

# AGENDA

## CITY OF NEW BERN PLANNING AND ZONING BOARD

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Tuesday, September 5, 2023 – 5:30 P.M.  
Development Services Conference Room  
303 First Street, New Bern, NC 28560



1. ROLL CALL

2. APPROVAL OF MINUTES:

August 3, 2023

3. ACTION ITEMS

**A. “WEST NEW BERN, PARCEL A: GENERAL PLAN”**

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**Parcel Identification Numbers:** 8-209-13001 &  
8-209-12003

**Number of New Parcels:** 1  
**Zoning:** C-3 & R10-A

**Location:** 3000 Mahew Drive

**Property Owners:** Weyerhaeuser Real Estate

**Applicant:** McKim and Creed

**B. “WEST NEW BERN, PARCEL A: FINAL PLAN”**

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**Parcel Identification Numbers:** 8-209-13001 &  
8-209-12003

**Number of New Parcels:** 1  
**Zoning:** C-3 & R10-A

**Location:** 3000 Mahew Drive

**Property Owners:** Weyerhaeuser Real Estate

**Applicant:** McKim and Creed

**C. LAND USE ORDINANCE TEXT AMENDMENT**

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**Code Section:** Section 15-343 “Flexibility in administration required.”

**Applicant:** City of New Bern

4. STAFF UPDATES

5. BOARD MEMBER COMMENTS

6. ADJOURNMENT

**Minutes of the  
City of New Bern Planning & Zoning Board  
August 3, 2023 – 5:30 P.M.  
Development Services Conference Room – 303 First Street**

The regular meeting of the New Bern Planning and Zoning Board was held in the Development Services Conference Room, 303 First Stret, on August 3, 2023, 2023, at 5:30 pm.

**Members Present:**

Brad Jefferson, Chair  
Raymond Layton  
Margie Dunn  
Kelly Keiser  
Sonny Aluzzo  
Kyle Dearing  
Marshall Ballard

**Members Excused (E)/ Absent (A):**

Rusty Ingram

**Staff & Counsel Present:**

Jessica Rhue, Development Services Director  
Matthew Schelly, City Planner  
Jaimee Bullock-Mosely, Assistant City Attorney

Mr. Brad Jefferson, Chairman called the meeting to order at 5:31 p.m.

**1. Roll Call**

Staff member Matt Schelly delivered the roll call, a quorum was present.

Chair Jefferson asked new member Kelly Keiser to introduce herself.

**2. Approval of Minutes: July 7, 2020, August 6, 2020, September 10, 2020, December 1, 2020, and July 5, 2023.**

Ms. Dunn said she was missing from the minutes on the August 6, 2020, and would like to have a correction made to reflect if she was present or absent.

**Ms. Dunn made a motion to accept all minutes, seconded by Mr. Aluzzo. The motion passed by a unanimous vote.**

**3.A: West New Bern, Parcel A: General Plan**

Staff member Schelly presented the item. Residential District.

Cliff Parsons of Ward and Smith spoke on behalf of the applicant. Updated maps were distributed to the Board. Mr. Parsons explained that recently the applicant had requested a land swap that was

being considered by the Board of Aldermen at their August 22<sup>nd</sup> meeting and would like to continue item A on the September 5, 2023, agenda.

**Mr. Derring made a motion to continue the item as requested, Mr. Aluzzo seconded the motion. The motion passed by a unanimous vote.**

### **3.B: West New Bern, Parcel A: Final Plan**

The applicant requested to also continue item B on the September 5, 2023, agenda.

**Mr. Derring made a motion to continue the item as requested, Mr. Aluzzo seconded the motion. The motion passed by a unanimous vote.**

### **3.C: Land Use Ordinance Text Amendment: 15-343 “Flexibility in administration required”.**

Director Jessica Rhue presented item C and had an overview of the conversation about parking from previous meetings.

Ms. Dunn expressed her concern about parking being pushed into the residential area. Mr. Layton stated he would offset that concern considering there is a fair amount of parking that is city owned public parking. Mr. Aluzzo stated he liked the option with the Special Use Permit included. After a lengthy discussion the board agreed on having the option with Special Use Permit included in the next packet for action.

**Mr. Layton made a motion to continue this item on the September 5, 2023, agenda, Ms. Dunn seconded the motion. The motion passed by a unanimous vote.**

### **4. Staff Updates**

Ms. Rhue gave an update on staffing turnover.

### **5. Board Member Comments**

Ms. Dunn welcomed new board member Kelly.

### **6. Adjourn**

**Mr. Aluzzo made a motion to adjourn the meeting; Second by Mr. Layton. Motion passed unanimously. The meeting was adjourned at 5:58 p.m.**

**Meeting time: 27 minutes.**

**Date Approved: \_\_\_\_\_**

\_\_\_\_\_  
**Brad Jefferson, Chair**

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



## **MEMORANDUM**

**TO:** City of New Bern Planning & Zoning Board

**FROM:** Matt Schelly, City Planner

**DATE:** August 29, 2023

**SUBJECT:** General Plan Consideration of West New Bern, Kyrios, LLC, Parcel A

### **Analysis**

Weyerhaeuser Real Estate Development Company is requesting subdivision General Plan approval for "West New Bern, Kyrios, LLC Parcel A." This subdivision would remove 0.88 +/- acres from a 114.78 +/- -acre Weyerhaeuser Real Estate Development Company tract in the C-3 Commercial District and proposes a 250-foot +/- extension of Mayhew Drive on the remainder of that tract. Also, this subdivision would remove 0.23 +/- acres from the 1.47 +/- -acre City of New Bern "Well Site #8" parcel in the R-10A Residential District. These two subdivided portions would be combined to create a new 1.11-acre parcel, "Parcel A," owned by Weyerhaeuser Real Estate Development Company. The Zoning district boundaries would not be changed.

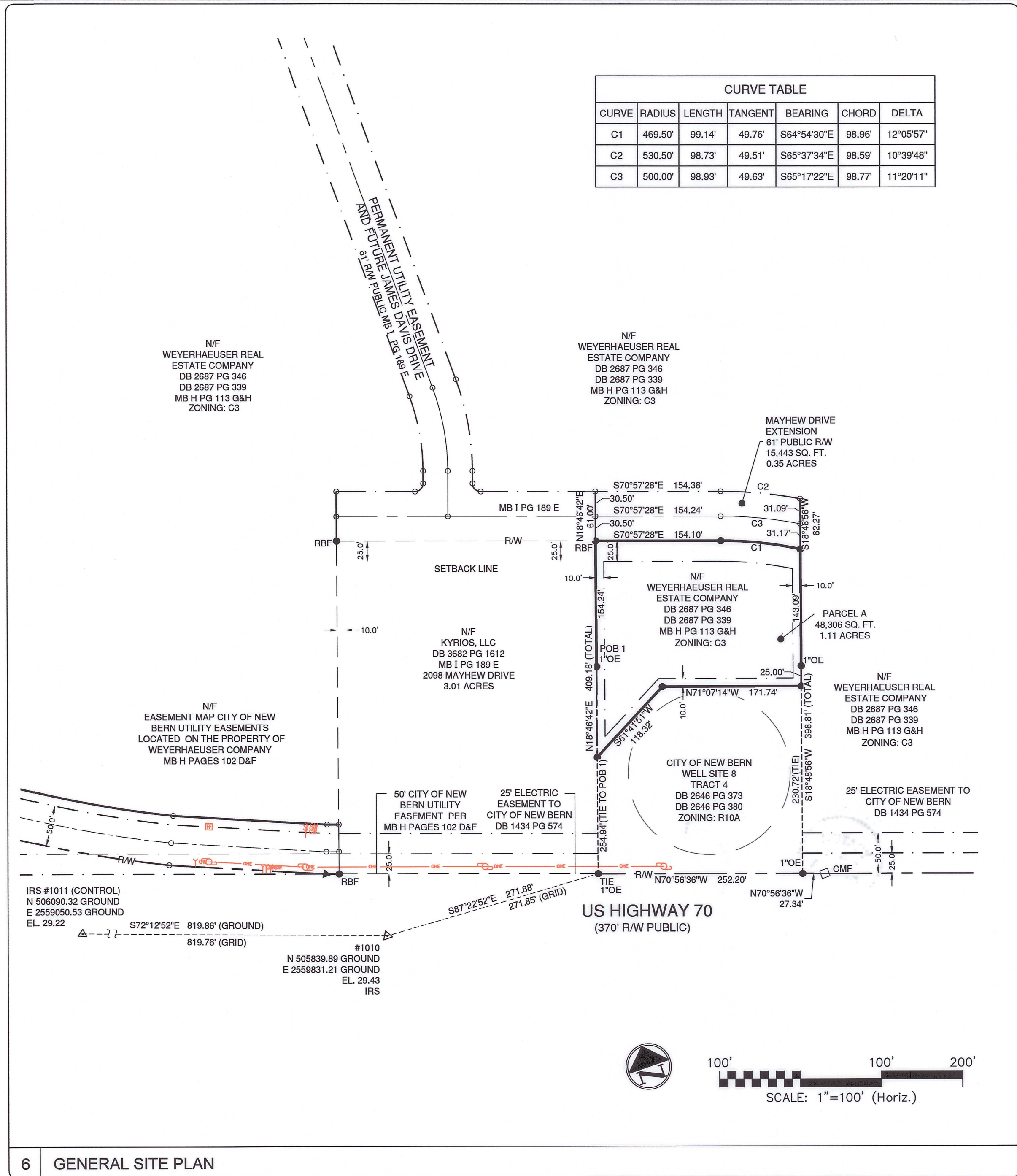
The properties are located along Mayhew Drive in the West New Bern community. The "parent" properties are further identified as Craven County Parcel Identification #8-209-13001 and #8-209-12003.

Utilities and services will be provided by the City of New Bern.

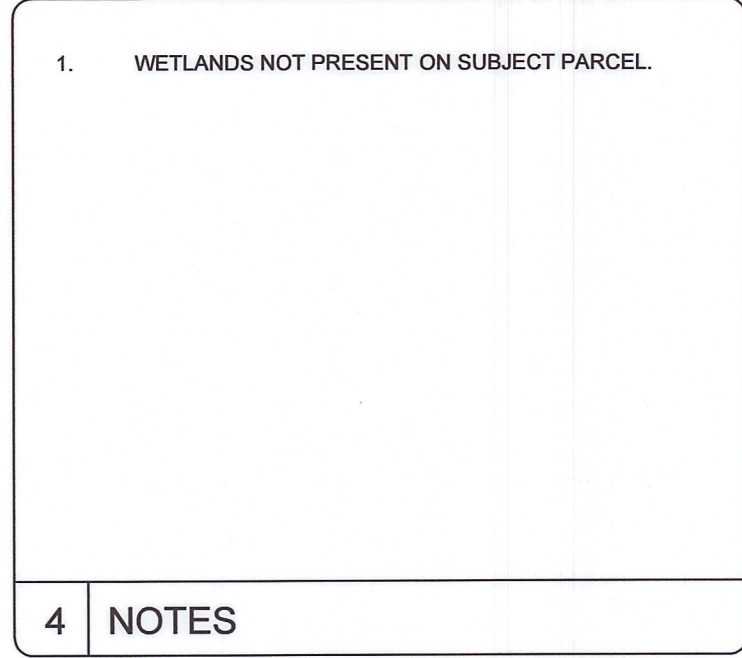
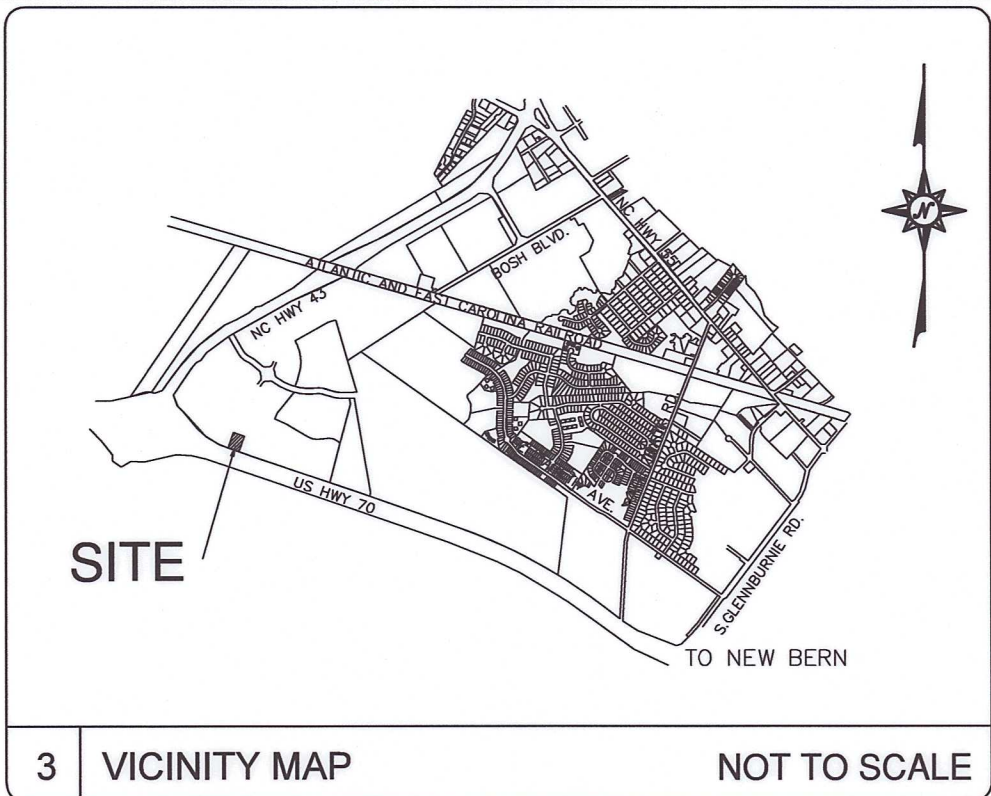
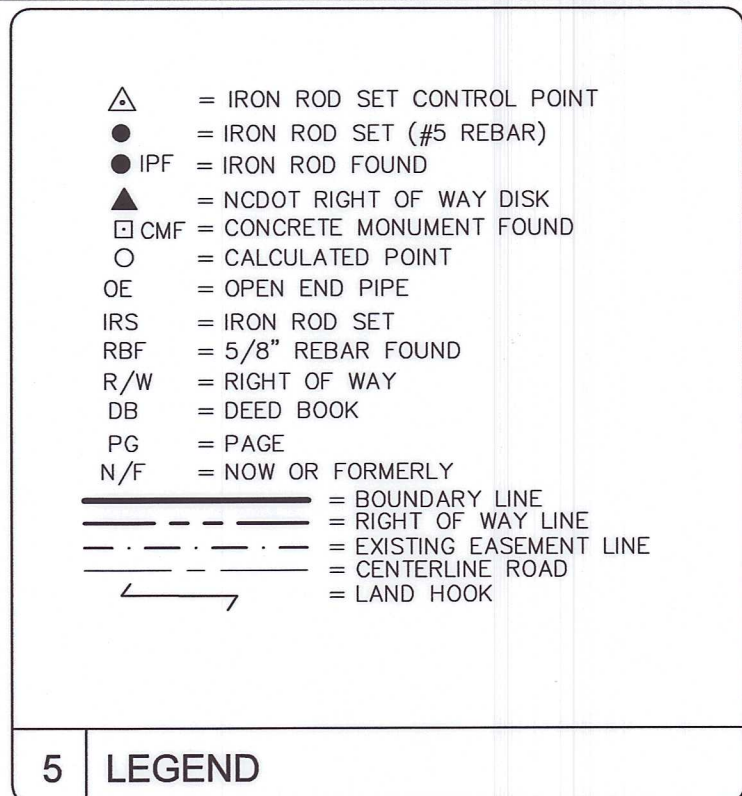
### **Recommendation**

