the electric transmission tower is unwilling to allow its use for communication facilities, or if the planned equipment would exceed the structural capacity of the existing electrical transmission tower.

As shown on Sheet C-0 of Exhibit "1" in Note "1", there is no electric transmission tower within 1,320 ft of the proposed facility.

910.9 Electric transmission towers less than one hundred ten (110) feet in height may be replaced by metal electric transmission towers up to one hundred ten (110) feet in height. Such replacement shall be at the discretion of the electric utility which owns or operates the electric transmission tower, taking into account safety, service disruptions, structural capacity and structure life or duty cycle. For purposes of this Section, such replacement electric transmission tower shall be deemed to be an existing structure.

This is non-applicable as there were no electric transmission towers within 1320 ft of the proposed facility.

910.10 The tower shall be of a monopole design, engineered and constructed to permit the co-location of at least three additional users.

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

As shown on Sheet C-10 of Exhibit "1", and Design Drawings by Professional Engineer Amy R. Herbst attached hereto as Exhibit "8" and incorporated herein by reference, the proposed facility is of monopole design and designed for T-Mobile and at least three additional broadband carriers.

910.11 The exterior appearance of all buildings associated with the tower shall be similar to residences in the general area.

Applicant accepts and acknowledges this provision.

910.12 No tower shall exceed the height of 165 feet, which is measured from base of tower to top of tower.

Applicant accepts and acknowledges this provision. The proposed tower is 165ft.

910.13 The City Council may require that the applicant apply to the Federal Aviation Administration (FAA) for compliance with FAA standards for a dual lighting system rather than a red and white marking pattern, when such marking pattern is determined to be aesthetically blighting due to the visibility of the tower.

Please see the Airspace Analysis attached hereto as Exhibit "9" and incorporated herein by reference. Due to the tower's de minimis height, the FAA will not require the tower to be illuminated.

910.14 The base of the tower shall be surrounded by a fence or wall at least eight feet (8') in height unless the tower co-locates on a structure that makes such fence or wall impractical, as determined by the City. Such fences or walls shall be screened in accordance with Section 712 (Buffering and Screening) of this Ordinance.

As shown on Sheets C-2 and C-5 of Exhibit "1", the 60ft by 60ft compound will be enclosed by an 8ft chain linked fence topped with 3 strands of barbed wire as an anti-climbing device for a total height of 9ft.

910.15 No advertising logo or signage is permitted on any tower or antenna.
Please see Sheet C-8 of Exhibit "1". The facility will only display the required FCC site identification and emergency signage.

910.16 The City Council may require any other conditions, such as tower height or appearance, to mitigate the impact of the tower on adjacent properties and land uses.

Applicant accepts and acknowledges this provision.

910.17 Modifications to existing communication towers that are otherwise consistent with this ordinance and do not substantially change existing towers shall be

APPENDIX A: APPLICANT'S RESPONSE TO SUP STANDARDS

allowed to be permitted administratively without requiring additional review as a Special Use when the Planning Director finds that the modifications:

- A. Do not increase the height of the tower by more than 10 percent;
- B. Will not extend more than 20 ft. from the tower;
- C. Will add no more than one equipment shelter or four equipment cabinets;
- D. Will not involve excavation outside the tower site or existing utility or access easements; and
- E. Do not exceed the maximum permitted height of 165 ft. for communication towers.

Modifications that do not meet the above standards may be allowed, but require review and approval as a Special Use and must meet all standards for such uses.

This is non-applicable as this is an application for a new facility.

In addition, we have also enclosed the following documents: ANSI/ Fall Zone Letter by North Carolina Professional Engineer Amy R. Herbst attached hereto as Exhibit "10" and incorporated herein by reference; Recorded Deed attached hereto as Exhibit "11" and incorporated herein by reference; and Letter of Authorization attached hereto as Exhibit "12" and incorporated herein by reference.

Upon review, please let us know if we can provide any additional information or materials in support of our application. I can be reached at 843-414-9754 or 843-313-0103.

Thank you so much for all your help with this.

With warmest regards, I am

Very truly yours,



Jonathan L. Yates

APPENDIX B: TOWER REMOVAL BOND

Bond Number: SU1204365

Tower Removal Bond

KNOW ALL PERSONS BY THESE PRESENTS: That we TowerCom IV-B, LLC OF 241 Atlantic Blvd., Ste 201, Neptune Beach FL 32266 a corporation duly organized under the laws of the State of Florida, as principal and Arch Insurance Company, as Surety are held and firmly bound unto City of Lenoir, NC, 801 West Avenue NW, Lenoir, NC 28645 as Oblige, in the amount of Ten Thousand and 00/100 (\$10,000.00) Dollars, for the payment of which, well and truly to made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to the penal sum of this bond regardless of the number of years the bond is in effect.

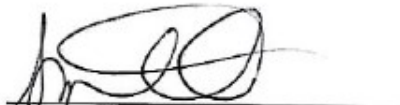
Whereas, the Principal has obtained written approval from the Oblige for the construction and erection of a wireless communication tower located at Joyceton, Hickory Blvd SW, Lenoir NC.

Now, therefore, if the principal well and truly complies with the maintenance, replacement, removal, relocation of the tower from the aforementioned address within 30 days upon receipt of written notice from the Oblige, to remove, replace, modify, or relocate the tower from said premises then this obligation is void, otherwise to remain in full force and effect unless cancelled as set forth below:

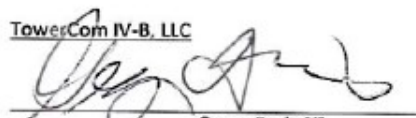
1. It shall be a condition precedent to any right of recover hereunder that, in the event of any default on the part of the Principal, a written statement of the particular facts of such default shall be, within Thirty (30) days, delivered to Surety at its Home Office located at:

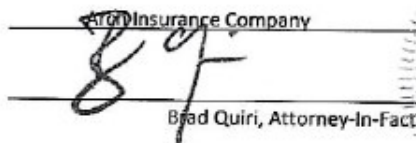
Arch Insurance Company
3286 N Mount Juliet Road
Mount Juliet, TN 37122
Phone: 770-519-5827
E-mail: wsiegfried@archinsurance.com
by registered mail to the Surety and the Surety shall not be obligated to perform Principal's obligation until sixty (60) days after Surety's receipt of such statement.
2. The Surety may cancel this bond at any time by giving Thirty (30) days' notice, by registered mail or overnight courier service to City of Lenoir, NC (Oblige). Such termination shall not affect liability under this obligation prior to the effective date of such termination.
3. No action, suit, or proceeding shall be maintained against the Surety on this bond unless the action is brought within twelve (12) months of the cancellation date of this bond.
4. Regardless of the number of years this bond may be renewed; in no event shall the liability of the Surety exceed the penal sum of this bond.
5. It is understood that the non-renewal of the bond by the Surety, or failure or inability of the Principal to file a replacement bond shall not constitute a loss recoverable by the Oblige under this bond.

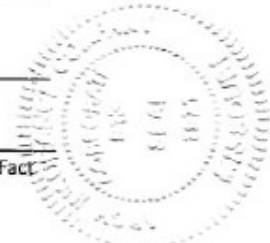
Signed, sealed, and witnessed this 28th day of October, 2024.


Witness


Witness Sarah Theusch, Admin

TowerCom IV-B, LLC

George Davis, VP

Arch Insurance Company

Brad Quiri, Attorney-In-Fact



APPENDIX B: TOWER REMOVAL BOND

POWER OF ATTORNEY

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Allison Lemke, Brad Quiri and Jeremy Crawford of Golden Valley, MN (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed; Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding One Hundred Fifty Million Dollars (\$150,000,000.00). This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on August 31, 2022, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect.

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on August 31, 2022:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on August 31, 2022, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company. In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 3rd day of January, 2023.

Attested and Certified

Regan A. Shulman

Regan A. Shulman, Secretary

STATE OF PENNSYLVANIA SS
COUNTY OF PHILADELPHIA SS

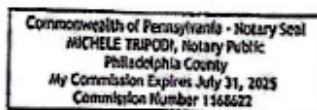


Arch Insurance Company

Stephen C. Ruschak

Stephen C. Ruschak, Executive Vice President

I, Michele Tripodi, a Notary Public, do hereby certify that Regan A. Shulman and Stephen C. Ruschak personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Michele Tripodi

Michele Tripodi, Notary Public
My commission expires 07/31/2025

CERTIFICATION

I, Regan A. Shulman, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated January 3, 2023 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said Stephen C. Ruschak, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 2nd day of October, 2024.

Regan A. Shulman

Regan A. Shulman, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division
3 Parkway, Suite 1500
Philadelphia, PA 19102



To verify the authenticity of this Power of Attorney, please contact Arch Insurance Company at SuretyAuthentic@archinsurance.com
Please refer to the above named Attorney-in-Fact and the details of the bond to which the power is attached.



APPENDIX C: ALTERNATIVE CANDIDATE ANALYSIS



October 28, 2024

TowerCom: Joyceton, City of Lenoir, Caldwell County, NC

Alternative Candidate Analysis

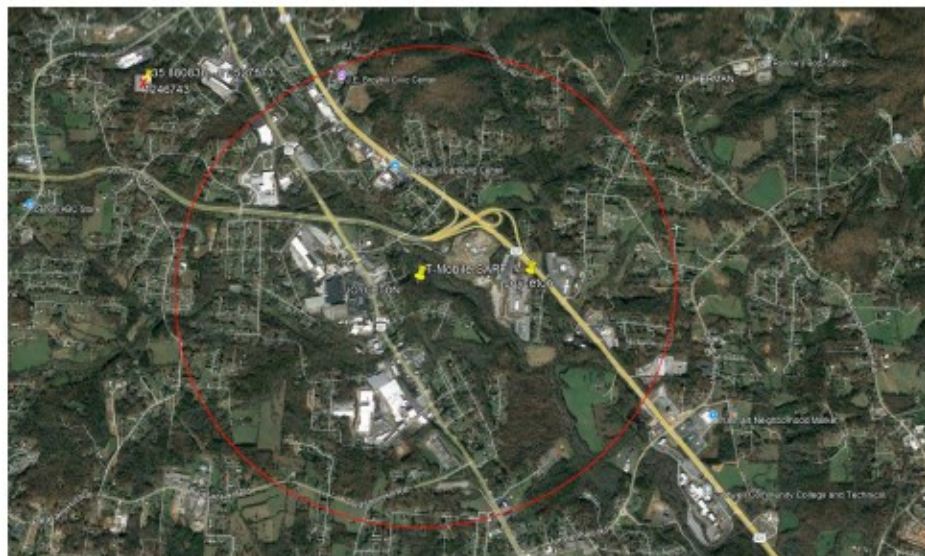
TowerCom submits this document to address alternative candidates it considered during its site selection process. T-Mobile has a specific search area in an area along Highway 321 and Southwest Boulevard with a requested antenna centerline of 160 ft.

City Property in the Search Area

TowerCom was able to confirm there are no city owned properties within the specified search ring nor within a reasonable distance outside of the search ring

Existing Structures in the Search Area

TowerCom was able to confirm there are no existing towers or other structures close to 160 ft. in height within the specified search ring nor within a reasonable distance outside of the search ring that could accommodate T-Mobile's equipment or T-Mobile was not already a tenant.

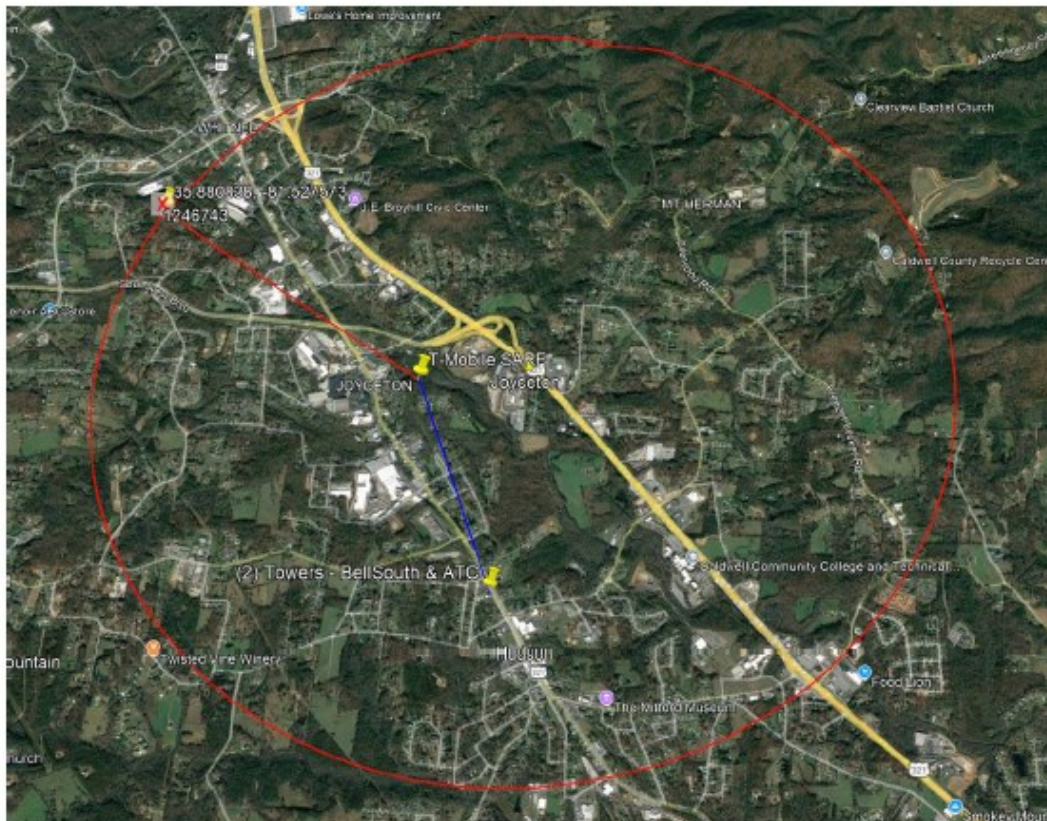


APPENDIX C: ALTERNATIVE CANDIDATE ANALYSIS



Existing Structures Outside of the Search Area

TowerCom then located the two nearest existing telecommunication tower locations as shown on the attached map in a two-mile radius:



This map illustrates a two-mile radius from the proposed search ring area, and as shown on the map, there are 2 existing towers within the two-mile radius. The nearest existing telecommunication sites (shown with a blue line) are a 140' monopole and 190' monopole side by side located 1.08 miles to the south. T-Mobile is already a tenant on the existing structure. An At&t Mobility 110' monopole tower, which is 1.57 miles away to the northeast would not meet T-Mobile's intended coverage area.

APPENDIX C: ALTERNATIVE CANDIDATE ANALYSIS



Conclusion

As noted above, there are no existing structures of sufficient height within the described search ring, and as noted above, the closest existing tower is 1.08 miles away, and T-Mobile is already a tenant at this location. TowerCom has leased a property from a willing landlord whose property will be developed in accordance with City of Lenoir regulations.

I certify that the foregoing is true and correct:



Robin Clement on Behalf of TowerCom

TOWERCOM Robin Clement, PMP | Director of Site Development
241 Atlantic Blvd. | Suite 201 Direct | 919.666.2904
Neptune Beach, FL 32266 Cell | 919.302.5030
ON AIR. ON TIME. www.towercomenterprises.com

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APPENDIX D: AIRSPACE SAFETY SITE SPECIFIC EVALUATION

**ASAC SITE SPECIFIC EVALUATION
FOR****Site Name: Joyceton****Site Number:****Site Location: Hudson, NC****Requestors Name: Kathe Post****Company Name: TowerCom IV, LLC****Street Address: 5561 NC Highway 55, STE 201****City and Zip: Durham, NC. 27713**

This is an evaluation based on application of surfaces identified in Federal Aviation Regulation (FAR) Part 77 and Federal Communication Commission (FCC) Rules Part 17.

EXECUTIVE SUMMARY

- ✦ The max height that can be built at this site without notice to the FAA is 200 feet AGL or 1435 feet AMSL.**
- ✦ The max No Extended Study height at this site is 499 AGL, or 1734 AMSL.**
- ✦ The max no hazard height at this site is 499 AGL, or 1734 AMSL.**
- ✦ The max no marking and lighting height at this site is 200 AGL, or 1435 AMSL.**

SITE DATA**Structure Type: Antenna Tower**

Coordinates of site:	Lat:	35°52'4.63"
	Long:	81°29'48.60"
	Datum:	NAD 83

Site ground elevation:	1235
Total height above the ground of the entire structure (AGL):	174
Total height above mean sea level (AMSL):	1409

*Joyceton**9/27/2024*

APPENDIX D: AIRSPACE SAFETY SITE SPECIFIC EVALUATION

AIRPORT/HELIPORT INFORMATION

Nearest public use or Government Use (DOD) facility: Foothills Regional.

This structure will be located 6.2 NM or 38133 FT from the airport on a bearing of 242 degrees true to the airport.

Nearest private use landing facility is: Lower Creek.

This structure will be located 4.5 NM from the airport on a bearing of 4 degrees true to the airport.

STUDY FINDINGS

FAA FAR Part 77 paragraph 9 (FAR 77.9): (Construction or Alteration requiring notice.) (These are the imaginary surfaces that the FAA has implemented to provide general criteria for notification purposes.)

This structure does not require notification to the FAA.

FAA FAR Part 77 paragraph 17(FAR 77.17): (Standards for Determining Obstructions.)(These are the imaginary surfaces that the FAA has implemented to protect aircraft safety. If any of these surfaces are penetrated, the structure may pose a Hazard to Air Navigation.)

This structure does not exceed these surfaces.

**FCC Notice Requirements:
(FCC Rules, Part 17)**

This structure does not require notification to the FAA or FCC based on these rules.

**FAA EMI:
(The FAA protects certain air navigational aids, radio transmitters, and RADAR facilities from possible interference. The distance and direction are dependent on the type of facility being evaluated. Some of these transmission and receiver facilities are listed in the National Flight Data Center (NFDC) database.)**

This site would not affect any FAA air navigational aids or transmitters.

APPENDIX D: AIRSPACE SAFETY SITE SPECIFIC EVALUATION

Military Airspace:

(This would include low level visual and instrument routes along with operations areas and special use airspace.)

This structure will not affect this airspace.

AM Facilities:

(The FCC protects AM radio stations from possible interference for a distance of 3.0 km for directional facilities, and 1.0 km for non-directional facilities. New changes to the FCC critical distances are calculated based on the AM transmission Movement Method Proof evaluation.)

This site was evaluated against the FCC's AM antenna database using the Movement Method proof calculations and no further action is required.

MARKING AND LIGHTING

FAA Advisory Circular 70/7460-1:

Marking and lighting is not required for this structure.

RECOMMENDATIONS

This site was evaluated in accordance with the requirements specified by the FAA under Federal Aviation Rules part 77, and found not to be a hazard to air navigation.

APPENDIX D: AIRSPACE SAFETY SITE SPECIFIC EVALUATION



**A DRAFT AMENDMENT TO THE LENOIR ZONING
ORDINANCE**

SECTION 1. Appendix A, Article IV of the Code of Ordinances, City of Lenoir, North Carolina, “Definitions” is hereby amended to read as follows:

ARTICLE IV. – DEFINITIONS

Beach Bingo - Bingo games which have prizes of ten dollars (\$10.00) or less or merchandise that is not redeemable for cash and that has a value of ten dollars (\$10.00) or less.

Recreation, Indoor - Uses that provide recreational opportunities for adults and children located primarily within enclosed buildings. Indoor recreation uses include general gaming establishments, beach bingo, movie theaters, bowling alleys, arcades, indoor roller skating and ice skating rinks, escape rooms, laser tag, indoor play structures, trampolines, indoor rock climbing walls, museums and hands-on play spaces, and similar uses. Adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses.

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this _____ day of _____ and this _____ day of _____, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2025.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

**ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH
CAROLINA:**

City Clerk

****[Remainder of page intentionally left blank.]****

PLANNING DEPARTMENT MEMORANDUM

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

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: November 25, 2024
SUBJECT: Proposed Ordinance Amendment for Churches
CC: Scott Hildebran, City Manager
TJ Rohr, City Attorney

In Appeals Case AP 1-24, the Board of Adjustment determined that “beach bingo” falls under Adult Gaming Establishment as a land use and is required to meet the Performance Standards in Section 611 of the Lenoir Zoning Ordinance. The performance standards include separation distances from residential districts, churches, parks, schools, addiction treatment facilities, and other sensitive uses (see enclosed copy of Sec. 611, as well as definitions of gaming in the Lenoir Zoning Ordinance.) The same applicants from AP 1-24 are now applying for a text amendment that would exclude Beach Bingo from Section 611 and allow it wherever Indoor Recreation is allowed.

Beach bingo is defined in NCGS 14-309.6 as bingo games which have prizes of ten dollars (\$10.00) or less or merchandise that is not redeemable for cash and that has a value of ten dollars (\$10.00) or less. NCGS 14-309.14 provides several statewide regulations on how beach bingo games can be operated. They must be licensed, cannot take place where any other licensed bingo game is operated, and cannot reward more than \$10 per game. There is no age limit to play beach bingo or any licensed bingo games in NC.

Statement of Plan Consistency and Reasonableness

Below are two draft consistency statements approving or denying the request. When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with the City's adopted Comprehensive Plan, in accordance with G.S. 160D-605(a).

Motion to approve:

The proposed zoning ordinance amendment is consistent with the Lenoir Comprehensive Plan because it results in sensible and straightforward zoning standards. This text amendment aligns the land-use impacts of permitted uses with the appropriate zoning district. The proposed amendment is reasonable and in the public interest because it aligns local zoning ordinance with state law.

Motion to deny:

The proposed zoning ordinance amendment is not consistent with the Lenoir Comprehensive Plan because it does not align with the land use strategies in the Comprehensive Plan. Therefore, the proposed amendment is not in the public's interest at this time.

Enclosed Documents

Lenoir Zoning Ordinance Sec. 611 Adult Gaming Establishment Performance Standards
Lenoir Zoning Ordinance Section 600 Table B Permitted Use Chart Non-Residential Uses
NCGS 14-309.14 Beach Bingo

611 Performance Standards for Adult Gaming Establishments

1. Adult Gaming Establishments must be located at least 350 ft. away from any residential zoning district, measured from the edge of the residential district to the closest door of the adult gaming establishment open to the public in a straight line.
2. Adult Gaming Establishments must be located at least 1,000 ft. away from any school, youth day care, church, park, or playground, measured from the property line of the protected use to the closest door open to the public of the adult gaming establishment in a straight line.
3. Adult Gaming Establishments must be located at least 1,000 ft. away from any other Adult Gaming Establishment, Adult Use, Liquor (ABC) Store, or Addiction Treatment and Recovery Facility, measured from door to door in a straight line.
4. Alcohol Sales are prohibited.
5. Hours of operation are limited to the hours between [11](#) a.m. and 12:00 midnight.
6. Adult Gaming Establishments are limited to 1,500 sq. ft. of floor area dedicated to gaming operations and must provide 1 parking space for every 150 sq. ft. of floor area.
7. A zoning permit issued by the Planning and Community Development department is required prior to the establishment of any Adult Gaming Establishment within the City.

Adult Gaming Establishment - Any establishment deemed legal by state law, featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at any one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. This term includes, but is not limited to, internet cafes, internet sweepstakes, beach sweepstakes, and cyber cafes.

General Gaming Establishment - Any establishment deemed legal by state law, excluding billiards halls, adult gaming establishments and any others similarly defined in this chapter, whose primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or rewards of limited value such as children's toys, games, and novelties when all of said rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. This term includes, but is not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses.

SECTION 600, TABLE A: Chart of Permitted and Conditional **NON-RESIDENTIAL Uses**

P=Permitted Use • PS=Permitted w/ Separation Requirements • C=Conditional Use • Blank = Prohibited

