

**Minutes of the
New Bern Planning & Zoning Board
April 3, 2007**

The New Bern Planning & Zoning Board held a regular meeting in the City Hall Courtroom, 300 Pollock Street, on Tuesday, April 3, 2007 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chairman
Mr. John McClellan, Vice Chairman
Mr. Harry Cotton
Mr. Tad Michel
Mrs. Claire P. Martin-Combs
Mrs. Janet Lamb
Mr. Tripp Eure
Mr. Mark Best

Members excused: Mrs. Susan Moffat-Thomas

Members absent: none

Staff present: Mr. Bernard George, Land & CD Administrator
Mrs. Lorraine DiBella, Administrative Assistant
Lt. Commander Ryland Matthews, Jr., NBPD

Prayer: A prayer for guidance was given by Mr. George.

Minutes: Minutes of the March 6, 2007 meeting were approved with motion by Mr. Eure, second by Mrs. Lamb and a unanimous vote by the Board.

New Business:

A. Consideration of request to rezone, from R-10 Residential District to C - 5A Office & Institutional (Historical) District, the Masonic Temple Lodge at 516 Hancock Street.

Staff, Mr. George, introduced the application. He said the property contains 2 lots, one is the Masonic Temple Lodge and the second, next door, is the parking lot. He stated the applicant desires the zoning change in order to lease some of its building for office use. He projected the zoning map on the overhead and discussed uses in the adjoining properties. Notification of adjacent owners and posting of the property was completed. Mr. George said there are no plans to rehab or demolish the building. The requested rezoning is in harmony with the surrounding area and is consistent with the City's Land Use Plan. Staff recommended approval of the request to rezone.

Public Comments: Jerry Hobbins, 229 New Street, said, in his opinion, rezoning at this location would amount to spot zoning. The C - 5A Office & Institutional (Historical) District, he said, is only over at Tryon Palace. He asked where the patrons of any new offices will park. Mr. George responded that the C-5A classification has been under-utilized in the historic district and will probably become more prevalent. He added C-5A is the more restrictive commercial zoning in the downtown. Concerning parking, there is a parking lot to the right side of the building and an underutilized public parking lot in the next block. Whenever a zoning permit is requested, the parking requirements for the property will

reviewed and implemented for each proposed use.

Applicant Comments: Mr. Oscar Kafer, 604 Pollock Street, came forward stated he is a member of the Scottish Rite and that they desire to convert the first floor of the building to offices that they will lease out so the lodge can generate revenues to help it stay and be maintained at this location.

Board Discussion: None

Motion was made by Mr. Michel, with second by Mr. Cotton, to approve the request to rezone, from R-10 Residential District to C - 5A Office & Institutional (Historical) District, the Masonic Temple Lodge at 516 Hancock Street. The motion was approved unanimously.

B. Consideration of general plan approval for Taberna Townes Centre , a 4 - lot commercial subdivision, located at the intersection of Taberna Way and Highway 70 East.

Staff, Mr. George, introduced the application, stating it is a commercial subdivision located at the intersection of Taberna Way and Highway 70 East. The 4 -lot development is on a 3.25+/- acre tract in the I-1 Light Industrial District. The average lot size is 0.81 acre. Water, sewer and other public services are available to the property and will be provided by the City of New Bern.

The Departmental Subdivision Plan Review Committee reviewed the plan for the proposed subdivision and all comments have been addressed by the developer with the exception of accessibility to rear lots 3, 4, & 5 from a public street.

The ordinance (Sec 15-211) requires that all lots must have direct access to a public road or indirect access if the lot connects to a public street by means of one or more private roads that were constructed prior to the adoption of this ordinance. Unfortunately, this is not the case for this property and thus the plan does not meet the City's access requirements.

Applicant Comments: Robert Chiles, Chiles Engineering, 417 Broad Street, stated he represents the owners of the property. He said lot 1 was recorded with a 35' utility/access easement running through it. In an effort to resolve the accessibility issue, each lot has been deeded access to the 35' easement which would give each lot access to the public road.

It was noted that the easement did not pre-exist the ordinance (1992) and would therefore not satisfy the requirement.

