

**Minutes of the
New Bern Planning & Zoning Board
December 4, 2007**

The New Bern Planning & Zoning Board held a regular meeting in the 2nd floor Courtroom of City Hall, 300 Pollock Street, on Tuesday, December 4, 2007 at 6:30 p.m.

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

Members excused: Mrs. Claire P. Martin-Combs

Members absent: none

Staff present: Mr. Bernard George, Land & Community Development Coordinator
Mrs. Lorraine DiBella, Administrative Assistant
Lieutenant Ronnie Lovick, NBPD

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

Minutes: Minutes of the November 6, 2007 meeting were approved with corrections on motion by Mr. Cotton, second by Mrs. Lamb and unanimous vote by the Board.

New Business:

A. Consideration of a proposed amendment to Section 15-136 “Residential Districts Established” and 15-146 “Table of Permissible Uses” of the Land Use Ordinance so as to create a new R-6S Residential District.

Staff Mr. George presented the application stating the City has 18 different zoning districts as defined by Section 15-136 of the Land Use Ordinance. Section 15-146 details the allowed uses. This application, which originated with a community petition to Alderwoman Lee and the City, is a request to make a residential zoning designation that would be restricted to only single family detached homes. Currently R-6 allows single family, duplex and multi-family uses. R-6 is the City’s most dense zoning with the potential of 18 units/acre. Property owners in the Woodrow community have met on several occasions with staff and Alderwomen Lee. They are concerned that a growing over-abundance of multi-family uses is having a negative impact on the neighborhood.

Continuing Mr. George said there is currently a similar zoning in R-10S where only single family homes are allowed. A comparison of densities, dimensions and setbacks were discussed.

Mrs. Moffat-Thomas asked if the neighborhood has requested the property be rezoned. Mr. George replied, they have, but tonight’s meeting only concerns the establishment of the new zoning designation which requires the text amendment to the Land Use Ordinance. In response to Mrs. Lamb, Mr. George said uses would be non-conforming under the new district are grand-fathered and observance of the Ordinance would come into play only when the use is stopped or discontinued for a period of 6 months. In response to Mrs. Lamb, Mr. George said all current uses including daycare, child care, group homes (with public hearing/special use permit) will still be allowed. Only duplex and multi-family (apartments) uses will be restricted in R-6S.

On question from Mrs. Moffat-Thomas, there was brief discussion concerning “boarding houses.” A boarding house is a residence where non-related people pay to stay in a room or rooms and where one or more rooms (up to 6) are rented out.

Public Comments: Danny Lancaster, 2304 George Ave., stated he is the co-chairman of the neighborhood watch for the Woodrow community. He said the community has had four neighborhood meetings to discuss their options. They are concerned with the trend for multi-family housing and desire to protect the character of their neighborhood. He said their group initiated the signing of a petition and voted unanimously to approach the City about changing the zoning.

Jerry Rowe, 208 Ellington Street, said the increase of asphalt drives has caused greater flooding in their community. Flooding is a big issue here and anything that can be done to mitigate is needed and appreciated.

Dave Eckberg, 401 Harbour Drive, purported to read from a CAMA steering committee manual from seven years ago: “New Bern will avoid zoning the areas susceptible to the storm surge for higher density residential use. New Bern encourages the development of vacant lots within established residential neighborhoods at the same density and comparable scale as that which currently exists.”

Board Discussion and Staff Comments: Susan Moffat-Thomas asked if this type of zoning is unique to New Bern. Mr. George answered that “all zoning is purely local.” There are other communities who have single-family only neighborhoods or mobile home overlay districts. Zoning is as complex or as simple as you want to make it and it is challenging to make comparisons city to city. Staff considered requiring special permits and public hearings for duplex and apartment plans. A similar situation occurred in Riverside several years ago.

Mr. George said they may also wish to consider an R-8S zone as well.

Mrs. Lamb asked if and how a special or conditional use permit would limit the current owners. Mr. George answered that when the zoning changes, current uses are in a grandfathered status and protected until the use changes. The duplexes and apartments buildings that exist now are there by right. A special or conditional use permit would allow additional conditions to be placed on the developer.

Motion was made by Mr. McClellan, seconded by Mr. Cotton, to recommend approval of the proposed text amendment creating a new R-6S Residential District as well as a new R-8S Residential District. The motion carried unanimously.

Mr. George discussed the timeline for the continuance of this process, to wit, Board of Aldermen will hear the text amendment proposal at their January 22 meeting. Planning and Zoning Board will conduct a public hearing on the rezoning of the Woodrow property on January 3, 2007.

The meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary