**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM Monday, June 10, 2024**
**Train Depot, 614 Broad Street**

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**Call to Order/Pledge of Allegiance**

**Roll Call**

**Agenda Approval**

**Items of Consent**

1. Meeting Minutes- May 13th, 14th, 22nd, and 28th
2. Capital Reserve Fund Amendment #18
3. Case #24-11 - Special Use Permit (SUP) for “The Watering Hole” - Order

**Public Hearing**

1. Proposed Fiscal Year 2025 Budget

**Quasi-Judicial Proceeding**

1. Case #24-09 - Special Use Permit (SUP) for “The Periwinkle”

**Public Comment**

**New Business**

1. Case # 24-10 - Towns at Live Oak Site Plan
2. Sewer Allocation Request- The Towns at Live Oak
3. Sewer Allocation Request- Beaufort Maritime Museum Education Center
4. Acceptance of Public Improvements- Beau Coast Subdivision, Phase 5
5. Resolution- Petition for Annexation, 233 Leonda Drive

**Manager Report**

**Mayor/Commissioner Comments**

**Adjourn**

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**Board of Commissioners**
**Regular Meeting**
**6:00 PM Monday, June 10, 2024**

**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Meeting Minutes

**REQUESTED ACTION:**

Approval of the following BOC draft meeting minutes:

- May 13th Regular Meeting
- May 14th Budget Work Session
- May 22nd Budget Work Session
- May 28th Work Session

**SUMBITTED BY:**

Elizabeth Lewis, Town Clerk

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**Board of Commissioners**
**Regular Meeting Minutes**
**6:00 PM Monday, May 13, 2024**
**Train Depot, 614 Broad Street**

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**Call to Order/Pledge of Allegiance**

Mayor Harker called the meeting to order at 6:15 p.m. and invited all to join in reciting the Pledge of Allegiance.

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Harker
Mayor Pro Tem Cooper
Commissioner Gillikin
Commissioner LoPiccolo
Commissioner Oliver
Commissioner Spiegler

ABSENT: None

**Agenda Approval**

Mayor Harker asked for a motion to amend the agenda to remove the UDO Letter of Engagement and Scope of Work (Item #2) listed under Items of Consent and place it under New Business (Item #4).

Commissioner Cooper made a motion to approve the amended agenda.

The motion carried unanimously.

***Recognition of Outgoing Volunteer Board Members***

Mayor Harker recognized John Lampros for his service on the Beaufort Housing Authority and Ian Huckabee for his service on the Historic Preservation Commission.

**Items of Consent**

1. Meeting Minutes- April 8, 2024
2. RCCP Grant Resolution- UDO Resiliency Updates (Phase 3)
3. RCCP Grant Resolution- Beaufort Waterfront Parks Planning Project

4. Fourth of July Parade Event Request
5. Proposed Amendments- Town of Beaufort Personnel Policy

Commissioner Cooper made a motion to approve the Items of Consent.

The motion carried unanimously.

**Quasi-Judicial Proceeding**

1. Case #24-09 - Special Use Permit (SUP) for "The Periwinkle"

   Mayor Harker asked for a motion to open the evidentiary hearing for Case #24-09- SUP for The Periwinkle.

   Commissioner Cooper made a motion to open the hearing.

   The motion carried unanimously.

   Mayor Harker shared the following statement:

   *This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. The Board of Commissioners must base its decision upon competent, material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for special use permits must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other witnesses who do not have standing may present competent, material, and substantial evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. For certain topics, the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.*

   Ms. Lewis administered the oath to the Town of Beaufort representative, Michelle Eitner and the applicant, Beckie Davis.

   Mayor Harker asked if there was anyone else in the audience who believed they had standing.

   Arey Grady, Town Attorney, determined the property owner, Laura Fasolino, had standing.

   Ms. Lewis administered the oath to Ms. Fasolino.

   Mr. Grady explained that witnesses must give competent, substantial, and relevant evidence in the case. He also explained who the Board was required to hear from during the proceeding.

   Mayor Harker asked if there was anyone in the audience who would like to determine whether or not they were qualified to be a witness.

   There were none.

Mayor Harker called for disclosure by Board members of any ex parte communication, bias and conflicts of interest.

Each Board member confirmed they had nothing to disclose.

Mr. Grady provided further clarification on ex parte communications, bias and/or conflicts of interest for benefit of the public.

Ms. Eitner represented the Town of Beaufort. She began by submitting her staff report and attachments into evidence as "Exhibit A" for Case #24-09. She explained the application was a request for a SUP for a Bar with Indoor/Outdoor operation in the Cedar Street Mixed Use (CSMU) District, located at 406 Live Oak Street.

She shared that at establishment, the principal use of the Periwinkle was retail, with accessory use as a bar. Upon further review, the Periwinkle functions as bar principal use with accessory retail. This proposed SUP is to allow the retail-with-bar business to officially transition to bar-with-retail business. She shared to advertise for the evidentiary hearing, notices were mailed, posted and sent to the newspaper for publication. She went on to explain that zoning districts generally have permitted uses, which do not require board approvals, and special uses, which have additional oversight and some discretion. Bars with indoor/outdoor operation are special uses in the CSMU district. In order for a SUP to be granted, specific required findings must be met, as outlined in the agenda packet. She noted the future land use classification for this parcel is village commercial, which identifies lower intensity neighborhood-scale commercial that prioritizes pedestrian-serving use over automobile-related uses. She said the Periwinkle was a good example of the classification and referenced several plans that support it such as the Entry Master Plan and the Small Area Plan. She discussed the conditions that could be placed on the SUP and shared the Planning Board's recommendations, as noted in the staff report and agenda packet. Following those recommendations, she noted staff reviewed the sidewalk condition with the Town Engineer following and determined that it lacked feasibility. She also noted the applicant shared they have installed the external power source for food trucks.

Commissioner LoPiccolo asked if approved, how would the town make sure the building on the property met code requirements.

Ms. Eitner said it would follow a change in occupancy permit process, similar to establishing a new business. She explained a building inspector and the Fire Marshall would be brought into the process. She noted there were different bathroom requirements for a bar verses retail.

Commissioner Oliver confirmed that each SUP application should be addressed individually. He asked how the primary function of the business was quantified.

Ms. Eitner explained the Land Development Ordinance (LDO) identifies accessory use by square footage.

Mayor Harker invited the applicant to speak.

*Ms. Davis distributed a handout and asked it be entered as evidence.*

Ms. Davis shared information from the handout, such as The Periwinkle's mission and intention as a small business. She explained they were aimed to serving the community and providing family friendly events. She discussed the nonprofit organizations they served and special events they have provided in the area. She also shared some of their top selling items, and strategies they implemented to reduce noise and encourage safe parking. She noted the importance of development and progress of the Cedar Street area, welcoming a village commercial feel and arts district, that fall in line with the Entry Master and Small Area Plans. She also shared their intentions to finish fencing the area around the front of their property.

Commissioner Spiegler said she supported the Cedar Street area growing and evolving as an arts district. She discussed the importance of family friendly spaces in the community. She asked about The Periwinkle being a generator free food truck area.

Ms. Davis confirmed their establishment had been generator free since December 2023.

Commissioner LoPiccolo shared his support of seeing the area transition to an arts district. He noted it was good to see the space on the corner used and that he was pro small businesses. He commended Ms. Davis on the efforts already put forth with the food trucks and to reduce noise in the area. He asked if she was fine with the Planning Board recommendations.

Ms. Davis expressed financial concerns related to the cost of making additions to bathroom facilities and other necessary changes to meet new occupancy requirements. She asked that the Board take these concerns into consideration.

Commissioner Cooper commented on the size of the building and how improved bathroom facilities might be incorporated.

Ms. Davis said they had not deterred from being a bottle shop and social space business, and to her, they were not a bar. She suggested she was just trying to make sense of the process.

Commissioner Cooper asked questions about parking spaces and the fence on the property.

Ms. Davis explained how they accommodate vendors and adequate parking spaces. She shared their goal was to complete the fence to make Cedar Street the only way to enter/exit the parking lot.

Commissioner Oliver referenced information provided by the applicant, as included in the meeting packet; he suggested Ms. Davis did not need a SUP, because their business was not primarily a pub, tavern or bar. He agreed that if granted the SUP, there were significant improvements that would be required by code. He asked if Ms. Davis felt the primary business was a pub, tavern and a bar.

Ms. David said no.

Commissioner Oliver said he believed they were a bottle shop and a social space and should not have the burdens that go with either an indoor or outdoor special use for a pub, tavern or bar.

Laura Fasolino, property owner, spoke on behalf of the applicant and expressed support for their business model. She spoke on the five conditions the Planning Board recommended during their meeting on April 15, 2024, with specific concerns to the sidewalk expectations. She noted any trees planted in the public right of way would cause more work and require trimming from Duke Power if they grow into the overhead wires. She suggested the site was prime for redevelopment, and as the owner, was more than supportive of beautification on the corner, providing safe walking areas, and tree projects. She noted the need to wait on some of these projects until after NC DOT completed their redevelopment work on Cedar Street. She said it was not appropriate to put these conditions on the tenant of the property as part of the SUP.

Ms. Eitner addressed questions raised from the Board regarding the need for a SUP. She explained the primary usage was determined by square footage and in this case, the on-site consumption of alcohol without a restaurant, is typically going to default to a bar as the usage. She noted financially a bar might not be the majority of their sales, but the on-site outdoor alcohol consumption made it fall under the proposed use.

Commissioner Cooper expressed concerns about the fence blocking visibility on Live Oak Street.

Ms. Eitner explained that unless it was placed as a condition on the SUP, the additional fencing would be up to the property owner, not necessarily a requirement. She pointed out

the applicant expressed a desire to fence the area for safety purposes and to allow one point of entrance; she described the potential size of the fence to be about 3-4 feet, that would mirror the current fence design on the No Name Restaurant side of the property.

Commissioner LoPiccolo referenced staff comments on page 35 of the agenda packet, that indicated the accessory use was a bar, per the alcohol license. He asked if there was something the applicant could do to change the amount of square footage dedicated to alcohol which would allow the Town to determine that it was no longer their primary sale.

Ms. Eitner discussed the ABC license process and explained they quantified this information based off the way the Town's current LDO was written. She suggested the Board consider these types of issues during the UDO update process.

Commissioner Gillikin questioned whether or not the alcohol was a secondary use and if there needed to be some type of re-evaluation of the uses in this situation.

Commissioner Spiegler agreed that the applicant should have additional time to consider their options to determine how their primary use should be classified.

Ms. Davis said she agreed that their business functions as more of an event space.

Commissioner Cooper asked about alcohol sales.

Ms. Davis explained she would need more time to gather that information, but suggested most of their revenue was generated through non-alcoholic beverages. She noted they did sell alcohol and some people consume it on-site while others take it to go, but some of the top selling beverages tend to be non-alcoholic items.

Mayor Harker asked if the Board felt they had enough information and material evidence as presented in the case to make a decision.

The Board confirmed they did.

Commissioner Cooper made a motion to close the evidentiary hearing.

The motion carried unanimously.

Commissioner Oliver made a motion to table the application until the next regularly scheduled meeting of the Board, to allow the applicant to quantify what their primary business is and to make a decision whether they want to proceed with an application for indoor and outdoor Special Use Permits.

The motion carried unanimously.

2. Case 24-11 - Special Use Permit (SUP) for “The Watering Hole”

Mayor Harker asked for a motion to open the evidentiary hearing for Case #24-11 Special Use Permit (SUP) for The Watering Hole.

Commissioner Cooper made a motion to open the hearing.

The motion carried unanimously

Mayor Harker shared the following statement:

*This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this Board must make its decision. The Board of Commissioners must base its decision upon competent, material and substantial evidence in the record. A quasi-judicial decision is a decision constrained by the standards in the Land Development Ordinance and based on the facts presented. All applications for special use permits must be consistent with the Land Development Ordinance for the Town of Beaufort and whether the special use is appropriate in the proposed location. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion. The Board of Commissioners shall hear relevant information from the parties with standing, as set forth in North Carolina General Statutes 160D-406 and 1402. At the sole discretion of the Board of Commissioners, other*

*witnesses who do not have standing may present competent, material, and substant evidence that is not repetitive. Parties may appear in person, by designee, or by attorney to present information relevant to the requirements of the Ordinance. Parties may present evidence, call witnesses and make legal arguments. The Board of Commissioners, acting through the Mayor, may subpoena witnesses and compel the production of evidence. For certain topics, the Board of Commissioners may hear opinion testimony from expert witnesses. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion. Witnesses must swear or affirm their testimony. At this time, we will administer the oath for all individuals who intend to provide witness testimony.*

Ms. Lewis administered the oath to the Town of Beaufort representative, Michelle Eitner; applicants, Leslie Allred and Bobbi Piner; and property owner, Terry Mikels.

Mayor Harker asked if there were any individuals who wanted to testify as a witness.

Mayor Harker called for disclosure by Board members of any ex parte communication, bias and conflicts of interest.

Each Board member confirmed they had nothing to disclose.

Mayor Harker asked Town Staff to present an overview of the case.

Ms. Eitner represented the Town of Beaufort. She began by submitting her staff report and attachments into evidence as "Exhibit A" for Case #24-11. She explained it was an application for a Special Use Permit (SUP) for a bar with indoor/outdoor operation in the CSMU zoning district at 816 Cedar Street, noting the request was made by Leslie Allred and Bobbi Piner. She said at establishment, the principal use of The Watering Hole was retail, with accessory use as a bar. Upon further review, it was determined The Watering Hole functions as bar principal use with accessory retail. This proposed SUP is to allow the retail-with-bar business to officially transition to bar-with-retail business. She confirmed proper actions were taken to advertise for the evidentiary hearing; notices were mailed, posted and sent to the newspaper for publication. She went on to explain that zoning districts generally have permitted uses, which do not require board approvals, and special uses, which have additional oversight and some discretion. Bars with indoor/outdoor operation are special uses in the CSMU district. In order for a SUP to be granted, specific required findings must be met, as outlined in the agenda packet. She noted staff does not give recommendations on SUP's or the required findings, but they do advise on conformity with plans; she discussed those as outlined in the staff report. She explained the future land use classification for the parcel is village commercial, which identifies lower intensity neighborhood-scale commercial that prioritizes pedestrian-serving use over automobile-related uses. The Watering Hole is a good example of this classification, especially as it transitions the property away from the former mechanics shop and carwash. Additionally, the land use plan identifies that the Cedar Street area should evolve into an arts district. The use, design, and presentation of The Watering Hole is comparable to uses in emerging arts districts.

She said other plans identify the area as well. Both the Entry Master Plan and Small Area Plan identify the intersection of Cedar and Live Oak as a minor gateway in the community and impress upon the importance of pedestrian improvements to the intersection. With lower amounts of traffic and increased improvements, including the CSMU district regulations and recent stormwater and utility improvements, Cedar Street continues to show opportunity and success in planning efforts. Increased pedestrian-level businesses like the watering hole, but also the existing Historic Grounds and Beaufort Barre & Fitness, will fill in the corridor and further meet the measure of success set in the Small Area Plan that ten new businesses open on Cedar and Live Oak. She noted that NC DOT has identified the intersection of Cedar and Live Oak as a project to be funded, but it has not yet been funded in current cycles. She explained that if this SUP is found not quite meeting the required findings, conditions may be placed to complete that picture, within the realm of zoning regulations. She discussed the conditions that could be placed on the

SUP and shared the Planning Board's recommendations, as noted in the staff report an agenda packet. She shared that staff requested information from Duke Progress as to the feasibility of street trees or vegetation below the high voltage transmission lines along the Cedar Street frontage of the property and found that no plantings should take place within 25 feet of the structures or lines.

Commissioner Spiegler confirmed the request complied with the Town's LDO.

Commissioner Gillikin noted the staff comments reference a recent discussion between staff and the business owners that determined the primary use is bar with indoor/outdoor use. She asked if that was a verbal discussion and if there was some sort of documentation.

Ms. Eitner explained that similarly with Periwinkle, something occurred that suggested the Town needed to take a second look at the uses. At the outset of business registration and such, it was primarily retail. She noted they were required to comply with additional zoning requirements, and explained the owners had to install a fence in accordance with a commercial property bordering a residential property.

Commissioner Oliver confirmed he could reference all the materials in the meeting packet as part of the hearing. He asked if there had been noise complaints on the property.

Ms. Eitner confirmed there had been five noise complaints at the property.

Commissioner Cooper asked what the noise complaints were concerning.

Ms. Eitner said some of the complaints were regarding music and some of them were regarding generator noise.

Commissioner LoPiccolo asked if the Town had done anything to address trash cans being brough to the rear of the property.

Ms. Eitner said she had not had any discussion regarding trash cans, but the business should follow Town ordinances which line with the GFL contract for trash pickup.

Commissioner LoPiccolo asked if the sidewalk in front of the property was allowed to have food trucks on it.

Ms. Eitner explained food trucks are supposed to be on private property. She noted she was unaware of any particular situation when it was a problem.

Commissioner Gillikin asked if there were any noise complaints associated with beverage containers or anything else being discarded in the trash bins.

Ms. Eitner said she was not aware of any complaints to the police department regarding the noise from trash cans.

Mayor Harker asked if there was anybody else, besides the property owner, that wished to be qualified as a person with standing in this particular case.

Tipper Davis, 309 Live Oak Street, shared with the Board and attorney as to why he believed he had standing in the case. He noted his home was not adjacent to The Watering Hole, but it was 14 feet away, next to two properties that are adjacent. He said he had standing because he is constantly bombarded with noise from The Watering Hole. He suggested the noise of the back patio area interfered with his peace, quiet and enjoyment of his property. He said he made five complaints to the police department due to noise, specifically related to the generators. He said the noise had interfered with his sleep as well.

Town Attorney, Arey Grady, determined Mr. Davis was a person with standing, as demonstrated through his testimony. Mr. Grady said it was his recommendation to the Mayor and Board that Mr. Davis had standing to participate as a party in the proceeding for Case #24-11.

Mayor Harker invited the applicants, Leslie Allred and Bobbi Piner, to present their case.

Ms. Allred shared a slideshow, entered into the record as evidence, that provided a basi overview of their business. She explained a big part of their sales was plants and related items, but also noted alcohol, retail, and non-alcoholic beverages. She shared several events that have taken place at The Watering Hole, such as trivia, bingo, cookoffs, and vendor markets. She noted they had provided their space for birthday parties, reunions, etc., free of charge. She said they are a bar, but much more than that. She explained that they brought foot traffic to the Cedar Street district. She described their business as a place where the neighborhood goes and gathers. She expressed frustration regarding the new business permit process and noted they were confused as to why they were having to reapply, as they had been operating as a bar from the beginning, about five months now. She noted the difficulty associated with spending more money to apply for the SUP. She said they have been very upfront with everything from the start and have not falsified any information; they sell plants and alcohol and always have. She suggested the Town was knowledgeable about the stage area and the potential to have music.

Ms. Piner and Ms. Allred offered visuals from their slideshow, to familiarize the group with the inside of their business. They noted before and after photos of the building and noted the addition of a fence in the backyard. It was noted they had successfully installed 24 square feet of planter boxes outside. They discussed some of the recommendations from the Planning Board and noted they were okay with shutting their backdoor at a certain time but did not agree with the garage doors being shut due to extreme temperatures. They suggested the garage doors were inviting and a better look for the business when open.

Ms. Piner explained that any time officers addressed any noise concerns, they stopped what they were doing. She noted they had not exceeded the prescribed decibel levels.

Ms. Allred addressed the food truck issue, noting they were in the process of installing a plug to ensure a generator free area which would reduce noise. She shared it was an expensive upgrade due to the age of the building. She discussed the addition of a food truck ordinance in the future, per a conversation she had with the Fire Marshall. She asked the Board for leniency during the process, for reasons such as change and related costs.

Commissioner Spiegler thanked the applicants for their presentation. She said she very much supported locally owned businesses in the Cedar Street, Live Oak Street area, noting she would love to see it evolve into an arts district. She noted the importance of having family friendly spaces and finding a balance as a community to grow together as neighbors and as businesses. She complimented the artwork on The Watering Hole building. She expressed her thoughts on generators, stating they were a nuisance, and suggested that issue could be complied with sooner rather than later.

Commissioner Gillikin also shared her appreciation of women business owners and the beautification of the corner. She asked if The Watering Hole hosted non-amplified music in the garage space and/or outdoors.

Ms. Piner explained there were some speakers in the garage but not outside.

Commissioner Gillikin asked about live music.

Ms. Piner said on occasion they have had amplified live music, about five times since they opened. She said it was not something they do a lot of and shared they had a magician show which used a microphone, but no music was played.

Ms. Allred said they originally had a speaker outside, but it was removed as soon as there was an issue.

Commissioner LoPiccolo also commended the applicants for their hard work in beautifying the building and creating a small business. He noted the biggest issue was the noise concerns. He asked what percentage revenue came from alcohol sales.

Ms. Piner said about one third of the total revenue.

Commissioner LoPiccolo asked if they had received bids to become a generator free location.

Ms. Piner explained that because of where their breaker boxes were located, it was going to cost thousands of dollars, but they wanted to make the upgrade as fast as possible.

Commissioner Cooper asked about the type of plants located inside the business and questioned their original permit application.

Ms. Allred explained the inside layout of the building. She provided background as to why they were applying for the SUP and suggested they were honest with the Town regarding their usages from the beginning.

Commissioner Cooper had questions related to the Town Fire Marshal's comment amount food trucks. He expressed his concerns about the noise issues on the property.

Ms. Allred suggested anyone could call and make noise complaints over and over. She suggested some noise complaints were coming in when the business was not even open.

Commissioner Cooper suggested being a good neighbor was extremely important. He also expressed his concerns related to the noise generators make on food trucks.

Ms. Allred said they make sure the food trucks are parked so that the generators are not facing residential areas but were working to be a generator free location.

Commissioner Oliver said he was a devout entrepreneur, very much respectful of independent businesspeople; especially young, bright females. He said he personally thought that the branding of The Watering Hole was a brilliant stroke, likewise, recognized that the branding is purposeful. He stated, I have no question in my mind, and that I agree with you that the primary use of your facility is a bar. I am bothered by the fact that you to this day, do not respect our zoning ordinances and I think that that is an area of education that I would urge you to learn about.

Commissioner Oliver suggested the noise concerns were valid and expressed the importance of getting along with your neighbors to ensure success in the business world. He asked if the applicants had experience in a bar, tavern, pub enterprise.

Ms. Allred shared this was her third business and she had been in the bar industry for over 12 years, with management experience. She noted her other employees had experience as well.

Commissioner Gillikin asked why the trash cans had moved around the property so much.

Ms. Allred explained that originally, they did not know where to put them because of parking, but they usually sat out front because of trash pickup. She shared that one of the neighbors said the trash can lids were loud in the wind, so they moved them again. She said they are currently on the side of the vacant lot, facing the empty building.

Mayor Harker asked the Town of Beaufort representative to address the comments made about a food truck ordinance and the knowledge of the business being a bar from the beginning.

Ms. Eitner explained the food truck item is a state fire code that is supposed to go effective in January 2025. She noted the fire code is a subset of the building code and is administrated by the Fire Marshal. She explained it is not something that is under zoning ordinances or under Town of Beaufort's purview, it is a state requirement.

Ms. Eitner shared that she had copies of the five noise complaints if those are desired to be viewed, as well as a copy of the initial application for change of use occupancy, which identifies mercantile use and retail for plants, beer, wine and knickknacks.

Mayor Harker said she would like to submit the application as evidence for the record.

Ms. Eitner confirmed the initial application, change in occupancy, was submitted August 24, 2023. She explained the change in occupancy triggers the building inspector review, and everything else that might follow; it can be referred to as a new business inspection as well.

Commissioner Gillikin asked if Ms. Eitner knew what constitutes amplified sound.

Ms. Eitner said she would defer to the Police Department as they enforce the noise ordinance.

Mayor Harker noted it was time to hear from the people with standing.

Terry Mikels, 1305 Front Street, identified himself as the property owner of The Watering Hole. He shared background on the property purchase and noted he almost tore it down, but Ms. Allred and Ms. Piner had a different vision. He discussed the state of the property when he purchased it, noting the amount of work put into cleaning up the building and outside area. He spoke on the conditions recommended by the Planning Board, specifically regulations on garage doors limited to outdoor music. He spoke on the landscaping at the front of the building, which is concrete. He shared there were five tanks taken up from the parking lot in 2007. He believed the planter boxers to be a good compromise. He spoke of his business experience over the course of his career, specifically in mixed use districts. He suggested Ms. Allred and Ms. Piner were making extra efforts to reduce the noise and trying to be good neighbors. He said it would be in everyone's best interest not to place so many conditions on the business, which might cause it to fail. He said it would be a terrible precedent to send out to any other young entrepreneurs that are considering spending their hard-earned money on starting a business in the CSMU district.

Commissioner LoPiccolo asked if there were any conditions on the property that would restrict them from selling food.

Ms. Mikels said the only condition placed on the deed was by DEQ and it was that a drinking well could not be installed.

Tipper Davis said in the last three weeks, the applicants have made a pretty good effort to be quiet. He expressed that his main concern is the use of the back patio because it made it hard to enjoy his property, especially later at night. He suggested a time limit of six o'clock for the back patio area. He spoke of the generators being loud. He said he believed The Periwinkle was totally proactive on their generator free space. He shared The Watering Hole folks had done a great job with the building. He suggested it was his understanding they were just selling plants from the beginning. He said he did not want it to become an event center and explained he did not like the idea of bar, karaoke or drag show because it generates a lot of noise. He suggested the building was like a speaker that could be heard all through that neighborhood. He said parking was an issue, even if they did not think so. He shared that he would like to be able to enjoy his property without being face to face with them all the time.

Mayor Harker provided an opportunity for the applicants to offer a rebuttal.

Ms. Allred suggested there were just as many commercial properties around as there were residential, noting it was a mixed use in the area.

Ms. Piner expressed the frustration with noise complaints via social media and by phone, noting they have gotten messages about their music being too loud when they were already closed for the night. She noted it had been an emotional process and they just wanted to succeed and be an open safe space for the entire community. She added there intent has always been to be a plant store that also sold beer and wine for extra profit and to never stay open past midnight.

Ms. Allred said she did not want anybody to think they were not being respectful or neighborly, because they want to provide amazing events on a weekly basis. She

suggested they were just a small business trying to provide a nice place for people to go in Beaufort.

Commissioner Gillikin asked for clarification on their current business hours.

Ms. Allred replied their door said open 4-10 p.m., Wednesday-Saturday and 12-5 p.m. on Sunday, but were happy to change that if need be.

Mayor Harker thanked Ms. Allred and Ms. Piner for their testimony and their time. She asked if the Board felt like they had all the evidence necessary to start to deliberate on the topic; if so, to provide a motion to close the evidentiary hearing.

Commissioner Gillikin made a motion to close the hearing.

The motion carried unanimously.

Commissioner Cooper suggested the noise ordinance should be addressed as a separate matter.

Commissioner Oliver made several recommendations for the outside conditions. These were summarized as all activities face Cedar Street, prior to any further use of a generator, a power source be made available; food trucks be restricted to private property; no outside speakers; and the trash cans face Cedar Street and be corralled in accordance with Town agreements with GFL.

Commissioner Oliver made several recommendations for the inside conditions. These were summarized as Town Fire and Building Codes must be complying; occupancy be limited to 11 p.m.; and a specific time limit be placed on the SUP, such as six months.

Commissioner Spiegler asked if Commissioner Oliver was suggesting the back patio be completely closed for actively.

Commissioner Oliver said yes, no gatherings in the back of the building.

Mr. Grady reminded the group all conditions placed on the SUP must be reduced to an order that the Board must approve at a future meeting.

Commissioner Cooper suggested they find a balance to ensure residential property owners in the area can enjoy their properties while also promoting Beaufort as a good place to have a business.

Mr. Clark provided clarification on the Town code that addresses trash collection, Section 50.16; stating that containers must be returned to the yard for residences, or for businesses or institutions to the rear of buildings or inside the building by the customer on the day of collection. He also pointed out there were updates to the National and State Fire Codes periodically. He noted the Town's Police Department did respond to noise complaints and they use decibel meters. It was confirmed the noise

Mayor Harker referenced the noise ordinance in a residential area. She suggested it was extremely restrictive to place time limits on this property when the residential property could have a party in their backyard at the same time. She expressed concerns on the suggestion to eliminate use up the back of a property. She suggested the conditions should be reasonable and customary. She expressed concerns with placing a time limit on the SUP.

Mayor Harker reviewed the findings of fact for the project.

Commissioner Spiegler also suggested it would be unreasonable to shut down the entire use of the back patio.

Commissioner Gillikin expressed concerns about the parking and driveway piece.

Ms. Eitner shared that based on specific zoning district standards for the CSMU district, the business only needs three spaces.

Commissioner Gillikin shared that she believed the findings of fact could be me with conditions. She expressed concerns with emptying trash cans and the rear of the building. She said it would be hard to eliminate the outdoor activity in the rear of the property. She suggested prioritizing the generator issue with a time limit to ensure the plug was installed soon. She questioned what time the garage doors should be closed if there was amplified music.

Commissioner LoPiccolo spoke on the conditions which had been suggested so far. He suggested restricting outdoor music between the hours of 11am-8pm was a good idea. He agreed outdoor speakers should not be permitted and that a plug in power source for the generators should be a requirement. He questioned whether or not a dumpster towards the front of the building would be a possibility, suggesting it might help solve issues with noise at the back of the property. He agreed a time limit on the SUP was a good idea; he recommended the business owners take responsibly in making sure conditions were met and that the Town enforced the conditions.

Commissioner Cooper expressed concerns about placing a time limit on the SUP.

Commissioner Gillikin asked the Town Attorney if a SUP could be time limited, and if so was there a minimum time limit.

Mr. Grady confirmed the SUP could have a time limit and explained it would be at the discretion of the Board. He noted once expired, the applicant would come back to the Board for an extension or new permit. He explained it would be like any other permit issued by the Planning Department; they would be responsible for enforcing it with their usual procedures and ensuring compliance.

Commissioner Gillikin said six months was too short and suggested nine months to a year was more reasonable.

The Board further discussed the trash cans and dumpster issues. There was not a consensus to include any trash related conditions. They encouraged the business to be mindful of their empty times.

Mayor Harker explained there were two special uses in question and reminded the group the findings of fact should be revisited.

Commissioner LoPiccolo asked about liability concerns with the proposed use.

Mr. Grady explained this was the exercise of the Board's legislative discretion; any liability with the permit would be between the applicant and whoever might have an issue with it.

Commissioner Cooper made a motion to approve Case #24-11, confirming the application met all Required Findings, (a-g), as listed in the Land Development Ordinance for the Town of Beaufort.

The motion carried unanimously.

Commissioner Gillikin made a motion the Special Use Permit (SUP) be issued with the following conditions: no outside speakers; the permit is time limited for a period of nine months; power source for food trucks is required to be plug in after one month of issuance of the permit; the garage door must be closed at 8 p.m. when there is amplified sound inside the building and operations can continue that way until midnight; when the garage door is open, the decibel limit and the noise ordinance cannot be exceed, per Section 91.08 of the Town's Ordinances; no use of the patio or backyard area after 8:00 p.m., including closing of the back door at 8:00 p.m.; and the fire and building code will be complied with for the indoor area.

The motion carried unanimously.

Commissioner Cooper made a motion to recess the meeting at 9:50 p.m.

The motion carried unanimously.

Commissioner Cooper made a motion to reconvene the meeting at 9:58 p.m.

The motion carried unanimously.

**New Business**

1. Proposed FY 2025 Budget

   Todd Clark, Town Manager, presented the proposed FY 2025 Budget and shared the budget message. He noted upcoming budget work session meeting dates and explained the Board would consider adoption of the FY 2025 Budget at their June 10th Regular Meeting, where a public hearing would be held. It was noted the proposed FY 2025 Budget was posted online and available for public inspection at Town Hall.

2. Case #23-05 Preliminary Plat Palmetto Plantation Phase 2

   Kyle Garner, Planning Director, explained the request was to subdivide a 5.225 acre tract into 9 lots located in Professional Park Drive. He noted the applicant was The Cullipher Group and recognized their staff was present to answer questions. He shared a vicinity map and noted at their April meeting, the Planning Board recommended approval if a sidewalk could be included within the cul-de-sac. Mr. Garner explained since that meeting, the plans had been revised to reflect the changes and those details were included in the meeting packet.

   Commissioner Gillikin confirmed there was a prior approval on the preliminary plat, but that approval expired after one year. She noted the only difference from that period to the current request was the addition of the sidewalks.

   Commissioner LoPiccolo asked if there had been any opposition from the community.

   Mr. Garner noted there had been complaints related to flooding from the resident who owned lot twelve. He suggested once the proposed project was complete, those issues should be resolved.

   Commissioner Oliver made a motion to approve Case #23-05 as presented.

   The motion carried unanimously.

3. Beaufort Pirate Invasion 2024 Event Request

   Rachel Johnson, PIO/Events Coordinator, shared the Beaufort Pirate Invasion submitted a request to host the 2024 Pirate Invasion in downtown Beaufort. She noted the event dates as November 22-24, 2024 and shared the requests as outlined in the application included in the meeting packet. She shared it was a multi-day event that would have multiple activities that would involve cannon fire. She noted the request did include an alcohol waiver for Middle Lane and the Craven Street parking lot. She recognized the applicant, Carl Cannon, was present and available to answer questions.

   Commissioner Gillikin asked questions about the frequency of cannon fire over the course of the event.

   Mr. Cannon explained all cannon fires would be blank rounds that could take place every couple hours depending on the schedule of activities.

   Commissioner LoPiccolo asked questions related to the number of port-a-potties that will available, as well as the number of people expected to attend the event.

   Mr. Cannon explained it was hard to estimate how many people would attend the event, but based off prior years, he would predict around 1,500 people. He noted the event requirements outlined one port-a-potty be provided per every hundred person.

   Ms. Johnson explained the Town's restrooms count towards that number and would be cleaned and maintained during the event. She noted the porta-potties would be required in key locations, such as behind Town Hall and on Middle Lane, and there was a requirement for those to be serviced daily.

Commissioner Cooper added that closure of the requested parking spaces would not be a problem, as paid parking would be over in November.

Commissioner LoPiccolo made a motion to approve the event request as presented.

The motion carried unanimously.

4. UDO – Letter of Engagement & Draft Scope of Work

Mr. Garner provided background on the decision to move forward with consultant White & Smith of Charleston, South Carolina, to rewrite the Town's UDO. He shared, as provided in the meeting packet, there was a letter of engagement and draft scope of work for the Board's consideration. He noted the proposal from White & Smith was to first develop a Codes Assessment to gain understanding on the items the Town boards, staff and citizens see vital for the adoption for a new ordinance. He explained that the first component would cost $30,900 and would be comprised of three phases described as:

- Phase I – Project Initiation which has the consultant visiting the community for two days to meet with the Board of Commissioners, any volunteer board members and interested Beaufort citizens to gain knowledge in developing a scope of work for the UDO.
- Phase II – Diagnosis/Assessment Summary take the comments given in Phase I and provide a recommendation on which code issues are time sensitive and need to be addressed first. Also, the summary of proposed topics of revisions will be in a memo form and structured by subject matter or by code section (This could be at least iterations based on the attached Scope of Work). This memo to be submitted will NOT include the preparation of new code language but lay out the framework of such revisions for the UDO.
- Phase III – Presentations & Meetings Once the Summary Memo is completed the consultant will present the findings in person and then a final Memorandum presentation that would discuss the next steps. The public may participate in these meetings as well if the Board is inclined. These three phased approaches are proposed to provide a clear direction to the consultant as to the items that need to be addressed in the new UDO as well as a vetting process of the issues the Board and Community see as vital to the future of development in Beaufort.

Commissioner Spiegler shared her expectations related to the entirety of the project, stressing the importance of good communication from the Planning Department to the Board of Commissioners. She confirmed the Town of Beaufort point of contact would be Michelle Eitner. She asked questions regarding the two-day visit from the consultant, potentially scheduled for late June.

Mr. Garner explained there would be several meetings scheduled while the consultant was in Town and all those meetings would be open to the public. He also noted there would be a specific session for the community to provide their input.

Commissioner Spiegler asked what would happen if two days was not enough time to gather the needed information.

Mr. Garner said a zoom meeting or other options could be negotiated if that was an issue.

Commissioner Spiegler asked that in addition to the CAMA Land Use Plan, the Resilient Beaufort document be reviewed and considered as a relative document in Phase I of the project. She requested the Board have the ability to review all of the draft work under Phase II. She questioned if the meetings associated with the final presentation made by the consultant, as part of Phase III, would be open to the public.

Mr. Garner confirmed those would be public meetings as well.

Mr. Grady discussed the process of advertising for public meetings related to the Board of Commissioners.

Commissioner LoPiccolo asked if there were funds budgeted and available for the project.

Mr. Garner confirmed there were funds available in the current budget and there were also funds being requested in the proposed FY 2025 Budget.

Commissioner Cooper expressed the importance of incorporating the resiliency piece into the document.

Commissioner Spiegler made a motion to approve the UDO Letter of Engagement and Draft Scope of Work with the following additions: updating Michelle Eitner's name on letter of engagement; incorporating the Resilient Beaufort document as part of the review process associated with Phase I; ensuring the Board of Commissioners are able to review all draft documents in Phase II; proper advertising to ensure all meetings are open to the public.

The motion carried unanimously.

**Public Comment**

Lauren Campbell: 106 Jade Street, Beaufort, NC 28516

"No one is going to come and help you. No one's coming to save you." -David Goggins. I came to the same conclusion after fighting for years to get the help I needed from the VA. I'm a veteran; this is my service dog Croaker. I recently spoke at Morehead City Council. I did not expect to get the opportunity. I also did not know of the time cap. I spoke for nine minutes with no interruptions, and it ended with many in attendance in tears offering to help. I was approached by the city council afterward wanting to meet further with promises of creating change. I was also contacted by a lawyer at the meeting offering his services to help me start a nonprofit. The VA has asked me to prepare a speech for a Board of Medical Doctors. My American Legion is hoping I will get to speak here at this city council meeting. They are eagerly waiting to attend in uniform, hats, and shirts and a show of solidarity. In short, the Crystal Coast is increasingly dog friendly, and due to lackluster service dog policies, I find it hard to leave my house these days. Just yesterday, we suffered another vicious attack at Black Sheep on the waterfront while having dinner. A man walked by on the waterfront, not keeping a retracting leash tight, and his dog attacked mine. I can't go to a local church, as they have accommodated a supposed service dog that attacked my dog. I had three very promising interviews for businesses on the waterfront that I am well qualified for, and yet was never contacted and avoided by the managers when I stopped by to check on these jobs. I found a job out of desperation in Morehead and had to leave because of their lackluster service dog policy. I only go to pet friendly places with my fiancée or my best friend. My dog has had to have refresher training as she has been attacked so much by the dogs at the dog park, that is the Crystal Coast to include Beaufort. My dog is a $50,000 dog who was donated to me by a nonprofit called, Continuing The Mission, that pairs up four disabled veterans a year with a medical device that helps us live life again. I will leave you with one last image... A young airman has her weekly Skype date with her husband who is currently deployed in the Middle East. It is a beautiful sunny day as he sits in the gazebo. Suddenly, air raid sirens go off. The laptop slams on the gazebo bench leaving a collage of old wedding gazebo ceiling, blue sunny skies, and people running in all directions. The young woman screams for husband. His hand pops up into the screen and waves as nothing can penetrate the sound of the sirens. He continues to wave for what seems like an eternity, and the young wife wonders if this is the last time she will see him. This is what veterans come home with, some missing limbs, some with very visible disabilities, and yet others not so visible. I respectfully request to be put on the docket to speak uninterrupted. Surely, the city council full of people who stepped up to do a job most are not courageous enough to do can find the time to listen to a veteran, about a real issue that plagues people you did not even know existed. Thank you.

**Manager Report**

Mr. Clark provided a monthly Town Manger's report which was projected and shared with those in attendance. The monthly report can also be found online at: https://www.beaufortnc.org/boardofcommissioners/page/managers-report

**Mayor/Commissioner Comments**

Commissioner Spiegler thanked those from the public who participated in the Harbor and Waterways Public Charrette on May 6th.

Commissioner Gillikin thanked Ms. Campbell and her dog for enduring the meeting, and for speaking during public comment.

Commissioner LoPiccolo shared a tribute to Joe McCreary, a band teacher in the Beaufort community that passed away at the age of 53.

Commissioner Cooper expressed empathy for Ms. Campbell and the struggles she has faced and continues to deal with as a veteran. He shared several highlights from the recent North Carolina Beach, Inlet and Waterway Association's Annual Conference.

Commissioner Oliver noted how blessed they were to live in such a great community.

Mayor Harker thanked the Commissioners and Town Staff for their efforts. She commended Plastic Free By The Sea for their great work in recent meetings. She thanked all those who attended the Harbor and Waterways Public Charrette and explained the purpose behind those meetings.

**Closed Session**

1. Pursuant to NCGS 143-318.11 (a) (3) and NCGS 143-318.11 (a) (4)

   Due to the length of the meeting, Mayor Harker proposed deferring the closed session item. There were no objections.

**Adjourn**

Commissioner Cooper made a motion to adjourn the meeting at 11:15 p.m.

The motion carried unanimously.

_____

Sharon E. Harker, Mayor

_____

Elizabeth Lewis, Town Clerk

# STAFF REPORT

**To:** Board of Commissioners

**From:** Michelle Eitner, Town Planner

**Date:** May 13, 2024

**Case No.** 24-09 Special Use Permit – The Periwinkle 406 Live Oak

**THE REQUEST:** Special Use Permit (SUP) for "The Periwinkle", a bar with indoor and outdoor operation at 406 Live Oak St in the Cedar Street Mixed Use (CSMU) zoning district.

**INFORMATION:**

| | |
|---|---|
| Location: | 406 Live Oak Street |
| Property Owner: | Sound Shore Construction Inc |
| Business Name: | The Periwinkle |
| Business Owners: | Kris and Beckie Davis |
| Requested Action: | Special Use Permit to operate "The Periwinkle", an indoor/outdoor bar |
| Existing Zoning: | Cedar Street Mixed Use (CSMU) |
| LUP Future Land Use Map: | Village Commercial |
| Size: | 10,560 square feet |
| Existing Land Use: | The Periwinkle (SUP requested to cover current/proposed use) |
| Adjoining Uses/Zoning: | North: No Name Pizza (B-1), Seaside Family Practice (B-1)<br>West: Beaufort Café (CSMU), Teel's Gas (CSMU)<br>East: Single-family residential (CSMU), Duke Energy Progress station (B-1)<br>South: Body Shoppe Physical Therapy (CSMU), Watering Hole (CSMU) |

**OPTIONS:**

1. Approval of Special Use Permit as presented
2. Approval of Special Use Permit with conditions
3. Denial of Special Use Permit due to specific failures to meet required findings

**ATTACHMENTS:**

- Attachment B – Vicinity Map
- Attachment C – Zoning Map
- Attachment D – Application Package
- Attachment E – CAMA Land Use Plan Future Land Use Map and Classification Type
- Attachment F – CAMA Land Use Plan Goal 7 Town Character Action Item 7.1.2.2 (as referenced in application package and staff report)
- Attachment G – Entry Master Plan Section 2 Beautification and Gateways (p.15)
- Attachment H – Small Area Plan Section 7.7 How We Know We Have Succeeded (p.141)
- Attachment I – Notification Certification
- Attachment J - Section 20.E. SUP Required Findings

**STAFF COMMENTS:**

Kris and Beckie Davis own "The Periwinkle", a business at the northeast corner of Live Oak Street and Cedar Street. The Periwinkle has been in operation for over a year as a retail store ("quick stop bottle shop & social space", off-site alcohol license) as the primary use, with accessory use as a bar (on-site alcohol license). The new business inspection form read, "New business: The Periwinkle; bottle shop selling retail beer & wine and selection of non-alcoholic beverages". Recent discussion between staff and the business owners has determined that the primary use of the business is now a bar with indoor and outdoor operation, with accessory retail use. The remedy moving forward is for the owners to seek a Special Use Permit to allow this primary use to continue.

The Periwinkle provides a good example of a transitional property in a mixed-use district between a business district (north), commercial uses in a mixed-use district (west and south), and residential uses in a mixed-use district (east). The relatively low intensity commercial use (small structure, reduced hours of operation, low lighting levels, and weather-dependent outdoor space) can provide a buffer between use types, especially when controlled by a Special Use Permit. The applicant has discussed several aspects in their application and with staff that could become conditions:

- Hours of operation
- Installation of fencing to replace post-and-rope on west and south property lines (to match existing fencing and be installed within 6 months of SUP approval)
- Installation of a power source for food trucks to eliminate the additional noise that comes from their generators/motors (to be installed within 6 months of SUP approval)
- Maintain shade screens for outdoor space

The Beaufort Comprehensive and CAMA Land Use Plan identifies this property as Village Commercial. The typical uses of this future land use classification list: "Smaller footprint, lower intensity, neighborhood serving commercial, retail, services, or offices. Pedestrian-serving uses (boutique shops or fitness studios, personal care, arts) are more appropriate than automobile-oriented uses (vehicle or machinery repair, rental and service, commercial nurseries or lumber yards, fast food restaurants, drive-thru banks, etc.). Upper story dwellings (aka "live/work") are also appropriate" (p 186, Attachment E). Staff asserts that this proposed use fits with the typical uses for the Village Commercial future land use classification, as well as follows LUP Goal 7 Town Character, Objective 7.1, Action 7.1.2.2, "Support policies that allow the Cedar Street area to evolve into an arts district" (p160, Attachment F).

The Entry Master Plan (2012) and Small Area Plan (2018) identify multimodal improvements, bicycle and pedestrian connectivity, and street beautification along Cedar Street and Live Oak Street. Implementation of this plan includes permeable paving along Cedar Street, concrete railings on the Turner Street Bridge, and several NCDOT-funded transportation projects. These plans identify improvements at the Cedar Street/Live Oak Street intersection to include pedestrian safety and beautification. Additionally, the Small Area Plan identifies that success of the plan is marked by several goals, one of which being "Entrepreneurs will have opened 10 more businesses on Cedar and Live Oak." This new business is an indicator of success of past planning efforts, and future roadway improvements will continue to enhance this area.

The Technical Review Committee discussed this SUP during their meeting on April 1, 2024 and no comments or concerns were raised by the committee. Specifically, Captain Joel Marino and Fire Marshal Robert Smith confirmed that neither police nor fire had responded to any calls to or complaints about The Periwinkle since their opening.

The Planning Board discussed this case during their meeting on April 15, 2024 and unanimously recommended approval of the proposed special use permit with the following conditions to be completed within six months of the special use permit approval:

- Install, stake, and maintain trees in accordance with LDO requirements on Cedar and Live Oak frontages
- Install fencing to replace post-and-rope on west and south property lines to match existing fencing
- Install sidewalk along Cedar Street in accordance with Town of Beaufort design standards

- Restrict outdoor amplified music hours to the hours of 12:00pm to 8:00pm
- Install a power source for food trucks to eliminate additional noise from generators

Following the Planning Board's recommendation, Planning Staff discussed design requirements for sidewalk as proposed along Cedar Street. The Town Engineer said that sidewalk on that side of the road is not advisable due to the difficulty of connection at the main intersection and that the sidewalk wouldn't connect to anything as it would terminate at residential properties. He also pointed out that the Town's sidewalk network is already present at the south side of the road to provide connection.

Staff also discussed proposed change in use to determine what changes may be necessary. The building inspectors identified that the change in use from mercantile to a bar will require the addition of bathroom facilities to meet new occupancy requirements. No additional parking facilities are required in accordance with CSMU-specific standards – LDO Section 8.D.6.i.iii requires 1 parking space for this property based on gross floor area.

# the periwinkle Social Space

QUICK STOP BOTTLE SHOP
BEAUFORT, NORTH CAROLINA

## our mission and intention:

The Periwinkle : Quick Stop Bottle Shop and Social Space located in Beaufort NC is creating a place where locals and tourists alike can unwind with family and friends or make new ones in a safe, artistic and mellow atmosphere. Creating a space for weekly community based activities such as a run club, free yoga and makers markets. Hosting special events throughout the year while showcasing excellent craft, domestic and import beer, wine, ciders, seltzer, hard kombuchas and non alcoholic beverages such as mocktails, draft kombuchas and adaptogen infused drinks. Responsibly sip a beverage onsite or build out a 6 pack, fill a growler to go and take with you as you set out on a super fun adventure on the Crystal Coast.

**est. 2022**

## Hours of Operation

Tues - Fri 4-8pm
Saturday 2-8pm

special events

## reoccuring community events

WEDNESDAY : No Wake Hash House Harriers Run Club 5:30pm

THURSDAY : FREE YOGA and CSA pick up 6pm

Monthly Corner Collab Second Tuesday Night Market 4-7pm

First Friday THANK GOD ITS VINTAGE Night Market 5-7pm

## non profits served

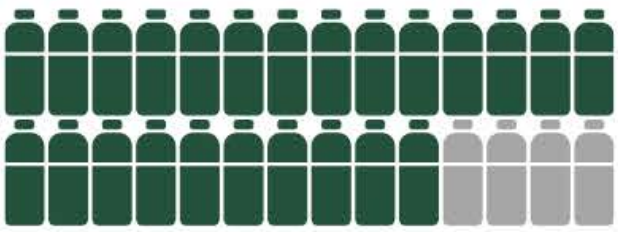
**pedaling for parkinsons**
**misplaced mutts**
**NAMI**
**bike box project**



## some of our top beverage sales

non alcoholic beverages

off site sales to-go





we use all compostable and plant based disposables and are single use plastic free. our facility is glass free.

**n/a beer, craft mocktails, kombucha sales and adaptogen n/a drinks**

# noise reduction strategies



- continue our fence to enclose the full property, will serve as a better buffer for our patrons onsite from noise and for neighboring properties



  - music : rarely live musicians and if so: acoustic
  - low background radio indoors and out
  - close at 8pm



- installation of a hook up specific for food trucks : generator free site.



## parking lot 10-12 cars

- **encouragement to patrons on where public parking is located**
- **parking cones on neighboring property to deter parking**
- **permissions with neighboring businesses for events and parking agreements**
- **signage for no residential street parking**



# special events to note

- SLOW BIKE RACE: fundraiser for Parkinson's disease raising almost 1k in donations
- NIGHT MARKETS/ARTISAN MARKETS : connecting movers, shakers and creative skilled makers in a collective space.
- KIDDO COLLAB: kid led art market where children sell their creative and learn the art of negotiation




**KRIS AND BECKIE DAVIS**

252 222 0140 406 LIVE OAK ST BEAUFORT NC 28516 periwinklenc.com

# STAFF REPORT

**To:** Board of Commissioners

**From:** Michelle Eitner, Town Planner

**Date:** May 13, 2024

**Case No.** 24-11 Special Use Permit – The Watering Hole 816 Cedar St.

**THE REQUEST:** Special Use Permit (SUP) for "The Watering Hole", a bar with indoor and outdoor operation at 816 Cedar St in the Cedar Street Mixed Use (CSMU) zoning district.

**INFORMATION:**

| | |
|---|---|
| Location: | 816 Cedar Street |
| Property Owner: | TPBT LLC (Terry Lee Mikels) |
| Business Name: | The Watering Hole |
| Business Owners: | Leslie Allred and Bobbi Piner |
| Requested Action: | Special Use Permit to operate "The Watering Hole", an indoor/outdoor bar |
| Existing Zoning: | Cedar Street Mixed Use (CSMU) |
| LUP Future Land Use Map: | Village Commercial |
| Size: | 0.27 acres (calculated acres per GIS) |
| Existing Land Use: | The Watering Hole (SUP requested to cover current/proposed use) |
| Adjoining Uses/Zoning: | North: Beaufort Café (CSMU), Teel's Gas (CSMU)<br>West: Vacant (CSMU)<br>East: The Periwinkle (CSMU), Body Shoppe Physical Therapy (CSMU)<br>South: Single-family residential (CSMU) |

**OPTIONS:**

1. Approval of Special Use Permit as presented
2. Approval of Special Use Permit with conditions
3. Denial of Special Use Permit due to specific failures to meet required findings

**ATTACHMENTS:**

- Attachment B – Vicinity Map
- Attachment C – Zoning Map
- Attachment D – Application Package
- Attachment E – CAMA Land Use Plan Future Land Use Map and Classification Type
- Attachment F – CAMA Land Use Plan Goal 7 Town Character Action Item 7.1.2.2 (as referenced in application package and staff report)
- Attachment G – Entry Master Plan Section 2 Beautification and Gateways (p.15)
- Attachment H – Small Area Plan Section 7.7 How We Know We Have Succeeded (p.141)
- Attachment I – Notification Certification
- Attachment J - Section 20.E. SUP Required Findings

**STAFF COMMENTS:**

Leslie Allred and Bobbi Piner own "The Watering Hole", a business at the southwest corner of Live Oak Street and Cedar Street. The Watering Hole has been in operation since December 2023 as a retail plant store and bottle shop (beer & wine) as the primary use, with accessory use as a bar. The new business inspection application read, "sell tropical plants, beer and wine, nic nacs". Recent discussion between staff and the business owners has determined that the primary use of the business is now a bar with indoor and outdoor operation, with accessory retail use. The remedy moving forward is for the owners to seek a Special Use Permit to allow this primary use to continue.

