

**Minutes of the  
New Bern Planning & Zoning Board  
November 10, 2009 Called Meeting**

The regularly scheduled November 3, 2009 meeting of the New Bern Planning & Zoning Board was not held due to the lack of a quorum. Three members of the public, specifically, Eugene Koonce, 5020 Wilcox Road, Anthony Koonce, 4970 Wilcox Road, and David Opphile, 4835 Wilcox Road, were in attendance. For this reason, Mr. George and City Engineer David Muse, gave a brief presentation of the application and answered questions from the attendees. However, no decision could be made on the application due to the lack of a quorum. Motion was made by Mr. Eure, with second by Mr. McClellan and unanimously agreed to table and re-schedule the conditional use permit application for a called meeting to be held the following Tuesday, November 10, 2009.

The Special Called Meeting of the New Bern Planning & Zoning Board was held in the Planning Conference Room, 248 Craven Street, on Tuesday, November 10, 2009 at 6:30 p.m.

**Members present:** Mr. Peter Moffett, Chair  
Mr. John McClellan  
Mr. Mark Best  
Mr. Tripp Eure  
Mr. Tim Tabak  
Ms. Tiffany Dove

**Members excused:** Mrs. Janet Lamb  
Mr. Harry Cotton  
Mrs. Susan Moffat-Thomas

**Members absent:** None

**Staff present:** Mr. Bernard George, Land & Community Development Administrator  
Mrs. Lorraine DiBella, Administrative Assistant

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

**Minutes:** The minutes of the September 1, 2009 meeting were +approved with corrections on motion by Mr. McClellan, second by Mr. Eure, and unanimous vote by the Board.

**New Business**

- A. Consideration of a request for a conditional use permit (CUP) for construction of a 155' high water tank (municipal utility) at 4975 Wilcox Road, further identified as Craven County tax parcel 7-104-14010. (Ward 4)**

Staff, Mr. George, described the application and stated City Engineer David A. Muse is requesting a conditional use permit (CUP) for construction of a 155' high water tower at 4975 Wilcox Road. The

water tower, similar in size and height to existing water towers in the City, will hold approximately 500,000 gallons and will serve nearby Township 7 neighborhoods. The proposed water tower, a community utility, is proposed to be situated in a sparsely developed and rural area of a R -8 Residential District on Wilcox Road near the Carolina Colours community. Utilities and services will be provided by the City of New Bern. According to Section 15 -189, the proposed facility requires a CUP because it exceeds 50 feet in height. In accordance with Section 15 -57 of the Land Use Ordinance the Planning and Zoning Board must review the conditional use permit application and make a recommendation to the Board of Aldermen who will make the final decision on the request.

**Applicant Comments:** Applicant David Muse, City Engineer, elaborated on the locale, construction and maintenance of the water storage tank, and compared it to the four existing elevated tanks in the City. In response to questions, Mr. Muse said lighting is not required because the height of the tank will be outside the FAA-determined glide path for Craven Regional Airport and Cherry Point runways. Technical questions concerning water pressure and the working of water tanks followed. The vegetated buffering of the subject property was discussed. In response to questions from Mr. George, Mr. Muse said there is no current agreement for providing water for Havelock; there is the future possibility of working with Havelock on sewer flow.

The public hearing was opened.

**Public Comments:** Mr. David Opphile, in attendance to represent his mother Thelma, of 4835 Wilcox Road, said he feels very strongly that a lighting fixture should be affixed atop the tank. He said the C-10s and C-5s fly very low in this vicinity and the community would feel less apprehensive about the tank if it is lighted. Mr. Muse stated he would be agreeable to adding the light, whether it is required or not.

**Board Comments:** Discussions are referenced above. Chairman Moffett asked for staff comments. Mr. George replied that the City's Departmental Site Plan Review Committee reviewed the proposed water tower plans at its October 6, 2009 meeting and found that all technical and legal requirements for conditional use permit approval have been satisfied. Staff does not oppose the request.

Mr. Eure moved, Mr. Best seconded and the Board voted unanimously to close the public hearing.

**Motion** was made by Mr. McClellan, second by Mr. Tabak and unanimous vote of Board, that the requested permit is within the Board of Aldermen jurisdiction according to the table of permissible uses.

**Motion** was made by Mr. Eure, second by Mr. Best and unanimous vote of Board, that the application is complete.

**Motion** was made by Mr. Eure, second by Mr. McClellan and unanimous vote of Board, that if completed as proposed in the application, the development will comply with all the requirements of this ordinance.

**Motion** was made by Mr. Best, second by Ms. Dove and unanimous vote of Board, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted on condition that a light fixture be installed atop the water tank.

**Motion** was made by Mr. Eure, second by Mr. Tabak and unanimous vote of Board, that the use will not substantially reduce the value of adjoining or abutting property, and that the use is a public necessity.

**Motion** was made by Mr. Best, second by Mr. Tabak and unanimous vote of Board, that 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** was made by Mr. McClellan, second by Mr. Best and unanimous vote of Board, that the Board recommends the approval of the conditional use permit request conditioned upon the installation of a light on top of the tank.

### **Old Business**

The scheduled replacement of board members with expired terms has been delayed due to the newly elected Board of Aldermen who are in the process of reviewing all board appointments. Staff will inform the Planning & Zoning Board as soon as the review is complete and decisions are made.

Mrs. DiBella reported that staff is looking at several venues as sites for an appreciation dinner/workshop to be held after the first of the year. Mr. George answered that he is in discussions with Mr. Avery, Planning Director, concerning a guest speaker for the workshop and whether the City will invite spouses as well (probably they will have to attend at their own cost).

There being no further business, the meeting adjourned.

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Peter Moffett, Chairman

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Bernard George, Secretary

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