

**Minutes of the  
City of New Bern Planning & Zoning Board  
August 5, 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 August 5, 2021 at 5:30 pm

**Members Present:** Don Black, Chair  
Raymond Layton  
Travis Oakley, Vice Chair  
Sonny Aluzzo  
Anne Schout  
Marcus Simmons

**Members Excused (E)/ Absent (A):** Margie Dunn (A)  
Pat Dougherty (A)

**Staff & Counsel Present:** Jeffrey Ruggieri, Director of Development Services.  
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.

Chairman Black stated that before business is begun, he understood that Item #4 (Highlands Village Apartments) has been withdrawn. Staff Member Laughlin confirmed

**2. Approval of Minutes**

**A. June 1, 2021**

**B. July 6, 2021**

Chairman Black asked the Board if they had reviewed the minutes and if there were any comments. Hearing none he asked for a motion to approve: **Ms. Shout made a motion to approve the meeting minutes from June 1, 2021 and July 6, 2021 as presented, the motion was seconded by Mr. Layton. A roll call was taken, and the motion passed unanimously (6-0).**

**3. New Business**

W. Frank Crayton is requesting general subdivision plan approval for “Derby Park, Phase Seven” 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 at

the western terminus of Elizabeth Avenue adjacent to the existing Elizabeth Downs neighborhood.

**Staff Comments:**

Seth Laughlin presented the proposed 68-lot subdivision, "Derby Park, Phase Seven". Mr. Laughlin stated that the agenda item was tabled the previous month due to citizen concerns over the potential removal of an existing wooded area. The applicant has revised the plan to include a 20' vegetative buffer around the entire perimeter of the project. Mr. Laughlin went on to explain 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:**

Mr. Aluzzo asked if the retention ponds are all connected. Staff Member Laughlin explained that the drainage ponds are all part of the stormwater system, and that the applicant has actually installed more stormwater capacity than that required by the state, which includes the addition of the ponds in question. Mr. Layton stated that he was not in favor of the agenda item being tabled the previous month and the reason was that the applicant had prepared a site plan and met the requirements of the land use ordinance and the state of NC and recognized the problems with drainage downstream and has gone above and beyond which is not something that can be asked of a developer. He went on to state that it is his opinion that was not a good reason to table the item last month and he is prepared to make a motion to approve after any additional discussion. Chairman Black asked if there were any additional comments from the Board. Hearing none, Chairman Black asked if the applicant would like to address the board. Mr. John Thomas P.E. representing the applicant stated that he would be happy to answer any questions. Chairman Black stated that the area has seen something of a deluge of rain lately and asked Mr. Thomas if he had had a chance to visit the subject site. Mr. Thomas stated that he had not, but he had visited some others in town, but he could not comment on conditions in Derby Park. Mr. Thomas stated that he had been out there in February and early March when there had been much rain and didn't see any flooding issues. Mr. Layton added that the area is in a pre-development state. Chairman Black asked if there were any members of the public who wished to speak.

**Public Comment:**

**Blake Belcher, 4329 Elizabeth Avenue:** Mr. Belcher stated that he had spoken at the last meeting about his concerns over the natural wooded buffer along the back and side of his house. He went on to say that he had spoken with Mr. Thomas earlier in the evening who had cleared up these concerns. Mr. Belcher thanked Mr. Thomas and the Board for their attention and time in the matter.

Chair Black asked if there were any more members of the public wanted to speak on the application. Hearing none, Chairman Black closed public comment and stated he would entertain a motion to approve the agenda item as written. **Mr. Layton made a motion to approve the proposed general subdivision plan approval for "Derby Park, Phase Seven", the motion was seconded by Mr. Aluzzo. A roll call was taken, and the motion passed unanimously (6-0).**

89 **4. Highland Village Apartments, LLC - withdrawn**

90  
91 **Board Discussion:**

92 Chairman Black stated that part of the responsibility of the Planning Board is to make  
93 recommendations for changes to the Land Use Ordinance. As for the safety issue we are concerned  
94 about are related to the entrances to neighborhood having 150 or more lots. Chairman Black asked  
95 Attorney Mosley if she had reviewed the previously submitted documents. She stated that she had  
96 not. Chairman Black stated again that neighborhoods having 150 lots or more should have at least  
97 two entrances/exits and described a recent accident that blocked a neighborhood's single entrance  
98 for several hours. Chairman Black stated that this requirement would further state that said  
99 entrances be 1000' apart and that they front on paved roads. Chairman Black asked if the Board  
100 feels it is wise at this point to asked for a motion and special resolution be drafted for changes to  
101 the Land Use Ordinance to recommending developments of over 150 lots be required two  
102 entrances no less than 1000' apart? Mr. Layton suggested that a motion be made that this language  
103 come before the Planning Board as an agenda item at the September meeting to meet public notice  
104 requirements. Mr. Layton went on to recommend that the Board members break into small groups  
105 for further study.  
106

107 **Motion: staff prepare the revision language for number of exits from a development for the**  
108 **September meeting, the motion was seconded by Mr. Oakley. A roll call was taken, and the**  
109 **motion passed unanimously (6-0).**  
110

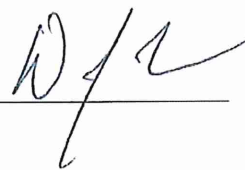
111 Ms. Shout asked Chairman Black how he planned for the Board to piecemeal all the issues; one  
112 issue each month? Ms. Shout stated that many of the current board members had not yet seen the  
113 original document in question and asked Staff Member Laughlin to send this to the Board in an  
114 email. Mr. Layton described the document and content as to why it was originally denied by the  
115 Board of Alderman. Chairman Black stated that this might be a good opportunity for a review  
116 committee. Mr. Layton suggested letting staff recommend which items to study.  
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118 **5. Adjourn**

119  
120 **Hearing no further discussion amongst the Board, Chair Black entertained a motion to**  
121 **adjourn. Mr. Layton moved to adjourn; Mr. Dougherty seconded the motion. A roll call was**  
122 **taken, and the motion passed (6-0).**  
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125 The meeting was adjourned at 5:46pm.  
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127  
128 Date Approved: 10-5-21

129   
Don Black, Chair

130  
131 Attest:   
132 Jeff Ruggieri, Director of Development Services