The Beaufort Comprehensive and CAMA Land Use Plan identifies this property as Village Commercial. The typical uses of this future land use classification list: "Smaller footprint, lower intensity, neighborhood serving commercial, retail, services, or offices. Pedestrian-serving uses (boutique shops or fitness studios, personal care, arts) are more appropriate than automobile-oriented uses (vehicle or machinery repair, rental and service, commercial nurseries or lumber yards, fast food restaurants, drive-thru banks, etc.). Upper story dwellings (aka "live/work") are also appropriate" (p 186, Attachment E). Staff asserts that this proposed use fits with the typical uses for the Village Commercial future land use classification, as well as follows LUP Goal 7 Town Character, Objective 7.1, Action 7.1.2.2, "Support policies that allow the Cedar Street area to evolve into an arts district" (p160, Attachment F). The business owners have invested significantly in the previously vacant commercial space with fencing, renovations, and plant-related murals. Upfit of existing structures, particularly with murals, are consistent with emerging arts districts.

The Entry Master Plan (2012) and Small Area Plan (2018) identify multimodal improvements, bicycle and pedestrian connectivity, and street beautification along Cedar Street and Live Oak Street. Implementation of this plan includes permeable paving along Cedar Street, concrete railings on the Turner Street Bridge, and several NCDOT-funded transportation projects. These plans identify improvements at the Cedar Street/Live Oak Street intersection to include pedestrian safety and beautification. Additionally, the Small Area Plan identifies that success of the plan is marked by several goals, one of which being "Entrepreneurs will have opened 10 more businesses on Cedar and Live Oak." This new business is an indicator of success of past planning efforts, and future roadway improvements will continue to enhance this area.

The Technical Review Committee met on April 1, 2024 to review the continuation of the business as a SUP. No comments or concerns were identified other than regarding noise complaints. Police Captain Joel Marino provided that only two noise complaints were made to the Police Department in February 2024 in accordance with the Town's noise ordinance, and both of those reports identify that the decibel level limit was not exceeded. Since these complaints, the business owners have taken steps to reduce their noise level outside – they removed the speaker in the backyard area (southwest side of the building) and no longer leave the back door propped open which reduces indoor noise going outside. Further complaints have not been made to the Police Department for formal enforcement, but discussion has continued about the issue. Given continued concern with noise but no other aspects of the business, staff recommends the following conditions to the SUP:

- Continued noise-reduction efforts (back door closed when not in use and no speakers in backyard/outdoor area)
- Reduced hours of operation for backyard/outdoor areas (perhaps move inside by 9pm)
- Installation of a power source for food trucks to eliminate the additional noise that comes from their generators/motors (to be installed within 6 months of SUP approval)

The Planning Board discussed this case during their meeting on April 15, 2024 and unanimously recommended approval of the proposed special use permit with the following conditions to be completed within six months of special use permit approval:

- Install landscaping in accordance with the LDO as appropriate and allowed by Duke Progress along Cedar and Live Oak frontages
- Install 90 square feet of planter space with appropriate plants and trees

- Restrict outdoor music to the hours of 11:00AM to 8:00PM. Outside of these hours doors and windows to remain closed when there is amplified music inside.
- Outdoor speakers in the rear of the building shall not be permitted.
- The rear door shall be kept closed when amplified sound is being played inside.
- The rear area shall not be used after 8:00PM
- The garage doors shall be closed after 8:00PM
- Install a power source for food trucks to eliminate additional noise from generators

Following the Planning Board's recommendation, Planning Staff reviewed feasibility for street trees and/or planter boxes within such close proximity of the main transmission lines along the north side of the property. Duke Progress Energy advised that no plantings should take place within 25 feet of the transmission structures or lines, and that non-compatible vegetation is subject to removal without replacement.

Planning Staff also reached out to the Police Department to review further noise complaints, of which there were two more since the Technical Review Committee meeting on April 1st.


THE WATERING HOLE
GARDEN BAR & GIFTS

# The Watering Hole Summary

- Plant store
  - House plants
  - Plant related gifts, such as apparel, pots, soil, local merchandise.
- Bar
  - NC based beer and wine
  - Beverages for all ages
- All inclusive
  - Trivia nights
  - Bingo
  - Cook-Offs
  - Rotating Local Art Walls
  - Vendor Markets
  - Other family friendly events

# Community Support

1.

Since opening, we have hosted the 2014 ECHS class reunion, Leadership Carteret, Nurse ProLink Networking night, multiple adult and child birthday parties, community socials and many more events… ALL FOR FREE!

We were also nominated for seven categories for People's Choice Awards and even won top three for Best Trivia Spot!







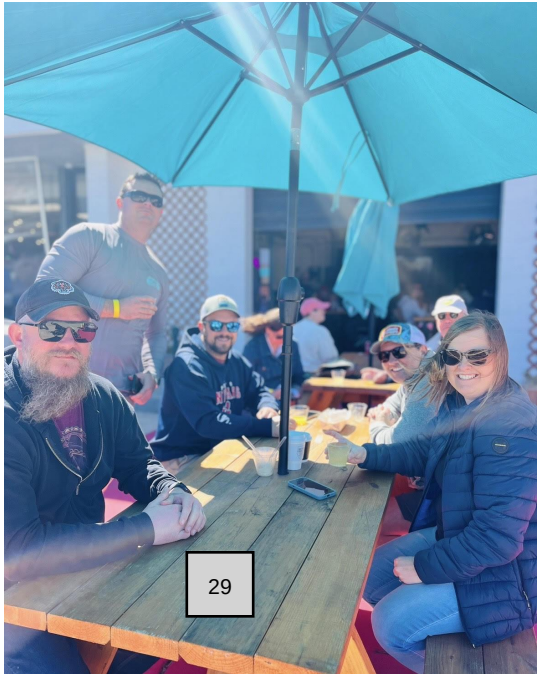


# More than a “BAR”

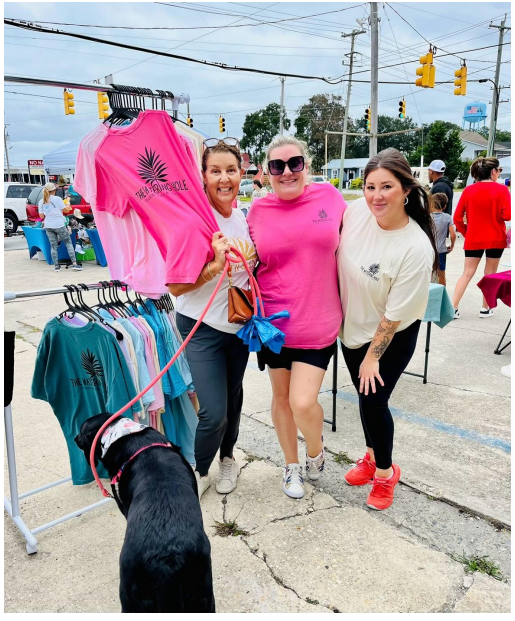
1.

Bringing art and new businesses to Cedar/Live Oak Street increases foot traffic, which is the town’s goal. Majority of our customers are people who live next door or within walking distance and are excited get outside and see the neighborhood GROW!





29



# Operating Information

We opened December 2023.

During our re-model, we had to work closely with the town to decide where items would go such as:

- Our Doors
- Our Stage
- Our Fence

Discussion with town:

- Hours of operation
- Use of our space
- Future events

Approval Process:

- The police department
- The fire department
- The town of Beaufort
- The Alcohol Beverage Control Commision

*All approved and signed before opening!*

# Permit Request

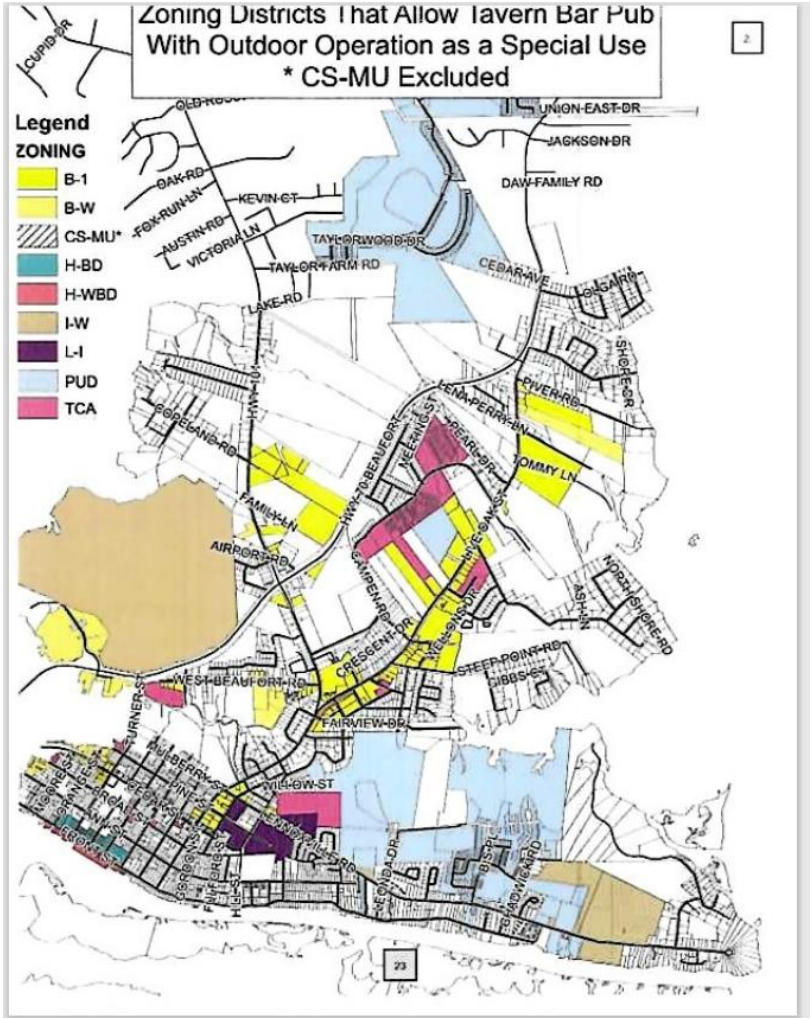
The Watering Hole requests a permit to operate the property on Cedar Street as a

*Tavern/Bar/Pub with Outdoor Operation.*

- At the time we presented our original application we were asking for the same permits that we are today, but were not required to go through this process.

- We have always been a plant/gift store with a bar in it or a bar with a plant/gift store in it.

- We were up front about beer/wine sales being what would make us profitable.


Zoning Districts That Allow Tavern Bar Pub
With Outdoor Operation as a Special Use
* CS-MU Excluded
Legend
ZONING
B-1
B-W
CS-MU*
H-BD
H-WBD
I-W
L-I
PUD
TCA
CUPID DR
UNION EAST DR
JACKSON DR
DAW FAMILY RD
OAK RD
FOX RUN LN
KEVIN CT
AUSTIN RD
VICTORIA LN
TAYLORWOOD DR
TAYLOR FARM RD
CEDAR AVE
LAKE RD
SHORE DR
RIVER RD
LENA PERRY LN
TOMMY LN
FAMILY LN
AIRPORT RD
CRESCENT DR
STEEP POINT RD
GIBBS ST
WEST BEAUFORT RD
FAIRVIEW DR
MILL POND ST
23




Legend
Property Owners Within 100 Ft
Zoning
B-1
R-8
TCA
H-BD
RC-5
RS-5
TR

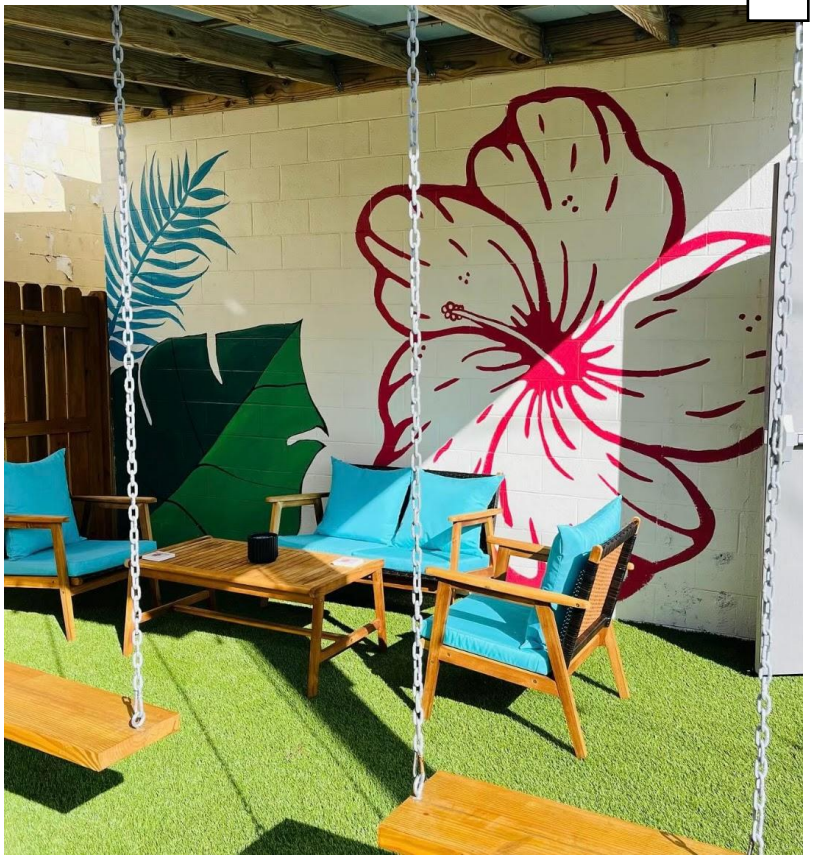
# “Beautify Beaufort”

An upgraded facility with substantial improvements to the exterior and the landscaping on the property. (Improving aesthetics: D1 in LDO)





1.

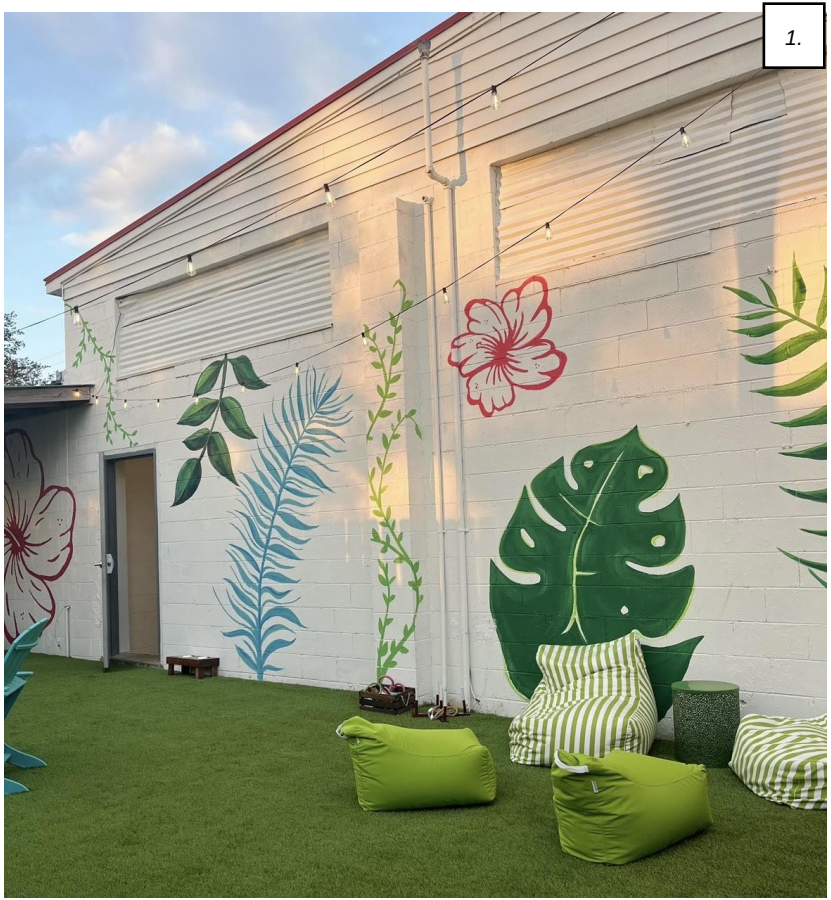


1.









1.




DUNSON
POOL&SPA
EXIT
THE WATERING HOLE

# Our Plan for “Noise Concerns/Additional Appearances”

- We have already installed 24 square feet of planter boxes since opening and we plan to plant an additional 30 feet as requested by the planning board, minus any trees per Duke Energy.
- We think that restricting the use of our back yard or forcing us to keep the garage doors closed would be a violation of our rights, unless all commercial and residential structures in the are told to do the same. (note- garage does not have heat/AC, so closing doors will result in the space being too hot or too cold, depending on the time of year)
- We will adhere to the noise ordinances, but local law enforcement are either not finding us over the limit or do not have a decibel reader to properly measure the noise.
- We will be installing a plug for food trucks as soon as we are able, prior to the 6 month deadline. We will also abide by the new food truck regulations being set forth by the town, effective JAN 2025.

**Town of Beaufort**
Planning and Inspections Department
701 Front Street
Beaufort, NC 28516
Phone (252) 728-2142

TOWN of BEAUFORT NORTH CAROLINA

**Permit Number:** 20230024
**Date Issued:** 08/30/2023

# Change of Occupancy Permit

**Site Address:** 816 CEDAR STREET
**Tax Map ID:** 730618308332000
**Report Code:** 1202 - Change of Occupancy
**Description:**

**Owner Name:** TPBT LLC
**Construction Cost:** $2,000.00
**Flood Zone:** X

## Contractor

**Financial:** Leslie Allred | The Watering Hole | 816 Cedar St Beaufort NC 28516 | 919-339-9369
**Tenant/ Leaseholder:** Leslie Allred | The Watering Hole | 816 Cedar St, Beaufort, NC 28516 | 919-339-9369
**Applicant:** Leslie Allred | The Watering Hole | 816 Cedar St, Beaufort, NC 28516 | 919-339-9369

## Permit Details

| | | | |
|---|---|---|---|
| **Site Acreage** | 0.00 | **No. of Employees** | |
| **Prop. Use Sq Ft** | 540 | **No. of Shifts** | |
| **Previous Use** | Mercantile | **Hours of Operation** | 11:00a.m - 10:00 p.m |
| **Business Name** | The Watering Hole | **Proposed Structure Changes** | |
| **Proposed Use** | Sell Tropical plants, beer and wi | Fix bathroom | |
| **Parking Spaces** | 10 | | |
| **Parking Surface** | asphalt | **Proposed Site Changes** | |
| **HC Parking** | 1 | Paint | |
| **Work Performed?** | NO | | |
| **Cost of Const.** | $2,000 | | |

| | | | |
|---|---|---|---|
| **Total Acreage of Site** | 0.00 | **Hours of Operation** | 11:00a.m - 10:00 p.m |
| **Proposed Use Sq Ft** | 540 | **Structure Changes** | Fix bathroom |
| **Previous/Current Use** | Mercantile | **Site Changes** | Paint |
| **Describe Use of Space** | Sell Tropical plants, beer and wi | **Work Performed?** | NO |
| **Current No. Parking Spaces** | 10 | | |
| **Parking Lot Surface Type** | asphalt | | |
| **No. H/C Access Parking Spaces** | 1 | | |

## Zoning

**Front Setback:** 10-1
**Sides Setback:** 0 Fe
**Rear Setback:** 0 Fe

**Easements:**
**Special Flood Hazard Area:**
**Present Overlays:**

**Zoning Conditions:**

## Fees

| | | |
|---|---|---|
| **Fees:** | Occupancy Permit | 50.00 |
| | | $50.00 |

## Conditions

I certify that I am authorized to make this application, that the information provided is correct to the best of my knowledge, that I am authorized to grant, and do grant, permission to the local zoning official and local building official to enter on the property described above for the purpose of inspections. I understand that if this application is approved, failure to meet any conditions of the approval shall result in the revocation of zoning approval. I shall comply with the provisions of all Town of Beaufort ordinances and all building codes for the State of North Carolina. Misinformation, lack of information, statements made in error, or any falsehoods could result in a permit being revoked and the applicant at risk of litigation in the process. Construction shall commence within 180 days of permit issuance.

1.

Leslie Allred

**Signature** _____ **Date** 08/30/2023

***Owner/Agent/Contractor:***

**Reviewed By:**



Tobbie Bowden
Codes Administrator

**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

**Board of Commissioners**
**Budget Work Session- Minutes**
**4:00 PM Tuesday, May 14, 2024**
**Train Depot, 614 Broad Street**

Mayor Harker called the meeting to order at 4:00 p.m.

Present: Commissioner Gillikin, Commissioner Cooper, Commissioner Spiegler

Absent: Commissioner LoPiccolo, Commissioner Oliver

Todd Clark, Town Manager, shared a list of key notes that highlighted significate changes from the current year's budget to the proposed FY 2025 Budget. Mr. Clark reviewed the line-item expenditures for the general and utility funds and provided an explanation for the increases/decreases. This led to a discussion on the new positions requested by the Fire, Finance, and Public Utilities departments. The Board reviewed the requested staffing changes with the respective department heads. The Board also heard from other department heads about their future needs for staffing. The information was provided and received by the Board, but there were no changes to the recommended budget.

Christi Wood, Finance Director, reviewed the proposed General Fund Revenues and Expenditures. There were no changes to revenues, but one notable change to the expenditure side of the General Fund. The Board suggested moving $40,000 that was budgeted in Non-Departmental, "Contributions to Other Agencies" (line item 10-700-5600), to Non-Departmental "General Adjustment" (line item 10-700-0200). The Board decided not to support a recommendation allocating $40,000 specifically to the Beaufort Business Association (BBA). Alternatively, the decision was to move the money to a line-item where the funds would be retained until a non-profit funding policy can be adopted by the Board. These funds would then be disbursed by the Board in accordance with the policy during the FY 2025 fiscal year.

The Board discussed a variety of line items, but no other changes were made to the proposed budget.

At 6:00 p.m., Commissioner Cooper made a motion to recess the meeting until May 22, 2024, at 6:00 p.m. The motion carried unanimously.

_____ _____
Sharon E. Harker, Mayor Elizabeth Lewis, Town Clerk

**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

**Board of Commissioners**
**Budget Work Session- Minutes**
**4:00 PM Tuesday, May 22, 2024**
**Train Depot, 614 Broad Street**

Mayor Harker reconvened the meeting at 6:00 p.m.

Present: Mayor Harker, Commissioner Gillikin, Commissioner Cooper, Commissioner Spiegler, Commissioner LoPiccolo, Commissioner Oliver

Todd Clark, Town Manager, and Christi Wood, Finance Director provided a review of the proposed revenues and expenditures for the Utility Fund. The Board discussed water and sewer tap fees and revenues associated within those line items. It was recommended that specific projects be identified, and funds be appropriated after July 1st for those capital projects. The Board agreed a system development fee study should be done, using the balance in the water and sewer revenue fund.

Other recommendations included an increase of $200,000 in investment earnings; an increase of $40,000 in general adjustments; a decrease of $40,000 in contributions to other agencies; and an increase of $200,000 to transfers to capital reserve. Another notable change to the proposed budget was reducing contingencies in both the water and sewer funds; from $50,000 to $6,500. Line item 40-810-7420, Capital Outlay Equipment, was increased by $87,000 to allow for a pump and generator.

Greg Meshaw, Town Engineer, presented potential methods for determining appropriate stormwater fees. He discussed why the stormwater enterprise fund was necessary and how much revenue was needed for it to be self-sufficient. He shared revenue needs, in terms of the USDA annual payment, annual operational cost, and potential Capital Improvement Projects. The Board discussed different scenarios regarding residential and non-residential fees for the upcoming year, but did not reach a consensus on a fee structure or exact fee for either.

Commissioner Cooper made a motion to adjourn the meeting at 8:30 p.m. The motion carried unanimously.

Sharon E. Harker, Mayor

Elizabeth Lewis, Town Clerk

**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

**Board of Commissioners Work Session Meeting**
**4:00 PM Tuesday, May 28, 2024**
**Train Depot, 614 Broad Street**

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**Call To Order**

Mayor Harker called the meeting to order at 4:00 p.m.

**Roll Call**

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Harker
Mayor Pro Tem Cooper
Commissioner Gillikin
Commissioner LoPiccolo
Commissioner Oliver
Commissioner Spiegler

ABSENT: None

**Agenda Approval**

Commissioner Cooper made a motion to approve the agenda as presented.

The motion carried unanimously.

**Presentations**

1. Students from East Carteret High School (ECHS) Environmental Club provided a presentation on data collected from several storm drains in Beaufort. They shared information on "Adopt a Drain" and shared how they partnered with students in the National Art Honor Society to help raise awareness on stormwater and plastics. Students, teachers and agency who supported these efforts were recognized and expressed a desire to continue working with the Town of Beaufort to decrease plastic in the waterways.

   The Board of Commissioners all thanked the students for their efforts in removing trash, collecting data and raising awareness of plastic and other pollutants in the local storm drains. There was a consensus from the Board to continue supporting ECHS by contributing supplies to their future projects and promoting information on the Town's website.

**Items for Review and Discussion**

1. Fountainworks- Results of Harbor & Waterways Charrette

   Warren Miller with Fountainworks presented the detailed results of the Harbor and Waterways Public Charrette that took place on May 6, 2024. This information was included in the agenda packet and is posted on the Town's website for review.

   Mayor Harker spoke on the purpose of the charrette and thanked those who participated.

   The Board asked several follow up questions and commended Fountainworks on the work put forth to facilitate the meetings and online survey.

2. FY 2025 Budget

   Todd Clark, Town Manager, provided a recap of the budget work sessions up to date. He noted the Board ended the last meeting with a discussion on stormwater fees for the upcoming year, but no consensus was established.

   Greg Meshaw, Town Engineer, presented several alternatives regarding a method for determining appropriate stormwater fees. He discussed why the stormwater enterprise fund was necessary and how much revenue was needed for it to sustain. He shared revenue need assumptions, noting that USDA annual payments, annual operations, and potential Capital Improvement Projects (CIP) would come out of that fund.

   After much discussion amongst the Board and consideration of Mr. Meshaw's proposed Stormwater Utility Fee Credit Manual and other alternatives, the consensus was to keep the flat rate approach by setting the residential rate to $5 per month and the non-residential rate to $10 a month, and to continue collecting the fee by parcel via the Carteret County Tax Bill. The Board also reached a consensus to offer the ability for property owners to apply for low-income credits, which would reduce the fee by 50%. It was recommended that funds related to the CIP be accounted for through grants rather than revenue collected through the stormwater fees, and noted these projects should be put on hold until grant money was secured. The Board expressed the importance of educating the community on the change in the fee structure; public notice avenues were discussed.

   While Mr. Meshaw was commended on the creation of the Stormwater Utility Fee Credit Manual, the Board recommended it not be implemented at this time but may be revisited in the future. It was agreed there are stormwater issues in Town, and it would be an ongoing expense for years to come.

   Christi Wood, Finance Director, discussed the proposed FY 2025 Fee Schedule. She noted the changes from the current year and explained the reasoning behind those recommended numbers.

   The Board asked several questions, but no action was taken to adjust the proposed fee schedule. It was suggested a future water and sewer rate fee study would be beneficial in addition to the system development fee study in the upcoming year. Mr. Clark noted he would begin gathering quotes for those studies.

   Other items discussed included directing staff to investigate the cost of constructing a dog park, to be included in a future budget, with the recommended location of the dog park considered through the Parks and Recreation Master Plan and Advisory Committee. There was also a consensus to continue funding the Mayor's Conservation Program in the proposed FY 2025 Budget.

   Mr. Clark noted the budget public hearing was scheduled for the Board’s June Regular Meeting: June 10th at 6:00 p.m.

**Project Updates**

Mr. Clark provided updates on several projects going on throughout Town. Some items discussed were street resurfacing projects, UDO update key meeting dates, economic strategic planning for the Main Street Program, and upcoming policy development. He shared a map referencing property recently acquired from NC DOT at the end of West Beaufort Road.

**Closed Session**

1. Pursuant to NCGS 143-318.11 (a) (3) and NCGS 143-318.11 (a) (4)

   Commissioner Cooper made a motion to enter closed session, pursuant to NCGS 143-318.11 (a) (3) and NCGS 143-318.11 (a) (4).

   The motion carried unanimously.

**Adjourn**

Commissioner Gillikin made a motion to adjourn the meeting at 8:20 p.m.

The motion carried unanimously.

_____

Sharon E. Harker, Mayor

_____

Elizabeth Lewis, Town Clerk

**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM – Monday, June 10, 2024**
**Train Depot, 614 Broad Street**
**Beaufort, NC 28516**

**AGENDA CATEGORY:** Items for Consent

**SUBJECT:** Capital Reserve Fund Amendment #18

**BRIEF SUMMARY:**

- This amendment receives funds in the Capital Reserve Fund that are budgeted in FY 24 General Fund annual budget (Total $590,570- $442,000 Future Capital Outlay for Street Project and $148,570 Future Capital Outlay Waterfront Improvement Project). It also receives funds in the Capital Reserve Fund that are budgeted in the FY 24 Utility Fund annual budget ($493,543 Future Capital Outlay for Utility Line Projects).

| Capital Reserve Fund Balances 06/10/2024 | Current Balance | Contributions budgeted for FY 24 | Total |
|---|---|---|---|
| Debt Service Payment for Fire Pumper @ Station 2 | 78,608 | 0 | 78,608 |
| FCO- Bulkhead/Boardwalk | 0 | 148,570 | 148,570 |
| FCO - Street Project | 620,046 | 442,000 | 1,062,046 |
| FCO-Utilty Line Project | 441,485 | 493,543 | 935,028 |

**REQUESTED ACTION:**

Approve Budget Amendment #18

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Christi Wood – Finance Director

**BUDGET AMENDMENT REQUIRED:**

Yes

# TOWN OF BEAUFORT
# CAPITAL RESERVE FUND AMENDMENT #18

WHEREAS, the Town of Beaufort adopted a Capital Reserve Fund Ordinance for Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project on May 13, 2019, and

WHEREAS, the Board of Commissioners recognizes that periodic modifications to the revenues and expenditures for capital projects may be necessary for fiscal management purposes and to implement the decisions of the Board of Commissioners;

BE IT THEREFORE ORDAINED that the Board of Commissioners of the Town of Beaufort amend the Capital Reserve Fund for the Bulkhead/Board Walk Project, Utility Line Improvement Project, and Street Resurfacing Project as follows:

- Receive funds budgeted in FY 24 General Fund Budget Transfer to Capital Reserve $590,570
- Receive funds budgeted in the FY 24 Utility Fund Budget Transfer to Capital Reserve $493,543

## SECTION I: REVENUE

**INCREASE**

| | |
|---|---|
| TRANSFER IN FROM UTILITY FUND | $ 493,543 |
| TRANSFER IN FROM GENERAL FUND | $ 590,570 |
| **TOTAL INCREASE** | **$ 1,084,113** |

## SECTION II: EXPENDITURES

**INCREASE**

| | |
|---|---|
| FUTURE CAPITAL OUTLAY FOR UTILITY LINE PROJECT | $ 493,543 |
| FUTURE CAPITAL OUTLAY FOR STREET PROJECT | $ 442,000 |
| FUTURE CAPITAL OUTLAY FOR WATERFRONT IMPROVEMENT PROJECT | $ 148,570 |
| **TOTAL INCREASE** | **$ 1,084,113** |

## SECTION III: DISTRIBUTION

Copies of this ordinance shall be furnished to the Town Manager and Finance Officer, to be kept on file by them for their direction in the disbursement of funds for carrying out this project:

Adopted this 10th day of June 2024

ATTEST:

| | |
|---|---|
| Elizabeth Lewis | Sharon E. Harker |
| Town Clerk | Mayor |

**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM Monday, June 10, 2024 – 614 Broad Street- Train Depot**

**AGENDA CATEGORY:** Items of Consent

**SUBJECT:** Case #24-11 - Special Use Permit (SUP) for "The Watering Hole" - Order

**BRIEF SUMMARY:**

At the Board's May 13, 2024 meeting, an evidentiary hearing was conducted and a Special Use Permit was granted with conditions for "The Watering Hole", a bar with indoor and outdoor operation at 816 Cedar St in the Cedar Street Mixed Use (CSMU) zoning district. The Board will need to review the order and agree to it before it is signed.

**REQUESTED ACTION:**

Approval of proposed SUP order.

**SUBMITTED BY:**

Michelle Eitner

Town Planner

**BUDGET AMENDMENT REQUIRED:**

N/A

# TOWN OF BEAUFORT
# ORDER APPROVING A SPECIAL USE PERMIT

The Board of Commissioners for the Town of Beaufort, having held an evidentiary hearing on May 13, 2024, to consider Case # 24-11, submitted by Leslie Allred, a request to operate "The Watering Hole", a bar with indoor and outdoor operation at 816 Cedar St in the Cedar Street Mixed Use (CSMU) zoning district, and having heard all of the evidence and arguments presented at the hearing, makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

In accordance with Section 20 of the Town's Land Development Ordinance, the Board **FINDS** as follows: a) The proposed use is an allowable special use in the zoning district it is being located within; b) The application is complete; c) the location and character of the use will be in conformity with the Town's Comprehensive and CAMA Land Use Plan and other comprehensive planning elements; d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use; e) The proposed special use will not substantially injure the value of adjoining or abutting properties; f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and, g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.

Therefore, on the basis of all the foregoing, **IT IS ORDERED** that the application for a **SPECIAL USE PERMIT** be **APPROVED TO ALLOW A TAVERN/BAR/PUB WITH INDOOR AND OUTDOOR OPERATION AT 816 CEDAR STREET FOR A PERIOD OF NINE MONTHS FOLLOWING VALIDATION OF THIS SPECIAL USE PERMIT, WITH THE FOLLOWING CONDITIONS:**

- The Special Use Permit hereby issued shall expire and be of no further force and effect at 11:59 am on March 10, 2025;
- Generators are prohibited after July 10, 2024, and a power source for food trucks must be installed and utilized by July 10, 2024;
- Speakers may not be used outside the building;
- The garage doors must be closed by 8:00 pm when there is amplified sound inside the building;
- The patio and backyard area must be closed to customers and patrons by 8:00 pm and the back door to that area must remain closed after 8:00 pm;
- All operations to patrons and the public for commercial purposes must cease at midnight; and,
- At all times the use of the property and building shall comply with applicable federal, state and local laws, rules and regulations, including but not limited to the North Carolina State Building Code, the North Carolina Fire Prevention Code and the Town of Beaufort's Code of Ordinances, specifically including the noise disturbance provisions found in Chapter 91 thereof.

Ordered this 10th day of June, 2024.

_____
Sharon Harker, Mayor

_____
Elizabeth Lewis,
Clerk to the Board

**Town of Beaufort, NC**

**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM – Monday, June 10, 2024**
**Train Depot, 614 Broad Street**
**Beaufort, NC 28516**

---

**AGENDA CATEGORY:** Public Hearing

**SUBJECT:** Proposed Fiscal Year 2025 Budget

**REQUESTED ACTION:**

Conduct Public Hearing on the FY 2025 Proposed Budget

Adopt the FY 2025 Proposed Budget

Summary of changes discussed during the budget work sessions is attached.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Todd Clark – Town Manager

**BUDGET AMENDMENT REQUIRED:**

**NO**

# FY 2025 Summary of Budget Changes Following May 28, 2024 Work Session

## General Fund

| | | |
|---|---|---|
| **Proposed Revenue** | | $ 15,897,056 |
| Change: Increase Investment Earnings | 10-307-0001 | 200,000 |
| **Total Revenue** | | 16,097,056 |
| | | |
| **Proposed Expenditures** | | 15,897,056 |
| Change: Increase General Adjustments | 10-700-0200 | 40,000 |
| Change: Decrease Contribution to Other Agencies | 10-700-5600 | (40,000) |
| Change: Increase Transfer to Capital Reserve - Streets | 10-800-8000 | 200,000 |
| **Total Expenditures** | | 16,097,056 |

## Utility Fund

| | | |
|---|---|---|
| **Proposed Revenue** | | 4,898,360 |
| No Changes | | 0 |
| **Total Revenue** | | 4,898,360 |
| | | |
| **Proposed Expenditures** | | 4,898,360 |
| Change: Decrease Contingencies | 40-810-5730 | (43,500) |
| Change: Decrease Contingencies | 40-812-5730 | (43,500) |
| Change: Increase Capital Outlay Equipment | 40-810-7420 | 87,000 |
| **Total Expenditures** | | 4,898,360 |

## Stormwater Fund

| | | |
|---|---|---|
| **Proposed Revenue** | | 570,315 |
| Change: Decrease Fees* | | (96,783) |
| **Total Revenue** | | 473,532 |
| | | |
| **Proposed Expenditures** | | 570,315 |
| Change: Decrease Operation | | (96,783) |
| **Total Expenditures** | | 473,532 |

* This decrease is a result of changing the fee from the recommended $6 base fee to $5/month for residential and $10/month non-residential.

# Budget Ordinance

TOWN OF BEAUFORT
FY 2025 BUDGET ORDINANCE
BE IT ORDAINED
by the Town Board of Commissioners of the Town of Beaufort, North Carolina:

**Section 1: General Fund**

**A. Revenues**

It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**GENERAL FUND REVENUES**

| | |
|---|---|
| Property Taxes | $6,049,208 |
| Intergovernmental | $5,544,140 |
| Permits and Fees | $1,514,145 |
| Sales and Service | $184,063 |
| Other Revenues | $645,000 |
| Transfers In | $257,500 |
| Fund Balance Appropriation | $1,903,000 |
| **TOTAL** | $16,097,056 |

**B. Expenditures Authorized by Department**

The following amounts are hereby appropriated to each department in the General Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**GENERAL FUND EXPENDITURES**

| | |
|---|---|
| Governing Body | $126,636 |
| Administration | $645,683 |
| Human Resources | $228,725 |
| Information Technology | $222,260 |
| Finance | $743,933 |
| Fire | $3,546,860 |
| Planning & Inspections | $869,200 |
| Parking | $289,220 |
| Police | $2,819,876 |
| PSA & Engineering | $381,589 |
| Public Works | $2,991,744 |
| Non-Departmental | $1,531,330 |
| Transfers Out | $1,700,000 |
| **TOTAL** | $16,097,056 |

**Section 2: Utility Fund**

**A. Revenues**

It is estimated that the following revenues will be available in the Utility Fund for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**UTILITY FUND REVENUES**

| | |
|---|---|
| Permits and Fees | $121,000 |
| Sales and Service | $4,777,360 |
| Other Revenues | 0 |
| Loan Proceeds | 0 |
| Transfers In | 0 |
| Fund Balance Appropriation | 0 |
| **TOTAL** | $4,898,360 |

**B. Expenditures Authorized by Department**

The following amounts are hereby appropriated to each department or division in the Utility Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**UTILITY FUND EXPENDITURES**

| | |
|---|---|
| Sewer | $3,452,350 |
| Water | $1,158,510 |
| Non-Departmental | $287,500 |
| **TOTAL** | $4,898,360 |

**Section 3: Stormwater Fund**

**A. Revenues**

It is estimated that the following revenues will be available in the Stormwater Fund for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**STORMWATER FUND REVENUES**

| | |
|---|---|
| Intergovernmental | $294,815 |
| Permits and Fees | $178,717 |
| **TOTAL** | $473,532 |

**B. Expenditures Authorized by Department**

The following amounts are hereby appropriated in the Stormwater Fund for the operation of the Town government and its activities for the fiscal year beginning July 1, 2024, and ending June 30, 2025:

**STORMWATER FUND EXPENDITURES**

| | |
|---|---|
| Stormwater | $473,532 |
| **TOTAL** | $473,532 |

**Section 4: Ad Valorem Tax**
There is hereby levied a tax as calculated below in the General Fund in Section I of this ordinance.

| | Real & Personal | Motor Vehicles | Total Revenue |
|---|---|---|---|
| Valuation of property listed Janaury 1, 2024 | $1,229,041,512 | $62,802,924 | |
| Rate $0.4600 per $100 value | 5,653,591 | 288,893 | |
| Rate of collection | 98.55% | 100% | |
| TOTAL | $5,571,614 | $288,893 | $5,860,507 |

In accordance with NC General Statute 159-13, the estimated rate of collection for property and motor vehicle taxes for the 2025 fiscal year beginning July 1, 2024 is as shown in the calculation above.
The proceeds from two cents ($0.02) of the aforementioned tax rate shall be used only for resurfacing streets.

**Section 5: Amendments and Contracts**
Pursuant to NC General Statute 159-15, this budget may be amended by submission of proposed changes to the Town Board of Commissioners.
Notwithstanding the above subsection (a) above, the Town Manager is authorized to transfer funds from one appropriation to another within the same fund without limitation.
Funds may not be transferred between funds without prior approval from the Town Board of Commissioners.
The Town Manager may enter into and execute change orders or amendments to construction contracts in amounts less than $50,000 when the appropriate annual budget or capital project ordinance contains sufficient appropriated but unencumbered funds.
The Town Manager may execute contracts which are not required to be bid or which G.S. 143-131 allows to be let on informal bids so long as the annual budget or appropriate capital project ordinance contains sufficient appropriated but unencumbered funds for such purposes.
Upon notification of funding increases or decreases to existing grants or revenues, or the award of grants or revenues, the Town Manager may adjust budgets to match, including grants that require a match for which funds are available.

**Section 6: Distribution**
Copies of this ordinance shall be furnished to the Town Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of funds.
Adopted this 10th day of June, 2024
ATTEST:

_____
Elizabeth Lewis
Town Clerk

_____
Sharon E. Harker
Mayor

**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

## Beaufort Board of Commissioners Regular Meeting
## 6:00 PM Monday, June 10, 2024 – 614 Broad Street- Train Depot

**AGENDA CATEGORY:** Quasi-Judicial Proceeding

**SUBJECT:** Case 24-09 - Special Use Permit (SUP) for "The Periwinkle"

**BRIEF SUMMARY:**

The applicant requests a Special Use Permit (SUP) for "The Periwinkle", a bar with indoor and outdoor operation at 406 Live Oak St in the Cedar Street Mixed Use (CSMU) zoning district. During the May 13th hearing, the Board tabled this item until the next meeting pending submission of additional evidence.

**REQUESTED ACTION:**

Conduct Quasi-Judicial Hearing

Decision based on Required Findings

Decision on Special Use Permit

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Michelle Eitner

Town Planner

**BUDGET AMENDMENT REQUIRED:**

N/A

# STAFF REPORT

**To:** Board of Commissioners

**From:** Michelle Eitner, Town Planner

**Date:** June 10, 2024

**Case No.** 24-09 Special Use Permit – The Periwinkle 406 Live Oak

**THE REQUEST:** Special Use Permit (SUP) for "The Periwinkle", a bar with indoor and outdoor operation at 406 Live Oak St in the Cedar Street Mixed Use (CSMU) zoning district.

**INFORMATION:**

| | |
|---|---|
| Location: | 406 Live Oak Street |
| Property Owner: | Sound Shore Construction Inc |
| Business Name: | The Periwinkle |
| Business Owners: | Kris and Beckie Davis |
| Requested Action: | Special Use Permit to operate "The Periwinkle", an indoor/outdoor bar |
| Existing Zoning: | Cedar Street Mixed Use (CSMU) |
| LUP Future Land Use Map: | Village Commercial |
| Size: | 10,560 square feet |
| Existing Land Use: | The Periwinkle (SUP requested to cover current/proposed use) |
| Adjoining Uses/Zoning: | North: No Name Pizza (B-1), Seaside Family Practice (B-1)<br>West: Beaufort Café (CSMU), Teel's Gas (CSMU)<br>East: Single-family residential (CSMU), Duke Energy Progress station (B-1)<br>South: Body Shoppe Physical Therapy (CSMU), Watering Hole (CSMU) |

**OPTIONS:**

1. Approval of Special Use Permit as presented
2. Approval of Special Use Permit with conditions
3. Denial of Special Use Permit due to specific failures to meet required findings

**ATTACHMENTS:**

- Attachment B – Additional Documentation Requested by Commissioners
- Attachment C – Vicinity Map
- Attachment D – Zoning Map
- Attachment E – Application Package
- Attachment F – CAMA Land Use Plan Future Land Use Map and Classification Type
- Attachment G – CAMA Land Use Plan Goal 7 Town Character Action Item 7.1.2.2 (as referenced in application package and staff report)
- Attachment H – Entry Master Plan Section 2 Beautification and Gateways (p.15)
- Attachment I – Small Area Plan Section 7.7 How We Know We Have Succeeded (p.141)
- Attachment J – Notification Certification
- Attachment K - Section 20.E. SUP Required Findings

**STAFF COMMENTS:**

Kris and Beckie Davis own "The Periwinkle", a business at the northeast corner of Live Oak Street and Cedar Street. The Periwinkle has been in operation for over a year as a retail store ("quick stop bottle shop & social space", off-site alcohol license) as the primary use, with accessory use as a bar (on-site alcohol license). The new business inspection form read, "New business: The Periwinkle; bottle shop selling retail beer & wine and selection of non-alcoholic beverages". Recent discussion between staff and the business owners has determined that the primary use of the business is now a bar with indoor and outdoor operation, with accessory retail use. The remedy moving forward is for the owners to seek a Special Use Permit to allow this primary use to continue.

The Periwinkle provides a good example of a transitional property in a mixed-use district between a business district (north), commercial uses in a mixed-use district (west and south), and residential uses in a mixed-use district (east). The relatively low intensity commercial use (small structure, reduced hours of operation, low lighting levels, and weather-dependent outdoor space) can provide a buffer between use types, especially when controlled by a Special Use Permit. The applicant has discussed several aspects in their application and with staff that could become conditions:

- Hours of operation
- Installation of fencing to replace post-and-rope on west and south property lines (to match existing fencing and be installed within 6 months of SUP approval)
- Installation of a power source for food trucks to eliminate the additional noise that comes from their generators/motors (to be installed within 6 months of SUP approval)
- Maintain shade screens for outdoor space

The Beaufort Comprehensive and CAMA Land Use Plan identifies this property as Village Commercial. The typical uses of this future land use classification list: "Smaller footprint, lower intensity, neighborhood serving commercial, retail, services, or offices. Pedestrian-serving uses (boutique shops or fitness studios, personal care, arts) are more appropriate than automobile-oriented uses (vehicle or machinery repair, rental and service, commercial nurseries or lumber yards, fast food restaurants, drive-thru banks, etc.). Upper story dwellings (aka "live/work") are also appropriate" (p 186, Attachment E). Staff asserts that this proposed use fits with the typical uses for the Village Commercial future land use classification, as well as follows LUP Goal 7 Town Character, Objective 7.1, Action 7.1.2.2, "Support policies that allow the Cedar Street area to evolve into an arts district" (p160, Attachment F).

The Entry Master Plan (2012) and Small Area Plan (2018) identify multimodal improvements, bicycle and pedestrian connectivity, and street beautification along Cedar Street and Live Oak Street. Implementation of this plan includes permeable paving along Cedar Street, concrete railings on the Turner Street Bridge, and several NCDOT-funded transportation projects. These plans identify improvements at the Cedar Street/Live Oak Street intersection to include pedestrian safety and beautification. Additionally, the Small Area Plan identifies that success of the plan is marked by several goals, one of which being "Entrepreneurs will have opened 10 more businesses on Cedar and Live Oak." This new business is an indicator of success of past planning efforts, and future roadway improvements will continue to enhance this area.

The Technical Review Committee discussed this SUP during their meeting on April 1, 2024 and no comments or concerns were raised by the committee. Specifically, Captain Joel Marino and Fire Marshal Robert Smith confirmed that neither police nor fire had responded to any calls to or complaints about The Periwinkle since their opening.

The Planning Board discussed this case during their meeting on April 15, 2024 and unanimously recommended approval of the proposed special use permit with the following conditions to be completed within six months of the special use permit approval:

- Install, stake, and maintain trees in accordance with LDO requirements on Cedar and Live Oak frontages
- Install fencing to replace post-and-rope on west and south property lines to match existing fencing
- Install sidewalk along Cedar Street in accordance with Town of Beaufort design standards
- Restrict outdoor amplified music hours to the hours of 12:00pm to 8:00pm

- Install a power source for food trucks to eliminate additional noise from generators

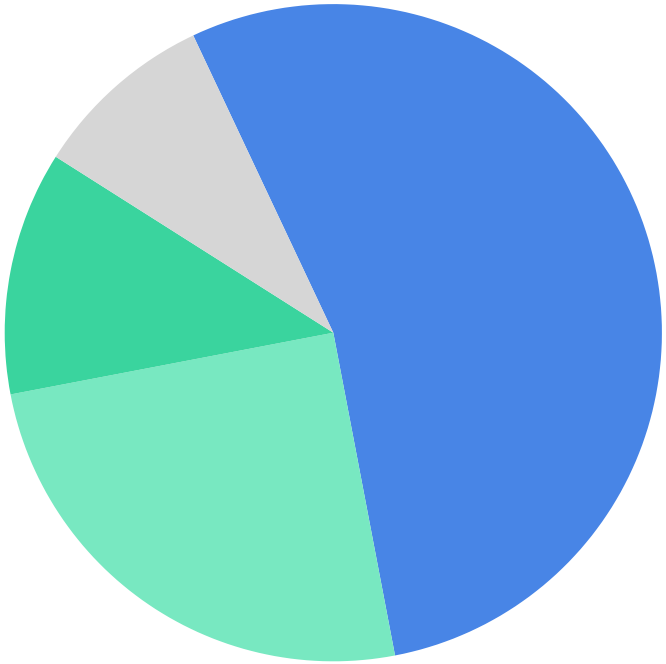
Following the Planning Board's recommendation, Planning Staff discussed design requirements for sidewalk as proposed along Cedar Street. The Town Engineer said that sidewalk on that side of the road is not advisable due to the difficulty of connection at the main intersection and that the sidewalk wouldn't connect to anything as it would terminate at residential properties. He also pointed out that the Town's sidewalk network is already present at the south side of the road to provide connection.

Staff also discussed proposed change in use to determine what changes may be necessary. The building inspectors identified that the change in use from mercantile to a bar will require the addition of bathroom facilities to meet new occupancy requirements. No additional parking facilities are required in accordance with CSMU-specific standards – LDO Section 8.D.6.i.iii requires 1 parking space for this property based on gross floor area.

During the May 13th quasi-judicial hearing, some Commissioners questioned whether The Periwinkle truly is a bar primary use with accessory retail. Staff stated that the relation of primary use versus "subordinate and incidental" accessory use had been identified by square footage of area attributed to the uses, as there is no further guidance in the LDO toward another method of measurement. The Board requested that the applicant provide financial information to show how much business is attributed to bar sales (on-site alcohol) versus retail (off-site alcohol, non-alcoholic beverages, merchandise, etc.), and tabled the item until the next meeting pending provision of this additional evidence. The applicant provided additional documentation as requested by the Commissioners which shows that only 15% of the sales of the business are attributed to on-site alcohol consumption.

# THE PERIWINKLE

## QUICK STOP BOTTLE SHOP AND SOCIAL SPACE



TOTAL SQ FEET : **293**

RETAIL : 71 SQFT

RETAIL : 88 SQFT

BAR AREA : 72 SQFT

STORAGE: 27 SQFT

BATHROOM : 35 SQFT

# THE PERIWINKLE

## QUICK STOP BOTTLE SHOP AND SOCIAL SPACE

















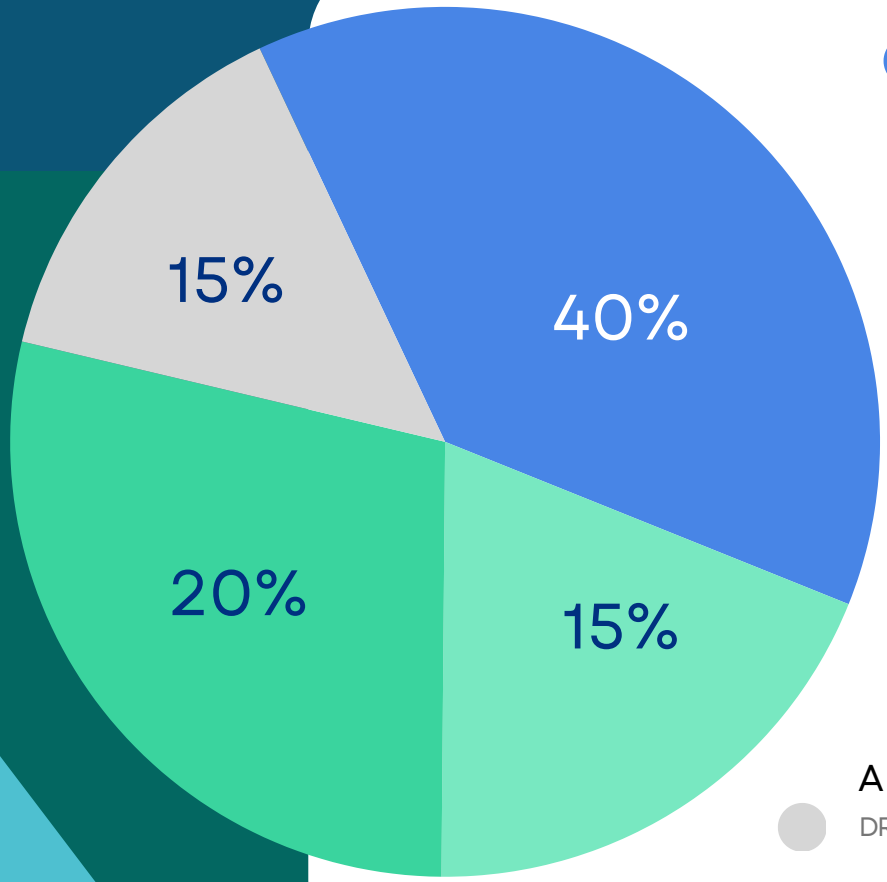







# THE PERIWINKLE
## CATEGORICAL






### RETAIL / EVENTS

VINTAGE LINE AND RESALE BY **BEAUFORT POP**
SHIRTS SWEATHSHIRTS HATS BAGS BRANDING
STICKERS KOOZIES BIKE BAGS

VINTAGE : SUNSCREEN : TOWELS : COOLERS

BASK REEF SAFE SUNSCREEN
SANDCLOUD TOWEL EXLUSIVE PARTNERSHIP
IGLOO AND KANGA COOLER PARTNERSHIP
**EVENTS :** SUBSET : TICKET SALES

### NON-ALCOHOLIC

KOMBUCHA , SELTZERS, CANNED MOCKTAILS , HAND CRAFTED MOCKTAILS AND NON ALCHOLIC BULK SPIRITS RETAIL

### ALCOHOL OFF-SITE

CANNED BEER, WINES, CIDER ETC

### ALCOHOL ON-SITE

DRAFT AND CAN SALES FOR ONSITE CONSUMPTION ONLY

# NON PROFIT DONATIONS

## MONETARY WORTH

2023 : ~ $ 1200
2024 : ~ $1500 and rising

1. PEDALING FOR PARKINSONS
2. MISPLACED MUTTS
3. EAST CARTERET HIGH SCHOOL
4. DARWINS BEE DOGS
5. NATIONAL ASSOCIATION MENTAL ILLNESS

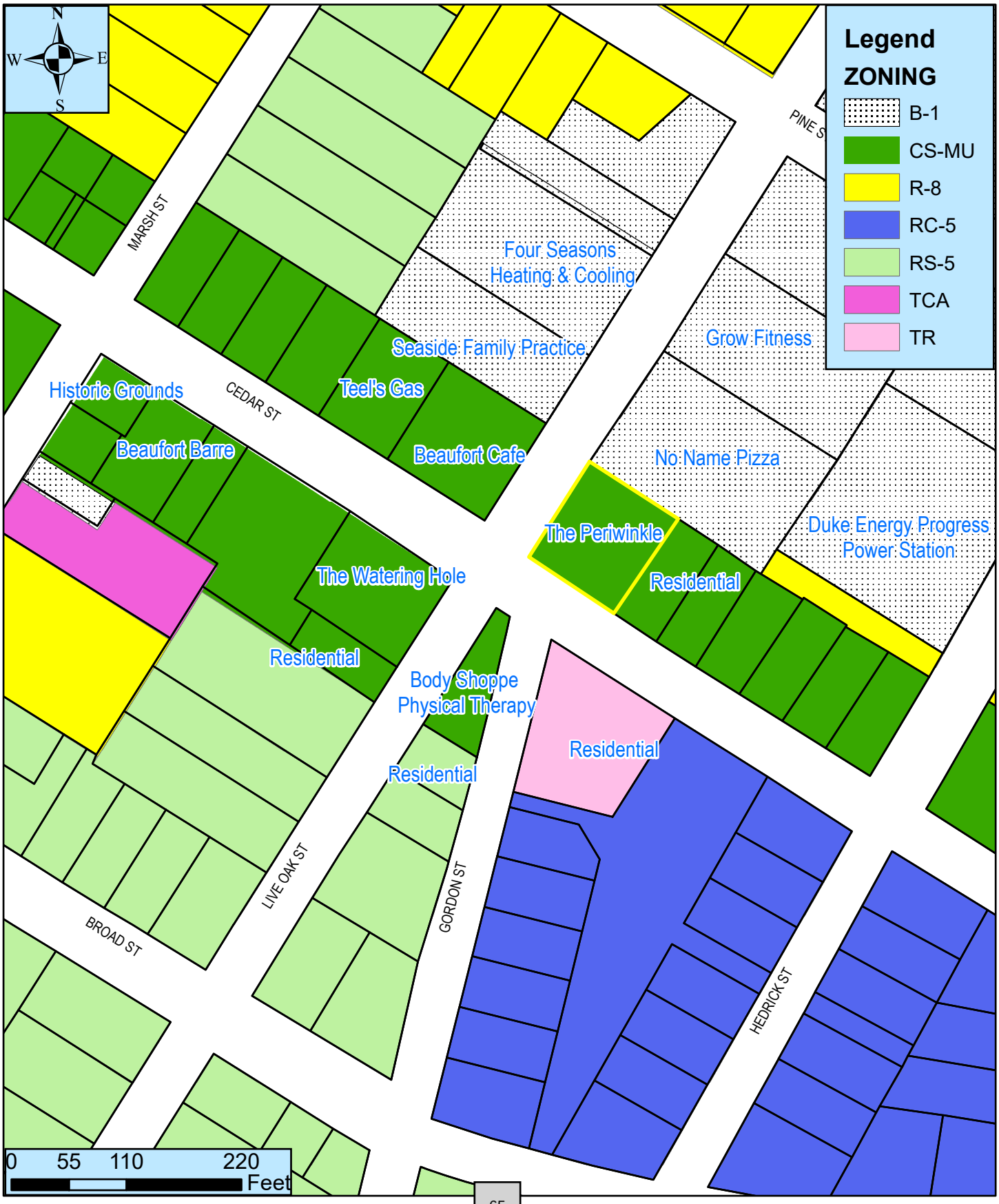
# NON MONATIZED RETAIL AND FREE ACTIVITES

- FREE YOGA free yoga classes weekly Thursday 6pm since 2023
- LITTLE FREE LIBRARY STEWARDSHIP free books for children, adults and special book/reading events
- CSA PICKUP AND SHENK FARM MEAT CSA weekly
- RUN CLUB weekly community run club weekly 530pm since 2023
- KIDS MARKETS quarterly since 2023
- MAKERS MARKETS retail market space 2 times a month since 2023

# Case # 24-09 - Special Use Permit for The Periwinkle
## Vicinity Map



# Case # 24-09 - Special Use Permit for The Periwinkle
## Zoning Map



# APPLICATION FOR A SPECIAL USE PERMIT

**Instructions:**

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

## APPLICANT INFORMATION

Applicant Name: the periwinkle

Applicant Address: 406 Live Oak St

Phone Number: (252) 229-3553 Email: theperiwinklenc@gmail.com

Property Owner Name: kris and beckie davis

Address of Property Owner: 109 willow st beaufort nc 28516

Phone Number: (252) 229-3553 Email: theperiwinklenc@gmail.com

## PROPERTY INFORMATION

Property Address: 406 Live Oak St Beaufort NC 28516

15-Digit PIN: 730618400335000 Lot/Block #: (1640-198

Size of Property (in square feet or acres): 10,560sf) Current Zoning: CSMU

Current Use of Property: bottle shop Requested Use: outdoor special use

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.

Applicant Signature — Date of Applicant's Signature: 3/22/2024

Property Owner Signature (if different than above) — Date of Owner's Signature: 3/25/24

OFFICE USE ONLY Revised 8/2020

Date: _____ Reviewed for Completeness By: _____

Received by: _____ Date Deemed Complete and Accepted: _____

the periwinkle
QUICK STOP BOTTLE SHOP + Social Space
BEAUFORT, NORTH CAROLINA

**The Periwinkle: Quick Stop Bottle Shop and Social Space**
**406 Live Oak St. Beaufort NC 28516**
**Est. 2022**

**Our Mission Statement:**

The Periwinkle : Quick Stop Bottle Shop and Social Space located in Beaufort NC is creating a place where locals and tourists alike can unwind with family and friends or make new ones in a safe, artistic and mellow atmosphere. Hosting special events throughout the year while showcasing excellent craft, domestic and import beer, wine, ciders, seltzer, hard kombuchas and non alcoholic beverages such as mocktails, draft kombuchas and adaptogen infused drinks. Build out a 6 pack or fill a growler to go and take with you as you set out on a super fun adventure on the Crystal Coast.

**A Brief Introduction**:

The Periwinkle was created with the purpose of bettering the community and serving those who wish to enjoy a more laid-back frame of mind. Our social space was designed to not only accommodate couples with children but welcome them. We provide the community with a relaxing space to get creative(markets & event weekends), let off some steam(run nights & yoga), or have family fun(markets or any of our delightful events)

The Periwinkle is nestled beside No Name Pizza and across the street from The Beaufort Cafe and Historic Grounds Coffee Shop; this setting, while close to a

residential neighborhood, offers an easygoing transition to the businesses on Live Oak St. with very limited hours and a mellow vibe.

The Periwinkle building design and exterior characteristics already lend well to the intention of the future land use to develop into an arts district. Our Building exterior is well-kept and creative, with charming murals on select walls and the patio.

We strive to create a small, welcoming social space where our neighbors and friends can spend a peaceful afternoon soaking up much-needed sunshine and human interaction after a long day's work.

Our attractive lawn space offers sunshine, a quaint jungle gym for kids, and cornhole boards, and when our patrons get too hot, they can take shelter under our historic live oak tree or behind our fun sun sails.

These sails offer an excellent buffer for our patrons who come to enjoy the sunset after a hard workout at Grow Fitness Gym or Beaufort Barre and Fitness (located just next door) while avoiding traffic sounds. They also protect our guests on free yoga nights, where men and women alike can come to practice under our lovely live oak tree with a glass of prosecco or N/A kombucha.

Our fence, which borders the property, is tasteful and offers added privacy as well as noise cancellation to both us and our neighbors.

The Periwinkle Quick Stop Bottle Shop and Social Space is a community space providing an outlet for families, locals, tourists, and individuals to participate in and attend day and night markets, kid-led events, athletic events, tournaments, scholastic events, crafters events, youth-centric outreach, and more while partnering with many local artists, clubs, schools, and nonprofits for fundraising.  Our space holds an ABC permit for onsite alcohol consumption and off-premise for patrons to stop in for alcoholic beverages to take home or on an adventure to consume safely. We highlight our Kombucha sales, which we have successfully sold at the Olde Beaufort Farmer’s Market for the past three years, and we still provide growler fills onsite. Our top-selling items are our specialty nonalcoholic beverages; we have exclusive contracts for canned mocktails, adaptogens-infused seltzer waters, and more. We host a weekly run club on Wednesdays that a small group of locals has persistently attended, and we host a free community yoga class each Thursday. We host a night market monthly from 4-7 pm, where artisans and farmers come to sell their goods. We host an interim Saturday farmers market to provide a space for these artists, movers, makers, and shakers to sell their goods while the OBFM is hibernating. We maintain a little free library and give out free books to kiddos. We host a kids' market where young entrepreneurs sell their handmade goods and treasures, teaching and learning the creative process and how to believe in themselves. We have created meaningful and essential relationships with big revenue businesses and brought financial traffic into the Town of Beaufort by creating destination events with celebrities like Vivian Howard and Cousins Maine Lobster. We

develop and participate in several fun events and opportunities to raise money for local nonprofits.

The Periwinkle wishes to continue to pursue these objectives in 2024 and beyond by partnering with the Town of Beaufort Parks and Recreation for Art in the Park 2024, and we will work with Carteret County Parks and Rec for events at Freedom Park with the Disc Golf Course. Our events have intentionally created an easygoing, safe, and fun place for people to congregate that we are proud of.

***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:***

Section 20.E.1.The ordinance does refer to us in a limited way as a Bar, the definitions of the LDO identify the subject use as a tavern/bar/pub with indoor and outdoor operation. We describe the use as a bottle shop with social space, but with on-site beer & wine permits, throughout the following document. We have never been referred to really as a bar as we feel it is important to steer away from that term in defining what we are. The sale of beer and wine is the least interesting thing about what we do at the periwinkle and a fun fact is that Non Alcoholic beverages are the highest selling category for us.

***a) The proposed use is an allowable special use in the zoning district it is being located within;***

***b) The application is complete;***

***c) Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;***

To speak to GOAL 7: Town Charter / Policy 7.1.2 .2 support policies that allow the Cedar Street area to evolve into an arts district. The Periwinkle is centered in and meets the intentions for Future Land Use, especially in character-defining buildings. Since its inception in 2022, 406 Live Oak St has given great attention to restoration in both clean curb appeal and artistic approach. Our purpose has been to approach every project, event, occasion, or market with the same thoughtfulness and intent, providing the community with the ability to attend or participate in numerous creative opportunities for the betterment of the community.

We have showered our space with love and thought, to our beautiful tree with twinkle lights in the evening, simple sun sails for shade and protection, murals on the exterior walls, and our art deco patio. We have been very deliberate with our choices, from designing our fence to creating a tranquil outside space for our patrons to enjoy a

secure, quintessential space. Our interior is a collection of art. Our walls are illustrations, and our floor is an artist's installation. We even have an art vending machine inside our building to support local artists. The space we have been creating for over a year is driven by inspiration and appreciation for the arts and how important that is in a community. We stepped into this area feeling exactly the same way this policy is written.

With a clear need for an arts district in our sweet Town of Beaufort, we can be the start of the greater push to continue building an area that all would want to be a part of. When we began to construct the Periwinkle, we had that exact hope/dream in mind. From the beginning, our mindset was mission-driven for a community-built artistic hub. The long list of community events we have successfully hosted for over a year is tangible proof of concept in the work the Town of Beaufort has done with meaning for the area. We have hosted artisans markets, crafters events, kid-led markets, nonprofit fundraisers, collaborative efforts with Carteret County Parks and Recreation such as organizing Disc Golf Tournaments at Freedom Park, collaborative efforts with the Town of Beaufort and the parks department like Art in the Park and future bicycle and helmet events, culinary events, community dinners, book signings; we've hosted celebrity chefs, and National Award-winning food trucks, spelling bees, and hobbyist tournaments, sporting events as well as weekly free runs and free yoga.

***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;***

The parking lot at 406 Live Oak St has two means of entry/exit and holds between 10 and 15 cars, with abundant space for golf carts and bicycles. We also encourage more foot traffic development from our customers who live in our neighborhood. With a stop light right next to our location, we are blessed with ease of entry and exit and a safe crosswalk for our patrons coming to us on foot or by bike.

We maintain a kindred and symbiotic parking relationship with most business neighbors, such as offering Beaufort Cafe overflow and reciprocated parking at their lot during non-operational hours.

We also continually and incessantly endeavor to present and educate our patrons about all public parking options provided on Cedar St, Marsh St, Hendrick St, and at our great parks and tennis courts. The Periwinkle has created no-residential street parking signage and uses traffic cones to deter wayward drivers from our neighbors' parking areas.

We have also modified our parking lot to specifically host food trucks, avoiding taking up customer parking spots while enhancing curb appeal and attractiveness for food truck owners.

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

The Periwinkle is lucky to be ensconced next to popular businesses, such as No Name Pizza, Grow Fitness, and Historic Grounds Coffee Shop, that encourage a mutually beneficial relationship. We bring patronage to these establishments and vice versa by hosting events, morning and night markets, yoga, and welcoming outside food. While our commercial location only adds value to our neighboring businesses. The Periwinkle also functions as a quiet bottle shop and social space for our neighbors to come and enjoy a peaceful afternoon or evening without having to get in their car or go downtown. Our clean property and early closing hours invite our neighbors to enjoy the outdoors but still be home in time to make dinner with their families. Our artist-led events and community attention only bring value to our adjoining and abutting properties. The Periwinkle Quick Stop Bottle Shop and Social Space has always maintained rigorous hours of operation in its more than one year of conception.

Our weekdays are relaxed and quiet unless we host an event, in which case we can see upward of 100 people, depending on the event. However, our hours are always reasonable. Our events are almost always over at 6-7 p.m. We rarely have live music, but when we do, it's mellow, acoustic, and never goes past 7 pm. On Saturdays (for we are closed on Sundays), if we host an event, we are always able to shut it down and pack it away by 8-8:30 p.m. at the latest.

Now, moving forward, we are inclined to make a written commitment to our neighbors to uphold our hours of operation to maintain integrity and create a peaceful cohabitation.

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

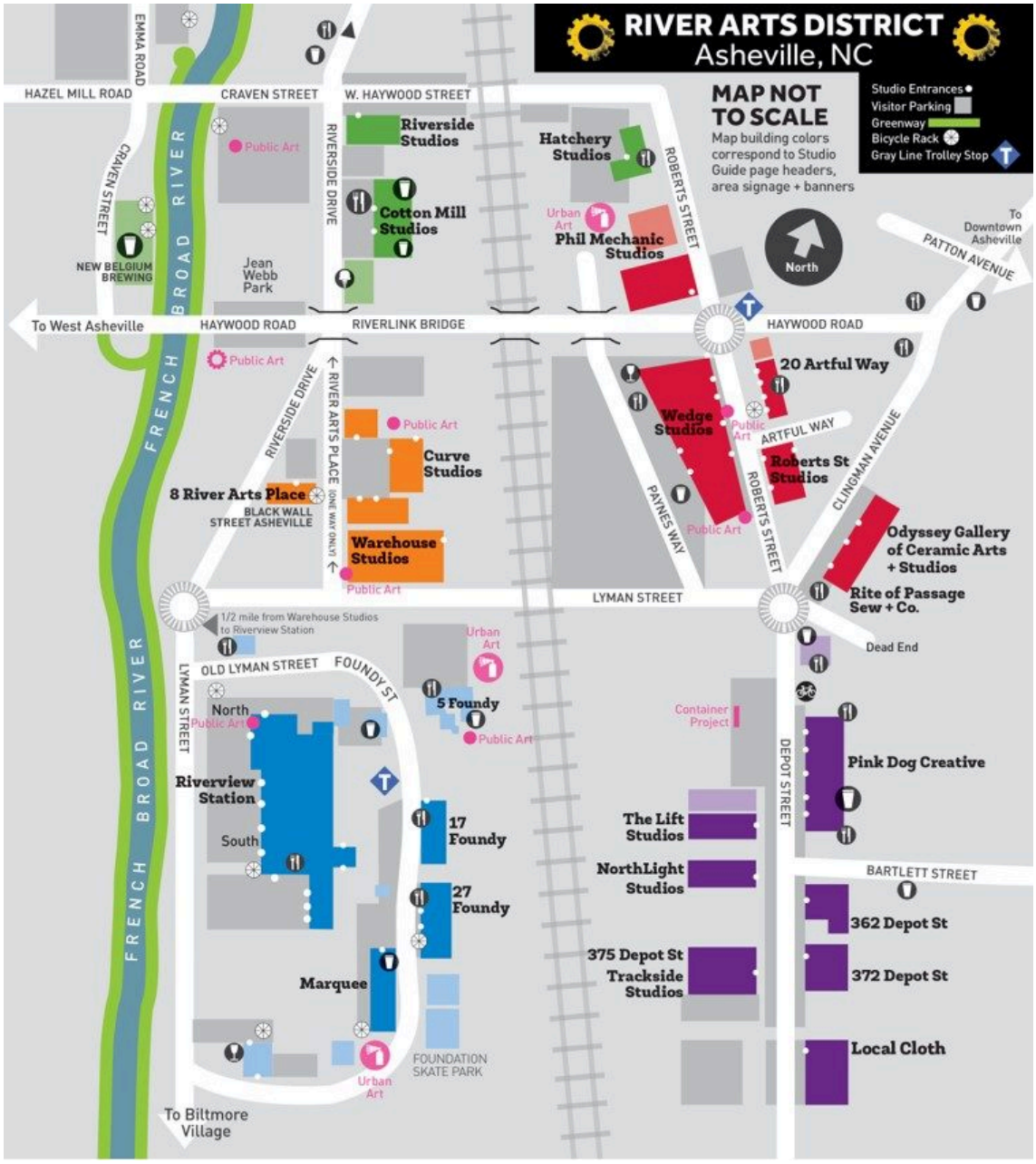
Through operating for over a year now, we have learned a great deal about our local customers, the town of Beaufort, NC, and areas of needs, wants, and vibrance. After becoming familiar with the intention for this area of Beaufort it was clear that we fill that space with exactly the ideas about what it means to be shifting towards an arts centric district as we see exemplified by many great cities across the state of North Carolina. See exhibit.

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

The Periwinkle Bottle Shop and Social Space has created a safe and meaningful space for the community. The Periwinkle Bottle Shop and Social Space has prided itself on never hosting a medical emergency, a fight, a car wreck, a drunk or disorderly incident, or an allergic reaction in more than a year of operation. It's not who we are and not what we attract. The Periwinkle has created a safe and meaningful space for the community, and we plan to keep these beliefs and choices going forward.

EXHIBIT: arts districts as shown in other towns and cities in North Carolina.

- Asheville NC: RAD : River Arts District


RIVER ARTS DISTRICT
Asheville, NC
MAP NOT TO SCALE
Map building colors correspond to Studio Guide page headers, area signage + banners
Studio Entrances
Visitor Parking
Greenway
Bicycle Rack
Gray Line Trolley Stop
EMMA ROAD
HAZEL MILL ROAD
CRAVEN STREET
W. HAYWOOD STREET
RIVERSIDE DRIVE
Riverside Studios
Hatchery Studios
ROBERTS STREET
Cotton Mill Studios
Urban Art
Phil Mechanic Studios
North
To Downtown Asheville
PATTON AVENUE
NEW BELGIUM BREWING
Jean Webb Park
FRENCH BROAD RIVER
To West Asheville
HAYWOOD ROAD
RIVERLINK BRIDGE
20 Artful Way
Wedge Studios
ARTFUL WAY
Roberts St Studios
CLINGMAN AVENUE
RIVER ARTS PLACE (ONE WAY ONLY)
Curve Studios
8 River Arts Place
BLACK WALL STREET ASHEVILLE
Warehouse Studios
PAYNES WAY
Odyssey Gallery of Ceramic Arts + Studios
LYMAN STREET
Rite of Passage Sew + Co.
1/2 mile from Warehouse Studios to Riverview Station
Dead End
OLD LYMAN STREET
FOUNDY ST
5 Foundy
Container Project
North
South
Riverview Station
17 Foundy
27 Foundy
Marquee
The Lift Studios
NorthLight Studios
375 Depot St
Trackside Studios
DEPOT STREET
Pink Dog Creative
BARTLETT STREET
362 Depot St
372 Depot St
Local Cloth
FOUNDATION SKATE PARK
To Biltmore Village


JUNCTION


River
Arts
District


ASHEVILLE, NORTH CAROLINA
RIVER ARTS DISTRICT

[Wilmington NC: Cargo District and Brooklyn Arts District]





Charlotte NC : NODA : North Davidson Arts District

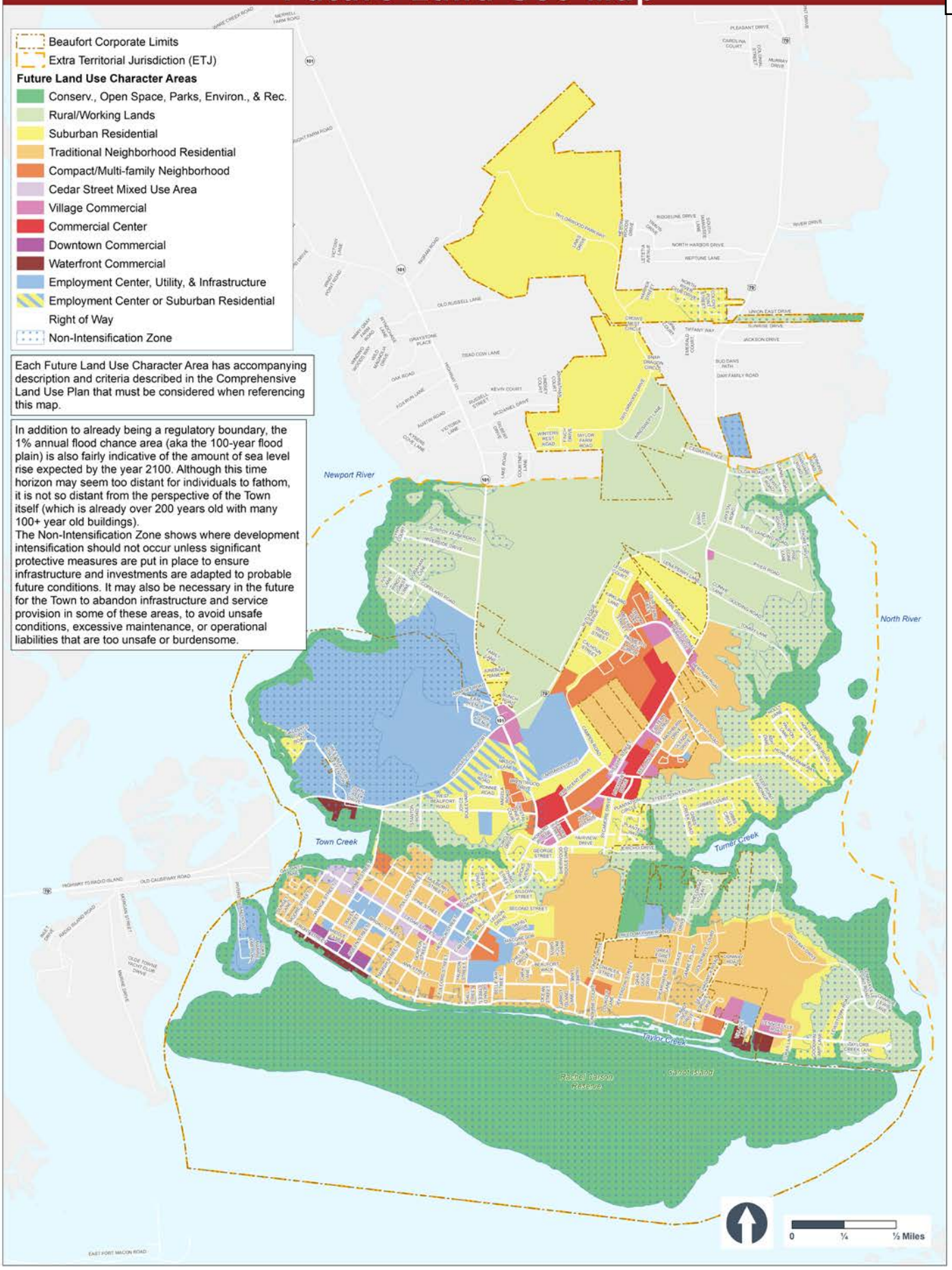








# Future Land Use Map



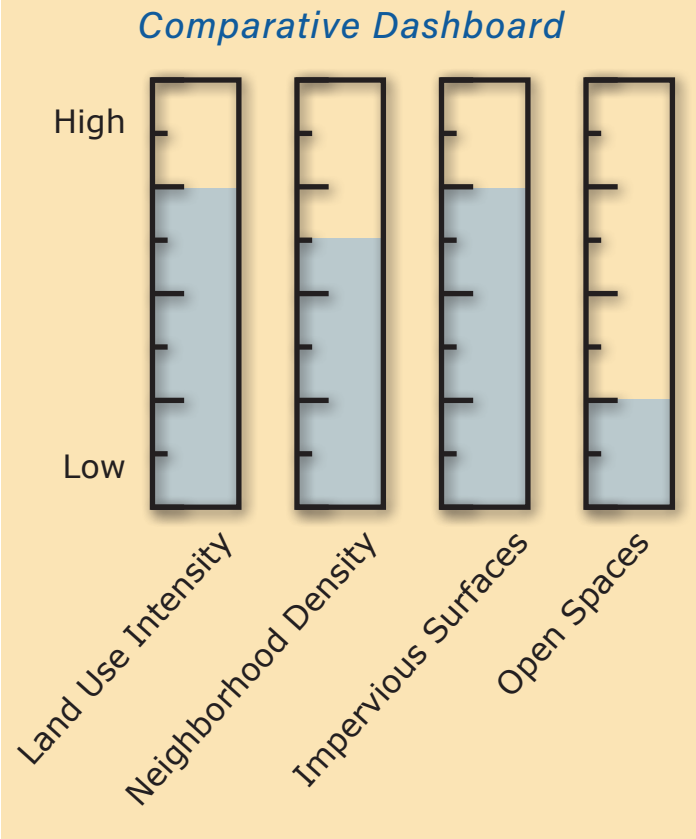
# Village Commercial

## General Description:

These areas have small-scale non-residential uses that serve the neighborhood and sometimes even a greater region. Often it may only be three or four corners of an intersection or one large, multi-tenant compound, but sometimes larger geographic stretches may also be appropriate. Sites, structures, and streets are human-scaled. Buildings may be setback from the street, particularly if it is a previously residential structure that has been converted for a commercial use. It may also be appropriate to have buildings pulled up to the street, with parking in the rear, especially at busy intersections or in particularly active nodes.

## Streets and Circulation:

Streets should have good pedestrian facilities to support walking from businesses-to-business or from home-to-business. Pedestrians are prioritized, but automobiles are accommodated, and




## EXAMPLE USES:

### *Typical Uses:*

Smaller footprint, lower intensity, neighborhood serving commercial, retail, services, or offices. Pedestrian-serving uses (boutique shops or fitness studios, personal care, arts) are more appropriate than automobile-oriented uses (vehicle or machinery repair, rental and service, commercial nurseries or lumber yards, fast food restaurants, drive-thru banks, etc.). Upper story dwellings (aka "live/work") are also appropriate.

### *If Context Appropriate:*

- Institutional uses (churches, schools, hospital, government buildings, etc.).
- On parcels directly adjacent to this area, multi-family residential may be appropriate, potentially providing customers for local businesses.
- Higher density residential development, whether as detached or low-impact attached residential is usually appropriate within a ¼ mile walking distance of these areas.

# Village Commercial

might even have a transit stop nearby. Accommodating a mix of transportation options is important to being accessible to customers. Blocks should rarely, if ever, exceed 500 feet on a side so that they are walkable and might even be able to one day evolve into a condition similar to Downtown Commercial.

## Other Concerns:

Depending on context, some of these places may evolve into higher activity Downtown Commercial areas some day in the distant future, and future infrastructure projects should support that.









*Examples of Village Commercial*

# GOAL 7: Town Character

**Protect our unique character by enhancing and maintaining our natural resources, recreational opportunities, historic downtown, and cultural resources.**

## Introduction

*Beaufort realizes that its unique character is a fundamental part of its DNA, and contributes to its dynamic community feel for year-round residents as well as being a draw for tourists. The Town's character is an intangible entity, but residents know that the existing neighborhoods, architectural character, downtown, and access to natural resources are important building blocks of this character. By studying, defining, and pledging to maintain aspects of the existing character, Beaufort will protect its character into the future.*

### Objective 7.1: Preserve the character of Beaufort's built environment.

#### Policy 7.1.1: Update town ordinances to include design standards that help ensure new development fits its context.

#### Policy 7.1.2: Identify and inventory character-defining building stock in existing character areas such as the Live Oak Street and Cedar Street corridors.

**Action 7.1.2.1:** Create a list of contributing building features that the town can incorporate into ordinances.

- Examples include setbacks, parking location, materials, transparency, roofline, and massing standards from building design inventory.
- Incorporate guidance from the Future Land Use Character Areas.

**Action 7.1.2.2:** Support policies that allow the Cedar Street area to evolve into an arts district.

### Objective 7.2: Continue to support downtown as a cultural, economic, and community asset.

#### Policy 7.2.1: Continue to offer public events and activities downtown and expand offerings to make events more inclusive and accessible.

#### Policy 7.2.2: Enhance connections between natural and recreational assets and downtown Beaufort for non- motorized users.

**Action 7.2.2.1:** Identify areas where cycle and pedestrian access between these points is lacking or unsafe and implement upgrades.

#### Policy 7.2.3: Expand public art opportunities downtown.

### Objective 7.3: Preserve Historic Beaufort.

#### Policy 7.3.1: Continue local-level protections of historic assets and districts.

## The Entry Master Plan

Utilizing the goals set forth by the committee and the public and the findings of the Beaufortness analysis, the master plan will serve as a guide for the establishment of beautification and gateways. Beautification is organized through the establishment of different zones. Each zone contains preferred visual elements as agreed upon by the steering committee and the public. The zones help define districts.

Gateways are located at transition points between zones and at key entries into Beaufort. There are two types of gateways; historic district gateways and town gateways. Town gateways are located at all entrances off of the New 70 and at the intersection of Live Oak Street and NC-101. Each town gateway will signal the arrival into the Town of Beaufort. The historic gateways located at the intersection of Turner and Cedar Street and the intersection of Live Oak and Cedar Street will signal the entrance into the Historic District within the Town of Beaufort.

The following section provides "Before and After" illustrations of each beautification zone and gateway. The proposed designs and recommendations represent the desires and preferences of the citizens of Beaufort.

81

click to jump to page

### New 70 Beautification Zone

New 70 Beautification will accent the major gateways into Beaufort with wildflower plantings, NCDOT signage on "Beaufort Posts" and Beaufort columns.

### Turner Street Town Gateway

This gateway will welcome visitors to Beaufort once they have crossed the new Hwy 70 bridge and will direct visitors to Turner Street for access to the Historic District.

### Turner Beautification Zone

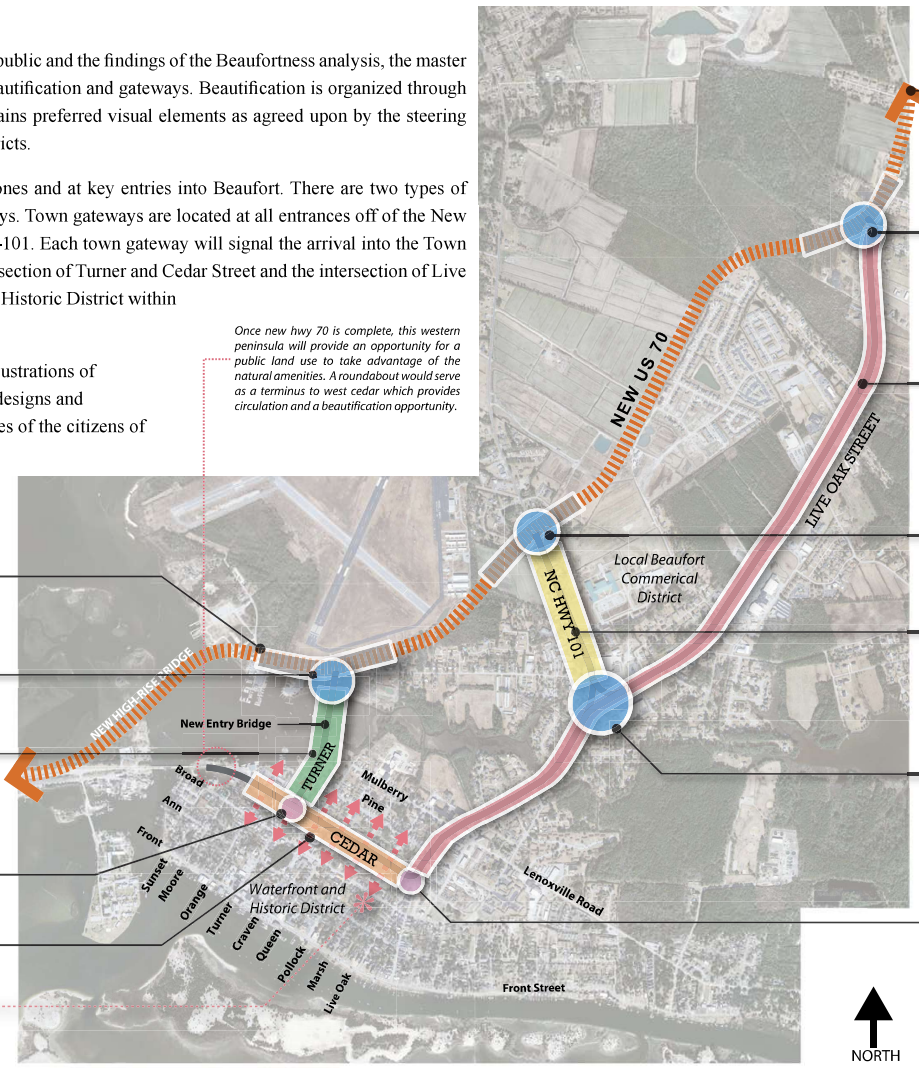
Turner Street Beautification Zone includes the new Turner Street Entry Bridge which will serve as the Historic District Gateway. The "beaufortness" character of Historic Beaufort should be applied to this zone as it will serve as the main entry to the Historic District.

### Turner Street Historic District Gateway

This gateway will reflect the "beaufortness" of historic Beaufort and welcome visitors to the Historic District zone.

### Cedar Beautification Zone

Cedar offers a major opportunity to "take back" the street and utilize it as a viable link between the historic district and the areas north of cedar. Cedar Street will no longer serve as the major vehicular route through Town. Cedar should now serve as a major local street reflecting the character of Beaufort while accommodating pedestrians bicyclists, parking and automobiles.




### Highway 70 Re-alignment Project

NCDOT's re-alignment project will change the vehicular routes into Beaufort and the scale of the new entry roadways. The goal of this Master Plan is to transition from the scale and "look and feel" of the new Hwy 70 to the scale and "look and feel" of the Town of Beaufort.

### Live Oak Town Gateway

The town gateways will serve as welcoming points of entries to Beaufort for travelers on new highway 70. The Live Oak gateway will serve as a direct access to the local Beaufort commercial district.

### Live Oak Beautification Zone

Live Oak serves as one of two access corridors to the local commercial district. The beautification of this corridor will require public/private partnerships to be formed to beautify areas both inside and outside the right of way, such as street tree programs and building facade upgrades.

### 101 Town Gateway

The town gateways will serve as welcoming points of entries to Beaufort for travelers on new highway 70. The 101 gateway will serve as a direct access to the local Beaufort commercial district.

### 101 Beautification Zone

101 serves as one of two access corridors to the local commercial district. The beautification of this corridor will require public/private partnerships to be formed to beautify areas both inside and outside the right of way, such as street tree programs and building facade upgrades and public sidewalk initiatives.

### 101/Live Oak Town Gateway

This critical intersection of 2 major vehicular corridors provides a major opportunity to utilize this circulation node to provide beautification in the local commercial district and a gateway to the historic district. Current traffic issues can be remedied through the use of a roundabout which also provides a focal point for beautification.

### Live Oak Historic District Gateway

This intersection serves as one of the major entry points into the waterfront/historic district and requires significant infrastructure upgrades to bring the character of historic Beaufort to this gateway.




## Entrepreneurs will have opened 10 more business on Cedar and Live Oak.

The public investment into both Cedar and Live Oak will yield a shift in small business success on what will be walkable, bikable corridors. New local businesses enhance the authenticity and success story of Beaufort.



## People of all ages, ethnicities and economic levels will be living in the Mulberry Street neighborhood.

The area will flourish with diversity and yield the benefits of our multi-cultural heritage. Generational interdependence will be a trademark of the neighborhood.



## People will CHOOSE to walk or bike instead of getting in their car.

Life is full of choices, and the transformation of these corridors will expand the ability for people to choose to live active lifestyles. Healthy citizens are a key ingredient to vibrant, successful communities.



## Partnerships and old fashioned hard work will have made it happen.

Beaufort's success will be built on the community's shoulders, and everyone will feel a sense of pride and ownership. Collaboration, dedication, and the relentless pursuit of building community will be hallmarks of the next chapter.



## Other NC coastal communities will be visiting Beaufort to learn about stormwater BMPs.

Beaufort's urban development will be a shining example of innovative stormwater practices.



## We've added 200 more housing units to the area.

Millennials and empty nesters alike want to live in the walkable core. Two hundred units, with varying styles and price points, will indicate that the town is actively receiving developer interest and that builders are responding to the market demand.

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

# Notification Certification
## Case #24-09 Periwinkle 406 Live Oak Street Adjacent Neighbors
## Special Use Permit Evidentiary Public Hearing
## May 13, 2024 Board of Commissioners meeting

| | |
|---|---|
| ZACHOS MAN LLC<br>3511 COUNTRY CLUB ROAD<br>MOREHEAD CITY, NC 28557 | JONES LOGAN LOUIS ETAL RAWSON<br>900 CEDAR ST<br>BEAUFORT, NC 28516-2012 |
| BTRG INC<br>411 BLAIR POINT RD<br>MOREHEAD CITY, NC 28557-4734 | STEPHENSON THOMAS P ETUX<br>188 WINDY POINT RD<br>BEAUFORT, NC 28516 |
| SOUND SHORE CONSTRUCTION INC<br>1913 FRONT STREET<br>BEAUFORT, NC 28516-9311 | KRIS AND BECKIE DAVIS<br>109 WILLOW STREET<br>BEAUFORT, NC 28516 |

I, *Michelle Eitner,* Town Planner for the Town of Beaufort NC, do hereby certify the above property owners, applicants, and adjacent property owners were each mailed a letter and vicinity map on April 26, 2024 regarding the above noted public hearing. A sign was posted on the subject property on April 26, 2024 regarding the same. An evidentiary public hearing advertisement was sent to the Carteret News-Times for circulation on May 1st and 8th. The quasi-judicial evidentiary public hearing will be conducted at the May 13, 2024 Board of Commissioners meeting at the Train Depot, 614 Broad Street, Beaufort, NC, at 6:00 p.m.

Signed

April 26, 2024
Date

Mayor Sharon Harker
Commissioner Bucky Oliver • Commissioner Melvin Cooper
Commissioner Paula Gillikin • Commissioner John LoPiccolo •Commissioner Sarah Spiegler
Town Manager Todd Clark

Section 20 Special Use Permits

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) Comprehensive and CAMA Land Use Plan and other comprehensive planning elements;
    d) Streets, driveways, parking lots, traffic control, and any other traffic circulation features shall be designed and provided in accordance with current traffic engineering standards and Town regulations and found to be adequate for the proposed special use;
    e) The proposed special use will not substantially injure the value of adjoining or abutting properties;
    f) The proposed special use will be compatible and in harmony with adjoining land uses and the development patterns of the immediate area; and,
    g) The proposed use will not materially endanger the public health or safety of the community if located where proposed and developed according to the submitted and approved plan.
2) The BOC shall make its findings based on "competent, material and substantial evidence" as described in N.C. Gen. Stat. §160D-406 in accordance with the procedures set forth in Section 32 herein.

**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

**Beaufort Board of Commissioners Regular Meeting**
**6:00 PM Monday, June 10, 2024 – 614 Broad Street – Train Depot**

**AGENDA CATEGORY:** New Business

**SUBJECT:** Approve or deny the proposed Towns at Live Oak site plan

**BRIEF SUMMARY:**

The Cullipher Group, agent for 1809 LLC, has applied for site plan review to build a 135-unit townhome development.

**REQUESTED ACTION:**

Decision on Proposed Site Plan

**EXPECTED LENGTH OF PRESENTATION:**

15 Minutes

**SUBMITTED BY:**

Michelle Eitner

Town Planner

**BUDGET AMENDMENT REQUIRED:**

N/A

# STAFF REPORT

**To:** Board of Commissioners

**From:** Michelle Eitner, Town Planner

**Date:** June 10, 2024

**Case No.** 24-10 Site Plan – The Towns at Live Oak

**THE REQUEST:** Approve or deny proposed site plan, "The Towns at Live Oak," a 135-unit townhome development.

**INFORMATION:**

| | |
|---|---|
| Location: | 1809 Live Oak Street |
| Property Owner: | 1809 LLC (Dale Britt) |
| Zoning District: | Townhouse Condominium Apartment (TCA) |
| Existing Land Use: | Undeveloped (recently timbered) |
| Adjoining Uses/Zoning: | North: Pirates Landing townhomes (TCA), Palmetto Place duplexes (TCA)<br>West: Town's well site (TCA), Undeveloped property (R-20)<br>East: Food Lion Shopping Center and stormwater pond tract (B-1)<br>South: Two undeveloped properties (B-1) |
| Size: | 14.033 acres / 61,129.63sf |
| Proposed Density: | 9.62 units/acre (135 units ÷ 14.033 acres) |

**PUBLIC UTILITIES & WORKS:**

| | |
|---|---|
| Water: | Town of Beaufort |
| Sanitary Sewer: | Town of Beaufort |

The Town will complete the road, water, and sewer connections from Live Oak Street to the southern property edge. Public Services states that this work is anticipated for this summer/fall.

**OPTIONS:**

1. Approve the Site Plan
2. Deny the Site Plan based on specific failures to meet requirements.

**ATTACHMENTS:**

- Attachment A – Staff Report
- Attachment B – Vicinity Map
- Attachment C – Zoning Map
- Attachment D – Site Plans
- Attachment E – Draft Covenants

**STAFF COMMENTS:**

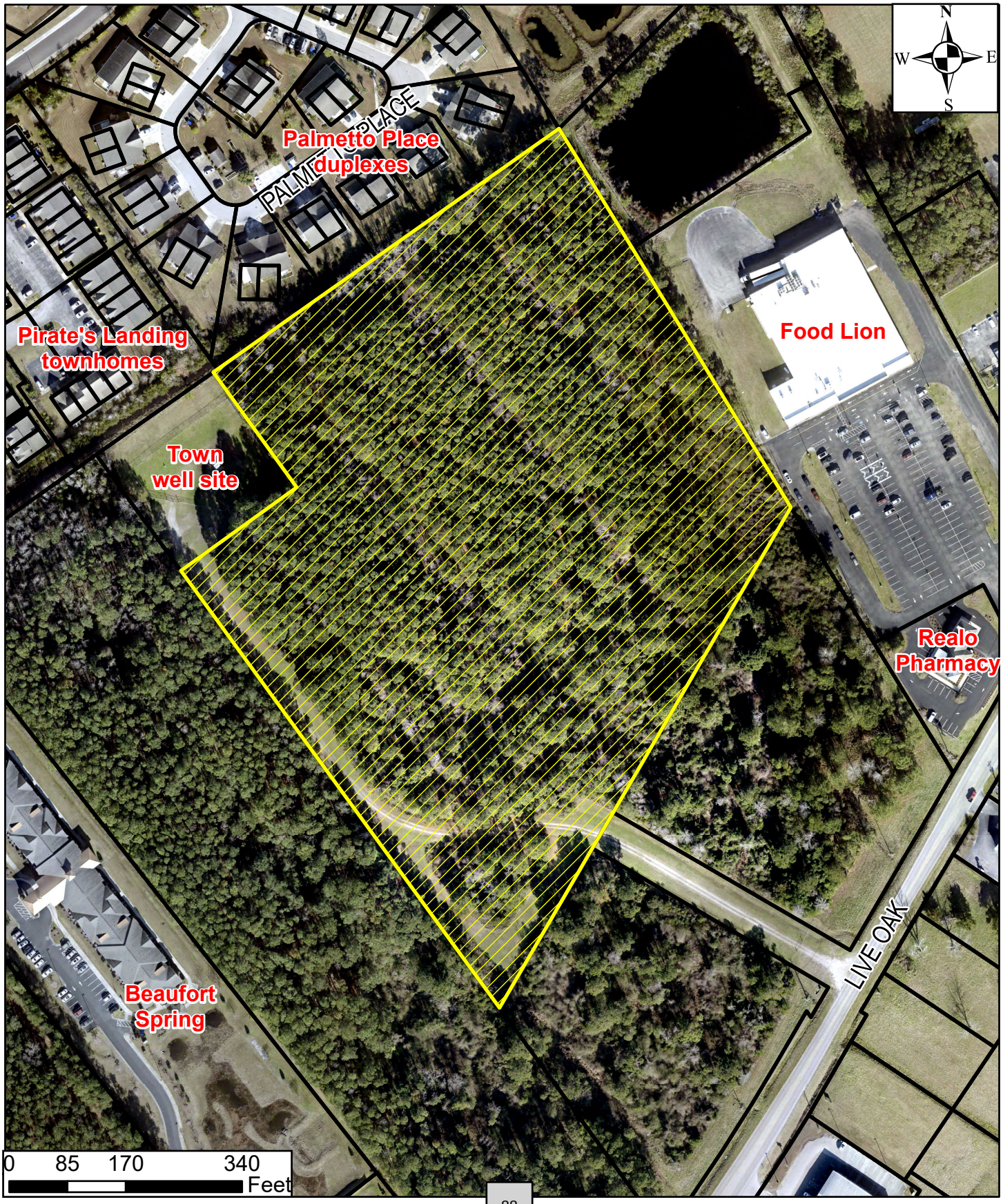
The Cullipher Group, agent for 1809 LLC, has applied for site plan review to build a 135-unit townhome development including:

- 69 larger 3-bedroom "type 1" townhomes with 1,984sf
- 66 smaller 3-bedroom "type 2" townhomes with 1,648sf
- 297 parking spaces
    - 270 unit spaces at 2 parking spaces per unit (one garage space and one driveway space)
    - 27 community spaces
- Landscaping/buffering
    - Type A opaque buffer along the east and north property lines
    - Type B semi-opaque buffer along the property line border with the Town's well site
    - Vehicle Accommodation Area landscaping throughout development
    - Stormwater pond perimeter landscaping
- Two dumpster sites for residential use with 8'-tall opaque fencing
- Mail kiosk (rather than individual mailboxes)
- Three recreational facilities
    - Dog park
    - Playground
    - Walking path around stormwater pond
- Two points of ingress/egress
    - Main entry at the Town's road connection to Live Oak Street
    - Secondary entry at the connection to the Food Lion parking lot
- Town to maintain access to well site property at northwestern corner

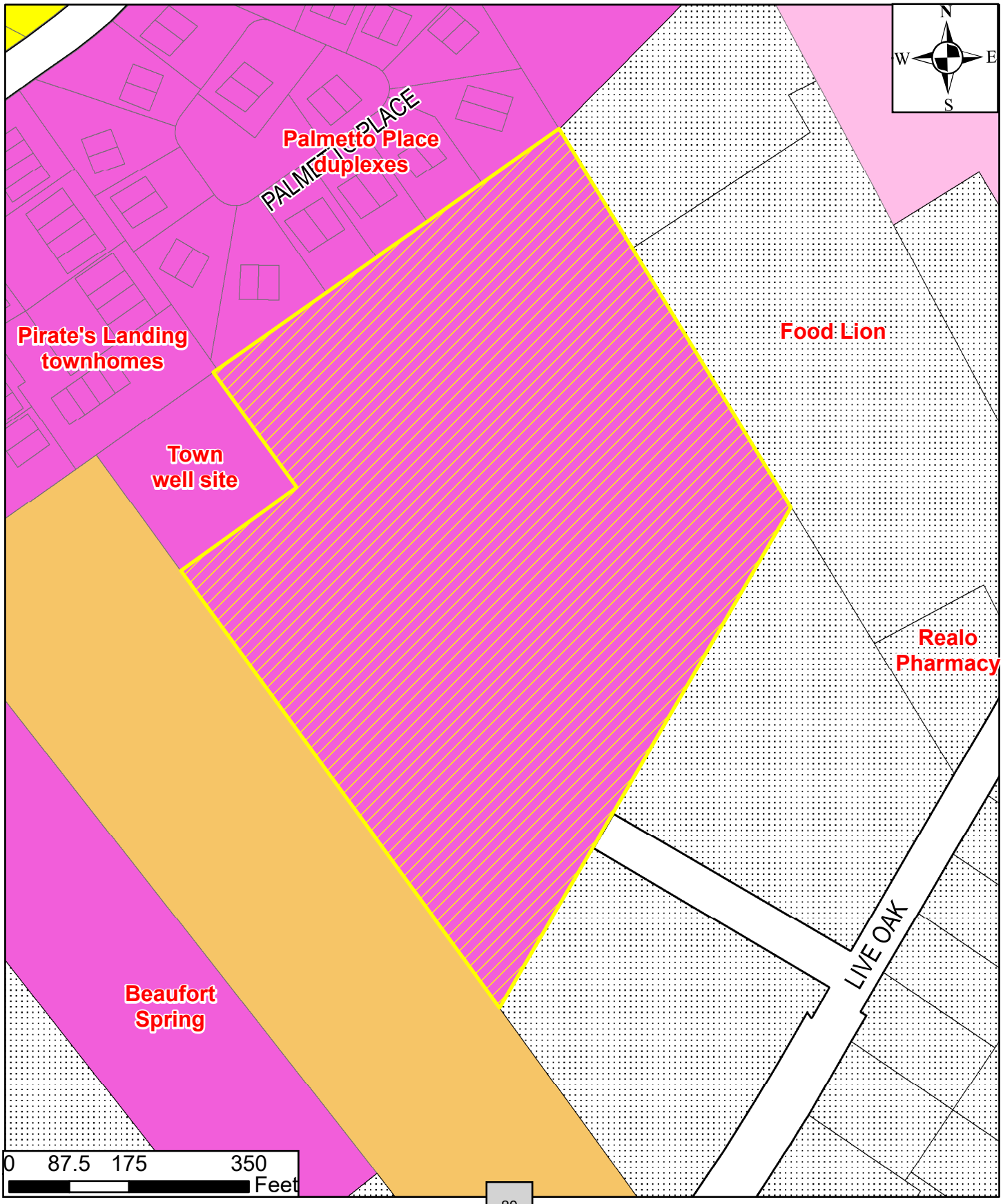
The Technical Review Committee met on April 18, 2024 to review this project and provide comments. Revised plans to meet TRC members' requests for additional information were submitted on May 6th. All TRC members (Police, Fire, Engineering, Public Works, Public Utilities) have agreed that the project meets their requirements and have no further comments. Planning staff agrees that the project meets the criteria required in the LDO.

