



Town of Beaufort, NC

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Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, November 21, 2022 - Train Depot 614 Broad Street, Beaufort, NC 28516 Minutes

Call to Order

Chair Neve called the November 21, 2022 Planning Board meeting to order at 6:00 p.m.

Roll Call

Members Present: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

*Member Willis arrived after Minutes approval.

Members Absent: Member Bowler

A quorum was declared with five members present.

Staff Present: Kyle Garner, Samantha Burdick, Town Attorney Arey Grady, and Laurel Anderson.

Agenda Approval

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

Member Meelheim made the motion to approve the agenda as presented and Vice Chair Merrill made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Minutes Approval

1. PB Draft Minutes for 10.17.22

Chair Neve asked if there were any changes to the Minutes from the October 17, 2022 meeting.

Member Meelheim made the motion to approve the minutes and Vice-Chair Merrill made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Public Comment

Chair Neve opened public comments and asked if anyone would like to speak. There was no public comment.

Public Hearing

1. To Recommend Approval or Denial to the Board of Commissioners for Rezoning of 457 NC Highway 101 from R-20 to I-W.

Chair Neve opened the public hearing and Town Planner Samantha Burdick presented the following:

- a. The property is in the Town's Extraterritorial Jurisdiction.
- b. The property is approximately 93,218 square feet (2.14 acres).
- c. The adjacent industrial land uses are consistent with this rezoning request.
- d. If the zoning is changed, the current residential use would have to become a compliant commercial use.

Adjoining Land Use & Zoning:

North: Industrial – County Airport

South: R-20 – Single Family Residential

East: R-20 – Single Family Residential

West: Industrial – County Airport

Vice Chair Merrill asked if there had been any comments from the community and Ms. Burdick said there had been no comments. He asked if the applicant had provided any maps with buildings identified that met the requirements of the application package and Ms. Burdick stated the map was shown on slide two of her presentation. He also asked if the use of the house would have to change if the property was rezoned, and Ms. Burdick stated that it would.

Member Vreugdenhil asked the applicant what they wanted to use the property for, and the applicant responded that they planned commercial storage. They had obtained a residential building permit for a storage facility but had decided to rent the storage spaces. Member Vreugdenhil verified that the property was surrounded by residential zoning except one corner area.

Member LoPiccolo read potential I-W property uses from the Land Development Ordinance, which included car washes, community gardens, antenna towers, and boat storage.

Member Vreugdenhil then stated that those uses were a concern as all uses had to be considered when rezoning, and the property was surrounded by R-20 residential zoning.

Chair Neve pointed out that the Board had recent discussions during meetings regarding commercial storage buildings and the locations and screening of those buildings, and another concern was the property was surrounded by single-family homes, and also the corner adjoining the airport was swampy and wooded.

Vice-Chair Merrill stated that the application was incomplete and the Board did not have the information they needed. He wanted to look at the setbacks and other uses under the I-W zoning, and said that the storage building had already been started and there was already a sign advertising it.

Chair Neve opened the floor for the public hearing and as there were no comments from the public, he asked for a motion to close the public hearing.

Vice-Chair Merrill made a motion to close the public hearing and Member LoPiccolo made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Vice-Chair Merrill made a motion to table the item pending completion of the application. He read the rezoning application's requirements:

An area map of property to scale which includes:

- a. North Arrow
- b. All Property lines and accurate property line dimensions
- c. Adjacent streets and names
- d. Location of all easements
- e. Location of all structures
- f. Zoning classifications of all abutting properties

Member Meelheim made the second and Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

New Business

1. Case #22-23 Preliminary Plat – Beau Coast Phase 3

Mr. Garner summarized the request to subdivide one tract totaling 27.64 acres into 48 lots and explained that these are the last lots as part of the Beau Coast & Beaufort East Village Development needing preliminary plat approval. The existing zoning is PUD, there will be 4.53 acres of open space, and the existing land use and zoning is as follows:

North – By Turner's Creek

South – By residential developed property in Beau Coast Phase II, zoned PUD

East – By Davis Bay

West – By Beau Coast Phase III, zoned PUD

He explained that the technical review committee had reviewed the plat and the applicant had also provided mapped fire truck turnarounds.

Chair Neve asked about Option 1 and Option 2 of the Phase 3 Conceptual Lot Types on the map, and Don Mizelle of Withers/Ravenel explained that those were single-family home layouts and one of the options allowed for a detached garage. Chair Neve then asked if there would be sidewalks in the open space area, and the applicant explained that it would contain only grass and trees.

Vice-Chair Merrill asked about low elevation areas and at what point they were not suitable for development. Joe Boyd of Withers/Ravenel explained that the homes in the floodplain would adhere to the town, state, and FEMA requirements, and they were proposing that all roads would be elevated to the flood elevation of AE6.

Vice-Chair Merrill expressed concern about the homesites located in the floodplain and issues with flooded roads during hurricanes.

Member Vreugdenhil asked what the finished grade of the roads would be, and Mr. Boyd reiterated that the roads would be at AE6 or higher. After further discussion, Member Vreugdenhil stated that the master plan had received approval and the town engineer and emergency personnel had also approved it.

Member LoPiccolo asked about some Beau Coast residents' concerns with short-term rentals in the subdivision, and Mr. Karl Blackley of Blue Treasure LLC explained that from the beginning the covenants had allowed short-term rentals, but in the future the issue could be voted on to change. He also addressed Vice-Chair Merrill's concerns and stated that Beau Coast meets every standard that the county and town require and submit very sophisticated plot plans which show elevations of the garages and flood areas, which are also disclosed to potential home buyers. Vice-Chair Merrill reiterated his concerns with flooding issues and Chair Neve agreed but stated that

this is a low-density, low impact housing area and suitability for building in these areas is defined by what is legally allowable.

Member LoPiccolo made a motion to approve Case #22-23 Preliminary Plat for Beau Coast Phase 3, and Member Willis made the second. Secretary took a roll call vote.

Voting yea: Chair Neve, Vice-Chair Merrill, Member Bowler, Member LoPiccolo, Member Vreugdenhil, Member Willis

Voting nay: Vice-Chair Merrill, Member Meelheim

2. Case #22-22 Preliminary Plat – Davis Bay

Mr. Garner summarized the request to subdivide two tracts totaling 20.08 Acres into four lots, which would be served by Phase 3 of the Beau Coast development. The applicant has submitted for sewer allocation for these four proposed properties. A requirement for sewer service is also a requirement for Annexation which the applicant has not applied for at the time of submittal.

The applicant has submitted conditions they are willing to place on the request to ensure that infrastructure is in place before the lots are submitted for Final Plat. Staff would also remind the Planning Board that a Preliminary Plat is only valid for a period of one year.

The conditions from the applicant are as follows:

- a. Freedom Park Road Extension through Phase 3 of Beau Coast must be constructed (or bonded for with the Town) and the right of way recorded prior to the recordation of Lots 1-3 at Davis Bay Subdivision.
- b. Lot 4 has deeded access via alternate route if needed prior to the construction of Freedom Park Road extension in Beau Coast Phase 3.
- c. Town allocation for water and sewer capacity for lots 1-4 is contingent upon Beau Coast Phase 3 water and sewer approval by the Town and State of North Carolina.

Water and sewer service to lots 1-4 will be provided via public water and sewer line extensions by Beau Coast Phase 3. Timing of service to lots 1-4 is dependent on Beau Coast Phase 3. No building permits will be issued until such time as water and sewer service is available or has been bonded for by Beau Coast Phase 3

Staff Recommended Conditions: The construction of the offsite water main, gravity sewer, and street is not under the control of the owner/developer of the proposed subdivision. Accordingly, staff recommends the approval be conditioned upon no building permits being issued by the Town until such time as all the following conditions have been satisfied:

- a. The offsite street has been constructed and the developer of the adjacent property grants permission in writing for driveway connections to the street or until such time as the street has been constructed and dedicated to the Town so that permission from the offsite developer is not needed.
- b. The water and sewer mains have been constructed, as-built plans of these utilities have been produced, the construction certified by the engineer-of-record, and the certification has been recognized/accepted by the NC Department of Environmental Quality.
- c. A written acknowledgement is provided by the owner/developer of the above condition.

Vice-Chair Merrill said that when Davis Bay was first established lots were limited to a 10-acre size and asked how decreasing the lots to a smaller size can be done. Mr. Garner stated that the Davis Bay HOA had signed off on changing this requirement and the Town of Beaufort does not enforce neighborhood covenants if the zoning standards are met.

Member Vreugdenhil asked how to get to the two lower lots and Mr. Garner answered that there was a 400-ft right-of-way and utility easement which would provide access and there was no street frontage for those lots. Member LoPiccolo asked if the Fire Marshall had signed off on the plat and Mr. Garner stated that he had. Chair Neve asked

if the road was elevated and if it would be paved or gravel and Mr. Garner explained these are private roads and the applicant could answer those questions.

After further discussion the applicant Eddy Myers, representing the Burdett family trust, stated that they had two septic tank permits and engineer approval for four lots and the HOA had changed the covenants in 2017 to allow further subdivision of lot size.

Member Vreugdenhil asked the applicant's engineer, Mr. Boyd, about the road elevation and Mr. Boyd stated that it was at least 6 feet. Member Vreugdenhil asked the Board to table the application and requested the applicant to read the town subdivision ordinance as the application was grossly deficient. He asked Mr. Boyd if the lots would have street frontage and Mr. Boyd said the streets would have access. Vice-Chair Merrill read the last sentence of the Subdivision Ordinance, Section 11, Design Standards of Lots 11.01 which states that "All lots must have frontage on a public or private street". There was further Board discussion regarding the bridge connecting Lot 7 to Lot 8, wastewater treatment, annexation, and wetlands.

Vice-Chair Merrill stated that the application did not meet the Town standards and after further discussion, made a motion to deny based on the application not meeting the Subdivision Ordinance standards. Member Vreugdenhil made the second and Secretary Anderson took a roll call vote which was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Mr. Garner asked what specific standards the application did not meet, and Chair Neve said the main issue is that lots do not have the requisite amount of frontage that meets the Town standards.

Commission / Board Comments

Member Vreugdenhil said it was a great packet and wished the everyone a happy Thanksgiving.

Member LoPiccolo stated there were concerns with subdivisions such as Davis Bay and the further development of adjacent low-lying lands.

Member Willis notified the Board that he and his wife recently had their third child.

Member Meelheim said she would like to see the original application for Davis Bay, and said she was still concerned there were no standards to enable the Board to ask for Environmental Impact Statements.

Vice-Chair Merrill said that he had emailed a request to the Town for the Beau Coast traffic study but it had bounced back, and requested a traffic study for neighborhoods around Beau East to include Ricks, George, Fairview, and Sherwood and the impact of multimodal nature of traffic on those surrounding streets as they were not built to modern standards. Mr. Garner asked that Chair Neve send the email to Secretary Anderson and they would be shared with the Town Manager. Mr. Garner explained that the request may be on a Board of Commissioners' future workshop or a joint discussion item with the Planning Board. Member Meelheim asked the study focus on the present volume rather than the volume on the previous study. Mr. Garner said the traffic study would count the cars and possibly their speeds.

Vice-Chair Merrill made a motion to request an additional traffic study for the neighborhoods around Beau Coast West to include Ricks, George, Fairview, and Sherwood, and Member Meelheim made the second. Chair Neve took a vote which was unanimous.

Voting yea: Chair Neve, Vice Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Mr. Garner suggested that Chair Neve reference the proposed new roundabout in his email as one of the reasons for the traffic study. Chair Neve asked who would pay for the traffic study, and Mr. Garner stated that the Town would be responsible for payment of the study.

Chair Neve commented that septic permitting in low-lying subdivisions such as Davis Bay is not environmentally desirable and it would possibly be better to annex and put them on the Town's sewer system. He also stated that he had a list of

requested additions to the Land Development Ordinance (LDO) and Mr. Garner asked for all board members to email their lists to staff to compile.

Staff Comments

In answer to Member Vreugdenhil question regarding workshops for the Land Development Ordinance, Mr. Garner stated they were very close to moving forward with the CAMA Land Use Plan, and 160D statute requirements will be completed through the attorneys before beginning work on the LDO standards.

He also stated that sometimes incomplete applications are received and some applicants want to move forward with those incomplete applications against the advice of staff.

Adjourn

Vice-Chair Merrill made the motion to adjourn and Member Vreugdenhil made the second. Chair Neve took a vote that was unanimous.

Voting yea: Chair Neve, Vice-Chair Merrill, Member LoPiccolo, Member Meelheim, Member Vreugdenhil, Member Willis

Chair Neve then declared the meeting adjourned.

Ryan Neve, Chair

Laurel Anderson, Board Secretary