

NORTH CAROLINA
CRAVEN COUNTY

BEFORE THE BOARD OF ADJUSTMENT
OF THE CITY OF NEW BERN
SUP-002777-2023

Application of ThriveMore, Inc.	:	SPECIAL USE
For a Special Use Permit for Real Property	:	PERMIT
Located at 5025 Old Airport Road	:	
New Bern, North Carolina 28562	:	

DECISION

THIS APPLICATION FOR SPECIAL USE PERMIT, came before the Board of Adjustment of the City of New Bern ("Board") at a public hearing conducted on October 30, 2023, at its regular scheduled City Meeting in the City Hall Courtroom located at 300 Pollock Street in New Bern, North Carolina. After considering the evidence, testimony and arguments presented at the hearing, the Board finds the facts as follows, and directs the issuance of this Special Use Permit:

Having heard all the evidence, testimony and arguments presented at the hearing, the Board of Adjustment of City of New Bern found and concluded as follows:

FINDINGS OF FACT

1. Reed VanderSlik, President & CEO of ThriveMore, Inc., filed an application for a Special Use Permit with the City of New Bern to construct a multifamily housing complex, to include skilled nursing, assisted living and memory care facilities, on the real property located at 5025 Old Airport Road in New Bern, North Carolina ("Application"). The real property is further identified by Craven County Tax Parcel #7-104-001 ("Subject Property").
2. The Subject Property is located in a Zoning District identified as "R-8" by the City of New Bern.
3. The matter came on for hearing before the Board on October 30, 2023. All notice requirements of the Code of the City of New Bern were satisfied.
4. The Applicant proposes to construct a Multifamily housing complex, to include skilled nursing, assisted living and memory care facilities, on the Subject Property. The identified primary use, Multifamily residence, for the Subject Property is a Special Use in the R-8 Residential Zoning District. The additional Nursing care, Elderly housing designed for independent living with separate housing units, and Intermediate care home uses for the Subject Property are Special Uses in the R-8 Residential Zoning District.
5. Testimony was offered by Eric Remington ("Mr. Remington"), attorney for the Applicant, that the requested Special Use Permit is within the Board's jurisdiction according to the City of New Bern Land Use Ordinance Table of Permissible Uses. No opposing evidence was offered.
6. Testimony was offered by Mr. Remington, Lucas Schall, Kristie Mack, Kimberly Barb, Chase Smith, Cal Morgan, Kenneth Kirkman, and Craig Hearne, that the Application is complete. The application includes an application form, proposed site plan, and traffic impact analysis study.

7. Testimony was offered by Mr. Remington, Kimberly Barb, and Chase Smith, that if completed as proposed in the Application, the development will comply with all of the requirements of the City of New Bern Land Use Ordinance.
8. Testimony was offered by Mr. Remington and Kimberly Barb ("Ms. Barb"), licensed landscape architect, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved. Expert testimony was offered by Ms. Barb that the proposed plan complies with the relevant stormwater erosion, fire safety and utilities regulations.
9. Expert testimony was offered by Cal Morgan ("Mr. Morgan"), certified real estate appraiser, that the proposed project will not have an adverse effect on the value of adjoining or abutting property based on the appraisal report. Mr. Morgan's opinion was based on research and analysis of several comparable senior living communities in North Carolina and the properties that adjoin them.
10. Several witnesses in opposition to the project testified that the proposed plan would be injurious to the value of the properties in the general vicinity. Those in opposition, however, presented only lay opinions and failed to present any expert testimony in support of this proposition. Consequently, said testimony does not constitute "competent evidence" of an effect on the value of the surrounding properties as a result of the Applicant's proposed project.
11. Expert testimony was offered by Chase Smith, a licensed professional engineer, who conducted a traffic impact analysis (TIA), determining the proposed development and its access would not impose significant adverse traffic impacts and, thus, will not have an adverse effect on the value of adjoining or abutting property.
12. Testimony was offered by Mr. Remington, Mr. Morgan, and Kenneth Kirkman that the location and character of the use of the Subject Property, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City. Expert testimony was offered by Mr. Morgan that the proposed project is consistent with the master plan for the Carolina Colours development and City of New Bern Land Use Plan.
13. Several witnesses in opposition testified offering generalized objections which are insufficient to rebut the presumption that the proposed Special Uses are in harmony with the surrounding area.

CONCLUSION AND DECISION

1. The Board, after reviewing the application and all of the evidence submitted, concludes that the Applicant has offered competent, material and substantial evidence to satisfy the six (6) elements required by Code Section 15-54 for the issuance of a Special Use Permit as follows:
 - a. On a 5-0 vote, the requested permit is within the Board's jurisdiction according to Section 15-146 of the Code of the City of New Bern and all relevant sections of the Code of the City of New Bern.
 - b. On a 5-0 vote, the Applicant's application for a Special Use Permit is complete.
 - c. On a 5-0 vote, if completed as proposed in the Application, the development will comply with all of the requirements of the City of New Bern Land Use Ordinance.
 - d. On a 5-0 vote, the use of the Subject Property will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted and approved.
 - e. On a 5-0 vote, the uses will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

- f. On a 5-0 vote, the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the City of New Bern Land Use Plan.

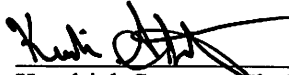
BASED ON THE FOREGOING FINDINGS OF FACT, AND CONCLUSIONS OF LAW, THE BOARD CONCLUDES AS A MATTER OF LAW that the Applicant has met the requirements of the City of New Bern Land Use Ordinance and that this Application for a Special Use Permit should be and hereby is APPROVED. Pursuant to G.S. 160D-108.1, the period of validity for the Special Use permit is two (2) Years.

Signed this 25th day of January, 2024, for the 30th day of October 2023.



Mr. Tim Fabak, Chairman
Board of Adjustment of the City of New Bern

ATTEST:



Kendrick Stanton, Clerk to the Board