

**Minutes of the
New Bern Planning & Zoning Board
May 6, 2008**

The New Bern Planning & Zoning Board held a regular meeting in the 2nd floor Courtroom of City Hall, 300 Pollock Street, on Thursday, May 6, 2008 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chairman
Mr. John McClellan
Mrs. Claire P. Martin-Combs
Mr. Harry Cotton
Mr. Tripp Eure
Mr. Mark Best
Mrs. Janet Lamb
Mr. Tim Tabak
Mrs. Susan Moffat-Thomas

Members excused: none

Members absent: none

Staff present: Mr. Bernard George, Land & Community Development Administrator
Mrs. Lorraine DiBella, Administrative Assistant
Scott Davis, City Attorney
Lt. Ronnie Lovick, PD

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

Minutes: Minutes of the April 1, 2008 meeting were approved with motion by Mr. Best, second by Mrs. Martin-Combs, and unanimous vote by the Board.

New Business

- 1. Consider a request to rezone, from R- 10 Residential District to R- 6S Residential District, six lots adjacent to Lowell and Wake Streets, and between Moore and Hartford Avenues.**

Staff Mr. George addressed the Board and stated the applicant has requested that this matter be tabled until such time as he (the applicant) could meet with the adjoining property owners.

Chairman Moffett noted that apparently many people had come out for the public hearing. On question, Mr. George replied that all persons previously notified would be mailed another notice of the re-scheduled hearing.

Applicant Comments: Mr. Bob Howe, real estate agent representing the applicant, added that he (the applicant) is sick with pneumonia and not able to attend the meeting (anyway).

After consulting with an audience member, Mr. George stated that the president of the Pembroke community Association would take care of coordinating a neighborhood meeting with the applicant.

- 2. Consider a request to rezone 157.03 acres from A-5F Agricultural Forestry District to R-10 Residential District (123.07 +/- acres) and R-10A Residential District (33.96 +/- acres). Both tracts are located approximately 2,900 feet west of the intersection of Trent Creek Road and Savoy Drive.**

Staff Mr. George presented the application and stated both tracts proposed for rezoning are located approximately 2,900 feet west of the intersection of Trent Creek Road and Savoy Drive. The site adjoins the Craeborn subdivision which was recently approved and also rezoned from A-5F Agricultural Forestry to R-10A Residential District. Mr. George used the overhead projected and showed the property's proximity to the proposed Highway 43 Connector, a limited access road.

Applicant/owner Peter Bosworth is requesting the rezoning in order to provide for future development of a residential subdivision at the R-10 and R-10A Residential District density. The 157.03 acre tract is a portion of a 723.52 acre tract that was recently purchased by Mr. Bosworth. The requested zoning classifications are compatible with the R-10 and R-20 residential zoning classifications of the adjacent properties. Staff reviewed the rezoning application and found that all technical and legal requirements for rezoning have been satisfied. The proposed rezoning classifications were found to be consistent with the City of New Bern Land Use and Transportation Plans.

The subject property is within the City's Extraterritorial Jurisdiction (ETJ) and will be annexed by the Board of Aldermen on May 28 with general subdivision plans coming to Planning Board as early as June. All city provided utilities and services will be available to the area upon annexation.

Staff recommends approval of the rezoning request.

Applicant Comments: Mr. Peter Bosworth stated he is available to answer any questions by the Board or public.

Public Comments: none

Board Discussion: Chairman Moffett noted that the plat of the property needs a vicinity map.

Motion was made by Mr. Cotton, seconded by Mrs. Moffat-Thomas, to recommend approval of the request to rezone 157.03 acres from A-5F Agricultural Forestry District to R-10 Residential District (123.07 +/- acres) and R-10A Residential District (33.96 +/- acres) as presented. The board voted unanimously in agreement.

- 3. Consideration of general plan approval for an 8-lot commercial subdivision of a 3.956 +/- acre tract located at the intersection of Commerce Drive and Trent Road.**

Staff Mr. George presented the application and said Zack Taylor is requesting General Plan consideration for Commerce Park Phase II, an eight lot commercial subdivision located on Commerce Drive near the intersection of Trent Road. Section 15-79 of the Land Use Ordinance requires when five or more lots are created out of one tract, major subdivision approval is required. The property is located in the C-3 Commercial District and a portion of the Trent Road Corridor. Any development of the site must comply with the guidelines of the district and meet applicable corridor requirements, i.e.

setback requirements. Utilities and services will be provided by the City of New Bern.

The Departmental Site Plan Review Committee reviewed the plans at its April 13, 2008 meeting and determined the subdivision general plans substantially meet the city's requirements for development. Staff recommends approval of the proposed general plans.

Applicant Comments: Mr. Zack Taylor said he is available to answer any questions from the Board or public.

Public Comments: none

Board Discussion: none

Motion was made by Mrs. Moffat-Thomas, seconded by Mrs. Lamb, to recommend approval of the subdivision general plan as submitted. The board voted unanimously in agreement.

Old Business

4. Further discussion on proposal to amend sections of the Land Use Ordinance dealing with group homes, and homes for the handicapped, aged or infirmed.

City Attorney Scott Davis addressed the Board. He said he wants to prepare a draft ordinance to bring to the Board of Aldermen at an upcoming work session and seeks the comments of the Planning and Zoning Board. He recapped the previous discussions (meeting of March 4, 2008). He said there are two major components to the issue. (1) What is an appropriate separation between group homes? (2) Should significant geographical or manmade elements such as bodies of water, major highways or large shopping centers be excluded from the separation factor?

Mr. Davis referred to an area map, created by City GIS, that showed the current group homes with separation distances indicated by circles. Their proximity was discussed with Mr. Davis reminding the Board that existing group homes would not be effected by any change in the ordinance.

Mr. Davis addressed the parameters of the law, saying any new ordinance could not be designed with a separation distance so great as to eliminate the homes. The homes have a right to exist. Still there is concern for an over-saturation of the homes in single-family neighborhoods. Mr. Davis and staff seek solutions that will balance the scales. Setting a distance of 2000' with the option to reduce it later as needed was discussed. Specific homes were discussed.

Mr. Best asked staff to make a distinction between shelter workshops and homes. Mr. George stated group homes offer accommodations versus workshops where the clients do not stay but simply go there to learn job or life skills. Technically, the workshops should be located in the commercial districts of the City rather than in residential neighborhoods. Mr. George said the City does not have a standard mechanism for tracking the group homes but relies on a list that is acquired from the group home regulatory agency. There are currently 22 licensed group homes with only four homes less than 2000' from the next. Mr. George expressed concern that if the new regulations are too complicated, they will

be burdensome for the applicant and staff enforcement will be made unnecessarily difficult.

In response to questions by Mrs. Martin-Combs, Mr. George said few of the homes are custom-built as group homes. More often, regular homes are licensed to take on group living clients. Mrs. Lamb wondered how many residences in the City are licensed as group homes but not operating in the full capacity of the license.

Mr. McClellan countered that it would be easier to start at 2000' and shrink back from that. The separation features do not prevent the kids from roaming and trespassing.

Lengthy discussion followed on whether separation features such as wetlands and major thoroughfares should be imposed that would supersede the distance separation requirements. It was generally agreed that a distance separation of 2000' should apply with allowances made for Highways 70 and 17. Other exceptions could be made at a later date as needed. The residents in group homes must be allowed to integrate into communities but discouraged from congregating (among themselves).

Mr. Davis will draft an amendment to the ordinance for the Board of Aldermen's consideration at the upcoming work session on May 20.

Other Business

Mr. Best asked who decides where bike and pedestrian paths are located in the City and whether now is not a good time to install them.

Mr. George replied that with the browning of America and the cost of gas, it is an ideal time to install bike and pedestrian paths and to encourage their safe use. Bike safety is an issue close to Bernard's heart as both his grandfather and brother were killed while riding bikes. There is progress on the issue, Mr. George stated. The state has agreed to put in a sidewalk along Neuse Boulevard up to the hospital. Public Works Director Danny Meadows has stated he will install sidewalks wherever the Board of Aldermen provides funding for maintenance.

Mr. George briefly discussed the City's bike path plan as well as the new subdivision ordinance updates which will award points for developers who put bike and pedestrian paths in their subdivision designs. He suggested that the Planning Board petition the Board of Aldermen in writing for funding for sidewalks and bike paths.

Mr. George reminded the board to be on the lookout for an email from Planner Leigh Anne Friesen concerning the upcoming Planning Summer Institute program.

There being no further business, the meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary