

1 **PRESENT:** Ernest Cutler, *Chair*; Iris Wooliever, *Vice Chair*; Jackie Attaway;
2 Nicole Bruns; Joshua Monnens; William “Alfred” Gray; Bob
3 Warren

4
5 **EXCUSED:** **NONE**

6
7 **UNEXCUSED:** **NONE**

8
9 **STAFF PRESENT:** Katrina Marshall, *AICP, Planning Director*; Sue Steinhauser,
10 *Planner/ Zoning Code Enforcement Officer* and Sandra Gahlinger,
11 *Secretary to the Board*

12
13 **ALSO PRESENT:** Commissioner Karen Lewis; Bobby Billingsley, *Project Engineer,*
14 *Thomas Engineering*; Don Lawrence, *Cherry Branch Limited*

15
16 **A. CALL TO ORDER & ROLL CALL**

17 Chair Ernest Cutler called the April 4, 2023, Planning Board meeting to order at 5:30 p.m.

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19 **B. MOMENT OF SILENCE**

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21 **C. PLEDGE OF ALLEGIANCE**

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23 **D. APPROVAL OF MINUTES**

24 Mr. Warren moved to dispense with the reading of the March 7, 2023, minutes. Ms. Wooliever
25 seconded. The vote passed unanimously (6-0).

26
27 Mr. Warren moved that the minutes be accepted as presented. Ms. Wooliever seconded. The vote
28 was unanimous (6-0).

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30 **E. OLD BUSINESS** **NONE**

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32 **F. NEW BUSINESS**

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34 **AGENDA ITEM F-1** **CONDITIONAL ZONING DISTRICT – REZONE**
35 **FROM HC TO R-7(CD)**
36 **APPLICANT/PROPERTY OWNER: CHERRY**
37 **BRANCH, LTD.**
38 **AGENT: JOHN G. THOMAS, PE**
39 **120 MACDONALD BOULEVARD**
40 **TAX PARCEL ID: 6-034-1-5000**
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42

43 Cherry Branch, Ltd. is requesting to rezone 120 MacDonald Boulevard from HC (Highway
44 Commercial) to R-7 (Medium density residential) as a Conditional Zoning District (R-7(CD)) to
45 allow for the construction of duplex unit lots to be sold. Mr. John Thomas, PE of Thomas
46 Engineering, PA is the agent for Cherry Branch, Ltd. The application is attached as Exhibit A.

47

48 120 MacDonald Boulevard, Tax Parcel ID 6-034-1-5000, is a 1.15-acre parcel at the southern end
49 of the MacDonald Downs Subdivision. To the north, the properties are zoned HC and GS
50 (Governmental Services). To the west, across US Highway 70, the property is zoned HC, to the
51 south is MR (Military Reserve) and to the east is R-12 (Residential Single-family). An aerial view
52 of the area and a zoning map are attached as Exhibits B-1 and B-2.

53

54 The property is not located in a floodplain. A small portion of the property lies in the 60 dB Noise
55 Overlay Zone of the MCAS Cherry Point AICUZ, however, the proposed structures will not be
56 within the overlay zone.

57

58 The proposal is for a six (6) unit duplex subdivision which is permitted in the R-7 zoning district
59 with a Conditional Zoning District (CD) overlay. The R-7 district is a medium density district, as
60 is the surrounding MacDonald Downs R-12 district. UDO Section 155.0703(C) has specific
61 minimum criteria for duplexes. The application will be reviewed by the Board of Commissioners
62 for a site plan specific approval for development of the duplexes. The proposed site plan is
63 included as Exhibit C.

64

65 The MacDonald Downs subdivision was originally planned and developed in the late 1990s and
66 early 2000s. This lot has been zoned Highway Commercial since that time and was reserved as
67 future development on the recorded plat of MacDonald Downs, Section One in 2000. Mr. Donald
68 Lawrence is proposing this project due to the loss of highway access from this property.

69

70 The duplex subdivision will need to meet all the requirements of Chapter 157 of the UDO
71 including, but not limited to, landscaping, sidewalks, parking, and recreation land. The developer
72 has proposed payment of fee-in-lieu of construction of the required sidewalk and for the recreation
73 land. Sketches of the proposed duplexes are included in the application.

74

75 The Technical Review Committee (TRC) reviewed the application at the meeting on March 17,
76 2023. The TRC notes and the agent's responses are attached as Exhibit D. The Restrictive
77 Covenants have been submitted (Exhibit E) and the site plan was updated to reflect the changes
78 (Exhibit C). As suggested in the TRC notes, the developer met with adjacent property owners and
79 explained the intent for the use. He reported that all were in favor of development of the property.

80

81 Section 160.12 of the Unified Development Ordinance (UDO) provides the Conditional Zoning
82 District review and approval process. The Commissioners must adopt a statement describing
83 whether its action (approval or disapproval) is consistent with the City's CAMA Land Use Plan
84 and any other officially adopted plan and explaining why the Board considers the action take to be
85 reasonable and in the public interest. The Planning Board may make a recommendation regarding
86 this to the Board of Commissioners. N.C.G.S. 160D-605 (Exhibit F) identifies some factors to be
87 considered when considering the reasonableness of the action taken.

88

89 Staff supports approval of the request as the plan will maintain the residential density and character
90 of the area.

91

92 The Future Land Use Map shows this area is classified as “Residential – Medium Density” which
93 is defined as 2.0 to 6.0 dwelling units per net acre. For the same reasons as above, this request is
94 reasonable and consistent with the Land Use Plan.

95

96 **Discussion**

97 Ms. Marshall explained the proposed rezoning and introduced Mr. Lawrence and Mr.
98 Billingsley.

99

100 Mr. Lawrence stated that he had met with the neighbors to discuss his proposal, and they
101 expressed agreement with the proposal. There was discussion regarding re-opening the gate onto
102 US Highway 70, and Mrs. Marshall stated that there is currently no plan for NCDOT to do so.
103 The gate was left for emergency purposes.

104

105 There is a sidewalk on one side of the street, and the applicants are not looking to install a
106 sidewalk on their side. They plan to pay the “in lieu of” fee. Mr. Billingsley explained that they
107 will be trying to use as much existing infrastructure as possible and will add additional service to
108 support the other units.

109

110 In response to a question about start/build time, the applicants responded that they would start as
111 soon as possible after all preliminary work is complete and believe they can build fairly quickly.

112

113 There being no further discussion, Mr. Cutler called for a motion. Mr. Warren made the motion to
114 forward the application to rezone Tax Parcel 6-034-1-5000 from Highway Commercial to R-7 with
115 a Conditional Zoning overlay district (R-7 (CD)) to the Board of Commissioners recommending
116 approval. The request is consistent and reasonable with the City’s Land Use Plan. The area is
117 designated as medium density residential and the rezoning will maintain the density and character
118 of the neighborhood. Ms. Attaway seconded. The motion was unanimous (6-0).

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120 **G. UPDATE FROM THE PLANNING DIRECTOR**

121 Ms. Marshall reminded the Board about the Volunteer Appreciation Dinner on April 21st and
122 encouraged them to attend. She shared that Commissioner Danny Walsh would be attending the
123 next Planning Board meeting to discuss possibilities for future development.

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125 **H. ITEMS FROM THE CHAIR AND/OR THE BOARD**

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128 **I. ADJOURNMENT**

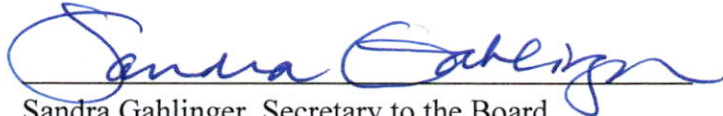
129 Mr. Gray made the motion to adjourn. Mr. Warren seconded. The motion carried unanimously (6-
130 0). The meeting was adjourned at 5:56 pm.

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Respectfully Submitted,

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Sandra Gahlinger, Secretary to the Board

MAY 2, 2023
Date Approved


Ernest Cutler, Chair