

## **Minutes of the New Bern Planning & Zoning Board November 6, 2012**

The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the City Hall Courtroom, 300 Pollock Street, on Tuesday, November 6, 2012 at 6:30 PM.

**Members present:** Mr. Tim Tabak, Chair  
Ms. Stevie Bennett  
Mr. Jimmy Dillahunt  
Mr. Patrick McCullough  
Ms. Dorothea White  
Ms. Velda Whitfield  
Mr. Paul Yaeger  
Mr. Bill Stamm

Members excused: Ms. Tiffany Dove  
Mr. Kenneth Peregoy, Vice-Chair

Staff present: Mr. Bernard George, AICP  
Planning Division Manager

Chairman Tabak called the meeting to order. Roll call was taken and a quorum declared.

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

**Minutes:** Minutes from June 5<sup>th</sup>, 2012 meeting were unanimously approved without discussion.

### **New Business**

#### **A. Consideration of request by the City of New Bern to initially zone to R-8 Residential District a 3-acre tract on the east side of Old Airport Road and south of Taberna Circle.**

Mr. George was asked if he could describe this request. Mr. George responded by explaining this is an initial zoning of property that was recently annexed into the city. As a result, the city requires all property within its jurisdiction to be zoned. He noted it is owned by Mr. Stallings and advised the R-8 zoning is designed to accommodate single, duplex and multi-family dwellings with a minimum of 8,000 square feet for one unit and additional 4,000 square feet for each additional unit. Mr. George noted that according to the CAMA Land Use Plan, the existing land use is classified as agricultural and undeveloped. One portion of the property does have duplex dwellings currently developed on it. The land use map has identified this area as an area that will accommodate future intensive development. The area has had recent development growth. The property owner has requested this zoning to continue his multi-family developments. Mr. George provided a map of the property.

**Board Comments:** Board member Mr. Pat McCullough questioned the existing units currently annexed on the property and if they were conforming at this time. Mr. George explained duplexes were constructed on two parcels of land and could be transferred individually, and do conform to the zoning request being considered. They were constructed prior to annexation, and are considered legal nonconforming uses. Any future development would have to conform to the R-8 zoning and development regulations if the board so votes.

Chair Tabak noted he counted 13 residences currently on property, consisting of 5 duplexes and one triplex. He further noted the existing development exceeded density limits and why it is considered non-conforming.

**Staff Recommendation:** Mr. George advised the request for R-8 zoning is consistent with surrounding zoning and development. He stated staff recommends the zoning be approved, as it is consistent with the character of the adjacent residential land uses and in the public interest.

**Board Comments:** Board member Dillahunt questioned if there was opposition to this zoning request. Mr. George responded there was no opposition. He further stated there was a traffic analysis completed several years ago and the results were provided in his report. From the 2006 report, there were some road improvement recommendations that have been implemented.

**Public Comments:** None

**As there were no questions, the Public Hearing was closed.**

Board member Stevie Bennett made a motion to accept the R-8 Residential District initial zoning request. A second was made and the motion unanimously approved.

**B. Consideration of a request by the City of New Bern to Amend Article 3.2 signs to create a three-way sign corridor, located along US Highway 70 Bypass and to provide for additional signage within the corridor for major commercial developments.**

Chair Tabak noted this is the start of a process of a text amendment after the board discussion during this meeting. There will be public notification for public comment on a zoning text and map amendment with an overlay district prior to any sign ordinance change.

Mr. George noted tonight's purpose is to review a preliminary draft amendment of the sign ordinance that will provide additional signage for major developments and an overlay district. The proposed amendment requires a zoning map amendment with notices to adjacent property owners within 100 feet of the proposed Sign Corridor Overlay District. Tonight's agenda item will be only for board discussion of this request.

Chair Tabak requested Mr. George present the current sign ordinance provisions that would change according to the proposed amendment. Mr. George referred to a previous memo proposing the text amendment for signs. Staff had been requested to review the sign ordinance and propose changes to provide increased signage for major developments to advertise to traffic

on US Highway 70 Bypass. Mr. George explained an overlay district is a type of zoning district that adds additional regulations to the existing zoning district regulations. Showing a map of the area, Mr. George noted this overlay would begin 1,500 feet west of the NC 43 connector, continuing along US 70 East to 1,500 feet east of the intersection of US Highway 70 East Bypass and Dr. Martin Luther King Jr. Boulevard. This request will primarily benefit Craven 30, the Mall, Bern Square, and Rivertowne Shopping Center.

Board member McCullough questioned why not extend the proposed corridor overlay district to the bridges over the Trent and Neuse Rivers. Mr. George explained that staff did not feel it was presently needed since most of the area beyond Dr. Martin Luther King Jr. Boulevard is residential and undeveloped.

