



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, April 19, 2021 - Held via Zoom due to the COVID-19 Pandemic Monthly Meeting

Call to Order

Roll Call

Agenda Approval

Minutes Approval

1. Minutes Approval from the March 15, 2021 Meeting

New Business

1. Case No. 21-09. Request to Rezone 214 Craven Avenue from R-8 Residential to RS-5 Residential District

Public Comment

1. Conceptual Plan for Old County Home on Hwy. 101 Property

Commission / Board Comments

Staff Comments

Adjourn



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

Call to Order

Chair Neve called the March 15, 2021 meeting to order at 6:00pm.

Roll Call

1. Roll Call

Present for the meeting were Ryan Neve, Diane Meelheim, Ralph Merrill and John LoPiccolo. Paula Gillikin was not present and had advised she would not be at this meeting prior. Also not present were Jeff Vreugdenhil and Aaron Willis.

Also present for the meeting were Kyle Garner, Kate Allen, Denice Winn, Commissioner Ann Carter, Commissioner John Hagle, Commissioner Marianna Hollinshed and Town Attorney Arey Grady.

Election of Officers

Mr. Garner stated that someone needed to nominate a Chairman and Vice Chairman for the Planning Board. Chair Neve asked if they could wait for next month with the potential of more members present. Mr. Garner stated that the election should have been held in February but asked Mr. Grady if it would be okay to wait. Mr. Grady stated that it would be okay and the current Chair and Vice Chair would serve until the next meeting. Mr. Grady did encourage as many members to be present as possible at the next meeting. Chair Neve asked the members present how they felt about postponing the election. Vice Chair Merrill stated he felt they could move forward.

Chair Neve entertained a nomination for Board Chairman or a motion to table this. Vice Chair Merrill nominated Ryan Neve as Chairman. Board Member Meelheim made the second. There were no other nominations. A roll call vote was conducted with the members who were present and it was a unanimous vote to re-appoint Ryan Neve as Chairman of the Planning Board.

Chair Neve nominated Ralph Merrill for Vice Chairman of the Planning Board. Board Member LoPiccolo made the second. There were no other nominations. A roll call vote was conducted with the members who were present and it was a unanimous vote to re-appoint Ralph Merrill as Vice Chairman of the Planning Board.

Agenda Approval

- 1. Agenda Approval for the March 15, 2021 Meeting

Chair Neve made the motion to approve the Agenda as presented with the addition of election of officers. Board Member Meelheim made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to approve the Agenda as it was presented.

Minutes Approval

- 1. Minutes Approval from the February 15, 2021 Planning Board Meeting

Chair Neve asked for a motion to approve the Minutes from the February 15, 2021 meeting. Vice Chair Merrill made a motion to approve the minutes as they were presented. Board Member Meelheim made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to approve the minutes for the February 15, 2021 meeting as they were presented.

New Business

- 1. Case No. 21-05. Text Amendment modifying language in the Land Development Ordinance Section 20: Special Use Permits

Chair Neve opened case 21-05. Kate Allen presented the staff report. Ms. Allen stated that this is a request for a Text Amendment modifying Section 20, Special Use Permits, of the Land Development Ordinance. She stated that this is more of a "housekeeping" item. Ms. Allen stated that historically that the term "public hearing" has been used interchangeably with legislative proceedings and quasi-judicial and that the request is to change "public hearing" to "quasi-judicial" to clean things up and eliminate confusion going forward. She stated that Arey Grady, Town Attorney, is present for further questions.

Vice Chair Merrill asked for clarification on the advantage of doing this. Ms. Allen stated that since doing the virtual meetings due to COVID-19, public hearings require a 24 hour period before a vote can be made after a hearing and with a quasi-judicial hearing that would not be necessary. This change would expedite the Special Use Permit process.

Mr. Grady stated they are going to see a lot of the evolution of terminology over the next few months due to the updates in the LDO due to 160D. Quasi-judicial is new terminology and a traditional public hearing any member of the public can come address the Board. He stated that the General Assembly has requested this restructuring on terminology.

Vice Chair Merrill made the motion to approve the Text Amendment modifying the language in the Land Development Ordinance, Section 20, Special Use Permits. Board Member LoPiccolo made the second. A roll call vote was conducted by the members who were present and it was a unanimous vote to approve the Text Amendment.

Ms. Allen brought it to Chair Neve's attention that the Public Hearing had not been opened. Chair Neve opened the Public Hearing. Suzanne Lea, 206 Ocean Street, stated she was curious if the Board thought that people knew what "Quasi-Judicial" means in the context of using the term public hearing for so long. She wanted to know if there was a way to educate the public on this. Ms. Lea stated that she felt people may disengage by not knowing what it means. Ms. Allen stated that the Ordinance clearly explains the Quasi-Judicial process is as it is currently written. Chair Neve asked Ms. Lea if she had seen the text change but he stated that he got her point as they may not be inclined to speak with the change. Mr. Garner stated to answer Ms. Lea's question, notices are sent out to people letting them know about the hearing that is going to take place, what kind of hearing and about people with legal standing being able to participate. Chair Neve asked if they would be able to open it up to everyone with this. Mr. Garner said that public comment could be

opened up but only people with standing could participate and that would be at the Board of Commissioner's meetings.

Chair Neve asked if they would need to vote again after public comment. Board Member LoPiccolo wanted clarification if they needed to add wording to it. Ms. Allen stated the motion that was voted on and approved was for the Text Amendment as it was presented but she said she could provide an expanded definition at the Board's request. Chair Neve stated that the question he had is there anywhere in the text that mentions who has standing. Mr. Grady stated the Quasi-Judicial proceeding is defined in 160D, with definitions of standing and how the proceeding is supposed to run. He said that this would be a change that they will see in all of the Amendments that are going to have to be made to the local ordinances to comply with 160D but in this particular topic it has caused an unnecessary time since doing the public hearing, waiting 24 hours and then having the quasi-judicial hearing. He said this is a quick fix to get us through July 1st and that is a hard deadline. Board Member LoPiccolo stated that they should use the same wording as Vice Chair Merrill had stated and revisit this in July. Chair Neve asked Vice Chair Merrill and Board Member Meelheim if they were okay with that and both stated yes. A roll call vote was conducted with the members who were present and it was a unanimous vote.

2. Modify/Revise the Existing Planned Unit Development (PUD) for Beau Coast Subdivision

Chair Neve stated this matter was also a Public Hearing about modifying/revising the existing Planned Unit Development for Beau Coast Subdivision.

Mr. Garner shared his screen and presented the staff report. He stated this was Case #21-06, Master Plan Amendment. Mr. Garner stated this will be a public hearing item. Mr. Garner went through the presentation of the request from applicant. The applicant would like to 1) convert a section of eight 22' wide townhome lots (existing lots 119-126) to four single family lots (50' wide) for a net loss of four dwelling units; 2) Convert two townhome lots (lots 177 and 178) to one 40' wide single family lot for a net loss of one dwelling unit; 3) Add permeable pavement specifications to the PUC document for alleys, on-street parking areas, and sidewalks as an option for use in the PUD; and 4) Add note regarding lot configuration options. Mr. Garner presented the Public Notice Information in accordance to NCGS 160A-384 and the Town of Beaufort LDO, 15 letters were mailed to property owners within 100 feet based on Carteret County GIS information and the legal advertisement was run in the Carteret County News Times on Wednesday March 3, 2021 and Wednesday March 10, 2021. The sign was posted on February 26, 2021. Mr. Garner shared the new Key Plan for Lot Types showing the difference between the Vicinity Map and what they would look like changed to the request. PUD Master Zoning Map showing the 566 single family units, 220 multi-family units and the total number of dwelling units which is 785. Mr. Garner stated that the town engineer, Mr. Greg Meshaw has been working with the applicant on the permeable paving options after the Town's work on Orange Street in which the town used permeable concrete. This is a better option for storm water runoff. The Town's engineer is working this out with the applicant to present to the Board of Commissioners. Vice Chair Merrill had a question concerning the pervious rating of this concrete. Mr. Garner stated that he believes it is less than 50%, but regular concrete has zero. He stated he would get the specifics from Mr. Meshaw. Vice Chair Merrill wanted to know what it would do to the overall project. Mr. Garner stated that Mr. Joe Boyd, the applicants engineer could answer this better. Mr. Garner stated the last thing he had was the Consistency Statement. Chair Neve stated that there was one more item concerning lot configurations and he wanted to know if it was just changing lot types. Mr. Garner stated yes, and explained how it would change the lot width and what type of home it would allow. Mr. Garner stated that Mr. Don Mizelle would be able to answer that question better.

Joe Boyd spoke as to answer Vice Chair Merrill's questions, the first one concerning the percentage of impervious concrete and asphalts and how pervious they are, they are considered by the state to be 100%, so they are in essence the same as having grass and

they have to be maintained. Mr. Boyd said the question on treatment, is it is an extra bonus is they are not changing any of the storm water design measures because this project has a bank of impervious area approved. He said this is improving everything, more gets into the ground and less into the ponds. Chair Neve had another question concerning what the pervious service is installed over and wanted to know the installation requirements. Mr. Boyd stated their design is using #57 stone and the soil as is, this helps it disperse better. Mr. Boyd stated they get soil tests for the area. Board Member LoPiccolo had a question concerning the maintenance on the surface itself. Mr. Boyd stated there is maintenance over time that has to be done such as vacuuming and sweeping.

Mr. Garner stated that Don Mizelle could answer the questions on the lots as well as the maintenance question on the pervious surface due to being present during the meeting on this topic. Mr. Mizelle stated there was a discussion on this with Mr. Garner and Mr. Meshaw. He stated that they had been in contact with a local business that does this. He stated that there are periodic inspections that need to be done as well as the maintenance care on a regular basis. Mr. Mizelle went to talk about the lots, he stated they were hoping by shrinking them down, they would be "down zoning" based on the needs of the area. He stated that they wanted to flexibility to change the size of the structure as long as it meets the setbacks.

Vice Chair Merrill stated that with the changes from townhome lots to single family lots they would still have to come before the Board for approval. Mr. Mizelle stated yes, to make that change they would have to come before the Board each time.

Chair Neve opened the Public Hearing. There were no comments and he closed the Public Hearing.

Chair Neve asked if there was anything further from the Board, hearing nothing he asked for a motion. Vice Chair Merrill made the motion to approve the mortification/revision for Beau Coast Subdivision as it was proposed and that is it consistent with the Land Use Plan as to the density because it reduces it. Board Member Meelheim made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to approve the modification/revision as presented.

3. Final Plat - Beau Coast Phase V

Chair Neve opened the next item, Final Plat for Beau Coast.

Mr. Garner presented the staff report. He stated this is a request for the Final Plat, Beau Coast, Phase V. He stated that this location is at the intersection of Leonda Drive and Freedom Park Drive. Mr. Garner stated the request is to subdivide 15.31 acres into 86 lots, 49 single-family lots and 37 multi-family lots. He said there is .17 acres of wetlands and there is an amount of open space of 6.347 acres. Mr. Garner shared the Plat that is to be recorded and the lot configuration. Mr. Garner pointed out the undisturbed natural buffer that will not be touched at the request of the residents of Charles Street. Mr. Garner stated this has been reviewed by the Town's engineer as well as the bond amount. He stated this will allow them to record the Plat along with the financial guarantee of the infrastructure going in and move forward. Mr. Garner stated the key area is the 50 foot area to not be disturbed.

Chair Neve opened the Public Comment section. Sara Spiegler, 130 Charles Street. Ms. Spiegler wanted to clarify that "undisturbed buffer" and "undisturbed natural buffer" were the same and Mr. Garner stated they were, that it means it stays the way it is. She stated they are pleased with final plat. She stated their question is now that is in the final plat is there a plan for the home owners to know that this is to not be touched, will the realtors inform the home owners and will the Town make sure the new home owners receive this information that the buffer is to be undisturbed. Jacob Boyd, 130 Charles Street, we appreciate the buffer and we want to make sure long term it stays protected. Mr. Boyd stated he was concerned about the fill and the lots seeming higher and how that will affect the storm water. He also wanted to know if they had considered the pervious surface that is being used in the other area. No further comments.

