

1                                   **NEW BERN BOARD OF ADJUSTMENT**  
2   **MINUTES**

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4                                   **March 30th, 2015**

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6   The New Bern Board of Adjustment held a regular meeting on Monday, March 30, 2015 at 5:30  
7   pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.  
8

9   **Members Present:**                   Ms. Sarah Afflerbach – Chair  
10   Ms. Beth Walker – Vice-Chair  
11   Mr. Peter Adolph  
12   Mr. Benjamin Beasley  
13   Mr. Kenneth Brown  
14   Mr. David Herndon  
15   Ms. Renee Murphy  
16   Mr. John Murrell  
17   Mr. PJ Walker  
18

19   **Members Excused:**               Mr. Jeffrey Midgette  
20

21   **Members Absent:**               Mr. Alfred Barfield  
22   Ms. Lois Jamison  
23  
24

25   **Staff Present:**           Mr. Greg McCoy, Land & Community Development Administrator  
26                                       Mr. Bradleigh Sceviour, Planner  
27

28   Chair Sarah Afflerbach called the meeting to order.  
29

30   Roll call was taken and a quorum declared.  
31

32   **Minutes:**     Reading of the minutes from the previous meeting was waived by unanimous  
33   consent. Minutes from the February 23rd meeting were approved.  
34

35   Witnesses were sworn in.  
36

37   **New Business:**  
38

- 39                   1. Consideration of Special Use Permit request to construct and operate a  
40                   shopping center on a 8.19 acre lot located at 2000, 2002, and 2004 South  
41                   Glenburnie Road.  
42

43   **Staff Comments:** Staff McCoy presented the request to the Board. The applicant is requesting a  
44   Special Use Permit application to construct and operate a shopping center on a 8.19 acre lot

45 located at 2000, 2002, and 2004 South Glenburnie Road. The site is located in the C-4  
46 Neighborhood Business and I-1 Light Industrial Districts of the Glenburnie Road Corridor. The  
47 site is further identified in Craven County Tax Book 8-208 as lots 092, 1-001, 1-014, 1-015, 1-  
48 016, 111, 143, and 7001. As depicted on the site plan, the shopping center will consist of a  
49 49,098 square foot proposed grocery store on a 6.51 acre tract, which includes a separate 9,000  
50 square foot building proposed for retail shops. In addition, as depicted on the site plan, a  
51 proposed outparcel on a 1.68 acre tract near the intersection of South Glenburnie and Yarmouth  
52 Roads will be part of the shopping center. According to Section 15-146 Use 2.210 of the Land  
53 Use Ordinance, a Special Use Permit is required for commercial developments located on a lot  
54 greater than two acres.  
55

56 **Staff Recommendation:** The Departmental Site Plan Review Committee reviewed and  
57 approved the proposed project's site plans on January 30, 2015. Staff finds that the applicant has  
58 met all Land Use Ordinance requirements of Section 15-54 for a Special Use Permit and  
59 therefore recommends approval of this request.  
60

61 **Board Comments:** None at this time.  
62

63 **Applicant Comments:** Brian Fagundas from ARK Consulting, the firm representative of the  
64 Applicant, explained that the proposed project is a redevelopment of several commercial uses  
65 that have been on this property. He stated that in addition to going before the Departmental  
66 Review Committee, they have also gone before the North Carolina Department of  
67 Transportation. He further stated that his traffic engineer, Jeff Hochanadel with Sepi Engineering  
68 and Construction will provide additional information regarding the impact of traffic. They  
69 prepared and submitted a traffic study with details of entrance and exit points.  
70

71 At Chair Afflerbach's request he further explained the traffic study in more detail.  
72

73 **Public Comment:** Chair Afflerbach opened the meeting for public comment.  
74

75 **Mr. Frank Kerr** spoke in opposition to the project. His concern is with regard to traffic safety  
76 and functionality. He recommended widening the road at the Jiffy Lube.  
77

78 **Mr. Mike Duran** - 4109 Yarmouth, stated that he thinks the intersection coming from Yarmouth  
79 is currently inadequate and would like to see it improved.  
80

81 **Larry Stanford** – Knights Ct., Asked if the traffic study took into consideration children  
82 playing?  
83

84 **Charles Turnage** – resident, asked how will 18 wheelers access the property?  
85

86 **Mark Macguire** – Spoke on behalf of his mother and asked how this will affect the resale value  
87 and if a noise level study would be done.  
88  
89

No further public comments. Public comment period was closed.

**Board Discussion:** Applicant stated that the turn lane on Yarmouth will be widened. A traffic study was performed in conjunction with NCDOT. As a result of the study it was determined that the current access points are good.

A privacy fence and screen buffer will be installed to help mitigate some of the noise.

Trucks can enter from existing entrance on Yarmouth and will turn around behind the building.

