

**Minutes of the
New Bern Planning & Zoning Board
September 2, 2008**

The New Bern Planning & Zoning Board held a regular meeting in the second floor courtroom of City Hall, 300 Pollock Street, on Tuesday, September 2, 2008 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chairman
Mr. John McClellan
Mr. Mark Best
Mrs. Janet Lamb
Mr. Tim Tabak
Mrs. Susan Moffat-Thomas

Members excused: Mr. Tripp Eure
Mrs. Claire P. Martin-Combs

Members absent: Mr. Harry Cotton

Staff present: Mr. Bernard George, Land & CD Administrator
Mrs. Lorraine DiBella, Administrative Assistant
Lt. Ronnie Lovick, Police Department

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

Minutes: Chairman Moffett and Mr. McClellan cited corrections needed in the draft minutes of October 5, 2008. Minutes were approved with changes as noted with motion by Mr. Tabak, second by Mr. Best, and unanimous vote by the Board.

The publication date of a referenced Washington, NC newspaper article was brought into question. Mr. George stated he is confident the article is dated September 2007.

Old Business

It was noted that the former agenda item carried over from the prior meeting, specifically, “Consideration of a proposed amendment to Article IV of the Land Use Ordinance in order to establish new planning and design criteria for general plan approval of major subdivision plans” would carry forward to the October 7, 2008 meeting.

Chairman Moffett stated the second item on tonight’s agenda would be heard first.

New Business

B. Consideration of request to rezone from R-8 Residential District to C-3 Commercial District a 1.32 acre lot adjacent to Waterscape Way near the intersection of West Thurman Road.

Staff Mr. George described the application, saying the request is to rezone from R-8 Residential District to C-3 Commercial District a 1.32 acre tract adjacent to Waterscape Way near the intersection of West Thurman Road. The applicant New Market HDS, LLC is proposing to construct a commercial shopping center (Harris Teeter Supermarket and retail shops) on this tract and on the adjacent C-3 Commercial District 24.3 acre tract. The rezoning became necessary due to a reconfiguration needed in the street plan.

Continuing, Mr. George said the proposed project was reviewed by the City's Departmental Review Committee on July 10, 2008. McKim & Creed, the engineering firm representing the owner, submitted revised plans reflecting the comments made by the City's Departmental Review Committee. Due to the size and complexity of the project, a special Departmental Review Committee meeting was held on July 24, 2008 to address the revised plans and comments. During that special meeting, City Departmental Review Committee reviewed and approved the revised plans.

A Special Use Permit for this project was required because the development exceeded two acres. The Board of Adjustment unanimously granted the request at its August 25, 2008.

Applicant Comments: None

Public Comments: Cynthia Daniels stated her and husband William C. Daniels live at 527 W. Thurman Road. She asked that the subject property be pointed out in reference to their own.

Chairman Moffett stated she could see the plans when the next agenda item was heard.

Mr. George pointed out the relation between the subject property and the Daniel's property at 527 W. Thurman Road (rear of their lot).

Board Discussion: None

In response to question from Chairman Moffett, Mr. George said staff recommends approval of the rezoning request. He supported staff's recommendation with discussion on the compatibility of zoning and use in adjoining properties, the Thoroughfare Plan, the traffic impact analysis and improvements made to the street system.

Motion was made by Mrs. Lamb to approve the request to rezone from R-8 Residential District to C-3 Commercial District a 1.32 acre lot adjacent to Waterscape Way near the intersection of West Thurman Road. Second was made by Mr. Tabak. The Board voted unanimously in favor of the motion.

A. Consideration of general plan approval for a subdivision consisting of four commercial outparcels on a 25.69 acre tract located on Waterscape Way near the intersection of West Thurman Road.

Staff Mr. George introduced the application and said New Market HDS, LLC, is requesting General Plan approval for the subdivision of Carolina Colours Shopping Center which was previously approved in the master plan for the Carolina Colours Subdivision. The site is located on a 25.69 acre tract in the C-3 Commercial and R- 8 Residential Districts on Waterscape Way near the intersection of West

Thurman Road.

The applicant requests consideration to subdivide the site, which will include an anchor supermarket and five commercial outparcels with an average lot size of 1.6 acres. Utilities and services will be provided by the City of New Bern.

The Departmental Subdivision Plan Review Committee reviewed plans for the proposed development and has determined that the subdivision plans substantially meets the City's requirements for development.

Applicant Comments: Eric Frank, Engineer with McKim and Creed, stated where the road is very narrow on the north side of the property, they will be installing only vegetation as there is not room to raise a healthy tree. He clarified some points concerning the stormwater system.

Public Comments: Cynthia Daniels asked if the fencing would be the same or different from hers and whether they should be concerned with drainage onto their property.

Mr. Frank answered that no fence would be installed along the property, only a vegetation berm. No water should drain from this site onto their property due to the configuration of the stormwater drainage system.

Board Discussion: The buffer between the commercial and residential properties was discussed with Mr. George saying it will be a mix of a 4' berm and opaque screening (trees, fencing and vegetation). The privacy fencing was discussed.

Mr. McClellan asked Mr. Kip Peregoy, a principal in the subdivision development team, whether this is the only commercial area planned for Carolina Colours.

Mr. Peregoy replied there is another 50+/- acres across Waterscape Way that is zoned commercial but there are no immediate plans to develop it.

Motion was made by Mrs. Moffat-Thomas to approve the general subdivision plan. Mrs. Lamb seconded the motion and the board voted unanimously in agreement.

There being no further business, the meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary