



# Lenoir Planning Board

Agenda • February 24, 2025

## 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 March 18, 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 January 27, 2025 Minutes



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Chairperson McCarl stated the agenda item under New Business number (1) has been withdrawn.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

Staff Report  
 CONDITIONAL ZONING REQUEST  
 CASE NUMBER R #3-25



LOCATION MAP/AERIAL PHOTOGRAPH

1373 Delwood Drive  
 (Former Whitnel United Methodist Church)

Subject Property

SUMMARY

**Owner**  
 The Board of Trustees Western NC Conference United Methodist Church Inc. C/O Mark King

**Applicant**  
 Joe Bogdahn

**Location**  
 1373 Delwood Drive

**NCPINs**  
 2758173737, 2758174925, 2758175764, 2758173526

**Project Planners**  
 Hannah Williams, AICP, CZO  
 Matt Duchan, CZO

*Updated February 14, 2025*

**Applicant's Request:**  
 The applicant is requesting a Conditional Zoning District to convert the education building into a group dwelling, with other site improvements and development standards.

**Staff Recommendation:**  
 Approval of the requested conditional zoning district (CZ-11) ordinance, which is attached for reference.

**Planning Board Recommendation:**

**Public Comment:**

**Planning Board Meeting:** Scheduled for February 24, 2025. Notices were mailed to adjacent property owners on February 12, 2025.

**City Council (Public Hearing):** Anticipated to be scheduled for March 18, 2025.



## BACKGROUND AND ANALYSIS

### Intent of Conditional Zoning

The City of Lenoir's 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 Conditional Zoning process is a process to amend the zoning map and associated district regulations intended for use in unique development scenarios when a development proposal does not fit into a conventional zoning district, but may be desirable and compatible with an area depending on the specific details of the project and its surroundings. The conditional zoning process gives the City sufficient flexibility to determine whether a specific project on a given site will be compatible with the environment and the Comprehensive Plan. In considering a request for a Conditional Zoning District, the Planning Board and City Council may approve conditions or use limitations that are mutually agreeable to the applicant, property owner, and the City, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will address the interests of the landowners, neighbors, and the public. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. The Conditional Zoning District is adopted as a map amendment and by ordinance.

### Subject and Surrounding Properties

The subject property consists of four parcels, totaling 4.17 acres. The main parcel along Delwood Drive is 1.55 acres and consists of a sanctuary, a fellowship hall, and several classrooms. The northernmost parcel is 1.95 acres, zoned R-15, and is undeveloped. There are also several parking spaces along the parcel's frontage and a parking lot to the west of the buildings on-site. The parcel behind the church is .21 acres and features a playground, while the final parcel southwest of the church is .43 acres and undeveloped.

This property is in a primarily residential area. The properties to the south and west of the subject properties are zoned for single-family residential (R-15), while the properties to the immediate east of the property are zoned for high-density residential (R-6). There are multiple apartment complexes in the vicinity of the site. To the northeast towards the intersection of Connelly Springs Road and Norwood Street, properties are zoned for general business (B-2) along both Connelly Springs Road and Norwood Street. Most properties north along Norwood are single-family until Morganton Boulevard, while medium-density residential and business uses are more common along Norwood heading south towards the Joyceton area and Hudson.

### History and Relevance to Comprehensive Plan

Whitnel United Methodist Church officially closed its doors on June 30, 2023, and was one of the original churches in operation in the City of Lenoir for well over 60 years. Whitnel is remembered by its residents as a bustling shopping and community hub in the region and a significant draw for Lenoir residents and beyond. In recent memory, Whitnel has assumed a peripheral role in Lenoir as a neighborhood with just a few shops and dining options, now serving as one of the focus neighborhoods in the 2045 Comprehensive Plan. This property will be identified as future high-density residential in the 2025 Future Land Use Map for the 2045 Comprehensive Plan.

### Proposed Development

The applicant's main goal in acquiring the property is to provide workforce housing for Blowing Rock Country Club. He views the project to be constructed in three standalone phases. Phase 1 consists of converting the education building into 16 one- and two-bedroom dormitory-style units. He also proposes to update the parsonage house to be used as a traditional residence. Phase 2 consists of leasing the sanctuary space to be reused as several assembly-type uses, such as a church facility, daycare, preschool, or event venue. In Phase 3, the applicant proposes to develop the vacant tracts included in the purchase. He envisions building small residences for workforce housing, or to sell those homes individually to prospective buyers.

## BACKGROUND AND ANALYSIS

### Proposed Conditional Zoning District: CZ-11 Specific Standards

Special conditions proposed for CZ-11 ordinance:

1. **Base Zoning.** Base zoning district is R-6. Any development standards not specifically addressed in the Conditional Zoning Ordinance will default to the R-6 zoning district.
2. **Permitted Uses.** In addition to the uses allowed in the R-6 zoning district, the following additional uses are permitted:
  - a. **Building A:** Low to High Density Multi-family, Group Dwelling for 7 or more non-related residents.
  - b. **Building B:** Single Family Residential, Group Dwelling for 1-6 non-related residents.
  - c. **Building C:** Cultural and Community Facilities, Churches, Synagogues, and Mosques, Day Care Center, Event Venue  

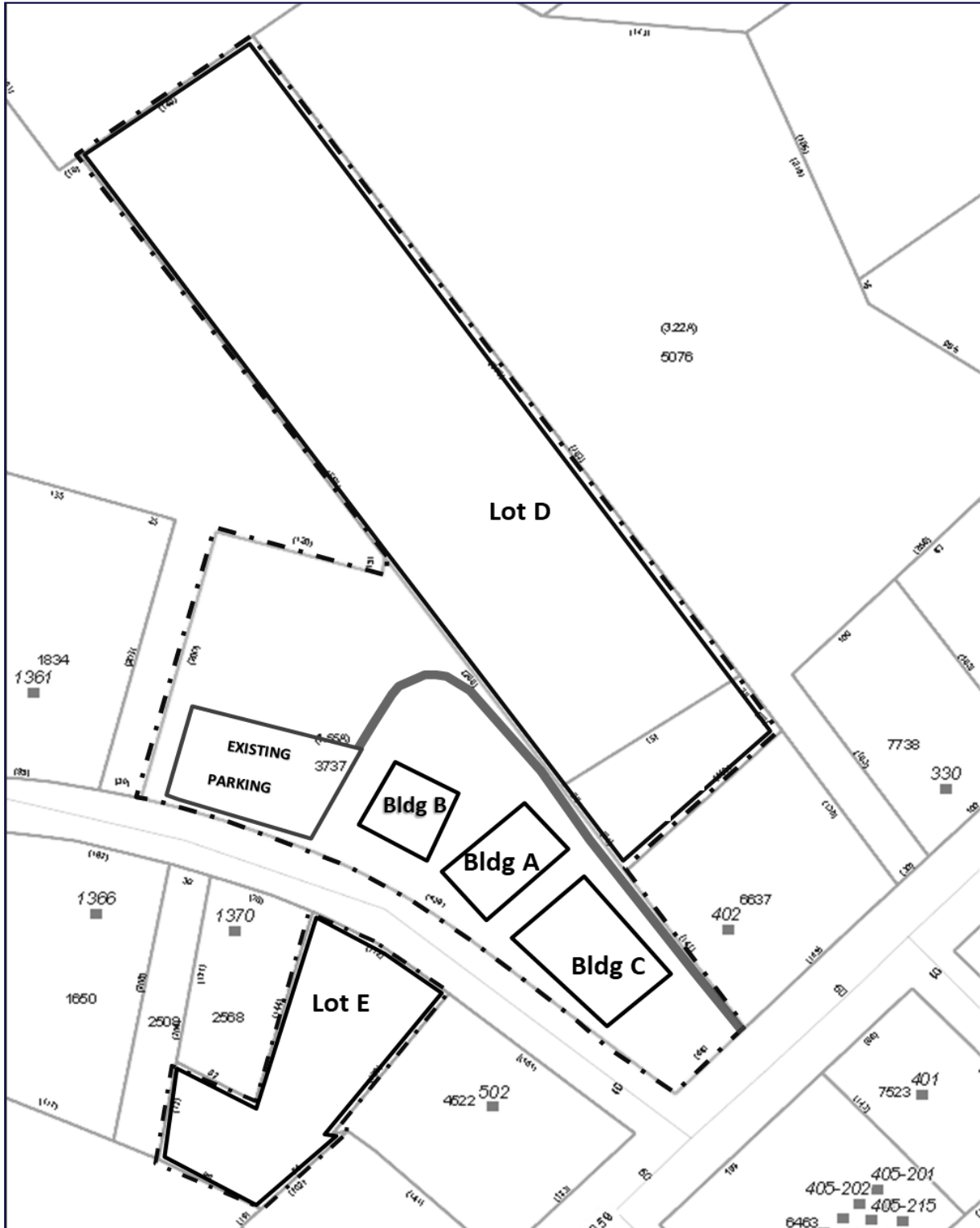
Event Venue shall be defined as a commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, photography studios, facilities to accommodate live or recorded music, and on- and off-site parking.
  - d. **Undeveloped Lots:** Lot D and Lot E have no additional permitted uses outside of the R-6 zoning district.
1. **Density.** Density of multi-family uses shall default to the R-6 zoning district. 7.2 du/acre is the density allowed by right, and 15 du/acre is the maximum density allowed with a Special Use Permit. For group dwellings that have shared kitchen facilities and common areas, with either single occupancy or shared occupancy rooms, two (2) beds shall be considered one dwelling unit.
2. **Minimum Lot Size and Frontage.** Parcels on the affected lots shall maintain the minimum lot size as identified in the City of Lenoir Zoning Ordinance. There shall be no public roadway frontage for individually platted residential lots (townhomes, bungalow court, patio homes) as long as the parent tract for the residential development maintains a minimum frontage of 25 ft on a public road. If private roads and/or common space are developed in conjunction with platted lots, a homeowner's association must be established to provide for the ongoing maintenance of private roads and common space.
3. **Ingress and Egress.** The access point along Delwood Drive shall be maintained, and shall be available for use by the existing buildings as well as future development on the site. A secondary access point must be provided for any development containing 30 or more residential units, which may be a private driveway off of Connelly Springs Road or Delwood Drive. A cross-access easement shall be required for use by both the upland acreage and the existing building.
4. **Lighting.** All new and replacement light fixtures shall be fully cut-off and shielded so as to prevent light spill-over onto adjacent residential properties.
5. **Design.** All new non-residential, attached single family, and multi-family structures and developments on the subject property must meet the Design Standards for Commercial, Office, Institutional, and Government Buildings in Section 714 of the code of ordinances. When a substantial improvement is made to any existing structure, the pre-existing portions of the building and building site must be brought into compliance with these design standards. These standards include but are not limited to building materials, building facades, customer/resident entrances, architectural features, parking, sidewalk, and landscaping.
6. **Signage.** All development shall follow the sign standards for residential districts in Section 1108 of the sign ordinance. As needed, the developer of the property shall establish entrance signage to the group dwellings and other uses as development progresses that meet these standards.

# BACKGROUND AND ANALYSIS

## Comparison of Zoning Districts

	By-Right (R-15)	Current Proposal (CZ-11/R-6 Base Zoning)
Development Standards	<p>Min Lot Size—15,000 SF for single-family</p> <p>Setbacks</p> <p>    Front: 40'</p> <p>    Side Yard: 15' (non-residential abutting residential, 30')</p> <p>    Street Side Yard: 25'</p> <p>    Minimum Rear Yard: 35'</p>	<p>Min Lot Size - 6,000 SF for single-family; 9,000 SF for multi-family</p> <p>Setbacks</p> <p>    Front: 35'</p> <p>    Side Yard: 10'</p> <p>    Street Side Yard: 25'</p> <p>    Minimum Rear Yard: 25'</p>
Summary of Permitted Uses	<p>Accessory Cottage or Apartment</p> <p>Attached Dwellings (Townhomes)</p> <p>Bungalow Court</p> <p>Dwelling, single-family detached</p> <p>Group Care Facility (1-6 non-related residents)</p> <p>Special Uses:</p> <p>    Bed &amp; Breakfast</p> <p>    Communication Towers</p> <p>    Cultural and Community Facilities</p> <p>    Manufactured Home Parks (existing)</p> <p>    Multi-Family, medium/high-density</p>	<p>Accessory Cottage or Apartment</p> <p>Attached Dwellings (Townhomes)</p> <p>Bungalow Court</p> <p>Cultural and Community Facilities</p> <p>Dwelling, single/two-family</p> <p>Day Care Centers</p> <p>Group Housing</p> <p>Manufactured Homes</p> <p>Multi-family, low-density (garden apartments)</p> <p>Zero Lot Line (single-family)</p> <p>Special Uses:</p> <p>    Bed &amp; Breakfast</p> <p>    Communication Towers</p> <p>    Group Care Facility (7+ residents)</p> <p>    Group Housing (no care) (1-6 non-related residents)</p> <p>    Manufactured Home Parks (existing)</p> <p>    Multi-Family, medium/high-density</p> <p>    Planned Residential Development</p> <p>    Public Service Facilities</p>

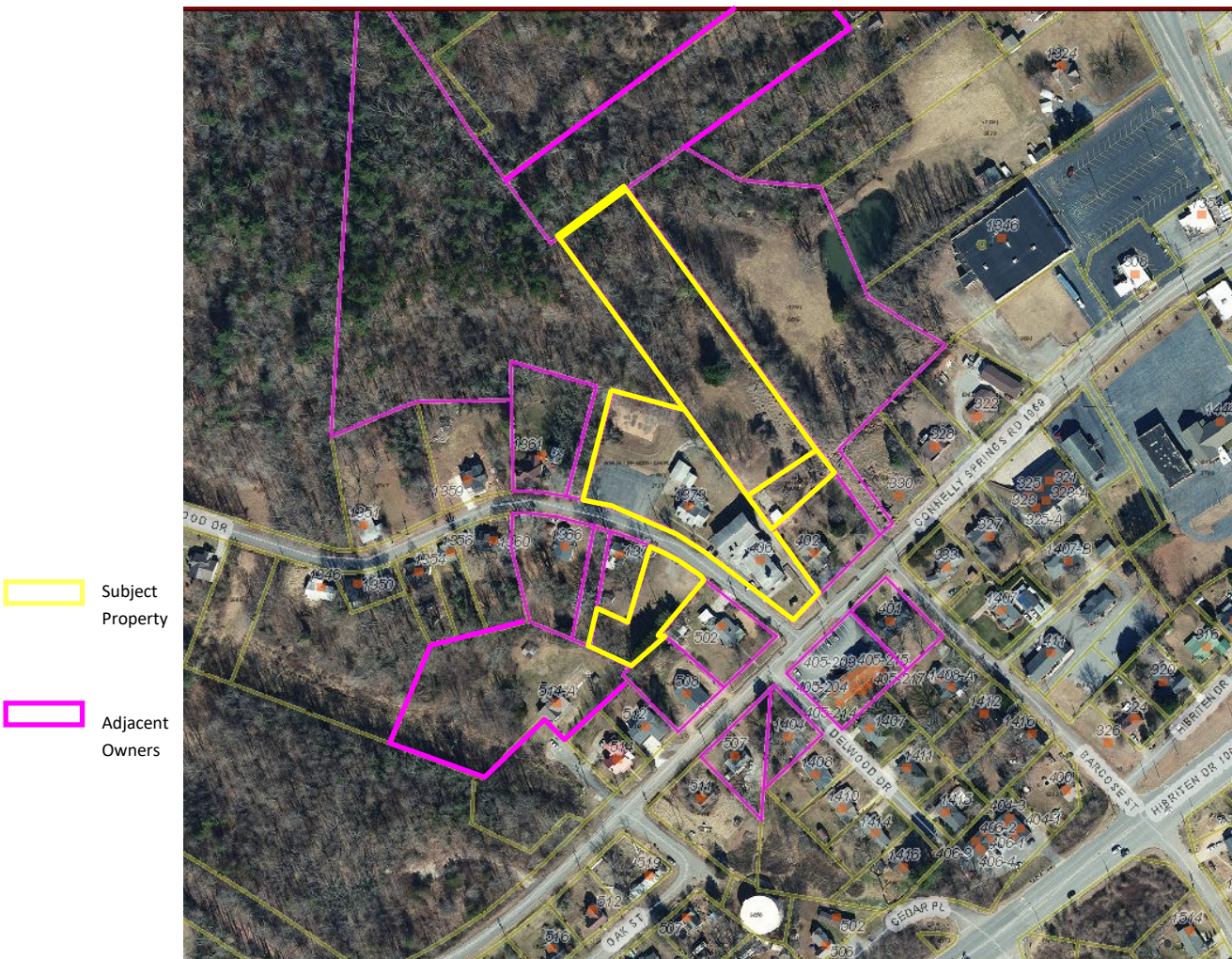
# CONCEPT PLAN



Building A: Dormitory Building  
Building B: Traditional House  
Building C: Sanctuary Conversion  
Lot D: Potential redevelopment  
Lot E: Potential redevelopment

## ABUTTING PROPERTY OWNERS

Name(s)	Address	City	State	Zip Code
The Board of Trustees Western NC Conference United Methodist Church Inc.	PO BOX 2757	HUNTERSVILLE	NC	28070
James & Sara Ann Triplett	PO BOX 2152	LENOIR	NC	28645
Trustees of Joan H Livingston	1003 WELLINGTON CT	LENOIR	NC	28645
Helen Bradshaw	PO BOX 23	LENOIR	NC	28645
Eagleview Properties C/O Daniel Desantis	15708 EAGLEVIEW DR	CHARLOTTE	NC	28278
Joel Ixchajchal	401 CONNELLY SPRINGS RD	LENOIR	NC	28645
Yuk Fong Yue & Wing Yan Yuie	2627 GOSLING TERRACE RD	CHARLOTTE	NC	28262
Anna Griffin	1408 W CHELSEA AVE	DELAND	FL	32720
Tammy Auton	1366 DELWOOD DR SW	LENOIR	NC	28645
David Stallings	1361 DELWOOD DR	LENOIR	NC	28645
H&W Investors	44 DUKE STREET	GRANITE FALLS	NC	28630
William & Gladys Minton	PO BOX 168	LENOIR	NC	28645
Trustees of Edward & Carolyn Lutz	220 COUNTRYSIDE DR SE	LENOIR	NC	28645
KIDD ROGER	514A CONNELLY SPRINGS RD	LENOIR	NC	28645

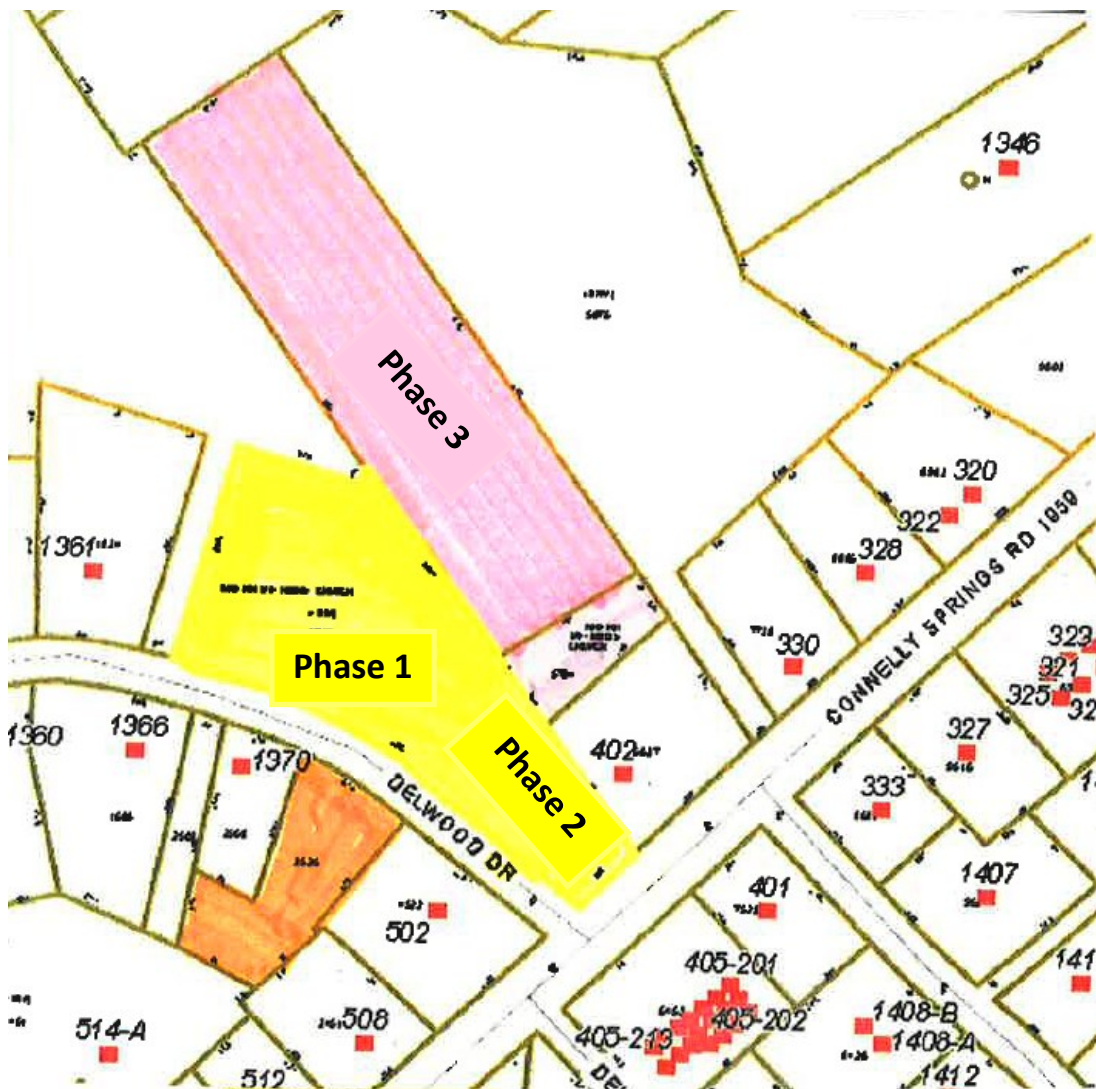


## STAFF RECOMMENDATIONS

Staff recommends approval of the attached Conditional Zoning District (CZ-11) ordinance.

## PLANNING BOARD RECOMMENDATIONS

## CONCEPT PLAN SUBMITTED BY APPLICANT



### Concept and Proposed Conditions.

- Phase One will update the existing buildings, with cosmetic updates to the existing home, and building new restrooms with showers within the same footprint of the restrooms on the main and upper floors of the education building. No major changes to the Sanctuary building. Access would be as currently situated, and building elevations would be unchanged.
- Phase Two would update the Sanctuary building to allow for use as a church, daycare or nursery school. Access would be as currently situated, and building elevations would be unchanged.
- Phase Three would be on Parcel 06152 1 4, where several 2BR1BA homes could be constructed. Access would either be through existing drive on Connelly Springs Road or modified to allow access through parking lot adjacent to the existing home off Delwood Drive.

## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

**EXHIBIT A TO**  
**NORTH CAROLINA SPECIAL WARRANTY DEED**

<b>Parcel 1A</b>	<b>PIN 2758173737</b>	<b>Parcel ID 06152 1 1</b>	<b>1373 Delwood Drive, Lenoir</b>
<b>Parcel 1B</b>			
<b>Parcel 2</b>	<b>PIN 2758173526</b>	<b>Parcel ID 06152 2 7</b>	<b>Delwood Drive, Lenoir</b>
<b>Parcel 3A</b>	<b>PIN 2758175764</b>	<b>Parcel ID 06152 1 3</b>	<b>Off Delwood Drive, Lenoir</b>
<b>Parcel 3B</b>			
<b>Parcel 4</b>	<b>PIN 2758174925</b>	<b>Parcel ID 06152 1 4</b>	<b>371 Delwood Drive, Lenoir</b>

**Parcel 1A**

PIN 2758173737  
Parcel ID 06152 1 1  
Address: 1373 Delwood Drive, Lenoir

**Traet 1:** Being that property described at Deed Book 45 at Page 92, Deed 138 at Page 478, Deed Book 255 at Page 530, and Deed Book 315 at Page 512, all being recorded at the Caldwell County Registry of Deeds.

**BEGINNING** on a new ½ inch iron pipe on the northwest margin of the Connelly Springs Road (SR 1001), and also on the southwest side of a street which is shown on a plat recorded at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds, said **BEGINNING POINT** being located North 31° 28' 40" East 73.40 feet from a P.K. Nail in the center line of the Connelly Springs Road at the intersection of Delwood Drive and being located North 39° 02' 37" East 144.83 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive (leading to the southwest); thence from the **POINT OF BEGINNING** and with the northwest margin of the Connelly Springs Road South 46° 33' 27" West 58.26 feet to a new ½ inch iron pipe on the northwest margin of the Connelly Springs Road and the north right-of-way of Delwood Drive; thence with the north right-of-way of Delwood Drive for 8 calls: North 50° 33' 19" West 41.53 feet; North 49° 33' 03" West 56.36 feet; North 52° 08' 41" West 56.01 feet; North 53° 58' 14" West 57.16 feet; North 56° 50' 46" West 50.39 feet, North 61° 34' 45" West 51.86 feet; North 68° 31' 57" West 50.10 feet; North 75° 10' 48" West 106.88 feet to a point on the north right-of-way of Delwood Drive, a corner with that property belonging to David Stallings, a deed of which is recorded at Deed Book 1174 at Page 1336; thence leaving the road and with the Stallings property North 15° 36' 37" East, passing an existing ½ inch iron rod on line at 3.13 feet and continuing on the same bearing 216.87 feet, for a total distance along this bearing of 220.00 feet to a new ½ inch iron pipe, a corner with the David Stallings property and that property belonging to Weldon Stallings, a deed of which is recorded at Deed Book 648 at Page 482; thence with the Weldon Stallings property South 68° 41' 18" East 155.36 feet to a new ½ inch iron pipe, a corner with the Weldon Stallings property and on the southwest edge of a street shown at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds; thence with the southwest edge of the street South 35° 03' 18" East 420.49 feet to the **POINT OF BEGINNING**, containing 1.691 acres by coordinates.

## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

**LESS AND EXCEPT** the property conveyed to Donna Stallings Laws, Robin Stallings McRary, Jane Stallings Rose, and Tony Stallings in the Deed recorded in Book 1841 at Page 781, Caldwell County Registry, and being more fully described as follows:

The 30' Right of Way lying and being in Caldwell County, North Carolina, and being more particularly described as follows:

Beginning on a 7/8" pipe found in place, said pipe being the Northwest corner of Bk. 1499, Pg. 173, thence South 15 degrees 36 minutes 37 seconds West passing through a 1-1/2" pipe found in place at 216.97 feet a total distance of 220.10 feet to a point on the Northern side of Delwood Drive. Said R/W being 30' wide and running East and parallel of the above described line.

For further reference to the chain of title, see the Tract 1 of the Deed recorded in Book 1493 at Page 173 and the Deed recorded in Book 1841 at Page 780, Caldwell County Registry.

