

**Minutes of the
New Bern Planning & Zoning Board
July 6, 2010**

The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the second floor Courtroom at New Bern City Hall, 300 Pollock Street, on Tuesday, July 6, 2010 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chair
Mr. John McClellan
Mrs. Janet Lamb
Mr. Kip Peregoy
Ms. Stevie Bennett
Mr. Tim Tabak
Ms. Tiffany Dove
Mr. Paul Yaeger

Members excused: Mr. Mark Best
Mr. Tripp Eure

Members absent: None

Staff present: Mr. Bernard George, Land & Community Development Administrator
Mrs. Lorraine DiBella, Administrative Assistant
Officer Ronnie Lovick, New Bern Police Department

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

Minutes: The minutes of the March 2, 2010 meeting were approved on motion by Mr. Tabak, second by Mrs. Lamb, and unanimous vote by the Board.

New members: Chairman Moffett welcomed new members Stevie Bennett, Kip Peregoy and Paul Yeager to their first Planning and Zoning Board meeting.

New Business

A. Consideration of request to rezone 2700 Trent Road from C -4 Neighborhood Business District to C -3 Commercial District. (Ward 2)

Staff, Mr. George, described the application and the map was examined. The current and prior uses of the property were described (small restaurant and beauty salon). The future use was briefly discussed (small delicatessen). Mr. George said the main difference in the two zoning designations are the setback requirements. They are less in C -3 than in C -4. This lot is so small that its use is very restricted. The property falls in the Trent Road Corridor and the corridor's design requirements hold precedence over the general zoning provisions. The Trent Road Corridor requires a 35 -50' front yard setback.

Applicant Comments: Edward Klutz said he desires to open a small delicatessen, a family business, with daytime hours only which will be a definite improvement to the neighborhood. He desires to expand slightly in the back of the existing building. The size of the lot restricts the business opportunities at this location.

The public hearing was opened

Public Comments: Michael and Grace Ragan, 2707 Trent Road, said they live directly across the street and are very concerned with the type of business that opens there. When "The Palms" nightclub was next door, its patrons parked everywhere and there was traffic all hours of the night. Additionally, when cars exit the subject site at night, the headlights shine right into their bedroom. They asked if beer would be served. Mr. Krutz answered probably not.

Mr. George stated that the service of alcoholic beverages is determined by state licensing, not governed by City Ordinance and could occur in either C -3 or C -4 zoning districts.

Officer Ronnie Lovick, New Bern Police Department, stated he believes the Ragans are naturally concerned about the reoccurrence of such activity and traffic as occurred at this location when the nightclub (The Palms) was in business. He asked if there is a way to zone property for a restaurant but restrict a nightclub. Mr. George answered no, and restated that the size of the lot would most assuredly restrict its use as a club.

Thelma R. Davis, 1302 Main Street, owns the property adjoining at 2608 Madison Avenue, opposes the rezoning because she is concerned that a large developer might take her property.

Mr. George stated that there is no way a private developer can take her property in this situation unless she is willing to sell it. He added that when the applicant presents his business plans and drawings to the City for review, staff will be looking in greater depth at the project including traffic counts and flow, building design, landscaping and buffering.

Mr. Krutz said a nightclub was the farthest thing from his mind; he is a family man who wants to be home with his family by early afternoon. The Ragans said they are primarily concerned with what kind of operation goes there, but are pro- business, having started their own business in this neighborhood some 50+ years earlier.

There being no further comments, the public hearing was closed.

Board Comments: Mr. Peregoy asked for clarification on the setback, rights of way and possible widening of the Trent Road Corridor. Mr. George answered that there is room in the right of way at this location for planned future widening of Trent Road.

Chairman Moffett asked for staff's recommendation. Mr. George said staff believes the proposed rezoning is consistent with the City of New Bern Thoroughfare Plan and the City's Land Use Plan. Additionally, the requested C -3 Commercial District classification is compatible with the zoning classifications of the adjacent properties.

Motion was made by Mr. McClellan, second by Mr. Peregoy and unanimous vote of the Board, to recommend rezoning 2700 Trent Road from C -4 Neighborhood Business District to C -3 Commercial District. The Board of Aldermen will conduct a public hearing and make the final decision on this matter at their July 27th meeting.

There being no further business, the meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary