



Lenoir Planning Board

Agenda • April 26, 2021

Meeting Information

Location

Virtual

Time

5:30 p.m.

Board Members

Lucy McCarl, Chairperson

Jeff Church, Vice-Chair

James Bradshaw

Sharon Bryant

Kent Greer

Marta Lazo

Mac Martin

Kaye Reynolds

Tim Scobie

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 voluntarily 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.

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 22, 2021 Minutes

NEW BUSINESS

1. Streets and Subdivisions Ordinance Update

OTHER BUSINESS

1. Update on zoning permits issued.
2. In-person meetings discussion.

ADJOURNMENT

**MINUTES
PLANNING BOARD MEETING
March 22, 2021
5:30 P.M.**

VIA TELECONFERENCE:

Sharon Bryant, Jeff Church, Kent Greer, Marta Lazo, Lucy McCarl, Kaye Reynolds, Tim Scobie

ABSENT: James Bradshaw, Mac Martin

STAFF PRESENT VIA TELECONFERENCE:

Jenny Wheelock, Hannah Williams, Lauren McKinney

Chairperson McCarl called the meeting to order.

MINUTES:

Board Member Scobie moved approval of the meeting minutes of January 25, 2021. Board Member Church seconded the motion, which was voted upon and passed by unanimous vote.

NEW BUSINESS:

Planning Director, Jenny Wheelock presented a PowerPoint presentation on the comprehensive plan update. The new state land use law NCGS Chapter 160D requires a recent comprehensive plan to be in place for a jurisdiction to be able to regulate development/enforce zoning. The deadline is July 1, 2022.

Ms. Wheelock spoke about the current plan from 2007 and other planning efforts that will be in the new update and answered the Board's questions.

OTHER BUSINESS

1. Update on zoning permits

ADJOURNMENT:

Having no other matters to bring before the Board, Chairperson McCarl adjourned the Planning Board meeting at 6:45 p.m.

Lucy McCarl
Chairperson

Jenny Wheelock
Planning Director

Proposed Ordinance Amendment:

Streets and Subdivisions

Introduction and Background Information

The proposed ordinance changes impact two chapters:

[Chapter 18: Streets and Sidewalks](#)

[Chapter 19: Subdivisions](#)



← Links for existing ordinances online
Click to follow for current ordinance text

The streets chapter contains the regulations about driveway connections, street names, and addressing, as well as detailed construction standards for roads, sidewalks, curb/gutter, driveway aprons, curb cuts, etc. The responsibility for administration and enforcement of Chapter 18 falls to the Planning department and the Public Works department (primarily the Streets division). We currently have no standardized process to coordinate our administration and enforcement of this chapter, so we rely on the culture of cooperation/collaboration between our departments.

The subdivision chapter is like the glue that holds the Code together. The zoning district standards are implemented through subdivision plats (in particular for single family neighborhoods, where additional site plan review or discretionary approvals aren't required). New street dedications are done through subdivision plats (so, we are reviewing standards related to right-of-way width and intersection design in the plat process). Flood hazard areas must be shown on Plats. When a developer is required to put in a structural stormwater control measure (SCM) by the Stormwater ordinance, a plat is required to show the SCM and access easements. While no standards for physical development itself are contained within the subdivision ordinance, the separation of tracts of land into lots and the dedication of roadways to access those lots forms the backbone of all of the City's development regulations.

There are four categories of subdivisions: Exempt, Major, Minor, and Family.

- Exempt subdivisions include things like the combination or recombination of previously platted lots when the total number of lots isn't increased, the division of land into tracts of greater than 10 acres, or what's known as the "3 from 2" rule, where a tract in single ownership whose entire area is not greater than 2 acres is divided into no more than 3 lots (these are statutory exemptions, and all communities follow these rules). All lots in exempt subdivisions still have to meet the requirements of the zoning district, and still have to have legal access/frontage – so we actually review these even though they are "exempt," as a condition of the exemption is that they meet the standards of our ordinance.
- Major subdivisions involve the dedication of new streets/extension of existing streets and/or create more than 10 lots, and are the only type of subdivision that isn't handled administratively by staff – they require action by Council, following Planning Board review. The bulk of the

regulations in the subdivision chapter address this subdivision type, although major subdivision applications represent a small percentage of our overall plat approvals.

