



DATE: April 14, 2020

TO: City of New Bern Board of Adjustment Members

FROM: Seth Laughlin, Land and Community Development Administrator

SUBJECT: Regular Meeting at **5:30pm** on Monday, April 25th, 2022 in the 2nd floor Courtroom, City Hall

The City of New Bern Board of Adjustment will hold its regular meeting at **5:30pm** on Monday, April 25th, 2022 in the 2nd floor Courtroom, City Hall, 300 Pollock Street.

A G E N D A

1. Call to Order
2. Roll Call
3. New Business
 - Consideration of a Special Use Permit request for a child Day Care Center. The property is located at 1200 Simmons Street and is further identified as Craven County Parcel Identification Number 8-028-034.
4. Adjourn

Seth Laughlin,
Land and Community Development Administrator



**SPECIAL USE PERMIT
APPLICATION**

Fee: \$321.00



Everything comes together here

Seth Laughlin
(252) 639-7582
laughlins@newbernnc.gov
303 First Street
New Bern, NC 28560

Applicant: Sonya Simmons Owner: Joyce Simmons
Address: 592 Hwy 55 W Address: 203 Baden Ct
New Bern, NC 28562 New Bern, NC 28562
Telephone: 252-671-5459 Telephone: _____
Fax: _____ Fax: _____
Email: blessbless252@gmail.com Email: _____

Legal relationship of applicant to property: Lessor

Purpose of application: Obtain special use permit to allow the site to be used as a day care facility

Property location: 1200 Simmons St

Tax Map 8-028-034 Block Lot 1 block J Tryon Village Lot _____

Lot Size 0.29 Acres Total square feet 12,632 Zoning District C-5

No. of Buildings Existing 1 Gross Floor Area Existing 2405

No. of Buildings Proposed 0 Gross Floor Area of Proposed Buildings 0

Total Square Footage of Land to be Disturbed 0

Estimated Cost of Project \$ 25,000

- **List all required site plans, specifications and documents included as exhibits to this application.**
- **Three (3) copies of the site plan and a CD with a PDF of the site plan must be submitted with application.**

_____ Signature	_____ Date
_____ Signature	_____ Date

Applications to be considered must be submitted 21 days prior to the Board of Adjustment meetings, which are held on the last Monday of each month.

Notarized written permission authorizing the request shall be provided if the applicant is not the owner of the property (the form is attached).

Purpose of Special Use:

The site is currently not zoned to allow the siting of a day care facility. The wish is to obtain a Special Use Permit to allow this site to be used as a day care facility.

Although the application may be found to comply with all the provisions of the Ordinance, the Board may still deny the Special Use Permit if it concludes, that if approved as proposed, the development:

- a. Will materially endanger the public health or safety;
- b. Will substantially reduce the value of adjoining or abutting property;
- c. Will not be in harmony with the character of the particular neighborhood or area in which it is to be located;
- d. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the City of New Bern; or

Please respond to the following questions. Answers should be supported by facts when possible. At the hearing, the Board will determine whether the applicant has submitted competent, material, and substantial evidence showing that the requirements of each part have been met.

1. If completed as proposed in the application, the development will comply with all of the requirements of this ordinance .
This Special Use Permit will NOT endanger the Public Health or safety, will NOT reduce the value of the adjoining properties, is in harmony with the area, next to a grocery store, at the entry to a neighborhood, on a four lane street, and will conform to the requirements of the City of New Bern for development.
2. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted
Pre-school Children are unlikely to create a nuisance to public health and safety.
3. The use will not substantially reduce the value of adjoining or abutting property, or that the use is a public necessity . The adjoining properties are zoned C-5, Office or Institutional , which should not have the value affected by the use of 1200 Simmons St as a Day Care Center. The northern property is a large grocery store, the western side is a single family residence that backs up to the grocery store.
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the city
The site was perviously a Optometrist/Eye care center. The use as a day care facility is in keeping with the development along Simmons Street as you approach Neuse Blvd.

I, the undersigned, do certify that all the information presented in this application is accurate and complete to the best of my knowledge, information, and belief.

Sonye Simmons
Signature

4/12/22
Date

FOR OFFICE USE ONLY:

Date application was received: _____

Staff comments: _____

Departmental Review Date: _____

Staff comments: _____

Public Hearing Date: 4-25-22

Staff comments: _____

Disposition: Recommended Approval

Zoning Administrator: Al W. Lee

**Petitioners requesting Board of Adjustment action on property not owned by them
must have this form completed by the owner of the property.**

OWNERS AUTHORIZATION

Dear Sir or Madame:

I am the owner of the property located at: 1200 Simmons St

I hereby authorize Robert Chiles Engineering Robert "Pete" Chiles, P.E. to appear with my consent, before the New Bern Board of Adjustment in order to ask for a Special Use Permit to Use the facility as a day
Care Center use code 22.000, Nursery Schools, Day Care Centers

at this location. I understand that the Special Use Permit, if granted, is permanent and runs with the land.

I authorize you to advertise and present this matter in my name as the owner of the property.

If there are any questions, please contact me at the following address: Joyce Simmons 230 Baden Ct
New Bern, NC 28562

Phone: (252) 259-0842

Respectfully yours, Joyce Simmons, owner

Joyce Simmons

Owner

Sworn to and subscribed before me this 12th day of April, 2022.

[Signature]

Notary Public:

My commission expires: 3/23/24

3/23/24



April 14, 2022

MEMO TO: Board of Adjustment

FROM: Seth Laughlin
Land and Community Development Administrator

SUBJECT: Consideration of a Special Use Permit to allow a child day care center use for the Property located at 1200 Simmons Street

Background

Sonya Simmons (business owner/applicant) has requested the Board of Adjustment hold a public hearing at its regular meeting on April 25, 2022 to consider a Special Use Permit application to allow a child day care center use for the Property located at 1200 Simmons Street (Craven County PID# 8-028-034).

The 0.29-acre tract is currently a commercial office. The proposed project was approved by the City's Departmental Site Plan Review Committee on 2/25/2022. The applicant has agreed to all required changes to the Site plan as recommended by staff. Staff finds the proposed project is consistent with the plans, rules, and regulation of the City of New Bern with no further changes.

Recommendation

According to Section 15-146 of the Land Use Ordinance, Nursery Schools/Day Care Center uses (Use Code 22.000) must obtain a Special Use Permit to operate in the C-5 zoning district. Staff finds that the applicant has met all Land Use Ordinance requirements of Section 15-54 for a Special Use Permit and has no objection to the approval of this request.

Please contact me at (252) 639-7582 should you have questions or need additional information.

CITY OF NEW BERN DEVELOPMENT SERVICES
DEPARTMENT REVIEW

SITE PLAN REVIEW: Simmons Street Change of Use
ADDRESS: 1200 Simmons St., New Bern
Applicant: Pete Chiles

DEVELOPMENT SERVICES:

1. Use code for parking requirements should be 22.000
2. Please show 1 planted island per 10 parking spaces

WATER RESOURCES/ENGINEERING:

1. Water and sewer services for the property are currently provided by the City of New Bern.
2. Depending on the intended use of the renovated facility, a RPPA or DC backflow preventer may be required. Please contact the City's Cross Connection Coordinator, Mr. Luke Cowley at (252)639-7552 to discuss requirements for backflow prevention on the water service.

PUBLIC WORKS:

1. Redevelopment – no site changes or improvements proposed
2. DEQ SW, ESC, and City of New Bern SW permits not required
3. Refuse services are provided by the City of New Bern, contact Public Works 639-7501.

ELECTRICAL:

1. Power to the site shall be supplied by the City of New Bern.
2. Need a copy of the electric plans showing the total connected load, voltage requirements and electrical riser diagram.
3. All conduit to provide underground electric/lighting service shall be installed by the contractor based on our specifications.
4. 3Ø phase power requires contractor to provide a concrete transformer pad per the City of New Bern's standards.
5. Transformer location will need to be shown on the plans and be near a paved area with 12' of clearance in front and 3' along the sides and rear.
6. Bollards will need to be provided if transformer is in a high traffic area and allow enough room for the transformer doors to be open.
7. Signs will need to be 15' away from powerlines and neutral at a minimum.
8. CT Cabinets and metering can will be provided by the City of New Bern.
9. Area/Security lights can be provided with a 3 or 5 year contract.
10. Construction site lighting can be provided with a monthly charge and construction cost.

