



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

Wednesday, July 5, 2023 – 5:30 P.M.

City Hall Courtroom (2nd Floor)

300 Pollock Street, New Bern, NC 28560

1. ROLL CALL

2. APPROVAL OF MINUTES:

- January 5, 2021
- April 6, 2021
- May 4, 2021
- May 2, 2023
- June 6, 2023

3. NEW BUSINESS

A. **“ATHENS ACRES, PHASE TWO” FINAL PLAN**

Parcel Identification: #8-240-27000

Number of Lots: 23

Location: Off Medina Spirit St.

Zoning: R-10A

Property Owners: Phoenix Derby Park, LLC

Applicant: John Thomas Engineering

B. **LAND USE ORDINANCE TEXT AMENDMENTS**

Code Sections:

Section 15-416 “Required conformity to dimensional regulations; exceptions”.

Section 15-417 “Off-street parking”

C. **LAND USE ORDINANCE TEXT AMENDMENT**

Code Section:

Section 15-423(d) “Quasi-judicial procedures”

Everything comes together here.

D. **DISCUSSION ITEM:**

Code Section:

15-343 "Flexibility in administration required" (Parking)

4. STAFF UPDATES

A. Consistency statement worksheet

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.*

**Minutes of the
City of New Bern Planning & Zoning Board
January 5, 2021 – 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 January 5, 2021, at 5:30 pm.

Members Present: Don Black, Chair
Marshall Ballard
Margie Dunn
Pat Dougherty
Travis Oakley
Haron Beatty
Raymond Layton
Anne Schout
Sonny Aluzzo

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

Staff & Counsel Present: Jeff Ruggieri, Planning Director
Scott Davis, City Attorney
Jaimee Bullock-Mosley, Asst City Attorney
Nadia Abdul-Hadi, Planner 2

1. Roll Call

Staff Member Nadia Abdul-Hadi delivered the roll call of all members and quorum declared with 7 members present.

City Attorney, Scott Davis introduced Mrs. Jaimee Bullock-Mosley as the new Assistant City Attorney and legal counsel to the Board.

2. Approval of meeting minutes:

A. 7-07-2020

Mr. Layton made a motion to approve the minutes as read, the motion was seconded by Mr. Beatty. A roll call was taken, and the motion passed unanimously (9-0).

3A. Weyerhaeuser NR Company (c/o McKim & Creed) are requesting general subdivision plan approval for “New Bern Aesthetic Center”. This section of the multi-phase development is located on approximately 6.9 +/- acres in the C-3 Commercial District. The site is located to the north of US HWY 70. (ETJ).

Director Ruggieri gave his staff presentation. Weyerhaeuser NR Company (c/o McKim & Creed) are requesting general subdivision plan approval for “New Bern Aesthetic Center”. This section

of the multi-phase development is located on approximately 6.9 +/- acres in the C-3 Commercial District. The site is located to the north of US HWY 70.

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

Staff has reviewed the proposed subdivision at the departmental review meeting on December 11, 2020 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. Therefore, general subdivision plan approval of New Bern Aesthetic Center is recommended.

Mr. Dougherty made a motion to approve New Bern Aesthetic Center, the motion was seconded by Ms. Dunn. A roll call was taken, and the motion passed unanimously (9-0).

3B. Consideration of an application to rezone a portion of Parcel ID #8-211-005, totaling 42 +/- acres, from R-10 Residential district to R-6 Residential district (ETJ).

Director Ruggieri presented the application materials. Michael Raines has requested consideration of an application to rezone a portion of one parcel, totaling 42 +/- acres, from R-10 Residential district to R-6 Residential district. The parcel is located north of M L King Jr Blvd., adjacent to Trent Creek and Arcadia Village Subdivisions. and is further identified as Craven County Parcel ID # 8-211-005.

City staff advises the Planning & Zoning Board recommend approval of the rezoning request to the Board of Aldermen.

Ms. Shout made a motion to recommend approval to the Board of Alderman to rezone one parcel identified as Craven County Parcel ID # 8-211-005, totaling 42 +/- acres, from R-10 Residential district to R-6 Residential district. The motion was seconded by Ms. Dunn. A roll call was taken, and the motion passed unanimously (9-0).

3C. Consideration of an application to rezone three parcels, totaling 1.38 +/- acres, from R-15 Residential district to R-10 Residential district. The parcels are located at 3205, 3207 & 3209 Country Club Rd. and are further identified as Craven County Parcel ID #s 8-056-001, 8-046-035, and 8-046-036 (Ward 3).

Director Ruggieri presented the application materials. Wright, Samantha & Wendell / Brian McCracken have requested consideration of an application to rezone three parcels, totaling 1.38 +/- acres, from R-15 Residential district to R-10 Residential district. The parcels are located at 3205, 3207, and 3209 Country Club Rd. and are further identified as Craven County Parcel ID #s 8-056-001, 8-046-035, and 8-046-036.

City staff advises the Planning & Zoning Board recommend approval of the rezoning request to the Board of Aldermen.

Ms. Dunn made a motion to recommend the approval to the Board of Alderman for the rezoning of the properties located at 3205, 3207, and 3209 Country Club Rd. and are further

identified as Craven County Parcel ID #s 8-056-001, 8-046-035, and 8-046-036 from R-15 Residential district to R-10 Residential district. The motion was seconded by Mr. Dougherty. A roll call was taken, and the motion passed unanimously (9-0).

3D. Consideration of a request to review 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 item materials. On their October 13, 2020 meeting, The City of New Bern Board of Aldermen requested that the Planning and Zoning Board review the Land Use Ordinance regarding height limitations in the following areas:

- 1) The R-6 Residential Zoning District.
- 2) The Residential Waterfront Overlay District.
- 3) The Commercial Waterfront Overlay District.
- 4) The Riverstation Mixed Use Overlay District.

Mr. Ruggieri discussed each of the four proposed height districts listed above.

Mr. Beatty made a motion to recommend the approval to the Board of Alderman for the items described in Agenda Item 3D. The motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (9-0).

4. Board member comments

Chairman Black asked if Director Ruggieri had a prepared materials on economic development for the Board. Staff discussed several elements of recent building permit activity and related monetary values.

5. Adjourn

Hearing no further discussion amongst the Board, Mr. Layton made a motion to adjourn. Ms. Dunn moved to adjourn; Mr. Beatty seconded the motion. A roll call was taken, and the motion passed (9-0).

The meeting was adjourned at 6:15 p.m.

Date Approved: _____

Brad Jefferson, Chair

Attest: _____
Seth Laughlin, Land and Community Development Administrator

**Minutes of the
City of New Bern Planning & Zoning Board
April 6, 2021 – 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 April 6, 2021, at 5:30 pm.

Members Present: Don Black, Chair
Marshall Ballard
Anne Schout
Margie Dunn
Pat Dougherty
Travis Oakley
Sonny Aluzzo

Members Excused (E)/Absent (A): Marcus Simmons
Haron Beatty
Raymond Layton

Staff & Counsel Present: Jeff Ruggieri, Planning Director
Jaimee Bullock-Mosley, Asst City Attorney
Nadia Abdul-Hadi, Planner 2

1. Roll Call

Staff Member Nadia Abdul-Hadi delivered the roll call of all members and quorum declared with 7 members present.

2. Approval of meeting minutes:

A. 2-23-2021, 3-02-23

Mr. Oakley made a motion to approve the minutes as read, the motion was seconded by Mr. Aluzzo. A roll call was taken, and the motion passed unanimously (7-0).

3A. Sydes Construction, Inc./Thomas Engineering, PA, are requesting subdivision final plan approval for “South Wind Phase Two Section B at Bluewater Rise, A Planned Unit Development” a 33-lot residential planned unit development (PUD). This section of the multi-phase development is located on a combined 22.36 +/- acres in the R-8 Residential District. The site is located to the north of County Line Road and to the west of Old Airport Road. (Ward 3).

Director Ruggieri gave his staff presentation. A. Sydes Construction, Inc./Thomas Engineering, PA, are requesting subdivision final plan approval for “South Wind Phase Two Section B at Bluewater Rise, A Planned Unit Development” a 33-lot residential planned unit development (PUD). This section of the multi-phase development is located on a combined 22.36 +/- acres in

the R-8 Residential District. The site is located to the north of County Line Road and to the west of Old Airport Road.

The average lot size in South Wind Phase Two Section B at Bluewater Rise, A Planned Unit Development is 25,534 square feet, there is 1,633 LF of new streets. Utilities and services will be provided by the City of New Bern.

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 South Wind Phase Two Section B at Bluewater Rise, A Planned Unit Development is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

Ms. Dunn made a motion to approve South Wind Phase Two Section B at Bluewater Rise, A Planned Unit Development as presented, the motion was seconded by Mr. Aluzzo. A roll call was taken, and the motion passed unanimously (7-0).

3B. The City of New Bern – Parks and Recreation co/Foster Hughes has requested consideration of an application to rezone one parcel, totaling 7.43 +/- acres, from R-20 residential district/A-5 agriculture district to C-4 neighborhood business district. The parcel is located at 431 NC Hwy 55 W., on the southern side of NC Hwy 55 W., and to the west of Hillmont Road, the property can be further identified as PID# 8-218-039 (Ward 5).

Director Ruggieri presented the application materials. The City of New Bern – Parks and Recreation co/Foster Hughes has requested consideration of an application to rezone one parcel, totaling 7.43 +/- acres, from R-20 residential district/A-5 agriculture district to C-4 neighborhood business district. The parcel is located at 431 NC Hwy 55 W., on the southern side of NC Hwy 55 W., and to the west of Hillmont Road, the property can be further identified as PID# 8-218-039

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 431 NC Hwy 55W from R-20 residential district/A-5 agriculture district to C-4 neighborhood business district. The motion was seconded by Mr. Oakley. A roll call was taken, and the motion passed unanimously (7-0).

3C. Michelle Lynn has requested consideration of an application to rezone one parcel, totaling 0.76 +/- acres, from C-4 neighborhood business district to C-3 commercial district. The parcel is located on the northern side of Neuse Boulevard, to the east of Kensington Park Drive and can be further identified as Craven County Parcel ID # 8-216-011 (Ward 5).

Director Ruggieri presented the application materials Michelle Lynn has requested consideration of an application to rezone one parcel, totaling 0.76 +/- acres, from C-4 neighborhood business district to C-3 commercial district. The parcel is located on the northern side of Neuse Boulevard, to the east of Kensington Park Drive and can be further identified as Craven County Parcel ID # 8-216-011.

City staff advises the Planning & Zoning Board recommend approval of the rezoning request to the Board of Aldermen.

Mr. Oakley made a motion to recommend the approval to the Board of Alderman for the rezoning of the property identified as PIN # 8-216-011 totaling 0.76 +/- acres, from C-4 neighborhood business district to C-3 commercial district. The motion was seconded by Mr. Dougherty. A roll call was taken, and the motion passed unanimously (7-0).

4. Board member comments

Chairman Black asked if staff had any new developments in West New Bern to discuss. Staff discussed recent development applications and projects in the area.

5. Adjourn

Hearing no further discussion amongst the Board, Chair Black entertained a motion to adjourn. Ms. Dunn moved to adjourn; Mr. Aluzzo seconded the motion. A roll call was taken, and the motion passed (7-0).

The meeting was adjourned at 5:53 p.m.

Date Approved: _____

Brad Jefferson, Chair

Attest: _____
Seth Laughlin, Land and Community Development Administrator

**Minutes of the
City of New Bern Planning & Zoning Board
May 4, 2021 – 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 May 4, 2021 at 5:30 pm

Members Present: Don Black, Chair
Haron Beatty
Marshall Ballard
Raymond Layton
Anne Schout
Margie Dunn
Pat Dougherty
Travis Oakley
Sonny Aluzzo

Members Excused (E)/ Absent (A): Marcus Simmons

Staff & Counsel Present: Nadia Abdul-Hadi, Planner 2
Seth Laughlin, Land & Community Development
Administrator

1. Roll Call

Staff Member Nadia Abdul-Hadi delivered the roll call of all members and quorum declared with 9 members present.

2A. Weyerhaeuser NR Company c/o McKim & Creed is requesting subdivision final plan approval for “New Bern Aesthetic Center”. This section of the multi-phase development is located on approximately 6.9 +/- acres in the C-3 Commercial District. The site is located to the north of US HWY 70.

Staff Member Nadia Abdul-Hadi gave her staff presentation. Weyerhaeuser NR Company c/o McKim & Creed is requesting subdivision final plan approval for “New Bern Aesthetic Center”. This section of the multi-phase development is located on approximately 6.9 +/- acres in the C-3 Commercial District. The site is located to the north of US HWY 70.

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

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 New Bern Aesthetic Center is recommended, contingent upon the receipt of a performance bond accepted by the City Attorney.

43 **Mr. Dougherty made a motion to approve Weyerhaeuser NR Company c/o McKim & Creed**
44 **is requesting subdivision final plan approval for “New Bern Aesthetic Center” as presented,**
45 **the motion was seconded by Ms. Dunn. A roll call was taken, and the motion passed**
46 **unanimously (9-0).**

47
48 **2B. Weyerhaeuser Real Estate Development Company is requesting subdivision final plan**
49 **approval for “West New Bern – Phase 1 – Section 1” a 63-lot residential planned unit**
50 **development (PUD). This section of the multi-phase development is located on a combined**
51 **11.59 +/- acres in the C-3 Commercial District. The site is located to the north of US HWY**
52 **70 and to the east of NC HWY 43.**

53
54 Staff Member Nadia Abdul-Hadi gave her staff presentation. Weyerhaeuser Real Estate
55 Development Company is requesting subdivision final plan approval for “West New Bern – Phase
56 1 – Section 1” a 63-lot residential planned unit development (PUD). This section of the multi-
57 phase development is located on a combined 11.59 +/- acres in the C-3 Commercial District. The
58 site is located to the north of US HWY 70 and to the east of NC HWY 43.

59
60 The average lot size in West New Bern – Phase 1 – Section 1 is 6,055 square feet, there is 2,484
61 linear feet of new streets. Utilities and services will be provided by the City of New Bern.

62
63 Staff has reviewed the proposed subdivision plan and finds that all technical and legal requirements
64 for final subdivision plan approval have been satisfied. Therefore, final subdivision plan approval
65 of West New Bern – Phase 1 – Section 1, is recommended, contingent upon the receipt of a
66 performance bond accepted by the City Attorney.

67
68 **Mr. Beatty made a motion to approve Weyerhaeuser Real Estate Development Company’s**
69 **subdivision final plan approval for “West New Bern – Phase 1 – Section 1” as presented. The**
70 **motion was seconded by Mr. Dougherty. A roll call was taken, and the motion passed**
71 **unanimously (9-0).**

72
73 **2C. Weyerhaeuser NR Company c/o Ward & Smith are requesting to amend the land use**
74 **ordinance to allow use 5.110 elementary and secondary schools (including associated**
75 **grounds and athletic and other facilities) in the C-3 Commercial zoning district.**

76 **Staff Comments:**

77
78 Staff Member Nadia Abdul-Hadi gave her staff presentation. Weyerhaeuser NR Company c/o
79 Ward & Smith are requesting the following amendment to the City of New Bern Land Use
80 Ordinance, Appendix A Article X. Section 15-146. – Table of permissible uses:

81
82 To allow use 5.110 elementary and secondary schools (including associated grounds and athletic
83 and other facilities) in the C-3 Commercial zoning district as permissible use (designation ‘Z’).

84
85 **Mr. Layton made a motion to recommend the application submitted by Weyerhaeuser NR**
86 **Company c/o Ward & Smith requesting to amend the land use ordinance to allow use 5.110**
87 **elementary and secondary schools in the C-3 Commercial zoning district as a special use in**

88 leu of permitted by right. The motion was seconded by Mr. Beatty. A roll call was taken,
89 and the motion passed unanimously (9-0).

90
91 **2D. The City of New Bern Historic Preservation Commission (HPC) is requesting an**
92 **amendment to the Historic District Guidelines regarding the elevation of structures in the**
93 **Historic District.**

94
95 Staff member Matt Schelly presented as staff to the Historic Preservation Commission.

96
97 **Mr. Layton made a motion to recommend the Board of Alderman to approve the additional**
98 **guidelines as requested by the Historic Preservation Commission. The motion was seconded**
99 **by Ms. Dunn. A roll call was taken, and the motion passed unanimously (9-0).**

100
101 **3. Board Member Comments**

102
103 Board members discussed items including city services availability for new residential
104 developments, future meeting venue for the P&Z Board (to stay in the Development Services
105 conference room), and an introduction to Jaimee Bullock-Mosley, Assistant City Attorney who
106 will be providing council during the meetings.

107
108 **4. Adjourn**

109
110 **Hearing no further discussion amongst the Board, Chair Black entertained a motion to**
111 **adjourn. Mr. Layton moved to adjourn; Mrs. Shout seconded the motion. A roll call was**
112 **taken, and the motion passed (9-0).**

113
114
115 The meeting was adjourned at 6:14 p.m.

116
117
118 Date Approved: _____

Brad Jefferson, Chair

119
120
121 Attest: _____

122 Seth Laughlin, Land and Community Development Administrator

**Minutes of the
City of New Bern Planning & Zoning Board
May 02, 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 Street, on May 2, 2023 at 5:30 pm.

Members Present: Brad Jefferson, Chair
Kyle Dearing
Marshall Ballard
Sonny Aluzzo
Raymond Layton
Margie Dunn
Rusty Ingram

Members Excused (E)/ Absent (A): Pat Dougherty

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 of all members and quorum declared with 7 members present.

2. Election of Board Chair:

Vice Chairman Raymond Layton nominated Brad Jefferson for Chairman. Marshall Ballard nominated Margie Dunn.

Mr. Jefferson accepted the nomination. Ms. Dunn declined her nomination.

Board member Aluzzo seconded the nomination for Mr. Jefferson. Vice Chairman Layton called for a verbal vote to elect Brad Jefferson as Planning and Zoning Board chairman. The vote passed unanimously (7-0).

3. Approval of Minutes:

A:3-01-22

B: 3-07-23

Board member Dunn made a motion to approve the minutes from 3-01-22 as written. Board member Aluzzo seconded the motion. Vice Chairman Layton called for a roll call vote. The vote was unanimous (7-0).

Board member Aluzzo made a motion to approve the minutes from 3-07-23 as written. Board member Dearing seconded the motion. Vice Chairman Layton called for a roll call vote. The vote was unanimous (7-0).

4A. New Member Introduction:

Mr. Rusty Ingram gave the Board his background and how his family came to live in New Bern.

4B: John G. Thomas on behalf of D.R. Horton Inc. is requesting final subdivision plan approval for “Bayberry Park Subdivision, Phase 3” a 51-lot residential development. This phase of the development is located on 19.64 +/- acres in the R-8 Residential District.

Staff member Laughlin presented the item. John G. Thomas on behalf of D.R. Horton Inc. is requesting final subdivision plan approval for “Bayberry Park Subdivision, Phase 3” a 51-lot residential development. This phase of the development is located on 19.64 +/- acres in the R-8 Residential District.

The average lot size in Bayberry Park Subdivision, Phase 3 is 10,078 square feet and there are 3,096 LF of new streets. Utilities and services will be provided by the City of New Bern.

Bayberry Park Subdivision, Phase 3 received general plan approval from the City of New Bern Planning & Zoning Board on July 6th, 2021. 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 Bayberry Park Subdivision, Phase 3 is recommended contingent upon the receipt of a performance bond accepted by the City Attorney.

Board member Aluzzo made a motion to approve the application. Board member Jefferson seconded the motion. Vice Chairman Layton called for a roll call vote. The vote was unanimous (7-0).

4C. Discussion Item: Initial Zoning of Previously Annexed Parcels

Staff member Seth Laughlin explained that staff has become aware that several land parcels within the city’s planning jurisdiction did not receive an initial zoning designation at the time of annexation. We have determined that 29 such parcels remain unzoned and are located in three main areas of the City. One group is located adjacent to West NC 55 Hwy and another group adjacent to the Coastal Carolina Regional Airport, and lastly off Hwy 70 in the Carolina Colours area. Staff intends to bring these properties to the Planning and Zoning Board as a group for a recommendation on initial zonings and then on to the Board of Alderman for the final decision. All the property owners will be notified and given the opportunity to discuss staff’s recommended zoning designations.

Staff and Board members had extensive discussion, but no action was taken by the Board on this item.

89 **4D. Discussion Item: Downtown Parking**

90
91 Staff member Seth Laughlin explained the discussion item. The City of New Bern Land Use
92 Ordinance requires new commercial developments and “change-of-use” occupancy within
93 existing structures to provide off-street parking for their staff and patrons. In Section 15-343(e)
94 “Flexibility in administration required,” the ordinance exempts a four-block area known as the
95 “central retail core” from minimum off-street parking requirements. This area is defined in the
96 code as “the area encompassing those properties abutting the east side of Craven Street, the east
97 side of Hancock Street, the north side of Tryon Palace Drive, and the north side of Broad Street.”
98 Many cities in North Carolina have removed off-street minimum requirements from their
99 downtowns altogether. Some of these cities are:

- 100
101 • Raleigh, Asheville, Greenville, Wilmington, Edenton, Washington, and Mt. Airy.

102
103 The Planning and Zoning Board may consider changes to the existing code and make
104 recommendations to the Board of Alderman for adoption. Staff has provided a list of talking points
105 below for this discussion:

- 106
107 • Expand the parking-exempt area boundary.
108 • Special use permit requirement for eliminating existing parking spaces.
109 • Differences between New Bern and other cities.
110 • Accommodations for overnight lodging.

111
112 Staff and Board members had extensive discussion, but no action was taken by the Board on this
113 item.

114
115 **5. Adjourn**

116
117 **Board member Dunn made a motion to adjourn the meeting; Board member Jefferson**
118 **seconded the motion. A roll call was taken, and the motion passed (7-0).**

119
120 **Meeting time 43 minutes, 50 seconds.**

121
122
123 **Date Approved:** _____

Brad Jefferson, Chair

124
125
126 **Attest:** _____
127 **Seth Laughlin, Land & Community Development Administrator.**

**Minutes of the
City of New Bern Planning & Zoning Board
June 6, 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 Street, on June 6, 2023, at 5:30 pm.

Members Present: Brad Jefferson, Chair
Kyle Dearing
Marshall Ballard
Sonny Aluzzo
Raymond Layton
Margie Dunn
Rusty Ingram

Members Excused (E)/ Absent (A): Pat Dougherty

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 of all members and quorum declared with 7 members present.

2A: Stars and Stripes 4F, LLC has requested consideration of an application to rezone two parcels of land totaling 20.44 +/- acres from R-10A Residential to R-8 Residential district.

Staff member Laughlin presented the item. Stars and Stripes 4F, LLC has requested consideration of an application to rezone two parcels of land totaling 20.44 +/- acres from R-10A Residential to R-8 Residential district. The parcels are located on the east side of Washington Post Road at its intersection with Olivia Road. The properties are further identified as PID #'s 8-223-003 & 8-223-004. The site is 20.44 acres and can be viewed as an expansion of residential development within a growing area. The proposed rezoning from R-10A to R-8 is consistent with recommendations in the 2022 Land Use Plan Update. The proposed rezoning is generally consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be reasonable and in the public interest and consistent with City Land Use and Transportation Plans, due to the parcel being located in the NC 43 Focus Area. The proposed change supports the general trend in our community to provide more affordable housing options.

Board member Dunn made a motion to recommend adoption of the rezoning request to the Board of Alderman. Board member Ingram seconded the motion. Chairman Jefferson called for a roll call vote. The vote was unanimous (7-0).

Vice Chairman Layton made a motion to adopt the statement of consistency. Board member Dearing seconded the motion. Chairman Jefferson called for a roll call vote. The vote was unanimous (7-0).

2B: Jason Sanderson has requested consideration of an application to rezone one parcel of land totaling 0.92 +/- acres from R-10 Residential to C-4 Neighborhood business district.

Staff member Laughlin presented the item. Jason Sanderson has requested consideration of an application to rezone one parcel of land totaling 0.92 +/- acres from R-10 Residential to C-4 Neighborhood business district. The parcel is located on the north side of Oaks Road near its intersection with North First Avenue. The property is further identified as PID # 8-031-A-032. The proposed rezoning from R-10 to C-4 is consistent with recommendations in the 2022 Land Use Plan Update. The proposed rezoning is generally consistent with the character of the adjacent land uses and zoning classifications. Staff has found the proposed rezoning to be in the public interest and consistent with the City Land Use Plan.

Board member Ingram made a motion to recommend adoption of the rezoning request to the Board of Alderman. Board member Dearing seconded the motion. Chairman Jefferson called for a roll call vote. The vote was unanimous (7-0).

Board member Dunn made a motion to adopt the statement of consistency. Board member Aluzzo seconded the motion. Chairman Jefferson called for a roll call vote. The vote was unanimous (7-0).

2C. Initial Zoning of Previously Annexed Parcels

Staff member Laughlin presented the item. Staff has become aware that several land parcels within the city's planning jurisdiction did not receive an initial zoning designation at the time of annexation. We have determined that 29 such parcels remain unzoned and are located in three main areas of the City. One group is located adjacent to West NC 55 Hwy and another group adjacent to the Coastal Carolina Regional Airport, and lastly off Hwy 70 in the Carolina Colours area.

Staff sent letters to these property owners on May 11, 2023 letting them know that this process is underway and inviting them to contact staff with any questions. Staff was contacted by several property owners and/or their representatives and the proposed zoning designations were discussed.

Staff evaluated each location to determine appropriate zoning designations. The resultant recommendations are complimentary with the existing uses on the ground and the adjoining zoning districts, as well as in conjunction with the wishes of the property owners that we did have conversations with.

Chairman Jefferson called for a verbal vote. The vote was unanimous (7-0).

Board member Dunn made a motion to adopt the statement of consistency. Board member Aluzzo seconded the motion. Chairman Jefferson called for a roll call vote. The vote was unanimous (7-0).

2D. Discussion Item: Downtown Parking

Staff member Laughlin explained the item background. 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.” Many cities in North Carolina have removed off-street minimum requirements from their downtowns altogether.

Some of these cities are:

- Raleigh, Ashville, Greenville, Wilmington, Edenton, Washington, and Mt. Airy.

The Planning and Zoning Board may consider changes to the existing code and make recommendations to the Board of Alderman for adoption. Staff has provided a list of talking points below for this discussion:

- Expand the parking-exempt area boundary.
- Special use permit requirement for eliminating existing parking spaces.
- Differences between New Bern and other cities.
- Accommodations for overnight lodging.

After a lengthy discussion, staff recommended that the Board continue this discussion to the July meeting. Chairman Jefferson took staff’s recommendation and asked if it was the pleasure of the Board to continue the item until the following month. There were no objections from the made.

3. Staff Updates

Director Rhue stated that she did not have any updates for the Board.

4. Board Member Comments

Chairman Jefferson asked what the purpose of the item was as it was new compared to previous agendas. Director Rhue stated that it is common practice for advisory boards to have a member comment period at some point during meetings, so she asked staff to add it to the agendas moving forward. Several Board members agreed that it was a good idea and look forward to having an opportunity to share comments in the future.

5. Adjourn

Board member Dearing made a motion to adjourn the meeting; Board member Dunn seconded the motion. A verbal vote was taken, and the motion passed (7-0).

Meeting time 1 hour and 27 minutes.

Date Approved: _____

Brad Jefferson, Chair

Attest: _____

Seth Laughlin, Land & Community Development Administrator.



MEMORANDUM

TO: City of New Bern Planning & Zoning Board

FROM: Seth Laughlin, Land and Community Development Administrator

DATE: June 29, 2023

SUBJECT: Final Plan Consideration of Athens Acres, Phase Two (former Derby Park, Phase 7)

Analysis

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 R10A 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.

Recommendation

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 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 confirmed that the standing Letter of Credit is sufficient to cover the outstanding improvements. Therefore, final subdivision plan approval of Athens Acres, Phase Two is recommended.



THOMAS ENGINEERING, PA

www.thomasengineeringpa.com
1316-B Commerce Drive
Post Office Box 1309
New Bern, NC 28563

John G. Thomas, Professional Engineer

johnthomas@thomasengineeringpa.com
P: 252.637.2727
F: 252.636.2448
M: 252.671.5855

Hand Delivered

June 12, 2023

To: City of New Bern
Department of Development Services
303 First Street
New Bern, NC 28560

Attn: Seth Laughlin
Land & Community Development Administrator

Re: Athens Acres Phase Two (Formerly Derby Park Phase Seven)
A Planned Unit Development
Final Plat Submittal

Dear Seth,

Please find attached the "Final Plat Approval Checklist", and three (3) full size paper copies (18" x 24") of the Final Plat for the referenced development which we are requesting final approval consideration at the regularly scheduled July 5, 2023, meeting of the City of New Bern Planning Board. An electronic copy has been emailed to you as well.

I would prefer to submit the original mylar prior to the planning board meeting after you have reviewed the plat and found it to be in order.

Also attached is Thomas Engineering, PA check number 16691 in the amount of \$621.00 (23 lots @ \$27.00 per lot) for the subdivision review fee.

The subdivision improvements have not been completed, and the Owner has elected to provide a guarantee in lieu of. This guarantee will be in the amount of 120% of the cost to complete the subdivision improvements per our engineer's estimate, which is attached hereto. Please review and circulate the Engineer's estimate to the Engineering and Public Works Departments. Note per the attached engineer's estimate we are requesting that the current letter of credit on file be used to cover this phase.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

John G. Thomas, PE
President

Encls.

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: June 12, 2023

Planning and Zoning Meeting Date: July 5, 2023

Amount Submitted: \$621.00 # of Lots: 23

Applicant Name (please print): John G. Thomas for Phoenix Derby Park, LLC

Development Name: Athens Acres Phase Two (formerly Derby Park Phase Seven)

Address: P. O. Box 1309, New Bern, NC 28563 Phone Number: 252-637-2727

Email: johnthomas@thomasengineeringpa.com Fax Number: 252-636-2448

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
- ☒ 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
- ☐ NA 13. Written approval by Corps of Engineers with reference to wetlands, if applicable
- ☒ 14. Copy of restrictive covenants, conservation easement or Homeowners' Association Agreement
- ☐ NA 15. Restricted access easement on limited access streets
- ☒ 16. Appropriate certificates and signatures *Signatures to be provided at time mylar is delivered*

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.
Guarantee to be provided upon approval of the Engineer's Estimate and prior to Planning Board meeting
- ☒ 3. Conveyance of improvements and maintenance easements
This will be provided once the improvements are completed
- ☒ 4. One year warranty on improvements in the subdivision
This will be provided once the improvements are completed

Applicant Signature

**THOMAS ENGINEERING, PA**

www.thomasengineeringpa.com
1316-B Commerce Drive
Post Office Box 1309
New Bern, NC 28563

John G. Thomas, Professional Engineer

johnthomas@thomasengineeringpa.com
P: 252.637.2727
F: 252.636.2448
M: 252.671.5855

Hand Delivered

June 12, 2023

City of New Bern
Department of Development Services
303 First Street
New Bern, NC 28560

Attn: Seth Laughlin
Land & Community Development Administrator

Re: Athens Acres Phase One & Phase Two (Formerly Derby Park Phase Seven)
A Planned Unit Development
Final Plat Submittal

Dear Seth,

As of this date, our estimates of cost to complete the Athens Acres Phase One subdivision improvements are as follows:

Athens Acres Phase One - June 12, 2023					
Grading, Drainage, & Roadway Improvements					
Item	Description	Quantity	Unit	Unit Price	Total Price
1	5' Concrete Sidewalks (less driveways)	7,040	sf	\$ 5.15	\$ 36,256.00
2	Handi-Cap Ramps	8	ea	\$ 750.00	\$ 6,000.00
3	Trees	106	ea	\$ 150.00	\$ 15,900.00
4	Pavement Marking Allowance - Crosswalks x 4	1	ls	\$ 5,000.00	\$ 5,000.00
Total Grading, Drainage, & Roadway Incomplete Improvements					\$ 63,156.00
Total Incomplete Improvements					\$ 63,156.00
Total Guarantee Including 20% Markup					\$ 75,787.20

The City of New Bern Ordinance requires that guarantees for incomplete improvements be in an amount 20% greater than the estimated cost to complete. Therefore, the guarantee should be in the amount of **\$ 75,787.20**.

The Developer previously provided an irrevocable standby letter of credit guarantee in lieu of dated February 3, 2023 (copy attached) in the amount of **\$ 334,926.50** for the incomplete improvements as of that date.

On behalf of the Developer, we are requesting a reduction of the irrevocable standby letter of credit for this project to **\$75,787.20**.

As of this date, our estimates of cost to complete the Athens Acres Phase Two subdivision improvements are as follows:



Athens Acres Phase Two - June 12, 2023

Grading, Drainage, & Roadway Improvements

Item	Description	Quantity	Unit	Unit Price	Total Price
1	5' Concrete Sidewalks (less driveways)	4,250	sf	\$ 5.15	\$ 21,887.50
2	Handi-Cap Ramps	1	ea	\$ 750.00	\$ 750.00
3	Trees	40	ea	\$ 150.00	\$ 6,000.00
Total Grading, Drainage, & Roadway Incomplete Improvements					\$ 28,637.50
Total Incomplete Improvements					\$ 28,637.50
Total Guarantee Including 20% Markup					\$ 34,365.00

The City of New Bern Ordinance requires that guarantees for incomplete improvements be in an amount 20% greater than the estimated cost to complete. Therefore, the guarantee should be in the amount of **\$ 34,365.00**.

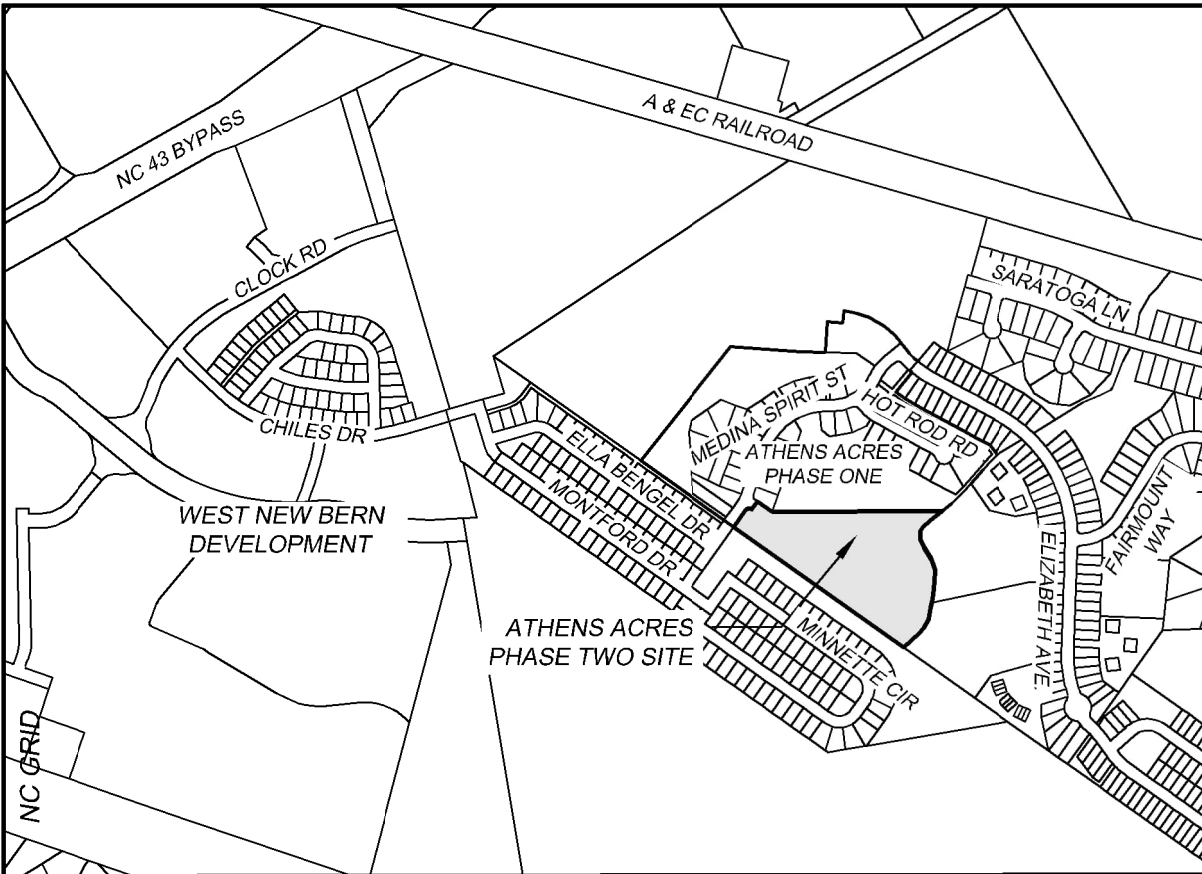
The Developer is requesting that the irrevocable standby letter of credit issued for Athens Acres Phase One be applied to Athens Acres Phase Two as the guarantee in lieu of since there is a significant credit currently on that bond as referenced above.

If you have any questions and/or comments, please do not hesitate to call.

Sincerely,



John G. Thomas, P.E.



VICINITY SKETCH

1" = 1000'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION REGULATION JURISDICTION OF THE CITY OF NEW BERN, THAT I (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 I (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.

OWNER: PHOENIX DERBY PARK, LLC.

SIGNED _____ DATE _____

NOTARY CERTIFICATE SOUTH CAROLINA, _____ COUNTY

I, _____, A NOTARY PUBLIC OF _____ COUNTY, DO HEREBY CERTIFY THAT _____ PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND SEAL THIS _____ DAY OF _____, 20____, A.D.

OWNER: PHOENIX DERBY PARK, LLC.

SIGNED _____

MY COMMISSION EXPIRES _____

CERTIFICATE OF APPROVAL

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 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 YEAR OF THE DATE BELOW.

DATE _____

MAYOR _____ CITY CLERK _____

GENERAL NOTES AND SITE DATA

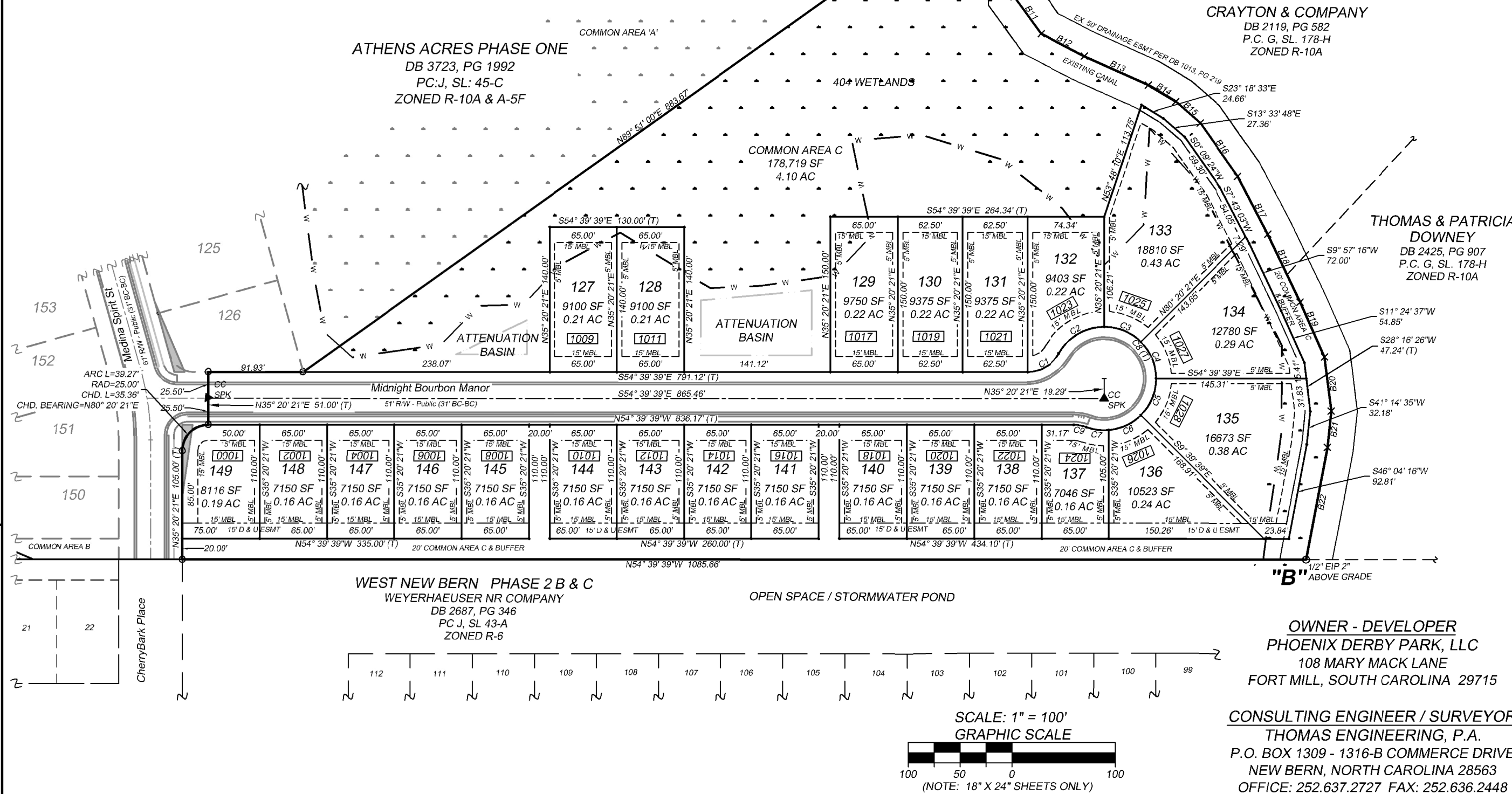
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS, NO GRID FACTORS APPLIED.
- ALL CORNERS ARE TO BE MARKED WITH IRON PIPES, UNLESS OTHERWISE NOTED.
- THIS SUBDIVISION IS IN A ZONE CONTROLLED BY ZONING REGULATIONS.
- BOUNDARY INFORMATION SHOWN IS AS PROVIDED ON THE 'ALTA SURVEY FOR EASTERN LAND HOLDING, LLC.', AS SURVEYED BY HERBERT J. NOBLES, JR., (PLS #L-2703), DATED APRIL 21, 2022, AND AS RECORDED IN PLAT CABINET J, SLIDE 11-C IN THE CRAVEN COUNTY REGISTRY.
- DEED REFERENCE: DEED BOOK: 3723, PAGE: 1992.
- MAP REFERENCE: PLAT CABINET J, SLIDE 11-C.
- PARCEL ID# 8-240-27000.
- TOTAL TRACT ACREAGE IS 10.04 ACRES ±.
- PROPERTY ZONING IS R-10A.
- PROPOSED PROPERTY ADDRESSES AS SHOWN ARE AS CONFIRMED BY THE CITY OF NEW BERN.
- ALL COMMON AREAS AS SHOWN ARE TO BE DEDICATED TO THE PROPERTY OWNER'S ASSOCIATION. COMMON AREAS SHALL BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS THEY ARE DEEDED TO THE PROPERTY OWNERS ASSOCIATION.
- COMMON AREAS MAY BE UTILIZED FOR DRAINAGE AND UTILITY PURPOSES AND ARE SUBJECT TO DRAINAGE AND UTILITY EASEMENTS ON ALL COMMON AREA.
- PROPOSED PROJECT IS LOW DENSITY, WITH LESS THAN 24% COVER, AND WITH PEAK FLOW ATTENUATION DEVICES AS NECESSARY.
- THIS PROJECT SCALES WITHIN ZONE "X" AS PER FLOOD INSURANCE RATE MAP 3720556000K, DATED JUNE 19, 2020, AND AS ESTABLISHED BY FEMA. THIS REPORT IN NO WAY SUPERCEDES THE ABOVE MENTIONED FIRM.
- THIS PROJECT IS NOT IN AN AREA OF ENVIRONMENTAL CONCERN.
- THIS PLAT DOES NOT ADDRESS THE ISSUE OF THE EXISTENCE OR NONEXISTENCE OF WETLANDS WITHIN THE SUBDIVISION. THE ENFORCEMENT OF WETLAND REGULATIONS UNDER THE SECTION 404 OF THE CLEAN WATER ACT OF 1899 IS WITHIN THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. INQUIRIES CONCERNING THAT MATTER SHOULD BE ADDRESSED TO THAT AGENCY. WETLANDS SHOWN ARE AS PROVIDED BY PITTMAN SOIL CONSULTING ON DECEMBER 9, 2020.
- THIS SITE CONTAINS NO BLUE-LINE STREAMS OR ASSOCIATED RIPARIAN BUFFERS.
- RECEIVING STREAM FOR THIS PROJECT IS AN UNNAMED TRIBUTARY TO THE NEUSE RIVER.
- DRAINAGE AND UTILITY EASEMENTS ARE AS FOLLOWS, UNLESS OTHERWISE NOTED:
 - 10 FOOT EASEMENTS ALONG RIGHTS-OF-WAY.
 - 10 FOOT EASEMENTS CENTERED ALONG ALL SIDE LOT LINES.
 - 10 FOOT EASEMENTS CENTERED ALONG ALL REAR LOT LINES.
 - OTHER EASEMENTS AS SHOWN.
- TYPICAL MINIMUM BUILDING SETBACKS ARE AS FOLLOWS:
 - 15 FOOT FRONT SETBACKS.
 - 5 FOOT SIDE SETBACKS.
 - 15 FOOT REAR SETBACKS.
 - OTHER SETBACKS AS NOTED.
- THE TOTAL NUMBER OF LOTS IS 23.
- THE AVERAGE LOT SIZE IS 9,074 SF.
- THE MINIMUM LOT SIZE IS 7,046 SF (LOT 137).
- THE TOTAL LENGTH OF STREETS IS .876 LF ±.
- PLAT PLANS FOR ANY GIVEN LOT ARE REQUIRED BY THE CITY OF NEW BERN.
- SITE TABULATION:

LOTS	4.79 ACRES
COMMON AREA / OPEN SPACE	4.10 ACRES
RIGHTS OF WAY	1.15 ACRES
TOTALS	10.04 ACRES
- A. SEWER: PUBLIC SANITARY SEWER SYSTEM (CITY OF NEW BERN).
- B. WATER: PUBLIC WATER SYSTEM (CITY OF NEW BERN).
- C. REFUSE: PUBLIC REFUSE SYSTEM (CITY OF NEW BERN).
- D. ELECTRIC: PUBLIC ELECTRIC SYSTEM (CITY OF NEW BERN).
- ALL ELECTRICAL, CABLE, TELEPHONE, AND OTHER COMMUNICATION WIRING SHALL BE INSTALLED UNDERGROUND.
- TREES ALONG STREETS SHALL COMPLY WITH SECTION 15-382 OF THE CITY OF NEW BERN LAND USE ORDINANCE.

"A" to "B" Along Ex. Ditch		
#	Distance	Direction
B8	80.44'	S50° 23' 32"W
B9	47.35'	S49° 48' 48"W
B10	26.90'	S35° 52' 58"W
B11	43.94'	S0° 34' 49"E
B12	47.39'	S27° 12' 42"E
B13	67.61'	S30° 28' 14"E
B14	30.94'	S23° 18' 33"E
B15	31.47'	S13° 33' 48"E
B16	63.03'	S0° 09' 24"W
B17	63.05'	S7° 43' 03"W
B18	72.64'	S9° 57' 16"W
B19	58.07'	S11° 24' 37"W
B20	52.48'	S28° 16' 26"W
B21	35.30'	S41° 14' 35"W
B22	110.22'	S46° 04' 16"W

CURVE DATA

CURVE #	LENGTH	RADIUS	CHD. BEARING	CHD. LENGTH
C1	37.26'	35.00'	S85° 09' 42"E	35.53'
C2	53.23'	50.00'	S85° 09' 42"E	50.76'
C3	39.27'	50.00'	S32° 09' 39"E	38.27'
C4	39.27'	50.00'	S12° 50' 21"W	38.27'
C5	39.27'	50.00'	S57° 50' 21"W	38.27'
C6	34.73'	50.00'	N79° 45' 52"W	34.03'
C7	22.13'	50.00'	N47° 11' 09"W	21.95'
C8 (T)	227.90'	50.00'	S14° 55' 01"W	75.95'
C9	12.31'	35.00'	N44° 34' 55"W	12.25'



OWNER - DEVELOPER
PHOENIX DERBY PARK, LLC
108 MARY MACK LANE
FORT MILL, SOUTH CAROLINA 29715

CONSULTING ENGINEER / SURVEYOR
THOMAS ENGINEERING, P.A.
P.O. BOX 1309 - 1316-B COMMERCE DRIVE
NEW BERN, NORTH CAROLINA 28563
OFFICE: 252.637.2727 FAX: 252.636.2448

STATE OF NORTH CAROLINA CRAVEN COUNTY

I, _____, REVIEW OFFICER OF CRAVEN COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE: ____/____/____ REVIEW OFFICER _____

CERTIFICATION OF REGISTRATION BY REGISTER OF DEEDS CRAVEN COUNTY NORTH CAROLINA

FILED FOR REGISTRATION THIS _____ DAY OF _____, 20____ A.D.

AT _____ (AM/PM) AND DULY RECORDED IN PLAT CABINET _____.

SLIDE(S) _____, AND BOOK _____, PAGE _____.

SHERRI B. RICHARD
REGISTER OF DEEDS

TYPICAL ELEMENT SYMBOLOGY

○ EIP	- EXISTING IRON PIPE	WM	- WATER METER
○ EIR	- EXISTING IRON ROD	WV	- WATER VALVE
● SIP	- SET/NEW IRON PIPE	SMH	- SEWER MANHOLE
▲ EMAG	- EXISTING 'MAG' NAIL	SC	- SEWER CLEAN-OUT
▲ SMAG	- SET/NEW 'MAG' NAIL	SV	- SEWER VALVE
△ EPK	- EXISTING 'PK' NAIL	AD	- AREA DRAIN
▲ SPK	- SET/NEW 'PK' NAIL	CB	- CATCH BASIN
□ ECM	- EXISTING CONCRETE MONUMENT	P	- UTILITY POLE
■ SCM	- SET/NEW CONCRETE MONUMENT	PED	- UTILITY PEDESTAL
■ CC	- CONTROL CORNER	OHU	- OVERHEAD UTILITIES
✦ NMP	- NON-MONUMENTED POINT	TBR	- TO BE REMOVED
⊗ WI	- WITNESS IRONS	SQFT	- SQUARE FEET
(T)	- TOTAL DISTANCE	AC	- ACRES
WL	- WETLANDS	L#	- LINE TABLE
TIE	- TIE LINE	C#	- CURVE TABLE
R/W	- RIGHT OF WAY	VB	- RIPARIAN BUFFER LINE
CL	- CENTERLINE	F	- FLOOD LINES
PL	- PROPERTY LINE	SL	- ZONE SEPARATION LINE
MBL	- MINIMUM BUILDING LINE	10' x 70' SIGHT TRIANGLE	- 10' x 70' SIGHT TRIANGLE
DUE	- DRAINAGE & UTILITY EASEMENT	---	- BOUNDARY LINES
ESMT	- EASEMENT	---	- PARCEL LINE
CDS	- CUL-DE-SAC	---	- ADDRESS
HYD	- FIRE HYDRANT	---	- ADDRESS

CERTIFICATE OF SURVEY & ACCURACY

I, HERBERT J. NOBLES, JR., CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME FROM DESCRIPTION FOUND IN DEED BOOK 3723, PAGE 1992 AND MAP IN PLAT CABINET J, SLIDES 11-C. CRAVEN COUNTY REGISTER OF DEEDS. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:15000 THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL, THIS _____ DAY OF _____, 2023.

PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-2703

PRELIMINARY PLAT
Not for Recordation, Conveyances
or Sales

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF THE COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

FINAL PLAT

ATHENS ACRES PHASE TWO "A PLANNED UNIT DEVELOPMENT"

TOWNSHIP NO. 8 CRAVEN COUNTY NEW BERN NORTH CAROLINA

OWNER - DEVELOPER
PHOENIX DERBY PARK, LLC.
108 MARY MACK LANE
FORT MILL, SOUTH CAROLINA 29715
704.575.0323

SCALE: 1" = 100' DATE: 06.01.2023

PROJECT #: 2019_013 SHEET: 1 of 1

THOMAS ENGINEERING, PA est 1983
civil engineering • land development • project management

P. O. Box 1309, New Bern, NC 28563
www.ThomasEngineeringPA.com
Office: 252.637.2727 Fax: 252.636.2448



MEMORANDUM

TO: Seth Laughlin, Land and Community Development Administrator

FROM: Matthew Schelly, City Planner, Historic Preservation Administrator

DATE: June 28, 2023

SUBJECT: Historic District Text Amendment

Seth,

At its June 21, 2023 Regular Meeting, the Historic Preservation Commission, with all Commissioners present, voted unanimously to recommend to the Aldermen to adopt “the changes to Section 15-416, as prepared by the City Attorney, and to reinstate Section 15-417 as it was prior to December 2022.”

Please contact me should you have questions or need additional information.

AN ORDINANCE TO AMEND ARTICLE XXI. “NEW BERN HISTORIC DISTRICT” OF APPENDIX A “LAND USE” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the Board of Aldermen Notice of Public Hearing was published in accordance with G.S. 160D-601 in the Sun Journal, a local newspaper, once a week for two (2) successive weeks, said notice having been published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date of such hearing; and

WHEREAS, the Planning and Zoning Board of the City of New Bern _____ {unanimously or insert vote results} recommends that certain amendments be made to Article XXI. “New Bern Historic District” of Appendix A “Land Use” of the Code of Ordinances of the City of New Bern; and

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

WHEREAS, in accordance with the provisions of the North Carolina General Statute 160D-605, the Board of Aldermen does hereby find and determine that the adoption of ordinance is consistent with the adopted land use plan and other city plans, and that the adoption of the ordinance is reasonable and in the public interest due to its consistency with the land use plan and other city plans, and as a result, its furtherance of the goals and objectives of the land use plan; and

WHEREAS, the said public meeting was actually conducted at 6:00 p.m. on _____, 2023, wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Article XXI. “New Bern Historic District” of 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 Article XXI. “New Bern Historic District” of Appendix A “Land Use” of the Code of Ordinance of the City of New Bern be and the same is hereby amended by adding Section 15-416. “Required conformity to dimensional regulations; exceptions.” as follows:

“Section 15-416. Required conformity to dimensional regulations; exceptions.

Buildings and structures within the historic district shall observe the dimensional and other regulations of the city’s zoning ordinances, except as follows:

- (a) Front yard setbacks shall be within a zone established by the minimum and maximum setbacks of the existing ~~contributing~~ structures on ~~the same side~~ both sides of the block under consideration as of the date of the application for a certificate of appropriateness. ~~Where less than three contributing structures are situate on the same side of the block under construction, the applicable front setback shall be the zone established by the minimum and maximum setbacks of the existing contributing structures on the same side of the street of the nearest adjoining blocks within the same zoning district where three contributing structures are situate. If only one adjoining block lies within the same zoning district as the property under construction, or if only one adjoining block has three contributing structures, only such adjoining block shall be used to determine the minimum and maximum setbacks of the existing contributing structures. If there are no qualifying adjoining blocks, the front yard setbacks shall be within a zone established by the minimum and maximum setbacks of the existing contributing structures across the street of the block under construction as of the date of the application for a certificate of appropriateness, and if there are less than three contributing structures across the street, then all structures across the street shall be considered.~~
- (b) The minimum side yard setback shall be:
 - (1) For residential uses, five feet, or less as provided in section 15-123; or
 - (2) For all other uses, the applicable side yards shall be those prescribed by the city zoning ordinance for that particular zoning classification.
- (c) Rear yard. Rear yards will be the resultant ground remaining from setback, side yard, and lot coverage requirements, but shall be no less than six feet in depth.
- (d) Lot coverage. Lot coverage for residential uses shall not exceed 60 percent of the total lot area.
- (e) All setbacks, lot coverage ratios and other zoning requirements specific to an application for a certificate of appropriateness shall be determined by the zoning administrator or his designee, and provided to the commission prior to the consideration of a certificate of appropriateness as a written opinion of the zoning administrator.”

SECTION 2. That Article XXI. “New Bern Historic District” of Appendix A “Land Use” of the Code of Ordinance of the City of New Bern be and the same is hereby amended by adding Section 15-417. “Off-street parking.” as follows:

“Section 15-417. Off-street parking.

Where the commission, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces required by the zoning regulations for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the district, it shall recommend to the board of adjustment a waiver, in part or in whole, of off-street parking requirements. The board of adjustment may authorize a lesser number of off-street parking spaces, provided:

- (1) The board finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking; and

(2) No threat to public safety is thereby created.”

SECTION 3. This ordinance shall be effective from and after the date of its adoption.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

CITY CLERK



CONSISTENCY STATEMENT
Case: Sections 15-416 & 15-417 amendments.

Whereas, the City of New Bern Planning and Zoning Board has reviewed potential modifications to Sections 15-416 & 15-417 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 amendments 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 5th day of July, 2023

Brad Jefferson, Chairman

Seth Laughlin, Secretary to the Board



MEMORANDUM

TO: City of New Bern Planning & Zoning Board

FROM: Seth Laughlin, Land and Community Development Administrator

DATE: June 28, 2023

SUBJECT: Ordinance Typo Correction

Staff noticed an error in the 160D text amendment changes that were adopted by the Aldermen in December 2022.

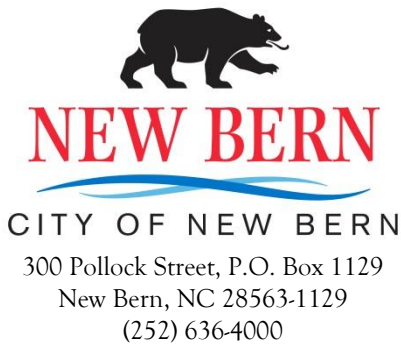
As was adopted, Section 15-423(d) now reads:

“(d) Quasi-judicial procedures. Other than administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. **170D**-406.”

There is no G.S. **170D** and it is no doubt meant to be 160D-406, which is entitled “Quasi-judicial procedure.”

Staff recommends the Planning and Zoning Board vote to recommend that the Aldermen adopt the text amendment to change Section 15-423(d) to read as follows:

“(d) Quasi-judicial procedures. Other than administrative decisions on minor works, decisions on certificates of appropriateness are quasi-judicial and shall follow the procedures of G.S. **160D**-406.”



CONSISTENCY STATEMENT
Case: Sections 15-423(d) amendment.

Whereas, the City of New Bern Planning and Zoning Board has reviewed potential modifications to Section 15-423(d) 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 5th day of July, 2023

Brad Jefferson, Chairman

Seth Laughlin, Secretary to the Board



MEMORANDUM

TO: City of New Bern Planning & Zoning Board

FROM: Seth Laughlin, Land and Community Development Administrator

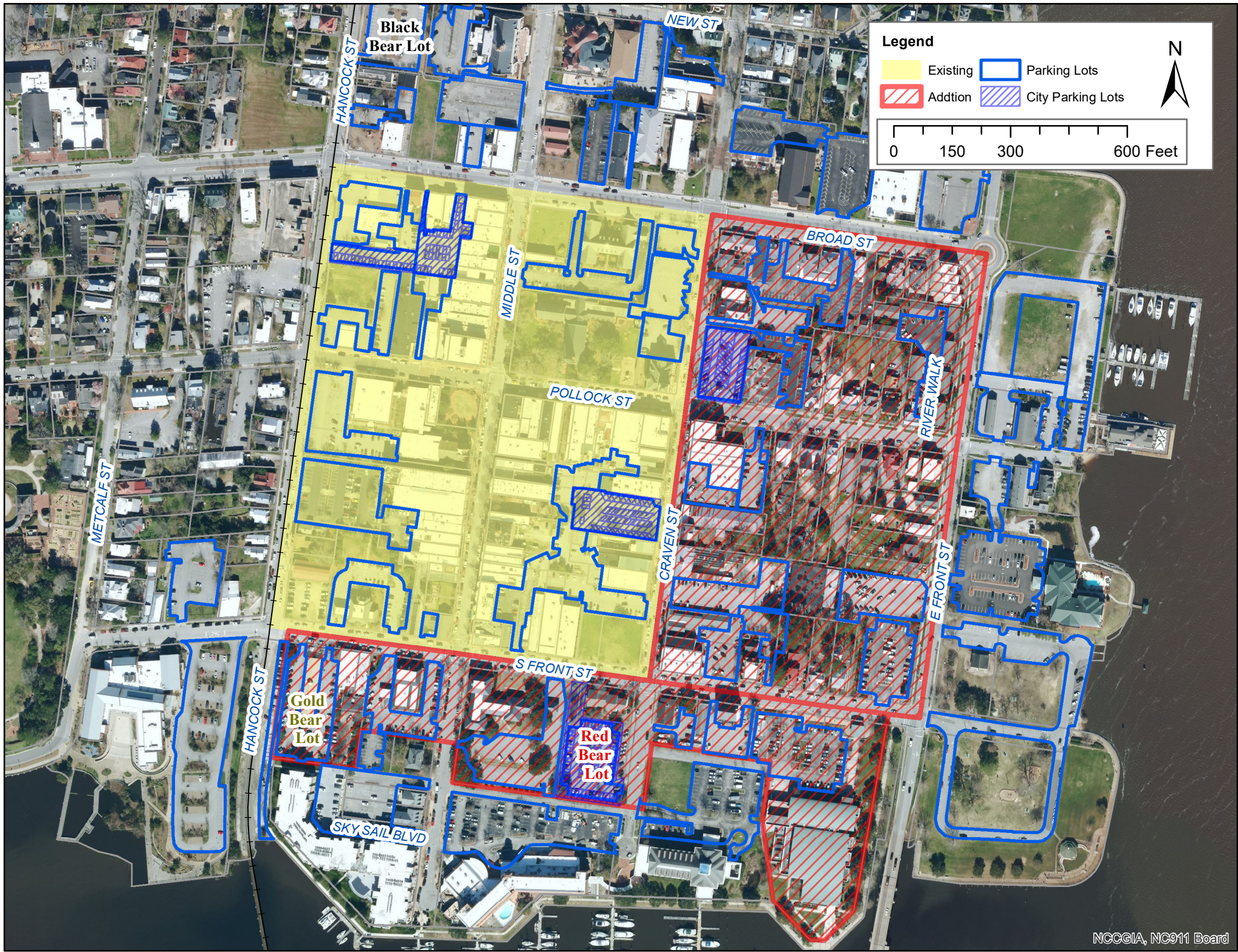
DATE: June 28, 2023

SUBJECT: Off-Street Parking requirements in the Historic Downtown





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.

The Planning and Zoning Board moved to continue the discussion to the July 5, 2023, regular meeting.



Legend

 Existing	 Parking Lots
 Addition	 City Parking Lots

0 150 300 600 Feet

N

City of New Bern Planning and Zoning Board Consistency Statement Worksheet

REZONING/TEXT AMENDMENT CASE _____

I make a motion that the proposed amendment and presented documentation are:

Consistent with (all that apply)

- ☐ the stated goals
- ☐ the expressed intent
- ☐ the 2022 Land Use Plan Update and 2010 Land Use Plan

Inconsistent with (all that apply)

- ☐ the stated goals
- ☐ the expressed intent
- ☐ the Future Land Use Map

of the City of New Bern 2022 Land Use Plan Update and 2010 Land Use Plan.

AND, that the proposed amendment is (all that apply)

- ☐ reasonable
- ☐ unreasonable
- and
- ☐ in the public interest
- ☐ not in the public interest.

Example motion:

That the proposed amendment and presented documentation are found to be consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan; and are determined to be reasonable and in the public interest.