

**Minutes of the  
City of New Bern Planning & Zoning Board  
September 7, 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 September 7, 2021 at 5:30 pm

**Members Present:** Don Black, Chair  
Raymond Layton  
Travis Oakley, Vice Chair  
Pat Dougherty (A)  
Anne Schout  
Marcus Simmons

**Members Excused (E)/ Absent (A):** Margie Dunn (A)  
Sonny Aluzzo

**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.

**2. Approval of Minutes**

**A. August 5, 2021**

Chairman Black asked the Board if they had reviewed the minutes and if there were any agenda changes that members would like to address. Hearing none he asked for a motion to approve: **Mr. Layton made a motion to approve the meeting minutes from August 5, 2021 as presented, the motion was seconded by Ms. Shout. A roll call was taken, and the motion passed unanimously (6-0).**

**3. Hudson Carolina Colours Development, LLC on behalf of New Market HDS, LLC is requesting final 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:**

Staff member Laughlin presented the proposed 3-lot subdivision, Hudson Carolina Colours Development, LLC on behalf of New Market HDS, LLC is requesting final subdivision plan approval for "Redivision of Plat H-1A, Parcel #4" located off Waterscape way in the Carolina Colours community to the west of Hwy 70 in a C-3 commercial district, with a total of 34.85 acres. The project received General Plan approval from the Planning and Zoning Board at their July 6<sup>th</sup>, 2021. The average lot size is 11.61 acres with a 0.76 acres of dedicated public right of way. Staff has received a performance bond accepted by the City Attorney. Mr. Laughlin stated that the Board may recall that the subject property is located across Waterscape Way from the Harris Teeter shopping center.

**Board Discussion:**

Chairman Black asked if there were any questions for staff. Hearing none, he asked if the applicant was present and have any comments. Mr. Laughlin stated that a representative of the project has intended to be there but had a family emergency at the last minute.

**Public Comment:**

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. Dougherty made a motion to approve the proposed final subdivision plan approval for "Redivision of Plat H-1A, Parcel #4", the motion was seconded by Ms. Shout. A roll call was taken, and the motion passed unanimously (6-0).**

**4. Highland Village Apartments, LLC - Highlands Village Apartments, LLC is requesting general subdivision plan approval for "Robert May Subdivision, Phase 2" a 2-lot multifamily and single-family residential development. This development is located on 7.81 +/- acres in the C-4 Commercial District. The site is located off Trent Road between Lowes Boulevard and Camden Square Drive.**

Chairman Black stated that the Board would be hearing the general plan approval and that would be followed by final plat approval.

**Staff Comments:** Staff member Laughlin went through the presentation stating that Highlands Village Apartments, LLC is requesting general subdivision plan approval for "Robert May Subdivision, Phase 2" a 2-lot multifamily and single-family residential development. This development is located on 7.81 +/- acres in the C-4 Commercial District. The site is located off Trent Road between Lowes Boulevard and Camden Square Drive. The Robert May Subdivision, Phase 2 is proposing two lots being 5.25 acers and 2.56 acres in size. Utilities and services will be provided by the City of New Bern. The subject property received conditional approval from the City's Development Review Committee in June of 2021. Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements for general subdivision plan approval have been satisfied. Therefore, general subdivision plan approval of Robert May Subdivision, Phase 2 is recommended.

**Board Discussion:**

Chairman Black stated that this project is not bonded and that an escrow account has been created and satisfied. Chairman Black asked if Mr. Layton understood and he replied that he was. Chairman Black asked if there were any questions from the Board. Mr. Layton asked if final plans went to the Board of Alderman for approval, but Mr. Ruggieri replied that such applications ended with the Planning and Zoning Board. There was a brief procedural discussion. **Mr. Layton made a motion to approve the proposed general subdivision plan approval for "Robert May Subdivision, Phase 2", the motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (6-0).**

**5. Highlands Village Apartments, LLC is requesting Final subdivision plan approval for "Robert May Subdivision, Phase 2" a 2-lot multifamily and single-family residential development. This development is located on 7.81 +/- acres in the C-4 Commercial District. The site is located off Trent Road between Lowes Boulevard and Camden Square Drive.**

Chairman Black stated that the next agenda item is basically the final approval of the previous agenda item. He went on to state that procedurally did the Board want to go ahead with a motion to approve (since the presentation materials would simply be repeated) **Ms. Shout made a motion to approve the proposed final subdivision plan approval for "Robert May Subdivision, Phase 2", the motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (6-0).**

**6. Michael Raines is requesting the rezoning of 44.77 +/- acres from R-20 Rural Residential district to A-5F Agricultural Forestry district. The property is located at 356 Rocky Run Road.**

Chairman Black stated that for the next agenda item, the Board would be making a recommendation for approval of a rezoning application submitted by Michael Raines.

#### **Staff Comments:**

The R-20 rural residential district is designed to accommodate low-density single-family dwellings with 20,000 square feet minimum lots that may not be serviced with city sewer service or multifamily dwellings that are serviced with city sewer. For the R-20 residential district, in promoting the general purposes of this ordinance, the specific intent of this district is:

To encourage low density single-family or multifamily dwellings;

To encourage the preservation of the rural character of the land;

To prohibit commercial and industrial use of the land and any other influx of uses likely to render it undesirable for low density development;

To encourage the discontinuance of existing uses that would not be permitted as new uses in this district; and

To encourage development to take place in a manner that promotes a healthy environment

• Mr. Laughlin went on to present details on the proposed A-5F zoning: The A-5F agriculture forestry district is designed to promote forestry operations, low-density residential uses, recreational uses, and certain agricultural uses. Landfill, quarry, livestock, and similar uses that



may negatively impact nearby residential uses with excessive noise, odor, or traffic are prohibited. It is specifically intended that the A-5F agricultural/forestry district:

Encourage the conservation of the areas existing agricultural and forestry resources and promote low-density development.

Prohibit non-agricultural and non-forestry related commercial and industrial use of the land and prohibit any other influx of uses likely to render the area bearing such zoning classification undesirable for forestry, non-livestock farms, and low-density housing.

The proposal to rezone the subject property to A-5F Agriculture Forestry District is consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be in the public interest and consistent with City Land Use and Transportation Plans, due to the parcel being poorly suited for residential development. Staff has no objection to approval of the requested rezoning. Mr. Laughlin asked if the Board had any questions.

#### **Board Discussion:**

Chairman Black asked if the members of Board had any questions for staff. Hearing none, he asked if the applicant was present. Staff member Laughlin stated that Mr. Raines was present. Chairman Black asked if Mr. Raines has anything he'd like to add. Mr. Raines stated that he would be happy to answer any questions. Chairman Black asked the Board if anyone would make a motion to approval the application. **Mr. Layton made a motion to Recommend Approval of rezoning application of 356 Rocky Run Road. The motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (6-0).**

#### **7. Discussion Item: City Code Section 15-214 "Development Connectivity".**

Chairman Black stated that part of the responsibility of the Planning Board is to make recommendations for changes to the Land Use Ordinance that may benefit applicants coming before the Board in the future. Chairman Black asked Attorney Mosley if she agreed and she replied that that "yes", the Planning and Zoning Board does have the authority to make recommended changes to the Land Use Ordinance. Chairman Black went on the state that the final approval or denial of these recommendations are made by the Board of Alderman. Chairman Black explained the background of a previous exercise of recommended changes to City Code Section 15-214. Chairman Black asked the Board to turn their attention to Section 15-214 whereby the intent is to maintain a certain number of entrances and exits to the larger neighborhoods. Those neighborhoods having 150 lots or more should have at least two entrances/exits. He described the desire of several board members to recommend discarding the last sentence of 15-214(a)(5) that states a minimum distance between entrances. Chairman Black discussed how the 1000' separation requirement would eliminate most parcels in the City limits as many parcels large enough to host 150 home sites rarely have that much road frontage. There was additional discussion between board members on the 1000' road frontage language. It was agreed upon by Board members that removing 1000' of road frontage requirement was appropriate.

Chairman Black proposed a motion to recommend amending the previously proposed language to remove the last sentence containing the 1000' of road frontage requirement all together. Attorney Mosely asked Chairman Black in what manner did he envisioned making this new recommendation? After a brief discussion Attorney Moseley asked if Chairman Black envisioned

the recommendation being sent to the Board of Alderman in the form of a letter? He replied "Yes" that this was typically how recommendations have been made in the past.

Mr. Layton further discussed the background of the ordinance changes being denied by the Board of Alderman. The Board discussed at length how to arrange proposed changes to the Board of Alderman; in sections, one large document, etc.

Chairman Black proposed the formation on an ad-hock committee of P&Z members to discuss proposed changes to Section 15-214. Member Layton replied, "why not discuss it right now"?

Chairman Black agreed and the Board went on to continue discussion of 15-214. Mr. Layton began with the following language within Subsection(a)(4), "*Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000-750 feet may be created unless no other practical alternative is available as determined by the director of development services or their designee.*" At Mr. Layton's suggestion, the Board decided to recommend these changes as written.

The Board moved on to the next edit, 15-214(b)(4) "*Design and Dimensional Requirements. All stub outs, shared drives and other cross access features shall be developed according to all applicable parking standards with the exception of sections abutting undeveloped property lines, which do not require curbing. All cross access features shall be constructed with a minimum width of ~~twenty-four~~ (24) feet, curb- to-curb, or two separate ~~twelve~~ (12)-foot lanes to accommodate ~~two~~ (2) lanes of traffic.*" Mr. Layton discussed this change as being for consistency within the ordinance of written numbers to numerals as a "housekeeping" measure, as are the next proposed edits within the document (15-214(b)(5) "*Parking Requirement Reductions. For each parcel they serve, each shared drive, stub-out or connected cross-access drive shall equate to a reduction ~~three~~ of (3) required parking spaces each. All, undivided, shared parking areas designated and reserved on plans shall equate to a reduction of ~~eight~~ (8) parking spaces, which may be applied in any fashion over the subject parcels. The total reduction in required parking spaces per this section shall not equal more than ~~twenty-five~~ (25) percent of the required spaces per parcel. Nothing in this section shall prohibit additional parking exceeding the requirements of this ordinance.*"

Chairman Black asked Mr. Ruggieri if he would recommend accompanying the letter with recommended language with a rationale of the intent of these changes. Ann Shout added that she believes the rationale is absolutely necessary.

Mr. Ruggieri added that he believes the proposed ad-hock committee, or a working group, is the first step in this process of developing recommended language that will ultimately be forwarded to the Board of Alderman.

Attorney Mosely reminded the Board that any *committee* formed would be subject to the open meeting laws including the keeping of minutes, notice of meetings and so on. She recommended further that instead of a committee, the Board develop a "working group" made up of only four members to avoid having a quorum (5 Planning and Zoning Board members) which would also trigger the open meeting requirements.



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225 **Motion: Chairman Black entertained a motion to create a working group to proposed**  
226 **changes to the Land Use Ordinance related to safety and development that the Board has.**  
227 **Mrs. Shout moved to make the motion; Mr. Layton seconded the motion. A roll call was**  
228 **taken, and the motion passed (6-0).**  
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230 The Board then began discussion of creating the work group. Mrs. Shout stated that she was  
231 interested in serving. Mr. Oakley stated that he would serve as did Chairman Black and Mr. Layton.  
232 Chairman Black stated that members of the public could attend the working group and Mrs. Shout  
233 stated that it is important to be sure the Board of Alderman be aware as well. Mr. Ruggieri stated  
234 that it might be beneficial for the working group to meet and form a solid path prior to inviting  
235 guests. The Board continued to discuss the intent of the working group and the history behind the  
236 previous effort that was denied by the Board of Alderman. The Board and staff then spent several  
237 minutes discussing the different deadlines for the Planning and Zoning Board meetings and the  
238 Board of Alderman meetings with the intent of how much lead time was needed for agenda item  
239 materials.  
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## 241 8. Adjourn

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243 **Hearing no further discussion amongst the Board, Chair Black entertained a motion to**  
244 **adjourn. Mr. Layton moved to adjourn; Mr. Oakley seconded the motion. A roll call was**  
245 **taken, and the motion passed (6-0).**  
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248 The meeting was adjourned at 6:21pm.  
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251 Date Approved: 10-5-21

252   
Don Black, Chair

253  
254 Attest:   
255 Jeff Ruggieri, Director of Development Services