

AGENDA

CITY OF NEW BERN PLANNING AND ZONING BOARD



Thursday, March 21, 2024 – 5:30 P.M.
City Hall Courtroom, 2nd Floor
300 Pollock Street, New Bern, NC 28560

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CHAIRMAN'S REMARKS

V. COMMENTS

- Public Comment

VI. ACTION ITEMS

- A. 624 Hancock Street & 413 Queen Street Rezoning** **(REZ-002839-2024)**
Parcel Identification Numbers: 8-003-128 & 8-003-28000 **Acreage:** 0.37 (Total)
Proposed Zoning: C-5A **Current Zoning:** C-4
Location: 624 Hancock Street & 413 Queen Street
Property Owners: CSR LLC, LLC
Applicant: Steven Langenscheidt
- B. Land Use Ordinance Text Amendment**
Code Section: Section 15-343 "Flexibility in administration required."
Applicant: City of New Bern
Synopsis: On March 12, 2024, The Board of Aldermen directed the Planning and Zoning Board to evaluate Section 15-343 "Flexibility in Administration Required."

VII. ADJOURNMENT

STAFF REPORT

DEVELOPMENT SERVICES

REZ-002839-2024, 624 Hancock Street & 413 Queen Street Rezoning



Address/Location(s)

624 Hancock Street & 413 Queen Street, New Bern, NC

Map Number(s)

8-003-128 & 8-003-28000

Parcel Size

0.37 Total Acres

Current Use

Vacant

Current Zoning

Commercial 4 (C-4)

Proposed Zoning

Commercial 5A (C-5A)

Summary of Proposal

Steven Langenscheidt, with owner approval, has submitted an application for a zoning map amendment to rezone 0.37 total acres from Commercial 4 (C-4) to Commercial 5A (C-5A). These parcels are located at 624 Hancock Street and 413 Queen Street, New Bern, NC.

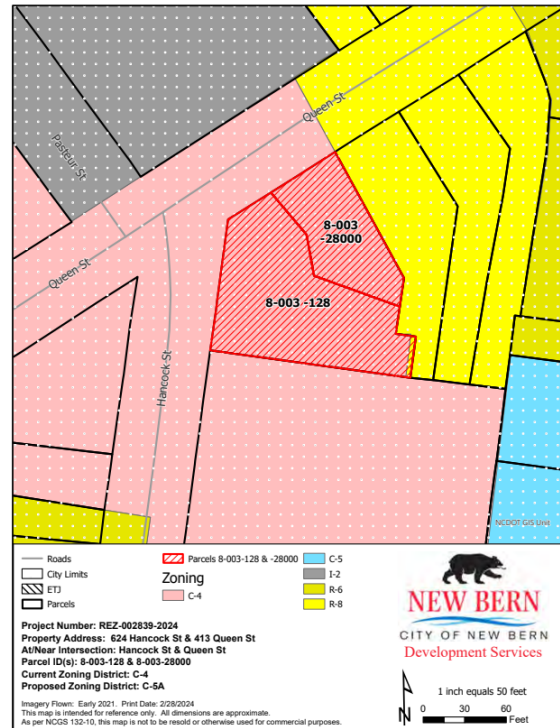
Synopsis of Site and Surrounding Area

The parcels total 0.37 acres and are located at 624 Hancock Street & 413 Queen Street, New Bern, NC.

Within a half mile of the sites, there are businesses, single-family and multi-family homes, and vacant lots.

Zoning District Summary

The C-4 neighborhood business district is established as a district in which the principal use of land is to provide for the retailing of goods and services to the nearby residential neighborhoods. The regulations of this district are designed to limit the businesses which may be established therein in order to protect the abutting residential areas.



The C-5A office and institutional (historical) district is established as the district in which the principal use of land is for residences, certain limited businesses and professional offices, and some institutional type uses, such as museums. The C-5A office and institutional district is located solely within the City's locally designated New Bern historic district. Due to the historic residential character of the C-5A district, uses which would be conducive to utilizing existing residential structures are encouraged, including continued residential use.

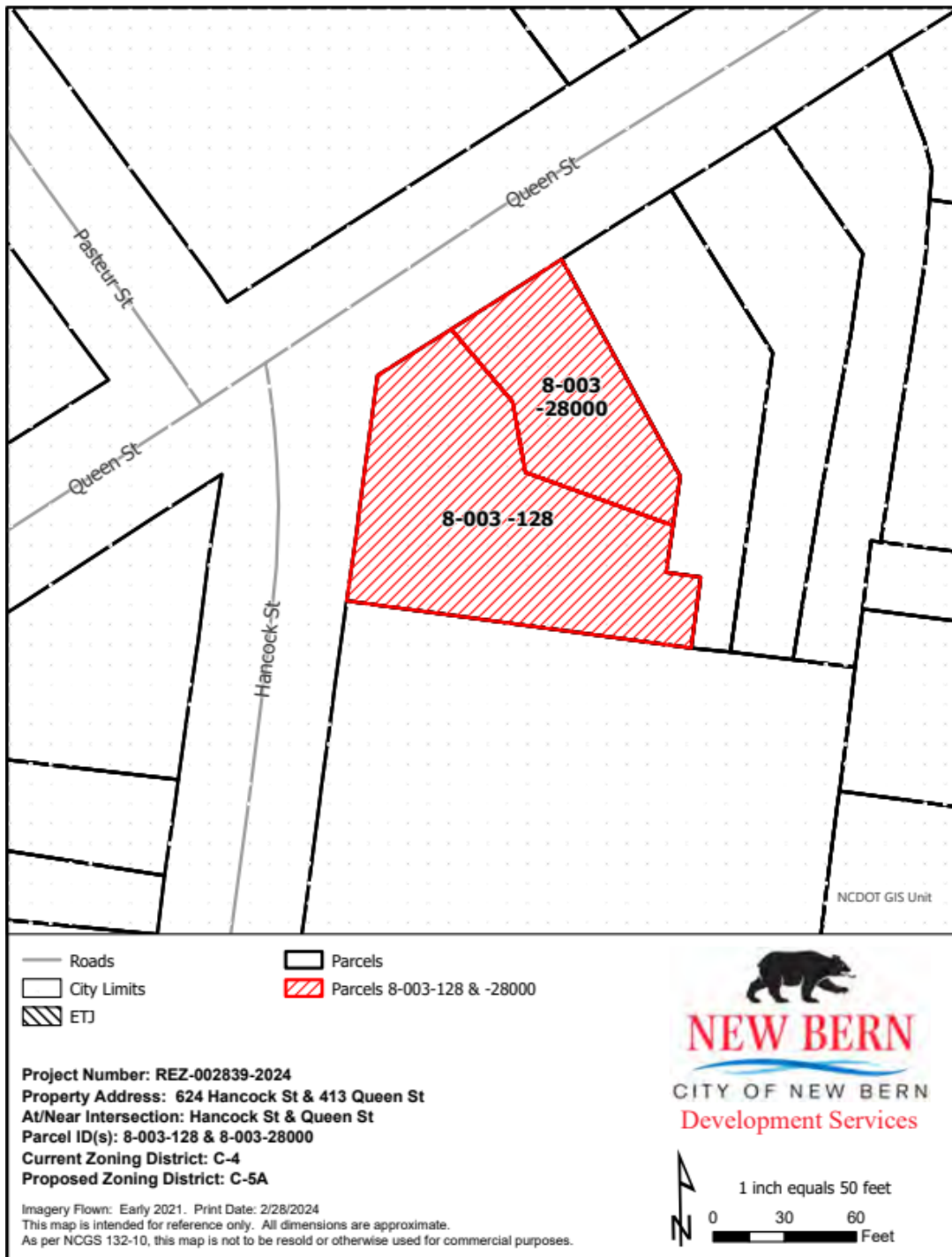
In establishing this zoning classification, the specific intent of this district is:

- (a) To encourage use of the land for residential, office, and institutional purposes;
- (b) To encourage limited commercial enterprises that provide tourist amenities such as, but not limited to, gift and specialty shops, antique stores, and gourmet shops;
- (c) To prohibit commercial and industrial uses of land which would generate large volumes of traffic, or would interfere with the use of the land for residential, office, and institutional purposes;
- (d) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance;
- (e) To encourage the development of areas which will serve as a transition zone between more intensive business districts and less intensive residential districts provided for in this ordinance.

Staff Evaluation

The proposed rezoning is abutting Commercial 4 (C-4) and Residential 8 (R-8) and adjacent to Commercial 5 (C-5) zoned properties. The subject parcels are surrounded by both residential and commercial uses. This could be considered reasonable due to its proximity to existing commercially zoned properties.

Attachment Two



REZONING APPLICATION

CITY OF NEW BERN - DEVELOPMENT SERVICES



SUBJECT PROPERTY INFORMATION

Property Address: 624 Hancock Street & 413 Queen Street

At/Near Intersection of: Hancock and Queen

Parcel ID Number(s): 8-003 -128 and 8-003 -28000

Number of Parcel(s): 2 Total Parcel Size: 10936sq.ft. & 5130sq.ft.

Current Zoning District: C-4 Proposed Zoning District: C-5A

Overlay District(s): Historic Effective Flood Zone(s): X

APPLICANT INFORMATION

Name: Steven Langenscheidt

Mailing Address: 111 Pebblebrook Dr, New Bern, NC 28562

Telephone: +1 (864)-325-1232 Fax Number: _____

Email Address: theoldpinnix@gmail.com

Legal relationship of Applicant to Property Owner: Tenant

(If the application is not signed by the property owner, a written and signed statement by the property owner giving consent to the request must be submitted with the application.)

PROPERTY OWNER INFORMATION

Name: CSR LLC, LLC (Clayton Rogers)

Mailing Address: PO Box 1674, New Bern NC 28563

Telephone: +1 (301)-221-7335 Fax Number: _____

Email Address: csrvinc@yahoo.com

The applicant must answer the following questions and provide adequate explanation and documentation for each. These questions are to be used as guidelines for the Planning & Zoning Board in determining its recommendation. You may attach additional sheets and/or maps.

1. Will this proposal place all property similarly situated in the area in the same category, or in appropriate complementary categories? Explain.

This proposal will not place all property in the area in the same category. However it will compliment the other properties which are zoned C4/C5/C5-A and R8. Zone C5-A is specifically created to support light commercial activities within the historic district.

2. Under this proposal, will all uses permitted under the proposed district classification be in the general public interest and not merely in the interest of an individual or small group? Explain.

Yes, this proposal aims to provide a space for the community and neighborhood to gather and enjoy a shared meeting place.

3. Are all uses permitted under the proposed new district classification appropriate for the area included in the proposed change? Explain.

Indeed, the C5-A zoning designation is applicable to the historic district, and the structure on the specified parcels is nearly a century old. Furthermore, these parcels are situated within the confines of the historic district.

4. Will the character of the neighborhood be materially or adversely affected by any use permitted in the proposed change? Explain.

Contrarily, the proposed modification aims to elevate the character of the area by re-purposing an empty lot into a park-like social space, aligning with the historic nature of the neighborhood.

5. Is the proposed change in accord with the City of New Bern Land Use Plan and any other officially adopted plan? Explain.

Certainly, akin to parcel 8-008-211 (Freshwater), whose existence has demonstrated the enhancement of the area and the provision of a communal meeting space.

Zoning Official's Signature/Date

Langenscheidt

Signature of Applicant/Date

Printed Name of Zoning Official

Steven Langenscheidt

Printed Name of Applicant/Date

Hancock and Queen LLC (The Old Pinnix)
Steven Langenscheidt
111 Pebblebrook Dr., New Bern, NC 28562

CSR LLC, LLC
Clayton Rogers
PO Box 1674, New Bern NC 28563

Subject: Request for Landlord's Consent for Property Re-Zoning

Dear Clayton Rogers

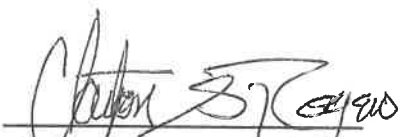
I hope this letter finds you well. I am writing to formally request your consent for the re-zoning of the properties located at 624 Hancock Street & 413 Queen Street, New Bern, NC 28560. As the current tenant of the aforementioned properties, I believe that the proposed re-zoning to C5-A will contribute positively to the community and enhance the overall value of the property.

The objective is to facilitate outdoor seating, aiming to establish a community meeting place and provide the neighborhood with a park-like atmosphere throughout the summer months. This space will be designed for families to enjoy, as well as friends and anybody living in the community.

I assure you that I will oversee the process responsibly and ensure that it adheres to all legal requirements and regulations. Additionally, I am committed to addressing any concerns or questions you may have regarding the re-zoning proposal.

Please find attached a detailed document outlining the proposed changes, along with any supporting information. I kindly request your prompt review and approval of this request.

By signing below, you acknowledge your consent for the re-zoning of the property, and I, as the tenant, will take full responsibility for any associated procedures and costs.


Clayton Rogers, Date: 1/25/24

North Carolina, County of Craven
I, A Chrystine Easterbrook, a Notary Public for said County and State, do hereby certify that Clayton Rogers personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and official seal, this the 25 day of January, 2024.
A Chrystine Easterbrook Notary Public
My Commission Expires 01/08, 2028.

Thank you for your time and consideration. I am more than willing to discuss this matter further if you have any questions or require additional information.

Sincerely,


Steven Langenscheidt, 1/22/2024

A CHRYSTINE EASTERBROOK
NOTARY PUBLIC
Craven County
State of North Carolina
My Comm. Expires January 8, 2028

March 8, 2024

CSR LLC, LLC
P.O. Box 1674
New Bern, NC 28563

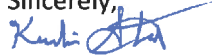
To whom it may concern:

The City of New Bern Land Use Ordinance requires that all property owners subject to a proposed rezoning be mailed notice of the request. According to Craven County tax records, your properties are located at 624 Hancock Street and 413 Queen Street, New Bern, NC. The tax identification numbers for your properties are 8-003-128 & 8-003-28000. (See attached map for reference). The properties are under consideration for rezoning from Commercial 4 (C-4) to Commercial 5A (C-5A) and total 0.37 + / - acres in size.

The Planning & Zoning Board of the City of New Bern will hold a public meeting to consider the proposed rezoning request at their regularly scheduled meeting on Thursday, March 21, 2024, at 5:30 pm in the 2nd floor courtroom at the City Hall building, located at 300 Pollock Street, New Bern, NC 28560.

A copy of the rezoning application is available for public review during normal business hours in the Development Services office, located at 303 First Street. For further information contact Kendrick Stanton, Land & Community Development Administrator at (252) 639-7582 or Stanton.Kendrick@newbernnc.gov.

Sincerely,



Kendrick Stanton, CZO
Land & Community Development Administrator
Phone: 252-639-7582

cc: File

Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.

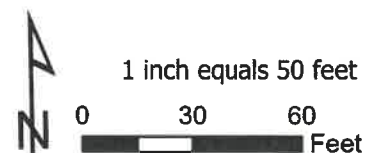


NCDOT GIS Unit

- Roads
- ▭ City Limits
- ▭ Parcels
- ▨ Parcels 8-003-128 & -28000
- ▨ ETJ

Project Number: REZ-002839-2024
Property Address: 624 Hancock St & 413 Queen St
At/Near Intersection: Hancock St & Queen St
Parcel ID(s): 8-003-128 & 8-003-28000
Current Zoning District: C-4
Proposed Zoning District: C-5A

Imagery Flown: Early 2021. Print Date: 2/28/2024
 This map is intended for reference only. All dimensions are approximate.
 As per NCGS 132-10, this map is not to be resold or otherwise used for commercial purposes.





To: Steven Langenscheidt

From: Kendrick Stanton, CZO, Land and Community Development Administrator

RE: REZ-002839-2024, DRC Comments – 624 Hancock Street & 413 Queen Street

Date: 02/23/2024

The following comments were generated from DRC.

Planning/Zoning

- Verbally discussed providing a site plan for the fencing and seating area.
- Contact information for questions: **Ph: 252-639-7582**

MPO

- No comment.
- Contact information for questions: **Ph: 252-639-7592**

Historic Preservation Administrator

- Verbally requested a site plan of the fencing.
- Contact information for questions: **Ph: 252-639-7583**

Police Department

- No comment provided.
- Contact Information for questions: **Ph: 252-672-4293**

Fire Marshal

- FD does not oppose the Zoning change. However, any occupant classification change of the current building or change of use or the property will have to be approved before the change. Additional information is required on the park-like social space to determine what NC Codes are applicable such as emergency planning, egress requirements, restrooms, etc. A formal plan should be submitted.
- Contact information for questions: **Ph: 252-639-2961**

Building Inspector

- No comment.
- Contact information for questions: **Ph: 252-639-2945**

Department of Public Utilities

- No comment provided.
- Contact information for questions: **Ph: 252-639-2827**

Craven County Health Department

- No comment.
- Contact information for questions: **Ph: 252-636-4936**

Public Works

- Can a site plan be provided to show the improvements being proposed?
- A new drive and parking area was recently built, would like to see how the outdoor dining fits and if any sidewalk encroachments are proposed.
- If the re-zoning is approved a permit will be needed for the outdoor dining setup
- With this being a commercial property, with three separate businesses, is a dumpster pad being built for refuse pickup?
- Contact information for questions: Ph: 252-639-7500

GIS

- No comment.
- Contact Information for questions: Ph: 252-639-7588

NCDOT

- No comment.
- Contact information for questions: Ph: 252-649-6505

Water Resources

- No Comment.
- Contact information for questions: Ph: 252-639-7523

Parks & Recreation

- No comment provided.
- Contact information for questions: Ph: 252-639-2902

Please submit an electronic PDF file to my email, Stanton.Kendrick@NewBernNC.gov and one (1) physical plan on 18" X 24" paper of the revised site plan by Monday, March 4, 2024. Failure to submit the revised plans or request an extension by the date indicated will constitute a denial of the plan, and a full resubmission would be required. If you have any questions, you may contact us.



To: Steven Langenscheidt

From: Kendrick Stanton, CZO, Land and Community Development Administrator

RE: REZ-002839-2024, DRC Comments (Second Set) – 624 Hancock Street & 413 Queen Street

Date: 03/05/2024

The following comments were generated from DRC.

Planning/Zoning

- After reviewing the proposed site plan for outdoor seating, games, and a bar to be established, a recombination would be required to take place. This is if the existing use of a restaurant at 624 Hancock Street property is expected to extend into the 413 Queen Street property.
- Parking requirements would need to be assessed per table added.
- The rezoning application may move forward, however the proposed site plan for all additional outdoor activities, structures, and seating is not approved per zoning at this time.
- Contact information for questions: **Ph: 252-639-7582**

Historic Preservation Administrator

- The HPC has no jurisdiction over the use of an outdoor drinking establishment and game area next to a house and a senior home, and very near to at least a dozen other homes. So, I have no comments about that.
- I am currently talking to Mr. Steve Langenscheidt about a small (3x5 footprint) shed along the back wall, so let me know if he is allowed to proceed and he decides to proceed, so I can address the HPC issues with him, such as the design and materials for the bar, any new pavement, landscaping, and any exterior lighting. At the same time, the building owner, Mr. Rogers, is talking to me about the new fence (in red on the plan) and the edging for the gravel parking and driveways.
- Contact information for questions: **Ph: 252-639-7583**

Fire Marshal

- No Comment provided.
- Contact information for questions: **Ph: 252-639-2961**

Building Inspector

- No comment provided.
- Contact information for questions: **Ph: 252-639-2945**

Public Works

- No comment provided.
- If the re-zoning is approved a permit will be needed for the outdoor dining setup. ([Previous comment, leaving for reference](#))
- With this being a commercial property, with three separate businesses, is a dumpster pad being built for refuse pickup? ([Previous comment, leaving for reference](#))
- Contact information for questions: [Ph: 252-639-7500](#)

March 8, 2024

Dear Property Owner:

The City of New Bern is notifying all property owners within one hundred (100) feet of a proposed rezoning with mailed notice of request (See attached map for reference). The Planning & Zoning Board of the City of New Bern will conduct a public meeting on Thursday, March 21, 2024, in the 2nd floor courtroom at the City Hall building located at 300 Pollock Street, New Bern, NC 28560, at 5:30 pm. The addresses for the properties are 624 Hancock Street and 413 Queen Street, New Bern, NC, and the parcel identification numbers are 8-003128 & 8-003-28000. The request is to rezone two (2) parcels, totaling 0.37 +/- acres from the Commercial 4 (C-4) Zoning District to the Commercial 5A (C-5A) Zoning District.

A copy of the rezoning application is available for public review during normal business hours in the Development Services office, located at 303 First Street. For further information contact Kendrick Stanton, Land & Community Development Administrator at (252) 639-7582 or Stanton.Kendrick@newbernnc.gov.

Sincerely,



Kendrick Stanton, CZO
Land & Community Development Administrator
Phone: 252-639-7582

cc: File

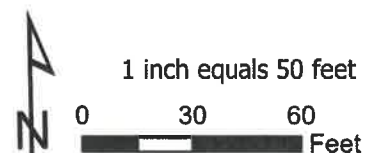
Individuals with disabilities requiring special assistance should call (252)639-7501 no later than 3:00 p.m. the date of the meeting.

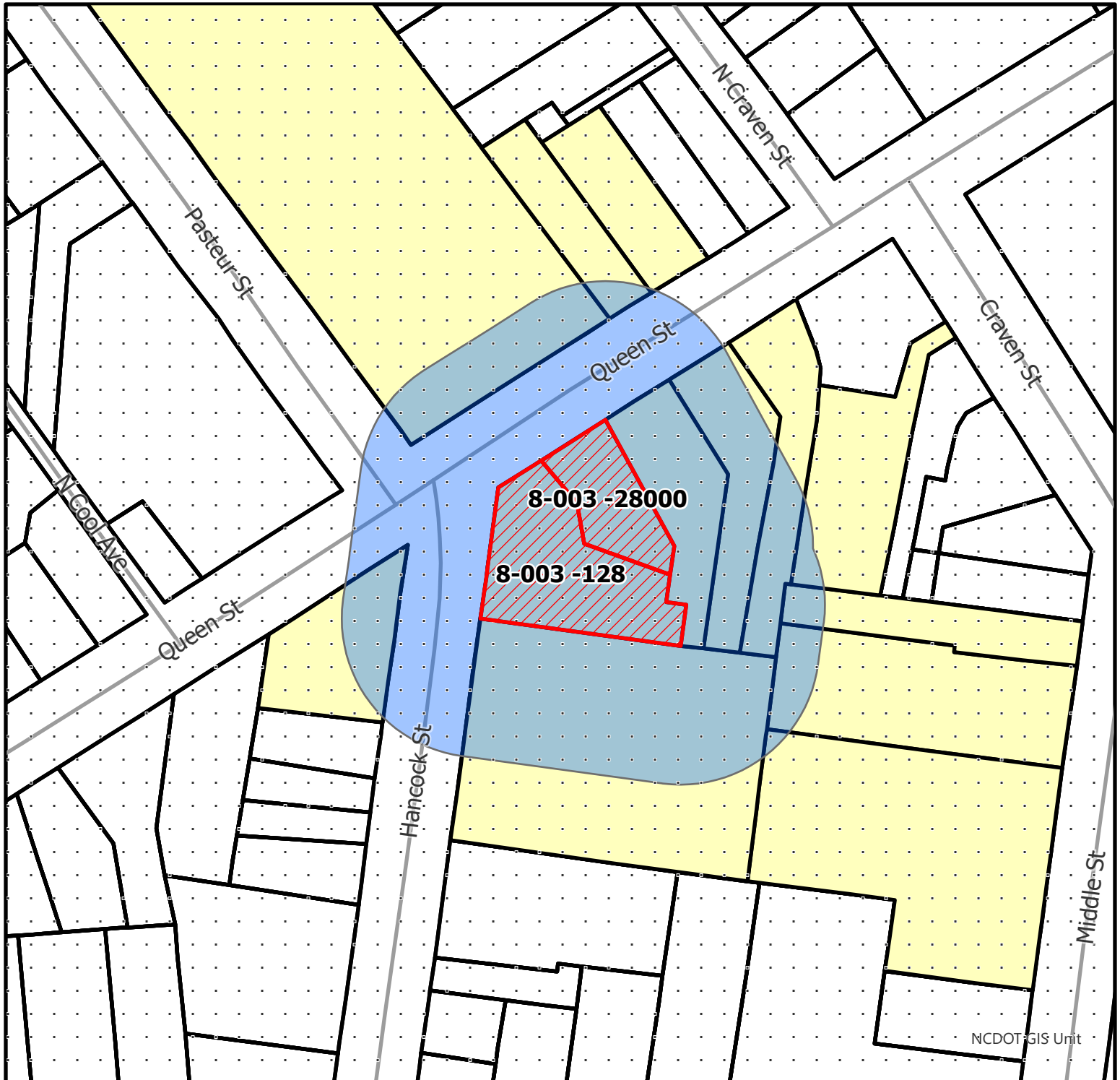


- Roads
- ▭ City Limits
- ▭ Parcels
- ▨ Parcels 8-003-128 & -28000
- ▨ ETJ

Project Number: REZ-002839-2024
Property Address: 624 Hancock St & 413 Queen St
At/Near Intersection: Hancock St & Queen St
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Current Zoning District: C-4
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Imagery Flown: Early 2021. Print Date: 2/28/2024
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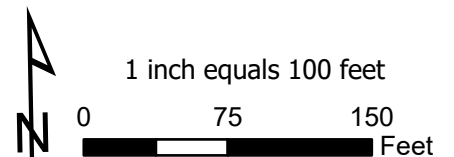
NCDOT GIS Unit

- Roads
- City Limits
- ▨ ETJ
- Parcels

- ▨ Parcels 8-003-128 & -28000
- 100 ft Buffer
- Parcels in 100 ft Buffer

Project Number: REZ-002839-2024
Property Address: 624 Hancock St & 413 Queen St
At/Near Intersection: Hancock St & Queen St
Parcel ID(s): 8-003-128 & 8-003-28000
Current Zoning District: C-4
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Imagery Flown: Early 2021. Print Date: 2/28/2024
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Kendrick Stanton

From: Foster Hughes
Sent: Wednesday, March 13, 2024 8:14 AM
To: Jessica Rhue; Robert Gough; Kendrick Stanton; bradjefferson86@gmail.com
Cc: Jaimee Mosley; Scott Davis
Subject: Planning and Zoning Board meeting Item
Attachments: No_Parking_Reqd_Spas.pdf

Hello,

Last night, the Governing Board directed the Planning and Zoning Board to revisit section 15-343 Flexibility in Administration Required, which was most recently amended on October 10, 2023.

Specifically, we are aware of one property adjacent to the southern boundary of the parking exemption map that did not receive an exemption (*On Middle Street beside the Wells Fargo property*). Was there a specific reason for this exemption or was there an oversight? It is my understanding that staff has spoken with the property owner and/or purchaser and is aware of the issue.

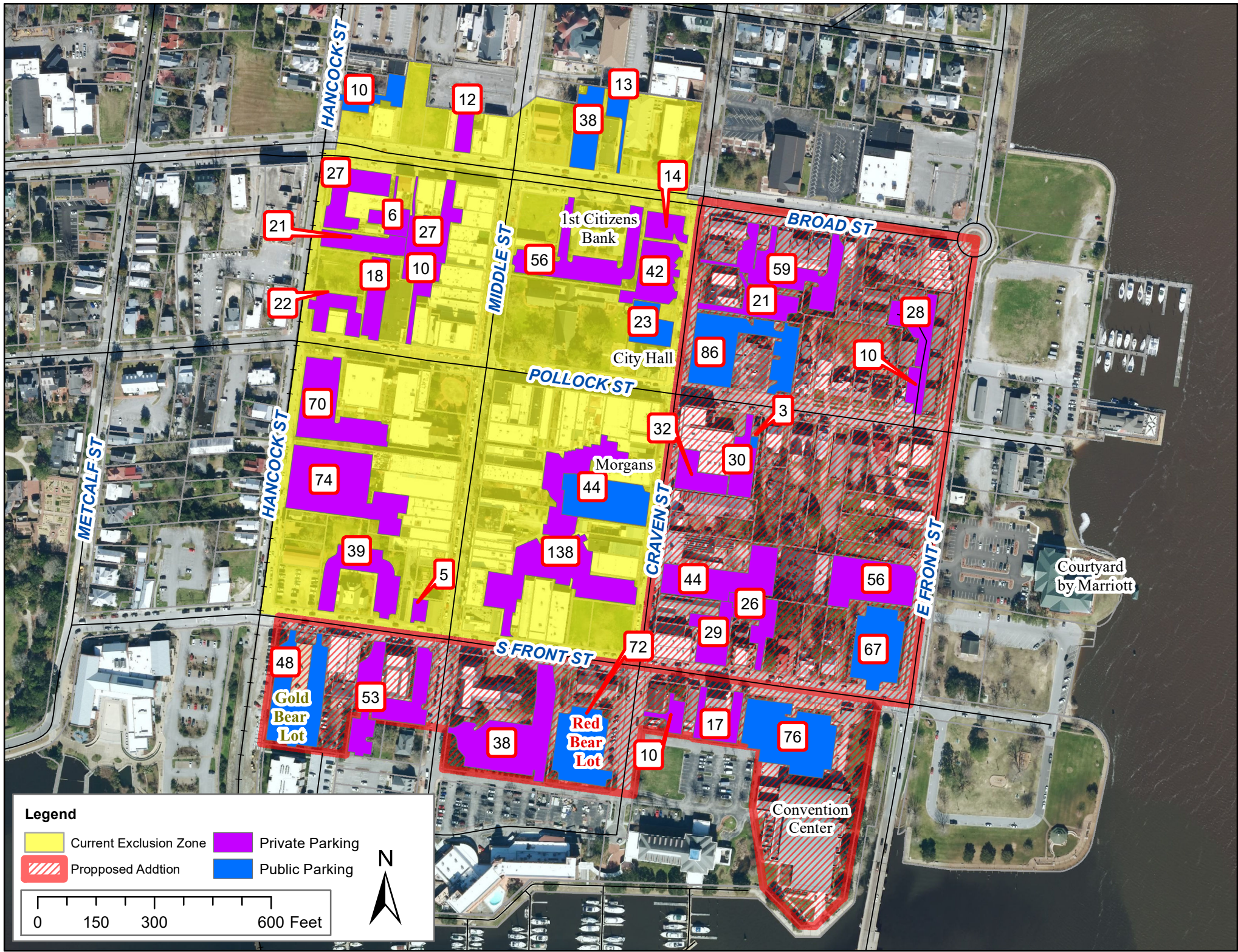
This item will be placed on the Planning and Zoning Board Agenda for March 21, 2024. At this meeting, the board should make a recommendation to the Governing Board. This item will be on the March 26th Board of Aldermen Agenda for their consideration.

Let me know if you have any questions.



Foster Hughes
City Manager
300 Pollock St
New Bern, NC 28563
Office: (252) 639-2704

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.



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 finds the proposed amendments to be reasonable and consistent with the 2022 Land Use Plan Update and 2010 Land Use Plan; 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.

...

(e) Notwithstanding any other provision in this section, developments located in the central retail core 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. For purposes of this section, "central retail core" shall be defined as the area encompassing those properties abutting the east side of Hancock street, the south side of 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 the west side of Craven Street, and the north side of Broad Street from the east side of Craven Street to the east side of Street Hancock Street, excluding the Riverfront Convention Center of Craven County.

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

ADOPTED this 10th day of October, 2023.



JEFFREY T. ODHAM, MAYOR



BRENDA E. BLANCO, CITY CLERK