

MINUTES
PLANNING BOARD MEETING
November 25, 2024
5:30 P.M.

LOCATION:
City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: Michael Careccia, Kyle Case, Tammy Greene, Lucy McCarl, Tim Scobie, Edward Terry, Dontrell Parson

MEMBERS ABSENT: Curtis Baker, Sharon Bryant, 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 October 28, 2024, seconded by Board Member Case. All were in favor, none opposed.

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.*

Planner, Matt Duchan presented the rezoning case for 1829 Blowing Rock Blvd. The applicant is requesting to rezone the property from R-R (Rural Residential) to B-2 (General Business) and has submitted an annexation petition in order to develop a commercial site. The current zoning would permit a single-family home, accessory dwelling, duplex, or a double-wide (manufactured home). B-2 would allow a range of commercial and residential uses. Staff recommends that the Planning

Board recommend approval of the re-zoning request.

Matt Duchan read the following consistently statement for the record:

Consistency Statement

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.

Applicant, Austin Northern at 572 Skyland View Drive, Blowing Rock NC stated he appreciated the consideration of this request. This property is seen as you drive down from Blowing Rock and will be visible for a commercial business. He is currently working with DOT on the driveway.

Chairperson McCarl asked about the paper road that is seen on the plat. Mr. Northern replied that there is a guardrail opening on 321 to his driveway, and that he is working with the DOT,

Board Member Scobie, made a motion to approve the rezoning case and the consistency statement as presented by staff and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Parson seconded the motion, which was voted upon and passed unanimously.

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 hearing at City Council on January 7, 2025.*

Planning Director, Hannah Williams presented the Special Use Permit for a 165 foot monopole wireless communication tower for T-Mobile at 2550 Hickory Blvd. This will be located on the STAT Inc property.

Mrs. Williams presented to the board the requirements for the cell tower ordinance 910.1-912.1 and how the applicant meets those requirements. Planning staff recommends approval of the Special Use Permit. The staff report and findings were submitted for the record.

Findings:

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.*

Attorney, Frank Longest at 3453 Forestdale Dr., Burlington NC approached the board. He represents the applicant, Jonathan Yates. Mr. Yates has completed many applications like this one in various states. Mr. Longest stated he is pleased that the Planning staff recommends approval of this application.

Applicant, Jonathan Yates at 105 Broad Street, Charleston SC stated the application process with the Planning staff has been great. The application is for a 165' communication tower on the property owned by STAT Inc. near the Caldwell County Fairgrounds. The cellular service for T-mobile had a deficit in the area. After much research, this was the perfect site for a cell tower. He explained to the board the process of installing the tower and the importance of having good cell service in an emergency like Hurricane Helene. This tower will be able to cover a large capacity of customers. Mr. Yates answered questions from the board.

Michael Correll at 229/230 McCray Place, Lenoir NC approached the board. He originally had a concern that this would impact property that his father and himself own, but after hearing the case it will not be a problem. Mr. Correll stated he is also an attorney and the board should consider if the tower would need repair would the bond cover the expenses and who would be responsible.

Board discussion ensued.

Board Member Terry, made a motion to approve the Special Use Permit application and staff findings as presented by staff and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

Chairperson McCarl asked the board to move case number (4) ZOA 4-24 on the agenda to number (3) due to audience presence.

3. 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.*

Planning Director, Hannah Williams presented the text amendment case to exclude Beach Bingo from Section 611 and allow it wherever Indoor Recreation is allowed. Beach Bingo is a game with a \$10.00 award and can be operated as a commercial business. Hannah Williams read the proposed changes from the draft ordinance.

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.

Mrs. Williams stated adult gaming establishments and billiard/pool halls are regulated separately and are not included in indoor recreation uses. The applicants submitted an appeal case to the Board of Adjustment in October. The applicants found the property at 312 Morganton Blvd to operate the business, but it could not meet the separation standards from a residential area and an addiction treatment facility. The Board of Adjustment denied the case due to the cash prize reward and not meeting the separation standards.

Prior to 2019 Beach Bingo was permitted by right, in 2019 City Council adopted an ordinance overhaul where Beach Bingo was removed. Planning staff researched police data for the number of calls received from this type of business. A known Beach Bingo business at Taylorsville Rd and Wilkesboro Blvd had low call numbers to the police between 2010 and 2014.

Planning Director, Hannah Williams read the consistency statements for the record for motion to approve or deny.

