



## **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](http://www.beaufortnc.org)

### **Town of Beaufort Planning Board Regular Meeting 6:00 PM Monday, November 15, 2021 - Remote Via Zoom Monthly Meeting**

---

#### **Call to Order**

#### **Roll Call**

#### **Agenda Approval**

#### **Minutes Approval**

- [1.](#) Minutes From Sept 2021

#### **Public Hearing**

- [1.](#) Case # 21-25 Staff Initiated Rezoning Eastern Avenue from TCA to B-1
- [2.](#) Case #21-26 Rezoning 2158 Live Oak St. from R-20 to B-1

#### **New Business**

- [1.](#) 2022 Planning Board Meeting and Submittal Calendar

#### **Public Comment**

#### **Commission / Board Comments**

#### **Staff Comments**

#### **Adjourn**

**Call to Order**

Chairman Neve called the meeting to order at 6 pm

**Roll Call**

Kyle Garner conducted roll call and declared a quorum present.

In attendance: Chairman Neve, Member Diane Meelheim, Member Becky Bowler, Member John LoPiccolo, Member Jeff Vreugdenhil, Member Aaron Willis

Vice-Chair Ryan Merrill joined the meeting late due to access issues.

**Agenda Approval**

*Member LoPiccolo made a motion to approve the agenda as presented. Member Willis seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Chairman Neve*

**Minutes Approval**

- 1. June 21, 2021 Minutes  
*Member Meelheim made a motion to approve the minutes as presented. Member LoPiccolo seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Chairman Neve*

**New Business**

- 1. Case # 21-16 - To recommend approval or denial to the Board of Commissioners for the Site Plan for Pruitt Health Care Assisted Living Facility to contain 104 Beds/Units.

Member Meelheim asked for clarification if this is for assisted living or for skilled care. Mr. Garner said that this proposal is more for skilled care/nursing home type of facility, adding that it is a permitted use in the R-20 Zoning District.

Mr. Garner presented the request to the Board. He explained that the applicant wishes to construct a 70,980 square foot assisted living facility [or nursing home] with 104 beds. The property was annexed in October 2018 and given the zoning classification of R-20, which closely matched the former county zoning of R-15M. The rezoning included an amendment to the CAMA Future Land Use Map, and was identified as Low Density Residential. He further added that the applicant is requesting 12,480 gallons of allocation for the project which has been reviewed by the Town Engineer. The request has been reviewed by Planning Staff, the Town Engineer, Fire Chief, and NCDOT for compliance and safety concerns. Staff finds the request meets the requirements of the Land Development Ordinance and recommends approval. Mr. Garner’s presentation included a zoning map with the subject property clearly identified, as well

as the site plan itself. Mr. Garner added that Chase Cullipher, with The Cullipher Group, is here on behalf of the applicant and was available to answer any questions the Board may have.

Member Meelheim voiced concerns around evacuation protocol in the event of a storm for this 104-bed facility. Mr. Cullipher said that he would have to reach out to his client for the specifics, noting that Pruitt Healthcare is a large organization with facilities throughout hurricane prone areas.

Member Vreugdenhil asked for clarification on the number of ingress and egress points. Mr. Cullipher explained that there is one entrance and two exits, which was a requirement of NCDOT when requesting the driveway permit.

Member LoPiccolo asked Mr. Cullipher about the base floor elevation. Mr. Cullipher explained that the property is in an AE-8 flood zone, with ground elevation ranging from 5 to 8 feet currently. He added that there is 1 foot freeboard requirement in Beaufort, so the finished floor would exceed the elevation requirements.

Chairman Neve asked the Town Engineer to speak to the configuration of the site regarding the entrances and exits. Mr. Meshaw said that he believes the right-in configuration is a little bit overkill but noted that it does provide proper circulation and exits, as well as allows the Fire Department to circle the facility in the event of an emergency.

*Member Vreugdenhil made a motion to approve the site plan as submitted. Member Bowler seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Voting Yea: Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Chairman Neve*

2. Case #21-24 Final Plat – Front Street Village Phase 4

Mr. Garner presented the Final Plat for Front Street Village Phase 4. Arendell Engineering submitted the Final Plat for Front Street Village Phase 4 showing a 10.44 acre tract into 34 single-family residential lots. Also included in the packet, bond information to consider as well as a recreation fee in lieu of recreation area in the amount of \$5,875.20. Mr. Garner further explained that as part of the final plat process, the applicant can either complete the installation of infrastructure prior to review, or can be bonded through a financial guarantee process to ensure completion of the project. In this case, the applicant has chosen to request to bond the infrastructure improvement and has submitted cost estimates for the complete cost of the improvements totaling \$594,112.50. Mr. Garner also added that the request does not include a sewer allocation request because it was approved prior to the Wastewater Allocation Policy, which was adopted in January 2021.

Chairman Neve asked the Board for any questions for Mr. Garner and/or the applicant. There were none. Chairman Neve added that the final plat does appear to be identical to the preliminary plat that the Board reviewed before.

*Member Meelheim made a motion to approve the final plat as submitted. Member LoPiccolo seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Chairman Neve*

**Public Hearing**

- 1. Case # 21-22 To recommend approval or denial to the Board of Commissioners for the rezoning of four tracts totaling 86.08 acres (per survey) from B-1 and R-20 to PUD.

Chairman Neve explained that this item will be a public hearing and provided instruction for those wishing to participate in the public hearing. He further added that there is a three minute time limit for those wishing to speak on the request in order to keep the meeting to a reasonable period of time. Chairman Neve added that the Board had been notified in advance of a nearby neighborhood association who had selected a representative to speak on their behalf, and since that individual is speaking for several people, would be allowed a little bit more than the standard three minutes.

Member Meelheim asked Mr. Garner if an application has been received for annexation. Mr. Garner explained that to his knowledge, an application for annexation has not been submitted at this time. Member Meelheim said that it seems premature to consider the request without the annexation application underway. Mr. Garner said he would rather defer to the attorney. Arey Grady, Town Attorney, said that the ordinance says the Planning Board has to take action within 31 days, or the request will go automatically to the Board of Commissioners and would be deemed a recommendation of approval. If the Board feels it is premature, he said to approach it by denying the application based on the annexation issue. He said he feels it is dangerous not to take action one way or the other. Chairman Neve noted that with other previous PUDs, applications for annexation were considered first, with the date of the annexation contingent upon the approval of the PUD. Mr. Garner agreed, but added that there is nothing in the ordinance that precludes one from approaching it this way.

Member Vreugdenhil voiced concerns over the process and whether or not the notification requirements of the ordinance were met. Mr. Grady said that the current ordinance has an interesting provision with the posting for an application of this nature before the Planning Board. He said that the requirement is that the notice is posted within ten days of the application’s filing. Typically, what one would see is that the notice be filed ten days prior to the public hearing. He added that is the requirement for the Board of Commissioners. He said that if one misses the public notice requirements for the public hearing, it’s easiest to postpone the public hearing and post again. He said he doesn’t know how one would correct not posting notice within a certain number of days of submitting an application as you can’t go back in time. At the end of the day, he said that a rezoning decision of this nature is purely legislative before the Board of Commissioners. The Planning Board makes a recommendation, so issues at the

Planning Board level can be considered almost ‘no harm no foul’ as there is a very clear process to follow before the request goes before the Board of Commissioners. Member Vreugdenhil voiced additional concerns with the amount of time given to review the request, particularly the Traffic Impact Analysis which was received the day of the meeting.

Chairman Neve asked Mr. Garner to give the staff presentation for Case 21-22. He showed the vicinity map identifying the four parcels included in the request, as well as the properties which received mailed notice of the public hearing. He said the applicant wishes to develop 86.08 acres as a Planned Unit Development, which includes 400 residential units and commercial space. The request also includes a list of requested variations and a Master Plan which identifies the proposed phases of development. He explained that the requested action tonight is to conduct the public hearing, provide a recommendation on the rezoning and PUD Master Plan, and to provide a recommendation on the CAMA Land Use Plan Amendment. The CAMA Land Use Plan Amendment would change the density from Low Density Residential to Medium Density Residential, and would expand the General Commercial area. Mr. Garner added that there was an updated version of the master plan booklet, which had been given to the Board, and that the revised booklet would be made available to the public.

Following Mr. Garner’s presentation, Chairman Neve introduced George Stanziale to speak on behalf of the applicant. Mr. Stanziale said that the application was submitted July 23<sup>rd</sup> and that they were advised to submit the rezoning application without the annexation application.

Chairman Neve asked the Board if it would like to go forward with the applicant presentation and public hearing.

Member Meelheim made a motion to allow the applicant to withdraw and submit both simultaneously, or to deny the application as submitted today. Member Bowler seconded the motion. Chairman Neve asked the town attorney if this is an acceptable motion. Mr. Grady said that it would be cleaner for the record if the Board were to ask the applicant if they would like to withdraw and resubmit with an annexation application.

Mr. Stanziale asked the Board to explain the grounds for taking this action. Chairman Neve asked Member Meelheim to expand on her concerns. Member Meelheim said that she felt it was premature for the planning board to consider, or vote on, a rezoning at this point without knowing whether or not an annexation application has been submitted. Mr. Stanziale said that an annexation application was prepared, but that he was advised not to submit it at this point. Chairman Neve asked staff to weigh in on the procedure. Mr. Garner said that this can be done several ways – there is nothing that precludes one from rezoning prior to annexation. Discussion ensued.

Chairman Neve asked if the applicant would like to withdraw and resubmit with the annexation application concurrently. Beth Clifford said that she felt they should be able to continue with the public hearing and rezoning application as submitted, as the application was submitted without the annexation application at staffs’ guidance. Discussion ensued.

Member Bowler asked if the public hearing would just be postponed until a later date if the applicant were to withdraw the application and resubmit. Chairman Neve confirmed. Discussion ensued.

[Member Merrill joined the meeting]

Member Vreugdenhil said that he would like to hear the case. He said that the approval of the rezoning could always be made contingent upon annexation of the property. He said that he would like to hear the entire case before making any recommendation to the Board of Commissioners.

*Chairman Neve asked for a roll call vote on the motion to deny. Mr. Garner conducted a roll call vote. The motion failed with 2 in favor, 5 against.*

*Voting Yea: Member Meelheim, Vice-Chair Merrill*

*Voting Nay: Chairman Neve, Member Bowler, Member Vreugdenhil, Member Willis, Member LoPiccolo*

Chairman Neve asked the applicant to proceed with their presentation.

George Stanziale said that he is a resident of Beaufort, and has owned property in Beaufort since 2008. He is the president of Stewart, an engineering and design firm, which has been involved in several projects in Beaufort. He reminded the Board that the applicant had a special meeting with the Board of Commissioners in July to identify the Town’s wants and needs for future development. He shared the project team’s guiding principles and introduced the developer of the project, Beth Clifford.

Beth Clifford, of Beltway Investment Group, introduced herself and thanked the Board for the opportunity to present. She spoke about her experience in development, particularly about Mahogany Bay in Belize, where she has invested \$120 million since 2004. Ms. Clifford said that she thinks of development as a rubics cube, with various stakeholders and desires. She said she and her team heavily reviewed the Small Area Plan for Beaufort, and spent extensive time with major players in Beaufort. She added that every project in North Carolina falls under the purview of several agencies: NC Department of Environmental Quality, NC Marine Fisheries, NC Wildlife Resources Commission, NC Department of Transportation and many more.

Ms. Clifford then presented the Guiding Principles for this project. She said that she and the team had met extensively with many different groups to develop these guiding principles. The Town made it clear that it wants to put people first, cares about safety, and clear, fair, and transparent decision-making processes. She further added the recent focus on Live Oak Street beautification. She then discussed the feedback received from Beaufort residents and what they want in future development: ‘not Beau Coast,’ transparent processes, ‘Beaufortness,’ sewer capacity, and tree preservation. Lastly, she said they got feedback from future Shackleford Residents and what they want: walkable, mixed use community, access to waterfront, office space, dog park, alternative energy, and much more.

Ms. Clifford then discussed the current zoning, future land use classifications, and discrepancies between the future land use map and subdivisions that were approved after the [future land

use] plan was created. She then discussed a table showing the total acreage of the property under consideration and the amount of buildable area she could use within various zoning districts. She then showed the proposed buildable area within the proposed PUD. The proposed PUD would have 25.5% open space with wetlands deeded to the HOA, as well as a lower overall density than what could be developed based on various zoning districts.

Ms. Clifford shared that the project team met with the Tiller School and is in ongoing discussions of a proposal for the school to buy a piece of property to expand, and the school would have access to and dual usage of the proposed 1.5 acre park that would neighbor the school. She also discussed various elements of the plan: Village Center, Plaza and Amphitheater, Tesla Superchargers, Dog Park, Playing Fields, Natural Stormwaters, Mash-Front Public Park, Landscape Buffer, Pedestrian Crosswalks.

[REFERENCE POWERPOINT PRESENTATION]

Following Ms. Clifford’s presentation, Chairman Neve asked the Board for any questions.

Member LoPiccolo asked Mr. Meshaw to speak on the sewer allocation for this project. Mr. Meshaw shared that sewer capacity and allocation information is available on the town website and is updated periodically to reflect the current status. In addition, the Sewer Allocation Policy is available online. He explained that Development Status is tracked on summary sheets. Mr. Meshaw then explained that at this time, the town is at approximately 83% of sewer capacity, both allocated and utilized. He said that based on actual current utilization, the town is at approximately 60% capacity. He explained that the town has enough capacity to accommodate at least the first phases of the development. He then explained the Sewer Allocation Policy and process. He said the bottom line is that the system could support the entire project if there were no other development, but that ultimately it is a balancing act for the Board of Commissioners.

Member LoPiccolo asked Ms. Clifford if the HOA would [or has in previous developments] use less fertilizer on the property in order to decrease the amount of Nitrogen discharge into estuaries and open space being used for drainage. Ms. Clifford said that the HOA is going to be a phosphate free community, and will also be doing reclamation of gray water as an option if you wanted to do that. There will be an architectural and landscaping review board that will have strong requirements for drought resistant plant types, etc. She also mentioned an artificial grass that she’d seen used in another renovation project [Biltmore in Arizona] that is being considered as an option.

Member LoPiccolo then asked Ms. Clifford if the proposed sidewalks would be made of permeable pavement in addition to the roads. Ms. Clifford said that all surfaces – alleys, sidewalks, roads – would be permeable.

Member LoPiccolo also asked about the permitted uses included in the proposed plan, noting that there is a section that basically asks for an entire page of permitted uses ranging from radio antennas to gas stations. He said that he realizes these uses are not shown on the plan, but was curious why they were included at all. Ms. Clifford explained that the permitted uses merely reflects the permitted uses in the zoning districts most in line with the proposal.

Member Bowler mentioned the ongoing Comprehensive Land Use Plan Update and Unified Development Ordinance development project and voiced concern about approving a major development project before the plan is finalized. She further pointed out that the consulting firm leading the Comprehensive Land Use Plan efforts is the same firm that designed the proposed master plan. Mr. Stanziale confirmed that Stewart does have a contract with the Town to complete the Comprehensive Land Use Plan, along with several other ongoing projects in town. In response to Member Bowler's question about finalizing the land use plan prior to approving a major development, Mr. Stanziale said that there are instances where that has been the case, but that in this case, the applicant is under certain contractual obligations to get things done with this project, noting the subject properties are still under contract for purchase. Ms. Clifford added that Mr. Stanziale came highly recommended, and added that he has been responsible and acting with integrity by keeping the two projects separate.

Member Bowler then asked Ms. Clifford to share information on projects that Beltway Investment Group has completed in the United States that may be comparable to Shackelford Landing. Ms. Clifford explained that she has been in development for over 30 years, and provided a list of several projects she's been involved with throughout her career. She added that she does not have 10 neighborhoods that she has built before, noting that she builds what is best for a particular situation.

Member Merrill said that major items that have come from community involvement is concern about sea level rise and its impact on Beaufort and future vulnerabilities. He said that in areas like the proposed project location are in an AE6 flood zone right now, and future flood maps show higher exposure. He added that the future land use plan recommends R20 development in those areas, and that he feels approving this project could be considered 'jumping the gun.' He further noted that he has some concerns about a potential conflict of interest with Stewart as the firm doing the Comprehensive Land Use Plan and the master plan for this project. Mr. Stanziale said that he has not been involved in the development of the Comprehensive Land Use Plan, and added that the master plan was built around existing town plans, to include the Small Area Plan. Member Merrill said that the point is, the land use plan and UDO both show these properties as low density residential and that this proposal seems to be in conflict with those.

Member Vreugdenhil said that the plan seemed to be very well laid out and applauded Ms. Clifford's explanation of the plan. He then mentioned Ms. Clifford's earlier statements about citizen involvement and input, and asked for Ms. Clifford to elaborate on how the input was collected. Ms. Clifford said that a lot of it's anecdotal, as they have not done a formal survey. She explained that she spoke with Mr. Stanziale and a number of people on her team that are part of Beaufort. She added that they did have a public meeting with the Board of Commissioners in July as well to gain input.

Member Vreugdenhil then voiced concerns over the impacts on the surrounding neighborhoods, noting that one property in Howland Rock has 3 proposed side yard neighbors and 3 proposed back yard neighbors, all with five-foot setbacks. Discussion ensued.

Member Meelheim had no additional questions.



Member Willis asked if there would be a variation on HOA dues between the various unit types. Ms. Clifford confirmed that HOA fees vary based on the size of the unit. Member Willis asked if any amount of the HOA fees would be earmarked for Gibbs Creek protection and preservation. Ms. Clifford confirmed. She added that the area is not suitable for boats, but that they have considered a dock for kayaks in the future.

Chairman Neve said that he had some concerns about the private streets before realizing they would be permeable. He asked Mr. Meshaw, Town Engineer if the utilities could be designed in such a way that the permeable pavement would not have to be torn out for repair. Mr. Meshaw added that it's not necessarily that the town doesn't want to maintain the roads, but because these are proposed as permeable, it is permitted as a stormwater BMP, and is the responsibility of the permit holder to maintain.

Chairman Neve then asked Mr. Garner what the rough timeline may be for the new Unified Development Ordinance. Mr. Garner said that at this point, they are still working on the comp plan, and the UDO phase will start sometime after the start of the year. Chairman Neve asked if the UDO would take 18 months or so to create. Mr. Garner said that he can't speak to that with certainty, but 18 to 24 months sounds reasonable. Chairman Neve then asked if there are any significant changes between the existing comp plan and the one that is currently underway. Mr. Garner said that the draft plan encourages lower density development in environmentally sensitive areas.

Chairman Neve asked Rachel Johnson, Public Information Officer, who was signed up to speak for the public hearing. She said at this point, Paula Gillikin, Cindy and David Spence would like to speak.

Paula Gillikin, 410 Margaret Street, also owns property in town. Ms. Gillikin thanked the Board for the opportunity to speak on this rezoning. She clarified that while she is a volunteer on the town steering committee, she was speaking as an individual and not as a representative of the team. She then provided the following comment: *The town has received a number of public comments over the years and through the recent comprehensive plans, public surveys and meetings, both of which had an impressively high response and attendance rate. These concerns that they are related to the needs of planning that better reflect citizen desires, specifically regarding this year's public survey gauging citizen opinions of voters future, managing development to preserve character improvements, environmental protection and improve resilience were prevalent themes. Now this sounds like a charming, well thought out community with a lot of environmental, environmentally friendly practices. However, I'd offer that the application be tonight this evening, and that a temporary moratorium be implemented for all new large developed projects, including rezonings. A time limited moratorium will preserve the status quo to finish the comprehensive plan, which includes additional public engagement and this would prevent a rush to develop a large area in ways that may be inconsistent with the resulting comprehensive plan and citizen desires. In my opinion, this comprehensive planning process has been well executed with great public engagement, making it an even more important plan for us. So just to further articulate a combination of reasons why a substantial size of this proposed community that a lot of it's in a flood zone and along the port shoreline, the fact that it will require a change to the future CAMA land use map, the fact that we don't have*

*much undeveloped land, which will be able to manage development through the upcoming comprehensive plan, which has been the most awful to date in my opinion. And finally, the applicant is not the owner of the property. So this project is in its infancy, despite all the work that has been done towards the projects and now would be a great time to take a pause with careful approach without devastating your project that has almost come to fruition. So to recap, my suggestion would be for the planning board, I make a recommendation to the commissioners to pause all new large project rezoning and related developments. This is within the town's statutory authority and the future of buffers knocking at our door now let's go step back and be thoughtful about this. Thank you.*

*David Spence, 250 North Shore Drive, Howland Rock Community. I'm speaking on behalf of every single resident in Howland Rock. Howland Rock can be described as large wooded lots, with a very secluded, private feel. Howland Rock is almost 50 years old, and at the time, it was developed, Pingers Point Road was a dirt road. I want to make clear that the people in this neighborhood are extremely well-versed, accomplished people and they are reasonable. They are willing to listen to any plan. We are not in denial that this property can be developed. Matter of fact, it could have been developed at any time under the R-20 zoning. So, again, we are not opposed, and no not oppose development general, we don't oppose R-20. What we do oppose... I'm going to just kind of put a label on all this stuff. This is an atypical high density of incredible scope and magnitude, inserted basically inserted behind a bank, behind a school, and abuts long standing, low density neighborhoods in the R-20 zoning. It's also inserted on the banks of one two estuaries on this side of the North River, which is Gibbs Creek. It is done one month before public comment on a comprehensive plan, it seems strange that the planning board would pass this along prior to the public commenting on these things. I just I'm not going to talk much about Gibbs Creek. There is a marine scientist was on this call named Jud Kensworth, and he can speak on Gibbs Creek. I would like [inaudible] by asking a couple questions. Like, how much time is spent was spent in Howland Rock examining the character of the neighborhood?*

Ms. Clifford said that she has studied every house in Howland Rock extensively. She said that as a part of their process, they always go to all of the abutting neighborhoods and study the individual lot sizes as well. She said they spent a great amount of time in the precious jewel of Historic Downtown Beaufort. Mr. Spence asked how many people she met with about this development, given the concern about neighborhood outreach. Ms. Clifford said that she did not really know, but that they took the advice of the Town of Beaufort. She added that there was a public meeting with the commissioners July 21<sup>st</sup>. Mr. Spence pointed out that it was in the middle of an afternoon with fairly low participation.

*Rebecca Drohan, 311 Jones Avenue. I am the Coastal Carolina waterkeeper based at Coastal Carolina Riverwatch in Morehead City, but then also a Beaufort resident. Um, so the areas surrounding this proposed development are extremely environmentally sensitive, like we've been talking about all night. This is one of the few remaining undeveloped green spaces in our town. And by nature, these creeks and estuaries perform a number of services, including flood control and carbon sequestration, water filtration and habitat for vulnerable and economically important species. This also includes the cultural value that I know our town and myself so deeply value of a pristine environment and green spaces community. You know, the Beaufort is also in a period of great transition regarding development, we've got the new comprehensive*

*land use plans are still in process. And those plans are going to be used to guide Beaufort development for many years to come. So I'd ask you to consider how development decisions should proceed in this time of change. Since inconsistency could still arise in the very early phases of this development project. We heard some of these points from the developer presentation and just in general conversations, but I'd like to iterate reiterate some of the importance to future development plans such as any development must be dependent on town, water and sewage to avoid some of those impacts from septic. Capacity limits need to be cumulatively evaluated beyond just this one development. And the environmental practices that were discussed earlier have to be implemented, such as maximizing those pervious surfaces, stormwater management, retaining some green spaces, limiting fertilizer, and energy efficient alternatives and respecting all ecological sensitivities. It was stated earlier, too, that a portion of residences would be reserved for Workforce budgets and I'm a little bit concerned about those price ranges and that follow through, especially as a working renter myself, some of those limits were given as ranges and how many would actually stick to the lower limits specifically, because we do need truly affordable options that are inclusive for all members of our community. And these need to not just be greenwashing or platitudes, they need to be held to a strict standard with full transparency and accountability. And even though a lot of development might be inevitable, and we can welcome sustainable growth into our community, it needs to be done responsibly. And this would be a monumental change to the town of the Town of Beaufort, and the culture that exists here. So these decisions need thorough scrutiny. So please consider the timing of the major changes in land use plans that are upcoming and the density and annexation for this project. And also, any independent studies on infrastructure and environment that would be prudent to this project. Thank you.*

*Vic Fasolino, 1913 Front Street. Good evening, Planning Board members. I reviewed the packet materials and Miss Clifford has done quite well, on the architectural details and everything that's in that package. It is an absolutely complete, well thought out package. And her design team did a great job. The only comment I would have is in all those pretty pictures, there's not so many automobiles, you have 400 houses, there's going to be 800 automobiles and they have to park someplace. But what's the core of what the Beltway Group is really asking for.. This land is currently zoned R-20. It's not R-8, it's not R-5. Those are adjacent neighborhoods. This is an R 20 zone. At best two houses per acre. You may be able to take off the amount you need for roads to get 140 units. What the Beltway group is asking for, though, is 400 units on 84 acres, that's 4.7 units per acre. If you take off the 20 acres of open land, you're now putting 400 units on 64 acres, that brings the density up to six per acre. That's getting pretty darn dense. They are asking for a zoning change from R-20 to PUD. They're asking for a change in the CAMA Land Use Map, currently zoned low density. And to accommodate this new density, it would have to be a medium density land use map. Also, in order to build at this density, the developer needs an additional 15 waivers that are listed more than 15 that are listed on pages 41 and 42 of their plan. These cover things like density, setbacks, parking requirements – quite a long list. Do they have a right to ask for that? Certainly. Does this board have to grant any of those? No, you really don't. And let's look what your basis is supposed to be Section 8, Paragraph C of our current land use act. A master plan or preliminary application must show how the PUD will be enhanced aesthetically and the environment will be better protected, and at the variance does not the public vision. Is it aesthetically enhanced? Yes, I would say it is it's beautiful. Is the environment*

*better protected? I can't see how building 400 houses and placing 1000 people directly on a contoured and sculpted edge of a valuable wetland better protects environment. Is the public interest protected? Well, what do we want Beaufort look like? There's a lot of vacant land around in Beaufort – Atlantic Veneer comes to mind. When you grant this as an exception. What will they do at Atlantic Veneer? How densely populated do we really want to be? As Planning Board members, you're empowered to enforce our existing LDO and only grant variances if the environment is protected and the public interest is preserved. It is a well-designed community. I applaud the design of it. I think it would be equally attractive at a substantially smaller density and I suggest you deny it at the current density. Thank you.*

*Logan Louis, 900 Cedar Street. Beth Clifford is completely wrong about the water quality rating of Gibbs Creek. She said it's SC. It's not SC. It's rated SA HQW. SC is one step above calling 911 in the EPA. Town Creek is rated as SC partly because of its contamination with human feces. Taylor Creek is rated SC and was and possibly continues to be the recipient of human feces from stormwater outflows. So she's completely wrong. And that's really upsetting – hasn't done her homework. And quite honestly, Ms. Clifford has thrown a lot of information around that turns out to be wrong. And it's just almost misinformation and in a very misleading way and it's very troubling. George I know you love me, but you know what I'm gonna say. You do not live in Beaufort. This is my time. You live in Durham... this is my time. Ryan, you're gonna have to add time to my three minutes. George lives at [inaudible] in Durham. He has a vacation home on my street. I'm George's neighbor. He's a part time resident. He is one of the people that are now making a different kind of situation in Beaufort but we're gonna move on. My point is George, you're not a resident of Beaufort, you live in Durham. Okay, about 40% of the proposed building lots are in the non-intensification zone. The non-intensification zone is proposed in our new land use plan. And it means that it's foolhardy, and irresponsible for the town to run town owned utilities, such as sewer lines, water lines, stormwater systems, to these non-intensification zones. These are these are zones that are going to be overrun with flooding, nuisance flooding, sea level rise, stormwater surge. Are you kidding me? That's why Stewart, George's own firm, added non-intensification zones to the new land use plan. Stop building new developments in these areas where the town has no business running new utilities and infrastructure into these places where they're going to be overrun, is foolhardy. And that's why the non-intensification zone was created by George's own company and recommended to the town that we adopt. Okay. And also, Ms. Clifford keeps talking about the HOA's ownership as public access public ownership. It's not when the when the HOA assumes control and it begins by voting to unravel and disassemble all the quote unquote protections. Ms. Clifford comes here tonight woohoo outside of residents of Shackleford Landing going to force the HOA back into compliance. Oh, okay. It's, you know, when people start launching their kayaks from their backyards and putting up shanty docks and anchoring their boats in Gibbs Creek and [inaudible], and trampling down the wetlands and putting up sheds and all this other kind of stuff. And the HOA says, oh, that's just fine. Okay, who has standing to have all of those things removed? Okay, it's, you know, it's not publicly planned if it's HOA-owned. Mrs. Cliff Miss Clifford's portrayal Shackleford Landing as an affordable housing solution for Beaufort is a total overstate. I should know, hang on. And Ms. Clifford should happily voluntarily comply with the upcoming proposed town of Beaufort affordable housing zoning ordinance. And as chairman of the Beaufort Citizens Alliance, I would be happy to meet with Ms. Clifford and work out all of the details voluntarily, on a true affordable housing program on this*

*land that she's so anxious to develop. But I can tell you right now, based on what she said, that it's pencil whipping. It's smoke and mirrors and window dressing. But I would work with her to create something that would truly be beneficial to over when it comes to affordable housing.*

Chairman Neve said that next on the list is Mr. Terry Opray. Mr. Garner said that Mr. Opray has left the meeting, and that his item was next on the agenda but will have to go to the next meeting.

Jud Kenworthy, ADDRESS. *Thank you. I can't open up my video so I'll just speak to you this evening. I'm sure we'd like to look every one of you in the eye but I can't do that. The first thing I want to do is thank you for the opportunity to speak and to go on record regarding my concerns, for the Shackleford Landing plan. I also wish to thank you for your voluntary service to the community. The time that you sacrifice to help the community and to help the environment, plan properly, and recognize the magnitude of responsibility you have to communicate the local environment. I expect that the decision reached tonight for the reason I want to draw your attention to some of the prior communications both by email and including documents attached to those. I hope you have the opportunity to read. If not, I urge you to take a closer look at the materials. I would like to voice my main concerns regarding this proposed PUD in the Gibbs Creek Watershed. My expertise is coastal marine habitats, fisheries. While I have questions and concerns about several other aspects of this project, I will restrict my comments to the environmental issues. And I found that I was quite shocked to learn that someone who probably has never been in Gibbs Creek before told this audience until this planning board that it was full of trash. Well, I can testify to the fact that that creek, this creek, is not full of trash. For the record, and all attendees here I hope you will respect the comments of mine as well as the comments of others. The watershed in which this PUD is proposed, Gibbs Creek, is one of the very last pristine and most undeveloped tidal creeks in Beaufort's jurisdiction. Well over 80% of the creeks watershed and shoreline remains undeveloped. The robust covered and terrestrial vegetation, healthy wetlands and stabilized soils, filter and recycle nutrients, sequester carbon and mitigate CO2 emissions and climate. This makes the creek locally extraordinary nursery authority or for many other fish and shellfish species, which are important to our local commercial fisheries. It is also the very social fabric of our lives whether you're a commercial fisherman or recreational fisherman or you simply want to be out on the water. This includes shrimp, oysters, crabs, red drum, mullet, sea trout just to name a few of the popular species I've recently seen in the creek. The creek and watershed are also a pristine wildlife habitat for otters, sea turtles, shorebirds, wading birds, birds of prey, owls, kingfishers, waterfowl, numerous other species. What's most important to understand is that if this creek is disturbed, and its watershed impaired, the creek system is irreplaceable. I'll say that again. It's irreplaceable. No matter what any consultant tells you. Please do not be fooled by the rationalization that this coastal creek can be restored and mitigate. Should it be disturbed or damaged. Yes, humans cannot replicate what took nature thousands of years to achieve easily. Also, don't be comforted or shielded by the rationalization there are environmental regulations guarantee the protection you need to avoid and minimize impacts the costs of development. Many of our regulations are a result of the brain, resulting in minimal specifications. This is human nature, we compromise we go to the limits, we stretch the envelope, but we often have bad outcomes. Repeatedly we see this happening on our coasts, we can do much better than that. There are many alternative approved*

*options for low impact development and sensitive environments like Gibbs Creek. I am also concerned by the pace of this proposed the rush to judgment and a failure to evaluate the scope reasonable options. They assure the preservation of this asset. I provided some of the options to the planning board and my written materials and the letter to the editor. Holding a specific local exam, I'm not here as a rule, a more consideration of many available options for density development.*

Chairman Neve closed the public hearing. Mr. Garner said that the attorney might have some comments for the board. Arey Grady, Town Attorney, said that the issues are primarily procedural, noting that the Zoom capability was limited to 100 people. With that, he suggested the Board table the application until the next meeting in order to provide members of the public the opportunity to submit written comments. Discussion ensued.

*Member Vreugdenhil made a motion to table the request. Member Meelheim seconded the motion. Mr. Garner conducted a roll call vote. The motion passed with 6 in favor, 1 opposed.*

*Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Vice-Chair Merrill*

*Voting No: Chairman Neve*

Ms. Johnson said that she would make the meeting recording available online in light of the technical issues encountered during the meeting.

**2. Case #21-23 Rezoning from B-1 to TCA (299 NC Hwy. 101)**

Mr. Garner told Chairman Neve that the applicant has requested to table the item to the next meeting because he was no longer in attendance.

*Member Bowler made a motion to table the request until the next meeting. Member Meelheim seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Vice-Chair Merrill, Chairman Neve*

**Public Comment**

There were none.

**Commission / Board Comments**

Member Willis asked about the implications of the technical issues at the meeting. Mr. Grady explained that, while it is not ideal, the Planning Board is advisory, and the public will have the opportunity to comment at the Board of Commissioners if/when the request moves forward.

Member Vreugdenhil had no comments.

Member LoPiccolo said that he appreciates the procedural aspects of this and wants to be sure that the Board is following the rules. He then welcomed Member Bowler to the Board and asked if she had been sworn in. Member Bowler confirmed that she had been sworn in.

Member Meelheim had none.

Member Merrill had none.

Member Bowler voiced her appreciation for the citizens of Beaufort and their participation in the meeting.

Chairman Neve welcomed Member Bowler to the Board. He applauded the Board and meeting participants for their participation and patience with the meeting.

**Staff Comments**

Mr. Garner welcomed Member Bowler to the board. He also welcomed Sam Burdick, the new Town Planner, and said that she is a great asset to the team. Mr. Garner also mentioned the upcoming CAMA Land Use Plan Public Meeting on October 14<sup>th</sup> and informed the Board that details will be included in the upcoming newsletter.

**Adjourn**

*Member Vreugdenhil made a motion to adjourn. Member Willis seconded the motion. Mr. Garner conducted a roll call vote. The motion passed unanimously.*

*Voting Yea: Voting Yea: Member Bowler, Member Meelheim, Member Vreugdenhil, Member Willis, Member LoPiccolo, Vice-Chair Merrill, Chairman Neve*



**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, November 15, 2021 – Virtual Meeting via Zoom**

---

**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Case # 21-25 Staff Initiated Rezoning Eastern Avenue from TCA to B-1

**BRIEF SUMMARY:**

Rezone five lots totaling 1.78 acres or 77,363sq.ft. and a portion of another lot totaling 1.87 acres or 81,432 sq. ft. on Eastern Avenue from TCA to B-1

**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:** 10/27/2021  
**Meeting Date:** 11/15/2021

## Case Number 21-25

**Summary of Request:**

Rezone five lots totaling 1.78 acres or 77,363sq.ft. and a portion of another lot totaling 1.87 acres or 81,432 sq. ft. on Eastern Avenue from TCA to B-1

### Background

**Location(s) & PIN**

730612957560000, 730612958620000, 730612958698000, 730612959746000, 731609050824000, 731609062012000 (Portion of))

**Owners  
Applicant**

Bill Rice & Jean Wellons  
Town of Beaufort – Staff Initiated

**Current Zoning**

TCA Zoning

**Lot(s) Size & Conformity Status**

All Lots are conforming

**Existing Land Use**

Commercial – Seafood Retail & Vacant Property

**Adjoining Land Use & Zoning**

**North** State Employees Credit Union – B-1  
**South** Taco Bell – B-1  
**East** Beaufort Townes Apartments - TCA  
**West** Undeveloped Property along Live Oak – B-1

**Special Flood Hazard Area**

Yes  No

**Public Utilities**

Water  Available  Not Available  
Sewer  Available  Not Available

**Additional Information**

See Staff Comments

**Requested Action**

Conduct Public Hearing for Discussion.  
Provide recommendation to the Board of Commissioners to:

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

**Staff Comments**

Recently one of the property owners brought to staffs attention that they were a little confused at the zoning of property along Eastern Avenue as to why the entire area was zoned as TCA (Formally RMF – Residential Multi-Family) as their records showed only the eastern portion of Eastern Avenue as zoned for Multi-family and the west side as B-1 Commercial.

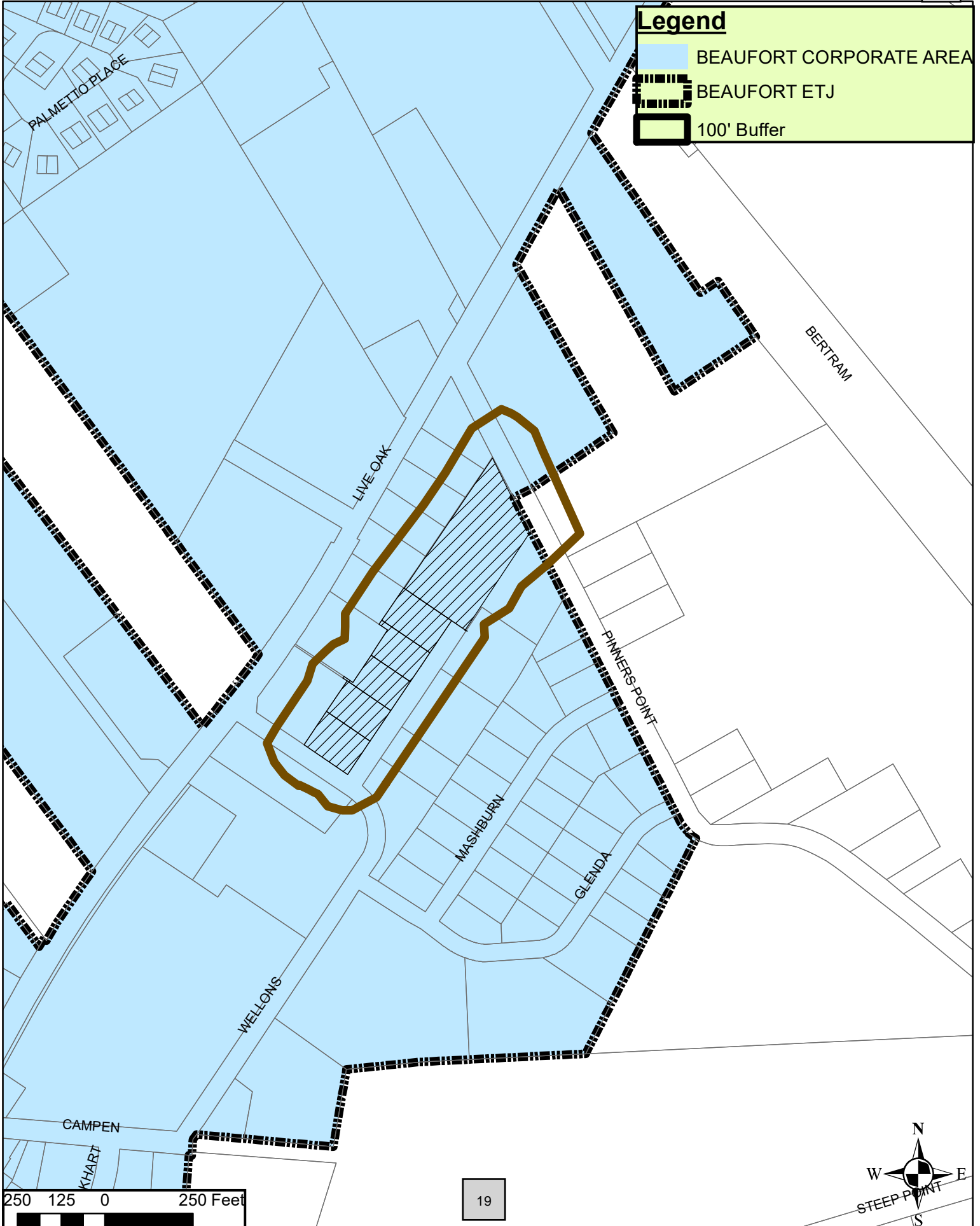
After conducting some research the property owners were right as the attached Rezoning Application from 1998 showed only the eastern side of Eastern Avenue being rezoned to RMF and the western side remaining as B-1. Staff also has included former zoning maps as exhibits showing the property as B-1 on the Western side.

Staff also consulted the Town Attorney in this process, who recommended that Staff bring this back before the Planning Board and Board of Commissioners even though it may be considered as a housekeeping item.