Major subdivisions are approved in phases: the preliminary plat, the construction of infrastructure, and the final plat. Currently, the preliminary plat goes to Planning Board for review and then to Council for approval. Once Council approves the preliminary plat, the developer coordinates with the streets division and the public utilities department to get plans approved for streets, sidewalks, and water/sewer lines, and installs all of the required infrastructure in accordance with the preliminary plat. Once all necessary public improvements have been constructed and inspected, the developer can submit a final plat.

The final plat currently goes back to Planning Board for review before going on to City Council for final approval. However, the Planning Board's review at this stage is essentially an administrative function – either the plat looks exactly like the preliminary plat, or it doesn't. There is no opportunity to make changes to the lot layout or street design at the final plat stage – the only real purpose to send a final plat back through a public approval process is for the City Council to accept the public dedication of the new infrastructure, approve new street names, and to take action on any kind of cost participation or reimbursement to the developer from the City for the improvements. Changes are proposed to this process in the proposed amendment.

- Minor subdivisions are subdivisions that don't fall into an exempt category, but don't require the construction/extension/dedication of infrastructure and don't create more than 10 lots – they have an expedited administrative review process.
- Family subdivisions are allowed only in the extra-territorial jurisdiction (ETJ) and are the only type of plat that can create lots without frontage on a public street. They follow the same expedited, administrative review process as minor subdivisions, and allow for a new lot to be separated from a parent tract with a private easement for access, rather than a public street. The lots can technically only be created for sale to a direct family member, but this standard has no enforcement mechanism because we do not have a role in the private sale of private land – we only know after the fact once a new deed is recorded. However, this category of subdivision is extremely beneficial in the ETJ – it matches up with the expectations and land use patterns in the unincorporated areas of the City, and allows for new lots to be created for low density, rural, family-style development without requiring the extension of public roads (in the ETJ, new roads would be DOT-controlled, as the City only accepts maintenance responsibilities within the city limits).

Regardless of what type of subdivision is proposed, the resulting lots must meet the underlying district standards and any other relevant provisions of the City's code of ordinances. Additionally, all lots in the city limits must have frontage on a public street. The final step for all subdivision plats is the recording with the Register of Deeds. Plats are not deemed effective and the lots shown are not considered legally separate parcels until the final plat is recorded. Once recorded, new parcel ID numbers, NC PINs, and addresses are assigned, and the property tax maps and online GIS records are updated. New lots are assigned a value by the property appraiser and new tax cards created. Lots can be sold, and zoning/building permits can be issued.

Purpose of Proposed Amendments

The purpose of the amendments is to update the subdivision chapter in accordance with NCGS Chapter 160D (which we specifically excluded in the omnibus update ordinance), as well as to better organize, clarify, and separate the various rules related to the physical characteristics of public streets and sidewalks from the rules that address the subdivision process. Additionally, changes to the subdivision process are proposed that would add a formal role for a Technical Review Committee to review and provide comments on proposed subdivisions prior to consideration of preliminary plats by the Planning Board, rather than our current informal process. This extra review step on the front end is balanced by a proposal to send final plats for acceptance and final approval straight to Council as a consent agenda item, instead of the current process of going back through the Planning Board (as previously stated, the Planning Board serves a purely administrative function for reviewing final plats, and allowing this administrative function to be performed by staff instead of the Planning Board reduces the approval time for final plats by at least 30 days).

NOTE: While zoning heavily influences subdivision design (lot dimensions, density, area, etc.), and the Planning Board is involved in the subdivision process, the chapters addressed in this ordinance amendment are not required by law to be reviewed by the Planning Board. I'm sending it to the board anyway, because I think you should review it, and Council will want to know the board's recommendation. One proposed change will require that future amendments to the Subdivision ordinance (Chapter 19) be required to be reviewed by the Planning Board.

Goals for this Ordinance:

1. Update all references to NCGS 160A, Article 19 to corresponding section of the new land use law, NCGS 160D
 - Specific changes: align language with statutes for performance guarantee requirements, expedited review of minor subdivisions, petitions for improvements and special assessments, and developer's agreements
2. Remove redundant standards from each chapter.
 - Currently, our standards for the construction of streets are duplicated with nearly identical standards in both Chapter 18 and 19. Additionally, Chapter 18 contains some subsections that actually relate to the design of subdivisions, not streets – examples include a requirement to extend streets to adjacent properties, to coordinate and continue new street layouts with existing streets, to provide marginal access roads when abutting major thoroughfares, and a prohibition on private streets and reserve strips in platted subdivisions. Most of these standards are already repeated in the subdivision ordinance, but anything not already addressed will be added to Chapter 19 so that all regulations related to the actual layout of the street network are contained in the subdivision chapter, since it is during the preliminary plat phase that we can make comments and require modifications to the overall design of the subdivision.
 - Repeating identical standards in each chapter may seem convenient, but it is not a best practice. One reason to avoid repeating standards is that it creates more opportunities for conflicts between chapters, if language gets amended in one place but not the other (human error). Additionally, when a chapter attempts to cross-reference or repeat some

applicable code sections from outside the chapter, but not every potential applicable standard, it can create confusion about which rules apply (only those specifically cross-referenced? Why only call out some?). By keeping each chapter focused on the title subject, and clearly indicating (where relevant) that all provisions of other chapters apply as well, our Code of Ordinances functions like a Unified Development Ordinance.

Content Comparison: Proposed Organization for Chapters 18 and 19	
Chapter 18 – Streets	Chapter 19 – Subdivisions
<ul style="list-style-type: none"> • Physical standards • ROW widths • Curve and slope geometry • Material/Construction • Building/widening streets when a plat isn't involved – petitions, cost share, etc. • Sidewalks • Driveways • Storm sewer system (roadside ditches and C&G) • Addressing/display of numbers • Street naming 	<ul style="list-style-type: none"> • Process (plat review and approval) • Physical standards reviewed/applied to the plat, but most delineated in other chapters • Minor and plat processes, that create multiple buildable lots (and the infrastructure to serve them) from a larger parent parcel • Major plats • Certifications, dedications, performance guarantees, etc, • Some general requirements for logical layout, street connection, etc. – standards relate only to the plat itself, and not to the development of the resultant lots
Table of Contents Comparison: Proposed Changes for Chapter 18 and 19	
<p>Chapter 18 – Streets and Sidewalks</p> <p>Article I. In General</p> <p>Article II. Streets</p> <p>Article III. Maintenance</p> <p>Article IV. Storm Drainage</p> <p>Article V. Driveways</p> <p>Article VI. Sidewalks</p> <p>Article VII. Penalties</p> <p>Article VIII. Street Naming, Numbering, and Display</p>	<p>Chapter 19 – Subdivisions</p> <p>Article I. In General</p> <p>Article II. Improvements and Guarantees of Improvements</p> <p>Article III. Preliminary Plat</p> <p>Article IV. Construction – Street, Utility, and Engineering Requirements</p> <p>Article V. Final Plat</p> <p>Article VI. Procedure for Review and Approval for Minor Subdivisions</p> <p>Article VII. Procedure for Review and Approval of Family Subdivisions</p>

What's Next?/Big Picture

Like many of the ordinance amendments we've done lately, this ordinance largely addresses technical rules, deletes or amends obsolete rules and references, eliminates known conflicts, and aims to make our ordinances more user friendly and streamlined, as well ensure consistency with the state laws. While some changes are proposed to some of our approval processes, we aren't making any recommendations to change physical standards for development in this ordinance.

As we shift our focus to the Comprehensive Plan update, we are in a great place to make policy recommendations for specific code changes to amend development standards – our code will be modern and logically organized, with clearly defined approval, enforcement, and appeal processes.

Here are some items related to the streets and subdivisions that you will see included in my materials for the board to consider in future workshops:

1. Auditing the standards for ROW widths and street construction standards, to ensure that we aren't requiring developers to over-build roads, or requiring wider roads than necessary (which increase the initial cost to construct, the ongoing cost to maintain, and naturally encourage faster speeds and discourage pedestrian activity).
2. Better defining street categories (Major Thoroughfare, Collector, local, etc) and exploring regulating streetscape sections by adjacent street category rather than by zoning district
3. Auditing standards for stormwater conveyance within the public row (curb and gutter and/or roadside ditches/swales) to ensure that the rules represent good environmental practices and are consistent with the rules in the stormwater ordinance for vegetative conveyance.
4. Addressing exceptions to lot size standards and adding performance standards for zero-lot-line developments (townhomes, semi-detached single family, and detached zero lot line).

Timeline for Current Amendment:

April – Planning Board training on streets and subdivisions; discussion on concept and scope

May – Planning Board review of ordinance/City Council call for public hearing

June – City Council adoption

(Note: Because Planning Board is not currently designated to review changes to these chapters, they follow the standard process of a legislative hearing at City Council. I will send an agenda item to Council in May, asking that they call for a public hearing for the first meeting in June. This will give us time to advertise, but also time to make edits to the final ordinance that we send to Council based on the Board's input in May. It also gives us one additional Council meeting prior to our July 1 deadline for adoption, in case there any delays.)

03/12/2021 - 04/16/2021

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

2021044	4/12/2021	Accessory/Addition	Beth Dorminey		remodel/ greenhouse addition	360 BLOWING ROCK BV
2021041	4/6/2021	Accessory/Addition	Pete Kidder	4/7/2021	12'x12' loading dock with canopy	1216 HARPER AV
2021040	4/6/2021	Accessory/Addition	Shaun Clark	4/6/2021	40'x20' inground pool with deck	1502 WALT ARNEY RD
2021032	3/17/2021	Accessory/Addition	Marisol Merlos	3/17/2021	8'x17' front porch	511 ARLINGTON CR NW

Group Total: 4

Group: Manufactured Home

2021042	4/6/2021	Manufactured Home	SD Lenoir LLC	4/6/2021	manufactured homes	1429 Furrow Ln, 1430 Furrow Ln

Group Total: 1

Group: Non-residential

2021031	3/16/2021	Non-residential	Marty Waters	3/16/2021	34'x39 ramp	840 COMPLEX ST
2021030	3/15/2021	Non-residential	NLA Lenoir, LLC	3/15/2021	Quick-service restaurant with associated site improvements	1095 HICKORY BL
2021029	3/15/2021	Non-residential	QC Sign and Graphics	3/15/2021	20.25 sq ft sign	935 BLOWING ROCK BL

Group Total: 3

Group: Permanent Sign

2021046	4/13/2021	Permanent Sign	David Waechter	4/14/2021	sign permit	675 PENNTON AV
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2021045	4/13/2021	Permanent Sign	Margaret Landers		sign permit	110-1 CHURCH ST
2021033	3/22/2021	Permanent Sign	Jason Dillingham	3/23/2021	sign permit	520 REALTY ST

Group Total: 3

Group: Single Family Home

2021035	3/23/2021	Single Family Home	Danny Coffey	3/23/2021	single family dwelling with driveway	415 HUNTINGTON WOODS ST

Group Total: 1

Group: Temporary Advertising

2021037	3/25/2021	Temporary Advertising	Tam Nguyen	3/25/2021	temporary signs	409 BLOWING ROCK BV
2021036	3/25/2021	Temporary Advertising	Anna Sweeney	3/24/2021	temporary banner	112 WILKESBORO BV

Group Total: 2

Group: Zoning Verification

2021043	4/8/2021	Zoning Verification	Ashley Summey			1009 BLOWING ROCK RD
2021039	3/31/2021	Zoning Verification	Brooke Kelley			2581 HICKORY BLVD
2021038	3/31/2021	Zoning Verification	Littlejohn Cycle Sales & Service #2 Inc.	3/31/2021	car lot	2005 VALWAY RD NW
2021034	3/22/2021	Zoning Verification	Ready 2 Ride Motor Sports	3/22/2021	car lot	406 FAIRVIEW DR

Group Total: 4

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Total Records: 18

4/15/2021