

**Minutes of the
New Bern Planning & Zoning Board
May 5, 2009**

The New Bern Planning & Zoning Board held a regular meeting in the City Hall Courtroom, 300 Pollock Street, on Tuesday, May 5, 2009 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chair
Mr. John McClellan
Mr. Tripp Eure
Mr. Harry Cotton
Mr. Tim Tabak
Mr. Mark Best

Members excused: Mrs. Janet Lamb
Mrs. Susan Moffat-Thomas

Members absent: None

Staff present: Mr. Bernard George, Land & CD Administrator
Ms. Annette Stone, City Planner
Mrs. Lorraine DiBella, Administrative Assistant

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

Minutes: Minutes from the April 7, 2009 meeting were approved with motion by Mr. McClellan, second by Mr. Eure, and unanimous vote by the Board.

It was agreed that the second agenda item would be heard first.

New Business

- 2. Consideration of request to rezone, from C-4, & R-10A Residential District to C-3 Commercial District, a 90.27 acre tract located at the northwest quadrant of Simmons Street adjacent to the railroad right of way.**

Staff, Mr. George, described the application, saying the applicant Lake New Bern Development Company originally requested a 90.27 acre tract comprising C-4 Commercial and R-10A Residential Districts to be rezoned to C-3 Commercial District. In discussions with planning staff, it was agreed that the C-5 Commercial Office/institutional District zoning is more appropriate due in part to the proximity of the school. Therefore, applicants have reapplied requesting an 82.50 +/- acre tract be rezoned from R-10A Residential District to C-5 Office/Institutional District. Mr. George distributed new copies of the application and new rezoning maps. He said the public notification and advertising would stand as the initial zoning request was for much more intense zoning. No members of the public were in attendance to speak yea or nay on the proposed rezoning.

The ultimate goal for the use of this property is the development of a medical park. Sixty-two percent (62%) of the subject tract is the lake which will remain undisturbed to become an amenity of the complex. The surrounding uses were identified by Mr. George.

Staff recommended approval of the rezoning request. The recommendation is based on the location of the subject tract, its compatibility with the Land Use and Thoroughfare Plans, and compatibility with the adjacent land uses. The request will go to the Board of Aldermen with the Planning & Zoning Board's recommendation on May 26.

Applicant Comments: Steve Tyson, co-owner with Scott Lacey of the subject property, stated when they first requested the residential zoning of this property approximately two years ago, they had in mind upper scale homes in the 300K range. "This market does not exist right now," he said, thus they have re-grouped with a plan for a medical complex they feel will be successful due to the close proximity of the hospital. He discussed the surrounding properties and the sizeable buffers which exist between the properties.

Public Comments: None

Board Comments: Mr. McClellan asked if the site might include any residential properties. Mr. Tyson replied that it had not been wholly ruled out, perhaps "a sprinkling," he said.

Motion was made by Mr. McClellan, second by Mr. Tabak and unanimous vote of Board, to recommend approval of the request to rezone the 82.50 +/- acre tract from R-10A Residential District to C-5 Commercial Office/Institutional District as recommended.

1. Consideration of request to amend the Land Use Ordinance Article XXI *New Bern Historic District* to incorporate changes and revisions to the Guidelines.

Staff Annette Stone said the request to amend the Land Use Ordinance is to incorporate changes and revisions to the City Historic District Guidelines. There have been at least three public hearings on the proposed revisions. Much community input has been considered. Ms. Stone discussed the revisions, stating the changes fall into two basic categories: Clarifications and Additions.

The revised guidelines contain more information, for example, the Commission's rules of procedures and policies have been included within the document. There are clarifications on minor works applications that can be approved at staff level and preconstructing conference procedures. The language has been tweaked to be more user-friendly, i.e., replacing "avoid" with "inappropriate."

Sections on new construction and acceptable new materials, i.e., smooth face and faux grain cement board siding, have been re-worked to add clarity. The original guidelines weighed heavily on residential works with only commercial projects covered generally as storefronts. The revised guidelines take into account freestanding and in-fill commercial projects. New sections on parks and public spaces; piers, docks and bulkheads; out buildings and accessory structures; and demolition procedures have been added. Ms. Stone cited several particular projects that had been especially difficult due to the deficiency of the current guidelines, specifically Tryon Palace Museum and Education Center and the Council Bluffs park. Other additions to the guidelines were discussed including national, state and local preservation laws, bibliography, glossary and appendices.

The HP Commission approved the revised guidelines unanimously at their March meeting which also included the Commission's first application for demolition (Presbyterian Church) using the new demolition criteria. Ms. Stone said the guidelines will now go from Planning and Zoning Board, hopefully with a favorable recommendation, to final consideration and approval by the Board of Aldermen.

Public Comments: Rich Frye, 406 Queen Street, stated he sits on the Historic Preservation Commission and said the Commission and staff has put much time and effort into the revised guidelines. He asked that they be forwarded with a favorable recommendation to the Board of Aldermen.

Board Discussion: Discussion followed with Mr. McClellan saying the guidelines will evolve to change again as new materials come on the market and the craftsmanship required to replace in kind materials diminishes. This is not Williamsburg, he said. Mr. McClellan asked if the City offers a brochure summarizing the historic district requirements that are made available to new home buyers and realtors. Ms. Stone answered no, but the entire guidelines are on line and may be purchased in hard copy. Additionally, educational seminars are held regularly for realtors. She is confident that the area realtors tell their clients about historic district requirements and when these clients inquire of staff, they are always told to make their offers to purchase contingent on acquiring a Certificate of Appropriateness (COA).

Mr. Tabak asked about CAMA permits and whether these are addressed within the new guidelines. Ms. Stone answered it's in there.

Mr. George asked if the guidelines update will resolve the issue currently on appeal concerning the Hardy board used on Queen Street. Ms. Stone answered yes.

Ms. Stone reviewed the text amendments to be made to the Land Use Ordinance in order to incorporate the new guidelines. Demolition by neglect was briefly discussed.

Motion was made by Mr. McClellan to recommend the HPC guidelines update to the Board of Aldermen for approval subject to condition that staff develops a brochure to be made available to the residents of the historic district that will be a compilation of the critical issues (do's and don't's) associated with construction and remodeling in the historic districts.

Mr. Tabak seconded and unanimous vote of the Board followed.

Old Business: The Board roster and necessity of appointments and reappointment were briefly discussed.

There being no further business, the meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary