



Lenoir Planning Board

Agenda • April 24, 2023

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

James Bradshaw

Sharon Bryant

Kyle Case, Vice-Chair

Michael Careccia

Marta Lazo

Tammy Greene

Tim Scobie

Vacant Seat

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 May 16, 2023 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 March 27, 2023 Minutes

NEW BUSINESS

1. ZOA# 1-23 Retail Definition Amendment

Applicant: John Moore, Brushy Mountain Builders

Owners: N/A

Location: Citywide

The applicant is proposing amending Appendix A, Article IV of the Lenoir Zoning Ordinance related to pawn and trade shops.

Recommended Action: Approval of the request, and call for a public hearing at City Council on May 16, 2023.

2. ZOA# 2-23 Subdivision Minor Modification Amendment

Applicant: City of Lenoir

Owners: N/A

Location: Citywide

City staff are proposing to amend the Subdivision Ordinance of the Lenoir Code of Ordinances relating to modifications of major subdivisions.

Recommended Action: Approval of the request, and call for a public hearing at City Council on May 16, 2023.

OTHER BUSINESS

1. Update on zoning permits issued.

ADJOURNMENT

MINUTES
PLANNING BOARD MEETING
March 27, 2023
5:30 P.M.

LOCATION:
City /County Meeting Room
905 West Avenue

MEMBERS PRESENT: Curtis Baker, Sharon Bryant, Michael Careccia, Tammy Greene, Kyle Case, Marta Lazo, Lucy McCarl, Tim Scobie

MEMBERS ABSENT: James Bradshaw

STAFF PRESENT: Hannah Williams, Lauren Hartley

Chairperson McCarl called the meeting to order and determined a quorum was present.

The board welcomed the newest member, Tammy Greene to her first Planning Board meeting. Her term will expire June 30, 2026.

MINUTES:

Board Member Bryant moved approval of the meeting minutes of November 28, 2022. All were in favor, none opposed.

NEW BUSINESS:

1. Planning Board training.

Planning Director, Hannah Williams provided training on Planning Board duties, Quasi-Judicial decisions and Ordinance Amendments.

Ms. Williams explained that the Planning Board also serves as the Historic Preservation Commission, which was appointed in 2019. Members Case, McCarl, and Bryant identified themselves as members with demonstrated interest and experience with historic preservation.

The board members discussion ensued and Ms. Williams answered questions.

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

PLANNING DEPARTMENT MEMORANDUM

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

TO: Scott Hildebran, City Manager
FROM: Hannah Williams, AICP, Planning Director
DATE: April 5, 2023
SUBJECT: Proposed Ordinance Amendment for Retailing
CC: Planning Board
TJ Rohr, City Attorney

John Moore of Brushy Mountain Builders has made an application to the Planning Board for a Zoning Ordinance Amendment. Moore is proposing to add “pawn and trade shops” to the definition of “Retailing, Light.” Currently, “pawn and trade shops” are defined under “Retailing, Intensive.” While light retail is permitted in almost all non-residential districts, intensive retail is only allowed in industrial districts and B-2 (General Business). The applicant is interested in developing a pawn shop business at a property he owns, which is zoned B-6 (Traditional Business). The B-6 district does not allow for intensive retail, but “Retailing, Light” is permitted.

The definition of Light Retailing includes many common retail uses, from shopping malls to liquor stores. Light retail includes any retail use that displays a majority of their products indoors, and does not typically have land use impacts on neighboring properties. Notably, many retail uses that usually sell similar items found in a pawn shop are included under Light Retail, such as hardware, gun, and jewelry sales. Intensive Retailing includes any retail use that, due to the nature of the products sold, primarily uses outdoor displays. This includes car and truck sales, boat sales, and heavy equipment sales. These are all retail uses that usually need an outdoor lot to display and store goods. Pawn and trade shops usually do not display goods outdoors. Classifying pawn and trade as light retail is a logical suggestion.

Planning staff recommends approval of adding pawn and trade to the Retailing, Light definition in the Lenoir Zoning Ordinance, 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 are easy to understand. This text amendment aligns the land-use impacts with the appropriate permitted use by placing pawn and trade shops, an indoor retail use, within the light retail definition. The proposed amendment is reasonable and in the public interest because it allows for the reuse of a currently vacant building along a major corridor.

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

Whereas, Section 400 of the Lenoir Zoning Ordinance currently defines “Retailing, Light” for any retail use that displays a majority of their products indoors and due to the nature of the product for sale does not typically have land use impacts on neighboring properties and “Retailing, Intensive” for any retail use that, due to the nature of the products sold, primarily uses outdoor displays, which may or may not include long-term outdoor storage of merchandise; and

Whereas, Section 400 of the Lenoir Zoning Ordinance currently lists “pawn and trade shops” as a use under “Retailing, Intensive,” although pawn shops can effectively display a majority of products indoors and are similar in land use impacts to other uses listed under “Retailing, Light”; and

Whereas, retail uses with similar characteristics and impacts such as guns and ammunition sales, hardware stores, jewelry sale and repair, lawn and garden care supplies, radio and television sales, rent-to-own stores, second hand stores and swap shops are currently permitted within the “Retailing, Light” definition; and

Whereas, the performance standards and intensity of permitted uses would allow for the orderly and compatible development of pawn and trade shops in zoning districts where “Retailing, Light” is permitted, which are R-C (residential-commercial), O&I (Office and Institutional), B-2 (General Business), B-3 (Central Business), B-5 (Neighborhood Mixed Use), B-6 (Transitional Business), B-7 (Highway Business), I-1 (Light Industrial), and I-2 (Heavy Industrial); and

Whereas, a current owner of B-6 (Traditional Business) zoned property desires to open a pawn and trade shop under the development standards of the current zoning district, prompting staff to review the current ordinances and recommend approval of this proposed amendment; and

Whereas, the Lenoir Planning Board finds and declares that this ordinance and these amendments consistent with the City’s adopted Comprehensive Plan; 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. 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

Retailing, Light - Any retail use that displays a majority of their products indoors and due to the nature of the product for sale does not typically have land use impacts on neighboring properties. Light retail uses include but are not limited to: antennas, radio, TV, and dish sales and service, antique shops, apparel and accessory sales, appliance stores, art galleries, art and drafting supplies, audio/video sales, rental, and repair, automobile parts and accessories (no service), bakeries, bicycle sales/service, book and stationary stores, candy stores, convenience stores (no fuel pumps), crafts/hobby shops, delicatessens, department stores, drug stores, electronic products sales and service, fabric stores, film drop-off booths, florists, furniture and home goods stores, garden supply store, gift shops, glass and mirror store, grocery stores, guns and ammunition sales, hardware stores, jewelry sale and repair, lawn and garden care supplies, lighting stores, line and uniform supply stores, liquor (ABC) stores, music stores, musical instrument sales and service, novelty and souvenir shops, office equipment and supply stores, pawn and trade shops, pet shops, pharmacies, photography supply stores, plumbing and heating supplies, produce stands, radio and television sales, rent-to-own stores, second hand stores and swap shops, shoe sales and repair, shopping centers and malls, sporting goods stores, and supermarkets.

Retailing, Intensive - Any retail use that, due to the nature of the products sold, primarily uses outdoor displays, which may or may not include long-term outdoor storage of merchandise. Intensive retail uses include but are not limited to: Auction sales, automobile and truck sales (new or used), boat sales, farm machinery sales, farm supplies, heavy equipment sales and service, livestock sales, manufactured home sales, RV sales, monument sales, motorcycle sales, ~~pawn and trade shops~~, stone and clay products sales, and truck, farm equipment, and heavy equipment sales.

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 _____, 2023.

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 _____, 2023.

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: Scott Hildebran, City Manager
FROM: Hannah Williams, AICP, Planning Director
DATE: April 5, 2023
SUBJECT: Proposed Ordinance Amendment for Major Subdivisions
CC: Planning Board
TJ Rohr, City Attorney

The Planning Department is proposing a change to the subdivision ordinance relating to minor modifications. According to GS 160D-403(d), “a local government may define by ordinance minor modifications to development approvals that can be exempted or administratively approved.” This statutory language adds administrative modifications as an option for local governments. It authorizes minor adjustments to projects that are already approved by the City Council, so long as the local ordinance states what the minor modification allows. This administrative flexibility reduces the need for another full approval process to accommodate a limited change to the plans for a project.

Currently, minor modification standards are defined for Conditional Zoning Districts and Special Use Permits within the Lenoir Zoning Ordinance in Appendix A (see Sec. 820.6 and Sec. 900.5). Minor modification standards are not provided in Chapter 19, the Subdivision Ordinance. This means any change to an approved Major Subdivision, however minor or small, would need to go through the full approval process. Planning staff proposes to apply similar language used for Conditional Zoning and Special Use Permit minor and major modifications to Major Subdivisions, as detailed in the attached ordinance.

An example of a minor modification for a Major Subdivision could include a change to lot configuration, but could not include an increase to the total number of lots or change the minimum square footage for a lot. Please note, these development approvals also have major modifications defined, which shall follow the same approval process as initially. For example, any proposed change to the approved conditions would require an amendment to the Major Subdivision, and would not be considered an administrative minor modification.