Mr. Garner stated he would like to answer their questions raised by Ms. Spiegler and Mr. Boyd. He stated that the applicant is going to consider using the permeable pavement in Phase V. Mr. Garner stated that it is up to the realtors as part of their due diligence but it will also be in the HOA documents. Mr. Garner stated that as far as enforcement he can only say to what is now and not what will be in 20 years. Mr. Garner stated he would let the engineer answer the storm water question. Mr. Boyd wanted to know if it would be possible to put up signs to say that the buffer will not be disturbed. Mr. Garner stated he would defer to Mr. Karl Blackley. Karl Blackley stated that they had worked with Ms. Spiegler and Mr. Boyd on their request to keep that area preserved but there is a caveat that if there are trees blown down by a hurricane or such that they request the HOA be able to remove them if they become a hazard or a drainage issue. Mr. Blackley said he worried about too many signs and having sign pollution, but if the Planning Board and the Board of Commissioners want it he would do it. Mr. Blackley stated he would rather let Joe Boyd answer the storm drain question. Mr. Joe Boyd stated that any drainage for home structure is structured to drain to the pond. He said they their area will get less standing now because it is set to drain to the pond. Chair Neve closed public comment.

Vice Chair Merrill had a question on marking the boundary on the natural area, survey pipes etc. Mr. Blackley said they have stakes for surveys but the never seem to stay in place. He said he would be happy to do what the Board wants him to do. Vice Chair Merrill stated he was thinking about iron survey type pipe as a marker, he said over time he could see the area being encroached on. Mr. Blackley said the he, Mr. Joe Boyd and Mr. Don Mizelle would come up with a plan at least for their side. Chair Neve said he saw where a property has a pretty significant encroachment on the undisturbed property involving a shed. Mr. Joe Boyd stated that the shed would stay and everything would remain in place. Mr. Blackley said they will accommodate that and we shared with the owner that the shed was over the line.

Chair Neve asked for any further questions and hearing none he asked for a motion. Vice Chair Merrill made a motion to approve the Final Plat for Beau Coast Phase V. Board Member LoPiccolo made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to approve the Final Plat for Beau Coast Phase V.

4. Preliminary Plat - Beau East Village Phase 1

Chair Neve opened discussion on Preliminary Plat for Beaufort East Village Phase 1.

Mr. Garner presented the staff report for this matter. He explained the history of this preliminary plat and the applicant have to come back periodically for approval as the time line is 2 years but in the new 160D that will be longer.

Mr. Garner stated the location is Ricks Avenue, George Street and Leonda Drive. The request is to subdivide a 41.79 acre tract into 108 residential lots. Mr. Garner said the total amount of open space will be 23.02 acres, the amount of recreation area will be 1.58 acres and the amount of wetlands is 13.97 acres. Mr. Garner shared a vicinity map showing the outline of the proposed site. Mr. Garner said it does include a multi-use trail from Lennoxville Road to Freedom Park and also Willow Street to Spoonbill Lane. He said they are considering using permeable asphalt in this area also. Mr. Garner also shared the drawing showing the drainage and landscaping. He said that really nothing has changed on this from the original except for the conditions that were placed on this in 2015 and the addition of multi-use trails that are still shown on this Preliminary Plat. Mr. Garner said that a Preliminary Plat is just for them to be able to start working on the infrastructure and no lots would be sold off of this.

Chair Neve opened Public Comment. Suzanne Lea, 206 Ocean Street, I live across the street from the two lots next to the path. She stated that this is a very dangerous street and to put two lots there, next to the path, adds to the situation. She said it is not a good place to have those two lots due to the hazards. She said if they were to become lots she wanted

to go on the record to request that DOT put up a 3-way stop sign or stop light to slow the traffic down. Sarah Spiegler stated she was just made aware of the multi-use trails but she wanted to know if there had been any thought into keeping them a natural trail. Mr. Garner stated this is an existing area that has been cleared already and our Town Engineer asked for this to be developed. Logan Louis said it states on the plat that it is a public multi-use trail. He wanted to know if it was going to be maintained by the Town or the HOA and he wanted to know who was going to be responsible for maintaining it. Mr. Garner said it will be allowed for the public and it will be worked out at the final plat stage as to who will maintain it. Mr. Garner said that on the final plat that will be recorded, it will have for public use and there will probably be a public easement filed as well. Ms. Lea asked to speak again, she wanted to know what the plans are for the two lots on the corner. Mr. Blakely said it is a staging area for the nursery for the Live Oaks. He said they are two lots that will be sold one day but he didn't have a time line for that. Chair Neve had a question for Joe Boyd about a lot that had quite a few forced sewer lines, lot 43. Mr. Joe Boyd said that they are existing forced mains and there are easements for this. He said there would be no house built on that.

There were no further comments from the Board so Chair Neve asked for a motion. Vice Chair Merrill made the motion to approve the Preliminary Plat Beaufort East Village Phase 1. Board Member Meelheim made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to approve the Preliminary Plat for Beaufort East Village Phase 1 as presented.

Public Comment

Chair Neve asked for further Public Comment.

Logan Louis said the 160D that had been mentioned a few times becomes effective July 1st and he wanted to know if it is the Town's intention to have it updated by July 1st.

Chair Neve closed public comments.

Commission / Board Comments

Chair Neve opened Board Comments. Board Member Meelheim said good work on the part of the staff and she appreciated people showing up with comments that are pertinent. Vice Chair Merrill stated he would like to comment on Lennoxville Road/Mulberry Street and the fact that the traffic has picked up on that road. He said it has turned into a major thoroughfare. He said he feels that it will just get busier and he agrees with Ms. Lea that safety is an issue. He said he didn't feel a stop sign is the solution. Vice Chair Merrill said he didn't have a solution but wondered if staff had looked at anything to keep it safe. Board Member LoPiccolo stated he agrees with Vice Chair Merrill and he has experienced it himself with biking and walking. He thought that maybe a crosswalk and maybe address the speed issues on that road. Chair Neve thanked staff and stated he agreed with Board Member LoPiccolo on the crosswalk with perhaps flashing lights. Vice Chair Merrill stated he had one more comment about possibly decreasing the speed limit up by Safrits.

Staff Comments

Chair Neve opened staff comments.

Kate Allen stated the public survey for the Comprehensive Land Use Plan closed on the 10th and there were almost 1,700 responses. She stated the survey results will be presented at the public meeting on March 23rd.

Kyle Garner stated great comments on all of the projects tonight. He stated he wanted to congratulate Vice Chair Merrill on his reappointment. Mr. Garner said the goal is to be compliant with 160D by July 1st. He stated that staff had worked on it with the attorney. He said the attorney has presented a proposal to the

Town Manager. Mr. Garner said that this impacts all the Boards as well as some other agencies. He said once approved that there will need to be some training or workshop on this for all of the Boards. Mr. Garner said there have been questions on the Gaskill's property but staff does not have any information on this. Mr. Garner said next month the Board will have two possibly three items for next month.

Adjourn

Board Member LoPiccolo made the motion to adjourn the meeting. Board Member Meelheim made the second. A roll call vote was conducted with the members who were present and it was a unanimous vote to adjourn the meeting.

Ryan Neve, Chair

Denice Winn, Board Secretary



Town of Beaufort, NC

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**Town of Beaufort Planning Board Regular Meeting
6:00 PM Monday, April 19, 2021 – Virtual Meeting via Zoom**

AGENDA CATEGORY: New Business
SUBJECT: Case No. 21-09. Request to Rezone 214 Craven Avenue from R-8 Residential to RS-5 Residential District

BRIEF SUMMARY:

Property owners, James & Laurie Edwards, are requesting to rezone 214 Craven Avenue from R-8 Residential to RS-5 Residential 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: 4/8/2021
Meeting Date: 4/19/2021

Case Number 21-09

Summary of Request: Request to Rezone 214 Craven Avenue from R-8 Residential to RS-5 Residential District

Background

Location(s) & PIN 214 Craven Avenue (PIN 730619515223000)

