Staff Report

CONDITIONAL ZONING REQUEST

CASE NUMBER R #3/26 (CZ-14)

CITY OF LENOIR
PLANNING & COMMUNITY DEVELOPMENT

LOCATION MAP/AERIAL PHOTOGRAPH



Subject Property:

937 Sunrise Circle

SUMMARY

Owner
DTM Real Estate (David Miller)

Applicant
David Miller

Location

937 Sunrise Circle (~1.1 acres)

NC PIN

2850213080

Project Planner

Hannah Williams, AICP, CZO

Matt Duchan, AICP, CZO

Updated October 30, 2026

Applicant's Request:

The applicant is requesting to re-zone the subject property to a Conditional Zoning district (CZ-14) from R-R for a multi-family development of seven (7) apartments.

Staff Recommendation:

Approval, with the conditions outlined in the staff report.

Planning Board Recommendation:

Approval of the request based on the consistency statement on page 9.

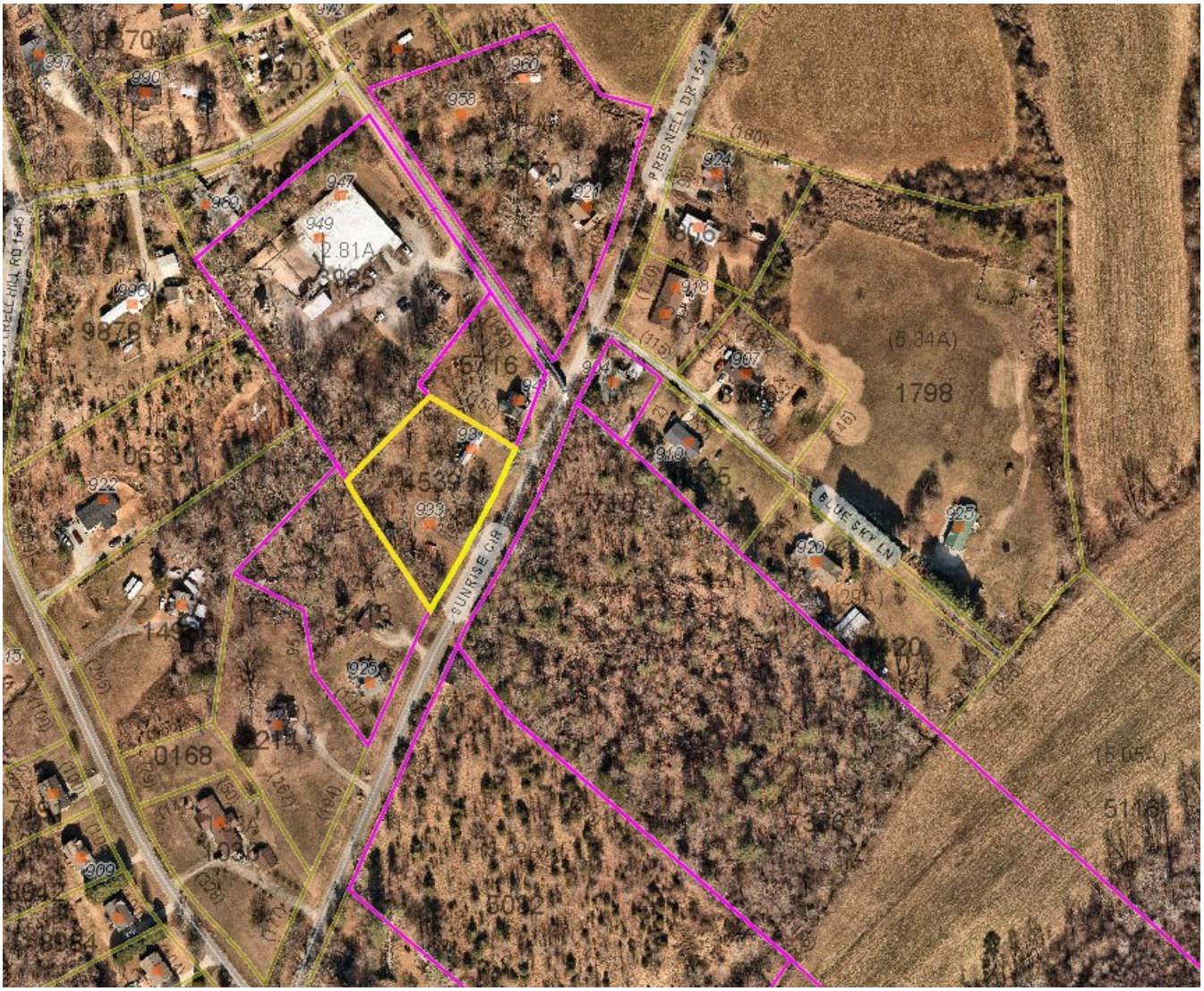
Public Comment:

Planning Board Meeting: November 9, 2026. Notices were mailed to adjacent property owners on October 28, 2026.

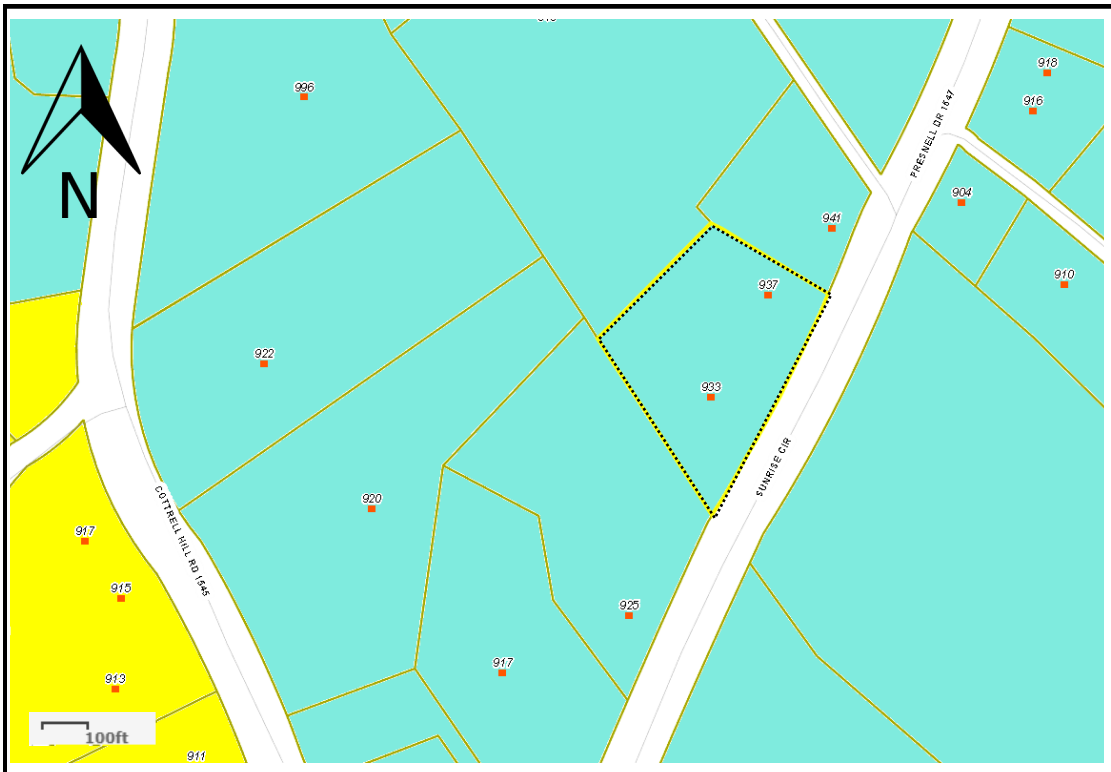
City Council (Public Hearing):

Anticipated to be scheduled for December 1, 2026

ABUTTING PROPERTY OWNERS NOTIFIED



EXISTING ZONING

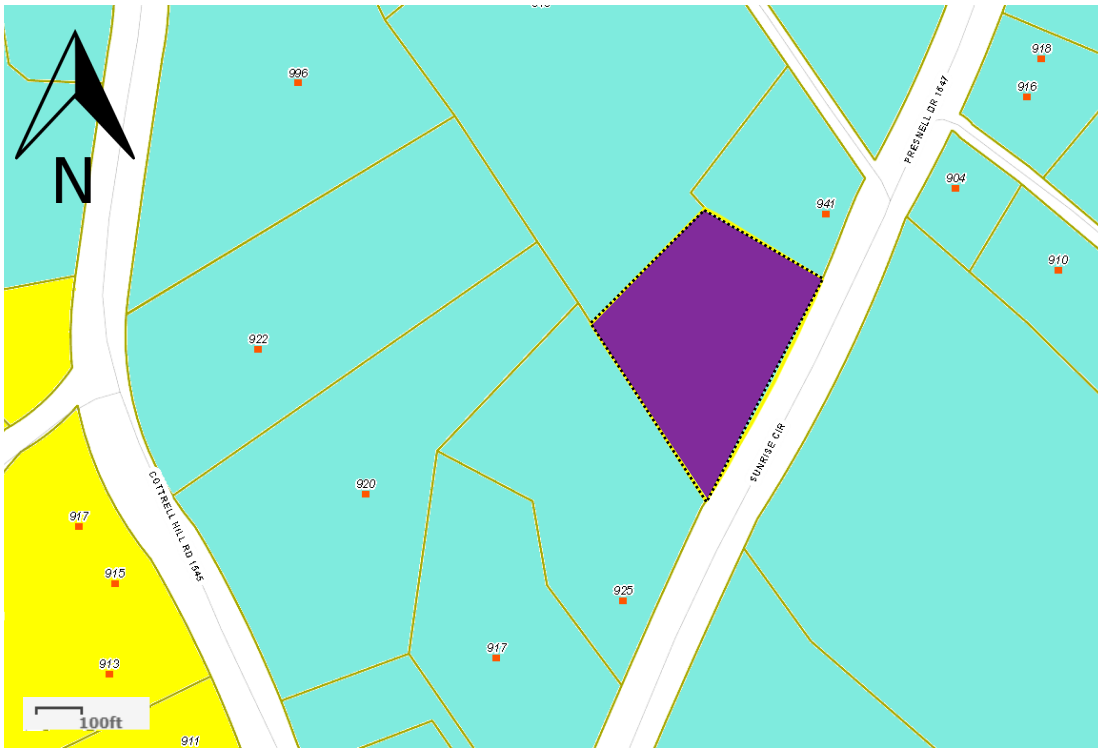


Subject Property:

Zoned R-R

Subject Property

PROPOSED ZONING



Subject Property:

Proposed CZ-14

Subject Property

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. Conditional Zoning is 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. Conditional Zoning is a legislative process requiring the Planning Board to review and make a recommendation to the City Council on the request. Each Conditional Zoning district is adopted as an ordinance and is recorded with the Register of Deeds.

Intent of Base Zoning District (R-R)

R - R (Rural Residential) District is intended to develop and maintain, in keeping with the existing and future land development patterns, those areas of extraterritorial jurisdiction for low density single family residences, double wide manufactured homes, and compatible uses. The regulations for this district are designed to stabilize and encourage a healthful environment for family life in areas where public or community water or public sewer may not be available. Any uses which would adversely affect or interfere with the residential character and development of these areas are excluded.

Subject and Surrounding Properties

The 1.1-acre subject property is located north of the Lower Creek neighborhood of Lenoir east of Cottrell Hill Road. The property currently features a single-wide manufactured home, which the owner intends to remove from the site prior to development. The subject property is flanked by single-family home properties to both the north (.53 acres) and south (1.25 acres). Across the street is vacant property. The surrounding area is zoned entirely R-R (rural residential), which typically consists of exclusively single-family detached homes and manufactured homes. R-15 zoning begins further south along Sunrise Circle into the Lower Creek Neighborhood. To the northwest is a manufacturing plant owned by M&S Propco, which is zoned R-R pre-dating modern zoning, making it legally non-conforming. The remaining surrounding area is residential or zoned for residential and vacant. The property and to the west of the property was annexed into the City in the mid-1990s, and the opposite side of the street and east is in the ETJ (see Appendix A).

Reason for Request

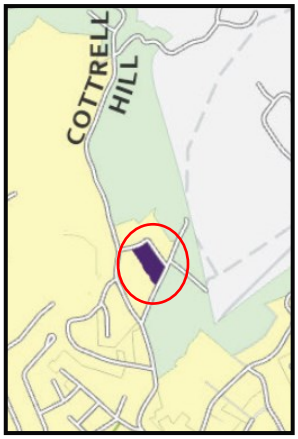
The applicant is seeking to develop seven apartment units on a 1.1 acre site. Under current zoning, the subject property could be developed with a single duplex. The development will include on-site parking, internal access and site circulation, pedestrian connections, and landscaping including a 15-foot buffer from adjacent single-family residences. Because this request proposes greater intensity than the current zoning district allows, the applicant conducted a community meeting on September 15, 2026 (See Appendix B). Planning staff did not attend, but did provide mailing addresses of abutting property owners to the applicant so that he could notify adjacent owners of his proposal.

Zoning Analysis

As stated above, the intent of the rural-residential district is to preserve the rural character of areas supported by infrastructure. This site is served by Lenoir Water & Sewer. In Lenoir, multi-family housing comprises just under 25 percent of the total stock, with 5-to-9 unit developments comprising just over three percent. Around half of the renting population is cost-burdened and providing housing for a growing workforce would help to generate economic activity in the City.

Background and Analysis (Cont.)

The CZ proposes to add low-density multi-family to site at 6.4 dwelling units per acre (du/ac), while providing for building setbacks and buffers to be sensitive to the neighborhood character. The setbacks will remain the same as those required in R-R on the side (15') and rear (35'), with a 25' front setback, as well as a 15' landscape buffer to screen on the sides and rear of the property. The building height maximum in R-R is 30 feet, which will be met in this development. This size of tract could be developed with two duplexes, totaling four units. Therefore, this project only nets three more units than what is already allowed in the R-R zoning district. The future land use map (FLUM) includes this parcel as heavy industrial (see map below), due to the owner of the manufacturing plant previously owning the whole block. Industrial expansion is unlikely here. The developers of this site intend to maintain character and remain sensitive to the surrounding area. Rezoning for multifamily would be a far less intense use than what the FLUM recommends.



Sunrise Circle and Cottrell Hill Road section of Future Land Use Map (FLUM)

