

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

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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, April 1, 2014 at 6:30 PM.
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7 **Members present:** Mr. Tim Tabak, Chair
8 Mr. Kenneth Peregoy, Vice-Chair
9 Ms. Stevie Bennett
10 Mr. Jimmy Dillahunt
11 Ms. Tiffany Dove
12 Mr. Patrick McCullough
13 Mr. Bill Stamm
14 Ms. Dorothea White
15 Ms. Velda Whitfield
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17 **Members absent:** Mr. Byron Walston
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19 **Members Excused:** Mr. Byron Walston
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21 **Staff present:** Mr. Kevin Robinson, AICP
22 City Planner
23 Mr. Gregory McCoy, CZO
24 Land & Community Development Administrator
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27 Chairman Tabak called the meeting to order. Roll call was taken and a quorum declared.
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29 **Prayer:** A prayer for guidance was given by Chairman Tabak.
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32 **Minutes:** Minutes from the February 2014 meeting were presented. Reading of the minutes
33 was waived.
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35 **Motion** made by Vice Chair Peregoy for approval as amended. Motion was
36 seconded by Mr. Dillahunt. Motion carried by unanimous vote.
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38 **New Business**
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40 **A. Consideration of a request by Kenneth Kirkman and Overlook Holdings LLC for**
41 **general plan approval of Carolina Colours –Cerise Neighborhood Phase 3.**
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44 **Board Discussion:** Vice-Chair Peregoy requested to be recused due to his approximate 10 year
45 relationship with Carolina Colours. Ms. Bennett stated that she did not receive a copy of the
46 application request. Mr. Robinson provided a copy of the application to her.

Staff Comments: Mr. Robinson presented the item to the Board, stating the applicant is Carolina Creek, LLC; Mr. Kirkman requests consideration for a general plan for Cerise Neighborhood Phase 3. It is approximately an 11 acre/11 lot residential subdivision located near Creeks Cape Crossing and Cerise Circle in Carolina Colours subdivision. The average lot size is approximately 28,000 square feet/ approximately .64 acres. Approximately 655 linear feet + a 76' cul-de-sac for the new street is proposed on site. Additionally, an approximated 6.5 acres of common area and buffer is reserved for future residents. Utilities and services will be provided by the City of New Bern.

Mr. Robinson stated that this did go before the Departmental Subdivision Review Committee on the 28th of February. It was determined that the plan substantially met the requirements for approval and the Planning and Zoning Board is now requested to consider the proposed general plan. Staff does recommend for approval.

Board Discussion: Ms. Bennett questioned who owns the property now. Mr. Robinson confirmed that the owner is Overlook Holdings, LLC.

Applicant Comments: Mr. Kenneth Kirkman, Member/Manager Carolina Creek, LLC spoke to clarify ownership as questioned by Ms. Bennett. He stated that Carolina Creek, LLC was the original developer and the applicant when it was approved several years ago. They are still owners of part of Carolina Creek community and the managing agent for Overlook Holdings, LLC on this site. Mr. Kirkman stated he is representing Overlook Holdings, LLC on this application.

Mr. Richard Collier, engineer for Overlook Holdings, LLC reiterated that this is the 3rd and final phase of a 3 phase project originally approved in 2006 or 2007. They have renewed all applicable permits including both City and State Storm water permits

Public Comment: There were no public comments. Chair Tabak closed the public hearing.

Board Discussion: Mr. Dillahunt questioned Mr. Robinson on the City's position on this; if there were any shortcomings in the application information that they needed to be made aware of. Mr. Robinson reiterated that the City does recommend for approval.

Motion: Mr. McCullough made a motion to approve Carolina Colours-Cerise Neighborhood Phase 3 General Plan as written. Mr. Dillahunt seconded. Motion carried by unanimous vote.

B. Consideration of a request by Mark Hardeman & Greg Rhodes of Pendergraph Companies to rezone 3715 Trent Rd from R-15 to R-8 Residential District.

Board Discussion:

Chair Tabak stated there was an address error. Mr. Robinson clarified that the error was made only on the memo note to the board. Ms. Bennett stated her concern with the property listed as Trent Blvd. in 3 different places and that she wants to be sure all rules are properly followed. Mr. Robinson concurred and stated that proper notice and postings have been made and that 3 adjoining property owners have contacted him. None of those property owners expressed any confusion regarding the location of the property.

Staff Comments:

At Chair Tabak's request, Mr. Robinson presented the rezoning request to the board. The rezoning request is for 3715 Trent Road, parcel numbers 80279001 and 8027123. The applicants are Mark Hardeman & Greg Rhodes of Pendergragh Companies. The property is currently zoned R-15 and the applicants are requesting to rezone as R-8. The properties are located approximately 2 doors down from the Friendly Ave. intersection and both properties together are approximately 13.33 acres. The reason for the request to rezone is for the property to be improved for higher density residential including multi-family residential.

Staff Recommendations:

Mr. Robinson explained the current zoning and use of adjacent properties in the area. He stated that all City utilities are provided and are available. The Comprehensive Regional Land Use plan calls for residential to be developed on this land. Development on wetlands, low-lying areas and floodplains will likely be prohibited. He advised the Board that staff recommends approving the rezoning request of the 2 parcels located at 3715 Trent Road from R-15 to R-8.

Board Comments:

There was some discussion about future expansion possibilities and right-of-ways of Friendly Avenue. Mr. McCoy explained that he has spoken with the applicant and their main point of entry into the project will be off of Trent road. Friendly Avenue will only be used by emergency vehicles as it is too narrow for heavy traffic and does not meet City standards at this time.

Applicant Comments:

Mr. Hardeman explained that they intend to build affordable living for people in New Bern and that this is not section 8 housing. He stated that it will be 72 units on the site; 36 two bedroom and 36 one bedroom units. He showed the Board a diagram of the buildings and explained that they will be apartments.

Mr. McCullough stated that he looked up the North Carolina Housing Finance Agency website and found that there are currently 3 other tax credit projects in the area that have their sites scored. He asked if there are 4 projects competing for the Agencies dollars, what is the likelihood they would fund all 4 of the projects? Mr. Hardeman explained that they typically fund approximately 10-11 properties state-wide and that they have had a lot of success with this. They currently manage approximately 5,000 units. He stated that his company is unique as they develop, construct and manage all their properties.

Vice-Chair Peregoy asked if Friendly Avenue going to be converted into State owned access and has a traffic study been done. Mr. Hardeman responded that at this time they only have an offer to purchase the property and they haven't done any traffic studies.

Public Comments:

Chair Tabak opened the floor for public comments and requested that speakers state if there are for or opposed the rezoning.

Mr. Mike Morton, 4085 Meadow Court Drive stated that he is regretfully against it. He stated that it sounds like there are too many questions about what will actually be built, since the zoning has to be in place before a guarantee for financing.

Mr. Steve Woke, 4807 Creekside Drive stated that he is neither for or against the rezoning. He questioned the need to rezone the portion of the property that is mostly wetlands if it cannot be built on anyway and stated that if it is rezoned R-8 and he were to sell his adjoining property someone may question why the properties are different zones.

Board Comments:

Mr. McCoy was asked to explain what types of uses were allowed in an R-8 zone. He stated that R-8 would allow most of what any of the current Residential zones allow, however he would refer to the Table of Permissible Uses (Section 15-146 Land Use Ordinance). The proposed project, due to its size would be required to obtain a Special Use Permit and would have to go before the Departmental Review and the Board of Adjustment.

Ms. Whitfield asked if Friendly Avenue did need to be widened in the future would the City have to take part of residents' property to do so. Mr. McCoy stated his understanding is that the City currently has over 40 feet of right-of-way and would likely work within that right-of way if the road needed to be widened.

Ms. Bennett asked Mr. Hardeman what allocation of the acreage was wetlands. Mr. Hardeman stated that he does not know at this time and a survey would have to be done. He guessed that he thinks it is approximately 3-4 acres of wetlands.

There was more discussion regarding the differences in what is allowed on a R-8 versus R-15 zone property and it was established that the most significant difference is that R-8 would allow multifamily and nursing care facility/institution.

Motion: Vice Chair Peregoy motioned to deny rezoning 3715 Trent Road from current R-15 zoning to R-8 zoning. Motion seconded by Ms. Bennett.

Discussion continued regarding concerns that rezoning to suit a project that may not be awarded financing could be detrimental in the long term as well as the concern about the

184 proposed project being 3 story buildings in an area that doesn't have any other 3 story
185 buildings. Ms. White stated that if the Board had not seen the drawings Mr. Hardeman
186 brought than they never would have known if it was going to be a 2 story or 3 story
187 building and the Board could have stayed more on task.

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189 Chair Tabak requested Mr. Robinson take in individual roll call.

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191 Mr. Robinson took a roll call. **Motion denied with a vote of six (6) Yes's (members:**
192 **Bennett, Dillahunt, Dove, Stamm, Whitfield, Vice-Chair Peregoy) and three (3)**
193 **No's. (members: McCullough, White and Chair Tabak)**

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195 Chair Tabak advised the next step in the procedural process is for the recommendation to be
196 brought before the Board of Aldermen, who will have the ability for final approval or denial.
197 The request will be brought before the Aldermen on the Tuesday, April 22nd 2014 meeting date.

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199 **Other Items**

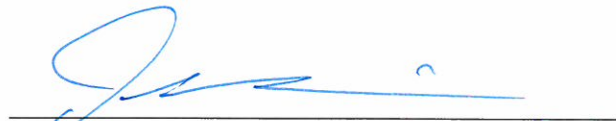
200 **A. Staff Presentation of Annual Planning and Zoning Report**

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202 Mr. Robinson reviewed the Annual Planning and Zoning Report with the Board, which was
203 included in their Agenda Packets. Chair Tabak stated that the report was well organized and put
204 together and expressed his desire for the Board to take the advice to work closely with other
205 boards and non-profit organizations.

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207 **Motion:** Vice Chair Peregoy motioned to adopt report as written. Mr. McCullough
208 seconded. Motion passed by unanimous vote.

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

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Tim Tabak, Chairman


Kevin Robinson, AICP, Secretary