



Town of Beaufort, NC

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Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, April 15, 2024 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Minutes

Call to Order

Chair Neve called the April 15th, 2024 Planning Board meeting to order at 6:02 p.m.

Roll Call

Members Present: Chair Neve, Vice-Chair Diane Meelheim, Vic Fasolino, George Stanziale

Jeff Vreugdenhil arrived after roll call.

Members Absent: Becky Bowler, Clark Patton,

A quorum was declared with five members present.

Town Staff Present: Kyle Garner, Michelle Eitner, Rachel Johnson, Laurel Anderson

Town Attorney Present: Arey Grady

Agenda Approval

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

Member Stanziale made the motion to approve the agenda and Member Fasolino made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Fasolino, Member Stanziale

Minutes Approval

1. PB Draft Minutes for 031824

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

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Fasolino, Member Stanziale

Public Comment

Chair Neve opened public comments and asked Town Attorney Grady to explain the process for Special Use permits. He noted the Planning Board was in an advisory position to the Board of Commissioners (BOC), and the hearing would be a quasi-judicial proceeding before the BOC so any comments and discussion from tonight's meeting would not be part of the BOC meeting.

Chair Neve then asked if anyone would like to speak.

Tipper Davis, 309 Live Oak St, quoted from the noise ordinance and expressed his concerns with noise at The Watering Hole and the close proximity to residential homes.

Stan Rule, 901 Broad St, spoke regarding the development along Cedar Street and requested noise, parking, lighting, and other issues be resolved so residents are not affected.

Robert Harper, 1020 Broad St, stated he had heard the Watering Hole was not in compliance and requested that they come into compliance before any new requests be granted. He also requested that the police not be involved in enforcing their noise ordinance.

New Business

1. To recommend tabling, approval or denial to the Board of Commissioners for the Case # 23-05 Preliminary Plat - Palmetto Plantation Phase 2

Mr. Garner gave the Staff Report and he explained the applicant wishes to subdivide a 5.225 Acre Tract into nine lots. This site was rezoned from R-8 & B-1 to RS-5 in March 2015. In May of 2015, the preliminary plat was approved for a period of one year. In 2018 the preliminary plan expired again and was resubmitted and approved for another one-year approval. In July 2019, a Final Plat for lots 12-20 was approved and recorded leaving the remaining nine lots and existing stormwater pond. Additionally, the Town's Technical Review Committee has reviewed these plans for consistency with Town design specifications. Furthermore, these are the last nine lots of the subdivision and with this approval the subdivision will be complete.

There was discussion regarding sewer allotment, mitigating flooding issues, the number of lots, and sidewalks.

Ron Cullipher, The Cullipher Group, discussed the cul-de-sac changes due to fire department regulations. He also addressed alleviating water standing issues behind Lot 12.

Members Stanziale and Fasolino asked about the sidewalk ending at Lot 7 and Mr. Cullipher explained that it was constrained in size due to making the cul-de-sac area larger.

Member Fasolino noted that this was only a request for a subdivision and no variances were requested or anything else outside of the Ordinances.

Member Vreugdenhil made the motion to submit to the Board of Commissioners and recommend adoption with the condition that the sidewalk goes 100% in front of all the lots including the pond and the water meters extend to beyond the perimeter of the sidewalk. Member Stanziale made the second.

Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Fasolino, Member Stanziale, Member Vreugdenhil

2. Case #23-09 - SUP Periwinkle 406 Live Oak

Member Fasolino requested to be recused from Case #23-09 and Case #23-10 as he owns property within 100 feet of one of the applications in question and he has an interest in the other one.

Vice-Chair Meelheim made the motion to recuse Member Fasolino from Cases #23-09 and #23-10 and Member Stanziale made the second. Chair Neve took a vote that was unanimously approved.

Mrs. Eitner gave the Staff Report and explained the request was for a Special Use Permit to operate The Periwinkle, a bar with indoor/outdoor operation in the Cedar Street Mixed Use (CSMU) district at 406 Live Oak St. She noted that the Staff Report referred to a pending text amendment for bars with outdoor operation in the CSMU which had already been adopted by the Board of Commissioners on April 8th, 2024. The original primary use of the business was retail with accessory use as a bar and this has been updated to the primary use as a bar with indoor and outdoor operation with accessory retail use.

The Future Land Use Map classification for this parcel is Village Commercial which identifies lower intensity neighborhood scale commercial, retail, services, or offices that prioritize pedestrian use over automobile-oriented uses. The Land Use Plan identifies that the CSMU area should evolve into an arts district. The use, design, and presentation of The Periwinkle is comparable to uses in emerging art districts.

Both the Entry Plan and the Small Area Plan identify the intersection of Cedar and Live Oak Streets as a minor gateway in the community and impress upon the importance of pedestrian improvements in this intersection. Mrs. Eitner also noted that NCDOT has identified the intersection of Cedar and Live Oak as a project to be funded in the future.

Board questions for Staff included the NCDOT project, for which specifics have not been given yet, and the Board of Commissioners' text amendment approval at their recent meeting.

Chair Neve asked the applicant to give their presentation. Becky Davis, owner of The Periwinkle, gave a presentation with an overview of the co-owners, events including community events, markets, non-profits served, and noise reduction strategies. She pointed out the hours of operation were Tuesday through Friday 4-8 p.m. and Saturday 2-8 p.m. and stressed that they were conscientious about customer parking.

Member Stanziale noted that there were noise and parking issues and he also had concerns with visual quality improvements not being made in accordance with the Gateway Master Plan. Chair Neve asked what the process would be if the SUP were approved with conditions and if the applicant wanted a change in the future, and Town Attorney Grady explained that the process would essentially start over with the Planning Board and move on for approval to the Board of Commissioners again.

Member Vreugdenhil asked Mrs. Davis why she was asking for a permit at this point in time. Mrs. Davis stated that she felt there had been growth in a small town and in order to implement safe, respectful symbiotic growth she felt that some regulations had to come that had not been addressed before, and we're all just figuring this out together.

Member Stanziale submitted a pre-printed motion which included 3" caliper trees, installing a 42" high "Beaufort style" fence, installing parking lot trees, providing a sidewalk along the Cedar St frontage, restricting live music to no later than 9:00 pm, and installing a power source for food trucks. There was Board discussion regarding the motion and the unreasonable financial burden and restrictions of the aesthetic improvements. Chair Neve also requested a note be added to the Board of Commissioners that none of the requested conditions place an undue financial burden on the applicant. Vice-Chair Meelheim noted that Staff's recommendations were more reasonable. The following motion was agreed upon after lengthy discussion:

Member Stanziale made the motion to submit to the Board of Commissioners and recommend adoption and also for Staff to include the following list of possible conditions for consideration.

- *Install, stake, and maintain trees in accordance with LDO requirements on Cedar and Live Oak frontages*
- *Install fencing to replace post-and-rope on west and south property lines to match existing fencing*
- *Install sidewalk along Cedar Street in accordance with Town of Beaufort design standards*
- *Restrict outdoor amplified music hours to the hours of 12:00pm to 8:00pm*
- *Install a power source for food trucks to eliminate additional noise from generators*

Vice-Chair Meelheim made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Stanziale, Member Vreugdenhil

3. Case #23-11 SUP Watering Hole 816 Cedar St

Mrs. Eitner gave the Staff Report and explained the request was for a Special Use Permit to operate The Watering Hole, a bar with indoor/outdoor operation in the Cedar Street Mixed Use (CSMU) district at southwest corner of Live Oak Street and Cedar Street. She noted that the Staff Report referred to a pending text amendment for bars with outdoor operation in the CSMU which had already been adopted by the Board of Commissioners on April 8th, 2024. The original primary use of the business was retail with accessory use as a bar and this has been updated to the primary use as a bar with indoor and outdoor operation with accessory retail use.

The Future Land Use Map classification for this parcel is Village Commercial which identifies lower intensity neighborhood scale commercial, retail, services, or offices that prioritize pedestrian use over automobile-oriented uses. The Land Use Plan identifies that the CSMU area should evolve into an arts district. The use, design, and presentation of The Periwinkle is comparable to uses in emerging art districts.

Both the Entry Plan and the Small Area Plan identify the intersection of Cedar and Live Oak Streets as a minor gateway in the community and impress upon the importance of pedestrian improvements in this intersection. Mrs. Eitner also noted that NCDOT has identified the intersection of Cedar and Live Oak as a project to be funded in the future.

Applicants and co-owners of The Watering Hole, Leslie Allred and Bobbi Piner, then spoke in support of their business and explained that they wanted to be in compliance and the building had been brought up to building and fire code. They also answered Board questions regarding their neighbors, music, outside movies, hours of operation, and kid-friendly and other social activities.

Member Stanziale submitted a pre-printed motion which included 3” caliper trees, installing a 42” high “Beaufort style” fence, installing parking lot trees, providing 4 – 3” trees within the existing picnic table area to help soften the existing hardscape and provide shade for patrons, restricting live music to no later than 9:00 pm, speakers in the rear of the building not being permitted, the rear door being kept closed when music is being played inside, and installing a power source for food trucks. There was Board discussion regarding the motion and the unreasonable financial burden and restrictions of the aesthetic improvements. The following motion was agreed upon after lengthy discussion:

Chair Neve made the motion to submit to the Board of Commissioners and recommend adoption and also for Staff to include the following list of possible conditions to be completed within six months for consideration:

- *Install landscaping in accordance with the LDO as appropriate and allowed by Duke Progress along Cedar and Live Oak frontages*
- *Install 90 square feet of planter space with appropriate plants and trees*
- *Restrict outdoor music to the hours of 11:00am to 8:00pm. Outside of these hours doors and windows to remain closed when there is amplified music inside.*
- *Outdoor speakers in the rear of the building shall not be permitted*
- *The rear door shall be kept closed when amplified sound is being played inside*
- *The rear area shall not be used after 8:00pm*
- *The garage doors shall be closed after 8:00pm*
- *Install a power source for food trucks to eliminate additional noise from generators*

Member Stanziale made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Stanziale, Member Vreugdenhil

Member Stanziale made the motion to return Member Fasolino to the Board and Vice-Chair Meelheim made the second. Chair Neve took a vote that was unanimously approved.

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Stanziale, Member Vreugdenhil

Commission / Board Comments

Member Stanziale stated that one of his ongoing objectives would be beautification and he hoped Staff would support that.

Vice-Chair Meelheim thanked everyone for attending the meeting and noted that the next step would be going forward to the Board of Commissioners.

Member Fasolino thanked the Staff and stated that they took a very complex issue and gave a great comprehensive coverage.

Chair Neve thanked the Staff and also thanked the public for attending.

Staff Comments

Mr. Garner thanked Ms. Rachel Johnson for filling in and providing audio-visual support for the meeting.

He reminded the Board that they have training on May 16th at the Train Depot.

Adjourn

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

Voting yea: Chair Neve, Vice-Chair Meelheim, Member Stanziale, Member Vreugdenhil

Chair Neve then declared the meeting adjourned at 8:35 p.m.

Ryan Neve, Chair

Laurel Anderson, Board Secretary

