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Minutes of the New Bern Planning & Zoning Board Special Called Meeting May 16, 2017

5 A special meeting of the New Bern Planning & Zoning Board was held in the City Hall
6 Courtroom, 300 Pollock Street, on Tuesday, May 16m 2017 at 6:00 PM.

8 **Members present:** Mr. Raymond Layton, Chair
9 Mr. Barry Evans, Vice-Chair
10 Ms. Carol Williams
11 Mr. Willie Newkirk, Sr.
12 Mr. Sonny Aluzzo
13 Mr. Jimmy Dillahunt
14 Mr. Jerry Walker
15 Mr. Haron Beatty
16 Mr. Don Black

18 **Members absent:** None

20 **Members excused:** Mr. Jeffrey Midgett

22 **Staff present:** Ms. Morgan Jethro, City Planner
23 Mr. Jeff Ruggieri, Director, Development Services
24 Mr. Bradleigh Sceviour, Planner
25 Mr. Greg McCoy, Land & Community Dev. Administrator

27 Chair Layton called the meeting to order.

29 Roll call was taken and a quorum declared.

31 **Minutes:** No minutes from previous meetings were presented to be discussed.

33 **New Business:**

- 34 A. **Consideration of a request by the City of New Bern to consider amending Section**
35 **15-466 of the Land Use Ordinance, to permit deep ribbed aluminum panels with**
36 **exposed fasteners as an approved sheathing material in the U.S. 17/Dr. Martin**
37 **Luther King Jr. Corridor, and to remove the prohibition of exterior metallic color**
38 **finishes of buildings within section 15-461 (a).**

40 **Staff Comments:**

41 Ms. Jethro stated that at the April 11, 2017 Board of Aldermen meeting, under new business,
42 Alderman Odham made a motion for the Board of Aldermen to support the plan submitted by
43 Cella Ford, and to encourage staff to find a means to ensure the project moves forward as
44 proposed. The motion passed unanimously. In order for the project to progress, several text
45 amendments must be made to the Land Use Ordinance.
46 She noted that City staff have proposed the following amendments the Land Use Ordinance as a
47 result of the motion made by the Board of Aldermen:

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- 49 • Article XXII: Section 15-466 (b) (2), "Design Guidelines and Performance Standards—
- 50 U.S. Highway 17/Dr. Martin Luther King Jr. Boulevard Corridor", Sheathing Materials;
- 51 addition of "deep ribbed aluminum panels with exposed fasteners" as a permitted
- 52 sheathing material to permit the use of deep ribbed aluminum panels with exposed
- 53 fasteners as a permitted sheathing material within the U.S. Highway 17/Dr. Martin Luther
- 54 King Jr. Boulevard Corridor.
- 55
- 56 • Article XXII: Section 15-461 (a), "General Scope & Commentary"; removal of the
- 57 prohibition of metallic finishes on buildings.
- 58

59 Staff Jethro also stated that Development Services staff recommends the addition of the

60 following appearance standards:

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- 62 • The exterior finish shall be film laminated or baked-on enamel painted to the wall
- 63 manufacturer's standards. The use of galvanized, aluminum coated, zinc-aluminum
- 64 coated or unpainted exterior metal finish is prohibited. The deep ribbed aluminum panels
- 65 are not to exceed 35% of the primary building façade, excluding windows and doors.
- 66

67 **Applicant Comment:** Due to the item of discussion being a City of New Bern request, there was

68 no applicant present to comment.

69

70 **Board Discussion:** Chair Layton commented that this appeared to be a "knee jerk reaction to a

71 particular project", however he felt that what Cella Ford has proposed is perfectly acceptable. He

72 also stated that his understanding after speaking with staff that a variance could not be pursued

73 because the materials they are proposing are already not allowed in the Dr. Martin Luther

74 King/U.S. 17 Corridor Overlay. He stated that he would like for the board to consider that this

75 change in materials will open the door for not only the type of aluminum panel Cella Ford is

76 proposing, but will open up the door for what this particular section of the Ordinance is seeking

77 to prohibit, such as a pre-engineered metal building made of corrugated panels. He said he felt

78 that the board was in a corner. At the last meeting, the board agreed to permit aluminum

79 composite panels in an effort to move the project forward, however there were other elements of

80 the project not discussed in the application. Chair Layton stated he did not want to open the door

81 for pre-engineered metal buildings along the corridor.

82

83 Mr. Walker stated it's a materials issue, and that he was not sure if he agreed with the verbiage

84 the board was provided; he stated that this was more of a "recipe" for a specific building, and the

85 board cannot do that for every building to be erected. He stated he has not seen the elevations for

86 the proposed Cella Ford project, but he could imagine that they were well done, and he would

87 think that while Cella's project may not be the issue, it's the other projects that will come down

88 the line that may be troublesome.

89

90 Mr. Beatty asked if this material was becoming the standard for commercial entities. Mr. Walker

91 stated that as an architect, he can attest that the deep ribbed aluminum panels are beneficial to the

92 economy in terms of cost of erecting a building. Mr. Beatty asked staff if there were any example

93 photographs of the proposed project that the Board could see. Staff Jethro placed on the overhead

94 a rendering submitted by Cella Ford of the proposed façade improvements. Mr. Aluzzo stated he

95 was confused, and that at the last meeting, the board approved the material. Mr. Layton clarified

96 that there were actually two different materials that needed approval, but only one was
97 mentioned on the application. Mr. Beatty asked if this change would affect the entire corridor or
98 one parcel, and Jethro commented it would be a change for the entire U.S. 17/Dr. Martin Luther
99 King Jr. Blvd. corridor. Jethro asked architects Mr. Layton and Mr. Walker if they would
100 consider the material in question to be of a lesser grade material. Mr. Walker stated he has used it
101 many times and it just has to be placed in the appropriate places. He stated it can be a lesser
102 expensive product and it repels water well, but if it is not designed well, it will come across as
103 very awkward and clumsy, but it can look nice. It is typically used on a rain wall and is
104 commonly used as a roofing material.

105
106 Mr. Dillahunt stated that he is surprised the subject is being brought up, and that the board
107 should not change the entire ordinance and that he was appalled by it, just to appease one person.
108 He wanted to know how the City came up with that question. Staff Jethro stated that City Staff
109 were following the direction given by the Board of Aldermen. He stated that Cella Ford should
110 go back to the drawing board and work within the materials that are already approved, instead of
111 asking the board to change the ordinance to allow a material typically used on warehouses or
112 roofs and it is not appropriate for the neighborhood.

113
114 Mr. Beatty asked if the change would only be applicable to commercial entities. Mr. Layton
115 stated the material will be allowed to be used anywhere in the corridor, regardless of use. Mr.
116 Layton reminded the board that this question is not specifically about Cella Ford that is not what
117 the board is here to discuss, they are here to discuss amending the ordinance for all. Mr. Walker
118 stated that if the board had more time to discuss the material they may have a different
119 perspective of it. He wasn't sure if the verbiage provided was accurate. Mr. Beatty asked the
120 board if they were blowing the question out of proportion. Mr. Layton stated that the board was
121 acting reactively rather than proactively, which he didn't care for, but that was the request at
122 hand. Mr. Dillahunt asked for clarification on what the board was accomplishing this evening.
123 Mr. Layton reiterated the request on the staff memo and that they were sending a
124 recommendation to the Board of Aldermen. Mr. Newkirk stated he thought the board approved it
125 last month, and Mr. Layton stated that only the Aluminum Composite Materials were approved
126 last month but the application did not encompass all the materials Cella Ford wished to use.

