



Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, January 16, 2024 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Minutes

Call to Order

Chair Merrill called the January 16, 2024 Planning Board meeting to order at 6:00 p.m.

Roll Call

Members Present: Chair Merrill, Vice Chair Meelheim, Member Bowler, and Member Stanziale

A quorum was declared with four members present.

Staff Present: Kyle Garner, Michelle Eitner, Town Attorney Arey Grady, and Laurel Anderson

Agenda Approval

Chair Merrill asked if there were any changes to the Agenda and hearing none, he asked for a motion.

Vice-Chair Meelheim made the motion to approve the agenda and Member Stanziale made the second. Chair Merrill took a vote that was unanimously approved.

Voting yea: Chair Merrill, Vice Chair Meelheim, Member Bowler, Member Stanziale

Minutes Approval

1. PB Draft Minutes for 121823

Member Stanziale made the motion to approve the Minutes and Member Bowler made the second. Chair Merrill took a vote that was unanimously approved.

Voting yea: Chair Merrill, Vice Chair Meelheim, Member Bowler, Member Stanziale

Public Comment

Chair Merrill opened public comments and asked if anyone would like to speak. There were no public comments.

New Business

1. Case #23-10 Special Use Permit for an Accessory Dwelling Unit at 118 Orange Street

Ms. Eitner gave the Staff Report and explained that this application is for a Special Use Permit (SUP) for an Accessory Dwelling Unit (ADU) per the R-8 Zoning District for an existing accessory structure in the backyard which is proposed for renovation and addition in order to establish the ADU. The property owner has obtained a Certificate of Appropriateness (COA) from the Historic Preservation Commission (HPC). The request is consistent with the current and new Land Use Plans. Due to past concerns with Fire Department access to Accessory Dwelling Units, staff reached out to the Fire Marshal for preliminary review of the request. Fire Marshal Robert Smith replied, "I looked over this proposed addition and I have no issues with it." On the fourth page of Attachment F – Application Package, the applicant suggests that "This SUP application and ADU design plan has been approved by the Beaufort Historical Preservation Commission." This is incorrect – the Accessory Dwelling Unit use of the structure was not discussed with the Historic Preservation Commission. The HPC application materials refer to the structure as "detached structure" or "back building" and are provided for reference with the SUP application materials.

Member Stanziale asked if the rear setback met the code and Mrs. Eitner responded that it did.

Chair Merrill questioned if the accessory dwelling unit did not show plans for a kitchen area was it still considered a dwelling unit? Town Attorney Mr. Grady stated that the definition did not necessarily require a kitchen, and if it were not an ADU, what would it be? He noted that if it were not an ADU the SUP would not be required as it would just be an accessory building, and the applicant should be questioned as to the intended use.

Ms. Emrich, applicant and property owner, and Dempsey Hodges, contractor for the project, came to the podium and Ms. Emrich stated that the building would be used for family and not rented out. Member Stanziale pointed out there was a bedroom and bathroom but not kitchen. There was discussion regarding the meanings of accessory unit and accessory dwelling unit. It was noted that if the building was intended to have a kitchen, according to the Board, a SUP would be required.

Ms. Emrich stated that it was not their intention to include a kitchen. Mr. Grady clarified with Mrs. Emrich that if it did not include a kitchen the renovation could move forward with a building permit only. There was further discussion as to the meaning of accessory dwelling unit. Mr. Grady stated that if the Board would recommend approval the applicant could amend their site plan to include a kitchen to comply with the ADU definition as understood by Chair Merrill, and further stated that the ADU definition did not necessarily require a kitchen. Member Stanziale stated that if a kitchen were not included, the SUP was not necessary according to Chair Merrill, but if a kitchen would be added later a SUP would be required.

Member Stanziale asked if an accessory unit was an extension of the main house, would it need to be connected to the house. Mrs. Eitner explained that it was more of a concept of living space and did not need to be attached.

Hearing no further discussion, Chair Merrill asked for a motion.

Vice-Chair Meelheim made the motion to submit to the Board of Commissioners and recommend adoption as an accessory dwelling use with the understanding that the applicant will address the issue of the kitchen prior to submission to the Board of Commissioners.

The applicant noted her confusion at the kitchen requirement and the Board clarified that they would recommend approval of the SUP but if the applicant went forward to the Board of Commissioners (BOC) they would need to amend the plans to include a kitchen area. If they did not want to add a kitchen area and request a SUP then they could withdraw the application.

Member Stanziale made the second. Chair Merrill requested a roll call vote and Secretary Anderson took a vote that was unanimously verbally approved.

Voting yea: Chair Merrill, Vice Chair Meelheim, Member Bowler, Member Stanziale

2. Case #24-01 – Site Plan M&H Storage

Mrs. Eitner gave the Staff Report and explained the site currently is an undeveloped tract separated from the ABC Store at the frontage of the property. A Special Use Permit for Mini-Storage Facility was issued in 2022 to construct a 129,360sf mini storage facility including: 2 one-story climate-controlled mini storage prefabricated metal buildings, one with a 900sf office in it (49,680sf each); 1 one-story open air RV and boat parking prefabricated metal structure (30,000sf), paved driveways, parking spaces, and loading/unloading areas with two routes of ingress/egress connecting to the ABC Store parking lot and Beaufort Spring driveway (access easements already recorded); buffer landscaping on north and east property lines with 6'-tall opaque fence and 10'-wide Type A opaque landscaping buffer, vehicle accommodation area landscaping on the west property line adjacent to parking area, and a sidewalk along frontage of M&H Storage and ABC Store properties (within existing easement). Mrs. Eitner further pointed out that Mr. Clark, Town Manager, requested that the applicant consider coordinating stormwater management with the Town's newly purchased property directly west of the subject property.

Mrs. Eitner stated that a Special Use Permit without site plan was issued for the Mini-Storage Facility in August 2022. Two conditions were placed on the SUP: a five-year expiration date, and a requirement to resolve the boundary line dispute between the subject property and the eastern abutting property (Beaufort Spring Housing Association). This property line dispute was resolved in November 2022, rendering the SUP effective. This project meets the design criteria required in the LDO and staff recommends approval.

Vice-Chair Meelheim asked about the lighting and Mrs. Eitner explained that the landscaping would also help contain the light on the property, and Vice-Chair Meelheim further clarified that she was specifically asking about headlights of cars entering and leaving the property. Mr. Ron Cullipher of The Cullipher Group, representing the applicant, stated that the lighting would be security downlights installed on the storage buildings, as shown on the site plans, and the plans also showed there were no light poles. Chair Merrill stated that if any light issues were addressed up front there would be no complaints, and Mr. Cullipher noted that the plans clearly stated on Sheet 2 "shield light from adjoining property," and there was no street lighting, 20 ft poles, etc., and they had addressed the zoning ordinance in their plans.

Member Stanziale asked about the reference to combining stormwater management and Mr. Cullipher explained that the Town of Beaufort had recently acquired adjoining property and if it worked out the stormwater management could be combined.

Chair Merrill asked for a motion and then stated that the Planning Board had seen the site plan during two or three different meetings and it appeared that the driveway issues had been taken care of adequately and the original proposed access would go through the ABC store parking lot, and through the Planning Board's process that had been improved. Mrs. Eitner pointed out the access would still go through the ABC store property with a second access utilizing the adjoining Beaufort Springs apartment road. Member Stanziale then moved for approval and Chair Merrill then asked what the main access would be and Mr. Cullipher stated that either one could be and storage facilities had very low vehicle traffic. Member Bowler then asked to see the driveway entrances on the site map and then asked to clarify that there would be no boat storage. Mr. Cullipher stated that there would be boat storage at the rear of the property. Chair Merrill stated that he had not read the Planning Board prior minutes when the site plan was discussed but he thought the Board had done away with the access through the ABC store parking lot.

Member Stanziale stated that he was for as few access points on Live Oak St as possible and could not imagine the ABC store traffic volume was that busy. He also noted that DOT probably wouldn't give another access point that close on Live Oak St. After further discussion he asked Mr. Cullipher if he had needed to speak with DOT to add additional traffic to that access point and Mr. Cullipher replied that he did not.

Member Bowler asked how many boat trailer slots there would be and after some discussion it was determined there would be 38 slots with two larger bays.

Chair Merrill asked for a motion and Member Bowler made the motion to approve as submitted and seconded by Member Stanziale. Chair Merrill requested a roll call vote which did not pass.

Voting yea: Member Bowler, Member Stanziale

Voting nay: Chair Merrill, Vice-Chair Meelheim

Chair Merrill stated that the Board had a major objection to the ABC store parking lot access from the beginning of the process and through at least three meetings it was not acceptable to them. Mrs. Eitner asked if he was referring to the Special Use Permit or the subdivision of the property and Chair Merrill stated that he did not remember, but the Board found the access through the ABC parking lot objectionable.

Vice-Chair Meelheim made a motion to table the site plan until the issues were resolved.

Town Attorney Grady stated that Mrs. Eitner was giving very good guidance and if the site plan was denied the Board must specify the design criteria it did not meet, and in looking through the criteria he did not see any it did not meet. He further stated that this was a recommendation to the BOC who would take final action and it was good practice if not a legal requirement to articulate the provision in the LDO it did not meet.

Member Stanziale noted that if the site plan met all the requirements the Board could not deny it and Mr. Grady agreed. Mr. Grady explained that the motion to approve had failed which was a de facto denial of the plan and unless the plan had drastically changed since the SUP had been approved the Board must approve it as a recommendation to the BOC. He then read the LDO Section 18 which states "The plan shall first be reviewed by the Planning Board and shall be forwarded with comments and/or recommendations to the BOC for consideration," and if the vote was not to approve it the Site Plan could move forward to the BOC with no approval or denial and articulating why. Chair Merrill asked if they were legally allowed to not approve it and Mr. Grady stated that the Planning Board made recommendations so the better question would be if the BOC could legally deny it, and if it fit in with the Ordinance the applicant was entitled to approval if the requirements were met, and until someone pointed out the requirements that were not met then the presumption was that they would get approval. Mr. Grady further explained that the Special Use Permit process was designed to capture more subjective elements such as access and traffic flow, so unless the plan had drastically changed from what had been approved through the SUP process - Chair Merrill interrupted and stated that it had drastically changed and one item that was driving subsequent meetings was the ABC parking lot access. Chair Merrill stated his surprise to see that access on the plans and he had not had time to research but agreed with Vice-Chair Meelheim's motion to table so they could see if it met the requirements rather than the PB feel pressure to approve it when it went against everything they had been trying to accomplish.

Member Bowler said that if the Board did not approve it for the sake of clarity they needed to be super specific as to why it was not approved and asked if they tabled it could they see the comments and plans from the previous PB meetings to compare to what they were seeing tonight, and it wasn't clear to her whether the site plan conformed to what they had approved before. Mrs. Eitner reminded her that it was not necessarily what the Planning Board approved but the Board of Commissioners, so even if the PB had discussed it if the BOC had not picked it up the PB couldn't take it, and all the agenda minutes and packets were online and readily available for review.

Chair Merrill stated that if it was tabled they would have time to review and he seconded the motion.

Member Stanziale asked what was originally submitted as he wasn't a member at that time and Mrs. Eitner explained that a site plan was not submitted for a Special Use Permit as it was just for the use. Chair Merrill stated that to the best of his recollection there was a plan submitted that showed access to the property going through the ABC parking lot. Mr. Grady said he remembered it as being a straight-up subdivision approval.

Member Stanziale asked Mr. Garner what he recalled and Mr. Garner stated his best recollection was the original request was just for the use and had a small conceptual drawing with two points of ingress and egress as requested by Public Safety, specifically the fire department, and Mr. Garner had recommended the two access points. Member Stanziale then asked Chair Merrill to explain his issue with the access point through the ABC store and Chair Merrill responded that he felt it was a safety issue. Member Stanziale repeated that he doubted DOT would allow another separate access point that close onto Live Oak Street. Chair Merrill said that Mr. Garner had stated a second access was required and Mr. Garner clarified that it had been a recommendation of Public Safety and if the Planning Board deemed that they would only recommend one driveway, he felt the applicant would be pleased they did not have to spend the extra money for the second access. He said Mrs. Eitner would verify the recommendation with Public Safety and it would be seen at the BOC meeting if they agreed with the removal of the second access. Vice-Chair Meelheim then stated she remembered the conversation regarding the two entrances.

Chair Merrill took a vote to table the site plan that was approved.

Voting yea: Chair Merrill, Vice Chair Meelheim, Member Bowler

Voting nay: Member Stanziale

3. Case #24-02 - Davis Bay Final Plat

Mrs. Eitner gave the Staff Report and explained the applicant wished to subdivide two tracts totaling 20.08 acres into 4 lots (These lots would be served by Phase 3 of the Beau Coast Development) and the preliminary plat for this area was approved in January 2023 for installation of infrastructure improvements. She updated and corrected the Staff Report, noting that the property owner was now Blue Treasure and the map should show the property as within Town of Beaufort's city limits. Town staff agrees this plat meets the requirements of the preliminary plat.

Member Stanziale asked how Lot 8C was accessed and Mr. Boyd explained that it would be accessed through the shared driveway across Lots 8B and 9C. Chair Merrill asked if the "hammerhead" section of the driveway was to satisfy Public Safety's requirements and Mr. Boyd agreed.

Vice-Chair Meelheim made the motion to recommend approval and Member Stanziale made the second. Chair Merrill took a vote that was unanimously approved.

Voting yea: Chair Merrill, Vice Chair Meelheim, Member Bowler, Member Stanziale

Commission / Board Comments

Vice Chair Meelheim stated her appreciation for the amount of work the staff does and recommended the inclusion of prior minutes in agenda items.

Member Bowler reiterated the statements made by Vice-Chair Meelheim and asked for more training.

Chair Merrill also asked for more training.

Staff Comments

Mr. Garner gave an update on the Unified Development Ordinance process and stated that it would probably be moving forward this spring.

Vice-Chair Meelheim asked for an update on sidewalk projects. Mr. Garner asked that she send her request in an email so he could forward to Assistant Town Engineer Sam Bell for a progress report.

Mr. Garner requested the Board advise Ms. Anderson of any revisions to this meeting's minutes before the next meeting.

Mr. Grady noted that training was given with some frequency and there had been recent training on the new 160-D standards recently.

Adjourn

Member Bowler made the motion to adjourn and Member Stanziale made the second. Chair Merrill took a vote that was unanimously approved.

Voting yea: Chair Merrill, Vice-Chair Meelheim, Member Bowler, Member Stanziale

Chair Merrill then declared the meeting adjourned.

Diane Meelheim, Acting Chair

Laurel Anderson, Board Secretary

