

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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, June 20, 2022 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

1. PB Draft Minutes 05.16.22

Public Comment

Public Hearing

1. Pollock Street

New Business

- 1. Case # 22-12 AA Storage Site Plan.
- 2. Case # 22-13 Preliminary Plat 1791 Live Oak
- 3. Case #22-16 Special Use Permit for a Mini-Storage facility at 1791 Live Oak Street

Commission / Board Comments

Staff Comments

Adjourn

DRAFT





Town of Beaufort, NC

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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, May 16, 2022 - Train Depot, 614 Broad Street, Beaufort, NC 28516 Minutes

Call to Order

Chair Neve called the May 16, 2022 Planning Board meeting to order at 6:00 p.m.

Roll Call

Chair Neve asked Secretary Anderson to conduct a roll call.

In attendance: Chair Neve, Vice Chair Merrill, Member Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Secretary Anderson declared a quorum present.

Also present for the meeting were Town Attorney Arey Grady, Kyle Garner, and Laurel Anderson.

Agenda Approval

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

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

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

Minutes Approval

1. PB Draft Minutes for 4.18.22

Chair Neve asked if there were any changes to the Minutes from the April 18, 2022 meeting and hearing none, he asked for a motion.

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

DRAFT



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

Public Comment

Chair Neve opened public comments and explained that there would be two opportunities to comment. The second opportunity would be the continuation of the public hearing of the rezoning of 801 Mulberry Street, and he stated that those who had not spoken yet on that item would be able to comment when the public hearing was reopened. For those who wanted to speak on other items, public comment was available at the present time.

Robert Harper, 1020 Broad St Beaufort NC, spoke regarding the bike/pedestrian plan and stated that he would speak further during the public hearing.

The following spoke against the proposed Salt Wynd subdivision:

Harriett Altman, 103 Leonda Dr, Beaufort NC

Logan Louis, 900 Cedar St, Beaufort NC

Jud Kenworthy, 109 Holly Ln, Beaufort NC

Lisa Rider, 114 Silver Circle Dr, Swansboro NC

Martha Kenworthy, 109 Holly Ln, Beaufort NC

Susan Schmitt, 1527 Ann St, Beaufort NC

Charlie Fernandez, 405 Steep Point Rd, Beaufort NC

Eric Remmington, attorney for the proposed Salt Wynd subdivision, spoke against the Board allowing public comments regarding Salt Wynd, objected to his client being asked to submit an Environmental Impact Statement, and asked for the Board to approve the project.

Daphne Littiken, 102 Stanton Rd, Beaufort NC spoke regarding flooding in Town Creek.

Public Hearing

1. Rezone 801 Mulberry Street totaling 15.87 acres from TR to PUD With Master Plan & Special Use Permit

Chair Neve asked for a motion to re-open the continuation of the Public Hearing.

Member Bowler made the motion to re-open the continuation of the Public Hearing. Member Meelheim made the second. Chair Neve took a vote that was unanimous.

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

Chair Neve then opened the floor for public comments pertaining to the public hearing.

Kate Allen, 410 Plantation Rd, Morehead City, pointed out that under current standards, the applicants could have planned for up to 128 dwelling units which was considerably more than what they had requested.

Robert Harper, 1020 Broad St, Beaufort NC, asked the Board to request the developers to provide an easement through the marshland on the north side of the property to allow the development of a bike/pedestrian trail, extending through Trestle Walk development across the property on Mulberry St to the intersection of Turner St/Hwy 70, across the marshland. The entire loop would be about two miles in distance.





Marji Rawson, 900 Cedar St, presented a slideshow on the history of the Turner St bridge and stormwater issues.

Susan Schmitt, 1527 Ann St, Beaufort NC, stated that the land north of Town Creek had been Quaker property and there were Quaker graves from the 1700's which were threatened by potential flooding.

Chair Neve asked if there were any other public comments and hearing none, asked for a motion to close the public hearing.

Vice-Chair Merrill made the 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 Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Chair Neve asked Town staff if they had anything to add and hearing that they did not, asked the applicant if they would like to add anything further. Ron Cullipher, representing the applicant, stated that they would design according to the Town rules and regulations and would take into account the flood zone issues, and he asked that the Board approve their request for rezoning. Sammy Ballou, representing the developer, said that they agreed to the easement for the bike/pedestrian trail and they wanted to work with the Town.

Chair Neve then opened discussion among the Board members, who all agreed to move forward with the rezoning. Mr. Garner explained that with PUD rezoning no use is allowed as permitted by right and every use is a special use, so the developer had to list every use on their request. He further stated that the Board could ask for conditions to be placed for the developer to meet if approval was given.

Member Vreugdenhil made the motion to approve the rezoning request and Vice-Chair Merrill made the second. Board Secretary Anderson took a vote that was unanimous.

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

Vice-Chair Merrill made a motion to request the Board of Commissioners place the following conditions on the rezoning and Member Meelheim made the second:

- 1. To maintain the density less than or equal to what was provided on the plan.
- 2. To include a nature buffer with a pedestrian easement in accordance with the adopted Beaufort Bike/Pedestrian Plan.
- 3. To request the plans for the Mixed-Use area duplexes be provided to the Planning Board for review regardless of total square footage, even if they fall below the threshold.

Chair Neve took a vote that was unanimous.

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

Old Business

1. Preliminary Plat for Salt Wynd Preserve Phase I

Chair Neve explained the process to the public and stated that while the Board usually made recommendations to the Commissioners, in this case the Board was empowered to decide whether to approve or deny the preliminary plat, and that the Planning Board is bound by the subdivision ordinance as it currently exists, and the decision for approval or denial must be based solely on the standards explicitly set forth in the subdivision ordinance. If the Board denied approval, they must specify their reasons in writing and state where the request goes against the Land Development Ordinance. The Ordinance empowers the Board to request an Environmental Impact Statement but does not give any guidance or authority insofar as





how they can use the Statement in the decision-making process. Chair Neve further stated that the Board currently does not have the tools in the Subdivision Ordinance to base decisions on matters not set forth in the Ordinance. Once the CAMA process is complete, the revisions to the current Land Development Ordinance would be updated in a new Ordinance.

Chair Neve asked Town staff if they had anything to add and hearing that they did not, asked the applicant if they would like to add anything further. The applicant for Beaufort Agrihood Development, Beth Clifford, stated that the development is 84 acres, a by-right subdivision, and when they undertook the development, they looked at it to make it the most environmentally sensitive project that they could. She stated that they wanted to preserve the farmland and how important it was to Pearl West and her family, and that Mrs. West was excited the farm would be maintained and be a farmland. Ms. Clifford stated that the Environmental Impact Statement was moot at this point.

Chair Neve then opened Board discussion. Vice-Chair Merrill expressed concern at the five flag lots and stated that the subdivision ordinance allows their use "judiciously", and it would set a precedent to allow them in this subdivision. Member Vreugdenhil asked about permeable streets. Member Meelheim referred to the EIS, page 16, and asked who the environmental expert was. Ms. Clifford stated that NC Coastal Federation was a point of contact at the start of the project, but they had nothing to do with the EIS. Member Meelheim also noted the sensitivity of the project and asked Ms. Clifford if she had considered giving some of the sensitive area to Beaufort to be a reserve. Ms. Clifford stated that they were holding back all the farmland and 20 acres of land that would never be platted for residential use. Member Bowler asked if Salt Wynd would agree to voluntary environmental monitoring and Ms. Clifford stated that she would agree. Chair Neve stated that he did appreciate the environmental steps that had been taken, and that it would be a great model for future developments, especially with the covenants placed on the landholders.

Chair Neve closed discussion and asked for a motion.

Member LoPiccolo made a motion approve the preliminary plat for Salt Wynd and Member Bowler made the second. Board Secretary Anderson took a roll call vote.

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

Voting nay: Member Vreugdenhil

Commission / Board Comments

Member Meelheim said that she was looking forward to an updated Land Development Ordinance that will enable the Board to do what they need to do. Member Bowler added that she was looking forward to the Resilient Beaufort project put into action in the LDO, so the LDO can address the environmental concerns raised by citizens. Member LoPiccolo agreed. Vice-Chair Merrill discussed the Resilient Beaufort and CAMA Land Use Plans, and stated that in the Health Department survey, the issue of the lack of affordable housing was one of the top concerns. Member Vreugdenhil thanked the staff and also thanked the citizens for their respectful behavior. Chair Neve also thanked the staff and suggested a process to break up project discussion over two meetings. Vice-Chair Merrill agreed and said that the 801 Mulberry Street project was a good example of breaking up project discussion and slowing the process down.

Staff Comments

None.

Adjourn

Member LoPiccolo 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 Bowler, Member LoPiccolo, Member Meelheim, Member Vreugdenhil

Chair Neve then declared the meeting adjourned.





Ryan Neve, Chair

Laurel Anderson, Board Secretary



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Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, June 20, 2022 – 614 Broad Street – Train Depot

AGENDA CATEGORY:	Public Hearing
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SUBJECT: Pollock Street

BRIEF SUMMARY:

The applicant had submitted a request to rezone to CS-MU however after hearing from neighbors withdrew their application.

REQUESTED ACTION:

Discussion on Preliminary Decision on Preliminary Plat

EXPECTED LENGTH OF PRESENTATION:

10 Minutes

SUBMITTED BY:

Kyle Garner, AICP

Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A



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Beaufort Planning Board Regular Meeting 6:00 PM Monday, June 20, 2022 – 614 Broad Street – Train Depot

AGENDA CATEGORY:	New Business
SUBJECT:	To recommend approval or denial to the Board of Commissioners for the Site Plan for AA Storage.

BRIEF SUMMARY:

The applicant wishes to construct a Mini Storage facility totaling 150,567 square feet and includes: 4 – one-story climate controlled buildings, each totaling 24,000 square feet.

- 1 one-story covered open air storage area totaling 52,967 square feet.
- 1 two-story office totaling 1,600 square feet.

Additionally, as part of the Special Use Permit the applicant agreed to install a 30 foot wide landscape buffer between the facility and adjoining residential properties along Piver Road. **REQUESTED ACTION:**

Discussion on Proposed Site Plan

Recommendation to Board of Commissioners for Site Plan & Sewer Allocation Request

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Kyle Garner, AICP Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A

STAFF REPORT



1.

To: Planning Board Members

From: Kyle Garner, AICP, Town Planner

Date: June 13, 2022

Project 2176 Live Oak - Site Plan – AA Storage

<u>THE QUESTION:</u> To recommend approval or denial to the Board of Commissioners for the Site Plan for AA Storage.

BACKGROUND: This site currently is an undeveloped and has been annexed, rezoned and been given a Special Use Permit for the Mini-Storage Units. The site plan is the next step in the process.

Location:	2176 Live Oak
Owners:	The Rosemyr Corporation
Requested Action:	To recommend approval or denial to the Board of Commissioners
Existing Zoning	B-1
Pin #:	731703102015000, 731605191929000, 731605192705000
Size:	12.74 acres
Building Square Footage:	150,567 Square Feet
Existing Land Use:	Undeveloped

PUBLIC UTILITIES & WORKS:

Water:	Town of Beaufort
Sanitary Sewer:	Town of Beaufort

OPTIONS:

- 1. Recommend approval of the Site Plan
- 2. Recommend denial of the Site Plan based on specific failures to meet requirements of the LDO.

ATTACHMENTS:

- A. Vicinity Map
- B. Site Plan AA Storage Site Plan
- C. NCDOT Driveway Permit Application

Staff Comments:

The applicant wishes to construct a Mini Storage facility totaling 150,567 square feet and includes:

- 4 one-story climate controlled buildings, each totaling 24,000 square feet.
- 1 one-story covered open air storage area totaling 52,967 square feet.
- 1-two-story office totaling 1,600 square feet.

Additionally, as part of the Special Use Permit the applicant agreed to install a 30 foot wide landscape buffer between the facility and adjoining residential properties along Piver Road.

This site has already been annexed, rezoned and received a Special Use Permit for the Mini-Storage Facility.

Conclusion

This project meets the design criteria required in the LDO and staff recommends approval.

