

**Minutes of the  
New Bern Planning & Zoning Board  
June 5, 2007**

The New Bern Planning & Zoning Board held a regular meeting in the 2<sup>nd</sup> floor Courtroom of City Hall, 300 Pollock Street, on Tuesday, June 5, 2007 at 6:30 p.m.

**Members present:** Mr. Peter Moffett, Chairman  
Mr. John McClellan, Vice Chairman  
Mr. Harry Cotton  
Mr. Mark Best  
Mrs. Janet Lamb

**Members excused:** Mrs. Susan Moffat-Thomas  
Mrs. Claire P. Martin-Combs  
Mr. Tripp Eure

**Members absent:** none

**Staff present:** Mr. Bernard George, Land & CD Administrator  
Mrs. Lorraine DiBella, Administrative Assistant  
Lt. Commander Ryland Matthews, Jr., NBPD

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

**Minutes:** Minutes of the May 1, 2007 meeting were corrected and approved with motion by Mr. McClellan, second by Mr. Best and unanimous vote by the Board.

**New Business:**

- A. Consideration of a request to extend the City of New Bern Extraterritorial Jurisdiction (ETJ) and initially zone to R-10A Residential District approximately 72.45 acres located adjacent to the east side of Highway 17 North, west side of Duck Creek and south of the intersection of Elza Court and Galloway Road.**

Mr. George stated the Planning and Zoning Board had been requested to continue consideration of this agenda item until such time as the Board of Aldermen could meet in work session with the owner of the subject property. The board unanimously agreed to the request. Mr. George further stated that when the hearing is re-scheduled, all public notifications, postings, etc. will be repeated. He asked if members of the public had any questions.

Mr. and Mrs. Walter Howell, 513 Rollover Creek Road, asked about the plans for the area since they thought their property was included in the proposed ETJ expansion. Mr. George briefly explained the purpose of extending the City's ETJ. The proposed ETJ map was examined and it was determined that the Howell's property is within 100 feet of the proposed ETJ area.

- B. Consideration of a request to rezone, from A-5F Agricultural Forestry District to R-10 Residential District, a 130.33 acre tract located approximately 100' west of the intersection**

## **of Trent Creek Road and Shadow Brook Lane.**

Staff Mr. George introduced the application and stated the property is in the City's Extraterritorial Jurisdiction (ETJ). He reminded the Board that the A-5F Agricultural Forestry District is basically a "holding zone" for properties that come into the City. He said the owner/applicant Patrick McCullough has expressed an interest in the residential development of this site. Preliminary subdivision plans have been reviewed by staff. The requested R - 10 Residential District classification is compatible with the residential zoning classifications of the adjacent properties including Trent Creek. The property is adjacent to the proposed NC 43 Connector. As a result, this area is experiencing intense development pressure. The proposed rezoning classification is consistent with the City of New Bern Land Use and Transportation Plans. Therefore, staff recommends the requested rezoning, Mr. George concluded.

**Applicant Comments:** Attorney Arey Grady of Suggs & Carmichael stated he represents the owners Misters McCullough and Stallings and is available to answer any questions from the Board or public.

**Public Comments:** Mary Fatherly, 140 Rocky Run Road, asked what the developer plans to build at the site. Mr. Grady produced a plat showing the proposed development. Aside, he briefly described the project to Mrs. Fatherly. She questioned their use of the logging road. Mr. Grady replied they had used it only to move some equipment in. The main entrance will be off Trent Creek Road.

**Board Discussion:** Chairman Moffett asked about the third owner, Peter Bosworth. Mr. Grady stated owners McCullough and Stallings had permission to act on Bosworth's behalf.

**Motion** was made by Mr. McClellan, with second by Mrs. Lamb, to recommend approval of the requested rezoning. The motion carried unanimously.

### **C. Consideration of a request to rezone, from R-8 Residential District to C-4 Neighborhood Business District, a 8.618 acre tract adjacent to Washington Post Road and approximately 450' southeast of Briarwood Lane (Tract 4 of the Ira Davis Estate).**

Staff Mr. George stated this property is on the Highway 43 North Connector. The planned route for the highway runs through an existing Wilco Hess station. The property where the station sits will be bought by the state and the building demolished. Hess desires to build a new and larger station on this subject property.

Mr. George related the history of rezonings in the immediate area and stated staff has been very concerned with increasing traffic in the area. He discussed the capacity and over-capacity of Highway 43 North/Washington Post Road. He said staff is also concerned with potential negative impacts on adjacent residents in the adjoining R-15 Residential District. Thirdly, he said there is an abundance of wetlands on the property that would have to be mitigated should the full of the tract be utilized. All comments resulting from departmental review have been addressed, he concluded.

**Applicant Comments:** Mike Baldwin, engineer for the project, addressed staff's concerns. He agreed that Washington Post Road is over-capacity with traffic, adding it is unfortunate, but NC DOT is reactive, not proactive when it comes to road maintenance and construction. He briefly described the

proposed upgraded convenience store/service station stating it will be larger with expanded space for large trucks and perhaps will house a Wendy's or other restaurant chain. The store will not be a destination and should not increase traffic on Washington Post Road.

Mr. Baldwin said the owner does not intend to use the back portion of the property where the wetlands are located which will provide a buffer between the store and the adjoining neighborhood. The plat of the property was closely examined.

**Public Comment:** None

**Board Discussion:** After lengthy discussion, the board found that the proposed C- 4 Neighborhood Business District will provide a transition zone between the adjacent R-8 Residential and I-I Industrial Districts. However, the board determined that the rear portion of the proposed C-4 Neighborhood Business District could potentially negatively impact the adjoining R-15 Residential properties of the Briarwood Lane subdivision. Therefore the board recommended that the requested rezoning be approved with the condition that the proposed C-4 Neighborhood Business District be reduced to the depth of the adjacent 1-1 Industrial District.

Mr. Baldwin said the agreement between the property owner and Wilco Hess was for the entire portion but he would take the condition back for consideration by the owner.

Mr. George said staff does not believe that re-locating the convenience store/service station to the new location on the subject property will significantly increase traffic and if developed correctly, impacts to the adjacent neighborhood will be minimal. He further stated the proposed rezoning is consistent with the City of New Bern Land Use and Transportation Plans.

**Motion** was made by Mr. McClellan, with second by Mrs. Lamb, to recommend approval of the rezoning request on condition that the proposed C-4 Neighborhood Business District be reduced to the depth of the adjacent 1-1 Industrial District and the balance of the property remain R-8 Residential District. The motion carried unanimously.

**Staff Update:**

Mr. George addressed the Board to update them on activities and happenings on the planning front. He said Dr. Mohamad Kashef (who is crafting the city's subdivision updates) recently held two focus group meetings. One was with the governmental affairs subcommittee of the New Bern Homebuilders Associations. The second was with local architects. He reviewed the five areas considered crucial to a good subdivision and talked about the points system for rating and approving subdivision plans. He said Dr. Kashef's presentation was met favorably by all attendees.

Plans to update the City's Land Use Plan were discussed with Mr. George saying a committee will soon be formed to work on the update. Mr. George told the Board about grant awards for the Bike Plan and a water access at the end of Pollock Street. The closing of the Trent River bridge was briefly discussed. The necessity for updating the City's Thoroughfare Plan was discussed with Mr. George surmising that the City would eventually have to hire a private consultant to do the work in-house as DOT has cut budgets and does not have adequate staff to devote to the work. Chairman Moffett along with other

board members expressed concern about the delay in updating the vitally important Thoroughfare Plan.

Board vacancies were discussed. A nominating committee of Mrs. Lamb (chair), Mr. Best and Mr. Cotton was formed. Staff was asked to recommend to the Board of Aldermen that two vacancies need to be filled.

Mr. Cotton moved that Mr. Michel be recognized for his years of service as a volunteer to the city. Mrs. Lamb seconded and the board unanimously agreed. The board agreed to attend the meeting of the Board of Aldermen when Mr. Michel is honored.

There being no further business, the meeting adjourned.

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Peter Moffett, Chairman

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Bernard George, Acting Secretary