	<i>Residential</i>							<i>Mixed Use/Commercial</i>							<i>Industrial</i>	
NON RESIDENTIAL (1)	<i>R-R (Rural Residential)</i>	<i>R-20 (Low Density Single Family)</i>	<i>R-15 (Single Family)</i>	<i>R-12 (Single Family)</i>	<i>R-9 (mixed density residential)</i>	<i>R-6 (high density residential)</i>	<i>R-C (residential-commercial)</i>	<i>O&I (Office and Institutional)</i>	<i>B-1 (Neighborhood Business)</i>	<i>B-2 (General Business)</i>	<i>B-3 (Central Business District)</i>	<i>B-5 (Neighborhood Mixed Use)</i>	<i>B-6 (Transitional Business)</i>	<i>B-7 (Highway Business)</i>	<i>I-1 (Light Industrial)</i>	<i>I-2 (Heavy Industrial)</i>
Adult Establishment/Adult Use/Sexually Oriented Business (2)										PS					PS	
Adult Gaming Establishment (3)										PS					PS	
Agriculture	C	C(9)													C(9)	C(9)
Billards and Pool Halls (10)										P	P					
Day Care Centers	C			C	C	C	P	P	P	P	P	P	C	P	P	P
Communication Towers (4)	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
Cultural and Community Facilities, Churches, Synagogues, Mosques	C	C	C	C	C	C	C	P	C	P	P	C	C	P		
Kennels, Commercial (12)										p				P	P	p
Eating and Drinking (without drive-through)							P	P	C	P	P	P	P	P	P	P
Eating and Driving (with Drive-through)							P			P				P	P	P
Flea Markets										C				C	P	P
Green Houses, Commercial (5)	C	C								P	P			P	P	P
Hospital/Clinics								P		P	C			P	P	P
Hotels/Motels										P	P			P		
Junk Yard/Salvage Yard (11)																P
Manufacturing & Processing: Boutique/Artisan							P	P	P	P	P			P	P	P
Manufacturing & Processing: Light										P(6)				P(6)	P	P
Manufacturing & Processing: Heavy																P
Night Clubs/Private Clubs (7)										PS	P					
Office (includes Medical and Dental)							P	P		P	P	P	P	P	P	P
Public Service Facilities					C	C	C	P		P	P			P	P	P
Personal Storage (mini warehouse)										P				P	P	P
Recreation, Outdoor	(8)	(8)	(8)	(8)	(8)	(8)	(8)			P				P		
Recreation, Indoor										P	P			P	P	P
Retailing, Light							P	P		P	P	P	P	P	P	P
Retailing, Intensive										P				P	P	P
Retailing: Neighborhood Business	C	C					P	P	P			P	P			
Services, Automotive (13)										P				P	P	P
Services, Major Vehicle										C				C	P	P
Services, Business and Personal							P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor										P					P	P
Studios and Specialty Schools								P	P	P	P	P	P	P	P	P
Veterinarians (no outdoor kennels)										P			P	P	P	P
Warehousing										P(14)				P(14)	P	P

§ 14-309.14. Beach bingo.

Nothing in this Article shall apply to "beach bingo" games except for the following subdivisions:

- (1) No beach bingo game may offer a prize having a value greater than ten dollars (\$10.00). Any person offering a greater than ten-dollar (\$10.00) but less than fifty-dollar (\$50.00) prize is guilty of a Class 2 misdemeanor. Any person offering a prize of fifty dollars (\$50.00) or greater is guilty of a Class I felony.
- (2) No beach bingo game may be held in conjunction with any other lawful bingo game, with any "promotional bingo game", or with any offering of an opportunity to obtain anything of value, whether for valuable consideration or not. No beach bingo game may offer free bingo games as a promotion, for prizes or otherwise. Any person who violates this subsection is guilty of a Class I felony.
- (3) Repealed by Session Laws 2019-182, s. 14(b), effective September 1, 2019, and applicable to offenses committed on or after that date.
- (4) Upon conviction under any provision of this section, such person shall not conduct a bingo game for a period of at least one year.
- (5) A person shall not operate a beach bingo game at any location without first obtaining a license as provided by this subdivision. Any person operating a beach bingo game without a license is guilty of a Class 2 misdemeanor. The procedure for obtaining an application for a beach bingo license shall be as follows:
 - a. The application for a beach bingo license shall be made to the Alcohol Law Enforcement Division of the Department of Public Safety on a form prescribed by the Division. The Division shall charge an initial application fee of three hundred dollars (\$300.00) and an annual renewal fee of three hundred dollars (\$300.00) to defray the cost of issuing beach bingo licenses and handling enforcement. The fees collected shall be deposited in the General Fund of the State. This license shall expire one year after the granting of the license but may be renewed yearly upon payment of the renewal fee.
 - b. Each application and renewal application shall contain all of the following information:
 1. The name and address of the applicant and if the applicant is a corporation, association, or other similar legal entity, the name and home address of each of the officers of the organization as well as the name and address of the directors, or other persons similarly situated, of the organization.
 2. The location at which the applicant will conduct the bingo games. If the premises are leased, a copy of the lease or rental agreement.
 - c. Any false information provided in an application for a beach bingo license is cause for suspension of that license and is also a Class 2 misdemeanor.
 - d. All books, papers, records, and documents relevant to determining whether an individual has acted or is acting in compliance with this section shall be open to inspection by the Alcohol Law Enforcement Division of the Department of Public Safety at reasonable times and during reasonable hours. (1983, c. 896, s. 3; 1983 (Reg. Sess., 1984), c. 1107, s. 10; 1987, c. 701; 1989 (Reg. Sess., 1990), c. 826, s. 2; 1993,

c. 539, ss. 214, 1232; 1994, Ex. Sess., c. 24, s. 14(c); 2016-27, s. 1; 2017-102, s. 5.1(b); 2019-182, s. 14(b); 2020-72, s. 1(c).)

