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April 27th, 2015

The New Bern Board of Adjustment held a regular meeting on Monday, April 27, 2015 at 5:30 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.

Members Present: Ms. Sarah Afflerbach – Chair
Mr. Alfred Barfield
Mr. Peter Adolph
Mr. Benjamin Beasley
Mr. Kenneth Brown
Mr. David Herndon
Mr. John Murrell
Mr. PJ Walker

Members Excused: Ms. Beth Walker – Vice-Chair
Ms. Renee Murphy
Ms. Lois Jamison

Members Absent: Mr. Jeffrey Midgette

Staff Present: Mr. Greg McCoy, Land & Community Development Administrator

Chair Sarah Afflerbach called the meeting to order.

Roll call was taken and a quorum declared.

Minutes: Reading of the minutes from the previous meeting was waived by unanimous consent. Minutes from the March 30th meeting were approved.

Witnesses were sworn in.

Old Business:

1. Consideration of a minor deviation from the Special Use Permit that was granted on May 12, 2014 for Gaston Boulevard Phase I. The deviation is a reduction in the number of apartment units from 110 to 80..

Staff Comments: Staff McCoy presented the request to the Board stating that Avolis Engineering, on behalf of Laurel Street Residential, has requested that the Board of Adjustment

45 consider a minor deviation of the Special Use Permit for Gaston Boulevard Phase I. This project
46 was granted a Special Use Permit on May 12, 2014 for a multifamily development consisting of
47 110 units. The applicant proposes to reduce the number of multifamily units to 80 instead of the
48 approved number of 110 units. The two apartment buildings will be in the same area as
49 indicated on the approved plans, but the overall size of the structures will be reduced due to the
50 reduction in the number of units (approved plans had 74-one bedroom and 36-two bedroom
51 units, new request will consist of 52-one bedroom and 28-two bedroom units). The acreage of
52 the site, parking layout, all other site conditions and approvals are the same as previously
53 approved by the Board of Adjustment on May 12, 2014.

54
55 Minor design modifications or changes are those that have no substantial impact on neighboring
56 properties, the general public, or those intended to occupy or use the proposed development.
57 Such permission may be obtained without a formal application, public hearing, or payment of
58 any additional fee.

59
60 **Applicant Comments:** Mr Joe Avolis explained that this project is being developed through a
61 competitive process. Last year it went through the competitive process, but it did not pass
62 through the State in that process. They are currently trying to get it ready for funding and the
63 application is due in May for the precompetitive process. He further explained the reduction in
64 units and parking sizes.

65
66 Mr. Lee Cochran stated that he would like to change the parking layout and have all parking on
67 one side so the residents would not have to cross the street. He further stated that this would
68 provide safer access to the parking area. The new plan does not include parking on the opposite
69 side of Gaston Blvd.

70
71 **Public Comment:** Chair Afflerbach opened the meeting for public comment.

72
73 No public comments. Public comment period was closed.

74
75 **Board Comments:** There was some discussion regarding the legalities of being able to move
76 forward and vote to allow a minor deviation of the Special Use Permit. Mr. Herndon pointed out
77 that according to the ordinance Section 15-63 paragraph B, this action is within the scope of the
78 Boards authority. The board agreed that this is a minor deviation.

79
80 **Motion:** Mr. Brown made a motion to accept the the minor deviation to scale back the project
81 from 110 units to 80 units with the conditions that the City review the process to make sure that
82 everything is up to standards. Mr. P.J. Walker seconded. Motion passed by unanimous vote.

83
84 **New Business:**

- 85
86 1. Consideration of Special Use Permit request to construct a 72 unit multifamily
87 development on an 8.5 acre portion of a 12.37 acre tract. The site is located on
88 Pinetree Drive across 1125 & 1175 Pinetree Drive and is further identified in
89 Craven County as Township 8, Map Number 212, and Lot Number 009.

