

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

3
4 **April 25th, 2016**
5

6 The New Bern Board of Adjustment held a regular meeting on Monday, April 25, 2016 at 5:30
7 pm in the City Hall Courtroom, 2nd floor, 300 Pollock Street.
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9 **Members Present:** Ms. Sarah Afflerbach – Chair
10 Ms. Beth Walker – Vice-Chair
11 Mr. Peter Adolph
12 Mr. Kenneth Brown
13 Mr. Jeffrey Midgette
14 Mr. John Murrell
15 Mr. John Riggs
16 Mr. Steve Strickland
17 Mr. PJ Walker
18 Mr. Richard Parsons
19

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

23 **Members Excused:** Mr. Benjamin Beasley
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26 **Staff Present:** Mr. Greg McCoy, Land & Community Development Administrator
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28 Chair Sarah Afflerbach called the meeting to order.
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30 Roll call was taken and a quorum declared.
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32 **Minutes:** Reading of the minutes from the previous meeting was waived by unanimous
33 consent. Minutes from the January 25, 2016 meeting were approved with corrections.
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35 Witnesses were sworn in.
36

37 **New Business:**
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- 39 **1.** Consideration of Special Use Permit request to construct an 80 unit multifamily
40 development on a 4.42 acre tract. The site is located on Gaston Boulevard and is
41 further identified in Craven County as Township 8, Map Number 012, and Lots
42 095 & 013.
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45 **Staff Comments:** Staff McCoy presented the request to the Board stating this is the third time
46 this request has been presented to the Board. The reason they are coming back again is that a
47 Special Use Permit (SUP) is good for two years if no substantial work takes place at the site. The
48 issuance of their original permit was in May 2014, and at this time no substantial work has taken
49 place at the site. Therefore, their SUP will expire at in May 2016.

50
51 One of the differences with this proposed plan is the relocation of the storm water pond. The
52 original plan showed the pond located across the street, however the new plan has the pond on
53 the same side of the multifamily units. Other differences are the access points to the adjacent
54 recreation facility and parking closer to the buildings.

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56 On March 18th 2016 the project went before Departmental Review Committee (DRC) due to no
57 building permit was obtained within a six month period. The applicant addressed all of the
58 comments submitted by DRC. Comments and responses are included in the agenda packets.

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60 Mr. Brown asked about the density requirements and Mr. McCoy responded citing the Land Use
61 Ordinance and the size of the property, the project more than meets the density requirements as
62 noted in Section 15-181 of the Land Use Ordinance. Mr. Brown asked about an updated Land
63 Use Ordinance. Mr. McCoy stated that the current ordinance is being updated and when the
64 proposed edits are approved by the Board of Aldermen then an updated ordinance will be
65 distributed to the board members.

66
67 **Applicant Comments:** Mr. Joe Avolis, with Avolis Engineering stated that Mr. McCoy covered
68 the project very well and added that the request is very similar to what was previously approved
69 with a few changes. He further stated it is part of the low income tax credit program, which is a
70 very competitive process. It did not get selected last year, but they hope for success this year.
71 Laurel Street Residential, the developers were also present; Lee Cochran and Andy Miller.

72
73 Ms. Afflerbach asked for a review of what is different from the last application. Mr. Lee Cochran
74 stated that the major changes are in conjunction with the City's initiatives to revitalize the Five
75 Points area, so they are trying to align with a new entrance into Stanley White Recreation Center
76 from 3rd Avenue. As a result, they are able to make all of the parking closer and adjacent to the
77 building.

78
79 **Public Comment:** Chair Afflerbach opened the meeting for public comment.

80
81 Ms. S. G. Hicks – She was sworn in and Mr. Chochran showed her on a map where the project is
82 in conjunction to her house.

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84 **Board Discussion:** The Board reviewed the findings of fact.

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86 Public Comment period was closed.

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90 **Findings of fact:**

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1. The requested permit is within the Board of Adjustment’s jurisdiction according to the table of permissible uses;
Motion R. Parsons; Second K. Brown
2. The application is complete;
Motion R. Parsons; Second J. Midgette
3. 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 P.J. Walker
4. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted;
Motion B. Walker; Second P. Adolph
5. The use will not substantially reduce the value of adjoining or abutting property, or that the use is a public necessity;
Motion J. Midgette; Second R. Parsons
6. 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 J. Midgette; Second R. Parsons

Motions passed by unanimous vote.

Condition(s):

1. The City of New Bern must adopt a plan for redevelopment of the area, invest funds in the area, and provide a financial contribution to the proposed project including the donation of appropriate real property.
2. In accordance with Section 15-342 of the Land Use Ordinance, the permit issuing authority may allow for parking deviations if the project is geared towards the elderly.
3. Submit a revised plan for staff approval indicating the above noted condition (#2).

Motion: Mr. Parsons moved to include the conditions presented by the City. Mr. Brown seconded.
Motion passed by unanimous vote.

Motion: Mr. Adolph made a motion to **APPROVE** the Special Use Permit with conditions based on the findings of fact. Mr. Parsons seconded.
Motion passed by unanimous vote.

135 2. Consideration of a Special Use Permit request to construct three apartment
136 buildings totaling 68 units along with a clubhouse. The proposed project is on the
137 3.77 acre C-3 Commercial District portion of an 8.21 acre tract. The property is
138 located on Karen Drive near Neuse Boulevard and is further identified in Craven
139 County Tax Book 8-241 as lot 025.
140

141 **Staff Comments:** Staff Greg McCoy presented the request stating this is a multi-family complex
142 located on Karen Drive. The proposed project is on the 3.77 acre C-3 Commercial District
143 portion of an 8.21 acre tract. The rest of the tract is zoned R-10 Residential district which does
144 not allow multifamily units. This is a tax credit project that will project consists of sixty eight
145 units. The project went before Departmental Review on February 26, 2016, they have met all
146 requirements, including parking. In order to comply with state requirements, a storm water pond
147 has to be put on the site.
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149 **Applicant Comments:** Mr. Dennis Blackburn, Sr. Vice President with the WODA group stated
150 the project will include eight one bedroom, thirty-six two bedrooms, and twenty-four three
151 bedroom units. The three story multi-family units will be located in three buildings on Karen
152 Drive behind the Easter Seals building on Neuse Blvd. This is also a tax credit project for all
153 ages, not limited to seniors.
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155 **Board Comments:**
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157 **Public Comment:** Chair Afflerbach opened the public comments period.
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159 *Ms. Camilla Brooks – 1019 Karen Drive –* stated her concern with current water ponding in the
160 area and would like to know what will be done to correct that problem. She is also concerned
161 about additional foot traffic with the development and lastly, could the entrance be located on the
162 other side. The Board and Mr. McCoy addressed her concerns with consideration for the
163 suggested conditions. Other concerns were the installation of a fence, foot and vehicle traffic
164 impacts.
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166 **Applicant Comment:** Mr. Blackburn addressed the traffic concerns. The developers did discuss
167 the traffic with the Institute of Transportation of Engineers, using their trip generation manual for
168 seventy units for a three story rise property and the estimation of peak trips in the morning to be
169 fifteen and in the afternoon and evening to be twenty-two, so it doesn't create a huge amount of
170 traffic. These are tax credit developments, so not everyone will have one or more cars.
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172 **Board Discussion:** The Board reviewed the following findings of fact before voting and
173 discussed possible conditions. There was lengthy discussion regarding health and safety
174 regarding the sidewalks and traffic again.
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176 Public comment period was closed.
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178 **Findings of fact:**
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- 180 1. The requested permit is within the Board of Adjustment’s jurisdiction according to the
181 table of permissible uses;
182 **Motion B. Walker; Second K. Brown**
183
- 184 2. The application is complete;
185 **Motion K. Brown; Second P.J. Walker**
186
- 187 3. If completed as proposed in the application and as presented tonight, the development
188 will comply with all the requirements of this ordinance.
189 **Motion R. Parsons; Second P. Adolph**
190
- 191 4. The use will not materially endanger the public health or safety if located where
192 proposed and developed according to the plan as submitted;
193 **Motion B. Walker; Second R. Parsons**
194
- 195 5. The use will not substantially reduce the value of adjoining or abutting property, or
196 that the use is a public necessity;
197 **Motion P.J. Walker; Second B. Walker**
198
- 199 6. The location and character of the use, if developed according to the plan as submitted
200 and approved, will be in harmony with the area in which it is to be located and in
201 general conformity with the plan of development of the city;
202 **Motion P. Adolph; Second B. Walker**
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- 204 **Motions PASSED by unanimous vote.**
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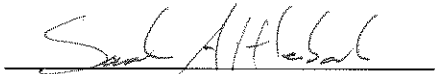
206 **Condition(s):**

- 207 1. Provide ADA compliant sidewalks adjacent to the development along Karen Drive and
208 connect the new sidewalk to Neuse Boulevard.
- 209 2. Provide a second point of access to the site for emergency vehicles. If the second point of
210 access requires an easement, then it must be recorded with Craven County prior to the
211 issuance of a certificate of occupancy.
- 212 3. Install a six foot privacy fence along with the required amount of trees for a Type A
213 buffer adjacent to the residential district along Karen Drive.
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215 **Motion:** Mr. Adolph made a motion to approve the Special Use Permit with conditions based on
216 the finding of facts. Mr. Parsons seconded.
217 **Motion passed by unanimous vote.**
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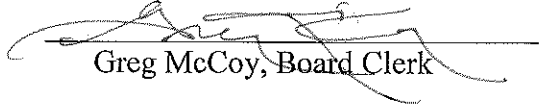
219 With no further discussion, meeting adjourned. The next regularly scheduled meeting is on
220 Monday, May 24th, 2015 at **5:30 pm** in the City Hall Courtroom, 2nd floor, 300 Pollock Street.
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Sarah Afflerbach, Chair



Greg McCoy, Board Clerk