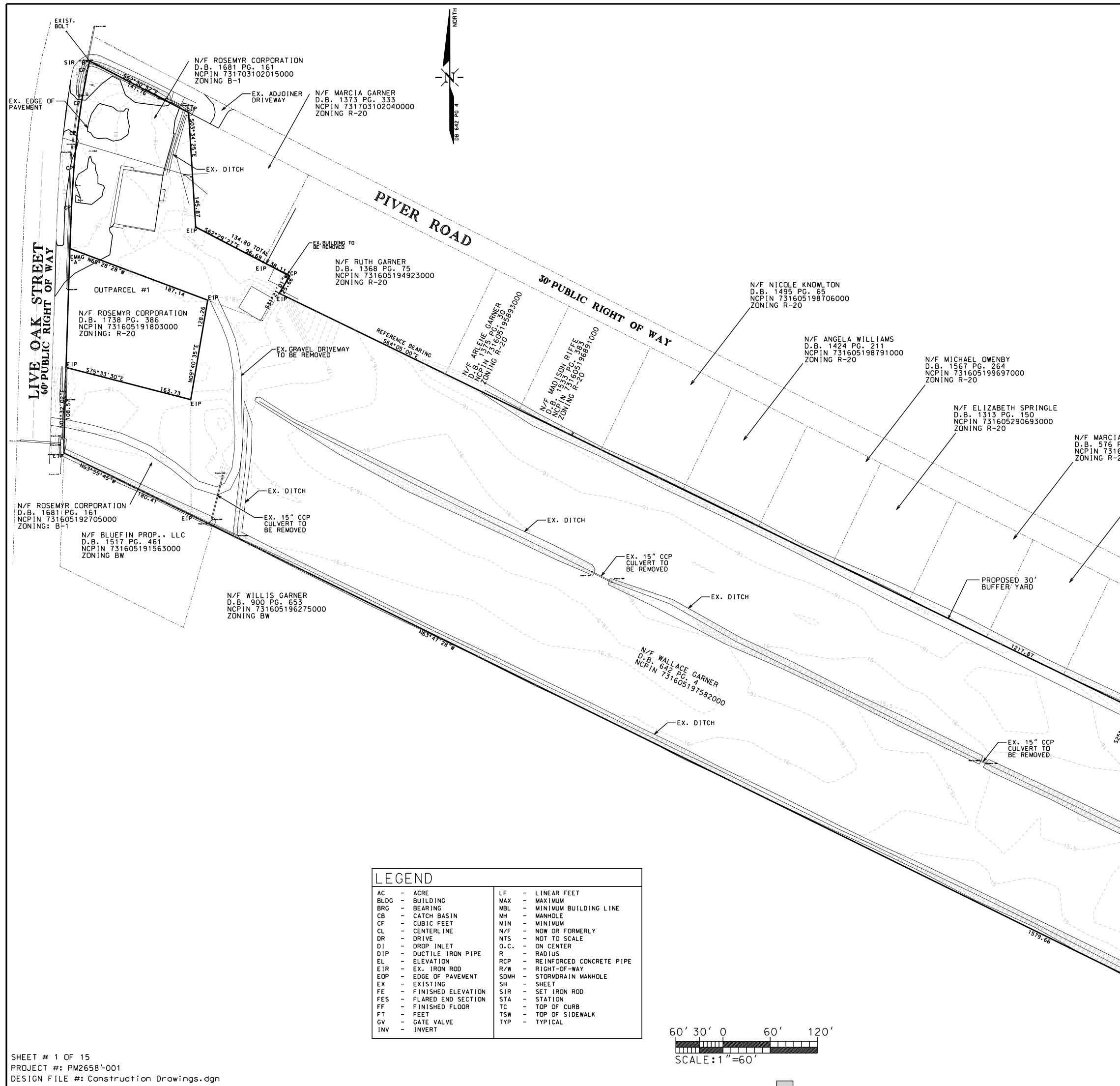
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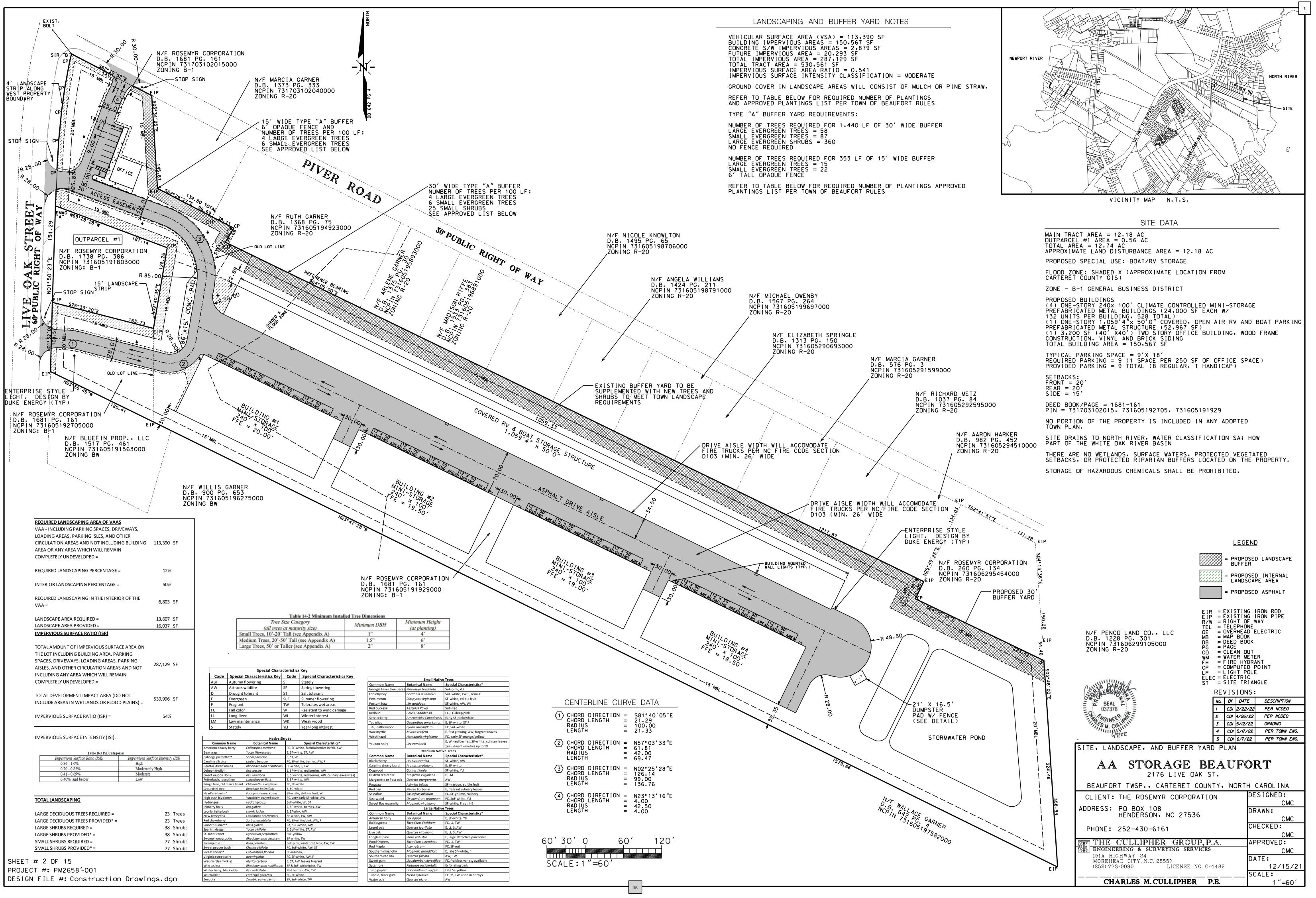
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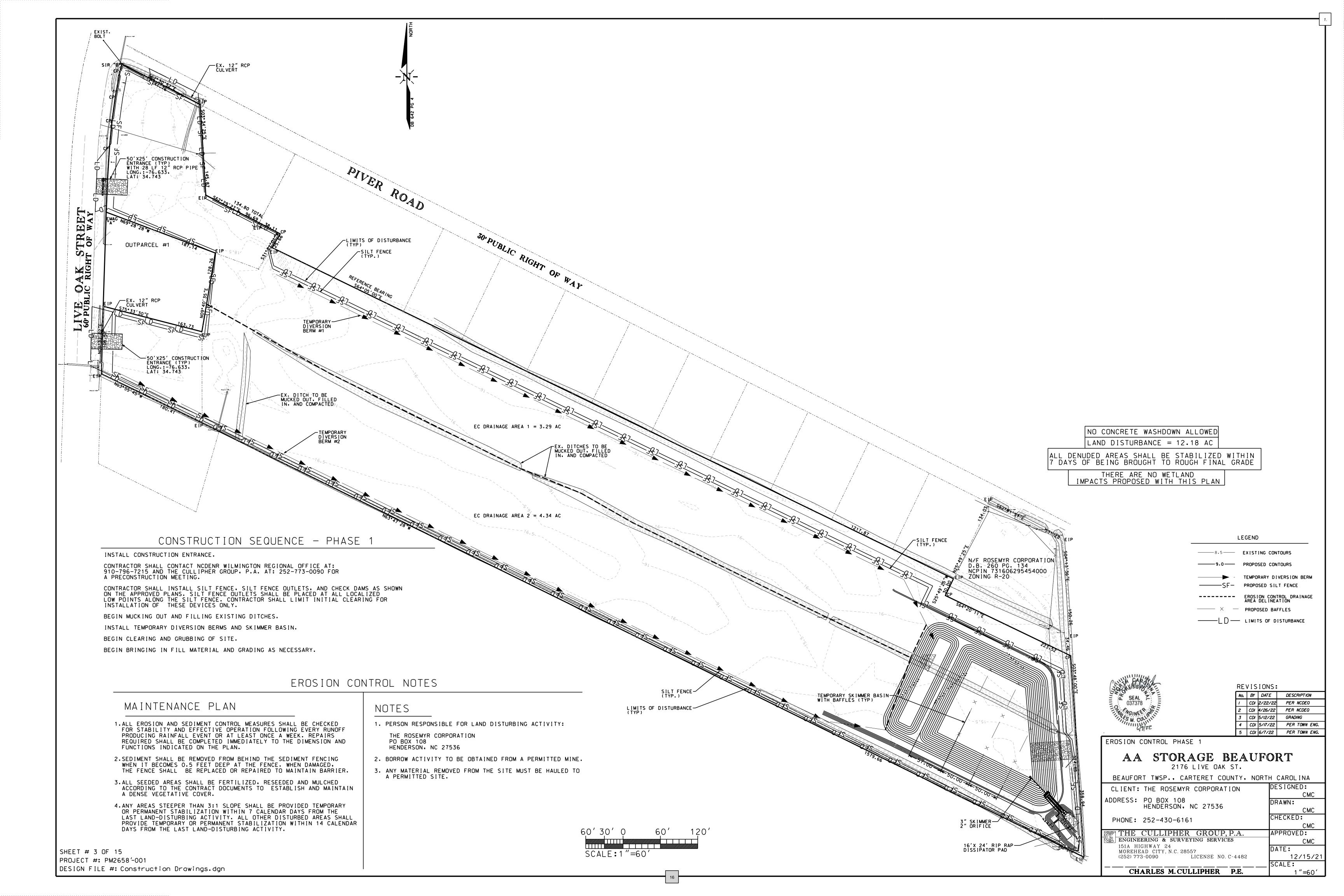
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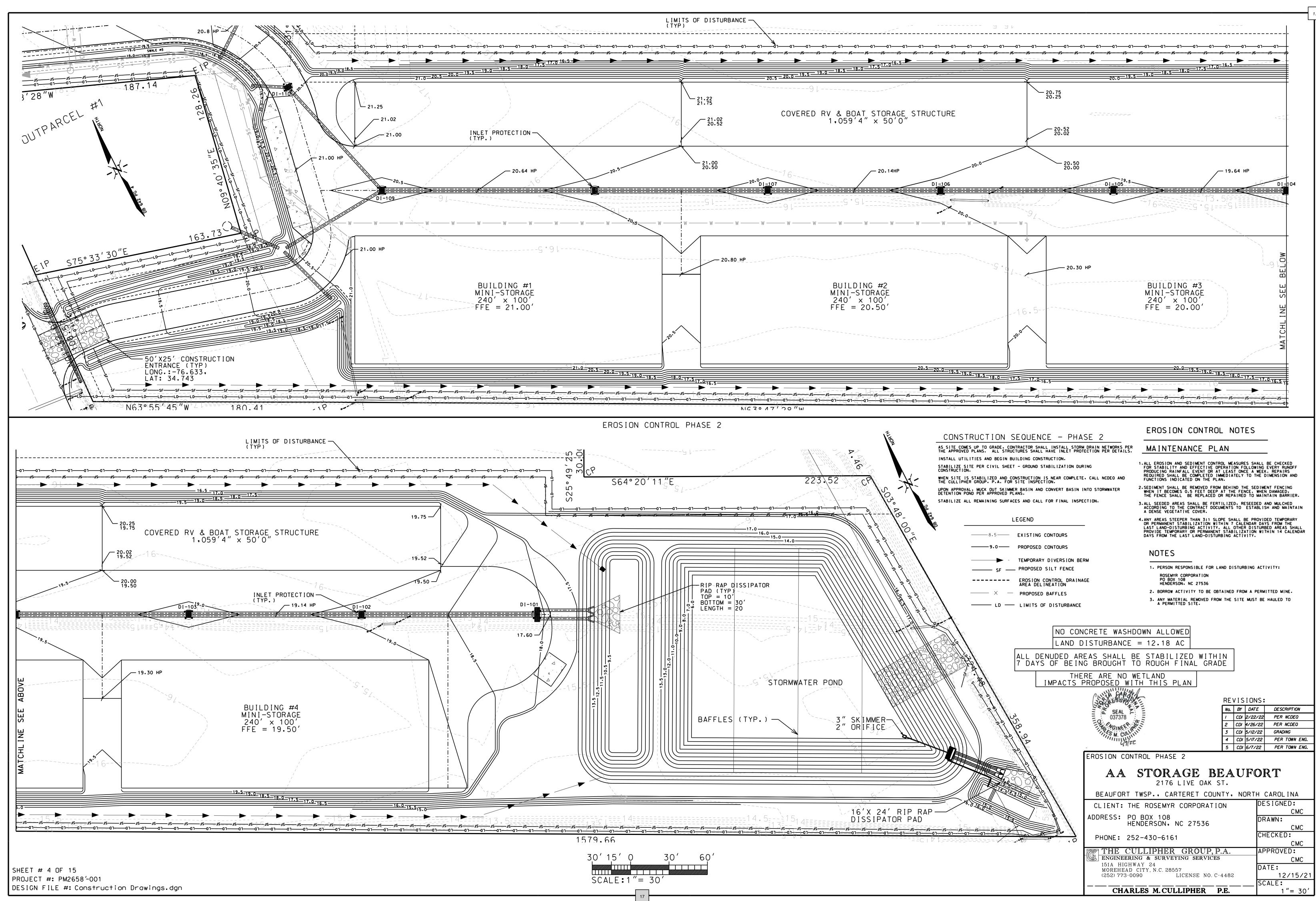
	SIGNATURES	OF APPLICA	NT
COMPANY SIGNATURE ADDRESS	PROPERTY OWNER (APPLICANT) Rosemyr Corporation 231 Garnett St Henderson, NC Phone No. 252-430-6161	_ NAME _ SIGNATURE _ ADDRESS	WITNESS Sarah M. Tucker Sarah M. Juelu. 231 S. Cramett St Henderson NC 27536
COMPANY SIGNATURE ADDRESS	AUTHORIZED AGENT The Cullipher Group, PA Chad M Culliphin 151A NC HWY 24 Morehead City Phone No. 252-773-0090 APPF	_ NAME _ SIGNATURE _ ADDRESS _ ROVALS	WITNESS Lauren Cox AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
APPLICATION	RECEIVED BY DISTRICT ENGINEER		
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APPLICATION	APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (wh	en required)	
	SIGNATURE	TITLE	DATE
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COMMENTS:			

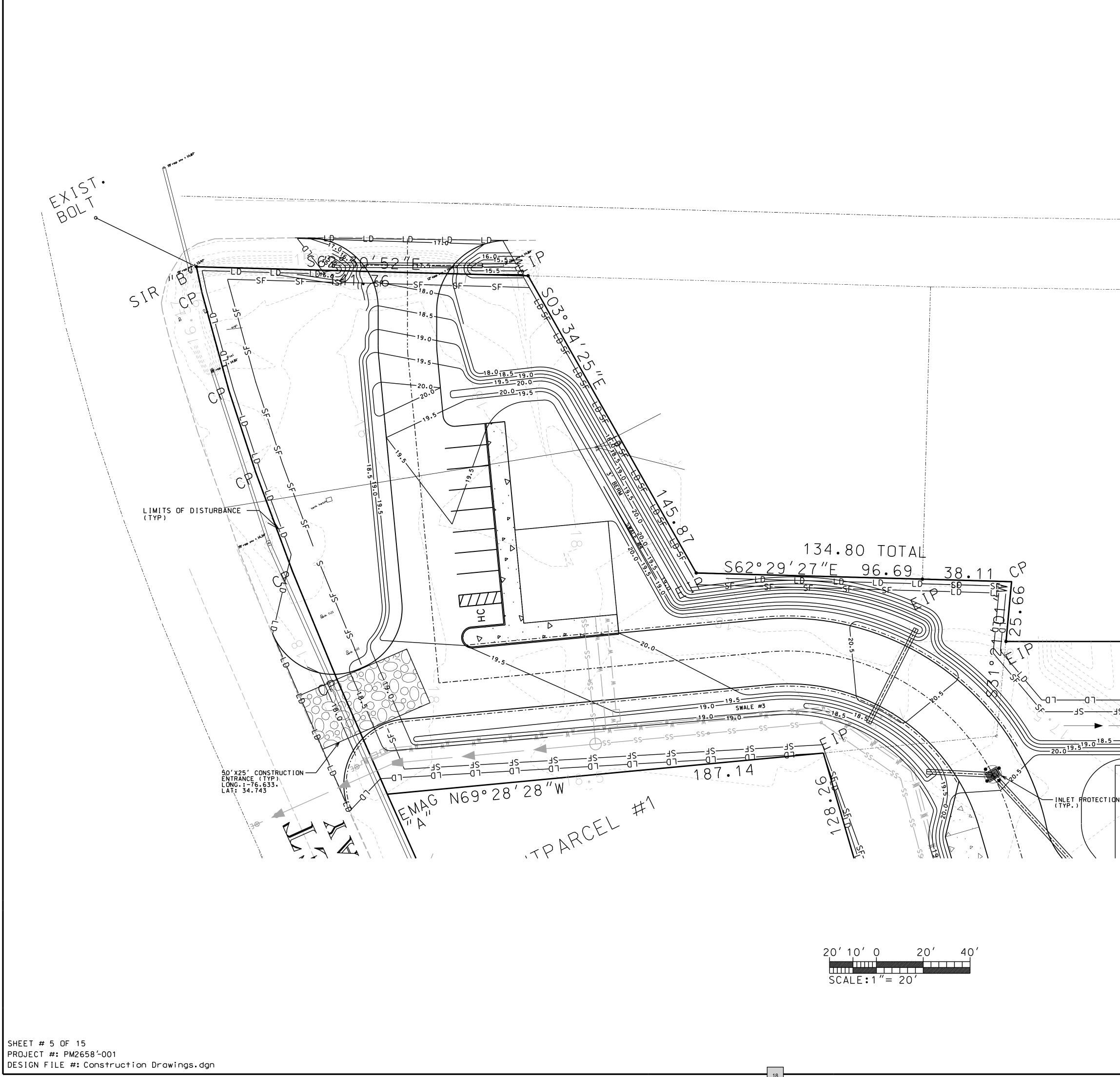


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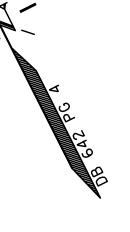






NO CONCRETE WASHDOWN ALLOWED LAND DISTURBANCE = 12.18 AC

ALL DENUDED AREAS SHALL BE STABILIZED WITHIN 7 DAYS OF BEING BROUGHT TO ROUGH FINAL GRADE THERE ARE NO WETLAND IMPACTS PROPOSED WITH THIS PLAN



CONSTRUCTION SEQUENCE - PHASE 2

AS SITE COMES UP TO GRADE, CONTRACTOR SHALL INSTALL STORM DRAIN NETWORKS PER THE APPROVED PLANS, ALL STRUCTURES SHALL HAVE INLET PROTECTION PER DETAILS. INSTALL UTILITIES AND BEGIN BUILDING CONSTRUCTION.

STABILIZE SITE PER CIVIL SHEET - GROUND STABILIZATION DURING CONSTRUCTION. WHEN SITE IS STABILIZED AND CONSTRUCTION IS NEAR COMPLETE, CALL NCDEQ AND THE CULLIPHER GROUP, P.A. FOR SITE INSPECTION.

UPON APPROVAL, MUCK OUT SKIMMER BASIN AND CONVERT BASIN INTO STORMWATER DETENTION POND PER APPROVED PLANS.

STABILIZE ALL REMAINING SURFACES AND CALL FOR FINAL INSPECTION.

EROSION CONTROL NOTES

MAINTENANCE PLAN

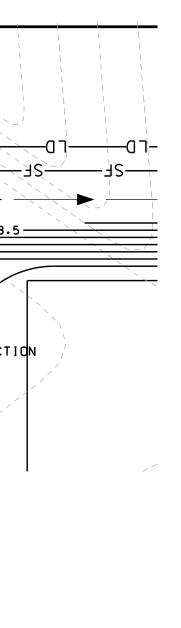
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- 2.SEDIMENT SHALL BE REMOVED FROM BEHIND THE SEDIMENT FENCING WHEN IT BECOMES 0.5 FEET DEEP AT THE FENCE. WHEN DAMAGED. THE FENCE SHALL BE REPLACED OR REPAIRED TO MAINTAIN BARRIER.
- 3.ALL SEEDED AREAS SHALL BE FERTILIZED, RESEEDED AND MULCHED ACCORDING TO THE CONTRACT DOCUMENTS TO ESTABLISH AND MAINTAIN A DENSE VEGETATIVE COVER.

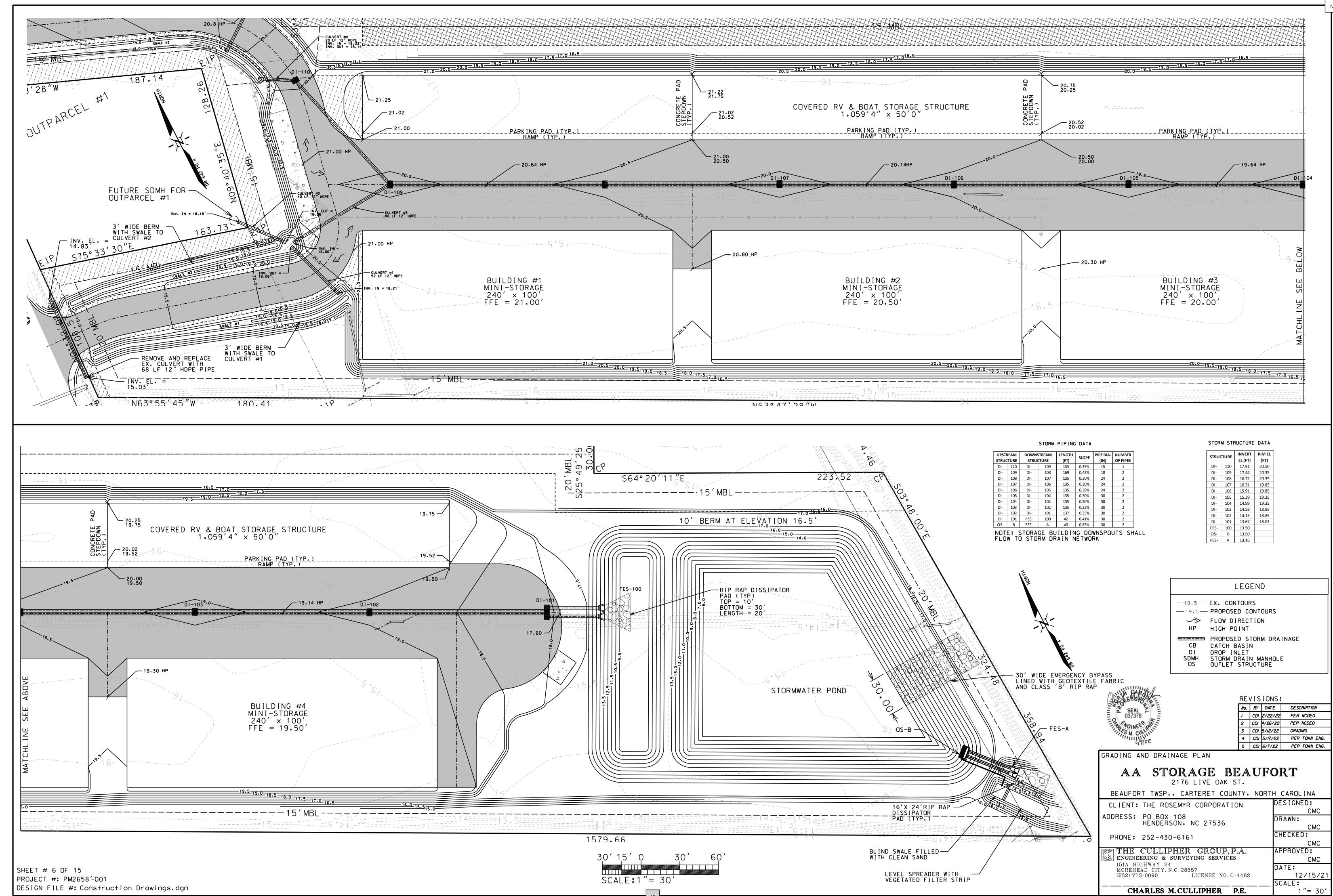
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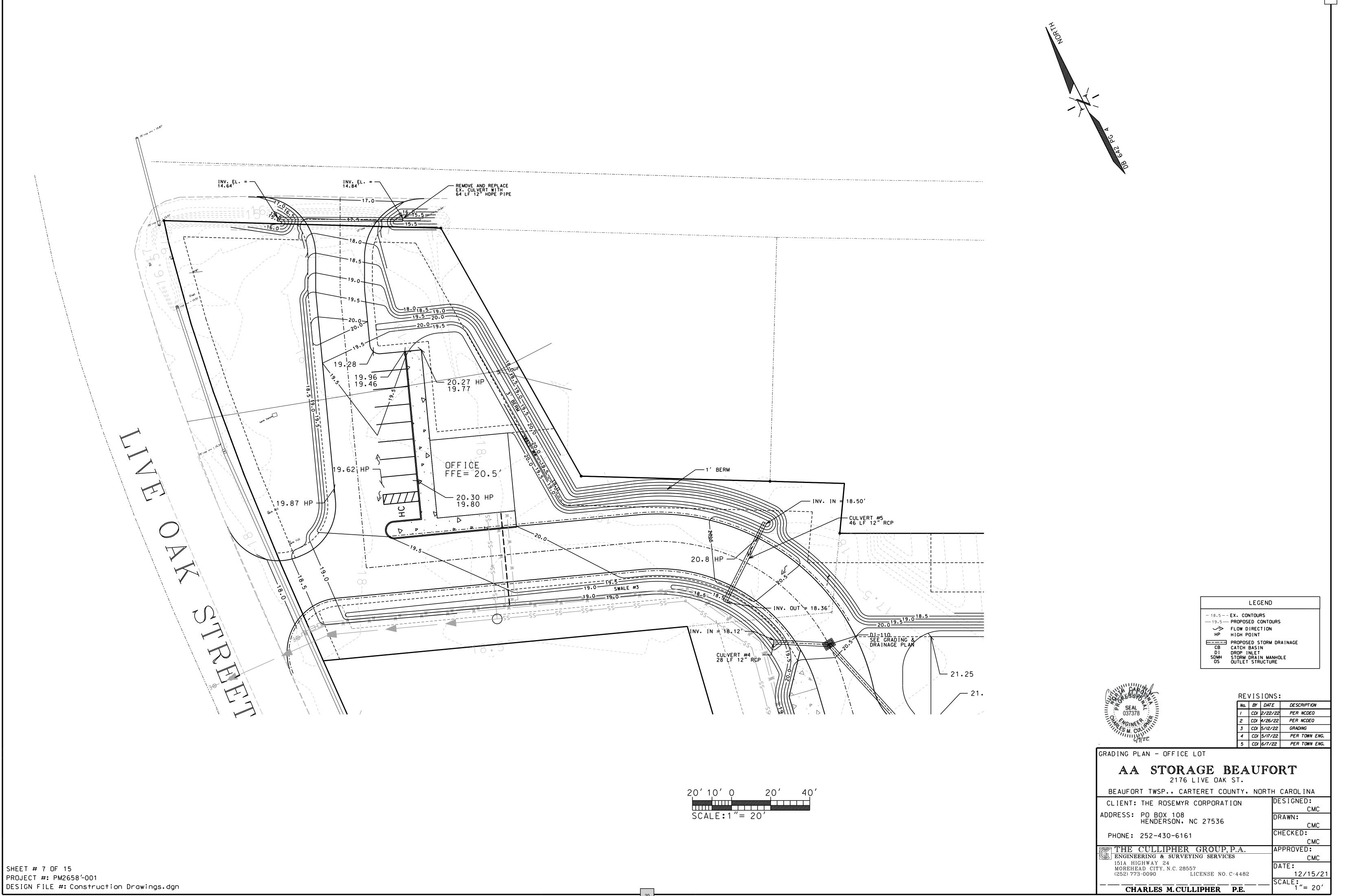
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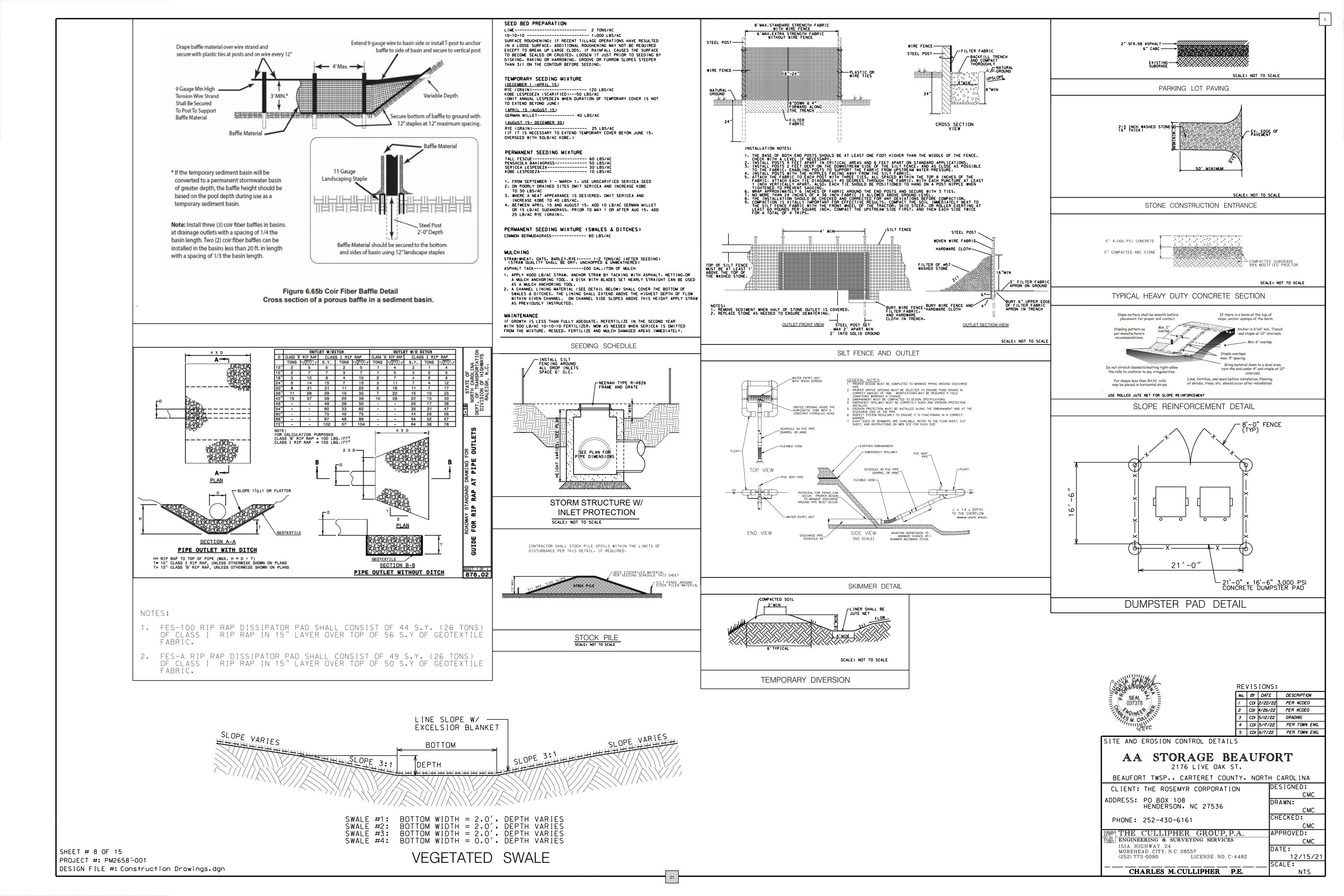
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 - HENDERSON, NC 27536
- 2. BORROW ACTIVITY TO BE OBTAINED FROM A PERMITTED MINE.
- 3. ANY MATERIAL REMOVED FROM THE SITE MUST BE HAULED TO A PERMITTED SITE.

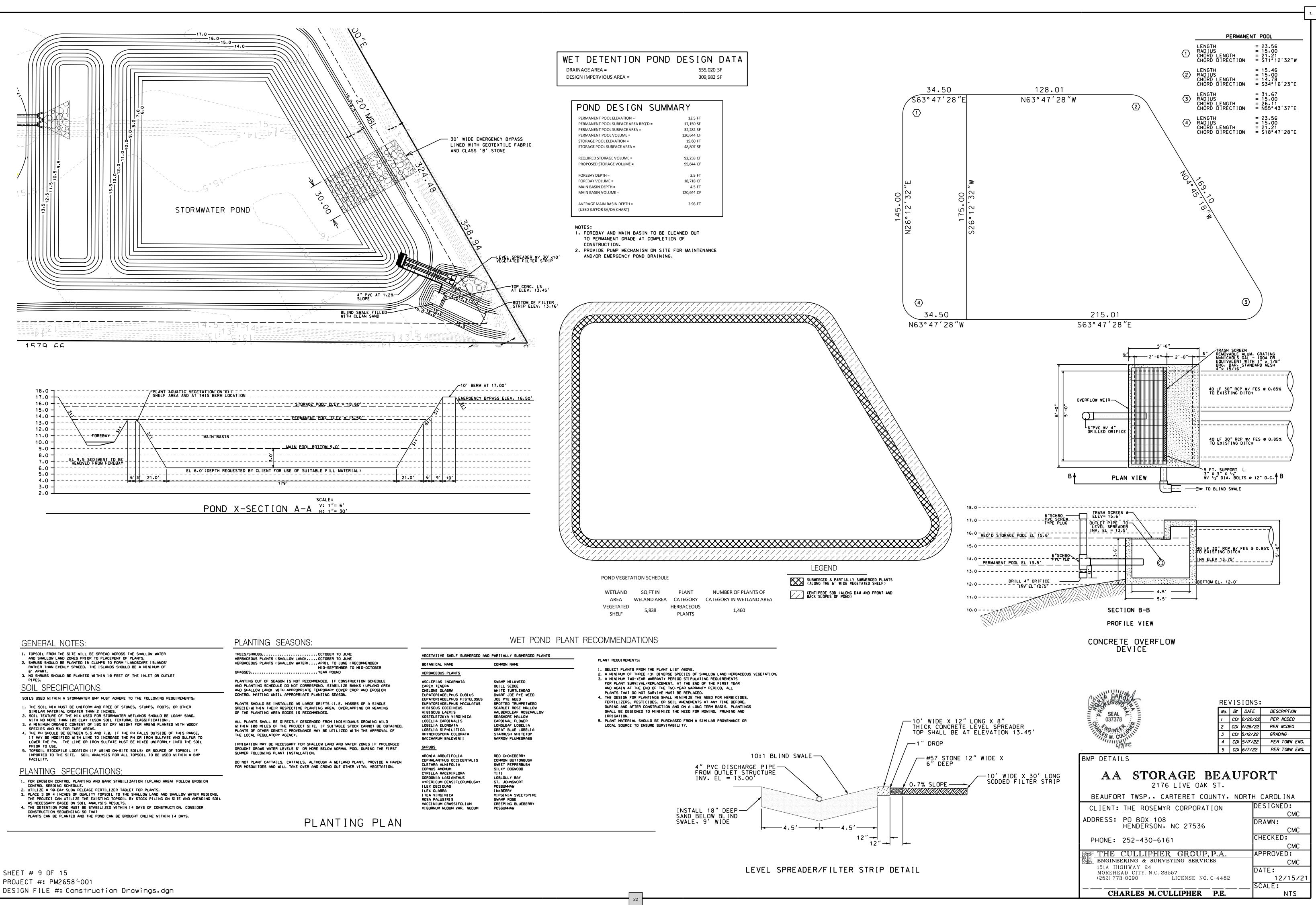
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BEAUFORT TWSP., CARTERET	COUNTY, NORTH CAROLINA
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HENDERSON, NC 275	CMC
PHONE: 252-430-6161	CHECKED:
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THE CULLIPHER GRO	
ENGINEERING & SURVEYING SE	RVICES CMC
151A HIGHWAY 24 MOREHEAD CITY, N.C. 28557	DATE:
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CHARLES M. CULLIPHE	SCALE:
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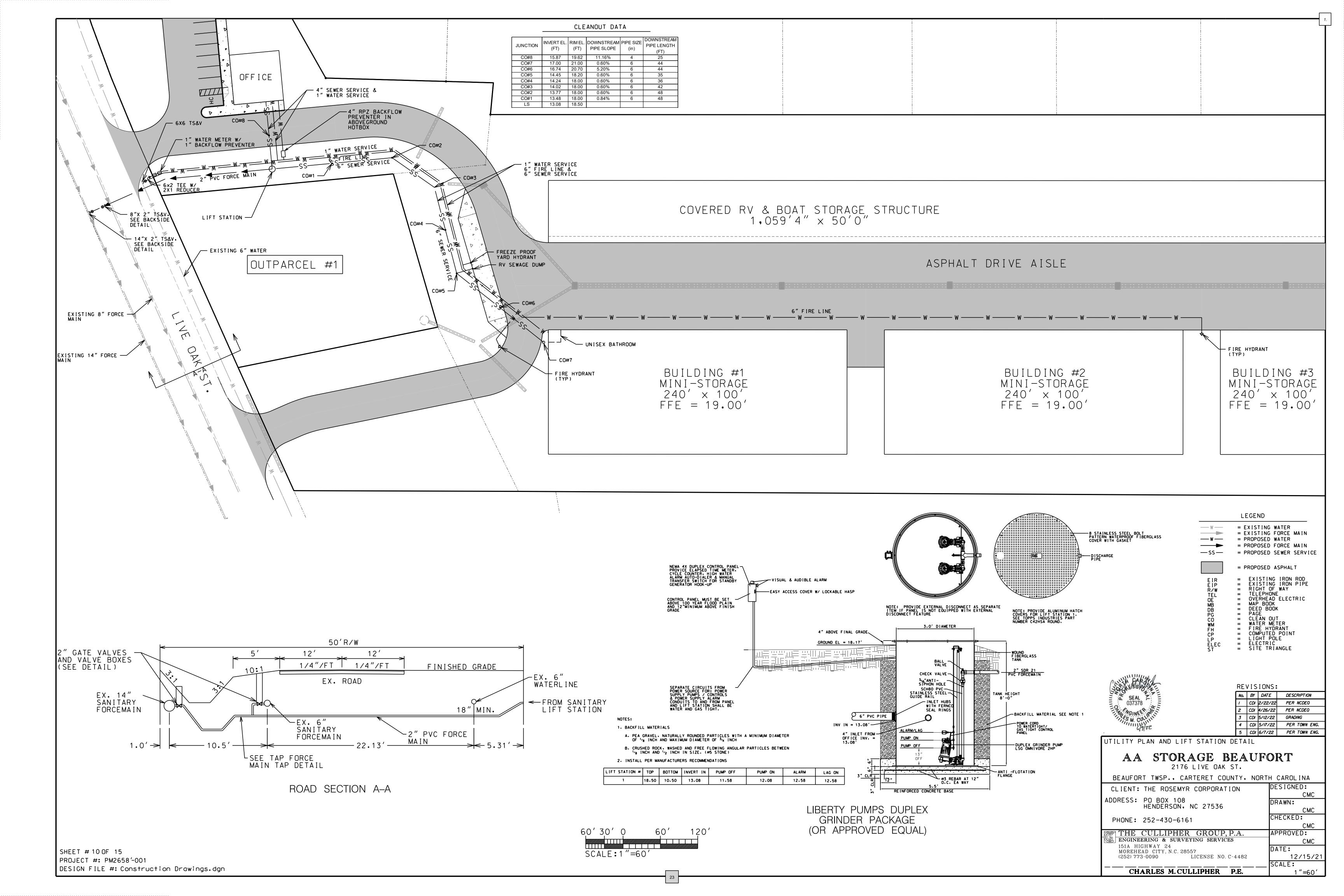












HE NCG01 CONSTRUCTION		NDLING PRACTICES FOR COMPLIANCE WITH	EQUIPMENT AND VEHICLE MAINTENANCE	
		this plan sheet will result in the construction	 Maintain vehicles and equipment to prevent discharge of fluids. Dravide drip none under any stand equipment. 	
	•	ound Stabilization and Materials Handling	2. Provide drip pans under any stored equipment.	
		rmit (Sections E and F, respectively). The	 Identify leaks and repair as soon as feasible, or remove leaking equipment from the project. 	
elegated authority having	g jurisdiction. All deta	diment Control plan approved by the ils and specifications shown on this sheet	 Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible). 	
ECTION E: GROUND STAI		d the delegated authority having jurisdiction.	5. Remove leaking vehicles and construction equipment from service until the problem has been corrected.	CINCRETE CLEARLY MARKED STRAGE NUTTING DEVICE (197247 MIN) INTER VASHOUT 1 ACTI
		ilization Timeframes	6. Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products	2 THE DE HAN CAPACI PI AN
	Stabilize within thi		to a recycling or disposal center that handles these materials.	
Site Area Description	many calendar days after ceasing land disturbance	Timeframe variations	LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE	BELDW GRADE WASHDU NUT TU SCALE
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swales, ditches, and	I 7	None	 Provide a sufficient number and size of waste containers (e.g dumpster, trash receptacle) on site to contain construction and domestic wastes. 	CONCRETE WASHOUTS 1. Do not discharge con
perimeter slopes			3. Locate waste containers at least 50 feet away from storm drain inlets and surface	2. Dispose of, or recycle
(b) High Quality Water	7	None	waters unless no other alternatives are reasonably available.	and state solid waste
(HQW) Zones	/	Hone	4. Locate waste containers on areas that do not receive substantial amounts of runoff	3. Manage washout fro
(c) Slopes steeper than	_	If slopes are 10' or less in length and are	 from upland areas and does not drain directly to a storm drain, stream or wetland. 5. Cover waste containers at the end of each workday and before storm events or 	addition place the m
3:1	/	not steeper than 2:1, 14 days are	provide secondary containment. Repair or replace damaged waste containers.	lot perimeter silt fen 4. Install temporary cor
		allowed -7 days for slopes greater than 50' in	 Anchor all lightweight items in waste containers during times of high winds. 	alternate method or
		length and with slopes steeper than 4:1	7. Empty waste containers as needed to prevent overflow. Clean up immediately if	review and approval
		-7 days for perimeter dikes, swales,	containers overflow.	types of temporary of
(d) Slopes 3:1 to 4:1	14	ditches, perimeter slopes and HQW	8. Dispose waste off-site at an approved disposal facility.	5. Do not use concrete sections. Stormwate
		Zones	9. On business days, clean up and dispose of waste in designated waste containers.	discharged to the sto
		-10 days for Falls Lake Watershed	PAINT AND OTHER LIQUID WASTE	be pumped out and
		-7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones	1. Do not dump paint and other liquid waste into storm drains, streams or wetlands.	6. Locate washouts at
(e) Areas with slopes		-10 days for Falls Lake Watershed unless	 Locate paint washouts at least 50 feet away from storm drain inlets and surface 	can be shown that r
	14	1-10 days for Fails Lake Water shed unless []	2. Locale paint washouts at least 50 reet away norm storm drain miets and surface in the	install protoction of
flatter than 4:1	14	there is zero slope	waters unless no other alternatives are reasonably available.	
flatter than 4:1 ote: After the permanen	t cessation of constru	there is zero slope action activities, any areas with temporary	waters unless no other alternatives are reasonably available.3. Contain liquid wastes in a controlled area.	spills or overflow.
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oncrete washouts per local requirements, where applie	cable. If an			
or product is to be used, contact your approval authority	· .			
al. If local standard details are not available, use one o concrete washouts provided on this detail.				
e washouts for dewatering or storing defective curb or				
ter accumulated within the washout may not be pump torm drain system or receiving surface waters. Liquid				
removed from project.				
least 50 feet from storm drain inlets and surface wate no other alternatives are reasonably available. At a mi				
f storm drain inlet(s) closest to the washout which cou	· ·			
an easily accessible area, on level ground and install a	stone			
nt of the washout. Additional controls may be require				
y. sign directing concrete trucks to the washout within th	e project			
e on the washout itself to identify this location.				
om the washout when at approximately 75% capacity				
eplace the tarp, sand bags or other temporary structur no longer functional. When utilizing alternative or pro				
anufacturer's instructions.				
of the concrete work, remove remaining leavings and c losal facility. Fill pit, if applicable, and stabilize any dist	· ·			
of washout.				
AND RODENTICIDES				
bicides, pesticides and rodenticides in accordance with	h label			
esticides and rodenticides in their original containers w rections for use, ingredients and first aid steps in case of				
g.				
ides, pesticides and rodenticides in areas where floodi hey may spill or leak into wells, stormwater drains, gro	-			
a spill occurs, clean area immediately.				
ese materials onsite.				
<u>WASTE</u>				
azardous waste collection areas on-site. ste containers under cover or in secondary containmer	nt.			
ous chemicals, drums or bagged materials directly on t				
			REVISION	
		4	1 CDI 2/22 2 CDI 4/26/	122 PER NCDEO
EFFECTIVE: 0	4/01/19		2 02/ 1/2/ 3 CDI 5/12/ 4 CDI 5/17/	22 GRADING
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		ILIZATION AND MATERI		
	AA	2176 LIVE DAK S		JK I
	BEAUFORT	TWSP., CARTERET COUN		H CAROLINA
	CLIENT: TH	E ROSEMYR CORPORATIO)N	DESIGNED: CMC
	ADDRESS: PO HE	BOX 108 NDERSON, NC 27536		DRAWN:
(1) A REAL	PHONE: 25			CMC CHECKED:
SEAL F		ULIPHER GROUP, P		CMC APPROVED:
AGINEE A	ENGINEERIN 151A HIGHW	NG & SURVEYING SERVICES AY 24		CMC DATE:
Elgize	MOREHEAD (252) 773-00	CITY, N.C. 28557 90 LICENSE NO. C-	4482	12/15/21 SCALE:
otili	CHAR	LES M. CULLIPHER F	Р.Е. — — —	NTS

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION A: SELF-INSPECTION

Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any time when inspections were delayed shall be noted in the Inspection Record.

			Item to Document	Documentation Requirements
nspect (1) Rain gauge	Frequency (during normal business hours) Daily	Inspection records must include: Daily rainfall amounts.	(a) Each E&SC Measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations	Initial and date each E&SC Measure on a copy of the approved E&SC Plan or complete, date and sign an inspection report that lists each
maintained in good working order		If no daily rain gauge observations are made during weekend or holiday periods, and no individual-day rainfall information is available, record the cumulative rain measurement for those un- attended days (and this will determine if a site inspection is needed). Days on which no rainfall occurred shall be recorded as "zero." The permittee may use another rain-monitoring device	shown on the approved E&SC Plan.	E&SC Measure shown on the approved E&SC Plan. This documentation is required upon the initial installation of the E&SC Measures or if the E&SC Measures are modified after initial installation.
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain	 approved by the Division. 1. Identification of the measures inspected, 2. Date and time of the inspection, 3. Name of the person performing the inspection, 4. Indication of whether the measures were operating 	(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(3) Stormwater discharge	event ≥ 1.0 inch in 24 hours At least once per 7 calendar days	 properly, 5. Description of maintenance needs for the measure, 6. Description, evidence, and date of corrective actions taken. 1. Identification of the discharge outfalls inspected, 2. Date and time of the inspection, 	(c) Ground cover is located and installed in accordance with the approved E&SC Plan.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
outfalls (SDOs)	and within 24 hours of a rain event \geq 1.0 inch in 24 hours	 Name of the person performing the inspection, Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration, Indication of visible sediment leaving the site, 	(d) The maintenance and repair requirements for all E&SC Measures have been performed.	Complete, date and sign an inspection report.
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain	 6. Description, evidence, and date of corrective actions taken. If visible sedimentation is found outside site limits, then a record of the following shall be made: 1. Actions taken to clean up or stabilize the sediment that has left the site limits, 	(e) Corrective actions have been taken to E&SC Measures.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate the completion of the corrective action.
	event ≥ 1.0 inch in 24 hours	 Description, evidence, and date of corrective actions taken, and An explanation as to the actions taken to control future releases. 	2. Additional Documentation	
(5) Streams or wetlands onsite or offsite (where accessible)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours	 If the stream or wetland has increased visible sedimentation or a stream has visible increased turbidity from the construction activity, then a record of the following shall be made: 1. Description, evidence and date of corrective actions taken, and 2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit of this permit. 	site and available for agency inspectors at all	above, the following items shall be kept on the times during normal business hours, unless the n based on unique site conditions that make this
(6) Ground stabilization measures	After each phase of grading	 The phase of grading (installation of perimeter E&SC measures, clearing and grubbing, installation of storm drainage facilities, completion of all land-disturbing activity, construction or redevelopment, permanent ground cover). Documentation that the required ground stabilization measures have been provided within the required timeframe or an assurance that they will be provided as soon as possible. 	(b) Records of inspections made during t the required observations on the Ins a similar inspection form that include	u of the required paper copies will be allowed if
NOTE: The rai	n inspection reset	s the required 7 calendar day inspection requirement.		of Intent and older inspection records shall be rs after project completion and made available



PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING

SECTION B: RECORDKEEPING

1. E&SC Plan Documentation

The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be documented in the manner described:

- maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

SELF-INSPECTION,

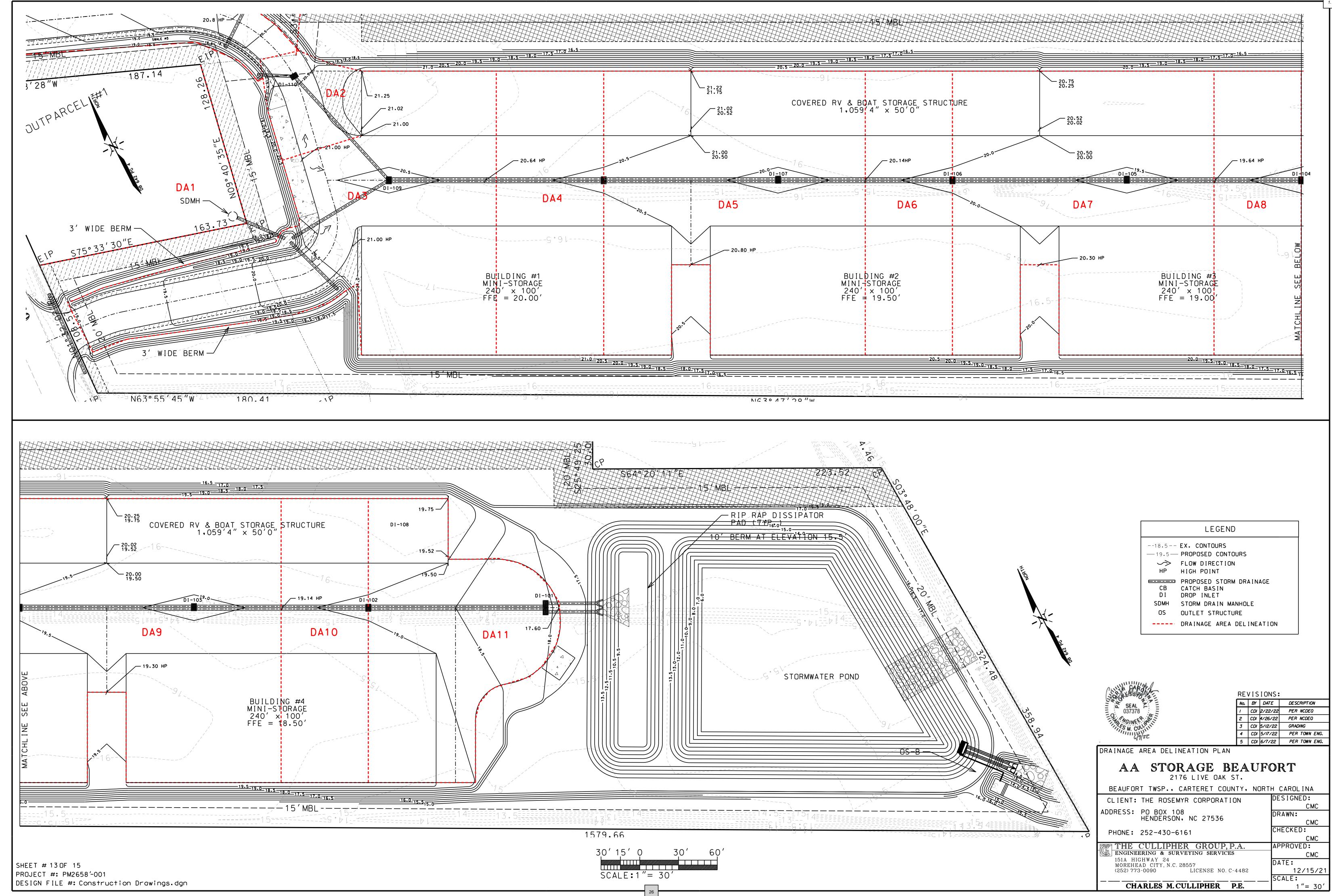
SECTION C: REPORTING

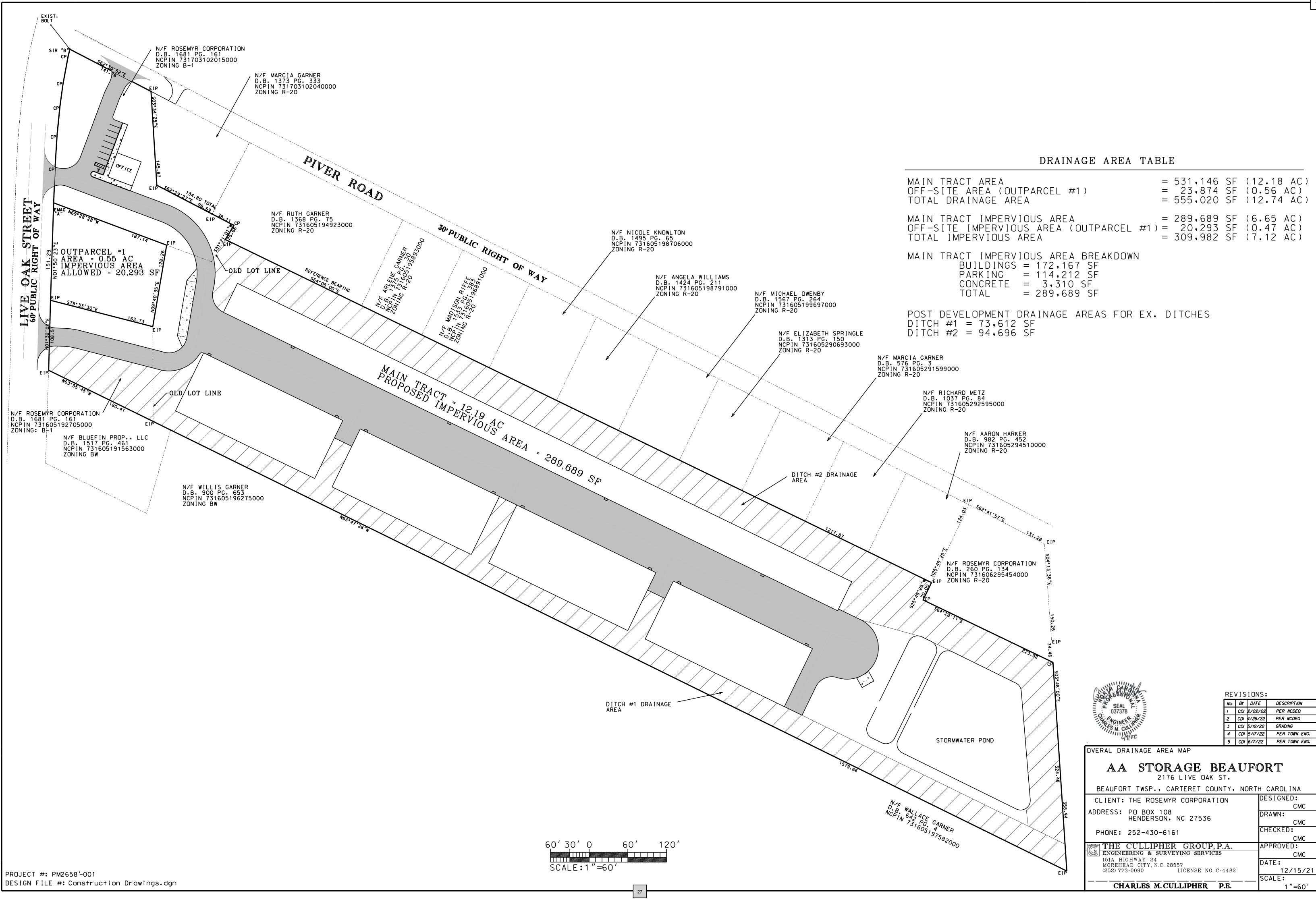
- **1. Occurrences that must be reported**
- Permittees shall report the following (a) Visible sediment deposition in a s
- (b) Oil spills if:
 - They are 25 gallons or more,
- They are less than 25 gallons by
- They cause sheen on surface w
- They are within 100 feet of sur
- (a) Releases of hazardous substances of the Clean Water Act (Ref: 40 ((Ref: 40 CFR 302.4) or G.S. 143-21
- (b) Anticipated bypasses and unantic
- (c) Noncompliance with the conditio environment.
- 2. Reporting Timeframes and Other Red After a permittee becomes aware of the appropriate Division regional offic other requirements listed below. Occ reported to the Division's Emergency 858-0368 or (919) 733-3300.