Staff has reviewed the proposed subdivision and finds that all technical and legal requirements for general subdivision plan approval have been satisfied according to the City of New Bern Land Use Ordinance. The City of New Bern Public Works, Fire, Water Resources, and Electric Departments have no objections to the proposed subdivision. Therefore, General Subdivision Plan approval of West New Bern, Kyrios, LLC Parcel A is recommended.



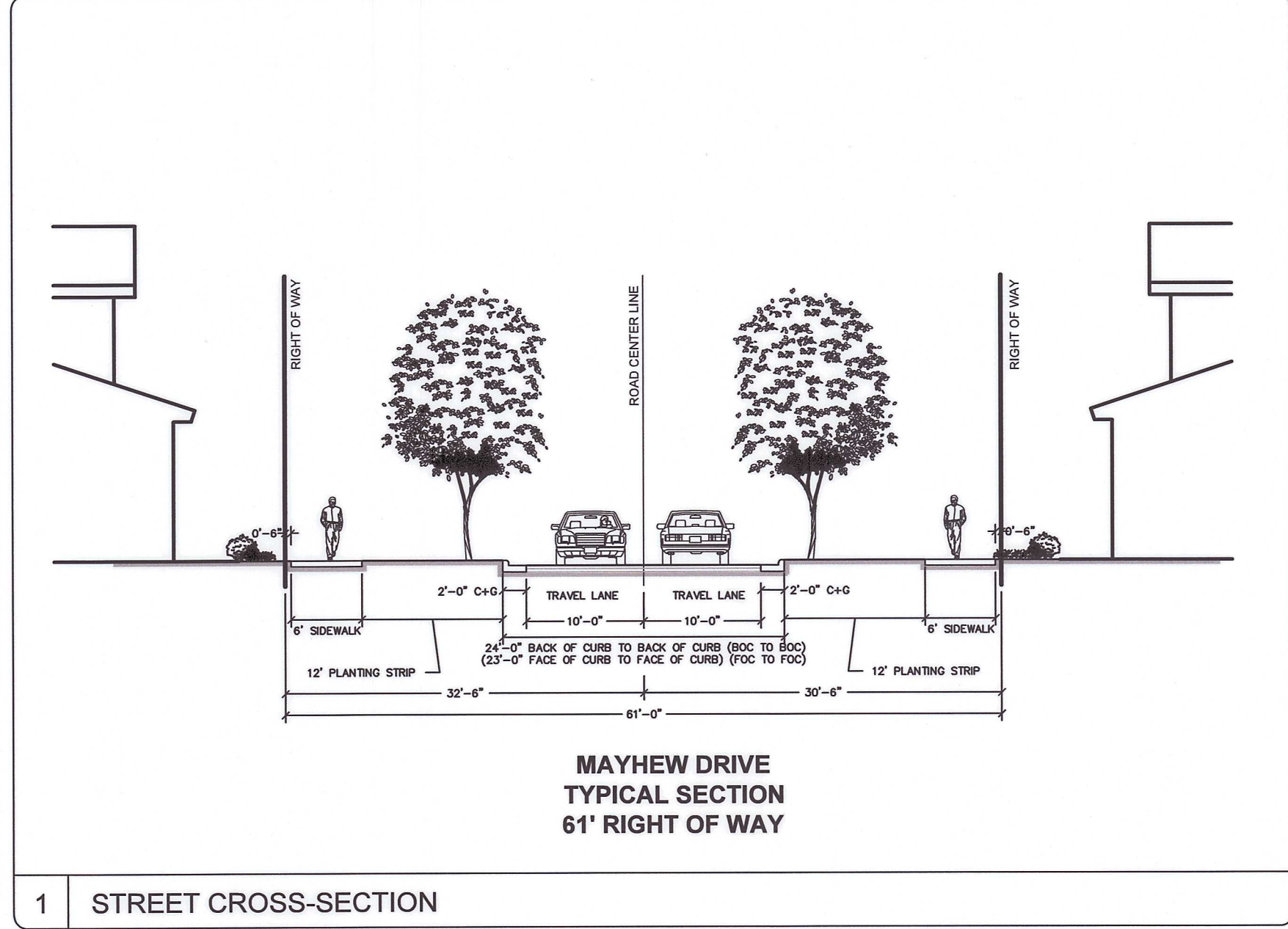


6 GENERAL SITE PLAN



PROJECT NAME	WEST NEW BERN PARCEL A
PROPERTY ADDRESS	3000 MAYHEW DRIVE
PROPERTY DEVELOPER	WEYERHAEUSER
ZONING	C-3
LINEAR FEET OF STREETS	±204 LF
LOT SIZE	1.1 AC
NUMBER OF LOTS	1
SETBACKS:	
FRONT	25'
SIDE	10'
REAR	10'

2 SITE DATA



 **WEST NEW BERN**  
A WEYERHAEUSER COMMUNITY

 **McKIM & CREED**  
243 North Front Street  
Wilmington, North Carolina 28401  
Phone: (910)343-1048, Fax: (910)251-8282  
License: F-1222  
www.mckimcreed.com

WEST NEW BERN: PARCEL A

GENERAL PLAN

DATE: 08.04.2023	SCALE	C1.0 DRAWING NUMBER
MCE PROJ. # 00910-0203	HORIZONTAL: AS SHOWN	
DRAWN MR/TSM	VERTICAL: -	
DESIGNED TSM		
CHECKED TSM		
PROJ. MGR. TSM		REVISION

STATUS: PRELIMINARY - NOT FOR CONSTRUCTION OR RECORDATION





## **MEMORANDUM**

**TO:** City of New Bern Planning & Zoning Board

**FROM:** Matt Schelly, City Planner

**DATE:** August 29, 2023

**SUBJECT:** Final Plan Consideration of West New Bern Kyrios, LLC, Parcel A

### **Analysis**

Weyerhaeuser Real Estate Development Company is requesting subdivision Final Plan approval for "West New Bern, Kyrios, LLC Parcel A." This subdivision would remove 0.88 +/- acres from a 114.78 +/- -acre Weyerhaeuser Real Estate Development Company tract in the C-3 Commercial District and proposes a 250-foot +/- extension of Mayhew Drive on the remainder of that tract. Also, this subdivision would remove 0.23 +/- acres from the 1.47 +/- -acre City of New Bern "Well Site #8" parcel in the R-10A Residential District. These two subdivided portions would be combined to create a new 1.11-acre parcel, "Parcel A," owned by Weyerhaeuser Real Estate Development Company. The Zoning district boundaries would not be changed.

The properties are located along Mayhew Drive in the West New Bern community. The "parent" properties are further identified as Craven County Parcel Identification #8-209-13001 and #8-209-12003.

### **Recommendation**

West New Bern, Kyrios, LLC Parcel A (one lot on 1.11 acres) received General Plan approval from the City of New Bern Planning & Zoning Board on September 5th, 2023. Staff has reviewed the proposed subdivision and finds that all technical and legal requirements for final subdivision plan approval have been satisfied according to the City of New Bern Land Use Ordinance. The Director of Public works has approved the bond estimate (\$271,320.00). Therefore, final subdivision plan approval of West New Bern, Kyrios, LLC Parcel A is recommended, contingent upon the City Attorney's approval of the performance bond for the extension of Mayhew Drive.



CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1	469.50'	99.14'	49.76'	S64°54'30"E	98.96'
C2	530.50'	98.73'	49.51'	S65°37'34"E	98.59'
C3	500.00'	98.93'	49.63'	S65°17'22"E	98.77'

# CERTIFICATE OF OWNERSHIP AND DEDICATION

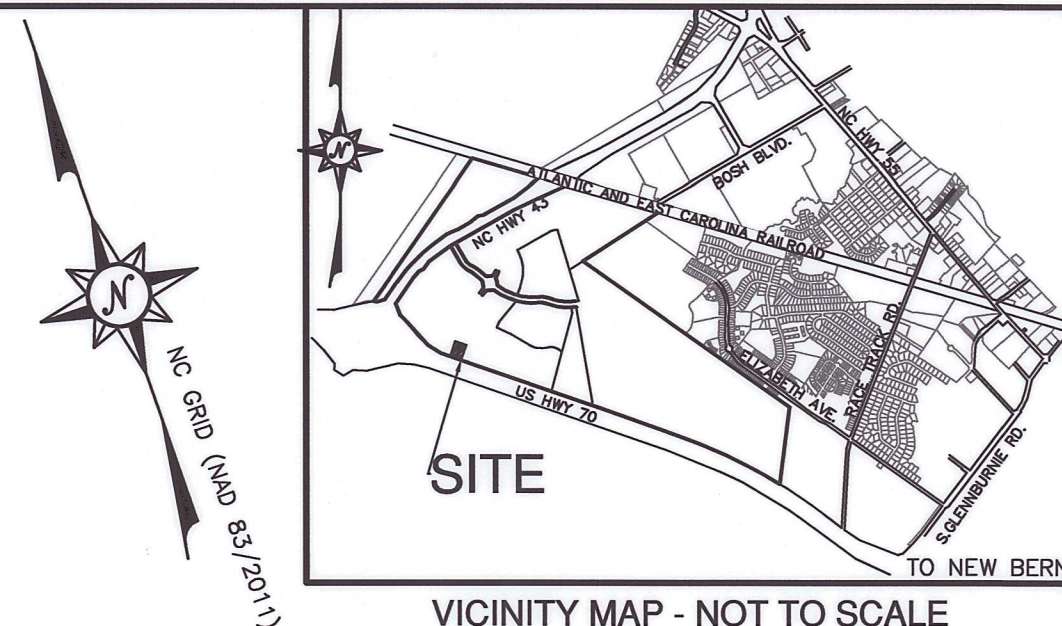
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON, WHICH IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF NEW BERN, THAT WE HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT WE WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE BOARD OF ALDERMEN IN THE PUBLIC INTEREST.

WEYERHAEUSER NR COMPANY *Clifford P. Parson* DATE *8/14/23*  
*Authorized Representative*

# CERTIFICATE OF APPROVAL BY THE CITY OF NEW BERN

I, HEREBY CERTIFY THAT ALL STREETS SHOWN ON THIS PLAT ARE WITHIN THE CITY OF NEW BERN'S PLANNING JURISDICTION, ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION WITHIN TWELVE (12) MONTHS AFTER THE DATE BELOW HAS BEEN ENSURED BY THE POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE NEW BERN CITY CODE, AND THEREFORE, THIS PLAT HAS BEEN APPROVED BY THE NEW BERN BOARD OF ALDERMEN, SUBJECT TO ITS BEING RECORDED IN THE REGISTER OF DEEDS OFFICE OF CRAVEN COUNTY WITHIN ONE (1) YEAR OF THE DATE BELOW.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_



VICINITY MAP - NOT TO SCALE

N/F  
WEYERHAEUSER REAL ESTATE COMPANY  
DB 2687 PG 346  
DB 2687 PG 339  
MB H PG 113 G&H  
ZONING: C3

N/F  
WEYERHAEUSER REAL ESTATE COMPANY  
DB 2687 PG 346  
DB 2687 PG 339  
MB H PG 113 G&H  
ZONING: C3

STATE OF NORTH CAROLINA  
COUNTY OF CRAVEN

I, \_\_\_\_\_, REVIEW OFFICER OF CRAVEN COUNTY, CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THE MAP/PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS THE STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

FILED FOR REGISTRATION AT \_\_\_\_\_ M O,CLOCK  
THIS \_\_\_\_\_ OF \_\_\_\_\_ AD  
IN PLAT CABINET \_\_\_\_\_ SLIDE \_\_\_\_\_

REGISTER OF DEEDS

## SURVEYOR'S NOTES:

- ALL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET UNLESS OTHERWISE SHOWN.
- BEARINGS BASED ON NC GRID NAD83/2011.
- REFERENCES: PLAT BOOK H PAGE 113-G&H
- THIS MAP PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- NO WETLANDS ON THIS SITE ACCORDING TO A MAP TITLED "WETLANDS RECERTIFICATION SURVEY FOR A PORTION OF CRAVEN NO.30. DATED JUNE 13, 2020.
- SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AND OR ENCUMBRANCES THAT MAY EFFECT THIS PROPERTY.
- CONTROL ESTABLISHED FROM NCGS MONUMENT "VOLTAGE" USING A COMBINED SCALE FACTOR OF: 0.999879292

## SURVEYOR'S CERTIFICATION:

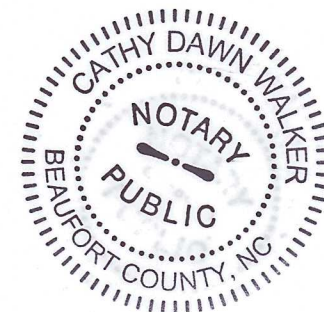
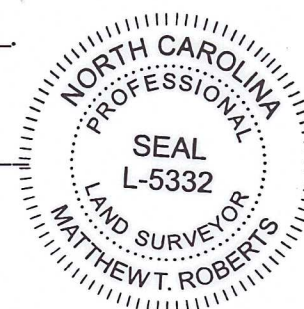
I, MATTHEW T. ROBERTS PLS L-5332, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED AND MAP BOOKS AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK H, PAGE 113-G; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THIS SURVEY CREATES A SUBDIVISION OF LAND THAT REQUIRES A CERTIFICATION OF APPROVAL FROM THE CITY OF NEW BERN BEFORE THE PLAT IS PRESENTED FOR RECORDATION.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL

THIS THE 10<sup>th</sup> DAY OF August A.D., 2023

*Matthew T. Roberts*  
MATTHEW T. ROBERTS  
PROFESSIONAL LAND SURVEYOR L-5332



## NOTARY CERTIFICATE

I, *Cathy Dawn Walker* *Cathy Dawn Walker*  
A NOTARY PUBLIC OF CRAVEN COUNTY, DO HEREBY CERTIFY

THAT Clifford P. Parson  
APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND SEAL THIS 14<sup>th</sup> DAY OF August, A.D.

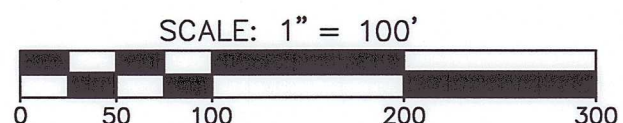
OWNER: WEYERHAEUSER NR COMPANY

SIGNED *Clifford P. Parson* *Authorized Representative* DATE 8/14/23

NC GRID NAD 83/2011 TIE LINE TABLE					
		GRID COORDINATES			
POINT	DIRECTION	GRID	GROUND	NORTHING	EASTING
NCGS VOLTAGE				506,516.72	2,557,593.31
	S73°41'24"E	1518.14'	1518.32'		
#1011				506,090.37	2,559,050.36
	S72°12'52"E	819.76'	819.86'		
#1010				505,839.97	2,559,830.94
	S87°22'32"E	271.88'	271.85'		
TIE				505,827.47	2,560,102.77

CONSULTING ENGINEER/SURVEYOR  
MCKIM & CREED  
243 N. FRONT STREET  
WILMINGTON, NORTH CAROLINA 28401  
OFFICE: (910) 343-1048

ZONING  
ZONE: C-3  
SETBACKS:  
FRONT - 25'  
SIDE - 10'  
REAR - 10'



**MCKIM & CREED**  
243 NORTH FRONT STREET  
WILMINGTON, NORTH CAROLINA 28401  
TELEPHONE: (910) 343-1048  
FAX: (910) 251-8282  
NORTH CAROLINA FIRM LICENSE NUMBER: F-1222

**SUBDIVISION PLAT**  
**KYRIOS, LLC**  
**PARCEL A & B**  
OWNERS: WEYERHAEUSER NR COMPANY & CITY OF NEW BERN  
CITY OF NEW BERN- TOWNSHIP NO. 8-CRAVEN COUNTY-NORTH CAROLINA  
AUGUST 10, 2023 1" = 100'

JOB NUMBER: 00910-0195  
SCALE: 1" = 100'  
CAD NUMBER: VB-009100195-RECOMBO.DWG  
PLS: MTR  
PARTY CHIEF: \_\_\_\_\_  
CAD TECH: MBH  
FIELD BOOK/PAGE: \_\_\_\_\_  
DRAWING NUMBER: 2023-  
SHEET 1 OF 1





## MEMORANDUM

**TO:** City of New Bern Planning & Zoning Board

**FROM:** Jessica F. Rhue, Director of Development Services

**DATE:** September 5, 2023

**SUBJECT:** Off-Street Parking requirements in the Historic Downtown

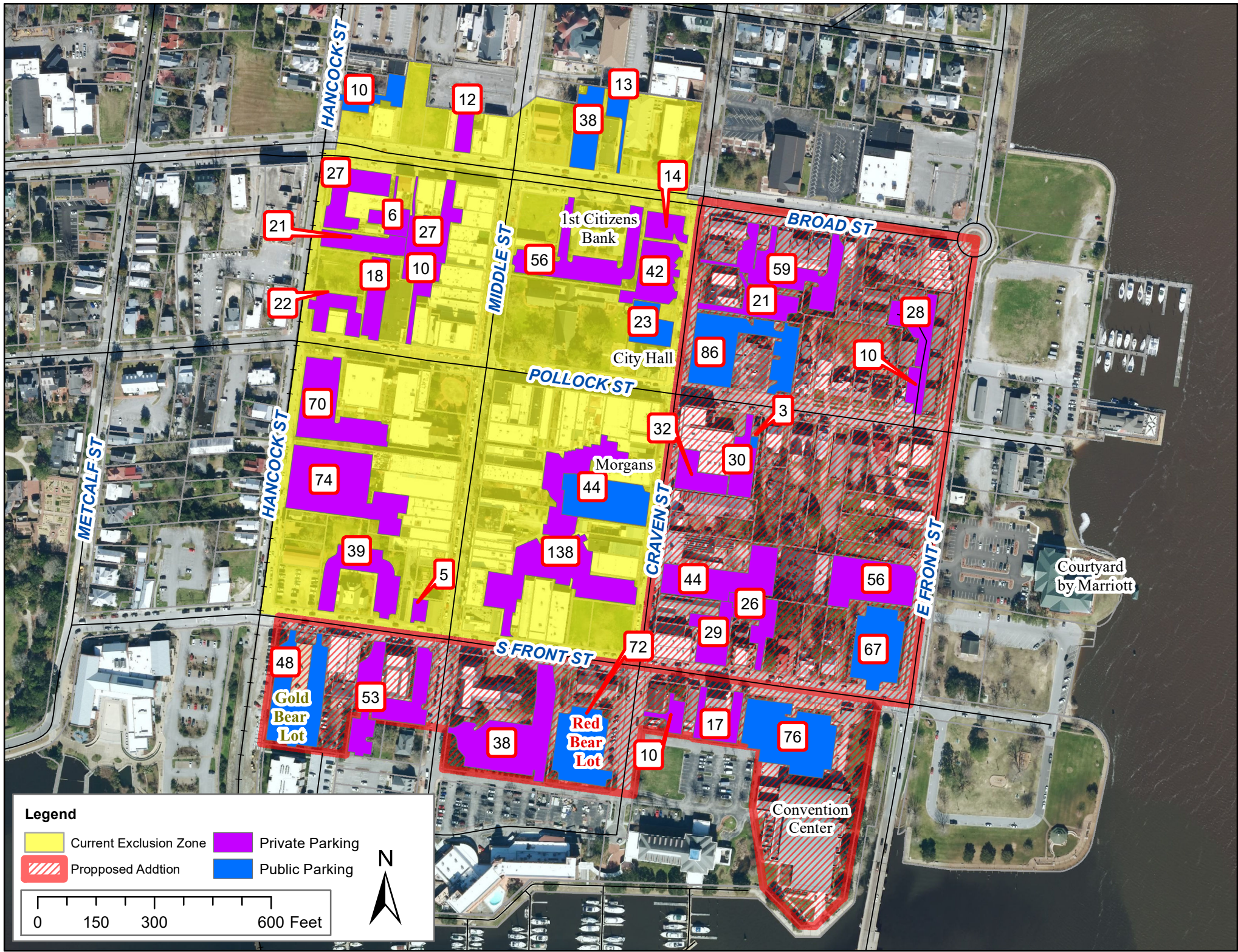
Over the past three regular meetings of the Planning and Zoning Board, the City's requirements for off-street parking in the historic downtown area have been discussed. Staff explained that the City of New Bern Land Use Ordinance requires off-street parking to be provided for new commercial developments and "change-of-use" occupancy within existing structures. To encourage the reuse of these existing building and have legally enforceable and commonsensical parking laws, staff researched what other sister cities with similar characteristics have adopted. Most historical and coastal cities with public parking available do not apply parking standards in their downtown areas in order to facilitate the reuse of buildings, and also to protect historic buildings from being removed to create parking. The City of New Bern has approximately 600 public parking spaces that are not included in any parking calculations.

The consensus of the Planning & Zoning Board at the August 3, 2023 meeting was to direct staff to draft language to discuss and potentially recommend that includes the following:

- Expand the exempted parking area from the existing area described above to include real estate to the west side of East Front Street and down to the south side of South Front Steet.
- Maintain the current short term rental parking requirements even if the boundary is expanded.
- Prohibit the elimination of any parking that exists within the new boundary (after the date of adoption of any potential changes) unless a Special Use Permit (SUP) is granted by the Board of Adjustment.

Please see the requested draft ordinance amendments and parking area map for reference.







**AN ORDINANCE TO AMEND APPENDIX A “LAND USE” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN**

THAT WHEREAS, the Planning and Zoning Board of the City of New Bern \_\_\_\_\_ recommends that certain amendments be made to Appendix A “Land Use” of the Code of Ordinances of the City of New Bern; and

WHEREAS, the City’s development services staff further recommends approval of said proposed amendments; and

WHEREAS, the Board of Aldermen of the City of New Bern deems it advisable and in the public interest to effect said revisions to Appendix A “Land Use” of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Section 15-343. “Flexibility in administration required.” Of Article XVIII. “Parking” of Appendix A “Land Use” of the Code of Ordinances of the City of New Bern be and the same is hereby amended by deleting subsections (b) and (e) in their entirety and the following inserted in their stead:

**“Sec. 15-343. Flexibility in administration required.**

...

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in subsection 15-342(g) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly;

(2) A residential development is located in close proximity to the central business district and is committed to a policy of placing restrictions on the vehicle ownership of its tenants; or

(3) A business is primarily oriented to walk-in trade; ~~or~~ .

~~(4) A residential or nonresidential development is located within one of the city's designated National Register historic districts.~~

...

(e) Notwithstanding any other provision in this section, developments located in the central retail core (defined as the area encompassing those properties abutting the ~~east side of Craven Street~~, the east side of Hancock street, the ~~north~~ south side of Tryon Palace Drive South



Front Street, the west side of East Front Street, the south side of Broad Street from the west side of East Front Street to west side of Craven Street, and the north side of Broad Street from the east side of Craven to the east side of Street Hancock Street) shall be exempt from off-street parking requirements except those requirements set forth in subsection 15-163(h)(3), provided such development may reduce the number of parking spaces in existence as of the date of the adoption of this this section by special use permit.

SECTION 2. This ordinance shall be effective from and after the date of its adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JEFFREY T. ODHAM, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK





**CONSISTENCY STATEMENT**  
**Section 15-343 Flexibility in Administration Required**

Whereas, the City of New Bern Planning and Zoning Board has reviewed potential modifications to Section 15-343 and finds the proposed changes to be consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan;

NOW, THEREFORE BE IT RESOLVED, by the City of New Bern Planning and Zoning Board that the proposed zoning ordinance text amendment and presented documentation are found to be consistent with the City's 2022 Land Use Plan Update and 2010 Land Use Plan; and are determined to be reasonable and in the public interest.

Adopted this the 5<sup>th</sup> day of September, 2023

\_\_\_\_\_  
Brad Jefferson, Chairman

\_\_\_\_\_  
Matthew Schelly, Secretary to the Board