

**Minutes of the New Bern Planning & Zoning Board
May 1, 2012**

The regularly scheduled meeting of the New Bern Planning & Zoning Board was held in the City Hall Courtroom, 300 Pollock Street, on Tuesday, May 1, 2012 at 6:30 PM.

Planning & Zoning Board

Members present: Mr. Tim Tabak, Chair
Ms. Stevie Bennett
Mr. Jimmy Dillahunt
Ms. Tiffany Dove
Mr. Kip Peregoy
Mr. Paul Yaeger

Members excused: Mr. Tripp Eure
Mr. Patrick McCullough
Mrs. Dorothea White
Mrs. Velda Whitfield

Staff present: Mr. Bernard George, AICP
Planning Manager
Mrs. Rebekah Pelletier
Administrative Assistant

Chairman Tabak called the meeting to order. Roll call was taken and a quorum declared.

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

Minutes: The minutes of the April 3, 2012 meeting were approved on motion by Mr. Peregoy, second by Ms. Bennett and unanimous vote by the board.

Chairman Tabak welcomed and introduced Mr. Jeff Ruggieri as the Director of Development Services

New Business

A. Consideration of a request to rezone 9.33 acres from A-5 Agriculture District to R-8 Residential District.

Chairman Tabak stated that the property is located on the west side of Brices Crossing Subdivision, at Tesie Trail, west of Weathersby Drive. Mr. George summarized the application stating that the acreage is part of the newly annexed Hardee Farms Subdivision. If the rezoning is recommended, it will be considered by the Board of Aldermen on May 22, 2012. The rezoning map was examined.

Mr. Dillahunt asked if the rezoning would create a secondary access for the Hardee Farms Subdivision. Mr. George responded affirmatively. He stated that this rezoning is a requirement from the Planning & Zoning Board meeting held April 3, 2012 for the approval of the revised Hardee Farms Subdivision plan. The City Engineer Jordan Hughes testified at that meeting that Tesie Trail has sufficient capacity to provide additional ingress and egress for the subdivision.

Mr. Dillahunt also inquired as to whether input was received from neighbors in the surrounding area. Mr. George replied that emails and discussions were exchanged between the Brices Crossing Homeowners Association, Thomas Engineering and NAD Development. There has been a suggestion of possible merging of the Brices Crossing and Hardee Farms Homeowners Associations.

Mr. Dillahunt asked if neighbors in the surrounding area had approved of the secondary road access as well. Mr. George commented that the Planning & Zoning Board approved the subdivision plan for Hardee Farms after input from the public at the April 3, 2012 meeting. He also noted that notification is mailed to property owners within 100 feet and postings are erected in the area prior to each meeting.

Chairman Tabak inquired if the rezoning could have been approved before approval of the subdivision plan. Mr. George responded that the initial zoning for the area was approved as A-5 Agriculture District before the approval of the Hardee Farms subdivision plan. Upon review of the subdivision plan, it was determined that an additional 13 lots consisting of 9.33 acres needed to be included to provide additional ingress and egress to the subdivision. These lots must be zoned R-8 Residential District to be consistent with the rest of the Hardee Farms Subdivision.

Applicant Comments: None.

Staff Comments: None.

Public Comments: Mr. Andrew Callaway, 2957 Judge Manly Drive, commented that Betty Gresham Lane was not being used for construction and cleanup traffic as required by the approval of the Hardee Farms Subdivision plan. The gate to Betty Gresham Lane has remained locked. He questioned what the city would do to enforce this requirement for Mr. Hardee, owner of Betty Gresham Lane.

There were no other public comments and the public comment segment was closed.

Board Comments: Chairman Tabak asked, in reference to the agreement, what the city's comments are in regards to the issue of construction and cleanup traffic. Mr. George stated that the city is aware of the issue and notes that it creates a hardship on the cleanup effort. However, the cleanup traffic was not included in the letter establishing the agreement between Mr. Hardee and NAD Development LLC for the use of Bettye Gresham Lane. Mr. George read the letter signed by Mr. Hardee aloud. Mr. George then noted that the Board of Aldermen, as part of the annexation of Hardee Farms, had required that the debris removed by August 1, 2012. He also commented that the Board of Aldermen may address the issue as part of the cleanup requirement.

Mr. John Hardee, owner of Hardee Farms, produced a photo of a one ton truck in the Brices Crossing Subdivision exiting from Hardee Farms Subdivision. According to Mr. Hardee, the truck is not a heavy construction vehicle and is hauling debris only a few times a week from NAD Development LLC's property, not his own. Mr. Hardee stated that the gate at Bettye Gresham Lane remains locked due to safety concerns. He has agreed to allow access to the gate during the construction of the subdivision set to begin in September. At no time did this agreement include the cleanup of the property as well. Mr. George asked how the gate to Bettye Gresham Lane would be managed when heavy construction begins. Mr. Hardee responded that several representatives conducting the construction would be given a key to access the gate.

Mr. Peregoy inquired as to what the city's enforcement policy was for the cleanup deadline of August 1, 2012 for the Hardee Farms property. Mr. George replied that the City Attorney would be better able to answer that question. He noted that it is often the case that the city will charge the property owner a fine for each day until the cleanup is complete.

Mr. George recommended the approval of the rezoning.

Motion was made by Mr. Peregoy, second by Mr. Dillahunt, and unanimous vote of the board to recommend rezoning of 9.33 acres from A-5 Agriculture District to R-8 Residential District.

Old Business

B. None.

There being no further business, the meeting was adjourned.

Tim Tabak, Chairman

Bernard George, AICP, Secretary