BK 2164 PG 1717 - 1721 (5)
This document presented and filed:
05/14/2026 01:51:09 PM

Fee $26.00
10118799
Caldwell County North Carolina
Wayne L. Rash, Register of Deeds

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED ON US-321 (BLOWING ROCK BOULEVARD) BETWEEN THE INTERSECTION WITH CRESTLINE PLACE AND ELLISON PLACE, COMPRISED OF 2.3 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #13 (CZ-13) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at the regularly scheduled meetings on March 9 and April 13, 2026 the Lenoir Planning Board considered zoning application case number R 1-26, requesting the Conditional Zoning district designation (CZ-13), for approximately 2.3 acres of land, described by the recorded plat (Caldwell County Plat Book 30 Page 18) attached to this ordinance as **Exhibit "A"** (hereinafter the "Property"); 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 R 1-26 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; 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 B-6 Transitional Business district and R-15 Single Family District to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-13"), as depicted in Exhibit "B" to this ordinance.

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-13 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 B-6 (Transitional Business) 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-13 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/Special Uses.** In addition to the uses permitted by the base zoning district, Eating and Drinking Establishment with drive-through is added as a permitted use.
5. **Setbacks.** The setbacks shall be as follows:
    a. Wherever an Eating & Drinking establishment with drive-through use abuts a single-family residential zone, the building setback shall be 45 feet.
    b. All other setbacks for front, side, and rear setbacks for the development shall be 10 feet.
    c. Setbacks for any other use on this property shall be governed by the base zoning district, including separation setbacks between residential and non-residential districts.
6. **Buffer**. Wherever an Eating & Drinking establishment with drive-through use abuts a single-family zone, a 30-foot-wide planted buffer strip shall be required. Mature trees within the 30-foot-wide buffer must remain. Credit for utilizing existing trees on site greater than or equal to required standards shall be two trees for every one tree retained. To maintain the same level of screening performance across the expanded area, the planting requirements of Section 712 will be applied at twice their normal intensity. This means the buffer must contain four staggered rows of

trees and shrubs (instead of the standard two), spaced according to the Section 712 Buffering and Screening standards in the Lenoir Ordinance, so that a continuous six-foot-tall screen is established within two years.

7. **Design Standards**. Design Standards for Commercial, Office, Institutional, And Government Buildings found in Section 714 of the Zoning Ordinance shall be required for Eating & Drinking establishment with drive-through uses, which includes but is not limited to building features including materials, colors, and entrances; landscaping; outdoor storage, garbage collection, and loading areas; pedestrian flow and movement within the site.
8. **Access**. Development must provide ingress and egress from Crestline Place and Ellison Place when appropriate for development. Cross-access for the property must be established for sufficient traffic circulation and safety. No ingress or egress is permitted along US-321.
9. **Lighting.** All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
10. **Right-of-Way Improvement.** Crestline Place shall be widened from the proposed driveway on the southern property line to the intersection with US-321 to include a right turn lane.

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 receipt of owner's written consent to the conditions herein by the City of Lenoir, which must be within 10 days of 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 22nd and 29th days of April, 2026.

DONE, THE PUBLIC HEARING, AND 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 4th day of May, 2026.

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

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

Exhibit A

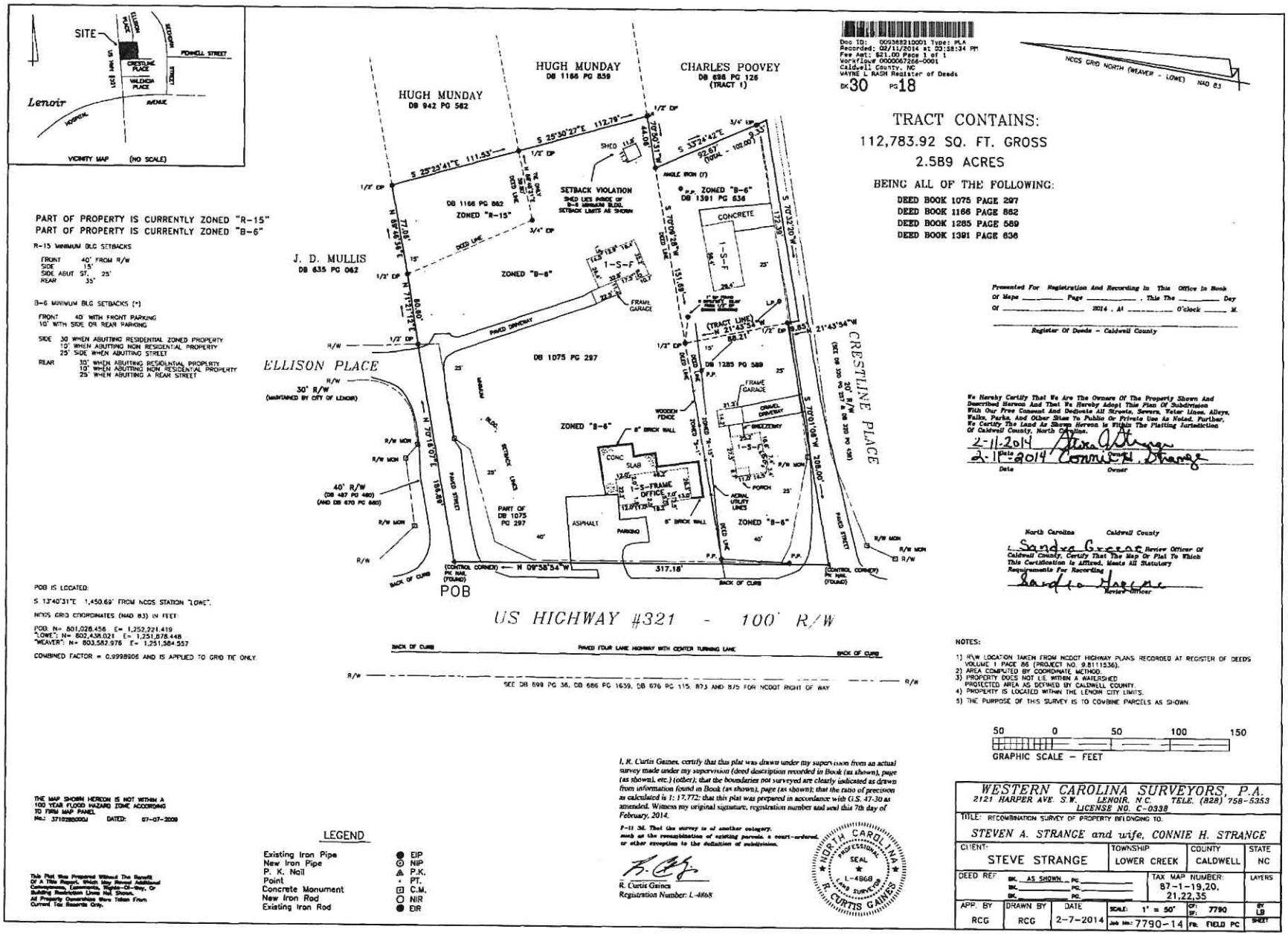
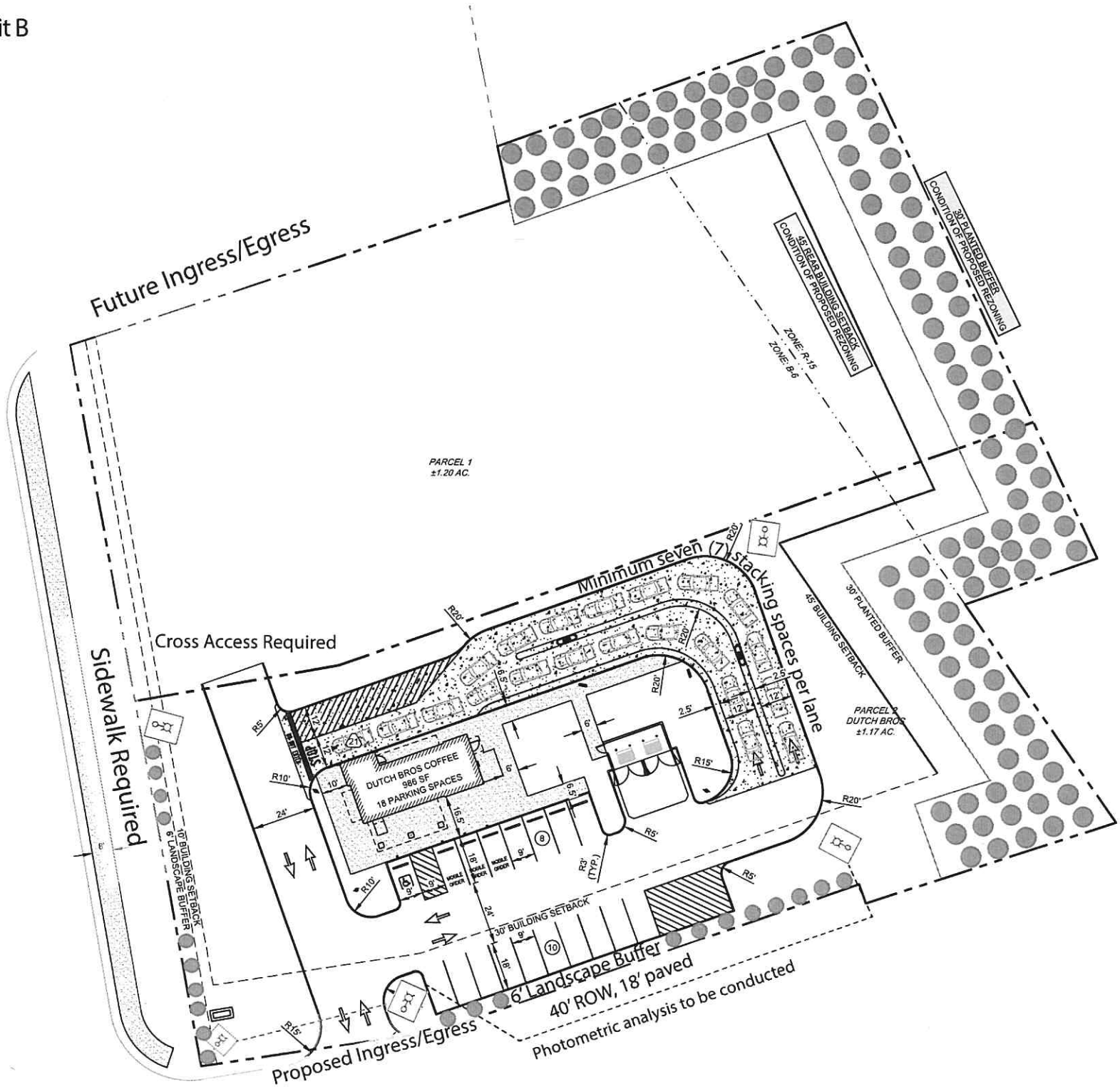

SITE
ELLISON PLACE
CRESTLINE PLACE
VALDOSTA PLACE
POWELL STREET
Lenoir
AVENUE
HOSPITAL
VICINITY MAP (NO SCALE)
HUGH MUNDAY
DB 942 PG 562
HUGH MUNDAY
DB 1166 PG 859
CHARLES POOVEY
DB 638 PG 126
(TRACT 1)
Doc ID: 009368210001 Type: PLA
Recorded: 02/11/2014 at 03:38:34 PM
Fee Amt: $21.00 Page 1 of 1
Workflow# 0000067266-0001
Caldwell County, NC
WAYNE L RASH Register of Deeds
BK 30 PG 18
NCGS GRID NORTH (WEAVER - LOWE) NAD 83
TRACT CONTAINS:
112,783.92 SQ. FT. GROSS
2.589 ACRES
BEING ALL OF THE FOLLOWING:
DEED BOOK 1075 PAGE 297
DEED BOOK 1166 PAGE 862
DEED BOOK 1285 PAGE 589
DEED BOOK 1391 PAGE 636
PART OF PROPERTY IS CURRENTLY ZONED "R-15"
PART OF PROPERTY IS CURRENTLY ZONED "B-6"
R-15 MINIMUM BLG SETBACKS
FRONT 40' FROM R/W
SIDE 15'
SIDE ABUT ST. 25'
REAR 35'
B-6 MINIMUM BLG SETBACKS (*)
FRONT 40' WITH FRONT PARKING
10' WITH SIDE OR REAR PARKING
SIDE 30' WHEN ABUTTING RESIDENTIAL ZONED PROPERTY
10' WHEN ABUTTING NON RESIDENTIAL PROPERTY
25' SIDE WHEN ABUTTING STREET
REAR 30' WHEN ABUTTING RESIDENTIAL PROPERTY
10' WHEN ABUTTING NON RESIDENTIAL PROPERTY
25' WHEN ABUTTING A REAR STREET
J. D. MULLIS
DB 635 PG 062
ZONED "R-15"
ZONED "B-6"
DB 1166 PG 862
DB 1075 PG 297
DB 1285 PG 589
DB 1391 PG 636
SETBACK VIOLATION
SHED LIES INSIDE OF B-6 MINIMUM BLDG. SETBACK LIMITS AS SHOWN
SHED
CONCRETE
FRAME GARAGE
GRAVEL DRIVEWAY
WOODEN FENCE
8" BRICK WALL
CONC SLAB
1-S-FRAME OFFICE
ASPHALT PARKING
PART OF DB 1075 PG 297
ACRYL UTILITY LINES
PORCH
PAVED DRIVEWAY
PAVED STREET
ELLISON PLACE
30' R/W
(MAINTAINED BY CITY OF LENOIR)
CRESTLINE PLACE
30' R/W
(SEE DB 320 PG 237 & DB 325 PG 490)
40' R/W
(DB 487 PG 480)
(AND DB 670 PG 880)
SETBACK LINES
N 70°18'07"E 198.89'
N 09°58'54"W
317.18'
S 70°01'08"W 208.00'
N 21°43'54"W 88.21'
(TRACT LINE)
(CONTROL CORNER) PK NAIL (FOUND)
(CONTROL CORNER) PK NAIL (FOUND)
POB
BACK OF CURB
US HIGHWAY #321 - 100' R/W
PAVED FOUR LANE HIGHWAY WITH CENTER TURNING LANE
SEE DB 898 PG 36, DB 686 PG 1639, DB 676 PG 115, 873 AND 875 FOR NCDOT RIGHT OF WAY
POB IS LOCATED:
S 13°40'31"E 1,450.69' FROM NCGS STATION "LOWE".
NCGS GRID COORDINATES (NAD 83) IN FEET
POB: N= 801,028.456 E= 1,252,221.419
"LOWE": N= 802,438.021 E= 1,251,878.448
"WEAVER": N= 803,582.976 E= 1,251,584.557
COMBINED FACTOR = 0.9998906 AND IS APPLIED TO GRID TIE ONLY.
THE MAP SHOWN HEREON IS NOT WITHIN A 100 YEAR FLOOD HAZARD ZONE ACCORDING TO FIRM MAP PANEL
No.: 3710280000J DATED: 07-07-2008
This Plat Was Prepared Without The Benefit Of A Title Report, Which May Reveal Additional Conveyances, Easements, Rights-Of-Way, Or Building Restriction Lines Not Shown. All Property Ownerships Were Taken From Current Tax Records Only.
LEGEND
Existing Iron Pipe EIP
New Iron Pipe NIP
P. K. Nail P.K.
Point PT.
Concrete Monument C.M.
New Iron Rod NIR
