

1 **Minutes of the New Bern Planning & Zoning Board**
2 **November 4, 2014**

3
4 The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the City
5 Hall Courtroom, 300 Pollock Street, on Tuesday, November 4, 2014 at 6:30 PM.

6
7 **Members present:** Mr. Kenneth Peregoy, Chair
8 Mr. Patrick McCullough, Vice-Chair
9 Mr. Heron Beatty
10 Mr. Jimmy Dillahunt
11 Mr. Raymond Layton
12 Mr. Bill Stamm
13 Mr. Byron Walston
14 Ms. Dorothea White

15
16 Members absent:

17
18 Members Excused: Ms. Tiffany Dove

19
20 Staff present: Mr. Kevin Robinson, AICP
21 City Planner

22
23 Chairman Peregoy called the meeting to order.

24
25 **Prayer:** A prayer for guidance was given by Mr. Walston.

26
27 Roll call was taken and a quorum declared.

28
29 **Minutes:** Mr. Walston made a motion that the minutes be approved at the next regularly
30 scheduled meeting with the necessary corrections. Mr. Layton seconded. Motion
31 carried by unanimous vote.

32
33 **New Business**

34
35 **A. Consideration of a request by Weyerhaeuser Real Estate Development**
36 **Company to rezone an approximately 5.23 acre parcel from R-10A**
37 **Residential District to C-3 Commercial District. The property is located**
38 **between 30 Parkway East and Clock Dr. in the Craven 30 Development off**
39 **Hwy 43 and is further identified in the Craven County Tax Book as 08-209-**
40 **17003.**

41
42 **Staff Comments:** Mr. Robinson presented the Craven 30 Rezoning Request Analysis
43 (portion of Parcel 8-209-17003). He stated that the property proposed for rezoning is largely
44 surrounded by commercially zoned properties throughout the western portion of Craven Terrace.
45 This property was planned for commercial development. This rezoning will ensure that the

newly created parcel (through subdivision) is consistently zoned for the proposed use, which is compatible with all City plans and should not adversely affect the adjacent properties.

Staff Recommendations: Staff recommends for approval of the requested rezoning of a 5.23 acre portion of Parcel 8-209-17003 from R-10A to C-3 Commercial District.

Applicant Comments: Mr. Chiles, representative for the applicant explained the proposed rezoning and showed a map of the area with the proposed rezoning area highlighted.

Public Comment: Chair Peregoy opened the meeting for public comments. None were made. He closed the public comments session.

Board Discussion: None

Motion: Vice-Chair McCullough made a motion to approve the rezoning of the 5.23 acre parcel as presented in the literature. Mr. Dillahunt seconded. Motion carried by unanimous vote.

B. Consideration of a request by Weyerhaeuser Real Estate Development Company to subdivide an approximately 4.00 acre tract from parcels at the aforementioned location, further identified as Craven County Tax Book as 08-209-17003 and 08-209-13001 and otherwise known as Phase 1 of Parcel E in the Craven 30 development.

Staff Comments: Mr. Robinson presented the General Plan Consideration of Phase 1, Parcel E of the Craven 30 Subdivision. He stated that Weyerhaeuser Real Estate Development Company and Robert M Chiles P.E., request consideration of a general plan for Phase 1 of Parcel E of the Craven 30 subdivision. The proposed 4.00 acre lot consists of portions of Craven County tax parcels 8-209-17003 & 8-209-13001. It is off of Hwy 43 in the Craven 30 development and further located between 30 Parkway East and Clock Dr.

Staff Recommendations: On October 17, 2014, the City's Departmental Subdivision Review Committee reviewed the proposed general plan for Phase 1 of Parcel E, Craven 30 and determined the plan substantially meets the requirements for approval. The Planning and Zoning Board is requested to consider the proposed general plan at its regular meeting on November 4, 2014.

Applicant Comments: Mr. Chiles, representative for the applicant presented a drawing on the overhead projector showing the proposed 4.00 acre lot and explained the plans for this property.

Public Comment: Chair Peregoy opened the meeting for public comments. None were made. He closed the public comments session.

Board Discussion: Mr. Dillahunt asked who would service this area, which Fire Department and Staff Kevin Robinson stated it would be serviced by the City and that it would eventually be annexed in. Once it is annexed it will have all City services.

Mr. McCullough asked Mr. Chiles if the storm water canal would be for the entire community or just for the proposed Parcel E. Mr. Chiles stated that it would be for the entire Craven 30 and that the overall concept is to have these large 3:1, 10 foot canals throughout the entire community. They will connect to a Lake they plan to build, which will be pumped into a separate lake.