127
128 Mr. Evans stated that the board was told that Cella Ford was utilizing this material because it is a
129 franchise that requires this material, and Mr. Ruggieri stated that it was a component of their
130 design. Mr. Black stated that he did not like micromanaging architectural work. He stated that
131 this corridor was very valuable and did not feel that businesses there would not utilize a cheap
132 material. Mr. Dillahunt stated this scenario reminded him of Cracker Barrel, when the company
133 did not come to New Bern because the City would not change its signage rules. Mr. Beatty stated
134 he thought that was different because it was a signage issue. Mr. Walker stated that the board
135 needs to remember that they should think of what New Bern ought to look like, and that he did
136 not feel comfortable with making these changes in the next 30 minutes. Mr. Beatty asked what
137 the board was aiming to restrict. Mr. Walker stated that they were opening the door to different
138 profiles of metal. He used corrugated metal as an example, but there are other profiles available
139 and stated the board should be careful in their decision. Mr. Evans stated the City should have
140 done it right the first time because Cella Ford has already spent a great deal of money on
141 renovations. Mr. Layton reminded the board that this was not about Cella Ford specifically. He
142 stated that he had no objection to removing the metallic color façade color. Mr. Black asked what
143 percentage of the façade was deep ribbed aluminum panels. Mr. Black stated he was not

144 comfortable with micromanaging materials that Architects can use, and he believes it that limits
145 their practice.

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147 Mr. Ruggieri stated approximately 34%. He also stated that the confusion of how we got to this
148 point was understandable, and that he would have not proceeded with the amendments in this
149 way if it were staff initiated amendments. He stated that the direction received from the Board of
150 Aldermen was to approve the Cella Ford project, and the reason the language was so restrictive
151 is that staff examined Cella Ford's request and made language to accommodate that request.

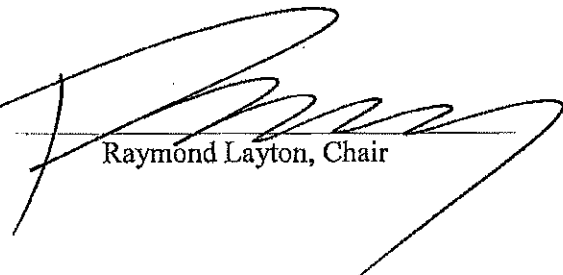
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153 **Motion:** Mr. Dillahunt made a motion not to recommend approval the Land Use Ordinance
154 Amendment request. Mr. Beatty asked for clarification of the motion, which Mr. Layton
155 provided. Mr. Aluzzo seconded the motion.

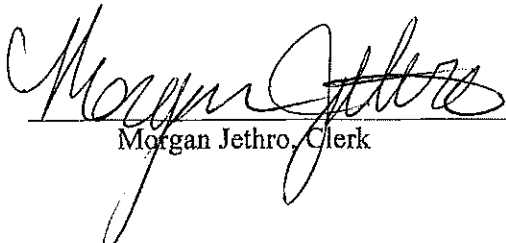
156
157 **A. Consideration of a request by the City of New Bern to consider amending**
158 **Section 15-466 of the Land Use Ordinance, to permit deep ribbed aluminum**
159 **panels with exposed fasteners as an approved sheathing material in the U.S.**
160 **17/Dr. Martin Luther King Jr. Corridor, and to remove the prohibition of**
161 **exterior metallic color finishes of buildings within section 15-461 (a).**

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163 Mr. Layton called for a roll call vote. The final vote was 6-3 (Beatty, Williams, and Black)
164 against recommendation to the Board of Alderman to amend the Land Use Ordinance sections
165 15-466 & 15-461.

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167 Mr. Aluzzo made a motion to call for a work session to discuss other materials that should be
168 permitted in the Overlay Corridors which are not already approved. The motion was seconded by
169 Mr. Dillahunt and passed unanimously. Mr. Ruggieri invited the board to participate in the
170 stakeholder process.

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172 With no further business to discuss, the meeting was adjourned with a motion made by Mr.
173 Evans and seconded by Mr. Aluzzo.

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Raymond Layton, Chair


Morgan Jethro, Clerk