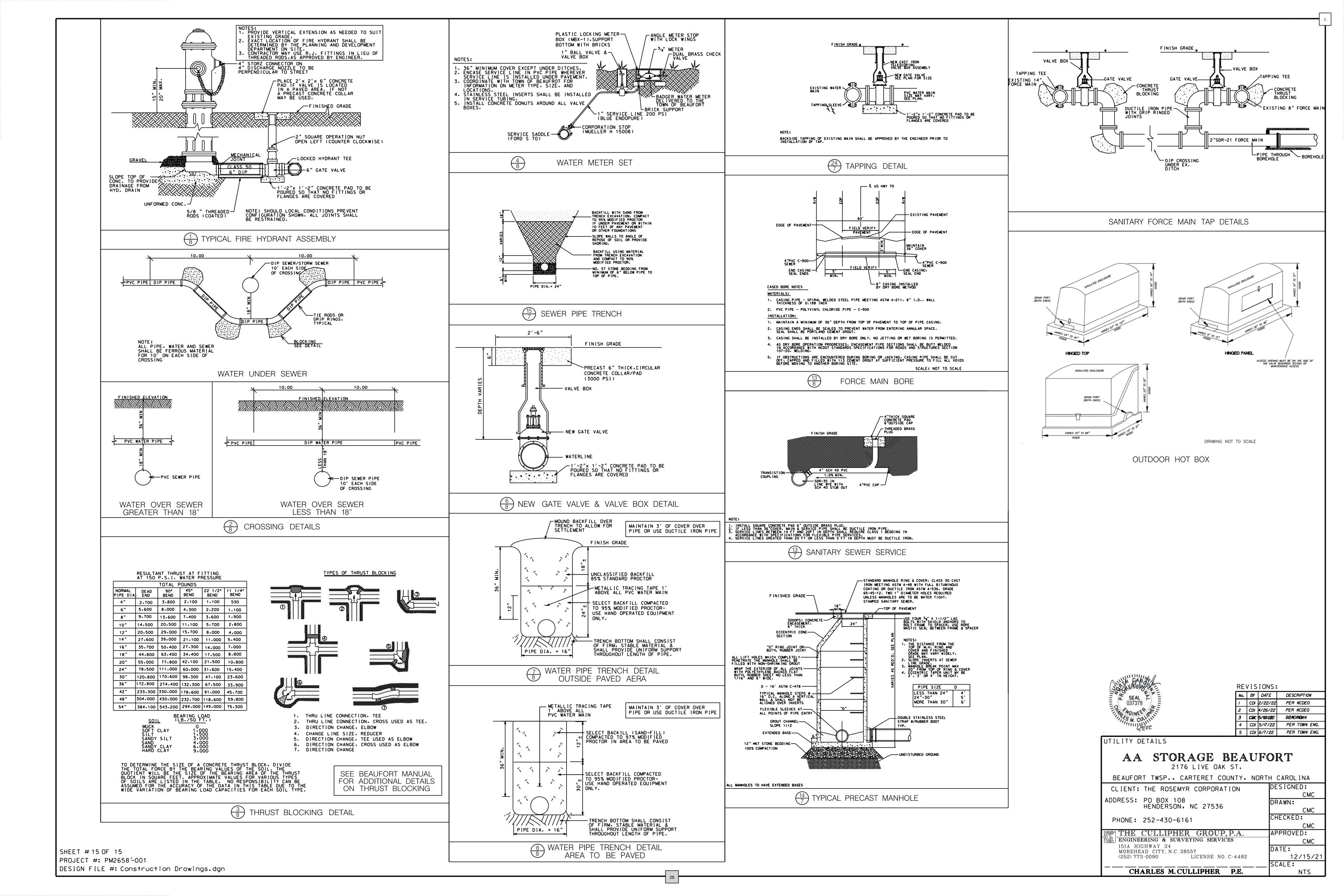
Occurrence	Reporting Timefra
(a) Visible sediment deposition in a stream or wetland	 Within 24 hours Within 7 calend sediment and ac Division staff ma case-by-case bas If the stream is r related causes, t monitoring, insp determine that a with the federal
(b) Oil spills and release of hazardous substances per Item 1(b)-(c) above	Within 24 hours shall include info location of the s
(c) Anticipated bypasses [40 CFR 122.41(m)(3)]	 A report at lease The report shall effect of the byp
(d) Unanticipated bypasses [40 CFR 122.41(m)(3)]	 Within 24 hours Within 7 calend quality and effect
(e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(I)(7)]	 Within 24 hours Within 7 calend noncompliance, including exact of been corrected, continue; and st prevent reoccur Division staff ma case-by-case bas

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

				1.
PART III				
RECORDKEEPING AND REPORTING				
g occurrences:				
stream or wetland.				
out cannot be cleaned up within 24 hours,				
waters (regardless of volume), or				
rface waters (regardless of volume).				
es in excess of reportable quantities under Section				
CFR 110.3 and 40 CFR 117.3) or Section 102 of CER 215.85.	RCLA			
icipated bypasses.				
ons of this permit that may endanger health or the	e			
equirements				
e quirements [•] an occurrence that must be reported, he shall cor	ntact			
ice within the timeframes and in accordance with				
ccurrences outside normal business hours may also	o be			
y Response personnel at (800) 662-7956, (800)				
ames (After Discovery) and Other Requirements				
rs, an oral or electronic notification.				
dar days, a report that contains a description of the actions taken to address the cause of the deposition.				
nay waive the requirement for a written report on a				
asis. s named on the NC 303(d) list as impaired for sediment-				
, the permittee may be required to perform additional	5			
spections or apply more stringent practices if staff				
t additional requirements are needed to assure complian al or state impaired-waters conditions.	ince			
rs, an oral or electronic notification. The notification				
formation about the date, time, nature, volume and spill or release.				
ist ten days before the date of the bypass, if possible.				
Il include an evaluation of the anticipated quality and				
ypass. rs, an oral or electronic notification.				
dar days, a report that includes an evaluation of the ect of the bypass.				
rs, an oral or electronic notification.				
dar days, a report that contains a description of the				
e, and its causes; the period of noncompliance, t dates and times, and if the noncompliance has not				
d, the anticipated time noncompliance is expected to				
steps taken or planned to reduce, eliminate, and urrence of the noncompliance. [40 CFR 122.41(l)(6).				
nay waive the requirement for a written report on a asis.				
			DENTE	
			REVISION No. BY DAT	· _
	1/10		1 CDI 2/22 2 CDI 4/26	
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			5 CDI 6/7/	122 PER TOWN ENG.
	SELF-INS	SPECTION, RECORDREEPING		
	A			ORT
	BFAUF	2176 LIVE OAK DRT TWSP., CARTERET COU		
		: THE ROSEMYR CORPORAT		DESIGNED:
		: PO BOX 108		CMC DRAWN:
	D	HENDERSON, NC 27536		CMC CHECKED:
(Jeres Starting		252-430-6161		СМС
SEAL 2 037378	ENGIN	CULLIPHER GROUP, IEERING & SURVEYING SERVIC		APPROVED: CMC
THE NOINEER PRINT	MOREH	HIGHWAY 24 HEAD CITY, N.C. 28557 73-0090 LICENSE NO.	C-4482	DATE: 12/15/21
6/9/22		HARLES M. CULLIPHER	- <u></u>	SCALE:
		IARLES M.CULLIPHEK	Г.С.	NTS









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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, June 20, 2022 – 614 Broad Street – Train Depot

AGENDA CATEGORY:	New Business
SUBJECT:	Case # 22-13 Preliminary Plat – 1791 Live Oak
BRIEF SUMMARY:	

The applicant wishes to subdivide an 8.3 acre tract into 2 lots.

As the Board can see by the submitted preliminary there is a property line gap which the property owners are engaged in resolving and due to this gap the developer did not submit utility drawings. However, because the applicant is requesting a Special Use permit a full Site Plan will be required at a later date

REQUESTED ACTION:

Discussion on Preliminary Decision on Preliminary Plat

EXPECTED LENGTH OF PRESENTATION:

10 Minutes **SUBMITTED BY:** Kyle Garner, AICP Planning & Inspections Director **BUDGET AMENDMENT REQUIRED:** N/A



STAFF REPORT



2.

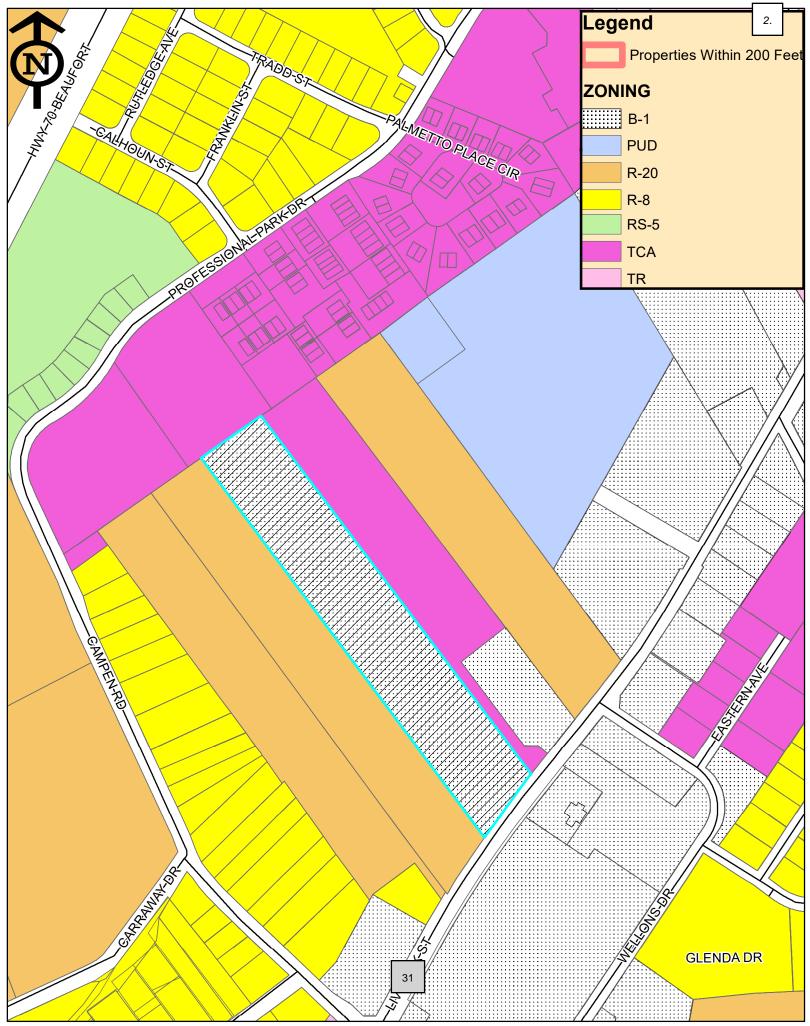
То:	Planning Board Members	
From:	Kyle Garner, AICP, Town Planner	
Date:	June 13, 2022	
Case No.	22-13 Preliminary/Final Plat 1791 Live Oak	
THE QUESTION BACKGROUND:	J:Subdivide a 8.3 acre tract into 2 lots.This property is known as the County ABC Store Property	
Location: Owners: Requested Action Existing Zoning Size: Existing Land Use	B-1 8.3 acres	
<u>Special Inform</u>	IATION: As the Board can see by the submitted preliminary there is a property line gap which the property owners are engaged in resolving and due to this gap the developer did not submit utility drawings. However, because the applicant is requesting a Special Use permit a full Site Plan will be required at a later date. The applicants engineer will be available to explain more clearly the issues at hand with the shown gap.	
<u>Public Utilities:</u> Water: Sanitary Sewer:	Town Town	

OPTIONS: 1. Decision on Preliminary Plat

Attachments:

- Attachment A Vicinity Map •
- Attachment B Preliminary/Final Plat

Case # 22-13 - Preliminary Platt - Vicinity Map 1791 Live Oak

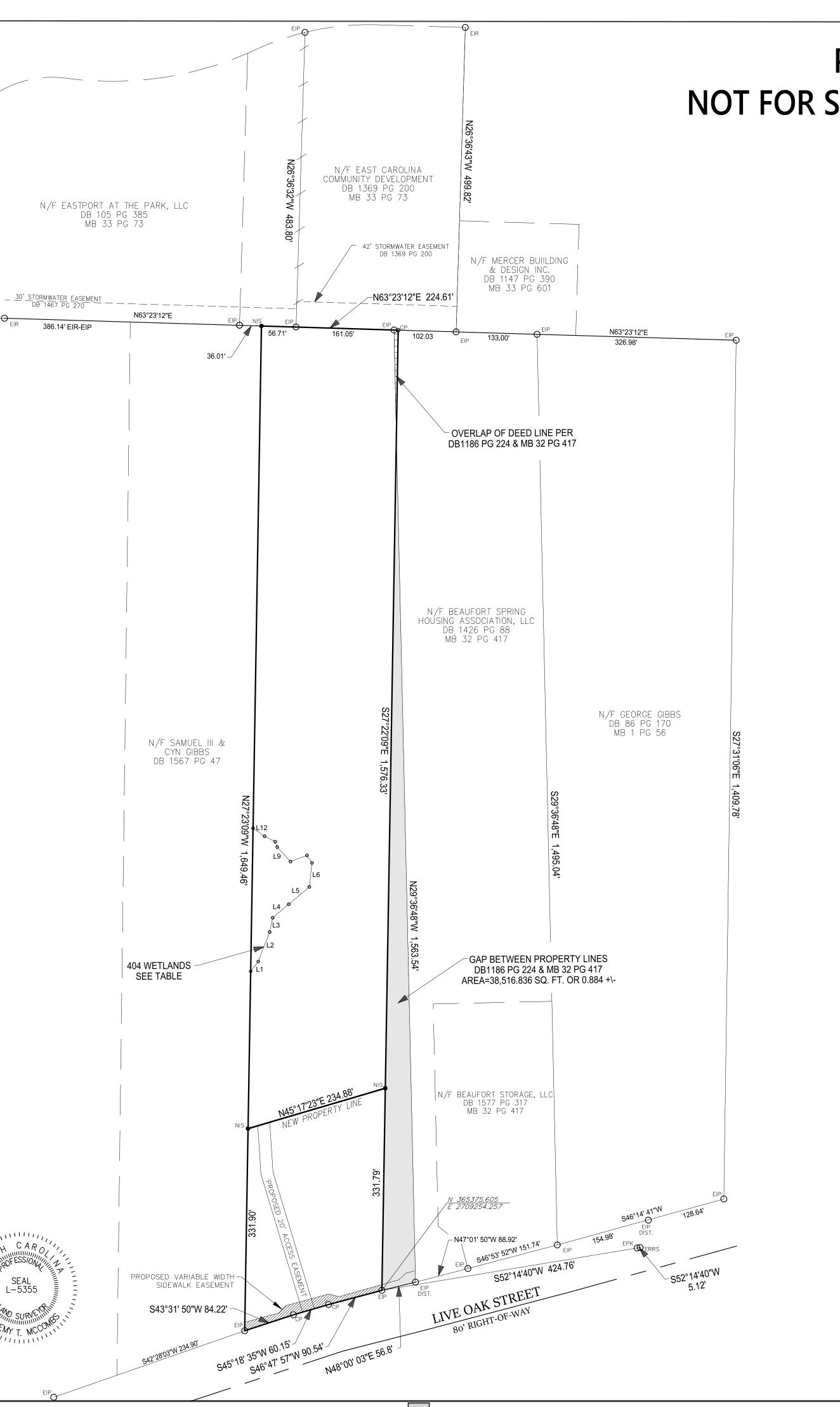


SITE	
	_ <u>30' sto</u>
	- O _{EIR}
VICINITY MAP (NOT TO SCALE)	
LEGEND	
R/W= RIGHT-OF-WAY CP = COMPUTED POINT BY DEED	
EIP= EXISTING IRON PIPE EIR= EXISTING IRON ROD	
EPK= EXISTING PARKER NYLON NAIL ERRS= EXISTING RAILROAD SPIKE	
BOUNDARY LINE	
EX. RIGHT-OF-WAY	
EX. EASEMENT LINE ——————————	
NOTES:	
1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY. AREA = 361,496.551 S.F.	
OR 8.30 +/- ACRES ON LAND. 2. ALL BEARINGS ARE BASED ON DEED BOOK 1186 PAGE 224 AND COORDINATES ARE	
BASED ON N.C. STATE PLANE COORDINATE SYSTEM; NAD 83 (2011).	
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. UNITS: US SURVEY FOOT.	
4. THIS PARCEL IS ZONED B-1 PER THE TOWN OF BEAUFORT UNIFIED DEVELOPMENT ORDINANCES.	
 THIS PROPERTY IS LOCATED IN FLOOD ZONE DESIGNATIONS: SHADED "X" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM. FIRM PANEL 3720730600J, DATED 7/16/2003. 	
6. 404 WETLANDS DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS PER ACTION ID: SAW-2017-00741.	
7. NO NGS HORIZONTAL MONUMENT WITHIN 2,000 FEET OF THE SUBJECT PROPERTY.	
I, JEREMY T. MCCOMBS, CERTIFY THAT THIS PLAT WAS PREPARED	
UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF DESCRIPTION(S) AS RECORDED IN DEED BOOK 1186, PAGE 224.	
THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON:	
DB 1567 BK 47; MB 31 PG 794; MB 32 PG 417: MB 33 PG 73; MB 33 PG 601 THAT THE RATIO OF PRECISION WAS 1:10,000+ AND THATTHE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED	
TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:	
(1) CLASS OF SURVEY: CLASS A	
 (2) POSITIONAL ACCURACY: (3) TYPE OF GPS SURVEY: (4) DATES OF SURVEY: 1-5-2022 	
 (5) DATUM/EPOCH: NAD83(2011) (6) PUBLISHED/FIXED - CONTROL USE: NC RTN (7) CEOUD MODEL 	
 (1) DATUM/EPOCH: NAD83(2011) (6) PUBLISHED/FIXED -CONTROL USE: NC RTN (7) GEOID MODEL: 2018 (8) COMBINED GRID FACTOR(S): 0.99991902 (9) UNITS: US SURVEY FOOT 	
I FURTHER CERTIFY THIS IS A SURVEY OF AN EXISTING PARCEL OR	SEAL L-5355
PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. THAT THIS PLAT MEETS THE REQUIRMENTS OF THE STANDARDS OF	SEAL
THAT THIS PLAT MEETS THE REQUIRMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S.	
47–30(F)(11)AS AMENDED. WITNESS MY HAND AND SEAL THIS 26TH DAY OF MAY, A.D. 2022.	TEMY T. MC

JEREMY T. MCCOMBS PLS L-5355

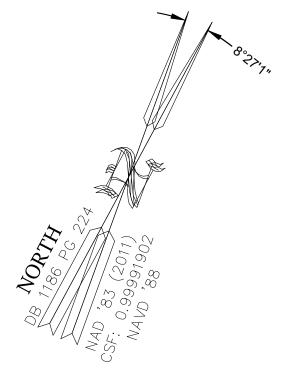
AAAAA CARC

SEAL L–5355



32

PRELIMINARY NOT FOR SALES OR RECORDATION



REFERENCES

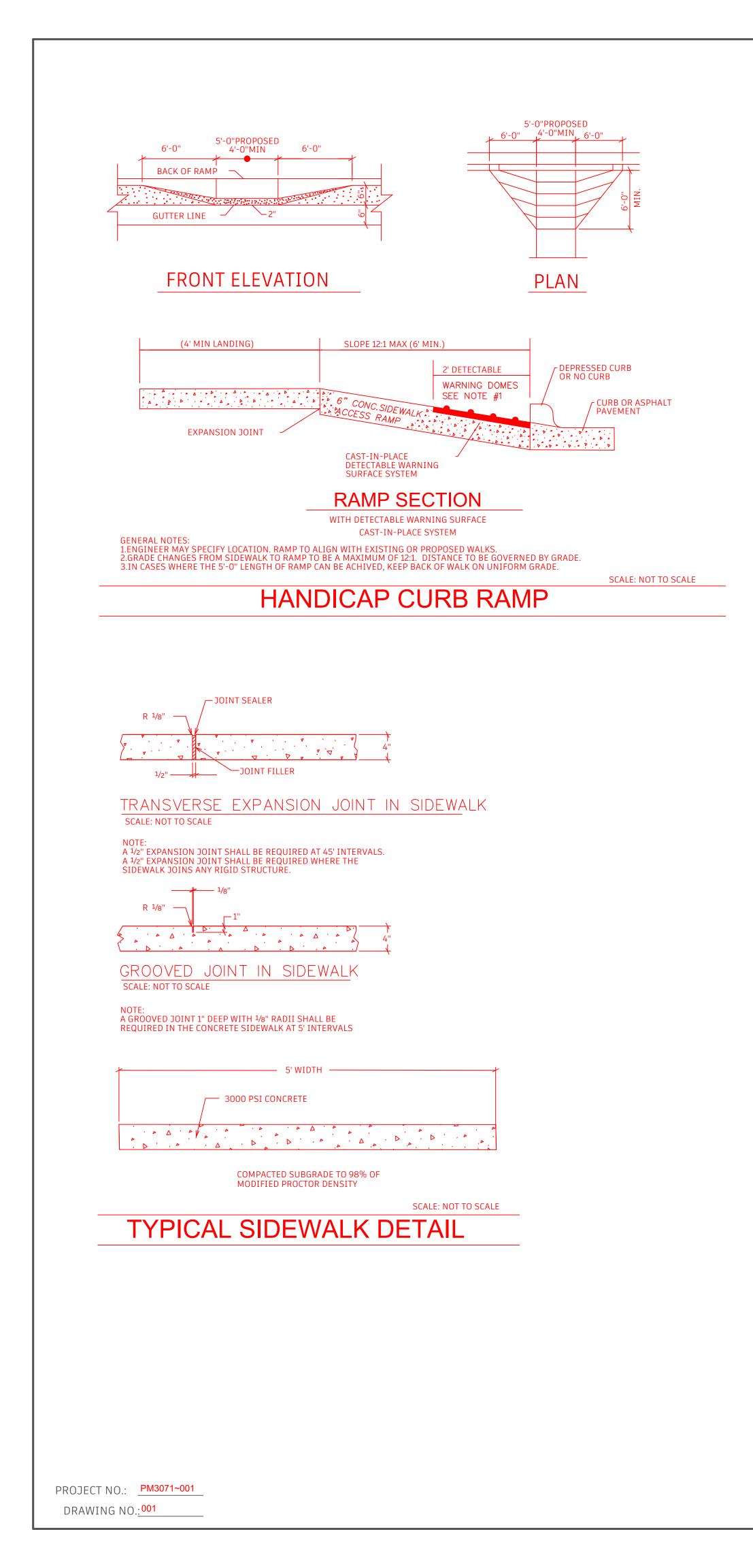
– MAP BOOK 33 PAGE 601

2.

404	WETLAND	TABLE

L1	N09°12'25"E	20.38'	– DEED BOOK 1567 PAGE 4
L2	N07°06'08"W	52.05'	– MAP BOOK 1 PAGE 56
L3	N16°40'22"W	23.81'	- MAP BOOK 30 PAGE 757
L4	N21°36'05"E	34.54'	- MAP BOOK 31 PAGE 260
L5	N21°35'28"E	44.21'	- MAP BOOK 31 PAGE 723
L6	N22°16'13"W	39.64'	- MAP BOOK 31 PAGE 794
L7	N61°40'28"W	14.76'	- MAP BOOK 31 PAGE 905
L8	S40°55'14"W	28.92'	– MAP BOOK 32 PAGE 32
L9	N70°48'31"W	32.31'	- MAP BOOK 32 PAGE 417
L10	N48°45'39"W	9.49'	– MAP BOOK 32 PAGE 454
L11	S88°36'00"W	19.60'	- MAP BOOK 31 PAGE 905
112	N83°25'32"W	23.03'	– MAP BOOK 32 PAGE 73
			– MAP BOOK 33 PAGE 466
			- MAP BOOK 33 PAGE 509

SUBDIVISION PLAT OF	
TRACT #3 TOM GIBBS SUBDIVISION	
REFERENCE: DB 1186 PG 224 PIN: 730612856893	3000
BEAUFORT, CARTERET COUNTY, NORTH CAROLINA	
OWNER: CARTERET CO BD OF ALCOHOLIC CO	SURVEYED: BB/AC
ADDRESS: 1791 LIVE OAK STREET BEAUFORT, NC 28516	DRAWN: JTM
	APPROVED:
STROUD ENGINEERING, P.A.	JTM
422 HIGHWAY 24 MOREHEAD CITY, N.C. 28557 (252) 247-7479 LICENSE NO.C-0647	DATE: 06/09/2022
(232) 247-7479 LICENSE NO.C-0047 PM3071~001	SCALE: 1"= 100'





NOTES:

- 1. PAVEMENT MARKINGS TO BE 6" WHITE PAINTED.
- 2. MINOR FIELD ADJUSTMENTS TO SIDEWALK PLACEMENT MAY BE REQUIRED TO AVOID CONFLICTS WITH EXISTING UTILITIES.

PRELIMINARY NOT FOR SALES OR RECORDATION



BY NO. DATE	DESCRIPTION
SIDEWALK CONFIGURATION DETAILS	
TRACT #3 TOM GIBBS SUBDIN	/ISION
REFERENCE: DB 1186 PG 224 PIN: 730612856893000	
BEAUFORT, CARTERET COUNTY, NORTH CAROLINA	
OWNER: CARTERET CO BD OF ALCOHOLIC CO	
ADDRESS: 1791 LIVE OAK STREET	
BEAUFORT, NC 28516	
PHONE:	
DESIGNED: DAT	TE:
JLJ JLJ	06/09/22
	^{ale:} NTS
422 HIGHWAY 24 MOREHEAD CITY, NC 28557 (252) 247-7479 LICENSE NO.C-0647 JLJ SHI	eet1 of 1



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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, June 20, 2022 – 614 Broad Street – Train Depot

AGENDA CATEGORY:	New Business
SUBJECT:	Case #22-16 Special Use Permit for a Mini-Storage facility at 1791 Live Oak Street

BRIEF SUMMARY:

This property is zoned to B-1 and is part of the County ABC property. A full Site Plan, to include a stormwater management plan will be submitted after the decision of the Special Use Permit. The site plan will go through the Planning Board and Board of Commissioners for approval as part of that process.

REQUESTED ACTION:

Recommendation to Board of Commissioners

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kyle Garner, AICP Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A

PLANNING BOARD STAFF REPORT

From: Kyle Garner, AICP, Planning Director Date: June 13, 2022 Case No.: 22-16 Special Use Permit for Mini-Storage THE REQUEST: **BACKGROUND:** 1791Live Oak Location: Owner: Carteret County ABC Applicant: Same **Requested Action:** Provide Recommendation to Board of Commissioners CAMA Land Use: General Commercial (Compliant) PIN: 730612856893000 Size: 8.51 Acres **Existing Land Use:** ABC Store in front –Rear Vacant Lot Adjoining Land Use & Zoning: North – East Port Apartments; Zoned TCA South – Beaufort Square & Wells Fargo; Zoned B-1 West – Undeveloped Property; Zoned R-20 East - Assisted Living; Zoned TCA & Mini Storage; Zoned B-1 This property is part of a subdivision plat of the existing ABC Store **SPECIAL INFORMATION:** property and is for the rear portion. If approved by the Board of Commissioners a full Site Plan, to include a stormwater management plan will be submitted after the decision of the Special Use Permit. The site plan will go through the Planning and Board of Commissioners for approval as part of that process. **Public Utilities:** Water **Existing Service** Sanitary Sewer **Existing Service**

ACTION:

To:

Planning Board Members

1. Provide comments, concerns and suggestions to the Board of Commissioners



STAFF COMMENTS:

- This application is for a Special Use Permit for Mini Storage in a B-1 Zoning District.
- There are other Storage Facilities in the vicinity of the site.

SECTION 20 Special Use Permit (*Town of Beaufort Land Development Ordinance*)

E) Required Findings

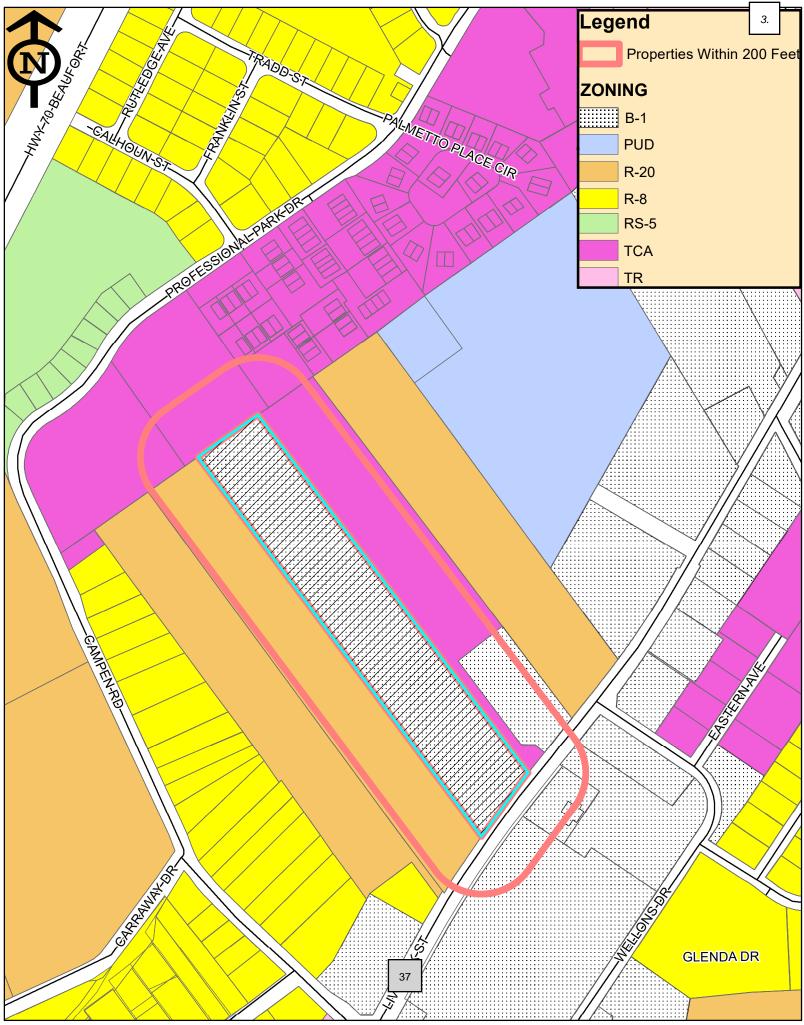
1) In addition to any other findings or requirements as specified by any other section of this Ordinance, before any application for a special use may be granted or denied, the BOC shall make each of the following findings:

- 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 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.

Exhibits:

- B- Vicinity Map & Zoning Map
- C List of Property Owners within 200 feet
- D Section 20 Special Use Permit Information
- E ABC Application





<u>OWNER</u>	IAIL_HOU	<u>MAIL_ST</u>	MAIL_CITY	IL_S	TAIL_ZIAIL_ZI MAIL_ADD2
BEAUFORT SPRING HOUSNG ASS LLC	7706	SIX FORKS ROAD #202	RALEIGH	NC	27615
BEAUFORT SQUARE SHOPNG CTR LLC	2001	BALMORAL PLACE	WILMINGTON	NC	28405
BEAUFORT STORAGE LLC	123	CORE DRIVE WEST	MOREHEAD CITY	NC	28557
CARTERET CO BD OF ALCOHOLIC CO	410	LIVE OAK ST	BEAUFORT	NC	28516
EAST CAROLINA COMMUNITY DEVELO	108	PROFESSIONAL PARK DR	BEAUFORT	NC	28516
EASTPORT AT THE PARK LLC			BEAUFORT	NC	28516 PO BOX 2400
GIBBS, SAMUEL C III ETUX CYN TR	307	YELLOWOOD LANE	ASHEVILLE	NC	7401 28803
MERCER BUILDING & DESIGN INC	106D	PROFESSIONAL PARK DR	BEAUFORT	NC	28516
WELLONS GRANDCHILDREN LLC	30251	BRIDGES STREET	MOREHEAD CITY	NC	28557

SECTION 20 Special Use Permits

A) General.

Special uses are practices which are not permitted by right in any zoning district in the Town of Beaufort, but may only be granted after due consideration by the Board of Commissioners (BOC). The consideration of a special use application is a quasi-judicial function requiring evidentiary hearings and specific findings of fact. Special use permits may only be granted by the BOC following a recommendation by the planning board and the quasi-judicial review process as stipulated in this section.

B) Special Use Permit Application Procedures.

- 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-M 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 features 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 insure the building(s) compatibility with the surrounding residential structures; and,

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- 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. After the planning board makes its recommendation, the application shall be forwarded to the BOC for consideration.

C) Quasi-Judicial Proceeding Notification Requirements.

The Town shall schedule a quasi-judicial proceeding for the application and BOC consideration after reasonable opportunity for staff and planning board review by providing public notice no more than thirty days after receipt of the completed application. The notice of a quasi-judicial proceeding shall be given using the standards set forth is section 3-E of this Ordinance with the exception of the following:

- 1) The notice shall be given once a week for two successive calendar weeks and published in a newspaper having general circulation within Town. The first publishing shall not be less than ten days or not more than twenty-five days before the date affixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included as documented.
- 2) All property owners within two hundred feet (200') of the lot boundaries on all sides of the subject lot as listed in the county tax records shall be mailed by the Town a notice of the quasi-judicial proceeding on the proposed special use application by first class mail at the address listed for such owners on the county tax abstracts. The notice shall identify the location and briefly describe the proposed special use. Section 3-E (2) of this Ordinance gives direction on when the notices shall be mailed.
- 3) The Town shall prominently post a sign giving notice of the quasi-judicial proceeding on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed special use public hearing not more than ten days prior to the hearing date. The wording of such sign should be similar to what is in section 3-E (4) of this Ordinance.

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 hold the quasi-judicial proceeding and consider relevant information regarding whether the required findings under subsection E of this section exist and whether the special use is appropriate in the proposed location. The BOC shall hear relevant information from the applicant, adjoining property owners, the Town Manager, the planning board, planning officials, and any interested or affected members of the public. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance.
- 2) The BOC shall consider whether the application complies with each individual required finding specified in subsection E of this section. The BOC need not make the required findings at the time of the hearing and may call for additional information if needed. If the special use permit application is approved, the BOC motion shall contain language showing all the required findings under subsection E of this section have been met, and in the absence of specific findings, it shall be conclusively presumed the application complies with all the findings in subsection E of this section.
- 3) The BOC shall render a decision within a reasonable period of time not to exceed ninety days after holding the quasi-judicial proceeding for the proposed special use application.

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The BOC need not issue a decision at the time of the hearing if additional information is needed and may continue said hearing until a later date.

- 4) If the application is found not to be in compliance with one or more of the required findings of subsection E of this section 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. It shall be conclusively presumed the application complies with all requirements not noted by the BOC in their motion to deny the application.
- 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 subsection E of this section. The BOC may place an expiration date on the special use permit if a building permit is not secured within a certain period of time. If the special use permit is not renewed periodically by the recipient of the permit, it will expire on the date given to the permit by the BOC.
- 6) After the BOC renders its decision on the special use permit application, the reasons for granting or denying the application shall be made in writing. A written copy of the conclusion(s) of the BOC about the facts of the case and the board's corresponding decision shall be forwarded to the applicant within ten days.

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 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 evidence" as described in N.C.G.S. 160A-393 (k) and will be cognizant the statute provides in part "competent evidence "shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:
 - a) The use of property in a particular way would affect the value of other property.
 - b) The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

Land Development Ordinance for the Town of Beaufort

- c) Matters about which only expert testimony would generally be admissible under the rules of evidence.
- 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) Special Use Guidelines.

- 1) Adult Establishments.
 - a) No building, structure, or any portion thereof nor any portion of a lot or parcel or property shall be used for an adult establishment at a location closer than one thousand feet (1000') from any other adult establishment; or closer than one thousand feet (1000') from any residentially zoned property, pre-school, child care, nursery school, day care, K-12 school, public playground, or church situated within the Town limits or the ETJ.
 - b) Plans are required and must show:
 - i) Locations of buildings and signs and the size of the plan;
 - ii) Proposed points of access and egress and patterns of circulation;
 - iii) Layout of parking spaces;
 - iv) Lighting plan inclusive of wattage and illumination; and,
 - v) Landscape plan.
- 2) Day Care Centers (Including Kindergarten).
 - a) One parking space shall be provided for each adult attendant and one parking space provided for every six children or fraction thereof.
 - b) Section 19 of this Ordinance gives the screening/buffering and fencing guidelines required for this application.
 - c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures and buildings within the site and on the lots adjacent thereto;
 - ii) Proposed points of access and egress and pattern of circulation;
 - iii) Layout of parking spaces;
 - iv) Location and extent of open play area(s);
 - v) Day care center shall provide one hundred square feet (100 ft²) of play area space per pupil.

- vi) Outdoor play area shall be enclosed by a solid or open fence or wall at least four feet (4') in height. Where the outdoor play area is directly adjacent to a residentially used or zoned lot, a solid fence or wall at least six feet (6') high or the maximum applicable fence or wall height limitation for the district or an open fence at least four feet high (4') and a screen planting designed to grow three feet (3') thick and six feet (6') high shall be created. The BOC may at its discretion, require additional screening/buffering and/or fencing elements to be located adjacent to abutting nonresidential land uses.
- vii) In residential districts, a day care center shall not be operated between the hours of 7:00 p.m. and 7:00 a.m. unless with written approval by the BOC.
- viii) Landscape plan.
- 3) Radio or Television Transmitter.
 - a) Minimum lot area at least three acres in area.
 - b) One parking space is required at the site.
 - c) Plans are required and must show:
 - i) Location and approximate size of all existing and proposed structures within the site and within one thousand linear feet in all directions;
 - ii) Proposed points of access and egress;
 - iii) Proposed off-street parking spaces; and,
 - iv) Protective fencing at least six feet (6') high with three stands of barbed wire turned out and ten feet (10') from the perimeter of the antenna base shall be established.
- 4) <u>Telecommunication Tower</u>.
 - a) Guy-wire towers shall not be permitted.
 - b) Co-location towers shall be permitted.
 - c) Height of communication towers shall be regulated by the Federal Aviation Administration (FAA).
 - d) Communication towers are prohibited in front yards and shall be in compliance with the Telecommunication Act of 1996.
 - e) Local governments have no ability to prohibit towers on the basis of environmental or health issues according to the Federal Radio Frequency Emission Standards.
 - f) The BOC may deny a permit based upon a tower's influence on property value or aesthetics.
 - g) A minimum lot size of one-half acre per tower shall be met; however, the Telecommunication Tower shall be placed on a lot of sufficient size, and in a position on the lot, if the tower falls, no part of it will fall onto adjacent property. Variances shall not be allowed.
 - h) Landscaping and screening/buffering are required as approved by the planning board and according to section 15 and section 19 of this Ordinance.
 - i) A six-foot (6') high protective barrier shall be required around the base of the tower. The barrier shall be a masonry wall, chain link fence, solid wood fence, or opaque barrier as described in section 19 of this Ordinance.
 - i) Setback requirements shall be according to the district in which the tower is located.
 - k) Towers shall be lighted to satisfy the FAA requirements.



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1) Towers shall be removed within ninety days following abandonment of such towers.

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- m) Towers shall be removed by the property owner within one hundred eighty days following damage or termination of operation resulting in inoperable towers or towers where the owner of the tower shows no intent to repair said tower. Blown over towers shall also be removed by the owner of such tower under this guideline.
- n) Any advertising signage is strictly prohibited on towers.
- o) Towers shall be painted blue or gray if not otherwise required by the FAA.
- p) The owner must provide adequate insurance coverage for any potential damage caused by or caused to the tower.
- q) For permitting purposes, site plans are required as defined in section 18 of this Ordinance and shall show all of the following additional features:
 - i) Identification of intended user of tower.
 - ii) Documentation by registered engineer shows tower has sufficient structural integrity to accommodate more than one user.
 - iii) Statement from owner indicating his intent to allow shared use of the tower and how others will be accommodated.
 - iv) Evidence the property owners of residentially zoned/used property within three hundred feet of the base of the proposed tower, would be notified prior to the special use application being heard by the BOC.
 - v) Documentation which shows towers over a certain height are absolutely necessary for the provision of service (i.e., a tower up to one hundred ninety-six feet (196') cannot provide a reasonable level of service).
- r) The BOC shall determine if a tower is in harmony with the area and compatible with adjacent properties and may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics. The BOC may disapprove a tower based on the grounds the aesthetic effects are unacceptable and a new site should be proposed. The following factors shall be considered:
 - i) Protection of the view in scenic areas, unique natural features, scenic roadways, historic sites, etc.
 - ii) Prevention of a concentration of towers in one certain area; and,
 - iii) Height, design, placement, and other characteristics could be modified to have a less intrusive visual impact.
- 5) Marinas.

The requirements below are for marinas and for proper disposal of sewage from boats:

- a) All slips over thirty feet (30') shall provide a permanent pump-out connection so a hose of not more than thirty feet (30') can reach the mid-point of the slip.
- b) Any vessel with a permanently installed marine sanitation devise shall be located so the holding tank can be pumped-out using a hose not to exceed thirty feet (30').
- c) Mobile pump-out equipment may not be used to meet the requirements of subsections 5a) and 5b) of this section.
- d) A marina may not charge marina tenants an additional fee to pump-out their holding tanks.
- e) When a T-head of a dock is unoccupied during regular business hours, the marina shall provide public access to the pump-out facility for a nominal fee.

193 44 6) Office: Small Business.

Property owners may be granted a special use permit for an Office: Small Business in a Residential Zoning District if identified as a *Small Business* as defined in section 4 of this Ordinance.

- a) In addition to application requirements outlined in subsection B of this section, special use permit applications must include the following:
 - i) Detailed narrative describing the activities associated with the requested use;
 - ii) Number of employees requested to work on site;
 - iii) Requested business hours of operation;
 - iv) Estimated number of clients served on site per day; and,
 - v) Detailed drawing or photographs, including measurements, of signage if requested.
- b) Signage will be reviewed by the BOC at the time of the special use permit and will meet the following standards:
 - i) Not more than one sign is permitted;
 - ii) Sign will not exceed an area of two square feet (2 ft^2) ;
 - iii) Colors will be compatible with those of the structure and will not detract from the residential characteristics of the structure;
 - iv) Sign will be affixed flatly against the building; and,
 - v) Directly lighted and/or neon signage is not permitted.
- c) Conditions: The BOC may impose reasonable conditions as it deems necessary for the protection of the public health, general welfare, and public interest regarding:
 - i) <u>Compatibility</u>. The compatibility of the proposal, regarding both use and appearance, with the surrounding neighborhood;
 - ii) <u>Hours of Operation</u>. The frequency and duration of indoor/outdoor activities and the impact of the surrounding area;
 - iii) Noise. The added noise level created by activities associated with the request;
 - iv) Parking. The request will not generate a need for additional parking; and,
 - v) <u>Appearance</u>. The general appearance will not be adversely affected by the location of the proposed use on the property.

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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: Carteret County ABC
Applicant Address: 318 Greenfield Dr, Morehead Cety, NC
Phone Number: (252)773.6092 Email:
Property Owner Name: Carteret County ABC
Address of Property Owner: Same as above
Phone Number: Same as above Email:
PROPERTY INFORMATION
Property Address: 1791 Live Oak Sty Beaufort, NC 28516
15-Digit PIN: 7306 12856893000 Lot/Block #:
Size of Property (in square feet or acres): <u>6.51</u> Current Zoning: <u>B1</u>
Current Use of Property: <u>Retail</u> Requested Use: <u>Storage</u>

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.

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Date of Applicant's Signature

Property Owner Signature (if different than above)

Date of Owner's Signature

Revised 8/2020

OFFICE USE ONLY

Applicant Signature

Date:

Received by:_____

Reviewed for Completeness By: ______ ate Deemed Complete and Accepted: ____ З.