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.

Applicant, Amanda Moser at 158 Cedar Ave, Hudson NC approached the board. She entered this business because her aunt owned Sharon's Beach Bingo and has now retired. Mrs. Moser stated the 2 police incidents were customers who fell, no violence. They have received their license from the State and wants to do everything correctly. Beach Bingo is fun for all ages and is needed in the community.

Board Member Case, made a motion to approve the zoning ordinance amendment to exclude Beach Bingo from Section 611 and allow it wherever Indoor Recreation is allowed and the consistency statement as presented by staff and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Scobie seconded the motion, which was voted upon and passed unanimously.

4. 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.

Planning Director, Hannah Williams presented the zoning amendment case to allow churches in industrial districts. Planning staff met with Blair’s Fork Baptist Church located at 1704 Valway Road, which is zoned heavy industrial. The church staff discussed improvements, which requires them to meet the zoning code ordinance. The current zoning ordinance does not allow churches in the industrial zoning districts. 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.

Hannah Williams read the consistency statement as follows:

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 the local zoning ordinance with federal law.

Board Member Scobie, made a motion to approve the zoning ordinance amendment “Cultural and Community Facilities, Churches, Synagogues, Mosques” by right in industrial districts and the consistency statement as presented by staff and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Terry seconded the motion, which was voted upon and passed unanimously.

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.

Planner, Matt Duchan stated this case was tabled at the October Planning Board meeting for more information.

The proposed changes are as follows:

~~Sec. 1107.7 Penalties for Violation—Violations of this ordinance will be subject to the penalties established in Chapter 1, Section 1-15 of the Lenoir Code of Ordinances.~~ Light Pole Banners – Public Service Facilities, as defined in the Lenoir Zoning Ordinance, shall be permitted to install banners on light poles that are owned by and located entirely on the property of the public service facility in the following districts: O&I, B-2, B-6, B-7, I-1, and I-2. Light pole banners shall conform to the following:

- (a) Light pole banners shall not be used as a temporary, off-premise advertising sign.
- (b) A maximum of two (2) banners shall be displayed on up to twelve (12) poles on any given site.
- (c) Light pole banners are limited to a maximum area of 12 square feet.
- (d) Light pole banners shall maintain a minimum vertical clearance of 12 feet from grade to the bottom of the banner.
- (e) Light pole banners shall be mounted to project perpendicular from light poles.

Matt Duchan presented the staff findings comparing properties within the city limits this change would effect. This proposal states in order to place banners onto on-premises light poles, the public service facility must be owned by a public service provider (or publicly funded body), which would cut out some businesses.

Board Member Scobie asked if the hospital parcel was being counted as three parcels or one. Matt Duchan replied, the hospital would be counted separate as three because they are on different parcels.

Board Member Case suggested limiting the pole banners per acre for each property.

Board discussion ensued. The board agreed this would make most sense to limit it to per acre, per pole.

Chairperson McCarl withdrew her previous motion from the October 28, 2024 meeting to limit the number of light poles to (4) to the Light Pole ordinance.

Board Member Careccia, made a motion to approve the Light Pole ordinance as presented by staff.

Board discussion ensued on the proposed ordinance and adding the number of poles, per acre.

Board Member Careccia, withdrew the previous motion to approve the Light Pole ordinance as presented by staff.

Board Member Careccia, made a motion to approve the Light Pole ordinance presented by

staff with amending (b) to 2 poles per acre, 2 banners per pole and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Parson seconded the motion, it was not voted on by the board.

Board Member Scobie questioned the amount allowed per acre, per pole. Board Member Case asked if this would include property that was leased and not owned. Board discussion ensued.

Board Member Case, made a motion to add language to the Light Pole ordinance (f) a lease-hold interest would not count as ownership. Board Member Careccia seconded the motion, which was voted upon and passed unanimously.

Board Member Careccia, made a motion to adopt the 1107.7 ordinance as amended with (b) to 2 poles per acre, 2 banners per pole and adding (f) a lease-hold interest would not count as ownership and call for a Public Hearing for City Council to consider the request on January 7, 2025. Board Member Parson seconded the motion, which was voted upon. The motion carried 6-1, with Careccia, Greene, McCarl, Scobie, Terry, and Parson voting in favor; Case voting against.

OTHER BUSINESS

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

ADJOURNMENT:

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

Lucy McCarl
Chairperson

Hannah Williams
Planning Director