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH
CAROLINA, AMENDING APPENDIX A OF THE LENOIR CITY CODE
RELATED TO PERMITTED LOCATIONS FOR CHURCHES,
PROVIDING FOR CODIFICATION, AND AN EFFECTIVE DATE.**

Whereas, Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) establishes a general rule that zoning regulation cannot impose a substantial burden on religious exercise unless it is in furtherance of a compelling governmental interest; and

Whereas, the Lenoir Zoning Ordinance permits secular places of assembly such as movie theatres in industrial districts, while religious places of assembly are not permitted in industrial districts, and

Whereas, the Lenoir Planning Board and City Council find that this ordinance is consistent with the City's Comprehensive Plan, which calls for the review of existing development ordinances and identification of regulations needing updating or removal,

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. Appendix A, Article VI of the Code of Ordinances, City of Lenoir, North Carolina, "Permitted Use Chart" is hereby amended to read as follows:

SECTION 600, TABLE B: Chart of Permitted and Conditional NON-RESIDENTIAL Uses

SECTION 600, TABLE A: Chart of Permitted and Conditional NON-RESIDENTIAL Uses																
P=Permitted Use · PS=Permitted w/ Separation Requirements · C=Conditional Use · Blank = Prohibited																
	Residential							Mixed Use/Commercial							Industrial	
	R-R (Rural Residential)	R-20 (Low Density Single Family)	R-15 (Single Family)	R-12 (Single Family)	R-9 (mixed density residential)	R-6 (high density residential)	R-C (residential-commercial)	O&I (Office and Institutional)	B-1 (Neighborhood Business)	B-2 (General Business)	B-3 (Central Business District)	B-5 (Neighborhood Mixed Use)	B-6 (Transitional Business)	B-7 (Highway Business)	I-1 (Light Industrial)	I-2 (Heavy Industrial)
NON RESIDENTIAL (1)																
Adult Establishment/Adult Use/Sexually Oriented Business (2)										PS					PS	
Adult Gaming Establishment (3)										PS					PS	
Agriculture	C	C(9)													C(9)	C(9)
Billards and Pool Halls (10)										P	P					
Day Care Centers	C			C	C	C	P	P	P	P	P	P	C	P	P	P
Communication Towers (4)	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C
Cultural and Community Facilities, Churches, Synagogues, Mosques	C	C	C	C	C	C	C	P	C	P	P	C	C	P	<u>P</u>	<u>P</u>
Kennels, Commercial (12)										P				P	P	P
Eating and Drinking (without drive-through)							P	P	C	P	P	P	P	P	P	P
Eating and Driving (with Drive-through)							P			P				P	P	P
Flea Markets										C				C	P	P
Green Houses, Commercial (5)	C	C								P	P			P	P	P
Hospital/Clinics								P		P	C			P	P	P
Hotels/Motels										P	P			P		
Junk Yard/Salvage Yard (11)																P
Manufacturing & Processing: Boutique/Artisan							P	P	P	P	P			P	P	P
Manufacturing & Processing: Light										P(6)				P(6)	P	P
Manufacturing & Processing: Heavy																P
Night Clubs/Private Clubs (7)										PS	P					
Office (includes Medical and Dental)							P	P		P	P	P	P	P	P	P
Public Service Facilities					C	C	C	P		P	P			P	P	P
Personal Storage (mini warehouse)										P				P	P	P
Recreation, Outdoor	(8)	(8)	(8)	(8)	(8)	(8)	(8)			P				P		
Recreation, Indoor										P	P			P	P	P
Retailing, Light							P	P		P	P	P	P	P	P	P
Retailing, Intensive										P				P	P	P
Retailing: Neighborhood Business	C	C					P	P	P			P	P			
Services, Automotive (13)										P				P	P	P
Services, Major Vehicle										C				C	P	P
Services, Business and Personal							P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor										P					P	P
Studios and Specialty Schools								P	P	P	P	P	P	P	P	P
Veterinarians (no outdoor kennels)										P			P	P	P	P
Warehousing										P(14)				P(14)	P	P

(Deletions indicated by ~~strike through~~; additions indicated by underline, omissions indicated by **** UPDATED 11/4/2024)

SECTION 2. CODIFICATION. The City Clerk shall cause the Code of Ordinances of Lenoir, North Carolina to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 3. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this ___ day of _____ and this ___ day of _____, 2025.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this _____ day of _____, 2025.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:

City Clerk

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PLANNING DEPARTMENT MEMORANDUM

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

TO: Lenoir Planning Board
FROM: Hannah Williams, AICP, Planning Director
DATE: November 25, 2024
SUBJECT: Proposed Ordinance Amendment for Churches
CC: Scott Hildebran, City Manager
TJ Rohr, City Attorney

It has come to the attention of Lenoir Planning Staff that churches (included under “Cultural and Community Facilities, Churches, Synagogues, Mosques” on the Permitted Use Chart) are not permitted in industrial districts. The few churches that are located in industrial districts are considered legally non-conforming. This status generally means they are permitted to remain in place but cannot expand or rebuild.

Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) establishes a general rule that zoning regulation cannot impose a substantial burden on religious exercise unless it is in furtherance of a compelling governmental interest. While most zoning regulations do not “substantially burden” religious exercise, zoning regulations that treat religious assemblies on “less than equal terms” with non-religious uses are prohibited. Many courts have determined this to mean that secular places of assemblies, such as movie theatres should be treated the same way as religious assemblies. Today, movie theatres are included under “Indoor Recreation,” which are permitted by right in industrial districts.

