

1 **Minutes of the New Bern Planning & Zoning Board**
2 **June 02, 2015**
3

4 The regularly scheduled meeting of the New Bern Planning & Zoning Board was rescheduled
5 held in the City Hall Courtroom, 300 Pollock Street, on Wednesday, May 13, 2015 at 6:30 PM.
6

7 **Members present:** Mr. Kenneth Peregoy, Chair
8 Mr. Haron Beatty
9 Mr. Jimmy Dillahunt
10 Mr. Raymond Layton
11 Ms. Dorothea White
12 Mr. Willie Newkirk
13 Mr. Byron Walston
14 Mr. Barry Evans
15 Ms. Tiffany Dove
16

17 **Members absent:**
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20 **Members Excused:** Mr. Bill Stamm
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25 **Staff present:** Mr. Kevin Robinson, AICP, City Planner
26 Mr. Bradleigh Sceviour, Planner
27

28 Chairman Peregoy called the meeting to order.
29

30 Roll call was taken and a quorum declared.
31

32 **Minutes:** Minutes from the previous meeting were not prepared and will be presented at the
33 next meeting.
34

35 **New Business:**

- 36 **A. Consideration of a request by City of New Bern to zone a 1.51+/- acre parcel to C-3**
37 **General Commercial District. The property is located at 502 W. Thurman Hall Rd.**
38 **and is further identified in Craven County Tax Book as 07-034-020. Property is**
39 **currently un-zoned.**
40
41

42 **Staff Comments:** Staff Robinson presented the request as follows:

43 **Applicant(s):** City of New Bern
44

45 **Requested Zoning Change:**

46 **Existing:** Unzoned

47 **Proposed:** C-3 Commercial District

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49 **Location:** The subject property is at 502 W Thurman Rd, near the intersection of Hwy 70
50 and the entrance to Carolina Colours.

51
52 **Size:** Property to be rezoned is approximately 1.51+/- acres.

53
54 **Reason for Change:** To allow for the construction of a full service drug store and
55 pharmacy with drive thru services to accommodate area residents.

56
57 **History/Background:** This property has frontage along W. Thurman Rd. Property was
58 formerly a mobile home park until sometime between 2004 and 2007.

59
60 **Present Land Use:**

61 Property is vacant and cleared

62
63 **Surrounding Land uses and Zoning:**

64 **North:** Forested

65 (Unzoned)

66 **South:** Office - Bank uses

67 (Unzoned)

68 **East:** Commercial - Gas Station

69 (Unzoned)

70 **West:** Forested and Railroad use

71 (Unzoned)

72
73 **City Provided Utilities and Services:**

74 All city provided utilities and services are available in the general area.

75
76 **Comprehensive Plan:**

77 2009 Regional Land Use Plan – The future land use is classified “Urban Transition”
78 which provides for some areas to transition to future intensive urban development. Uses
79 permitted in the C-3, General Commercial District are considered “conditionally
80 consistent” in Urban Transition areas.

81
82 2008 Craven County Land Use Plan – Classified as Commercial Land Use

83
84 **Thoroughfare Plan/Traffic:** Property sits on a 4 lane road in close proximity to a major
85 intersection with Hwy 70. It is not expected that the uses permitted in C-3 on this site
86 would adversely impact traffic in this area.

Environment: The NC Railroad has a 100 foot buffer which controls some uses on adjacent properties. It appears that the property owners have accounted for this in their plans. There are no other known environmental constraints.

Staff Comments: This property proposed for initial zoning, following its proposed annexation into the City's corporate limits, is situated in an un-zoned area of Craven County which functions as a tight commercial node around this intersection. Coupled with the larger area of commercially zoned property in the City of New Bern along Waterscape Way this property and the permitted uses of the C-3 district will serve the retail and service needs of Carolina Colours and adjacent residential neighborhoods well and should help to alleviate the need for additional trips onto Hwy 70 for much of their daily needs.

Recommendation: Staff recommends for approval of the requested zoning of this 1.51+/- acre parcel to C-3 Commercial District. Please contact me at 639-7583 prior to the meeting should you have questions or need additional information.

Public Comments: There were no public comments.

Public comment period was closed.

Board Comments: Chair Peregoy asked if there were any comments or questions among the Board. Mr. Beatty asked if there were any comments or objections from members of the community. Staff Robinson stated that he had not heard any. Chair Peregoy confirmed that proper notification had been made to adjacent property owners within 100'. Ms. White asked if there were any environmental concerns on this property. None that anyone was aware of.

Motion: Mr. Walston made a motion to accept the this property to C-3 Commercial district as requested. Mr. Beatty seconded. Motion carries by unanimous vote.

B. Consideration of a request by Holloman and Thomas Builders to rezone a 1.22+/- acre parcel from R-20 Residential District to C-3 General Commercial District. The property is located at 480 NC Hwy 55 and is further identified in Craven County Tax Book as 08-218-044.

Staff Comments: Mr. Robinson presented the item to the Board

Applicant(s): Julian R. Holloman

Requested Zoning Change:

Existing: R-20 Residential District

Proposed: C-3 Commercial District

Location: The subject property is at 480 W NC Hwy 55, near the intersection of E

Pleasant Hill Dr., approximately 1/3 of a mile west of the intersection of highways 43 and 55.

Size: Property to be rezoned is approximately 1.22+/- acres.

Reason for Change: To provide “the most flexibility” and “permit it to be used for its highest and best use.”

History/Background: This property has frontage along Hwy 55 as well as the residential E Pleasant Hill Dr to its rear. Property appears to have been vacant for many years.

Present Land Use:

Property is vacant and cleared

Surrounding Land uses and Zoning:

North: Single Family Residential
(R-20 Residential District)

South: Agricultural
(A-5 Agricultural District)

East: Single Family Residential
(R-20 Residential District)

West: Single Family Residential
(R-20 Residential District)

City Provided Utilities and Services:

All city provided utilities and services are available in the general area.

Comprehensive Plan:

2009 Regional Land Use Plan – The existing land use is classified “Urban Transition” which provides for some areas to transition to future intensive urban development. Uses permitted in the C-3, General Commercial District are considered “conditionally consistent” in Urban Transition areas.

Thoroughfare Plan/Traffic: Previous plans have called for the widening of this section of Hwy 55, which is classified as a major thoroughfare, to 4 lanes. It currently remains a rather rural, though frequently traveled route. It is doubtful that small scale commercial would adversely impact traffic on this road, however widespread commercial use on this section of road will undoubtedly cause congestion.

Environment: NCDENR shapefiles show a significant portion of this property to be classified as wetland. It is unknown how adversely this would impact development.

Staff Comments: The property proposed for rezoning is surrounded by low density residential and agricultural properties, is situated far from the major intersection of highways 43 and 55 and has a more rural nature. While City services are available to this transition area there are no commercial uses in this immediate area. Staff is of the opinion that while this area may continue to grow and transition to a more urban environment in the future, for the time being uses permitted in the general commercial district should be contained closer to the major intersection with 43 which can handle traffic and provides a convenient retail and service location to cater to these neighborhoods. Rezoning this parcel or subsequent parcels in this area of Hwy 55 would, in Staff's opinion, be detrimental to adjacent residences and would unnecessarily hasten the need for improvements to Hwy 55. Furthermore there are possible environmental constraints on site.

Recommendation: Staff recommends for denial of the requested rezoning of this 1.22+/- acre parcel from R-20 Residential District to C-3 Commercial District. Please contact me at 639-7583 prior to the meeting should you have questions or need additional information.

Board Discussion: Mr. Beatty asked what the previous building on that lot was. Some family members in the audience replied that it was. They stated that there has always been a pond there. Another Board member asked Staff Robinson if the applicant is granted their request, what will they do to protect the wetland? Staff Robinson stated that he was not sure what would be required of them, but that the state would make any requirements as necessary. Ms. White asked what the surrounding area is predominately used for and Staff Robinson stated that it is predominantly used for residential with some agriculture in the area as well. If it is zoned C-3 anything from continued use of single family residential, multi-family, anything up to gas stations, car lots, offices or any number of those things could go in there. He offered an example of Dr. MLK Blvd. as a C-3 district.

Public Comment: Chair Peregoy opened the meeting for public comment beginning with those in favor of this rezoning.

Julian Holloman, 4709 Trent Woods dr. – Stated that he would like to have this property rezoned so that he can market it more than just residential. He does not intend for it to become a gas station. If he cannot sell the property, he would like to put in an office building with, perhaps a storage building. He stated that anything that would be put in there would require approval.

Alaina Ross, Realtor, representative of Thomas Builders – Stated they've had the property listed for sale 61 days short of 3 years. The only serious inquiries they've received were if the property was zoned commercial. A few inquiries from some who would like to put in a single wide mobile home, but it is not zoned for mobile homes either. It could be subdivided into two lots, but they have not received any requests for that option either.

Chair Peregoy opened the floor for anyone who would like to speak in opposition to the request.