Mr. Jeff Hochanadel explained the grading levels of the traffic study. Levels of service are graded from A-D as passing grades. E-F are failing grades. With the construction and development at Yarmouth and S. Glenburnie Roads, a grade of A was given for morning and a B grade by noon. The intersection of S. Glenburnie Road and Dr. MLK Jr. Blvd was given a D at peak hours.

Projected trips for the entire development area; Daily total – 8,910, AM Peak hours – 317 and PM Peak hours – 458.

Chair Afflerbach asked about turning radius. Mr. Hochanadel stated that the current turning radius is in compliance with NCDOT and the City requirements.

Mr. Herndon asked if anyone contacted NCDOT about the impact of traffic.

Mr. McCoy stated that to the best of his knowledge no one contacted NCDOT and no one contacted his office regarding traffic or anything relating to this project. He also stated that the property was posted in two different locations and notices to adjacent property owners were mailed on March 13, 2015. Mr. McCoy stated NCDOT is part of the Departmental Review Committee (DRC) process and they were in attendance during the DRC meeting. He further stated that the proposed project is located on South Glenburnie Road which is a state road and any traffic projects that take place on that road must meet NCDOT requirements. Mr. McCoy further stated that the applicant worked with NCDOT and no permits will be issued until all of NCDOT requirements are met and satisfied.

Ms. Murphy asked Mr. Austin Williams of Crosland Southeast if there is a commitment from any particular tenant at this time. Mr. Williams stated he would let his client speak to that at a later time. Mr. Williams further stated that this project represents over a 17.5 million dollar investment in this property. It will be a very strong grocery store and currently there are confidentiality agreements. Significantly more information should be available within the next 30 days. Demolition should start in June and the project will be completed by March 2017.

Mr. Williams stated that on the out parcel, they do not believe it will be a fast food restaurant. It could potentially be a restaurant or bank. The market will determine what will be built there.

Chair Afflerbach asked about the 40' easement?

135 Mr. Fagundas stated that the existing access easement on South Glenburnie Road is for the  
136 existing businesses located in the rear of the property and it will remain in place.

137  
138 Mr. Brown asked if the site has sufficient onsite drainage?

139  
140 Mr. Fagundas stated that the onsite retention pond meets state and city requirements.

141  
142 Ms. Walker asked if the fence is a part of the screening process.

143  
144 Mr. McCoy stated that the fence will be in addition to the required screening, which will be Type  
145 A screening. He further stated that it will be recommended as a condition.

146  
147 There was a lengthy discussion and review of the site plans and the Special Use Permit Criteria.

148  
149 **Findings of fact:**

150  
151 1. The requested permit is within the Board of Adjustment's jurisdiction according to the  
152 table of permissible uses;

153 **Motion B. Walker ; Second R. Murphy**

154  
155 2. The application is complete;

156 **Motion P. Adolph ; Second K. Brown**

157  
158 3. The use will not materially endanger the public health or safety if located where  
159 proposed and developed according to the plan as submitted;

160 **Motion K. Brown ; Second P. Adolph**

161  
162 4. The use will not substantially reduce the value of adjoining or abutting property, or  
163 that the use is a public necessity;

164 **Motion P.J. Walker ; Second B. Evans**

165  
166 5. The location and character of the use, if developed according to the plan as submitted  
167 and approved, will be in harmony with the area in which it is to be located and in general  
168 conformity with the plan of development of the city;

169 **Motion B. Walker ; Second R. Murphy**

170  
171 6. If completed as proposed in the application and as presented tonight, the development will  
172 comply with all the requirements of this ordinance.

173 **Motion K. Brown ; Second B. Beasley**

174  
175 **Motion:** Mr. Peter Adolph made a motion to accept the following conditions as presented by  
176 Development Services:

- 177 1. **As noted in the City of New Bern 2009 Pedestrian Plan, provide sidewalks**  
178 **adjacent to South Glenburnie Road. As indicated on the approved plans, add**  
179 **sidewalks along the southern property line adjacent to Zaxby's.**

- 180           2. As noted on the approved plans, add a privacy fence a minimum of six feet in  
181           height adjacent to the residential district along the western portion of the  
182           property.

183 Mr. PJ Walker seconded. Motion passed by unanimous vote.  
184

185 **Motion:** Mr. Peter Adolph made a motion to issue the requested Special Use Permit. Mr.  
186 Kenneth Brown seconded. Motion passed by unanimous vote.  
187  
188

- 189           2. Consideration of a Special Use Permit request to construct a sixty unit elderly  
190           apartment development on the north side of Amhurst Boulevard near the intersection  
191           of South Glenburnie Road.  
192

