

**MINUTES  
PLANNING BOARD MEETING  
January 27, 2025  
5:30 P.M.**

**LOCATION:**

City /County Meeting Room  
905 West Avenue

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

**MEMBERS ABSENT:** 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 Careccia made a motion to approve the meeting minutes of November 25, 2024, as amended, seconded by Board Member Scobie. All were in favor, none opposed.

Chairperson McCarl stated the agenda item under New Business number (1) has been withdrawn.

**NEW BUSINESS**

- |                  |                                   |
|------------------|-----------------------------------|
| <b>2. R 2-25</b> | <b>220 Sunset Street NW</b>       |
| Applicant:       | Marcus Sims                       |
| Owners:          | MWS Investments LLC (Marcus Sims) |
| Location:        | 220 Sunset Street NW              |

The applicant is requesting to rezone the subject property (.71 AC) from R-9 (Mixed Density Residential) to R-6 (High Density Residential) to build two duplexes on a site that is otherwise incompatible.

*Recommended Action: Approval of the request, and call for a public hearing at City Council on February 18, 2025.*

Planning Director, Hannah Williams presented the rezoning case for 220 Sunset Street NW. Marcus Sims, the property owner and developer is interested in building two duplexes on one lot,

and retaining the house on another lot. The current zoning R-9 would require the house to be on a 9,000 square foot lot and each duplex on a 15,000 square foot lot. The property has a total of 31,000 square feet, which is not enough space. The proposed R-6 zone allows for 6,000 square feet for single family and 9,000 square feet for duplexes or multifamily. Planning staff examined the wider area, and believes R-6 would fit the rest of the block of Sunset that connects to US-321, as well as Calvary Place. Mrs. Williams provided the future land use map, which does support the rezoning.

The following options were provided to the Board.

1. Rezone 25 parcels from R-9 to R-6 – adding density to US 321
2. Spot zone 220 Sunset St NW only to facilitate the described minor subdivision and duplex development.

Staff recommends that the Planning Board approve the request, based on the following consistency statement, and call for a Public Hearing for City Council to consider the request on February 18th, 2025.

Consistency Statement:

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 "existing high density residential", flanked by future commercial sites in the ETJ, existing low-density residential to the north, and non-commercial sites to the south. Staff finds the proposed rezoning to be consistent with the goals and policy concepts of the Comprehensive Plan, as this would establish and reinforce the presence of high-density residential in an area that calls for it.

Chairperson McCarl called for public comments.

Ann Gragg at 225 Sunset Street, Lenoir NC approached the Board. She stated the house on 220 Sunset Street has been gone for 30-40 years. She has stayed in her house for many years because of the views, which the duplexes will block. She stated she also owns property below the trailer park and is worried what this rezoning will do to her property.

William Beard approached the Board stating he is a member of Liberty Baptist Church at 213 Hazel Lee Street, but resides in Mulberry, NC. He asked why rezone the entire block, the developer can build apartments with the current zoning. He feels the rezoning will damage the neighborhood.

Chairperson McCarl stated the applicant is not asking to rezone the additional properties, City Staff has requested it. Some of the properties meet the conditions of this rezoning, staff is trying to keep the neighborhood comparable to what's there now.

Arlene Soblotney at 6155 Venice Ct., Hickory NC approached the Board and is a proponent for the case. She is the owner of 217 Sunset Street, this is a rental property. She feels for the property owners of this neighborhood and realizes change is hard, but this rezoning will increase

values of the homes.

Board Member Case asked the applicant why duplexes versus garden apartments.

Applicant, Marcus Sims replied in Caldwell County there is a housing supply crisis. Buying a lot and only building one home is not maximizing your investment or the tax revenue for the municipality. Mr. Sims stated he feels duplexes fit well in this neighborhood versus a larger garden apartment complex. A duplex looks more like a house. Mr. Sims has a proposed plan with a landscape plan and buffer. Each duplex will be around 1,100 square feet with rent around \$1,400 a month.

Chairperson McCarl asked staff how many properties in the neighborhood do not conform to the current zoning.

Planning Director, Hannah Williams replied of the 25 parcels, 3 do not meet lot size, the apartments do not meet the density requirements, and 0 homes meet the front yard setbacks. There would be no requirements to bring homes to conformity and there would be no immediate impact other than the duplexes being built.

Larry Soblotney at 6155 Venice Ct., Hickory NC approached the Board. He is the owner at 217 Sunset Street and is a proponent for the rezoning. He stated this rezoning would be a good thing and be an improvement that will increase the equity in the homes.

**Board Member Baker, made a motion to approve the rezoning case for 220 Sunset Street NW and 25 additional parcels from R-9 to R-6 and the consistency statement as presented by staff and call for a Public Hearing for City Council to consider the request on February 18, 2025. Board Member Parson seconded the motion, which was voted upon and passed unanimously.**

### **3. SB 382 Downsizing Discussion**

Planner, Matt Duchan presented to the Board the Down-Zoning from SB 382. He provided the omnibus bill in which down-sizing was included.

**NO LOCAL GOVERNMENT INITIATED DOWN-ZONING WITHOUT CONSENT OF AFFECTED PROPERTY OWNER**

**SECTION 3K.1(a)** G.S. 160D-601(d) reads as rewritten:

"(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be ~~initiated nor is it enforceable-initiated, enacted, or enforced~~ without the written consent of all property owners whose property is the subject of the down-zoning amendment, ~~unless the down-zoning amendment is initiated by the local government-amendment.~~ For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

- (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.
- (3) By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element."

**SECTION 3K.1(b)** If any provision of this section is declared unconstitutional or invalid by the courts, it does not affect the validity of this section as a whole or any part other than the part so declared to be unconstitutional or invalid.

**SECTION 3K.1(c)** This section is effective when it becomes law and applies to local government ordinances adopted on or after that date and any local government ordinance enacting down-zoning of property during the 180 days prior to the date this section becomes effective. Ordinances adopted in violation of this section shall be void and unenforceable.

City staff and the Board discussed what the bill will mean for decreasing development density, reducing the permitted uses, creating nonconformities, and for Planning Board's future decisions.

**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.

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**Lucy McCarl**  
**Chairperson**

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**Hannah Williams**  
**Planning Director**