Detailed discussion ensued on current signage regulations versus the additional signage being considered. Board members questioned proposed sign sizes, heights, changeable messages (LED), and other sign related issues.

Chairman Tabak requested additional information on the identification of parcels that could be affected by the amendment including GIS modeling of the relative sign size and height to the surrounding buildings and landscape features. Mr. George responded that additional information will be presented at the next meeting.

**Public Comments:** None

**Motion:** Motion was made by Ms. Bennett and second by Ms. Whitfield to continue the discussion to the December Planning and Zoning meeting. Motion was carried unanimously.

### **C. Consideration of a request by Carolina Creek, LLC, for general plan approval of Aston Subdivision at Carolina Colours.**

Mr. George stated the developer and owner requested consideration of their general plan containing a proposed 48.57-acre development of 127 residential lots within Carolina Colours subdivision off Landscape Way. The development has been proposed in three phases with an average lot size of 9,816 square feet and approximately one mile of new streets. Approximately 12.2 acres of common area has been reserved for residents with utilities provided by the City of New Bern.

**Applicant Comments:** Mr. Ken Kirkman, Carolina Colours developer, described the proposed plan. He provided a history of the Carolina Colours subdivision. It is the largest planned development within New Bern city limits with total residential units planned at 1,800. However, Mr. Kirkman doesn't foresee more than 1,450 units. Currently, only 350 homes sites have been developed. The proposed area will have the highest density, due to the flatness of the land which has always been the plan. These homes will also be the least expensive of the homes in this community and on smaller lots than the majority of other homes. The zoning of Aston Park is R-8 Residential.

Chairman Tabak questioned the sidewalks to the school that were mentioned in the master plan, noting the site plan currently displayed did not show that. Mr. Kirkman advised the back side of the school will face the proposed residential subdivision, therefore a berm has been placed between the school and the subdivision and sidewalks will be installed along Landscape Way.

Chairman Tabak questioned the building schedule of the proposed Harris Teeter grocery store. Mr. Kirkman stated it is currently under contract but there is flexibility in the schedule.

Chairman Tabak questioned the traffic flow in the area affected by current school traffic. Mr. Kirkman advised these issues have not been addressed with him and doesn't feel this is an issue. He further stated he lives in Carolina Colours and has been pleasantly surprised there are few issues with traffic.

Board member Dorothea White asked if because of the enormity of the project, they are planning additional recreational areas within the subdivision. Mr. Kirkman advised a waterside park is in the development with additional open space being utilized by the residents. There is currently a golf course within the development, but a pool and additional recreational areas are planned.

Mr. George asked if there was currently an active recreational area within the proposed Aston subdivision. Mr. Kirkman noted there currently is a 5-acre tract that is open recreation, with an area slated for an enclosed children's play area.

Board member Pat McCullough asked for clarification on if Waterleaf Point is part of this. Mr. Kirkman advised Waterleaf is a separate residential area.

Mr. Bill Stamm noted one lot on the site map is .15 acres, requesting what size square footage home would be built on this size lot. Mr. Kirkman advised a typical home size for this lot would be 1,600 square feet.

**Public Comments:** None

**Board Discussion:** Chair Tabak asked Mr. George what he witnessed regarding traffic flow around the school during his site visit earlier the same day. Mr. George advised the cars were lined up outside as school was getting out. There was a long line of traffic from the school onto Landscape Drive, but it only lasted for about 20 minutes. During the 20 minute period, he did advise it was quite a traffic jam with some people driving unsafely around the median on the opposite side of the road to get around the traffic. Mr. George advised the chairman should contact the school to discuss options to improve the traffic and safety of all. Chair Tabak noted that the board could write a letter requesting the school board review the traffic flow, especially with continued development and growth in this subdivision. Mr. George agreed to draft a letter for review and approval to be sent to the school requesting they take this into consideration and review current traffic patterns.

**Motion:** Board member Ms. Bennett made a motion for Mr. George to draft a letter for the Chairman of the Planning & Zoning Board to be sent to the Board of Education to address the

problem of traffic during the time school is being let out. Motion was seconded by Mr. Dillahunt. Voting was unanimously carried.

Board member Pat McCullough made a motion that the general plan for Aston Subdivision be accepted. Board member Ms. Dorothea White requested an amendment to the motion with the condition that the open space discussed within the Aston Park community be utilized as a park with recreational equipment for children. The motion and condition were seconded by Ms. Bennett and unanimously approved.

There being no further business, the meeting was adjourned.

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Tim Tabak, Chairman

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Bernard George, AICP, Secretary