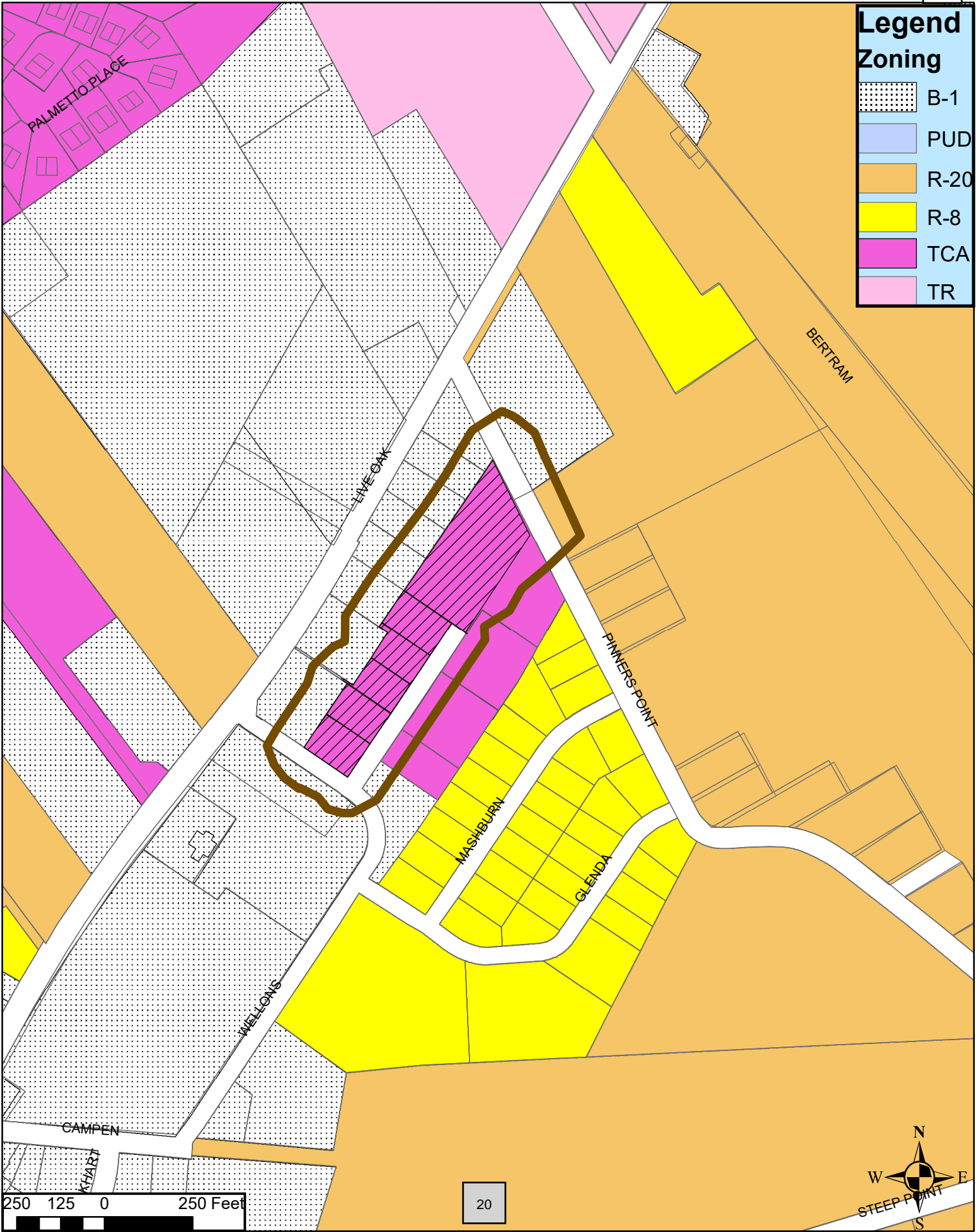
- Attachments:**
- Attachment B - Vicinity Map with 100' Notification Buffer
  - Attachment C – Current Zoning Map
  - Attachment D – Historic Zoning Map – From 1998
  - Attachment E - Owners within 100 feet - Notified
  - Attachment F – 1998 Rezoning Application with Map
  - Attachment G - Zoning Map 1992-2001
  - Attachment H - Zoning Maps 2001-2008

# Vicinity Map - Case 21-25 -Eastern Avenue Rezoning From TCA to B-1

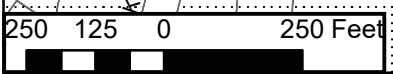
1.



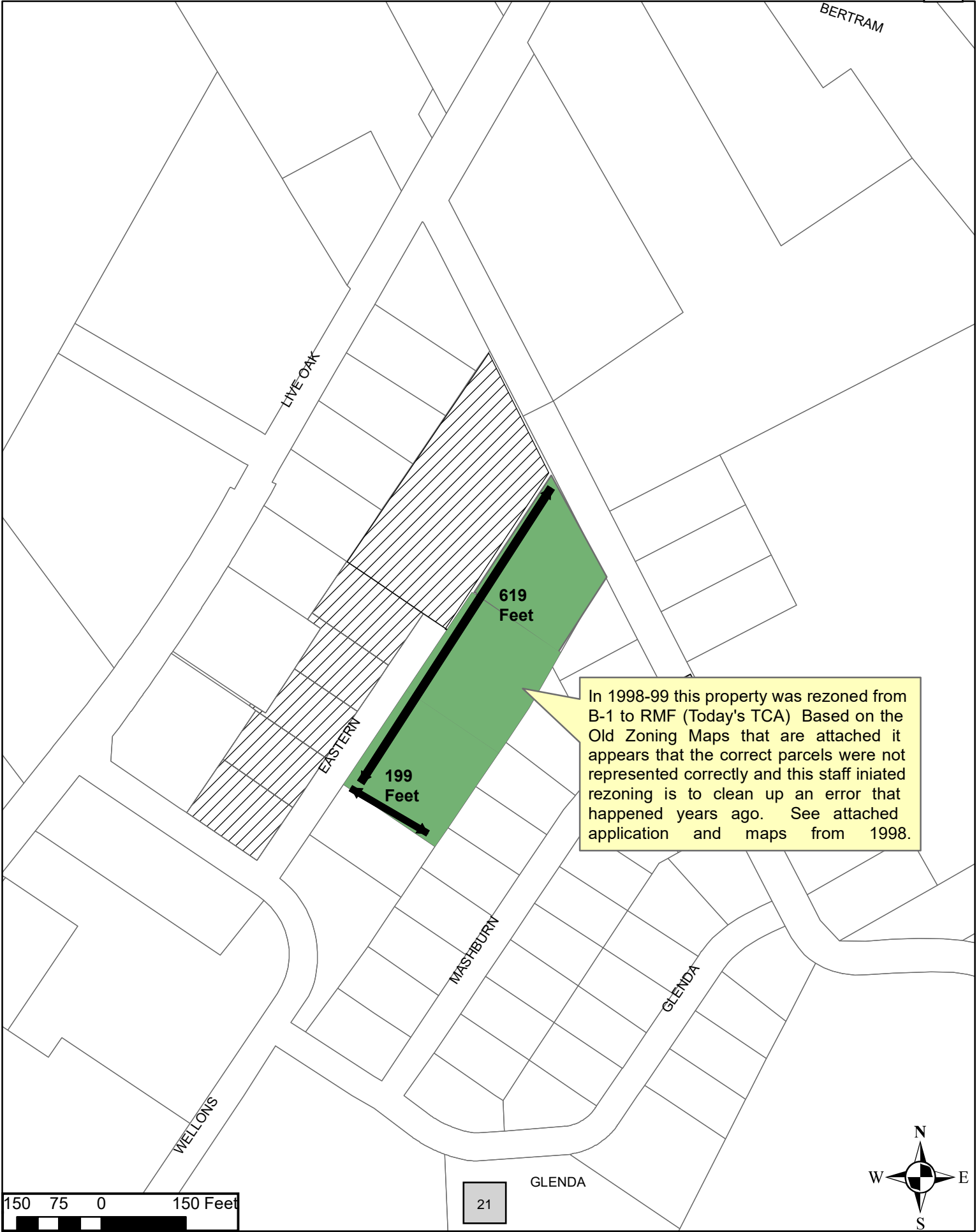
# Zoning Map - Case 21-25 -Eastern Avenue Rezoning From TCA to B-1



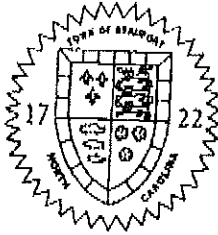
Legend	
Zoning	
	B-1
	PUD
	R-20
	R-8
	TCA
	TR



# Historic Zoning Map 1998-1999 B-1 to TCA



<u>OWNER</u>	<u>MAIL_HOUS</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>IL_ST</u>	<u>MAIL_ZIP</u>	<u>MAIL_ADD2</u>
4 SISTERS-00 LLC			MOREHEAD CITY	NC	28557	PO BOX 1018
C G W INC			MOREHEAD CITY	NC	28557	PO BOX 1018
DOLGENCORP INC	100	MISSION RIDGE	GOODLETTSVILLE	TN	37072	
HAGAN FAMILY PROPERTIES LLC	3968	DR M L KING BLVD	NEW BERN	NC	28562	
HARMELINK,DALE A ETUX JUDITH	1703-A	FRONT STREET	BEAUFORT	NC	9307 28516	
JEAN R WELLONS LLC			MOREHEAD CITY	NC	28557	PO BOX 1018
PINER,NANCY NELSON	141	SHELL LANDING RD	BEAUFORT	NC	28516	
RICE,WILLIAM C ETUX SAMANTHA O	266	STEWART DR	BEAUFORT	NC	28516	
STATE EMPLOYEES CREDIT UNION			RALEIGH	NC	27611	PO DRAWER 26807
TRADE LAND COMPANY LLC	539	SOUTH MAIN STREET	FINDLAY	OH	45840	
WELLONS GRANDCHILDREN LLC	30251	BRIDGES STREET	MOREHEAD CITY	NC	28557	
WEST,PEARL G TRUSTEE	231	PINNERS POINT ROAD	BEAUFORT	NC	28516	



# Town of Beaufort

P.O. BOX 390 • BEAUFORT, NORTH CAROLINA 28516-0390  
TELEPHONE (919) 728-2141 • FAX (919) 728-3982

## APPLICATION FOR CHANGE OF ZONING IN THE TOWN OF BEAUFORT PLANNING AREA

Burnette Arch. & Planning, P.A., 320 Salter Path Rd., Pine Knoll Shores, NC 28512  
(Applicant) (Complete Mailing Address)

Calvin G. Wellons, PO Box 1018, Morehead City, NC 28557  
(Property Owner) (Complete Mailing Address)

I (we), the undersigned applicant(s), do hereby respectfully make application and request the Town of Beaufort Planning Board to rezone as requested, and in support of this application the following facts are shown:

1. The property requested to be rezoned is located: (complete address)  
Eastern Avenue, Beaufort, NC 28516

And is known as lot(s) No. 2 of Block B. Lot size: 39,735.9 S.F. and 73,861 S.F.  
and remainder of tract to the northeast.

Tax Parcel / Pin # 730612956119. It has a frontage of 619 feet  
and a depth of 199.0 feet. Total acre(s): 2.61

2. The property sought to be rezoned is owned by: Calvin Wellons  
As evidenced by deed from H.C. Keeter, Sr. as recorded in  
Book 420 Page 272 of the Registry of Deeds of Carteret County.

3. It is desired and requested that the above described property be rezoned:  
From B-1 zoning classification, to RF zoning classification.

4. Public water x is, \_\_\_\_\_ is not available to the above described property.

5. Public sewer x is, \_\_\_\_\_ is not available to the above described property.

6. The zoning change will have the following impacts on the below listed community facilities and services:

- (a) Public water: \_\_\_\_\_
- (b) Public sewer: \_\_\_\_\_
- (c) Streets: \_\_\_\_\_
- (d) Refuse collection: \_\_\_\_\_
- (e) Fire protection: \_\_\_\_\_
- (f) Police protection: \_\_\_\_\_
- (g) Recreation facilities: \_\_\_\_\_
- (h) Other: \_\_\_\_\_

7. The applicant shall attach a list (including mailing addresses) of all adjoining property owners, individuals, firms, businesses, or corporations owning property within (100) feet in any direction including property in front (across street or highway).

8. The applicant shall attach an accurate diagram of the property proposed for rezoning showing:

- (a) North arrow and all property lines and accurate property line dimensions.
- (b) Location of all easements, right of way, storm sewers, paving widths, and street names.
- (c) Location of all structures.
- (d) Zoning classification of all property within eight-hundred (800) feet of the property sought to be rezoned.

9. The applicant shall attach a comprehensive site plan (if required).

10. The applicant shall attach a written legal description of the property.

11. Rezoning Fee \$100.00 Date Fee Paid: November 4, 1998

Applicant Signature(s): Kenneth A. Bunt Date: 14 Dec. 1998

Property Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

(An incomplete application will result in a delay of consideration.)



# Town of Beaufort

215 Pollock Street  
P.O. Box 390 Beaufort, North Carolina 28516-0390  
Telephone (252) 728-2141 Fax (252) 728-3982

March 9, 1999

Mr. Calvin Wellons  
P.O. Box 1018  
Morehead City, NC 28557

RE: Rezoning - from B-1 to R-MF

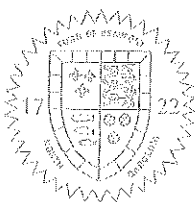
Dear Mr. Wellons:

I am writing to inform you that the Board of Commissioners, at their regular meeting on March 8, 1999, approved the rezoning of 2.61 acres from B-1 to R-MF parcel 730612956119 located on Eastern Avenue just off Wellons Drive.

I have attached a copy of the table of permitted uses. Should you have any questions or need additional information, please feel free to give me a call.

Sincerely,  
*Vicki Dudley*  
Vicki Dudley  
Town Clerk

Enclosure



# **Burnette Architecture & Planning, P.A.**

**320 Salter Path Road  
Pine Knoll Shores, North Carolina 28512**

**252-726-5387  
Fax 252-247-3823**

1.

July 6, 1998

## **Legal Description of Property**

The property is described as Lot No. 2, Block B, as shown on approved subdivision map (attached), labeled "Eastern Avenue", dated 9/30/98, as prepared by Stroud Engineering, P.A., Morehead City, N.C.



# BRANDT, D.C. ZONING MAP

Revised July 1952  
 July 1952  
 July 1952  
 July 1952



- Legend
- R-15
  - R-10
  - R-8
  - R-8A
  - CD
  - WD
  - B-1
  - B-2
  - B-3
  - I-W
  - L-I
  - O&I
  - R-5











**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, November 15, 2021 – Virtual Meeting via Zoom**

---

**AGENDA CATEGORY:** Public Hearing  
**SUBJECT:** Rezone 2158 Live Oak Street totaling 0.579 acres from R-20 to B-1

**BRIEF SUMMARY:**

In February 2019 the Board of Commissioners rezoned the property surrounding tis lot from R-20 to B-1 as well as amending the Land Use Plan Map to reflect Commercial Land Use. Since 2019 the surrounding owner has now acquired this .579 acre tract and wishes to rezone the property to be consistent with the surrounding and a Land Use Map Amendment to be congruous with the adjacent property.

**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:** 10/26/2021  
**Meeting Date:** 11/15/2021

## Case Number 21-26

**Summary of Request:** Rezone 2158 Live Oak Street totaling 0.579 acres from R-20 to B-1

### Background

**Location(s) & PIN** 731605191803000

**Owners** Rosemyr Corporation  
**Applicant** The Cullipher Group

**Current Zoning** R-20 Zoning

**Lot(s) Size & Conformity Status** Conforming

**Existing Land Use** Vacant – Single Family Residential

**Adjoining Land Use & Zoning**  
**North** Vacant property zoned – B-1  
**South** Vacant property zoned – B-1  
**East** Vacant property zoned – B-1  
**West** Across Live Oak by single family zoned – R-20

**Special Flood Hazard Area**  Yes  No

**Public Utilities**

Water  Available  Not Available  
Sewer  Available  Not Available

**Additional Information** See Staff Comments

**Requested Action** Conduct Public Hearing for Discussion.  
Provide recommendation to the Board of Commissioners to:

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



**Staff Comments**

In February 2019 the Board of Commissioners rezoned the property surrounding this lot from R-20 to B-1 as well as amending the Land Use Plan Map to reflect Commercial Land Use. Since 2019 the surrounding owner has now acquired this .579 acre tract and wishes to rezone the property to be consistent with the surrounding and a Land Use Map Amendment to be congruous with the adjacent property.

***CAMA Core Land Use Plan***

Generally, growth and land development is anticipated to occur in all future land use categories except for the Conservation/Open Space classification. The type and density/intensity of projected development varies within each Future Land Use Map classification. Future Land Use projections are delineated in Figure 8, Future Land Use Map. The Future Land Use Map classifications are considered part of the Land Use Plan’s policy.

**Future Land Use Map Classifications**

**Residential Classifications**

**Low Density Residential.** The Low Density Residential classification encompasses approximately 3.19 square miles (2,041 acres) or about 43 percent of the total planning jurisdiction. The majority of the lands classified as Low Density Residential are located on primarily in the northern, northeastern, and eastern portions of the Town’s planning jurisdiction.

The Low Density Residential classification is intended to delineate lands where the predominant land use is low density detached residences. The residential density within this classification is generally 2 or less dwelling units per acre. Minimum lot sizes vary from 15,000 to 20,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Single family detached residences are the predominant types of dwellings within these areas. Manufactured homes on individual lots are also dwelling types found within this classification. Land uses within Low Density Residential-designated areas are generally compatible with the R-20 and R-15, Single-Family Residential zoning classifications. Public water service is widely available throughout the Low Density Residential-classified areas. Public sewer service is generally not available within this classification (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 89).

**Commercial Classifications**

**General Commercial.** The General Commercial classification encompasses approximately 0.24 square miles (154 acres) or about 3.3 percent of the planning jurisdiction. The properties classified as General Commercial are located along the Town’s major road corridor, US Highway 70.

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. (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 92)

**Use of the Future Land Use Plan Map to Guide Development**

In preparing the Future Land Use Map, consideration was given to land development objectives and policies, land suitability, and the ability to provide the infrastructure to support growth and development. The Future Land Use Map depicts the general location of projected patterns of future land uses. The Future Land Use Map is a plan or guideline for the future.

The ultimate use and development of a particular parcel of land will be determined by property owners’ desires, overall market conditions, implementation tools employed by the Town to regulate land use and development (such as the Town’s zoning ordinance, subdivision regulations, flood hazard regulations), the absence of specific natural constraints to development, and the availability of the necessary infrastructure (water, sewer, roads, etc.) to support development. Consequently, even though the Future Land Use Map may indicate a specific projected use in a particular location, many factors come into play to determine if the projected use is appropriate and the land can be developed as projected. Also, formal amendments to the zoning ordinance and subdivision ordinance will be required to specifically authorize the type of mixed use development envisioned in this Land Use Plan.

Achieving the projected patterns of land use indicated by the Future Land Use Map will be greatly impacted by timing. Much of the projected land use indicated on the Future Land Use Map will not come to fruition without market demand. Therefore, market and economic conditions must be conducive for growth and development. While the Land Use Plan attempts to provide a general expectation of growth based upon projected population change, it simply cannot predict the economic future. The demand for houses, businesses, industries, etc. will fluctuate widely with economic conditions.

The timing of the provision of infrastructure improvements, particularly water and sewer services and roads, will also have a tremendous impact on growth and development. Development will occur where infrastructure is available or can be made available to sustain that development. Consequently, achieving the Future Land Use Map land use projections will depend in large part upon if and when infrastructure is provided. The provision of public infrastructure depends upon the capability to provide the service and demand for the service. Economic climate will be a major factor in both the capability to make infrastructure available and the level of service demand (*Core Land Use Plan*, Section IV: Plan for the Future, pg. 100).

**Guide for Land Use Decision Making**

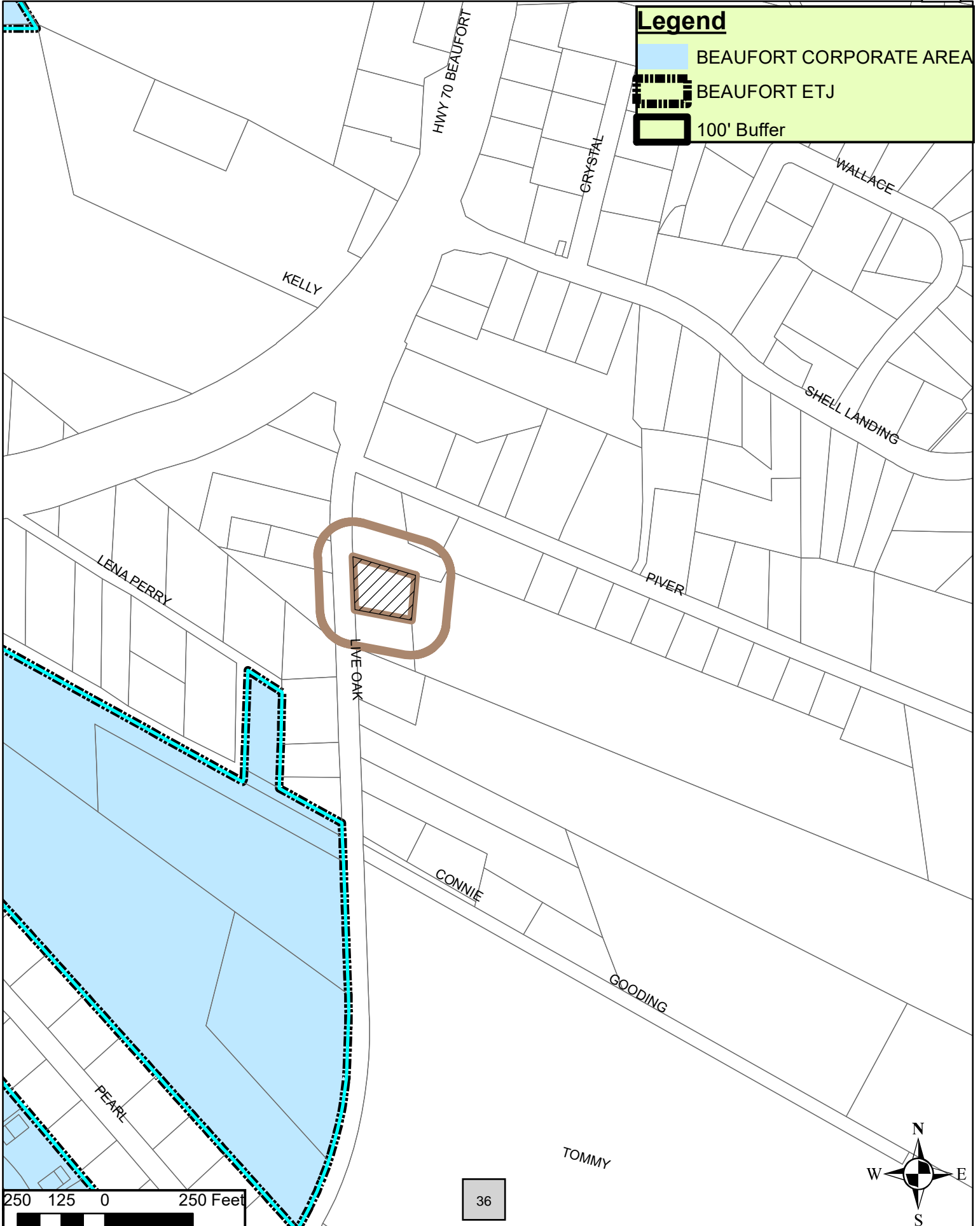
The Land Use Plan, as adopted by the elected officials of the Town of Beaufort and as may be amended from time to time, will serve as the primary guide upon which to make land use policy decisions. Every land use policy decision, such as a rezoning request or approval of a conditional or special use permit, will be measured for consistency with the goals, policies, and recommendations of the Plan. The elected officials, Planning Board, Board of Adjustment, and Town staff should utilize the Land Use Plan as the basic policy guide in the administration of the zoning ordinance, subdivision regulations, and other land development regulatory tools. Persons involved in the land development business as well as the general public can also utilize the Land Use Plan to guide private decisions regarding land use and land development.

The policy statements and recommendations of the Land Use Plan can also be of assistance to the elected officials in making long-range decisions regarding such matters as the provision of municipal services, thoroughfare planning, stormwater planning and management, implementation of economic development strategies, recreational facility planning, and preparation of capital and operating budgets.

It should be noted, however, that the Land Use Plan is one of a variety of guides in making a public policy decision. The Plan should be viewed as a tool to aid in decision making and not as the final decision (*Core Land Use Plan*, Section V: Tools for Managing Development, pg. 102).

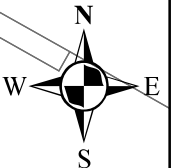
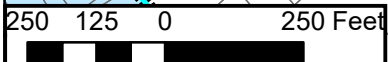
- Attachments:**
- Attachment B - Vicinity Map with 100' Notification Buffer
  - Attachment C – Current Zoning Map
  - Attachment D - CAMA Future Land Use Map
  - Attachment E - Owners Within 100'
  - Attachment F - Owners Application & Information
  - Attachment G - Cama Consistency Statement

# Vicinity Map - Case 21-26 -2158 Live Oak Street Rezoning From R-20 to B-1

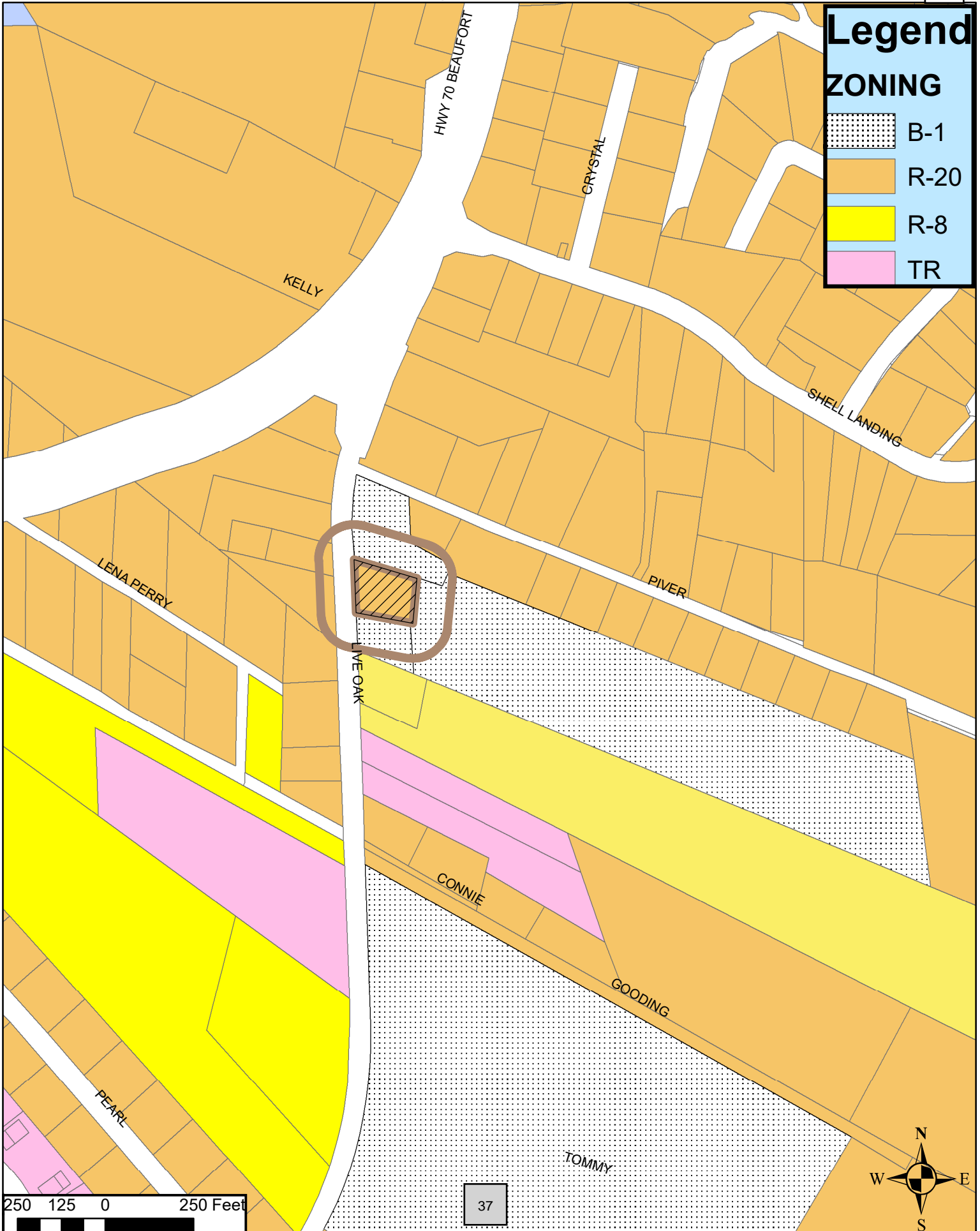


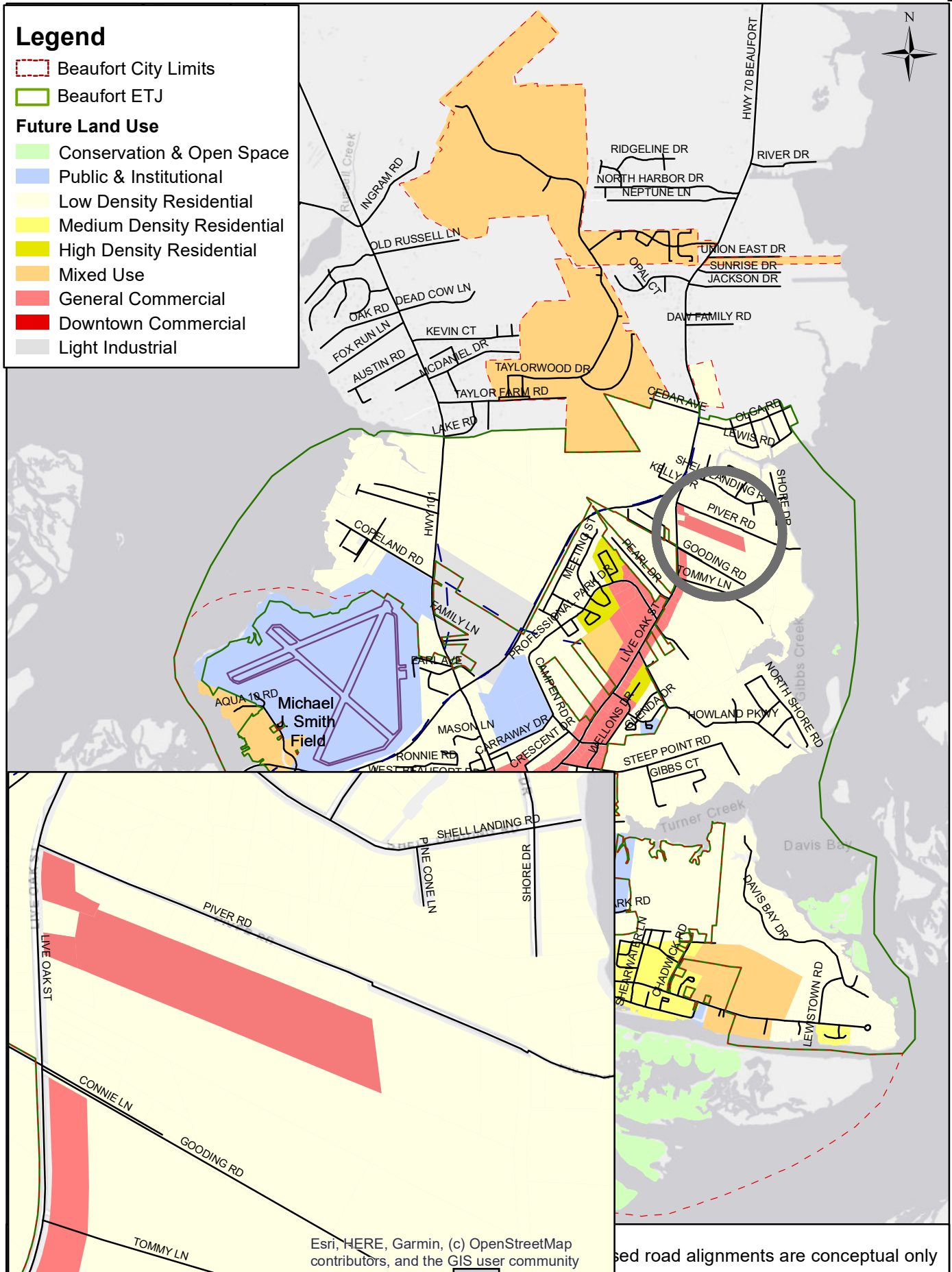
**Legend**

- BEAUFORT CORPORATE AREA
- BEAUFORT ETJ
- 100' Buffer



Zoning Map - Case 21-26 -2158 Live Oak Street  
Rezoning From R-20 to B-1





Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Proposed road alignments are conceptual only

<u>OWNER</u>	<u>AIL_HOU</u>	<u>MAIL_ST</u>	<u>MAIL_CITY</u>	<u>IL_ST</u>	<u>AIL_Z</u>	<u>MAIL_ZI</u>	<u>MAIL_ADD2</u>
BLUEFIN PROPERTIES LLC			BEAUFORT	NC		28516	PO BOX 677
GARNER,MARCIA LYNETTE	118	PIVERS RD	BEAUFORT	NC		28516	
GARNER,RUTH ANITA	134	PIVERS RD	BEAUFORT	NC		28516	
MASSINO,CATHY LOUISE	125	BAY DRIVE	SMYRNA	NC	9579	28579	
MAY,RICKY V ETUX KATHERINE W	1897	NC 39 HWYS	LOUISBURG	NC	7104	27549	
THE ROSEMYR CORPORATION			HENDERSON	NC		27536	PO BOX 108
WILLIAMSON,TAMMY HARDISON	2158	US HIGHWAY 70 E	BEAUFORT	NC	7842	28516	



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: Charles M. Cullipher, PE  
Applicant Address: 151-A NC HWY 24 Morehead City, NC 28557  
Phone Number: (252) 773-0090 Email: chase@tcgpa.com

Property Owner Name: <sup>THE</sup> Rosemyr Corporation  
Address of Property Owner: 231 South Garnett St. Henderson, NC 27536  
Phone Number: (252) 430-6161 Email: bill@rosemyr.com

**PROPERTY INFORMATION**

Property Address: 2158 Live Oak Street Beaufort, NC 28516  
15-Digit PIN: 731605191803000 Lot/Block Number: \_\_\_\_\_  
Size of Property (in square feet or acres): 0.579  
Current Zoning: R-20 Requested Zoning: B1  
Current Use of Property:  Residential  Vacant  Commercial  Other: \_\_\_\_\_

Applicant Signature: Charles M. Cullipher Date of Applicant's Signature: 10/11/21  
Property Owner Signature (if different than applicant): Wm W. Giffey SR SVP Date of Owner's Signature: 10/13/21  
THE ROSEMYR CORPORATION

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](http://www.beaufortnc.org).