Staff Comments: Staff Greg McCoy presented the request stating that Landmark Asset Services, Inc, or assigns, has requested the Board of Adjustment hold a public hearing to consider a Special Use Permit Application to construct a seventy-two unit apartment development and a clubhouse on an 8.50 acre portion of a 12.37 acre tract on Pinetree Drive. The proposed site is located across the street from 1125 and 1175 Pinetree Drive and is further identified in Craven County as Township 8, Map Number 212, and Lot Number 009.

When completed the development will have a one story clubhouse, 12-one bedroom apartments, 36-two bedroom apartments, and 24-three bedroom apartments in three multifamily buildings. In addition, the development will provide site amenities including on site management, a community room, a resident computer center, and recreational areas.

The proposed project was reviewed by the City's Departmental Site Plan Review Committee on February 27, 2015. At that meeting, staff recommended additional requirements noted on the plans; such as identifying the storm water retention pond and having the required number of parking spaces. The applicant submitted revised plans with the above noted changes and after further review, the revised plans were approved by the City's Departmental Site Plan Review Committee.

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

Applicant Comments: Mr. John Stiltner addressed the Board, giving them some background information on his company, Landmark Development. He answered questions from the Board about the project. The only connection will be from Pinetree drive. There will be security cameras on the property. 8-10 of the units will be handicap accessible and all first floor units can be made handicap accessible.

Public Comment: Chair Afflerbach opened the public comments period.

Rick Meyer, 109 Lancewood Ct. – Raised concern with increased traffic and the current lack of sidewalks on Pinetree drive. Lori drive also has no sidewalks, gutters or curbs. Chair Afflerbach stated that one of the conditions of approval is that the developer put sidewalks in on Pinetree drive.

Daniel Glendo, 120 Monteray Circle – Stated that he's concerned with traffic as well as the fit of this kind of project in the neighborhood.

Public comment period was closed.

Board Discussion: Mr. John Stiltner answered more questions from the Board and explained the

cost of rent for each unit, as well as the reduction in cost. This is not a low income or subsidized project. It is an affordable living project.

There was a lengthy conversation about requiring a second exit and making it a condition of approving the Special Use Permit request.

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 A. Barfield

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 K. Brown; Second P.Adolph With the condition that the City works with the developer on a second exit.

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

Motion P.Adolph; Second B. Evans

All members voted "yes" except Mr. Herndon who voted "no"

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 P.J. Walker ; Second B. Barfield

All members voted "yes" except Mr. Herndon who voted "no"

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

Motion K. Brown; Second B. Barfield

Motions passed by unanimous vote.

Motion: Mr. Kenneth Brown made a motion to accept the following condition(s) as presented by Development Services Staff:


1. As noted in the 2009 Adopted Pedestrian Plan and shown on the submitted site plan, the applicant must provide a 20 foot wide Greenway Easement to the City of New Bern. The easement must be recorded with Craven County Register of Deeds and noted on the approved plan.


- 179 2. As noted in the 2009 Adopted Pedestrian Plan, the applicant must provide
180 sidewalks adjacent to Pinetree Drive along the length of the property.
- 181 3. In addition to the required trees, the applicant must provide a privacy fence a
182 minimum of six feet in height in place of shrubs adjacent to the residential district
183 along the rear of the property.
- 184 4. The applicant/developer must provide a second exit to the site that is approved by
185 city staff and the Board of Adjustment.

186
187 Mr. Peter Adolph seconded. Motion passed by unanimous vote.
188

189 **Motion:** Mr. Brown made a motion to approve and issue the requested Special Use Permit. Mr.
190 Adolph seconded. Motion passed by unanimous vote.
191

192 With no further discussion, meeting adjourned. The next regularly scheduled meeting is on
193 Monday, May 18, 2015 at **5:30 pm** in the City Hall Courtroom, 2nd floor, 300 Pollock Street.
194

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198 _____
199 Sarah Afflerbach, Chair



Greg McCoy, Board Clerk