FIRE

1. Any gates that will be closed after hours, must have Knox Box access (pad lock or gate controller)
2. Fire alarm plan should be submitted for permitting to the Fire Marshal at fireplans@newbernnc.gov
Permit application = https://www.newbernnc.gov/departments/fire_department/fire_systems_permits.php

INSPECTIONS:

1. No Comments

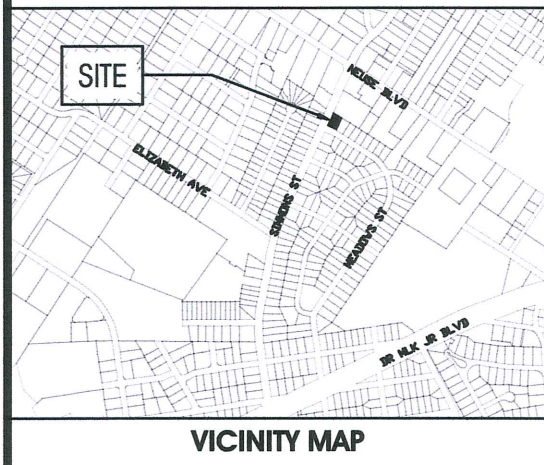
POLICE

1. Prior to the Certificate of Occupancy being issued, the owner, developer or designee will need to contact April Bailey at 252-672-4106 in reference to the BEAR Sticker Program. This program provides the needed contact information to the 911 center for afterhours response of a key holder or property manager/owner, should a situation arise.

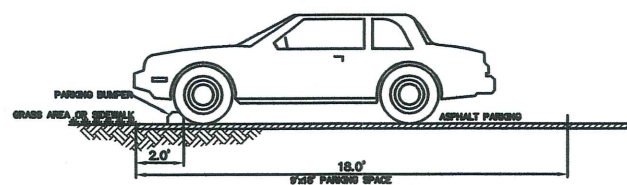
2. The New Bern Police Department offers a Crime Prevention Security Survey to all businesses and residents within the city. The survey is completed by a Police Officer and helps identify and address any foreseen security issues such as landscaping, lighting, video etc. Contact should be made with the Operation Division Captain at 252-672-4100 for further information.

Special instructions to the developer:

In the event an application for a building permit is not submitted within six months, another departmental review committee meeting is required.



TREES ALL TREES MINIMUM CALIPER OF 2"						
SYMBOL	NO.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	REMARKS
T-1	2	ACER BUERGERANUM CULTIVARS: 'STREET WISE'	STREET WISE TRIDENT MAPLE	12"±	AS SHOWN	CULT. 'STREET WISE' MULCH-PINE STRAW
T-2	3	QUERCUS NUTALLI	NUTTAL OAK	12"±	AS SHOWN	MULCH-PINE STRAW



SITE DATA
PARCEL AREA: 12632 SQ FT 0.29 ACRES
TOTAL PARKS/OPEN 0.0 SQ FT 0.00 ACRES
NUMBER OF LOTS 1
LOT SIZE 0.29 ACRES
AVERAGE LOT SIZE 0.29 ACRES
LINEAR FT IN STREETS 0

EXISTING IMPERVIOUS: 9282 SQ FT
MAIN BUILDING: 2521 SQ FT
RAMPS AND STEPS: 249 SQ FT
PAVEMENT 6512 SQ FT
EX. PERCENT IMPERVIOUS: 73.5%

PROPOSED IMPERVIOUS: 9282 SQ FT
MAIN BUILDING: 2521 SQ FT
RAMPS AND STEPS: 249 SQ FT
PAVEMENT 6512 SQ FT
PROPOSED IMPERVIOUS: 73.5%

