

**Minutes of the  
City of New Bern Planning & Zoning Board  
July 6, 2021 – 5:30 P.M.  
Development Services Conference Room – 303 First Street.**

The regular meeting of the New Bern Planning and Zoning Board was held in the Development Services Conference Room, 303 First Street, on July 6, 2021 at 5:30 pm

**Members Present:** Don Black, Chair  
Pat Dougherty  
Raymond Layton  
Travis Oakley, Vice Chair  
Sonny Aluzzo  
Margie Dunn  
Anne Schout

**Members Excused (E)/ Absent (A):** Marcus Simmons (A)

**Staff & Counsel Present:** Jeffrey Ruggieri, Director of Development Services.  
Nadia Abdul-Hadi, Planner II.  
Seth Laughlin, Land & Community Development  
Administrator.  
Jaimee Bullock-Mosely, Assistant City Attorney.

**1. Roll Call**

Staff Member Seth Laughlin delivered the roll call of all members and quorum declared.

**2. Presentation of Certificates of Appreciation for Planning and Zoning Board service.**

**3. New Business**

**A. Overlook Holdings, LLC is requesting general subdivision plan approval for “Bayberry Park Subdivision, Phase 3” a 51-lot residential development. This section of the multi-phase development is located on 21.41 +/- acres in the R-8 Residential District. The site is located off Bayberry Park Drive and Cinnamon Run in the Carolina Colours community.**

**Staff Comments:**

Seth Laughlin presented the proposed 51-lot subdivision, “Bayberry Park Subdivision, Phase 3”. Mr. Laughlin stated that the subdivision received DRC approval in May 2021. Mr. Laughlin presented site-specific details and explained that city staff have analyzed the subdivision and can

confirm that it meets all the requirements of the Land Use Ordinance, therefore staff are recommending approval.

**Board Discussion:**

Chair Black asked the applicant, Mr. Kip Perego of Overlook Holdings, LLC, if he would like to add any further details, the applicant stated that he had nothing more to add unless the board had any questions for him. Margie Dunn asked the applicant if the previously approved lots off Onyx Lane had been approved, the applicant confirmed that those lots had not been sold yet. Chair Black proceeded to ask if any members of the public would like to make comment, hearing no public comment, Chair Black closed public comment to return to board discussion. Mr. Layton stated that on the Site Plan Review comments it was noted that the fire hydrants were not shown on the plans, Mr. Layton asked if this had been rectified, the applicant confirmed that this had been rectified and there are a set of plans that had been submitted that show where the fire hydrants would be located. Hearing no further board discussion, **Mr. Aluzzo made a motion to approve the proposed final subdivision plan "Bayberry Park" as presented, the motion was seconded by Ms. Schout. A roll call was taken and the motion passed unanimously (7-0).**

**B. W. Frank Crayton is requesting general subdivision plan approval for "Derby Park, Phase Seven. A Planned Unit Development", a 68-lot planned unit development. This section of the multi-phase development is located on 37.98 +/- acres in the R10A and A-5F Residential Districts. The site is located off Elizabeth Avenue.**

**Staff Comments:**

Seth Laughlin presented the proposed 68-lot subdivision, "Derby Park, Phase Seven". Mr. Laughlin stated that the subdivision received DRC approval in May 2021. Mr. Laughlin presented site-specific details and explained that city staff have analyzed the subdivision and can confirm that it meets all the requirements of the Land Use Ordinance, therefore staff are recommending approval.

**Board Discussion:**

Ms. Dunn asked with current flooding issues in existing phases of the Derby Park subdivision, how would the plans presented before the board address those issues. Ms. Dunn continued to add that her niece lives in the subdivision, and she has also sold homes in the subdivision and has seen first-hand that there are issues in the existing phases. Staff directed the board to the site plan review comments in their packets, to show that Derby Park Phase Seven meets the City of New Bern's current stormwater requirements. Mr. Layton asked if the comment from public works in the site plan review comments regarding a 30' utility easement was addressed, Mr. John Thomas of Thomas engineering confirmed that all comments from site plan review had been addressed. Hearing no further board discussion Chair Black asked the representative for the applicant if he had anything further to present to the board, Mr. John Thomas of Thomas Engineering stated he had nothing further to add but would be happy to answer any questions. Hearing no questions Chair Black opened the floor to the public for public comment.

89  
90 **Public Comment:**  
91

92 **Charlene Reeves, 4300 Elizabeth Avenue:** Ms. Reeves asked if there was going to be another  
93 exit or entrance out of the subdivision because the traffic and parking on Elizabeth Avenue is an  
94 issue. Staff stated that shown on the plans there is a stub out which is intended to connect with  
95 future developments nearby, this will create another point of entry/exit in the future.  
96

97 **Blake Belcher, 4329 Elizabeth Avenue:** Mr. Belcher stated he moved into the neighborhood six  
98 months ago, Mr. Belcher added that he was attracted to the property because of the natural wooded  
99 buffer along the back and side of his house. Mr. Belcher asked Mr. John Thomas if he would be  
100 losing this buffer with the development of Derby Park Phase Seven as there would be a drainage  
101 easement running between the lots. Mr. Belcher stated that there are other properties in older parts  
102 of the subdivision that have a landscape buffer between them and if there was any way he could at  
103 least retain part of the buffer, Mr. Thomas responded that if Mr. Belcher communicates his  
104 concerns to Mr. Frank Crayton, the applicant, he may be able to convince him to leave some of  
105 the landscaping behind.  
106

107 **Garret Thompson, 4030 Saratoga Lane:** Mr. Thompson asked if this phase of the subdivision  
108 would have its own drainage infrastructure, rather than impacting the current drainage  
109 infrastructure in the existing phases. Mr. Ruggieri stated that this phase does have its own drainage  
110 infrastructure, but with regards to a study concerning the downstream impacts of the new phase of  
111 Derby Park, that has not and would not be done. Mr. Ruggieri added that the city's current rules  
112 are that a development's drainage infrastructure can withstand a 25-year storm event, and the plans  
113 presented before the board meet that requirement.  
114

115 **Steve Strickland, Belmont Boulevard:** Mr. Strickland stated that he appreciates that the Planning  
116 and Zoning Board has a difficult task ahead of them balancing the desire for the developer to  
117 develop his land, with the concerns of existing residents in the area that have seen there is a  
118 flooding issue further downstream from the proposed project. Mr. Strickland stated that his home  
119 is far away from the water, yet he is required to have flood insurance because of two large pipes  
120 that feed off into one large pipe, causing flooding problems. Mr. Strickland stated that he  
121 understands that this issue is outside of the boundaries of the plans presented tonight, but asked  
122 the board to consider the impacts on existing issues with the development of a new phase of Derby  
123 Park.  
124

125 **Board Comments:**  
126

127 Chair Black asked Mr. Ruggieri to discuss the current drainage issues in the area. Mr. Ruggieri  
128 confirmed that there is a flooding issue as there are two 16" pipes filtering to one 16" pipe, however  
129 the issue is outside of the boundary of the subdivision before the board tonight, so the board cannot  
130 use the drainage issue as a reason to prohibit the approval of the general plan for Derby Park Phase  
131 Seven. Mr. Ruggieri reiterated that citizens should reach out to their Aldermen with their concerns  
132 regarding drainage in the area, as it is the Board of Aldermen that would have the power to make  
133 changes. Chair Black asked Mr. Thomas if flooding is a problem on the phase of the subdivision  
134 presented tonight, Mr. Thomas responded that he has been out there multiple times throughout the

year, and the existing storm water ponds are filling up as they should. Chair Black has asked if all the due diligence on Mr. Thomas' part has been done. Mr. Thomas has stated that the applicant has met all the requirements posed by the City of New Bern. Jaimee Bullock-Mosely, Assistant City Attorney, suggested that with the amount of public comment regarding this project it may be worth tabling until the next meeting when further discussion could be had. **Ms. Schout made a motion to table the item until the next regularly scheduled meeting of the Planning and Zoning Board on August 5<sup>th</sup>, 2021 in the Development Services Conference Room, the motion was seconded by Mr. Aluzzo. A roll call was taken and the motion passed (5-2).**

**C. Hudson Carolina Colours Development, LLC on behalf of New Market HDS, LLC is requesting general subdivision plan approval for "Redivision of Plat H-1A, Parcel #4" a 3-lot multifamily residential and commercial development. This development is located on 34.85 +/- acres in the C-3 Commercial District. The site is located off Waterscape Way in the Carolina Colours community.**

**Staff Comments:**

Seth Laughlin presented the proposed 3-lot subdivision, "Redivision of Plat H1A, Parcel #4", also known as the Hudson at Carolina Colours a multifamily residential and commercial development. Mr. Laughlin stated that the subdivision received DRC approval in June, 2021. Mr. Laughlin presented site-specific details and explained that city staff have analyzed the subdivision and can confirm that it meets all the requirements of the Land Use Ordinance, therefore staff are recommending approval.

**Board Comments:**

Mr. Aluzzo asked what would happen to the existing cemetery, staff responded that nothing would happen as it is outside of the boundary of the subdivision plans being presented. Ms. Dunn asked if the residents of the new apartment complexes would be members of the Carolina Colours Golf Club or if they would have their own facilities, Mr. Kip Peregoy of Overlook Holdings LLC. Stated that while the apartment complex will physically fall within the boundaries of Carolina Colours, the residents would not be members of the HOA, nor would they have any rights to use any of the facilities. Mr. Aluzzo asked if a traffic study was completed as part of the prior approvals through the city, Mr. Laughlin stated a traffic study had been completed for the apartment complex, which will result in some substantial improvements to traffic in the area, through the installation of a new traffic light at the entrance/exit of the apartment complex. Ms. Dunn asked when construction would start, Mr. Mathias Linden a representative for Hudson Capital Properties stated that construction would likely commence in the fall. Hearing no further discussion Chair Black stated he would entertain a motion to approve the plans as presented. **Mr. Dougherty made a motion to approve the proposed final subdivision plan "Redivision of Plat H1A, Parcel #4" as presented, the motion was seconded by Mr. Layton. A roll call was taken and the motion passed unanimously (7-0).**

**D. Question and answer session with Danny Hill, Fire Marshal regarding capacity of fire services and infrastructure within the City of New Bern.**

**Staff Comments:**

Staff presented Mr. Danny Hill, Fire Marshal for the City of New Bern, to discuss capacity of fire services and infrastructure. Danny Hill introduced himself as the Fire Marshal for the City of New Bern. Mr. Hill made a presentation to the Planning and Zoning Board (see attachment).

**Board Member Comments:**

Mr. Oakley asked Mr. Hill with all the approvals and planning that occurs behind the scenes between the city departments, how is it that the fire department is running into issues in the Blue Water Rise area regarding water flow. Chair Black built on the question and stated he was shocked as after the last Planning and Zoning Board meeting he was under the impression that water capacity was not an issue in the city, Chair Black asked Mr. Hill if this information had been presented to the Board of Aldermen before, Mr. Hill stated that Chief Boyd presents this information to the Board of Aldermen every budget cycle. Mr. Hill stated that the biggest issue with expanding fire services in the city is staffing, as it is staffing that is a continuous large expense, considering each fire station would need at least seventeen staff members. Mr. Aluzzo asked if the fire department has ever said no to a development in their comments due to staffing concerns within the fire department, Mr. Hill responded that the fire department are not able to say no to a new development because of staffing issues. Mr. Hill added that at the site plan review level the majority of concerns are regarding road sizes, Mr. Hill elaborated that a few years ago some changes to accommodate road size concerns were presented to the Board of Aldermen, but there was push back from developers within the community, so they were never approved. Chair Black asked if there are areas in which the flow of water is inadequate, Mr. Hill stated that at Bluewater Rise the flow of water is inadequate but there is a plan to address this with the water department. Mr. Hill stated the problem is the rate of growth not the growth itself. Chair Black stated that he was under the impression that water capacity was adequate in the city. Mr. Hill stated there is ample water capacity in the city as a whole, but that it is the water capacity in particular areas that is of concern e.g. Bluewater Rise. Chair Black asked development services staff for preparation of a letter to be sent on behalf of the Planning and Zoning Board to the Board of Aldermen to address the number of egresses in new subdivisions with over 150 lots, as well as a letter to address concerns regarding water capacity for fire services in areas such as Bluewater Rise. Mr. Aluzzo asked Mr. Hill if the fire dept is uncomfortable with the amount fire houses needed vs. what has been approved, Mr. Hill responded that he is uncomfortable, but the fire department does as much as they possibly can with what they have.

**Question and answer session with Chief Gallagher, Chief of Police regarding capacity of emergency services and infrastructure within the City of New Bern.**

**Staff Comments:**

Mr. Ruggieri presented Chief Gallagher, Chief of Police to discuss capacity of emergency services and infrastructure. Chief Gallagher introduced himself as the Chief of Police for the City of New Bern, and made a verbal presentation to the Planning and Zoning Board.

**Board Member Comments:**

Chair Black asked the Chief of Police how the Planning and Zoning Board can support the police department. Chief Gallagher stated that there isn't as much that the Planning and Zoning Board can do for the police department as the fire department. Chief Gallagher stated that while the vast majority of new growth in the city is to the east of James City e.g. Carolina Colours, the majority of calls to the police department are from the area in close proximity to where development services is located. Chief Gallagher stated that circling back to issues discussed earlier such as egresses, the police departments concerns regarding access and connectivity comes at times of weather events when roads get flooded or blocked.

**Question and answer session with George Chiles, Interim Director for Public Works regarding capacity of emergency services and infrastructure within the City of New Bern.**

**Staff Comments:**

Mr. Ruggieri presented George Chiles, Interim Director for Public Works to discuss services and infrastructure within the City of New Bern. George Chiles introduced himself as the Interim Director for Pubic Works for the City of New Bern, and made a verbal presentation to the Planning and Zoning Board.

**Board Member Comments:**

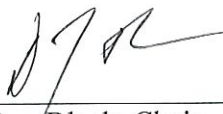
Ms. Dunn asked who is responsible for maintaining stormwater infrastructure, George Chiles stated that it depends on ownership: the city or the POA/HOA. Ms. Dunn asked more specifically about drainage in the Derby Park subdivision, Mr. Chiles stated that as with many departments in the city they are bound to what is in the rules, Mr. Chiles added that these issues are not only within Derby Park, they are a regional problem. Mr. Chiles posed the question: How far downstream are you going to make the developer look? Mr. Chiles reiterated that as with development services and the water department, public works has no ground to ask developers to look at downstream flooding issues that are not found on the developable parcel in question.

**4. Adjourn**

**Hearing no further discussion amongst the Board, Chair Black entertained a motion to adjourn. Mr. Layton moved to adjourn, Mr. Dougherty seconded the motion. A roll call was taken and the motion passed (7-0).**

The meeting was adjourned at 7:30pm.

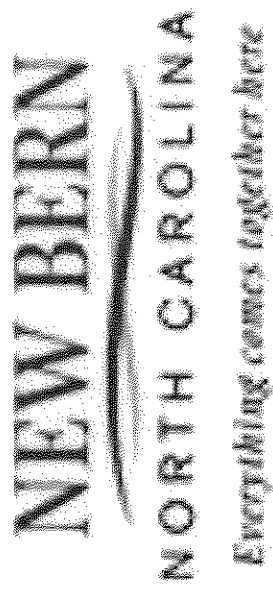
Date Approved: 8-5-21

  
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Don Black, Chair

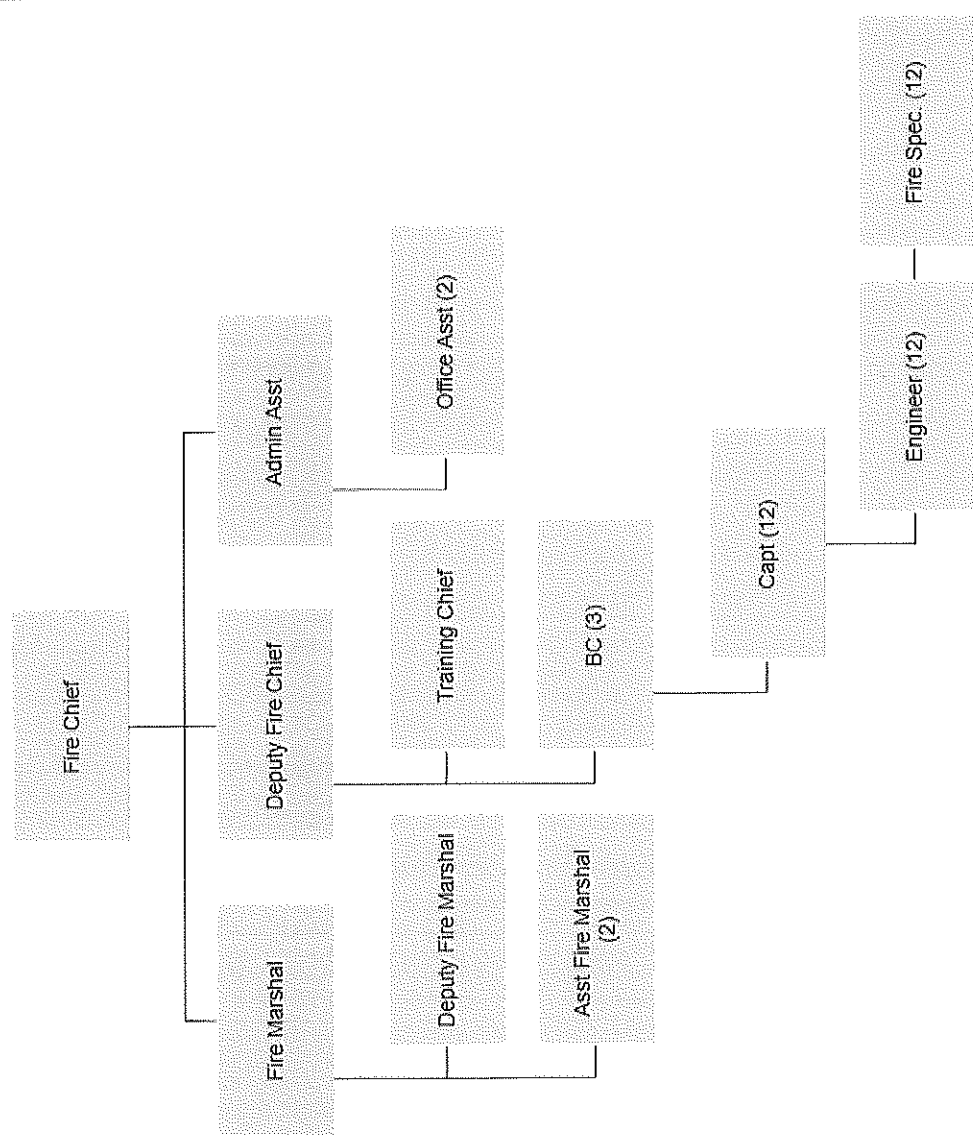
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# New Bern Fire-Rescue



