



Town of Beaufort, NC

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

Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, February 15, 2021 - Held via Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

1. Approval of Minutes from the January 19, 2021 Meeting

New Business

1. Case No. 21-02. Request to Rezone 1001 Cedar Street from R-8 Residential to CS-MU Cedar Street Mixed Use District
2. Rezoning from TR to CS-MU 502 Cedar Street
Case #21-03
3. Case No. 21-04. Request to Rezone 823 West Beaufort Road from R-8 Residential to B-1 General Business District

Public Comment

Commission / Board Comments

Staff Comments

Adjourn



Town of Beaufort, NC

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**Town of Beaufort Planning Board Regular Meeting
6:00 PM Tuesday, January 19, 2021 - Held via Zoom due to the COVID-19 Pandemic
Minutes**

Call to Order

Chair Neve called the January 19, 2021 Planning Board Meeting to Order.

Roll Call

Present for the meeting were Ryan Neve, Ralph Merrill, Paula Gillikin, Diane Meelheim, Jeff Vreugdenhill and John LoPiccolo. Aaron Willis was not present.

Also present for the meeting were Kyle Garner, Denice Winn, Commissioner Marianna Hollinshed and Commissioner John Hagle.

Agenda Approval

Board Member Gillikin made a motion to approve the Agenda as it was presented. Board Member Meelheim made the second. A roll call vote was conducted by Secretary Winn and it was a unanimous vote to approve the Agenda as it was presented.

Minutes Approval

Chair Neve asked if they could vote on the minutes in one motion. Mr. Garner stated yes. Vice Chair Merrill made a motion to approve the Minutes for October 19, 2020 and December 21, 2020 as they were presented. Board Member Meelheim made the second. Secretary Winn conducted a roll call vote and the motion was unanimous to approve the October 19, 2020 and December 21, 2020 Minutes as they were presented.

New Business

- 1. Case No. 20-13. Request for Special Use Permit for Accessory Dwelling Unit at 102 Carteret Ave.

Kate Allen presented the information to the Board. Ms. Allen stated the property is currently zoned R8 residential and it is being used as a residential property. She stated that the lot is 12,000 square feet. Ms. Allen shared the lot dimensions of 120 feet on Carteret Avenue and 100 feet on First Street. She said the request is for a Special Use which is listed in the Special Uses in the Ordinance. She also stated that the lot and use is an existing conforming lot and the structure is an existing non-conforming structure. She stated that the area of non-conformity would not be increased if the special use was granted. Ms. Allen stated that the surrounding properties are zoned B-1 and R-8. She shared a map showing the future land use classification as mixed use and that the subject property is partially in a Special Flood Hazard Area. The applicant submitted pictures showing the existing garage that he would like to turn into an Accessory Dwelling Unit. Ms. Allen stated that they were asking the Board to look at the proposal and provide recommendations to the Board of

Commissioners at their next meeting. Ms. Allen shared the Consistency Statement and Requested Action on the screen.

Board Member Vreugdenhill had a question for Ms. Allen. He wanted to know if the request of existing building that has been used as a garage was to turn it into a single family dwelling. Ms. Allen stated yes. Board Member Vreugdenhill then stated that the use was not grandfathered, because it had no history of a dwelling before. Ms. Allen stated that was correct.

Chair Neve asked if the applicant was present and he wanted to know if the applicant would like to make any comments. Ms. Allen stated that Mr. Bell was present.

Mr. William Bell, applicant, stated that the plan is for him and his husband to purchase the property from Mr. Bell's parents and to convert the garage into a cottage for his parents to live in and Mr. Bell and his husband would live in the main dwelling.

Vice Chair Merrill asked if there had been any comments from neighbors. Ms. Allen stated that notice letters do not go out for Special Use Permits before the Planning Board review that they go out before the hearing at the Board of Commissioners meeting.

Chair Neve had two questions for Ms. Allen. The first was if R-8 is a single family zoning, it would be perfectly fine for the applicant's mother to live there but they could not rent it out to anyone else? Ms. Allen stated that to her knowledge they was nothing currently that would prohibit anyone from renting out an accessory dwelling. Mr. Garner stated unless the Board made it a condition that it only be used for the owners of the property and not become a rental property would be the only way. Chair Neve stated that he had a concern for areas where there is on-street parking but he didn't think it would be an issue here. Chair Neve's second question was about the existing structure being brought up to certain building codes, especially fire in regards to fire safety. Ms. Allen stated that those concerns would be handle through the permitting process.

Board Member Vreugdenhill asked if it would be appropriate that instead of having a Special Use Permit setting conditions that it be used by family and not be allowed for renting and could this be done as a Conditional Zoning Permit or Conditional Zoning Request? Ms. Allen and Mr. Garner both stated that there were no districts that had accessory dwellings as a permitted use by right.

Board Member Meelheim had a question concerning the current zoning and whether or not it could be turned into a business and Ms. Allen stated that it could not.

Vice Chair Merrill made the comment that he agrees with Board Member Vreugdenhill and that it should be limited to family use and should not be rented out.

Board Member LoPiccolo stated that he also agrees that it should not be used for an Air B and B or any other type of rental but he stated he felt for family use it would be okay.

Mr. Bell stated that their intention is to provide safe and effective housing for his parents as they age. He stated that he has lived here for 21 years and has no desire to go anywhere, to sell or subdivide the property, he stated that this is their forever home. He stated that once his parents no longer need it that they have no desire to short term rent it but they would like to be able to do a long term rental with it and he would like the Board to consider that.

Chair Neve stated he would have no problem with long term rental. He then asked Ms. Allen that if the property was sold in the future could the accessory building be added on to. Ms. Allen stated that they would have to come back and get approval to do that.

Chair Neve stated that the Board nor the applicant want it to be a weekly Air B and B. He asked the Board if they wanted to restrict it to family only and leave it to the Board of Commissioners or is the Board okay with restricting it to monthly/annual leases.

Board Member Vreugdenhill stated he had one more question concerning it being able to be subdivided and sold separately. Ms. Allen stated the lot is a total of 12,000 square feet and there would need to be an 8,000 square foot minimum per lot so that would not be possible.

Board Member Gillikin asked the applicants if they had thought about trying to connect the two structures in some way so that it could be considered as part of the main house. Mr. Bell stated that they had looked at this option but it that it was not an option due to the driveway being cut off in the middle and it would alter the parking for the property. He also stated that they would have to remove a pretty significant tree that is in the middle of the property and they also felt it would tie the structures together in a way that the independence of the people in the accessory dwelling is limited and lastly there is also the expense that goes with it.

Board Member Gillikin stated that she felt the discussion on short term rentals would be better handled at the Town level rather than here.

Chair Neve asked for a motion. Vice Chair Merrill made the motion to approve the Special Use Permit with the provision that it cannot be used for rental purposes. Board Member Vreugdenhill made the second. Secretary Winn conducted a roll call vote. Chair Neve, Vice Chair Merrill, Board Member Vreugdenhill, Board Member Meelheim and Board Member LoPiccolo voting yes and Board Member Gillikin voted no. Five votes yes and one vote no.

Ms. Allen stated that a Consistency Statement was needed to present to the Board of Commissioners. Chair Neve made the motion for the Consistency Statement, Future Land Use is mixed use and it is consistent with the CAMA Land Use Plan. Board Member Gillikin wanted to clarify the last motion and stated that she was in disagreement with the condition not that we should vote for it. Chair Neve said stated that they were now voting for the Consistency Statement only. Vice Chair Merrill made the second. Secretary Winn conducted a roll call vote with all 6 members present voting yes.

Mr. Garner explained the next step of the process to the applicants. He explained that the matter would go before the Board of Commissioners at their next meeting.

2. Case No. 20-14. Request to Rezone 129 Conway Road from R-20 Residential to R-8 Residential

Kate Allen told the Board that Kristi Elliott sent an email January 12th on behalf of Joseph Dixon stating that Mr. Dixon would like to table this matter until he is better prepared to move forward.

Chair Neve asked for a motion to table item 20-14. Board Member Gillikin made the motion. Board Member Meelheim made the second. Secretary Winn conducted a roll call vote and it was unanimous, with the members present, in favor to table the matter. Board Member Vreugdenhill lost connection. Secretary Winn stated that there was a quorum with the members present and it was a unanimous vote.

3. Case No. 21-01. Rezoning from TR to CS-MU 508 & 510 Cedar Street

Kyle Garner presented the request on behalf of staff. Mr. Garner stated that were several people interested in changing these two properties to mixed use and they are present. He stated that their interest in this prompted staff to bring the request for the Rezoning. Mr. Garner gave the property information and addresses. He stated that there were 13 letters mailed to owners within 100 feet. Mr. Garner said the Legal Advertisement ran in the paper on January 10th and 17th. Mr. Garner went over the support facts in the matter; 1) that the rezoning was developed by supporting elements in the Small Area Plan, developed by Stantec, that was adopted in October 2018, 2) the rezoning is consistent with the 2006 CAMA Land Use Plan that specifically addresses the Cedar Street Mixed Uses, so an amendment to the CAMA is not needed, and 3) the Town has been working with NCDOT to improve the infrastructure under Cedar Street to include elements of the Small Area Plan and 4) staff has been working with property owners to re-develop their properties and help transform Cedar Street. Mr. Garner stated that although these properties were not included in the original rezoning there has been interest in them being rezoned. Mr. Garner also included the Consistency Statement in his presentation.

Chair Neve asked for Board Comments, hearing none he asked if anyone else would like to speak. Laura Benson stated she was a property owner, 507 Cedar Street, and that she and her husband, Walt Sliva, are in favor of the re-zoning request.

Board Member Merrill stated that this whole block was omitted back when the original rezoning was being considered because of setbacks and he wanted to know the affect this would have on changing this. Mr. Garner explained how this would affect both lots and what the owners would need to do. Mr. Garner stated that these should have been included. Chair Neve asked if 502 Cedar Street had been considered. Mr. Garner said that they did consider this property. He said he would reach out to the property owner and bring that before the Board if they wanted him to. Chair Neve stated that there could be some advantages to rezoning 502 Cedar Street.

Nelson Owens, property owner of 508 Cedar Street. He stated that he bought the property thinking that it would be Cedar Street Mixed Use. He stated he felt this is the best use for the properties along Cedar Street.

Chair Neve asked for a motion. Vice Chair Merrill stated he would like to make a motion to approve the re-zoning of the two lots at 508 and 510 Cedar Street from Transitional to Cedar Street Mixed Use and that it is consistent with the CAMA Land Use Plan. Board Member LoPiccolo stated that he wanted to make a suggestion to approve the three lots and not the two lots. Mr. Garner stated that he would bring that back next month as separate lot. Board Member LoPiccolo made the second. Secretary Winn conducted a roll call vote, Chair Neve, Vice Chair Merrill, Board Member Gillikin, Board Member Meelheim and Board Member LoPiccolo all voted yes. Board Member Vreugdenhill lost connection and was not able to vote. The vote was a unanimous yes with the board member that were present.

Public Comment

Chair Neve opened public comment but there were none.

Commission / Board Comments

Vice Chair Merrill asked about Beaufort Elementary School being sold and what plans the new owners had for the property. Mr. Garner stated that the Town did not know specifics but the owners had a discussion with the Board of Commissioners in an open forum. Mr. Garner stated they were looking at doing this as a Planned Unit Development with condominiums and making the old cafeteria into a restaurant but they are still working on it.

Board Members LoPiccolo and Gillikin agreed that the Cedar Street Mixed Use cannot happen fast enough and look forward to seeing the development.

Chair Neve echoed the board comments and stated he looked forward to future dealing on Conway Road. Mr. Garner stated that Ms. Elliott is working hard to work out all of the issues with this.

Staff Comments

Mr. Garner stated that Ms. Allen has been working with the consultants on the CAMA Land Use Plan. They came last week and we took them on a ride around the Town so they could see what is going on. He stated that Cedar Street is just starting and this is an improvement. Randolph Johnson Park is open, Topsail Park has had improvements, Orange Street 100 block is being worked on as well as the 100 block of Turner Street. Mr. Garner stated that hopefully Mr. Greg Meshaw, Town Engineer could come and give a presentation soon.

Adjourn

Board Member Vreugdenhill made the motion to adjourn the meeting. Board Member Meelheim made the second. Secretary Winn conducted a roll call vote and it was a unanimous vote to adjourn the meeting.

Ryan Neve, Chair

Denice Winn, Board Secretary



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**Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, February 15, 2021 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Case No. 21-02. Request to Rezone 1001 Cedar Street from R-8 Residential to CS-MU Cedar Street Mixed Use District

BRIEF SUMMARY:

Property owner, Bradley Cummins, is requesting to rezone 1001 Cedar Street from R-8 Residential to CS-MU Cedar Street Mixed Use District.

REQUESTED ACTION:

Provide consistency statement and recommendation to the Board of Commissioners

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kate Allen, Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



Staff Report

To: Planning Board
From: Kate Allen

Date: 2/8/2021
Meeting Date: 2/15/2021

Case Number 21-02

Summary of Request: Request to Rezone 1001 Cedar Street from R-8 Residential to CS-MU Cedar Street Mixed Use District

Background

Location(s) & PIN 1001 Cedar Street (PIN 730618404112000)

Owner Bradley & Prescott Cummins
Applicant Bradley Cummins

Current Zoning R-8 Residential

Lot(s) Size & Conformity Status 0.24 acres or 10,645 ft²
Conforming Lot of Record
Existing Nonconforming Structures
Road Frontage – Cedar Street 97.88’
Road Frontage – Hedrick Street 107.53’

Existing Land Use Residential

CAMA Future Land Use Map
Amendment Required Yes No Mixed Use

Adjoining Land Use & Zoning
North B-1 & L-I; Public Works
South RC-5; Residential
East R-8; Residential
West CS-MU; Residential

Special Flood Hazard Area Yes No

Public Utilities
Water Available Not Available
Sewer Available Not Available

Additional Information See Staff Comments

Requested Action Provide Consistency Statement and recommendation to the Board of Commissioners

Staff Comments

The subject property is an existing conforming lot of record. The primary residence does not meet front setback requirements. The proposed use would not increase the amount of non-conformity on the subject property.

Additional Information

The current **R-8 Residential District Standards**

Minimum Lot Size	8,000 Square Feet	Setbacks
Minimum Lot Width	60 Feet	Front 25 Feet
Maximum Building Height	40 Feet	Rear 25 Feet
		Side 8 Feet
		Side (ROW) 20 Feet

The requested **CS-MU Cedar Street Mixed Use District Standards – Single Family Detached**

Minimum Lot Size	None	Setbacks
Minimum Lot Width	None	Front 15-20 Feet
Maximum Building Height	40 Feet	Rear 25 Feet
		Side 8 Feet

The requested **CS-MU Cedar Street Mixed Use District Standards – Commercial & Mixed Use**

Minimum Lot Size	None	Setbacks
Minimum Lot Width	None	Front 10-20 Feet
Maximum Building Height	40 Feet	Rear 20 Feet
		Side 0 Feet
		Side (ROW) 0 Feet

Consistency Statement & CAMA Core Land Use Plan Amendment

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

CAMA Core Land Use Plan – Future Land Use Classifications

Current: Mixed Use

The anticipated residential density within this classification ranges from medium to high density. Multifamily densities are consistent with the current requirements of the Town’s zoning ordinance which allows a density range of up to 16 dwellings per acre for planned developments. Residential building types encouraged within this classification include single-family attached dwellings, condominiums, cluster developments, and multifamily dwellings. Commercial uses include a variety of retail, office, business services, and personal services. Minimum lot sizes are generally dependent upon the specific nature and characteristics of the land use but typically range from 2,750 to 20,000 square feet for residential land uses and 3,000 to 8,000 square feet for nonresidential land uses. Maximum floor area ratios for nonresidential land uses range from 0.57 to 2.13. Land uses within the Mixed Use-designated areas are generally compatible with B-1, General Business; B-W, Business Waterfront; TR, Transitional; TCA, Townhomes, Condominiums, Apartments; and PUD, Planned Unit Development Zoning Districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volume are necessary to support the intensity of development expected within the Mixed Use Classification.

Attachments:

1. Property Owners Within 100 Feet
2. Vicinity Map
3. Aerial Map
4. Current Zoning Map
5. Future Land Use Map
6. LDO Excerpts – R-8 Residential District
7. LDO Excerpts – CS-MU Cedar Street Mixed Use
8. Application as Submitted

CASE NO 21-02. PROPERTY OWNERS WITHIN

PIN15	OWNER	MAIL ADDRESS
730618403358000	DUKE ENERGY PROGRESS INC	550 TRYON STREET; DEC44P
730618402380000	MANOUSARIDIS, CHRISTOPHER	408 LIVE OAK STREET
730618405223000	BARBOUR MARINE SUPPLY CO INC	PO BOX 248
730618403210000	GENTRY, RACHEL R L/T	715 PARHAM RD
730618404291000	PARKER, LOIS PETTEWAY	406 HEDRICK STREET
730618406137000	HENRY, DONALD RAY	PO BOX 672
730618404189000	PARKER, RONALD A ETUX CINERELL	406 HEDRICK ST
730618404112000	CUMMINS, BRADLEY ETUX PRESCOTT	408 METCALF STREET
730618405193000	HENRY, DONALD R ETUX SHARON	PO BOX 672
730618404089000	MAYNARD, SHERRI N	1007 CEDAR STREET
730618402029000	HEDRICK, BRADLEY LEWIS ETUX KIM	416 BUNKER HILL ROAD
730618405026000	CEDAR STREET PROPERTIES LLC	PO BOX 643
730618405074000	CROOMS, ANTONIO	309 BELL CREEK DRIVE
730618403051000	JACKSON, CHARLES R ETUX JANET B	24 NOLEN STREET
730506494935000	CRAFT, JOE R II ETUX SHERYL W	8521 EMERALD LAKE DRIVE E

100'

MAIL CITY, STATE, ZIP

CHARLOTTE NC 28202

BEAUFORT NC 28516

BEAUFORT NC 28516

ROXBORO NC 27574

BEAUFORT NC 28516

BEAUFORT NC 28516

BEAUFORT NC 28516

NEW BERN NC 28562

BEAUFORT NC 28516

BEAUFORT NC 28516

FREDERICKSBURG VA 22401

MT PLEASANT SC 29465

BEAUFORT NC 28516

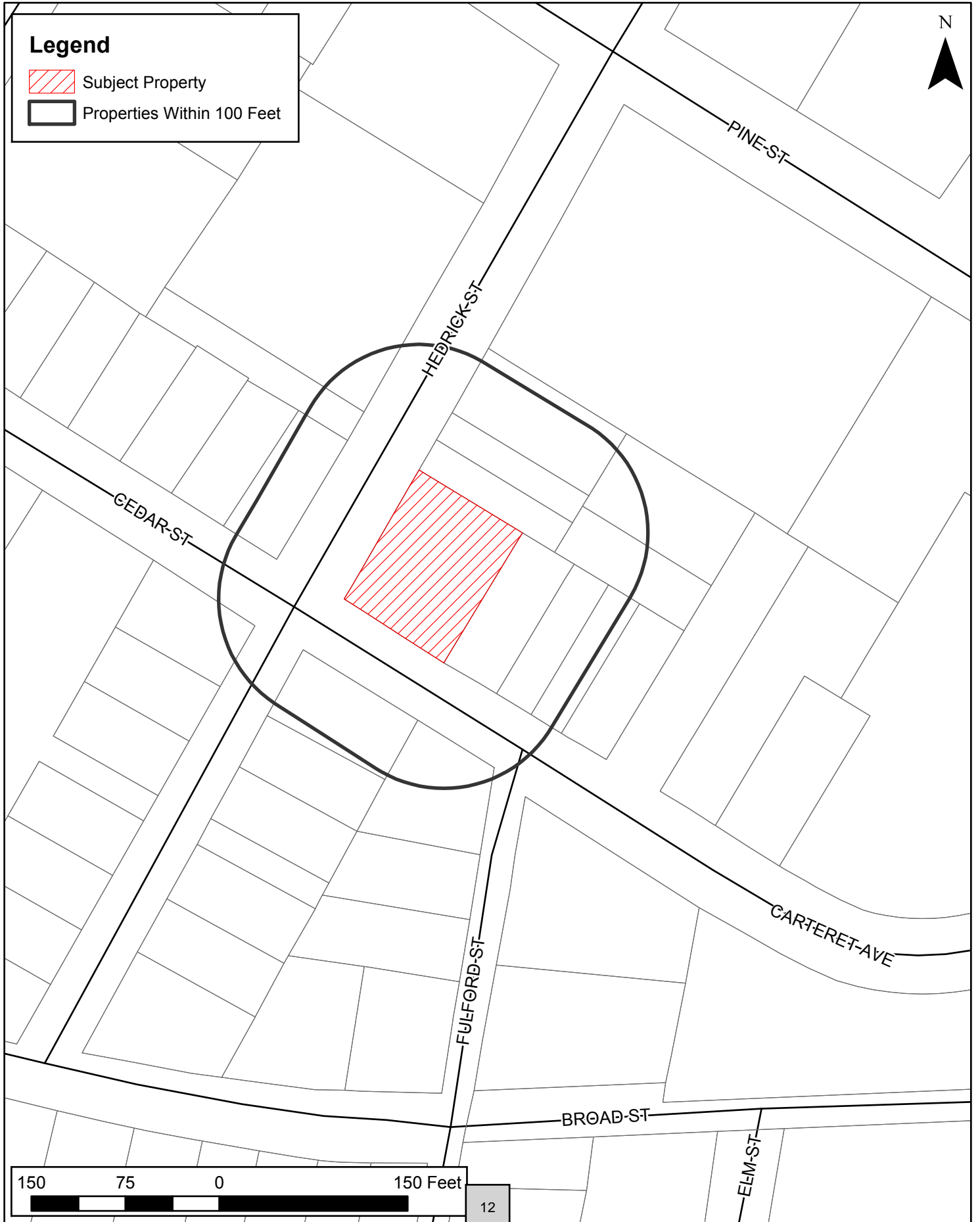
BIRMINGHAM AL 35242

PINSON AL 35126

Vicinity Map

1.

Case No. 21-02



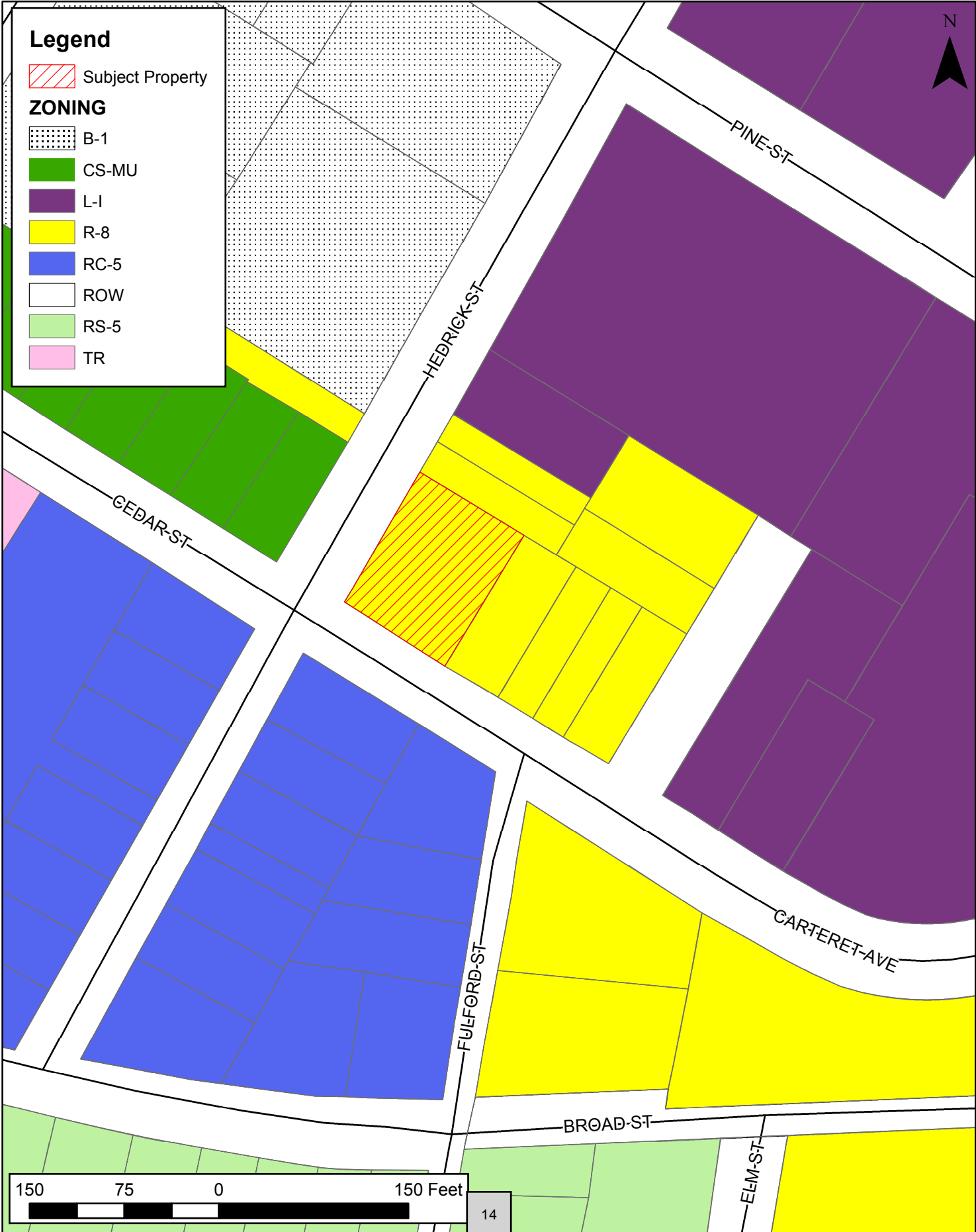
Aerial Map

Case No. 21-02



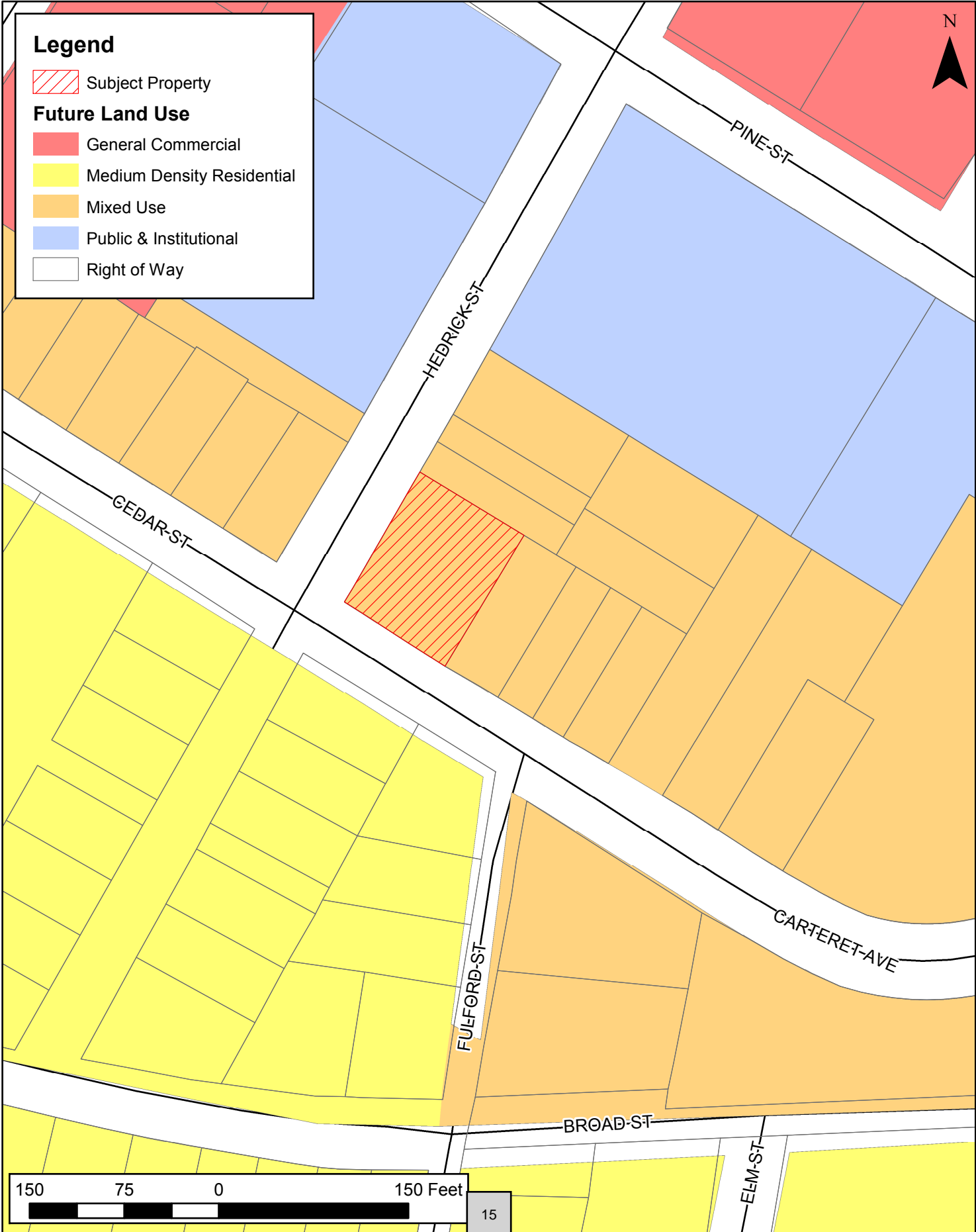
Current Zoning Map

Case No. 21-02



Future Land Use Map

Case No. 21-02



Legend

Subject Property

Future Land Use

General Commercial

Medium Density Residential

Mixed Use

Public & Institutional

Right of Way

150 75 0 150 Feet

15

C) R-8 Residential Medium Density District.

This residential district is established as a medium density district in which the principle use of the land is for single-family dwelling units. The regulations of this district are intended to provide areas of the community for those persons desiring residences in relatively medium density areas. No buildings, houses, or structures, excepting noncommercial docks or piers as specified in section 2-H of this Ordinance, will be erected on the south side of Front Street in this district. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the R-8 district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the R-8 district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-9 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	25 feet	8 feet	35 feet

Table 7-10 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	20 feet	25 feet	8 feet	35 feet

Table 7-11 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	15 feet	8 feet	35 feet

Where a lot extends across Front Street, the above setbacks shall apply to the portion of the lot north of Front Street. The docks or piers permitted on the south side of Front Street will be subject to an eight feet (8') side setback, or any more restrictive setback required by CAMA, or the regulations promulgated thereunder.

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing Tower	Neighborhood Recreation Center, Indoor/Outdoor, Private
Athletic Field, Public	Neighborhood Recreation Center, Public
Carport	Park, Public
Community Garden	Public Utility Facility
Dock	Resource Conservation Area
Dwelling, Single-Family	Shed
Garage, Private Detached	Swimming Pool (Personal Use)
Government/Non-Profit Owned/ Operated Facilities & Services	Temporary Construction Trailer
Group Home	Utility Minor
Home Occupation	Vehicle Charging Station

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Accessory Dwelling Unit	Marina
Athletic Field, Private	Outdoor Amphitheater, Public
Bed & Breakfast	Preschool
Cemetery/Graveyard	Produce Stand/Farmers' Market
Club, Lodge, or Hall	Public Safety Station
Concealed (Stealth) Antennae & Towers	Religious Institution
Day Care/Child Care Home	Satellite Dish Antenna
Golf Course, Privately-Owned	School, Post-Secondary
Golf Driving Range	Utility Facility

D) ***Cedar Street Mixed-Use Zoning District (CS-MU)***

1) Purpose.

The purpose of this district is to protect, enhance and guide the redevelopment of the Cedar Street corridor by reducing visual clutter through the implementation of commercial design standards and selecting the appropriate type of uses for this district. These standards are designed to improve the aesthetics, traffic congestion and provide for a solid and vibrant tax base as well as promote the public health, safety and welfare of the town.

2) Adoption.

The Cedar Street Mixed Use Zoning District (CS-MU) for the Town of Beaufort, as set forth on a map so entitled and dated 07/08/2019, is hereby adopted by reference as an element of the *Land Development Ordinance* hereafter known as the *LDO*, and the Official Zoning Map of the Town of Beaufort.

3) Permitted Uses.

The uses listed here, with the exception of single-family residential uses, shall be subject to the Development Standards listed below.

Convenience Store	Park, Public
Dwelling, Single-family	Personal Service Establishment
Dwelling, Multi-family	Produce Stand/Farmers' Market
Financial Institution	Public Utility Facility
Hotel or Motel	Religious Institution
Mixed Use	Restaurant with Indoor & Outdoor
Office, Business, Professional, or	Operations
Medical*	Retail Store
Outdoor Retail Display/Sales	Utility Minor

*Includes Government Offices

4) Special Uses (*Special Use Requirements* may be found in Section 20 of the *LDO*).

Any commercial use which results in a structure or combination of structures with over 15,000 square feet.

- Microbrewery
- Tavern/Bar/Pub with Indoor Operation

5) Prohibited Uses.

Any use not listed in subsections 3 & 4 of this section is prohibited. Development Standards.

a) Design Criteria.

The intent of the following design criteria is to maintain and strengthen the unique character of Cedar Street by ensuring new development projects are architecturally compatible with the characteristics of the community. These characteristics include building forms, proportions, treatments, exterior materials, and architectural styles. It is intended that front elevations and overall massing of new structures shall be of human scale and related to the street. All design criteria will be reviewed and approved by Town Staff.

It is not the intent for new structures to closely duplicate existing historic structures. The intent is for new structures to include elements in ways which achieve a design compatible with and complementary to the historic character of the Town.

b) Site Plan Submission.

A detailed site plan, meeting all N.C. State Building Codes and Town Ordinances, shall be required for all commercial and mixed-use development within this zoning district.

c) Signage. Whenever the regulations made under the authority of this section are in conflict with any other provisions of this ordinance, the restrictions of this section shall supersede.

- i) Only attached wall or projecting type signs made of wood or substitute materials which have the appearance of wood are permitted.
- ii) The use of internally lit, flashing or free-standing signs of any kind is prohibited.
- iii) Subject to the provisions of this section, the maximum sign surface area permitted in this district shall not be more than 0.75 square feet per linear foot of total lot frontage.

d) Landscaping.

Any new commercial site plan with on-site parking shall provide a detailed landscape plan identifying all shrub and tree types as well as the number of such trees and shrubs as per section 14 and 19 of the *LDO*. Additionally if developing adjacent to a different type of land use, a screening and buffering plan shall also be required.

e) Exterior Siding Materials (Commercial & Mixed-Use Structures Only).

The primary siding material constituting a minimum of eighty percent (80%) of the exterior shall be one or a combination of two of the following materials:

- i) Brick;
- ii) Stone: Natural, Limestone or Granite;
- iii) Fiber Cement (Lap or Board & Batten Siding); and/or,
- iv) Treated Wood excluding plywood (Board & Batten or Clapboard Design only)
- v) Cedar Shake
- vi) Other materials or combinations thereof can be submitted to the Planning Board and Board of Commissioners for consideration. Detailed elevation drawings and product specifications shall be required.

f) Outside Walls (Commercial & Mixed-Use Structures Only).

- i) The total area of glass, windows, and/or any similar transparent areas for any side of a commercial structure shall not exceed thirty-five percent (35%) of the surface area for such side of the building, and must be positioned uniformly along the face of the structure. This percentage may be increased if it needs to meet the state fire code.

- ii) Each exterior wall of a building viewable from any public or private right-of-way shall incorporate architectural design features to create a visual break at least every one hundred feet (100') along the exterior wall in order to avoid a box like appearance. All plans for exterior walls shall be approved by the Board of Commissioners as part of the site plan approval process.
- f) Roof Forms. (Commercial & Mixed-Use Structures Only)
- i) The dominant shape of roof forms shall be gabled, hipped or parapet. If pitched, the minimum pitch shall be five over twelve (5/12).
 - ii) All roof top mounted equipment shall be fully screened from view and the method of screening shall be integrated into the overall building design, for example within or behind pitched roofs. Hipped or gabled roofs with a mechanical element will not be considered mansard roofs when the roof appears to be a true hipped or gabled roof design.
- g) Driveway Limitations. (Commercial & Mixed-Use Structures With Onsite Parking Only)
- i) Two driveways entering the same street from a single lot shall only be permitted if the minimum distance between the closest edges of the driveways equals to or exceeds one hundred feet (100').
 - ii) In no case shall the total width of all driveways exceed fifty percent (50%) of the total property frontage.
 - iii) No driveway shall be located within a hundred feet (100') of an intersection except in cases where no other access to a public street is available.
- h) Parking Requirements.
- i) Mixed use, multi-family and single-family lots shall provide 1.5 onsite parking spaces/unit;
 - ii) Commercial lots with an area less than 5000 ft² have no requirements for onsite parking; and,
 - iii) Commercial lots with an area more than 5000 ft² shall provide 1 onsite parking space for every 600 ft² of gross floor area.
- i) Exterior Elevation Drawings. (Commercial & Mixed-Use Structures Only)
Exterior elevation drawings shall be submitted to determine the visual break of exterior walls for the structure or structures.
- 6) Minimum Lot Size.
The Cedar Street Mixed-Use Zoning District will not have a minimum lot size.
- 7) Minimum Lot Width.
No minimum lot width is required in the Cedar Street Mixed-Use Zoning District at the minimum building line.

8) Building Setback and Building Height Requirements and Limitations.

Subject to the exemptions of this Ordinance, each structure on said lot in this zoning district shall be set back from the boundary line of the lot at least the distance provided in the tables set forth in this section. The building height limitation in this district is also provided in the tables of this section.

Table 8-6 Single Family Detached Setback Requirements

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	15 feet minimum	25 feet	8 feet	40 feet
	20 feet maximum	25 feet	8 feet	40 feet

Table 8-7 Corner Lot and Interior Lot Requirements for Commercial and Mixed Use

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	10 feet minimum	0 feet	20 feet	0 feet	40 feet
	20 feet maximum	0 feet	20 feet	0 feet	40 feet



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

**APPLICATION FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Instructions:

Please complete the application below, include all the required attachments and the **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change** and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: Bradley Cummins
Applicant Address: 1001 Cedar Street
Phone Number: 252 571 0796 Email: bradleycummins@gmail.com

Property Owner Name: Bradley Cummins
Address of Property Owner: 1001 Cedar Street
Phone Number: 252 571 0796 Email: bradleycummins@gmail.com

PROPERTY INFORMATION

Property Address: 1001 Cedar Street
15-Digit PIN: 730618404112000 Lot/Block Number: _____
Size of Property (in square feet or acres): 10,800 sq ft
Current Zoning: R-8 Requested Zoning: CS-MU
Current Use of Property: Residential Vacant Commercial Other: _____

Bradley Cummins 01.20.2021
Applicant Signature Date of Applicant's Signature

Property Owner Signature (if different than applicant) Date of Owner's Signature

An application fee of **\$300.00 for Rezoning request with no Land Use Plan Change** or **\$400.00 for Rezoning Request with Land Use Plan Change**, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Please refer to the *Land Development Ordinance*, [Section 3](#) and all other pertinent sections for the information required to accompany this application.

**REQUIRED ATTACHMENTS FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Please provide the following as attachments to the zoning map amendment form:

1. A statement as to whether or not the proposed zoning amendment is consistent with the Beaufort Land Use Plan.
2. A statement as to how the zoning amendment will promote the public health, safety or general welfare of the Town of Beaufort.
3. Proof of ownership (For example: a copy of the deed or city tax statement).

If a property is owned by more than one individual or if multiple properties under different ownership are applying under one request, attach a statement and signatures indicating that all owners have given consent to request the zoning change.

4. An area map of property to scale which includes:
 - North Arrow;
 - All Property lines and accurate property line dimensions;
 - Adjacent streets and names;
 - Location of all easements;
 - Location of all structures;
 - Zoning classifications of all abutting properties.
5. Please submit one digital/electronic copy of any drawings or plans associated with the amendment. At least one paper copy of the drawings or plans should also be submitted.
6. A TYPED list all property owners (with addresses) within 100 feet of the boundary lines of all properties requested to be rezoned (notification of adjacent property owners by the Town is required by North Carolina law).

**THE COMPLETE APPLICATION WITH SUPPORTING
DOCUMENTATION IS DUE TO TOWN STAFF AT LEAST 15 WORKING
DAYS PRIOR TO A SCHEDULED PLANNING BOARD MEETING.**

The Town’s website is www.beaufortnc.org.

OFFICE USE ONLY

Revised 08/2020

Received by: _____

Reviewed for Completeness By: _____

Date: _____

Date Deemed Complete and Accepted: _____

Cummins General Contractors, LLC

1001 Cedar Street, Beaufort, NC 28516
bradleycummins@gmail.com
252 571 0796

January 20, 2021

To: Town of Beaufort

Re: Amendment to the Zoning Map for 1001 Cedar Street

1001 Cedar Street is currently zoned R-8 Residential Medium Density District. We are requesting an amendment to the Beaufort Zoning Map to rezone 1001 Cedar Street to CS-MU Cedar Street Mixed-Use Zoning District.

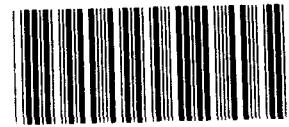
This amendment would be consistent with the future Land Use Map which designates 1001 Cedar Street "Mixed Use" (Beaufort CAMA Land Use Plan, page 90). The adjacent property, 913 Cedar Street, is zoned CS-MU along with the rest of the north side of the 900 block of Cedar Street.

Rezoning 1001 Cedar Street to Cedar Street Mixed-Use Zoning District will allow us to improve this property in a manner congruent with the neighborhood, provide additional housing, and pursue its highest and best use to the benefit of the public health, safety and general welfare of the Town of Beaufort.

We are excited about 1001 Cedar Street. We look forward to improving this property and enjoying it for many years to come.

Thank you greatly for your time and attention to our application.

Kind Regards,
Bradley Cummins, Kristen Prescott



FILE # 1698036

FOR REGISTRATION REGISTER OF DEEDS
Karen S. Hardesty
Carteret County, NC
December 01, 2020 11:05:23 AM
BWC DEED 3 P
FEE: \$26.00
NC REVENUE STAMP: \$660.00
FILE # 1698036

↓ Prepared By:
Rodney G. Fulcher
416 Live Oak Street
Beaufort, NC 28516

NORTH CAROLINA) DEED
CARTERET COUNTY) TAX ID: 730618404112000
) Stamps: \$660.00

THIS DEED, made this 30th day of November 2020 by and between,
Doy Ray Rhue (unmarried) of 333 Steel Tank Road, Beaufort, North Carolina 28516,
party of the first part, and Bradley Cummins and wife, Kristen Prescott of 408 Metcalf
Street, New Bern, North Carolina 27516, parties of the second part,

WITNESSETH:

That the party of the first part, in consideration of the sum of Ten (\$10.00) Dollars
and other valuable considerations to him in hand paid by the parties of the second part,
the receipt of which is hereby acknowledged, has bargained and sold and, by these
presents, does grant, bargain, sell and convey unto the said parties of the second part,
their heirs and assigns, in fee simple absolute, that tract or parcel of land lying and being
in Beaufort Township, Carteret County, North Carolina, and being particularly described
as follows:

3

BEGINNING at the northeast corner of where the eastern right of way of Hedrick Street would intersect with the northern right of way of Cedar Street and running thence from said point of intersection N 37-06-00 E., 107.7 feet to a point; thence from said point S 49-57-45 E., 99.67 feet to a point; thence S 38-09-32 W., 107.78 feet to a point in the northern right of way of Cedar Street; thence N 49-52-00 W. 97.68 feet to the POINT OR PLACE OF BEGINNING.

See map entitled "Physical Survey for Doy Ray Rhue-Portion of Lot 11, Hedrick Street Town", dated June 19, 2000, prepared by Powell Surveying Company, P.A.

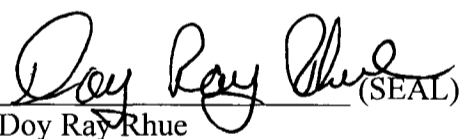
The property acquired by Grantor by instrument recorded in Book 885, Page 565, Carteret County Registry.

The above description does not convey the primary residence of the party of the first part.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging unto the parties of the second part, their heirs and assigns, to their only use and behoof forever.

AND THE PARTY of the first part, for himself, his heirs and assigns, covenants with the parties of the second part, their heirs and assigns, that he is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free and clear from all encumbrances, and that he will forever warrant and defend the title to the same against the claims of all persons whomsoever.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

 (SEAL)
Doy Ray Rhue

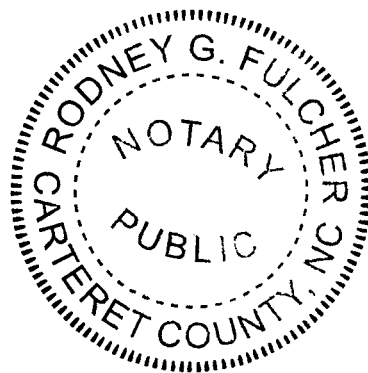
STATE OF NORTH CAROLINA
CARTERET COUNTY

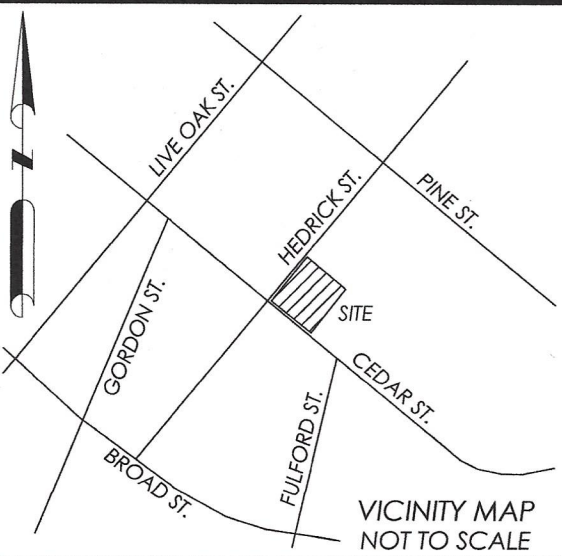
I, Rodney Fulcher, Notary Public, do certify that Doy Ray Rhue personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this 30th day of November 2020.

RGF
Notary Public

My commission expires: 10/16/21





SURVEYORS DECLARATION TO WHOM IT MAY CONCERN: It is the responsibility of the present owner(s) or future owner(s) of the property shown hereon to check for any wetlands, buffers, high water table or other water conditions which may cause a portion of this property to be unusable for certain uses. No responsibility of any nature is assumed by the surveyor for any conditions which may presently exist on the property shown hereon but are unknown to the surveyor such as: Cemeteries, Family Burying Grounds, Toxic or Hazardous Waste Materials, Underground Utilities, Existing or Proposed easements or right-of-ways, etc. not shown hereon. Any utilities or features and any easements, right-of-ways or buffers associated with said utilities or features shown hereon are shown according only to what was known or visible at the time of this survey by the surveyor. This property may be subject to additional easements or right-of-ways unknown to the surveyor at this time that a complete title examination may reveal. There shall not be any construction in the area of any utilities, easements or right-of-ways without a complete title examination and additional surveying to identify the accurate widths and correct locations of record of any easements or right-of-ways. The surveyor is NOT an Attorney at Law and it is advised that the owner of this property consult with a Licensed Attorney at Law to perform a complete title examination to confirm all known encumbrances and reveal any potential encumbrances or title issues associated with this property.

NOTE: THE PARCEL OR PARCELS OF LAND SHOWN HEREON HAVE NOT BEEN CHECKED FOR WETLANDS OR FLOOD HAZARD SOILS UNLESS OTHERWISE CERTIFIED OR SHOWN HEREON. THIS PARCEL IS SUBJECT TO ALL NC DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES, DIVISION OF WATER QUALITY REGULATIONS AND ANY OTHER FEDERAL, STATE OR LOCAL REGULATION OF ANY NATURE. PORTIONS OF THIS PARCEL MAY CONTAIN WETLANDS.

NOTE: THIS LOT IS SUBJECT TO ANY AND ALL ADDITIONAL RESTRICTIONS SHOWN ON RECORDED PLATS AND RESTRICTIVE COVENANTS AND ANY RESTRICTIONS APPLIED BY ANY LOCAL, STATE OR FEDERAL LAWS OR RULES.

NOTE: THE SURVEYOR DOES NOT TAKE ANY RESPONSIBILITY FOR ANY UNDERGROUND UTILITIES NOT SHOWN HEREON. ALL UTILITY LOCATIONS SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

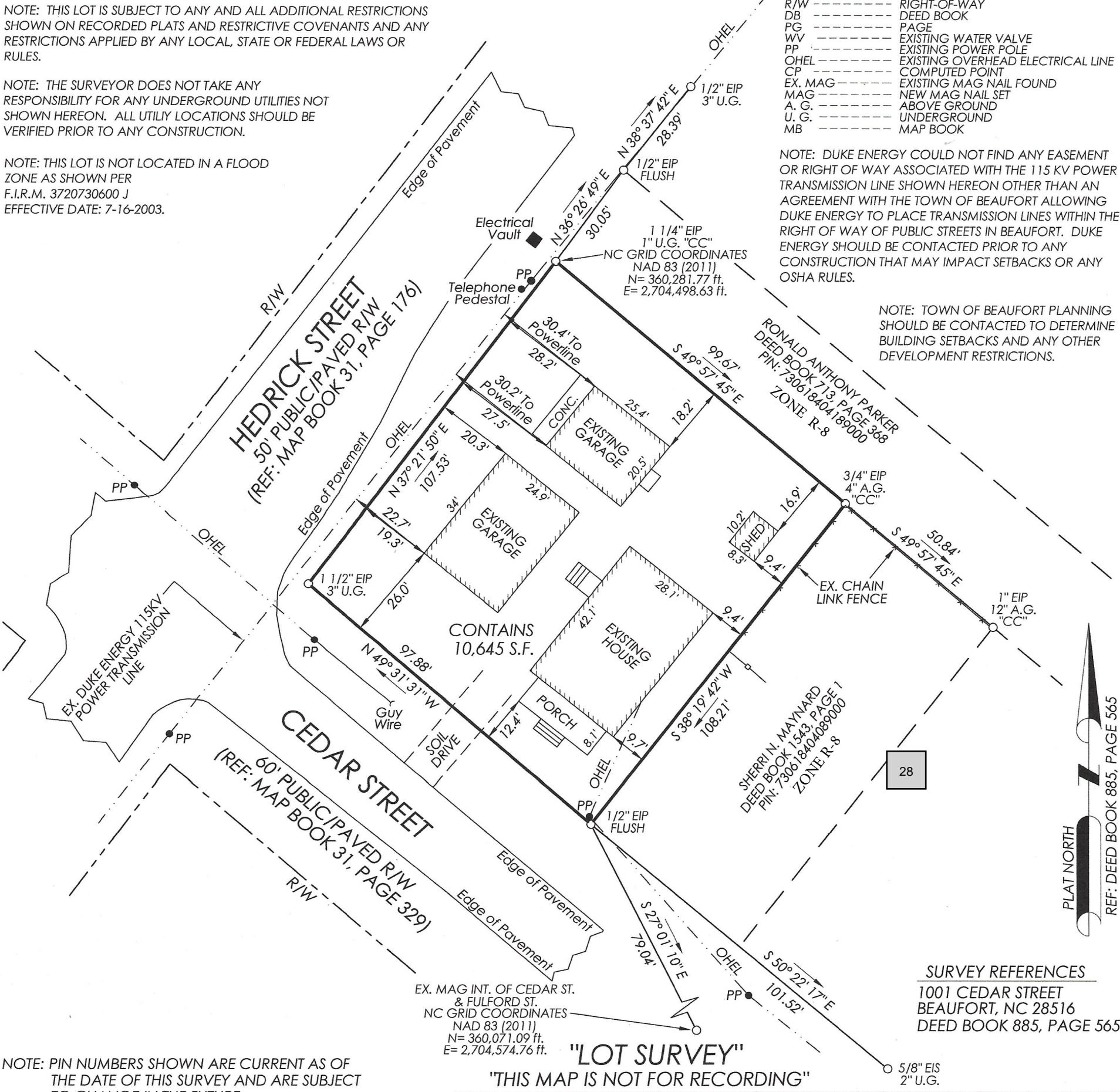
NOTE: THIS LOT IS NOT LOCATED IN A FLOOD ZONE AS SHOWN PER F.I.R.M. 3720730600 J EFFECTIVE DATE: 7-16-2003.

LEGEND

- LINES SURVEYED (SUBJECT PROPERTY)
- LINES NOT SURVEYED
- - - - - RIGHT-OF-WAY LINE
- CENTERLINE OF ROAD
- EIP ----- EXISTING IRON PIPE FOUND
- WM ----- EXISTING WATER METER
- CC ----- CONTROL CORNER
- EIS ----- EXISTING IRON STAKE FOUND
- NIS ----- NEW IRON STAKE SET
- R/W ----- RIGHT-OF-WAY
- DB ----- DEED BOOK
- PG ----- PAGE
- WV ----- EXISTING WATER VALVE
- PP ----- EXISTING POWER POLE
- OHEL ----- EXISTING OVERHEAD ELECTRICAL LINE
- CP ----- COMPUTED POINT
- EX. MAG ----- EXISTING MAG NAIL FOUND
- MAG ----- NEW MAG NAIL SET
- A. G. ----- ABOVE GROUND
- U. G. ----- UNDERGROUND
- MB ----- MAP BOOK

NOTE: DUKE ENERGY COULD NOT FIND ANY EASEMENT OR RIGHT OF WAY ASSOCIATED WITH THE 115 KV POWER TRANSMISSION LINE SHOWN HEREON OTHER THAN AN AGREEMENT WITH THE TOWN OF BEAUFORT ALLOWING DUKE ENERGY TO PLACE TRANSMISSION LINES WITHIN THE RIGHT OF WAY OF PUBLIC STREETS IN BEAUFORT. DUKE ENERGY SHOULD BE CONTACTED PRIOR TO ANY CONSTRUCTION THAT MAY IMPACT SETBACKS OR ANY OSHA RULES.

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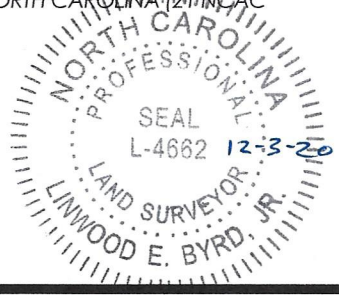
NOTE: PIN NUMBERS SHOWN ARE CURRENT AS OF THE DATE OF THIS SURVEY AND ARE SUBJECT TO CHANGE IN THE FUTURE.

NOTE: THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, BUFFERS, RIGHT-OF-WAYS OR AGREEMENTS OF RECORD.

I, LINWOOD E. BYRD, JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DB 885, PG 565); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS REFERENCED ON THIS PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1 : 10,000+ ; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (N.C.A.C. 56.1600)

THIS THE 3rd DAY OF DECEMBER, 2020

Linwood E. Byrd, Jr.
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER L-4662



"LOT SURVEY"
"THIS MAP IS NOT FOR RECORDING"

SURVEY FOR		
BRADLEY CUMMINS		
TOWNSHIP BEAUFORT	COUNTY CARTERET	STATE NORTH CAROLINA
SURVEYED BY LEBJ		ZONE
DRAWN BY LEBJ		CITY / TOWN BEAUFORT
CHECKED BY LEBJ		PIN: 730618404112000
ACREAGE COMPUTED BY COORDINATE METHOD ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US SURVEY FEET UNLESS OTHERWISE NOTED		
0 30' 60'		
SCALE: 1" = 30'		

BYRD C-0719
SURVEYING, P.A.
 LAND SURVEYING
 5058 US 70 WEST, SUITE N-3
 MOREHEAD CITY, NC 28557
 PHONE: 252-515-1039
 www.byrdsurvey.com

DATE 12-3-2020	DRAWING NO. 20-142
-------------------	-----------------------

SURVEY REFERENCES
 1001 CEDAR STREET
 BEAUFORT, NC 28516
 DEED BOOK 885, PAGE 565

REF: DEED BOOK 885, PAGE 565

1001 Cedar Street
Neighboring Property Owners within 100 feet

CHRISTOPHER MANOUSARIDIS
408 LIVE OAK STREET
BEAUFORT, NC 28516

RACHEL GENTRY
913 CEDAR ST
BEAUFORT, NC 28516

MAILING ADDRESS:
715 PARHAM RD
ROXBORO NC 27574

BRADLEY LEWIS HEDRICK
315 HEDRICK ST
BEAUFORT, NC 28516

MAILING ADDRESS:
416 BUNKER HILL ROAD
FREDERICKSBURG VA 22401

CHARLES JACKSON
312 HEDRICK ST
BEAUFORT, NC 28516

MAILING ADDRESS:
24 NOLEN STREET
BIRMINGHAM AL 1832 35242

JOE CRAFT
309 FULFORD ST
BEAUFORT, NC 28516

MAILING ADDRESS:
8521 EMERALD LAKE DRIVE E
PINSON AL 2497 35126

SHERRI N MAYNARD
1007 CEDAR ST
BEAUFORT, NC 28516

CEDAR STREET PROPERTIES LLC
1011 CEDAR ST
BEAUFORT, NC 28516

MAILING ADDRESS:
PO BOX 643
MT PLEASANT SC 29465

DONALD HENRY
1015 CEDAR ST
BEAUFORT, NC 28516

MAILING ADDRESS:
PO BOX 672
BEAUFORT, NC 28516

DONALD RAY HENRY
1017 CEDAR ST
BEAUFORT, NC 28516

MAILING ADDRESS:
PO BOX 672
BEAUFORT, NC 28516

RONALD PARKER
406 HEDRICK ST
BEAUFORT, NC 28516

LOIS PETTEWAY PARKER
408 HEDRICK ST
BEAUFORT, NC 28516

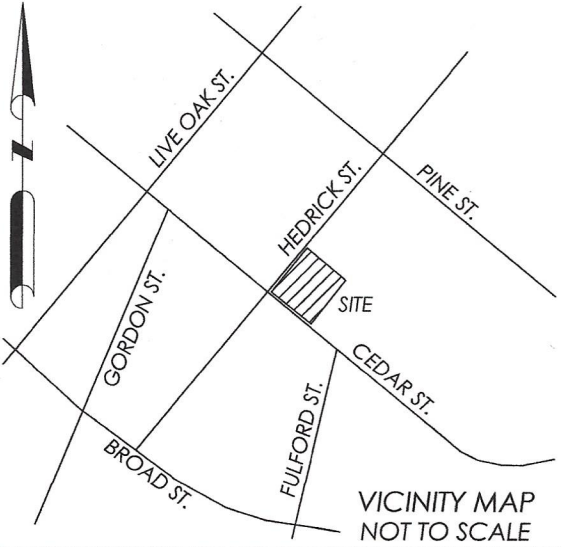
MAILING ADDRESS:
406 HEDRICK STREET
BEAUFORT, NC 28516

BARBOUR MARINE SUPPLY CO INC
410 HEDRICK ST
BEAUFORT, NC 28516

MAILING ADDRESS:
PO BOX 248
BEAUFORT, NC 28516

DUKE ENERGY PROGRESS INC
405 HEDRICK STREET
BEAUFORT, NC 28516

MAILING ADDRESS:
550 TRYON STREET
MAIL CODE: DEC44P
CHARLOTTE NC 28202



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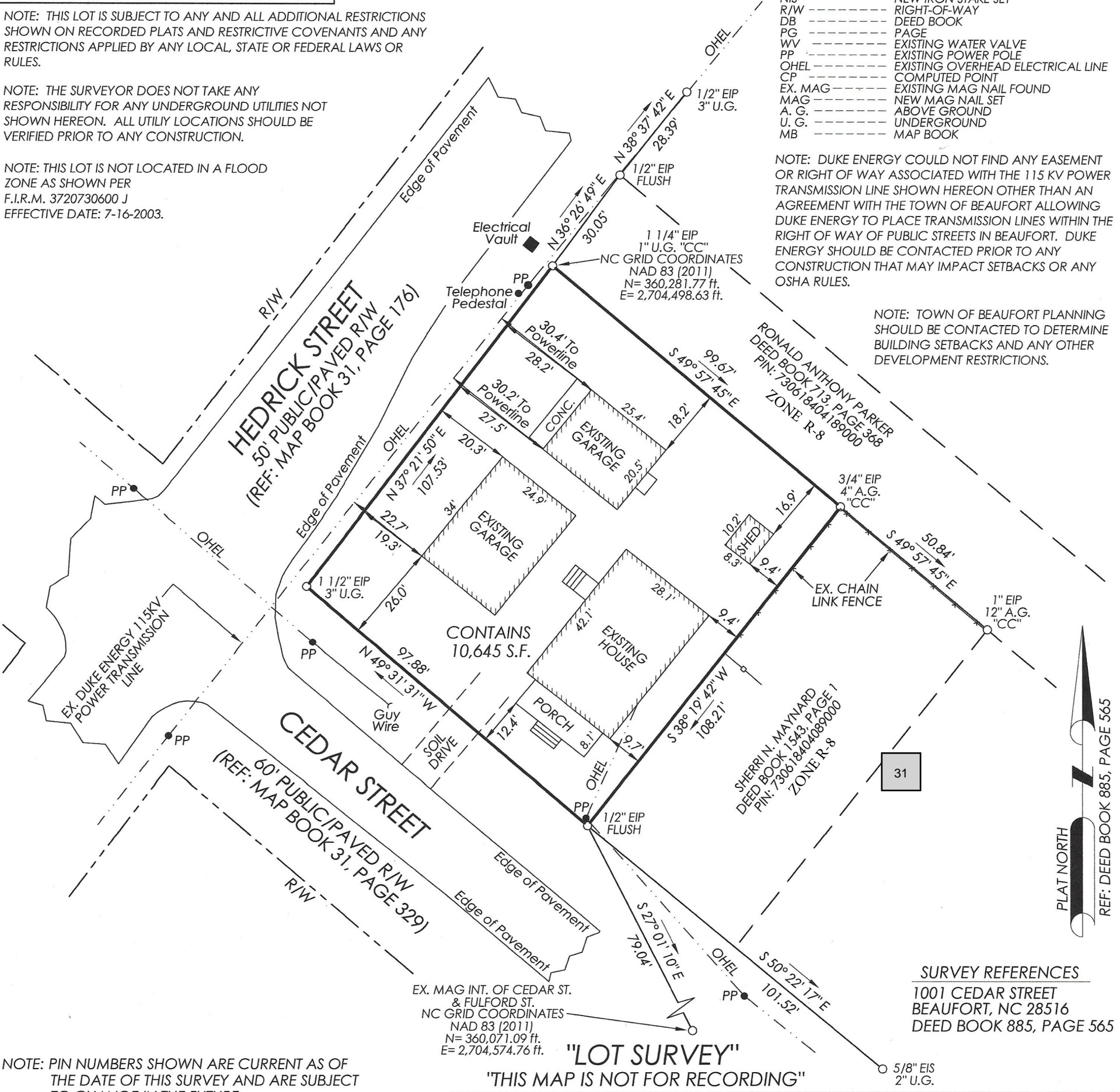
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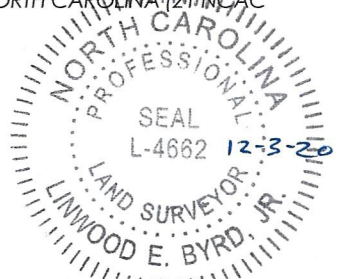
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TOWNSHIP BEAUFORT	COUNTY CARTERET	STATE NORTH CAROLINA
SURVEYED BY LEBJ		ZONE
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 www.byrdsurveying.com

DATE 12-3-2020	DRAWING NO. 20-142
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SURVEY REFERENCES
 1001 CEDAR STREET
 BEAUFORT, NC 28516
 DEED BOOK 885, PAGE 565

PLAT NORTH
 REF: DEED BOOK 885, PAGE 565



Town of Beaufort, NC

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

**Town of Beaufort Planning Board Regular Meeting
6:00 PM Tuesday, February 15, 2021 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Rezoning from TR to CS-MU 502 Cedar Street
Case #21-03

BRIEF SUMMARY:

At the January 19th meeting the Planning Board requested that staff submit a rezoning request for this parcel to add continuity to the 500 block of Cedar Street regarding the zoning of Mixed Use. Per the Boards request staff is submitting 502 Cedar Street for rezoning from TR to CS-MU.

REQUESTED ACTION:

Conduct Public Hearing
Recommendation to Board of Commissioners

EXPECTED LENGTH OF PRESENTATION:

20 Minutes

SUBMITTED BY:

Kyle Garner, AICP
Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A



Attachment - A

Staff Report

To: Planning Board
From: Kyle Garner, AICP

Date: 1/26/2021
Meeting Date: 2/15/2021

Case Number 21-03

Summary of Request: Rezone one lot totaling 15,143sq.ft. at 502 Cedar Street from TR to CS-MU.

Background

Location(s) & PIN 730618215164000 (See Attached Map)

Owners Amy Johnson-Ferdinand
Applicant Town of Beaufort – Staff Initiated

Current Zoning TR Zoning

Lot(s) Size & Conformity Status 15,143 Sq. ft. Total (based on GIS data) conforming parcel

Existing Land Use Commercial – Bail Bond Business

CAMA Future Land Use Map Public & Institutional
Amendment Required Yes No

Adjoining Land Use & Zoning
North See Attached Zoning Map of Area
South See Attached Zoning Map of Area
East See Attached Zoning Map of Area
West See Attached Zoning Map of Area

Special Flood Hazard Area Yes No

Public Utilities
Water Available Not Available
Sewer Available Not Available

Additional Information See Staff Comments

Requested Action Provide a consistency statement to the Board of Commissioners addressing the requested zoning amendment and the future land use plan.
Provide recommendation to the Board of Commissioners to:

- Approve the request;
- Deny the request; or
- Recommend more restrictive zoning district

Staff Comments

At the January 19th meeting the Planning Board requested that staff submit a rezoning request for this parcel to add continuity to the 500 block of Cedar Street regarding the zoning of Mixed Use. Per the Boards request staff is submitting 502 Cedar Street for rezoning from TR to CS-MU.

This rezoning is **consistent** (see info below) with the existing CAMA Land Use Plan and thus will not require an amendment.

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

CAMA Core Land Use Plan – Future Land Use Classifications

C. Mixed Use Classification

The Mixed Use classification encompasses approximately 1.3 square miles (826 acres) or 17.4 percent of the total land area. The properties classified as Mixed Use are located adjacent to Town Creek (2 sites), at the former Beaufort Elementary School site, adjacent to the Cedar Street-Carteret Avenue area, and along Lennoxville Road at the site of the Atlantic Veneer Corporation and Beaufort Fisheries Industries.

The Mixed Use classification is intended to delineate areas where there is potential to redevelop the existing properties and adjoining vacant land, particularly for multiple land uses. The North Carolina Maritime Museum has proposed expanding the Maritime Museum to a portion of the Mixed Use-designated area located on the north side of Town Creek. An associated maritime village has also been proposed for this site. Mixed residential and commercial uses, including marine uses along waterfront areas, have potential at the other Mixed Use-designated sites.

The Cedar Street corridor is anticipated, with the proposed relocation of US Highway 70, to redevelop from a general commercial area into more of an office, light retail, professional services, institutional, and residential area.

The anticipated residential density within this classification ranges from medium to high density. Multifamily densities are consistent with the current requirements of the Town’s zoning ordinance which allows a density range of up to 16 dwellings per acre for planned developments. Residential building types encouraged within this classification include single-family attached dwellings, condominiums, cluster developments, and multifamily dwellings. Commercial uses include a variety of retail, office, business services, and personal services. Minimum lot sizes are generally dependent upon the specific nature and characteristics of the land use but typically range from 2,750 to 20,000 square feet for residential land uses and 3,000 to 8,000 square feet for nonresidential land uses. Maximum floor

area ratios for nonresidential land uses range from 0.57 to 2.13. Land uses within the Mixed Use designated areas are generally compatible with B-1, General Business; B-3, Marina Business; O & I, Office and Institutional; RMF, Multifamily Residential; and PUD, Planned Unit Development Zoning Districts. Public water and sewer service is needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volume are necessary to support the intensity of development expected within the Mixed Use Classification.

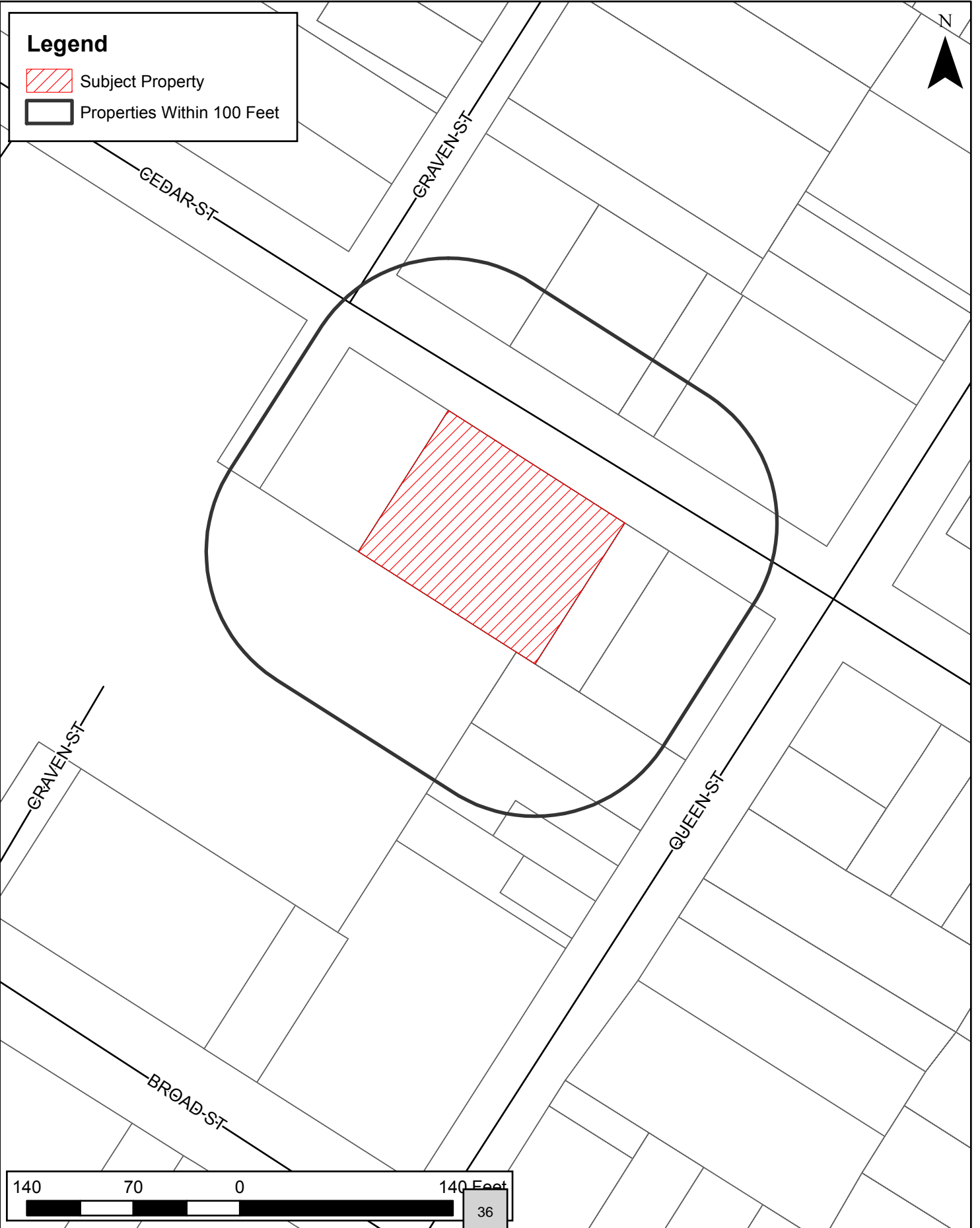
The Town’s goals and policies support the use of land in Mixed Use-classified areas for a range of uses where adequate public utilities and streets are available or can be upgraded to support the intensity of development encouraged in this classification. Public and institutional land uses that support and that are compatible with this type of mixed development are also encouraged.

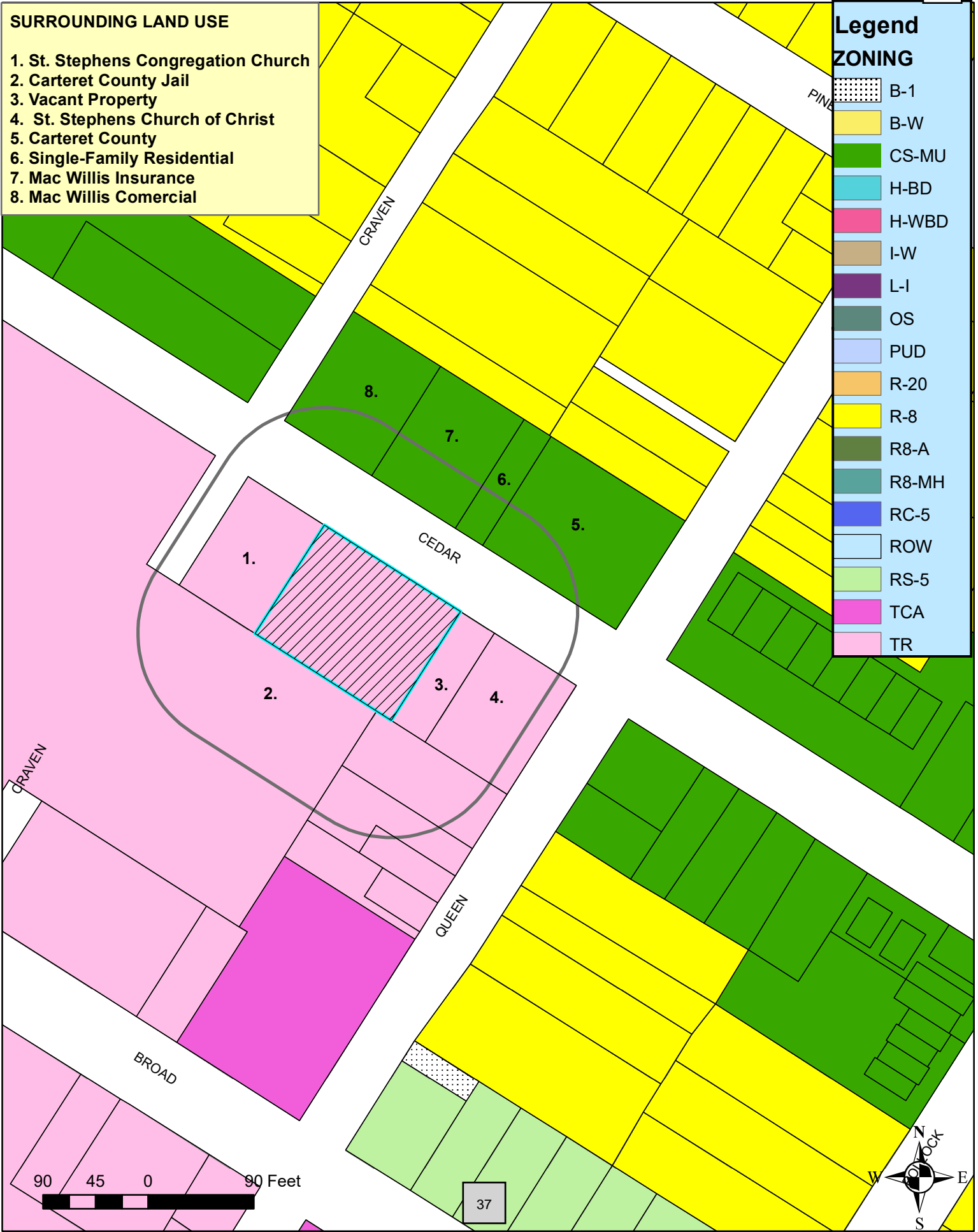
While the Mixed Use areas are expected to accommodate future growth and development, they may or may not actually be developed during the planning period. Critical factors that will determine the development potential of these areas include market demand and the provision of the necessary support infrastructure (particularly public water and sewer utilities). Consequently, the development potential of the some of the lands within the Mixed Use areas may be more long-term than short-term. In order to permit the type of mixed use development envisioned in this classification, the Town of Beaufort may have to prepare amendments to its existing zoning ordinance and subdivision ordinance to establish specific conditions and standards for such mixed use development.

