

**Minutes of the
City of New Bern Planning & Zoning Board
July 5, 2023 – 5:30 P.M.
City Hall, 2nd Floor Court Room – 300 Pollock Street**

The regular meeting of the New Bern Planning and Zoning Board was held in the City Hall, 2nd floor courtroom, 300 Pollock Street, on July 5, 2023, at 5:30 pm.

Members Present: Brad Jefferson, Chair
Sonny Aluzzo
Raymond Layton
Margie Dunn
Rusty Ingram

Members Excused (E)/ Absent (A): Pat Dougherty
Kyle Dearing
Marshall Ballard

Staff & Counsel Present: Jessica Rhue, Development Services Director
Seth Laughlin, Zoning Administrator
Jaimee Bullock-Mosely, Assistant City Attorney

1. Roll Call

Staff member Seth Laughlin delivered the roll call with a quorum declared with 5 members present.

2A: Approval of Minutes: 1/5/21, 4/6/21, 5/4/21, 5/2/23, & 6/6/23.

Board member Dunn stated that she noticed a possible need for correction in the 6-6-23 meeting minutes. After a brief discussion, it was determined that a correction needed to be made.

Board member Ingram made a motion to recommend adoption of the collection of minutes with the correction made. Board member Aluzzo seconded the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous (5-0).

3A. Athens Acres, Phase 2 Final Plan

Staff member Laughlin presented the item. Phoenix Derby Park, LLC, is requesting subdivision final plan approval for “Athens Acres, Phase Two” (formerly Derby Park, Ph 7), a proposed 23-lot Planned Unit Development. This subdivision is located on 10.04 +/- acres in the R-10A Residential District. The site is located off Medina Spirit Street. The property is further identified as a portion of Craven County Parcel Identification #8-240-27000.

This project received general plan approval from the City of New Bern Planning & Zoning Board on August 5th, 2021. Staff has reviewed the proposed subdivision and finds that all technical and

43 legal requirements for final subdivision plan approval have been satisfied according to the City of
44 New Bern Land Use Ordinance. The Director of Public Works has confirmed that the standing
45 Letter of Credit is sufficient to cover the outstanding improvements. Therefore, final subdivision
46 plan approval of Athens Acres, Phase Two is recommended.

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48 **Board member Dunn made a motion to adopt the plan as presented. Board member Layton**
49 **seconded the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous**
50 **(5-0).**

51
52 **3.B: Land Use Ordinance Text Amendments: 15-416 & 15-417.**

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54 Staff member Laughlin explained the item background. City Code Sections 15-416 & 15-417 were
55 inadvertently deleted from the ordinance during updates in December 2022. At the 6-21-23 HPC
56 meeting, the board voted unanimously to recommend approval to adopt “the changes to Section
57 15-416, as prepared by the City Attorney, and to reinstate Section 15-417 as it was prior to
58 December 2022”.

59
60 Staff recommends the Planning and Zoning Board vote to recommend that the Board of Aldermen
61 adopt the text amendments as submitted.

62
63 **Board member Ingram made a motion to adopt the amendments as presented and that they**
64 **are consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan and are**
65 **reasonable and in the public interest. Board member Layton seconded the motion. Chairman**
66 **Jefferson called for a verbal vote. The vote was unanimous (5-0).**

67
68 **3.C: Land Use Ordinance Text Amendments: 15-423(d).**

69
70 Staff member Laughlin explained the item background. Planning staff noticed an error in the 160D
71 text amendment changes that were adopted by the Aldermen in December 2022. As was adopted,
72 Section 15-423(d) now reads: “(d) Quasi-judicial procedures. Other than administrative decisions
73 on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the
74 procedures of G.S. 170D-406.” There is no G.S. 170D and it is no doubt meant to be 160D-406,
75 which is entitled “Quasi-judicial procedure.”

76
77 Staff recommends the Planning and Zoning Board vote to recommend that the Aldermen adopt the
78 text amendment to change Section 15-423(d) to read as follows: “(d) Quasi-judicial procedures.
79 Other than administrative decisions on minor works, decisions on certificates of appropriateness
80 are quasi-judicial and shall follow the procedures of G.S. 160D-406.”

81
82 **Board member Ingram made a motion to adopt the amendment as presented and that they**
83 **are consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan, and the**
84 **proposed amendment is reasonable and in the public interest. Board member Dunn seconded**
85 **the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous (5-0).**

86
87 **3D. DISCUSSION ITEM: Code Section: 15-343 “Flexibility in administration required”**
88 **(Parking)**

Staff member Laughlin presented the item to the Board. At the June 6, 2023 Regular Meeting of the Planning and Zoning Board, the City's requirements for off-street parking were discussed. Staff explained that the City of New Bern Land Use Ordinance requires new commercial developments and "change-of-use" occupancy within existing structures to provide off-street parking for their staff and patrons.

In Section 15-343(e) "Flexibility in administration required," the ordinance exempts a four-block area known as the "central retail core" from minimum off-street parking requirements. This area is defined in the code as "the area encompassing those properties abutting the east side of Craven Street, the east side of Hancock Street, the north side of Tryon Palace Drive, and the north side of Broad Street." Staff explained that many cities in North Carolina have removed off-street minimum requirements from their downtowns altogether. The Board discussed enlarging the "central retail core" area to the east and south as shown in the enclosed map.

After a lengthy discussion, the Board consensus was for staff to bring draft language to the August meeting.

4A. Staff Updates "Consistency Statement Worksheet"

Staff member Laughlin stated that a copy of the worksheet had been included in the Board packets.

5. Board Member Comments


There was a brief discussion about the downtown parking concerns with no additional conclusions made.

6. Adjourn

Board member Ingram made a motion to adjourn the meeting; Board member Layton seconded the motion. A verbal vote was taken, and the motion passed (5-0).

Meeting time: 33 minutes.

Date Approved: 8/3/23


Brad Jefferson, Chair

Attest: 
Matt Schelly, Interim Land & Community Development Administrator.