193 **Staff Comments:** Staff, Mr. McCoy presented the request to the Board. Scott A. Redinger, Inc.  
194 and John H. Wellons Foundation, Inc. have requested a Special Use Permit Application to  
195 construct a sixty unit elderly apartment development. The proposed multifamily building will be  
196 located in the C-5 Office and Institutional District on Amhurst Boulevard near the intersection of  
197 South Glenburnie Road. The site is a 3.42 acre portion of a 69.47 acre undeveloped lot next to  
198 the Neuse River Congregation of Jehovah's Witness. The site is further identified in Craven  
199 County Tax Book 8, Block 212, as Lot 010. At a future time the property owners plan to  
200 subdivide the lot and retain the remaining undeveloped 66.05 acres adjacent to Amhurst  
201 Boulevard for future development.  
202

203 Mr. McCoy stated that this project came before the Board of Adjustment on March 25, 2013. At  
204 that time a Special Use Permit was approved and granted. Mr. McCoy stated that the permit is  
205 good for two years if no substantial construction takes place. The applicant proposes to resubmit  
206 an application and the current permit expired March 25, 2015.  
207

208 The proposed project was reviewed and approved by the City's Departmental Site Plan Review  
209 Committee on February 13, 2015. When completed, the development will have 36-one bedroom  
210 apartments and 24-two bedroom apartments in one building located on a circular driveway  
211 adjacent to 76 parking spaces. In addition, the development will provide site amenities including  
212 on site management, a community room, a garden, and a recreational area. The development  
213 will have two access points, one adjacent to Amhurst Boulevard and the other adjacent to an  
214 unnamed (Sheryl Drive) sixty foot right-of-way west of the property.  
215

216 **Staff Recommendation:** According to Section 15-146 of the Land Use Ordinance,  
217 developments that exceed two acres and multi-family residences with five or more units must  
218 obtain a Special Use Permit. Staff finds that the applicant has met all Land Use Ordinance  
219 requirements of Section 15-54 for a Special Use Permit and therefore recommends approval of  
220 this request.  
221

222 **Applicant Comments:** Mr. Scott Reddinger, representative of the Wellons Foundation spoke  
223 regarding the low income affordable housing for seniors project. The foundation has already  
224 invested \$130,000 in the project. They have currently not received any funding, but they are

committed to the project.

Mr. Reddinger stated that the application for funding is due in mid-May and the goal is to have construction begin in Spring of 2016 and units ready by Spring of 2017.

The plans submitted are preliminary plans. Final construction plans will have to be submitted at a later date.

**Public Comment:** Chair Afflerbach opened the public comments period.

**Ms. Grady, 801 Deerfoot Circle** – Concerned about putting in 120 units in an already high traffic area. She suggested a dedicated traffic signal to help control traffic.

**Ms. Davis, Candlewood Lane** – Expressed her concern regarding traffic coming off of Amhurst Blvd.

**Mr. Lindsey, 2406 Elizabeth Ave** – Spoke in favor. He stated that he works with the elderly and only one half of them have cars, so he doesn't believe that traffic will be an issue.

No further public comments. Chair Afflerbach closed the public comment period.

**Board Discussion:** Mr. Reddinger was asked to clarify some of the public concerns. He stated that they have not done a traffic study and do not have plans for a dedicated traffic light.

The front of the building faces Sheryl Drive, therefore the main entrance will be on Sheryl Drive.

**Findings of fact:**

1. The requested permit is within the Board of Adjustment's jurisdiction according to the table of permissible uses;

**Motion P.Adolph; Second K. Brown**

2. The application is complete;

**Motion K. Brown ; Second P.Adolph**

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;

**Motion P.Adolph; Second P.J. Walker**

4. The use will not substantially reduce the value of adjoining or abutting property, or that the use is a public necessity;

**Motion B. Walker ; Second B. Beasley**

5. 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;

**Motion K. Brown ; Second P. Adolph**

6. If completed as proposed in the application and as presented tonight, the development will comply with all the requirements of this ordinance.

**Motion B. Walker; Second K. Brown**

**Motions passed by unanimous vote.**

**Motion:** Mr. Kenneth Brown made a motion to accept the following conditions as presented by Development Services:


1. As noted in the City of New Bern 2009 Pedestrian Plan, provide sidewalks adjacent to Amhurst Boulevard in addition to the sidewalks adjacent to the unnamed street (Sheryl Drive) on the approved plans.

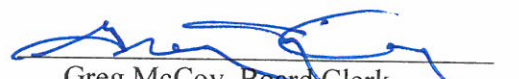
2. The applicant shall be required to submit a cash or performance bond in the amount of 120% of the incomplete sidewalk improvements.

Mr. Barry Evans seconded. Motion passed by unanimous vote.

**Motion:** Mr. Peter Adolph made a motion to issue the requested Special Use Permit. Mr. Kenneth Brown seconded. Motion passed by unanimous vote.

With no further discussion, meeting adjourned. The next regularly scheduled meeting is on Monday, April 27, 2015 at 5:30 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.

  
Sarah Afflerbach, Chair

  
Greg McCoy, Board Clerk

