

**Minutes of the
City of New Bern Planning & Zoning Board
July 7, 2020 – 5:30 P.M.
New Bern City Hall - 303 Pollock Street**

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2 The regular meeting of the New Bern Planning and Zoning Board was held in the City of New
3 Bern City Hall 2nd floor Courtroom, 300 Pollock St., on July 7, 2020 at 5:30 pm
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5 **Members Present:** Don Black, Chair
6 Pat Dougherty, Vice Chair
7 Raymond Layton
8 Margie Dunn
9 Marshall Ballard
10 Travis Oakley
11 Marcus Simmons
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13 **Members Excused (E)/ Absent (A):** Sonny Aluzzo (E)
14 Anne Schout (E)
15 Haron Beatty (A)
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18 **Staff Present:** Jeffrey Ruggieri, Director of Development Services.
19 Nadia Abdul-Hadi, Planner 1.
20 Matt Schelly, City Planner.
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22 **1. Roll Call**
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24 Staff Member Nadia Abdul-Hadi delivered the roll call of all members and quorum declared.
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26 **2. New Business**
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- 28 **A. P & J of New Bern/Thomas Engineering, PA. are requesting final subdivision plan**
29 **approval for “Craeberne Forest Phase 2 Section 6”; a proposed 27-lot planned unit**
30 **development (PUD). This section of the multi-phase development is located on a**
31 **combined 5.14 +/- acres in the R-10 Residential District. The site is located to the**
32 **west of Trent Creek Rd. and to the north of US HWY 17 BR. (Ward 6).**
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34 **Staff Comments:**
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36 Jeffrey Ruggieri presented the staff analysis stating that while the existing zoning is R-10, this
37 subdivision is a Planned Unit Development (PUD) with an average lot size of 4,248 sq. ft. Mr.
38 Ruggieri adds that all utilities will be provided by the City of New Bern. Mr. Ruggieri states that
39 the Preliminary Plan for the Craeberne Forrest Subdivision was approved in 2008. Staff Continues
40 to present the application to the board displaying imagery of the site. Mr. Ruggieri concludes
41 finding that the proposed final plan meets the requirements of the City of New Bern Land Use
42 Ordinances, therefore recommending approval.

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Board Discussion:

Chair Black asks for staff for clarification that this item does not proceed to the Board of Aldermen for final approval, Mr. Ruggieri confirms that the Planning and Zoning is the decision maker for final plats. Mr. Layton asks staff if the bond has been received and reviewed by the City Attorney, Mr. Ruggieri confirms that the bond had been received and reviewed by public works and had been cashed. Chair Black welcomes the representative for the application to speak. Mr. John Thomas of Thomas Engineering states that he had not been involved with the project until recently and that he would try to answer any questions that the board had, but may not be able to answer questions that predated his involvement with the project. Mr. Layton asked staff if public works were happy with the improvements that had already been made to the site, Mr. Ruggieri responded that as far as he was aware public works were satisfied with the improvements. Ms. Dunn asked Mr. Ruggieri if water and sewer is approved when a plan goes through preliminary approval, Mr. Ruggieri responds stating that water and sewer is typically handled before the plans even get to Development Services. Ms. Dunn asks about how schools are involved with the process, Mr. Ruggieri states that schools are not involved with the City’s review process but that they have their own team of planners/forecasters that use state collected data to forecast capacity. Hearing no further discussion Chair Black stated that he would now entertain a motion for the item. **Vice Chair Dougherty made a motion to approve the application for final plan approval of Craeberne Forest Phase 2 Section 6 the motion was seconded by Mr. Layton. The motion passed unanimously (7-0).**

B. P & J of New Bern/Thomas Engineering, PA. are requesting final subdivision plan approval for “Craeberne Forest Phase 2 Section 7”; a proposed 14-lot planned unit development (PUD). This section of the multi-phase development is located on a combined 3.06 +/- acres in the R-10 Residential District. The site is located to the west of Trent Creek Rd. and to the north of US HWY 17 BR. (Ward 6).

Staff Comments:

Mr. Ruggieri stated that staff had received a letter from the applicant requesting that the item be continued to the next regularly scheduled meeting of the Planning and Zoning Board on August 6th 2020. Mr. Ruggieri stated that staff had no objections to this item being continued until the next meeting.

Board Discussion:

Mr. Layton asked staff if continuing the item would start the clock on the 60-days that the Planning and Zoning Board has to act on an item. Mr. Ruggieri stated that he did not think that would be the case as a continuation is deemed an “action” by the Planning and Zoning Board. Chair Black invited the applicant to the speak. Mr. John Thomas of Thomas Engineering representing the applicant stated that if need be, he could withdraw the application and resubmit it. Mr. Ruggieri stated that it would not be necessary to do so. Chair Black stated that he would now entertain a

89 motion for the item. Mr. Layton made a motion to continue item 2B to the next regularly
90 scheduled meeting of the Planning and Zoning Board on August 6th, 2020, the motion was
91 seconded by Mr. Oakley. The motion passed unanimously (7-0).

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93 **C. Consideration of a request from the City of New Bern Board of Aldermen to**
94 **amend Appendix A — "Land Use" of the Code of Ordinances of the City of New**
95 **Bern to: (1) add definitions to Section 15- 15 " Basic definitions and**
96 **interpretations." to include Bed and Breakfast (tourist) home, Designated**
97 **Responsible Party, Short-term rental, Short-term rental, partial house, and Short-**
98 **term rental, whole house : (2) to add Use 1.310 "Short-term rental, partial house"**
99 **and Use 1.320 "Short-term rental, whole house," and amend Use 1.520 "Bed and**
100 **breakfast (tourist) home".**

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102 **Board Discussion:**

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104 Chair Black thanked Ms. Schout and Mr. Layton for their work regarding the Short-term Rental
105 subcommittee.

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107 **Staff Comments:**

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109 Mr. Ruggieri stated that the Short-term rental subcommittee was formed in October 2019 at the
110 request of the Board of Aldermen. Mr. Ruggieri listed out the members of the subcommittee and
111 stated that they met bi-weekly from December through March. Mr. Ruggieri stated that in order to
112 regulate a use, first the use must be defined. Mr. Ruggieri stated that the definition for Bed and
113 Breakfast was amended, while the definitions for Designated Responsible Party, Short-term rental,
114 Short-term rental, partial house, and Short-term rental, whole house were all added to the City of
115 New Bern Code of Ordinances. Mr. Ruggieri announces that there are some technical difficulties
116 with the presentation. Mr. Ruggieri explains that once a definition for a use has been established,
117 then it can be determined where the use is allowed within the City. Mr. Ruggieri explains that
118 concerning bad actors, there will be a procedure in place to revoke a permit if a property violates
119 the zoning code on more than two occasions, Mr. Ruggieri adds that one a permit is revoked the
120 property will not be eligible to register for STR registration for 3 years. Mr. Ruggieri discusses
121 parking as it pertains to STRs. Mr. Ruggieri states that there is no separation distance requirement
122 for partial house STRs but there is a 250 feet separation requirement from any other whole house
123 rental or Bed and Breakfast, as measured from parcel line to parcel line. Mr. Ruggieri explains the
124 concept of a designated responsible party as well as the idea that a STR cannot be used as an event
125 space. Mr. Ruggieri states that existing STRs prior to the adoption of this new language will be
126 considered existing non-conforming uses.

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128 **Board Member Comments**

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130 Chair Black asked board members if anyone had any further questions, Ms. Dunn stated that the
131 STR Committee did a great job coming up with the new language. Chair Black added that he would
132 also like to thank members of the public that were assigned to participate in the meetings held by
133 the STR Committee. Hearing no further discussion Chair Black stated that he would entertain a

134 motion. **Mr. Layton moved to recommend approval of the new STR language as presented,**
135 **Mr. Dougherty seconded the motion. The motion passed unanimously (7-0).**

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137 **D. Consideration of a request from the City of New Bern Historic Preservation**
138 **Commission (HPC) to review the proposed changes to the Guidelines.**

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140 **Staff Comments:**

141 Mr. Schelly introduces Tripp Eure, HPC Vice-Chair and Ellen Sheridan, HPC member. Mr.
142 Schelly gives a quick overview, explaining that the last time HPC guidelines were adopted was in
143 2017, and it was just a reorganization of previous guidelines. Mr. Schelly explains that the
144 proposed changes will help clarify a lot of gray areas in the HPC guidelines. Mr. Schelly states
145 that Mr. Eure will go over the duties of the HPC. Mr. Eure describes the physical area that must
146 adhere to HPC guidelines, and that the HPC guidelines are only concerned with the exterior of
147 properties, excluding color. Mr. Schelly asks the board if they have any questions.

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149 **Board Discussion:**

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151 Chair Black asks the board if they have any questions for Mr. Schelly, hearing none, Chair Black
152 asks Mr. Ruggieri if the Development Services department are recommending approval of the
153 changes to the HPC guidelines. Mr. Ruggieri explains that a lot of work has gone into the changes
154 presented by Mr. Schelly and the HPC, as such staff are recommending approval. Chair Black asks
155 if the City attorney has reviewed the changes. Mr. Schelly responds that he has. Hearing no further
156 discussion amongst the board, Chair Black entertained a motion. **Mr. Raymond Layton moved**
157 **to recommend approval of the changes to the HPC guidelines to the Board of Aldermen, Mr.**
158 **Oakley seconded the motion. The motion passed unanimously (7-0).**

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160 **Adjourn**

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162 Hearing no further discussion amongst the Board, Chair Black entertained a motion to adjourn.
163 **Mr. Dougherty moved to adjourn, Mr. Layton seconded the motion. The motion passed**
164 **unanimously (7-0).**

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167 The meeting was adjourned at 6:10pm.

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170 Date Approved: 04-06-21

171




Don Black, Chair

172

173 Attest:

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Jeff Ruggieri, Director of Development Services