**AN ORDINANCE OF THE CITY COUNCIL OF LENOIR,
NORTH CAROLINA, AMENDING CHAPTER 19
OF THE LENOIR CODE OF ORDINANCES RELATED TO
SUBDIVISIONS, PROVIDING FOR CODIFICATION, AND
AN EFFECTIVE DATE.**

Whereas, the NC General Statutes that give local governments authority to regulate land use and development, specifically to establish procedures to allow for administrative review of proposed minor amendments for development approvals in NCGS 160D-403; and

Whereas, the Lenoir Planning Board finds and declares that this amendment is consistent with the City's adopted Comprehensive Plan which calls for straightforward regulation and is linked to Lenoir's local authority to regulate subdivision; and

Whereas, the Lenoir City Council hereby finds and declares that this amendment is in the best interest of the public health, safety, and welfare since it will streamline approval of minor changes to development; and

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

SECTION 1. Chapter 19 of the Code of Ordinances, City of Lenoir, North Carolina, "Subdivisions" is hereby amended to read as follows:

Sec. 19-66. ~~Reserved.~~ Modifications for Major Subdivisions

- (1) *Minor Modifications.* Subsequent development applications may incorporate minor changes from the development defined by the major subdivision approval, without the need to amend the major subdivision, where the Planning Director determines that the changes:
 - a. Continue to comply with this Ordinance or any other local development regulation; and
 - b. Are necessary to comply with conditions of approval; or
 - c. Are necessary to comply with a development regulation or accommodate a physical site constraint that was not known at the preliminary site design phase and would not significantly alter the development's general function, form, intensity, character, demand on public facilities, impact on adjacent properties, or other characteristic from that indicated by the conditions of approval.
- (2) *Major Modifications/Plat Amendments.* Any requests for changes or modifications to the development outlined in the major subdivision that do not meet the standards for minor

modifications above shall constitute a major change requiring an amendment to the major subdivision. Amendments for major modifications shall follow the same process for approval as the original preliminary plat. In any case, the following changes from the major subdivision approval shall always constitute a major change:

- a. A change in a condition of approval;
- b. A change in uses permitted or the density of overall development.
- c. An increase greater than ten percent in the amount of land devoted to non-residential 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 _____, 2023.

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 _____, 2023.

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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03/17/2023 - 04/06/2023

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

2023054	3/27/2023	Accessory	Kelly Keefer	3/27/2023	in-ground pool	804 FOXWOOD CT

Group Total: 1

Group: Change of Use

2023059	4/3/2023	Change of Use	Randall Criffield	4/3/2023	change of use-apartment/mix use	109 VIRGINIA ST

Group Total: 1

Group: Driveway

2023060	4/3/2023	Driveway	Douglas Perkins	4/3/2023	driveway	845 CORPENING PL
2023050	3/17/2023	Driveway	Wild Wind Farms-John Moore	3/17/2023	driveway	402 SCARLETT OAK CT

Group Total: 2

Group: Floodplain Development

2023057	3/28/2023	Floodplain Development	City of Lenoir	3/28/2023	Stream Restoration through City Easement	708 LYNHAVEN ST

Group Total: 1

Group: Manufactured Home

2023063	4/6/2023	Manufactured Home	SD Lenoir, LLC	4/6/2023	single-wide in MHP	1446 Harrow Lane
2023062	4/6/2023	Manufactured Home	SD Lenoir, LLC	4/6/2023	single-wide in MHP	1441 Harrow Lane
2023061	4/6/2023	Manufactured Home	SD Lenoir, LLC	4/6/2023	single-wide in MHP	1431 Furrow Lane

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Group Total: 3

Group: Non-residential

2023052	3/23/2023	Non-residential	IGLESIA INTERNATIONAL CRISTO VIVE	3/23/2023	Church-porch addition	126 IDEAL DR

Group Total: 2

Group: Permanent Sign

2023058	3/29/2023	Permanent Sign	All Type Signs	3/29/2023	Sign-Tobacco Shop	208 MORGANTON BV
2023053	3/24/2023	Permanent Sign	Lisa Hamby	3/24/2023	sign-Lisa's Seafood	1305 WILKESBORO BV

Group Total: 2

Group: Temporary Advertising

2023056	3/27/2023	Temporary Advertising	Jason Reheiser	3/27/2023	temporary banner	843 BLOWING ROCK BL

Group Total: 1

Group: Zoning Verification

2023055	3/27/2023	Zoning Verification	OAS II, LLC	3/27/2023	verification letter	314 BLOWING ROCK BV

Group Total: 1

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Total Records: 14

4/6/2023