### Parcel 1B

A certain tract or parcel of land containing 0.09 Acre lying in Lenoir Township, Caldwell County, NC and being more particularly described as follows:

Beginning on a 7/8" pipe found in place on the Northern side of SR 1001 (Connelly Springs Road), said pipe being the most Southern corner of Bk. 648, Pg. 482 and the most Southern corner of Pin #2758173737, thence leaving the Northern side of SR 1001 (Connelly Springs Road) North 35 degrees 04 minutes 50 seconds West 420.54 feet to a 7/8" pipe found in place, thence North 03 degrees 49 minutes 55 seconds East 13.33 feet to a 1-1/4" pipe found in place, thence South 35 degrees 45 minutes 35 seconds East 429.95 feet to a 1-1/2" pipe found in place on the Northern side of SR 1001 (Connelly Springs Road), thence with the Northern side of said road South 45 degrees 21 minutes 57 seconds West 12.18 feet to the point of Beginning. Containing 0.09 Acre by Coordinate Computation less Highway Right of Way. Actual field survey done under the direction and supervision of Richard C. Current, Pro. L. L-756. This description is subject to all notes on the plat of survey for Whitnel United Methodist Church (Job # C1304) dtd April 23, 2013 prepared by Current Surveying & Mapping, P.A.

For further reference to the chain of title, see the Deed recorded in Book 1841 at Page 780, Caldwell County Registry.

[Property Description Continues Next Page]

## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

**Parcel 2**

Parcel 2PIN 2758173526

Parcel ID 06152 2 7

Address: Delwood Drive, Lenoir

**Tract 2: Being that property as described at Deed Book 663 at Page 264 at the Caldwell County Registry of Deeds.**

**BEGINNING** on an existing ¼ inch iron pipe on the south margin of Delwood Drive and in a line with that property belonging to Clyde Coffey, a deed of which is recorded at Deed Book 1064 at Page 75 in the Caldwell County Registry of Deeds, said **BEGINNING POINT** being located North 55° 24' 44" West 200.86 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive, and being located North 34° 27' 18" 198.77 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive (leading to the southwest); thence from the **POINT OF BEGINNING**, and with the Coffey property South 38° 41' 37" West 127.01 feet to an existing ½ inch iron rod, a corner with the Clyde Coffey property and that property belonging to Michael Edwards, a deed of which is recorded at Deed Book 1126 at Page 2096; thence with the Edwards property for 2 calls: North 55° 53' 59" West 4.75 feet to an existing ¼ inch rod; South 45° 47' 03" West 78.08 feet to an axle, a corner with the Edwards property and that property belonging to Woodrow Childers, a deed of which is recorded at Deed Book 914 at Page 738; thence with Childers North 62° 57' 43" West 89.23 feet to an existing ½ inch iron pipe, a corner with the Childers property and that property belonging to Inez Booth, a deed of which is recorded at Deed Book 935 at Page 503; thence with the Booth property North 17° 28' 23" East 69.96 feet to the center of a 36 inch sweetgum tree; a corner with the Booth property and that property belonging to John Griffin, a deed of which is recorded at Deed Book 251 at Page 609; thence with the Griffin property for 2 calls: South 60° 27' 06" East, passing a new ½ inch iron pipe on line at 10.00 feet and continuing on the same bearing 48.99 feet, for a total distance along this bearing of 58.99 feet to an existing 2 inch iron pipe; North 20° 00' 00" East, passing an existing ½ inch iron pipe on line at 143.85 feet and continuing on the same bearing 23.15 feet for a total distance along this bearing of 167.00 feet to a point near the north edge of Delwood Drive; thence South 50° 53' 19" East 122.37 feet to a point in Delwood Drive; thence South 38° 41' 37" West 8.99 feet to the **POINT OF BEGINNING**, containing 0.497 acres by coordinates.

For reference to the chain of title, see Tract 2 of the Deed recorded in Book 1499 at Page 173, Caldwell County Registry.

## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

### Parcel 3A

PIN 2758175764

Parcel ID 06152 1 3

Address: Off Delwood Drive, Lenoir

**Tract 3:** Being that property belonging to Whitnel Methodist Church, a deed of which is recorded at Deed Book 289 at Page 42 and being Lot Number 7, Block E, of the J. Preston Rabb land, a plat of which is recorded at Plat Book 1 at Page 66; all being recorded in the Caldwell County Registry of Deeds.

BEGINNING on a point on the south side of a 30 foot right-of-way recorded at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds said BEGINNING POINT being a corner with that property belonging to Carl Walker, Jr., a deed of which is recorded at Deed Book 146 at Page 182 and said Walker property being Lot Number 8, Block \_\_\_\_, of the J. Preston Rabb land, a plat of which is recorded at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds, said BEGINNING POINT being located North 09° 03' 16" East 330.21 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive and being located North 15° 35' 05" East 390.32 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive (leading to the southwest); thence from the POINT OF BEGINNING and with the south side of a 30 foot right-of-way South 35° 03' 18" East 30.00 feet to an existing 1 inch iron pipe on the south side of the right-of-way, a corner with Lot Number 1 of the J. Preston Rabb land; thence with lots number 1, 2, 3, 4, 5, and 6 of the Rabb land South 44° 51' 56" West 152.99 feet to an existing ½ inch iron pipe, a corner with Lot Number 6 on the northeast edge of a street shown on the plat recorded at Plat Book 1 at Page 66; thence with the northeast edge of the street North 35° 03' 18" West 50.00 feet to a point on the northeast edge of the street, a corner with the aforementioned Carl Walker, Jr., property; thence with said Walker property North 52° 22' 09" East 150.78 feet to the POINT OF BEGINNING, containing 0.138 acres by coordinates.

[Property Description Continues Next Page]

## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

**Parcel 3B**

**Tract 4:** Being a part of that property belonging to Carl Walker, Jr., a deed of which is recorded at Book 146 at Page 182 and being Lot Number 8 as shown on a map of the J. Preston Rabb land, Block E, recorded at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds, being in the City of Lenoir, Lenoir Township, Caldwell County, North Carolina and being more particularly described as follows:

**BEGINNING** on a point on the south edge of a 30 foot right-of-way shown at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds, said **BEGINNING POINT** being a corner with that property belonging to Whitnel United Methodist Church, a deed of which is recorded at Deed Book 289 at Page 42, also recorded in the Caldwell County Registry of Deeds, said **BEGINNING POINT** being located North 09° 03' 16" East 330.21 feet from a P.K. Nail found in the center of the Connelly Springs Road at the intersection of Delwood Drive and being located North 15° 35' 05" East 390.32 feet from a P.K. Nail found in the center line of the Connelly Springs Road at the intersection of Delwood Drive (leading to the southwest); thence from the **POINT OF BEGINNING** and with the Whitnel United Methodist Church property South 52° 22' 09" West 150.78 feet to a point on the northeast edge of the street shown at Plat Book 1 at Page 66 in the Caldwell County Registry of Deeds, a corner with Whitnel United Methodist Church property; thence with the northeast edge of a street North 35° 03' 18" West 25.00 feet to a new ½ inch iron pipe, a corner with Lot Number 9 on the northeast edge of the street; thence leaving the street and with Lot Number 9 North 52° 22' 09" East 150.78 feet to a new ½ inch iron pipe, a corner with Lot Number 9 on the south side of a 30 foot wide right-of-way recorded at Plat Book 1 at Page 66; thence with the south side of the right-of-way South 35° 03' 18" East 25.00 feet to the **POINT OF BEGINNING**, containing 0.086 acres by coordinates.

[Property Description Continues Next Page]

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## LEGAL DESCRIPTION OF AFFECTED PROPERTIES

**Parcel 4**

PIN 2758174925

Parcel ID 06152 1 4

Address: 371 Delwood Drive, Lenoir

**Lots Nos. 9 to 31 inclusive, in Block "E" as shown on plat of J. Preston Rabb land near Lenoir, made by James H. Isbell, surveyor, on November 9th, 1925, recorded in Plat Book No. 1, at page 66, to which map and the record thereof, reference is hereby made for greater certainty, said lots abutting on West Boundary Street, designated on said map, and said lots being thereon designated of the dimensions of 25 feet by 150 feet. Property also being known as 371 Delwood Dr. Lenoir, NC.**

For reference to the chain of title, see the Deed recorded in Book 1820 at Page 454, Caldwell County Registry.

The foregoing properties are conveyed subject to all easements, restrictions and rights-of-way of record.

### **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 calls for progressive and sound land use policies that take stakeholder interests into consideration in order to ensure that the City grows fairly, effectively, and efficiently. Additionally, the Comprehensive Plan calls for the promotion of housing for people in all stages of life, and the desire to build community character and revitalize neighborhoods. Whitnel is a focus neighborhood of the 2045 Comprehensive Plan and this workforce housing proposal is a legitimate step in the right direction. The proposed CZ-11 district is consistent with the Comprehensive Plan because it allows for intensification of development on this property, with a variety of housing types to meet the changing needs of Lenoir's residents of all ages.

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND AT THE NORTHEAST CORNER OF CONNELLY SPRINGS ROAD AND DELWOOD STREET, AND ALONG DELWOOD STREET COMPRISED OF 4.17 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #11 (CZ-11) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.**

**Whereas**, at its regularly scheduled meeting on February 24, 2025, the Lenoir Planning Board considered zoning application case number CZ-11, requesting the Conditional Zoning district designation, for approximately 4.17 acres of land, described by the legal description attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); and

**Whereas**, the property owner desires to allow the re-use of the existing commercial building on the property, and provide for the development of the remainder of the property with multi-family housing, necessitating the need for Conditional Zoning; and

**Whereas**, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-11, and subject to

certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

**Whereas**, the Lenoir Planning Board has found that approval of the application is consistent with the City’s adopted Comprehensive Plan, which calls for creation of more housing opportunities for people at all stages of life and concentrating density away from environmental sensitive and flood-prone areas; and

**Whereas**, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

**Whereas**, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

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

**SECTION 1. ZONING.** After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the R-15 and R-6 zoning districts to Conditional Zoning district on the City’s Official Zoning Map (to be denoted as “CZ-11”).

**SECTION 2. OTHER DEVELOPMENT LAWS.** Except as expressly provided otherwise by this ordinance, the CZ-11 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

**SECTION 3. DEFAULT ZONING DISTRICT.** Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the R-6 zoning district.

**SECTION 4. SPECIAL CONDITIONS.** The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Concept Plan.** Subject to any modifications expressly contained in the text of this ordinance, development and maintenance of the Property must be consistent with the concept plan attached to this ordinance as **Exhibit “B”** (hereinafter the “Concept Plan”). In the event of a conflict between the text of this ordinance and the Concept Plan, the text of this ordinance shall control. References in this ordinance to lots, parcels, buildings, phases, and other development features refer to such features as identified on the Concept Plan.
2. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.

3. **Modification.** The special conditions specific to the CZ-11 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
4. **Permitted Uses.** In addition to the uses allowed in the R-6 zoning district, the following additional uses are permitted:
  - a. **Building A:** Low to High Density Multi-family, Group Dwelling for 7 or more non-related residents.
  - b. **Building B:** Single Family Residential, Group Dwelling for 1-6 non-related residents.
  - c. **Building C:** Cultural and Community Facilities, Churches, Synagogues, and Mosques, Day Care Center, Event Venue
    - i. Event Venue shall be defined as a commercial establishment and associated grounds engaged in the hosting and production of pre-planned events like weddings, corporate parties, or reunions. Typical accessory uses include kitchens or meal preparation space, photography studios, facilities to accommodate live or recorded music, and on- and off-site parking.
  - d. **Undeveloped Lots:** Lot D and Lot E have no additional permitted uses outside of the R-6 zoning district.
5. **Density.** Density of multi-family uses shall default to the R-6 zoning district. 7.2 du/acre is the density allowed by right, and 15 du/acre is the maximum density allowed with a Special Use Permit. For group dwellings that have shared kitchen facilities and common areas, with either single occupancy or shared occupancy rooms, two (2) beds shall be considered one dwelling unit.
6. **Minimum Lot Size and Frontage.** Parcels on the affected lots shall maintain the minimum lot size as identified in the City of Lenoir Zoning Ordinance. There shall be no public roadway frontage for individually platted residential lots (townhomes, bungalow court, patio homes) as long as the parent tract for the residential development maintains a minimum frontage of 25 ft on a public road. If private roads and/or common space are developed in conjunction with platted lots, a homeowner's association must be established to provide for the ongoing maintenance of private roads and common space.
7. **Ingress and Egress.** The access point along Delwood Drive shall be maintained, and shall be available for use by the existing buildings as well as future development on the site. A secondary access point must be provided for any development containing 30 or more residential units, which may be a private driveway off of Connelly Springs Road or Delwood Drive. A cross-access easement shall be required for use by both the upland acreage and the existing building.
8. **Lighting.** All new and replacement light fixtures shall be fully cut-off and shielded so as to prevent light spill-over onto adjacent residential properties.
9. **Design.** All new non-residential, attached single family, and multi-family structures and developments on the subject property must meet the Design Standards for Commercial, Office, Institutional, and Government Buildings in Section 714 of the code of ordinances. When a substantial improvement is made to any existing structure, the pre-existing portions of the building and building site must be brought into compliance with these design standards. These standards include but are not limited to building materials, building facades, customer/resident entrances, architectural features, parking, sidewalk, and landscaping.
10. **Signage.** All development shall follow the sign standards for residential districts in Section 1108 of the sign ordinance. As needed, the developer of the property shall establish entrance signage to the group dwellings and other uses as development progresses that meet these standards.

**SECTION 5. SEVERABILITY.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**SECTION 6. 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, the 6<sup>th</sup> day of March and the 13<sup>th</sup> day of March, 2025.

**DONE, THE PUBLIC HEARING,** at a regular meeting, the 18<sup>th</sup> day of March, 2025.

**DONE, 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 18th day of March, 2025.

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

\_\_\_\_\_  
Mayor/Mayor Pro Tempore

**DRAFT**

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

\_\_\_\_\_  
City Clerk

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01/20/2025 - 02/14/2025

Permit #	Permit Date	Permit Type	Applicant Name	Issued Date	Description	Parcel Address
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**Group: Accessory**

2025024	2/10/2025	Accessory	Robert Mitchell	2/10/2025	Garage & 2nd Floor ADU	1147 STEPHENSON RD
2025022	2/4/2025	Accessory	Anthony & Sylvan Pools-Leah Tellier	2/5/2025	In ground pool 16x38	302 WOODSIDE PL
2025016	1/24/2025	Accessory	Rosa Maria Ruiz Rosas	1/24/2025	deck	114 POPE PL

**Group Total: 3**

**Group: Manufactured Home**

2025018	1/30/2025	Manufactured Home	Paul McGuigan	1/30/2025	single-wide in MHP	1438 Jacob Lane SW

**Group Total: 1**

**Group: Residential Addition**

2025021	2/4/2025	Residential Addition	Alan Wagnor	2/4/2025	garage to living space	1222 SUMMERHILL St.
2025019	1/30/2025	Residential Addition	Joseph Bridges	1/30/2025	addition in rear	1326 OVERLOOK DR
2025017	1/28/2025	Residential Addition	Camilla Low	1/28/2025	replacing deck	429 HOWARD ST

**Group Total: 3**

**Group: Single Family Home**

2025026	2/12/2025	Single Family Home	Julian Baker	2/13/2025	single-family	420 SCARLETT OAK CT
2025020	1/30/2025	Single Family Home	Barry Abernathy	1/30/2025	single-family	1209 SUMMERHILL STREET
2025015	1/24/2025	Single Family Home	Sean Radigan	1/28/2025	Barndominium	344 ABINGTON RD

2025014	1/23/2025	Single Family Home	Jade Builders	1/23/2025	single-family	1205 Summerhill St. SW
2025013	1/21/2025	Single Family Home	LC Builder and Investments, LLC	1/22/2025	single family home	1216 FALL DAY CR
2025012	1/21/2025	Single Family Home	LC Builder and Investments, LLC	1/22/2025	single family home	1218 FALL DAY CR
2025010	1/21/2025	Single Family Home	LC Builder and Investments, LLC	1/22/2025	single family home	1214 FALL DAY CR

**Group Total: 7**

**Group: Zoning Verification**

2025027	2/13/2025	Zoning Verification	Chad Triplett	2/13/2025	verification letter	1144 MORGANTON BV

**Group Total: 1**

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**Total Records: 19**

**2/14/2025**