



Town of Beaufort, NC

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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Thursday, November 14, 2019 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

- [1.](#) Draft Minutes from September 30, 2019

Public Comment

Items for Discussion and Consideration

- [1.](#) 2020 Calendar

Commission / Board Comments

Staff Comments

Adjourn



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Town of Beaufort Planning Board Regular Meeting 6:00pm, Thursday, November 14, 2019 – Train Depot, 614 Broad Street, Beaufort, NC 28516

AGENDA CATEGORY: Minutes Approval
SUBJECT: Draft Minutes from September 30, 2019

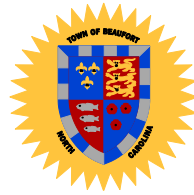
BRIEF SUMMARY:
Draft Minutes from September 30, 2019

REQUESTED ACTION:
Approval of minutes from the September 30, 2019 meeting as presented or amended

EXPECTED LENGTH OF PRESENTATION:
5 minutes

SUBMITTED BY:
Denice Winn, Planning and Inspections Administrative Assistant

BUDGET AMENDMENT REQUIRED:
No



TOWN OF BEAUFORT
PLANNING BOARD REGULAR MEETING
SEPTEMBER 30, 2019
OLD BEAUFORT ELEMENTARY CAFETERIA, 6:30 P.M.

The Town of Beaufort Planning Board held its regularly scheduled meeting on Monday, September 30, 2019, at 6:30 p.m. at the Old Beaufort Elementary Cafeteria, 801 Mulberry Street, Beaufort, NC 28570.

Members Present:

John A. C. Cartner, Vice Chair
Paula Gillikin
Diane Meelheim
Ralph Merrill
Ryan Neve, Chair

Staff Present:

Kyle Garner, Planning Director
Kate Allen, Town Planner
Debbie Graham, Board Secretary
Dee Winn, Secretary
Town Manager John Day
Town Attorney Arey Grady
Town Attorney Jill Quattlebaum
Town Engineer Greg Meshaw
Director of Utilities Donovan Willis
Director of Public Works Mark Eakes
Police Chief Paul Burdette
Fire Chief Tony Ray

I. CALL TO ORDER.

Chair Neve called the meeting to order and asked all those attending to stand and join in the Pledge of Allegiance.

II. ROLL CALL.

Secretary Graham called roll and declared a quorum. Member Vreugdenhil was absent from the meeting.

III. ADOPTION OF AGENDA.

The Secretary noted a change to the agenda for Item 5C which was the Zoning District B-8 should have been B-1. She noted the change had been made to the online agenda. A motion was made and seconded with the vote unanimous to adopt the agenda as adjusted.

IV. APPROVAL OF MINUTES.

There were two corrections to the minutes: Page 10, last paragraph, 8th sentence, remove the “d” from “and” and make it “an;” Page 12, Item B, 5th paragraph, end of first line, “Ann” should be “Anna.” A motion was made and seconded with the vote unanimous to adopt the August 2019 minutes as amended.

V. PUBLIC COMMENT.

The Chair asked if anyone would like to make a comment about an item other than those for consideration tonight and hearing none, this item was closed.

VI. ITEMS OF CONSIDERATION.

A. Case 19-19: Request for Site Plan Review of 103, 113, 115 & 208 Cedar Street and 319 Orange Street for Compass Hotel Site

Kyle Garner, Planning Director, gave the following information:

- Thanked Mr. Oliver and the Beaufort Hotel Group for allowing the Town to use the Old Elementary School facility for this meeting
- Site Plan Reviews do not have to hold a public comment session however it is the Chair's discretion to allow them (which he did)
- Site Plan Review is to construct a 77,632 sq. ft. hotel including a marina on 2.80 acres at 103, 113, 115 & 208 Cedar Street and 319 Orange Street on property zoned Business Waterfront (herein known as B-W), Business-1 (herein known as B-1) and Residential-8 (herein known as R-8) zoning districts
- Site Plan Reviews typically do not include elevation or architectural drawings as indicated in the Land Development Ordinance (herein referred to as the LDO)
- The site for the Hotel is in the National Registered Historic District and the State Historic Preservation Office will review the application in conjunction with the CAMA permit for modifications
- The parking on the south side of Cedar Street at 208 Orange Street is in the local Historic District and will be reviewed by the Historic Preservation Commission (herein referred to as the HPC) to receive a Certificate of Appropriateness
- A hotel is a permitted use in the B-W zoning district and has been so since 2007
- The B-W zoning district allows for a structure up to 40 feet in roof height and in the Site Data Information included states the hotel is at 40 feet
- The Site Plan has been reviewed by the Technical Review Committee (herein known as the TRC) and has been found to be compliant.
- Representatives of the TRC are in attendance and are here to answer questions and they include the Director of Public Works Mark Eakes, the Director of Public Utilities Donovan Willis, the Town's Engineer Greg Meshaw, the Fire Chief Tony Ray, and the Police Chief Paul Burdette (who was recognized as being present later in the meeting)
- The proposed vegetative plan for both parking areas exceeds the requirements of the LDO
- The plan shows the parking, landscaping and the required 8 foot landscaping strip in the State right-of-way and the applicant has submitted the required sheets giving the breakdown of those requirements
- NCDOT is in the process of conveying of a 20 foot right-of-way to the hotel property owners to eliminate a conflict with parking, landscaping and a grass strip
- As the conveyance will not likely transpire until the NCDOT Board meets in early November, it is his recommendation that this item NOT go to the Board of Commissioners (herein known as the BOC) until the conveyance takes place
- Staff encouraged the developer of this property to include pervious pavement in the southern parking area in an effort to mitigate stormwater impacts on the existing drainage system and the developer did as requested
- Also included in the stormwater system is an infiltration basin on the southern Cedar Street lot which will include a Type "A" buffer, a 6 foot high opaque fence and landscaping adjacent to residential properties as is required by the LDO
- As per the LDO, the parking requirement for a hotel is 1 space for each room + 5 which totals 106 parking spaces. Also as per the LDO, there is a 20% reduction of the total number of parking spaces because the proposed structure is over 25,000 sq. ft. in area, which equals a total of 85 parking spaces after the 20% reduction
- The LDO requirement for the marina is currently one space for every 4 slips however since the Marina was allowed under an older zoning ordinance, that ordinance required 1 space for every 3 slips which equals 15 spaces
- The 24 public parking spaces along Cedar and Orange Streets are not included in any of the parking requirements in this site plan as those spaces are to be used for public use for Discovery Diving, Bull's Prop Shop, etc.

- In conclusion, with the 20 foot right of way conveyance, the site plan meets all standards in the LDO
- There are 12 sheets of plans provided which includes all of the nomenclature mentioned in this report
- The triangles at the bottom of the plan pages indicates the number of revisions that have been made to each specific sheet of the plans
- In the first rendering of the hotel plan, there was a loading/unloading area which, in the TRC's opinion, was not wide enough but now the plan shows it has been widened
- The Town's Engineer worked with the project engineer to accomplish the pervious pavement for the parking lot
- What Staff is requesting is either 1) Approval of the Site Plan; 2) Approval of the Site Plan with Conditions, or 3) Denial of the Site Plan with the specific failures (listed) which do not meet the requirements of the LDO

Vice Chair Cartner asked about the oyster bed surrounding the site and if the Army Corp of Engineers is involved. Mr. Garner replied during the CAMA permit approval process, several agencies will be reviewing the permit for approval including the Army Corp.

Chair Neve asked where the rainwater that runs off from the hotel and surrounding parking areas will go. Town Engineer Greg Meshaw stated it would run off into the creek through an underground piping system

Member Gillikin asked if there were other projects where a right of way was incorporated into a site plan. Mr. Garner replied the State Employees Credit Union on Live Oak Street was a project where right of way property was conveyed to the site

Member Merrill asked if the marina's nomenclature is based on an old ordinance which was less restrictive than the current LDO. Mr. Garner replied a Vested Right for the marina was obtained by the property owner prior to the adoption of the LDO in 2013

Chair Neve stated he received an email about the loading/unloading area not being adequate and wanted to know what had been corrected. Mr. Garner stated once the square footage of the building was obtained, the loading/unloading area was expanded to meet the requirements in the LDO at the request of Staff

Vice Chair Cartner asked if Staff has cross-referenced the site plan with all technical documents that are referenced in the plan. Mr. Garner replied by law they must cross-reference documents with documents that are related and often when looking at one document, it references another. Vice Chair Cartner asked if the plan is incorporated by reference. Mr. Garner stated documents incorporated include the Small Area Plan adopted in 2018, it is consistent with the CAMA Land Use Plan, it is consistent with the LDO, and it is consistent with the Future CAMA Land Use Map and so on

Mike Baldwin, speaking for the applicants Beaufort Partners, added there was a great deal of questions and answers between himself and Staff and he gives Staff kudos for the time and effort put into this project. Mr. Baldwin pointed out they are going through the Division of Environmental Quality (DEQ) on the stormwater areas they have to treat and what is in the site plan meets all requirements with the amount of permeable pavement and the infiltration basin. He explained what the infiltration basin is – a gently sloped grass area that water runs off to and is absorbed. Mr. Baldwin pointed out they will be improving Orange Street and it will have a nice new surface when completed. Mr. Baldwin said the site plan came to the Planning Board at the request of the HPC. At this time, Mr. Baldwin said he would entertain questions from the Board.

Member Meelheim asked if the parking was adequate for “big” town events and wondered if they had a backup plan. Mr. Baldwin stated the developers are comfortable with the parking plan. Member Meelheim feels that parking has been a sensitive issue with the public as well as with the developers.

PUBLIC COMMENTS

Chair Neve expressed there are a number of citizens who wished to speak on this item and he would limit their time to under three minutes per speaker [Any papers submitted by the speakers will be attached to the minutes and noted in order of receipt].

JOHN FLOWERS, Orange Street, is concerned about the maintenance of the infiltration pond (who will cut the grass) as well as the maintenance and painting of the opaque fencing surrounding the parking areas. His house is next door to the parking lot on Orange Street.

DICK DEBUTTS, Orange Street, *HANDOUT # 1*, feels the driveway on Orange Street will cause vehicle lights to shine into his home at all hours of the night. He also feels this driveway will hold up pedestrian traffic on the west side of Orange Street when a vehicle is entering or existing the parking lot.

ANNA DEBUTTS, Orange Street, *HANDOUT #2*, wants to know how 208 Orange Street is zoned as B-1 rather than H-BD as the property is in the local historic district. She feels this lot will primarily be used for boat and trailer storage and is not happy with that.

STEVE MILLS, Orange Street, is concerned about the hotel and marina not having adequate parking as this past weekend there were a lot of boats and trailers in the public parking areas on Cedar and Orange. Another concern was the lamp posts which face east at the hotel and in the parking lots. He feels the lighting will be intrusive to his and other homes nearby.

NANCY RAINS, Moore Street, is concerned about the flooding that exists on Moore Street and feels more water will run off into their yards. She questioned how the infiltration basin is going to be accepted into the historic district. She also did not think a translucent fence was allowed in the historic district.

LEE HAMRICK, Orange Street, feels the hotel is too large for the small lot and he does not think there are enough parking spaces for the hotel and marina. He thinks there should be signage to indicate the 24 public parking spaces cannot be used for hotel and marina uses. He added the hotel owners need to purchase additional property and add more parking. Lastly he expressed concern over the infiltration basin maintenance and if the HPC would approve it as there are currently none in the historic district.

RICHARD BUSBY, Orange Street, is very close to the infiltration basin and parking lot. He thinks the hotel could be an asset to the town if it was done in the proper scale as this one is too large for the existing property.

GERRY CURRIER, Broad Street, *HANDOUT #3*, is concerned that the proper paperwork had not been submitted to the FAA as far as requirements for building, height and construction not interfering with the airport. He is also concerned about the flooding on Moore and Broad Streets as he does not feel like the site plan shows an adequate mitigation plan.

ROBERT HARPER, Broad Street, agrees the hotel is too large for the lot size. He does not feel parking for vendors and staff for the hotel and marina has been taken into consideration and the 24 public parking spaces are going to be used for such. He has heard the hotel may have a gift shop, bar, and restaurant and again specified these businesses have not been taken into account for the needed parking spaces.

CRAIG HAMILTON, Moore Street, *HANDOUT #4*, wanted to repeat the concerns over the flooding on Moore. He thinks the opaque fencing is going to block his views of the creek from his porch.

PEGGY REILLY, Ann Street, believes the hotel is too large for the small lot. She thinks there will be nonstop traffic from the hotel vendors that isn't being accounted for. She likes the idea of a new hotel but this one is not appropriate for the site.

BOARD DISCUSSION/COMMENTS

Vice Chair Cartner asked Mr. Garner to clarify the zoning discrepancy revealed by one of the speakers'. Mr. Garner stated most of the hotel property has been zoned B-1 since 2007; it was designated such in the 1990's. Mr. Garner stated the H-BD property is primarily for

approximately 3 blocks on Front Street. Mr. Garner added the overlay historic district does not change the actual zoning of the property (on the ground).

Chair Neve wanted to address some of the citizens' concerns such as making the driveway on Orange Street a one way, entrance only, drive which, he thought would help with the traffic issues and vehicle headlights. He asked if the opaque fence and parking lot lighting was a requirement or if the HPC could change or eliminate the fencing. Mr. Garner said the HPC could request a shorter fence or they could do away with it altogether. Chair Neve asked about the FAA permit. Mr. Garner stated one was not needed until the actual submission of the building permit. Chair Neve asked if the hotel would have a restaurant. Mr. Garner said it may have a restaurant however we do not look at those uses separately; we view them jointly.

Member Merrill asked if Mr. Garner had seen a floor plan and if there was open space on the first floor. Mr. Garner replied the architect does not know what he is dealing with (as far as size is concerned) until the site plan approval. He added by Law, they are not required to submit a floor plan during the site plan approval stage.

Member Gillikan disclosed that she rents dock space from this marina. She does not view this as a conflict. She asked if commercial vessels are allowed in the marina. Chair Neve thought the only commercial concerns would be from fishing guide, not commercial vessels.

Chair Neve had concerns about the marina's sanitary requirements. He said the marina currently has many slips and only one pump out station. He knows there is one boat there without propulsion with pump out needs. He would like for the marina to be brought up to the current sanitary standards in the LDO.

Vice Chair Cartner wanted to put a moratorium on commercial development in town until parking and other such issues could be addressed (three years). He feels the Planning Board should be looking at all of the discrepancies in the LDO and address these before allowing more development. He also feels the hotel is too large for the site.

Member Merrill asked how many inches of rain the infiltration basin would accommodate. Town Engineer Greg Meshaw said that based upon the soil samples analyzed, the basin would be able to handle 5-6 inches of rain in a 24 hour period. He talked about the advantage of putting the pervious paving in the parking lots because that will allow for more filtration to the underground piping system. Member Merrill asked if the basin and paving would negatively impact the properties that the citizens spoke about tonight. Mr. Meshaw said it will help this area and will help with the west end of the parking lot which has a large amount of gravel and overgrown vegetation. He said they will be taking out the gravel and providing the pervious paving which he feels is going to help a great deal with flooding issues.

Chair Neve asked about how much they have to excavate when they are putting in the pervious paving. Mr. Meshaw said part of the deal is to remove the impacted gravel and he doesn't know how far down that goes.

Member Gillikin wanted to know if there was a way to do something if the basin isn't performing or if the grass doesn't get mowed. Mr. Meshaw said the Town would address this as a nuisance and inform the State of North Carolina of any such issue.

Chair Neve asked if the infiltration basin is the same as the one at the Beaufort Elementary School on Carraway Drive. Mr. Meshaw was not aware of an infiltration basin at that location.

Chair Neve wanted to make a motion to approve the site plan with conditions and recommendations as follows:

- A condition that NCDOT relinquish the property in the right of way to the hotel property owners;
- A condition that the marina be brought up to the current sanitation standards as are currently in the LDO;
- A recommendation that the outside lighting at the hotel and parking areas be shoe box or dark sky fixtures;
- A recommendation regarding the flooding impacting the neighboring properties;
- A recommendation that Staff Engineer look at the mitigation of Moore Street; and
- A recommendation that Staff review the marina's use as a mixed use.

Member Gillikan suggests that the flooding and mitigation should be an analysis of potential flooding impacts on the surrounding properties. She also said that the LDO is not working well for this situation and she has had concerns with other projects and the LDO as well.

Chair Neve said an outside firm was not hired when the LDO was written and while it is not perfect, one cannot foresee every situation. He added the site plan does meet all standards on parking in the LDO.

Member Merrill said it is hard to second the motion on the table because he agrees with many of the comments raised by the citizens tonight. He added the hotel is too large for the site and that people need to be looked out for. Vice Chair Cartner feels this project is too complex and cannot second Chair Neve's motion as well. Chair Neve suggested another motion might be appropriate. Member Merrill stated the only thing left is to deny the project. Vice Chair Cartner made a motion to deny the site plan. Member Merrill seconded the motion. Attorney Grady asked that Vice Chair Cartner stated specific reasons for denial for the minutes. Vice Chair Cartner stated the reason for the denial would be the confusion across the documents and the problems identified tonight by the citizens. Attorney Grady asked him to repeat his motion. Vice Chair Cartner said his motion is to deny the site plan because 1) the information submitted and the discussion was too confusing and too interactive; 2) He does not necessarily agree with Staff on the zoning matter; and 3) FAA rules were not a correct interpretation of the FAA rules.

Mike Baldwin added that they have submitted paperwork to the FAA and the FAA has requested additional paperwork which has been submitted.

As a motion was made and seconded, Chair Neve called for a vote with raised hands for the record. Those in favor of the motion were Cartner and Merrill (2 votes) and those in favor of denying the motion were Neve, Gillikin and Meelheim (3 votes) and so the measure was voted down.

RECOMMENDATION

A discussion was held about various topics such as parking, the uses of the marina, addressing parking issues, and so on until Chair Neve made a motion to recommend approval of the site plan for the Compass Hotel to the BOC with the following:

- A condition that NCDOT convey the right of way property to the hotel property owners;
- A condition that the existing marina be brought up to the current LDO sanitary standards;
- A recommendation that the Orange Street driveway be made into an entrance only drive;
- A recommendation that the lighting on the hotel property and parking lots be shoebox or dark sky fixtures;
- A recommendation that further stormwater impact analysis regarding the surrounding neighborhood be obtained and to explore additional stormwater mitigation strategies;
- And a recommendation that the BOC look at the marina traffic related to the parking issue and consider the impacts of mixed use and marina.

Member Meelheim seconded the motion with the vote on the motion being 3 in favor (Neve, Meelheim and Gillikan) and 2 opposed (Cartner, Merrill) and thus the item will go forward to the BOC.

The Chair called a ten minute recess. During the recess, Vice Chair Cartner left as he was ill.

Chair Neve called the meeting back to order after the recess.

Case 19-20: Request to Rezone 2.67 acres on Lennoxville Road from R-8 to TCA

Kate Allen, Town Planner, gave the following information:

- Rezoning of two (2) parcels on Lennoxville Road from R-8 to TCA
- Property is for a total of 2.67 acres
- Property is for the Beaufort Village Condominiums
- Owners are Leon Capital Ventures LLC

- Chase Cullipher is here on behalf of the owners
- R-8 residential is a nonconforming use and has been so for a long while
- Property is surrounded on all sides by R-8 property
- Currently there are eight (8) condo buildings and two (2) driveways
- If this remains R-8 it would allow them to add two (2) additional dwelling units
- Owners are requesting high density residential (TCA)
- CAMA Land Use Plan calls for medium density residential (which fits R-8)
- If property is rezoned, a consistency statement must be included for the CAMA Land Use Plan

Representing the property owners, Chase Cullipher of The Cullipher Group spoke next. Mr. Cullipher stated his clients wished to change the zoning before they could do anything to the property.