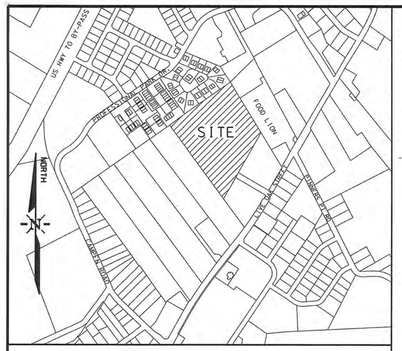
The Planning Board met on May 20, 2024 to review this project and make a recommendation to the Board of Commissioners. Several aspects of the project were discussed and determined to meet the requirements set out in the LDO, but the Planning Board members felt that they were insufficient for this type of development. **The Planning Board recommended this project for approval** to the Board of Commissioners at a 4-1 vote. Staff will address these concerns with development standards, such as street trees and sidewalks within a multi-family development, in the upcoming UDO update process.

# The Towns at Live Oak Site Plan Vicinity Map
# 1809 Live Oak Street



# The Towns at Live Oak Site Plan Zoning Map
# 1809 Live Oak Street






VICINITY MAP

## SITE DATA

PARCEL AREA = 14.033 AC
DISTURBED ACREAGE = 14.59 AC
(INCLUDES ACCESS TO LIVE OAK ST)

TOTAL SQUARE FOOTAGE = 611129.63 SF

PROPOSED USE: RESIDENTIAL TOWNHOME COMMUNITY

FLOOD ZONE: NONE

ZONE - TCA - TOWNHOMES. CONDOMINIUMS. APARTMENTS

NUMBER TOWNHOME UNITS = 135
TYPE 1 UNIT
NUMBER OF UNITS = 69
HEATED AREA = 1,984 SF
NUMBER OF BEDROOMS = 3
TYPE 2 UNIT
NUMBER OF UNITS = 66
HEATED AREA = 1,648 SF
NUMBER OF BEDROOMS = 3

DENSITY- 9.62 UNITS/ACRE

PERIMETER SETBACKS:
FRONT = 25'
REAR = 25'
SIDE = 8'

PROPOSED IMPERVIOUS AREA (AS SHOWN)

| | | |
|---|---|---|
| DRIVES/PARKING | = | 92.982 SF |
| TOWNHOME LOTS | = | 212.042 SF |
| SIDEWALKS | = | 510 SF |
| DUMPSTERS | = | 358 SF |
| TOTAL | = | 305.892 SF |

%IMPERVIOUS = 50%

## CURVE DATA

① ARC L=49.98
R=101.00
CHD BRG N44-29-16E
CHD DIST. 49.48

② ARC L=41.41
R=100.00
CHD BRG N42-10-25E
CHD DIST. 41.14

③ ARC L=24.74
R=50.00
CHD BRG N44-29-15E
CHD DIST. 24.49

## PARKING DATA

PARKING 2 SPCS PER UNIT
ONE IN AND ONE OUT OF GARAGE
UNIT SPACES 270 SPACES
COMMUNITY SPACES 27 SPACES
TOTAL PARKING SPACES 297 SPACES

## LOT BUILT UPON AREA

LOTS 9-32.55-76.116-135 = 1.600 SF
LOTS 1-8.33-54.77-115 = 1.900 SF

## NOTES

1. SITE DRAINS TO TOWN CREEK. WATER CLASSIFICATION SC PART OF THE WHITE OAK RIVER BASIN.
2. THERE ARE NO SURFACE WATERS. PROTECTED VEGETATED SETBACKS. OR PROTECTED RIPARIAN BUFFERS LOCATED ON THE PROPERTY.
3. EASEMENTS TO BE PROVIDED FOR ALL UTILITIES. INGRESS. EGRESS AND STORMWATER. SEE PRELIMINARY PLAT.
4. BOUNDARY TAKEN FROM MB31 PG794 AND DB1645 PG208 AS RECORDED IN THE CARTERET COUNTY REGISTER OF DEEDS ENTITLED RECOMBINATION SURVEY 22.53 ACRES TO BE RECOMBINED FOR THE TOWN OF BEAUFORT. 4 SISTERS-OO LLC AND CGW. LLC SURVEYED BY WILLIAM C. GODFREY JR. PLS WITH RIVERS & ASSOCIATES. INC DATED 11/12/2009.
5. SPOT ELEVATIONS TAKEN FROM MAP ENTITLED BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY FOR CRAIG SOUZA ON PROPERTY IN THE NAME OF TOWN OF BEAUFORT AND SURVEYED BY JAMES I. PHILLIPS III. PLS WITH JAMES I. PHILLIPS LAND SURVEYING DATED 3/13/2019. ALL ELEVATIONS ARE NAVD 1988.
6. TOPOGRAPHY COMPUTER GENERATED BY THE CULLIPHER GROUP PA USING SPOT ELEVATIONS FROM SURVEY REFERENCED ABOVE.
7. PLAT NOT FOR RECORDING. ALL STAKING AND LOT INFORMATION/DIMENSIONS TO BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.
8. ALL DRIVEWAYS ARE MINIMUM 10'X 20' EXCEPT FOR LOTS 32.33 & 40 (SEE PLAN)
9. REFUSE COLLECTION = DUMPSTERS (PREFERRED)1 POSSIBLY ROLL-OUT CARTS AS APPROVED BY CFL.
10. ALL STORMWATER FEATURES INCLUDING. STORM DRAINS. CATCH BASINS.DRAINAGE SWALES. DITCHES AND STORMWATER PONDS SHALL BE MANAGED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION. THE TOWN OF BEAUFORT IS NOT RESPONSIBLE FOR ITS MAINTENANCE.

NO WETLANDS EXIST ONSITE

## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| | | LF | LINEAR FEET |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | MAX | MAXIMUM |
| | | MBL | MINIMUM BUILDING LINE |
| BLDG | BUILDING | MH | MANHOLE |
| BRG | BEARING | MIN | MINIMUM |
| CB | CATCH BASIN | N/F | NOW OR FORMERLY |
| CF | CUBIC FEET | NTS | NOT TO SCALE |
| CL | CENTERLINE | O.C. | ON CENTER |
| DR | DRIVE | PBO | PERMANENT BLOW OFF |
| DI | DROP INLET | R | RADIUS |
| DIP | DUCTILE IRON PIPE | RCP | REINFORCED CONCRETE PIPE |
| EL | ELEVATION | R/W | RIGHT-OF-WAY |
| EIR | EX. IRON ROD | SDMH | STORMDRAIN MANHOLE |
| EOP | EDGE OF PAVEMENT | SH | SHEET |
| EX | EXISTING | SIR | SET IRON ROD |
| FE | FINISHED ELEVATION | STA | STATION |
| FES | FLARED END SECTION | TC | TOP OF CURB |
| FF | FINISHED FLOOR | TSW | TOP OF SIDEWALK |
| FH | FIRE HYDRANT | TYP | TYPICAL |
| FM | FORCEMAIN | | |

SF — SILT FENCE
x — LANDSCAPE POND FENCE
10 9.5 — EXISTING CONTOURS
12 — PROPOSED CONTOURS
PROPOSED WATERLINE
PROPOSED SEWER FM
LO — LAND DISTURBANCE LIMITS
DIVERSION DITCH
UTILITY, DRAINAGE & STORMWATER EASEMENTS
CONCRETE
SL — STREET LIGHT. DUKE ENERGY PED SHOEBOX 6105 LUMENS. 50 WATTS. 20' HEIGHT
ROCK DOUGHNUT
FIRE HYDRANT
TRAFFIC FLOW
STOP SIGN

SHEET # C1.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

SCALE: 1"= 50'

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| 1 | LLE | 5/6/24 | TOWN COMMENTS |

OWNER N/F
LIVE OAK 1809 LLC
NCPIN 7306129627910000
DB.1645 P.208
MB.31 P.794

SITE PLAN

# THE TOWNS AT LIVE OAK

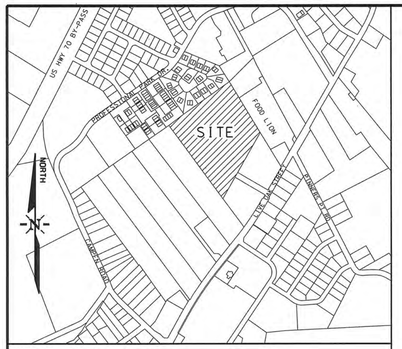
BEAUFORT TOWNSHIP. CARTERET COUNTY. NORTH CAROLINA

CLIENT: 1809. LLC
ADDRESS: 710 ARENDELL STREET. SUITE 201
MOREHEAD CITY. NC 28557
PHONE: 252-725-5375

THE CULLIPHER GROUP. P.A.
ENGINEERING & SURVEYING SERVICES
151A HIGHWAY 24
MOREHEAD CITY. N.C. 28557
(252) 773-0090 LICENSE NO. C-4482
RONALD D.CULLIPHER P.E.

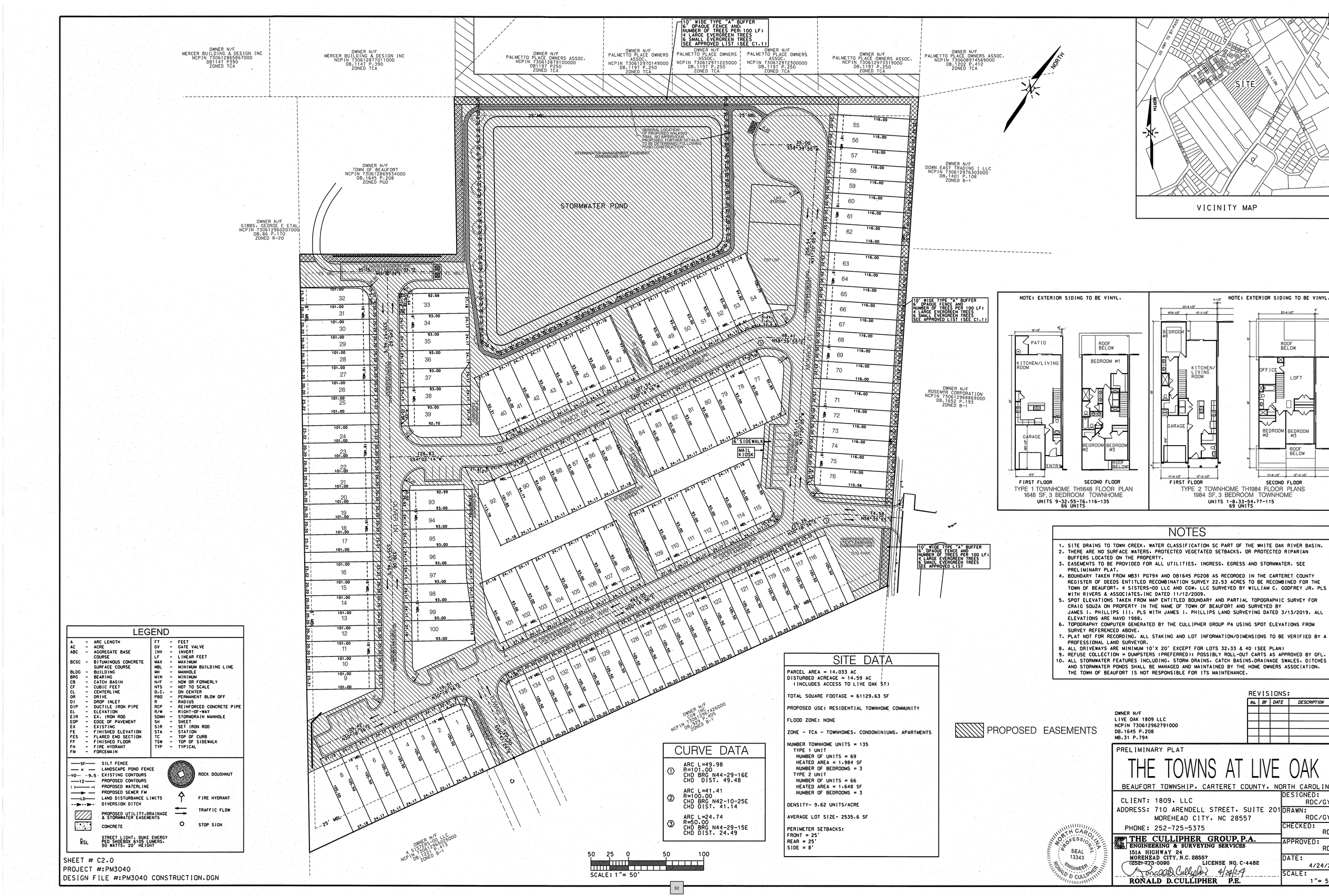
NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

DESIGNED: RDC/GYT
DRAWN: RDC/GYT
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24
SCALE: 1"= 50'




VICINITY MAP


6 SMALL EVERGREEN TREES
SEE APPROVED LIST (SEE C1.1)
NORTH
10' WIDE TYPE "B" BUFFER
3' MIN OPAQUE FENCE AND
NUMBER OF TREES PER 100 LF:
2 LARGE EVERGREEN TREES
3 SMALL EVERGREEN TREES
SEE APPROVED LIST
GENERAL LOCATION
OF PROPOSED WALKING
TRAIL, NO IMPERVIOUS
PROPOSED. FURTHER DETAILS
TO BE DETERMINED FOLLOWING
POND CONSTRUCTION
DUMPSTER
(2) 6' ACCESS
GATES
17 LARGE TREES AROUND
POND PERIMETER
PROPOSED 4' FENCE AROUND POND
PERIMETER. SEE NOTE ON
ADDITIONAL LANDSCAPING FOR
DETENTION PONDS
SL
LIFT
STATION
STORMWATER POND
* SEE NOTES THIS PAGE FOR ADDITIONAL
DETENTION POND PERIMETER LANDSCAPING
10' WIDE TYPE "B" BUFFER
3' MIN OPAQUE FENCE AND
NUMBER OF TREES PER 100 LF:
2 LARGE EVERGREEN TREES
3 SMALL EVERGREEN TREES
SEE APPROVED LIST:
ACCESS TO WELL SITE MUST
REMAIN UNOBSTRUCTED
3'FENCE AROUND
TOT LOT
TOT LOT
6424 SF
TOWN OF BEAUFORT
WELL SITE ACCESS
110 SMALLSHRUBS APPROX.
8' ON CENTER AS SHOWN
2.5' RETAINING WALL
DUMPSTER
(2) 6' ACCESS
GATES
(2) 6' ACCESS
GATES
10' WIDE TYPE "A" BUFFER
6' OPAQUE FENCE AND
NUMBER OF TREES PER 100 LF:
4 LARGE EVERGREEN TREES
6 SMALL EVERGREEN TREES
SEE APPROVED LIST (SEE C1.1)
MONROE CT
NANCY LN
6' SIDEWALK
VAA
1,911 SF
OLIVER LN
CLINE WAY
TOWNS DR
VAA
884 SF
VAA
2,005 SF
VAA
2,005 SF
VAA
2,005







NOTE: EXTERIOR SIDING TO BE VINYL.




TYPE 1 TOWNHOME TH1648 FLOOR PLAN
1648 SF, 3 BEDROOM TOWNHOME
UNITS 9-32,55-76,116-135
66 UNITS

NOTE: EXTERIOR SIDING TO BE VINYL.




TYPE 2 TOWNHOME TH1984 FLOOR PLANS
1984 SF, 3 BEDROOM TOWNHOME
UNITS 1-8,33-54,77-115
69 UNITS

## NOTES

1. SITE DRAINS TO TOWN CREEK. WATER CLASSIFICATION SC PART OF THE WHITE OAK RIVER BASIN.
2. THERE ARE NO SURFACE WATERS, PROTECTED VEGETATED SETBACKS, OR PROTECTED RIPARIAN BUFFERS LOCATED ON THE PROPERTY.
3. EASEMENTS TO BE PROVIDED FOR ALL UTILITIES, INGRESS, EGRESS AND STORMWATER. SEE PRELIMINARY PLAT.
4. BOUNDARY TAKEN FROM MB31 PG794 AND DB1645 PG208 AS RECORDED IN THE CARTERET COUNTY REGISTER OF DEEDS ENTITLED RECOMBINATION SURVEY 22.53 ACRES TO BE RECOMBINED FOR THE TOWN OF BEAUFORT, 4 SISTERS-00 LLC AND CGW, LLC SURVEYED BY WILLIAM C. GODFREY JR. PLS WITH RIVERS & ASSOCIATES, INC DATED 11/12/2009.
5. SPOT ELEVATIONS TAKEN FROM MAP ENTITLED BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY FOR CRAIG SOUZA ON PROPERTY IN THE NAME OF TOWN OF BEAUFORT AND SURVEYED BY JAMES I. PHILLIPS III, PLS WITH JAMES I. PHILLIPS LAND SURVEYING DATED 3/13/2019. ALL ELEVATIONS ARE NAVD 1988.
6. TOPOGRAPHY COMPUTER GENERATED BY THE CULLIPHER GROUP PA USING SPOT ELEVATIONS FROM SURVEY REFERENCED ABOVE.
7. PLAT NOT FOR RECORDING. ALL STAKING AND LOT INFORMATION/DIMENSIONS TO BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.
8. ALL DRIVEWAYS ARE MINIMUM 10'X 20' EXCEPT FOR LOTS 32.33 & 40 (SEE PLAN)
9. REFUSE COLLECTION = DUMPSTERS (PREFERRED); POSSIBLY ROLL-OUT CARTS AS APPROVED BY GFL.
10. ALL STORMWATER FEATURES INCLUDING: STORM DRAINS, CATCH BASINS,DRAINAGE SWALES, DITCHES AND STORMWATER PONDS SHALL BE MANAGED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION. THE TOWN OF BEAUFORT IS NOT RESPONSIBLE FOR ITS MAINTENANCE.

## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| | | LF | LINEAR FEET |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | MAX | MAXIMUM |
| | | MBL | MINIMUM BUILDING LINE |
| BLDG | BUILDING | MH | MANHOLE |
| BRG | BEARING | MIN | MINIMUM |
| CB | CATCH BASIN | N/F | NOW OR FORMERLY |
| CF | CUBIC FEET | NTS | NOT TO SCALE |
| CL | CENTERLINE | O.C. | ON CENTER |
| DR | DRIVE | PBO | PERMANENT BLOW OFF |
| DI | DROP INLET | R | RADIUS |
| DIP | DUCTILE IRON PIPE | RCP | REINFORCED CONCRETE PIPE |
| EL | ELEVATION | R/W | RIGHT-OF-WAY |
| EIR | EX. IRON ROD | SDMH | STORMDRAIN MANHOLE |
| EOP | EDGE OF PAVEMENT | SH | SHEET |
| EX | EXISTING | SIR | SET IRON ROD |
| FE | FINISHED ELEVATION | STA | STATION |
| FES | FLARED END SECTION | TC | TOP OF CURB |
| FF | FINISHED FLOOR | TSW | TOP OF SIDEWALK |
| FH | FIRE HYDRANT | TYP | TYPICAL |
| FM | FORCEMAIN | | |

SF — SILT FENCE
— x — LANDSCAPE POND FENCE
10 — 9.5 EXISTING CONTOURS
12 PROPOSED CONTOURS
PROPOSED WATERLINE
PROPOSED SEWER FM
LD LAND DISTURBANCE LIMITS
DIVERSION DITCH
PROPOSED UTILITY,DRAINAGE & STORMWATER EASEMENTS
CONCRETE
STREET LIGHT, DUKE ENERGY PEC SHOEBOX 6105 LUMENS, 50 WATTS, 20' HEIGHT
ROCK DOUGHNUT
FIRE HYDRANT
TRAFFIC FLOW
STOP SIGN

## CURVE DATA

① ARC L=49.98
R=101.00
CHD BRG N44-29-16E
CHD DIST. 49.48

② ARC L=41.41
R=100.00
CHD BRG N42-10-25E
CHD DIST. 41.14

③ ARC L=24.74
R=50.00
CHD BRG N44-29-15E
CHD DIST. 24.49

## SITE DATA

PARCEL AREA = 14.033 AC
DISTURBED ACREAGE = 14.59 AC
(INCLUDES ACCESS TO LIVE OAK ST)

TOTAL SQUARE FOOTAGE = 61129.63 SF

PROPOSED USE: RESIDENTIAL TOWNHOME COMMUNITY

FLOOD ZONE: NONE

ZONE - TCA - TOWNHOMES, CONDOMINIUMS, APARTMENTS

NUMBER TOWNHOME UNITS = 135
TYPE 1 UNIT
NUMBER OF UNITS = 69
HEATED AREA = 1,984 SF
NUMBER OF BEDROOMS = 3
TYPE 2 UNIT
NUMBER OF UNITS = 66
HEATED AREA = 1,648 SF
NUMBER OF BEDROOMS = 3

DENSITY- 9.62 UNITS/ACRE

AVERAGE LOT SIZE- 2535.6 SF

PERIMETER SETBACKS:
FRONT = 25'
REAR = 25'
SIDE = 8'

PROPOSED EASEMENTS

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PRELIMINARY PLAT

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

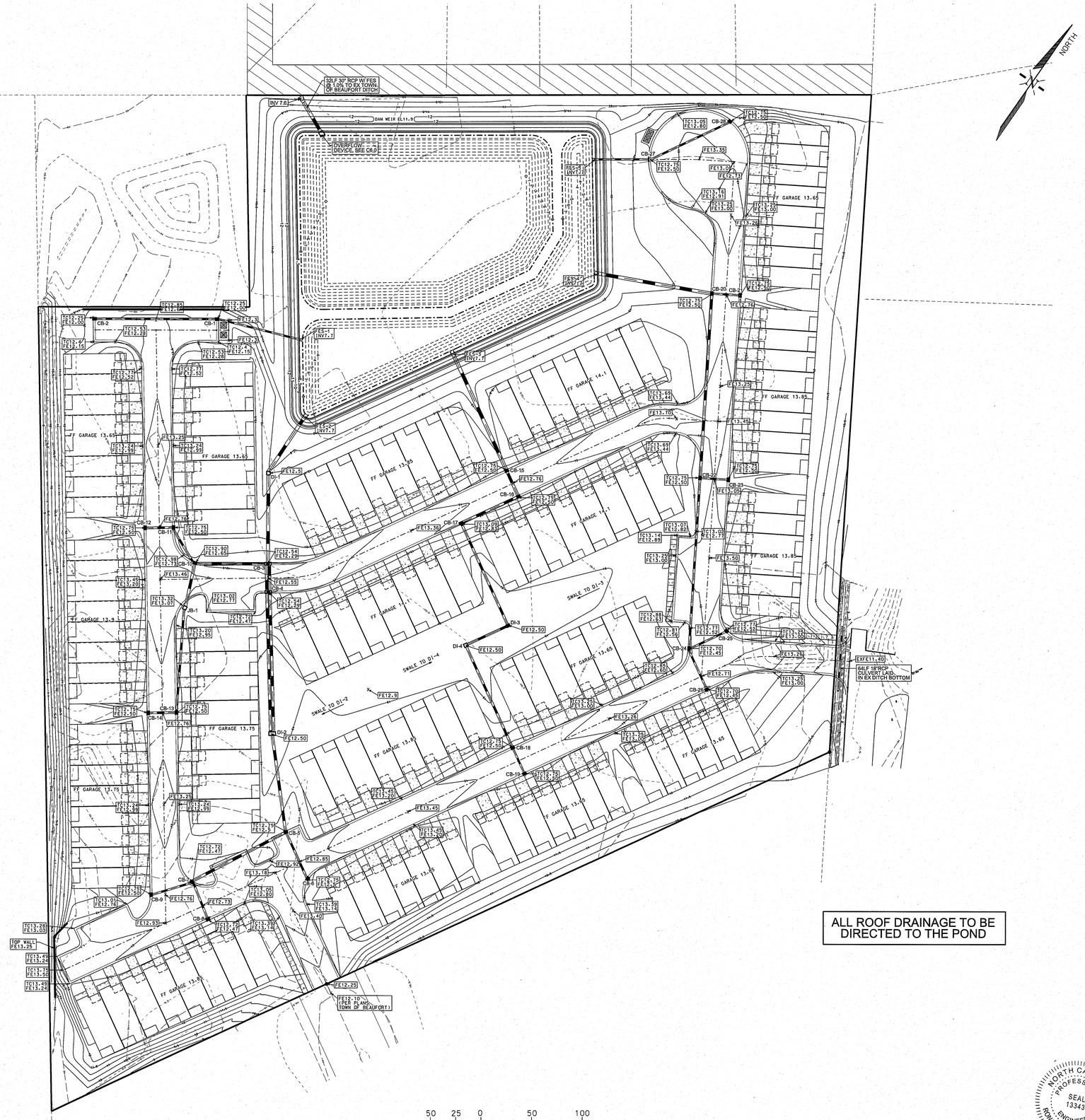
CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375


THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES
151A HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252)-273-0090
LICENSE NO. C-4482
RONALD D. CULLIPHER P.E.


NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

| | |
|---|---|
| DESIGNED: | RDC/GYT |
| DRAWN: | RDC/GYT |
| CHECKED: | RDC |
| APPROVED: | RDC |
| DATE: | 4/24/24 |
| SCALE: | 1"= 50' |

SHEET # C2.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN




| STORM STRUCTURES | | | |
|---|---|---|---|
| STRUCTURE | TC (HOOD)/ GRATE ELEVATION | INV ELEVATION OUT | ADDITIONAL INV ELEVATION |
| FES-1 | - | 7.70 | - |
| CB-1 | 12.25 | 8.31 | - |
| CB-2 | 12.25 | 9.20 | - |
| | | | |
| FES-2 | - | 7.70 | - |
| DI-1 | 12.50 | 8.02 | - |
| CB-3 | 12.54 | 8.47 | - |
| CB-4 | 12.54 | 8.53 | - |
| DI-2 | 12.50 | 8.85 | - |
| CB-5 | 12.75 | 9.14 | - |
| CB-6 | 12.75 | 9.42 | - |
| CB-7 | 12.72 | 9.60 | - |
| CB-8 | 12.72 | 9.72 | - |
| CB-9 | 12.75 | 9.72 | - |
| CB-10 | 12.75 | 8.81 | 9.23 (18") |
| CB-11 | 12.75 | 9.39 | - |
| CB-12 | 12.75 | 9.50 | - |
| JB-1 | 13.32 | 8.94 | - |
| CB-13 | 12.75 | 9.45 | - |
| CB-14 | 12.75 | 9.55 | - |
| | | | |
| FES-3 | - | 7.70 | - |
| CB-15 | 12.75 | 8.07 | - |
| CB-16 | 12.75 | 8.21 | - |
| CB-17 | 13.09 | 8.45 | - |
| DI-3 | 12.50 | 8.89 | - |
| DI-4 | 12.50 | 9.07 | - |
| CB-18 | 12.75 | 9.45 | - |
| CB-19 | 12.75 | 9.55 | - |
| | | | |
| FES-4 | - | 7.70 | - |
| CB-20 | 12.75 | 8.25 | 9.00 (15") |
| CB-21 | 12.75 | 9.30 | - |
| CB-22 | 12.75 | 8.79 | - |
| CB-23 | 12.75 | 9.20 | - |
| CB-24 | 12.70 | 9.42 | - |
| CB-25 | 12.77 | 9.54 | - |
| CB-26 | 12.70 | 9.55 | - |
| | | | |
| FES-5 | - | 7.70 | - |
| CB-27 | 12.75 | 8.25 | 8.65 (15") |
| CB-28 | 12.75 | 9.50 | - |

| PIPE CHART | | | | | |
|---|---|---|---|---|---|
| UPSTREAM STRUCTURE | DOWNSTREAM STRUCTURE | NUMBER OF PIPES | PIPE DIAMETER (IN) | LENGTH* (LF) | SLOPE (%) |
| CB-1 | FES-1* | 1 | 15 | 80 | 0.76% |
| CB-2 | CB-1 | 1 | 15 | 118 | 0.75% |
| | | | | | |
| DI-1 | FES-2* | 1 | 30 | 60 | 0.53% |
| CB-3 | DI-1 | 1 | 30 | 87 | 0.52% |
| CB-4 | CB-3 | 2 | 24 | 26 | 0.23% |
| DI-2 | CB-4 | 2 | 24 | 137 | 0.23% |
| CB-5 | DI-2 | 1 | 24 | 95 | 0.30% |
| CB-6 | CB-5 | 1 | 18 | 49 | 0.57% |
| CB-7 | CB-5 | 1 | 18 | 102 | 0.45% |
| CB-8 | CB-7 | 1 | 18 | 38 | 0.32% |
| CB-9 | CB-7 | 1 | 15 | 41 | 0.30% |
| CB-10 | CB-3 | 1 | 24 | 68 | 0.50% |
| CB-11 | CB-10 | 1 | 18 | 40 | 1.45% |
| CB-12 | CB-11 | 1 | 18 | 26 | 0.42% |
| JB-1 | CB-10 | 1 | 24 | 43 | 0.30% |
| CB-13 | JB-1 | 1 | 18 | 101 | 0.50% |
| CB-14 | CB-13 | 1 | 15 | 26 | 0.38% |
| | | | | | |
| CB-15 | FES-3* | 1 | 30 | 123 | 0.30% |
| CB-16 | CB-15 | 1 | 24 | 27 | 0.52% |
| CB-17 | CB-16 | 1 | 24 | 60 | 0.40% |
| DI-3 | CB-17 | 1 | 24 | 111 | 0.40% |
| DI-4 | DI-3 | 1 | 24 | 44 | 0.41% |
| CB-18 | DI-4 | 1 | 18 | 109 | 0.35% |
| CB-19 | CB-18 | 1 | 15 | 26 | 0.38% |
| | | | | | |
| CB-20 | FES-4* | 1 | 30 | 110 | 0.50% |
| CB-21 | CB-20 | 1 | 15 | 26 | 1.15% |
| CB-22 | CB-20 | 1 | 24 | 180 | 0.30% |
| CB-23 | CB-22 | 1 | 15 | 26 | 1.58% |
| CB-24 | CB-22 | 1 | 18 | 165 | 0.38% |
| CB-25 | CB-24 | 1 | 15 | 40 | 0.30% |
| CB-26 | CB-24 | 1 | 15 | 42 | 0.31% |
| | | | | | |
| CB-27 | FES-5* | 1 | 18 | 48 | 1.15% |
| CB-28 | CB-27 | 1 | 15 | 86 | 0.99% |
| *LENGTH OF FES NOT INCLUDED | | | | | |

## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| | | LF | LINEAR FEET |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | MAX | MAXIMUM |
| | | MBL | MINIMUM BUILDING LINE |
| BLDG | BUILDING | MH | MANHOLE |
| BRG | BEARING | MIN | MINIMUM |
| CB | CATCH BASIN | N/F | NOW OR FORMERLY |
| CF | CUBIC FEET | NTS | NOT TO SCALE |
| CL | CENTERLINE | O.C. | ON CENTER |
| DR | DRIVE | PBO | PERMANENT BLOW OFF |
| DI | DROP INLET | R | RADIUS |
| DIP | DUCTILE IRON PIPE | RCP | REINFORCED CONCRETE PIPE |
| EL | ELEVATION | R/W | RIGHT-OF-WAY |
| EIR | EX. IRON ROD | SDMH | STORMDRAIN MANHOLE |
| EOP | EDGE OF PAVEMENT | SH | SHEET |
| EX | EXISTING | SIR | SET IRON ROD |
| FE | FINISHED ELEVATION | STA | STATION |
| FES | FLARED END SECTION | TC | TOP OF CURB |
| FF | FINISHED FLOOR | TSW | TOP OF SIDEWALK |
| FH | FIRE HYDRANT | TYP | TYPICAL |
| FM | FORCEMAIN | | |

- SF — SILT FENCE
- x — LANDSCAPE POND FENCE
- 10 — 9.5 — EXISTING CONTOURS
- 12 — PROPOSED CONTOURS
- W — PROPOSED WATERLINE
- PROPOSED SEWER FM
- LD — LAND DISTURBANCE LIMITS
- DIVERSION DITCH
- UTILITY, DRAINAGE & STORMWATER EASEMENTS
- CONCRETE
- SL — STREET LIGHT, DUKE ENERGY PED SHOEBOX 6105 LUMENS, 50 WATTS, 20' HEIGHT
- ROCK DOUGHNUT
- FIRE HYDRANT
- TRAFFIC FLOW
- STOP SIGN

SHEET # C3.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

OWNER N/F
LIVE OAK 1809 LLC
NCPIN 730612962791000
DB.1645 P.208
MB.31 P.794

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |
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| | | | |

GRADING & DRAINAGE PLAN

# THE TOWNS AT LIVE OAK

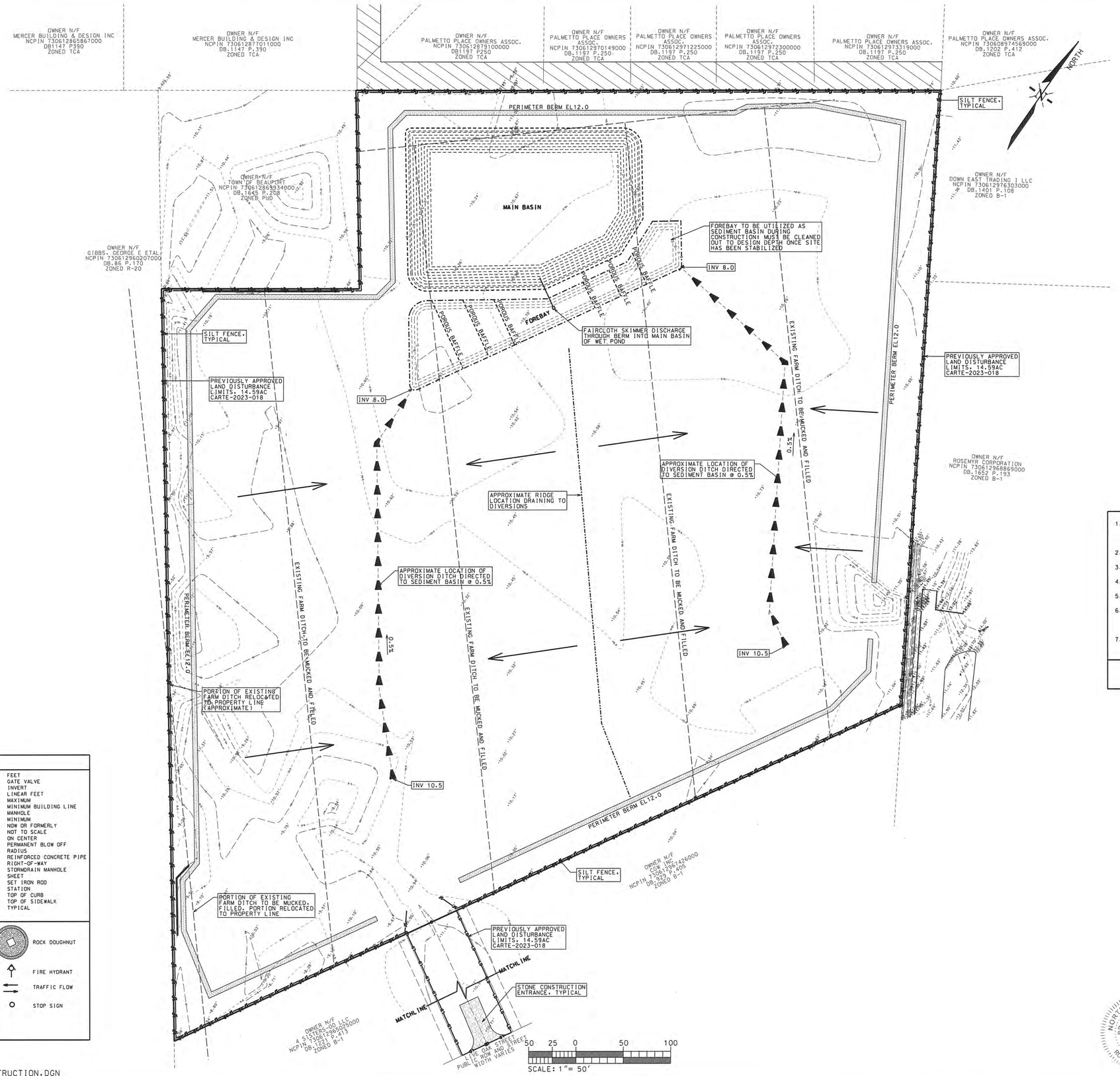
BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

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(252) 373-0090 LICENSE NO. C-4482
RONALD D. CULLIPHER P.E.

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

DESIGNED: RDC/GYT
DRAWN: RDC/GYT
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24
SCALE: 1"= 50'




## SEED BED PREPARATION

LIME---------- 2 TONS/AC
10-10-10 ---------- 1,000 LBS/AC
SURFACE ROUGHENING: IF RECENT TILLAGE OPERATIONS HAVE RESULTED IN A LOOSE SURFACE, ADDITIONAL ROUGHENING MAY NOT BE REQUIRED EXCEPT TO BREAK UP LARGE CLODS. IF RAINFALL CAUSES THE SURFACE TO BECOME SEALED OR CRUSTED, LOOSEN IT JUST PRIOR TO SEEDING BY DISKING, RAKING OR HARROWING. GROOVE OR FURROW SLOPES STEEPER THAN 3:1 ON THE CONTOUR BEFORE SEEDING.

## TEMPORARY SEEDING MIXTURE

(DECEMBER 1 -APRIL 15)
RYE (GRAIN)---------- 120 LBS/AC
KOBE LESPEDEZA (SCARIFIED)---50 LBS/AC
(OMIT ANNUAL LESPEDEZA WHEN DURATION OF TEMPORARY COVER IS NOT TO EXTEND BEYOND JUNE)

(APRIL 15 -AUGUST 15)
GERMAN MILLET---------- 40 LBS/AC

(AUGUST 15- DECEMBER 30)
RYE (GRAIN)---------- 25 LBS/AC
(IF IT IS NECESSARY TO EXTEND TEMPORARY COVER BEYON JUNE 15, OVERSEED WITH 50LB/AC KOBE.)

## PERMANENT SEEDING MIXTURE

TALL FESCUE---------- 60 LBS/AC
PENSACOLA BAHIAGRASS---------- 50 LBS/AC
SERICEA LESPEDEZA---------- 30 LBS/AC
KOBE LESPEDEZA---------- 10 LBS/AC

1. FROM SEPTEMBER 1 - MARCH 1, USE UNSCARIFIED SERICEA SEED
2. ON POORLY DRAINED SITES OMIT SERICEA AND INCREASE KOBE TO 30 LBS/AC
3. WHERE A NEAT APPEARANCE IS DESIERED, OMIT SERICEA AND INCREASE KOBE TO 40 LBS/AC.
4. BETWEEN APRIL 15 AND AUGUST 15, ADD 10 LB/AC GERMAN MILLET OR 15 LB/AC SUDANGRASS. PRIOR TO MAY 1 OR AFTER AUG 15, ADD 25 LB/AC RYE (GRAIN).

## PERMANENT SEEDING MIXTURE (SWALES & DITCHES)

COMMON BERMUDAGRASS---------- 80 LBS/AC

## MULCHING

STRAW(WHEAT, OATS, BARLEY,RYE)----- 1-2 TONS/AC (AFTER SEEDING)
(STRAW QUALITY SHALL BE DRY, UNCHOPPED & UNWEATHERED)
ASPHALT TACK----------200 GAL./TON OF MULCH

1. APPLY 4000 LB/AC STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING,OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.
2. A CHANNEL LINING MATERIAL (SEE DETAIL BELOW) SHALL COVER THE BOTTOM OF SWALES & DITCHES. THE LINING SHALL EXTEND ABOVE THE HIGHEST DEPTH OF FLOW WITHIN GIVEN CHANNEL. ON CHANNEL SIDE SLOPES ABOVE THIS HEIGHT APPLY STRAW AS PREVIOUSLY INSTRUCTED.

## MAINTENANCE

IF GROWTH IS LESS THAN FULLY ADEQUATE, REFERTILIZE IN THE SECOND YEAR WITH 500 LB/AC 10-10-10 FERTILIZER. MOW AS NEEDED WHEN SERICEA IS OMITTED FROM THE MIXTURE. RESEED, FERTILIZE AND MULCH DAMAGED AREAS IMMEDIATELY.

## SEEDING SCHEDULE

1. A MINIMUM OF 48 HOURS PRIOR TO PHASE 1 LAND DISTURBANCE CONTACT NCDEQ LAND QUALITY SECTION AT 910-796-7215 & THE CULLIPHER GROUP, PA TO SCHEDULE A PRECONSTRUCTION CONFERENCE.
2. INSTALL STONE CONSTRUCTION ENTRANCE.
3. INSTALL SILT FENCING AND PERIMETER BERMS AT LOCATIONS ON THE PLAN.
4. CONSTRUCT DIVERSION DITCHES TO PROPOSED WET POND USED AS TEMPORARY SEDIMENT BASIN.
5. BEGIN EXCAVATING FOREBAY (SEDIMENT BASIN) WITH FLOW CONTROL BARRIERS AND SKIMMER DEVICE.
6. BEGIN FILLING SITE, DRAINING TOWARDS DIVERSION DITCHES WITH EXCAVATED POND MATERIAL FROM BOTH FOREBAY AND MAIN BASIN. IF DETERMINED SUITABLE BY A LICENSED SOIL SCIENTIST OR GEOTECHNICAL ENGINEER.
7. ONCE MASS FILLING AND GRADING IS COMPLETE, SEED AND MULCH ALL AREAS OF DISTURBANCE NOT TO BE PAVED WITHIN 7 DAYS.

## CONSTRUCTION SEQUENCE - PHASE 1

SEE SHEET C4.2 FOR DETAILS

## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| | | LF | LINEAR FEET |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | MAX | MAXIMUM |
| | | MBL | MINIMUM BUILDING LINE |
| BLDG | BUILDING | MH | MANHOLE |
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| EL | ELEVATION | R/W | RIGHT-OF-WAY |
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| FH | FIRE HYDRANT | TYP | TYPICAL |
| FM | FORCEMAIN | | |

| | | | |
|---|---|---|---|
| —SF— | SILT FENCE | | ROCK DOUGHNUT |
| — x — | LANDSCAPE POND FENCE | | |
| -10- 9.5 | EXISTING CONTOURS | | |
| —12— | PROPOSED CONTOURS | | |
| —W— | PROPOSED WATERLINE | | |
| —S— | PROPOSED SEWER FM | | |
| —LD— | LAND DISTURBANCE LIMITS | | FIRE HYDRANT |
| --▶-- | DIVERSION DITCH | | TRAFFIC FLOW |
| | UTILITY, DRAINAGE & STORMWATER EASEMENTS | | STOP SIGN |
| | CONCRETE | | |
| SL | STREET LIGHT, DUKE ENERGY PED SHOEBOX 6105 LUMENS, 50 WATTS, 20' HEIGHT | | |

SHEET # C4.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

OWNER N/F
LIVE OAK 1809 LLC
NCPIN 730612962791000
DB.1645 P.208
MB.31 P.794

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |

PHASE 1 - EROSION & SEDIMENTATION CONTROL PLAN

# THE TOWNS AT LIVE OAK

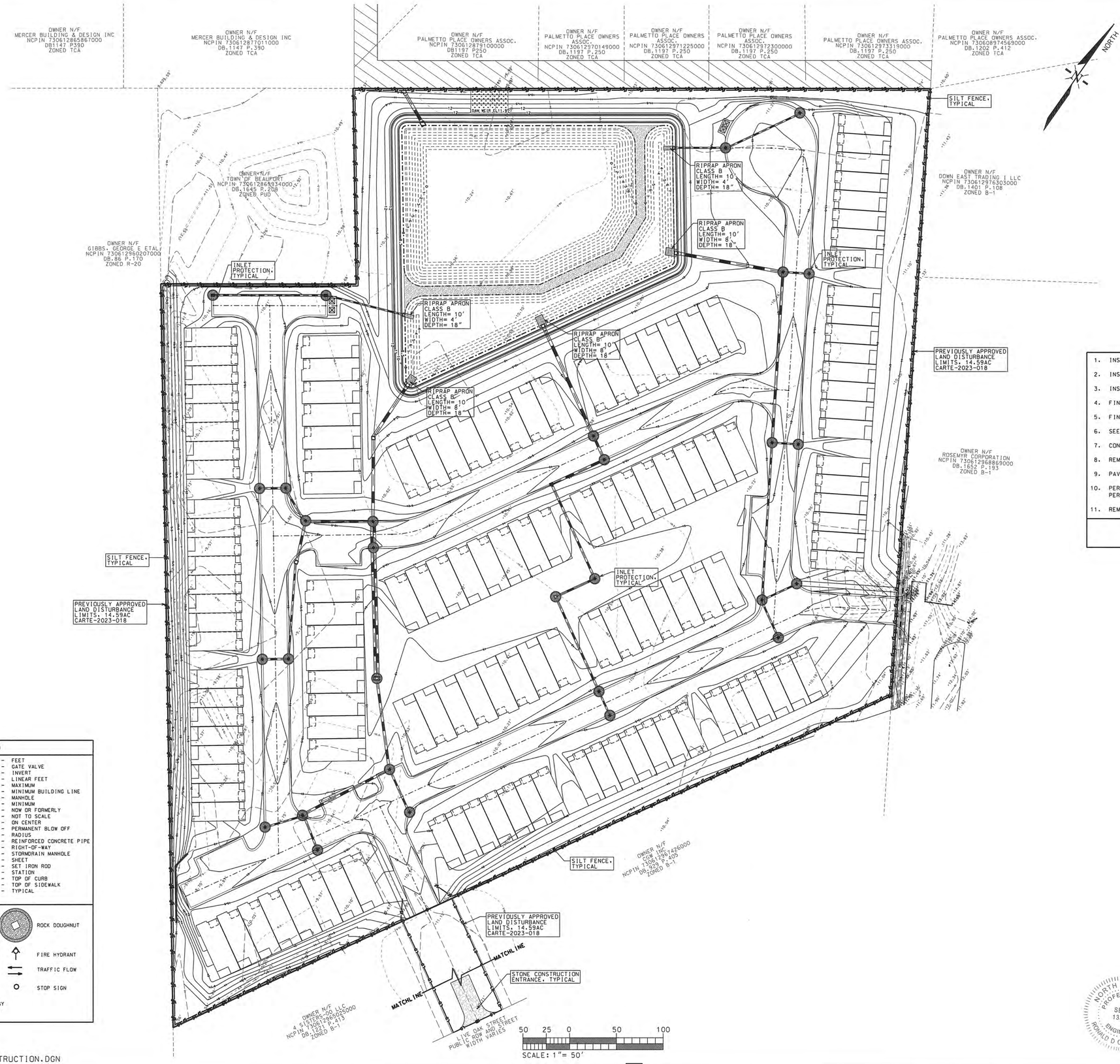
BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

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ADDRESS: 710 ARENDELL STREET, SUITE 201
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PHONE: 252-725-5375

DESIGNED: RDC/GYT
DRAWN: RDC/GYT
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SCALE: 1"= 50'

THE CULLIPHER GROUP, P.A.
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151A HIGHWAY 24
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(252) 773-0090 LICENSE NO. C-4482
RONALD D. CULLIPHER P.E. 4/24/24

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER




1. INSTALL GRAVITY SEWER.
2. INSTALL NETWORK OF STORM DRAIN PIPING AND INLETS INCLUDING INLET PROTECTION.
3. INSTALL OTHER UTILITIES. (WATER, SEWER FORCE MAIN, ELECTRIC, ETC.)
4. FINE GRADE SITE AND BUILDING PADS.
5. FINE GRADE DRIVES AND PARKING AREA. PLACE STONE BASE COURSE.
6. SEED AND MULCH ALL AREAS OF DISTURBANCE NOT TO BE PAVED WITHIN 7 DAYS OF LAND DISTURBANCE.
7. CONSTRUCT BUILDINGS.
8. REMOVE STONE CONSTRUCTION ENTRANCE.
9. PAVE DRIVES AND PARKING AREAS.
10. PERFORM FINAL GRADING, SEED AND MULCH ALL REMAINING DISTURBED AREAS. INSTALL ALL PLANTS PER LANDSCAPING AND POND VEGETATION PLANS.
11. REMOVE SILT FENCE AND REGRADE SEDIMENT BASIN TO PERMITTED DEPTHS.

## CONSTRUCTION SEQUENCE – PHASE 2

SEE SHEET C4.2 FOR DETAILS

## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| | | LF | LINEAR FEET |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | MAX | MAXIMUM |
| | | MBL | MINIMUM BUILDING LINE |
| BLDG | BUILDING | MH | MANHOLE |
| BRG | BEARING | MIN | MINIMUM |
| CB | CATCH BASIN | N/F | NOW OR FORMERLY |
| CF | CUBIC FEET | NTS | NOT TO SCALE |
| CL | CENTERLINE | O.C. | ON CENTER |
| DR | DRIVE | PBO | PERMANENT BLOW OFF |
| DI | DROP INLET | R | RADIUS |
| DIP | DUCTILE IRON PIPE | RCP | REINFORCED CONCRETE PIPE |
| EL | ELEVATION | R/W | RIGHT-OF-WAY |
| EIR | EX. IRON ROD | SDMH | STORMDRAIN MANHOLE |
| EOP | EDGE OF PAVEMENT | SH | SHEET |
| EX | EXISTING | SIR | SET IRON ROD |
| FE | FINISHED ELEVATION | STA | STATION |
| FES | FLARED END SECTION | TC | TOP OF CURB |
| FF | FINISHED FLOOR | TSW | TOP OF SIDEWALK |
| FH | FIRE HYDRANT | TYP | TYPICAL |
| FM | FORCEMAIN | | |

- SILT FENCE
- LANDSCAPE POND FENCE
- 10 — 9.5 — EXISTING CONTOURS
- 12 — PROPOSED CONTOURS
- PROPOSED WATERLINE
- PROPOSED SEWER FM
- LAND DISTURBANCE LIMITS
- DIVERSION DITCH
- UTILITY, DRAINAGE & STORMWATER EASEMENTS
- CONCRETE
- SL — STREET LIGHT, DUKE ENERGY PED SHOEBOX 6105 LUMENS, 50 WATTS, 20' HEIGHT
- ROCK DOUGHNUT
- FIRE HYDRANT
- TRAFFIC FLOW
- STOP SIGN

SHEET # C4.1
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

OWNER N/F
LIVE OAK 1809 LLC
NCPIN 7306129627910000
DB.1645 P.208
MB.31 P.794

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |

PHASE 2 – EROSION & SEDIMENTATION CONTROL PLAN

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

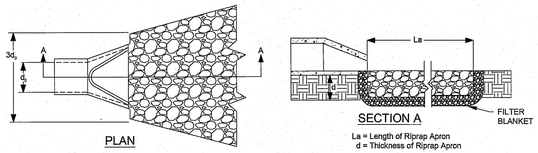
THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES
151A HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252) 773-0090 LICENSE NO. C-4482
RONALD D. CULLIPHER P.E.

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

DESIGNED: RDC/GYT
DRAWN: RDC/GYT
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24
SCALE: 1"= 50'

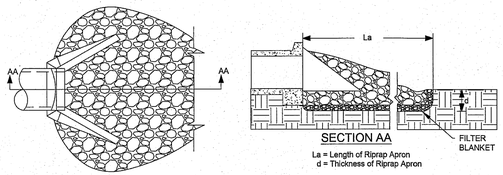
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## PIPE OUTLET TO FLAT AREA NO WELL-DEFINED CHANNEL




La = Length of Riprap Apron
d = Thickness of Riprap Apron

## PIPE OUTLET TO WELL-DEFINED CHANNEL




La = Length of Riprap Apron
d = Thickness of Riprap Apron

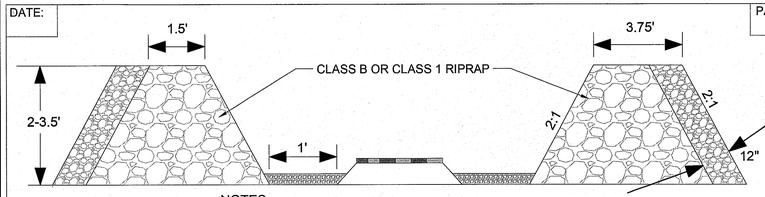
NOTES:
1. Compact any fill required in the subgrade to the density of the surrounding undisturbed material. Low areas in the subgrade on undisturbed soil may also be filled by increasing the riprap thickness.
2. The riprap and gravel filter must conform to the specified grading limits shown on the plans.
3. Filter cloth, when used, must meet design requirements, and be properly protected from punching or tearing during installation. Repair any damage by removing the riprap and placing another piece over the damaged area. If the damage is extensive, replace the entire filter cloth.
4. All connecting joints should overlap so the top layer is above the downstream layer a minimum of 1 foot.
5. The minimum thickness of the riprap should be 1.5 times the maximum stone diameter but not less than 6".
6. Riprap may be field stone or rough quarry stone. It should be hard, angular highly weather-resistant and well graded.
7. Construct the apron on zero grade with no overfill at the end. Make the top of the riprap at the downstream end level with the receiving area or slightly below it.
8. Ensure that the apron is properly aligned with the receiving stream and preferably straight throughout its length. If a curve is needed, place in the upper section of the apron.

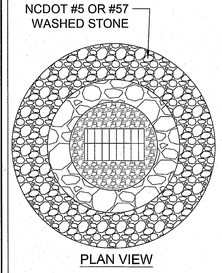
MAINTENANCE:
1. Inspect outlet structures at least weekly and after each rainfall of 1.0 inch or greater.
2. Check outlets for erosion around or below riprap and for if stones have been dislodged. Make repairs immediately to prevent further damage.

# OUTLET STABILIZATION STRUCTURE

Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

DATE: PAGE:



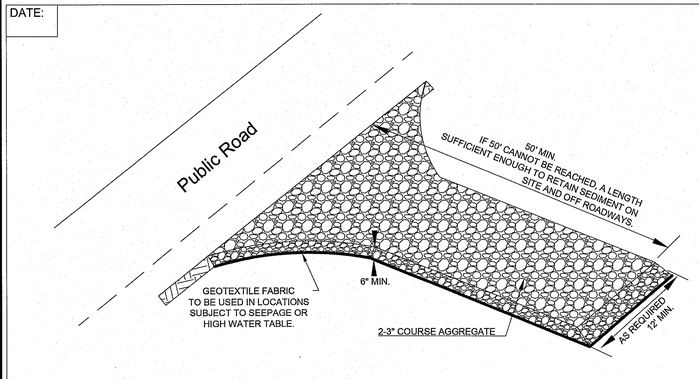

NOTES:
1. Clear the area of all debris that might hinder excavation and disposal of spoil.
2. Grade shallow depression uniformly towards the inlet with side slopes no greater than 2:1. Grade a 1-foot wide level area set 4 inches below the area adjacent to the inlet.
3. Install the Class B or Class 1 riprap in a circle around the inlet. The minimum crest width of the riprap should be 18 inches, with a minimum bottom width of 7.5 feet. The minimum height of the stone is 2 feet.
4. The outside face of the riprap is then lined with 12 inches of NC DOT #5 or #57 washed stone.

MAINTENANCE:
1. Inspect all measures at least weekly and after each rainfall of 1.0 inch or greater; make any repairs immediately.
2. Remove sediment form the sediment pool area when the volume is decreased by half. Stabilize excavated material appropriately.
3. Do not damage or undercut the structure during sediment removal. Remove debris and replace stone as needed. If inlet is covered with wire mesh, clean wire mesh free of debris.

# ROCK DOUGHNUT INLET PROTECTION

Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

DATE: PAGE:



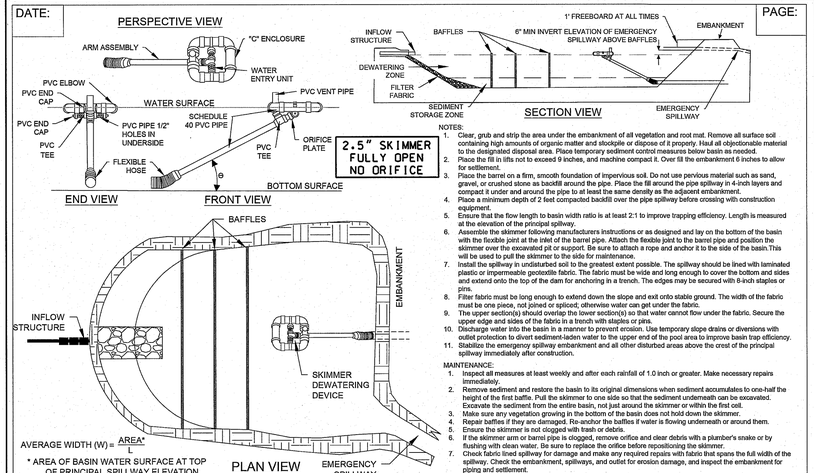

Construction:
1. Clear the entrance and exit area of all vegetation, roots, and other objectionable material and properly grade it.
2. Place the gravel to the specific grade and dimensions shown on the plans, and smooth it.
3. Provide drainage to carry water to a sediment trap or other suitable outlet.
4. Use geotexitile fabrics in order to improve stability of the foundation in locations subject to seepage or high water table.

Maintenance:
1. Inspect all measures at least weekly and after each rainfall of 1.0 inch or greater. Make any required repairs immediately.
2. Maintain the gravel pad in a condition to prevent mud or sediment from leaving the construction site. This may require periodic topdressing with 2-inch stone.
3. Sediment on roadways is to be removed immediately by broom and shovel, either by manual or mechanical means, and not to be washed off where it has the potential to enter a stream, drainage way or storm drain system.

# TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT

Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

DATE: PAGE:




NOTES:
1. Clear, grub and strip the area under the embankment of all vegetation and root mat. Remove all surface soil containing high amounts of organic matter and stockpile or dispose of it properly. Haul all objectionable material to the designated disposal area. Place temporary sediment control measures below basin as needed.
2. Place the fill in lifts not to exceed 9 inches, and machine compact it. Over fill the embankment 6 inches to allow for settlement.
3. Place the barrel on a firm, smooth foundation of impervious soil. Do not use pervious material such as sand, gravel, or crushed stone as backfill around the pipe. Place the fill around the pipe spillway in 4-inch layers and compact it under and around the pipe to at least the same density as the adjacent embankment.
4. Place a minimum depth of 2 feet compacted backfill over the pipe spillway before crossing with construction equipment.
5. Ensure that the flow length to basin width ratio is at least 2:1 to improve trapping efficiency. Length is measured at the elevation of the principal spillway.
6. Assemble the skimmer following manufacturers instructions or as designed and lay on the bottom of the basin with the flexible joint at the inlet of the barrel pipe. Attach the flexible joint to the barrel pipe and position the skimmer over the excavated pit or support. Be sure to attach a rope and anchor it to the side of the basin.This will be used to pull the skimmer to the side for maintenance.
7. Install the spillway in undisturbed soil to the greatest extent possible. The spillway should be lined with laminated plastic or impermeable geotextile fabric. This fabric must be wide and long enough to cover the bottom and sides and extend onto the top of the dam for anchoring in a trench. The edges may be secured with 8-inch staples or pins.
8. Filter fabric must be long enough to extend down the slope and exit onto stable ground. The width of the fabric must be one piece, not joined or spliced; otherwise water can get under the fabric.
9. The upper section(s) should overlap the lower section(s) so that water cannot flow under the fabric. Secure the upper edge and sides of the fabric in a trench with staples or pins.
10. Discharge water into the basin in a manner to prevent erosion. Use temporary slope drains or diversions with outlet protection to divert sediment-laden water to the upper end of the pool area to improve basin trap efficiency.
11. Stabilize the emergency spillway embankment and all other disturbed areas above the crest of the principal spillway immediately after construction.

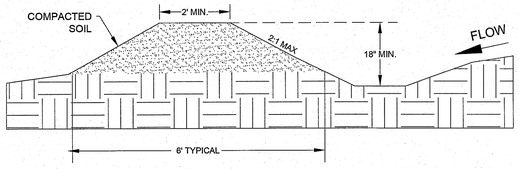
MAINTENANCE:
1. Inspect all measures at least weekly and after each rainfall of 1.0 inch or greater. Make necessary repairs immediately.
2. Remove sediment and restore the basin to its original dimensions when sediment accumulates to one-half the height of the first baffle. Pull the skimmer to one side so that the sediment underneath can be excavated. Excavate the sediment from the entire basin, not just around the skimmer or within the first cell.
3. Make sure any vegetation growing in the bottom of the basin does not hold down the skimmer.
4. Repair baffles if they are damaged. Re-anchor the baffles if water is flowing underneath or around them.
5. Ensure the skimmer is not clogged with trash or debris.
6. If the skimmer arm or barrel pipe is clogged, remove orifice and clear debris with a plumber's snake or by flushing with clean water. Be sure to replace the orifice before repositioning the skimmer.
7. Check fabric lined spillway for damage and make any required repairs with fabric that spans the full width of the spillway. Check the embankment, spillways, and outlet for erosion damage, and inspect the embankment for piping and settlement.

# SKIMMER SEDIMENT BASIN

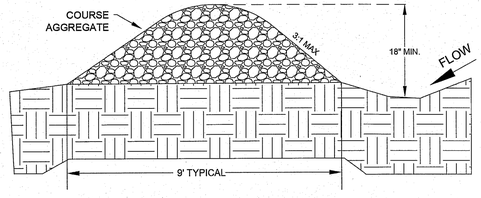
Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

DATE: PAGE:

## TEMPORARY EARTHEN DIVERSION DIKE




## TEMPORARY GRAVEL DIVERSION DIKE FOR VEHICLE CROSSING



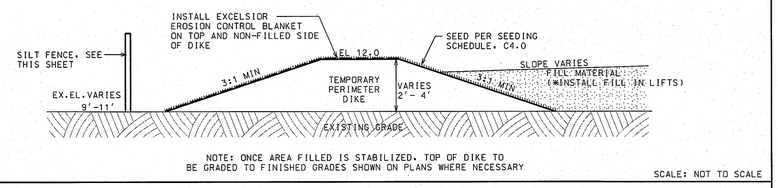

NOTES:
1. Remove and properly dispose of all tree, brush, stumps, and other objectionable material.
2. Temporary diversions are to only be used for drainage areas of 5 acres or less.
3. Ridges will have a 2 feet minimum top width, 2:1 or flatter side slopes and a minimum of 0.3 feet freeboard.
4. Channels will have a parabolic, trapezoidal, or V shape with side slopes of 2:1 or flatter.
5. Any point where vehicles will be crossing should have 3:1 or flatter side slopes.
6. Ensure the top of the dike is not lower at any point than the design elevation plus the specified settlement.
7. Provide sufficient room around diversions to permit machine re-grading and cleanout.
8. Vegetate the ridge immediately after construction unless it will remain in place less than 30 working days.

MAINTENANCE:
1. Inspect all measures at least weekly and after every rainfall of 1.0 inch or greater.
2. Make all repairs immediately.
3. Immediately remove any sediment from the flow area and repair the diversion ridge.
4. Check outlets and make timely repairs as needed.

2' MIN BOTTOM WIDTH

# TEMPORARY DIVERSIONS

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In accordance with the 2013 Design Manual Updates

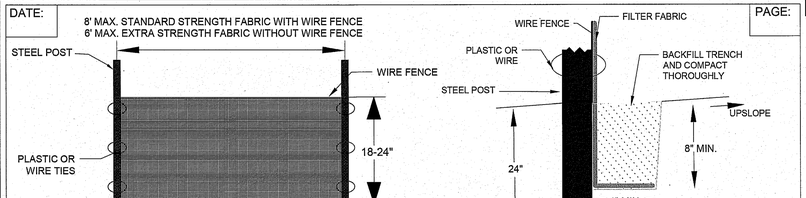


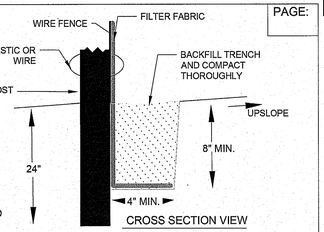

NOTE: ONCE AREA FILLED IS STABILIZED, TOP OF DIKE TO BE GRADED TO FINISHED GRADES SHOWN ON PLANS WHERE NECESSARY

SCALE: NOT TO SCALE

# TEMPORARY PERIMETER DIKE

DATE: PAGE:




Notes:
1. Construct the sediment barrier of standard strength or extra strength synthetic filter fabrics.
2. Ensure that the height of the sediment fence does not exceed 24 inches above the ground. (Higher fences may impound volumes of water sufficient to cause failure of the structure)
3. Construct the filter fabric from a continuous roll cut to the length of the barrier to avoid joints. When joints are necessary, securely fasten the filter cloth only at a support post with 4 feet minimum overlap to the next post.
4. Support standard strength filter fabric by wire mesh fastened securely to the upslope side of the posts. Extend the wire mesh support to the bottom of the trench. Fasten the wire reinforcement, then fabric on the upslope side of the fence post. Wire or plastic zip ties should have a minimum 50 pound tensile strength.
5. When a wire mesh support fence is used, space posts a maximum of 8 feet apart. Supports should be driven securely into the ground a minimum of 24 inches. Wire mesh should be a minimum 14-gauge with 6 inch mesh spacing.
6. Extra strength filter fabric with 6 foot post spacing does not require a wire mesh support fence. Securely fasten the filter fabric directly to posts. Wire or plastic zip ties should have a minimum of 50 pound tensile strength.
7. Excavate the trench approximately 4 inches wide and 8 inches deep along the proposed line of the posts and upslope from the barrier.
8. Place 12 inches of fabric along the bottom and side of the trench.
9. Backfill the trench with soil placed over the filter fabric and compact. Thorough compaction of the backfill is critical to silt fence performance.
10. Do not attach filter fabric to existing trees.
11. Do not place across ditches, streams, or any other areas of concentrated flow.

**Max. Slope Length and Slope for Which Sediment Fence is Applicable**

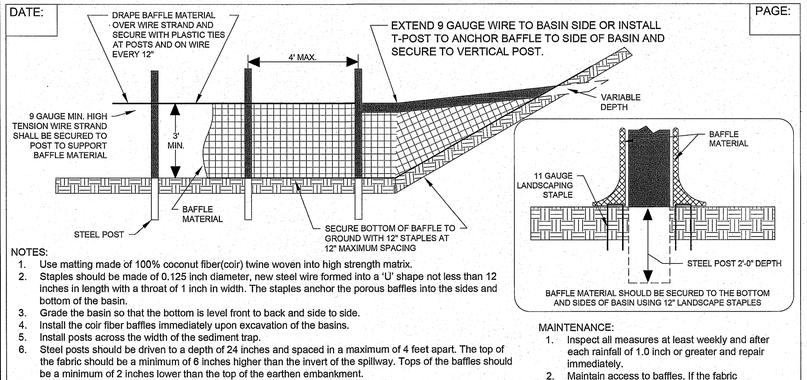
| Slope | Slope Length (ft) | Max. Area (ft²) |
|---|---|---|
| <2% | 100 | 10,000 |
| 2 to 5% | 75 | 7,500 |
| 5 to 10% | 50 | 5,000 |
| 10 to 20% | 25 | 2,500 |
| >20% | 15 | 1,500 |

Maintenance:
1. Inspect all measures at least weekly and after each rainfall of 1.0 inch or greater. Make any required repairs immediately.
2. Should the fabric of a sediment fence collapse, tear, decompose, or become ineffective, replace it promptly.
3. Remove sediment deposits as necessary to provide adequate storage volume for the next rain and reduce pressure on the fence. Take care to avoid undermining the fence during cleanouts.
4. Remove all fencing materials and unstable sediment deposits and bring the area to grade and stabilize it after the contributing drainage area has been properly stabilized.

# SEDIMENT FENCE

Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

DATE: PAGE:




NOTES:
1. Use matting made of 100% coconut fiber(coir) twine woven into high strength matrix.
2. Staples should be made of 0.125 inch diameter, new steel wire formed into a 'U' shape not less than 12 inches in length with a throat of 1 inch in width. The staples anchor the porous baffles into the sides and bottom of the basin.
3. Grade the basin so that the bottom is level front to back and side to side.
4. Install the coir fiber baffles immediately upon excavation of the basins.
5. Install posts across the width of the sediment trap.
6. Steel posts should be driven to a depth of 24 inches and spaced in a maximum of 4 feet apart. The top of the fabric should be a minimum of 6 inches higher than the invert of the spillway. Tops of the baffles should be a minimum of 2 inches lower than the top of the earthen embankment.
7. Install 3 coir fiber baffles in basins at drainage outlets with a spacing of 1/4 the basin length. 2 coir fiber baffles can be installed in the basins less than 20 feet in length with a spacing of 1/3 the basin length.
8. Attach a 9-gauge high tension wire strand to the steel posts at a height of 6 inches above the spillway elevation with plastic ties or wire fasteners to prevent sagging. If the temporary sediment basin will be converted to a permanent stormwater basin of a greater depth, the baffle height should be based on the pool depth during use as a temporary sediment basin.

MAINTENANCE:
1. Inspect all measures at least weekly and after each rainfall of 1.0 inch or greater and repair immediately.
2. Maintain access to baffles. If the fabric collapses, tears, decomposes, or becomes ineffective, replace immediately.
3. Remove sediment deposits when it reaches half full. Replace if baffle fabric is damaged during clean-out operations. Sediment depth should never exceed half the designed storage depth.

# POROUS BAFFLES

Effective Date: 9/1/2023
In accordance with the 2013 Design Manual Updates

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
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EROSION CONTROL DETAILS

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
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RONALD D. CULLIPHER P.E.


NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

DESIGNED: RDC/GYT
DRAWN: RDC/GYT
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24
SCALE: NOT TO SCALE

SHEET # C4.2
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

## GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT

Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections E and F, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.

## SECTION E: GROUND STABILIZATION

**Required Ground Stabilization Timeframes**

| Site Area Description | Stabilize within this many calendar days after ceasing land disturbance | Timeframe variations |
|---|---|---|
| (a) Perimeter dikes, swales, ditches, and perimeter slopes | 7 | None |
| (b) High Quality Water (HQW) Zones | 7 | None |
| (c) Slopes steeper than 3:1 | 7 | If slopes are 10' or less in length and are not steeper than 2:1, 14 days are allowed |
| (d) Slopes 3:1 to 4:1 | 14 | -7 days for slopes greater than 50' in length and with slopes steeper than 4:1<br>-7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones<br>-10 days for Falls Lake Watershed |
| (e) Areas with slopes flatter than 4:1 | 14 | -7 days for perimeter dikes, swales, ditches, perimeter slopes and HQW Zones<br>-10 days for Falls Lake Watershed unless there is zero slope |

**Note:** After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.

## GROUND STABILIZATION SPECIFICATION

Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:

| Temporary Stabilization | Permanent Stabilization |
|---|---|
| • Temporary grass seed covered with straw or other mulches and tackifiers<br>• Hydroseeding<br>• Rolled erosion control products with or without temporary grass seed<br>• Appropriately applied straw or other mulch<br>• Plastic sheeting | • Permanent grass seed covered with straw or other mulches and tackifiers<br>• Geotextile fabrics such as permanent soil reinforcement matting<br>• Hydroseeding<br>• Shrubs or other permanent plantings covered with mulch<br>• Uniform and evenly distributed ground cover sufficient to restrain erosion<br>• Structural methods such as concrete, asphalt or retaining walls<br>• Rolled erosion control products with grass seed |

## POLYACRYLAMIDES (PAMS) AND FLOCCULANTS

1. Select flocculants that are appropriate for the soils being exposed during construction, selecting from the *NC DWR List of Approved PAMS/Flocculants*.
2. Apply flocculants at or before the inlets to Erosion and Sediment Control Measures.
3. Apply flocculants at the concentrations specified in the *NC DWR List of Approved PAMS/Flocculants* and in accordance with the manufacturer's instructions.
4. Provide ponding area for containment of treated Stormwater before discharging offsite.
5. Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.

## EQUIPMENT AND VEHICLE MAINTENANCE

1. Maintain vehicles and equipment to prevent discharge of fluids.
2. Provide drip pans under any stored equipment.
3. Identify leaks and repair as soon as feasible, or remove leaking equipment from the project.
4. Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible).
5. Remove leaking vehicles and construction equipment from service until the problem has been corrected.
6. Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.

## LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE

1. Never bury or burn waste. Place litter and debris in approved waste containers.
2. Provide a sufficient number and size of waste containers (e.g dumpster, trash receptacle) on site to contain construction and domestic wastes.
3. Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
4. Locate waste containers on areas that do not receive substantial amounts of runoff 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 provide secondary containment. Repair or replace damaged waste containers.
6. Anchor all lightweight items in waste containers during times of high winds.
7. Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow.
8. Dispose waste off-site at an approved disposal facility.
9. On business days, clean up and dispose of waste in designated waste containers.

## PAINT AND OTHER LIQUID WASTE

1. Do not dump paint and other liquid waste into storm drains, streams or wetlands.
2. Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available.
3. Contain liquid wastes in a controlled area.
4. Containment must be labeled, sized and placed appropriately for the needs of site.
5. Prevent the discharge of soaps, solvents, detergents and other liquid wastes from construction sites.

## PORTABLE TOILETS

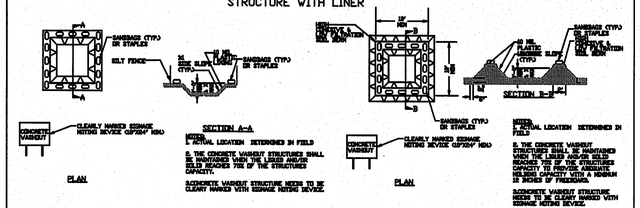
1. Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags.
2. Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas.
3. Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.

## EARTHEN STOCKPILE MANAGEMENT

1. Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available.
2. Protect stockpile with silt fence installed along toe of slope with a minimum offset of five feet from the toe of stockpile.
3. Provide stable stone access point when feasible.
4. Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.

NORTH CAROLINA *Environmental Quality*

ONSITE CONCRETE WASHOUT STRUCTURE WITH LINER




## CONCRETE WASHOUTS

1. Do not discharge concrete or cement slurry from the site.
2. Dispose of, or recycle settled, hardened concrete residue in accordance with local and state solid waste regulations and at an approved facility.
3. Manage washout from mortar mixers in accordance with the above item and in addition place the mixer and associated materials on impervious barrier and within lot perimeter silt fence.
4. Install temporary concrete washouts per local requirements, where applicable. If an alternate method or product is to be used, contact your approval authority for review and approval. If local standard details are not available, use one of the two types of temporary concrete washouts provided on this detail.
5. Do not use concrete washouts for dewatering or storing defective curb or sidewalk sections. Stormwater accumulated within the washout may not be pumped into or discharged to the storm drain system or receiving surface waters. Liquid waste must be pumped out and removed from project.
6. Locate washouts at least 50 feet from storm drain inlets and surface waters unless it can be shown that no other alternatives are reasonably available. At a minimum, install protection of storm drain inlet(s) closest to the washout which could receive spills or overflow.
7. Locate washouts in an easily accessible area, on level ground and install a stone entrance pad in front of the washout. Additional controls may be required by the approving authority.
8. Install at least one sign directing concrete trucks to the washout within the project limits. Post signage on the washout itself to identify this location.
9. Remove leavings from the washout when at approximately 75% capacity to limit overflow events. Replace the tarp, sand bags or other temporary structural components when no longer functional. When utilizing alternative or proprietary products, follow manufacturer's instructions.
10. At the completion of the concrete work, remove remaining leavings and dispose of in an approved disposal facility. Fill pit, if applicable, and stabilize any disturbance caused by removal of washout.

## HERBICIDES, PESTICIDES AND RODENTICIDES

1. Store and apply herbicides, pesticides and rodenticides in accordance with label restrictions.
2. Store herbicides, pesticides and rodenticides in their original containers with the label, which lists directions for use, ingredients and first aid steps in case of accidental poisoning.
3. Do not store herbicides, pesticides and rodenticides in areas where flooding is possible or where they may spill or leak into wells, stormwater drains, ground water or surface water. If a spill occurs, clean area immediately.
4. Do not stockpile these materials onsite.

## HAZARDOUS AND TOXIC WASTE

1. Create designated hazardous waste collection areas on-site.
2. Place hazardous waste containers under cover or in secondary containment.
3. Do not store hazardous chemicals, drums or bagged materials directly on the ground.

# NCG01 GROUND STABILIZATION AND MATERIALS HANDLING

EFFECTIVE: 04/01/19

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |

NCG01 GROUND STABILIZATION AND MATERIALS HANDLING

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375


THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES
151A HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252) 773-0090 LICENSE NO. C-4482


NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

4/24/24

DESIGNED: NCDEQ
DRAWN: NCDEQ
CHECKED: NCDEQ
APPROVED: NCDEQ
DATE: 4/24/24
SCALE: NOT TO SCALE

SHEET # C4.3
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

## 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.

| Inspect | Frequency (during normal business hours) | Inspection records must include: |
|---|---|---|
| (1) Rain gauge maintained in good working order | Daily | Daily rainfall amounts.<br>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 (anc 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 approved by the Division. |
| (2) E&SC Measures | At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours | 1. Identification of the measures inspected,<br>2. Date and time of the inspection,<br>3. Name of the person performing the inspection,<br>4. Indication of whether the measures were operating properly,<br>5. Description of maintenance needs for the measure,<br>6. Description, evidence, and date of corrective actions taken. |
| (3) Stormwater discharge outfalls (SDOs) | At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours | 1. Identification of the discharge outfalls inspected,<br>2. Date and time of the inspection,<br>3. Name of the person performing the inspection,<br>4. Evidence of indicators of stormwater pollution such as oil sheen, floating or suspended solids or discoloration,<br>5. Indication of visible sediment leaving the site,<br>6. Description, evidence, and date of corrective actions taken. |
| (4) Perimeter of site | At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours | If visible sedimentation is found outside site limits, then a record of the following shall be made:<br>1. Actions taken to clean up or stabilize the sediment that has left the site limits,<br>2. Description, evidence, and date of corrective actions taken, and<br>3. An explanation as to the actions taken to control future releases. |
| (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:<br>1. Description, evidence and date of corrective actions taken, and<br>2. Records of the required reports to the appropriate Division Regional Office per Part III, Section C, Item (2)(a) of this permit. |
| (6) Ground stabilization measures | After each phase of grading | 1. 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).<br>2. 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. |

NOTE: The rain inspection resets the required 7 calendar day inspection requirement.

## 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 kept on site and available for inspection at all times during normal business hours.

| Item to Document | Documentation Requirements |
|---|---|
| (a) Each E&SC measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC plan. | 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 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. |
| (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. |
| (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. |
| (d) The maintenance and repair requirements for all E&SC measures have been performed. | Complete, date and sign an inspection report. |
| (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. |

**2. Additional Documentation to be Kept on Site**

In addition to the E&SC plan documents above, the following items shall be kept on the site and available for inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:

(a) This General Permit as well as the Certificate of Coverage, after it is received.

(b) Records of inspections made during the previous twelve months. The permittee shall record the required observations on the Inspection Record Form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically-available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records.

**3. Documentation to be Retained for Three Years**

All data used to complete the e-NOI and all inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]

## PART III
## SELF-INSPECTION, RECORDKEEPING AND REPORTING

### SECTION C: REPORTING

**1. Occurrences that Must be Reported**

Permittees shall report the following occurrences:

(a) Visible sediment deposition in a stream or wetland.

(b) Oil spills if:
- They are 25 gallons or more,
- They are less than 25 gallons but cannot be cleaned up within 24 hours,
- They cause sheen on surface waters (regardless of volume), or
- They are within 100 feet of surface waters (regardless of volume).

(c) Releases of hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.3 and 40 CFR 117.3) or Section 102 of CERCLA (Ref: 40 CFR 302.4) or G.S. 143-215.85.

(d) Anticipated bypasses and unanticipated bypasses.

(e) Noncompliance with the conditions of this permit that may endanger health or the environment.

**2. Reporting Timeframes and Other Requirements**

After a permittee becomes aware of an occurrence that must be reported, he shall contact the appropriate Division regional office within the timeframes and in accordance with the other requirements listed below. Occurrences outside normal business hours may also be reported to the Department's Environmental Emergency Center personnel at (800) 858-0368.

| Occurrence | Reporting Timeframes (After Discovery) and Other Requirements |
|---|---|
| (a) Visible sediment deposition in a stream or wetland | • ***Within 24 hours***, an oral or electronic notification.<br>• ***Within 7 calendar days***, a report that contains a description of the sediment and actions taken to address the cause of the deposition. Division staff may waive the requirement for a written report on a case-by-case basis.<br>• If the stream is named on the NC 303(d) list as impaired for sediment-related causes, the permittee may be required to perform additional monitoring, inspections or apply more stringent practices if staff determine that additional requirements are needed to assure compliance with the federal or state impaired-waters conditions. |
| (b) Oil spills and release of hazardous substances per Item 1(b)-(c) above | • ***Within 24 hours***, an oral or electronic notification. The notification shall include information about the date, time, nature, volume and location of the spill or release. |
| (c) Anticipated bypasses [40 CFR 122.41(m)(3)] | • ***A report at least ten days before the date of the bypass, if possible.*** The report shall include an evaluation of the anticipated quality and effect of the bypass. |
| (d) Unanticipated bypasses [40 CFR 122.41(m)(3)] | • ***Within 24 hours***, an oral or electronic notification.<br>• ***Within 7 calendar days,*** a report that includes an evaluation of the quality and effect of the bypass. |
| (e) Noncompliance with the conditions of this permit that may endanger health or the environment[40 CFR 122.41(l)(7)] | • ***Within 24 hours***, an oral or electronic notification.<br>• ***Within 7 calendar days***, a report that contains a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time noncompliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. [40 CFR 122.41(l)(6).<br>• Division staff may waive the requirement for a written report on a case-by-case basis. |

## PART II, SECTION G, ITEM (4)
## DRAW DOWN OF SEDIMENT BASINS FOR MAINTENANCE OR CLOSE OUT

Sediment basins and traps that receive runoff from drainage areas of one acre or more shall use outlet structures that withdraw water from the surface when these devices need to be drawn down for maintenance or close out unless this is infeasible. The circumstances in which it is not feasible to withdraw water from the surface shall be rare (for example, times with extended cold weather). Non-surface withdrawals from sediment basins shall be allowed only when all of the following criteria have been met:

(a) The E&SC plan authority has been provided with documentation of the non-surface withdrawal and the specific time periods or conditions in which it will occur. The non-surface withdrawal shall not commence until the E&SC plan authority has approved these items,
(b) The non-surface withdrawal has been reported as an anticipated bypass in accordance with Part III, Section C, Item (2)(c) and (d) of this permit,
(c) Dewatering discharges are treated with controls to minimize discharges of pollutants from stormwater that is removed from the sediment basin. Examples of appropriate controls include properly sited, designed and maintained dewatering tanks, weir tanks, and filtration systems,
(d) Vegetated, upland areas of the sites or a properly designed stone pad is used to the extent feasible at the outlet of the dewatering treatment devices described in Item (c) above,
(e) Velocity dissipation devices such as check dams, sediment traps, and riprap are provided at the discharge points of all dewatering devices, and
(f) Sediment removed from the dewatering treatment devices described in Item (c) above is disposed of in a manner that does not cause deposition of sediment into waters of the United States.

NORTH CAROLINA *Environmental Quality*

# NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

EFFECTIVE: 04/01/19

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

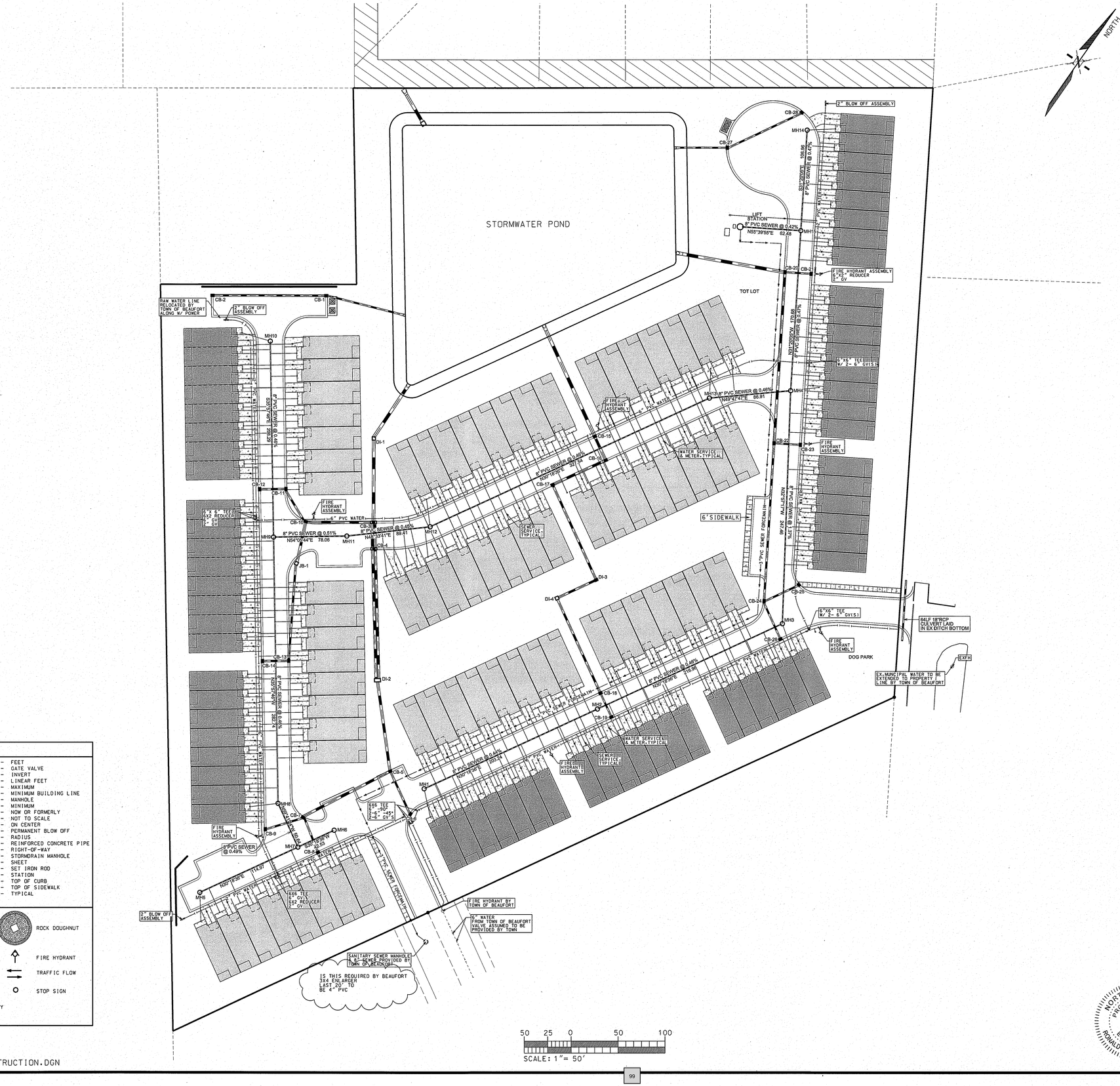
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151A HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252) 773-0090 LICENSE NO. C-4482

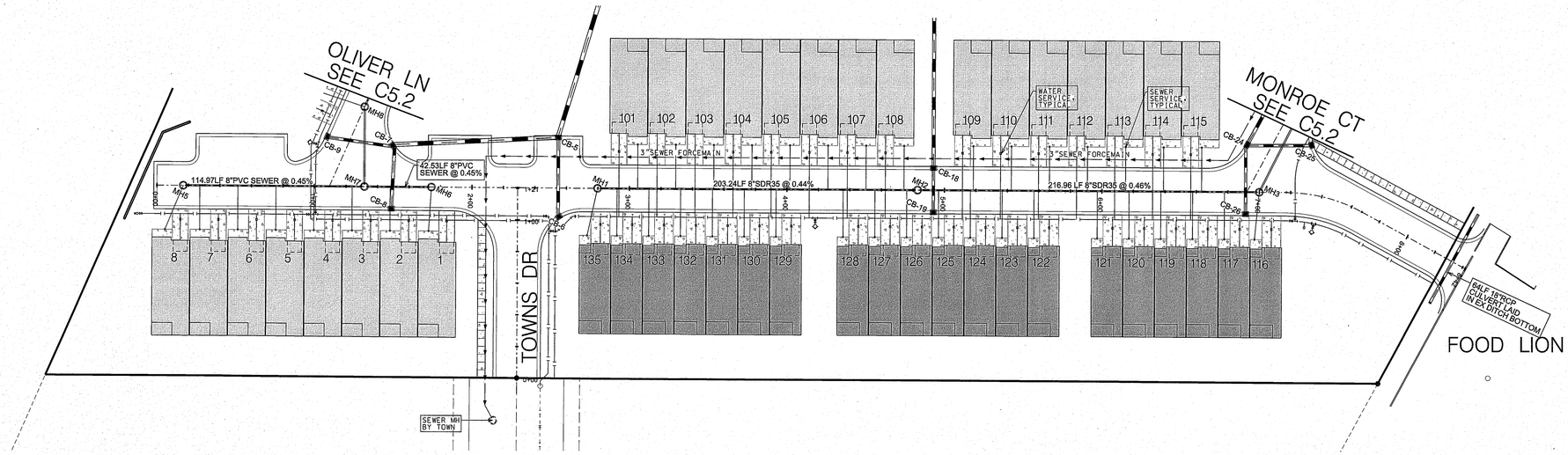
NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

Ronald D Cullipher 4/29/24

DESIGNED: NCDEQ
DRAWN: NCDEQ
CHECKED: NCDEQ
APPROVED: NCDEQ
DATE: 4/24/24
SCALE: NOT TO SCALE

SHEET # C4.4
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN


NORTH
STORMWATER POND
TOT LOT
6'SIDEWALK
DOG PARK
RAW WATER LINE RELOCATED BY TOWN OF BEAUFORT ALONG W/ POWER
2" BLOW OFF ASSEMBLY
FIRE HYDRANT ASSEMBLY
WATER SERVICE & METER-TYPICAL
SEWER SERVICE-TYPICAL
8" PVC SEWER @ 0.45%
8" PVC WATER
6"X6" TEE W/ 2- 6" GV(S)
6"X6" TEE W/ 6" GV
6"X6" TEE W/ 45° & 2-6" GV'S
6"X6"X2" TEE W/ 6" GV & 2" GV
6"X6"X2" TEE W/ 45° & 6" GV & 2" GV
6"X6" TEE W/ 2- 6" GV(S) & 45°
6"X6" TEE W/ 6" GV & 45°
6"X6"X2" TEE W/ 6" GV & 2" GV
6"X6"X2" TEE W/ 45° & 6" GV & 2" GV
6"X6"X2" TEE W/ 45° & 2-6" GV'S




PLAN VIEW – CLINE WAY

NORTH

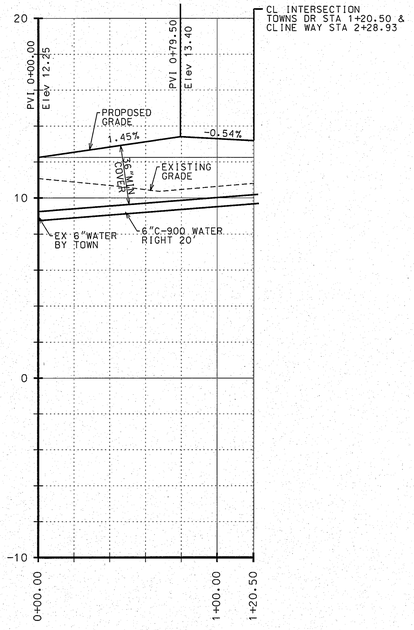
## LEGEND

| | | | |
|---|---|---|---|
| A | ARC LENGTH | FT | FEET |
| AC | ACRE | GV | GATE VALVE |
| ABC | AGGREGATE BASE COURSE | INV | INVERT |
| BCSC | BITUMINOUS CONCRETE SURFACE COURSE | LF | LINEAR FEET |
| BLDG | BUILDING | MAX | MAXIMUM |
| BRG | BEARING | MBL | MINIMUM BUILDING LINE |
| CB | CATCH BASIN | MH | MANHOLE |
| CF | CUBIC FEET | MIN | MINIMUM |
| CL | CENTERLINE | N/F | NOW OR FORMERLY |
| DR | DRIVE | NTS | NOT TO SCALE |
| DI | DROP INLET | O.C. | ON CENTER |
| DIP | DUCTILE IRON PIPE | PBO | PERMANENT BLOW OFF |
| EL | ELEVATION | R | RADIUS |
| EIR | EX. IRON ROD | RCP | REINFORCED CONCRETE PIPE |
| EOP | EDGE OF PAVEMENT | R/W | RIGHT-OF-WAY |
| EX | EXISTING | SDMH | STORMDRAIN MANHOLE |
| FE | FINISHED ELEVATION | SH | SHEET |
| FES | FLARED END SECTION | SIR | SET IRON ROD |
| FF | FINISHED FLOOR | STA | STATION |
| FH | FIRE HYDRANT | TC | TOP OF CURB |
| FM | FORCEMAIN | TSW | TOP OF SIDEWALK |
| | | TYP | TYPICAL |

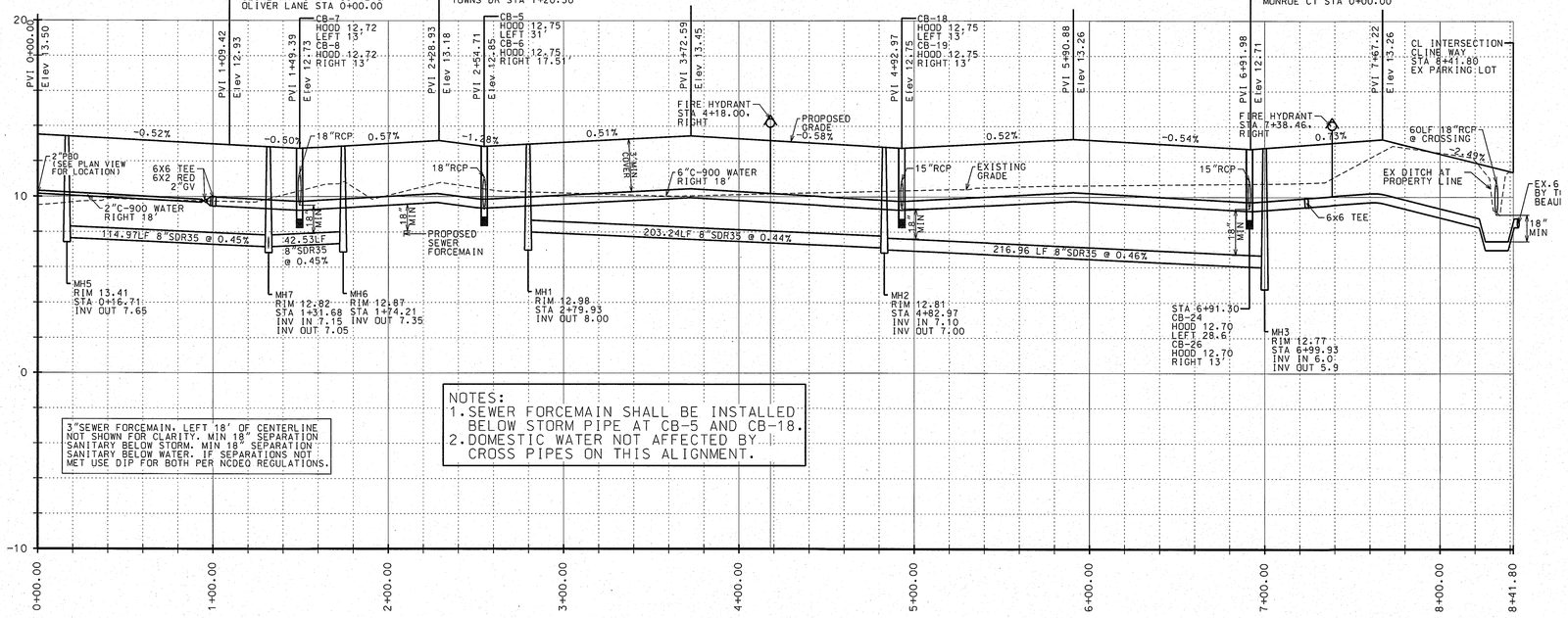
SILT FENCE
LANDSCAPE POND FENCE
EXISTING CONTOURS
PROPOSED CONTOURS
PROPOSED WATERLINE
PROPOSED SEWER FM
LAND DISTURBANCE LIMITS
DIVERSION DITCH
UTILITY, DRAINAGE & STORMWATER EASEMENTS
CONCRETE
STREET LIGHT: DUKE ENERGY PED SHOEBOX 6105 LUMENS, 50 WATTS, 20' HEIGHT

ROCK DOUGHNUT
FIRE HYDRANT
TRAFFIC FLOW
STOP SIGN

SCALE: H: 1"= 40'
V: 1"= 4'




PROFILE VIEW – TOWNS DRIVE




NOTES:
1. SEWER FORCEMAIN SHALL BE INSTALLED BELOW STORM PIPE AT CB-5 AND CB-18.
2. DOMESTIC WATER NOT AFFECTED BY CROSS PIPES ON THIS ALIGNMENT.

3"SEWER FORCEMAIN, LEFT 18' OF CENTERLINE NOT SHOWN FOR CLARITY. MIN 18" SEPARATION SANITARY BELOW STORM. MIN 18" SEPARATION SANITARY BELOW WATER. IF SEPARATIONS NOT MET USE DIP FOR BOTH PER NCDEQ REGULATIONS.

PROFILE VIEW – CLINE WAY

SHEET # C5.1
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN



| REVISIONS: | | | |
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| No. | BY | DATE | DESCRIPTION |
| 1 | | | |
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DESIGNED: RDC/GYT
DRAWN: RDC/GYT
SCALE: AS NOTED
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

PLAN & PROFILE –

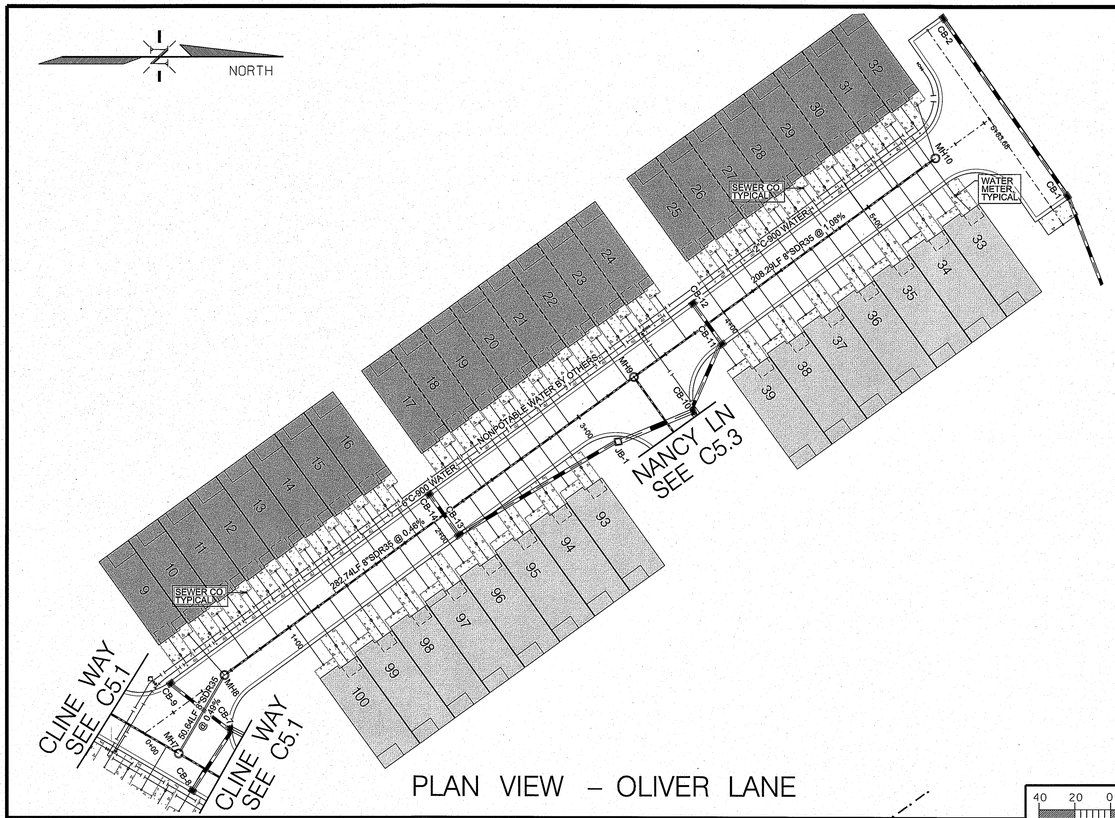
# THE TOWNS AT LIVE OAK

BEAUFORT TWSP., CARTERET CO., NORTH CAROLINA

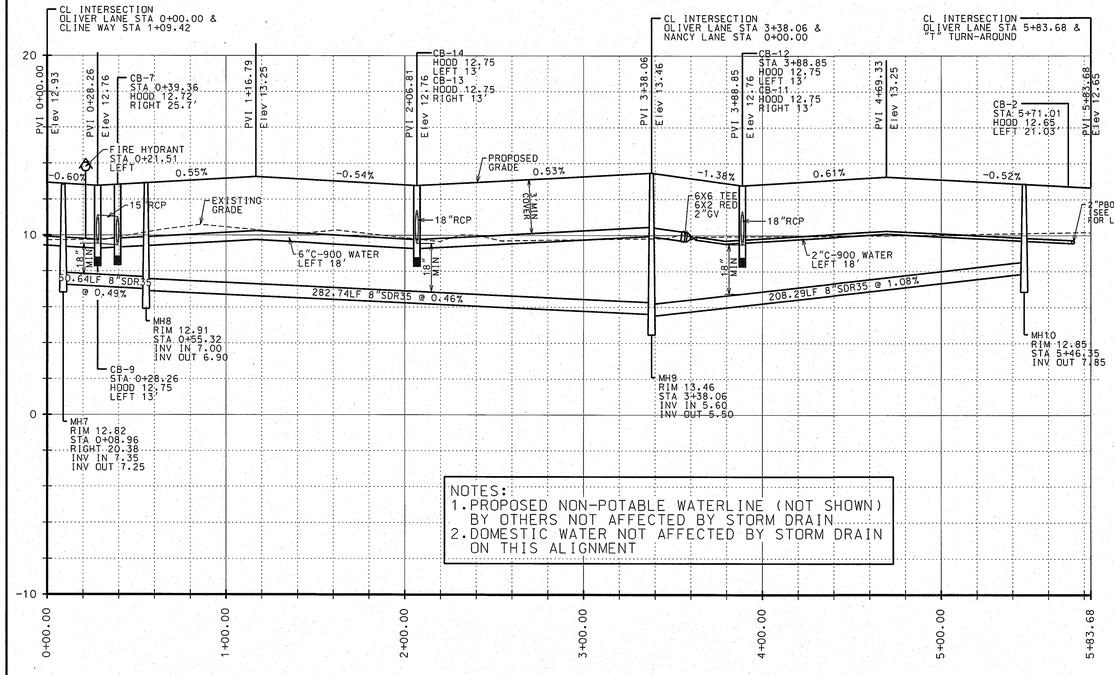
THE CULLIPHER GROUP P.A.
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MOREHEAD CITY, N.C. 28557
(252) 773-0090
LICENSE NO. C-4482
RONALD D. CULLIPHER P.E.

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D. CULLIPHER

SHEET No.: C5.1




PLAN VIEW – OLIVER LANE

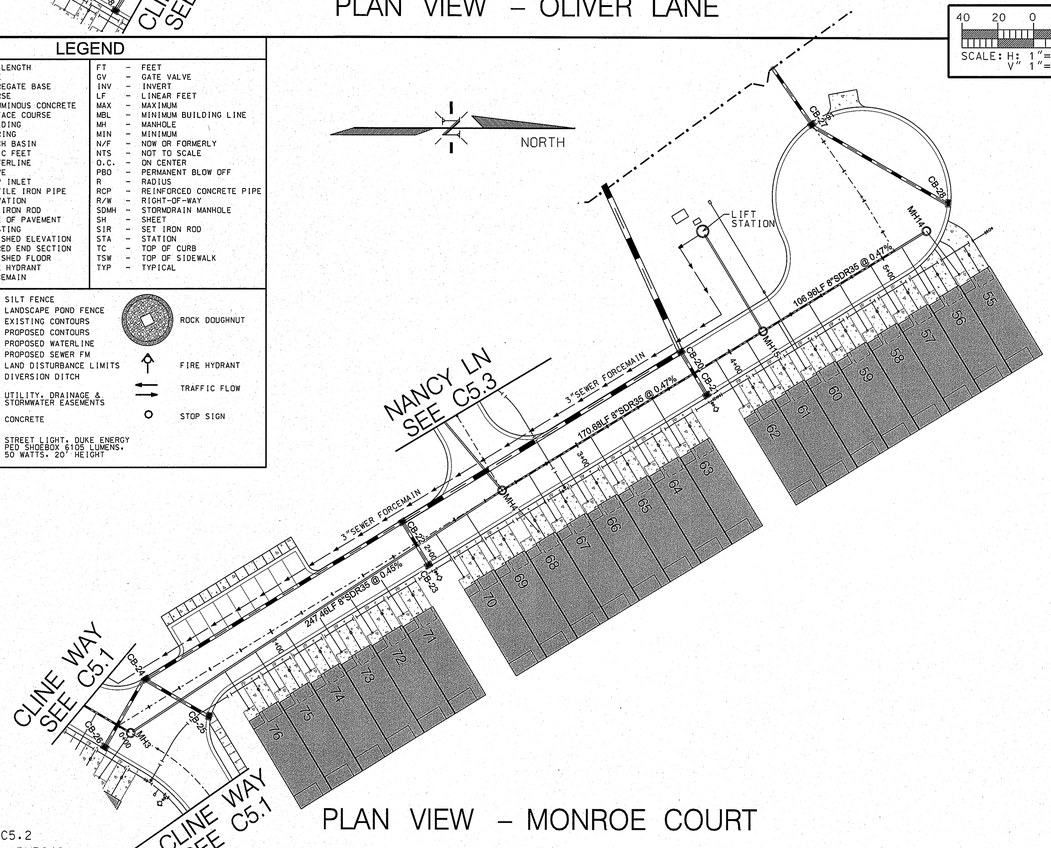



PROFILE VIEW – OLIVER LANE

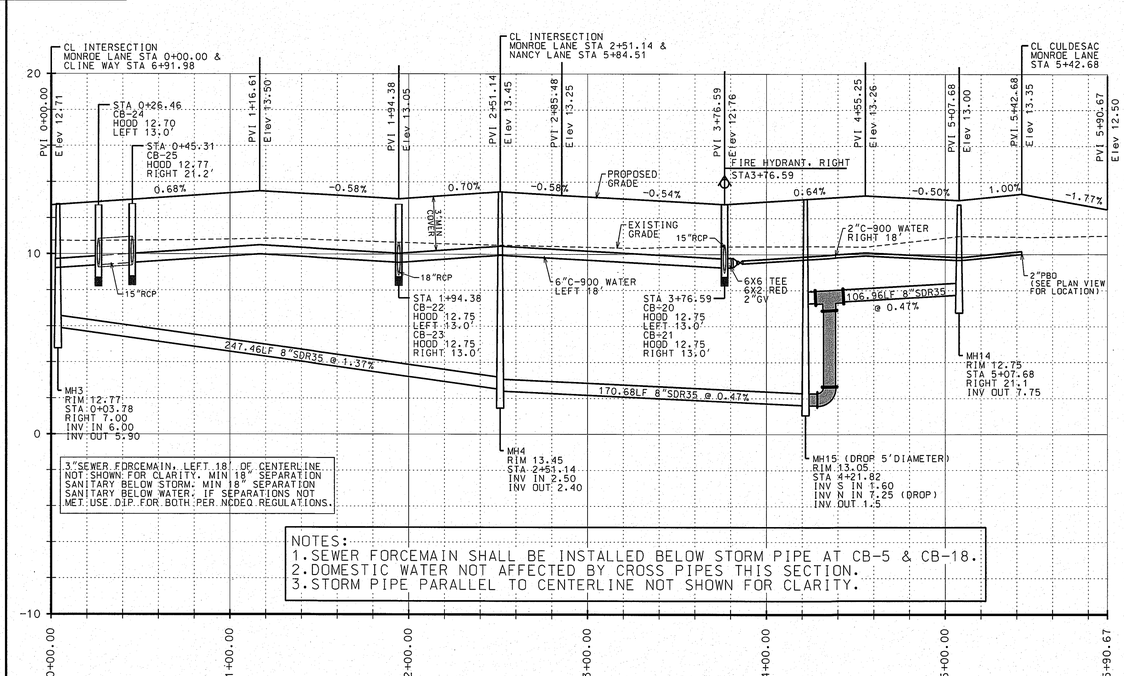
## LEGEND

| | | | | | |
|---|---|---|---|---|---|
| A | – | ARC LENGTH | FT | – | FEET |
| AC | – | ACRE | GV | – | GATE VALVE |
| ABC | – | AGGREGATE BASE COURSE | INV | – | INVERT |
| | | | LF | – | LINEAR FEET |
| BCSC | – | BITUMINOUS CONCRETE SURFACE COURSE | MAX | – | MAXIMUM |
| | | | MBL | – | MINIMUM BUILDING LINE |
| BLDG | – | BUILDING | MH | – | MANHOLE |
| BRG | – | BEARING | MIN | – | MINIMUM |
| CB | – | CATCH BASIN | N/F | – | NOW OR FORMERLY |
| CF | – | CUBIC FEET | NTS | – | NOT TO SCALE |
| CL | – | CENTERLINE | O.C. | – | ON CENTER |
| DR | – | DRIVE | PBO | – | PERMANENT BLOW OFF |
| DI | – | DROP INLET | R | – | RADIUS |
| DIP | – | DUCTILE IRON PIPE | RCP | – | REINFORCED CONCRETE PIPE |
| EL | – | ELEVATION | R/W | – | RIGHT-OF-WAY |
| EIR | – | EX. IRON ROD | SDMH | – | STORMDRAIN MANHOLE |
| EOP | – | EDGE OF PAVEMENT | SH | – | SHEET |
| EX | – | EXISTING | SIR | – | SET IRON ROD |
| FE | – | FINISHED ELEVATION | STA | – | STATION |
| FES | – | FLARED END SECTION | TC | – | TOP OF CURB |
| FF | – | FINISHED FLOOR | TSW | – | TOP OF SIDEWALK |
| FH | – | FIRE HYDRANT | TYP | – | TYPICAL |
| FM | – | FORCEMAIN | | | |

SILT FENCE
LANDSCAPE POND FENCE
10 — 9.5 EXISTING CONTOURS
12 PROPOSED CONTOURS
PROPOSED WATERLINE
PROPOSED SEWER FM
LAND DISTURBANCE LIMITS
DIVERSION DITCH
UTILITY, DRAINAGE & STORMWATER EASEMENTS
CONCRETE
SL STREET LIGHT, DUKE ENERGY PED SHOEBOX 6105 LUMENS. 50 WATTS. 20' HEIGHT
ROCK DOUGHNUT
FIRE HYDRANT
TRAFFIC FLOW
STOP SIGN




PLAN VIEW – MONROE COURT




PROFILE VIEW – MONROE COURT

40 20 0 40 80
SCALE: H: 1"= 40'
V" 1"= 4'

SHEET # C5.2
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

| REVISIONS: | | | |
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| NO. | BY | DATE | DESCRIPTION |
| 1 | | | |
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DESIGNED: RDC/GYT CHECKED: RDC
DRAWN: RDC/GYT APPROVED: RDC
SCALE: AS NOTED DATE: 4/24/24

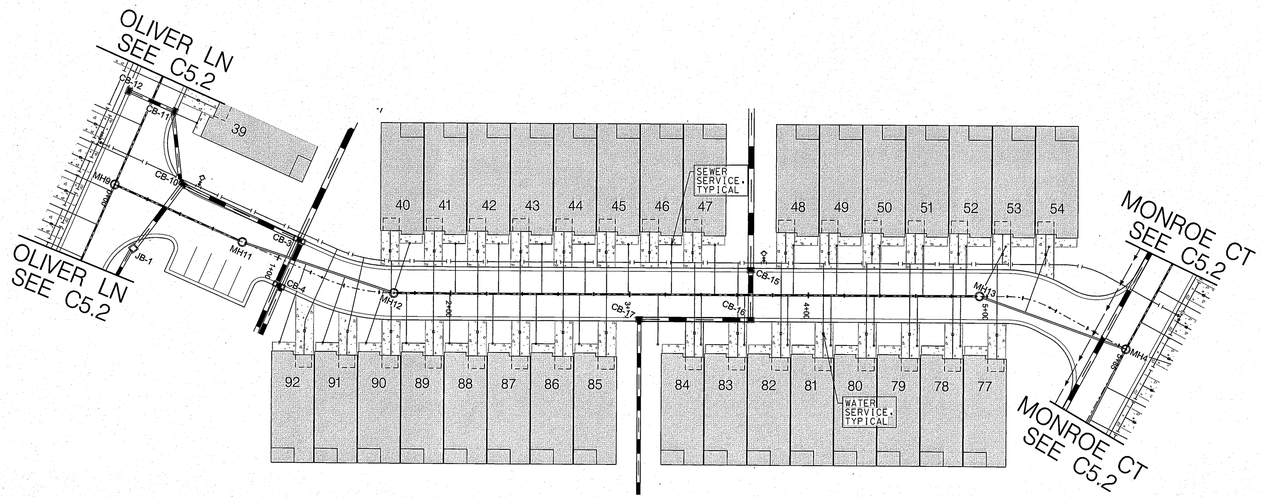
CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET
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MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

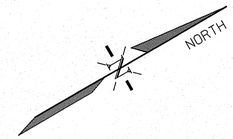
PLAN & PROFILE –
# THE TOWNS AT LIVE OAK
BEAUFORT TWSP. CARTERET CO. NORTH CAROLINA

THE CULLIPHER GROUP P.A.
ENGINEERING & SURVEYING SERVICES
1411 BRIDGES STREET
MOREHEAD CITY, N.C. 28557
(252) 773-0090 LICENSE NO. C-4482
RONALD D.CULLIPHER P.E.

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 13343 RONALD D CULLIPHER

SHEET No.: C5.2



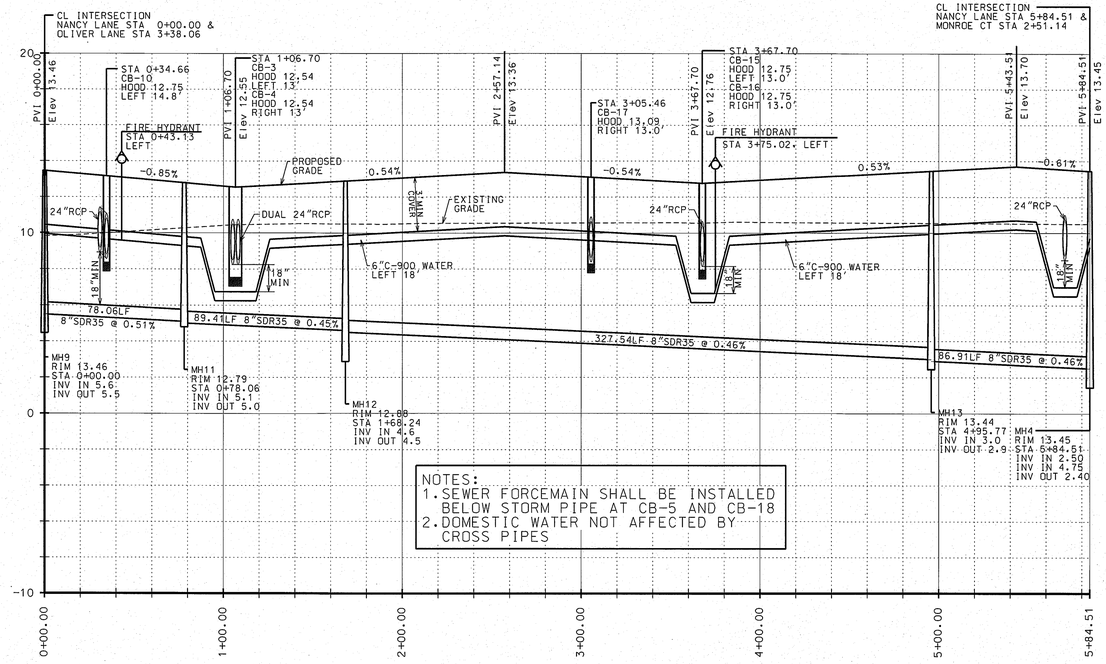

## LEGEND

| | | | | | |
|---|---|---|---|---|---|
| A | – | ARC LENGTH | FT | – | FEET |
| AC | – | ACRE | GV | – | GATE VALVE |
| ABC | – | AGGREGATE BASE COURSE | INV | – | INVERT |
| | | | LF | – | LINEAR FEET |
| BCSC | – | BITUMINOUS CONCRETE SURFACE COURSE | MAX | – | MAXIMUM |
| | | | MBL | – | MINIMUM BUILDING LINE |
| BLDG | – | BUILDING | MH | – | MANHOLE |
| BRG | – | BEARING | MIN | – | MINIMUM |
| CB | – | CATCH BASIN | N/F | – | NOW OR FORMERLY |
| CF | – | CUBIC FEET | NTS | – | NOT TO SCALE |
| CL | – | CENTERLINE | O.C. | – | ON CENTER |
| DR | – | DRIVE | PBO | – | PERMANENT BLOW OFF |
| DI | – | DROP INLET | R | – | RADIUS |
| DIP | – | DUCTILE IRON PIPE | RCP | – | REINFORCED CONCRETE PIPE |
| EL | – | ELEVATION | R/W | – | RIGHT-OF-WAY |
| EIR | – | EX. IRON ROD | SDMH | – | STORMDRAIN MANHOLE |
| EOP | – | EDGE OF PAVEMENT | SH | – | SHEET |
| EX | – | EXISTING | SIR | – | SET IRON ROD |
| FE | – | FINISHED ELEVATION | STA | – | STATION |
| FES | – | FLARED END SECTION | TC | – | TOP OF CURB |
| FF | – | FINISHED FLOOR | TSW | – | TOP OF SIDEWALK |
| FH | – | FIRE HYDRANT | TYP | – | TYPICAL |
| FM | – | FORCEMAIN | | | |

SILT FENCE
LANDSCAPE POND FENCE
EXISTING CONTOURS
PROPOSED CONTOURS
PROPOSED WATERLINE
PROPOSED SEWER FM
LAND DISTURBANCE LIMITS
DIVERSION DITCH
UTILITY, DRAINAGE & STORMWATER EASEMENTS
CONCRETE
STREET LIGHT. DUKE ENERGY PED SHOEBOX 6105 LUMENS. 50 WATTS. 20' HEIGHT
ROCK DOUGHNUT
FIRE HYDRANT
TRAFFIC FLOW
STOP SIGN

# PLAN VIEW – NANCY LANE

SCALE: H; 1"= 40'
V" 1"= 4'




# PROFILE VIEW – NANCY LANE

SHEET # C5.3
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN



| REVISIONS: | | | |
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DESIGNED: RDC/GYT | CHECKED: RDC
DRAWN: RDC/GYT | APPROVED: RDC
SCALE: AS NOTED | DATE: 4/24/24

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET SUITE 201 MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

PLAN & PROFILE –

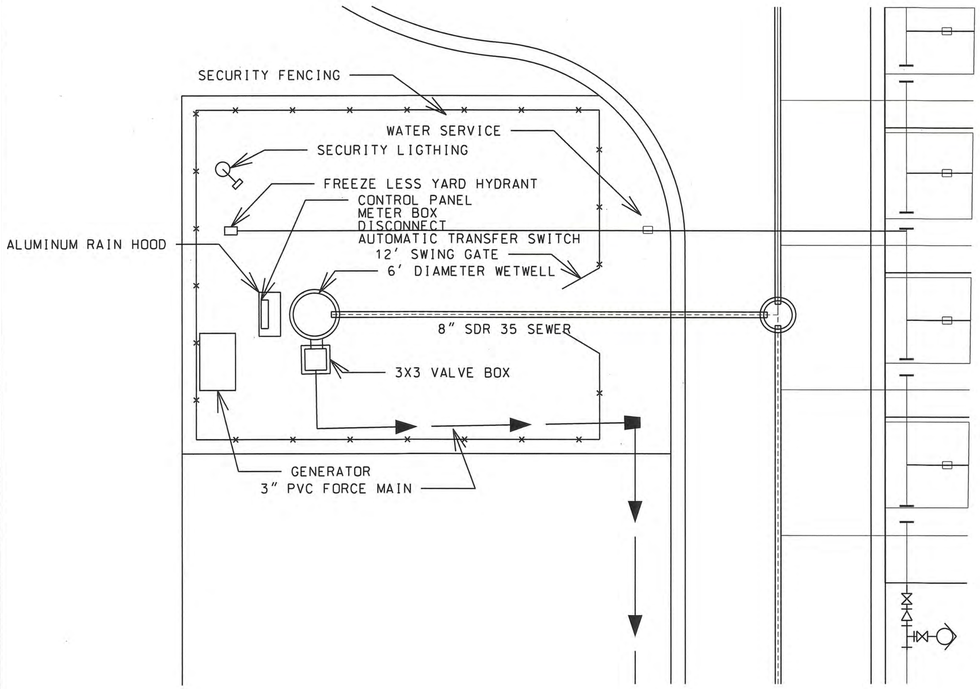
# THE TOWNS AT LIVE OAK

BEAUFORT TWSP. • CARTERET CO. NORTH CAROLINA

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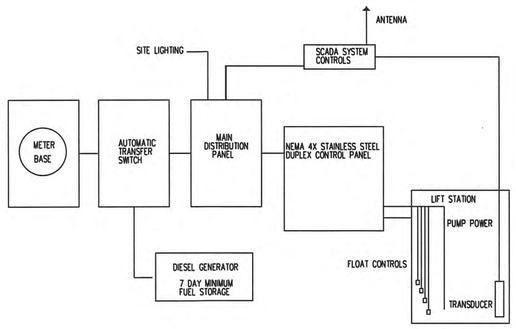
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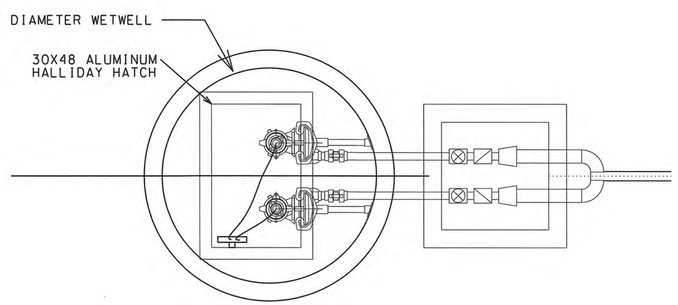

# ENLARGED LIFT STATION SITE PLAN

10 5 0 10 20

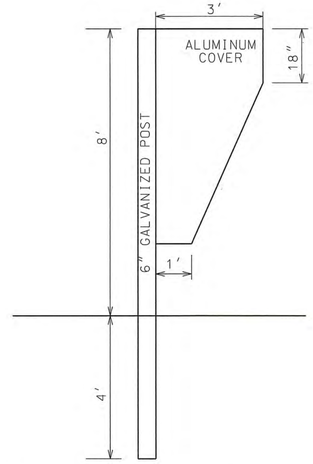
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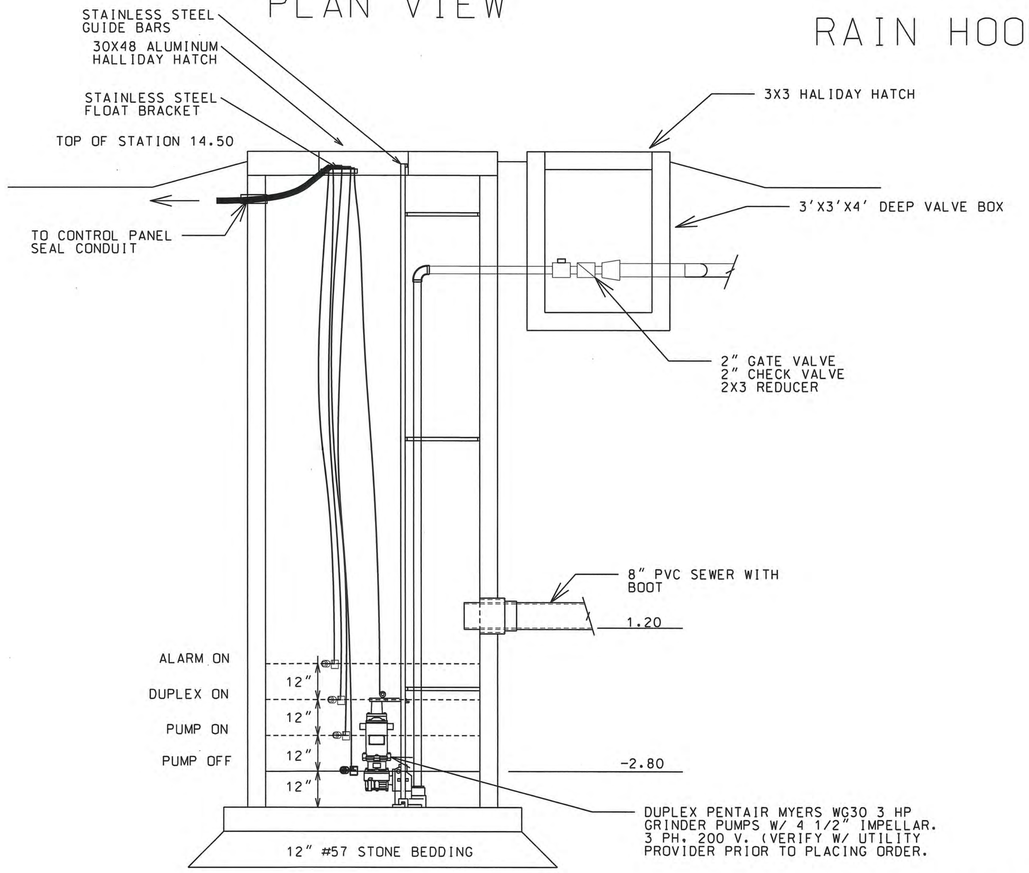

ELECTRICAL SCHEMATIC




PLAN VIEW




RAIN HOOD DETAIL




ELEVATION VIEW

# ENLARGED LIFT STATION DETAIL

1 0.5 0 1 2

SCALE:1"=1'0"

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
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WASTEWATER DUPLEX LIFT STATION- SITE PLAN & DETAIL

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

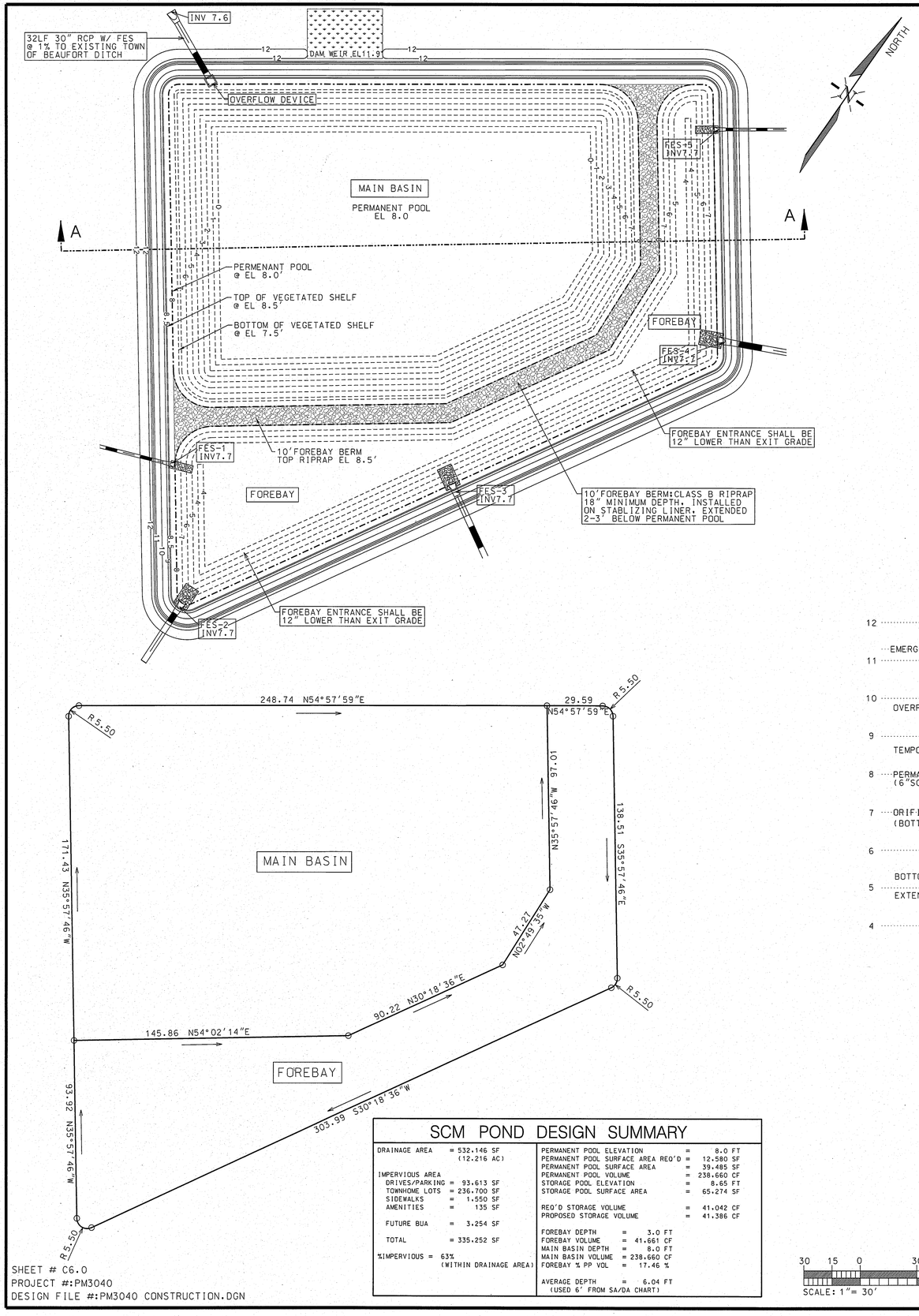
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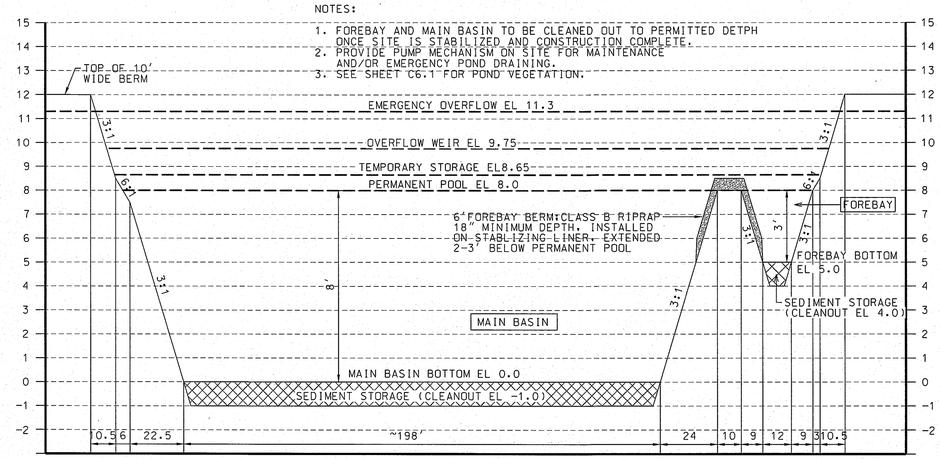
DESIGNED: RDC
DRAWN: RDC
CHECKED: RDC
APPROVED: RDC
DATE: 4/24/24
SCALE: AS NOTED

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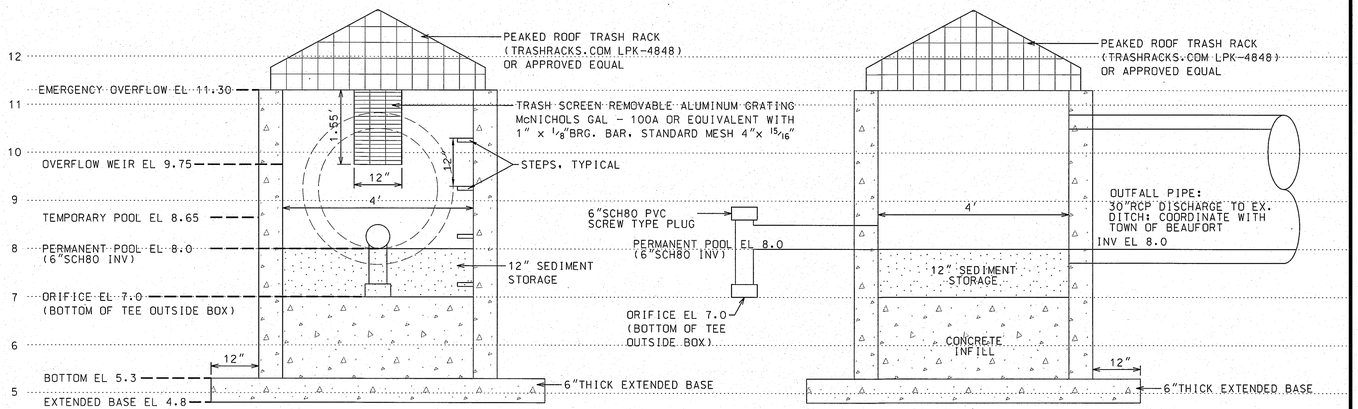
SHEET # C5.4
PROJECT #:PM3040-1
DESIGN FILE #:LIFT STATION SHEET. DGN




## POND X-SECTION A-A

SCALE:
V: 1"= 3'
H: 1"= 30'




## OVERFLOW DEVICE

SCALE: NOT TO SCALE

## SCM POND DESIGN SUMMARY

| | | | |
|---|---|---|---|
| DRAINAGE AREA | = 532.146 SF (12.216 AC) | PERMANENT POOL ELEVATION | = 8.0 FT |
| | | PERMANENT POOL SURFACE AREA REQ'D | = 12.580 SF |
| IMPERVIOUS AREA | | PERMANENT POOL SURFACE AREA | = 39.485 SF |
| DRIVES/PARKING | = 93.613 SF | PERMANENT POOL VOLUME | = 238.660 CF |
| TOWNHOME LOTS | = 236.700 SF | STORAGE POOL ELEVATION | = 8.65 FT |
| SIDEWALKS | = 1.550 SF | STORAGE POOL SURFACE AREA | = 65.274 SF |
| AMENITIES | = 135 SF | | |
| | | REQ'D STORAGE VOLUME | = 41.042 CF |
| FUTURE BUA | = 3.254 SF | PROPOSED STORAGE VOLUME | = 41.386 CF |
| TOTAL | = 335.252 SF | FOREBAY DEPTH | = 3.0 FT |
| | | FOREBAY VOLUME | = 41.661 CF |
| %IMPERVIOUS = 63% (WITHIN DRAINAGE AREA) | | MAIN BASIN DEPTH | = 8.0 FT |
| | | MAIN BASIN VOLUME | = 238.660 CF |
| | | FOREBAY % PP VOL | = 17.46 % |
| | | AVERAGE DEPTH | = 6.04 FT (USED 6' FROM SA/DA CHART) |

30 15 0 30 60
SCALE: 1"= 30'

SHEET # C6.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

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POND PLAN

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

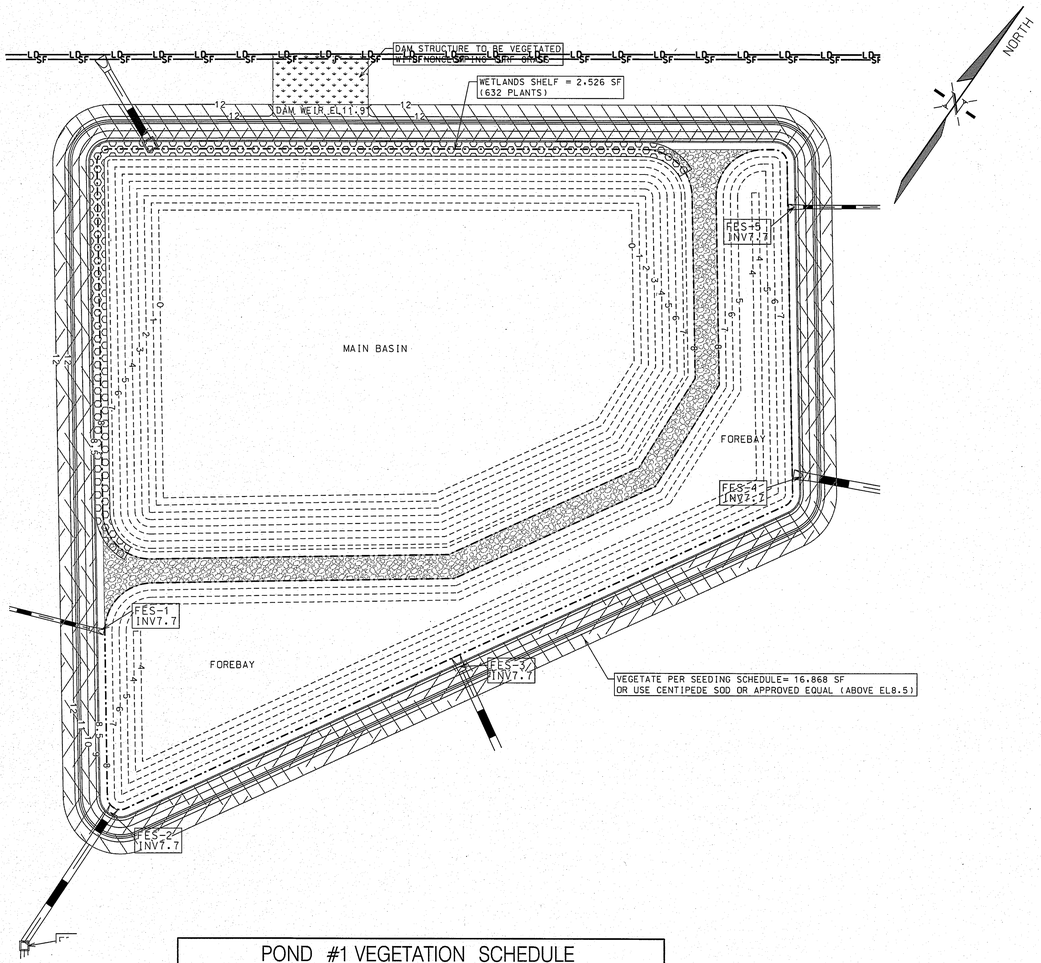
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NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

4/24/24

| | |
|---|---|
| DESIGNED: | RDC/GYT |
| DRAWN: | RDC/GYT |
| CHECKED: | RDC |
| APPROVED: | RDC |
| DATE: | 4/24/24 |
| SCALE: | 1"= 30' |




## POND #1 VEGETATION SCHEDULE

| WETLAND AREA | SQ FT IN WETLAND AREA | PLANT CATEGORY | # PLANTS OF CATEGORY IN WETLAND AREA |
|---|---|---|---|
| VEGETATED SHELF | 2,526 | HERBACEOUS PLANTS | 632 |

## LEGEND

SUBMERGED & PARTIALLY SUBMERGED PLANTS (ALONG THE 6' WIDE VEGETATED SHELF)

CENTIPEDE SOD OR APPROVED NON-CLUMPING TURF GRASS (FRONT AND BACK SLOPES OF POND)

30 15 0 30 60

SCALE: 1"= 30'

SHEET # C6.1
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

# OPERATION AND MAINTENANCE

## Wet Pond Maintenance Requirements

Important operation and maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet pond should be fertilized after the initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover will be maintained in the drainage area to reduce the sediment load to the wet pond.
- If the pond must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain will be minimized as much as possible.
- At least once annually, a dam safety expert will inspect the embankment. Any problems that are found will be repaired immediately.
- The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

After the wet pond is established, it will be inspected **quarterly and within 24 hours after every storm event greater than 1.0 inches (or 1.5 inches if in a Coastal County)**. Records of operation and maintenance shall be kept in a known set location and shall be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

| SCM element: | Potential problem: | How to remediate the problem: |
|---|---|---|
| **The entire wet pond** | Trash/debris is present. | Remove the trash/debris. |
| **The perimeter of the wet pond** | Areas of bare soil and/or erosive gullies have formed. | Regrade the soil if necessary to remove the gully, plant ground cover and water until it is established. Provide lime and a one-time fertilizer application. |
| **The inlet device** | The inlet pipe is clogged (if applicable). | Unclog the pipe. Dispose of the sediment off-site. |
| | The inlet pipe is cracked or otherwise damaged (if applicable). | Repair or replace the pipe. |
| | Erosion is occurring in the swale (if applicable). | Regrade the swale if necessary and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion. |
| **The forebay** | Sediment has accumulated to a depth greater than the original design depth for sediment storage. | Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM. |
| | Erosion has occurred. | Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems. |
| | Weeds are present. | Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying. |

## Wet Pond Maintenance Requirements (Continued)

| SCM element: | Potential problem: | How to remediate the problem: |
|---|---|---|
| **The main treatment area** | Sediment has accumulated to a depth greater than the original design sediment storage depth. | Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM. |
| | Algal growth covers over 50% of the area. | Consult a professional to remove and control the algal growth. |
| | Cattails, phragmites or other invasive plants cover 50% of the basin surface. | Remove the plants by wiping them with pesticide (do not spray). |
| **The vegetated shelf** | Best professional practices show that pruning is needed to maintain optimal plant health. | Prune according to best professional practices. |
| | Plants are dead, diseased or dying. | Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary. |
| | Weeds are present. | Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying. |
| **The embankment** | Shrubs have started to grow on the embankment. | Remove shrubs immediately. |
| | Evidence of muskrat or beaver activity is present. | Consult a professional to remove muskrats or beavers and repair any holes or erosion. |
| | A tree has started to grow on the embankment. | Consult a dam safety specialist to remove the tree. |
| | An annual inspection by an appropriate professional shows that the embankment needs repair. | Make all needed repairs immediately. |
| **The outlet device** | Clogging has occurred. | Clean out the outlet device and dispose of any sediment in a location where it will not cause impacts to streams or the SCM. |
| | The outlet device is damaged. | Repair or replace the outlet device. |
| **Floating wetland island (if applicable)** | Weeds or volunteer trees are growing on the mat. | Remove the weeds or trees. |
| | The anchor cable is damaged, disconnected or missing. | Restore the anchor cable to its design state. |

## Wet Pond Maintenance Requirements (Continued)

| SCM element: | Potential problem: | How to remediate the problem: |
|---|---|---|
| **The receiving water** | Erosion or other signs of damage have occurred at the outlet. | Repair the damage and improve the flow dissipation structure. |
| | Discharges from the wet pond are causing erosion or sedimentation in the receiving water. | Contact the local NCDEQ Regional Office. |

# WETLAND PLANT RECOMMENDATIONS

VEGETATIVE SHELF SUBMERGED AND PARTIALLY SUBMERGED PLANTS

| BOTANICAL NAME | COMMON NAME |
|---|---|
| HERBACEOUS PLANTS | |
| ASCLEPIAS INCARNATA | SWAMP MILKWEED |
| CAREX TENERA | QUILL SEDGE |
| CHELONE GLABRA | WHITE TURTLEHEAD |
| EUPATORIADELPHUS DUBIUS | DWARF JOE PYE WEED |
| EUPATORIADELPHUS FISTULOSUS | JOE PYE WEED |
| EUPATORIADELPHUS MACULATUS | SPOTTED TRUMPETWEED |
| HIBISCUS COCCINEUS | SCARLET ROSE MALLOW |
| HIBISCUS LAEVIS | HALBERDLEAF ROSEMALLOW |
| KOSTELETZKYA VIRGINICA | SEASHORE MALLOW |
| LOBELIA CARDINALIS | CARDINAL FLOWER |
| LOBELIA ELONGATA | LONGLEAF LOBELIA |
| LOBELIA SIPHILITICA | GREAT BLUE LOBELIA |
| RHYNCHOSPORA COLORATA | STARRUSH WHITETOP |
| SACCHARUM BALDWINII | NARROW PLUMEGRASS |

PLANT REQUIREMENTS:

1. SELECT PLANTS FROM THE RECOMMENDED PLANT LIST.
2. A MINIMUM OF THREE (3) DIVERSE SPECIES OF SHALLOW LAND HERBACEOUS VEGETATION.
3. A MINIMUM TWO-YEAR WARRANTY PERIOD STIPULATING REQUIREMENTS FOR PLANT SURVIVAL/REPLACEMENT. AT THE END OF THE FIRST YEAR AND AGAIN AT THE END OF THE TWO-YEAR WARRANTY PERIOD, ALL PLANTS THAT DO NOT SURVIVE MUST BE REPLACED.
4. THE DESIGN FOR PLANTINGS SHALL MINIMIZE THE NEED FOR HERBICIDES, FERTILIZERS, PESTICIDES, OR SOIL AMENDMENTS AT ANY TIME BEFORE, DURING AND AFTER CONSTRUCTION AND ON A LONG TERM BASIS. PLANTINGS SHALL BE DESIGNED TO MINIMIZE THE NEED FOR MOWING, PRUNING AND IRRIGATION.
5. PLANT MATERIAL SHOULD BE PURCHASED FROM A SIMILAR PROVENANCE OR LOCAL SOURCE TO ENSURE SURVIVABILITY.

MINIMUM PLANT MATERIAL QUANTITIES AND PLANT SIZES

1. 50 HERBACEOUS PLANTS PER 200 SF OF SHELF AREA
2. PLANTS AT LEAST 4 CUBIC-INCH CONTAINER

GENERAL NOTES:

1. TOPSOIL FROM THE SITE WILL BE SPREAD ACROSS THE SHALLOW WATER AND SHALLOW LAND ZONES PRIOR TO PLACEMENT OF PLANTS.
2. SHRUBS SHOULD BE PLANTED IN CLUMPS TO FORM "LANDSCAPE ISLANDS" RATHER THAN EVENLY SPACED. THE ISLANDS SHOULD BE A MINIMUM OF 6' APART.
3. NO SHRUBS SHOULD BE PLANTED WITHIN 10 FEET OF THE INLET OR OUTLET PIPES.

SOIL SPECIFICATIONS

SOILS USED WITHIN A STORMWATER SCM MUST ADHERE TO THE FOLLOWING REQUIREMENTS:

1. THE SOIL MIX MUST BE UNIFORM AND FREE OF STONES, STUMPS, ROOTS, OR OTHER SIMILAR MATERIAL GREATER THAN 2 INCHES.
2. SOIL TEXTURE OF THE MIX USED FOR STORMWATER WETLANDS SHOULD BE LOAMY SAND, WITH NO MORE THAN 10% CLAY (USDA SOIL TEXTURAL CLASSIFICATION).
3. A MINIMUM ORGANIC CONTENT OF 10% BY DRY WEIGHT FOR AREAS PLANTED WITH WOODY SPECIES AND 5% FOR TURF AREAS.
4. THE PH SHOULD BE BETWEEN 5.5 AND 7.0. IF THE PH FALLS OUTSIDE OF THIS RANGE, IT MAY BE MODIFIED WITH LIME TO INCREASE THE PH OR IRON SULFATE AND SULFUR TO LOWER THE PH. THE LIME OR IRON SULFATE MUST BE MIXED UNIFORMLY INTO THE SOIL PRIOR TO USE.
5. TOPSOIL STOCKPILE LOCATION (IF USING ON-SITE SOILS) OR SOURCE OF TOPSOIL IF IMPORTED TO THE SITE. SOIL ANALYSIS FOR ALL TOPSOIL TO BE USED WITHIN A SCM FACILITY.

PLANTING SPECIFICATIONS:

1. FOR EROSION CONTROL PLANTING AND BANK STABILIZATION (UPLAND AREA) FOLLOW EROSION CONTROL SEEDING SCHEDULE.
2. UTILIZE A 90-DAY SLOW RELEASE FERTILIZER TABLET FOR PLANTS.
3. PLACE 3 OR 4 INCHES OF QUALITY TOPSOIL TO THE SHALLOW LAND AND SHALLOW WATER REGIONS. THE PROJECT CAN UTILIZE THE EXISTING TOPSOIL BY STOCK PILING ON SITE AND AMENDING SOIL AS NECESSARY BASED ON SOIL ANALYSIS RESULTS.
4. THE DETENTION POND MUST BE STABILIZED WITHIN 14 DAYS OF CONSTRUCTION. CONSIDER CONSTRUCTION SEQUENCING SO THAT PLANTS CAN BE PLANTED AND THE POND CAN BE BROUGHT ONLINE WITHIN 14 DAYS.

PLANTING SEASONS:

TREES/SHRUBS.....OCTOBER TO JUNE
HERBACEOUS PLANTS (SHALLOW LAND).....OCTOBER TO JUNE
HERBACEOUS PLANTS (SHALLOW WATER)....APRIL TO JUNE (RECOMMENDED)
MID-SEPTEMBER TO MID-OCTOBER
GRASSES.....YEAR ROUND

PLANTING OUT OF SEASON IS NOT RECOMMENDED. IF CONSTRUCTION SCHEDULE AND PLANTING SCHEDULE DO NOT CORRESPOND, STABILIZE BANKS (UPLAND AREA AND SHALLOW LAND) WITH APPROPRIATE TEMPORARY COVER CROP AND EROSION CONTROL MATTING UNTIL APPROPRIATE PLANTING SEASON.

PLANTS SHOULD BE INSTALLED AS LARGE DRIFTS (I.E. MASSES OF A SINGLE SPECIE)WITHIN THEIR RESPECTIVE PLANTING AREA. OVERLAPPING OR WEAVING OF THE PLANTING AREA EDGES IS RECOMMENDED.

ALL PLANTS SHALL BE DIRECTLY DESCENDED FROM INDIVIDUALS GROWING WILD WITHIN 100 MILES OF THE PROJECT SITE. IF SUITABLE STOCK CANNOT BE OBTAINED, PLANTS OF OTHER GENETIC PROVENANCE MAY BE UTILIZED WITH THE APPROVAL OF THE LOCAL REGULATORY AGENCY.

IRRIGATION MAY BE NECESSARY FOR SHALLOW LAND AND WATER ZONES IF PROLONGED DROUGHT DRAWS WATER LEVELS 6" OR MORE BELOW NORMAL POOL DURING THE FIRST SUMMER FOLLOWING PLANT INSTALLATION.

DO NOT PLANT CATTAILS. CATTAILS, ALTHOUGH A WETLAND PLANT, PROVIDE A HAVEN FOR MOSQUITOES AND WILL TAKE OVER AND CROWD OUT OTHER VITAL VEGETATION.

CONTRACTOR SHALL COORDINATE WITH A NURSERY SPECIALIST FROM A REGIONAL NURSERY FOR THREE HERBACEOUS PLANT SPECIES TO BE USED IN POND CONSTRUCTION BASED ON SEASONAL AVAILABILTY, REGIONAL SURVIVABILITY AND IN ACCORDANCE WITH THE APPROVED NCDEQ STORMWATER PERMIT.

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
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POND PLANTING, OPERATION & MAINTENANCE PLAN

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

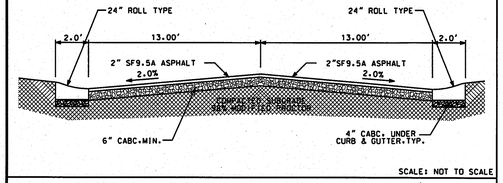
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MOREHEAD CITY, N.C. 28557
(252) 773-0090 LICENSE NO. C-4482

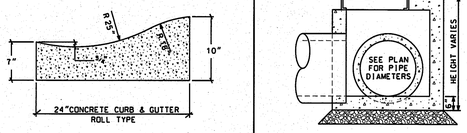
RONALD D. CULLIPHER P.E. 4/24/24

| | |
|---|---|
| DESIGNED: | RDC/GYT |
| DRAWN: | RDC/GYT |
| CHECKED: | RDC |
| APPROVED: | RDC |
| DATE: | 4/24/24 |
| SCALE: | 1"= 30' |



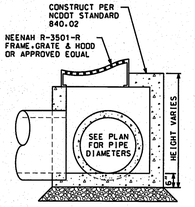

SCALE: NOT TO SCALE

## TYPICAL DRIVE SECTION




SCALE: NOT TO SCALE

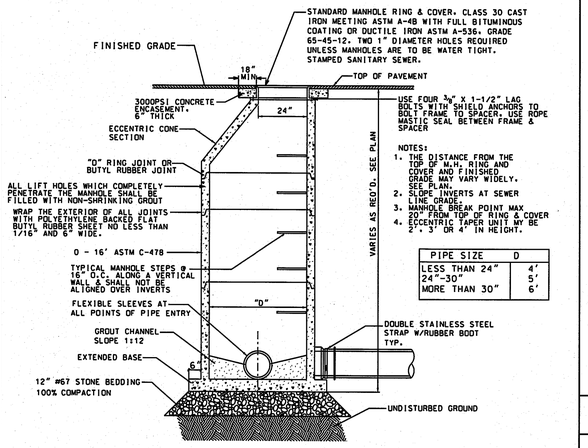
## ROLL TYPE CURB AND GUTTER




NOTE: ALL STORMDRAIN PIPING TO BE INSTALLED ON MINIMUM 6" CLASS II OR HIGHER GRANULAR FILL BEDDING

SCALE: NOT TO SCALE

## PRECAST CATCH BASIN (OR DROP INLET)



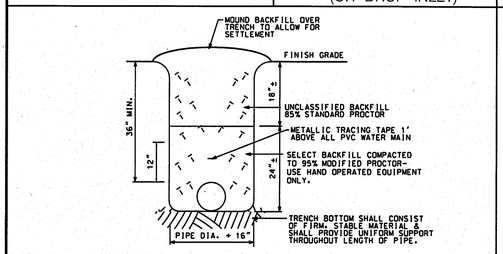

NOTES:
1. THE DISTANCE FROM THE TOP OF M.H. RING AND COVER AND FINISHED GRADE MAY VARY WIDELY. SEE PLAN.
2. SLOPE INVERTS AT SEWER LINE GRADE.
3. MANHOLE BREAK POINT MAX 20' FROM TOP OF RING & COVER
4. ECCENTRIC TAPER UNIT MY BE 2', 3' OR 4' IN HEIGHT.

| PIPE SIZE | D |
|---|---|
| LESS THAN 24" | 4' |
| 24"-30" | 5' |
| MORE THAN 30" | 6' |

ALL MANHOLES TO HAVE EXTENDED BASES

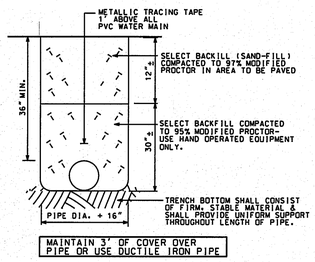
SCALE: NOT TO SCALE

## TYPICAL PRECAST MANHOLE




SCALE: NOT TO SCALE

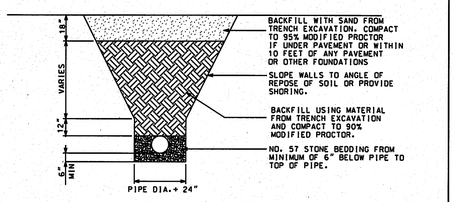
## WATER PIPE TRENCH DETAIL OUTSIDE PAVED AERA




MAINTAIN 3' OF COVER OVER PIPE OR USE DUCTILE IRON PIPE

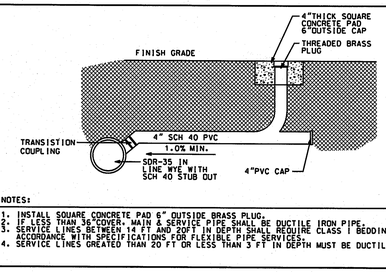
SCALE: NOT TO SCALE

## WATER PIPE TRENCH DETAIL AREA TO BE PAVED




SCALE: NOT TO SCALE

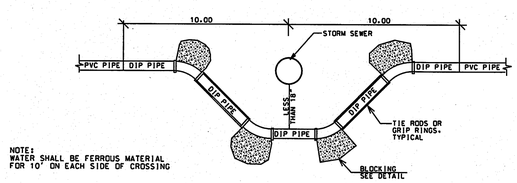
## SEWER PIPE TRENCH




NOTES:
1. INSTALL SQUARE CONCRETE PAD 6" OUTSIDE BRASS PLUG.
2. IF LESS THAN 36"COVER- MAIN & SERVICE PIPE SHALL BE DUCTILE IRON PIPE.
3. SERVICE LINES BETWEEN 14 FT AND 20FT IN DEPTH SHALL REQUIRE CLASS I BEDDING IN ACCORDANCE WITH SPECIFICATIONS FOR FLEXIBLE PIPE SERVICES.
4. SERVICE LINES GREATED THAN 20 FT OR LESS THAN 3 FT IN DEPTH MUST BE DUCTILE IRON.