219
220 *John Dillahun, Cyprus Shores subdivision* – Stated that his grandfather owns property in the
221 Pleasant Hill community. He gave a brief history of the community and explained that after
222 being annexed by the City, one side of the road is in the City and the other side is in the County.
223 He further stated that the community members were told that as long as they farm, they would be
224 able to keep the agriculture and otherwise the community would remain residential only. The
225 community members fear that if one property is allowed to be rezoned commercial, that more
226 would follow and they would like to keep their community in tact as residential.

227
228 *Charlie E. Simmons, Tuscarora* – Stated strong opposition to the rezoning request. He asked for
229 a list of what can be put on a C-3 district lot. This lot is near the Church and they would not like
230 to have a commercially zoned property near it.

231
232 Staff Robinson offered to go over the C-3 district uses with Mr. Simmons and stated that anyone
233 is welcome to come into the office to go over it, or pull up the table of permissible uses on the
234 Development Services website. He read the list of permissible uses. He said he would be happy
235 to give Mr. Simmons a copy of the list.

236
237 Mr. Simmons asked about notification requirements and asked that posting of property, as well
238 as postal notifications be done sooner than 7 days prior.

239
240 *Steven Bliss, 75 yards from the property* – Stated that people did not receive letters and that there
241 are 13 people in the neighborhood. He never saw a for sale sign on the property.

242
243 *Barbara Best, 845 HWY 55 W* – She agreed with Mr. Dillahun and Mr. Simmons. Her concern
244 is that the map doesn't show how close the property is to the Pleasant Hill residents. She doesn't
245 want a business that close to her residence.

246
247 *Dorothy Kennedy, 160 E Pleasant Hill Dr.* – She did receive a letter but never saw the sign
248 posted on the front of the property. She stated her opposition to the request for a commercial
249 zoned property in a residential area and doesn't want the extra traffic it could bring.

250
251 Public Comment period was closed.

252
253 **Board Discussion:** Mr. Dillahun asked the builder if he'd had any conversation with the
254 members of the community, he stated that he had not. There was discussion among the Board
255 regarding the permissible uses allowed on a C-3 district. Once the property is rezoned, it could
256 be open to any of those permissible uses.

257
258 **Motion:** Mr. Dillahun made a motion to deny the request to rezone from R-20 Residential
259 district to C-3 Commercial district. Mr. Newkirk seconded. Motion carries by unanimous vote.

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261 **Other Business:**

262 A. Nomination of Officers
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Chair Peregoy explained that Mr. Stamm is out of the country and this item will be brought up at the July meeting.

B. Approval of Amended Annual Calendar of P&Z Meetings

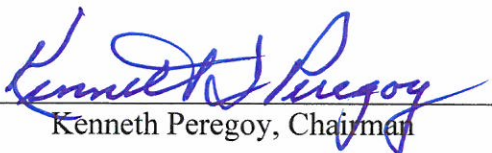
The only thing that has changed on the proposed schedule change is the time from 6:30 to 5:30pm and a secondary meeting space at the Development Services Conference room, if needed.

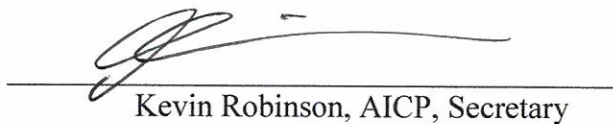
Motion: Ms. White made a motion to adopt the proposed amended schedule as presented. Mr. Evans seconded. A roll call vote was taken: Mr. Barry Evans (Yes), Mr. Haron Beatty (No), Mr. Jimmy Dillahunt (No), Tiffany Dove (Yes), Mr. Raymond Layton (Yes), Ms. Dorothea White (Yes), Mr. Willie Newkirk (No), Mr. Byron Walston (Yes), Mr. Kenneth Peregoy, Chair (Yes)

Chair Peregoy welcomed new Board member, Mr. Evans and stated that Ms. Dove and Mr. Stamm's terms are ending at the end of the month. He thanked them for their service. Ms. Dove has served 2 terms and Mr. Stamm is eligible for reappointment since he has only served one term.

Mr. Dillahunt stated that he was concerned about Pleasant Hill community members not being able to see the sign posted on the property requesting rezoning. He said that he wanted to know if something could be done about the size of the signs and the text on the sign as well. Staff Robinson said that he would look into bigger signs and using more noticeable colors on the sign postings.

There being no further business, the meeting was adjourned.


Kenneth Peregoy, Chairman


Kevin Robinson, AICP, Secretary