



**Development Services**  
303 First Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252)639-7581

## AGENDA

### CITY OF NEW BERN PLANNING AND ZONING BOARD

Thursday, August 3, 2023 – 5:30 P.M.

Development Services Department, Conference Room

303 First Street, New Bern, NC 28560

1. ROLL CALL
2. APPROVAL OF MINUTES:
  - July 5, 2023
  - December 01, 2020
  - September 10, 2020
  - August 6, 2020
  - July 07, 2020
3. NEW BUSINESS
  - A. **“WEST NEW BERN, PARCEL A: GENERAL PLAN”**  
**Parcel Identification:** #8-209-13001      **Number of Lots:** 1  
**Location:** 3000 MAHEW DRIVE      **Zoning:** C-3  
**Property Owners:** WEYERHAEUSER REAL ESTATE  
**Applicant:** MCKIM & CREED
  - B. **“WEST NEW BERN, PARCEL A: FINAL PLAN”**  
**Parcel Identification:** #8-209-13001      **Number of Lots:** 1  
**Location:** 3000 MAHEW DRIVE      **Zoning:** C-3  
**Property Owners:** WEYERHAEUSER REAL ESTATE  
**Applicant:** MCKIM & CREED
  - C. **LAND USE ORDINANCE TEXT AMENDMENT**  
**Code Section:**  
Section 15-343 “Flexibility in administration required.”
4. STAFF UPDATES
5. BOARD MEMBER COMMENTS
6. ADJOURNMENT

*Individuals with disabilities requiring special assistance should call 639-7501  
no later than 3:00 p.m. on the day of the meeting.*

*Everything comes together here.*

**Minutes of the  
City of New Bern Planning & Zoning Board  
July 5, 2023 – 5:30 P.M.  
City Hall, 2<sup>nd</sup> Floor Court Room – 300 Pollock Street**

The regular meeting of the New Bern Planning and Zoning Board was held in the City Hall, 2<sup>nd</sup> floor courtroom, 300 Pollock Street, on July 5, 2023, at 5:30 pm.

**Members Present:** Brad Jefferson, Chair  
Sonny Aluzzo  
Raymond Layton  
Margie Dunn  
Rusty Ingram

**Members Excused (E)/ Absent (A):** Pat Dougherty  
Kyle Dearing  
Marshall Ballard

**Staff & Counsel Present:** Jessica Rhue, Development Services Director  
Seth Laughlin, Zoning Administrator  
Jaimee Bullock-Mosely, Assistant City Attorney

**1. Roll Call**

Staff member Seth Laughlin delivered the roll call with a quorum declared with 5 members present.

**2A: Approval of Minutes: 1/5/21, 4/6/21, 5/4/21, 5/2/23, & 6/6/23.**

Board member Dunn stated that she noticed a possible need for correction in the 6-6-23 meeting minutes. After a brief discussion, it was determined that a correction needed to be made.

**Board member Ingram made a motion to recommend adoption of the collection of minutes with the correction made. Board member Aluzzo seconded the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous (5-0).**

**3A. Athens Acres, Phase 2 Final Plan**

Staff member Laughlin presented the item. Phoenix Derby Park, LLC, is requesting subdivision final plan approval for “Athens Acres, Phase Two” (formerly Derby Park, Ph 7), a proposed 23-lot Planned Unit Development. This subdivision is located on 10.04 +/- acres in the R-10A Residential District. The site is located off Medina Spirit Street. The property is further identified as a portion of Craven County Parcel Identification #8-240-27000.

This project received general plan approval from the City of New Bern Planning & Zoning Board on August 5th, 2021. Staff has reviewed the proposed subdivision and finds that all technical and

43 legal requirements for final subdivision plan approval have been satisfied according to the City of  
44 New Bern Land Use Ordinance. The Director of Public Works has confirmed that the standing  
45 Letter of Credit is sufficient to cover the outstanding improvements. Therefore, final subdivision  
46 plan approval of Athens Acres, Phase Two is recommended.

47  
48 **Board member Dunn made a motion to adopt the plan as presented. Board member Layton**  
49 **seconded the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous**  
50 **(5-0).**

51  
52 **3.B: Land Use Ordinance Text Amendments: 15-416 & 15-417.**

53  
54 Staff member Laughlin explained the item background. City Code Sections 15-416 & 15-417 were  
55 inadvertently deleted from the ordinance during updates in December 2022. At the 6-21-23 HPC  
56 meeting, the board voted unanimously to recommend approval to adopt “the changes to Section  
57 15-416, as prepared by the City Attorney, and to reinstate Section 15-417 as it was prior to  
58 December 2022”.

59  
60 Staff recommends the Planning and Zoning Board vote to recommend that the Board of Aldermen  
61 adopt the text amendments as submitted.

62  
63 **Board member Ingram made a motion to adopt the amendments as presented and that they**  
64 **are consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan and are**  
65 **reasonable and in the public interest. Board member Layton seconded the motion. Chairman**  
66 **Jefferson called for a verbal vote. The vote was unanimous (5-0).**

67  
68 **3.C: Land Use Ordinance Text Amendments: 15-423(d).**

69  
70 Staff member Laughlin explained the item background. Planning staff noticed an error in the 160D  
71 text amendment changes that were adopted by the Aldermen in December 2022. As was adopted,  
72 Section 15-423(d) now reads: “(d) Quasi-judicial procedures. Other than administrative decisions  
73 on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the  
74 procedures of G.S. 170D-406.” There is no G.S. 170D and it is no doubt meant to be 160D-406,  
75 which is entitled “Quasi-judicial procedure.”

76  
77 Staff recommends the Planning and Zoning Board vote to recommend that the Aldermen adopt the  
78 text amendment to change Section 15-423(d) to read as follows: “(d) Quasi-judicial procedures.  
79 Other than administrative decisions on minor works, decisions on certificates of appropriateness  
80 are quasi-judicial and shall follow the procedures of G.S. 160D-406.”

81  
82 **Board member Ingram made a motion to adopt the amendment as presented and that they**  
83 **are consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan, and the**  
84 **proposed amendment is reasonable and in the public interest. Board member Dunn seconded**  
85 **the motion. Chairman Jefferson called for a verbal vote. The vote was unanimous (5-0).**

86  
87 **3D. DISCUSSION ITEM: Code Section: 15-343 “Flexibility in administration required”**  
88 **(Parking)**

Staff member Laughlin presented the item to the Board. At the June 6, 2023 Regular Meeting of the Planning and Zoning Board, the City's requirements for off-street parking were discussed. Staff explained that the City of New Bern Land Use Ordinance requires new commercial developments and "change-of-use" occupancy within existing structures to provide off-street parking for their staff and patrons.

In Section 15-343(e) "Flexibility in administration required," the ordinance exempts a four-block area known as the "central retail core" from minimum off-street parking requirements. This area is defined in the code as "the area encompassing those properties abutting the east side of Craven Street, the east side of Hancock Street, the north side of Tryon Palace Drive, and the north side of Broad Street." Staff explained that many cities in North Carolina have removed off-street minimum requirements from their downtowns altogether. The Board discussed enlarging the "central retail core" area to the east and south as shown in the enclosed map.

After a lengthy discussion, the Board consensus was for staff to bring draft language to the August meeting.

#### **4A. Staff Updates "Consistency Statement Worksheet"**

Staff member Laughlin stated that a copy of the worksheet had been included in the Board packets.

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

There was a brief discussion about the downtown parking concerns with no additional conclusions made.

#### **6. Adjourn**

**Board member Ingram made a motion to adjourn the meeting; Board member Layton seconded the motion. A verbal vote was taken, and the motion passed (5-0).**

**Meeting time: 33 minutes.**

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

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

**Attest:** \_\_\_\_\_

**Matt Schelly , Interim Land & Community Development Administrator.**



**Minutes of the  
City of New Bern Planning & Zoning Board  
December 1, 2020 – 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 Street, on December 1, 2020, at 5:30 pm.

**Members Present:** Don Black, Chair  
Marshall Ballard  
Margie Dunn  
Pat Dougherty  
Travis Oakley  
Raymond Layton  
Sonny Aluzzo

**Members Excused (E)/Absent (A):** None

**Staff & Counsel Present:** Jeff Ruggieri, Planning Director  
Nadia Abdul-Hadi, Planner 2

**1. Roll Call**

Staff Member Nadia Abdul-Hadi delivered the roll call, and a quorum was declared with 7 members present.

**2. Approval of meeting minutes:**

A. 10-06-2020

B. 11-03-2020

**Board member Dunn made a motion to approve the minutes as read. The motion was seconded by Mr. Layton. A roll call was taken, and the motion passed unanimously (7-0).**

**3A. Nolan Commercial Contractors, Inc./Thomas Engineering, PA are requesting final subdivision plan approval for “Lake View Phase Three” a proposed 65-lot planned unit development (PUD). This section of the multi-phase development is located on a combined 31.51 +/- acres in the R-8 Residential District. The site is located to the west of Old Airport Rd. (Ward 3).**

Director Ruggieri gave his staff presentation. Preliminary Subdivision approval in January 2019.  
Ave Lot Size: 12,951 square feet.  
Total length of streets: 2,463 LF.  
Total common area: 8.4 +/- acres  
Utilities and services will be provided by the City of New Bern.

Lake View Phase Three received preliminary subdivision approval in January 2019. Staff has reviewed the proposed subdivision plan and finds the project meets all the requirements of Section 15-79 of the Land Use Ordinance of the City of New Bern and therefore recommends approval of the subdivision, contingent upon the receipt of a performance bond accepted by the City Attorney.

**Mr. Layton made a motion to approve Lake View Phase Three. The motion was seconded by Mr. Dougherty. A roll call was taken, and the motion passed unanimously (7-0).**

**3B. Consideration of an application to rezone one parcel, totaling 2.36 +/- acres, from I-2 Industrial district to I-1 Industrial district. The parcel is located at 3498 Martin Drive and is further identified as Craven County Parcel ID #8-208-147 (Ward 6).**

Director Ruggieri presented the application materials. MMJH LLC c/o Michael Hawkins has requested consideration of an application to rezone one parcel, totaling 2.36 +/- acres, from I-2 Industrial district to I-1 Industrial district. The parcel is located at 3498 Martin Drive and is further identified as Craven County Parcel ID #8-208-147 (Ward 6). City staff advises the Planning & Zoning Board recommend approval of the rezoning request to the Board of Aldermen.

**Mr. Dougherty made a motion to recommend approval to the Board of Alderman to rezone one parcel, totaling 2.36 +/- acres, from I-2 Industrial district to I-1 Industrial district. The motion was seconded by Mr. Ballard. A roll call was taken, and the motion passed unanimously (7-0).**

**3C. Consideration of a request to review the height regulations in the R-6 Zoning District, Residential & Commercial Waterfront Overlay Districts and Riverstation Mixed Use Overlay District from the Board of Aldermen.**

Director Ruggieri presented the application materials. In all zoning districts, the height of a building shall be the vertical distance measured from the elevation of the finished grade at the addressed front entrance of the building to the highest point of the building, not to include chimneys, antennae, or other rooftop appurtenances, unless the building is located in a special flood hazard area as defined in article XVI. For buildings located in a special flood hazard area, excluding the Waterfront Overlay Districts, the height of a building shall be the vertical distance measured from the regulatory flood protection elevation as defined in article XVI to the highest point of the building, not to include chimneys, antennae, or other rooftop appurtenances.

City staff advised the Planning & Zoning Board recommend approval of the rezoning request to the Board of Aldermen. **No vote was taken.**

**3D. Approval of draft calendar for 2021 Planning and Zoning Board meetings.**

Mr. Aluzzo stated that the first Tuesday in August needed to be left free due to National Night Out.

**Mr. Layton made a motion to approve the 2021 Planning and Zoning Board meetings calendar with the one change of the August meeting from the 3<sup>rd</sup> to the 5<sup>th</sup>. The motion was**

seconded by Mr. Dougherty. A verbal vote was taken, and the motion passed unanimously (7-0).

**4. Board member comments**

**5. Adjourn**

Hearing no further discussion amongst the Board, Mr. Layton made a motion to adjourn. Ms. Dunn seconded the motion. A roll call was taken, and the motion passed (7-0).

Meeting duration: 38 minutes, 33 seconds.

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

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

Attest: \_\_\_\_\_

Matt Schelly, Interim Land and Community Development Administrator

**Minutes of the  
City of New Bern Planning & Zoning Board  
September 10, 2020 – 3:00 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 Street, on September 10, 2020, at 3:00 pm.

**Members Present:** Don Black, Chair  
Marshall Ballard  
Haron Beatty  
Margie Dunn  
Pat Dougherty  
Travis Oakley  
Sonny Aluzzo

**Members Excused (E)/Absent (A):** None

**Staff & Counsel Present:** Jeff Ruggieri, Planning Director  
Nadia Abdul-Hadi, Planner 2

**1. Roll Call**

Staff Member Nadia Abdul-Hadi delivered the roll call, and a quorum was declared with 7 members present.

**2 A. Sydes Construction, Inc./Thomas Engineering, PA are requesting final subdivision plan approval for “Bendigo Bay, Phase Two, Section A, at Bluewater Rise;” a proposed 27-lot planned unit development (PUD). This section of the multiphase development is located on a combined 16.49 +/- acres in the R-8 Residential District. The site is located to the north of County Line Rd. and to the west of Old Airport Rd. (Ward 3).**

Director Ruggieri presented the proposed development background. Sydes Construction, Inc./Thomas Engineering, PA are requesting final subdivision plan approval for “Bendigo Bay, Phase Two, Section A, at Bluewater Rise;” a proposed 27-lot planned unit development (PUD). This section of the multi-phase development is located on a combined 16.49 +/- acres in the R-8 Residential District. The site is located to the north of County Line Rd. and to the west of Old Airport Rd. (Ward 3). The average lot size is 10,517 square feet. The total length of streets is 3,105 LF. Utilities and services will be provided by the City of New Bern. Bendigo Bay at Bluewater Rise received preliminary subdivision approval on December 5th, 2017. Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements for final subdivision plan approval have been satisfied. Therefore, final subdivision plan approval of Bendigo Bay, Phase Two, Section A, at Bluewater Rise is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

Board member Dunn made a motion to approve Bendigo Bay Phase Two Section A at Bluewater Rise.” The motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (7-0).

**2 B. Consideration of a request to amend Section 15-79. “Major subdivision approval process.” of the City of New Bern Code of Ordinances.**

Director Ruggieri presented the draft language to the Board. Staff is proposing changes to the major subdivision approval process, to include:

- The submittal of three 18” by 24” copies and one digital copy of final plats to the Development Services Department.
- The requirement that complete applications be submitted to Development Services three weeks prior to the next regularly scheduled meeting of the Planning and Zoning Board.
- The requirement that all estimates for performance guarantees be submitted at the time of application three weeks prior to the next regularly scheduled meeting of the Planning and Zoning Board.

Staff is requesting that the Planning and Zoning Board make a recommendation to the City of New Bern Board of Aldermen regarding the changes to Section 15-79. “Major subdivision approval process.” of the City of New Bern Code of Ordinances.

**Mr. Ballard made a motion to recommend approval to the Board of Alderman to amend Section 15-79: “Major subdivision approval process” of the City of New Bern Code of Ordinances. The motion was seconded by Mr. Beatty. A roll call was taken, and the motion passed unanimously (7-0).**

**3. Board Member Comments**

Director Ruggieri gave the Board updates on future development plans for the West New Bern area and for the Redevelopment Area.

**4. Adjourn**

**Hearing no further discussion amongst the Board, Ms. Dunn made a motion to adjourn. Mr. Beatty seconded the motion. A verbal vote was taken, and the motion passed (7-0).**

Meeting duration: 37 minutes, 25 seconds.

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

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

Attest: \_\_\_\_\_

Matt Schelly, Interim Land and Community Development Administrator

**Minutes of the  
City of New Bern Planning & Zoning Board  
August 6, 2020 – 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 Street, on August 06, 2020, at 5:30 pm.

**Members Present:** Don Black, Chair  
Marshall Ballard  
Pat Dougherty  
Raymond Layton  
Haran Beatty  
Anne Shout

**Staff & Counsel Present:** Jeff Ruggieri, Planning Director  
Nadia Abdul-Hadi, Planner 2

**1. Roll Call**

Staff Member Nadia Abdul-Hadi delivered the roll call, and a quorum was declared with 6 members present.

**2A. 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 too the west of Trent Creek Rd. and to the north of US HWY 17 BR (Ward 6)**

Director Ruggieri presented the proposed development background. 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). The average lot size is 8,062 square feet. The total length of streets is 284 LF. Utilities and services will be provided by the City of New Bern. Craeberne Forest received preliminary subdivision approval in 2008. Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements for final subdivision plan approval have been satisfied. Therefore, final subdivision plan approval of Craeberne Forest Phase 2 Section 7 is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

**Board member Layton made a motion to approve “Craeberne Forest Phase 2 Section 7.” The motion was seconded by Ms. Shout. A verbal vote was taken, and the motion passed unanimously (6-0).**

**2B. Consideration of a request from the Redevelopment Commission of the City of New**

**Bern to recommend adoption of Article XXIV-B Section 15-487 “Greater Five Points  
Redevelopment Overlay District” to the City of New Bern Board of Aldermen.**

Director Ruggieri presented the project background to the Board. The Establishment of the Greater Five Points Redevelopment Overlay District will provide the Greater Five Points Redevelopment Area with new standards that will guide the physical development of the area in a pattern as detailed in Redevelopment Commission of New Bern’s Redevelopment Plan adopted by the Board of Aldermen of the City on February 11, 2020.

Future development in the area shall be guided by the following standards:

For all R6 zoning designations within the redevelopment district boundary the following density and dimensional requirements shall apply to all single family detached residential construction:

- a. Minimum lot Size: 1,500 square feet
- b. Minimum Lot width: 25 feet
- c. Building setback requirements
  - i. Front: 15 feet
  - ii. Rear: 10 feet
  - iii. Side: 5 feet
- Prohibition on manufactured homes. This prohibition does not include modular homes. All existing manufactured homes shall be subject to the provisions of Article VIII – Nonconforming Situations.
- Regarding parking: a minimum of 1 off-street parking space for each dwelling unit.

**Mr. Dougherty made a motion to recommend adoption of Article XXIV-B Section 15-487 “Greater Five Points Redevelopment Overlay District” to the City of New Bern Board of Aldermen. The motion was seconded by Mr. Beatty. A verbal vote was taken, and the motion passed unanimously (6-0).**

**3. Board member comments.**

At the request of Chairman Black, Director Ruggieri gave a brief update on building permits activity.

**4. Adjourn**

**Hearing no further discussion amongst the Board, Ms. Shout made a motion to adjourn. Mr. Layton seconded the motion. A verbal vote was taken, and the motion passed unanimously (6-0).**

Meeting duration: 21 minutes, 06 seconds.

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

Brad Jefferson, Chair

Attest: \_\_\_\_\_

Matt Schelly, Interim Land and Community Development Administrator

**Minutes of the  
City of New Bern Planning & Zoning Board  
July 7, 2020 – 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 Street, on July 07, 2020, at 5:30 pm.

**Members Present:** Don Black, Chair  
Marshall Ballard  
Pat Dougherty  
Margie Dunn  
Travis Oakley  
Raymond Layton  
Marcus Simmons

**Staff & Counsel Present:** Jeff Ruggieri, Planning Director  
Nadia Abdul-Hadi, Planner 2

**1. Roll Call**

Staff Member Nadia Abdul-Hadi delivered the roll call, and a quorum was declared with 7 members present.

**2A. P & J of New Bern/Thomas Engineering, PA. are requesting final subdivision plan approval for “Craeberne Forest Phase 2 Section 6:” a proposed 27-lot planned unit development (PUD). This section of the multi-phase development is located on a combined 5.14 +/- 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).**

Director Ruggieri presented the proposed development background. P & J of New Bern/Thomas Engineering, PA are requesting final subdivision plan approval for “Craeberne Forest Phase 2 Section 6;” a proposed 27-lot planned unit development (PUD). This section of the multi-phase development is located on a combined 5.14 +/- 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). The average lot size is 4,248 square feet. The total length of streets is 809 LF. Utilities and services will be provided by the City of New Bern. Craeberne Forest received preliminary subdivision approval in 2008. Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements for final subdivision plan approval have been satisfied. Therefore, final subdivision plan approval of Craeberne Forest Phase 2 Section 6 is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

**Board member Dougherty made a motion to approve “Craeberne Forest Phase 2 Section 6.” The motion was seconded by Mr. Layton. A verbal vote was taken, and the motion passed unanimously (7-0).**



**2B. 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).**

Director Ruggieri presented the project background to the Board. 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). The average lot size is 8,062 square feet. The total length of streets is 284 LF. Utilities and services will be provided by the City of New Bern. Craeberne Forest received preliminary subdivision approval in 2008. Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements for final subdivision plan approval have been satisfied. Therefore, final subdivision plan approval of Craeberne Forest Phase 2 Section 7 is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

**Mr. John Thomas representing the applicant requested to continue the item. Mr. Layton made a motion to continue “Craeberne Forest Phase 2 Section 7” until the August 2020 meeting. The motion was seconded by Mr. Oakley. A verbal vote was taken, and the motion passed unanimously (7-0).**

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

Director Ruggieri presented the draft language to the Board. At their October 22nd, 2019, meeting the Board of Aldermen established the Short-Term Rental Committee. The committee was charged with the development of an ordinance regulating Short-Term Rentals. The committee conducted bi-monthly meetings between December 5th, 2019, and March 12th, 2020.

Members of the STR Committee:

Anne Schout (Chair)	Don Black
Sonny Aluzzo	Raymond Layton
Sabrina Bengel	Johnnie R. Kinsey
Jeffrey Odham	Nancy Stallings
Lori Ann Prill	Nancy Hollows

Registration:

- All short-term rentals shall be registered with the City of New Bern on an annual basis. All registration permits will expire on July 1 of each year.

- A registration number shall be assigned to each registered short-term rental.
- Registration terminates upon the transfer of the property.
- One (1) registration may be issued per property.
- A short-term rental permit shall be revoked upon the issuance of a second final notice of violation of the city code and/or criminal conviction.
- For any registration that is terminated due to city code violations and/or criminal convictions, the property owner shall be ineligible for registration for a period of three (3) years.

#### Parking

- Partial House: two spaces for the owner(s) plus one off-street space per room rented. Parking spaces shall not be stacked. Satellite parking as authorized by code section 15-349 shall be permitted provided that the lease, license or easement is made available during the entire term of the registration period.
- Whole House: three spaces. Parking Spaces may be stacked. Satellite parking as authorized by code section 15-349 shall be permitted provided that the lease, license or easement is made available during the entire term of the registration period.

#### Separation Requirements

- Partial House: No separation requirements.
- Whole House: Each whole-house rental shall meet the minimum separation distance of two hundred fifty (250) feet from any other whole-house rental or any properly permitted bed and breakfast (tourist) home as measured from parcel line to parcel line.

#### Other requirements

- Each short-term rental shall have one designated responsible party.
- Any property owner registering a whole-house rental shall not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.
- Any existing short-term rentals shall be considered an existing non-conforming situation.

**Mr. Layton made a motion to recommend adoption of the proposed language to the City of New Bern Board of Alderman. Mr. Dougherty seconded the motion. A verbal vote was taken, and the motion passed unanimously (7-0).**

#### **2D. Consideration of a request from the City of New Bern Historic Preservation Commission (HPC) to review the proposed changes to the Guidelines.**

Director Ruggieri and City Planner, Matt Schelly, presented the proposed changes to the Historic District Guidelines to the Board. The Historic Preservation Commission of the City of New Bern is requesting the following changes to the Historic District Guidelines as discussed at their September 23, 2020, Special Regular Meeting:

- 2.1 Development Pattern – The addition of Narrow Stitch development pattern language.
- 2.6 Accessory Structures – A change to where attached garages may be considered appropriate.
- 3.1 Design Principles - The addition of Narrow Stitch development principles language.

- 135 • 4.5 Guidelines for Roofs - The addition of guidelines regarding roofs in Narrow Stitch  
136 development patterns.

137  
138 The Guidelines are part of the City's Land Use Ordinance Section 15-420(b) and therefore any  
139 changes to the Guidelines requires a text amendment. Revisions to the Guidelines will only be  
140 effective if the text amendment is approved by the Board of Aldermen.

141  
142 **Mr. Layton made a motion to recommend adoption of the proposed language as presented**  
143 **to the City of New Bern Board of Alderman. Mr. Oakley seconded the motion. A verbal**  
144 **vote was taken, and the motion passed unanimously (7-0).**

145  
146 **3. Board member comments.**

147  
148 **Chairmen Black thanked Mr. Layton for all his hard work he's done for the Board.**

149  
150 **4. Adjourn**

151  
152 **Hearing no further discussion amongst the Board, Mr. Dougherty made a motion to adjourn.**  
153 **Mr. Layton seconded the motion. A verbal vote was taken, and the motion passed**  
154 **unanimously (7-0).**

155  
156 Meeting duration: 30 minutes, 53 seconds.

157  
158  
159 Date Approved: \_\_\_\_\_

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

160  
161  
162 Attest: \_\_\_\_\_  
163 Matt Schelly, Interim Land and Community Development Administrator



## **MEMORANDUM**

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

**FROM:** Seth Laughlin, Land and Community Development Administrator

**DATE:** July 27, 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 single-lot subdivision is located on 0.88 +/- acres in the C-3 Commercial District and proposes a 250' +/- extension of Mayhew Drive. The property is located along Mayhew Drive in the West New Bern community. The property is further identified as a portion of Craven County Parcel Identification #8-209-13001.

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.

**PLANNING & ZONING  
BOARD — GENERAL  
SUBDIVISION PLAN  
APPLICATION**

**Fee: \$161.00 per subdivision or  
\$11.00 per lot  
(whichever is greater)  
\$272.00**



**Planning & Zoning Board  
Administrator  
Phone (252) 639-7585  
303 First Street  
New Bern, NC 28562  
abdulhadin@newbernnc.gov**

Date Submitted: 07.11.2023 Planning & Zoning Meeting Date: 08.03.2023  
Applicant Name (please print): Weyerhaeuser NR Company (c/o McKim & Creed)  
Development Name: West New Bern - Parcel A  
Address: 3000 Mayhew Drive Phone Number: 910.343.1048  
Email: TSchwenzfeier@mckimcreed.com Fax Number: 910.251.8282

**REQUIREMENTS:**

Submit **3 approved sets** of folded plans and an electronic copy of submittal package no later than twenty-one (21) days prior to the regularly scheduled meeting of the Planning and Zoning Board. **Application fee is \$161 per subdivision review or \$11 per lot (whichever is greater) and must be submitted with plans.** Proposed General Plans must receive Departmental Subdivision Plan Review and approval prior to submission for Planning & Zoning Board consideration.

Drawing scale: 1" = 100' or longer

Drawing sheet size: 18" x 24" or larger

The general plan shall contain the following information:

- ✓ 1. Title, date, north point and graphic scale
- ✓ 2. Name of owner, surveyor and/or planner
- ✓ 3. Sketch vicinity plan including surrounding street system
- ✓ 4. Boundaries of tract to be subdivided showing bearings and distances
- ✓ 5. Zoning classifications of tract to be subdivided and adjoining properties
- ✓ 6. Names of all adjoining property owners
- ✓ 7. Proposed minimum setback lines
- ✓ 8. Existing and platted property lines, streets, buildings, watercourses, sewers, water mains (existing and proposed), transmission lines, bridges, culverts and easements (both public and private)
- n/a \* 9. Site plan of existing conditions including wooded areas, marshes, wetlands, etc.
- ✓ 10. Other proposed rights-of-way easements
- ✓ 11. Proposed lot lines, lot numbers, building envelopes in the case of PUD's and approximate dimensions

- n/a \* 12. Contour map—one foot intervals based on sea level data
- n/a \* 13. Proposed plantings mini-parks, school sites, public open space, if applicable
- n/a \* 14. Provisions for the maintenance of open space and parks including draft of conservation easement, if applicable
- ✓ 15. Profiles showing grade of streets, sewers, water lines, etc. [Refer to Bond Estimate](#)
- ✓ 16. Plans for proposed utilities, including water, gas, sanitary sewer, storm drainage, electric, tele phone, cable, etc. [Refer to Bond Estimate. City Electric, CenturyLink to provide services, design will be by provider.](#)
- n/a \* 17. Proposed planting plan, including type and details of required screening
- ✓ 18. Postal enumeration of each lot in subdivision
- n/a \* 19. Verification of submission of stormwater management and sedimentation erosion control plans, if applicable
- n/a \* 20. Statement by developer that wetlands are not present on site or that appropriate permits are being sought
- ✓ 21. Site data chart containing:
  - a. Acreage in tract;
  - b. Acreage in open space, parks or schools; [n/a \\*](#)
  - c. Average lot size; [n/a \\*](#)
  - d. Total number of lots, and
  - e. Linear feet in streets.

**Additional information may be required based on the results of staff plan review as set forth in Section 15-49 of the New Bern Land Use Ordinance.**

**For landscaping information, please refer to:**

**<http://www.newbern-nc.org/departments/development/forms-documents/>**

**Forms & Documents:**

- 1. Plant plan sample and**
- 2. Plant list & symbols**

[n/a \\*](#) Item is not applicable.



2	SITE DATA
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1 STREET CROSS-SECTION



## GENERAL PLAN

STATUS: PRELIMINARY - NOT FOR  
CONSTRUCTION OR RECORDATION



## **MEMORANDUM**

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

**FROM:** Seth Laughlin, Land and Community Development Administrator

**DATE:** July 27<sup>th</sup>, 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 single-lot subdivision is located on 0.88 +/- acres in the C-3 Commercial District. The property is located along Mayhew Drive in the West New Bern community. The property is further identified as a portion of Craven County Parcel Identification #8-209-13001.

### **Recommendation**

West New Bern, Kyrios, LLC Parcel A (One lot on 0.88 acres) received General Plan approval from the City of New Bern Planning & Zoning Board on August 3rd, 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.



**PLANNING & ZONING BOARD  
SUBDIVISION FINAL PLAN  
APPLICATION**

**Fee: \$214.00 per subdivision or  
\$27.00 per lot  
(whichever is greater)**



**Planning & Zoning Board  
Administrator  
abdulhadin@newbernnc.gov  
(252) 639-7585  
303 First Street  
New Bern, NC 28562**

Date Submitted: 07.11.2023

Planning and Zoning Meeting Date: 08.03.2023

Amount Submitted: \$400.00 # of Lots: 1

Applicant Name (please print): Weyerhaeuser NR Company (c/o McKim & Creed)

Development Name: West New Bern - Parcel A

Address: 3000 Mayhew Drive Phone Number: 910.343.1048

Email: TSchwenzfeier@mckimcreed.com Fax Number: 910.251.8282

**REQUIREMENTS:**

Submit (1) **one** mylar; (3) **three 18" by 24"** copies; and an **electronic copy** of the proposed final plan, no later than twenty-one (21) days prior to the regularly scheduled meeting of the Planning and Zoning Board. **The Application fee is \$214 per subdivision review or \$27 per lot (whichever is greater and must be submitted with the plans).** Once the plan has been recorded with the Craven County Register of Deeds Office, the applicant must submit **three full size** copies to the Development Services Department for City distribution within one (1) year of final plan approval.

Drawing scale: 1" = 100' or longer

Drawing sheet size: 18" x 24" or larger

The final plan shall contain the following information:

- ✓ 1. The lines of all streets and roads
- ✓ 2. Lot lines and numbers
- ✓ 3. Addresses of all lots
- n/a \* 4. Building envelopes in the case of Planned Unit Developments (PUD)
- ✓ 5. Reservations, easements, alleys and any other areas to be dedicated to public use, conservation or other purposes.
- ✓ 6. Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street, block line, building line, whether curved or straight, and including true north point. Include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- ✓ 7. All dimensions should be to the nearest 1/10 ft. and angles to the nearest minute.
- ✓ 8. Accurate location of all monuments and markers

- ✓ 9. Names and locations of all adjoining subdivisions and streets, and the location and ownership of adjoining un-subdivided property.
- ✓ 10. Title, date, name, sketch vicinity map, graphic scale and true north point
- ✓ 11. Name of owner, surveyor and land planner
- ✓ 12. Zoning classification of subdivision and adjacent properties
- n/a \* 13. Written approval by Corps of Engineers with reference to wetlands, if applicable
- ✓ 14. Copy of restrictive covenants, conservation easement or Homeowners' Association Agreement
- n/a \* 15. Restricted access easement on limited access streets
- ✓ 16. Appropriate certificates and signatures

**SUPPLEMENTAL DOCUMENTATION NEEDED:**

- ✓ 1. Lot inspection fee to be paid (\$27 per lot, \$214 whichever is greater)
- ✓ 2. Guarantee in lieu of completed improvements in the form of a letter of credit, corporate surety bond, cashiers (bank) check or deed of trust on property. This guarantee shall equal 120% of the cost of improvements and shall be accompanied by an engineer's estimate of the cost of the improvements to be completed. Include expiration date when applicable.
- ✓ 3. Conveyance of improvements and maintenance easements
- ✓ 4. One year warranty on improvements in the subdivision

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Applicant Signature

n/a \* Item is not applicable.

## ENGINEER'S ESTIMATE

Client: **Weyerhaeuser**  
 Project: **WEST New Bern - Parcel A Subdivision (61' R/W Mayhew Drive Bond Estimate)**  
 Project #: **00910-0203**  
 Section: **Essential Site Improvements - DRAFT FOR CITY REVIEW**  
 Date: **6/30/2023**  
 Estimator: **TL**  
 Checked By: **TSM**



Item	Description	Engineer's Estimated Quantity	Units	Unit Price	Total Estimated Cost
<b>WEST New Bern - Kyrios, LLC: Parcel A Subdivision (61' R/W Mayhew Drive Bond Estimate)</b>					
<b>Earthwork</b>					
1.01	Erosion control measures (Incl. silt fence, perm. Seeding, etc)	1.0	AC	\$7,500.00	\$7,500.00
1.02	Fill (import)	2,314	CY	\$15.00	\$34,700.00
				<b>Sub-Total</b>	<b>\$42,200.00</b>
<b>Roadway Construction</b>					
2.01	6' Concrete Sidewalks	3,072	SF	\$7.00	\$21,500.00
2.02	24" Curb & Gutter	510	LF	\$24.00	\$12,200.00
2.03	6" ABC	567	SY	\$15.50	\$8,800.00
2.04	2" SF-9.5A - Asphalt	567	SY	\$21.50	\$12,200.00
				<b>Sub-Total</b>	<b>\$54,700.00</b>
<b>Water and Sewer</b>					
3.01	Blow Off Assembly	1	EACH	\$1,350.00	\$1,400.00
3.02	10" C-900	255	LF	\$32.50	\$8,300.00
3.03	10" PVC Sewer	255	LF	\$43.00	\$11,000.00
3.04	Conn. to Existing Water System Stub	1	EACH	\$1,500.00	\$1,500.00
3.05	Conn. to Existing Sewer System Stub	1	EACH	\$1,200.00	\$1,200.00
3.06	Sanitary Sewer MH Structure	1	EACH	\$6,000.00	\$6,000.00
3.07	10" Sewer Cap	1	EACH	\$1,000.00	\$1,000.00
3.08	Testing Line, Tape & Tracer Wire	510	LF	\$1.00	\$500.00
				<b>Sub-Total</b>	<b>\$30,900.00</b>
<b>Storm Drainage</b>					
4.01	Drainage Structures (Includes box, frame, grate, & hood)	2	EA	\$5,500.00	\$11,000.00
4.02	72" Concrete Pipe (RCP)	255	LF	\$300.00	\$76,500.00
4.03	24" Concrete Pipe (RCP)	20	LF	\$60.00	\$1,200.00
				<b>Sub-Total</b>	<b>\$88,700.00</b>
<b>Road Signage</b>					
5.01	Stop signs	0	EA	\$300.00	\$0.00
5.02	Speed limit signs	0	EA	\$300.00	\$0.00
5.03	Street name signs	0	EA	\$300.00	\$0.00
				<b>Sub-Total</b>	<b>\$0.00</b>
<b>Street Trees</b>					
6.01	Shade Tree	12	EA	\$450.00	\$5,400.00
6.02	Sod	6,000	SF	\$0.70	\$4,200.00
				<b>Sub-Total</b>	<b>\$9,600.00</b>
				<b>Sub-Total</b>	<b>\$226,100.00</b>
				<b>20% Contingency</b>	<b>\$45,220.00</b>
				<b>Total</b>	<b>\$271,320.00</b>



## Right of Way Performance and Completion Bond - Single Job Continuous

Bond No. 107870618

KNOW ALL MEN BY THESE PRESENTS:

THAT WE WEYERHAEUSER NR COMPANY, 220 OCCIDENTAL AVE S. SEATTLE WA 98401 as Principal, and TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, a corporation duly incorporated under the laws of the State of Connecticut and authorized to do business in the State of NORTH CAROLINA, as Surety, are held and firmly bound unto CITY OF NEW BERN, as Oblige, in the penal sum of Two Hundred Seventy One Thousand Three Hundred Twenty ( 271,320.00 ) Dollars, for the payment of which we hereby bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

WHEREAS, the Principal has obtained or is about to obtain a permit for purposes of performing the following work in the public right of way:

West New Bern - NBAC Parcel A Subdivision- 61ft ROW Mayhew Dr.

(the "Permitted Work"); and

WHEREAS, the Principal is required to maintain a performance and completion bond guaranteeing that either the Permitted Work will be completed in its entirety or the public right of way will be restored to its condition prior to the commencement of the Permitted Work if the Principal fails to complete the Permitted Work to the satisfaction of the Oblige.

NOW, THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE SUCH, that if the Principal shall faithfully comply with all applicable laws, statutes, ordinances, rules or regulations pertaining to the Permitted Work, and shall either complete the Permitted Work in its entirety or restore the public right of way to its condition prior to the commencement of the Permitted Work, then this obligation shall be null and void; otherwise to remain in full force and effect.

This bond shall become effective on 7/17/2023.

PROVIDED, that regardless of the number of years this bond is in force, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the penal sum listed above.

PROVIDED FURTHER, that the Surety may terminate its liability hereunder as to future acts of the Principal at any time by giving thirty (30) days written notice of such termination to the Oblige.

SIGNED, SEALED AND DATED this 7/17/2013.

WEYERHAEUSER NR COMPANY, Lisa Wysocki, Assistant Secretary

Principal

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

By: John W. Lambdin

Attorney-in-fact

\_\_\_\_\_  
Producer Name  
(Required in Arizona Only)





**Travelers Casualty and Surety Company of America  
Travelers Casualty and Surety Company  
St. Paul Fire and Marine Insurance Company**

**POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **John W. Lambdin** of **SEATTLE**, **Washington**, their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **17th** day of **January**, **2019**.



State of Connecticut

City of Hartford ss.

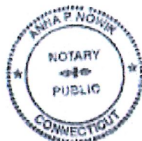
By: \_\_\_\_\_

  
Robert L. Raney, Senior Vice President

On this the **17th** day of **January**, **2019**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, **2021**



  
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **17th** day of **July**, **2023**



  
Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.  
Please refer to the above-named Attorney-in-Fact and the details of the bond to which this Power of Attorney is attached.**

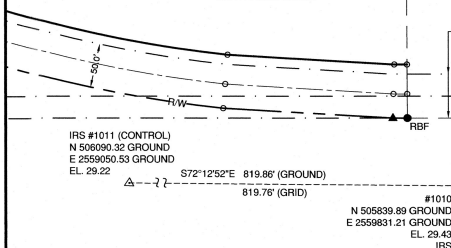
CURVE TABLE					
CURVE	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1	469.50'	99.14'	49.76'	S64°54'30"E	98.96'
C2	530.50'	98.73'	49.51'	S65°37'34"E	98.59'
C3	500.00'	98.93'	49.63'	S65°17'22"E	98.77'

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

#### LEGEND

- △ = IRON ROD SET CONTROL POINT
- = IRON ROD SET (#5 REBAR)
- IPF = IRON ROD FOUND
- ▲ = NCDOT RIGHT OF WAY DISK
- CMF = CONCRETE MONUMENT FOUND
- = CALCULATED POINT
- OE = OPEN END PIPE
- IRS = IRON ROD SET
- RS = 5/8" REBAR FOUND
- R/W = RIGHT OF WAY
- DB = DEED BOOK
- PG = PAGE
- N/F = NOW OR FORMERLY
- = BOUNDARY LINE
- - - = RIGHT OF WAY LINE
- - - = EXISTING EASEMENT LINE
- - - = CENTERLINE ROAD
- - - = LAND HOOK

N/F  
EASEMENT MAP CITY OF NEW BERN UTILITY EASEMENTS LOCATED ON THE PROPERTY OF WEYERHAEUSER COMPANY  
MB H PAGES 102 D&F



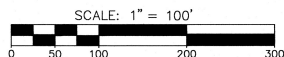
CONSULTING ENGINEER/SURVEYOR  
MCKIM & CREED  
243 N. FRONT STREET  
WILMINGTON, NORTH CAROLINA 28401  
OFFICE: (910) 343-1048

#### ZONING

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



**WEST New BERN**  
A WEYERHAEUSER COMMUNITY



#### 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

DATE

#### 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

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

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

25' ELECTRIC EASEMENT TO CITY OF NEW BERN  
DB 1434 PG 574

US HIGHWAY 70  
(370' R/W PUBLIC)

#### NC GRID NAD 83/2011 TIE LINE TABLE

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

#### NOTARY CERTIFICATE

I, \_\_\_\_\_ A NOTARY PUBLIC OF CRAVEN COUNTY, DO HEREBY CERTIFY

THAT \_\_\_\_\_ APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF JULY, 2023, A.D.

OWNER: WEYERHAEUSER NR COMPANY

SIGNED

DATE

#### SURVEYOR'S CERTIFICATION:

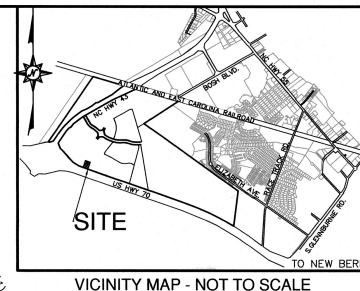
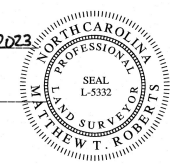
I, MATTHEW T. ROBERTS PLS L-5332, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED AND MAP BOOKS AS SHOWN HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK H, PAGE 113-G; THAT THE RATIO OF PRECISION 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 10th DAY OF July, A.D., 2023.

MATTHEW T. ROBERTS  
PROFESSIONAL LAND SURVEYOR L-5332



SUBDIVISION PLAT  
KYRIOS, LLC  
PARCEL A

OWNERS: WEYERHAEUSER NR COMPANY & CITY OF NEW BERN  
CITY OF NEW BERN- TOWNSHIP NO. 8-CRAVEN COUNTY-NORTH CAROLINA

JULY 10, 2023 1" = 100'

JOB NUMBER: 00910-0195  
SCALE: 1" = 100'  
CAD NUMBER: VB-009100195-RECOMBOWDWS  
PLS: MTR  
PARTY CHIEF: MBH  
CAD TECH: MBH  
FIELD BOOK/PAGE: 2023  
DRAWING NUMBER: 2023

SHEET 1 OF 1



## MEMORANDUM

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

**FROM:** Seth Laughlin, Land and Community Development Administrator

**DATE:** July 27, 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 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. It turns out that most historical and coastal cities with public parking available do not apply parking standards in their downtown areas. 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 your July 5, 2023 meeting was to direct staff to draft language to review at your August 3 meeting 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 Street.
- 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 enclosed draft ordinance amendments (one draft with SUP parking elimination option and one draft prohibiting parking elimination) and parking area map for your review.



**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

**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 shall not reduce the number of parking spaces in existence as of the date of the adoption of this section.

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