NET INCREASE IN IMPERVIOUS 0 SQ FT

PLANTING AREA
LESS THAN 1 ACRE = 20% OR 2526 SQ FT
AREA PROVIDED = 2658 SQ FT

LIMITS OF NEW DISTURBANCE: 0 SQ FT

CURRENT USAGE: VACANT BUILDING
PROPOSED USAGE: CHILD CARE



REMOVE ASPHALT AND PLANT PER PLANS
MAINTAIN GRADE TO CATCH BASIN
MULCH WITH BRICK OR STONE
TO PREVENT EROSION

SIMMONS ST
80' PUBLIC R/W

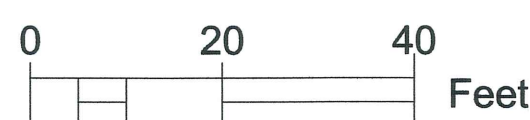
ACCESSIBLE PARKING SIGN

PLANTED TYPE "C"
BROKEN SCREEN

LEGEND:

- EIP = EXISTING IRON PIN
SIP = SET IRON PIN
SPK = SET PK NAIL
EPK = EXISTING PK NAIL
SSMH = SEWER MANHOLE
☐ = TELEPHONE PEDESTAL
☐ = TV PEDESTAL
~ = POWER TRANSFORMER
⊗ = GAS METER
● = POWER POLE
OHE = OVERHEAD UTILITIES
⊗ = TELEPHONE MANHOLE
EXISTING PINE

MEADOWS ST
60' PUBLIC R/W

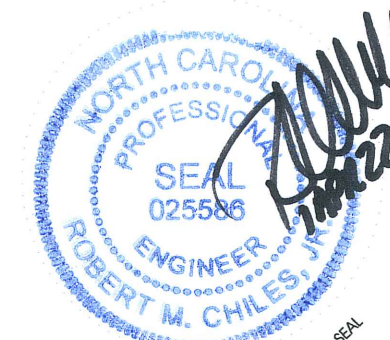


- LINE TABLE
— EOP EDGE OF PAVEMENT
— R/W RIGHT OF WAY
— XX — EXISTING CONTOUR
— XX — PROPOSED CONTOUR
— — EXISTING FENCE
— — TREE LINE
→ TRAFFIC FLOW

General Notes

- NOTES
- AREA BY COORDINATES
 - DEED REFERENCE: DEED BOOK 2310 PAGE 861
 - ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES
 - PROPERTY ZONED C-5
 - ALL PROPOSED UTILITIES SHALL BE UNDERGROUND
 - SITE SERVED BY PUBLIC WATER, SEWER, AND ELECTRICAL UTILITIES.
 - THERE ARE NO WETLANDS DELINEATED ON THE SITE
 - PROPERTY LOCATED IN FLOOD ZONE X AS INDICATED ON FIRM MAP 3720557000K VALID ON 6/19/2020
 - NC DEQ DEMLR EROSION AND SEDIMENTATION CONTROL PLANS NOT REQUIRED, SITE DISTURBANCE LESS THAN 10,000 SQ FT
 - NC DEQ STORMWATER PERMIT NOT REQUIRED, DISTURBED AREA IS LESS THAN 10,000 SQ FT.
 - CITY OF NEW BERN STORMWATER PLANS NOT REQUIRED, DISTURBED AREA IS LESS THAN 10,000 SQ FT.
 - PARKING REQUIRED USE 22,000 Child Care
12.1. 1 space per employee, 1 per 200 sq ft
2521sq ft = 13 + 4 employees = 17 total
12.2. VAN ACCESSIBLE SPACES REQ'D=1; 2 provided
12.3. PROPOSED PARKING 16
12.4. ACCESSIBLE SPACES 2
 - NO DUMPSTER PLANNED FOR SITE
 - This site will require a special use permit for use 22,000 in a C-5 zoned Property

REVISED PER CITY OF NEW BERN DEPT REVIEW COMMENTS 4-1-22



ROBERT CHILES ENGINEERING

ENGINEERS • CONSULTANTS • MARINE SURVEYORS
NC BELS FIRM F-1392 417A BROAD STREET
PO BOX 3496 PH: 252-637-4702
NEW BERN, NC 28564 FX: 252-637-3100

PROJECT

CHANGE OF USE
1200 SIMMONS ST
for
SONYA SIMMONS

RCE PROJECT NUMBER
2022003

Date
14FEBRUARY22

Scale
1"=20'

Sheet

1 OF 1