

**Minutes of the
New Bern Planning & Zoning Board
May 1, 2007**

The New Bern Planning & Zoning Board held a regular meeting in the 2nd floor Planning Conference Room, Dunn Building, 248 Craven Street, on Tuesday, May 1, 2007 at 6:30 p.m.

Members present: Mr. Peter Moffett, Chairman
Mr. John McClellan, Vice Chairman
Mrs. Susan Moffat-Thomas
Mr. Tad Michel
Mrs. Claire P. Martin-Combs
Mrs. Janet Lamb
Mr. Tripp Eure

Members excused: Mr. Harry Cotton
Mr. Mark Best

Members absent: none

Staff present: Mr. Bernard George, Land & CD Administrator
Mrs. Lorraine DiBella, Administrative Assistant
Lt. Commander Ryland Matthews, Jr., NBPB

Prayer: A prayer for guidance was given by Mr. George.

Minutes: Minutes of the April 3, 2007 meeting were amended and approved with motion by Mrs. Martin-Combs, second by Mr. Michel and unanimous vote by the Board.

Old Business:

- A. Continuation of consideration of general plan approval for The Villas at Creekside, a 19.74+/- acre planned unit development consisting of 60 lots located near the end of Connor Grant Road in the Creekside Subdivision (the Board of Aldermen on April 10, 2007 adopted R - 8 Residential District zoning for this subdivision).**

Staff Mr. George stated the Board of Aldermen approved the R-8 Residential District zoning classification for this subdivision at its regular meeting on April 10, 2007. Continuing, he said a letter has been received from the project engineer Kevin Avolis. The letter requests that the agenda item be tabled while negotiations continue with adjacent owners on the cost of removing a spike strip. If it becomes necessary to re-configure the street system, the project will have to go back to technical review.

Joel Kaplan, 403 Conner Grant Road, asked for clarification on which lots are involved in the negotiations over the spike strip. He was told the lots in question were off Sellhorn Blvd (not Conner Grant Road). Mr. Kaplan asked at what point the developer will bring the final plans to the Board. He was told it may be as soon as the next meeting after the street issues are resolved.

Mrs. Lamb asked about the time frame for acting on the application. Mr. George said the Board must

act within 60 days unless the applicant requests delays. Mr. Kaplan asked if the applicant can continue indefinitely to ask that an item be tabled. It was pointed out that it would not be economically prudent to do so. Mr. Kaplan was assured that he will be contacted by phone or mail if the item will not be heard at the Board's next regular meeting (June 5).

B. Continuation of a consideration of general plan approval for Taberna Townes Centre, a 4 - lot commercial subdivision, located at the intersection of Taberna Way and Highway 70 East. The plan was revised to address comments from the previous meeting.

Staff, Mr. Bernard, reviewed the application, reminding the Board that Section 15-211 of the Land Use Ordinance requires that all lots must have direct access to a public road or indirect access if the lot connects to a public street by means of one or more private roads that were constructed prior to the adoption of the ordinance. This was not the case with the original development plan and subsequent to last month's meeting, the developer has redrawn the plan in order to bring it into compliance with the City's access requirements.

Chairman Moffett asked if the street access was the only issue that needed addressing. Mr. George replied yes.

Applicant Comments: Robert Chiles, Chiles Engineering, 417 Broad Street, confirmed, saying lots 1 and 2 were combined. This gives each lot the access required.

Public Comments: Bob Castanza, president of the Taberna POA, said they support the project but are concerned with the access onto Taberna Way. Continuing, he said there is a landscaping and utility easement on Taberna Way that has in the past been the responsibility of the Taberna homeowners association. At the request of Chairman Moffett, Mr. Castanza approached and was able to closely examine the plan which revealed the ingress/egress to his satisfaction.

Board Discussion: On question from Mrs. Martin-Combs, Mr. Chiles answered that both entrances into the project would remain open.

Chairman Moffett asked for staff comments. Mr. George stated the revised plan has been reviewed by the staff, city public works director, city attorney and fire marshal and it is found to be in compliance with the city's ordinances. Staff recommends approval.

Motion was made by Mr. McClellan, with second by Mr. Mrs. Martin-Combs, to recommend approval of the general plan for Taberna Townes Centre. The motion carried unanimously.

New Business:

A. Consideration of proposed text amendment to Section 15-330 *Subdivision and multifamily development entrance signs* of the City of New Bern Land Use Ordinance.

Staff, Mr. George, reminded the Board that they looked last month at a preliminary draft for this text amendment. The amendment will give greater flexibility and equity in the City's administration of subdivision signage as well as better serve developers. The amendment is sponsored by Kip Perego, Carolina Colours.

Based on the Board's comments, landscaping provisions and directional regulations have been added.

Staff would like to present the amendment for public hearing at the Board of Aldermen regular meeting on May 22.

Applicant Comments: Kip Peregoy, Carolina Colours, spoke in support of the amendment. He said the current ordinance is limiting and does not allow for architectural adjustments in size, scale or proportion. He presented examples comparing entrances developed with current requirements versus how they would appear using the amended ordinance. The actual Carolina Colours entrance was highlighted.

Public Comments: none

Board Discussion: none

Motion was made by Mrs. Martin-Combs, with second by Mrs. Lamb, to recommend approval of the proposed text amendment to Section 15--330 *Subdivision and multifamily development entrance signs* of the City of New Bern Land Use Ordinance. The motion carried unanimously.

B. Presentation of ETJ (Extra Territorial Jurisdiction) recommendation.

Staff, Mr. Avery, broached the topic of ETJ in Township 2 east of and adjacent to the Sandy Point area. A map created by city's GIS division was distributed and examined. Mr. Avery said a group named Rivershore, LLC has purchased the former Taylor property.

Mrs. Lamb asked if R-10 would be the recommended zoning. Mr. Avery answered yes. Chairman Moffett expressed the need for educating the public, saying the disputes arise from misunderstandings of ETJ.

The procedures for public hearings and notification were discussed. Mrs. Martin-Combs asked who is requesting the ETJ. Mr. Avery replied the City. Several board members including Mrs. Moffat-Thomas opined that the owners of the property should be notified in advance. The implementation of utilities and services was discussed.

Presentation by Dr. Mohamad Kashef concerning work on the update of the City's subdivision ordinance.

Dr. Kashef discussed the progress of his work by focusing on a three-phased Scope of Work as follows:

New Bern Style: Assessment of current subdivision planning and development practices in New Bern. This will also include an examination of well established neighborhoods to develop the elements of the essential New Bern style and character elements that should be encouraged in new developments

Visioning: Public opinion surveys and education campaign. This may include focus group meetings and/or public hearings aimed at presenting alternative development plans and visioning the future of New Bern residential subdivisions.

Write Up: The rewrite of the subdivision regulations, approval process, and open space requirements of the land use ordinance.

Neighborhood Evaluation Criteria

- 1. Accessibility**
- 2. Walkability**
- 3. Community**
- 4. Sustainability**
- 5. Delight**

A brief question and answer session followed.

Board member Mr. Michel presented Chairman Moffett with a letter of resignation which was accepted with regret and appreciation.

The meeting adjourned.

Peter Moffett, Chairman

Bernard George, Secretary

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