Chair Peregoy asked that Staff explain more about annexation. Jeff Ruggieri, City of New Bern Director of Development Services explained that the agreement with Weyerhaeuser does not state a timeframe in which it will be annexed, just states that they will annex. The final Certificate of Occupancy (CO) will essentially be held on the structures until annexation, but he does not anticipate any issues with this.

Motion: Mr. Layton made a motion to approve the subdivision as presented. Vice-Chair McCullough seconded. Motion carried by unanimous vote.

C. Consideration of a request by the City of New Bern to amend the City of New Bern Land Use Ordinance sections: 15-151, 15-147 and 15-189. The purpose of the amendments is to modify the process for approving special and conditional use permits.

Staff Comments: Mr. Robinson presented the Amendments to Land Use Ordinance Sections: 15-147, 15-151& 15- 189. He summarized the following:

15-147 Use of the Designation Z,S,C in the table of permissible uses: removes conditional uses permits instead using special use permits. Removes special use permits for acreage with the exception of multi-family, which require a special use for more than 3 units.

15-151 Permissible uses not requiring permits: removes conditional use permits

15-189 Building height limitations: removes the requirement of a conditional use permit over 50 feet. As proposed all structures over 35 would require a special use permit.

Chair Peregoy pointed out a few more instances of “Conditional Use Permit” wording in the Ordinance that will need to be removed if the amendments are approved.

There was some question regarding the point of measurement for building heights. Mr. Ruggieri explained that the point of measurement is clearly defined in the definitions. He also clarified that when talking about the 2 acre threshold for a special use permit that this is proposed for removal, but not the process of going through a special use permit application sometimes will not be removed. The proposed is to move toward a more use driven criteria for going through the special use permit process to get a permit to develop. For large developments that have outdoor storage; Lowe’s, Home Depot’s and other large developments that are typically more than 2 acres will require Special Use Permits. The issues are more specifically with the use than the acreage.

Public Comments: Chair Peregoy opened the meeting for public comments.

137 *Mr Joe Mansfield, 315 George Street, President of the New Bern Preservation Foundation, Has*
138 *no issues with the first 2 proposed amendment changes, but requests that the section on Building*
139 *height requirements be tabled for further discussion.*

140 *Ms. Nancy Hollows, 4438 Rivershore Drive, Clarified with the Board that currently the Board of*
141 *Alderman approve Conditional Use Permits and the Board of Adjustment approves Special Use*
142 *Permits. She asked if there was an appeal of a Special Use Permit would it go to the Board of*
143 *Alderman. She also voiced her concerns regarding the point of measurement on building*
144 *heights.*

146 Mr. Ruggieri stated that Special Use Permit appeals go to the Court of Appeals. He also stated
147 that issues with point of measurement for building heights are not part of the proposed
148 amendments; the proposed amendments are strictly with regard to removing Conditional Use
149 Permits. Nothing in the proposed amendments have anything to do with how building height is
150 measured.

152 **Motion:** Chair Peregoy stated that what the Board is doing is not the final decision, rather a
153 recommendation to the Board of Alderman.

155 Vice-Chair McCullough made a motion to recommend approving Section 15-151 as amended.
156 Mr. Walston seconded. Motion carried by unanimous vote.

158 Mr. Dillahunt made a motion to recommend approving Section 15-147 as amended. Mr. Walston
159 seconded. Motion carried by unanimous vote.

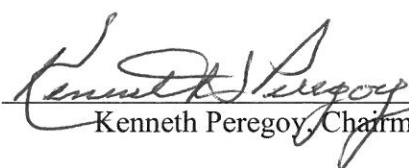
161 Mr. McCullough made a motion to recommend approving Section 15-189 as amended with
162 corrections removing "Conditional Use Permit" in two places in the text. Mr. Layton seconded.
163 Roll call was taken. Vice-Chair McCullough, Mr. Layton, Mr. Stamm & Mr. Walston voted for
164 and Chair Peregoy, Mr. Dillahunt and Ms. White voted against. Motion carried by 4 to 3 vote.


167 **Other Business:** Staff Kevin Robinson welcomed Mr. Heron Beatty to the Board.

168 Mr. Ruggieri stated that the issue of measuring building height could be addressed if the Board
169 wanted to make a motion that Staff begin the process of addressing this issue and that
170 Development Services staff would be happy to work at the direction of the Planning and Zoning
171 Board.

173 **Motion:** Mr. Walston made a motion that the Zoning and Planning Department look into the
174 language of heights that is in Section 15-189. Mr. Dillahunt seconded. Motion carried by
175 unanimous vote.

177 There being no further business, the meeting was adjourned.

181 
182 Kenneth Peregoy, Chairman


Kevin Robinson, AICP, Secretary