- Attachments:**
- Attachment B - Vicinity Map with 100 Foot Notification Boundary
 - Attachment C - Zoning Map with Adjacent Land Uses
 - Attachment D – Owners within 100 feet - Notified
 - Attachment E - TR & CS-MU Zone Information with Use Table
 - Attachment F - Consistency Statement “Draft”

Vicinity Map

Case No. 21-03





OWNER	MAIL ADDRESS	CITY, STATE, ZIP
WILLIS,MAURICE M	PO BOX 266	BEAUFORT NC 28516
FIRST RUNG PROPERTIES LLC	304 ORANGE STREET	BEAUFORT NC 28516
CARTERET COUNTY	302 COURTHOUSE SQUAR	BEAUFORT NC 28516
ST STEPHENS CONGREGATION CHURC	314 CRAVEN STREET	BEAUFORT NC 28516
JOHNSON-FERDINAND,AMY V	18 NYMPH RD	WEST ORANGE NJ 07052
OWENS,NELSON N ETUX PATRICIA A	723 COMET DRIVE	BEAUFORT NC 28516
ST STEPHENS CHURCH OF CHRIST	500 CEDAR STREET	BEAUFORT NC 28516
QUEEN ST PROPERTIES OF BFT LLC	PO BOX 643	MT PLEASANT SC 29465

B) Transitional District (TR).

The intent of this district is to serve as a transition between residential and more intensive districts. This includes residential and commercial uses with a low noise and traffic impact which would generally be considered compatible with a residential area which may or may not have buffering requirements as documented in section 19 of this Ordinance. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the TR district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the TR district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 8-4 Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TR	25 feet	25 feet	15 feet	35 feet

Table 8-5 Other Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setbacks</i>	<i>Building Height Limitation</i>
TR	25 feet	25 feet	8 feet	35 feet

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the lot setback requirements as set forth in section 2-F, section 6, section 15, and all other sections of this Ordinance.

5) Permitted Uses.

- | | |
|---|--|
| Antenna Co-Location on Existing Tower | Dormitory |
| Assisted Living | Dwelling, Single-Family |
| Athletic Field, Public | Garage, Private Detached |
| Bed & Breakfast | Government/Non-Profit Owned/
Operated Facilities & Services |
| Carport | Group Home |
| Club, Lodge, or Hall | Home Occupation |
| Commercial Indoor Recreational Facility | Library |
| Community Garden | Mixed Use |
| Dock | Mortuary/Funeral Home/
Crematorium |

Land Development Ordinance for the Town of Beaufort

Neighborhood Recreation Center
 Indoor/Outdoor, Private
 Neighborhood Recreation Center,
 Public
 Nursing Home
 Office: Business, Professional, or
 Medical
 Park, Public
 Personal Service Establishment
 Public Safety Station

Public Utility Facility
 Religious Institution
 Resource Conservation Area
 Restaurant with Indoor Operation
 Shed
 Signs, Commercial Free-Standing
 Swimming Pool (Personal Use)
 Temporary Construction Trailer
 Utility Minor
 Vehicle Charging Station

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Accessory Dwelling Unit
 Aquaculture
 Financial Institution
 Cemetery/Graveyard
 Concealed (Stealth) Antennae &
 Towers
 Day Care Center
 Day Care/Child Care Home
 Dwelling, Duplex
 Golf Course, Privately Owned
 Golf Driving Range
 Hotel or Motel
 Kennel, Indoor/Outdoor Operation
 Marina

Museum
 Other Freestanding Towers
 Outdoor Amphitheater, Public
 Parking Lot
 Preschool
 Produce Stand/Farmers' Market
 Retail Store
 Satellite Dish Antenna
 School, K-12
 School, Post-Secondary
 Tavern/Bar/ Pub with Indoor
 Operation
 Utility Facility

D) Cedar Street Mixed-Use Zoning District (CS-MU)

1) Purpose.

The purpose of this district is to protect, enhance and guide the redevelopment of the Cedar Street corridor by reducing visual clutter through the implementation of commercial design standards and selecting the appropriate type of uses for this district. These standards are designed to improve the aesthetics, traffic congestion and provide for a solid and vibrant tax base as well as promote the public health, safety and welfare of the town.

2) Adoption.

The Cedar Street Mixed Use Zoning District (CS-MU) for the Town of Beaufort, as set forth on a map so entitled and dated 07/08/2019, is hereby adopted by reference as an element of the Land Development Ordinance hereafter known as the LDO, and the Official Zoning Map of the Town of Beaufort.

3) Permitted Uses.

The uses listed here, with the exception of single-family residential uses, shall be subject to the Development Standards listed below.

- | | |
|------------------------------------|----------------------------------|
| Convenience Store | Park, Public |
| Dwelling, Single-family | Personal Service Establishment |
| Dwelling, Multi-family | Produce Stand/Farmers' Market |
| Financial Institution | Public Utility Facility |
| Hotel or Motel | Religious Institution |
| Mixed Use | Restaurant with Indoor & Outdoor |
| Office, Business, Professional, or | Operations |
| Medical* | Retail Store |
| Outdoor Retail Display/Sales | Utility Minor |

*Includes Government Offices

4) Special Uses (Special Use Requirements may be found in Section 20 of the LDO).

Any commercial use which results in a structure or combination of structures with over 15,000 square feet.

- Microbrewery
- Tavern/Bar/Pub with Indoor Operation

5) Prohibited Uses.

Any use not listed in subsections 3 & 4 of this section is prohibited. Development Standards.

a) Design Criteria.

The intent of the following design criteria is to maintain and strengthen the unique character of Cedar Street by ensuring new development projects are architecturally compatible with the characteristics of the community. These characteristics include building forms, proportions, treatments, exterior materials, and architectural styles. It is intended that front elevations and overall massing of new structures shall be of human scale and related to the street. All design criteria will be reviewed and approved by Town Staff.

Land Development Ordinance for the Town of Beaufort

It is not the intent for new structures to closely duplicate existing historic structures. The intent is for new structures to include elements in ways which achieve a design compatible with and complementary to the historic character of the Town.

b) Site Plan Submission.

A detailed site plan, meeting all N.C. State Building Codes and Town Ordinances, shall be required for all commercial and mixed-use development within this zoning district.

c) Signage. Whenever the regulations made under the authority of this section are in conflict with any other provisions of this ordinance, the restrictions of this section shall supersede.

- i) Only attached wall or projecting type signs made of wood or substitute materials which have the appearance of wood are permitted.
- ii) The use of internally lit, flashing or free-standing signs of any kind is prohibited.
- iii) Subject to the provisions of this section, the maximum sign surface area permitted in this district shall not be more than 0.75 square feet per linear foot of total lot frontage.

d) Landscaping.

Any new commercial site plan with on-site parking shall provide a detailed landscape plan identifying all shrub and tree types as well as the number of such trees and shrubs as per section 14 and 19 of the *LDO*. Additionally if developing adjacent to a different type of land use, a screening and buffering plan shall also be required.

e) Exterior Siding Materials (Commercial & Mixed-Use Structures Only).

The primary siding material constituting a minimum of eighty percent (80%) of the exterior shall be one or a combination of two of the following materials:

- i) Brick;
- ii) Stone: Natural, Limestone or Granite;
- iii) Fiber Cement (Lap or Board & Batten Siding); and/or,
- iv) Treated Wood excluding plywood (Board & Batten or Clapboard Design only)
- v) Cedar Shake
- vi) Other materials or combinations thereof can be submitted to the Planning Board and Board of Commissioners for consideration. Detailed elevation drawings and product specifications shall be required.

f) Outside Walls (Commercial & Mixed-Use Structures Only).

- i) The total area of glass, windows, and/or any similar transparent areas for any side of a commercial structure shall not exceed thirty-five percent (35%) of the surface area for such side of the building, and must be positioned uniformly along the face of the structure. This percentage may be increased if it needs to meet the state fire code.

Land Development Ordinance for the Town of Beaufort

- ii) Each exterior wall of a building viewable from any public or private right-of-way shall incorporate architectural design features to create a visual break at least every one hundred feet (100') along the exterior wall in order to avoid a box like appearance. All plans for exterior walls shall be approved by the Board of Commissioners as part of the site plan approval process.
- f) Roof Forms. (Commercial & Mixed-Use Structures Only)
- i) The dominant shape of roof forms shall be gabled, hipped or parapet. If pitched, the minimum pitch shall be five over twelve (5/12).
 - ii) All roof top mounted equipment shall be fully screened from view and the method of screening shall be integrated into the overall building design, for example within or behind pitched roofs. Hipped or gabled roofs with a mechanical element will not be considered mansard roofs when the roof appears to be a true hipped or gabled roof design.
- g) Driveway Limitations. (Commercial & Mixed-Use Structures With Onsite Parking Only)
- i) Two driveways entering the same street from a single lot shall only be permitted if the minimum distance between the closest edges of the driveways equals to or exceeds one hundred feet (100').
 - ii) In no case shall the total width of all driveways exceed fifty percent (50%) of the total property frontage.
 - iii) No driveway shall be located within a hundred feet (100') of an intersection except in cases where no other access to a public street is available.
- h) Parking Requirements.
- i) Mixed use, multi-family and single-family lots shall provide 1.5 onsite parking spaces/unit;
 - ii) Commercial lots with an area less than 5000 ft² have no requirements for onsite parking; and,
 - iii) Commercial lots with an area more than 5000 ft² shall provide 1 onsite parking space for every 600 ft² of gross floor area.
- i) Exterior Elevation Drawings. (Commercial & Mixed-Use Structures Only)
Exterior elevation drawings shall be submitted to determine the visual break of exterior walls for the structure or structures.
- 6) Minimum Lot Size.
The Cedar Street Mixed-Use Zoning District will not have a minimum lot size.
- 7) Minimum Lot Width.
No minimum lot width is required in the Cedar Street Mixed-Use Zoning District at the minimum building line.

8) Building Setback and Building Height Requirements and Limitations.

Subject to the exemptions of this Ordinance, each structure on said lot in this zoning district shall be set back from the boundary line of the lot at least the distance provided in the tables set forth in this section. The building height limitation in this district is also provided in the tables of this section.

Table 8-6 Single Family Detached Setback Requirements

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	15 feet minimum	25 feet	8 feet	40 feet
	20 feet maximum	25 feet	8 feet	40 feet

Table 8-7 Corner Lot and Interior Lot Requirements for Commercial and Mixed Use

<i>District</i>	<i>Cedar Street Front Setback (Right-of-Way)</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
	10 feet minimum	0 feet	20 feet	0 feet	40 feet
	20 feet maximum	0 feet	20 feet	0 feet	40 feet

Land Development Ordinance for the Town of Beaufort

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
Residential Uses					
Group Living	Assisted Living	P	P	S	
	Dormitory	P	P	S	
	Group Home	P	P	S	
	Nursing Home	P	P	S	
Household Living	Accessory Dwelling Unit		S	S	
	Dwelling, Duplex/Townhome	P	S	S	
	Dwelling, Multi-Family	P		S	P
	Dwelling, Single-Family	S	P	S	P
	Manufactured Home			S	
	Manufactured Home Park			S	
	Recreational Vehicle Park			S	
Mixed Uses					
	Mixed Use	S	P	S	P
Public/Institutional Uses					
Aviation	Airport/Landing Strip			S	
Cemeteries/ Graveyards	Cemetery/Graveyard		S	S	
Cultural Facilities	Library		P	S	
	Museum		S	S	
Day Care	Day Care Center		S	S	
	Day Care/Child Care Home		S	S	
Government Services	Government/Non-Profit Owned/ Operated Facilities & Services	P	P	S	
	Public Safety Station	P	P	S	
	Public Utility Facility	P	P	S	P
Hospitals	Hospital			S	
Park and Athletic Fields, Public Use	Athletic Field, Public			S	
	Community Garden	P	P	S	
	Neighborhood Recreation Center, Public	P	P	S	
	Outdoor Amphitheater, Public	S	S	S	
	Park, Public	P	P	S	P
	Resource Conservation Area	P	P	S	
Religious Uses	Religious Institution	S	P	S	P
Educational Uses	Preschool	S	S	S	
	School, K-12		S	S	
	School, Post-Secondary	S	S	S	
Non-Governmental Facilities	Transportation Facility	S		S	
	Utility Facility	S	S	S	P
	Utility Minor	P	P	S	P
Agricultural Uses	Agritourism			S	
	Aquaculture		S	S	
	Farming, General			S	
	Forestry			S	
	Produce Stand/Farmers' Market		S	S	P

Permitted Use

Special Use

Land Development Ordinance for the Town of Beaufort

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
Commercial Uses					
Animal Services	Kennel, Indoor Operation Only		S	S	
	Kennel, Indoor/Outdoor Operation			S	
Assembly	Club, Lodge, or Hall		P	S	
Financial Institutions	Financial Institution		S	S	P
Food and Beverage Services	Microbrewery			S	S
	Restaurant, with Drive-Thru Service	S		S	
	Restaurant, with Indoor Operation	S	P	S	P
	Restaurant, with Outdoor Operation	S		S	P
	Tavern/Bar/Pub with Indoor Operation	S	S	S	S
	Tavern/Bar/Pub with Outdoor Operation	S		S	
Offices	Office: Business, Professional, or Medical		P	S	P
	Office: Small Business				
Public Accommodations	Bed & Breakfast		P	S	
	Hotel or Motel	S	S	S	P
Indoor Recreation & Entertainment, Privately Owned	Adult Entertainment			S	
	Amusement Establishment			S	
	Commercial Indoor Recreation Facility		P	S	
	Neighborhood Recreation Center Indoor/ Outdoor, Private	P	P	S	
	Pool Hall or Billiard Hall			S	
	Theater, Large			S	
	Theater, Small	S		S	
Outdoor Recreation & Entertainment, Privately Owned	Athletic Field, Private			S	
	Commercial Outdoor Amphitheater			S	
	Commercial, Outdoor Recreation Facility			S	
	Golf Course, Privately-Owned		S	S	
	Golf Driving Range		S	S	
	Motor Vehicle Raceway			S	
Retail Sales and Services	Adult-Oriented Retail Establishment			S	
	Convenience Store			S	P
	Mortuary/Funeral Home/ Crematorium		P	S	
	Liquor Store			S	
	Personal Service Establishment	S	P	S	P
	Retail Store	S	S	S	P
Vehicle Storage Facilities	Dry Boat Storage			S	
	Marina	S	S	S	
	Parking Lot		S	S	
	Parking Structure			S	

Permitted Use

Special Use

Land Development Ordinance for the Town of Beaufort

Table 8-8 Transitional Zoning District Table of Uses

Land Development Ordinance Uses		TCA	TR	PUD	CS-MU
Vehicles and Equipment Facilities	Boat Sales/Rental			S	
	Car Wash			S	
	Gas/Service Station			S	
	Heavy Equipment Sales/Rental			S	
	Heavy Vehicle Repair			S	
	Moped/Golf Cart Sales/Rental			S	
	Motor Vehicle Sales/Rental			S	
	Towing & Vehicle Storage			S	
	Vehicle Service			S	
Industrial Uses					
Industrial Service Uses	General Industrial Service			S	
Manufacturing and Production Uses	Manufacturing, Heavy			S	
	Manufacturing, Light			S	
	Resource Extraction			S	
Telecommunications Facilities	Antenna Co-Location on Existing Tower	P	P	S	
	Concealed (Stealth) Antennae & Towers	P	S	S	
	Other Building-Mounted Antennae & Towers			S	
	Other Freestanding Towers		S	S	
Warehouse and Freight Movement Uses	Commercial Waterfront Facility			S	
	Hazardous Material Storage			S	
	Mini-Storage			S	
	Outdoor Storage			S	
	Warehousing and Distribution Establishment			S	
	Wholesale Establishment			S	
Waste-Related Uses	Recycling & Salvage Operation			S	
Accessory Uses and Structures					
Accessory Uses	Carport	P	P	S	
	Dock	P	P	S	
	Garage, Private Detached	P	P	S	
	Home Occupation	P	P	S	
	Outdoor Retail Display/Sales			S	P
	Satellite Dish Antenna		S	S	
	Shed	P	P	S	
	Signs, Commercial Free- Standing	P	P	S	
	Swimming Pool (Personal Use)		P	S	
	Temporary Construction Trailer	P	P	S	
	Vehicle Charging Station	P	P	S	

Permitted Use

Special Use



**TOWN OF BEAUFORT
PLANNING BOARD**

RZ21-03

**RESOLUTION ADVISING THAT PROPOSED AMENDMENTS
TO THE ZONING ORDINANCE AND COMPREHENSIVE FUTURE LAND USE PLAN
ARE IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; ARE
REASONABLE; AND ARE IN THE PUBLIC INTEREST.**

WHEREAS, the North Carolina General Assembly has given the Town of Beaufort (“Town”) the authority to adopt and amend zoning and development regulation ordinances for the purpose of promoting the health, safety, morals, and general welfare of its citizens;

WHEREAS, N.C.G.S. §160A-383 requires the Town of Beaufort Planning Board (“Board”) to advise the Town of Beaufort Board of Commissioners by written statement describing whether the proposed amendments to the Town’s Land Development Ordinance (“Ordinance”) and Core Land Use Plan are consistent with all officially adopted plans;

WHEREAS, the Board has in fact met to consider and evaluate the proposed amendments to the Ordinance; and

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Planning Board finds that the proposed amendments to the Ordinance are in accordance with all officially adopted Town plans for the reasons stated in the Staff Report for Rezoning Case 21-03 attached hereto and incorporated herein by reference, and therefore recommends adoption by the Board of Commissioners. Specifically the Planning Board finds that the proposed amendments are in furtherance of the Town plans, ordinances and regulations; and better clarify all the Ordinance regulations.