Public Comments: none

Board Discussion: Lengthy discussion followed on what options were open to the developer.

It was suggested that developer create a public right of way (street) to provide access. Mr. Chiles stated the owners would not consider this a viable option. He said they could revise the plans to make the project a planned unit development but they are anxious to get the lots on the market while sales are good. He asked that the Board approve the plan contingent on working out the access question.

For clarification, Mr. George read from the ordinance, "A lot has direct access to a public street if a sufficient portion of a boundary of the lot abuts the public street right-of-way so that an accessway

meeting the criteria set forth in subsection (b) can be established.”

Mr. Chiles said they would prefer to have each lot purchaser execute a maintenance agreement to cover a public street. Width requirements for the road were discussed. Mr. Avery said that perhaps, if the city’s Public Works Director would agree, the width required for a public street could be reduced from 31 to 27 feet.

The option of making the project a planned unit development (PUD) was discussed. Lots and buildings would share the same footprint and all common areas would be shared among the owners. Mr. Chiles said they are not currently able to project building footprints. Each lot was to be sold and deeded separately, he said, and one unit is already sold. Such complications have a tendency to sour deals, he said.

It was noted that the plat will have to be redrawn to change the development to a PUD. Mrs. Lamb asked if the developer could redraw the plans with proposed building footprints, then come back later and amend the plan with a smaller footprint. She was told yes, amendments could be made.

Mrs. Martin-Combs expressed concern that the project, if not well done, would look like a jumble and blight the entrance to Taberna (her home community). Mr. Chiles offered assurances that they intend to heavily scrutinize the buyers as to their plans for the lots. Parcel 1 has been sold to a bank. Starbucks and a real estate group are looking at other lots.

A brief discussion followed on the procedural options before the Board.

Motion was made by Mr. McClellan, with second by Mr. Eure, to table the item to the next meeting in order to give sufficient time for staff, the city attorney and developer to meet again to discuss the options. The motion was approved unanimously.

C. Consideration of general plan approval for The Villas at Creekside, a 19.74+/- acre planned unit development (PUD) consisting of 60 lots located near the end of Connor Grant Road in the Creekside Subdivision.

Staff, Mr. George, said this is the final phase of the Creekside subdivision to be completed. The Villas at Creekside is a proposed 60-lot residential PUD sited on a 19.748 acre tract off Old Airport Road adjacent to Sellhorn Heights.

The property was annexed into the City in February 2007 and an initial zoning of R-8 Residential District was requested. The Board of Aldermen tabled consideration of the proposed zoning at its March 27 regular meeting due to concerns over high density development. They will reconsider the request at its April 10 regular meeting.

Staff recommended that since public notice had been given, the Planning and Zoning Board hear the request but continue its decision until the May meeting after the Board of Aldermen adopts initial zoning.

Applicant Comments: none

Public Comments: none

Board Discussion: Mr. Best stated that he shares the Board of Aldermen’s concern with an over-

abundance of high density development.

Motion was made by Mrs. Lamb, with second by Mr. Cotton, to continue the item to the May meeting after the initial zoning has been approved by the Board of Aldermen. The motion carried unanimously.

D. Consideration of general plan approval for Cerise Neighborhood Phases 2 & 3, a proposed 16 - lot subdivision located near Creekscape Crossing in the Carolina Colours Subdivision.

Staff, Mr. George, introduced the application, stating it is a 16-lot conventional subdivision proposed for development off Creekscape Crossing on a 13.86 acre tract in the R-8 Residential District. The average lot size is 32,182 square feet which is comparable to adjacent phases in the Carolina Colors Subdivision. Approximately 655 linear feet of new streets are planned and no sidewalks are proposed nor required. Utilities and services will be provided by the City of New Bern. Mr. George noted that this is an example of a R-8 Residential property that developed with a very low density (average lot size is 3/4 acre).

The Departmental Subdivision Plan Review Committee reviewed the plan and determined that it meets the city's requirements for development. Staff recommended approval of the general plan.

Applicant Comments: Kip Peregoy, representing the owner, stated he is available if there are any questions.

