

**River Bend Town Council
Work Session Minutes
July 14, 2022
Town Hall
6:00 p.m.**

Present Council Members: Mayor John Kirkland
Don Fogle
Brian Leonard
Barbara Maurer
Buddy Sheffield
Bud Van Slyke

Town Manager: Delane Jackson
Town Clerk: Kristie Nobles
Police Chief: Sean Joll
Town Attorney: Dave Baxter

Members of the Public Present: 37

CALL TO ORDER

Mayor Kirkland called the meeting to order at 6:00 p.m. on Thursday, July 14, 2022 at the River Bend Town Hall with a quorum present.

VOTE – Approval of Agenda

Councilwoman Maurer motioned to accept the agenda as presented. The motion carried unanimously.

Discussion– Proposed Development with Ellis Development

The Mayor stated that this meeting has been widely advertised and is not a public hearing. He stated that this meeting is a discussion between the Town Council and Ellis Development and the public hearing is scheduled for July 28, 2022 at 6:00 p.m. at Town Hall.

The Manager stated that this is the first time in the Town's history that their meeting has been televised live on CTV-10. He thanked CTV-10 for providing those services to make it possible. The Manager introduced Mr. Matt Hook and Mr. Zack Anderson from Ellis Development.

Mr. Matt Hook presented a PowerPoint on the purposed rezoning request. He stated that Ellis Development is a land acquisition and development company and they have submitted a rezoning request for 103.32 acres on Old Pollocksville Road. He stated that the acreage is currently zoned R20A and the rezoning request is to rezone the property to PDR-SF (Planned Developmental Residential – Single Family) and PDR-MF (Planned Developmental Residential – Multi Family). He stated that they have provided a couple of sketch options of the housing layout possibilities that are displayed on the walls around the room. He also stated these are just possible options. Mr. Hook concluded his presentation. At this time, the Town Manager presented a PowerPoint presentation that included the sketch options and the zoning that is currently throughout the Town. He also presented information regarding sewer and water flow calculations based on the state's formula and as compared to the Town's current usage. He stated both amounts would be under the permitted usage for gallons per day. The Public Works Superintendent, Brandon Mills, stated that he felt the systems would be able to accommodate the estimated gallons per day usage. He also stated that he felt they would need to increase backwashing the filters in the water system. The Manager provided zoning information from Craven County GIS that states within the Town of River Bend there are currently 1,675 residential lots and 429 (25.6%) of those lots are zoned PDR-MF lots. He stated that if the rezoning passes and you combine the proposed homes in

option #3, which is 305 homes maximum, to the current PDR-MF lots, the percentage actually decreases to 25.1%. He stated that there has been many conversations about density. He stated that the Town's ordinances state, "The maximum number of dwelling units in a single building in zoning PDR-MF is 4. The maximum density for PDR-MF is 6.5 dwellings units per acre. The minimum distance between buildings in PDR-MF is 20 foot. The maximum density for PDR-SF is 4 dwellings per acre." He stated that any developer could not come in and build as many homes as they wish on this site. The Town has minimum setbacks that have been in place for years that require minimum front yard, back yard and side yard setbacks and density rules in place that restrict how many homes can be built on the lot. He stated there are currently 2,923 vehicles registered in the Town of River Bend and 1,578 homes in River Bend, which is less than two vehicles registered per home. Statistically speaking, if there are 305 homes built in the proposed development that would be approximately 610 additional vehicles in River Bend that would utilize Plantation, Shoreline and the entrance and exit off Old Pollocksville that the developer has proposed. He also stated that of those 1,578 homes in River Bend, 1,012 are beyond the bridge on Shoreline and he felt some would utilize the Old Pollocksville Road entrance and exit. He presented the Town's Thoroughfare Plan that was approved in 2008 and indicated where the Town has anticipated roads through the proposed development. At this time, the Manager asked the Council for any questions for him or Ellis Development. Mr. Zack Anderson with Ellis Development addressed the traffic information that the Manager presented. Mr. Anderson stated that Ellis Development would contract with NCDOT consultant to conduct a traffic impact study. He stated this study would monitor the traffic and complete trip counts. He also stated that they would be responsible for the fees, water tap fees, sewer fees, etc. associated with developing the property.

Councilman Leonard asked if the traffic impact study recommends a change to the traffic pattern and with the developers experiences with similar infrastructure, what kind of changes would that facilitate. Mr. Anderson stated that it could be adding a turning lane on Old Pollocksville Road, change the timing of the stoplight at Shoreline and Hwy 17, or adding a turning lane on Hwy 17 but it is all based on what the NCDOT engineers recommend and they must follow their recommendation.

Councilman Fogle asked the Manager how the current zoning ordinances relates to this proposal, specifically to roadway and right of way widths and what can they expect with any new developments. The Manager stated that the current Town ordinances require 60' right of way with 22' of pavement and some minor roads, for example cul-de-sacs, we allow 50' of right of way and 20' of pavement. Councilman Fogle stated that he did not feel 18' or 22' of pavement is adequate for a new development. He asked the Manager if sidewalks are required in this zoning district and the Manager stated that sidewalks are required in PDR-MF and not required in PDR-SF. He also stated that if the property was developed as it is zoned currently, R-20A, sidewalks would be required. He stated that in the Town ordinance it states that sidewalks are required in any district that has 15,000 or 20,000 square foot minimum lot size or zoned PDR-MF. Councilman Fogle asked the Manager what is the requirement for park space for a development of this size. The Manager stated that the Town ordinance addresses this in a couple of areas. He stated that there is a requirement for common area and Mr. Matt Hook stated there would be HOA's in this area, and there will be a common space requirement for the HOA's. The Manager stated there is also a requirement for recreational area, there would be 4.25 acres of recreational area based on 305 homes. Councilman Fogle asked if the Town wanted a park with a swing set, would that be for the Town to provide. The Manager stated that is correct, the developer is just responsible for the land, but they could install that infrastructure if they choose to but the ordinance does not require that. Councilman Fogle asked if there is an ordinance that requires trees to be planted along the roadway and on the lots. The Manager stated there is no requirement for trees to be planted along the roadway, but there is a Tree Preservation Ordinance that is site specific. He stated that it states that desirable trees have to be maintained to a level of 30 trees per acre. He stated that the property currently is a tree farm that is mainly pine trees according to the owner Robert Davis (who is in attendance and verbally agrees). He stated that if the developer clears the lot they

would have to replant 30 trees per acre per the Town's ordinance. Councilman Fogle asked about parking spaces for the multi-family housing. The Manager stated that in the Town's ordinance, there is a parking space section that requires two paved parking spaces per dwelling. Councilman Fogle asked if the proposed zoning request would allow any commercial activity, such as restaurants, convenience stores, etc. The Manager stated that businesses are not permitted in residential areas with one exception for home occupations.

Councilman Sheffield stated he would like to point out a couple of things regarding the traffic. Specifically, when talking about the new road being a way around the bridge at Town Hall, he said for the people in zone 3 the only time it was out of commission was when it flooded in Hurricane Florence. He said the people in zone 3 would not benefit from this new road because their section along Plantation Drive floods well before that bridge does. The other thing is we got the total number of vehicles shown on the slide but I own three vehicles and I cannot drive them all at once. Also the median age for people in River Bend is 55 and old people don't drive that much. There are days when I do not go anywhere and I am not the only one. I think the numbers are skewed that way. If you lower that median age, there are factors that will go up, traffic, noise and crime. Those are the three things that older people don't do a lot of. Even the ones in the multi-family housing in River Bend as it is are largely older people.

Councilman Van Slyke asked the Manager if there is an option of dictating the location of the trees that are to be retained and removed in the proposed new development. The Manager stated that the ordinance only states the minimum number of trees, not the location. Councilman Van Slyke stated that was a concern presented to him, that residents would want a border in the backyard backing up to that property. The Manager stated that the Town's ordinance is a little odd, however in the Tree Preservation Ordinance requires a certain amount of trees to be retrained, but as soon as the lot is sold to an individual, they can remove all the trees after ownership. Mr. Zack Anderson stated that the Town's Tree ordinance is a lot more stringent than most municipalities. He asked if there is a landscape buffer requirement in the ordinance. The Manager stated that it depends on what you are doing on the adjacent property.

Councilman Leonard asked if the developer would complete an enforceable agreement if the Council has additional requests. He also asked if the developer plans to have curbs. Mr. Anderson stated that they plan to have curbs, but again a lot of this information is discussed at the site-planning phase when we have actual plans to present. He also stated they want to have a project that the builder can sale and their buyers can afford. He also stated that at the site plan approval, they could offer certain conditions and commitments. Councilman Leonard asked if the infrastructure that would be installed would have a warranty period and the Manager stated that the Town requires a one-year guarantee.

Councilwoman Maurer asked if the developer would consider instead building larger homes on a more upscale level rather than building small homes and multi-family units. Mr. Anderson stated that there is nothing that could prevent a large-scale home, but right now infrastructure is more expensive than it has ever been in the history of development, from constructing roads to buying land to framing a house. He stated that modern trends and planning theory push smaller lots with shared amenities. He stated that within the current zoning category, the cost of development would far exceed what is marketable at the end of the day. Councilwoman Maurer asked what is the price point are they targeting for this project. Mr. Anderson stated this is another issue that may get difficult to answer. He stated they do not want to answer that question with any certainty because someone could sue the Town because you denied the project because of that. If the homes were built today, we would sale to homebuilders that market towards \$300,000 to \$400,000 range. Councilwoman Maurer asked about the multi-family pricing. Mr. Anderson stated in the \$275,000 to \$325,000 range. Councilwoman Maurer asked how many acres are buildable in the parcel and how much acreage cannot be developed because it is wetlands and is there a plan for mitigation to develop those wetlands. He stated there is a buffered stream that cannot be impacted except for the road and there is currently a wetland study being completed that has to

be approved by the State of North Carolina and the Army Corp of Engineers. He stated he anticipates quite a bit of this land being unusable for development, which makes a density based zoning better for the development.

Councilman Sheffield asked if the developer would consider developing the property as it is currently zoned and he had already answered that, secondly are all the reasons for developing this property as requested strictly financial. Mr. Anderson stated that largely what they believe in is a healthy, modern community, small lots with shared amenities with parks and environmental for protections stormwater streams. Councilman Sheffield stated that in an email, Mr. Anderson referred to R-20 zoning as 'a thing of the past' and "suburban sprawl". He asked if he feels River Bend is presently a thing of the past? Mr. Anderson stated that if R-20 lots were to be built the city would have a larger infrastructure per taxpayer and larger amount of maintenance per taxpayer that is what he refers to as suburban sprawl. Large lots that spread the town out instead of more compact with shared amenities with lower infrastructure cost. Councilman Sheffield asked if there is federal program or tax incentive to make the population so dense. Mr. Anderson stated there is no tax incentives.

Councilman Leonard asked the Manager to view option 3 with the multiple buffers; he asked if this was the first time, the developer has seen this option with the buffers. Mr. Anderson stated it is. Councilman Leonard asked if the multi-family could be relocated closer to the Old Pollocksville Road side of the property. Mr. Anderson stated that the idea is to have the multi-family closer to downtown, so they could utilize the Town's amenities. Councilman Leonard asked if there would be buffers between the PDF-MF and PDF-SF and the Manager stated that there is a section of the ordinance that applies to businesses buffering, but not residential, but in option 3 there are streets around the PDF-MF which would be a buffer around it.

Councilman Fogle asked how does the Town of River Bend and its current residents benefit from the requested zoning change? Mr. Anderson stated that it would bring more safety, bring businesses, volunteers, and bring tax money that is being spent elsewhere. Councilman Fogle asked if sidewalks are not required, do they plan to include them and Mr. Anderson stated, yes, they really look for open space, walkability, a sense of community and a sense of place, among other things. Councilman Fogle asked if they propose to have any gated communities in this proposed development and Mr. Anderson stated no. Councilman Fogle asked if they expect to meet the minimum requirement or exceed the minimum requirement, such as open space, parks, etc. Mr. Anderson stated that every project that do they exceed the open space requirement; they want to be proud of the project. Councilman Fogle asked if the rezoning proposal is rejected would they consider incorporating Town comments and suggestions into a new proposal or would they abandon the project completely. Mr. Anderson stated that he feels that is what they are doing now. They have held this question and answer meeting, incorporated feedback that has been provided already and they continue to work and listen to the Town.

Councilwoman Maurer asked when they refer to parks, are they referring to the ones currently in Town or are they planning on building new ones? Mr. Anderson stated that there would be park space in the site plan; potentially a dog park and what would make sense for the buyer. Councilwoman Maurer asked if it would be feasible to relocate the multi-family over to Old Pollocksville Road and make those amenities available for that side of project. Mr. Anderson stated that the landowners who would also be landowners in River Bend would want the best access to the existing parks. Councilwoman Maurer asked if they would be model homes and Mr. Anderson stated that they do not build homes but they would work with a builder and that decision is up to them.

Councilman Sheffield asked if the developers were planning to buy all of the 100 acres, and Mr. Anderson stated yes, except what the Town owns. Councilman Sheffield stated that he did not understand option 2 and 3, except he feels the developer would make it crowded now and make it really crowded later on.

Councilman Leonard said if based on what we talked about earlier, the maximum amount of homes that could be built on that property is 305. The Manager stated that is the number he has talked with the developer about, but the Council could allocate more flow, but currently the maximum is 305.

The Manager stated that there are 80 people watching online. He also stated that this is the zoning request at this time and there is a much more site-specific part of the process, if it is approved, with the subdivision plat that would show all the details that have to be approved.

CLOSED SESSION

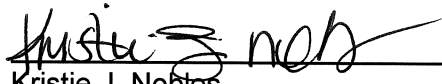
Councilman Leonard moved to go into a Closed Session under NCSG §143-318.11(a)(3)(6). The Council entered Closed Session at 7:36 p.m.

OPEN SESSION

Councilman Leonard moved to return to Open Session at 7:57 p.m. The motion carried unanimously.

ADJOURNMENT/RECESS

There being no further business, Councilman Sheffield moved to adjourn. The motion carried unanimously. The meeting adjourned at 7:58 p.m.



Kristie J. Nobles
Town Clerk