This Resolution is effective upon its adoption this 15th day of February, 2021.

**TOWN OF BEAUFORT
PLANNING BOARD**

_____, Chairman

ATTEST:

_____, Secretary



Town of Beaufort, NC

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

**Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, February 15, 2021 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business

SUBJECT: Case No. 21-04. Request to Rezone 823 West Beaufort Road from R-8 Residential to B-1 General Business District

BRIEF SUMMARY:

Janine Facciola is requesting to rezone 823 West Beaufort Road from R-8 Residential to B-1 General Business District.

REQUESTED ACTION:

Provide consistency statement and recommendation to the Board of Commissioners

EXPECTED LENGTH OF PRESENTATION:

5 Minutes

SUBMITTED BY:

Kate Allen, Town Planner

BUDGET AMENDMENT REQUIRED:

N/A



Staff Report

To: Planning Board
From: Kate Allen

Date: 2/8/2021
Meeting Date: 2/15/2021

Case Number 21-04

Summary of Request: Request to Rezone 823 West Beaufort Road from R-8 Residential to B-1 General Business District

Background

Location(s) & PIN 823 West Beaufort Road (PIN 730615634587000)

Owner Alan & Janice Cheek
Applicant Janine Facciola

Current Zoning R-8 Residential

Lot(s) Size & Conformity Status 0.474 acres or 20,647 ft²
Conforming Lot of Record
Road Frontage – West Beaufort Road 100’

Existing Land Use Residential

CAMA Future Land Use Map
Amendment Required Yes No General Commercial

Adjoining Land Use & Zoning
North R-8; Residential (Apartments)
South B-1; Commercial
East B-1; Commercial (Ace Hardware, Rolands)
West R-8; Residential (Apartments)

Special Flood Hazard Area Yes No 0.2% Annual Chance Flood Hazard

Public Utilities
Water Available Not Available
Sewer Available Not Available

Additional Information See Staff Comments

Requested Action Provide Consistency Statement and recommendation to the Board of Commissioners

Staff Comments

The subject property is an existing conforming lot of record. The existing residential structure is an existing conforming structure. The accessory structure appears to be conforming, but a survey would be required to verify side and rear setbacks.

Additional Information

The current **R-8 Residential District Standards**

Minimum Lot Size	8,000 Square Feet	Setbacks
Minimum Lot Width	60 Feet	Front 25 Feet
Maximum Building Height	40 Feet	Rear 25 Feet
		Side 8 Feet
		Side (ROW) 20 Feet

The requested **B-1 General Business District Standards**

Minimum Lot Size	5,000 ft ²	Setbacks
Minimum Lot Width	60 Feet	Front 30 Feet
Maximum Building Height	40 Feet	Rear 15 Feet
		Side 15 Feet

In accordance with **NCGS § 160A-383**, the consistency statement must include one of the following:

- A statement recommending approval of the zoning amendment and describing its consistency with the CAMA Core Land Use Plan
- A statement recommending denial of the zoning amendment and describing its inconsistency with the CAMA Core Land Use Plan
- A statement recommending approval of the zoning amendment containing the following:
 - Declaration that the approval is also deemed an amendment to the CAMA Core Land Use Plan
 - An explanation of the change in conditions the board took into consideration when recommending approval

CAMA Core Land Use Plan – Future Land Use Classifications

Current: General Commercial

The General Commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. Areas classified as General Commercial may also include some heavy commercial uses as well as intensive public and institutional land uses. Minimum lot sizes typically range from 5,000 to 8,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems.

Maximum floor area ratios (the total building floor area divided by the total lot area) range from 0.57 to 0.83. Land uses within General Commercial-designated areas are generally compatible with the B-1, General Business; B-W, Business Waterfront; and the TR, Transitional Zoning Districts. Public water service is needed to support the land uses characteristic of this classification. Public sewer service is needed to support the most intensive commercial uses. Streets with the capacity to accommodate higher traffic volumes are necessary to support commercial development.

Attachments:

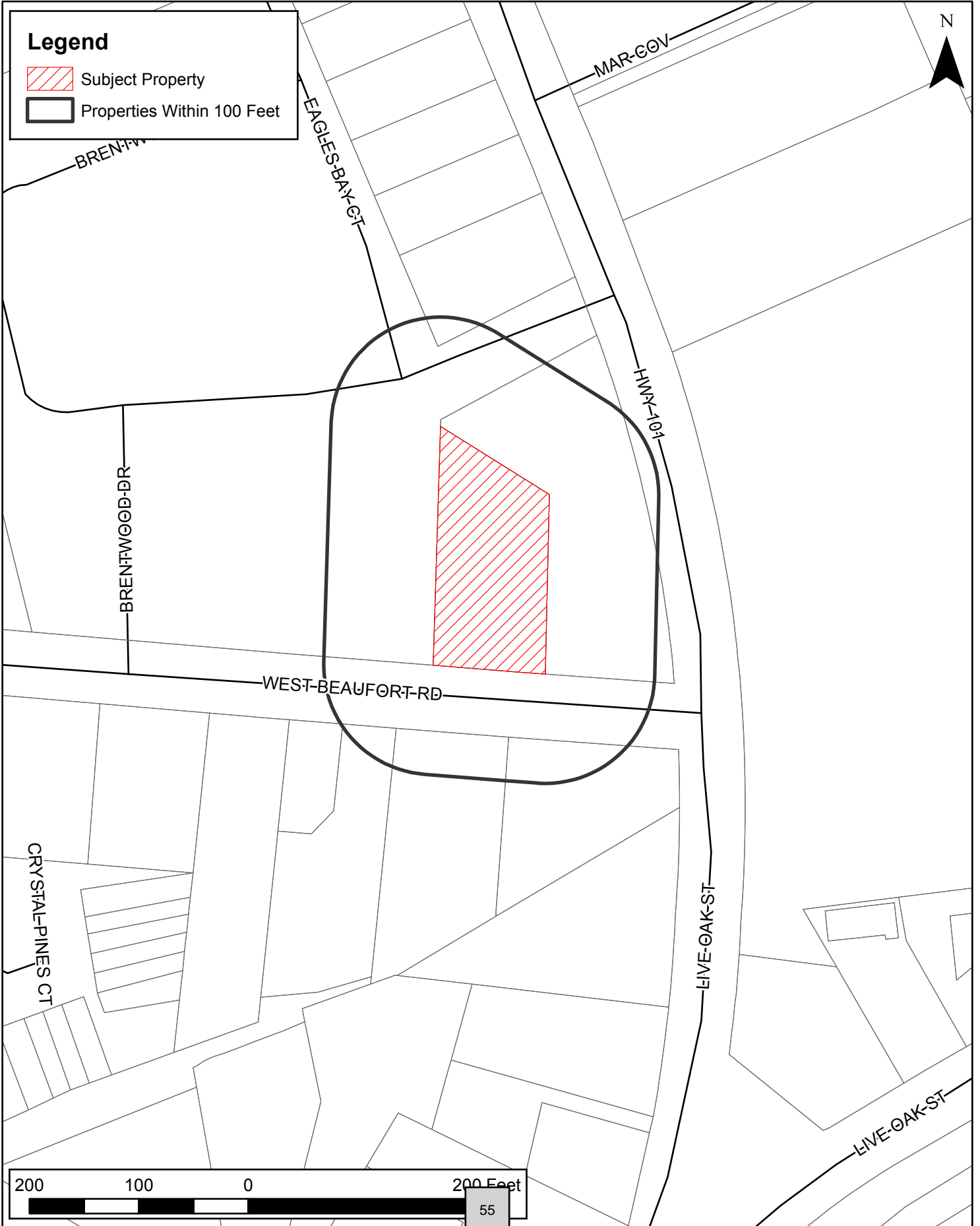
- 1. Property Owners Within 100 Feet
- 2. Vicinity Map
- 3. Aerial Map
- 4. Current Zoning Map
- 5. Future Land Use Map
- 6. LDO Excerpts – R-8 Residential District
- 7. LDO Excerpts – B-1 General Business District
- 8. Application as Submitted

CASE NO. 21-04. PROPERTY OWNERS WITHIN 100 FEET

OWNER	MAIL ADDRESS	CITY, STATE, ZIP
BOGUE SOUND APARTMENTS D/B/A	PO BOX 395	JAMESTOWN NC 27282
MILLER, PAMELAJO ETAL MILLER JR	177 HIGHWAY 101	BEAUFORT NC 28516
CARTERET PRIDE CARWASH LLC	5235 WEBB COURT; C/O JC	MOREHEAD CITY NC 28557
CHEEK, ALAN MARVIN ETUX JANICE	802 WEST BEAUFORT ROAD	BEAUFORT NC 28516
BISHOP, CINDY LYNN ETAL MERLE B	810 W BEAUFORT RD	BEAUFORT NC 28516
OWENS, NELSON N ETUX PATRICIA A	723 COMET DRIVE	BEAUFORT NC 28516
RICH, KEVIN CLINTON ETUX AMY	820 WEST BEAUFORT RD	BEAUFORT NC 28516
OWENS, THOMAS	109 SHERWOOD BLVD	BEAUFORT NC 28516
JANINE FACCIOLA	115 WINDY OAKS LANE	BEAUFORT NC 28516

