

48 current and preliminary FIRM maps. She stated that the board should remember that if they
49 approve the rezoning, that the table of permissible uses lists all of the uses permitted by right and
50 by special use permit within that C-5 zoning district, including, but not limited to, veterinarian
51 offices, child care homes, offices of physicians and dentists, et al...

52
53 **Board Comments:**

54 Chair. Layton asked where the main point of access for the parcel would be, and Staff Jethro
55 stated that it is off Neuse Boulevard. Mr. Dillahunt noted that there was additional access to the
56 parcel via Chattawka Lane. Mr. Walston inquired if there were any R-5 lots near the parcel. Staff
57 Jethro deferred the question to Mr. McCoy, who stated that he thinks Mr. Walston meant C-5
58 lots, and he stated that they were located to the West of the property near the hospital area and
59 Kennedy Avenue area which is zoned C-5. Mr. McCoy also stated there were R-6 zoned parcels
60 near the site as well. Mr. Dillahunt asked where C-5 lots were located with regards to the parcel
61 in question, and Mr. McCoy stated they were located along the Commercial Corridor along
62 Neuse Boulevard. Mr. Dillahunt asked if there had been any public comments or notification.
63 Staff Jethro stated that a sign was posted on the property and adjacent property owner
64 notifications were sent, and that Mr. McCoy had a few inquiries on the proposed rezoning
65 application. Ms. Williams stated that two residents of the area had come to her with concerns.

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67 **Public Comments:**

68 Ms. Bonita Simmons, the applicant representing "Tried By Fire, Inc." gave a presentation to the
69 board stating the need for the rezoning of the parcel at 823 Clark Avenue. She cited the
70 definition of the C-5 District, and halfway house, found in the Land Use Ordinance. Ms.
71 Simmons cited the need for a halfway house within the community for women exiting the
72 corrections system. She stated that there exists approximately 12,000 homeless persons within
73 Craven County, and the proposed rezoning will accomplish reducing that number. She made note
74 of the partnership with Craven Community College and that it will offer counseling for drug and
75 alcohol abuse, and job readiness preparation. She stated there will be a maximum of 6 persons at
76 the home, with 30-120 day exit periods. She stated that she had spoken with neighbors in the
77 community and offered an open door policy for the facility.

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79 **Board Comments:** Vice-Chair Evans inquired on the number of residents, and if the proposed
80 site was 3 bedrooms, 1 bathroom, and approximately 1,000 square feet, and the date of
81 construction. Mr. Aluzzo inquired where Ms. Simmons resided, and she stated that she lived next
82 door to 823 Clark Avenue, at 821 Clark Avenue. Mr. Walston asked if every resident in the
83 proposed halfway house would have a vehicle. Ms. Simmons stated that they will not have
84 vehicles. He also asked if there would be parking for staff members, and how many staff
85 members there would be at any time. Ms. Simmons stated 2 staff persons and 1 van will be
86 provided. Mr. Dillahunt asked if the dwelling was handicapped accessible, and Ms. Simmons
87 stated that there is space to adapt the home to meet the needs of a handicapped person. Ms.
88 Williams stated a concern over sex offenders residing within the community. Ms. Simmons
89 stated that registered sex offenders would not be allowed within the home. Chair Layton
90 reminded the board that they were here this evening to discuss the rezoning application and not a
91 halfway house this evening. Mr. Beatty inquired if professional counseling sessions would be
92 offered, and Ms. Simmons stated that drug and alcohol counseling would be offered. Further
93 board discussion ensued. Chair Layton stated a second time that the use was not in the board's
94 purview this evening, it was merely the rezoning application. Mr. Aluzzo stated concern over the
95 many uses allowable within the C-5 district.

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97 **Staff Comments:**

98 Staff Jethro stated that she would like for Mr. McCoy to address the board regarding the
99 permissible uses in the C-5 district. She also stated that for the sake of clarity, for board members
100 to raise their hands when voting. Mr. McCoy reminded the Board to remember all of the
101 permissible uses allowable within the C-5 district, and that the request this evening was not to
102 decide on the specific use of the property, but to discuss the rezoning of property. He also
103 informed the board of the other permissible uses by right within the C-5 district. He also
104 reminded the board to consider the overall impacts of rezoning this one parcel to the
105 neighborhood in the middle of a residential district, and that the area is not designed to
106 accommodate a commercial use.

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108 **Board Discussion:** After brief discussion, Chairman Layton closed the floor for public
109 comment. He also reminded the board that they cannot place a condition on a rezoning and that
110 with a rezoning, the board opens the door for all uses allowable within the C-5 district. Mr.
111 Aluzzo made a motion to deny the rezoning request of 823 Clark Avenue from R-10 Single
112 Family Residential to C-5 Office and Institutional. Chairman Layton requested a roll call vote.
113 The motion was seconded by Vice Chair Evans. The final vote was 6 to deny the rezoning 4 in
114 favor of the rezoning (Peregoy, Williams, Aluzzo, Layton, White and Evans voting to deny the
115 rezoning, Newkirk, Dillahunt, Beatty and Walston voting in favor of the rezoning). Chairman
116 Layton stated the board is welcome to entertain another motion due to the motion of rezoning the
117 parcel at 823 Clark Avenue from R-10 to C-5 did not pass. Mr. Beatty made a motion to rezone
118 the parcel to C-5, and Newkirk seconded the motion. Staff McCoy reminded the board that they
119 are giving a recommendation to the Board of Aldermen to rezone or not to rezone the parcel. He
120 reminded the board again that a rezoning opens up all the possibilities of the permissible uses
121 within the C-5 zoning district. Chair Layton asked for a roll call vote to recommend approval of
122 the rezoning of the parcel at 823 Clark Avenue to the Board of Aldermen. The final vote was a
123 split vote, 5 in favor of the motion to rezone the parcel at 823 Clark Avenue from R-10 to C-5
124 (Newkirk, Dillahunt, Beatty, Walston, White) and 5 not in favor (Peregoy, Evans, Williams,
125 Aluzzo, Layton).

126

127 The Board began discussion of a consideration of a request by the City of New Bern to amend
128 the City Land Use Ordinance articles; Article IV: Section 15-54, Permits and Final Plat
129 Approval; deletion of 4/5th voting requirement, per revision of N.C.G.S. 160A-388; B. Article
130 XI: Supplementary Use Regulations; 15-170 "Telecommunications towers".

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132 **Staff Comments**

133 Staff Jethro gave a briefing on the proposed amendments. She stated that in reference to Section
134 15-54, the deletion of the 4/5th's voting requirement is to remain in keeping with the updated NC
135 General Statutes, whereas a simple majority is permissible for Special Use Permits. Regarding
136 the amendment of Section 15-170, the amendment addresses placement of Telecommunications
137 towers within the City and has slightly adjusted the staff permitting review process. Mr. Peregoy
138 inquired which towers will require only staff review. Staff McCoy stated it depends upon the
139 tower height, and it's any under 60 feet tall in the C1 & C3 zoning districts.

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141 **Public Comment:** None

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143 **Board Discussion:** Mr. Peregoy made a motion that the word "above" is a confusing reference
144 point on page 11 of the document and recommended that a specific point be noted. This was
145 seconded by Mr. Walston. The motion passed unanimously.

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147 Staff Jethro updated the board that requests for appointments and reappointments had been made
148 to the appropriate Board of Aldermen members, and that they should be made shortly. She
149 thanked Mr. Peregoy, Ms. White and Mr. Newkirk for remaining on the Board until
150 replacements could be made for continuity.

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152 There being no further business, the meeting was adjourned with a motion made by Mr. Walston
153 and seconded by Mr. Dillahunt. The motion passed unanimously.

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Raymond Layton, Chair

Morgan Jethro, Clerk