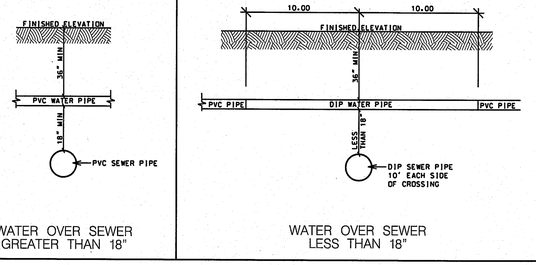
SCALE: NOT TO SCALE

## SANITARY SEWER SERVICE




NOTE:
WATER SHALL BE FERROUS MATERIAL FOR 10' ON EACH SIDE OF CROSSING

## WATER UNDER STORM SEWER




WATER OVER SEWER GREATER THAN 18"

WATER OVER SEWER LESS THAN 18"

## CROSSING DETAILS

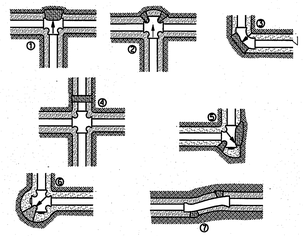
RESULTANT THRUST AT FITTING AT 150 P.S.I. WATER PRESSURE

| NOMINAL PIPE DIA. | TOTAL POUNDS DEAD END | 90° BEND | 45° BEND | 22 1/2° BEND | 11 1/4° BEND |
|---|---|---|---|---|---|
| 4" | 2-100 | 3-800 | 2-100 | 1-100 | 550 |
| 6" | 5-600 | 8-000 | 4-300 | 2-200 | 1-100 |
| 8" | 9-700 | 13-600 | 7-400 | 3-600 | 1-900 |
| 10" | 14-500 | 20-500 | 11-100 | 5-700 | 2-800 |
| 12" | 20-500 | 29-000 | 15-700 | 8-000 | 4-000 |
| 14" | 27-600 | 39-000 | 21-100 | 11-000 | 5-400 |
| 16" | 35-700 | 50-400 | 27-300 | 14-000 | 7-000 |
| 18" | 44-800 | 63-400 | 34-400 | 17-500 | 8-800 |
| 20" | 55-000 | 77-800 | 42-100 | 21-500 | 10-800 |
| 24" | 78-500 | 111-000 | 60-000 | 31-600 | 15-400 |
| 30" | 120-800 | 170-600 | 98-300 | 47-100 | 23-600 |
| 36" | 172-800 | 274-400 | 132-300 | 67-500 | 33-900 |
| 42" | 233-300 | 330-000 | 178-600 | 91-000 | 45-700 |
| 48" | 304-000 | 430-000 | 232-700 | 118-600 | 59-800 |
| 54" | 384-100 | 543-200 | 294-000 | 149-000 | 75-300 |

BEARING LOAD (LB./SQ FT.)

| SOIL | |
|---|---|
| MUCK | 0 |
| SOFT CLAY | 1-000 |
| SILT | 1-500 |
| SANDY SILT | 3-000 |
| SAND | 4-000 |
| SANDY CLAY | 6-000 |
| HARD CLAY | 9-000 |

TYPES OF THRUST BLOCKING



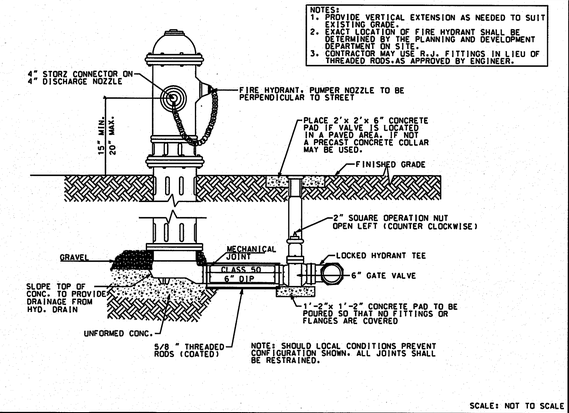

1. THRU LINE CONNECTION. TEE
2. THRU LINE CONNECTION. CROSS USED AS TEE.
3. DIRECTION CHANGE. ELBOW
4. CHANGE LINE SIZE. REDUCER
5. DIRECTION CHANGE. TEE USED AS ELBOW
6. DIRECTION CHANGE. CROSS USED AS ELBOW
7. DIRECTION CHANGE

TO DETERMINE THE SIZE OF A CONCRETE THRUST BLOCK. DIVIDE THE TOTAL FORCE BY THE BEARING VALUES OF THE SOIL. THE QUOTIENT WILL BE THE SIZE OF THE BEARING AREA OF THE THRUST BLOCK IN SQUARE FEET. APPROXIMATE VALUES FOR VARIOUS TYPES OF SOILS ARE LISTED IN THE TABLE. NO RESPONSIBILITY CAN BE ASSUMED FOR THE ACCURACY OF THE DATA IN THIS TABLE DUE TO THE WIDE VARIATION OF BEARING LOAD CAPACITIES FOR EACH SOIL TYPE.

SEE BEAUFORT MANUAL FOR ADDITIONAL DETAILS ON THRUST BLOCKING

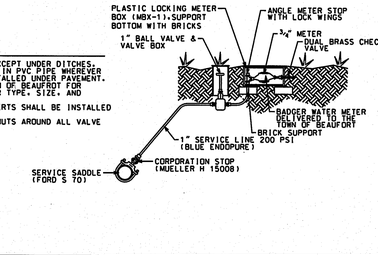
SCALE: NOT TO SCALE

## THRUST BLOCKING DETAIL



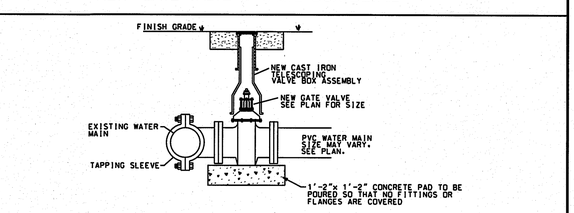

SCALE: NOT TO SCALE

## TYPICAL FIRE HYDRANT ASSEMBLY




SCALE: NOT TO SCALE

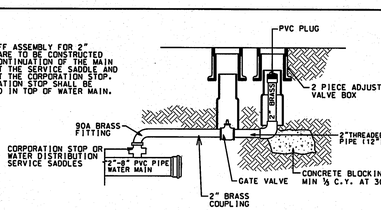
## WATER METER SET




NOTE:
BACKSIDE TAPPING OF EXISTING MAIN SHALL BE APPROVED BY THE TOWN ENGINEER PRIOR TO INSTALLATION OF TAP.

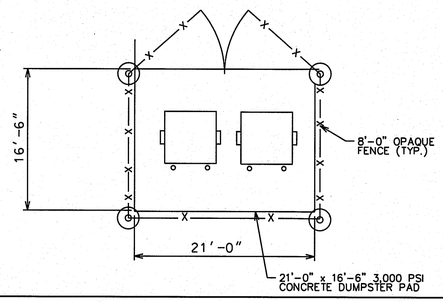
SCALE: NOT TO SCALE

## TAPPING DETAIL




SCALE: NOT TO SCALE

## TYPICAL PERMANENT BLOW OFF




## DUMPSTER PAD DETAIL

REVISIONS:

| No. | BY | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

DETAILS

# THE TOWNS AT LIVE OAK

BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

CLIENT: 1809, LLC
ADDRESS: 710 ARENDELL STREET, SUITE 201
MOREHEAD CITY, NC 28557
PHONE: 252-725-5375

THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES
151A HIGHWAY 24
MOREHEAD CITY, N.C. 28557
(252) 778-0090 LICENSE NO. C-4482

RONALD D. CULLIPHER P.E.

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

| | |
|---|---|
| DESIGNED: | RDC/GYT |
| DRAWN: | RDC/GYT |
| CHECKED: | RDC |
| APPROVED: | RDC |
| DATE: | 4/24/24 |
| SCALE: | AS NOTED |

SHEET # C7.0
PROJECT #:PM3040
DESIGN FILE #:PM3040 CONSTRUCTION.DGN

NORTH CAROLINA
CARTERET COUNTY

Prepared By:
White & Allen, P.A.
304 N. 35th Street, Morehead City, NC 28557

# DECLARATION OF CONDITIONS, RESTRICTIONS AND COVENANTS OF THE TOWNS AT LIVE OAK SUBDIVISION

THIS DECLARATION, made on the date hereinafter set forth by, 1809, LLC, a North Carolina limited liability company hereinafter referred to as "Declarant," who do hereby covenant and agree to and with all other persons, firms or corporations now owning or hereafter acquiring as owners any tract or parcel of land in the area designated.

W I T N E S S E T H:

WHEREAS, 1809, LLC is the owner of certain property in Beaufort Township, Carteret County, North Carolina; and,

WHEREAS, Declarant desires to provide for the maintenance and upkeep of the common area located within The Towns At Live Oak Subdivision (the "Subdivision") and to provide for enforcement of covenants and restrictions applicable to the Subdivision, and desires to subject all of the property within the Subdivision to the covenants, conditions, restrictions, easements, charges, and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, Declarant has deemed it advisable to create an organization to own, maintain and administer the Common Area (as herein after defined), to administer and enforce covenants and restrictions applicable to the Subdivision, and to collect and disburse the assessments and charges hereinafter created, and Declarant has therefore incorporated under North Carolina law as a non-profit corporation, The Towns At Live Oak Homeowners Association, Inc. for the purpose of exercising the aforesaid functions; and,

WHEREAS, Caviness and Cates Building and Development Company has entered in an Agreement with 1809, LLC whereby Caviness and Cates Building and Development Company will be the builder of all townhome units located on the Property.

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, owned, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of same, and which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

## ARTICLE I
## DEFINITIONS

Any defined term used in this Declaration shall have the meaning set forth below or, if not specifically defined in this Article I, the meaning of such term as set forth in the Act or in any other provision of this Declaration.

Section 1: "Act" shall mean Chapter 47F of the North Carolina General States, known asthe North Carolina Planned Community Act.

Section 2: "Association" shall mean The Towns At Live Oak Homeowners Association, Inc. and its successors and assigns.

Section 3: "Owner" shall mean the record owner, whether one or more persons or entities,of fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 4: "Property" shall mean that certain real property herein described in Article II, Section 1, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 5: "Common Area" shall mean all real property (including any improvements thereto) and personal property owned or maintained by the Association for the common use and enjoyment of Owners. Common Area shall also include, for purposes of maintenance, operation, repair and improvements, all utilities, drainage easements and storm water detention facilities locatedon or connected with the Property and any additions thereto as provided in this Declaration.

Section 6: "Lot" shall mean any plot of land shown upon any recorded subdivision plat of the Property with the exception of the Common Area and any public street rights-of-way shown on said plat. In the event that any Lot is increased or decreased in size by recombination or resubdivision through recordation of a new subdivision plat, any newly-platted Lot shall thereafter constitute a Lot hereunder.

Section 7: "Member" shall mean every person or entity who holds membership in the Association as the Owner of a Lot.

Section 8: "Unit" shall mean any building or portion thereof within the Property which is designated and intended for use and occupancy as a residence by a single family, whether by the Owner of such Unit or by tenants or lessees of such Owner.

Section 9: "Declarant" shall mean and refer collectively to 1809, LLC and their successor and/or assigns.

## ARTICLE II
## PROPERTY SUBJECT TO DECLARATION

Section 1: Existing Property. The real property which is and shall be held, transferred, sole, conveyed, used and occupied subject to this Declaration as of the date of recording hereof, whichis within the jurisdiction of the Association, is described as follows:

Lying and being in Beaufort Township, Carteret County, North Carolina and being more particularly described as follows:

All of that property, including lots and common area as shown on that plat entitle "The Towns at Live Oak" prepared by The Cullipher Group, P.A. dated 3/25/24 and recorded in Book _____, page _____,(file#_____) Carteret County Registry.

Section 2: Annexation of Additional Property. At any time prior to June 1, 2054, additional land may be annexed by 1809, LLC without the consent of the Members and therefore shall become subject to this Declaration by the recording by 1809, LLC of a platshowing such property to be annexed and of a supplementary declaration extending the operation andeffect of this Declaration to the property to be annexed. Furthermore, at any time either Declarant owns any Lot within the Property, additional land may be annexed by 1809, LLC withoutthe consent of the Members and therefore become subject to this Declaration by the recording by 1809, LLC of a plat showing such property to be annexed of a supplementary declarationextending the operation and effect of this Declaration to the property to be annexed. Any property annexed must be contiguous to property already subject to this Declaration. Any property annexed pursuant to this subsection may be annexed and subjected to this Declaration as one parcel or as several parcels at different times. The addition of such property pursuant to this Section may increasethe cumulative number of Lots within the Property and, therefore, may alter the relative maximum voting strength of the various types of Members.

A supplementary declaration may contain such complementary additions to and modifications of the covenants and restrictions contained in this Declaration, including, without limitation, different voting rights and different annual and special assessments for the Lots so annexed, as Declarant, in its sole discretion, may deem necessary or appropriate to reflect the different character or use of the property added. Except as provided in Section 3 of Article IX hereof, in no event, however, shall any supplementary declaration revoke, modify or add to the covenants and restrictions established by this Declaration so as to materially and adversely affect any portion of the Property already subject to this Declaration, except for the dilution of voting strength that occurs as a result of the inclusion of additional Members of the Association. A supplementary declaration annexing additional property need only be executed by the Declarant, and if applicable, by the owner of the property being annexed, and shall not require the joinder or consent of the Association or any of its Members. Nothing

contained in this Article shall be construed to obligate or require Declarant to make any additions to the Property.

Section 3: Merger. Additional property may also be made subject to this Declaration by merger or consolidation of the Association with another non-profit corporation formed for the same or similar purposes. The surviving or consolidated association shall administer the covenants and restrictions established by this Declaration within the Property and the covenants and restrictions established upon property owned by the other association as one scheme. No such merger or consolidation shall cause any revocation, change or addition to this Declaration.

Section 4: Withdrawal of Property. Declarant reserves the right to amend this Declaration so long as it has a right to annex Additional Property pursuant to this Article for the purpose of removing any portion of the Property then owned by Declarant or the Association from the coverage of this Declaration, to the extent originally included in error or as a result of changes whatsoever in the plans for the Subdivision, provided such withdrawal is not unequivocally contraryto the overall, uniform scheme of development for the Subdivision.

Section 5: Good Faith Lender's Clause. Any violation of these covenants, conditions or restrictions shall not affect any lien or deed of trust of record held in good faith, upon any Lot or commercial Unit, which liens may be enforced in due course, subject to the terms of this Declaration.

## ARTICLE III
## PROPERTY RIGHTS

Section 1: Owner's Easement of Enjoyment. Except as otherwise provided herein any bythe rules and regulations adopted by the Board of Directors of the Association, each Owner shall havea right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to suspend the voting rights of an Owner, subject to a hearing or opportunity to present evidence in accordance with NCGS Section 47F-3-107.1 for any period during which any assessment against his or her Lot remains unpaid, or for a period exceed sixty (60) days for any infraction of the published rules and regulations of the Association.

(b) The right of the Association to dedicate or transfer all or any part of the Common Area to any public or quasi-public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. After Class B Lots cease to exist, nosuch dedication or transfer shall be effective unless the Members entitled to at least 80% of the voteof the entire membership of the Association agree to such dedication, sale, or transfer and signify their agreement by a signed document recorded in the applicable public registry for Carteret County, North Carolina. Nothing herein shall be deemed to prohibit the Board of Directors of the Association, without the consent of the Members, from granting easements over and across the Common Area to any public or quasi-public agency, authority or utility for the installation and maintenance of sewage, utility (including cable television or internet) or drainage facilities when, in the opinion of the Board of Directors of the Association, such easements are necessary for the convenient use and enjoyment of properties within the Subdivision. Notwithstanding anything herein to the contrary, the Common Area shall be preserved for the perpetual benefit of the owners of Lots within the Subdivision and

shall not be conveyed except to a governmental entity or another non-profit corporation organized for similar purposes.

(c) the right of the Association to borrow money, and, after Class B Lots cease to exist, with the assent of Members' entitled to at least 80% of the votes of the entire membership of the Association, mortgage, pledge, deed of trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, provided that the rights of any such lender shall be subordinate to the property rights of the Members and the Association.

(d) the right of the Association to exchange all or part of the Common Area for other property and consideration of like value and utility, provided, however, that after Class B Lots cease to exist, any such dedication shall require the consent of the Members as set forth in Section (b) above, and further provided that, if the Board of Directors of the Association determines, in its sole discretion, that such exchange is necessary to cure an encroachment or setback violation on any Lot, the Board may effect such exchange without the consent of or approval by the Members.

(e) the right of the Association to expand or add to the Common Area and to improve, maintain and operate the Common Area.

(f) the right of the Association to adopt, promulgate and enforce rules and regulations concerning the use of the Common Area.

Section 2: Conveyance of Common Area. No later than the time during which there are no Class B Lots, the Declarant shall convey and transfer to the Association, and the Association shall accept, fee simple title to the Common Area, subject to any easements, reservations, and restrictions of record. Notwithstanding the foregoing, if the Declarant owns one or more Lots at the time of said conveyance, the Declarant reserves an easement over and across any Common Area for the purpose of construction and maintaining any improvements on the Common Area as the Declarant deems necessary or advisable.

Section 3. Regulation and Maintenance of Common Area. It is the intent of the Developer that the Common Area be preserved to the perpetual benefit of the Owners within the Subdivision. The board of directors of the Association may adopt and promulgate rules andregulations governing the use of the Common Area by the Owners and their family, guests, and invitees. No Owner or family, guest or invitee thereof shall use the Common Area in violation of any such rules or regulations or in any manner that in any way interferes with the rights of the other Owners. The Association shall be responsible for the management and control of the Common Areaand shall keep the Common Area in good condition, order and repair, at its expense. The Association and its employees, agents, contractors and subcontractors shall have a nonexclusive right and easement at all times to enter upon any portion of a Lot to the extent necessary to gain access and maintain improvements and facilities within a Common Area and no such entry shall be deemed a trespass.

Section 4. Insurance. The Association shall obtain and at all times maintain adequate liability insurance covering the Association itself and the Common Area and other property owned by the Association, including but not limited to officers' and directors' liability insurance.

Section 5. Declarant's Reserved Rights. Until such time as no Declarant owns any Lots in the Subdivision, the Declarant shall have the right to alter the boundaries of the Common Area,

whether or not it has been previously deeded to the Association, subject to NCGS §47F-3-112; provided that such alteration does not substantially, materially and adversely affect the function and use of the Common Area. The Association and each Owner hereby irrevocably appoints both parties comprising the Declarant as his, her or its attorney-in-fact to execute and/or deliver any documents, plats, deeds or other written matters necessary or convenient to accomplish the addition of the Common Area or Property or both, to create easements as deemed necessary by Declarant, and to adjure the boundary or boundaries of the Common Area.

During all such times as there are multiple parties comprising the Declarant, all rights of the Declarant hereunder shall be exercised only jointly by the Declarant, or as otherwise determined by the parties comprising the Declarant, with the exception of voting rights a Declarant may have by virtue of lot ownership, which may be exercised by each party comprising the Declarant individually.

## ARTICLE IV
## MEMBERSHIP AND VOTING RIGHTS

Section 1: Membership. Every Owner of a Lot which is subject to assessment shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment.

Section 2: Classes of Membership. The Association shall have two classes of voting membership. The voting rights of the membership shall be appurtenant to the ownership of the Lots and may not be separated from ownership of any Lot.

(a) Class A Lots. Class A Lots shall consist of all Lots except Class B Lots. Ownership of a Class A Lot shall entitle the Owner of such Lot to one (1) vote. When more than one person holds an interest in any Lot (other than a leasehold or security interest), all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot. Fractional voting shall not be allowed.

(b) Class B Lots. Class B Lots shall be all Lots owned by either Declarant which have not been converted to Class A Lots as set forth below. Each Declarant shall be entitled to twenty (20) votes for each Class B Lot it owns. Class B membership shall cease and Class B Lots shall be converted to Class A Lots upon the earlier to occur of the following: (i) no Declarant owns any Lots within the Property; or (ii) upon written waiver of the Class B membership by the Declarant, which waiver shall apply only to such Lots as may be owned by said Declarant. When the Class B Lots cease to exist and are converted to Class A Lots, Declarant shall have the same voting rights as other Owners of Class A Lots.

(c) Declarant's Voting Rights. Until the Class B Lots cease to exist, as provided above, Declarant shall be vested with the sole voting rights of the Association on all matters (including but not limited to election and removal of directors and officers of the Association), except such matters to which the Declaration, the Articles of Incorporation of the Association or the Bylaws of the Association specifically require a vote of the Class A Members.

ARTICLE V
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1: Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Property, hereby covenants, and each Owner of any Lot, by acceptanceof a deed therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association annual assessments and special assessments, such assessments to be established and collected as hereinafter provided. All assessments which are unpaid when due, together with interest and late charges set forth in Section 9 of this Article V and all costs of collection, including reasonable attorneys' fees, shall be a charge against and a continuing lien upon the Lot against which such assessment is made subject to NCGS § 47F-3-116, as amended. Each such assessment or charge, together with interest and costs of collection, including reasonable attorney's fees, subject to notice provided in NCGS § 47F-3-116(e), shall also be the personal or corporate obligation of the person, firm or corporation owning such Lot at the time when such assessment fell due, but such personal obligation shall not be imposed on such Owner's successors in title unless expressly assumed by them. Although unpaid assessments and charges are not the personal obligation of such Owner's successors in title unless expressly assumed by them, the unpaid assessments and charges shall continue to be a lien upon the Lot against which the assessment or charge was made.

It is the intent of the Declarant that any monetary fines imposed against an Owner pursuant to the Bylaws of the Association or in this Declaration and, subject to NCGS §47F-3-107.1, shall constitute a lien against the Lot of such Owner to the same extent as if such fine were an assessment against such Lot.

Section 2: Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents of the Subdivision and, in particular, for the acquisition, improvement and maintenance of properties, services and facilities devoted to this purpose and related to the use and enjoyment of the Common Area, including but not limited to, maintenance, reconstruction and repair of water and sewer lines and detention ponds located within the Common Area, restoration of party walls in the event of destruction or damage, landscaping maintenance, the cost of repairs, electricity, utilities, replacements and additions, the cost of labor, and equipment, the payment of taxes assessed against the Common Area, the procurement and maintenance of insurance in accordance with the By-Laws,garbage and trash collection services, street lighting, the employment of attorneys to represent the Association when necessary, and such other needs as may arise.

Section 3: Basis and Maximum of Annual Assessments. (a) No assessments shall be made on any Lot until the first day of the first year following the date the platted Lot shall have been conveyed by deed to an Owner other than Declarant. Until January 1 of the second year following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be One Thousand Two Hundred Dollars ($1,200.00) per Lot.

For so long as Class B Lots exist, the Board of Directors, in its sole discretion, shall have the authority to adopt an annual budget without a vote of the membership. Once Class B Lots cease to exist, the annual assessment may be increased by the Board of Directors effective January 1 of each

year without a vote of the Members, but subject to the limitation that the percentage of any such increase shall not exceed 15% of the annual assessment for the previous year unless such increase is approved as set forth in Section 3(b) of this Article V.

(b) Annual Assessments and Ratifications by Budgets. After Class B Lots cease to exist, the Board of Directors shall adopt a proposed budget (including the proposed annual assessment for each Class of Lots) at least annually. Within 30 days after adoption of the proposed budget, the Board of Directors shall send a copy of the proposed budget and shall give written notice to the Members of a meeting of the Members to consider ratification of the budget, such meeting to be held not sooner than 10 days nor more than 60 days after the mailing of such notice. Such meeting may, but need not be, combined with the annual meeting of Members. Except as required by Section 7 below, there shall be no requirement that a quorum be present in order to vote on ratification of the budget (although a quorum must be present to vote on other matters). The budget shall be deemed ratified unless, at that meeting, Members having a majority of the votes of the entire membership cast votes to reject the budget. Notwithstanding the foregoing, if the budget provides for annual assessments not larger than 10% of the assessment in effect for the immediately preceding year, such budget shall be deemed ratified unless Members having at least 80% of the votes of the entire membership vote to reject the budget. If the proposed budget is rejected, the budget last ratified by the Members shall be continued until such time as the Members ratify a subsequent budget proposed by the Board. Any annual assessment ratified by the Members shall continue thereafter from year to year as the annual assessment until changed by the Board of Directors and ratified by the Members as set forth herein.

Section 4: Special Assessments. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment for the purpose of defraying,in whole or in part, the current or future cost of any construction, reconstruction, repair or replacementof a capital improvement upon the Common Area, including fixtures and personal property related thereto, including but not limited to water and sewer lines and the detention ponds, for the repayment of any indebtedness and interest thereon, or for any other purpose provided that any such assessment shall have the same consent of the Members as provided in Section 3(b) of this Article.

Section 5: Assessment Rate and Collection Period. Except as provided in Section 6 of this Article V, the annual and special assessments shall be fixed at a uniform rate for all Lots withineach subclass of Lots and may be collected on a yearly, semi-annually, quarterly or monthly basis, as determined by the Board of Directors.

Section 6: Declarant's Assessments. Notwithstanding any other provision of this Declaration or the Bylaws of the Association, the Declarant shall not be obligated for, nor subject to,any annual or special assessment for any Lot or other property that it owns within the Property. Notwithstanding the foregoing any Lot owned by Declarant which contains a dwelling occupied as aresidence shall be assessed at the rate applicable to Class A Lots.

Section 7. Notice and Quorum for Any Action Authorized Under Sections 3(a) and 4. After Class B Lots cease to exist, written notice of any meeting called for the purpose of taking any action authorized under Section 3(a) or 4 shall be sent to all Members not less than ten (10) days nor more than sixty (60) days prior to the meeting. At such meeting, the presence of Members, in person or by proxy, entitled to cast sixty (60%) percent of the votes of the entire membership shall constitute a

quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirements, and if called for a date not later than sixty (60) days after the date of the first meeting, the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting.

Section 8: Date of Commencement of Annual Assessment; Amount of Initial and Subsequent Annual Assessments; Certificate of Payment. Unless a different commencement date isset by the Board of Directors, the annual assessments provided for herein shall commence as to eachLot in any phase on the first day of the month following the conveyance of a Lot within that phase toan Owner other than the Declarant or a builder. Unless a lower amount is set by the Board of Directorsand ratified by the Members, the first annual assessment shall be the "Maximum Annual Assessment"set forth in Section 3 of this Article and shall be prorated according to the number of days remainingin the calendar year.

The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 9. Remedies for Nonpayment of Assessment. Any assessment not paid within ten (10) days after the due date shall bear a late charge as the Board of Directors may from time to time establish, and, if not paid within thirty (30) days after the due date, shall also bear interest from the due date at the lesser of the annual rate of eighteen percent (18%) or the maximum amount permitted by law. The Association may bring an action at law against the Owner personally obligated to pay the same, and/or foreclose the lien against the Lot for which such assessment is due subject to NCGS §47F-3-116, as amended. Interest, late payment charges, reasonable attorneys' fees and the costs of such action or foreclosure shall be added to the amount of such assessment. No Owner may waive or otherwise escape or deny liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

Section 10: Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage encumbering a Lot. Sale or transfer of any Lot shall not affect the assessment lien except as otherwise provided by law. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from thelien thereof, but the liens provided herein shall continue to be subordinate to the lien of any first mortgage.

Section 11. Exempt Property. All property dedicated to and accepted by a public authorityand all property owned by a charitable or non-profit organization exempt from taxation by the laws of the State of North Carolina shall be exempt from assessments created herein. Notwithstanding the foregoing, no land or improvements devoted to dwelling use shall be exempt from said assessments.

## ARTICLE VI
## MAINTENANCE OF LOTS AND UNITS

Section 1. Association's Responsibility. In addition to maintenance of the Common Areaand the improvements and facilities located thereon, the Association shall be responsible formaintaining the grass, plants, shrubs, trees, landscaping, walks and parking areas ("Yard Improvements") installed by Developer or the Association, and any Yard Improvements installed byan Owner with the prior

written consent of the Association (but only to the extent that such consent specifically provides that the Association will maintain such added landscaping). The Association shall also be responsible for certain exterior maintenance of the Units, including the painting, repair,replacement and care of exterior building surfaces (including exterior doors installed as part of the initial construction of the Unit), roofs, gutters and down spouts, sidewalks, stoops and parking area. The Association shall not be responsible for maintenance or repair of glass surfaces or for any improvements not part of the original construction unless the architectural approval granted by the Association for subsequent improvements specifically provides that the Association will maintain such improvements. Furthermore, (i) the Association shall not be responsible for repair or replacement of any Yard Improvements or the exterior of any Unit when such repair or replacementis necessitated by work done by or at the request of any Owner or any utility company or governmental entity; and (ii) the Association shall not be responsible for repairing any damage causedby the negligent or willful act or omission of the Owner of such Unit or such Owner's tenants, subtenants, or family members or the guests or invitees of any of them. In order to enable the Association to perform the maintenance and repairs which are its responsibility, there is hereby reserved to the Association the right to unobstructed access over and upon each Lot at all reasonabletimes to perform maintenance.

In the event that the need for maintenance, repair or replacement is caused through the willful or negligent act of the Owner, his family, guests or invitees, or is caused by fire, lightening, windstorm, hail, explosion, riot, attending a strike, civil commotion, aircrafts, vehicles, and smoke, as the foregoing are defined and explained in the North Carolina Standard Fire and Extended Coverage insurance policies and the Association chooses to undertake such maintenance, repair or replacement, the cost of such performance, replacement or repairs shall be added to and become a part of the assessment to which such Lot is subject.

Section 2. Maintenance of Detention Ponds. The Association shall be responsible for maintaining and repairing the detention ponds located on the Common Area in accordance with the standards required by the Town of Beaufort and the State of North Carolina.

Section 3. Maintenance of Water and Sewer Lines. The water and sewer lines and all appurtenances thereto located within the Common Areas shall be properly maintained and operated by the Association in accordance with all applicable state and local laws. The Association shall allocate in its yearly budget and set aside in a separate account funds which may be used to repair, maintain, or reconstruct said water and sewer lines and appurtenances thereto should same become necessary. In the event of a voluntary dissolution by the Association, the Association shall first transfer said water and sewer lines and all appurtenances thereto to some other person, corporation or entity acceptable to and approved by the State of North Carolina and the Town of Beaufort.

Section 4. Owner's Responsibility; Remedy for Owner's Failure to Maintain. Any maintenance on a Lot that is not the responsibility of the Association, whether by the terms of this Declaration or by written acceptance of same, shall be the responsibility of the Owner of such Lot. Each Owner shall keep his Lot and Unit in an orderly condition and shall keep the improvements thereon in a suitable state of repair, except for those improvements that the Association is responsible for maintaining as provided in this Declaration. If an Owner does not make any repair or perform any maintenance required of such Owner, the Association shall have the right (but not the obligation), through its agents and employees, by the affirmative vote of a majority of the board of directors of the Association, to enter upon such Lot and to repair, maintain and restore the Lot or exterior of the

Unit erected thereon, and the cost of such exterior maintenance, plus a surcharge of 15% for administration, shall be assessed in accordance with Section 3 of this Article. Prior to such entry, the Association shall give written notice to the Owner stating: (i) the specific item(s) needing maintenance; (ii) the corrective action to be taken; (iii) a time, not less than 15 calendar days from the date of notice, in which the Owner is to perform the necessary maintenance; and (iv) a statement that, if the Owner fails to perform the maintenance within such time period, the Association will exercise its right to perform the maintenance and that the Owner will be assessed with the costs thereof as provided in this Article VI.

Section 5. Assessment of Cost. In the event that the Association performs maintenance on any Lot as provided in Section 4 of this Article VI, the cost of any such maintenance, replacementor repairs (including the administration fee) shall be assessed against the Lot upon which such maintenance is done and shall be added to and become a part of the assessments to which such Lot is subject, enforceable under the terms thereof.

## ARTICLE VII
## COMMITTEES

The Board of Directors of the Association shall appoint an Architectural Review Committee, which shall have authority to review and approve any Improvements, as hereinafter defined, to a Lot after occupancy of a dwelling as a residence on said Lot pursuant to a certificate of occupancy or other similar certificate issued by the appropriate governmental authority. The Architectural Review Committee shall be composed of three or more persons appointed by the Board of Directors of the Association. No Improvements to the Lot, including without limitation the replacement of any previously existing Improvements shall be commenced or maintained upon the Property nor shall any exterior addition to or change or alteration thereof be made nor shall a building permit for such Improvements be applied for or obtained until plans and specifications showing information required by the Architectural Review Committee have been submitted to and approved in writing by the same. The Association shall have the right to charge a reasonable fee for receiving and processing each application.

The Declarant and, after the Declarant no longer owns any Lot within the Property, the Association, shall have the right to promulgate and from time to time amend written architectural standards and construction specifications ("Architectural Guidelines") which may establish, define and expressly limit the standards and specifications which will be approved, including but not limited to, architectural style, exterior color or finish, roofing material, siding material, driveway material, landscape design and construction technique. Neither the Declarant, the Association, the Board of Directors or the Architectural Review Committee, nor any member or employee of any of them, shall have liability to any person or entity by reason of any acts taken or omitted by them, or any of them, in good faith pursuant to this Article.

The Board of Directors may, by the vote or written consent of a majority of the members thereof, allow reasonable variances as to the covenants, conditions or restrictions contained in the Declaration, on such terms and conditions as it shall require; provided that all such variances shall be in keeping with the general plan of the improvements and development of the Property. Variances contained in plans that are inadvertently approved by the Architectural Review Committee as part of the proposed improvements shall not be considered as having been approved unless specifically approved by the Board in accordance with this paragraph.

ARTICLE VIII
PARTY WALLS

Section 1: Rules of Law. All common party walls as between individual Units shall confirm to the requirements of the North Carolina State Building Code. The general rules of law regarding party walls, lateral support, and liability for property damage due to negligence or willfulacts or omissions shall apply to each wall which is built as a part of the original construction of the Units within the Property and which is placed on the dividing line between Lots, and to all reconstruction or extension of such walks, to the extent not inconsistent with the provisions of this Article.

Section 2: Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion tosuch use.

Section 3: Destruction by Fire or Other Casualty. If a party wall is destroyed or damagedby fire or other casualty, any Owner who or which uses the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice, however, to the right of any such Owner to call for a largercontribution from the others under any rule of law regarding liability for willful acts or omissions.

Section 4: Easement and Right of Entry for Repair, Maintenance and Reconstruction. Every Owner shall have an easement and right of entry upon the Lot of any other Owner and the Common Area to the extent reasonably necessary to perform repair, maintenance or reconstruction of a party wall and those improvements belonging to his Lot which encroach on an adjoining Lot orCommon Area. Such repair, maintenance, or reconstruction shall be done expeditiously, and upon completion of the Work, the Owner shall restore the adjoining Lot(s) and Common Area to as nearlythe same condition as that which existed prior to commencement of the work as is reasonably practicable. Except in an emergency situation, an Owner entering upon another Owner's Lot as provided herein shall give reasonable oral or written notice to the Owner of the Lot on which such entry is to be made.

Section 5: Weatherproofing: Notwithstanding any other provision of this Article, an Owner who, by his negligence or other willful act or omission, causes the party wall to be exposed to the elements, shall bear the entire cost of furnishing the necessary protection against such elementsand of repairing any damages resulting from such Owner's failure to timely and adequately provide such protection.

Section 6: Right to Contribution Runs With Land. The right of any Owner to contributionfrom any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 7: Certification by Adjoining Property Owner That No Contribution is Due. If any Owner desires to sell his Lot, such Owner, in order to assure a prospective purchaser that no Owner of an adjoining Lot has a right of contribution as provided in this Article, may request that theadjoining property Owner make a certification that no right of contribution exists, whereupon it shallbe the duty of each adjoining property Owner to make such certification immediately upon request, and without charge; provided, however, that where the adjoining property Owner claims a right of contribution,

the certification shall contain a recital of the amount claimed. If an adjoining Owner fails to give a certification within ten (10) days of actual receipt of such request, such failure shall beconclusively deemed a certification that no such contribution is due.

## ARTICLE IX
## USE RESTRICTIONS

Section 1: Use. No Lot shall be used except for townhome residential purposes. No Lot shall be subdivided by any Owner except with Declarant's prior written permission. No structure shallbe erected, placed or permitted to remain on any Lot other than one attached single family townhome dwelling not to exceed two and one-half (2 ½) stories in height. No garage shall be converted to or used as a bedroom, storage room or other living space. The number of bedrooms in a Unit shall not be increased without the approval of the Association. Notwithstanding the foregoing, the Declarant reserves the right for itself and its assigns to use any Lot or Unit as a sales office and/or model which may be shown to prospective purchasers of Lots.

Section 2: No commercial use. Except as otherwise specifically provided herein, no business, trade, industry, profession, or commercial enterprise may be carried on, maintained or permitted upon any Lot. The restrictions contained herein shall not apply to the development or marketing of Lots in the Subdivision or construction of same. An Owner or occupant of a Unit mayconduct business activities within such Unit so long as: (a) the existence or operation of the businessactivity is not apparent or detectable by sight, sound or smell from the outside of the Lot; (b) the business activity confirms to all applicable zoning requirements, without the need for a variance or special or conditional use permit; (c) the business activity does not involve door-to-door solicitationof the residents of the Subdivision; (d) the business activity does not, in the reasonable judgment of the board of directors of the Association, general a level of vehicular or pedestrian traffic or a numberof vehicles parked in the Subdivision which is noticeably greater that than which is typical of Lots in which no business activity is being conducted; (e) the business activity is consistent with the residential character of the Subdivision, does not create a hazardous or dangerous condition or threaten the security or safety of other occupants of the Subdivision, and is not a nuisance or an unreasonable annoyance or offensive use, all as may be determined in the sole discretion of the Board of Directors of the Association.

The terms “business,” “trade,” “industry,” “occupation” and “profession” as used in this Section shall be construed to have their ordinary, generally-accepted meanings and shall include without limitation, any occupation, work or activity which involves the provision of goods or services to persons other than the provider’s immediate family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether such activity is engaged in full or part-time, such activity is intended to or does generate a profit, or whether a license is required. The leasing of a Lot in accordance with this Declaration shall not be considered a business or trade within the meaning of this Section.

Section 3: Plan approval. The Declarant shall have the sole and absolute right to determine the style and appearance of the dwellings, including, but not limited to, flags, subject to NCGS §47F-3-121, flag poles, flag staffs, fences, walls, buildings, outbuildings, garages, storage sheds, lawn decorations, structure of any type or color thereof, grading, landscaping, patio covers andtrellises, plans of off-street parking of vehicles, utility layout and any other improvements (the

"Improvements") to be built or constructed on any Lot.

No site preparation or initial construction, erection or installation of any improvement, including, but not limited to, dwelling units, outbuildings, driveways, fences, walls, signs, or other structures shall be undertaken upon any Lot or parcel of land on the Property without the prior written approval of the building plans, exterior paint or color schemes and exterior materials by the Declarant or its successors or designees (including the Architectural Review Committee once Declarant assigns such rights and obligations to the Association). A dumpster is to be placed on each Lot at the commencement of any construction for debris. A detailed landscaping plan must be approved by the Declarant or its successors or designees. All landscaping plans shall reflect and include a minimum of one (1) tree to be planted in the front yard area and shrubbery covering the entire front elevation of the structure. Landscaping shall be completed by the time of occupancy, unless an extension is given by the Declarant. All driveways must be constructed of concrete materials. It is the intent of the Declarant that all exteriors of the structures shall be harmonious with all of the other structures in the Subdivision. No any structure of any type shall be started on any Lot until a plot plan showing the location of such structure has been approved in writing by the Declarant or its successors or designees. If no approval or rejection has been given for such planned use or for such plans which have been hand-delivered to the Declarant, its successors or designees within sixty (60) days after written application, the plan shall be deemed to have been approved.

Section 4: Driveways and Parking. Paved driveways are required for each Unit. Residents of each Unit are limited to two (2) vehicles per Unit. Designated off street parking areas will be made available for guests and invitees, but all Unit residents are prohibited from using said areas for long-term parking. There shall be no parking allowed within any street right of way.

Section 5: Minimum Square Footage. Any residence constructed on a Lot must have a minimum square footage, more specifically described as heated living area, exclusive of open porches, garage and basements, of not less than One Thousand (1,000) square feet.

Section 6: Structure Type. All homes place on any Lots shall be attached single-family townhomes. No mobile home, pre-fab, modular home, package home or other pre-built home shall be placed on any Lot. Any residence built on any Lot shall be "stick built" except that pre-fabricated roof trusses and pre-fabricated fireplaces and chimneys may be utilized.

Section 7: Setbacks. No buildings shall be located on any Lot nearer to any lot line than as shown on the recorded plat. No buildings other than the Unit may be placed on any Lot.

Section 8: Nuisance. No noxious or offensive trade or activity shall be carried on upon any Lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

Section 9: Temporary structures. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any structure of a temporary character be used as a residence.

Section 10: Livestock and Pets. No barns, stables, and outbuildings for the purpose of maintaining horses or other livestock type animals shall be permitted on any Lot. No animals, livestock, poultry, or reptiles of any kind shall be raised, bred or kept on any portion of the Property,

except that no more than two domesticated dogs and cats and small non-offensive household pets may be kept by the Owner, provided that they are not kept or used for breeding or maintained for any commercial purpose. Pets may not be constitute a danger or nuisance including, but not by way of limitation, excessive barking or causing property damage to other Owners or to the Property. When outside, no animal may be staked out, and all pets must be kept on a leash. No animal pens, runs, housing or like enclosure shall be kept or placed on any Lot.

Section 11: Parking. There shall be no parking allowed within any street right of way. No trucks, tractors or trailers may be regularly stored or parked upon the Property. This provision shall not, however, be interpreted to prohibit the owner of a pick-up truck, up to 1 ton in size, being used by any Owner for his personal conveyance, and such truck maybe parked upon the Owner's Lot. No boat, trailer, mobile home, camper or recreational vehicle shallbe permitted to remain upon any street or any Lot. No vehicle required by the State of North Carolina to have a current license may be kept on the Property or any Lot for more than 10 days without a current valid license plate.

Section 12: Clotheslines. No outside clotheslines shall be erected or kept on any Lot.

Section 13: Satellite dishes. No satellite dish or comparable communication device having a size larger than eighteen (18) inches in diameter may be located on any Lot; further any suchsatellite dish or comparable communication device must be located in the back yard of any Lot. No transmitting tower or antenna exceeding a height of twenty (20) feet from ground level shall be placed, used or erected on any Lot, either temporarily or permanently. No solar panel shall be placed on the Lot or the structure without approval of the Declarant.

Section 14: Fences. No fence shall be constructed, built or erected on any Lot.

Section 15: Signs. No sign of any kind shall be displayed to the public view on any Lot or the Common Area except (a) one sign of not more than eight (8) square feet advertising aLot for sale, or signs used by a builder, developer, Realtor or Owner to advertise the Lot during construction and then for sale and (b) one sign with the maximum dimensions of 24 inches by 24 inches expressing support of or opposition to political candidates or other issues which will appear on the ballot of a primary, general or special election; provided that such political signs shall not be placed on a Lot earlier than forty-five (45) days before such election and shall be removed within seven (7) days after such election. No yard or lawn ornaments of any kind will be permitted to be placed on any Lot, except in the rear portion of the yard, said rear portion of the yard being defined as that particular area of the yard located between the rear corner of the residence and the back or rearlot line.

Section 16: Lot Maintenance and Patios and Decks. All Lots, whether occupied or unoccupied, shall be well maintained and kept free of rubbish and debris. Rubbish, trash, debris, garbage and other waste must be kept only in sanitary containers which are in a screened area not generally visible from the road. All containers, or other equipment for storage of disposal of such waste materials shall be kept in a clean and sanitary condition and shall be disposed of on a regular basis. Burning of trash or debris is not permitted. Patio and deck areas are to be kept in good order and condition with only patio furniture, outdoor grills, and house plants located thereon. No drying or airing of any clothing or bedding shall permitted outdoors on any Lot, including but not limited to on any patio or deck.

Section 17: Entertainment Structures. No bicycle, skateboard or other entertainment ramps or other temporary or permanent recreational structures may be erected or placed on any Lot. No above ground swimming pools shall be located on any Lot.

Section 18: Lighting. Following the installation of residential street lighting by means of mercury vapor or sodium vapor lighting units on the Property, any party or person who may then own, or who may hereafter own, any interest in any Lot, shall be obligated to pay to Duke Power, the monthly rate per Lot (plus applicable North Carolina sales tax) that is normally charged by the utility for subdivision lots. The obligation to pay such a monthly rate, as it may change from time to time, shall continue until such time as the Subdivision on the Property is annexed into the corporate limits of a city, town or village, and responsibility for the cost of street lighting is assumed by, or transferred to, a governmental unit.

Section 19: Water Detention Ponds. No docks or other structures shall be erected in water detention ponds. All other uses of the water retention areas are prohibited without the express consent of the Association.

## ARTICLE VII
## EASEMENTS

Section 1: Access and Utility Easements. Easements for installation and maintenance of roadways, driveways, walkways, water, gas, telephone, sewer facilities, electric power and cable transmission lines, utilities, storm water drainage facilities and for other public and private utility installations are reserved as shown on the recorded plat of the Property. The Association may grant or reserve easements over the Common Area as provided herein. In addition, easements for installation and maintenance of utilities and drainage facilities not shown on the recorded plats including, water lines, sewer lines, gutter lines, gas lines and that area used for French drains are reserved. Within these easements no structure, planting or other material shall be placed or permitted to remain which may interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage pipes or channels constructed in in the easements.

For a period of thirty (30) years from the date hereof, Declarant shall have and reserves unto itself and its employees, agents, contractors, successor and assigns, an easement upon and right of ingress, egress, and regress on, over and under the Property for the purposes of constructing and maintaining water, sewer, gas, storm water drainage and retention, telephone, cable television, electric and other utility facilities and roadways to the extent required by an governmental entity or determined by the Declarant to be necessary or convenient for the development, use and enjoyment of the Property and Common Area and the conduct of construction, sales and marketing activities. Such right expressly includes the right to cut any trees, bushes or shrubbery, make any grading of the soil, relocate utility facilities within said easement and take any other similar actions that it deems necessary or appropriate. After such action has been completed, Declarant shall grade and seed the affected property and otherwise restore the affected property to its original condition to the extent practicable but shall not be required to replace any trees, bushes or shrubbery necessarily removed. Declarant shall give reasonable notice of its intent to take such action to each Owner whose Lot is affected.

Section 2: Easements for Governmental Access. An easement is hereby established over the Common Area and every lot within the Property for the benefit of applicable governmental agencies and utilities for installing, removing, reading water meters, maintaining and replacing water and sewer facilities and acting for other purposes consistent with public safety and welfare, including without limitation, law enforcement, fire protection, garbage collection and the delivery of mail.

Section 3: Unintentional Encroachments. If any portion of the Common Area encroaches upon any Unit or any Unit encroaches upon any other Unit or upon any portion of the Common Areaas a result of settling or shifting of a building, an easement for the encroachment and for the maintenance of same shall exist so long as the building stands. If the building, the Unit, an adjoiningUnit or any adjoining part of the Common Area shall be partially or totally destroyed as a result of fire or other casualty or as a result of eminent domain proceedings, and then rebuilt, encroachments on parts of the Common Area of any Unit or of any Unit upon any other Unit or upon any portion ofthe Common Area due to such rebuilding shall be permitted and valid easements for such encroachments and the maintenance thereof shall exist so long as the subject building shall stand.

## ARTICLE IX
## GENERAL PROVISIONS

Section 1: Enforcement. The Declarant, the Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restrictions herein contained shall inno event be deemed a waiver of the right to do so thereafter.

Section 2: Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3: Amendment. For so long as Declarant owns any Lot within the Subdivision, this Declaration may be amended by the Declarant without the consent or joinder of any other Owneror the Association. Any such amendment shall be effective upon recording of the same in the applicable public registry for Carteret County, North Carolina. No amendment shall be binding upon anyLot or Owner until fifteen (15) days after a copy of such amendment has been provided to such Owner.

The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods often (10) years. After Class B Lots cease to exist, Declaration may be amended during the first twenty year period by an instrument signed by the Owners of not less than seventy-five (75%) of the Lots and thereafter amended by an instrument signed by the Owners of not less than sixty-seven percent (67%) of the Lots; provided, however, that so long as there is Class B membership, no amendment adopted by the Owners shall be effective unless and until such amendment is approved in writing by the Declarant. Any amendment shall be by written instrument signed by the appropriate persons and recorded in the public registry for Carteret County, North Carolina, and upon recordation, shall be binding on all Lots within the Property and the Owners thereof, without regard to whether the Owner of such Lot voted for or against or signed or did not sign the amendment.

Section 4: Entire Agreement. Nothing herein contained shall be construed as imposing any covenants or restrictions on any property of the owners of this tract of land other than those properties to which this Declaration specifically applies. No provision contained in this Declaration shall be deemed to have been waived, abandoned, and abrogated by reason of failure to enforce them on the part of any person as to the same or similar future violations, no matter how often the failure to enforce is repeated.

Section 5. Interpretation. Headings used herein are for reference purposes only and shall not be used to interpret or construe any provision hereof. Unless the context requires otherwise, the use herein of the singular shall include the plural and vice versa; the use of one gender shall include all genders; and the use of the work "including" shall mean "including, without limitation." This Declaration shall be construed and enforced in accordance with the laws of the State of North Carolina.

Section 6. Insurance. Every Owner shall maintain in full force and effect at all times fire and hazard insurance in an amount equal to the full replacement value of his or her Unit, including the value of excavations and foundations. An Owner shall provide a copy of his or her insurance certificate or declaration page, as evidence that such insurance is in effect to the Association within ten (10) day of purchasing a Lot, within ten (10) days of any change of insurance, and upon request by the Association.

[The remainder of this page has been left intentionally blank.]

IN WITNESS WHEREOF, the Declarant has executed this document, with authority duly given, the day and year first above written, intending it to be a sealed document.

This the___day of_____, 2024.

1809, LLC

By:_____(SEAL)
_____, Member/Manager

NORTH CAROLINA
CARTERET
COUNTY

I,_____a Notary Public of the County and State aforesaid, certify that _____, personally appeared before me this day in the capacity of Manager of 1809, LLC and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this_____day of_____, 2024.

_____
Notary Public

My commission expires: _____

**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

**Board of Commissioners**
**Regular Session Meeting**
**6:00 PM Monday, June 10, 2024**

**AGENDA CATEGORY:** New Business

**SUBJECT:** Sewer Allocation Request
The Towns at Live Oak

**BRIEF SUMMARY:**

The applicant 1809 LLC is requesting that 24,300 gallons per day (gpd) of sewer treatment capacity be allocated to The Towns at Live Oak proposed residential subdivision. The capacity being requested for 135 residential units with 3 bedrooms that are to be constructed on the 14-acre tract located at 1809 Live Oak Street.

The allocation request is being brought forth by Town staff concurrent with the request by the applicant to approve the site plan for the proposed subdivision. The allocation request will fall within the Priority Level 1 category described by the Town's "Wastewater Allocation Policy" if the site plan is approved. Priority Level 1 projects include the following classes of development provided all permitting and approval application requirements by the Town and other regulatory agencies having jurisdiction have been satisfied: 1) Infill development located within the Town's corporate limits; 2) redevelopment located within the Town's corporate limits; and 3) new development within the corporate limits.

If approved, the allocation represents approximately 1.6 percent of the 1.5 million gallons per day treatment capacity of the Town's wastewater treatment plant (WWTP). The most recent accounting shows the sum of the utilized and reserved/allocated capacities to stand at approximately 80 percent.

**REQUESTED ACTION:**

Consider approving the allocation of 24,300 gpd of sewer capacity to 1809 LLC for The Towns at Live Oak proposed residential subdivision.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**
No




May 31, 2024



The information displayed by this website is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. Carteret County assumes no legal responsibility for the information contained on this site. Carteret County does not guarantee that the data and map services will be available to users without interruption or error. Furthermore, Carteret County may modify or remove map services and access methods at will.

**TOWN OF Beaufort**
Public Services Department
701 Front Street, Beaufort, NC 2816
P.O. Box 390, Beaufort, NC 28516
Phone: 252-728-2141

# WASTEWATER ALLOCATION REQUEST

The Town of Beaufort, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

**Wastewater Allocation Request Review Fee: $50**

## SITE INFORMATION

**Name of Project:** The Towns at Live Oak **Acreage of Property:** 14.04 ac

**County Tag Number:** N/A **NC PIN:** 730612962791000

**Address/Location:** 1809 Live Oak Street, Beaufort, NC 28516

**Zoning District:** TCA

**Location Status:** ■ Town Limits ☐ Existing Out-of-Town Service Area
☐ Out-of-Town Service Approval/Agreement

## APPLICANT INFORMATION

**Applicant:** 1809 LLC

**Mailing Address:** 710 Arendell Street, Suite 201, Morehead City, NC 28557

**Phone Number:** 252-725-5375 **Fax:** N/A

**Contact Person:** Dale Britt

**Email Address:** dale@brittdevelopment.com

## PROPERTY OWNER INFORMATION

**Name:** (same as applicant)

**Mailing Address:**

**Phone Number:** **Fax:**

**Email Address:**

## *FOR OFFICE USE ONLY*

Date Received: File Number/Name:

## PROJECT INFORMATION

**Use:** ☒ **New** ☐ **Expanded** ☐ **Change** **Use Type:** ☒ **Residential** ☐ **Commercial**

**Proposed Use(s):** 2/3 bedroom Townhomes **Existing Use(s):** None/Vacant

**Developer Name:** 1809 LLC
**Mailing Address:** 710 Arendell Street, Suite 201, Morehead City, NC 28557
**Phone Number:** 252-725-5375 **Fax Number:** N/A
**Email Address:** dale@brittdevelopment.com

## ALLOCATION REQUEST (See instructions on page 3 regarding use of Professional Engineer)

**The following supplemental information is required:**

- **Complete development proposal for Priority Levels 1, 2 or 3 allocation request**
- **Preliminary plan or sketch plan for Priority Level 4 allocation request meeting requirements for site plans as established on the Town's Building Permit Application or as described for sketch plans by the Town's Subdivision Ordinance**
- **If a phasing schedule is proposed, include as an attachment**

**Residential:**

**Gross Acreage:** 14.04 acres

| Single Family | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|
| 1-2 Bedroom Units | | | |
| 3 Bedroom Units | 135 | 180 | 24300 |
| >3 Bedroom Units | | | |
| **Total** | | ------ | |

| Multi-Family | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|
| 1-2 Bedroom Units | | | |
| 3 Bedroom Units | 135 | 180 | 24,300 |
| >3 Bedroom Units | | | |
| **Total** | 135 | ------ | 24,300 |

**Non-Residential:** ***(Design Flow Guideline provided as Appendix A)****

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

**Gross Acreage:** _____

| Use | Measurement Unit | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| **Total** | | | ------ | |

**TOTAL REQUESTED GALLONS PER DAY:** _____

## APPLICANT AFFIDAVIT

***I/We, the undersigned, do hereby make application and petition to the Town of Beaufort to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Beaufort, North Carolina, and will not be returned.***

1809 LLC by R Dale Britt
*Print Name*

*Signature of Applicant*

6 Dec 2023
*Date*

## ENGINEER'S CERTIFICATION

*The allocation request data provided on page 2 of this form shall be provided by a Professional Engineer for all requests except single lot residential infill requests and commercial requests equal to or less than 360 gallons per day. The certification statement below shall be completed by the Professional Engineer providing the data.*

I, Ronald D. Cullipher hereby attest that the total requested allocation and the values used to derive the total are to the best of my knowledge, accurate and complete having been prepared in accordance with the instructions of this form while also adhering to applicable State laws, regulations, and rules, concerning the determination of design daily wastewater flows from facilities served by public wastewater collection and treatment systems.

Ronald D Cullipher 12/5/23
Signed and Dated Professional Engineer Seal

NORTH CAROLINA PROFESSIONAL SEAL 13343 ENGINEER RONALD D CULLIPHER

| | |
|---|---|
| The Cullipher Group, PA | 151A Highway 24, Morehead City, NC 28557 |
| Firm Name | Address |
| 252-773-0090 | ron@tcgpa.com |
| Telephone No. | Email Address |

## TOWN OF BEAUFORT OFFICE USE ONLY:

Approved by: ☐ Town Engineer
☐ Board of Comissioners

Allocation approved: _____ gallons per day

Date of Approval: _____

Confirmation signature by:

_____
Town Manager

# APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

| Establishment Type | Daily Flow Rate |
|---|---|
| **Barber and Beauty Shops** | |
| Barber Shops | 50 gal/chair |
| Beauty Shops | 125 gal/booth or bowl |
| **Businesses, Offices and Factories** | |
| General business and office facilities | 25 gal/employee/shift |
| Factories, excluding industrial waste | 25 gal/employee/shift |
| Factories or businesses with showers or food preparation | 35 gal/employee/shift |
| Warehouse | 100 gal/loading bay |
| Warehouse – self storage (not including caretaker residence) | 1 gal/unit |
| **Churches** | |
| Churches without kitchens, day care or camps | 3 gal/seat |
| Churches with kitchen | 5 gal/seat |
| Churches providing day care or camps | 25 gal/person (child & employee) |
| **Fire, Rescue and Emergency Response** | |
| Fire or rescue stations without on-site staff | 25 gal/person |
| Fire or rescue stations with on-site staff | 50 gal/person/shift |
| **Food and Drink Facilities** | |
| Banquet, dining hall | 30 gal/seat |
| Bars, cocktail lounges | 20 gal/seat |
| Caterers | 50 gal/100 sq. ft. floor space |
| Restaurant, full Service | 40 gal/seat |
| Restaurant, single service articles | 20 gal/seat |
| Restaurant, drive-in | 50 gal/car space |
| Restaurant, carry out only | 50 gal/100 sq. ft. floor space |
| Institutions, dining halls | 5 gal/meal |
| Deli | 40 gal/100 sq. ft. floor space |
| Bakery | 10 gal/100 sq. ft. floor space |
| Meat department, butcher shop or fish market | 75 gal/100 sq. ft. floor space |
| Specialty food stand or kiosk | 50 gal/100 sq. ft. floor space |
| **Hotels and Motels** | |
| Hotels, motels and bed & breakfast facilities, without in-room cooking facilities | 120 gal/room |
| Hotels and motels, with in-room cooking facilities | 175 gal/room |
| Resort hotels | 200 gal/room |
| Cottages, cabins | 200 gal/unit |
| Self-service laundry facilities | 500 gal/machine |
| **Medical, Dental and Veterinary Facilities** | |
| Medical or dental offices | 250 gal/practitioner/shift |
| Veterinary offices (not including boarding) | 250 gal/practitioner/shift |
| Veterinary hospitals, kennels, animal boarding facilities | 20 gal/pen, cage, kennel or stall |
| Hospitals, medical | 300 gal/bed |
| Hospitals, mental | 150 gal/bed |
| Convalescent, nursing, rest homes without laundry facilities | 60 gal/bed |
| Convalescent, nursing, rest homes with laundry facilities | 120 gal/bed |
| Residential care facilities | 60 gal/person |
| **Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities** | |
| Campgrounds with comfort station, without water or sewer hookups | 75 gal/campsite |

| Establishment Type | Daily Flow Rate |
|---|---|
| Campgrounds with water and sewer hookups | 100 gal/campsite |
| Campground dump station facility | 50 gal/space |
| Construction, hunting or work camps with flush toilets | 60 gal/person |
| Construction, hunting or work camps with chemical or portable toilets | 40 gal/person |
| Parks with restroom facilities | 250 gal/plumbing fixture |
| Summer camps without food preparation or laundry facilities | 30 gal/person |
| Summer camps with food preparation and laundry facilities | 60 gal/person |
| Swimming pools, bathhouses and spas | 10 gal/person |
| Public access restrooms | 325 gal/plumbing fixture |
| **Schools, Pre-school and Day Care** | |
| Day care and preschool facilities | 25 gal/person (child & employee) |
| Schools with cafeteria, gym and showers | 15 gal/student |
| Schools with cafeteria | 12 gal/student |
| Schools without cafeteria, gym or showers | 10 gal/student |
| Boarding schools | 60 gal/person (student & employee) |
| **Service Stations and Car Wash Facilities** | |
| Service stations, gas stations | 250 gal/plumbing fixture |
| Car wash facilities | 1200 gal/bay |
| **Sports Centers** | |
| Bowling center | 50 gal/lane |
| Fitness, exercise, karate or dance center | 50 gal/100 sq. ft. |
| Tennis, racquet ball | 50 gal/court |
| Gymnasium | 50 gal/100 sq. ft. |
| Golf course with only minimal food service | 250 gal/plumbing fixture |
| Country clubs | 60 gal/member or patron |
| Mini golf, putt-putt | 250 gal/plumbing fixture |
| Go-kart, motocross | 250 gal/plumbing fixture |
| Batting cages, driving ranges | 250 gal/plumbing fixture |
| Marinas without bathhouse | 10 gal/slip |
| Marinas with bathhouse | 30 gal/slip |
| Video game arcades, pool halls | 250 gal/plumbing fixture |
| Stadiums, auditoriums, theaters, community centers | 5 gal/seat |
| **Stores, Shopping Centers, Malls and Flea Markets** | |
| Auto, boat, recreational vehicle dealerships/showrooms with restrooms | 125 gal/plumbing fixture |
| Convenience stores, with food preparation | 60 gal/100 sq. ft. |
| Convenience stores, without food preparation | 250 gal/plumbing fixture |
| Flea markets | 30 gal/stall |
| Shopping centers and malls with food service | 130 gal/1000 sq. ft. |
| Stores and shopping centers without food service | 100 gal/1000 sq. ft. |
| **Transportation Terminals** | |
| Air, bus, train, ferry, port and dock | 5 gal/passenger |

*Source: North Carolina Administrative Code 02T.0114, January 1, 2007*

The North Carolina Division of Environmental Quality (NCDEQ) approved on August 8, 2022 the Town of Beaufort's request for an adjusted daily sewage flow rate (flow reduction) that would apply to all permitted but not yet tributary connections and all future connections from single-family, detached residential units within the Town of Beaufort service area. NCDEQ also approved on November 28, 2022 the Town's request that would apply to all permitted but not yet tributary multi-family residential units within the Town's service area. Accordingly, the in determining the volume from single-family, detached residential units and multi-family residential units, the flow rate shall be 60 gallons per day per bedroom. The minimum volume of sewage from each residential dwelling unit shall be 120 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 60 gallons per day.

Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes.

**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

**Board of Commissioners**
**Regular Session Meeting**
**6:00 PM Monday, June 10, 2024**

**AGENDA CATEGORY:** New Business

**SUBJECT:** Sewer Allocation Request
Beaufort Maritime Museum Education Center

**BRIEF SUMMARY:**

The consulting firm of WithersRavenel is requesting on behalf of The Maritime Foundation of Beaufort North Carolina, Inc. that 7,250 gallons per day (gpd) of sewer treatment capacity be allocated to the Beaufort Maritime Museum. The capacity being requested is for the planned education center to be constructed at the Gallants Channel property adjacent to West Beaufort Road Extension.

The allocation request is being brought forth by Town staff subsequent to approval of the site plan by the Board of Commissioners during the March 11, 2024 regular meeting The allocation request will fall within the Priority Level 1 category described by the Town's "Wastewater Allocation Policy." Priority Level 1 projects include the following classes of development provided all permitting and approval application requirements by the Town and other regulatory agencies having jurisdiction have been satisfied: 1) Infill development located within the Town's corporate limits; 2) redevelopment located within the Town's corporate limits; and 3) new development within the corporate limits.

If approved, the allocation represents approximately 0.5 percent of the 1.5 million gallons per day treatment capacity of the Town's wastewater treatment plant (WWTP). The most recent accounting shows the sum of the utilized and reserved/allocated capacities to stand at approximately 80 percent.

**REQUESTED ACTION:**

Consider approving the allocation of 7,250 gpd of sewer capacity to The Maritime Foundation of Beaufort North Carolina, Inc. for the Beaufort Maritime Museum Education Center.

**EXPECTED LENGTH OF PRESENTATION:**

5 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**
No

**TOWN OF Beaufort**
Public Services Department
701 Front Street, Beaufort, NC 2816
P.O. Box 390, Beaufort, NC 28516
Phone: 252-728-2141

# WASTEWATER ALLOCATION REQUEST

The Town of Beaufort, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

**Wastewater Allocation Request Review Fee: $50**

## SITE INFORMATION

**Name of Project:** Beaufort Maritime Museum **Acreage of Property:** 26.98

**County Tag Number:** N/A **NC PIN:** 730613140379000

**Address/Location:** 293 West Beaufort Road Extension
Beaufort, NC 28516

**Zoning District:** B-W

**Location Status:** ☒ Town Limits ☐ Existing Out-of-Town Service Area
☐ Out-of-Town Service Approval/Agreement

## APPLICANT INFORMATION

**Applicant:** WithersRavenel

**Mailing Address:** 219 Station Road, Suite 101, Wilmington NC 28405

**Phone Number:** (910) 256-9277 **Fax:** N/A

**Contact Person:** Joe Boyd, P.E.

**Email Address:** jboyd@withersravenel.com

## PROPERTY OWNER INFORMATION

**Name:** The Maritime Foundation of Beaufort, North Carolina, Inc.

**Mailing Address:** PO Box 685, Beaufort, NC 28516

**Phone Number:** 252.728.7654 **Fax:** N/A

**Email Address:** info@maritimeheritage-beaufortnc.org

## *FOR OFFICE USE ONLY*

Date Received: _____ File Number/Name: _____

## PROJECT INFORMATION

**Use:** ☒ **New** ☐ **Expanded** ☐ **Change** **Use Type:** ☐ **Residential** ☐ **Commercial**

**Proposed Use(s):** B-W **Existing Use(s):** B-W

**Developer Name:** The Maritime Foundation of Beaufort, North Carolina, Inc.

**Mailing Address:** PO Box 685, Beaufort, NC 28516

**Phone Number:** 252.728.7654 **Fax Number:** N/A

**Email Address:** info@maritimeheritage-beaufortnc.org

## ALLOCATION REQUEST (See instructions on page 3 regarding use of Professional Engineer)

**The following supplemental information is required:**

- **Complete development proposal for Priority Levels 1, 2 or 3 allocation request**
- **Preliminary plan or sketch plan for Priority Level 4 allocation request meeting requirements for site plans as established on the Town's Building Permit Application or as described for sketch plans by the Town's Subdivision Ordinance**
- **If a phasing schedule is proposed, include as an attachment**

**Residential:**

**Gross Acreage:** _____

| Single Family | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|
| 1-2 Bedroom Units | | | |
| 3 Bedroom Units | | | |
| >3 Bedroom Units | | | |
| **Total** | | ----- | |

| Multi-Family | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|
| 1-2 Bedroom Units | | | |
| 3 Bedroom Units | | | |
| >3 Bedroom Units | | | |
| **Total** | | ----- | |

**Non-Residential:** ***(Design Flow Guideline provided as Appendix A)****

**If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

**Gross Acreage:** 25 acres

| Use | Measurement Unit | # of Units | GPD per Unit | Total Requested GPD |
|---|---|---|---|---|
| Maritime Education Center | Plumbing fixtures | 29 | 250 | 7,250 |
| | | | | |
| | | | | |
| **Total** | | | ----- | 7,250 |

**TOTAL REQUESTED GALLONS PER DAY:** 7,250

## APPLICANT AFFIDAVIT

***I/We, the undersigned, do hereby make application and petition to the Town of Beaufort to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Beaufort, North Carolina, and will not be returned.***

Richard L. Stanley — *Print Name*

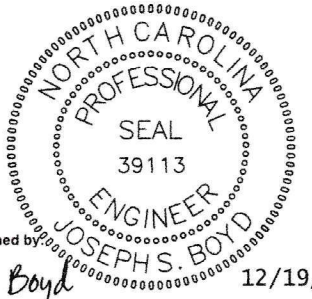
*Signature of Applicant*

05/17/2024 — *Date*

## ENGINEER'S CERTIFICATION

*The allocation request data provided on page 2 of this form shall be provided by a Professional Engineer for all requests except single lot residential infill requests and commercial requests equal to or less than 360 gallons per day. The certification statement below shall be completed by the Professional Engineer providing the data.*

I, Joe Boyd, P.E. hereby attest that the total requested allocation and the values used to derive the total are to the best of my knowledge, accurate and complete having been prepared in accordance with the instructions of this form while also adhering to applicable State laws, regulations, and rules, concerning the determination of design daily wastewater flows from facilities served by public wastewater collection and treatment systems.




DocuSigned by:
Joseph Boyd
EEA710741 1AC44D...
12/19/2023

Signed and Dated Professional Engineer Seal

| | |
|---|---|
| WithersRavenel | 219 Station Road, Suite 101, Wilmington NC 28405 |
| Firm Name | Address |
| (910) 256-9277 | jboyd@withersravenel.com |
| Telephone No. | Email Address |

## TOWN OF BEAUFORT OFFICE USE ONLY:

Approved by: ☐ Town Engineer

☐ Board of Comissioners

Allocation approved: _____ gallons per day

Date of Approval: _____

Confirmation signature by:

_____

Town Manager

# APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

| Establishment Type | Daily Flow Rate |
|---|---|
| **Barber and Beauty Shops** | |
| Barber Shops | 50 gal/chair |
| Beauty Shops | 125 gal/booth or bowl |
| **Businesses, Offices and Factories** | |
| General business and office facilities | 25 gal/employee/shift |
| Factories, excluding industrial waste | 25 gal/employee/shift |
| Factories or businesses with showers or food preparation | 35 gal/employee/shift |
| Warehouse | 100 gal/loading bay |
| Warehouse – self storage (not including caretaker residence) | 1 gal/unit |
| **Churches** | |
| Churches without kitchens, day care or camps | 3 gal/seat |
| Churches with kitchen | 5 gal/seat |
| Churches providing day care or camps | 25 gal/person (child & employee) |
| **Fire, Rescue and Emergency Response** | |
| Fire or rescue stations without on-site staff | 25 gal/person |
| Fire or rescue stations with on-site staff | 50 gal/person/shift |
| **Food and Drink Facilities** | |
| Banquet, dining hall | 30 gal/seat |
| Bars, cocktail lounges | 20 gal/seat |
| Caterers | 50 gal/100 sq. ft. floor space |
| Restaurant, full Service | 40 gal/seat |
| Restaurant, single service articles | 20 gal/seat |
| Restaurant, drive-in | 50 gal/car space |
| Restaurant, carry out only | 50 gal/100 sq. ft. floor space |
| Institutions, dining halls | 5 gal/meal |
| Deli | 40 gal/100 sq. ft. floor space |
| Bakery | 10 gal/100 sq. ft. floor space |
| Meat department, butcher shop or fish market | 75 gal/100 sq. ft. floor space |
| Specialty food stand or kiosk | 50 gal/100 sq. ft. floor space |
| **Hotels and Motels** | |
| Hotels, motels and bed & breakfast facilities, without in-room cooking facilities | 120 gal/room |
| Hotels and motels, with in-room cooking facilities | 175 gal/room |
| Resort hotels | 200 gal/room |
| Cottages, cabins | 200 gal/unit |
| Self-service laundry facilities | 500 gal/machine |
| **Medical, Dental and Veterinary Facilities** | |
| Medical or dental offices | 250 gal/practitioner/shift |
| Veterinary offices (not including boarding) | 250 gal/practitioner/shift |
| Veterinary hospitals, kennels, animal boarding facilities | 20 gal/pen, cage, kennel or stall |
| Hospitals, medical | 300 gal/bed |
| Hospitals, mental | 150 gal/bed |
| Convalescent, nursing, rest homes without laundry facilities | 60 gal/bed |
| Convalescent, nursing, rest homes with laundry facilities | 120 gal/bed |
| Residential care facilities | 60 gal/person |
| **Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities** | |
| Campgrounds with comfort station, without water or sewer hookups | 75 gal/campsite |

| Establishment Type | Daily Flow Rate |
|---|---|
| Campgrounds with water and sewer hookups | 100 gal/campsite |
| Campground dump station facility | 50 gal/space |
| Construction, hunting or work camps with flush toilets | 60 gal/person |
| Construction, hunting or work camps with chemical or portable toilets | 40 gal/person |
| Parks with restroom facilities | 250 gal/plumbing fixture |
| Summer camps without food preparation or laundry facilities | 30 gal/person |
| Summer camps with food preparation and laundry facilities | 60 gal/person |
| Swimming pools, bathhouses and spas | 10 gal/person |
| Public access restrooms | 325 gal/plumbing fixture |
| **Schools, Pre-school and Day Care** | |
| Day care and preschool facilities | 25 gal/person (child & employee) |
| Schools with cafeteria, gym and showers | 15 gal/student |
| Schools with cafeteria | 12 gal/student |
| Schools without cafeteria, gym or showers | 10 gal/student |
| Boarding schools | 60 gal/person (student & employee) |
| **Service Stations and Car Wash Facilities** | |
| Service stations, gas stations | 250 gal/plumbing fixture |
| Car wash facilities | 1200 gal/bay |
| **Sports Centers** | |
| Bowling center | 50 gal/lane |
| Fitness, exercise, karate or dance center | 50 gal/100 sq. ft. |
| Tennis, racquet ball | 50 gal/court |
| Gymnasium | 50 gal/100 sq. ft. |
| Golf course with only minimal food service | 250 gal/plumbing fixture |
| Country clubs | 60 gal/member or patron |
| Mini golf, putt-putt | 250 gal/plumbing fixture |
| Go-kart, motocross | 250 gal/plumbing fixture |
| Batting cages, driving ranges | 250 gal/plumbing fixture |
| Marinas without bathhouse | 10 gal/slip |
| Marinas with bathhouse | 30 gal/slip |
| Video game arcades, pool halls | 250 gal/plumbing fixture |
| Stadiums, auditoriums, theaters, community centers | 5 gal/seat |
| **Stores, Shopping Centers, Malls and Flea Markets** | |
| Auto, boat, recreational vehicle dealerships/showrooms with restrooms | 125 gal/plumbing fixture |
| Convenience stores, with food preparation | 60 gal/100 sq. ft. |
| Convenience stores, without food preparation | 250 gal/plumbing fixture |
| Flea markets | 30 gal/stall |
| Shopping centers and malls with food service | 130 gal/1000 sq. ft. |
| Stores and shopping centers without food service | 100 gal/1000 sq. ft. |
| **Transportation Terminals** | |
| Air, bus, train, ferry, port and dock | 5 gal/passenger |

*Source: North Carolina Administrative Code 02T.0114, January 1, 2007*

The North Carolina Division of Environmental Quality approved on August 8, 2022 the Town of Beaufort's request for an adjusted daily sewage flow rate (flow reduction) that would apply to all permitted but not yet tributary residential connections and all future residential connections within the Town of Beaufort service area. Accordingly, the in determining the volume from single-family, detached residential units, the flow rate shall be 60 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 120 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 60 gallons per day.

Per 15A NCAC 02t .0114 (b), in determining the volume of sewage from multifamily residential dwelling units such as apartments, condominiums, townhouses, and all other types of attached residential units, the flow rate shall be 120 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit shall be 240 gallons per day and each additional bedroom above two bedrooms shall increase the volume by 120 gallons per day. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.

Each bedroom or any other room or addition that can function as a bedroom shall be considered a bedroom for design purposes.

**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM Monday, June 10, 2024**

**AGENDA CATEGORY:** New Business

**SUBJECT:** Acceptance of Public Improvements
Beau Coast Subdivision, Phase 5

**BRIEF SUMMARY:**

Blue Treasure LLC, a limited liability company organized and existing by virtue of the laws of the State of North Carolina has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phase 5 of the Beau Coast subdivision. Construction of these improvements has been observed by both Blue Treasure's engineer and Town Utilities staff on a periodic basis. Additionally, a list of items requiring completion and correction associated with some of the improvements being proposed for dedication has been satisfactorily addressed.

Given the proposed dedication of the public improvements, Town staff is asking the Board to consider accepting the improvements by resolution. Such acceptance is authorized by G.S. 160D-806 which authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction.

**REQUESTED ACTION:**

Consider adopting the resolution accepting certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements, related thereto within Phase 5 of the Beau Coast subdivision.

**EXPECTED LENGTH OF PRESENTATION:**

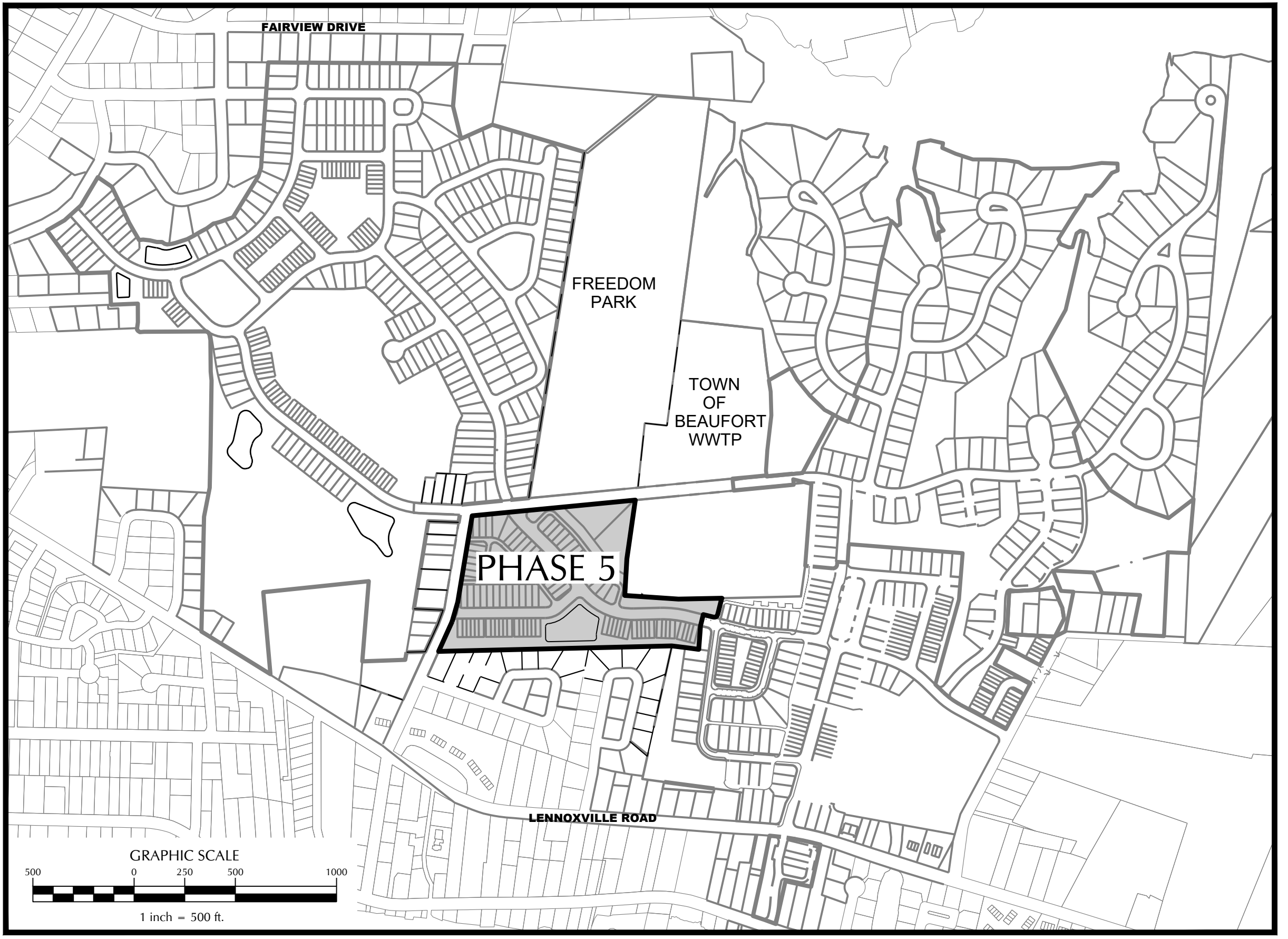
10 minutes

**SUBMITTED BY:**

Greg Meshaw, PE, Town Engineer

**BUDGET AMENDMENT REQUIRED:**

No




# EXHIBIT 1: VICINITY MAP
# PHASE 5, BEAU COAST SUBDIVISION

**RESOLUTION ACCEPTING THE DEDICATION OF PUBLIC IMPROVEMENTS**
**RESOLUTION NO. 24-____**

WHEREAS, G.S. 160D-806 authorizes any Town Board to accept by resolution any dedication made to the public of land or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction; and

WHEREAS, **Blue Treasure LL**C, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter "Grantor"), has offered for dedication to the Town of Beaufort certain sewer and water utilities, sewer and water easements, public streets, public access and sidewalk infrastructure, and the public lands, rights-of-way, and easements related thereto within Phase 5 of the Beau Coast subdivision (the "Subdivision") (collectively, the "Public Improvements"); and

WHEREAS, Grantor, as a condition of approval of the final plat, posted a letter (the "Letter of Credit") to guarantee the completion of the Public Improvements in the amount of $762,125.00 for Phase 5; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their March 11, 2019 and January 9, 2023 regular meetings voted to accept streets, curbs, stormwater conveyance pipes and sidewalks lying within the public street rights-of-way exclusive of pervious sidewalks; sewer lines; sewer pump stations; storm water systems; ditches; swales; water lines; pipes; and any attachments or appurtenances reasonably related thereto located within Phases 1A, 1B and 2A of the Subdivision while also specifically excluding stormwater or retention ponds; and

WHEREAS, the **Town of Beaufort** Board of Commissioners during their January 9, 2023 regular meeting voted to accept public street rights-of-way, non-street rights-of-way, public utility easements, drainage easements, joint utility and drainage easements and water mains located within Phase 2B; and

WHEREAS, construction of the additional Public Improvements listed herein have been completed to the standards and specifications of the **Town of Beaufort**; and

WHEREAS, the **Town of Beaufort** desires to accept the dedication of the Public Improvements listed herein; and

WHEREAS, the Town of Beaufort desires to release Blue Treasure from its completion guaranties associated with the Public Improvements in Phase 5 of the Subdivision.

NOW, THEREFORE, BE IT RESOLVED THAT:

1) That Town of Beaufort, accepts the dedication as described as follows:

    a) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights-of-way of Beau Coast Phase 5 exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;

b) Approximately 1,550 liner feet of 12-inch diameter water mains, and approximately 760 linear feet of 6-inch diameter water mains, and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 5 as shown on the drawings prepared by the engineering firm of WithersRavenel titled "Water & Sewer Record Drawings for Beau Coast Phase 5" bearing the signed seal of a North Carolina Professional Engineer dated September 30, 2021.

c) Approximately 2,280 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast Phase 5 as shown on the drawings prepared by the engineering firm of WithersRavenel titled "Water & Sewer Record Drawings for Beau Coast Phase 5" bearing the signed seal of a North Carolina Professional Engineer dated September 30, 2021.

2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners' association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.

3) Acceptance of the dedications named in this resolution shall be effective upon adoption of this resolution and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town's legal counsel.

Adopted by the Town of Beaufort Board of Commissioners on this 10th day of June 2024.

Elizabeth Lewis
Clerk to the Board

Sharon Harker
Mayor/Chairperson of Council/Board

_____

Clerk to the Board (Signature)

_____

Mayor of Board (Signature)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and Town Clerk of the Town of Beaufort does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners duly held on the 10th day of June, 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of June 2024.

_____

Elizabeth Lewis, Clerk to the Board (Signature)

(Seal)

NORTH CAROLINA

**BILL OF SALE**

CARTERET COUNTY

THIS BILL OF SALE, made this ____ day of _____, 2024, by and between **BLUE TREASURE LLC**, a limited liability company organized and existing by virtue of the laws of the State of North Carolina (hereinafter "Grantor"); and **TOWN OF BEAUFORT**, a municipal corporation of the State of North Carolina (hereinafter "Grantee").

W I T N E S S E T H:

THAT the Grantor, for and in consideration of the sum of Ten Dollars ($10.00) to it in hand paid, the receipt of which is hereby acknowledged, has bargained and sold and, by these presents, does bargain, sell, and convey unto the said Grantee, its successors and assigns, certain personal property more particularly described as follows:

**SEE EXHIBIT "A"**

TO HAVE AND TO HOLD said personal property to it, the said Grantee, its successors and assigns, in fee.

AND FURTHER that Grantor warrants that Grantor is seized of said personal property in fee and has the right to convey the same in fee.

AND the said Grantor covenants that it is seized of said personal property in fee and has the right to convey the same in fee, and that it will warrant and defend the title thereto against the lawful claims of all persons claiming by, under and through Grantor.

[The remainder of this page is left blank. Signature page immediately follows.]

IN TESTIMONY WHEREOF, the Grantor has executed this instrument in such form as to be binding, this the day and year first above written.

**BLUE TREASURE LLC**

By: _____

Name: _____

Title: Manager

**ACKNOWLEDGEMENT**

The undersigned Notary Public does hereby certify that _____ personally appeared before such Notary Public this day in the State of North Carolina and County of _____ and acknowledged (i) that he is the Manager of **BLUE TREASURE LLC**, a North Carolina limited liability company and (ii) that by authority duly given and as the act of such limited liability company, he signed the foregoing instrument in the name of such limited liability company on such limited liability company's behalf as its act and deed.

WITNESS my hand and notarial seal, this _____ day of _____, 2024.

My Commission Expires: _____

_____
NOTARY PUBLIC

NOTARY SEAL/STAMP MUST APPEAR LEGIBLY IN BOX TO RIGHT

## EXHIBIT "A"

## Description of Personal Property

1) The Grantee accepts all right, title and interest of Grantor in and to:

   a) Streets, curb, stormwater conveyance pipes, and sidewalks lying within the public street rights- of-way of Beau Coast Phase 5 exclusive of pervious sidewalks and stormwater conveyance pipes that are part of retention ponds or constructed wetlands covered under the State-issued stormwater permit, if any;

   b) Approximately 1,550 liner feet of 12-inch diameter water mains, and approximately 760 linear feet of 6-inch diameter water mains, and related appurtenances (fire hydrants, valves, fittings, controls, etc.) located within Beau Coast Phase 5 as shown on the drawings prepared by the engineering firm of WithersRavenel titled "Water & Sewer Record Drawings for Beau Coast Phase 5" bearing the signed seal of a North Carolina Professional Engineer dated September 30, 2021.

   c) Approximately 2,280 linear feet of 8-inch diameter gravity sanitary sewer lines and related appurtenances (manholes, cleanouts, etc.) located within Beau Coast Phase 5 as shown on the drawings prepared by the engineering firm of WithersRavenel titled "Water & Sewer Record Drawings for Beau Coast Phase 5" bearing the signed seal of a North Carolina Professional Engineer dated September 30, 2021.

2) Acceptance of dedication of lands or facilities shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility except as provided by the ordinances, regulations, or specific acts of the Town (including previous acceptance, if any, of dedications of public right of ways), or as provided by the laws of the State of North Carolina. Lands or facilities not herein expressly accepted by Town shall remain the responsibility of Blue Treasure, LLC, any owners' association pertaining to the phases of Beau Coast herein referenced, and/or present and future owners of any land located within said phases.

3) Acceptance of the dedications named in herein by the Grantee shall be effective upon adoption of the "Resolution Accepting the Dedication of Public Improvements RESOLUTION NO. 24-___" by the Town of Beaufort Board of Commissioners and subsequent execution and delivery by Grantor of the executed bill of sale and a deed of conveyance, in such form as may be acceptable to Town Engineer and Town's legal counsel.

**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

**Board of Commissioners**
**Regular Meeting**
**6:00 PM Monday, June 10, 2024**

**AGENDA CATEGORY:** New Business

**SUBJECT:** Resolution- Petition for Annexation, 233 Leonda Drive

**BRIEF SUMMARY:**

Stroud Engineering submitted a petition for voluntary annexation on behalf of property owners, Koreen English and Parker Yost, for 233 Leonda Drive in Beaufort, NC. The annexation application and map are attached for your review. The first step in this process involves Board action to instruct the Town Clerk to investigate the sufficiency of the annexation request.

**REQUESTED ACTION:**

Consider adopting the attached draft Resolution instructing the Town Clerk to investigate the petition for annexation submitted.

**SUBMITTED BY:**

Elizabeth Lewis, Town Clerk

**BUDGET AMENDMENT REQUIRED:**

N/A

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31**
**RESOLUTION NO. 24-_____**

**WHEREAS,** a petition requesting annexation of an area described in said petition was received on May 22, 2024 by the Town of Beaufort; and

**WHEREAS,** G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS,** the Board of Commissioners of the Town of Beaufort deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Town of Beaufort that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Commissioners the result of this investigation.

Adopted this ____ day of June 2024.

_____
Sharon E. Harker, Mayor

_____
Elizabeth Lewis, Town Clerk

DocuSign Envelope ID: 6AB2B7F6-A77D-475D-9413-F7C11DEA1F3C



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

# APPLICATION FOR VOLUNTARYANNEXATION REQUEST

**Instructions:** Please complete the form below and include all required attachments, including the **$350 application fee (to The Town of Beaufort)** and return to the Planning Department, Town Hall, 701 Front St., PO Box 390, Beaufort, NC, 28516. Incomplete applications will not be processed and returned to the applicant. Please contact Town Hall at (252) 728-2141 with any questions.

Applicant Name: KOREEN ENGLISH & PARKER YOST

Applicant Address: 5205 SORRELL GLEN DR, RALEIGH, NC 27603

Phone Number: 919-236-9793 Email: KORI2ENGLISH@GMAIL.CO

Property Owner Name: SAME AS APPLICANT

Address of Property: _____

Phone Number: _____ Email: _____

## PROPERTY INFORMATION

Property Address: 233 LEONDA DRIVE Current Zoning: R-20

15 Digit Pin: 730508892847000 Size of Property (Square Feet or Acres): 0.341 AC

Is the property Contiguous to the City Limits: ☒ Yes ☐ No;

If Not Contiguous please indicate how many miles it is to the City Limits: _____

Current Use of Property:

☒ Residential ☒ Vacant
☐ Commercial ☐ Other: _____

_____ Date: 5/22/2024
Applicant Signature

OFFICE USE ONLY *Revised 7/22*

Received by: _____ Reviewed for Completeness By: _____

Date: _____ Date Deemed Complete and Accepted: _____

DocuSign Envelope ID: 6AB2B7F6-A77D-475D-9413-F7C11DEA1F3C



DocuSigned by:
Koreen English
8BF8372BC7E24FE...
Date: 5/22/2024
Property Owner Signature (if different than above)

**A fee of $350 to the Town of Beaufort must accompany this application.**

**REQUIRED ATTACHMENTS FOR A VOLUNTARY ANNEXATION REQUEST**

**Please provide the following as attachments to the voluntary annexation request form:**

1. Copy of the Annexation Survey (suitable for recording)
2. Copy of all the deeds for the area to be annexed to verify ownership
3. A TYPED list of adjoining property owners
4. Carteret County Tax Parcel Card (Included should be parcel number and tax value)
5. Anticipated impact to city services including estimated gallons of water/sewer per day

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
422 HIGHWAY 24
MOREHEAD CITY, NORTH CAROLINA 28557
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

ANNEXATION REQUEST FOR KOREEN ENGLISH & PARKER YOST
REQUESTED ADDRESS: 233 LEONDA DRIVE, BEAUFORT, N.C. 28516

LIST OF ADJOINING PROPERTY OWNERS:

231 LEONDA DRIVE: PIN 730508892729000
ANDERSON MARLOWE III

237 LEONDA DRIVE: PIN 730620802064000
EULA MITCHELL

1561 LENNOXVILLE ROAD PIN 730508796926000
BLUE TREASURE LLC

Anticipated impact on city services due to annexation:
3 bedroom house:

- 400 gpd of water services
- 120 gpd of per bedroom sewer service = 360 gpd total impact

## Tax Parcel Information:

**Owner:** ENGLISH,KOREEN ETAL PARKE YOST

**Current PIN:** 730508892847000

**Site Address:**
233 LEONDA DR
BEAUFORT

**Mailing Address:**

RALEIGH NC 27627 7759

**Legal Description:**
LOT RUSSELL DR

**Prior PIN:** 11015H0108

**City Limits:**

**Rescue District:** BEAUFORT RESCUE

**Fire District:** BEAUFORT FIRE

**District:** 11

**Township:** BEAUFORT

**Use:** VACANT W/ XFOB

**Land Value:** $110,000

**Bldg Value:** $0

**Other Value:** $442

**Total Value:** $110,442

**Sale Price:** $149,000

**Taxed Acres:** 0.344

**Plat Ref:** /

**Deed Ref:** 1689 / 55

**Bedrooms:**

**NBHD:** 110048

**Bldg Htd Sq Ft:**

**Base Area Sq Ft:** 0

**Year Built:**

**Noise Level:**

**AICUZ Zone:**

**GIS Acres:** 0.334

**Roll Type:** R

**Deed Date:** 20200925

**Bathrooms:**

154

## Carteret County, N.C.




The information displayed by this website is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned public pri information sources should be consulted for verification of the information contained on this site. Carteret County assumes no legal responsibility for the information contained on this site. Carteret County does not guarantee that the data and map services will be available without interruption or error. Furthermore, Carteret County may modify or remove map services and access methods at will.

**TOWN OF BEAUFORT**
701 FRONT ST.
PO BOX 390
BEAUFORT, NC 28516-0390

**INVOICE #**
24-01137

INVOICE DATE: 05/22/24
DUE DATE:

ACCOUNT ID: KOREE005 PIN: 962415
KOREEN ENGLISH & PARKER YOST
5205 SORRELL GLEN DR
RALEIGH, NC 27603

| QUANTITY/UNIT | SERVICE ID | DESCRIPTION | UNIT PRICE | AMOUNT |
|---|---|---|---|---|
| | | ANNEXATION REQUEST 233 LEONDA | | |
| 1.0000 | APPFEE | Other Application Fees<br>ANNEXATION REQUEST 233 LEONDA | 350.000000 | 350.00 |
| | | | TOTAL DUE: | $ 350.00 |

RECEIVED
MAY 22 2024

***PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT***

TOWN OF BEAUFORT
701 FRONT ST.
PO BOX 390
BEAUFORT, NC 28516-0390

INVOICE #: 24-01137
DESCRIPTION: ANNEXATION REQUEST 233 LEONDA
ACCOUNT ID: KOREE005 PIN: 962415
DUE DATE:
TOTAL DUE: $ 350.00

KOREEN ENGLISH & PARKER YOST
5205 SORRELL GLEN DR
RALEIGH, NC 27603

FILE # 1689055

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County NC
September 25, 2020 11:25:21 AM
IWW DEED 3 P
FEE: $26.00
NC REVENUE STAMP: $298.00
FILE # 1689055

J R.t. Wheatly

# NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $298.00

Parcel Identifier No. 730508892847000 Verified by Carteret County on the ____ day of_____, 2020.
By:_____

Mail/Box to: **Wheatly Law Group, PA, P O Box 360, Beaufort, NC 28516**

This instrument was prepared by: **C. R. Wheatly, III**

Brief description for the Index: 231 Leonda Drive

THIS DEED made this 22 day of September 2020, by and between

| GRANTOR | GRANTEE |
|---|---|
| Brandon Lewis Mitchell and wife, Cristy Worthington Mitchell<br>820 Van Gert Drive<br>Winterville, NC 28590 | Koreen English<br>And<br>Parker William Yost<br>1140 Feldmen Drive<br>Raleigh, NC 27603<br><br>As Joint Tenants with Rights of Survivorship |

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Beaufort Township, Carteret County, North Carolina and more particularly described as follows:

**See attached Exhibit "A"**

3

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010
Printed by Agreement with the NC Bar Association

SEAL

(SEAL)
Cristy Worthington Mitchell

State of North Carolina
County of Pitt

I, the undersigned Notary Public of the County and State aforesaid, certify that Brandon Lewis Mitchell and Cristy Worthington Mitchell personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 22 day of September, 2020.

My Commission Expires: 9-22-24

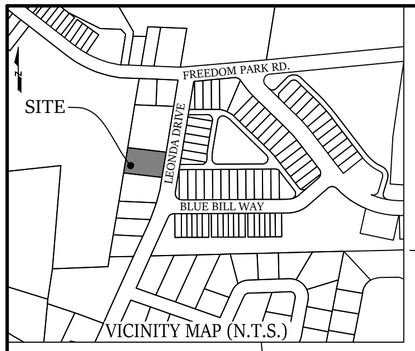
Notary Public

(Affix Seal)

Madison H. Moore
Notary Public
Pitt County State of North Carolina
My Commission Expires 9/22/2024

# EXHIBIT A

Lying and being in the Town of Beaufort, Carteret County, North Carolina, and beginning at a point in the western right-of-way of Leonda Drive which point of beginning is described as being the following courses and distances from where the centerline of Leonda Drive, if extended, would intersect with the centerline of Lennoxville Road, and running thence from said point of intersection N 22-09-08 E, 760.04 feet to an existing concrete monument, running thence N 09-21-48 E, 100 feet to the point or place of beginning as evidenced by an existing iron rod; running thence from said point and running N 67-18-02 W, 149.59 feet to an existing iron rod, running thence from said point N 09-15-32 E, 99.66 feet to an existing iron pipe, running thence from said point S 87-32-49 E, 149.85 feet to an existing iron pipe in the western right-of-way of Leonda Drive, running thence with the western right-of-way of Leonda Drive S 09-21-48 W, 100.33 feet to the point or place of beginning. See map entitled, "Survey for Koreen English and Parker Yost" dated September 19, 2020, prepared by Jeffrey L. Green, P.L.S., which map is incorporated herein by reference.




LEGEND

EIP= EXISTING IRON PIPE
EIR= EXISTING IRON ROD
BOUNDARY LINE
NON-SURVEYED LINE (PLATTED BY DEED)
EXISTING RIGHT-OF-WAY
ANNEXATION BOUNDARY

NAD '83 (2011)

N/F BLUE TREASURE LLC
DB 1340 PG 006
MB 34 PG 686
PIN# 730508796926000
ZONING: PUD

BEAUFORT CORPORATE LIMITS

EIR

99.62' S 09°14'03" W

EIP

BEAUFORT CORPORATE LIMITS

BEAUFORT EXTRATERRITORIAL JURISDICTION

BEAUFORT CORPORATE LIMITS

BEAUFORT EXTRATERRITORIAL JURISDICTION

BEAUFORT EXTRATERRITORIAL JURISDICTION

S 69°42'08" E 149.94'

N 89°34'16" W 149.94'

BEAUFORT CORPORATE LIMITS

BEAUFORT EXTRATERRITORIAL JURISDICTION

N/F ANDERSON MARLOWE
DB 1697 PG 109
PIN#730508892729000
ZONING: R-20

ANNEXATION AREA:
14,862.152 FT.$^2$ OR 0.341± ACRES
PIN# 730508892847000
ZONING: R-20

N/F EULA MITCHELL
DB 1511 PG 220
PIN# 730620802064000
ZONING: R-20

N 09°20'40" E 100.18'

EIR

EIP

N 09°31'34" E
175.20'

EIP

EX. EDGE OF PAVEMENT

# LEONDA DRIVE

60' PUBLIC R/W

REGISTER OF DEEDS CERTIFICATION

FILED FOR REGISTRATION AT _____ O'CLOCK ON THE _____ DAY OF _____, 2024.
RECORDED IN MAP BOOK _____ PAGE _____.
KAREN S. HARDESTY, REGISTER OF DEEDS

BY: _____
ASSISTANT / DEPUTY

STATE OF NORTH CAROLINA, COUNTY OF CARTERET

I, _____, REVIEW OFFICER OF CARTERET COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

_____
REVIEW OFFICER DATE

I, JEREMY T. MCCOMBS, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY REFERENCED HEREON. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION WAS 1:10,000+ AND THAT THE 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: | 0.02 |
| (3) | TYPE OF GPS SURVEY: | RTK |
| (4) | DATES OF SURVEY: | 5-9-2024 |
| (5) | DATUM/EPOCH: | NAD83(2011) |
| (6) | PUBLISHED/FIXED-CONTROL USE: | VRS |
| (7) | GEOID MODEL: | 2012B |
| (8) | COMBINED GRID FACTOR(S): | 0.9999XXX |
| (9) | UNITS: | US SURVEY FOOT |

I FURTHER CERTIFY THIS IS A SURVEY OF AN EXISTING PARCEL OR 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 REQUIREMENTS 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 21ST DAY OF MAY, A.D. 2024.

PRELIMINARY

JEREMY T. MCCOMBS PLS L-5355
PROJECT NO.: LSM551-001
DRAWING NO.: SURVEY

CERTIFICATE OF PURPOSE OF PLAT

(XX) D. THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

_____
SURVEYOR DATE

NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY. ANNEXATION AREA = 14,862.152 FT² OR 0.341± ACRES OF LAND.
2. ALL BEARINGS AND COORDINATES ARE BASED ON N.C. STATE PLANE COORDINATE SYSTEM; NAD 83 (2011). ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. UNITS: US SURVEY FOOT.
3. THIS PARCEL IS ZONED R-20 PER THE TOWN OF BEAUFORT CODE OF ORDINANCES. SETBACKS INCLUDE: 30' FRONT, 15' SIDE AND 25' REAR. SETBACKS SHOULD BE VERIFIED WITH PLANNING & DEVELOPMENT PRIOR TO DEVELOPMENT.
4. THIS PARCEL IS LOCATED IN FLOOD ZONE DESIGNATION: X AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM. FIRM PANEL 3720730500J, DATED 7/16/2003.
5. THIS MAP IS OF AN EXISTING PARCEL OF LAND AND THE PURPOSE OF THIS MAP IS TO DEPICT AND DESCRIBE THE AREA TO BE ANNEXED TO BEAUFORT CORPORATE LIMITS.
6. NO HORIZONTAL GEODETIC MOUMENT FOUND WITHIN 2,000' OF SUBJECT PROPERTY.

ANNEXATION CERTIFICATE

I _____, THE TOWN CLERK OF THE TOWN OF BEAUFORT, DO CERTIFY THAT THE BEAUFORT BOARD OF COMMISSIONERS APPROVED THIS MAP AND THE SITE HAS BEEN APPROVED FOR ANNEXATION AND RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS .

_____
BEAUFORT TOWN CLERK DATE

ADOPTED BY THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS
-ORDINANCE #_____

_____
EFFECTIVE DATE OF ORDINANCE

CERTIFICATE OF OWNERSHIP

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH WAS CONVEYED TO ME (US) BY DEED RECORDED IN BOOK 1689 PAGE 55, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF BEAUFORT, NORTH CAROLINA AND THAT I HEREBY FREELY ADOPT THIS PLAN OF ANNEXATION.

_____
OWNER DATE

_____
OWNER DATE

PRELIMINARY
NOT FOR SALES, RECORDATION, OR CONVEYANCES

REVISIONS

| BY | NO. | DATE | DESCRIPTION |
|---|---|---|---|
| | | | |

-20 -10 0 20 40
GRAPHIC SCALE: 1"=20'

ANNEXATION MAP FOR:
# THE TOWN OF BEAUFORT
PHYSICAL ADDRESS: 233 LEONDA DRIVE, BEAUFORT N.C.

TAX PARCEL: 730508892847000 D.B. 1689 PG. 55
BEAUFORT TOWNSHIP, CARTERET COUNTY, NORTH CAROLINA

OWNER: KOREEN ENGLISH & PARKER YOST
ADDRESS: 5205 SORRELL GLEN DR. RALEIGH, NC 27603
PHONE: N/A

STROUD ENGINEERING, P.A.
422 HIGHWAY 24
MOREHEAD CITY, NC 28557
(252) 247-7479 LICENSE NO.C-0647

SURVEYED: AC
DRAWN: JTM
APPROVED: JTM
DATE: 5/21/2024
SCALE: 1"=20'
SHEET 1 OF 1