Vicinity Map

Case No. 20-04



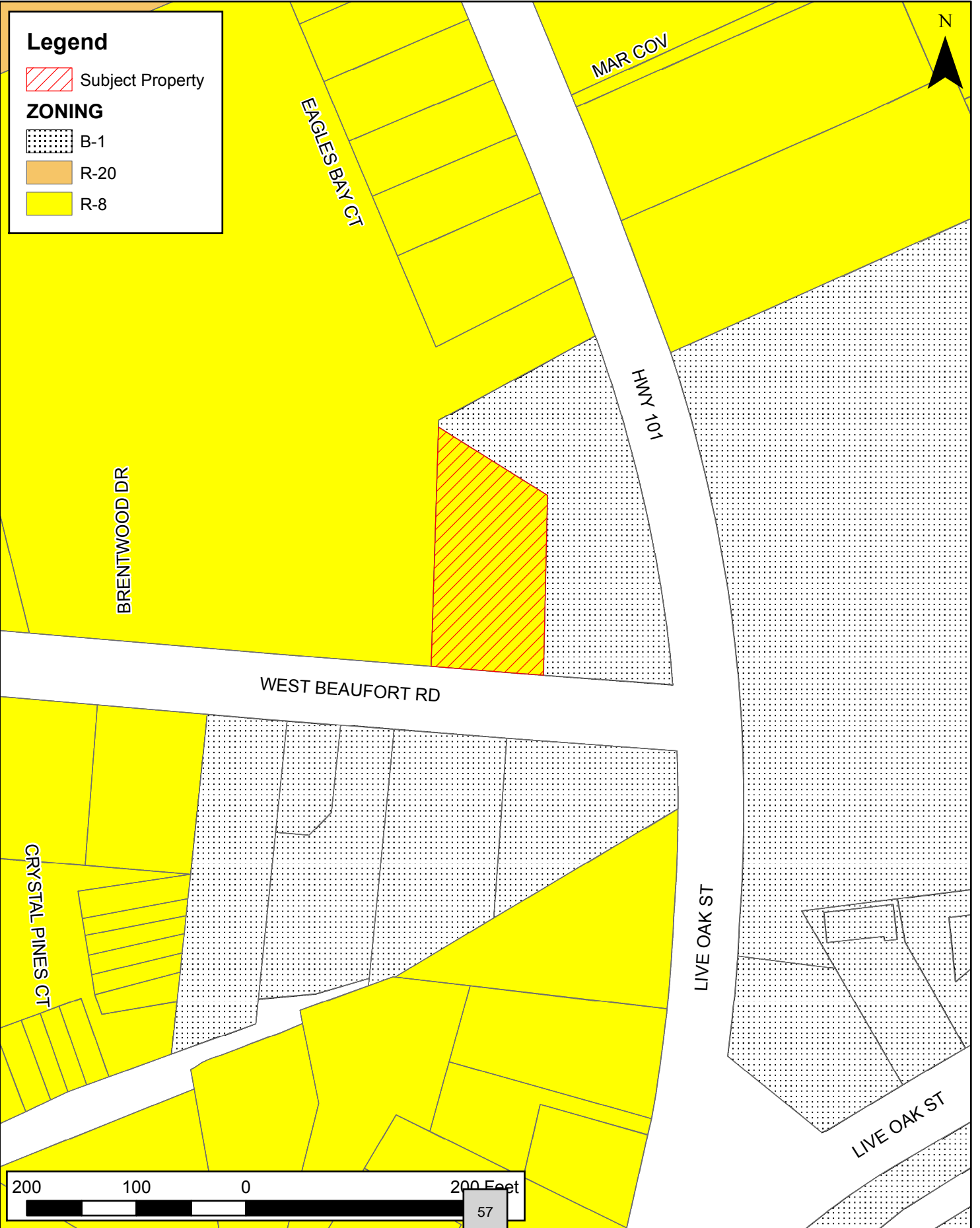
Aerial

Case No. 20-04



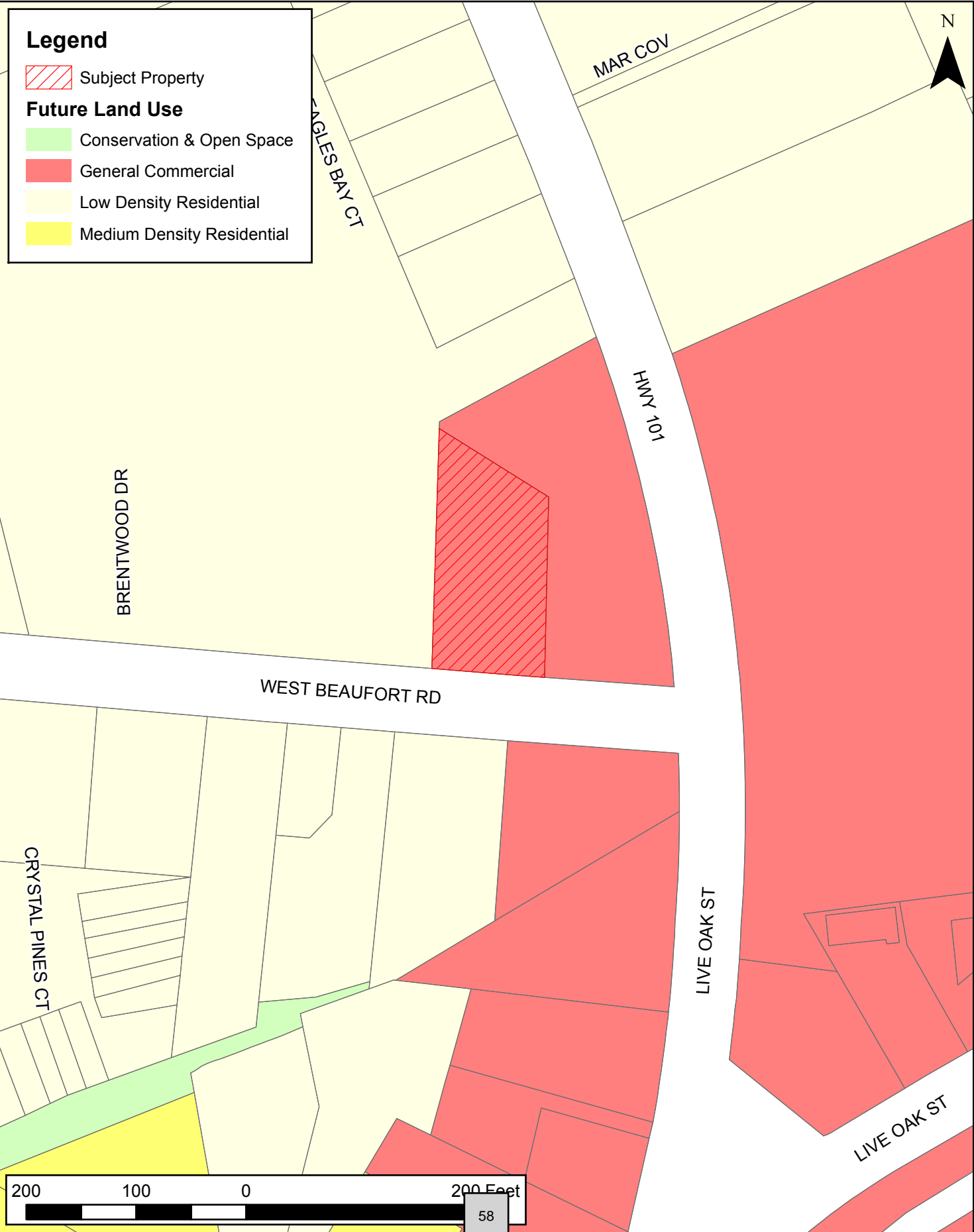
Current Zoning Map

Case No. 20-04



Future Land Use Map

Case No. 20-04



C) R-8 Residential Medium Density District.

This residential district is established as a medium density district in which the principle use of the land is for single-family dwelling units. The regulations of this district are intended to provide areas of the community for those persons desiring residences in relatively medium density areas. No buildings, houses, or structures, excepting noncommercial docks or piers as specified in section 2-H of this Ordinance, will be erected on the south side of Front Street in this district. Uses in this district which require potable water or sanitary sewer must be connected to both municipal water and municipal sewer.

1) Minimum Lot Size.

All lots in the R-8 district shall be a minimum of eight thousand square feet (8,000 ft²).

2) Minimum Lot Width.

All lots in the R-8 district shall have a minimum lot width of sixty feet (60') at the minimum building line.

3) Building Setback and Building Height Requirements and Limitations.

Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 7-9 Interior Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	25 feet	8 feet	35 feet

Table 7-10 Corner Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Side (Right-of-Way) Setback</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	20 feet	25 feet	8 feet	35 feet

Table 7-11 Double Frontage Lot Requirements

<i>District</i>	<i>Designated Front (Right-of-Way) Setback</i>	<i>Designated Rear (Right-of-Way) Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
R-8	25 feet	15 feet	8 feet	35 feet

Where a lot extends across Front Street, the above setbacks shall apply to the portion of the lot north of Front Street. The docks or piers permitted on the south side of Front Street will be subject to an eight feet (8') side setback, or any more restrictive setback required by CAMA, or the regulations promulgated thereunder.

4) Accessory Building Setback Requirements.

All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.

5) Permitted Uses.

Antenna Co-Location on Existing Tower	Neighborhood Recreation Center, Indoor/Outdoor, Private
Athletic Field, Public	Neighborhood Recreation Center, Public
Carport	Park, Public
Community Garden	Public Utility Facility
Dock	Resource Conservation Area
Dwelling, Single-Family	Shed
Garage, Private Detached	Swimming Pool (Personal Use)
Government/Non-Profit Owned/ Operated Facilities & Services	Temporary Construction Trailer
Group Home	Utility Minor
Home Occupation	Vehicle Charging Station

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Accessory Dwelling Unit	Marina
Athletic Field, Private	Outdoor Amphitheater, Public
Bed & Breakfast	Preschool
Cemetery/Graveyard	Produce Stand/Farmers' Market
Club, Lodge, or Hall	Public Safety Station
Concealed (Stealth) Antennae & Towers	Religious Institution
Day Care/Child Care Home	Satellite Dish Antenna
Golf Course, Privately-Owned	School, Post-Secondary
Golf Driving Range	Utility Facility

C) B-1 General Business District.

The General Business District is established as the district in which a wide variety of sales and service facilities may be provided to the general public. This district will be located throughout the Town's planning jurisdiction.

- 1) Minimum Lot Size.
All lots in the B-1 district shall be a minimum of five thousand square feet (5,000 ft²).
- 2) Minimum Lot Width.
All lots in the B-1 district shall have a minimum lot width of sixty feet (60') at the minimum building line.
- 3) Building Setback and Building Height Requirements and Limitations.
Subject to the exceptions allowed in this Ordinance, each structure on a lot in this zoning district shall be set back from the boundary lines of the lot at least the distances provided in the tables set forth in this section. The building height limitation in this district is provided in the tables set forth in this section.

Table 9-5 Lot Requirements

<i>District</i>	<i>Front Setback (Right-of-Way)</i>	<i>Rear Setback</i>	<i>Side Setback</i>	<i>Building Height Limitation</i>
B-1	30 feet	15 feet	15 feet	40 feet

- 4) Accessory Building Setback Requirements.
All accessory buildings must comply with the setback requirements as set forth in section 2-F of this Ordinance, section 6 of this Ordinance, section 15 of this Ordinance, and all sections of this Ordinance.
- 5) Permitted Uses.

<ul style="list-style-type: none"> Amusement Establishment Antenna Co-Location on Existing Tower Aquaculture Assisted Living Athletic Field, Public Bed & Breakfast Boat Sales/Rentals Car Wash Club, Lodge, or Hall Commercial Indoor Recreation Facility Community Garden Concealed (Stealth) Antennae & Towers Convenience Store Day Care Center Dock 	<ul style="list-style-type: none"> Dry Boat Storage Financial Institution Government/Non-Profit Owned/Operated Facilities & Services Hospital Hotel or Motel Kennel, Indoor Operation Only Library Liquor Store Moped/Golf Cart Sales/Rentals Mortuary/Funeral Home/Crematorium Motor Vehicle Sales/Rentals Museum Neighborhood Recreation Center, Public Nursing Home Office: Business, Professional, or Medical
---	--

Other Building-Mounted Antennae &
Towers
Outdoor Retail Display/Sales
Park, Public
Parking Lot
Parking Structure
Personal Service Establishment
Pool Hall or Billiard Hall
Produce Stand/Farmers' Market
Public Safety Station
Public Utility Facility
Religious Institution
Resource Conservation Area

Restaurant with Drive-Thru Service
Restaurant with Indoor Operation
Retail Store
Satellite Dish Antenna
Signs, Commercial Free-Standing
Tavern/Bar/Pub with Indoor Operation
Temporary Construction Trailer
Theater, Small
Transportation Facility
Utility Minor
Vehicle Charging Station
Vehicle Service

6) Special Uses (*Special Uses* text may be found in section 20 of this Ordinance).

Adult-Oriented Retail Establishment
Commercial Outdoor Amphitheater
Commercial Outdoor Recreation
Facility
Commercial Waterfront Facility
Gas/Service Station
Golf Driving Range
Hazardous Material Storage
Kennel, Indoor/Outdoor Operation
Manufacturing, Light
Marina
Microbrewery
Microdistillery

Mini-Storage
Mixed Use
Outdoor Amphitheater, Public
Outdoor Storage
Preschool
Restaurant with Outdoor Operation
School, K-12
School, Post-Secondary
Tavern/Bar/Pub with Outdoor Operation
Theater, Large
Utility Facility
Wholesale Establishment



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

**APPLICATION FOR AN AMENDMENT TO THE
BEAUFORT ZONING MAP**

Instructions:

Please complete the application below, include all the required attachments and the **\$300.00** for Rezoning request with no Land Use Plan Change or **\$400.00** for Rezoning Request with Land Use Plan Change and return to the Beaufort Town Hall, 701 Front Street or P.O. Box 390, Beaufort, N.C., 28516. Incomplete applications will not be processed and **will be** returned to the applicant. Please contact Planning and Inspections at 252-728-2142 if there are any questions.

APPLICANT INFORMATION

Applicant Name: JANINE FACCIOLA
Applicant Address: 115 WINDY OAKS LN BEAUFORT NC 28516
Phone Number: 252 723 7031 Email: J9BEACH@LIVE.COM

Property Owner Name: DANIEL + JANINE FACCIOLA, MICHAEL + WENDY COCKRELL
Address of Property Owner: 115 Windy Oaks Ln
Phone Number: 252 723 7031 Email: J9BEACH@LIVE.COM

PROPERTY INFORMATION

Property Address: 823 WEST BEAUFORT RD BEAUFORT NC 28516
15-Digit PIN: 730615634587000 Lot/Block Number: _____
Size of Property (in square feet or acres): 20,647 square feet
Current Zoning: R-8 Requested Zoning: B-1

Current Use of Property? Residential Vacant Commercial Other: _____

Applicant Signature: [Signature] Date of Applicant's Signature: 11/5/21


Property Owner Signature (if different than applicant): [Signature] Date of Owner's Signature: 11/5/21

Janine Check 11/5/21

An application fee of **\$300.00** for Rezoning request with no Land Use Plan Change or **\$400.00** for Rezoning Request with Land Use Plan Change, either in cash, money order, or check made payable to the "Town of Beaufort," should accompany this application. Payments can be made in person on the day of submittal and at such time, a credit card can be used to make the payment. Credit card payments are subject to a 3% extra fee.

Re-Zoning Application Statements for amendment

- 1. 823 West Beaufort Road appears on future town maps as a B-1 property. I believe our request to have it rezoned from R-8 to B-1 would be consistent with the future plans of the Town of Beaufort, as well as, consistent with Beaufort Land Use Plan.
- 2. The zoning amendment we are requesting would offer a gathering place in an area surrounded by other businesses and residents. Fixing up this property and creating a business space will improve the area visibly and be a positive addition to the neighborhood.
- 3. We currently have 823 West Beaufort Road under contract. In process of creating an LLC under which we will own and run the business. There are four of us entering into this business together. The undersigned:

Janine Facciola 

Danny Facciola 

Mike Cockrell 

Wendy Cockrell 

We are all in agreement that our hopes to have this property rezoned.

Adjacent Properties to
823 West Beaufort Rd
Beaufort, NC 28516

Bogue Sound Apartments D/B/A
Jamestown NC 27282

402, 404 & 406 Brentwood Drive
Beaufort, NC 28516

1207, 1209 & 1211 West Beaufort Rd
Beaufort NC 28516

Carteret Pride Carwash LLC
151 Hwy 101
Beaufort, NC. 28516
Mailing address:
5235 Webb Court
Morehead City NC 28557



FILE # 1522080

NORTH CAROLINA, CARTERET COUNTY
This instrument and this certificate are duly filed at
the date and time and in the Book and Page shown
on the first page hereof.

FOR REGISTRATION REGISTER OF DEEDS
Jerry T. Herdesty
Carteret County, NC
October 07, 2015 09:43:59 AM
BWC DEED 3 P
FEE: \$26.00
NC REVENUE STAMP: \$160.00
FILE # 1522080

Jerry T. Herdesty, Register of Deeds
By: R. J. Davis, Notary
Asst. Deputy, Register of Deeds

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 160.00

Parcel Identifier No. 730615634587000 Verified by _____ County on the ____ day of _____, 20__

By: _____

✓ Mail/Box to: Richard L. Stanley, P.O. Box 150, Beaufort, NC 28516

This instrument was prepared by: Richard L. Stanley, 601 Cedar St., Ste F, Beaufort, NC 28516

Brief description for the Index: _____

THIS DEED made this 1st day of October, 2015 by and between

GRANTOR	GRANTEE
Robin W. Waddell widow 3105 Cromwell Court Clemmons, NC 27012	Alan Marvin Check and wife, Janice Sawyer Check 802 West Beaufort Road Beaufort, NC 28516

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 City of Beaufort Township, CARTERET County, North Carolina and more particularly described as follows:

Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

NC Bar Association Form No. 3 © 1976, Revised © 1/1/2010
Printed by Agreement with the NC Bar Association

BOOK 1522 PAGE 80

3

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Easements and restrictions of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name) Robin W. Waddell (SEAL)
Print/Type Name: Robin W. Waddell

By: _____ (SEAL)
Print/Type Name: _____

Print/Type Name & Title: _____ Print/Type Name: _____

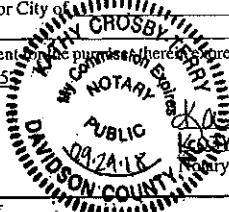
By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____ Print/Type Name: _____

State of North Carolina - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that Robin W. Waddell widow personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes here expressed. Witness my hand and Notarial stamp or seal this 1st day of October, 2015.



My Commission Expires: 09.29.18
(Affix Seal) Kathy Crosby-Teeley Notary Public
Print/Type Name: Kathy Crosby-Teeley

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
(Affix Seal) _____
Notary's Printed or Typed Name

State of _____ - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____
Witness my hand and Notarial stamp or seal, this _____ day of _____, 20____.

My Commission Expires: _____ Notary Public
(Affix Seal) _____
Notary's Printed or Typed Name

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Exhibit "A"

Lying and being in the Town of Beaufort, Carteret County, North Carolina, and beginning at a point in the northern margin of the West Beaufort Road which point is N. 78-14-15 W. 120.51 feet from the intersection of the northern right-of-way of the West Beaufort Road and the western right-of-way of N.C. Highway 101; and running thence from said point of beginning with the northern margin of the West Beaufort Road N. 78-14-15 W. 100 feet to a point, which point is the southeast corner of that tract owned by Bogue Sound Apartments; thence N. 9-11-25 E. 221.56 feet to a point; thence S. 50-13-25 E. 116.05 feet to a point; thence S. 9-11-25 W. 167 feet to the point of beginning.