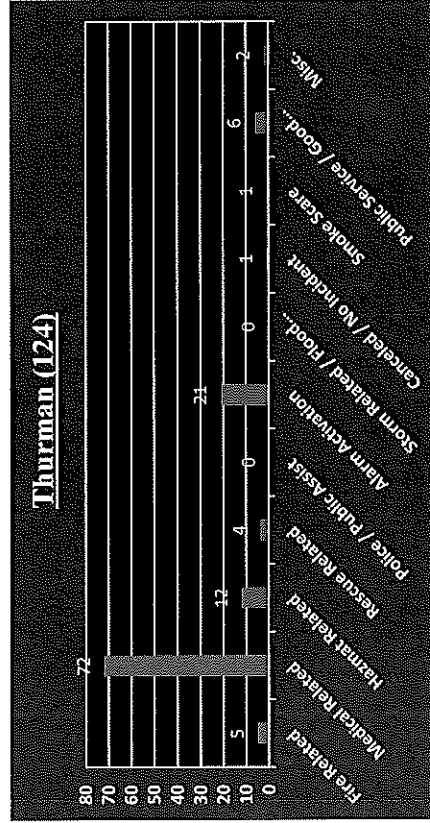
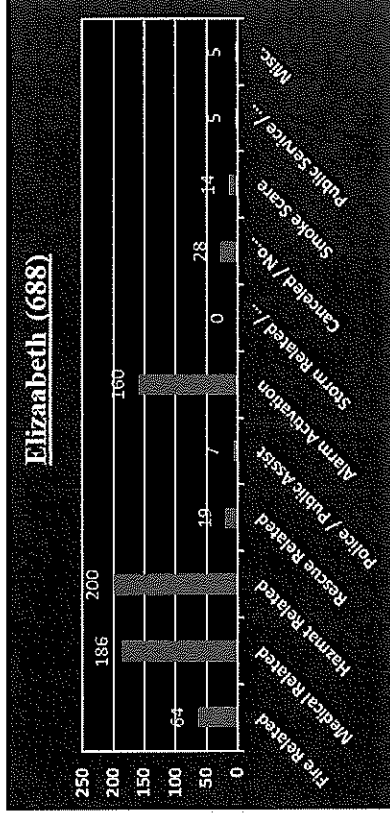
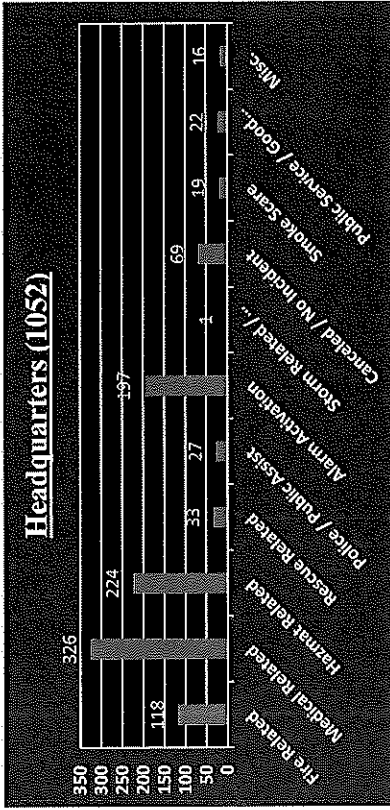




# Fire Prevention

- Number of businesses inspected
  - 2,120 (7% increase in 2020)
- Number of investigations
  - 54 (28% increase in 2020)
- Number of Permits
  - 87 (18% increase in 2020)
- Public Education
  - 2,189 (75% decrease in 2020)
  - Decrease due to COVID 19 restrictions
- Smoke Alarms Installed
  - 196 (18% increase in 2020)
- Training
  - Performed over 15,000 training hours (decrease due to COVID 19 restrictions)
- Hydrants
  - Performed maintenance and flows on over 1400 hydrants in 2020
- Knox Box
  - Performed maintenance and updated keys in all locations in 2020
- Pre-Plans
  - 132 new or updated pre-plans completed in 2020

# Calls for Service

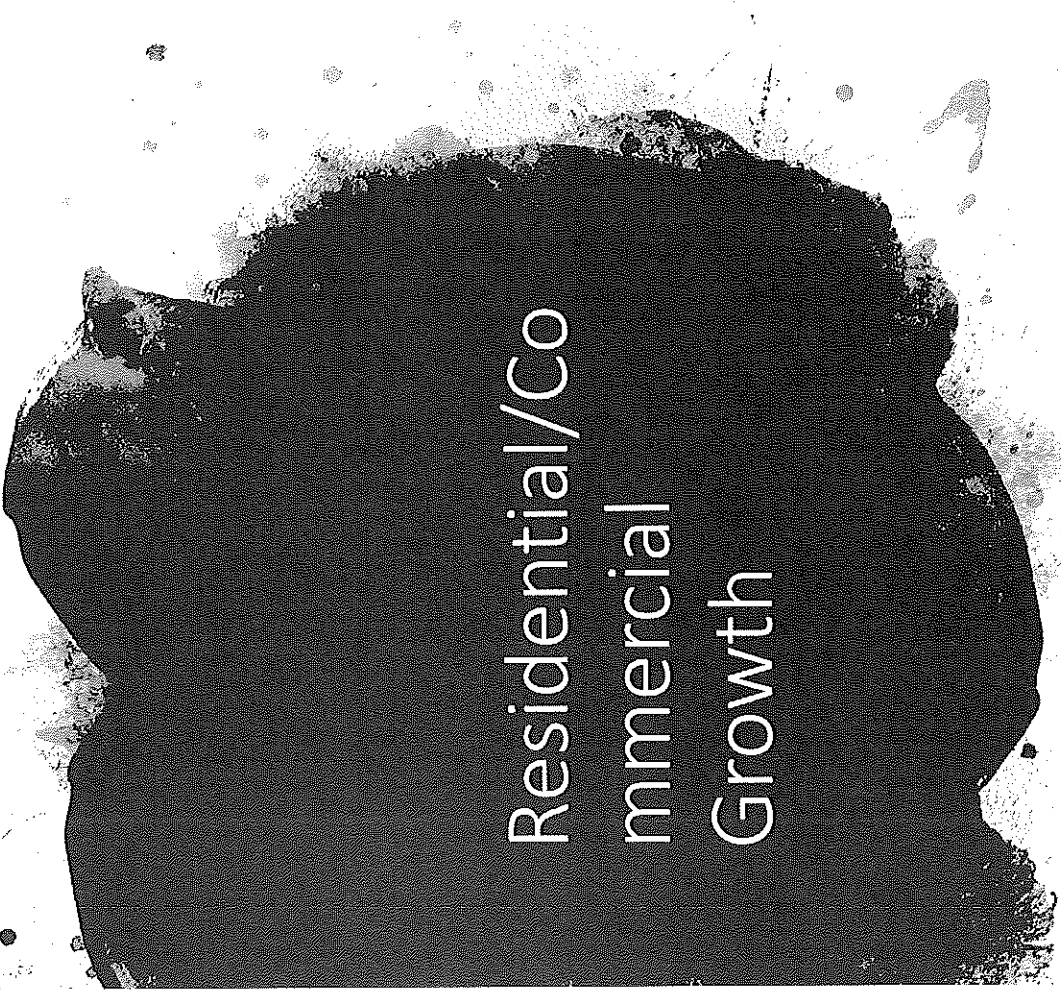


# Response Times

Table 1 (Baseline Comparison to NFPA Benchmark)

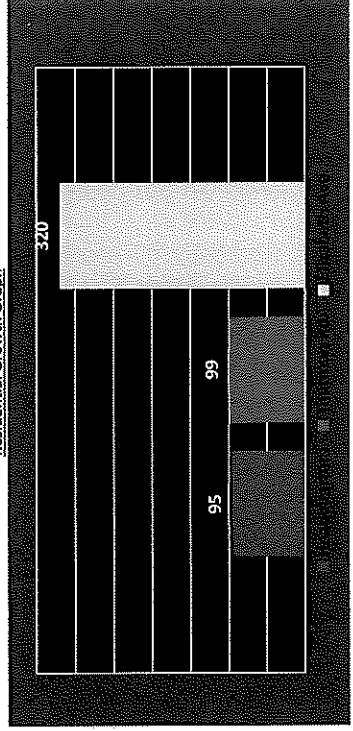
Headquarters response data for tracking deployment times to structure fires and alarm activations according to the National Fire Protection Association (NFPA)	Call Handling Time (60 Seconds)	Out the Door Time (80 Seconds)	First Due Time (4 minutes)	Effective Response Force Time (8 Minutes)
Number of Calls <= to NFPA 1710	60	220	250	151
Percentage of Calls <= to NFPA 1710	19%	70%	79%	88%
Thurman Rd. response data for tracking deployment times to structure fires and alarm activations according to the National Fire Protection Association (NFPA)	Call Handling Time (60 Seconds)	Out the Door Time (80 Seconds)	First Due Time (4 minutes)	Second Due Time (8 Minutes)
Number of Calls <= to NFPA 1710	2	22	12	3
Percentage of Calls <= to NFPA 1710	8%	85%	46%	75%
Elizabeth Ave. response data for tracking deployment times to structure fires and alarm activations according to the National Fire Protection Association (NFPA)	Call Handling Time (60 Seconds)	Out the Door Time (80 Seconds)	First Due Time (4 minutes)	Second Due Time (8 Minutes)
Number of Calls <= to NFPA 1710	47	157	144	99
Percentage of Calls <= to NFPA 1710	21%	70%	64%	85%

Highlighted data delineate areas that need improvement



# Residential/Commercial Growth

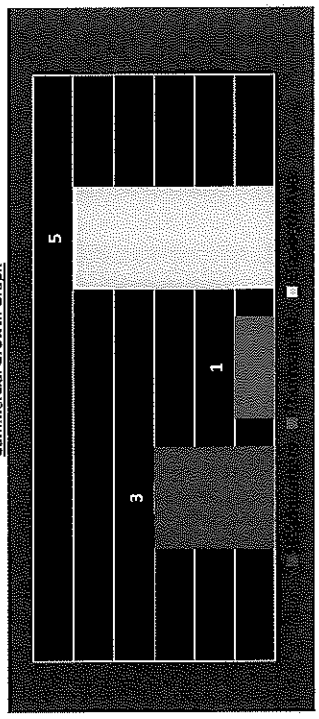
Residential Growth Graph



Percentage of Residential Growth	
Headquarters	18.5%
Thurman Road	19.5%
Elizabeth Ave.	62.0%

Property Growth Value	
Headquarters	\$ 9,461,641
Thurman Road	\$23,976,457
Elizabeth Ave.	\$22,268,953

Commercial Growth Graph



Percentage of Commercial Growth	
Headquarters	33.3%
Thurman Road	11.1%
Elizabeth Ave.	55.6%

Property Growth Value	
Headquarters	\$ 3,790,000
Thurman Road	\$12,413,297
Elizabeth Ave.	\$13,164,152



# Benchmark Cities Comparison

Table 2

City	Population	Sq. Miles	Number of Fire Stations	Square Miles Covered Per Station
Morrisville	29,205	10.00	3.00	3.33
Garner	31,050	15.00	4.00	3.75
Thomasville	26,757	16.80	4.00	4.20
Kernersville	24,386	17.50	4.00	4.38
Salisbury	32,600	20.30	4.00	5.08
Moorestville	37,451	20.90	5.00	4.18
Average	30,755	21.36	4.00	5.48
Sanford	29,313	24.00	3.00	8.00
Goldsboro	35,437	24.80	5.00	4.96
Statesville	27,042	26.00	4.00	6.50
Monroe	35,065	29.70	5.00	5.94
New Bern	30,000	30.00	3.00	10.00