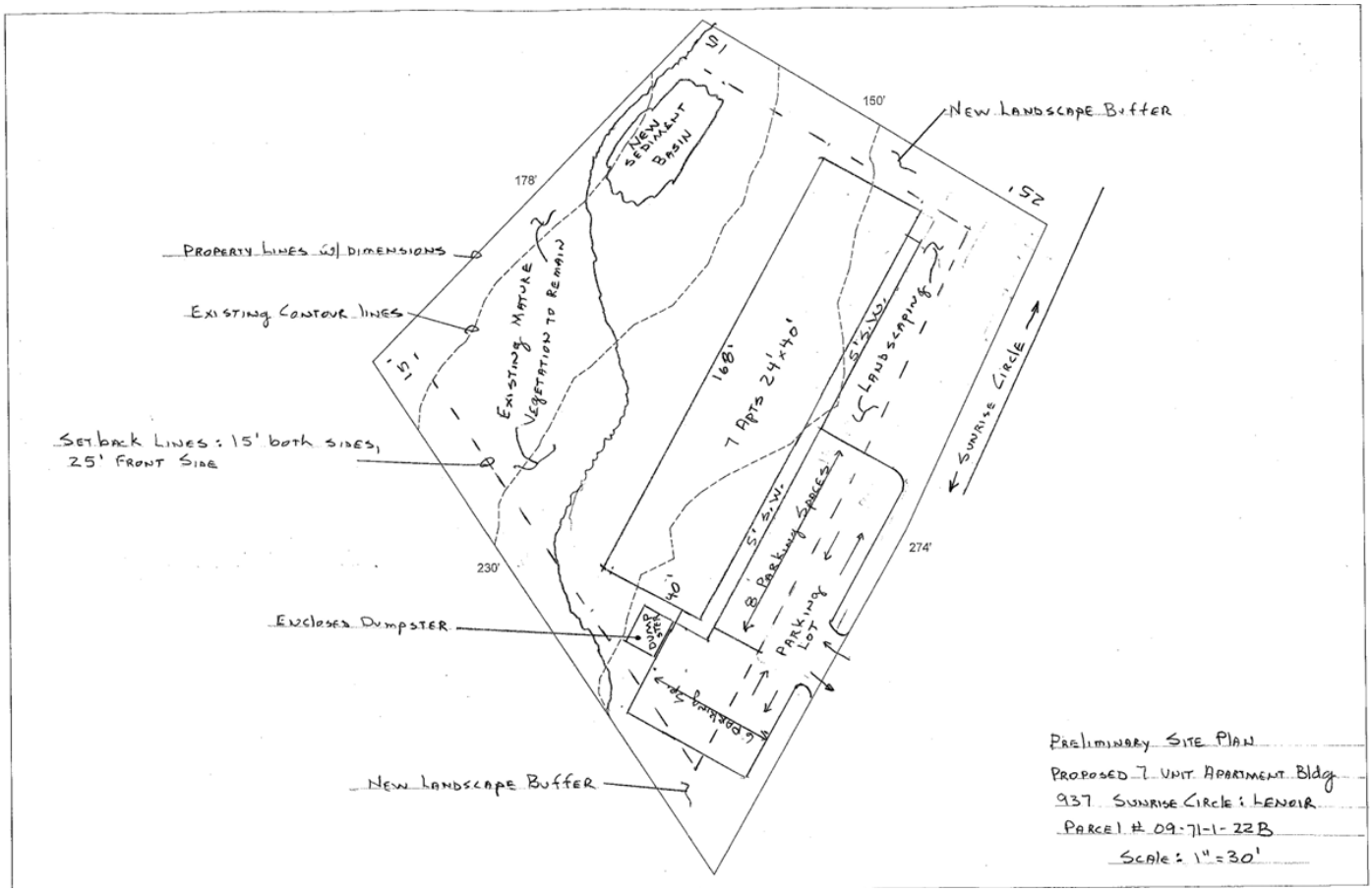
Proposed Conditional Zoning District: CZ-14 Specific Standards

1. **Base Zoning.** The underlying zoning district for the subject parcel is R-R (Rural Residential)
2. **Permitted Uses.** The uses permitted in CZ-14 are as follows:
   a. All permitted uses allowed in R-R
   b. Multi-Family, low-density (Garden Apartments)
3. **Buffer.** Wherever a multi-family residential use abuts a single-family zone or use, a 15-foot-wide planted buffer strip shall be required. Mature trees within the 15-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 and landscaping 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.
4. **Setbacks.** The front setback shall be 25'. All remaining setbacks will refer to the base zoning district.
5. **Density.** The maximum density on this property shall increase to seven (7) dwelling units per acre.
6. **Design Standards**. Design Standards for Commercial, Office, Institutional, And Government Buildings found in Section 714 must be met, 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 interior to the site, and an 8-foot wide sidewalk along the Sunrise Circle frontage.
7. **Access.** Driveway(s) for multi-family development must be located off of Sunrise Circle.
8. **Lighting.** All lighting shall be fully cut-off and shielded so as to eliminate/minimize light spill-over onto adjacent residential properties.
9. **Sidewalk.** An 8' wide sidewalk shall be required along the street frontage of the subject property.

BACKGROUND AND ANALYSIS (CONT.)

Standards	R-R	CZ-14 Changes
Development Standards	Minimum Lot Size—Between 15,000 and 20,000 (contingent on sewer/ water capabilities) Setbacks Front: 40' Side Yard: 15' Abutting side Street: 25' Minimum Rear Yard: 35'	No Minimum Lot Size Setbacks Front: 25' Side Yard: 15' Abutting side Street: 25' Minimum Rear Yard: 35' Buffer A 15-foot wide planted buffer strip along the sides and rear of the property shall separate the property from abutting single-family zoning districts.
Summary of Permitted Uses	Accessory Structure (Cottage, Apartment) Dwelling, Single Family Duplex Special Uses: Agriculture Bed & Breakfast Daycares Communication Towers Cultural and Community Facilities Greenhouses, Commercial Group Housing (1-6 non-related residents) Manufactured Home Parks (Existing)	• All permitted uses in R-R • Multi-Family, low-density (Garden Apartments)

SITE PLAN


New Landscape Buffer
New Sediment Basin
150'
178'
25'
Property Lines w/ dimensions
Existing Contour Lines
Existing Mature Vegetation to remain
15'
Setback Lines: 15' both sides, 25' Front Side
168'
7 Apts 24'x40'
5' S.W.
Landscaping
Sunrise Circle
5' S.W.
8 Parking Spaces
274'
230'
40'
Parking Lot
Enclosed Dumpster
Pump Station
4' Retaining Wall
New Landscape Buffer
Preliminary Site Plan
Proposed 7 Unit Apartment Bldg
937 Sunrise Circle : Lenoir
Parcel # 09-71-1-22B
Scale: 1" = 30'

FAÇADE RENDERING



Conceptual Rendering

Proposed 7-Unit Apartment Building
937 NE Sunrise Cir, Lenoir, NC

Consistency Statement/Staff Recommendations

Consistency with the Comprehensive Plan/Reasonableness of Amendment

When adopting or rejecting any zoning amendment, City Council must adopt a brief statement describing whether or not the action is consistent with the City's Comprehensive Plan, in accordance with G.S. 160D-605(a), and must also address the reasonableness of any proposed map amendments. Staff offers the following draft statement on the consistency and reasonableness of the request.

The proposed Conditional Zoning Ordinance is consistent with 2045 Comprehensive Plan, because it addresses a pressing need of missing middle housing in a city with an aging housing stock and population. The proposed project is a 7-unit apartment development in a quiet neighborhood north of Lower Creek. This is an efficient use of land that is inactive and adjacent to a legally nonconforming manufacturing plant. Multi-family development would be significant for adding modern, infill housing to an area served by infrastructure.

Planning Board Recommendations

Site Photos

Below: Sunrise Circle due north (neighboring home shown)



Below: Sunrise Circle due south (neighboring structures shown)





Above: Singlewide trailer on property (to be removed).



Above: Shed in southwest corner of property (to be removed)

SITE PHOTOS

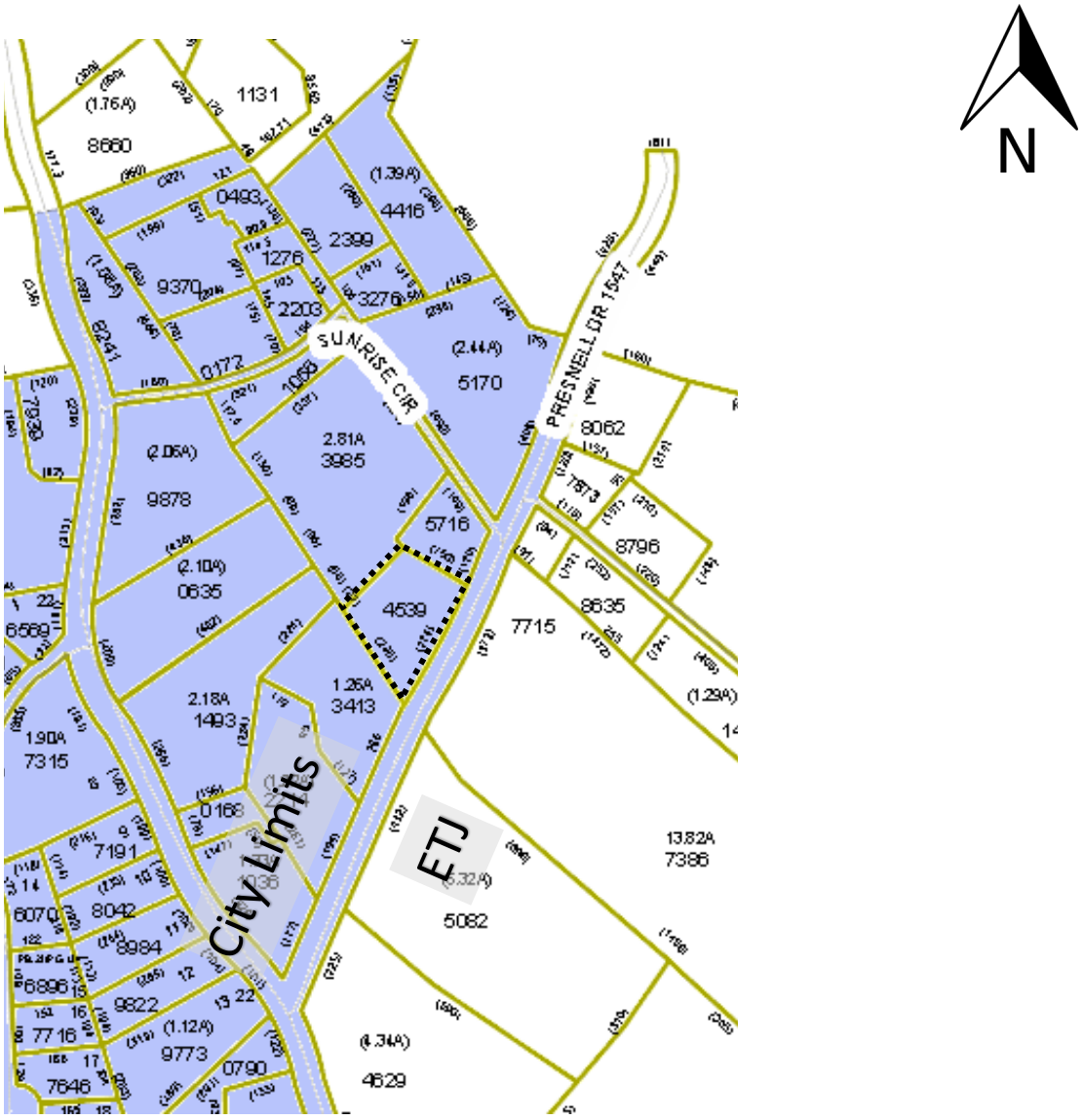
Below: View of M&S Manufacturing through rear landscaping





Above: Rear of property facing north

APPENDIX A—MAP SHOWING CITY LIMITS & ETJ



Map shows Lenoir City Limits in blue and the ETJ is white. The subject property is circled within the dashed outline, and is in the City Limits.

APPENDIX B—COMMUNITY MEETING

DTM REAL ESTATE

P.O. Box 25 | Hudson, North Carolina

September 4, 2026

COMMUNITY MEETING NOTICE

Proposed Rezoning and 7-Unit Apartment Development

937 NE Sunrise Circle, Lenoir, North Carolina

COMMUNITY MEETING

DATE
Tuesday, September 15, 2026

TIME
6:30 p.m.

LOCATION
Outdoors on site - 937 NE Sunrise Circle, Lenoir, NC

PURPOSE
Discuss proposed rezoning and 7-unit apartment development

PROPERTY DETAILS

Property address	937 NE Sunrise Cr, Lenoir, NC	Parcel number	09-71-1-22-B-
Acreage	1.140 AC	Deed reference	BK 2120 PG 1305
Tax account / bill	181719 / 15250 (Tax Year 2026)	Property owner	DTM Real Estate LLC
Proposed development	**7-unit low-rise multifamily apartment building**		
Housing type	**Market-rate rental housing; not dedicated project-based Section 8 housing**		

Dear Neighbor:

DTM Real Estate is providing this notice to neighboring property owners concerning its intent to seek a zoning map amendment for the property identified above. The proposed rezoning would allow development of a seven-unit apartment building on the approximately 1.140-acre site.

The proposed apartments will be market-rate rental housing. The project is not being developed as dedicated Section 8 or other project-based subsidized housing.

The current concept is a small, low-rise residential development with on-site parking, internal access, landscaping, pedestrian connections, utilities, drainage, and other improvements required through the City of Lenoir review process. The enclosed architectural image is conceptual and is intended to show the general residential character of the proposed building. Final site and building details remain subject to engineering and City approval.

DTM Real Estate will hold a community meeting at the subject property so neighboring owners and residents can review the proposal, ask questions, and provide comments before the rezoning proceeds through the City of Lenoir review process.

This applicant-hosted community meeting is separate from the City of Lenoir's formal Planning Board and City Council proceedings. The City will provide any additional official notices required for those meetings or hearings.

We invite you to attend the community meeting and discuss the proposed seven-unit development with the applicant.

Thank you for reviewing this notice and the enclosed project information.
Sincerely,

David Miller
DTM Real Estate
P.O. Box 25
Hudson, NC

APPENDIX B — COMMUNITY MEETING FEEDBACK

Re: Sunrise Cir Multi-family CZ

From David Miller <david@dtmgoldnc.com>
Date Thu 10/1/2026 11:19 AM
To Matthew Duchan <matthew.duchan@CI.LENOIR.NC.US>; David Gray <dgray@steelconbuilders.com>; agray@precisioncontractingnc.com <agray@precisioncontractingnc.com>
Cc Williams, Hannah <hwilliams@CI.LENOIR.NC.US>

Subject: DTM Real Estate – Community Meeting and Property Owner Notification
Good afternoon,
I am writing to confirm the property-owner notification and community meeting associated with the proposed rezoning.
The community meeting was held as scheduled on **Tuesday, September 15, 2026**. Prior to the meeting, notice of the proposed rezoning and development was mailed to **all nine property owners identified on the property-owner list provided by the City**.
The notices were mailed through USPS on **September 8, 2026**. The complete shipment information, including the nine USPS tracking numbers, was also emailed to David that day under the subject **"DTM Real Estate Shipping Confirmation – 9 USPS Shipments."**
For reference, the notified property owners and corresponding tracking numbers were:

- **Paul Dickson Anderson ET AL** — 9400150206217909448564
- **Ted Lance Teeters & Virginia Teeters** — 9400150106151384125491
- **Charles W. McQueen & Tina M. McQueen**— 9400150106151384125507
- **Miguel Suarez & Ursula Sandwy** — 9400150206217909448571
- **Parker Monroe Story** — 9400150206217909448557
- **James B. Gordon Sr. & Ann Marie Gordon**— 9400150206217909448588
- **M + S PROPO LLC** — 9400150206217909448656
- **Karen Triplett Hendrix** — 9400150106151384125637
- **James Henry Campbell & Shirley Campbell** — 9400150206217909448762

The community meeting was subsequently conducted on **September 15, 2026, 6:30pm as scheduled**. No objections or concerns regarding the proposed rezoning were raised during the meeting or received from the notified property owners through this outreach process.
Please let me know if copies of the original notification, mailing documentation, or any additional information regarding the community meeting are required.
Best regards,
David Miller
DTM Real Estate