



Town of Beaufort, NC
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Board of Commissioners
Regular Meeting
6:00 PM Monday, July 13, 2026
Train Depot, 614 Broad Street

Call To Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 PM.

Roll Call

Jennifer Welborn, Deputy Town Clerk, called the roll.

PRESENT:

Mayor Harker
Mayor Pro Tem Gillikin
Commissioner Cooper
Commissioner LoPiccolo
Commissioner Matthews

ABSENT: Commissioner Spiegler

Commissioner Gillikin made a motion to excuse Commissioner Spiegler from the meeting. The motion carried unanimously with a (4-0) vote.

Agenda Approval

Prior to calling for a motion, Mayor Harker announced a change to the agenda. She explained that the purpose of amending the agenda was to remove the Closed Session Pursuant to N.C.G.S. § 143-318.11 (a)(6) and move it to the July 27, 2026, Work Session agenda.

Commissioner Gillikin made a motion to approve the agenda as amended.

The motion carried unanimously with a (4-0) vote.

Items of Consent

1. Meeting Minutes: June 8 & 22, 2026
2. SUP Order: Case #26-14 Special Use Permit, 217 Turner Street ADU

3. Personnel Policy Amendment; Article V: Section 14- Technology/Social Media Policy/Media
4. Adoption: Town of Beaufort FY27 Priorities Matrix
5. Resolution Requesting Review and Reduction of the Speed Limit on the State-Maintained Portion of Front Street

Mayor Harker listed the Items of Consent #1-5 and asked for a motion. Commissioner Gillikin made a motion to approve items #1-5 on the Items of Consent. The motion carried unanimously with a (4-0) vote.

6. Resolution Approving the 2025 Local Water Supply Plan

After noticing the omission of item #6 on the consent agenda, Mayor Harker asked for an additional motion to approve it. Commissioner Gillikin made a motion to approve the Items of Consent, with the addition of item #6. The motion carried unanimously with a (4-0) vote.

Quasi-Judicial Proceeding

- 1. Case #26-18 Special Use Permit: Amendment to Remove a Condition from 1527 Front Street Accessory Dwelling Units SUP**

Mayor Harker asked for a motion to open the evidentiary hearing for Case #26-18.

Commissioner Gillikin made a motion to open the evidentiary hearing.

The motion carried unanimously with a (4-0) vote.

Mayor Harker reviewed the procedures governing quasi-judicial hearings and advised that the Board's decision must be based upon competent, material, and substantial evidence presented during the hearing and contained within the record. She explained that the Board was acting in a quasi-judicial capacity and that testimony would be taken under oath. Mayor Harker further advised that the hearing would be conducted in accordance with applicable provisions of North Carolina General Statutes, including N.C.G.S. §160D-406 and §160D-1402, and that testimony should focus on factual evidence and applicable ordinance standards rather than personal preferences or opinions.

Deputy Town Clerk Jennifer Welborn administered the oath to all individuals intending to provide testimony during the hearing, including Kyle Garner, Planning Director, and Delbert Heick, the applicant and owner of 1527 Front Street. Mayor Harker invited any additional witnesses not called by staff or the applicant to come forward and be sworn in. No such witnesses came forward at that time. No parties with standing came forward to be qualified.

Mayor Harker then asked all Board members to disclose any *ex parte* communications, conflicts of interest, or bias. None were disclosed.

Staff Presentation

Planning Director Kyle Garner requested that the staff report and all exhibits included in the agenda packet, as well as the PowerPoint presentation, be entered into the evidentiary record.

The staff report, all exhibits, and the PowerPoint presentation were accepted into the evidentiary record.

Director Garner explained that Case #26-18 was a request to amend the existing Special Use Permit for two accessory dwelling units located at 1527 Front Street by modifying an occupancy condition contained in the original approval.

Director Garner stated that the subject property is located at 1527 Front Street and is zoned RS-5, Residential Single-Family. He explained that the RS-5 district permits single-family dwellings on lots having a minimum area of 5,000 square feet and establishes applicable impervious-surface requirements.

Director Garner stated that the accessory dwelling use was consistent with the Town's current CAMA Land Use Plan. He noted that the CAMA Land Use Plan in effect when the original Special Use Permit was approved did not specifically address accessory dwelling units, while the current plan contains additional guidance concerning that use.

Director Garner presented a survey identifying the primary dwelling and two existing accessory dwelling units on the property. He explained that a previous Board of Commissioners had approved a Special Use Permit authorizing the two accessory dwelling units, subject to a condition that the units be occupied exclusively by members of the property owner's family.

Excerpts from the original Board proceeding were included in the agenda packet for historical reference. Director Garner noted that Mayor Harker had served on the Board at the time of the original proceeding and had personal recollection of that matter.

Director Garner explained that Town staff received reports that the rear accessory dwelling units were being advertised and used as short-term rentals contrary to the family-use condition contained in the original Special Use Permit.

The Town's Code Enforcement Officer, Brad Falkler, investigated the reports and located advertisements for the property on Zillow and other online platforms. Town staff then initiated code enforcement proceedings and contacted the property owners.

Director Garner stated that the property owners elected to apply for an amendment to the original Special Use Permit. He emphasized that the Town's primary objective in the code enforcement process was to obtain compliance with the approved permit rather than impose punishment.

Director Garner stated that the applicant originally requested removal of the family-use restriction from both accessory dwelling units, which would have allowed both rear units to be rented.

The Planning Board considered the application during its June 15, 2026, meeting. Rather than recommending approval of the application as originally submitted, the Planning Board unanimously recommended that:

- The smaller accessory dwelling unit remain restricted to family use only.
- The larger accessory dwelling unit be permitted to be rented, including use as a short-term rental.

Director Garner stated that the applicant agreed to the modified condition during the Planning Board meeting. He explained that the applicant's agreement was necessary because a condition attached to a Special Use Permit could not be modified without the consent of the applicant or property owner.

Director Garner further confirmed that notice of the hearing was published in the newspaper, adjacent property owners were notified, and a sign identifying the date and time of the hearing was posted on the property.

Questions from the Board to Staff

Commissioner Cooper stated that he had experienced difficulty reviewing the application materials and asked Director Garner to clarify the applicant's original request.

Director Garner explained that the original application sought permission to rent both accessory dwelling units. The Planning Board did not recommend approval of that request in its entirety. Instead, it recommended that only the larger rear accessory dwelling unit be permitted for rental use, while the smaller rear accessory dwelling unit would remain restricted to family use.

Commissioner LoPiccolo asked whether the presence of three dwelling units on the property, consisting of the primary dwelling and two accessory dwelling units, created a nonconforming use and whether the Land Development Ordinance typically permitted only one accessory dwelling unit per property.

Director Garner described the property as somewhat unique. He stated that Town staff believed at least a few other properties contained more than one accessory dwelling unit. He further explained that the two accessory dwelling units at 1527 Front Street had been expressly authorized through the previously approved Special Use Permit and therefore had formal approval from the Board of Commissioners.

Commissioner LoPiccolo asked whether the requested amendment triggered a new review of lot coverage or impervious surface requirements.

Director Garner stated that the property was close to the applicable impervious-surface limit but appeared to comply based upon the calculations available to staff. He noted that an updated survey or as-built drawing had not been submitted, but the property contained a significant area of pervious front yard.

Commissioner LoPiccolo asked whether the primary dwelling at the front of the property would also be permitted to be rented. Director Garner stated that the applicant was better positioned to clarify the intended use of the primary dwelling. He explained that the application before the Board specifically concerned the conditions imposed upon the two rear accessory dwelling units.

Commissioner LoPiccolo also asked what had prompted the application. Director Garner reiterated that Town staff had received reports that the rear units were being used as short-term rentals in violation of the original permit and that the subsequent code enforcement investigation identified online rental listings.

Commissioner Gillikin asked whether the other properties in Town believed to contain more than one accessory dwelling unit were subject to similar family-use restrictions. Director Garner stated that they were not.

Commissioner Gillikin also questioned language in the agenda materials suggesting that the front dwelling might be considered for rental with restrictions. She stated that the wording was unclear and requested clarification from the applicant.

Commissioner LoPiccolo asked whether adequate parking existed to serve the property and the proposed rental use.

Director Garner explained that parking requirements were based in part upon the number of bedrooms. He stated that the Planning Board had reviewed the property's access and parking arrangement and determined that adequate parking was available to serve the dwelling units.

Applicant Presentation

Delbert Heick, the applicant and owner of 1527 Front Street, came forward and confirmed that he had previously been sworn.

Mr. Heick clarified that the applicant agreed that the primary dwelling located at the front of the property would not be rented and would remain available for family use. He further agreed that the smaller of the two rear accessory dwelling units would remain restricted to family use.

Mr. Heick stated that only the larger rear accessory dwelling unit would be rented or operated as a short-term rental. He confirmed that the applicant had no objection to incorporating those restrictions as express conditions of the amended Special Use Permit.

Commissioner Cooper asked whether anyone currently resided in the primary dwelling.

Mr. Heick stated that no one lived in the dwelling permanently. He described it as a vacation home that was used occasionally by family members.

Commissioner Matthews asked Mr. Heick to confirm his understanding that the primary dwelling and the smaller rear accessory dwelling unit would be restricted to family use, while the larger rear accessory dwelling unit could be rented. Mr. Heick confirmed that the understanding was correct.

Commissioner Gillikin requested additional clarification regarding the language in the agenda packet suggesting that the primary dwelling might be considered a residence with rental restrictions.

Mr. Heick stated that the primary dwelling would not be rented. He reiterated that the parties had agreed during the Planning Board meeting that only one of the rear structures, specifically the larger accessory dwelling unit, would be permitted for rental use.

Town Attorney Arey Grady clarified that the final Special Use Permit order would specifically identify which structures were eligible for rental use and which structures were restricted to family use, consistent with Director Garner's presentation and Mr. Heick's sworn testimony.

Commissioner Cooper asked Mr. Heick to provide assurance on the record that the primary dwelling would remain restricted to family use, noting that a report to the Town had led to the original code enforcement investigation.

Mr. Heick stated that he did not know who had contacted the Town and that he believed the property owners had maintained a positive relationship with the neighbors. He again confirmed that the applicant had no objection to the conditions as described.

Commissioner Matthews stated that Mr. Heick's acceptance of the proposed conditions under oath would be formalized in the approval order and would therefore be enforceable as part of the Special Use Permit.

There were no additional testimonies.

Board Deliberation

Mayor Harker asked the Board to deliberate and consider the seven required findings of fact. Commissioner LoPiccolo requested that the findings of fact be displayed on screen. Mayor Harker read the seven findings into the record:

- A. The proposed use is allowable as a special use in the RS-5 zoning district.
- B. We have submitted a complete package of a special use application.
- C. The location and character of the use will be in conformity with the Town's comprehensive and CAMA land use plan and other comprehensive planning elements.
- D. The proposed use would be in better keeping with regards to minimal impacts on the surrounding area. Use of the back buildings vs. the front home would take pressure off of Front Street parking by requiring tenants to use parking in the back which incorporated additional parking and buffering into the lot development and use.
- E. Since there will still be no structural changes and design modifications to the subject property, the site-level appearance of 1527 Front Street from the perspective of any adjoining or abutting properties will be unchanged. We submit that the proposed use/change will even have less impact on neighbors and commuters vs using the front home as rental property.
- F. As many of the homes on Front Street commonly are used for summertime vacationers, its not uncommon to find numerous cars parked in the front of the house on Front Street for short periods of time. This proposed use would be more compatible and in harmony with surrounding residential land use by using the proposed back parking in conjunction with the back properties.
- G. The proposed change and use will not materially endanger the public health or safety of the community if the back buildings are used as proposed.

Commissioner LoPiccolo made a motion to approve the findings of fact A through G and to approve the Special Use Permit for Case #26-18, amended with the following conditions: (1) the main dwelling and the smaller rear accessory dwelling unit shall be reserved for family use only; and (2) the larger rear accessory dwelling unit may be rented out to persons other than family members.

The motion carried unanimously with a (4-0) vote.

Town Attorney Grady confirmed that the motion as stated encompassed both the findings of fact and the permit approval itself, and that no separate motion on the permit was required.

Commissioner Gillikin made a motion to close the public hearing for Case #26-18. The motion carried unanimously with a (4-0) vote.

2. Case #26-12 Special Use Permit: 1507 Live Oak Street Gas Station

Mayor Harker asked for a motion to open the evidentiary hearing for Case #26-12.

Commissioner Gillikin made a motion to open the evidentiary hearing.

The motion carried unanimously with a (4-0) vote.

Mayor Harker reviewed the procedures governing quasi-judicial hearings and advised that the Board's decision must be based upon competent, material, and substantial evidence presented during the hearing and contained within the record. She explained that the Board was acting in a quasi-judicial capacity and that testimony would be taken under oath. Mayor Harker further advised that the hearing would be conducted in accordance with applicable provisions of North Carolina General Statutes, including N.C.G.S. §§ 160D-406 and 160D-1402, and that testimony should focus on factual evidence and applicable ordinance standards rather than personal preferences or opinions.

Deputy Town Clerk Jennifer Welborn administered the oath to all individuals intending to provide testimony during the hearing, including Kyle Garner, Planning Director; Eva Grimm, Chief Executive Officer of Jim Dandy Stores; Tommy Simpson, property owner and representative of Simcoe LLC and Beaufort Hardware & Paint; Ronald D. Cullipher, P.E., consulting professional engineer with The Cullipher Group; Christopher Mashburn, MAI, AI-GRS, ASA, North Carolina Certified General Real Estate Appraiser; James Davis, Jr., President of Jim Dandy Stores and representative of JM Davis Industries; and Bryce Pike, attorney with the Pike Law Firm in Morehead City and counsel for the applicant. Mayor Harker invited any additional witnesses not called by staff or the applicant to come forward and be sworn in. No additional witnesses came forward at that time, and no parties with standing requested qualification.

Mayor Harker asked all Board members to disclose any *ex parte* communications, conflicts of interest, or other reasons that would prevent them from providing fair and impartial consideration of the application. None were disclosed.

Staff Presentation

Director Garner requested that the staff report, all exhibits in the agenda packet, and the evening's PowerPoint presentation be entered into the evidentiary record.

The staff report, all exhibits, and the PowerPoint presentation were accepted into the evidentiary record.

Director Garner presented the following:

The subject property is located at 1507 Live Oak Street, near the confluence of Highway 101 and Live Oak Street and near the former location of a BP gas station. The property is zoned B-1, Business 1, which permits a gas station as a special use requiring approval of a Special Use Permit. Surrounding zoning includes R-8, Residential 8, to the north and a mixture of R-8 and B-1 zoning to the west across Highway 101.

Director Garner stated that the adopted CAMA Land Use Plan identifies the area for larger-scale commercial uses and that the proposed gas station use, subject to approval of a Special Use Permit, is consistent with that designation.

Director Garner reviewed the site plan, including the proposed fuel pump and tank locations, parking, landscaping, and the convenience store component. The convenience store would be

located within the existing building previously occupied by Redneck Barbecue and Rollins Barbecue. No new principal structure was proposed for the convenience store use.

Director Garner emphasized that the elevations and other illustrations submitted with the application were conceptual and were intended to depict the general appearance of the proposed improvements rather than final construction details.

Director Garner explained that the existing property was almost entirely impervious. The applicant was not proposing to add impervious surface and would instead reduce the amount of impervious coverage by installing landscaped areas, trees, and shrubbery.

Because the project would not add impervious surface, the Land Development Ordinance did not independently trigger a full landscaping requirement for the property. Director Garner explained that the landscaping shown on the submitted plan was voluntarily proposed by the applicant and exceeded the minimum landscaping that would otherwise be required.

A photometric plan was submitted with the application. Director Garner stated that he was not a photometric expert but that the plan appeared to provide downward-directed, dark-sky lighting consistent with standards emphasized by the Board during prior development reviews. The applicant later testified that the lighting plan complied with applicable ordinance standards and was designed to minimize impacts on adjoining property owners.

Director Garner reported that the Planning Board initially reviewed the application on May 18, 2026. The Planning Board asked the applicant to consider revisions related to landscaping and other site-design concerns. The applicant returned with modifications on June 15, 2026, at which time the Planning Board unanimously recommended approval subject to the following conditions:

1. The submitted landscaping plan shall be implemented with the additional modification that two or more shade trees be installed within the planting island to the east of the fuel pumps.
2. A pedestrian pathway shall be provided connecting the Highway 101 sidewalk to the entrance of the convenience store.

The Planning Board also forwarded concerns to the Board of Commissioners regarding the proposed above-ground fuel tanks within a gateway corridor, the visibility of conduit, meters, electrical panels, and other fixtures on the west side of the existing building, and the adequacy of landscaping at the southwest corner of the property.

Director Garner spoke to the findings of fact. He stated that the proposed use satisfied Finding A because a gas station is an allowable special use within the B-1 zoning district. He stated that Finding B was satisfied because the application was complete and that Finding C was satisfied because the proposal was consistent with the adopted CAMA Land Use Plan.

Regarding Findings D through G, Director Garner clarified that staff had not received information demonstrating that the application failed to comply with those standards. He explained that the evidentiary hearing provided the opportunity for the applicant and other sworn witnesses to present competent evidence addressing traffic circulation, property values, compatibility with surrounding uses, and public health and safety.

Questions from the Board to Staff

Commissioner Matthews asked whether Director Garner's assessment of Findings D through G assumed that the Planning Board's two recommended conditions would be implemented. Director Garner clarified that staff had not received contrary evidence concerning Findings D through G and confirmed that his assessment of compliance contemplated approval with the Planning Board's recommended conditions.

Commissioner Cooper asked where the proposed trees and screening would be located. Director Garner identified the planting island east of the fuel pumps and explained that the additional shade trees would help provide a visual buffer between the fuel pump area and the adjoining commercial property.

Commissioner Cooper also asked about the location of the proposed pedestrian pathway. Director Garner explained that a sidewalk was planned along Highway 101 and that the proposed pathway would extend perpendicular to that sidewalk, across the site, to provide a designated connection to the front of the convenience store and the businesses within the shopping center.

Commissioner Cooper asked whether a traffic impact analysis had been completed. Director Garner stated that a formal traffic impact analysis had not been requested by the Town and had not been submitted to staff. He noted that the applicant's engineer could provide additional testimony regarding the proposed traffic circulation.

Commissioner Gillikin asked whether the eight-foot "voluntary lawn space" shown on the site plan would become binding if the application were approved. Director Garner reiterated that the proposed landscaped areas were not required by the ordinance because the applicant was reducing impervious surface. He explained that the Board could incorporate the submitted plan and its proposed improvements into the approval.

Commissioner LoPiccolo asked about the proposed above-ground storage tanks, including the containment berm, vehicle-impact protection, and the applicability of fire and building code requirements. Director Garner stated that the installation would be required to comply with applicable state fire and building codes but deferred detailed technical questions to the applicant's representatives and design professionals.

Commissioner Matthews stated that he anticipated the applicant had an expert available to address Spill Prevention, Control, and Countermeasure requirements for above-ground storage tanks.

Commissioner Gillikin asked whether the vegetation and fencing surrounding the proposed tanks would be as tall as the tanks. Director Garner estimated that the tanks would extend somewhat higher than the proposed eight-foot screening and deferred to the applicant for more precise measurements.

Applicant Presentation

The applicant's team came forward. Director Garner confirmed they had been previously sworn in.

Eva Grimm, Chief Executive Officer of Jim Dandy Stores, introduced the applicant's team and explained the business relationship underlying the proposal. The property owner and applicant

was Tommy Simpson through Simcoe LLC, associated with Beaufort Hardware & Paint. The proposed operator of the gas station and convenience store was JM Davis Industries, doing business as Jim Dandy Stores.

Ms. Grimm provided background on the two local businesses. Thomas Simpson Construction Company was formed in 1984, and Simcoe LLC purchased Huntley Plaza in 1998 and completed exterior and interior renovations before opening Beaufort Ace Hardware. She stated that Beaufort Hardware & Paint had received the 2026 Retail Beacon of the Year award from Hardware Connections.

Ms. Grimm described JM Davis Industries as a third-generation Carteret County business founded in 1939 on the Beaufort waterfront. The company operates Davis Fuels and Jim Dandy Stores and has seven convenience store locations and a self-service fuel location in Atlantic serving the Down East community.

Ms. Grimm emphasized the company's local ownership and community-focused operating model. She stated that Jim Dandy Stores sought to provide services and products tailored to each community rather than constructing a standardized chain-store location. She described the proposed project as a Beaufort beautification effort and stated that company leadership had searched for an appropriate Beaufort location for several years.

Ms. Grimm testified that the property's multiple existing points of entry and exit made it particularly suitable for the proposed use. She stated that the site had five points of exit and four points of entry without requiring the creation of new access points.

In response to Commissioner Cooper's earlier traffic questions, Ms. Grimm explained that the proposed pump arrangement was designed to accommodate vehicles pulling boat trailers. She stated that the spacing and circulation pattern would allow longer vehicles to enter, maneuver between the pumps, and leave the property without blocking adjacent fueling positions.

Attorney Bryce Pike of the Pike Law Firm in Morehead City appeared on behalf of Simcoe LLC. He distributed updated conceptual photographs and documents to the Board.

Attorney Pike stated that Findings of Fact A, B, and C had been addressed through the staff presentation. He organized the applicant's remaining evidence around Findings D through G and advised that the applicant would present expert testimony and documentary evidence addressing traffic circulation, property values, compatibility with adjoining land uses, and public health and safety.

Finding of Fact D: Traffic Circulation

Expert Testimony – Ron Cullipher, P.E.

Attorney Pike called Ron Cullipher, P.E., of The Cullipher Group in Morehead City. Mr. Cullipher stated that he had been licensed as a professional engineer since 1980. He described his firm as a civil engineering and surveying firm providing services related to site planning, subdivisions, water and sewer infrastructure, surveying, and environmental permitting. Mr. Cullipher confirmed that his firm prepared the site plan for the proposed development.

Attorney Pike tendered Mr. Cullipher as an expert in civil engineering and site planning. The Board accepted Mr. Cullipher as an expert witness in those fields.

Mr. Cullipher reviewed the proposed traffic and parking arrangement and testified as follows:

- A full-access, two-way driveway exists on the southern portion of the subject property along Highway 101.
- An exit-only driveway was proposed on the northern portion of the property to allow vehicles to enter from the south and circulate northward through the site.
- Parking adjacent to the convenience store would consist of angled spaces with one-way circulation.
- The applicant's engineering team had communicated with NCDOT regarding the proposed exit-only driveway, and Mr. Cullipher anticipated that the driveway modification would receive approval.
- The parking spaces and drive aisles satisfied the dimensional requirements contained in Section 13 of the Town's Land Development Ordinance.
- The parking table accounted for approximately 50,000 square feet of existing building area and demonstrated excess parking capacity that could accommodate possible future tenant changes.
- The existing access points serving the larger shopping center would remain available.

Mr. Cullipher offered his professional opinion that the streets, driveways, parking areas, traffic controls, and circulation features were designed in accordance with current traffic engineering standards and Town regulations and were adequate for the proposed special use.

Board Questions for Mr. Cullipher:

Commissioner Gillikin asked how site traffic would interact with the Highway 101 roundabout being constructed south of the property. Mr. Cullipher explained that the roundabout would be located south of the primary entrance and would function in relation to the property like other driveways along Highway 101 and Live Oak Street. He stated that the existing full-movement southern entrance would remain and that the exit-only northern driveway would provide an additional circulation option.

Commissioner Gillikin asked how vehicles pulling boat trailers would leave the fuel pumps and travel toward the roundabout. Mr. Cullipher stated that such vehicles could travel north through the site, use the proposed exit-only driveway, turn onto Highway 101, and proceed through the roundabout in the desired direction.

Commissioner Cooper asked where customers who were not purchasing fuel would park. Mr. Cullipher stated that customer parking would be located north of the fuel pumps, adjacent to the convenience store. He clarified that the conceptual rendering was intended primarily to illustrate screening and building improvements and was not a precise depiction of every parking space.

Commissioner Cooper asked about references to the former gas station. Mr. Cullipher clarified that the former station was located on a separate property south of the subject site and was referenced only as a geographic landmark.

Commissioner Matthews asked whether the applicant agreed to install the screening shown in the materials distributed to the Board. Attorney Pike confirmed that the applicant accepted the screening and landscaping proposals and intended to implement them as part of the project.

Commissioner LoPiccolo asked whether the applicant also accepted the Planning Board's tree condition. Attorney Pike confirmed that it did.

Commissioner LoPiccolo asked whether the existing speed-control devices within the shopping center would be retained. Mr. Cullipher stated that speed-mitigation measures were appropriate for a retail center and that the concept would remain, although the exact locations of existing devices had not been surveyed.

Mayor Harker asked whether the southern entrance provided an adequate turning radius for vehicles entering from Highway 101. Mr. Cullipher stated that the entrance and canopy area provided approximately 67 feet of width and sufficient room for vehicles to turn into the property.

Commissioner Gillikin asked whether a vehicle pulling a boat trailer could use another existing internal drive and exit through Live Oak Street rather than using the proposed northern exit. Mr. Cullipher confirmed that the shopping center's other existing access points would remain and that sufficient room existed for that circulation route.

Finding of Fact E: Effect on Adjoining and Abutting Property Values

Expert Testimony – Christopher Mashburn

Attorney Pike called Christopher Mashburn as an expert witness in real property valuation. Mr. Mashburn stated that he had been a Certified General Real Estate Appraiser since approximately 2015 and began his appraisal training in 2011. He held the MAI designation from the Appraisal Institute, the AI-GRS appraisal-review designation, and the ASA designation from the American Society of Appraisers.

Attorney Pike tendered Mr. Mashburn as an expert in real property valuation. The Board accepted him as an expert witness.

Mr. Mashburn stated that he had prepared a market study and appraisal addressing the adjoining and abutting properties. He explained that his analysis began with an examination of the immediate neighborhood, surrounding land uses, and each adjoining or abutting property.

He then identified comparable locations within the broader market containing gas stations and above-ground fuel tanks. He examined sales and land values near those uses and compared them with transactions involving similar properties located farther from fuel stations but within the same general market area.

Mr. Mashburn stated that he relied upon deeds, court records, GIS information, Multiple Listing Service data, CoStar, CREXi, and other real estate databases. He also verified whether the transactions were arm's-length sales occurring at market rates.

Mr. Mashburn concluded that the available market evidence did not indicate that proximity to gas stations or above-ground fuel storage tanks caused a reduction in the value of adjacent or abutting properties. He offered his professional opinion that the proposed special use would not substantially injure the value of adjoining or abutting properties.

Attorney Pike moved to enter Mr. Mashburn's appraisal report into evidence. The report was accepted into the evidentiary record.

Board Questions for Mr. Mashburn:

Commissioner Gillikin asked whether Mr. Mashburn had found no impact at all or had merely concluded that any impact was not substantial. Mr. Mashburn stated that he had not identified an impact on property values.

Commissioner Matthews asked whether Mr. Mashburn's opinion assumed installation of the visual barriers, landscaping, and screening depicted in the submitted plans. Mr. Mashburn confirmed that his analysis relied, in part, upon the extraordinary assumption that the visual barriers shown on the site plan would be installed.

Commissioner Cooper asked whether Mr. Mashburn had considered commercial and residential properties in the immediate area, including residences along Highway 101. Mr. Mashburn stated that he examined commercial and residential transactions and compared properties adjacent to existing fuel stations with similar properties located elsewhere within the same market. He reiterated that the data did not indicate an adverse effect on the value of adjacent and abutting properties.

Finding of Fact F: Compatibility and Harmony with Adjoining Land Uses

Photographic Evidence and Applicant Testimony

Attorney Pike offered photographs depicting above-ground fuel tank installations within Beaufort and the existing conditions surrounding the subject property.

Tommy Simpson authenticated a photograph he had taken of an above-ground fuel tank installation at Town Creek Marina near the west end of Cedar Street.

Eva Grimm authenticated additional photographs depicting above-ground fuel tanks and the existing landscaping and exterior conditions of nearby commercial properties.

Attorney Pike moved to enter the photographs into evidence. The photographs were accepted into the evidentiary record.

Attorney Pike stated that the photographs demonstrated that above-ground tanks existed at other commercial and marina properties within Beaufort. He further stated that the submitted landscaping, screening, and site improvements would exceed the existing landscaping conditions at several adjoining commercial properties.

Commissioner Cooper expressed concern about using the limited landscaping on nearby properties as the standard for evaluating compatibility. Attorney Pike acknowledged the concern but explained that the applicable ordinance finding required the Board to determine whether the proposed use would be compatible and in harmony with existing adjoining land uses and development patterns. He maintained that the evidence demonstrated compatibility and that the proposed improvements would enhance the appearance of the immediate area.

Finding of Fact G: Public Health and Safety

Letter from Timothy Laughlin, P.E.

Attorney Pike read into the record a letter from Timothy Laughlin, P.E., Technical Affairs Director for the North Carolina Petroleum and Convenience Marketers Association.

The letter identified Mr. Laughlin as a professional engineer holding a Bachelor of Science degree in Petroleum Engineering from Oklahoma State University and having approximately 35 years of experience with fire and environmental codes and regulations applicable to above-ground storage tanks.

The letter stated that self-service automotive above-ground fuel storage tanks must comply with applicable requirements, including:

- Chapters 23, 50, and 57 of the North Carolina Fire Code.
- NFPA 30, Flammable and Combustible Liquids Code.
- NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages.
- NFPA 70, National Electrical Code.
- The United States Environmental Protection Agency's Spill Prevention, Control, and Countermeasure requirements under 40 C.F.R. Part 112.

Mr. Laughlin stated that he had reviewed the June 12, 2026, site plan prepared by The Cullipher Group and offered his professional opinion that above-ground fuel storage tanks could be safely installed and operated at the proposed location in compliance with the identified codes and regulations.

Attorney Pike moved to enter Mr. Laughlin's letter into evidence. The letter was accepted into the evidentiary record.

Additional Testimony – Ron Cullipher, P.E.

Attorney Pike recalled Mr. Cullipher to address the proposed tanks and containment measures.

Mr. Cullipher stated that he was not an underground storage tank specialist but had reviewed specifications for the proposed UL 2085-listed protected tanks. He described testing requirements associated with the UL listing, including exposure to a high-temperature fire test, a ballistic-resistance test, and a hose-stream test.

Mr. Cullipher stated that the proposed tanks carried applicable UL approvals. He further testified that his firm had reviewed setback guidance from the North Carolina Petroleum and Convenience Marketers Association and that the site plan complied with the recommended setbacks from buildings and property lines.

Mr. Cullipher stated that the proposed tanks would be double-wall units with integrated secondary containment. He further testified that the applicant agreed to construct a concrete containment berm around the tank area as an additional protective measure, although he understood that the additional berm was not required by the applicable tank code because the tanks already provided secondary containment.

Board Questions for Mr. Cullipher (Finding G):

Commissioner Matthews asked whether the proposed Fireguard tank specifications and the additional concrete berm would exceed Spill Prevention, Control, and Countermeasure requirements. Mr. Cullipher stated that he could not specifically opine that the tank itself exceeded every SPCC requirement, but confirmed that the double-wall tank system combined with the additional concrete containment berm would provide more protection than the tank system alone.

Commissioner LoPiccolo asked about the height of the tanks and the containment berm. Mr. Cullipher stated that each tank was approximately eight feet, six inches in diameter and would be elevated approximately 30 to 36 inches above the ground, placing the top of the tank approximately 11 to 12 feet above grade, with some mechanical piping extending higher.

Mr. Cullipher explained that the proposed fence was primarily intended to provide visual screening. The concrete berm would serve as the structural containment feature and would also provide a degree of physical separation from vehicular traffic.

Commissioner Cooper asked about lighting beneath the fuel canopy. Attorney Pike stated that the submitted lighting plan provided dark-sky, downward-directed lighting designed to comply with Town requirements and reduce impacts on nearby properties.

Mr. Cullipher offered his professional opinion that the proposed use would not materially endanger the public health or safety of the community if developed in accordance with the submitted and approved plans.

Attorney Pike concluded the applicant's initial presentation by stating that the applicant had submitted evidence supporting Findings of Fact A through G and requested approval of the Special Use Permit.

Additional Witness Testimony – Joyce McCune

After the applicant concluded its presentation, Joyce McCune indicated that she wished to testify. Ms. McCune had not come forward when Mayor Harker initially called for witnesses not being called by staff or the applicant.

Mayor Harker noted that the procedural script had included an earlier opportunity for additional witnesses to come forward. After discussion, Mayor Harker permitted Ms. McCune to be sworn and testify.

Attorney Pike entered a continuing objection to the admission of non-expert opinion testimony concerning matters for which expert testimony had already been presented, including property valuation and technical tank-safety requirements.

Attorney Pike's objection was noted for the record.

Deputy Town Clerk Jennifer Welborn administered the oath to Ms. McCune.

Ms. McCune stated that she was a neighbor of the property and a longtime friend of the Davis and Simpson families. She clarified that she was not opposed to the proposed gas station and believed the applicants would operate the business responsibly.

Ms. McCune testified that her concern related specifically to the proposed above-ground fuel tanks. She stated that she had reviewed HUD Handbook 4000.1 and understood it to provide that a residential property located within 300 feet of an above-ground stationary storage tank containing 1,000 gallons or more of flammable or explosive material would be ineligible for FHA mortgage insurance.

Ms. McCune stated that several residences appeared to be located within 300 feet of the proposed tanks, including her property, properties across Highway 101, properties extending

toward Caraway Drive, and potentially nearby condominiums. She asked that the applicant construct the gas station with underground rather than above-ground fuel tanks.

Applicant's Response and Additional Testimony

Response by Attorney Pike

Attorney Pike stated that the Town's zoning and development ordinances did not require the applicant to satisfy FHA mortgage-insurance eligibility criteria. He stated that the applicant would comply with all Town requirements and all applicable regulations governing fuel storage tanks. Attorney Pike further stated that installing underground tanks was not financially feasible for the proposed project and that the project would not proceed if underground tanks were required.

Additional Testimony of Christopher Mashburn

At the applicant's request, Mr. Mashburn returned to address the distinction between FHA financing requirements and property value.

Mr. Mashburn stated that FHA insurance represented one specific financing product and that the availability of an FHA loan did not determine the market value of a property. He explained that purchasers may obtain other forms of financing, including conventional loans, loans retained by local financial institutions, VA loans, or USDA loans, each of which may have different underwriting and appraisal requirements.

Mr. Mashburn testified that the potential unavailability of a particular loan product did not, in his professional opinion, establish that the market value of adjoining or abutting property would be substantially injured.

Commissioner Cooper distinguished between property value and a prospective purchaser's ability to obtain FHA financing. He expressed concern that the restriction described by Ms. McCune could limit financing options for some purchasers, particularly younger families or first-time homebuyers. He clarified that he was not opposed to the proposed gas station and raised the issue because of its potential effect on housing access within the community.

Commissioner Gillikin stated that she understood and was sympathetic to the FHA-financing concern but questioned whether it could legally support a determination that the proposed use would substantially injure the value of adjoining or abutting properties under the Land Development Ordinance.

Town Attorney Arey Grady advised that the applicable standard under Finding E concerned substantial injury to property value. He noted that the expert valuation testimony in the record concluded that the proposed use would not substantially injure adjoining or abutting property values. He further explained that the availability of a particular financing program was not itself competent evidence of substantial injury to property value.

Commissioner LoPiccolo agreed that the FHA concern was understandable but stated that it did not provide a sufficient basis to find that the application failed to satisfy Finding E.

Commissioner Cooper reiterated that he was not relying upon the FHA concern as a basis to oppose the application but wanted his concern regarding possible effects on future housing access reflected in the record.

Board Deliberation

Commissioner Matthews asked how the improvements and mitigation measures discussed during the hearing would be incorporated into the Special Use Permit.

Town Attorney Grady explained that items shown or represented within the submitted application materials, including the site plan, landscaping, lighting, screening, fence, and containment berm, would be incorporated into the approval because the project would be required to develop in accordance with the submitted and approved plans.

Attorney Grady explained that the two conditions recommended by the Planning Board were not fully depicted within the submitted application and therefore should be stated expressly in the Board's approval:

1. The addition of two or more shade trees within the planting island to the east of the fuel pumps.
2. The construction of a pedestrian pathway connecting the Highway 101 sidewalk to the entrance of the convenience store.

Commissioner Gillikin asked whether the proposed beautification treatment on the west side of the building should also be stated as a condition. The conceptual materials presented during the hearing depicted treatment intended to screen conduit, electrical panels, meters, and other fixtures visible from Highway 101.

Attorney Grady explained that the applicant had presented several conceptual options rather than one finalized design. He recommended that, if the Board wished to require the improvement, the condition should describe the intended result and authorize Town staff to approve the final treatment during the permitting process.

Attorney Pike confirmed that the applicant intended to implement, at minimum, improvements substantially similar to those presented and would work with Town staff to select and approve an appropriate design. He stated that the applicant intended to screen the conduit and other fixtures on the west side of the building.

Commissioner LoPiccolo stated that the primary concern was adequate screening of the visible conduit, utility equipment, and fixtures rather than dictating a specific artistic or architectural design.

Commissioner Gillikin proposed requiring a beautification project on the west side of the building that adequately screened the conduit and fixtures, subject to approval by Town staff during the permitting process. Attorney Grady confirmed that the proposed language appropriately described the intended condition.

Conditions of Approval

Commissioner LoPiccolo made a motion to approve the findings of fact A through G, as set forth in the agenda packet. The motion carried unanimously with a (4-0) vote.

Commissioner Gillikin made a motion to approve the Special Use Permit for Case #26-12 (1507 Live Oak Street Gas Station) subject to the following conditions: (1) the two Planning Board conditions as set forth on page 3 of the case packet — specifically, the addition of two or more

shade trees in the planting island to the east of the fuel pumps, and the provision of a pedestrian pathway from the Highway 101 sidewalk to the convenience store entrance; and (2) a beautification project on the west side of the building that adequately screens the conduit and fixtures, as approved by town staff as part of the permitting process. The motion carried unanimously with a (4-0) vote.

Commissioner Cooper made a motion to close the public hearing for Case #26-12. The motion carried unanimously with a (4-0) vote.

Public Comment

No one had signed up for public comment prior to the close of the evidentiary hearings. One member of the public, Ms. Patricia Bentley, came forward after the hearings to sign up. Mayor Harker accepted her comment.

Patricia Bentley, 168 Hwy 101, Beaufort, addressed concerns regarding the recently approved Case #26-12 Special Use Permit for the gas station at 1507 Live Oak Street. After explaining why she did not come forward for testimony during the case's public hearing, Ms. Bentley stated that she supports the addition of the gas station and looks forward to being able to walk to it, but remains concerned about how the above-ground fuel tanks may impact her adjacent property. Specifically, she expressed concerns about the lighting, height, and visibility of the tanks, and increased traffic in the area. Ms. Bentley asked that these issues be considered as the project moves forward. She concluded, "I love where I live, and I just want to keep loving it."

New Business

1. Case #26-17 Subdivision: 2220 Live Oak Street Preliminary & Final Plat

Planning Director Kyle Garner presented Case #26-17, a request for combined preliminary and final plat approval for a two-lot subdivision at 2220 Live Oak Street. He provided the following information:

The subject property is located near the intersection of Live Oak Street and the new US 70 bypass. The total property is 2.52 acres and has a dogleg shape, with frontage on both Live Oak Street and Shell Landing Road. The property is zoned R20 (Residential, 20,000 sq. ft. minimum). The proposed subdivision would create two lots: Lot 1 at 1.67 acres with Live Oak Street frontage, and Lot 2 at 0.85 acres with Shell Landing Road frontage. No development is currently proposed. The property is located within the Town's Extraterritorial Jurisdiction (ETJ) and would be served by county well and septic systems.

Garner explained that this item came before the full Board because the Town does not yet have a minor subdivision procedure in its current subdivision ordinance, otherwise, a straightforward two-lot split of this nature in the ETJ with no significant impacts would have been handled administratively. The Planning Board reviewed the application and unanimously recommended approval in a review that Director Garner described as taking "less than about two minutes."

Commissioner Cooper asked about language in the presentation indicating that the item could be tabled pending additional information. Garner clarified that tabling was one of the options available to the Board and was not the action taken by the Planning Board.

Commissioner Matthews asked whether the Carteret County Health Department had reviewed the property to confirm that both lots could be served by well and septic systems. Garner

explained that applicants are required to obtain the necessary approvals before subdivision approval to ensure the resulting lots are buildable. He confirmed that the applicant had obtained the required permits.

Commissioner Matthews made a motion to approve the preliminary and final plat for Case #26-17 Subdivision: 2220 Live Oak Street as presented.

The motion carried unanimously with a (4-0) vote.

2. Extension of Wooden Railing System in Commercial Dock Area

Zapp noted that, due to timing, the Board could either discuss the item or defer it to a future work session. The Board expressed consensus to proceed.

Town Manager Matt Zapp explained that the existing wooden railing system along the commercial dock area at the Beaufort Town Docks had been well-received, and staff was seeking Board authorization to extend it from the current terminus to the “Crystal Coast Lady” (East) dock. The extension would bring greater consistency and improve safety along that stretch of retaining wall, a section where, as confirmed during discussion, people and dogs have fallen into the marsh.

Commissioner Matthews expressed support, framing it as a safety issue. He noted an appreciation that town staff would manage the construction to keep costs low and suggested that dock-related expenditures should ultimately be viewed holistically rather than approved piecemeal. He then indicated that he was comfortable proceeding with this specific item.

Commissioner Gillikin asked whether the commercial vendors in the “East Basin” had been consulted and whether the extension construction would affect their access in any way. Zapp confirmed that there would be no impact to commercial vendors' access in this particular segment. He further clarified that while a CAMA permit was in-process or in-hand, the project would be executed by the town's Public Works staff as resources and time allow, and other higher-priority projects would be addressed first.

Commissioner Cooper made a motion to approve the extension of the wooden railing system in the commercial dock area as presented.

The motion carried unanimously with a (4-0) vote.

Mayor Harker called for a brief recess of the meeting at 8:29 PM.

The meeting was reconvened at 8:40 PM.

Manager Report

Town Manager Matt Zapp provided several updates, noting that a full monthly report had been distributed electronically and printed copies were available.

Zapp stated that work associated with the USDA water project was progressing at a faster pace with TA Loving in position. He advised that residents should continue to anticipate construction-related delays and temporary road closures. Information regarding immediate closures and affected work zones would continue to be shared through the Town's social media channels. Zapp encouraged residents in impacted areas to follow the Town's social media accounts and consult the news section of the Town's website for updates. He recognized the work of the Town's

communications team and reported that the Town's social media content had collectively reached more than one million people during the previous 30 days.

Zapp reported that staff was continuing to work through the Campen Road improvements and was coordinating with the selected vendor to determine whether the contract could be executed in accordance with the direction provided by the Board at its previous meeting.

He also reported that Duke Energy's transmission infrastructure improvements near Highway 101 and the former Redneck Barbecue location had been delayed that day. Temporary road closures were possible the following day and into Wednesday while transmission lines were replaced, weather permitting. He noted that the work was difficult to complete during rainy conditions and could experience further delays.

Zapp thanked Town staff, team members, volunteers, sponsors, and the Beaufort Business Association for their efforts in making the Independence Day celebration successful. He noted that the weather was favorable, downtown Beaufort was heavily attended, and the fireworks display at Gallants Channel concluded without incident.

Zapp also reported that the Rock the Docks concert series had experienced favorable weather throughout the season. He reminded everyone that the remaining concerts would continue on Thursdays from 5:00 p.m. until 8:00 p.m., with the final concert currently scheduled for August 6, 2026.

Zapp concluded with several grant-related updates and publicly thanked Planning Director Kyle Garner for his assistance. He reported that Bulkhead Channel had recently been dredged in coordination with the U.S. Army Corps of Engineers. Based on the information available at that time, the project was expected to be fully federally funded. This would allow the Town to retain funds that had been reserved for a local contribution of up to approximately 25 percent. Zapp also recognized Garner's assistance in preparing the project and having the work completed ahead of schedule.

Zapp stated that Garner was also assisting with implementation of the grant for the Ann Street Waterfront Park project. The Town's goal was to complete the project by January 2027, provided that weather conditions and contractor schedules remained on track.

Finally, Zapp reported that Town staff was scheduled to participate in a preliminary Boating Infrastructure Grant kickoff meeting from 3:00 p.m. until 5:00 p.m. on July 15, 2026. Staff would use the meeting to learn more about the grant requirements and identify eligible projects for the next application cycle. The Town would work in partnership with F3 Marina and the Beaufort team to determine the most appropriate project to pursue before the August 28, 2026, application deadline.

Mayor/Commissioner Comments

Commissioner LoPiccolo thanked the Planning Board for the time and effort devoted to reviewing the Special Use Permit applications. He praised the collaboration among the Planning Board, applicants, and community members and described the approved gas station project as a positive investment that would improve and beautify a previously underdeveloped area. He specifically thanked Jim Davis and Tommy Simpson for their commitment to the project and for voluntarily incorporating landscaping and other site improvements.

Commissioner Cooper commended the Beaufort Business Association and Town staff for their work on the July Fourth parade. He stated that the event appeared to be growing, was well attended, and included strong participation from both parade entrants and spectators. He also thanked the staff members who worked during the event and those who handled preparations beforehand. Cooper thanked Town Manager Matt Zapp for consistently keeping the Board and community informed. He requested that, when possible, supplemental information and materials be provided to Commissioners before the day of a meeting so they have adequate time to review and consider them.

Commissioner Gillikin thanked Jim Davis and others who had worked for several years to establish a gas station in Beaufort. She recognized the time and expense involved in evaluating sites, preparing concept plans, and continuing the project after prior proposals did not move forward. She also expressed appreciation for the July Fourth parade and discussed Beaufort's Revolutionary War history. Gillikin described the 1782 British attack on Beaufort and recognized Colonel John Easton and the local militia members who responded. She suggested that additional research, potentially including ground-penetrating radar, might help locate Easton's burial place and further document the history of his former plantation near the Gibbs Creek community.

Commissioner Matthews used his comments as a point of personal privilege to announce the birth of his youngest daughter's baby the previous evening. He reported that the baby weighed eight pounds, three ounces and that both the mother and child were doing well.

Commissioner Cooper briefly added congratulations to Mayor Harker on the recent birth of her grandchild. He also thanked Town Attorney Arey Grady for guiding the Board through the evening's proceedings and recognized Grady's law firm for hosting an annual event attended by members of the Board and staff.

Mayor Harker thanked Town staff for their work and described the extensive responsibilities they manage daily for the benefit of Beaufort. She also thanked Town Manager Matt Zapp and Town Attorney Arey Grady for their assistance, particularly with meeting procedures and quasi-judicial matters. Harker announced that she had recently become a grandmother and shared that her grandson, Callum Christopher McMichael, was six weeks old. She then requested that future meetings include a visible reminder on the screen advising attendees that they may sign up for public comment. She explained that the Town should more clearly distinguish between public comment and evidentiary or public hearings so that residents do not feel they have missed an opportunity to participate.

Closed Session

- ~~1. Pursuant to N.C.G.S. § 143-318.11 (a)(6)~~

NOTE: This item was moved to the July 27, 2026, Board of Commissioner Work Session, as amended during agenda approval.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at approximately 9:04 PM.

The motion carried unanimously with a (4-0) vote.

Sharon E. Harker, Mayor

Jennifer L. Welborn, Deputy Town Clerk

All exhibits, documents, presentations, and other materials admitted into the record during the quasi-judicial proceedings are attached hereto and incorporated by reference as part of the official record of the proceedings.



STAFF REPORT



To: Planning Board Members
From: Michelle Eitner, Town Planner
Date: June 15, 2026
Case No. 26-18 Special Use Permit – Amendment to remove condition from 1527 Front St Accessory Dwelling Units SUP

THE REQUEST: To recommend to the Board of Commissioners approval or denial of the requested amendment to remove condition from the Special Use Permit (SUP) for Accessory Dwelling Units (ADU) at 1527 Front Street

INFORMATION:

Location: 1527 Front Street (north side of Front between Belle Air and Ocean)
Property Owner: Southern Living Homes LLC (via Delbert Heick, Manager)
Zoning District: Residential Single-Family 5 Development District (RS-5)
Flood Zone: X and Shaded X (not in Special Flood Hazard Area/“100yr floodplain”)
LUP Future Land Use: Traditional Neighborhood Residential (no NIZ)
Size: 0.268 acres / 5,955sf
Existing Land Use: Single-Family Residence with shed
Proposed Land Use: Single-Family Residence with Accessory Dwelling Unit (ADU)
Adjoining Uses/Zoning: North, West, and East: Single-Family Residential (RS-5)
South: Single-Family Residential (R8-A)
Utilities: Existing, water and wastewater provided by Town

OPTIONS:

1. Recommend approval of the amendment to the special use permit as presented
2. Recommend approval of the amendment to the special use permit with conditions to bring the proposal into compliance with the Required Findings
3. Recommend denial of the amendment to the special use permit based on specific failures to meet requirements
4. Table the recommendation pending additional information necessary to make a decision

ATTACHMENTS:

- Attachment A – Staff Report
- Attachment B – Vicinity Map
- Attachment C – Zoning Map
- Attachment D – Application Package (including 2021 Special Use Permit Order)
- Attachment E – LDO Section 20 Special Use Permits (Especially Section 20.E.1 Required Findings)
- Attachment F – LDO Section 7.F Residential Single-Family 5 Development District (RS-5)
- Attachment G – Comprehensive and CAMA Land Use Plan Future Land Use Map & Classification

STAFF COMMENTS:

Delbert Heick, Manager for property owner Southern Living Homes LLC of 1527 Front Street, has requested an amendment to the 2021 Special Use Permit to remove a condition that requires that the Accessory Dwelling Units are only used by family members.

The SUP was granted in January 2019 pursuant to the condition that the ADUs (one garage unit and one cottage unit) would only be used by family, as indicated by testimony and the applicant's narrative. The SUP was not executed until March 2021.

The Planning Department received a code enforcement complaint in March claiming that the ADUs were being rented to the public and not just used for family as required by the SUP. Research into the alleged violation resulted in finding the garage apartment listed on two real estate websites. Following consultation with the Town Attorney, a Notice of Violation was sent via certified/return receipt mail on March 25th to Southern Living Homes LLC. Staff received a call from tenant Romelda Barnes on April 10th regarding the NOV she received and discussed methods of compliance with her. Subsequent discussions between staff and Ms Barnes and property owner Delbert Heick worked towards an application to amend the SUP to remove the family-only condition. The online rental listings were removed in the meantime.

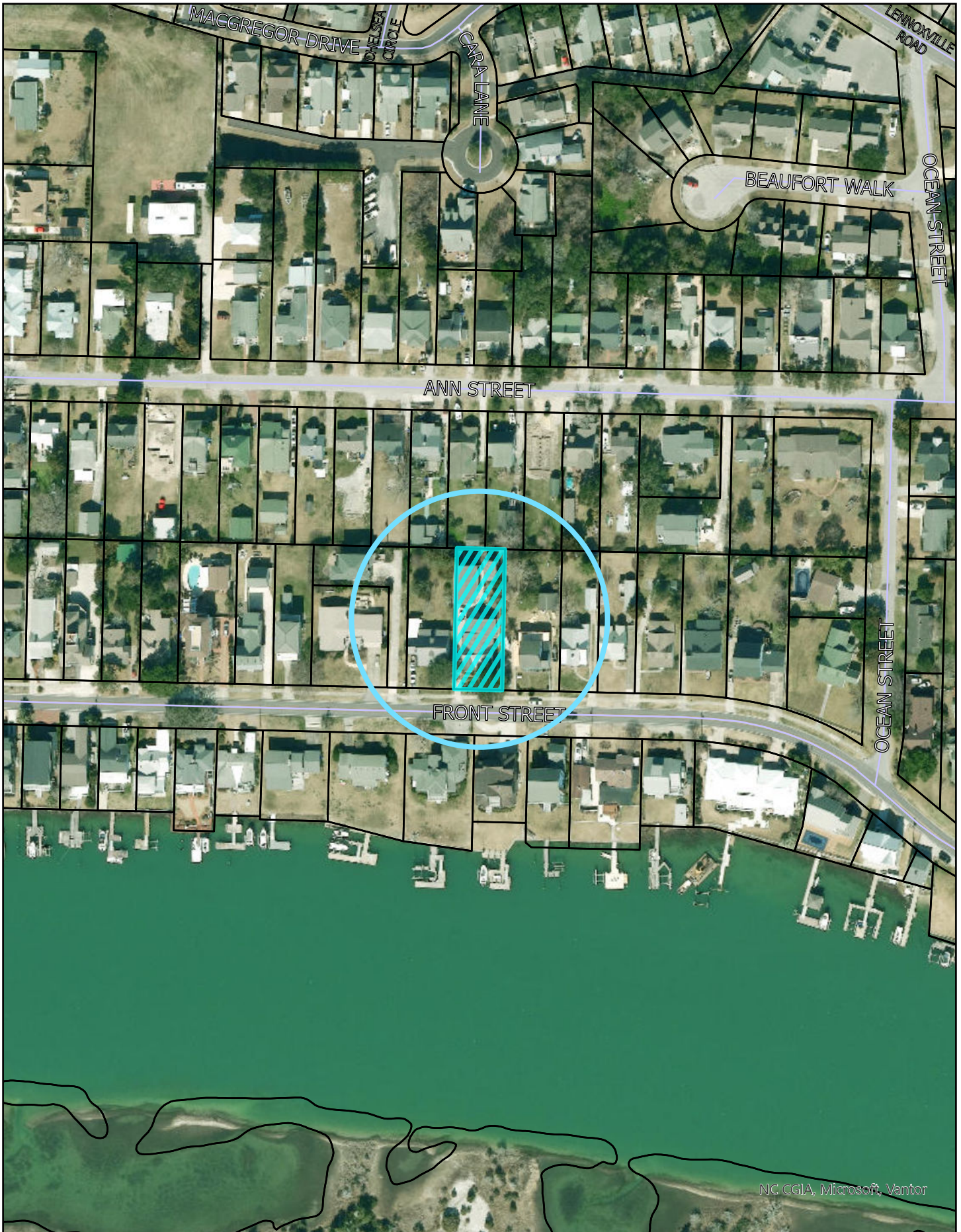
The same quasi-judicial procedures generally apply to the approval, amendment, or rescission of a Special Use Permit. Because this request is limited to the removal of a specific condition, the focus of the discussion is the proposed amendment rather than a reconsideration of the entire permit approval. The Board of Commissioners must determine whether the Special Use Permit, as amended by the removal of the condition, continues to satisfy the applicable findings and standards required by the ordinance and North Carolina law. Accordingly, the Planning Board's review and recommendation should be limited to the requested amendment and whether the Special Use Permit, as amended, continues to meet the applicable standards and findings required for approval.

The location of this request within a residential zone does require review of compatibility with adjoining buildings listed in Section 20.E.3, but no changes to the buildings are proposed as part of this SUP amendment. Staff recommends that compliance with the compatibility standards would have been part of the 2019/2021 SUP and that the requested amendment to remove the condition does not call these additional standards into question.

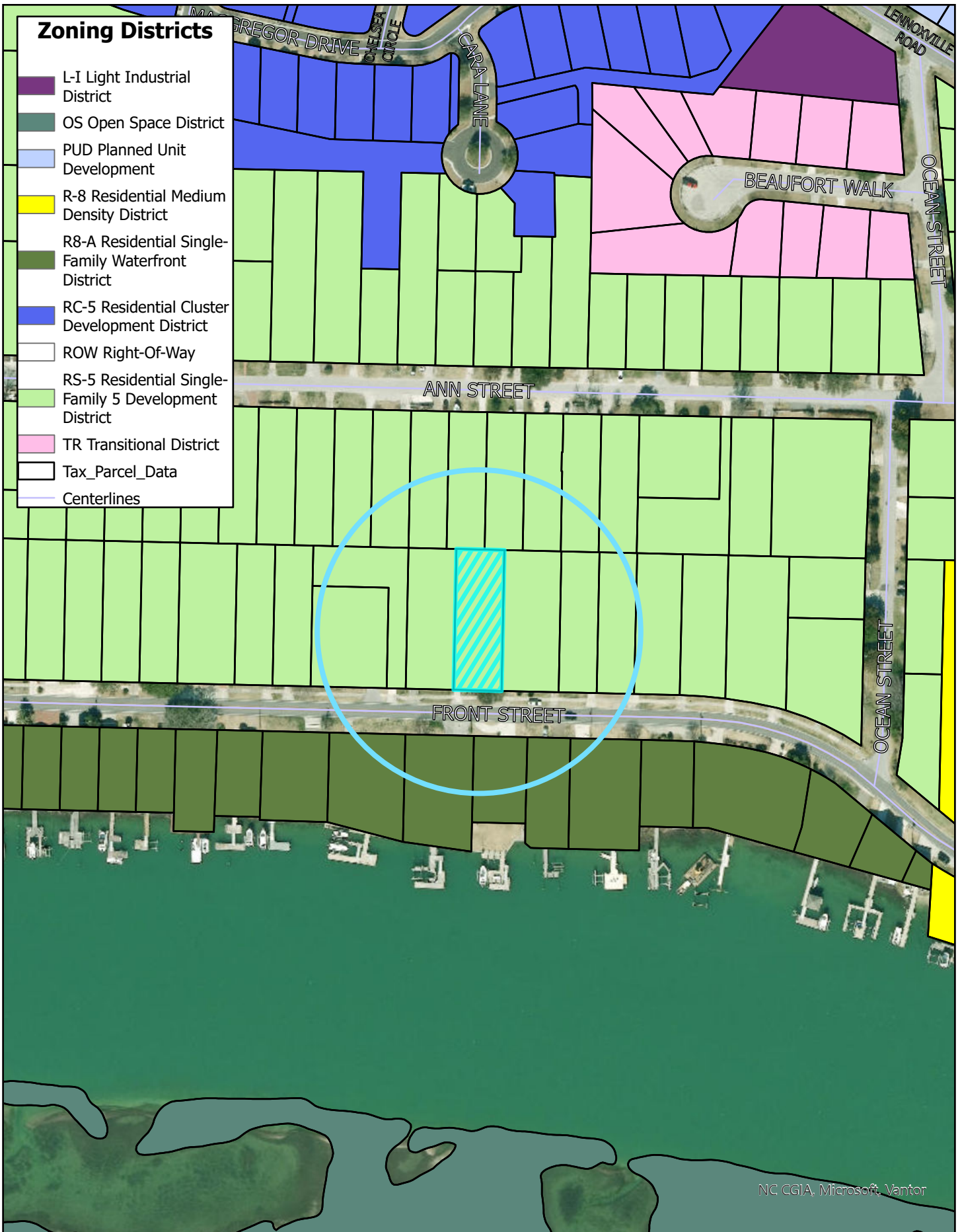
The Technical Review Committee (TRC) received this item for review digitally and all responded with no comments or issues.

Following discussion during their June 15th meeting, the Planning Board unanimously moved, "...that we not approve the application as submitted, but instead approve the application with the condition that the main dwelling and the smaller accessory dwelling in the back be reserved only for family use, and the larger accessory dwelling unit in the back may be rented out to other than family, as suggested by the applicant."

Case 26-18 1527 Front Street ADU SUP Amendment Vicinity Map



Case 26-18 1527 Front Street ADU SUP Amendment Zoning Map





APPLICATION FOR A SPECIAL USE PERMIT

Instructions:

Please complete the form below including all required attachments, a **\$400.00 application fee**, and return to the Beaufort Town Hall; 701 Front Street; P.O. Box 390; Beaufort, N.C.; 28516. Incomplete applications will not be processed but will be returned to the applicant. Please call Planning and Inspections at (252) 728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: Southern Living Homes, LLC

Applicant Address: PO Box 433, Kittrell, NC 27544

Phone Number: (252) 883-6036

Email: [REDACTED]

Property Owner Name: Southern Living Homes

Address of Property Owner: PO Box 433, Kittrell, NC 27544

Phone Number: (252) 883-6036

Email: [REDACTED]

PROPERTY INFORMATION

Property Address: 1527 Front Street

15-Digit PIN: 730507685821000

Lot/Block #: LOT 34 Part L35

Size of Property (in square feet or acres): 11540 / 1.268

Current Zoning: RS-5

Current Use of Property: Residential

Requested Use: Back structure to lease

An application fee of **\$400.00**, either in cash, money order, or check made payable to the "Town of Beaufort" must accompany this application (a credit card payment can be made in person at Town Hall). The complete application, payment, and supporting materials must be received by Town Staff at least 15 working days prior to a regularly scheduled Planning Board meeting date.

Please refer to the Town's **Land Development Ordinance**, Sections 20 & 27, and all other pertinent sections of the Ordinance for information required to accompany this application. Any plans or documents submitted should be submitted in an electronic or digital format and one printed color copy of such documents submitted with the application.

The town's website address is www.beaufortnc.org.

Robert D. Hendrix, Jr.
Applicant Signature

5/20/26

Date of Applicant's Signature

Property Owner Signature (if different than above)

5/20/26

Date of Owner's Signature

OFFICE USE ONLY

Revised 8/2020

Date: _____

Reviewed for Completeness By: _____

Received by: _____

Date Deemed Complete and Accepted: _____

Please be advised that email addresses have been removed by staff from this application & attachments to protect the applicant from AI spam emails.

Introduction and summary of proposed use for 1527 Front St.

We are respectfully requesting a new/ revised special use permit to allow short and or long-term rentals of the back two buildings at 1527 Front street. This request seeks to amend the special use permit previously required by the city limiting use to only family members.

The home was purchased May 17, 2011 from William E Fallon. This home which is directly off Front street was being used as a bed and breakfast style home allowing up to 5 different parties at one time. It was modified and had 5 separate rooms which were secured by padlocks at each bedroom to ensure a secure accommodation for tenants. Obviously, this created some traffic issues if in fact all 5 rooms were rented to 5 separate parties at the same time.

When the property was purchased in 2011, its intended use was for the owner to use it as vacation home. In 2019 it was decided to tear down an old garage in the back of the main residence and add two new structures for family members to use. Part of the approval process resulted in a special use permit allowing only family member to use the back two buildings and did not include or effect the original main structure. On 6/24/21 a permit for the project was issued and the final CO issued on 7/19/23.

Since then the new structures have been used only 2-3 times by family members. In mid July 2025 it was decided that consideration be given on how to best use the property. Currently we could rent the main structure much like the prior owner did converting it to a bed and breakfast style allowing up to 5 separate parties to use the accommodations ultimately creating parking issues on the main street. It was decided that the best use of the property was to rent the back two structures which would have parking off the main street and minimal influence in traffic along Front Street. ***Intended use is to make it short or long term use with a primary market to older couples, not large parties of people.***

The seven required findings under LDO Section 20(E)(1)

- A. The proposed use is allowed as a special use in the RS-5 zoning district.
- B. We have submitted a complete package of a special use application.
- C. The location and character of the use will be in conformity with the towns comprehensive and CAMA land use plan and other comprehensive planning elements.

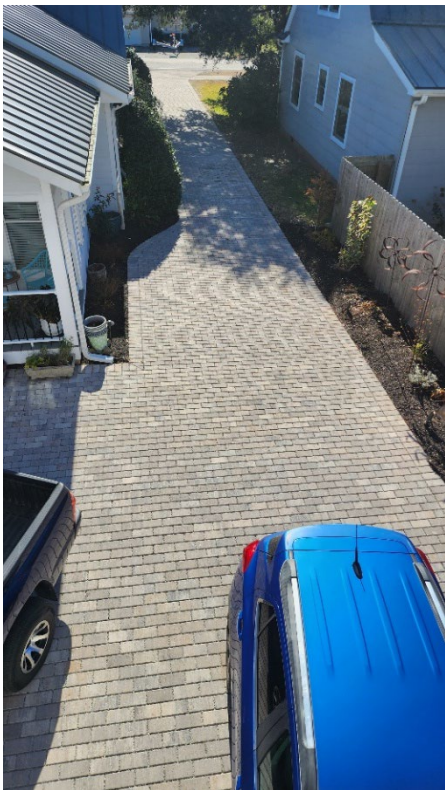
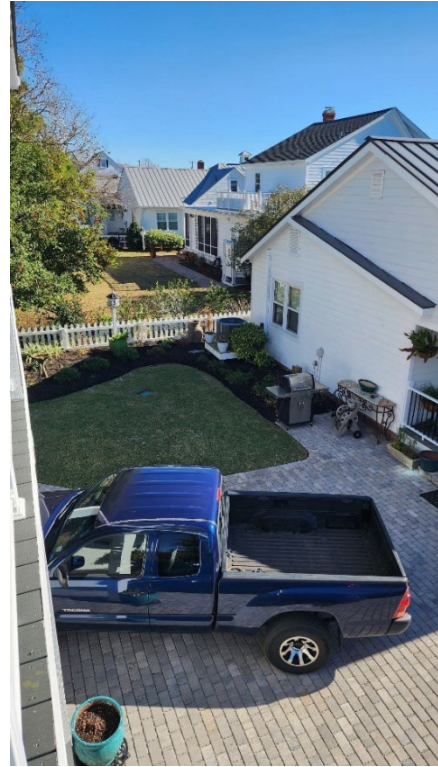
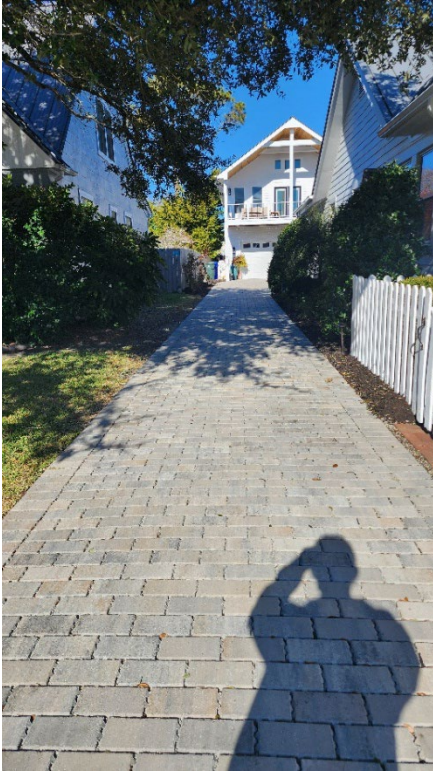
- D. The proposed use would be in better keeping with regards to minimal impacts on the surrounding area. Use of the back buildings vs. the front home would take pressure off of Front Street parking by requiring tenants to use parking in the back which incorporated additional parking and buffering into the lot development and use.
- E. Since there will be no structural changes and design modifications to the subject property, the site-level appearance of 1527 Front Street from the perspective of any adjoining or abutting properties will be unchanged. We submit that the proposed use/change will even have less impact on neighbors and commuters vs using the front home as rental property.
- F. As many of the homes on Front Street commonly are used for summertime vacationers, its not uncommon to find numerous cars parked in the front of the house on Front Street for short periods of time. This proposed use would be more compatible and in harmony with surrounding residential land use by using the proposed back parking in conjunction with the back properties.
- G. The proposed change and use will not materially endanger the public health or safety of the community if the back buildings are used as proposed.

In conclusion, It is because of our good neighbors on both sides of us as well as the potential traffic issues in front of the property that we are requesting an approval to use the back two structures for short and or long term stays.

If this change is approved, we would consider as part of a special use permit, that the front home be considered a residence with restrictions for rental purposes.



Elevations of original structure 1527 Front Street



Photos for rear parking back structures 1527 Front St.



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

TOWN OF BEAUFORT, NC ORDER GRANTING A SPECIAL USE PERMIT

The Board of Commissioners for the Town of Beaufort, NC having held a public hearing on January 14, 2019 to consider application number 18-15, submitted by Romelda E. Barnes of Southern Living Homes, LLC, a request for 1527 Front Street (PIN 730507685821000) for a Special Use Permit for an Accessory Dwelling Unit in the RS-5 Residential Zoning District where such use is not allowed, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. It is the Board's CONCLUSION that the Applicant complies with the literal terms of the *Land Development Ordinance* (or LDO from this point forward), specifically that the use is allowed as a special use in the RS-5 Zoning District as stated in the LDO. **This conclusion is based on evidence and testimony given by the Town Planner.**
2. It is the Board's CONCLUSION that the application submitted is complete. **This conclusion is based on the technical review of the application and testimony given by the Town Planner**
3. It is the Board's CONCLUSION that the location and character of the use will be in conformity with the Town's CAMA Land Use Plan and other comprehensive planning elements. **This conclusion is supported by the consistency statement provided by the Planning Board.**
4. It is the Board's CONCLUSION that the streets, driveways, parking lots, traffic control, and current traffic engineering standards and Town regulations are found to be adequate for the proposed special use and the use will not require any off-street parking. **The proposed use will have minimal impacts on the surrounding area. The use is consistent with that of a single family dwelling, with no need for additional parking or buffering. This conclusion is based on the technical review of the application and testimony given by the Town Planner**
5. It is the Board's CONCLUSION that the proposed special use will not substantially injure the value of adjoining or abutting properties. **There was no substantial evidence presented during the hearing which would indicate the proposed use will injure the value of adjoining or abutting properties.**
6. It is the Board's CONCLUSION that the use will be compatible and in harmony with the adjoining land uses and the development patterns of the immediate area. **The proposed use is compatible and in harmony with the surrounding residential land use and development patterns of the immediate area.**
7. It is the Board's CONCLUSION that the proposed use will not materially endanger the public health or safety of the community if located where proposed and developed. **There was no substantial evidence presented during the hearing which would indicate the proposed use will endanger the public health or safety of the community if located where proposed.**

THEREFORE, on the basis of all of the foregoing findings, IT IS ORDERED that the application for a SPECIAL USE PERMIT for 1527 Front Street is **GRANTED with the following CONDITION:**

1. The accessory dwelling unit(s) will be used only by family members as noted in the narrative included in the record and entered into evidence.

Mayor Everette S. (Rett) Newton
Commissioner John Hagle • Commissioner Sharon Harker • Commissioner Marianna Hollinshed
Commissioner Ann Carter • Commissioner Charles McDonald
Town Manager John Day

Ordered this 15th day of March, 2021

CARTERET COUNTY
NORTH CAROLINA

IN WITNESS WHEREOF, the Town of Beaufort has caused this instrument to be executed in its name as evidence of the grant of said Special Use Permit, and the undersigned being all of the property owners of the property described above, have executed this instrument in evidence of their acceptance of said Special Use Permit as covenant running with the land.


Kate Allen, Town Planner

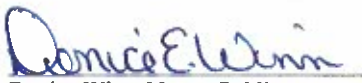
ATTEST

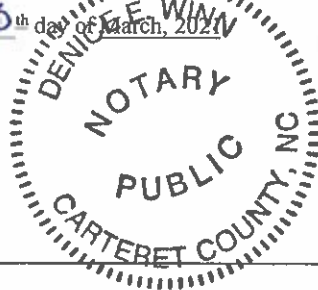

Allen Coleman, Town Clerk

CARTERET COUNTY
NORTH CAROLINA

I, Denice Winn, a Notary Public, do hereby certify that Allen Coleman personally appeared before me this day and acknowledged that he is the Town Clerk for the Town of Beaufort and that by authority duly given and as the act of the Town, the foregoing instrument was signed in its name by Kate Allen, Town Planner and Allen Coleman, Town Clerk

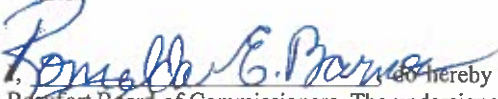
Witness my hand and notarial seal this 15th day of March, 2021


Denice Winn, Notary Public



My Commission Expires: 4/20/2023

ACCEPTANCE


I, Romeida E. Barnes, do hereby acknowledge receipt of this Special Use Permit approved by the Town of Beaufort Board of Commissioners. The undersigned does hereby acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.


Applicant Signature

3-15-21
Date

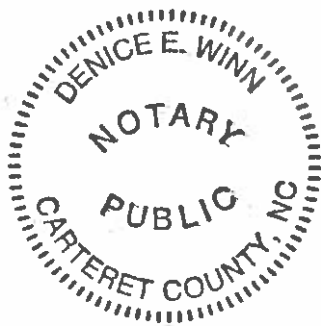
NORTH CAROLINA

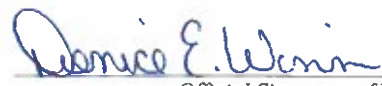
I certify that the following person(s) appeared before me this day, each acknowledging to me that he or she signed the forgoing document:

Romeida E Barnes
Name(s) of Principal(s)

Date: 3/15/2021

(Official Seal)




Official Signature of Notary

Denice E. Winn, Notary Public
My commission expires: 4/20/2023

SECTION 20 Special Use Permits

A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town but may only be granted after due consideration by the BOC. The consideration of a special use application is a quasi-judicial function to be conducted in accordance with the procedure set forth in Section 32, Quasi-Judicial Procedure. Special use permits may only be granted by the BOC following a recommendation by the Planning Board and the completion of the quasi-judicial review process by the BOC as outlined in Section 32.

A Special Use Permit is a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

B) *Special Use Permit Application Procedures.*

- 1) A written application for a special use permit in all zones shall be submitted to the Town's Planning and Inspections Department in accordance with the requirements of Section 1 and Section 31 of this Ordinance and all applicable administrative regulations. The application shall include:
 - a) A proposed use site plan which contains information documented in Section 18(C) of this Ordinance and the specific information below:
 - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
 - ii) A legend identifying all symbols on the map;
 - iii) A North arrow and a scale;
 - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
 - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
 - vi) The map book, page number, and deed book information;
 - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
 - viii) Any other related information requested by Town staff, the Planning Board, or the BOC.
 - ix) All required environmental permit improvements needed for the property.
 - b) The special use permit sought; and,
 - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.

- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
 - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
 - b) The submitted site plan shall also include all street front architectural elevation drawings to ensure the compatibility of the building(s) with the surrounding residential structures; and,
 - c) Additionally, the BOC and Town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by Town staff and submitted with comments and recommendation to the Planning Board for review. The Planning Board shall review the application for a special use permit and make a recommendation as to whether it should be approved or denied. After the Planning Board makes its recommendation, the application shall be forwarded to the BOC for consideration.

C) *Quasi-Judicial Proceeding Notification Requirements.*

The Planning Board will review and make recommendations regarding all applications for a special use permit. The BOC shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and Planning Board review. In considering the application, the BOC shall follow the procedures set forth in Section 32, Quasi-Judicial Procedure.

D) *Procedures on Special Use Applications.*

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall conduct an evidentiary hearing in accordance with the provisions of Section 32, Quasi-Judicial Procedure, herein. And consider relevant information regarding whether the required findings under Section 20(E) exist and whether the special use is appropriate in the proposed location.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in Section 20(E). The BOC need not make the required findings at the time of the hearing and may vote to table the matter and request information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under Section 20(E) have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in Section 20(E).
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the evidentiary hearing for the proposed special use application. The BOC need not issue a decision at the time of the hearing if additional information is needed and may table the matter until a later date.
- 4) If the application is found not to be in compliance with one or more of the required findings of Section 20(E) or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet.

- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under Section 20(E).
- 6) The BOC shall render its decision on the special use permit application, in writing, in accordance with the provisions of Section 32 herein.

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.
- 3) Compatibility Standards for Special Uses in Residential Zones:
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
 - a) Size (footprint);
 - b) Height;
 - c) Proportion and scale;
 - d) Roof shape(s);
 - e) Setbacks;
 - f) Location, size, and number of openings (doors and windows);
 - g) Materials;
 - h) Color; and,
 - i) Texture.

F) ***RS-5 Residential Single-Family 5 Development District.***

This residential district classification is intended for existing or older neighborhoods characterized by single-family residences on relatively smaller lots and provides reduced setback requirements and a defined street orientation. The purpose of this district is to provide relief to existing lots of record which make them difficult to be developed as single-family residences. The RS-5 district has a fifty percent (50%) lot coverage restriction which must be maintained. No buildings, houses, or structures, excepting noncommercial docks or piers as specified in Section 2(H) of this Ordinance, will be erected on the south side of Front Street in this district. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) **Minimum Lot Size.**

All lots in the RS-5 district shall be a minimum of five thousand square feet (5,000 ft²).

2) **Residential Density.**

- a) All lots in the RS-5 district shall be limited to one single-family detached dwelling per lot.
- b) All lots in the RS-5 district shall not exceed an impervious surface area requirement of fifty percent (50%).

3) **Minimum Lot Width.**

All lots in the RS-5 district shall have a minimum lot width of fifty feet (50') at the minimum building line.

4) **Building Setback and Building Height Requirements and Limitations.**

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-17 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	15 feet	5 feet	35 feet

Table 7-18 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	10 feet	15 feet	5 feet	35 feet

Table 7-19 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
RS-5	20 feet	20 feet	5 feet	35 feet

Where a lot extends across Front Street, the above setbacks shall apply to the portion of the lot north of Front Street. The docks or piers permitted on the south side of Front Street will be subject to an eight feet (8') side setback, or any more restrictive setback required by CAMA, or the regulations promulgated thereunder.

5) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

6) Permitted Uses.

Antenna Co-Location on Existing Towers	Indoor/Outdoor, Private Neighborhood Recreation Center, Public
Athletic Field, Public	Park, Public
Carport	Public Safety Station
Community Garden	Public Utility Facility
Dock	Resource Conservation Area
Dwelling, Single-Family	Shed
Family Care Homes	Swimming Pool (Personal Use)
Garage, Private Detached	Temporary Construction Trailer
Government/Non-Profit Owned/Operated Facilities & Services	Utility Minor
Home Occupation	Vehicle Charging Station
Neighborhood Recreation Center,	

7) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Accessory Dwelling Unit	Marina
Athletic Field, Private	Outdoor Amphitheater, Public
Bed & Breakfast	Preschool
Cemetery/Graveyard	Religious Institution
Club, Lodge, or Hall	Satellite Dish Antenna
Concealed (Stealth) Antennae & Towers	School, Post-Secondary
Golf Course, Privately Owned	Transportation Facility
Golf Driving Range	

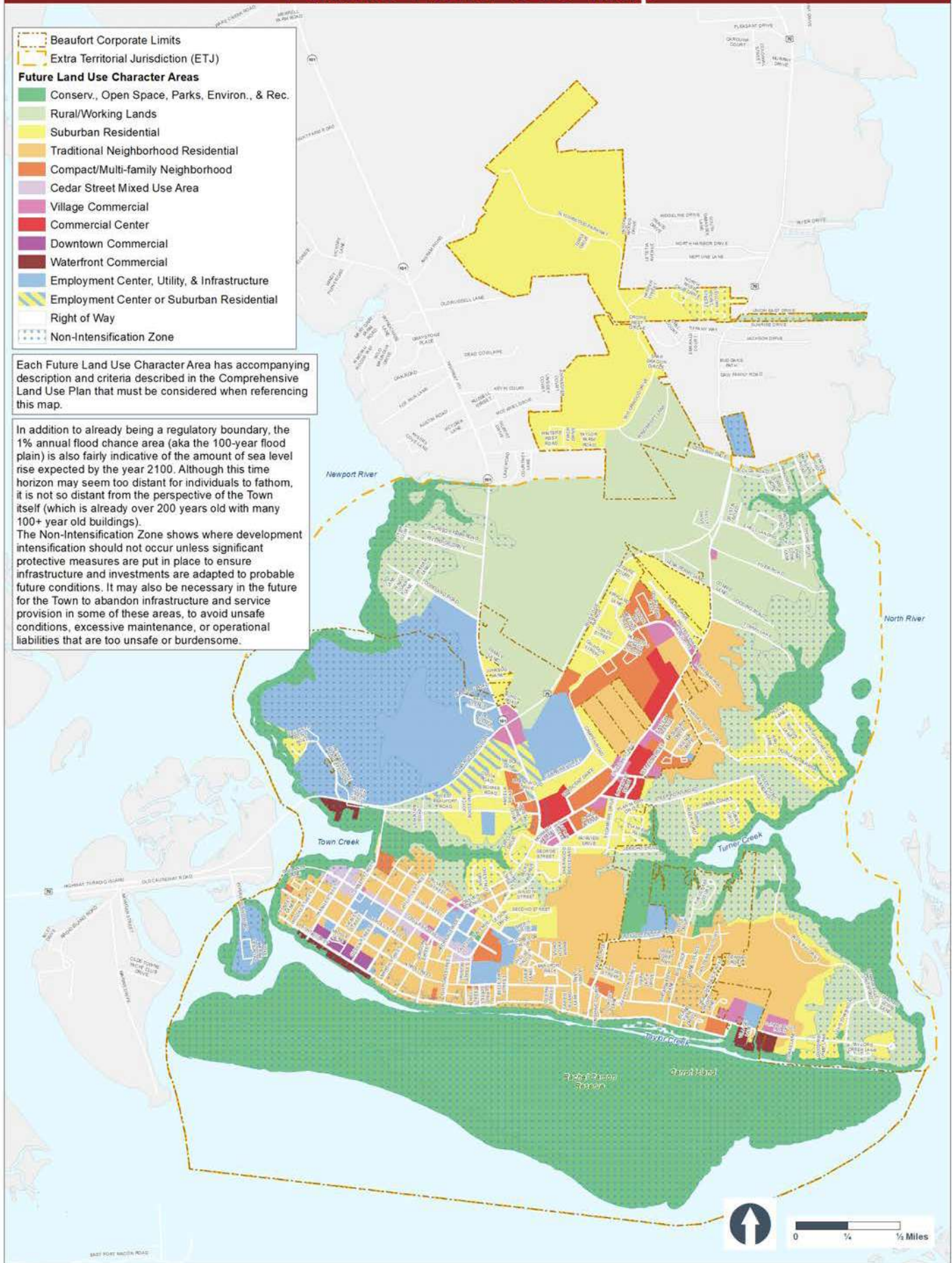
Future Land Use Map



Each Future Land Use Character Area has accompanying description and criteria described in the Comprehensive Land Use Plan that must be considered when referencing this map.

In addition to already being a regulatory boundary, the 1% annual flood chance area (aka the 100-year flood plain) is also fairly indicative of the amount of sea level rise expected by the year 2100. Although this time horizon may seem too distant for individuals to fathom, it is not so distant from the perspective of the Town itself (which is already over 200 years old with many 100+ year old buildings).

The Non-Intensification Zone shows where development intensification should not occur unless significant protective measures are put in place to ensure infrastructure and investments are adapted to probable future conditions. It may also be necessary in the future for the Town to abandon infrastructure and service provision in some of these areas, to avoid unsafe conditions, excessive maintenance, or operational liabilities that are too unsafe or burdensome.



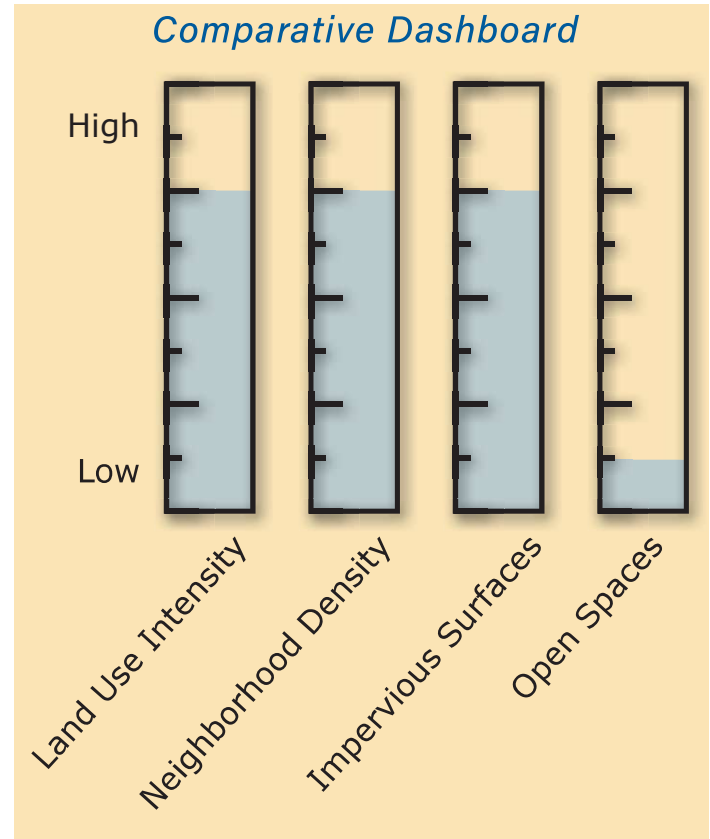
Traditional Neighborhood Residential

General Description:

These neighborhoods are walkable with structures situated close to each other. The residential areas exemplify the character found in the historic district and closer to downtown. Lots are typically smaller and closely packed with residential densities generally around 3 to 5 dwelling units per acre, although some areas may approach 7 dwelling units per acre. The historic development pattern prioritizes people and accommodates cars. Off-street parking is often to the side or around back, with homes pulled up close enough to the street to allow neighbors to engage with people on the sidewalk.

Streets and Circulation:

Streets are typically low volume and prioritize pedestrians, with sidewalks on both sides and street trees whenever possible. Connectivity is high because blocks are generally 500' or less. On-street parking is either formal or informal, depending on context. Low speed limits allow bicycles to share the travel lanes.



EXAMPLE USES:

Typical Uses:

Primarily single family detached residential, with a mix of other highly compatible residential uses scattered throughout, including duplexes, accessory dwellings, garage apartments, and occasionally even larger homes that have been converted to discrete multi-family structures or even small bed-n-breakfast businesses.

Traditional Neighborhood Residential

Other Concerns:

In the historic district, these neighborhoods have significant restrictions that preserve their quaint appearance and character. Although there may not be full support to extend all of these requirements to other areas, it may be possible to extract some of the more defining characteristics (buildings close to the street, parking in the rear, street trees, narrow streets, etc.) and bring those design elements to other neighborhoods.



Examples of the traditional neighborhood development style.



Town of Beaufort
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2142 • 252-728-3982 fax
www.beaufortnc.org

Notification Certification
Case #26-18 1527 Front Street Abutting Neighbors
Special Use Permit Amendment Request

SOUTHERN LIVING HOMES LLC PO BOX 433 KITTRELL, NC 27544	CROCKER RICHARD SCOTT 227 NORTWICK ROAD ROLESVILLE, NC 27571
MARLOW DEVELOPMENT PARTNERS LLC 3700 COMPUTER DR STE 280 RALEIGH, NC 27609 -6531	MATTOCKS JOHN R ETUX SUSAN A G 5303 TRENT WOODS DRIVE NEW BERN, NC 28562
WEBB ROBERT ETAL LISE JOHNSON TRUSTEE 2111 WOODLAND AVE RALEIGH, NC 27608	MARLOWE WILLIAM A III 3700 COMPUTER DRIVE #280 RALEIGH, NC 27609
ELLIOTT JAMES ANDREW LITTLE REBECCA MARIE 210 CARY ST SMITHFIELD, VA 23430 -1104	

I, *Michelle Eitner*, Town Planner for the Town of Beaufort do hereby certify the above subject property owners and adjacent property owners were notified that a special use permit request will be heard at the July 13, 2026 Board of Commissioners meeting at the Train Depot, 614 Broad Street, Beaufort, NC, at 6:00 p.m. Each of the above property owners was mailed a letter and vicinity map on June 19, 2026, regarding a request for a special use permit at 1507 Live Oak Street. A sign was posted on the subject property on June 19, 2026 regarding the same. A public notice advertising the hearing was submitted to the Carteret County News Times to run on July 1 and 8.

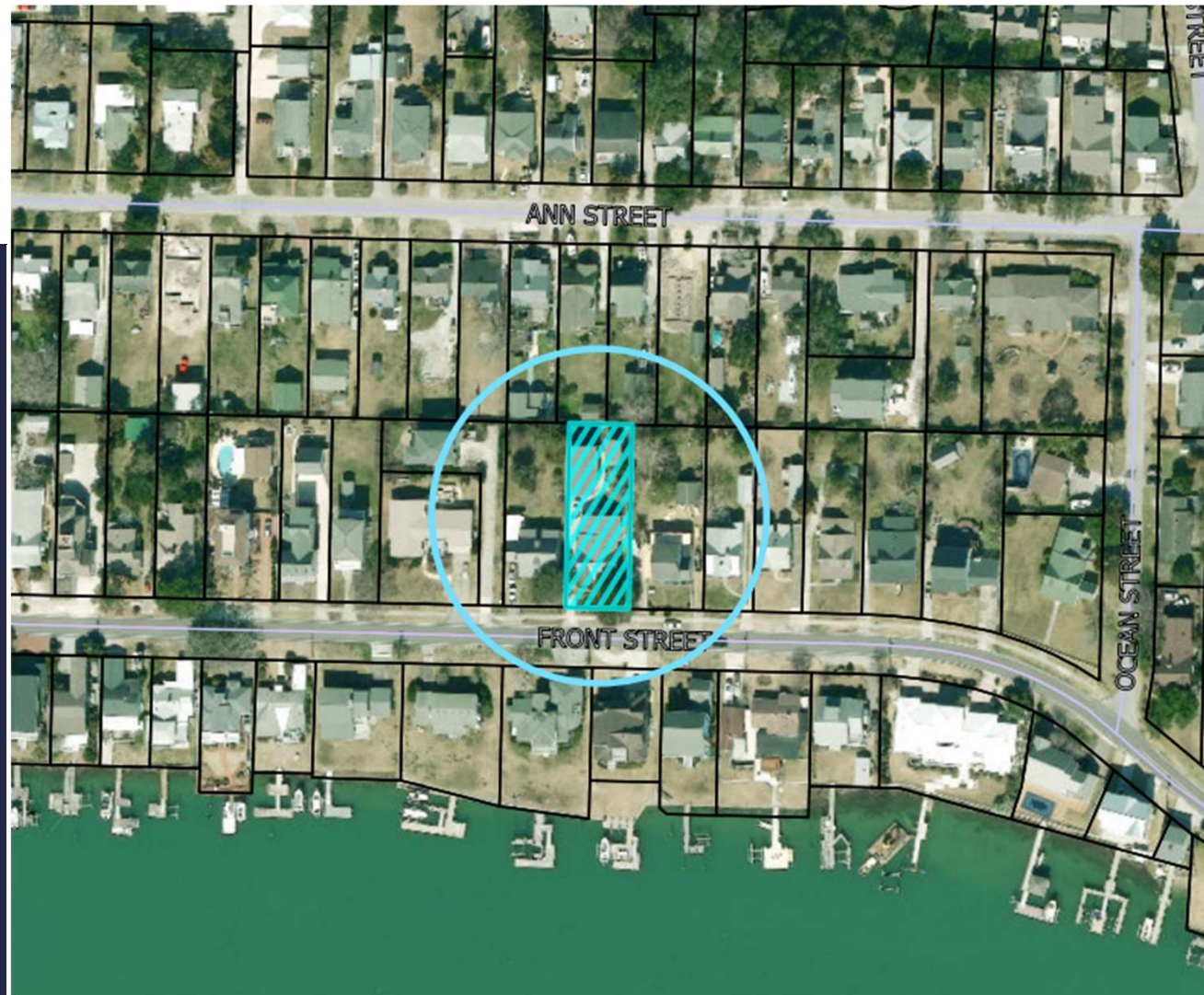
Signed

Date

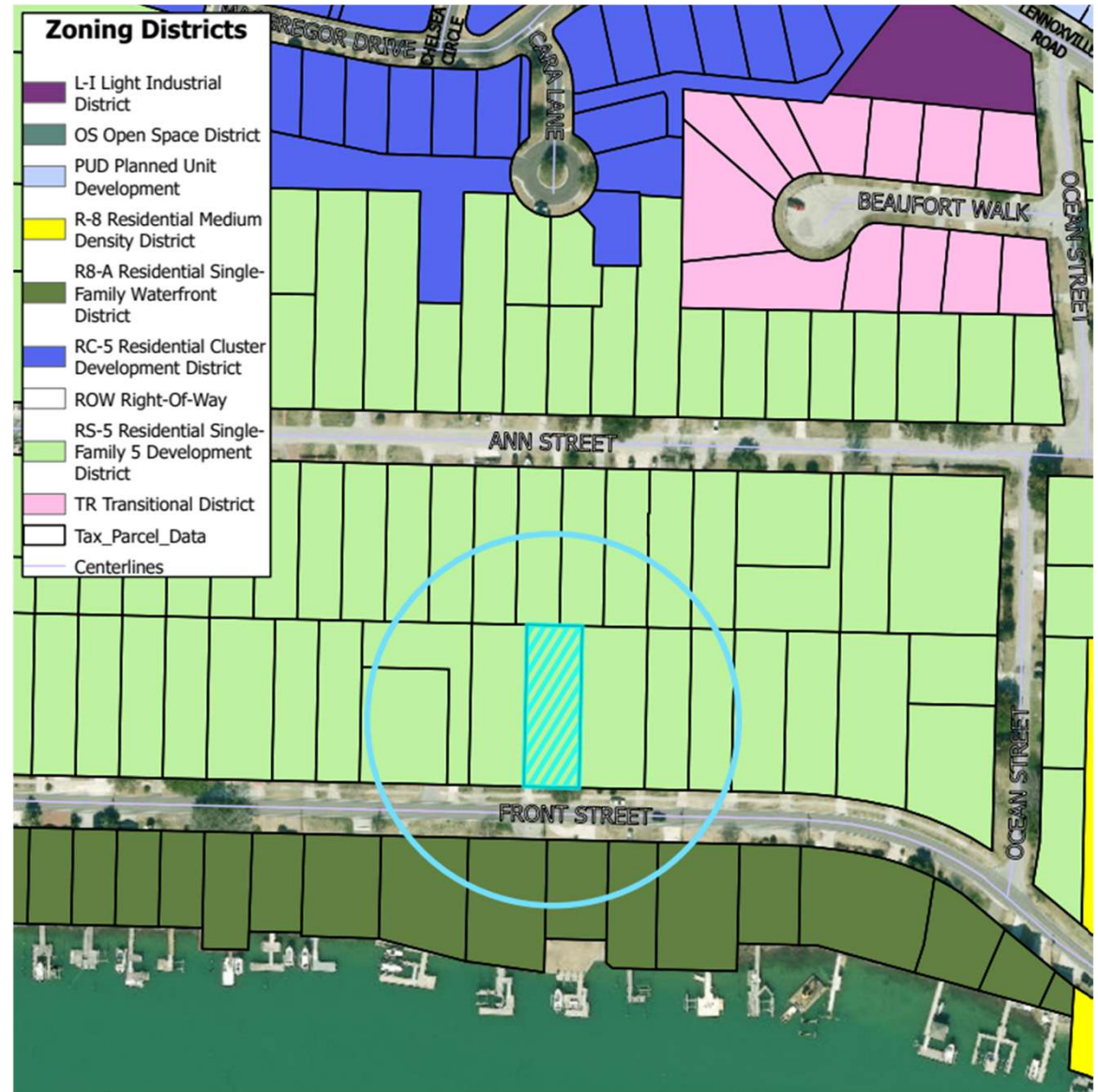
CASE 26-18 SPECIAL USE PERMIT

Request for Amendment to remove condition
from 1527 Front St Accessory Dwelling Units SUP

CASE 26-18 REQUEST
FOR AMENDMENT TO
REMOVE CONDITION
FROM 1527 FRONT ST
ADU SUP



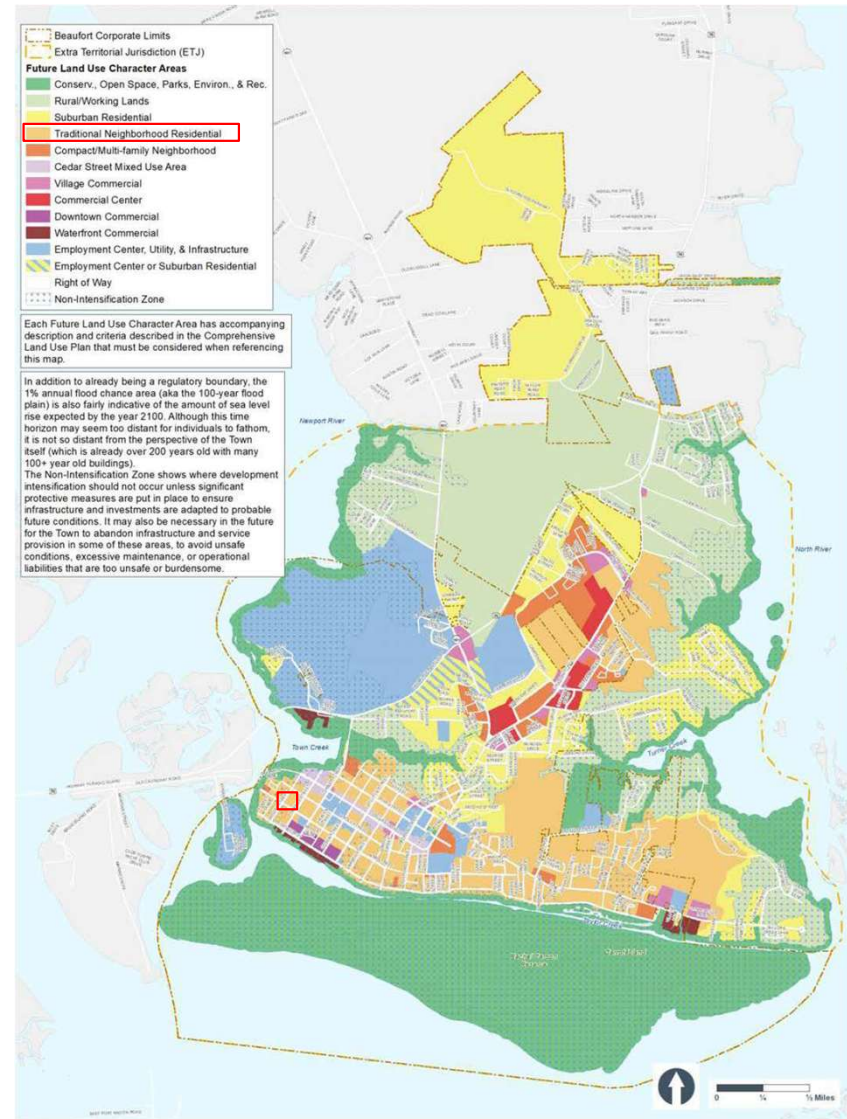
CASE 26-18 REQUEST
FOR AMENDMENT TO
REMOVE CONDITION
FROM 1527 FRONT ST
ADU SUP



CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

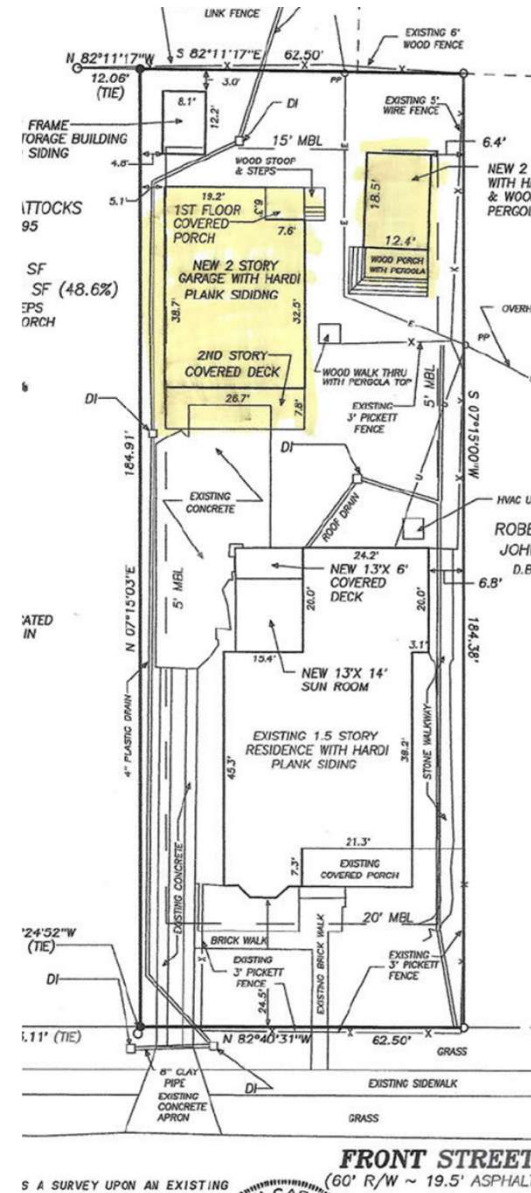
Comprehensive & CAMA Land Use Plan

- Traditional Neighborhood Residential future land use classification notes:
 - “These neighborhoods are walkable with structures situated close to each other. The residential areas exemplify the character found in the historic district and closer to downtown.
 - “Typical Uses: Primarily single family detached residential, with a mix of other highly compatible residential uses scattered throughout, including duplexes, accessory dwellings, garage apartments, and occasionally even larger homes that have been converted to discrete multi-family structures or even small bed-n-breakfast businesses.”



CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

- Existing 1950 single-family home with two accessory dwelling units
- Special Use Permit carries the condition: "The accessory dwelling unit(s) will be used only by family members as noted in the narrative included in the record and entered into evidence."
- Current application requests removal of that condition to be able to rent these out to the public.



CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

7. Public Hearing

A. Case No. 18-15: Special Use Permit Application - Accessory Dwelling Unit

Commissioner Hollinshead made a motion to open the public hearing.

Mayor Newton read the following statement regarding the Special Use Permit Public Hearing process.

"This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases. The board's discretion is limited. The board must base its decision upon competent, relevant and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. Participation is limited. This meeting is open to the public. Everyone is welcome to watch. Parties with standing have rights to participate fully. Parties may present evidence, call witnesses and make legal arguments. Parties are limited to the applicant, the local government and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the board. For certain topics, this board needs to hear opinion testimony from expert witnesses. These topics include projections about impacts on property values and projections about impacts of increase traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.

Town Clerk Davis asked all those planning on providing testimony to please rise and raise their right hand to swear their testimony. Town Planner Kate Allen was administered the oath.

Mayor Newton asked if there needed to be any disclosure of ex-parte communication by the board members. No disclosures were made.

Town Planner Kate Allen provided the staff report and requested it be accepted as evidence. Commissioner Hagle made a motion to accept the staff report as evidence. The vote was 4 to 0 in favor.

Town Attorney Arey Grady asked the applicant for clarification that she did not wish to provide any testimony regarding her request. She confirmed she did not want to provide any testimony.

Mayor Newton asked if any of the commissioners had any questions for Ms. Allen. Commissioner Carter indicated she believed the request for three separate living areas was not in keeping with the surrounding land use. Ms. Allen reported since all of the structures would be connected, then it would qualify as one structure and be a permitted use.

In reference to a question from Commissioner Hollinshead regarding placing conditions on use, Town Attorney Grady indicated conditional uses could be placed and they would become part of the property and its uses for the future. Commissioner Hollinshead indicated she felt a condition should be placed to incorporate the property structures could only be used for private use as single family residential. Commissioner Carter was in agreement with the statement to place the condition for single family use only.

Town Planner Allen indicated the staff report and the narrative provided by the applicant indicated the property would only be for use by her private family. Ms. Allen indicated the condition would be placed and recorded at the Register of Deeds and it would go in perpetuity with the property.

Town Attorney Grady did ask Ms. Allen to confirm the narrative was included in the staff report in the packet. Ms. Allen confirmed the statement for Attorney Grady.

Being no further questions or comments from the board members, Commissioner Hollinshead made a motion to close the public hearing. The vote was 4 to 0 in favor.

Mayor Newton asked if the board members were ready to make findings of fact. He suggested they vote on each finding of fact individually.

Commissioner Hagle made a finding of fact the Special Use Permit is approved and allowed in the zoned district in which it is located. The vote was 4 to 0 in favor.

Commissioner Harker made a motion that the application was complete based on the technical review and testimony as provided by the town staff. The vote was 4 to 0 in favor.

Commissioner Hagle made a motion the location and character of the use will be in conformity with the town's land use plan as stated and reviewed by the staff. Commissioner Carter indicated she felt it was increasing the density. The vote was 3 to 1 with Commissioner Carter being in opposition.

Commissioner Hollinshead made a motion that the streets, driveways, parking lots, traffic control, and other traffic circulation features are in accordance with current traffic

engineering standards and Town regulations and found to be adequate for the proposed special use based on the technical review and evidence as submit by town staff. The vote was 4 to 0 in favor of the motion.

Commissioner Hagle made a motion the proposed use would not injure the value of adjoining properties since no evidence has been presented to show injury. The vote was 4 to 0 in favor.

Commissioner Harker made a motion the use was compatible and in harmony with the adjoining land uses and development patterns of the immediate area since no evidence had been submitted to the contrary. Commissioner Carter indicated she contested the statement. The vote was 3 to 1 with Commissioner Carter being in opposition.

Commissioner Harker made a motion the proposed use would not endanger the public health or safety of the community if located where proposed and developed according to the submitted approved since a review had been completed for architectural elements such as size, height, proportion and scale, setback, openings, materials, color and texture with the surrounding structures. The vote was 4 to 0 in favor.

Town Attorney Grady indicated a final motion was needed to approve the Special Use Permit subject to any conditions.

Commissioner Hagle made a motion for approval of the Special Use Permit as presented with the condition it will only be used for private use and the condition will remain in perpetuity with the property. Town Manager Day asked Attorney Grady if private needed to be defined. Attorney Grady indicated the testimony and narrative indicated it was for family use only. The vote was 3 to 1 with Commissioner Carter being in opposition.

Special Use Permit Narrative for an Accessory Dwelling Unit for:

Romelda E. Barnes
Southern Living Homes, LLC
1527 Front St.
Beaufort, NC 28516

ID: 730507685621000
Lot 56, 57 & Part of 58
Ocean Breeze Park
Zone RS-5

I am applying for a Special Use Permit for an Accessory Dwelling. My proposed plan is to remove the existing garage, replace it with another garage with a small living space and to also add another small cottage on my property. These buildings will be for my private use and my desire is that my family will enjoy them as peaceful retreats when they come to visit.

The proposed plan adheres to the land use specifications in regards to impervious/pervious percentages and site coverage percentages. The architectural design has been developed to compliment my existing house and the surrounding neighborhood.

The garage will feature a standing seam metal A-roof and two standing seam metal shed roof dormers. The A-roof covered upper deck will feature exposed rafters and ends, exposed beams and brackets. The windows will be double hung. There will be parking for two cars underneath and three more outside. It will have two sleeping areas, two bathrooms and a kitchenette/lounge area.

The cottage will also feature a standing seam metal A-roof and two standing seam metal shed roof dormers. The open loft design has a sleeping area, a bathroom and a small kitchenette/lounge area.

Connecting the garage and cottage will be a concrete pad with an open beam pergola and a four foot concrete walkway connecting them both to the main house. The concrete area left uncovered by the removal of the existing garage will be cut out and replaced with turf stone.

10-1-18
Date


Romelda E. Barnes

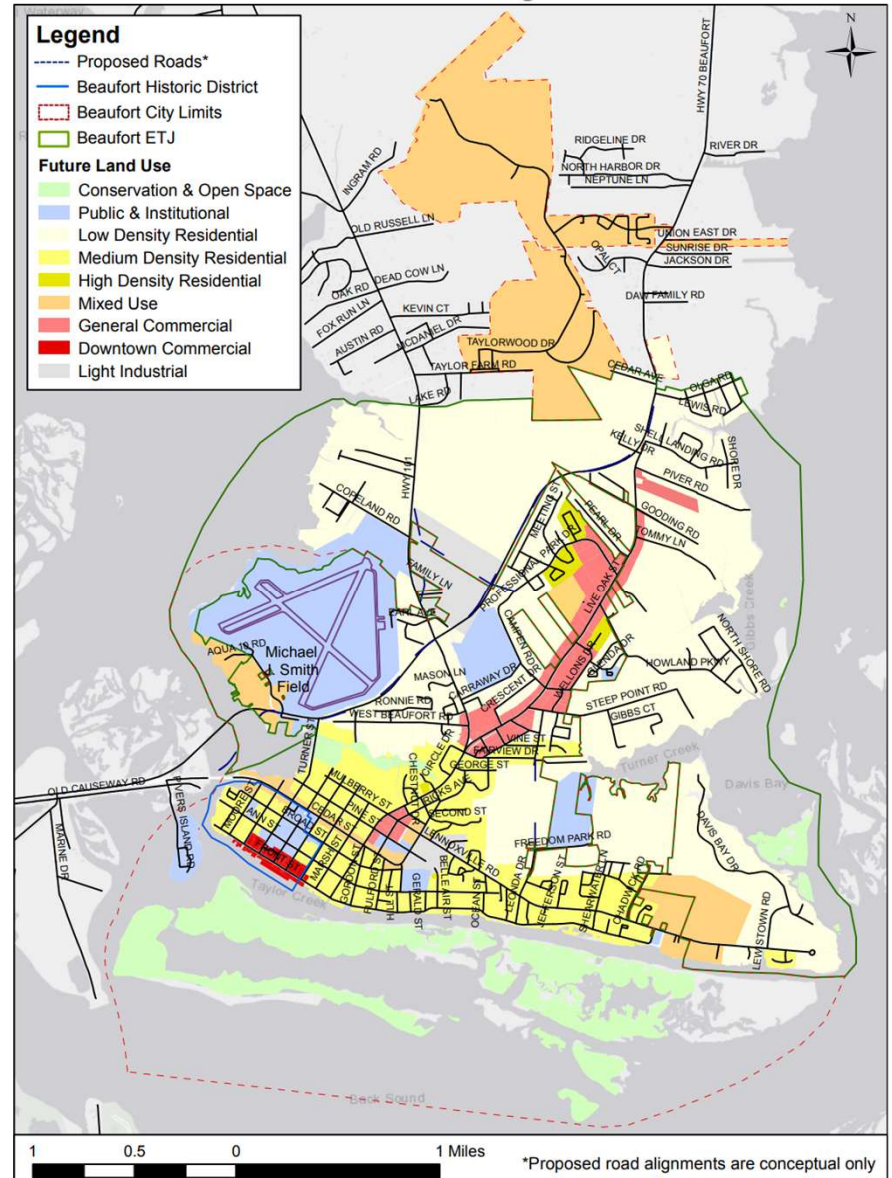
CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

OLD LAND USE PLAN:

“Medium Density Residential Classification. The Medium/High Density Residential classification encompasses approximately 0.8 square miles (483 acres) or about 10 percent of the total planning jurisdiction. The majority of the properties classified as Medium Density Residential are generally located immediately surrounding the Beaufort downtown area as well as north and east of the downtown area.

The Medium Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or two-family developments. The residential density within this classification is generally 3 to 5 dwelling units per acre. Minimum lot sizes vary from 8,000 to 10,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within Medium Density Residential designated areas are generally compatible with the R-10, One or Two-family Residential; R-10MH, Single-family Residential and Manufactured Home; R-8, Medium Density Residential; and R-8A Single-family Medium Density Residential zoning districts. Public water is widely available and sewer service is required to support the higher residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support Medium Density Residential development.

The Town’s goals and policies support the use of land in Medium Density-classified areas for single-family and two-family dwellings where adequate public utilities and streets are available or can be upgraded to support the higher residential densities encouraged in this classification.”



CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

Following discussion during their June 15th meeting, the Planning Board unanimously moved, "...that we not approve the application as submitted, but instead approve the application with the condition that the main dwelling and the smaller accessory dwelling in the back be reserved only for family use, and the larger accessory dwelling unit in the back may be rented out to other than family, as suggested by the applicant."

CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

Section 20 requires that for a SUP to be approved, all LDO standards must be met as well as the Required Findings.

That is to say, if the condition is removed as requested, will the special use still meet these requirements?

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.
- 3) Compatibility Standards for Special Uses in Residential Zones:
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
 - a) Size (footprint);
 - b) Height;
 - c) Proportion and scale;
 - d) Roof shape(s);
 - e) Setbacks;
 - f) Location, size, and number of openings (doors and windows);
 - g) Materials;
 - h) Color; and,
 - i) Texture.

CASE 26-18 REQUEST FOR AMENDMENT TO REMOVE CONDITION FROM 1527 FRONT ST ADU SUP

Options:

1. Approve the amendment to the special use permit as presented
2. Approve the amendment to the special use permit with conditions to bring the proposal into compliance with the Required Findings
3. Deny the amendment to the special use permit based on specific failures to meet requirements
4. Request additional information necessary to make a decision



STAFF REPORT



To: Board of Commissioners
From: Michelle Eitner, Town Planner
Date: July 13, 2026
Case No. 26-12 Special Use Permit – 1507 Live Oak St Gas Station

THE REQUEST: Approve or deny the proposed Special Use Permit (SUP) for a gas station at 1507 Live Oak Street

INFORMATION:

Location: 1507 Live Oak Street (former Rolands BBQ unit)
Property Owner: Thomas Simpson with SimMun LLC
Applicant: Chase Cullipher with The Cullipher Group PA
Zoning District: B-1 General Business District
Flood Zone: AE6 (AE7 in preliminary FIRM)
LUP Future Land Use: Commercial Center (with Non-Intensification Zone Overlay)
Size: 7.74 acres
Existing Land Use: Huntley Plaza: An established mixed-use commercial center with a hardware store, pharmacy, nail salon, office space, and a restaurant.
Proposed Land Use: Gas station (convenience store with fuel sales and a quick-service restaurant)
Adjoining Uses/Zoning: North: single-family home (R-8)
West (across Hwy 101): Glazed Donuts food truck (B-1), Owens Construction office (B-1), single-family home (R-8)
South: Undeveloped (B-1) & First Bank (B-1)
East: First Citizens Bank (B-1) & Burger King (B-1)
Utilities: Water and wastewater provided by Town

OPTIONS:

1. Approve the special use permit as presented
2. Approve the special use permit with conditions to bring the proposal into compliance with the Required Findings
3. Deny the special use permit based on specific failures to meet requirements
4. Table the request pending additional information necessary to make a decision

ATTACHMENTS:

- Exhibit A – Staff Report
- Exhibit B – Vicinity Map
- Exhibit C – Zoning Map
- Exhibit D – Application Package with additional information
- Exhibit E – LDO Section 20 Special Use Permits (Especially Section 20.E.1 Required Findings)
- Exhibit F – LDO Section 9.C. B-1 General Business District
- Exhibit G – Comprehensive and CAMA Land Use Plan Future Land Use Map & Classification
- Exhibit H – Email from Fire Marshal
- Exhibit I – Notification Certification

STAFF COMMENTS:

Chase Cullipher with The Cullipher Group PA, on behalf of property owner Thomas Simpson of SimMun LLC, has applied for a Special Use Permit to establish a gas station with convenience store and quick-service restaurant at 1507 Live Oak Street in the existing Huntley Plaza shopping center. Following request for additional information at the May 18th Planning Board meeting, the applicant has provided several components and a revised site plan for review.

The subject property, “Huntley Plaza”, is located between Highway 101 and Live Oak Street. The main building, built in 1958, has hosted several uses over the years. Beaufort Hardware (formerly ACE) is the anchor store in this shopping center currently, with several smaller tenants. Rolands BBQ served Beaufort for over thirty years and closed in 2024. After a short occupation by Redneck BBQ Lab, the end unit is now proposed for a new use – gas station convenience store. While convenience stores and restaurants are permitted by-right in the B-1 zoning district, the gas station requires a special use permit in any zoning district in Beaufort.

Within an existing structure and commercial center, far less site adjustments and external permits are necessary for the special use permit request than is required for brand new development. The renovation of the former restaurant space to a convenience store (with quick-service restaurant) and installation of fueling system and canopy are the main structural components of the project. Elevations have been provided for review.

This project does not meet either of the applicability requirements in LDO Section 15.C.2 to have to provide a landscaping plan as part of this application and is furthermore exempt given Section 15.C.3.c. The applicant voluntarily provides landscaping in addition to what is on the property currently and has updated it to align with Planning Board’s comments. The voluntary landscaping along Highway 101 meets requirements for street tree plantings, but are on the subject property (street trees are within ROW). A Type-A buffer is provided around three sides of the above-ground fuel tanks. A parking lot landscaping island separates the fuel canopy structure from parking spaces.

The applicant has been working with NCDOT on the design of the project, which has dictated the exit-only access point at the northern connection to Highway 101. The other four points of ingress/egress to this shopping center and circulation patterns will remain other than the adjusted exit-only change. Sidewalks are proposed that connects the existing sidewalk at the north to the roundabout project at the south.

No stormwater or erosion control/sedimentation permits are required to complete this project, as the proposed land disturbance does not trigger Town or State permitting/review, and the project proposes to reduce the total impervious surface area on the site by approximately 2700sf.

The Future Land Use Map of the LUP identifies this location as Commercial Center, which is described as “These areas have large-scale non-residential uses that serve the entire community and larger region.” An additional gas station in would serve the entire community and larger region, especially in emergency situations such as hurricanes when fuel is scarce. The use is also proposed to be served by a backup generator.

The Technical Review Committee met on March 27th to review the project. Comments and requests for clarifications or revisions were provided by Planning, Public Works, Utilities, and Engineering. These items were addressed in revised submissions received the following week and approved by those that had the comments/requests. The plan appeared to be compliant with applicable regulations at that time.

STAFF COMMENTS CONTINUED:

The Planning Board met on May 18th and discussed this application at length. The following list shows requested additional information with applicant's provided information:

- Secondary concrete retention/containment under/around tanks suitable to contain fuel
 - Staff provided an email from the Fire Marshal regarding review of these proposed components at the time of building permit application, not site plan review
 - Additional components shown on site plan (but not reviewed by Fire Marshal until building permit application per provided email)
- 8ft fence in type-a landscaping buffer on three sides around tanks
 - The 8' fence is noted in the "landscape data table"
- Provide elevations of building and fuel canopy with redacted branding
 - Elevations are provided
- Lighting plan provided with fixtures and footcandles
 - Lighting plan and fixtures are provided
- Landscaping plan that meets current ordinance requirements for landscaping for parking lot buffering along highway 101 and within parking lot interior, including large shade trees in parking lot interior, to maximum extent practicable
 - Landscape plan has been updated. See landscape data table for further details. All planting to comply with TOB approved list located in the ordinance.

Staff confirms that the requested application meets or exceeds applicable regulations.

During their June 15th meeting, the Planning Board discussed this request at length. Staff has provided these near verbatim motions in **bold font** below - repetitions/filler words removed, later modifications included (i.e. west corrected to east), and some motions pieced together.

Unanimous recommendation of approval with the following two conditions:

- **Upon implementing the provided landscape plan with the additional modification that the planting island to the east of the fuel pumps be modified to incorporate two or more large shade trees in order to be compatible and in harmony with the adjoining land uses and development patterns, and**
- **In the interests of the public safety that a pedestrian path be provided from the shown sidewalk to the businesses in Huntley Plaza.**

Additionally, the Planning Board unanimously voted to include advisory concerns to make sure the Commissioners consider:

- **Number one, because this is an identified entry corridor into the town of Beaufort as noted in the adopted gateway master plan, we have concerns over the proposal of above ground fuel tanks in this corridor.**
- **Number two, we have concerns related the screening of the side of the existing building. The entire side of the existing building that contains electrical panels, meters and so forth, that has not been screened from 101 and will not be screened architecturally or by the landscaping that is proposed along 101.**
- **Number three, we have concerns about the inadequacy of the landscaping in the southwest corner of the property due to its prominent location.**





Town of Beaufort, NC

Request for Special Use Permit

Parcel ID Number: 730615730628000

1507 Live Oak St.
Beaufort, NC 28516

The Cullipher Group Inc. requests approval of a Special Use Permit from the Town of Beaufort to establish a convenience store with fuel sales and a quick-service restaurant at Huntly Plaza (1507 Live Oak St., Beaufort, NC 28516).

Project summary

- **Proposed use:** Convenience store with fuel sales and a quick-service restaurant.
- **Site:** Huntly Plaza, 1507 Live Oak St.; a 7.74-acre parcel zoned B-1.
- **Existing development:** An established mixed-use commercial center with a hardware store, pharmacy, nail salon, office space, and a restaurant.
- **Applicant:** SimMun LLC

We respectfully submit this application and accompanying materials and acknowledge the importance of the expert testimony anticipated during the quasi-judicial proceedings.

- a) The proposed use is an allowable special use in the zoning district it is being located within;
Huntly Plaza (1507 Live Oak St.) is zoned B-1. In this district, a convenience store and a restaurant are permitted. The addition of fuel sales is permitted with approval of a Special Use Permit.
- b) The application is complete;
The application has been reviewed by Town Staff and is believed to be complete
- c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
The proposed convenience store with fuel sales and quick service restaurant is consistent with the Town of Beaufort's Comprehensive Plan and CAMA Land Use Plan. The property is zoned B-1, is already developed with multiple commercial tenants, and is designated as a "Commercial Center" in the Future CAMA Land

Use Plan—an automobile-oriented area intended for clustered, multi-tenant commercial uses.

- d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;

Traffic circulation and access (existing conditions and planned improvements):

- *The site includes an existing parking lot with five points of egress.*
- *Internal circulation will generally follow established traffic patterns in the existing parking lot. Based on NCDOT comments, the northern Hwy 101 driveway will be changed to an exit only driveway.*
- *Updated signage and pavement markings will be installed to help minimize conflicts related to the new use.*
- *The Cullipher Group has consulted with NCDOT and will incorporate applicable NCDOT requirements into the final design.*

- e) The proposed special use will not substantially injure the value of adjoining or abutting properties;

Impact on adjoining or abutting property values:

- *The proposed convenience store with fuel sales and quick service restaurant at the existing Huntly Plaza is not expected to substantially injure the value of adjoining or abutting properties.*
- *The addition will help meet community needs by providing an additional in-town fuel option.*
- *Beaufort currently has one gas station within the Town limits, and fuel supplies can become strained during inclement weather or other emergency conditions.*

- f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,

The convenience store with fuel sales and quick service restaurant will be integrated into the existing Huntly Plaza building, with fuel dispensers and canopy placed in the current parking lot. The improvements are allowed in the B-1 district and are consistent with the Town of Beaufort's Comprehensive Plan and CAMA Land Use Plan. Nearby properties are largely zoned B-1, supporting compatibility with the surrounding development pattern.

- g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

The proposed convenience store with fuel sales and quick service restaurant at Huntly Plaza will be accessible to emergency responders and served by five existing egress points. All fuel-dispensing equipment will be new and subject to required regulation and inspections. The uses are permitted in the B-1 district (with Special Use Permit approval as applicable) and align with the Town of Beaufort's Comprehensive Plan and CAMA Land Use Plan; NCDOT site-plan coordination is addressed in subsection (d).

PROPERTY OWNER: SIM-MUN, LLC
PIN: 730615730628000
DEED REFERENCE: DEEDBOOK 837, PAGE 140
MAP FOR RECORD: MAP BOOK 34, PAGE 272
TOWN ZONING: ZONE: B-1
TRACT AREA: 7.74 ACRES
CURRENT USE: MIXED COMMERCIAL BUSI
PROPOSED USE: CONVERT EXISTING RESTA
CONVENIENCE STORE
BUILDING SETBACKS: FRONT = 30'
SIDE = 15'
REAR = 15'
BUILDING HEIGHT: 40' MAXIMUM

EXISTING USE TYPE	AREA PER USE (SF)	PARKING REQUIRED PER AREA	PARKING REQUIRED
HARDWARE STORE	21,800	1 SPACE PER 600 SF	36 SPACES
OFFICE SPACE	8,500	1 SPACE PER 250 SF	34 SPACES
NAIL SALON	360	1 SPACE PER 300 SF	1 SPACE
STORAGE (WAREHOUSE)	10,200	1 SPACE PER 1,000 SF	10 SPACES
PHARMACY	2,380	1 SPACE PER 300 SF	8 SPACES
PROPOSED USE TYPE	AREA PER USE(SF)	PARKING REQUIRED PER AREA	PARKING REQUIRED
GAS/SERVICE STATION	5,500	1 SPACE PER 250 SF	22 SPACES
SUBTOTAL PARKING REQUIRED =			113 SPACES
* TOTAL PARKING PROVIDED =			91 SPACES
TOTAL PARKING PROVIDED =			124 SPACES

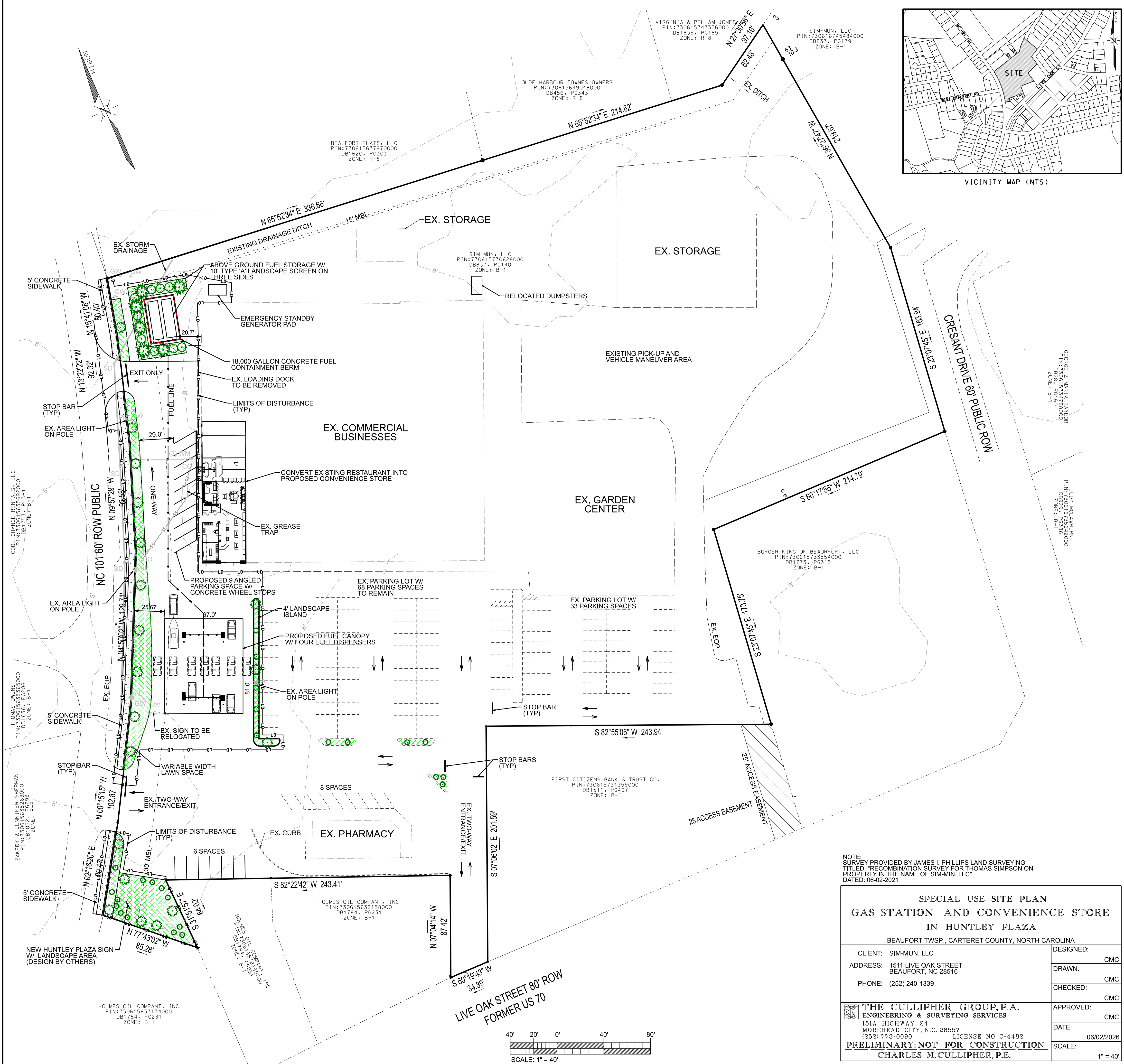
IMPERVIOUS AREA TO BE ADDED ALONG WEST SIDE OF FUEL CANOPY = 1,458.88 SF
IMPERVIOUS AREA TO BE ADDED AT NORTHERN EXIT ONTO HWY 101 = 548.60 SF
IMPERVIOUS AREA TO BE REMOVED AT 3' LANDSCAPE ISLAND = -619.31 SF
IMPERVIOUS AREA TO BE REMOVED FOR SOUTHWEST LANDSCAPING = -3,116.85 SF
NET DECREASE OF IMPERVIOUS AREA = -2,728.68 SF

TANK TYPE:	CYLINDRICAL ABOVE GROUND STORAGE TANKS	
TANK SIZE:	12,000 GALLONS EACH	
NO. OF TANKS:	TWO	
TANK DIMENSIONS:	32'-7" LONG X 8'-6" DIAMETER	
FIRE CODE SEPARATIONS	MINIMUM REQUIRED (LF)	DISTANCE PROVIDED (LF)
BETWEEN TANKS	3.0'	3.0'
NEAREST BUILDING	15.0'	19.9'
NEAREST PROPERTY LINE	15.0'	30.3'

PER TABLE 15-1 OF THE TOWN OF BEAUFORT LDO. THIS SITE IS EXEMPT DUE TO THE EXPANSION OF THE IMPERVIOUS SURFACE INTENSITY RATIO (ISR) BEING LESS THAN 15% VOLUNTARY LANDSCAPE AND BUFFER INFORMATION;
 8' OR 14" LAWN SPACE IS PROPOSED ALONG THE NC HWY 101 FRONTAGE ADJACENT TO THE EXISTING DRIVEWAY FOR EMERGENCY ACCESS. 1" SMALL STREET TREES PLANTED AT 30' O.C. IN ACCORDANCE WITH TABLE 14-1 (SPACING OF STREET TREES)
 150' LF, 1" WIDE TYPE 'A' LANDSCAPE SCREEN IS PROPOSED ON THREE SIDES OF FUEL STORAGE W/ AN 8' TALL OPAQUE FENCE, (6) LARGE EVERGREENS AND (9) SMALL EVERGR
 4' WIDE LANDSCAPE PLANTER SEPARATING FUEL PUMP AREA FROM GENERAL PARKING W/ (3) SMALL TREES AND (5) SHRUBS
 DECORATIVE ISLAND AROUND NEW SHOPPING CENTER SIGN - LANDSCAPE DESIGN BY OT

CANOPY DIMENSIONS: 67' WIDE x 81' LONG
CANOPY HEIGHT: 20'
NEAREST CORNER TO PROPERTY LINE: 19.92'
INTERIOR WIDTH BETWEEN DISPENSERS: 30.57'
DISTANCE FROM EX. BUILDING: 40.05'
NOTE: SAFETY LIGHTING SHALL BE ADDED ON/UNDERNEATH CANOPY IN COMPLIANCE WITH TOWN STANDARDS

EIP	EXISTING IRON PIPE
EIR	EXISTING IRON ROD
ECMT	EXISTING CONCRETE MONUMENT
EN	EXISTING NAIL
EPK	EXISTING PK NAIL
NCGS	NORTH CAROLINA GEODETECT SURVEY
NGS	NATIONAL GEODETECT SURVEY
RWM MON	NCDOT MONUMENT
SIP	SET IRON PIPE
SIR	SET IRON PIPE
SCM	SET CONCRETE MONUMENT
SN	SET NAIL
OP	OVERHEAD POWER
PP	POWER POLE
UP	UNDERGROUND TELEPHONE
UP	UNDERGROUND POWER
UWL	UNDERGROUND WATER
MBL	MINIMUM BUILDING LINE
PP	POWER POLE
GW	GUY WIRE
WM	WATER METER
CO	SEWER CLEAN OUT
SD	STORM DRAIN
— B —	EXISTING CONTOURS
— LD —	FUEL SUPPLY LINE
SS	LIMITS OF DISTURBANCE
AL	EX. SEWER SERVICE
AL	EX. WATER SERVICE
AL	EX. AREA LIGHT
AL	NATIVE N.C. TREE
AL	(WAX MYRTLE)
AL	NATIVE N.C. SHRUB
AL	SMALL EVERGREEN
AL	LARGE EVERGREEN
AL	CONCRETE AREA
AL	LANDSCAPE AREA
AL	BUILDING IMPROVEMENT AREA



JIM  DANDY

BEA



Jim Dandy

5207

New Jim Dandy Location



Printed 3M Vinyl Stripe on all four sides.

(4) Printed 3M Vinyl logos right justified on all sides

Canopy Colors:



PMS 539C



C:13, M:13, Y:18, K:0

Product Colors:



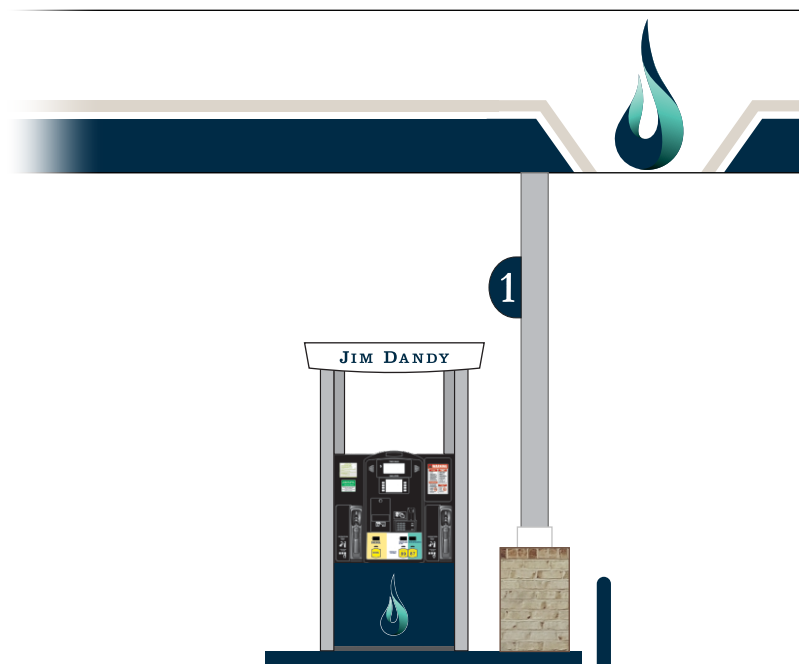
PMS 539C



PMS 100C



PMS 7465C



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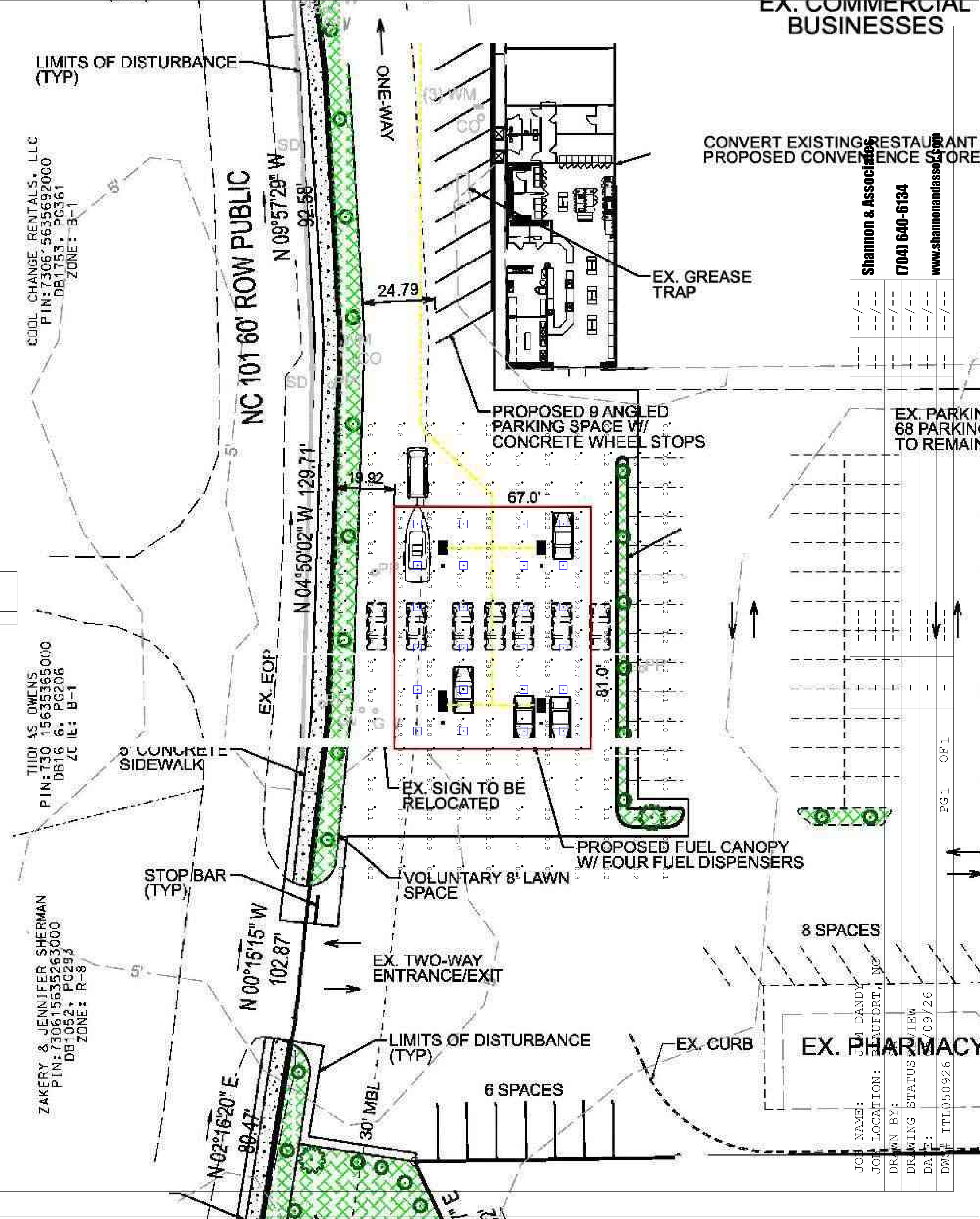


ALL INTERNAL COMPONENTS, I.E. BALLASTS, LAMPS, ETC. WILL BE U.L.
 APPROVED. ISCO IS A U.L. APPROVED COMPANY AND ALL OF OUR
 PRODUCTS BEAR THEIR SEAL.

DESIGNER: EG
DATE: 04/16/26

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
+	24	A	Single	CRUS-SC-VLW-4000K, RECESSED MOUNTED	1.000	9008	60	1440

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	10.76	35.4	0.1	107.60	354.00
Under Canopy	Illuminance	Fc	26.75	35.4	12.9	2.07	2.74





Scottsdale® Legacy (CRUS)

LED Canopy Luminaire



OVERVIEW

Lumen Package (lm)	5,000 - 22,000
Wattage Range (W)	38 - 152
Efficacy Range (LPW)	114 -156
Weight lbs (kg)	23 (10.4)

QUICK LINKS

[Ordering Guide](#)[Performance](#)[Photometrics](#)[Dimensions](#)

FEATURES & SPECIFICATIONS

Construction

- Features a ultra-slim 11/16" profile die-cast housing, with flat clear or diffused tempered glass lens. Unit is water-resistant, sealed and IP66 rated. Integral designed heat sink does not trap dirt and grime, ensuring cool running performance over the life of the fixture.
- Standard color is white and is finished with LSI's DuraGrip® polyester powder coat process. DuraGrip withstands extreme weather changes without cracking or peeling.
- Luminaire assembly incorporates a pressure stabilizing vent breather to prevent seal fatigue and failure.

Optical System

- Features an array of select, mid-power, high brightness, high efficiency LED; 3000K, 4000K, 5000K color temperature, 80 CRI (nominal).
- Choice of Symmetric or Asymmetric distribution. Asymmetric provides a wider distribution pattern. Optional symmetric with diffused lens also available.
- Forward Throw distribution provides an industry leading unique distribution pattern that illuminates the area under the gas canopy and beyond. The forward through optic directs the light to the forecourt from the gas canopy eliminating the need for supplemental floodlights and extensive perimeter lighting.
- Diffuse lens available as an option to soften brightness of the luminaire.
- Six Lumen Packages: 5,000, 9,000, 10,000, 13,000, 18,000 and 22,000 Lumens.

Electrical

- High performance factory programmable driver features over-voltage, under voltage, short-circuit and over temperature protection with integral 6kV surge protection that meets IEEE C62.41.2 and ANSI C82.77-5 Location Category C Low standards. Additional field replaceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2). Custom lumen and wattage packages available.
- Driver components are fully encased in potting for moisture resistance. Complies with IEC and FCC standards. 0-10 V dimming supplied standard with all drive currents.
- Die-cast aluminum, wet location rated driver/electrical enclosure is elevated above canopy deck to prevent water entry, provide easy "knock-out" connection of primary wiring and acts as the primary heatsink ensuring cool operation of internal components for longer life. Seals to optical housing via one-piece molded silicone gasket.
- Universal voltage power supply, 120-277 VAC, 50/60 HZ and 347-480 VAC, 50/60 HZ input.
- -40°C to 55°C (-40°F to 131°F) ambient operating temperature. (Varies based on lumen package and mounting style see performance data for specifics.)
- Minimum 60,000 to 100,000 hours depending upon the ambient temperature of the installation location (see performance data for specifics.)

Hazardous Location

- Designed for lighter than air fuel applications. Product is suitable for Class 1 Divisions 2 only when properly installed per LSI installation instructions. See lsicorp.com for specific guidance. Not available on SLW.

Installation

- One-person installation.
- Installs in a 12" or 16" deck pan. Deck penetration consists of a 4" hole, simplifying installation and water sealing. Unit is designed to quickly retrofit into existing Scottsdale (4") hole as well as openings for Encore and Encore Top Access and to reconnect wiring for the SC/ECTA without having to relocate the conduit.
- Retro panels are available for existing Encores as well as kits for recessed and 2x2 installations (see separate spec sheets). Support brackets are provided standard, to prevent sagging of deck.

Warranty

- LSI luminaires carry a 5-year limited warranty. Refer to <https://www.lsicorp.com/resources/terms-conditions-warranty/> for more information.

Listings

- UL and ETL listed to UL 1598, UL 8750 and other U.S. and International safety standards. Suitable for wet locations.
- DesignLights Consortium® (DLC) Premium qualified product. Not all versions of this product may be DLC Premium qualified. Please check the DLC Qualified Products List at www.designlights.org/QPL to confirm which versions are qualified.
- Meets Buy American Act requirements.
- IDA compliant with 3000K or lower color temperature.

Scottsdale® Legacy (CRUS) LED Canopy Luminaire

Type : _____

 **Have questions?** Call us at (800) 436-7800

ORDERING GUIDE

[Back to Quick Links](#)

TYPICAL ORDER EXAMPLE: CRUS SCFT LED VHO 50 UE WHT DFL							
Prefix	Distribution	Light Source	Driver	Color Temperature	Input Voltage	Finish	Options ⁴
CRUS - LED Canopy Luminaire	SC - Symmetric AC ¹ - Asymmetric	LED	SLW - 5,000 Lumens VLW - 9,000 Lumens LW - 11,000 Lumens SS - 13,000 Lumens HO - 19,000 Lumens VHO - 22,000 Lumens ²	30 - 3000K 40 - 4000K 50 - 5000K	UE - Universal Voltage (120 - 277V) HV - High Voltage (347 - 480V)	WHT - White BRZ - Bronze BLK - Black	HL ⁵ - Hazardous Location DFL - Diffuse Lens
	SCFT ² - Combination Standard Symmetric and Forward Throw		Custom Lumen Packages ³ VHO - 22,000 Lumens				



Need more information?
[Click here for our glossary](#)

Have additional questions?
Call us at (800) 436-7800



ACCESSORY ORDERING INFORMATION (Accessories are field installed)

Order Number	Description
525946	Retrofit Panels - EC / ECTA / SCF to CRUS, for 16" Deck Panel
530281	Retrofit Panels - ECTA / SCF to CRUS, for 12" Deck Panel
357282	Retrofit 2x2 Cover Panel Blank (no holes)

Order Number	Description
354702	Retrofit RIC Cover Panel Blank (no holes)
1320540	Kit - Hole Plugs and Silicone (enough for 25 retrofits)*

*Consists of (25) 7/8" hole plugs, (100) 5/16" hole plugs and (1) tube of RTV

1 AC distribution utilizes a reflector which alters the look from a standard SC distribution.
2 FT distribution option only available with VHO 22,000 lumen package.
3 Custom lumen and wattage packages available consult factory Values are within industry standard tolerances but not DLC listed.
4 Not available with SCFT.
5 Not available on SLW.

Scottsdale® Legacy (CRUS) LED Canopy Luminaire

Type : _____

 Have questions? Call us at (800) 436-7800

PERFORMANCE

Delivered Lumens											
Lumen Package	Distribution	3000K CCT			4000K CCT			5000K CCT			Wattage
		Delivered Lumens	Efficacy	BUG Rating	Delivered Lumens	Efficacy	BUG Rating	Delivered Lumens	Efficacy	BUG Rating	
VHO	SC	21,301	140	B4-U0-G2	21,835	144	B4-U0-G2	22,697	150	B4-U0-G2	152
	AC	17,355	114	B3-U0-G3	17,799	117	B3-U0-G3	18,502	122	B3-U0-G3	
	SCFT	22,192	146	B3-U0-G3	22,598	149	B3-U0-G3	23,269	153	B3-U0-G3	
HO	SC	17,889	143	B3-U0-G1	18,346	146	B3-U0-G2	19,071	152	B4-U0-G2	125
	AC	14,582	116	B3-U0-G2	14,955	119	B3-U0-G2	15,546	124	B3-U0-G2	
SS	SC	13,113	141	B3-U0-G1	13,449	144	B3-U0-G1	13,980	150	B3-U0-G1	93
	AC	11,468	123	B3-U0-G2	11,761	126	B3-U0-G2	12,226	131	B3-U0-G2	
LW	SC	10,457	144	B3-U0-G1	10,724	148	B3-U0-G1	11,148	154	B3-U0-G1	73
	AC	9,145	126	B2-U0-G2	9,379	129	B2-U0-G2	9,749	134	B2-U0-G2	
VLW	→ SC	8,783	146	B3-U0-G1	9,008	149	B3-U0-G1	9,364	155	B3-U0-G1	60
	AC	7,681	127	B2-U0-G1	7,878	131	B2-U0-G1	8,189	136	B2-U0-G1	
SLW	SC	5,585	146	B2-U0-G1	5,728	150	B2-U0-G1	5,954	156	B2-U0-G1	38
	AC	4,884	128	B1-U0-G1	5,009	131	B1-U0-G1	5,207	136	B1-U0-G1	

*LEDs are frequently updated therefore values are nominal.

Electrical Data (AMPS)							
Lumen Package	Wattage	120V	208V	240V	277V	347V	480V
VHO	152	1.27	0.73	0.64	0.55	0.44	0.32
HO	124	1.03	0.6	0.52	0.45	0.36	0.26
SS	92	0.77	0.44	0.38	0.33	0.27	0.19
LW	72	0.6	0.35	0.3	0.26	0.21	0.15
VLW	60	0.5	0.29	0.25	0.22	0.17	0.13
SLW	38	0.32	0.18	0.16	0.14	0.11	0.08

*Electrical data at 25C (77F). Actual wattage may differ by +/-10%.

OPERATING TEMPERATURE		
Lumen Package	Mounting	Max
VHO	Metal/Wood Canopy	45 C
HO	Metal/Wood Canopy	45 C
SS	Metal/Wood Canopy	55 C

Recommended Lumen Maintenance ¹ CRUS VHO					
Ambient Temperature °C	Initial ²	25k hr ²	50k hr ²	75k hr ³	100k hr ³
0 C	102%	97%	92%	88%	84%
10 C	102%	97%	92%	88%	84%
20 C	102%	97%	92%	88%	84%
25 C	102%	97%	92%	88%	84%
30 C	102%	97%	92%	88%	84%
40 C	101%	95%	90%	85%	80%
50 C	101%	94%	89%	83%	78%

Recommended Lumen Maintenance ¹ CRUS SS					
Ambient Temperature °C	Initial ²	25k hr ²	50k hr ²	75k hr ³	100k hr ³
0	102%	97%	92%	88%	84%
10	102%	97%	92%	88%	84%
20	102%	97%	92%	88%	84%
25	102%	97%	92%	88%	84%
30	102%	97%	92%	88%	84%
40	102%	97%	92%	88%	84%
50	101%	95%	91%	86%	82%

1 Lumen maintenance values at 25 °C are calculated per TM-21 based on LM-80 data and in-situ luminaire testing.
2 In accordance with IESNA TM-21-11, Projected Values represent interpolated value based on time durations that are within six times (6X) the IESNA LM-80-08 total test duration (in hours) for the device under testing (DUT) i.e. the packaged LED).
3 In accordance with IESNA TM-21-11, Calculated Values represent time durations that exceed six times NA LM-80-08 total test duration (in hours) for the device under testing (DUT) i.e. the packaged LED).

Scottsdale® Legacy (CRUS) LED Canopy Luminaire

Type : _____

 Have questions? Call us at (800) 436-7800

PHOTOMETRICS

Luminaire photometry has been conducted by a NVLAP accredited testing laboratory in accordance with IESNA LM-79-08. As specified by IESNA LM-79-08 the entire luminaire is tested as the source resulting in a luminaire efficiency of 100%.

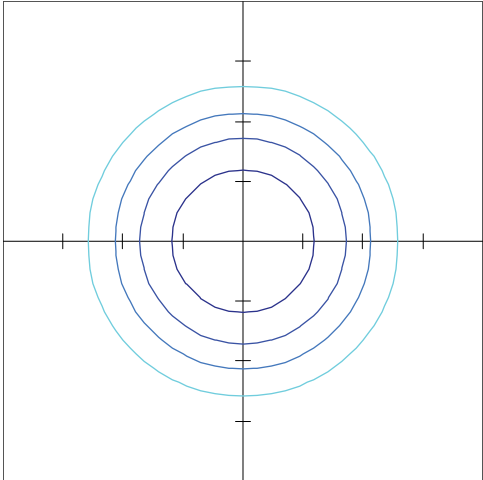
See the individual product page on <https://www.lsicorp.com/> for detailed photometric data.

CRUS-SC-SS-50

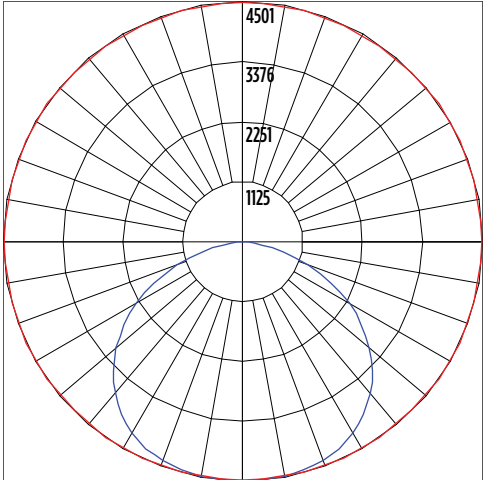
Luminaire Data	
Type 5 Distribution	
Description	5000 Kelvin, 80 CRI
Delivered Lumens	13,980
Watts	93
Efficacy	150
IES Type	Type VS - Very Short
BUG Rating	B3-U0-G1

Zonal Lumen Summary		
Zone	Lumens	% Luminaire
Low (0-30°)	3,479.6	26.7%
Medium (30-60°)	7,109.8	54.5%
High (60-80°)	2,334.8	17.9%
Very High (80-90°)	114.4	0.9%
Uplight (90-180°)	0.0	0.0%
Total Flux	13,038.6	100%

ISO Footcandle



Polar Curve

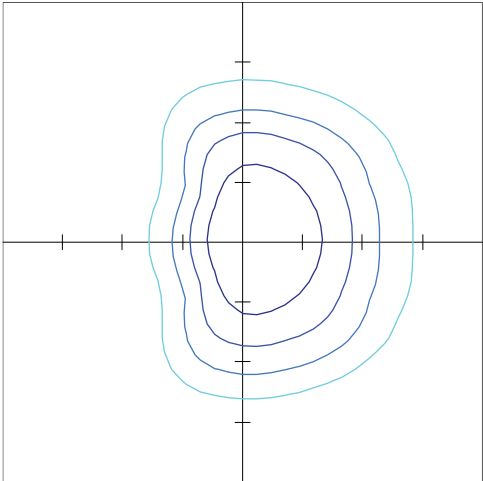


CRUS-AC-SS-50

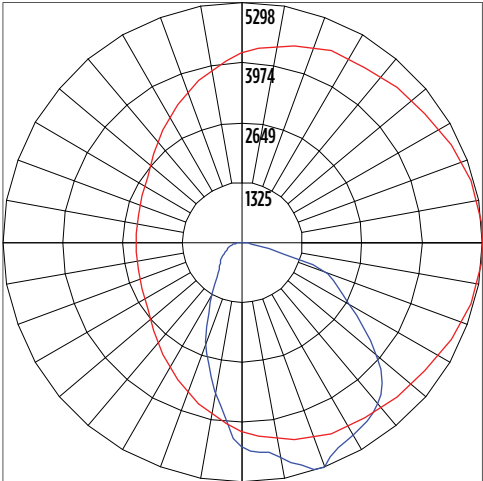
Luminaire Data	
Type 3 Distribution	
Description	5000 Kelvin, 80 CRI
Delivered Lumens	12,226
Watts	93
Efficacy	131
IES Type	Type III, Very Short
BUG Rating	B3-U0-G2

Zonal Lumen Summary		
Zone	Lumens	% Luminaire
Low (0-30°)	3,240.3	27%
Medium (30-60°)	6,245.5	51%
High (60-80°)	2,594.6	21%
Very High (80-90°)	146.1	1%
Uplight (90-180°)	0	0%
Total Flux	12,227	100%

ISO Footcandle



Polar Curve



Scottsdale® Legacy (CRUS) LED Canopy Luminaire

Type : _____

 Have questions? Call us at (800) 436-7800

PHOTOMETRICS

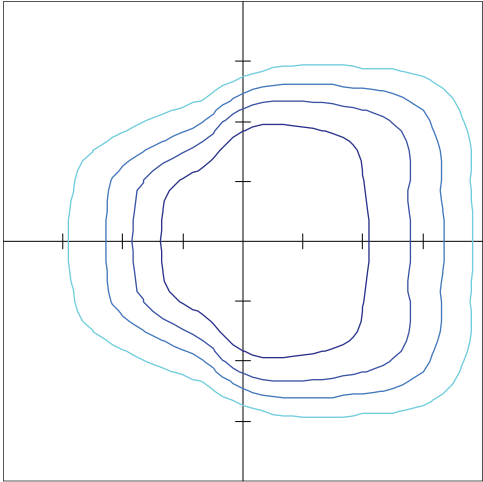
[Back to Quick Links](#)

CRUS-SCFT-SS-50

Luminaire Data	
Type 5 Distribution	
Description	5000 Kelvin, 80 CRI
Delivered Lumens	13,980
Watts	93
Efficacy	150
IES Type	Type VS - Very Short
BUG Rating	B3-U0-G3

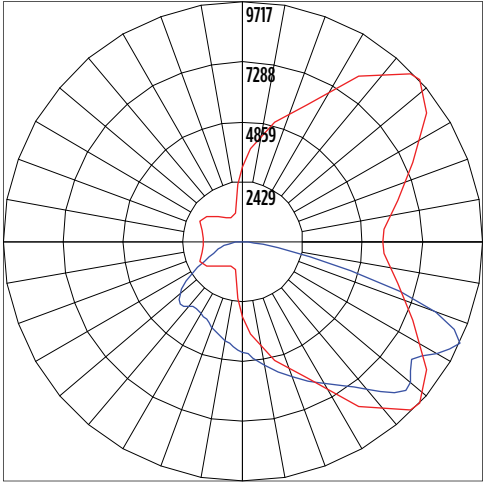
Zonal Lumen Summary		
Zone	Lumens	% Luminaire
Low (0-30°)	2,397.7	10.30%
Medium (30-60°)	8,658.8	37.20%
High (60-80°)	4,914.2	21.10%
Very High (80-90°)	225.7	1.00%
Uplight (90-180°)	0	0%
Total Flux	23,269.3	100%

ISO Footcandle



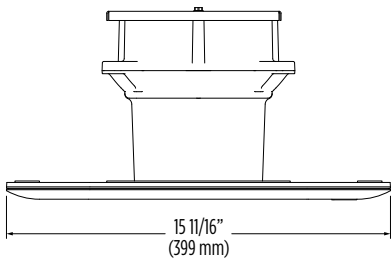
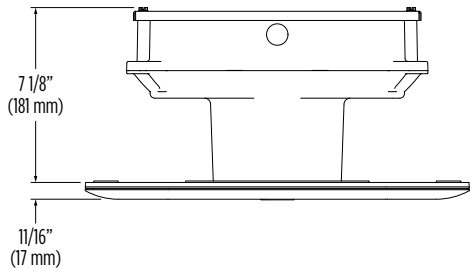
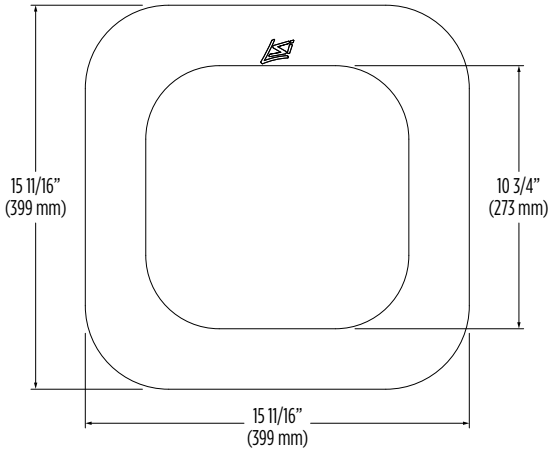
10' Mounting Height / 10' Grid Spacing
5 FC 2 FC 1 FC 0.5 FC

Polar Curve



Vertical Plane Horizontal Cone

PRODUCT DIMENSIONS



SECTION 20 Special Use Permits

A) *General.*

Special uses are practices which are not permitted by right in any zoning district in the Town but may only be granted after due consideration by the BOC. The consideration of a special use application is a quasi-judicial function to be conducted in accordance with the procedure set forth in Section 32, Quasi-Judicial Procedure. Special use permits may only be granted by the BOC following a recommendation by the Planning Board and the completion of the quasi-judicial review process by the BOC as outlined in Section 32.

A Special Use Permit is a permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

B) *Special Use Permit Application Procedures.*

- 1) A written application for a special use permit in all zones shall be submitted to the Town's Planning and Inspections Department in accordance with the requirements of Section 1 and Section 31 of this Ordinance and all applicable administrative regulations. The application shall include:
 - a) A proposed use site plan which contains information documented in Section 18(C) of this Ordinance and the specific information below:
 - i) A vicinity map and survey of the parcel which shall include the zoning and use of all adjacent properties;
 - ii) A legend identifying all symbols on the map;
 - iii) A North arrow and a scale;
 - iv) A preliminary design of the proposed use which shows all existing and proposed structures, parking layouts, driveways, buffering, landscaping, points of ingress and egress, easements, minimum building lines, and street rights-of-way;
 - v) A site data block of features which includes the proposed use(s), square footage of the proposed and existing structure(s), site zoning, total acreage, number of lots, minimum lot size, and average lot size;
 - vi) The map book, page number, and deed book information;
 - vii) A note stating whether any portion of the property is included in any adopted Town plan; and,
 - viii) Any other related information requested by Town staff, the Planning Board, or the BOC.
 - ix) All required environmental permit improvements needed for the property.
 - b) The special use permit sought; and,
 - c) Information supporting the existence of the required findings, and providing such plans or other relevant data as may be required by the Town.

- 2) Whenever an application is submitted for a special use permit in a residential zone, the applicant shall also include:
 - a) A narrative which illustrates the appropriateness of the proposed use in a residential zone. This narrative shall also describe all the architectural design features which make the proposed use and associated building compatible with the urban character of the residential neighborhood;
 - b) The submitted site plan shall also include all street front architectural elevation drawings to ensure the compatibility of the building(s) with the surrounding residential structures; and,
 - c) Additionally, the BOC and Town staff may require a professional rendering or any other graphic illustration of the proposed structure.
- 3) The application shall be reviewed by Town staff and submitted with comments and recommendation to the Planning Board for review. The Planning Board shall review the application for a special use permit and make a recommendation as to whether it should be approved or denied. After the Planning Board makes its recommendation, the application shall be forwarded to the BOC for consideration.

C) *Quasi-Judicial Proceeding Notification Requirements.*

The Planning Board will review and make recommendations regarding all applications for a special use permit. The BOC shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and Planning Board review. In considering the application, the BOC shall follow the procedures set forth in Section 32, Quasi-Judicial Procedure.

D) *Procedures on Special Use Applications.*

In considering whether to approve an application for a special use permit, the BOC shall proceed as follows:

- 1) The BOC shall conduct an evidentiary hearing in accordance with the provisions of Section 32, Quasi-Judicial Procedure, herein. And consider relevant information regarding whether the required findings under Section 20(E) exist and whether the special use is appropriate in the proposed location.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in Section 20(E). The BOC need not make the required findings at the time of the hearing and may vote to table the matter and request information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under Section 20(E) have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in Section 20(E).
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the evidentiary hearing for the proposed special use application. The BOC need not issue a decision at the time of the hearing if additional information is needed and may table the matter until a later date.
- 4) If the application is found not to be in compliance with one or more of the required findings of Section 20(E) or any other applicable section of this Ordinance, the application shall be denied. Such motion shall specify the particular findings the application fails to meet.

- 5) Notwithstanding the specific requirements of this Ordinance, the BOC may impose additional conditions and reasonable requirements upon the requested special use permit in order to ensure the use is consistent with the required findings as specified under Section 20(E).
- 6) The BOC shall render its decision on the special use permit application, in writing, in accordance with the provisions of Section 32 herein.

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.
- 3) Compatibility Standards for Special Uses in Residential Zones:
In deciding whether the architectural elements of the proposed special use in a residential zone will be compatible with the adjoining buildings, the BOC shall review said proposal in reference to the following architectural elements:
 - a) Size (footprint);
 - b) Height;
 - c) Proportion and scale;
 - d) Roof shape(s);
 - e) Setbacks;
 - f) Location, size, and number of openings (doors and windows);
 - g) Materials;
 - h) Color; and,
 - i) Texture.

C) ***B-1 General Business District.***

The General Business District is established as the zoning district in which a wide variety of sales and service facilities may be provided to the general public. This district will be located throughout the Town's planning and development regulation jurisdiction.

1) Minimum Lot Size.

All lots in the B-1 district shall be a minimum of five thousand square feet (5,000 ft²).

2) Minimum Lot Width.

All lots in the B-1 district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 9-5 Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
B-1	30 feet	15 feet	15 feet	40 feet

4) Accessory Building Setback Requirements.

All accessory buildings shall comply with all setback provisions of this Ordinance, including but not limited to Section 2(F), Section 6 and Section 15 of this Ordinance.

5) Permitted Uses.

Amusement Establishment	Liquor Store
Antenna Co-Location on Existing Tower	Moped/Golf Cart Sales/Rentals
Aquaculture	Mortuary/Funeral Home/Crematorium
Assisted Living	Motor Vehicle Sales/Rentals
Athletic Field, Public	Museum
Bed & Breakfast	
Boat Sales/Rentals	Neighborhood Recreation Center,
Car Wash	Public
Club, Lodge, or Hall	Nursing Home
Commercial Indoor Recreation Facility	Office: Business, Professional, or Medical
Community Garden	Other Building-Mounted Antennae &
Concealed (Stealth) Antennae & Towers	Towers
Convenience Store	Outdoor Retail Display/Sales
Day Care Center	Park, Public
Dock	Parking Lot
Dry Boat Storage	Parking Structure
Financial Institution	Personal Service Establishment
Government/Non-Profit Owned/ Operated Facilities & Services	Pool Hall or Billiard Hall
Hospital	Produce Stand/Farmers' Market
Hotel or Motel	Public Safety Station
Kennel, Indoor Operation Only	Public Utility Facility
Library	Religious Institution
	Resource Conservation Area

Restaurant with Drive-Thru Service
Restaurant with Indoor Operation
Retail Store
Satellite Dish Antenna
Signs, Commercial Free-Standing
Tavern/Bar/Pub with Indoor Operation

Temporary Construction Trailer
Theater, Small
Transportation Facility
Utility Minor
Vehicle Charging Station
Vehicle Service

6) Special Uses (*Special Uses* requirements may be found in Section 20 of this Ordinance).

Adult-Oriented Retail Establishment
Commercial Outdoor Amphitheater
Commercial Outdoor Recreation
Facility
Commercial Waterfront Facility
Gas/Service Station
Golf Driving Range
Hazardous Material Storage
Kennel, Indoor/Outdoor Operation
Manufacturing, Light
Marina
Microbrewery
Microdistillery

Mini-Storage
Mixed Use
Outdoor Amphitheater, Public
Outdoor Storage
Preschool
Restaurant with Outdoor Operation
School, K-12
School, Post-Secondary
Tavern/Bar/Pub with Outdoor Operation
Theater, Large
Utility Facility
Wholesale Establishment

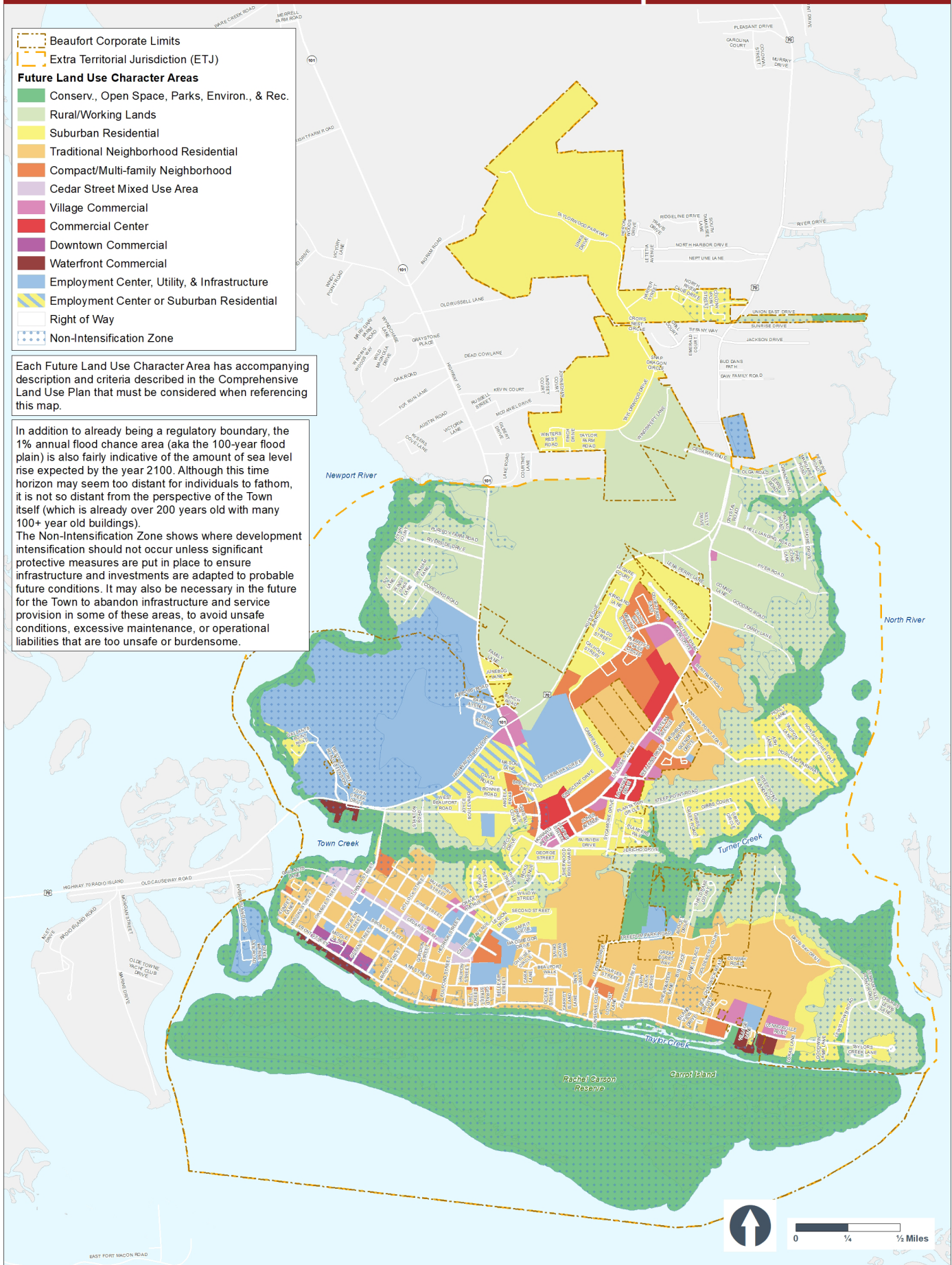
Future Land Use Map



Each Future Land Use Character Area has accompanying description and criteria described in the Comprehensive Land Use Plan that must be considered when referencing this map.

In addition to already being a regulatory boundary, the 1% annual flood chance area (aka the 100-year flood plain) is also fairly indicative of the amount of sea level rise expected by the year 2100. Although this time horizon may seem too distant for individuals to fathom, it is not so distant from the perspective of the Town itself (which is already over 200 years old with many 100+ year old buildings).

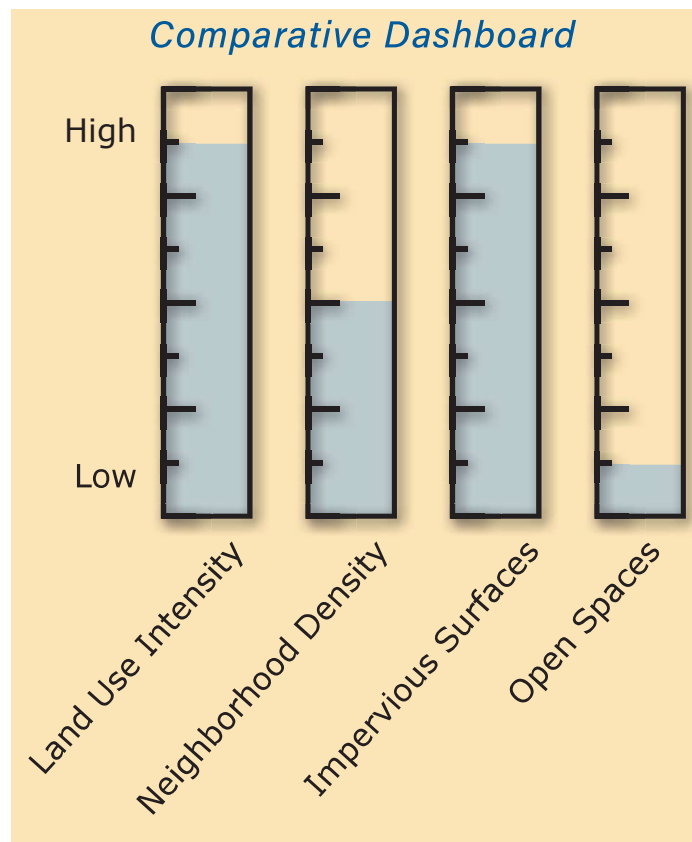
The Non-Intensification Zone shows where development intensification should not occur unless significant protective measures are put in place to ensure infrastructure and investments are adapted to probable future conditions. It may also be necessary in the future for the Town to abandon infrastructure and service provision in some of these areas, to avoid unsafe conditions, excessive maintenance, or operational liabilities that are too unsafe or burdensome.



Commercial Center

General Description:

These areas have large-scale non-residential uses that serve the entire community and larger region. These sites are often occupied or anchored by a large tenant ("big box") and the development may span the entire block. Often it is a multi-tenant development with outparcels and large swaths of shared parking, but it can have other, more pedestrian-friendly configurations, as well. Buildings are generally set back from the public street and often front on individual or shared parking lots. Some developments may have buildings pulled up to the street, with parking in the rear, especially at busy intersections or in particularly active nodes that are accessible by nearby residents via walking. However, these places are typically automobile-oriented, generate large volumes of traffic, and are not particularly walkable.



EXAMPLE USES:

Typical Uses:

Large footprint, higher intensity, regional commercial, retail, services, or offices, including less pedestrian friendly uses such as vehicle and machinery repair, sales, and rental, lumber yards, commercial nurseries, fast food restaurants, etc. Hotels are also appropriate. Automobile-dependent businesses predominate.

If Context Appropriate:

- Institutional uses (churches, primary or secondary schools, hospital,

government buildings, etc.), provided they do not detract from the overall commercial nature of an area.

- On parcels directly adjacent to this character area, multi-family residential is often appropriate, particularly if it is walkable to nearby businesses. Higher density residential development, whether as detached or attached residential, is usually appropriate within a ¼ mile network walking distance of these areas.
- Upper story dwellings (aka "live/work") may be appropriate in extremely limited instances.

Commercial Center

Streets and Circulation:

Streets should be (or have easy access to) higher volume streets or highways. Business frontages should have pedestrian connections to each other and to the surrounding sidewalk network, even if walking is not as convenient because of the longer distances. Automobiles are usually prioritized, but pedestrians should not be forgotten. If developments use extensive private drives or have adjacent parking areas, cross-access (automobile and pedestrian) should be required to adjacent non-residential or multi-family residential uses, in order to reduce traffic congestion on the main roads. Due to the high attraction of these centers, there might even be a transit stop nearby one day. Blocks should not exceed 700' feet on a side. If they do, the site may need to be redesigned to accommodate the public street network. Landscaping and proper stormwater management are key to ensuring attractive parking areas that do not contribute to excessive runoff.

Other Concerns:

Maintaining connectivity through these developments and to surrounding and adjacent neighborhoods and parcels is important. Allowing these developments to connect only to the main thoroughfare will contribute to additional traffic congestion as neighboring developments will have to travel the major thoroughfare to enter through the front, instead of having access from the sides and/or rear of the parcel. The connectivity, longevity, and public utility of the public street network must be a top consideration during the development process. Commercial areas are developed and redeveloped, but the right-of-way network established at the subdivision or site plan stage of development defines the built environment into the foreseeable future and beyond.



Examples of Commercial Centers

Michelle Eitner

From: John Pinder
Sent: Tuesday, June 2, 2026 11:04 AM
To: Michelle Eitner
Subject: Re: Planning Board Recommendation on Fire Code Requirement

Michelle,

In reference to the proposed gas station at 1507 Live Oak Street, all applicable fire code requirements will be addressed during the building permit review process. The Fire Marshal's Office primarily reviews the site plan during the initial stages of development to ensure compliance with fire apparatus access requirements and other site-related fire and life safety considerations. Additional fire code requirements will be evaluated as part of the building permit and construction review process.

Thanks

John Pinder
Fire Marshal, NC CFI
Town Of Beaufort Fire Dept.
506 Live Oak Street
Beaufort, NC 28516
252-292-1882





Town of Beaufort
701 Front St. • P.O. Box 390 • Beaufort, N.C. 28516
252-728-2142 • 252-728-3982 fax
www.beaufortnc.org

Notification Certification
Case #26-12 1507 Live Oak Street Abutting Neighbors
Special Use Permit Request

FIRST CITIZENS BANK & TRUST CO 4300 SIX FORKS RD FCC52 RALEIGH NC 27609	OWENS THOMAS 109 SHERWOOD BLVD BEAUFORT NC 28516
SIM MUN LLC 2715 COUNTRY CLUB ROAD MOREHEAD CITY NC 28557	OLDE HARBOUR TOWNES OWNERS 1669 ROBERTS RD NEWPORT NC 28570
BK OF BEAUFORT LLC ATTN: JOE LUCANIA 91 CROFT LN SMITHTOWN NY 11787	BEAUFORT FLATS LLC C/O FREDERICK MCCUNE 608 ANN ST BEAUFORT NC 28516
TAYLOR GEORGE A ETUX MARIA L/T 238 JONAQUINS DRIVE BEAUFORT NC 28516	HOLMES OIL COMPANY INC 110 EUROPA DRIVE STE 550 CHAPEL HILL NC 27517
JONES VIRGINIA G & JONES PELHAM T JR PO BOX 219 MARSHALLBERG NC 28553	COOL CHANGE RENTALS LLC 2210 E MILLBROOK RD RALEIGH NC 27604
MCLAWHORN JUDY W 4897 REEDY BRANCH RD WINTERVILLE NC 28590	JONES VILLAGE EAT LLC C/O HOLMES OIL COMPANY INC 100 EUROPA DR STE 550 CHAPEL HILL NC 27517
SHERMAN ZAKERY T ETUX JENNIFER 1729 W AUDUBON BLVD LANCASTER OH 43130	

I, *Michelle Eitner*, Town Planner for the Town of Beaufort do hereby certify the above subject property owners and adjacent property owners were notified that a special use permit request will be heard at the July 13, 2026 Board of Commissioners meeting at the Train Depot, 614 Broad Street, Beaufort, NC, at 6:00 p.m. Each of the above property owners was mailed a letter and vicinity map on June 19, 2026, regarding a request for a special use permit at 1507 Live Oak Street. A sign was posted on the subject property on June 19, 2026 regarding the same. A public notice advertising the hearing was submitted to the Carteret County News Times to run on July 1 and 8.

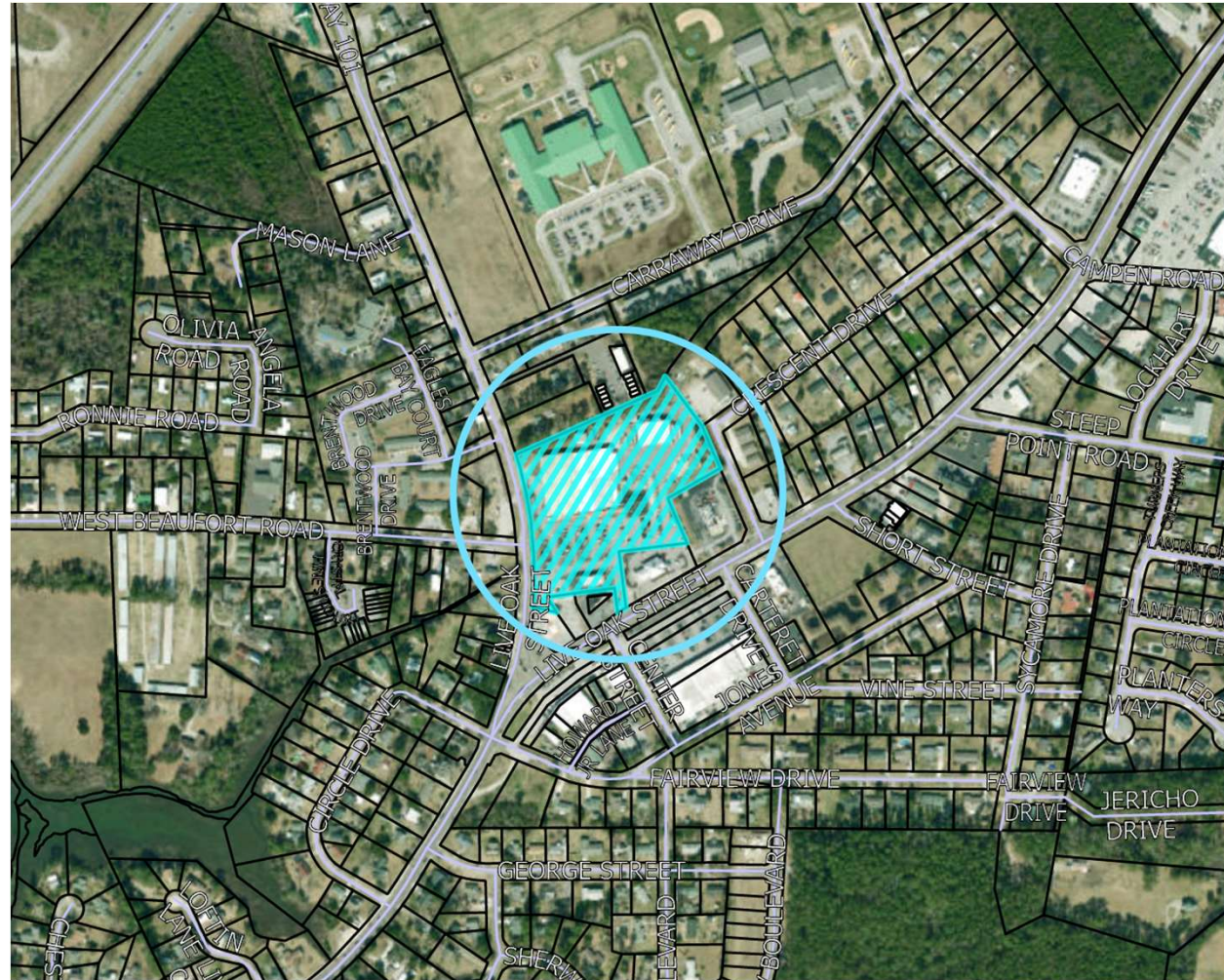
Signed

Date

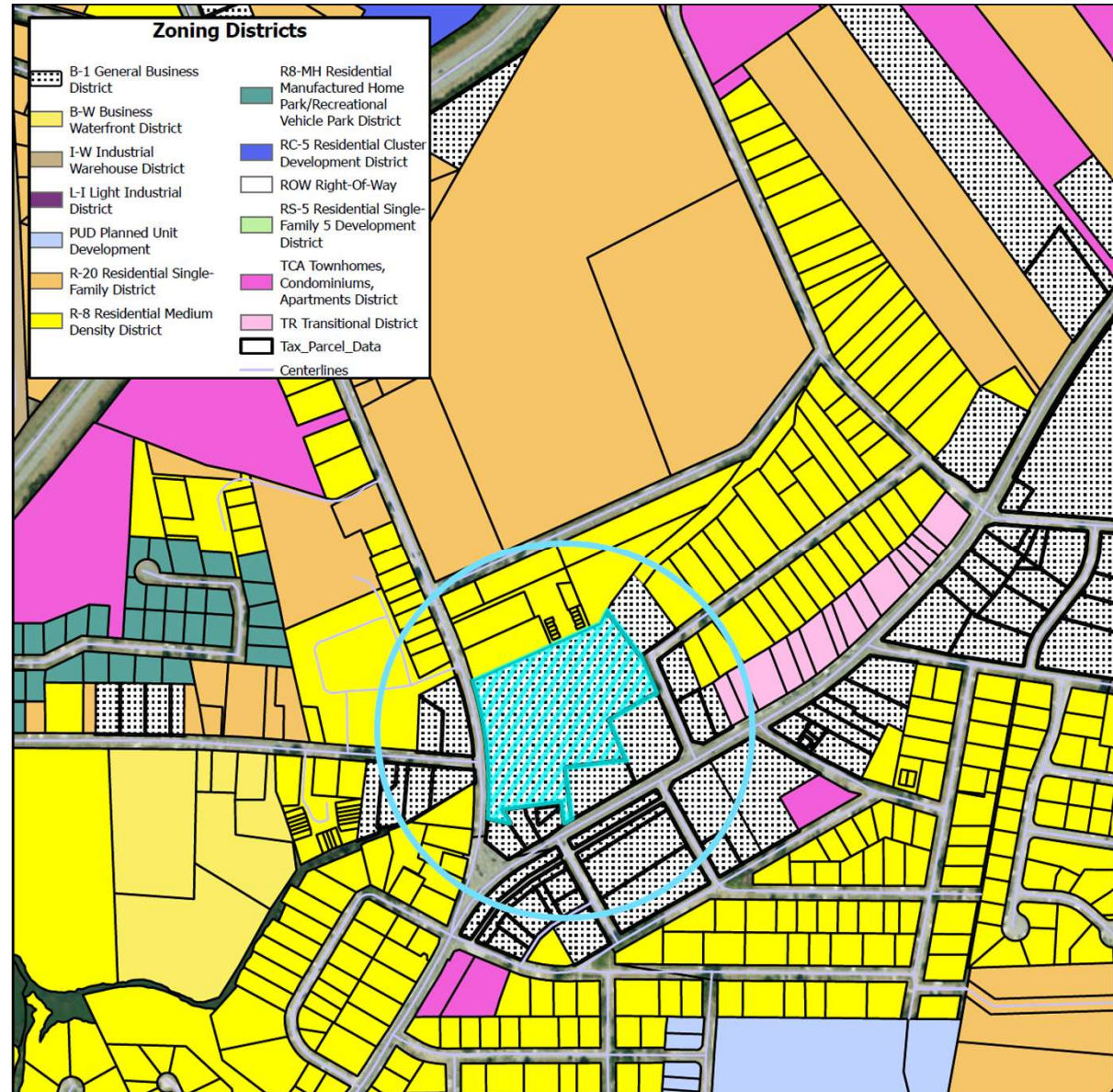
CASE 26-12 SPECIAL USE PERMIT

SUP REQUEST FOR A GAS STATION
AT 1507 LIVE OAK STREET

26-12 SUP FOR
GAS STATION
AT 1507 LIVE OAK ST



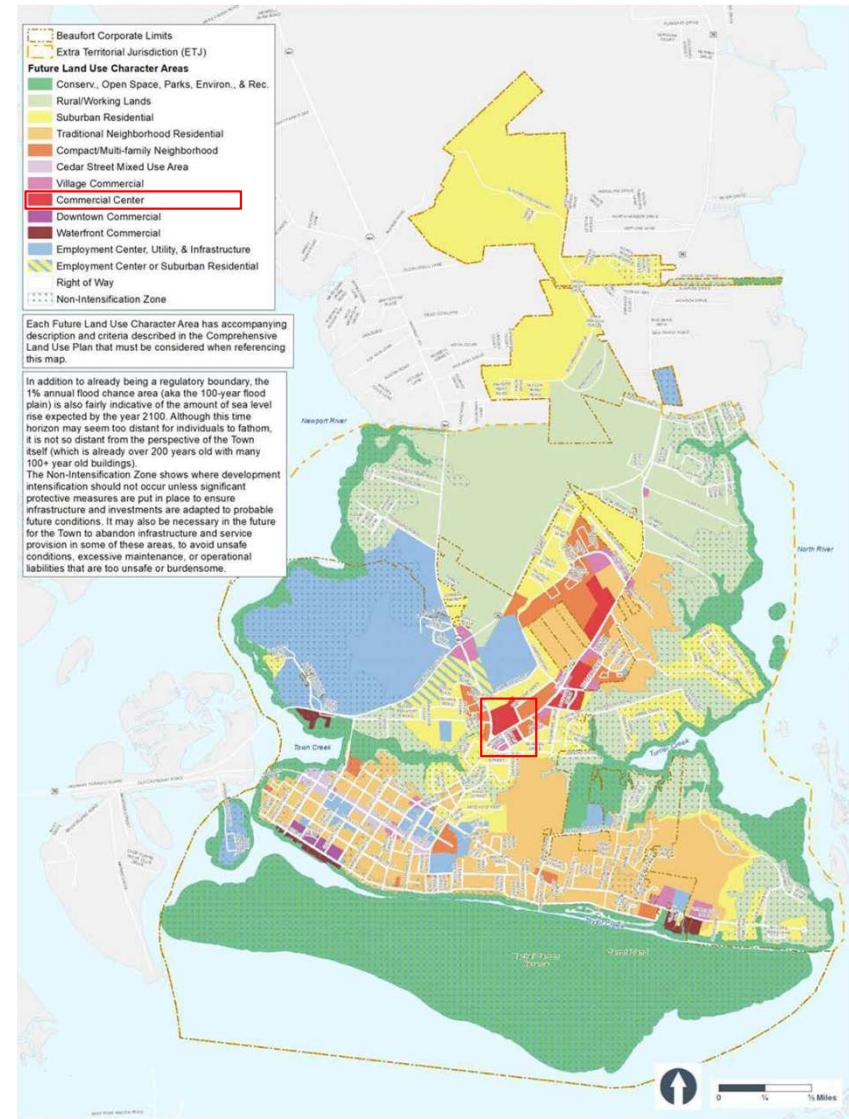
26-12 SUP FOR
GAS STATION
AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

Comprehensive & CAMA Land Use Plan

- Commercial Center future land use classification notes:
 - “These areas have large-scale non-residential uses that serve the entire community and larger region.”
 - “Typical Uses: Large footprint, higher intensity, regional commercial, retail, services, or offices, including less pedestrian friendly uses such as vehicle and machinery repair, sales, and rental, lumber yards, commercial nurseries, fast food restaurants, etc. Hotels are also appropriate. Automobile-dependent businesses predominate.”



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

SITE DATA TABLE	
PROPERTY OWNER:	SIMAMUN, LLC
PIN:	7306115730620000
DEED REFERENCE:	DEEDBOOK 837, PAGE 140
MAP FOR RECORD:	MAP BOOK 34, PAGE 272
TOWN ZONING:	ZONE: B-1
TRACT AREA:	7.74 ACRES
CURRENT USE:	CONVERT COMMERCIAL BUSINESSES (HARDWARE, NAIL SALON, PHARMACY, ETC.)
PROPOSED USE:	CONVERT EXISTING RESTAURANT AND PARKING AREA INTO GAS STATION AND CONVENIENCE STORE
BUILDING SETBACKS:	FRONT = 30' SIDE = 15' REAR = 15'
BUILDING HEIGHT:	40' MAXIMUM

PARKING DATA TABLE			
EXISTING USE TYPE	AREA PER (SQ. FT.)	PARKING REQUIRED PER AREA	PARKING REQUIRED
HARDWARE STORE	2,800	1 SPACE PER 300 SQ. FT.	9 SPACES
OFFICE SPACE	8,500	1 SPACE PER 250 SQ. FT.	34 SPACES
NAT. SALON	10,000	1 SPACE PER 300 SQ. FT.	33 SPACES
STORAGE (WAREHOUSE)	10,000	1 SPACE PER 1,000 SQ. FT.	10 SPACES
PHARMACY	2,380	1 SPACE PER 300 SQ. FT.	8 SPACES
PROPOSED USE TYPE	AREA PER (SQ. FT.)	PARKING REQUIRED PER AREA	PARKING REQUIRED
GAS/SERVICE STATION	5,500	1 SPACE PER 300 SQ. FT.	18 SPACES
SUBTOTAL PARKING REQUIRED =			113 SPACES
TOTAL PARKING PROVIDED =			91 SPACES
TOTAL PARKING PROVIDED =			124 SPACES

* SECTION 13.B.4 - ALLOWS FOR 20% REDUCTION IN REQUIRED PARKING SPACES FOR DEVELOPMENT GREATER THAN 25,000 SF

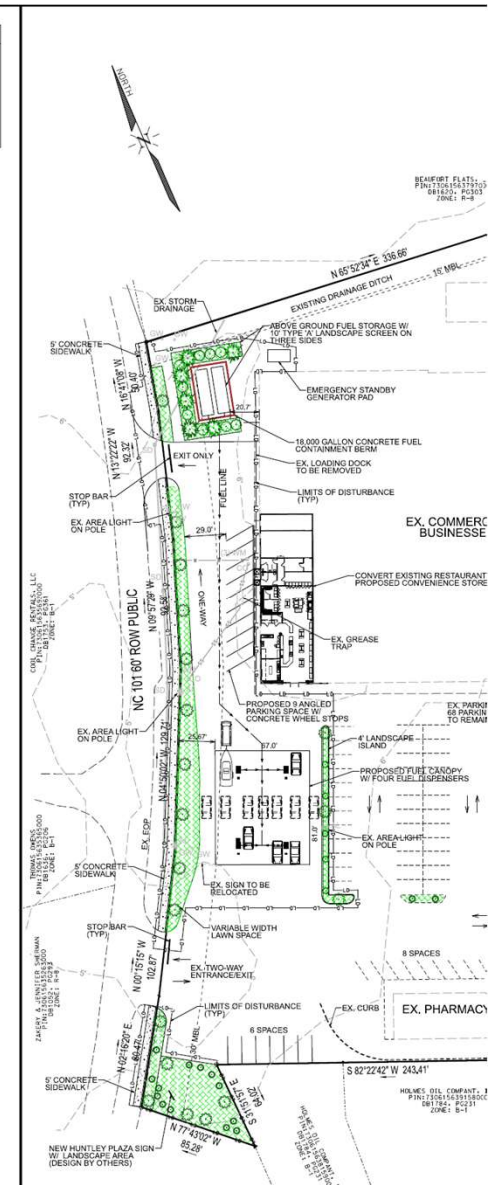
IMPERVIOUS DATA TABLE	
IMPERVIOUS AREA TO BE ADDED ALONG WEST SIDE OF FUEL CANOPY =	1,458.86 SF
IMPERVIOUS AREA TO BE ADDED AT NORTHERN EXIT ONTO HWY 101 =	548.60 SF
IMPERVIOUS AREA TO BE REMOVED AT 3' LANDSCAPE ISLAND =	-619.31 SF
IMPERVIOUS AREA TO BE REMOVED FOR SOUTHWEST LANDSCAPING =	-3,116.85 SF
NET DECREASE OF IMPERVIOUS AREA =	-2,728.68 SF

FUEL STORAGE DATA TABLE		
TANK TYPE:	CYLINDRICAL ABOVE GROUND STORAGE TANKS	
TANK SIZE:	12 500 GALLONS EACH	
NO. OF TANKS:	TWO	
TANK DIMENSIONS:	32'-2" LONG X 5'-6" DIAMETER	
FIRE CODE SEPARATIONS	MINIMUM REQUIRED (LF)	DISTANCE PROVIDED (LF)
BETWEEN TANKS	3.0'	3.6'
NEAREST PROPERTY LINE	15.0'	18.99'
NEAREST PROPERTY LINE	15.0'	30.3'

LANDSCAPE DATA TABLE

PER TABLE 15-4 OF THE TOWN OF BEAUFORT LDO, THIS SITE IS EXEMPT DUE TO THE EXPANSION OF THE IMPERVIOUS SURFACE INTENSITY RATIO (ISR) BEING LESS THAN 15%.
IF LANDSCAPE DESIGN AND CONSTRUCTION MEASURES ARE REQUIRED:
(A) IF A LANDSCAPE SCHEME IS PROPOSED ALONG THE NC HWY 101 FRONTAGE ADJACENT TO THE PROPERTY LINE, THE LANDSCAPE SHALL BE DESIGNED AS FOLLOWS: 1) SMALL TREES AND SHRUBS PLANTED AT 30' C/D IN ACCORDANCE WITH TABLE 16-1 (SPACING OF STREET TREES)
150 LF / 10' WIDE TYPE "A" LANDSCAPE SCREEN IS PROPOSED ON THREE SIDES OF FUEL STORAGE AND AN 8' TALL OAK FENCE, (B) LARGE EVERGREENS AND (C) SMALL EVER GREENS 4' WIDE X 6" DEEP PERFORATED FUEL PUMP AREA - LANDSCAPE DESIGN INCLUDING PARKING W/ (C) SMALL TREES AND (D) SHRUBS
DECORATIVE ISLAND ANCHOR NEW SHOPPING CENTER SIGNS - LANDSCAPE DESIGN BY OTHERS

FUEL CANOPY DATA TABLE	
CANOPY DIMENSIONS:	67" WIDE x 81" LONG
CANOPY HEIGHT:	20"
NEAREST CORNER TO PROPERTY LINE:	18.92"
INTERIOR WIDTH BETWEEN DISPENSERS:	30.57"
DISTANCE FROM EX. BUILDING:	40.05"
NOTE: SAFETY LIGHTING SHALL BE ADDED ON/UNDERNEATH CANOPY IN COMPLIANCE WITH TOWN STANDARDS	

[illegible]

26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

J. M. Davis Industries, Jim Dandy 1507 Live Oak St, Beaufort, NC 28516

New Jim Dandy Location



Printed 3M Vinyl Stripe on all four sides.
(4) Printed 3M Vinyl logos right justified on all sides

Canopy Colors:

- PMS 539C
- C:13, M:13, Y:18, K:0

Product Colors:

- PMS 539C
- PMS 100C
- PMS 7465C



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ALL INTERNAL COMPONENTS, I.E. BALLASTS, LAMPS, ETC. WILL BE U.L.
APPROVED. ISO 9001 IS A U.L. APPROVED COMPANY AND ALL OF OUR
PRODUCTS BEAR THEIR SEAL.

DESIGNER: EG
DATE: 04/

26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

Scottsdale® Legacy (CRUS)

LED Canopy Luminaire



OVERVIEW

Lumen Package (lm)	5,000 - 22,000
Wattage Range (W)	38 - 152
Efficacy Range (LPW)	114 - 156
Weight lbs (kg)	23 (10.4)

QUICK LINKS

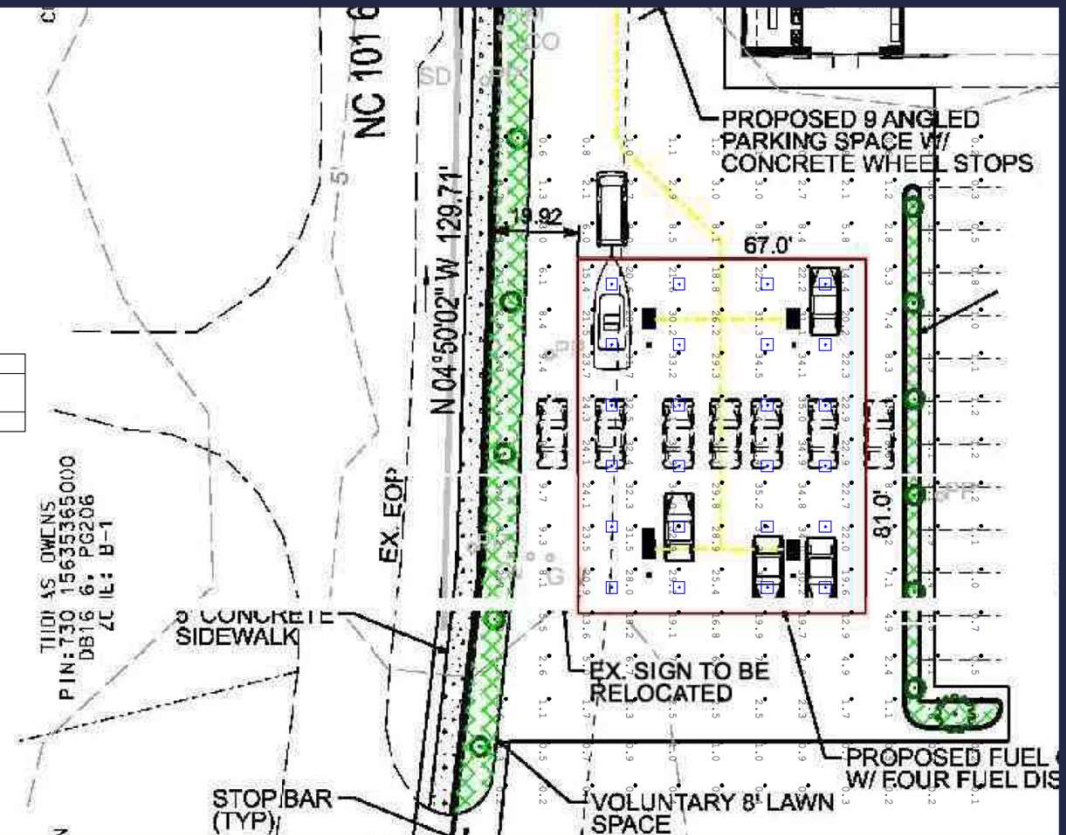
[Ordering Guide](#) [Performance](#) [Photometrics](#) [Dimensions](#)

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
+	24	A	Single	CRUS-SC-VLN-4000K, RECESSED MOUNTED	1.000	9008	60	1440

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
CalcPts_1	Illuminance	Fc	10.76	35.4	0.1	107.60	354.00
Under Canopy	Illuminance	Fc	26.75	35.4	12.9	2.07	2.74



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST



26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

Following review at the May 18th and June 15th Planning Board meetings, the recommendations were:

Unanimous recommendation of approval with the following two conditions:

- Upon implementing the provided landscape plan with the additional modification that the planting island to the east of the fuel pumps be modified to incorporate two or more large shade trees in order to be compatible and in harmony with the adjoining land uses and development patterns, and
- In the interests of the public safety that a pedestrian path be provided from the shown sidewalk to the businesses in Huntley Plaza.

Additionally, the Planning Board unanimously voted to include advisory concerns to make sure the Commissioners consider:

- Number one, because this is an identified entry corridor into the town of Beaufort as noted in the adopted gateway master plan, we have concerns over the proposal of above ground fuel tanks in this corridor.
- Number two, we have concerns related the screening of the side of the existing building. The entire side of the existing building that contains electrical panels, meters and so forth, that has not been screened from 101 and will not be screened architecturally or by the landscaping that is proposed along 101.
- Number three, we have concerns about the inadequacy of the landscaping in the southwest corner of the property due to its prominent location.

26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

Section 20 requires that for a SUP to be approved, all LDO standards must be met as well as the Required Findings:

E) *Required Findings.*

- 1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:
 - a) The proposed use is an allowable special use in the zoning district it is being located within;
 - b) The application is complete;
 - c) The location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
 - d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
 - e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
 - f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
 - g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
- 2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.

26-12 SUP FOR GAS STATION AT 1507 LIVE OAK ST

Options:

1. Approve the amendment to the special use permit as presented
2. Approve the amendment to the special use permit with conditions to bring the proposal into compliance with the Required Findings
3. Deny the amendment to the special use permit based on specific failures to meet requirements
4. Request additional information necessary to make a decision

APPLICANT'S PRESENTATION



SimMun LLC:

Mr. Tommy Simpson

Owner of Beaufort Hardware
and Paint Company



HAVELOCK



DAVIS



NEWPORT

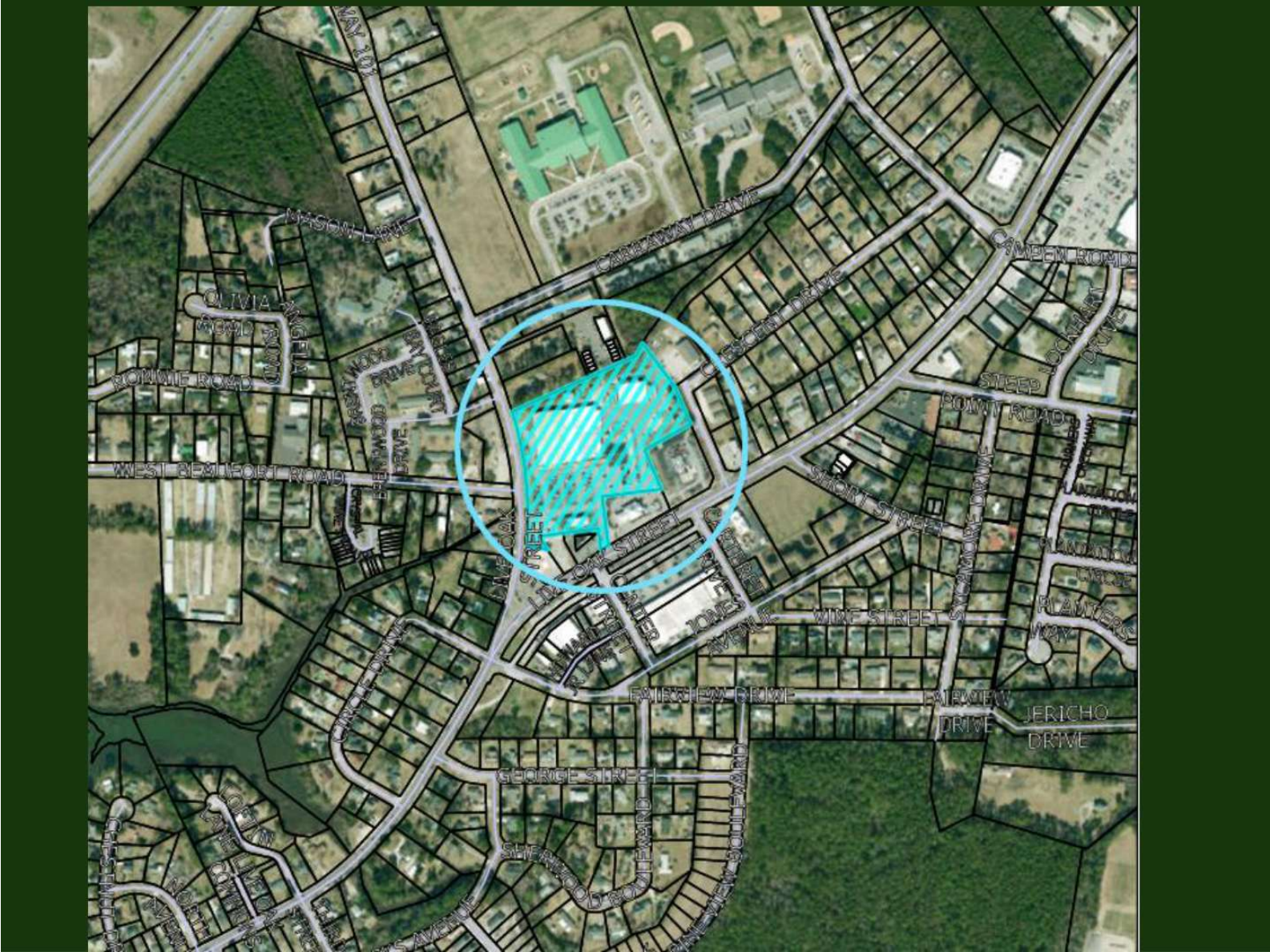


MOREHEAD CITY

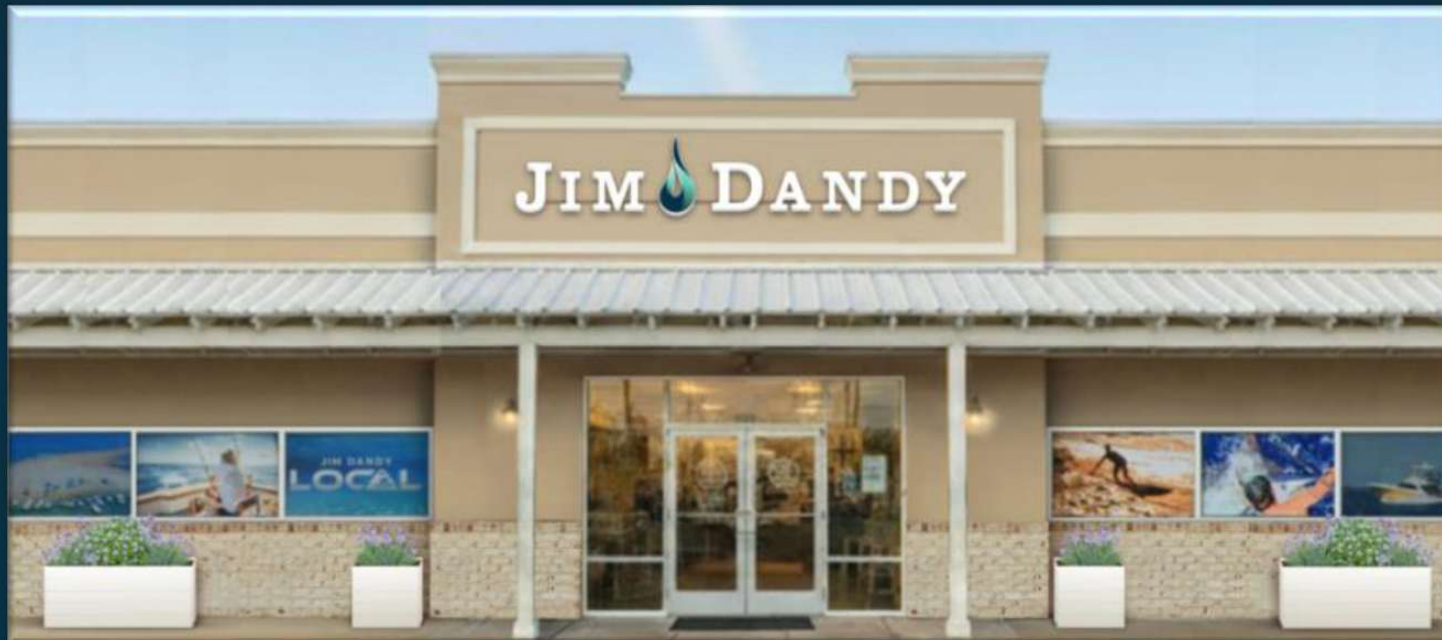


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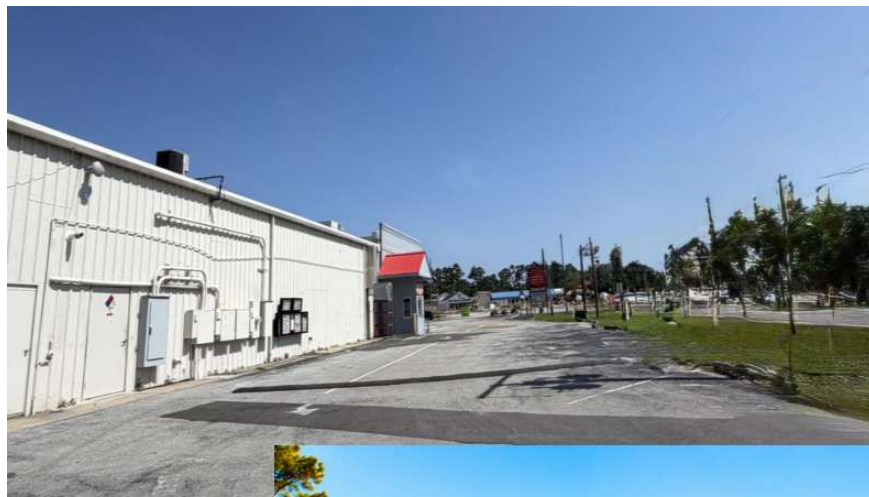
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Current





Current

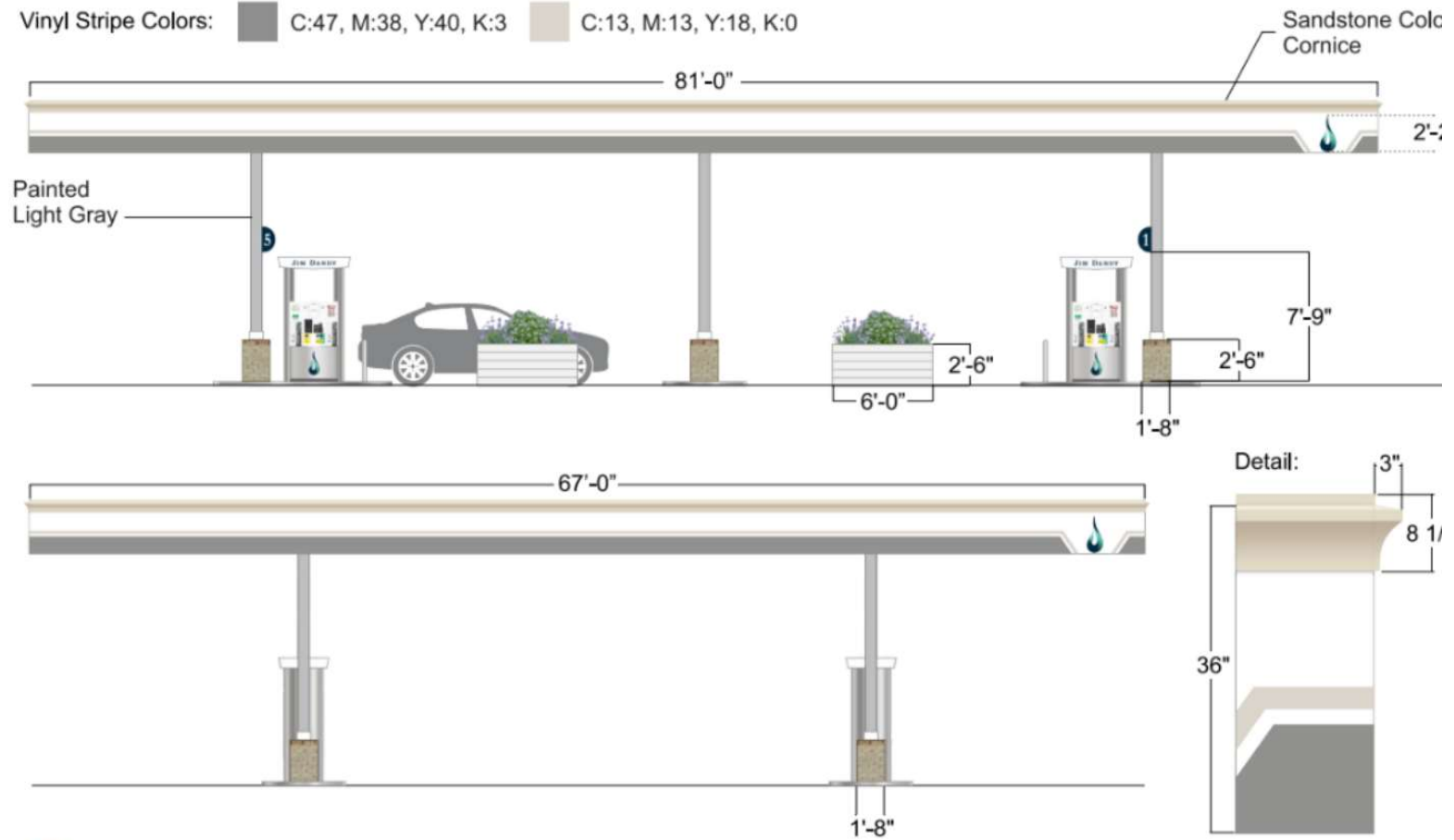


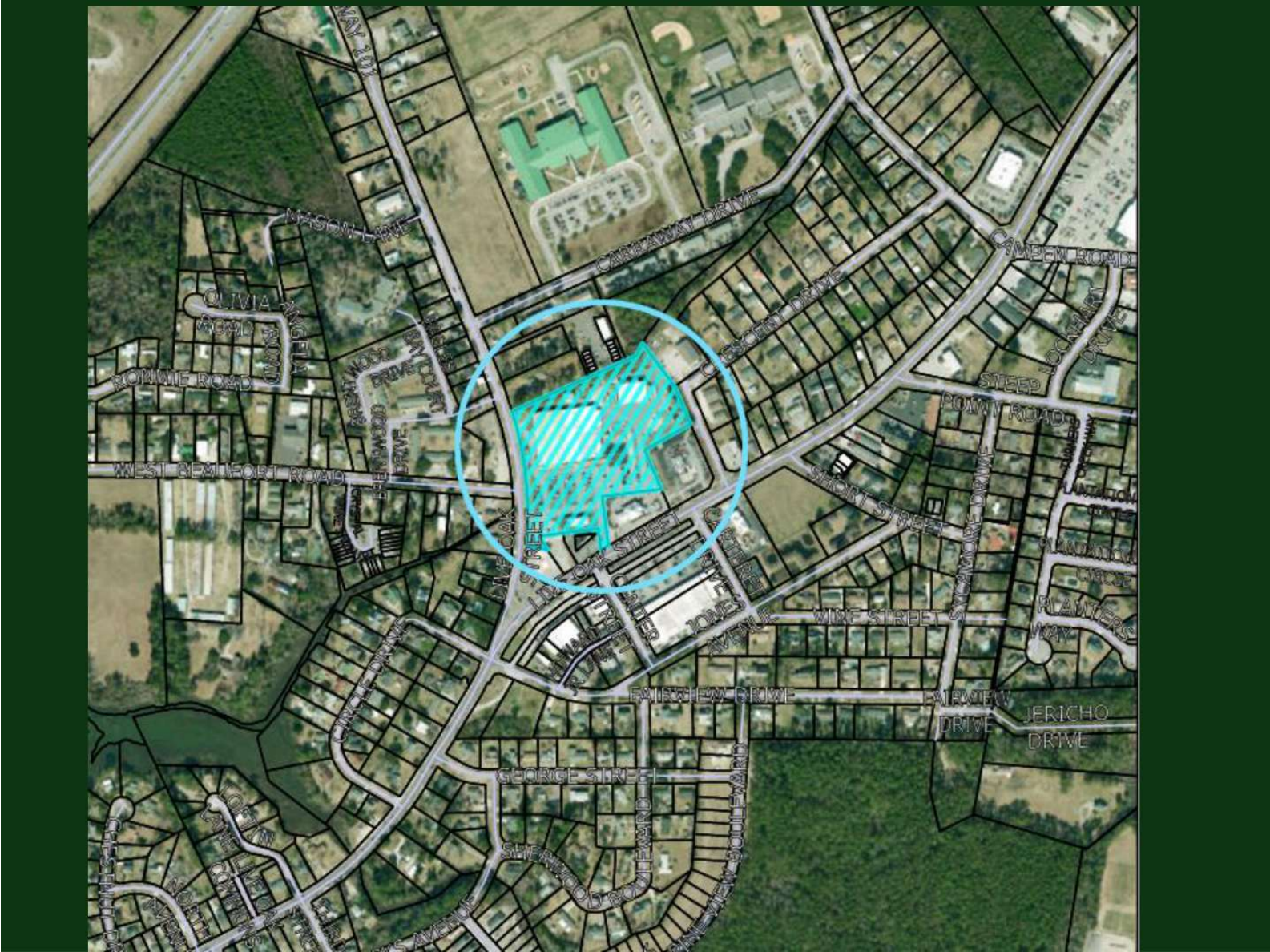


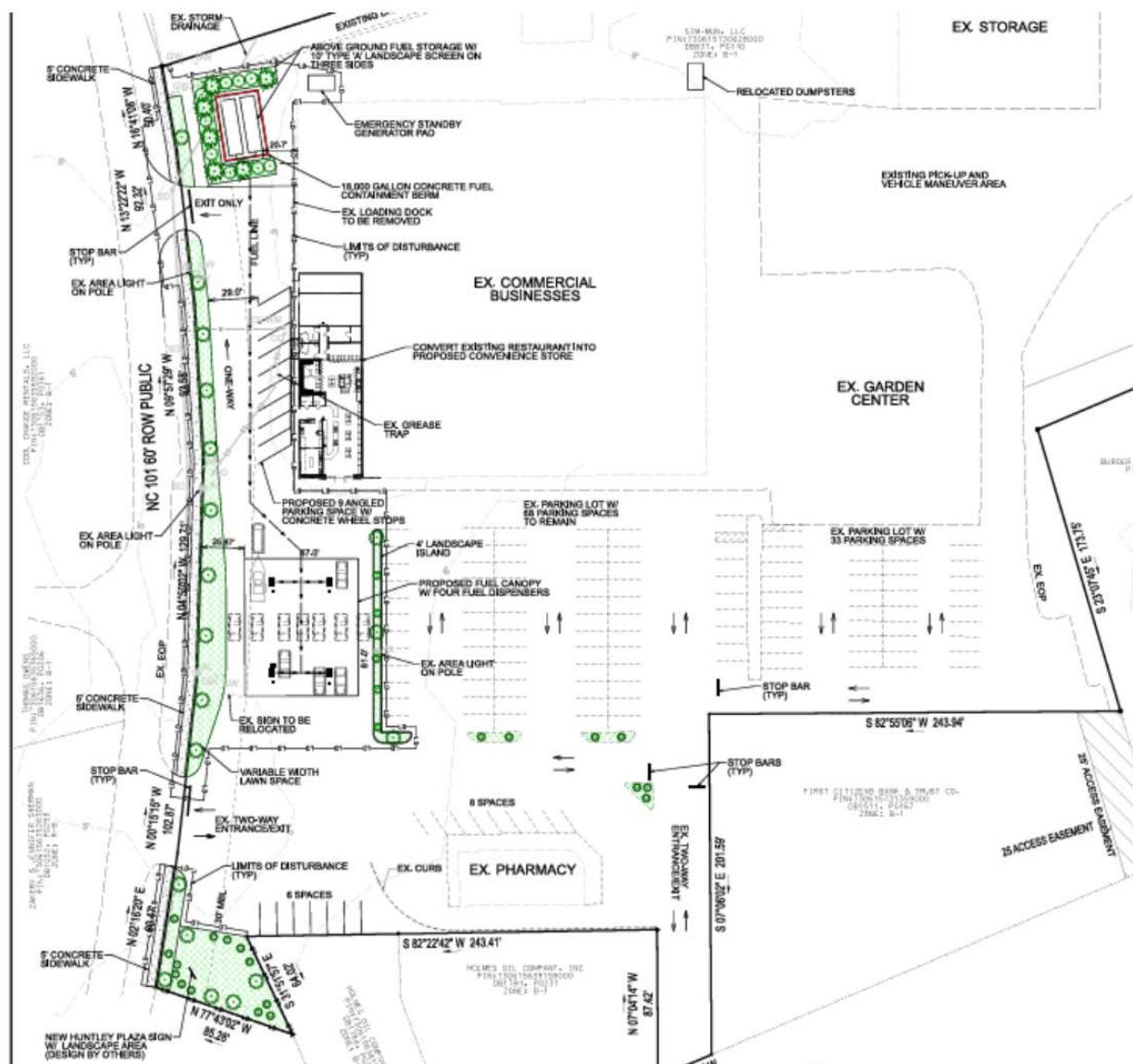
Canopy Specifications: 81' Long by 67' Wide with 36" Fascia

Printed 3M Vinyl Stripe on all four sides with (4) Printed 3M Vinyl logos right justified on all sides.

Vinyl Stripe Colors:  C:47, M:38, Y:40, K:3  C:13, M:13, Y:18, K:0







Current Above Ground Tanks in Beaufort



1. Homer Smith Marina
2. East Carteret Corner
3. BP on 101
4. Beaufort Airport
5. Town Creek Marina
6. Dean's Gas

Photos taken by TS and IG July 2026

Current landscaping in surrounding areas



1. New storage units behind the express gas station
2. Shopping center on the Beaufort town side of proposed round-about
3. Shopping center directly adjacent to proposed round-about

Photos taken by IG July 2026



1. Piggly Wiggly
2. Corner adjacent to proposed round-about
3. Dean's Gas

Photos taken by IG July 2026



**Applicants
Property**





Current



Current



Current

