

Minutes of the New Bern Planning & Zoning Board December 4, 2012

The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the City Hall Courtroom, 300 Pollock Street, on Tuesday, December 4, 2012 at 6:30 PM.

Members present: Mr. Tim Tabak, Chair
Mr. Kenneth Peregoy, Vice-Chair
Ms. Stevie Bennett
Mr. Jimmy Dillahunt
Mr. Patrick McCullough
Ms. Dorothea White
Ms. Velda Whitfield
Mr. Paul Yaeger
Mr. Bill Stamm
Ms. Tiffany Dove

Members absent: None

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

Mr. Kevin Robinson, AICP
City Planner

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 October and November 2012 meetings were unanimously approved as presented.

New Business

A. Consideration of request by Weyerhaeuser Real Estate Development Company for general plan approval of Phase I of Craven 30 North.

Mr. George was asked if he could describe this request. Mr. George introduced the application and plan for consideration of Phase I of Craven 30 North general plan. It is a 4-lot subdivision of a 296.91-acre undeveloped tract. The undeveloped site is located at the NE quadrant of the intersection of US Hwy 70 West and NC 43 connector. A map was provided. Mr. George advised that the proposed subdivision is zoned R-10A Residential and I-1 Industrial. The average lot size is 74.23 acres. Utilities and services will be provided by the City of New Bern. Approximately 3,119 linear feet of new streets are proposed for future development. This tract is

primarily undeveloped. The General Statutes allow limited regulation of large acreage subdivided into tracts of 10-acres or more. On November 16, 2012 the city's Departmental Subdivision Review Committee determined the plan meets requirements for approval. Mr. George advised the Board has the subdivision plans in their provided packets. Mr. Robert Childs, representing the developer, added that the road to these 4 lots is almost complete as are the water and sewer lines.

Board Comments: Vice Chairman Peregoy asked for clarification from Mr. Childs regarding property lines between parcel A & B and the narrow path for power lines. He questioned why the property line didn't follow the power lines.

Applicant Comments: Mr. Childs responded that the property in question was intended to be sold with parcel A, but due to financing it was requested it be separated. Vice Chair Peregoy requested understanding for the 30-foot easement through the pond and down Highway 70. Mr. Childs advised the easement is for the City and Progress Energy. Mr. Peregoy noted this easement terminates in the middle of the pond, and questioned why. Mr. Childs noted this had to do with connection for the access road along Highway 70.

Public Comments: *Marilyn Norris, 3611 Elizabeth Avenue.* Ms. Norris questioned the kind of proposed business that will be located behind her residence. She asked about parcel A and its status. Chair Tabak advised parcels ABC & D are the subdivision. Inside each of these parcels, the owner could sell a piece of it to an entity that might want to conduct a business that would fit the zoning within. Parcel C & D are residential, A is industrial. The industrial zoning does allow for residences to be built. Ms. Norris's concern is the unknown potential industrial development. She questioned if there would be buffers erected between these parcels and her subdivision. Mr. George advised there would be. He noted the property owner is planning these parcels for future development. At that time the developers would have to request a special use permit which would require public comments and input during the hearing. A special use permit requires public notice to adjacent property owners and gives them the opportunity to review and voice their concerns.

Mr. George added that this subdivision review is a two-step process. The Planning & Zoning Board will provide general plan approval giving the developer the right to make property improvements. No lots can be sold prior to final plan approval. At that point, the developer goes before the Board of Aldermen for their final approval. If the final plan is consistent with the general plan approved by Planning & Zoning Board, it will be approved by the Board of Aldermen. At that time development will provide specific projects and uses will be presented, and requires applications of permits for these projects. This venue also provides the opportunity for neighboring homeowners and businesses to voice their input on potential impacts from the proposed projects.

Public hearing was closed.

Board members questioned the NC State Statutes compared to local government ordinances regarding specific requirements for tracts larger than 10-acres. Mr. George advised the developer will dedicate a street in this subdivision which triggers local subdivision approval. If

this street had not been developed, the developer could have subdivided the property according to state statutes without local government approval. Major subdivisions of tracts of 10-acres or more are exempt under the general statutes in the state of NC from state and local subdivision regulations. Examples might be a family farm that has been subdivided into smaller tracts of 10-acres or more.

Motion: Vice-chair Peregoy motioned to approve the 4-lot subdivision plan of Phase 1 Craven 30 North as submitted. Stevie Bennett seconded the motion. Motion was approved by unanimous vote.

Consideration of a request by the City of New Bern to Amend the Zoning Map so as to establish a Freeway Sign Corridor Overlay District located along the US Highway 70 Bypass between the NC Highway 43 Connector and Dr. Martin Luther King Jr. Boulevard. AND amend text in Article XVII Signs to provide for additional freestanding signage for major commercial development located within the proposed Freeway Sign Corridor Overlay District.

Chair Tabak noted the two items will be discussed concurrently, regarding the City's request to amend the zoning map and amend the text.

Staff Comments: Mr. George advised this is a two-part project. A memo provided outlined the proposed zoning map amendment in order to create a sign overlay district along Highway 70, 1,500 feet west of intersection of Highway 70 and the Highway 43 North connector. The planning department is proposing the specified area for a sign overlay corridor. The purpose of the corridor is to provide major developments the opportunity for additional advertisement signage. Mr. George noted this overlay zoning does not impact the underlying zoned area, advising there are a number of overlay districts within the city currently.

Mr. George advised that if the board approves this sign overlay request, then text amendments must be made as well. These amendments will address the additional regulations and how to regulate signage within this corridor. Mr. George noted additional signage would be based on size of development and how much frontage the business has along Highway 70. Mr. George explained current guidelines for sign size based on frontage available for each business. The amendment would allow businesses one additional free-standing sign along Highway 70. A business with a major development with at least 500 linear feet of highway frontage could have a 20-foot sign. Developers have recently complained they do not have ample signage to attract travelers along Highway 70.

Mr. George advised the first step would be to recommend a sign corridor for additional signage to be allowed, which would mean an amendment of the zoning map. He continued advising there were two amendments that were needed; 1) amend zoning map to create a sign corridor overlay district along Highway 70; 2) text amendment of the ordinance to allow the additional signage in this corridor. The suggestions of this board will be submitted to the Board of Aldermen for consideration at their next regularly scheduled meeting in January 2013.

Ms. Stevie Bennett questioned if the signs being erected would be regulated by NCDOT. Mr. George advised these signs would be private signs, similar to the signs at current businesses.

Mr. Dillahunt questioned why the corridor wouldn't be extended to Pembroke Road and Highway 70. Mr. George noted there aren't many commercial properties in that stretch that would currently benefit from this amendment.

Chair Tabak questioned if the end of this proposed corridor is at the boundary of the historic district. Mr. George advised that the proposed sign corridor is not near the historic district.

Vice-chair Peregoy asked how this sign ordinance interacts with NCDOT signage regulations. Mr. George advised the regulations are independent of each other. He noted typically NCDOT would require certain regulations be met with signage adjacent to State rights-of-way. Vice chair Peregoy questioned due to the different business elevations, how the exact height of the sign will be determined. Mr. George advised the proposed text amendment suggests the height will be measured from the street the sign faces. Vice Chair Peregoy also questioned with these new signs, which has the right to install these signs, owners, or another business owner (citing the mall as an example). Mr. George advised it is transferable. The mall could have a sign for the entire mall or assign an individual business the right to erect a sign.

Commissioner Stevie Bennett voiced concerns with someone potentially purchasing a road-front parcel, and then subdividing into multiple parcels which would lead to the potential of having multiple signs within a very small expanse of land. Vice Chair Peregoy addressed her concerns citing existing signage and placement acknowledging the possibility of a stacking row of signage. Mr. George also added there are ordinance requirements per business sign to assist with lessening the effect of too many signs in close proximity. Chair Tabak added if it's a major concern they as a board could potentially limit the number of signs within this corridor. Mr. George went over regulations within the current ordinance.

Discussion ensued on current signage regulations versus the additional signage being considered.

Public Comments:

Mark Magara, 3004 Gilford Court, Trent Village - Mr. Magara advised his home is directly behind Wal-Mart. He has concern that the signs will be tall enough and bright enough to be visible from their homes. He also questioned if Wal-Mart would be allowed to lease out their property to other business allowing them to put up signs which would mean additional signs. Mr. George advised the City currently does not allow off-premise signs. Upon verifying that the sign will most likely be visible from his property in Trent Village, his concern is their property value will diminish. Mr. Magara said the verbiage that the signs will be 25 feet is misleading considering that 25 feet is actually the height it will be above Highway 70, not 25 feet from the ground. Mr. George suggested requiring a special use permit a process that would seek input from the neighbors.

Iverson Long, representative of New Bern Mall owners - Mr. Long noted that due to the parcel of land the mall sits on, it is lower than other surrounding businesses. The proposed sign height requirement works well for them and will provide additional visual assistance. He questioned the three-tier frontage, which would put the mall into tier two allowing 25-feet for their sign. Mr. George advised the frontage rule pertains to Highway 70. Ms. Bennett requested

clarification on store owners within the mall, and how that might affect this sign issue. Mr. Long noted from memory, the only store within the mall that owns their parcel and some parking is Belk's. Additional discussion ensued pertaining to specifics with the mall, how the ordinance was initially established for the mall, and potential impact of the proposed sign corridor.

Board Discussion:

James City signage was discussed and it was agreed this is not the aesthetics anyone is hoping for in New Bern. Flashing LED signs were discussed, noting there are rules on the time allotted for each message to display. Chair Tabak questioned the possibility of prohibiting these flashing LED signs in the amended text. Mr. George advised this is a possibility for the sign overlay district.

Chair Tabak questioned the process if the board chooses to vote on the corridor itself. Mr. George advised tonight their option is to recommend to the Board of Alderman that a sign corridor overlay district be created in the location discussed. Then at the next meeting, they could have a more detailed discussion to address some of the issues brought up tonight as well as the particulars on the text amendment. Chair Tabak suggested a discussion on the corridor itself. If the board moves forward, then have additional discussion on what staff would need to present for discussion in the next meeting regarding the signage text amendment.

Motion: Vice-chair Peregoy made a motion to approve the creation of a sign corridor overlay district along Highway 70 as defined in the proposal presented by staff. Stevie Bennett seconded. Motion passed unanimously.

Further Board Discussion:

Chair Tabak advised the next item, after having established the corridor, is to establish what needs to be included in the corridor for January's discussion.

Vice-chair Peregoy noted a permit for a special use is needed for signs within the corridor which will provide an additional level of review and impact analysis.

Mr. George advised with the special use permit, it gives the Board an opportunity to receive public input, make a decision and alter the requirements as deemed necessary to maintain harmony with residential uses that might be effected.

Chair Tabak asked for board volunteers to work with staff in preparing a draft amendment for the January meeting. Two board members volunteered. All board members were encouraged to email their concerns/suggestions to Mr. George.

There being no further business, the meeting was adjourned.

Tim Tabak, Chairman

Bernard George, AICP, Secretary