Chair Neve asked who owns and maintains the common area for the townhome units. Mr. Garner replied it was the Town's understanding that there are condominium units. Ms. Allen added they are all under single ownership (Leon Capital Ventures, LLC).

Member Merrill asked if the owners wished to add additional units. Mr. Cullipher stated he did not know and restated that the owners cannot do anything with the property unless it is rezoned. Mr. Cullipher added it has been a nonconforming use since at least 1977.

Member Merrill asked what the potential was for the property. Mr. Cullipher stated the potential is to add five (5) townhome/condominium units.

Member Merrill asked about the constraints of the land and where these units would go. Chair Neve stated if five (5) condo units are added, this property would have a site plan review by this Board.

Ms. Allen has received a letter from the property owners at 1801 Live Oak Street who have concerns about the rezoning. She read part of the letter which stated that if additional units are added to the property, the stormwater would runoff onto their property where there is already a sinkhole.

PUBLIC COMMENTS

None

Chair Neve felt it is important to zone for what you want and not what you have. He added if this was a vacant lot, it would be zoned R-8 to match the surrounding properties. He believes if this is rezoned to TCA then adjoining properties could also be rezoned to TCA.

Member Merrill asked how this got zoned R-8. Chair Neve and Mr. Garner gave a list of apartment, condo, and/or townhome addresses that are currently zoned R-8 and indicated this is not a rarity.

Member Merrill thought this could be viewed as spot zoning.

Chair Neve said this property is on a major road in Town, near a major park, and it might not be appropriate to rezone it at this time. He added that it is inconsistent with the CAMA Land Use Plan if it is rezoned.

Laurie Simpson, adjacent property owner, asked and was granted the opportunity to speak on this item. Ms. Simpson's property backs up to this property. She stated the neighborhood does not have adequate drainage and feels a bad can of worms would be opened if this property is rezoned.

Chair Neve asked what the stormwater limitations would be if the property is rezoned. Mr. Garner stated the stormwater would have to be engineered.

Member Gillikin thought the Board should stop and consider what is best for the situation.

Chair Neve said we used to have a long range planning map in which to follow and now there is a long range plan without a map. He thinks a major update of the CAMA Land Use Plan is in order which would now include the new bypass and bridge.

Member Meelheim recommended denial of the request because it does not meet the specifications of the CAMA Land Use Plan and she encouraged the Town to consider updating the CAMA Land Use Plan. Member Gillikin seconded the motion. The vote to approve the motion was 4-0 in favor of denial of the application to the Board of Commissioners.

Chair Neve was in favor of not having the applicant pay a second fee if they brought this back to the Planning Board for additional consideration.

B. Case 19-21: Rezone 0.15 acres at 1113 Lennoxville Road from R-8 to B-1

Kyle Garner, Planning Director, gave the following information:

- Property is 1113 Lennoxville Road
- Applicant is Ashley-Nicole Russell
- Property is currently zoned R-8, Residential Medium Density
- Property is 0.15 acres (6,385 sq. ft.)
- Applicant wishes to rezone the property to B-1
- 10 letters were mailed to the property owner and adjacent property owners within 100 feet of the subject property; signs were posted on September 23rd and legal ads ran in the local paper on September 18th and September 25th; which is congruous with the General Statutes
- The rezoning is consistent with the CAMA Land Use Plan therefore an amendment to the CAMA Land Use Plan is not needed
- Property has been a single family residence
- Rezoning would allow for all commercial uses associated with B-1 zoning
- Staff supports approving the rezoning from the Planning Board to the Board of Commissioners as the rezoning meets the Future CAMA Land Use Map
- Rezoning is consistent with the LDO and the CAMA Land Use Plan as well
- The mixed use classification (under the Future CAMA Land Use Map) is intended to delineate areas where there is the potential to redevelop the existing properties and adjoining vacant land for multiple land uses
- Land uses with the Mixed Use designated areas are generally compatible with B-1 General Business zoning

Applicant Ashley Nicole-Russell, Attorney, has an office in Greenville (NC), and Raleigh (NC) and now wants to open a third office in Beaufort because she loves Beaufort. She plans to retire in Beaufort one day. Ms. Nicole-Russell stated she is a divorce attorney and added she has helped to change the quality of life in Greenville and has received an award for such. She stated the property has five (5) bedrooms and some of those would become her law office and others rentals to give others in the community a small office space. Ms. Nicole-Russell said she has done a lot of research on what to do and therefore this application for rezoning. Lastly she added that she will be correcting the stormwater issues that are common on the surrounding properties.

PUBLIC COMMENTS

Allen Woodard, neighbor on Lennoxville Road, likes Beaufort and feels he is in paradise. His concerns range from what this rezoning/mixed use property is going to do to his real estate value; what will it create for him to have to do to his property (add a fence?); and will it cause further water runoff problems especially if there is a plan to raise and pave the parking area. Mr. Woodard stated he has spent a great deal of money putting in French drains to keep the runoff off of his property and to channel it correctly.

Chair Neve stated screening and buffering would be needed for this situation as this would be a commercial use backed up to residential property and perhaps the vegetative state of the screening and buffering would assist with the water runoff as well. Mr. Garner agreed saying it would probably require a Type B buffer. As far as the parking is concerned, Mr. Garner added, they need one space for every 250 square feet of office space and it is not required to be paved.

Chair Neve asked if Mr. Garner had discussed rezoning the property to TR with the applicant. Mr. Garner replied he had not because of the spot zoning issue. Mr. Garner added that rezoning the property to B-1 was consistent with the adjacent property.

Ms. Nicole-Russell added the building would be closed at night and on the weekends so no in and out traffic during those times. She stated Mr. Henry Everett developed the property and likely built up the lot and caused the runoff issues which, as she stated, she plans to improve. She expressed that she has no plans to pave the parking area as she wishes to keep it natural.

Mr. Woodard stated he has no problem with the office being there and no concerns with people coming in and out of the property. Basically, he added, he has no problem with the rezoning.

Chair Neve asked if there was a ditch behind Mr. Woodard's property. Mr. Woodard replied there is a very big ditch behind his property.

Member Gillikin thought this was pretty straight forward and acknowledged seeing a temporary sign on the property for the law office.

Chair Neve wondered if a law office was appropriate for the neighborhood and stated that five years down the road, this could be any of the uses associated with a B-1 property. He suggests that the rezoning be to TR which doesn't allow some of the uses associated with the B-1 zoning district. And he declared, if there is an issue with spot zoning, the zoning is midway between two existing zoning types already making the TR a better fit. Member Gillikin asked what the problems would be for the applicant if the property was rezoned to TR. Chair Neve stated a legal office is allowed in the TR zoning district as well as a retail store as a special use if that is the direction the applicant is going.

Ms. Nicole-Russell stated she owns a bridal store and a massage therapist office which she could incorporate into the other spaces of the house.

Chair Neve was concerned about future use conflicts stating if she moves out of this property in five years, the property, if zoned as B-1, could become a pool hall or a tavern/bar/pub with indoor operation.

After all discussion, Mr. Garner stated the Board could recommend to the Board of Commissioners that this should be rezoned to TR.

Member Merrill made a motion to rezone the property to B-1 as proposed. Member Gillikin seconded the motion with the vote 4-0 in favor of the motion.

Case 19-22: Text Amendment to the *Land Development Ordinance (LDO)* to Modify Section 4 (Definitions) & Section 9 A-F, Special Uses to include Microdistillery

Kyle Garner, Planning Director, gave the following information:

- Case is to add Microdistillery to the definition section of the LDO and as a Special Use in Sections 9 A-E (Nonresidential Districts)
- Text has been drafted as the Legislature recently passed a law that would permit microdistilleries
- Nelson Owens and two others are interested in adding a microdistillery on existing property
- Staff is recommending approval as a special use in nonresidential districts
- The definition is straight from N.C. G. S. – nothing was changed

Chair Neve looked this up and is concerned about fire safety standards adding there is not much in the building code to match this. He added there is a great deal on combustible materials, which could be a byproduct of the distillery, and this gives him pause to have distilleries allowed in certain areas.

Fire Department Chief Tony Ray was on hand to address this concern. Chief Ray said the idea of ethanol is not unfamiliar to the fire department. His concern is that the use could be in older properties (houses/businesses) which could cause additional problems.

Member Merrill asked if alcohol is considered a hazardous material. Chief Ray said he could not say if it was in the production process. He added he could say it was hazardous in the storage process. Lastly he specified he doesn't see the difference between this and a microbrewery.

Nelson Owens, Comet Drive, stated in a microdistillery, ethanol gas does not leak into the air.

Chair Neve asked if the brew was stored in wooden barrels. Chief Ray stated this is a controlled substance making the storage of such under the FDA umbrella. The Chair asked if a sprinkler system would be a requirement. Chief Ray said it is a different type of foam that would be used to put out a fire of this substance.

Chair Neve asked if a fire suppression system could be a recommendation for this type of business. Mr. Garner and Chief Ray both agreed it could be a condition of the approval.

PUBLIC COMMENTS

Gerry Currier, Broad Street, went into a lengthy explanation of how the gases are captured by a charcoal-based carbon filter and how this should keep the neighbors happy.

After discussing this matter, member Gillikin made a motion to approve the text amendment and move it to the Board of Commissioners as it is consistent with the CAMA Land Use Plan. Member Meelheim seconded the motion and the vote was 4-0 in favor of the motion.

VII. BOARD COMMENTS.

None

VIII. PLANNERS REPORT.

Planning Director Kyle Garner informed the Board:

- Stormwater issues are coming back up
- Nothing has been submitted for the October 10th meeting and so we plan to cancel the October 10th meeting
- Thanked the Town Attorneys for attending this meeting
- Presented new Administrative Assistant Dee Winn to the Board
- Stated there would be new software for meeting materials starting in October (no more Novus Agenda) and this information would come via the Town Clerk

IX. ADJOURNMENT.

A motion was made and seconded to adjourn the meeting and the vote unanimous to do so.

Ryan Neve, Chair

Debbie Graham, Board Secretary



Town of Beaufort, NC

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

Town of Beaufort Planning Board Regular Meeting 6:00pm, Thursday, November 14, 2019 – Train Depot, 614 Broad Street, Beaufort, NC 28516

AGENDA CATEGORY: Items for discussion

SUBJECT: 2020 Calendar

BRIEF SUMMARY:

Proposed 2020 Calendar

REQUESTED ACTION:

Approval on the 2020 Calendar

EXPECTED LENGTH OF PRESENTATION:

10 minutes

SUBMITTED BY:

Denice Winn, Planning and Inspections Administrative Assistant

BUDGET AMENDMENT REQUIRED:

No

Planning Board Proposed Meeting Dates for 2020

Month	Meeting Date
January 2020*	Tuesday, January 21, 2020
February	Monday, February 17, 2020
March	Monday, March 16, 2020
April	Monday, April 20, 2020
May	Monday, May 18, 2020
June	Monday, June 15, 2020
July	Monday, July 20, 2020
August	Monday, August 17, 2020
September	Monday, September 21, 2020
October	Monday, October 19, 2020
November	Monday, November 16, 2020
December	Monday, December 21, 2020
January 2021*	Tuesday, January 19, 2021

* 01/20/2020 and *01/18/2021 are Town holidays*