For reference, the definitions of the land uses discussed are copied below:

Recreation, Indoor - Uses that provide recreational opportunities for adults and children located primarily within enclosed buildings. Indoor recreation uses include general gaming establishments, movie theaters, bowling alleys, arcades, indoor roller skating and ice skating rinks, escape rooms, laser tag, indoor play structures, trampolines, indoor rock climbing walls, museums and hands-on play spaces, and similar uses. Adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses.

Planning staff recommends permitting “Cultural and Community Facilities, Churches, Synagogues, Mosques” by right in industrial districts, and offers the following consistency statement:

The proposed zoning ordinance amendment is consistent with the Lenoir Comprehensive Plan because it results in sensible and straightforward zoning standards. This text amendment aligns the land-use impacts of permitted uses with the appropriate zoning district. The proposed amendment is reasonable and in the public interest because it aligns local zoning ordinance with federal law.

Permit Report

10/21/2024 - 11/15/2024

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

Group:

2024285	11/6/2024		Debbie Landell		Wal-Mart signs	935 BLOWING ROCK BL

Group Total: 4

Group: Accessory

2024293	11/14/2024	Accessory	Sharon Bryant	11/14/2024	lean to on existing building	BRADFORD MOUNTAIN RD
2024287	11/7/2024	Accessory	John Baziw	11/7/2024	accessory building	1324 HIBRITEN DR
2024272	10/23/2024	Accessory	Richard McGhee	10/23/2024	22x29 workshop building	417 SHARON AV

Group Total: 3

Group: Driveway

2024277	10/29/2024	Driveway	Alan Wagnor	10/29/2024	driveway	409 SCARLETT OAK CT

Group Total: 1

Group: Floodplain Development

2024278	10/30/2024	Floodplain Development	Chad Triplett		floodplain	1144 MORGANTON BV
2024275	10/25/2024	Floodplain Development	Jared Wright	10/28/2024	This project includes construction of a timber-framed picnic shelter adjacent to the new splash pad on the subject property.	1050 ZACKS FORK RD

					Construction includes minor excavation for foundations, concrete placement, timber framing, and metal roofing installation.	
2024266	10/21/2024	Floodplain Development	Lukas Vander Linden	10/27/2024	One (1) distribution pole is proposed in the floodway in parcel 2758365644, and one (1) existing distribution pole is proposed to be removed from the floodplain approximately 100 feet west of the proposed pole on the opposite bank within parcel 2758363400. *See Attachment for more detail.	1649 NORWOOD ST

Group Total: 5

Group: Manufactured Home

2024282	11/4/2024	Manufactured Home	Allen Johnson/Clayton Homes	11/4/2024	double-wide	1007 PERKINS PL

Group Total: 1

Group: Non-residential

--	--	--	--	--	--	--

Group Total: 1

Group: Permanent Sign

2024292	11/14/2024	Permanent Sign	Michele Bortree	11/14/2024	Signs-Farm Bureau	1201 WILKESBORO BV
2024270	10/22/2024	Permanent Sign	Frye's Sign Company	10/23/2024	Sign-Invitation Therapy	123 PENNTON AV

Group Total: 2**Group: Residential Addition**

2024290	11/12/2024	Residential Addition	Julie Hart-ARDA Designs, LLC	11/12/2024	Replace existing porches (front and back).	2830 ELLERWOOD RD
2024289	11/12/2024	Residential Addition	Cody Vaughan	11/12/2024	replacing existing deck	1303 IDLEWOOD ST
2024288	11/7/2024	Residential Addition	Xavier Fernandez	11/7/2024	roof over existing deck	423 MELROSE ST
2024283	11/4/2024	Residential Addition	Terry McFarland	11/4/2024	porch on front	505 WOODHAVEN ST
2024280	10/31/2024	Residential Addition	Lucia Ramos	10/31/2024	screened porch	1416 POPLAR ST

Group Total: 5**Group: Temporary Advertising**

2024284	11/6/2024	Temporary Advertising	O'Burns Holdings LLC	11/6/2024	temp banners	1381 HIBRITEN DR
2024276	10/29/2024	Temporary Advertising	Chad Triplett	10/29/2024	temp banners	1144 MORGANTON BV
2024274	10/25/2024	Temporary Advertising	Fabio Madera	10/25/2024	24 SF wall-mounted banner	1319 HARPER AV
2024271	10/23/2024	Temporary Advertising	Devin Huie	10/23/2024	temp banner	405 BLOWING ROCK BV

Group Total: 4**Group: Zoning Verification**

2024291	11/12/2024	Zoning Verification	Rey Calderon		Zoning Verification for Car Lot	515 REALTY ST
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2024279	10/31/2024	Zoning Verification	South West Blvd Used Cars & Towing	10/31/2024	verification letter	1228 CONNELLY SPRINGS RD
2024269	10/22/2024	Zoning Verification	Elizabeth Harrison	10/22/2024	verification letter	139 BLOWING ROCK BV

Group Total: 3

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Total Records: 29

11/15/2024