Public Comments: none

Board Discussion: Several members proffered compliments on the plans. Chairman Moffett said he would like to see the good projects put first on the agenda. They would set a good example for others.

Motion was made by Mr. Cotton, with second by Mr. Michel, to approve the general plan for Cerise Neighborhood Phases 2 & 3, Carolina Colours Subdivision. The motion was approved unanimously.

E. Discussion of a proposed text amendment to the standards for subdivision and multifamily development entrance signs.

Staff, Mr. Avery, referred to the current ordinance for subdivision and multifamily development entrance signs (Section 15-330), stating it reads

At any entrance to a subdivision or multifamily development, there may not be more than two signs identifying such subdivision or development. A single side of any such sign may not exceed 32 square feet, nor may the total surface area of all such signs exceed 64 square feet. Said signs must be located on the subdivision site.

Staff was approached by Kip Peregoy, representing the owner of Carolina Colours, concerning the entrance signs for Carolina Colours. The current ordinance makes no distinction between small and very large subdivisions in determining how much signage is allowed.

Mr. Avery discussed the process by which a draft amendment to the ordinance on these standards was being drawn. He said staff considered appropriateness, the ease of administration and whether it

meets the needs of developers.

He summarized the amendment, saying a subdivision or multifamily development that contains **less than 400 dwelling units and/or home sites** may have no more than one sign, not to exceed 50 square feet, at its primary entrance. Secondary entrances to said subdivisions/developments may each have an identifying sign not to exceed 25 square feet.

Within any master planned development or multifamily development that is approved for **between 400 and 749 dwelling units and/or home sites**, there may be installed within the development two types of identification signs, called development identification signs and neighborhood identification signs. The development identification signs may identify the entire development by name and/or symbol, and are limited to one at the primary entrance, not to exceed 75 square feet, and one at each secondary entrance, not to exceed 32 square feet each. Neighborhood identification signs, not to exceed 10 square feet each, may identify a named neighborhood within the development, and are limited in total number to the number of intersections between streets within the named neighborhood and streets not within the named neighborhood.

Within any master planned development or multifamily development that is approved for **more than 750 dwelling units and/or home sites**, there may be installed within the development two types of identification signs, called development identification signs and neighborhood identification signs. The development identification signs may identify the entire development by name and/or symbol, and are limited to one at the primary entrance, not to exceed 100 square feet, and one at each secondary entrance not to exceed 32 square feet each. Neighborhood identification signs, not to exceed 10 square feet each, may identify a named neighborhood within the development, and are limited in total number to the number of intersections between streets within the named neighborhood and streets not within the named neighborhood.

Mr. Avery said the amendment will give greater flexibility and equity for subdivision signage. Landscaping provisions and directional regulations will be added to the amendment which staff will bring back for the Board for a decision at the May 1 regular meeting.

Discussion: Mr. Peregoy added his comments stating the whole issue arose when they realized they could only put a 32 square foot sign in a 200 foot traffic circle where “it would be lost.” Mrs. Lamb asked why the number of homes is being the qualifier as opposed to the scale of the entrance. Mr. Avery stated scale would be too subjective a measurement, that if a sign is not compatible, the developer would pay a price in the marketability of his product.

F. Discussion of ETJ issues.

Staff first brought the concept of an ETJ extension in Township 2 to the Board last summer. An overall plan was examined and areas discussed. Large projects in the area are being proposed by developers from Florida. The City Manager asked planning staff to present the issues to the Planning Board for its consideration. The Taylor property was discussed. Mr. Avery recounted some past experiences with ETJ.

Chairman Moffett emphasized that education is key to effectively pursuing ETJs. Residents need to be apprised of the benefits of land use regulation. Mr. Cotton said once a property is added to the City's ETJ, it should then be annexed so that services can be provided.

Mr. McClellan said people are reluctant to take on a second level of taxation. He asked if the proposed ETJ property is later annexed, will the City provide fire and police services. Mr. Avery answered yes.

There was no further business and the meeting adjourned at 8:10 p.m.

Peter Moffett, Chairman

Bernard George, Secretary

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