**OFFICE USE ONLY**

Revised 08/2020

Received by: \_\_\_\_\_

Reviewed for Completeness By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Deemed Complete and Accepted: \_\_\_\_\_



October 21, 2021

Mr. Kyle Garner  
Planning Director  
Town of Beaufort  
701 Front St.  
Beaufort, NC 28516

Re: Rezoning of Live Oak Street parcel: PIN: 731605191803000

Mr. Garner,

This letter accompanies the request to amend the Beaufort Zoning Map for the subject property from R-20 to B-1 (General Business District). This will promote the public health, safety and general welfare of the Town by ensuring similar use along Live Oak Street as the adjoining properties which are also zoned as B-1 (General Business District).

Sincerely,

Charles M. Cullipher, P.E.  
Vice President  
The Cullipher Group, PA



October 21, 2021

Mr. Kyle Garner  
Planning Director  
Town of Beaufort  
701 Front St.  
Beaufort, NC 28516

Re: Rezoning of Live Oak Street parcel: PIN: 731605191803000 – Land Use Statement

Mr. Garner,

The subject property is currently listed as Residential in the Town CAMA Existing Land Use Plan. However, rezoning of the property to General Business District would allow for increased compatibility with the adjoining properties zoned as B-1. The (yet to be approved) Future CAMA Land Use Plan identifies the adjoining properties as commercial. The parcel is considered to be of High Suitability or Medium Suitability for development per the Land Use Plan, is within the Town’s Corporate Limits and, would potentially be developed in need of Town utilities and services.

Sincerely,

Charles M. Cullipher, P.E.  
Vice President  
The Cullipher Group, PA

### Subject Property/Surrounding Property Information

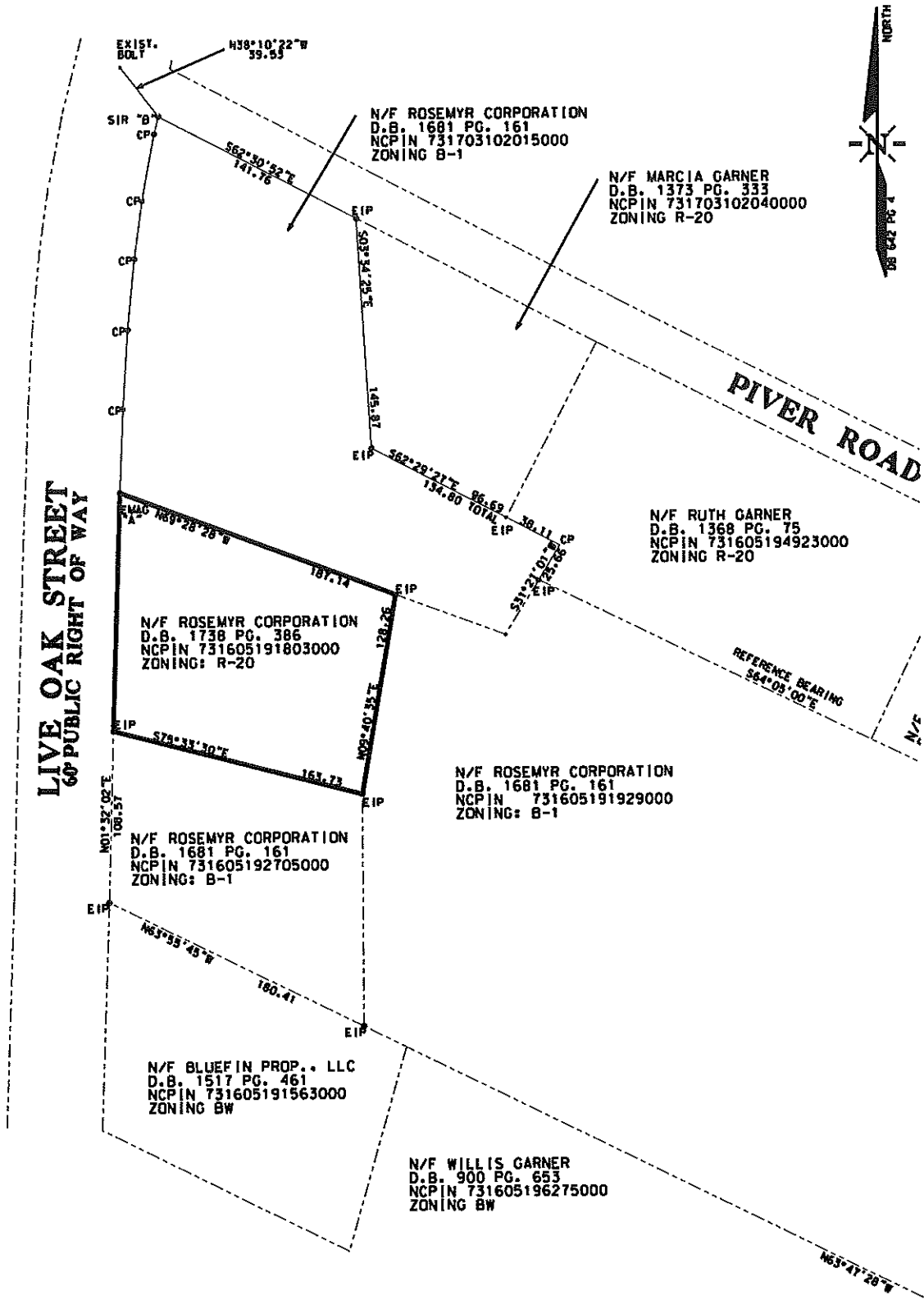
Subject Property: Rosemyr Corporation; DB 1738, PG 386; PIN: 731605191803000  
Physical Address: 2158 Live Oak Street, Beaufort NC 28516  
Mailing Address: PO Box 108 Henderson, NC 27536

The adjoining property owners are:

1. N/F Rosemyr Corporation; DB 1681, PG 161; PIN: 731605191929000 (East Adjoiner)  
Physical Address: N/A  
Mailing Address: PO Box 108 Henderson, NC 27536
2. N/F Rosemyr Corporation; DB 1681, PG 161; PIN: 731703102015000 (North Adjoiner)  
Physical Address: 2176 Live Oak Street, Beaufort NC 28516  
Mailing Address: PO Box 108 Henderson, NC 27536
3. N/F Rosemyr Corporation; DB 1681, PG 161; PIN: 731605192705000 (South Adjoiner)  
Physical Address: 2150 Live Oak Street, Beaufort NC 28516  
Mailing Address: PO Box 108 Henderson, NC 27536

The non-adjoining property owners within 100 Feet are:

1. N/F Katherine and Ricky Kay; DB 1194, PG 156; PIN: 731703007095000  
Physical Address: 2171 Live Oak Street, Beaufort, NC 28516  
Mailing Address: PO Box 1147 Beaufort, NC 28516
2. N/F Katherine and Ricky Kay; DB 1710, PG 045; PIN: 731605098983000  
Physical Address: 2169 Live Oak Street, Beaufort, NC 28516  
Mailing Address: PO Box 1147 Beaufort, NC 28516
3. N/F Katherine and Ricky Kay; DB 1710, PG 045; PIN: 731605098881000  
Physical Address: 2157 Live Oak Street, Beaufort, NC 28516  
Mailing Address: PO Box 1147 Beaufort, NC 28516
4. N/F Marcia Garner; DB 1373 PG 333; PIN: 731703102040000  
Physical Address: 118 Piver Road, Beaufort, NC 28516  
Mailing Address: 118 Piver Road, Beaufort, NC 28516
5. N/F Ruth Garner; DB 1368 PG 75; PIN: 731605194923000  
Physical Address: 134 Piver Road, Beaufort, NC 28516  
Mailing Address: 134 Piver Road, Beaufort, NC 28516





**TOWN OF BEAUFORT  
PLANNING BOARD**

**RZ21-26**

**RESOLUTION ADVISING THAT PROPOSED AMENDMENTS  
TO THE ZONING ORDINANCE AND COMPREHENSIVE FUTURE LAND USE PLAN  
ARE IN ACCORDANCE WITH ALL OFFICIALLY ADOPTED PLANS; ARE/ARE  
NOT REASONABLE; AND ARE/ARE NOT 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 21-26 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/are not** 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 November, 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, November 15, 2021 – Virtual Meeting via Zoom**

---

**AGENDA CATEGORY:** New Business  
**SUBJECT:** 2022 Planning Board Meeting and Submittal Calendar

**BRIEF SUMMARY:**

Our new administrative support specialist, Laurel Anderson, has developed the 2022 meeting and submittal calendar for the coming year. We ask that each member review the proposed dates and inform us of any conflicts at the November meeting.

**REQUESTED ACTION:**

Discussion on Proposed Calendar  
Decision on Proposed Calendar

**EXPECTED LENGTH OF PRESENTATION:**

5 Minutes

**SUBMITTED BY:**

Kyle Garner, AICP  
Planning & Inspections Director

**BUDGET AMENDMENT REQUIRED:**

N/A



## Planning Board Meeting Dates for 2022 (Third Monday of the Month)

<b>Submission Deadline</b>	<b>Meeting Date</b>
12/23/2021	1/18/2022*
1/31/2022	2/21/2022
2/28/2022	3/21/2022
3/28/2022	4/18/2022
4/25/2022	5/16/2022
5/30/2022	6/20/2022
6/27/2022	7/18/2022
7/25/2022	8/15/2022
8/29/2022	9/19/2022
9/26/2022	10/17/2022
10/31/2022	11/21/2022
11/28/2022	12/19/2022
12/22/2022	1/17/2023*

\*Held on Tuesday, 1/18/2022 due to 1/17/2022 being a Holiday

\*Held on Tuesday, 1/17/2023 due to 1/16/2023 being a Holiday