

**Minutes of the
New Bern Planning & Zoning Board
March 6, 2007**

The New Bern Planning & Zoning Board held a regular meeting in the City Hall Courtroom, 300 Pollock Street, on Tuesday, March 6, 2007 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chairman
Mr. John McClellan, Vice Chairman
Mr. Harry Cotton
Mr. Tad Michel
Mrs. Claire P. Martin-Combs
Mrs. Janet Lamb
Mr. Tripp Eure
Mr. Mark Best

Members excused: Mrs. Susan Moffat-Thomas

Members absent: none

Staff present: Bernard George, Land & CD Administrator
Lorraine DiBella, Administrative Assistant

Prayer: A prayer for guidance was given by Mr. George.

Minutes: Minutes of the February 6, 2007 and February 22, 2007 meetings were approved as corrected with motion by Mr. Cotton, second by Mr. McClellan and unanimous vote by the Board.

New Business:

- A. Consideration of a request to rezone, from A- 5 Agricultural District to R-8 Residential District, a 87.99 acre tract located in the 1100 block of NC Hwy 55, 7000 feet west of intersection NC 43 & NC 55.**

Staff, Mr. Bernard, stated this item was tabled from the February 6, 2007 meeting of the Board in order to provide additional time to research and review the differences in the R-8 Residential and R-10A Residential Districts. The applicant has requested R-8 and staff has recommended R-10A primarily for the benefit of less density and more recreational open space. The property is currently zoned A-5 Agricultural which is frequently used as a "holding classification" for properties that have no immediate plans for development.

Mr. George stated he and Planning and Inspections director Mike Avery met at the subject site with the owner's landscape architect Jack Daft to review the proposed development plans and impacts. The Board held a special call meeting (work session) on February 22 to discuss the findings of staff's research. Mr. George recounted details of the work session, stating there was discussion of imposing an overlay district on this property to guarantee its development. However, he stated, the Ordinance prohibits contract zoning and it does not provide for conditional use zoning (where rezoning is allowed pursuant to a detailed development plan). When considering rezoning, staff and the city boards must

weigh the array of uses allowed within a proposed zone against the public need/welfare.

Mr. George stated staff is still of the opinion that R-10A zoning is more appropriate for this property based on allowed uses, density and open space provisions.

Public Comments: None

Applicant Comments: Jack Daft, representing the owner/developer Mitchell Brydge, said he is sympathetic to the predicament the Board faces in making what is basically an abstract judgment call. He said there is an opportunity for more useful open space development with R-8 Residential zoning but the board has no guarantee of a developer fulfilling any promised plan. Mr. Daft said it is simple mathematics that larger lots use up more land. He said his arguments (for R-8 zoning) made at the previous meeting are still valid. In conclusion, he asked the Board to consider the fact that despite the R-8 Residential zoning in Carolina Colours and Taberna, the average lot size in these subdivisions is upwards of an acre.

Board Discussion: Mr. McClellan asked if staff is comfortable with the horseshoe shape of the property and if in the future the developer purchased the balance of the property, could they return and again request R-8 zoning.

Mr. George replied yes to each question, adding there is a six-month waiting period between applications.

Mr. Best asked if a study had been done to determine how the dynamiting at Martin-Marrietta affected the homes in the area. He said he knows of one homeowner suing Martin-Marrietta because of damage to the foundation of their home.

Mitchell Brydge answered he is not aware of either a study or a lawsuit involving dynamite use at Martin-Marrietta .

In response to a question by Mr. Eure, Mr. George restated the subdivision plan is not to be considered as part of this application.

Motion was made by Mr. Michel to request that the subject property be rezoned to R-10A Residential District. Mr. Best seconded and the motion was approved unanimously.

Mitchell Brydge asked to be recognized and said he is very hopeful that the ordinance can change in the future to allow specific plans to be considered in rezoning requests.

B. Consideration of a request to initially zone to R-8 Residential District, a 19.74+/- acre tract located near the end of Connor Grant Road in the Creekside Subdivision.

Staff Mr. George stated the subject property was recently annexed into the city. It is the last tract of land in the Creekside Subdivision. The developer desires an initial zoning classification of R-8 Residential to provide for a higher density development option and compatibility with the adjoining R-8 Residential developments. Staff has reviewed a proposed preliminary subdivision plan for the site. Notification of adjacent owners and posting of the property proposed for rezoning has been completed. The requested initial zoning classification is in harmony with surrounding areas and is

consistent with the City Land Use Plan.

Applicant Comments: Kevin Avolis, project engineer, briefly commented in response to questions by the Board.

Public Comments: None

Board Discussion: Mr. Cotton commented that this is another situation where one subdivision dumps (traffic) into another. Mr. Moffett stated a street stub out on the adjacent property was created to provide street connections and improve traffic flow.

Motion was made by Mrs. Lamb to recommend approval of the request for zoning to R-8 Residential. Mr. Cotton seconded and the motion carried unanimously.

C. Planning & Inspections Department update

Mr. George discussed the work Dr. Mohamad Kashef has begun on the update of the City's subdivision ordinance. Dr. Kashef's current research includes a history of the city's subdivision growth including streetscapes, sidewalks and landscaping. He will attempt to define New Bern architecture and the research will be published in a design manual and guidelines book. As part of the information gathering process, meetings with area homeowner associations and builders will be held. In April, a presentation will be made to the Board of Aldermen.

The Department has been awarded a grant from CAMA to update the Land Use Ordinance. The Thoroughfare Plan also needs to be updated so that the City has a legal basis for demanding cross-connections in development plans. The plan should help establish a connectivity index on which to score proposed subdivision plans. Mrs. Lamb noted that the Thoroughfare Plan of 1992 called for four-laning Highway 43. Mr. Moffett asked who does the updates. Mr. George said grants from NCDOT allow the City to hire transportation consultants who revise the plans.

The failure of the Board of Aldermen to pursue a bond referendum on the sewer utility was discussed with Mr. George surmising that the concentration would now be focused on providing quality service to existing areas.

There was no further business and the meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary

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