Existing Iron Rod EIR
Presented For Registration And Recording In This Office In Book Of Maps _____ Page _____ , This The _____ Day Of _____ 2014 , At _____ O'clock ____ M.
Register Of Deeds - Caldwell County
We Hereby Certify That We Are The Owners Of The Property Shown And Described Hereon And That We Hereby Adopt This Plan Of Subdivision With Our Free Consent And Dedicate All Streets, Sewers, Water Lines, Alleys, Walks, Parks, And Other Sites To Public Or Private Use As Noted. Further, We Certify That Land As Shown Hereon Is Within The Platting Jurisdiction Of Caldwell County, North Carolina.
2-11-2014 Steven A. Strange
2-11-2014 Connie H. Strange
Date Owner
North Carolina Caldwell County
I, Sandra Greene, Review Officer Of Caldwell County, Certify That The Map Or Plat To Which This Certification Is Affixed, Meets All Statutory Requirements For Recording
Sandra Greene
Review Officer
NOTES:
1) R/W LOCATION TAKEN FROM NCDOT HIGHWAY PLANS RECORDED AT REGISTER OF DEEDS VOLUME 1 PAGE 86 (PROJECT NO. 9.811153G).
2) AREA COMPUTED BY COORDINATE METHOD.
3) PROPERTY DOES NOT LIE WITHIN A WATERSHED PROTECTED AREA AS DEFINED BY CALDWELL COUNTY.
4) PROPERTY IS LOCATED WITHIN THE LENOIR CITY LIMITS.
5) THE PURPOSE OF THIS SURVEY IS TO COMBINE PARCELS AS SHOWN.
50 0 50 100 150
GRAPHIC SCALE - FEET
I, R. Curtis Gaines, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book (as shown), page (as shown), etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book (as shown), page (as shown); that the ratio of precision as calculated is 1: 17,772; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 7th day of February, 2014.
R. Curtis Gaines
Registration Number: L-4868
NORTH CAROLINA PROFESSIONAL SEAL L-4868 LAND SURVEYOR R. CURTIS GAINES
WESTERN CAROLINA SURVEYORS, P.A.
2121 HARPER AVE. S.W. LENOIR, N.C. TELE. (828) 758-5353
LICENSE NO. C-0338
TITLE: RECOMBINATION SURVEY OF PROPERTY BELONGING TO:
STEVEN A. STRANCE and wife, CONNIE H. STRANCE
CLIENT: STEVE STRANGE
TOWNSHIP: LOWER CREEK
COUNTY: CALDWELL
STATE: NC
DEED REF: BK. AS SHOWN PG. BK. PG. BK. PG.
TAX MAP NUMBER: 87-1-19,20, 21,22,35
LAYERS
APP. BY: RCG
DRAWN BY: RCG
DATE: 2-7-2014
SCALE: 1" = 50'
Job No.: 7790-14
CF: 7790
FB: FIELD PC
BY: LB
SHEET

Exhibit B


Future Ingress/Egress
45' REAR BUILDING SETBACK CONDITION OF PROPOSED REZONING
30' PLANTED BUFFER CONDITION OF PROPOSED REZONING
ZONE: R-15
ZONE: B-6
PARCEL 1
±1.20 AC.
Minimum seven (7) stacking spaces per lane
Cross Access Required
Sidewalk Required
DUTCH BROS COFFEE
986 SF
18 PARKING SPACES
45' BUILDING SETBACK
30' PLANTED BUFFER
PARCEL 2
DUTCH BROS
±1.17 AC.
10' BUILDING SETBACK
6' LANDSCAPE BUFFER
30' BUILDING SETBACK
6' Landscape Buffer
40' ROW, 18' paved
Photometric analysis to be conducted
Proposed Ingress/Egress