Owner James & Laurie Edwards
Applicant James & Laurie Edwards

Current Zoning R-8 Residential

Lot(s) Size & Conformity Status 0.137 acres or 5,967.72 ft²
Non-conforming Lot of Record
Existing Nonconforming Structures
Road Frontage – Craven Avenue 50.0’
Road Frontage – Second Street 120.0’

Existing Land Use Residential

CAMA Future Land Use Map
Amendment Required Yes No High Density Residential

Adjoining Land Use & Zoning
North R-8; Residential
South R-8; Residential
East R-8; Residential
West R-8; Residential

Special Flood Hazard Area Yes No Shaded X

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 non-conforming lot of record. The primary residence does not meet front or side setback requirements. The proposed rezoning would reduce 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	35 Feet	Rear 25 Feet
Maximum Impervious	N/A	Side 8 Feet
		Side (ROW) 20 Feet

The requested **RS-5 Residential District Standards – Corner Lot**

Minimum Lot Size	5,000 Square Feet	Setbacks
Minimum Lot Width	50 Feet	Front 20 Feet
Maximum Building Height	35 Feet	Rear 15 Feet
Maximum Impervious	50%	Side 5 Feet
		ROW Side 10 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: Medium Density Residential

The Medium Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or two-family developments.

The residential density within this classification is generally 3 to 5 dwelling units per acre. Minimum lot sizes vary from 8,000 to 10,000 square feet unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within Medium Density Residential-designated areas are generally compatible with the R-8, Medium Density Residential, R-8A Single-family Medium Density Residential Waterfront; R8-MH Residential Manufactured Home Park/Recreational Vehicle Park; and H-BD, Historic Business Zoning Districts. Public water is widely available and sewer service is required to support the higher residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support Medium Density Residential development.

Requested: High Density Residential

The High Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. The residential density within this classification is generally 6 to 16 dwelling units per acre. The minimum lot size is 2,750 square feet per unit unless a larger minimum lot area is required by the health department for land uses utilizing septic systems. Land uses within High Density Residential-designated areas are generally compatible with the RC-5, Residential Cluster Development and the RS-5, Residential Single-Family 5 Development Zoning Districts. Public water and sewer service is required to support the residential densities in this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary to support High Density Residential development.

Attachments:

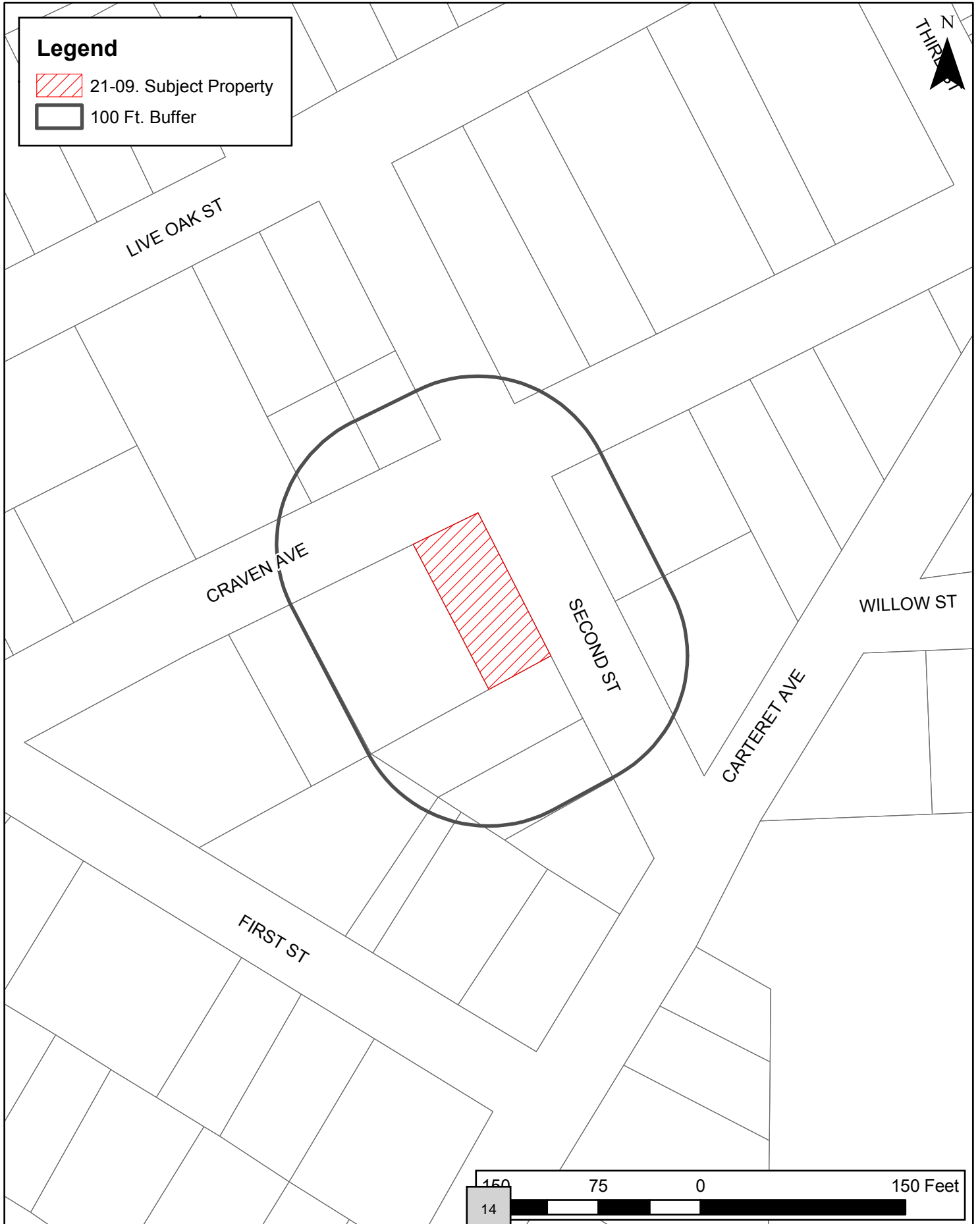
- 1. Property Owners Within 100 Feet
- 2. Vicinity Map
- 3. Aerial Map
- 4. Current Zoning Map
- 5. Future Land Use Map
- 6. Flood Hazard Areas Map
- 7. LDO Excerpts – R-8 Residential District
- 8. LDO Excerpts – RS-5 Residential District
- 9. Application as Submitted

CASE NO. 21-09 PROPERTY OWNERS WITHIN 100 FEET

OWNER	ADDRESS	CITY, STATE, ZIP
SEWELL, JOHN B III & B ELLEN	1100 LIVE OAK STREET	BEAUFORT NC 28516
WILLIAMS, HEATHER P	3512 IRONSIGHT CT	RALEIGH NC 27616
LEWIS PROPERTIES BEAUFORT LLC; C/O PAMELA HUFF LEWIS	228 HOWLAND PARKWAY	BEAUFORT NC 28516
SASSER, STEVEN R	208 GLENDALE AVE	LA GRANGE NC 28551
HASSELL, RAYMOND G & SUSAN M	201 SECOND STREET	BEAUFORT NC 28516
GRASSI, JENNIFER G	2004 FARMSTEAD CT	MOREHEAD CITY NC 28557
PENNINGTON, JOHN RAND & DIAN	210 CRAVEN AVENUE	BEAUFORT NC 28516
DOTY, SUSAN G	100 NORTHBROOK DRIVE APT #304	RALEIGH NC 27609
RAINES, NANCY A	202 SECOND STREET	BEAUFORT NC 28516
MULLINS, KIMBERLY A ETVIR C	9366 SKIPWITH ROAD	SKIPWITH VA 23968
PITTMAN, CLYDE D & ANGELA J	210 FIRST STREET	BEAUFORT NC 28516
SPROWL, JONATHAN O & ROBIN E	1412 LAKESTONE VILLAGE LN	FUQUAY VARINA NC 27526
PITTMAN, CLYDE D ETUX ANGELA J	210 FIRST STREET	BEAUFORT NC 28516
FOLLUM, CONNIE MARIE L/T	214 FIRST STREET	BEAUFORT NC 28516
EDWARDS, JAMES A & LAURIE C	325 BAYLOR DRIVE	FAYETTEVILLE NC 28306

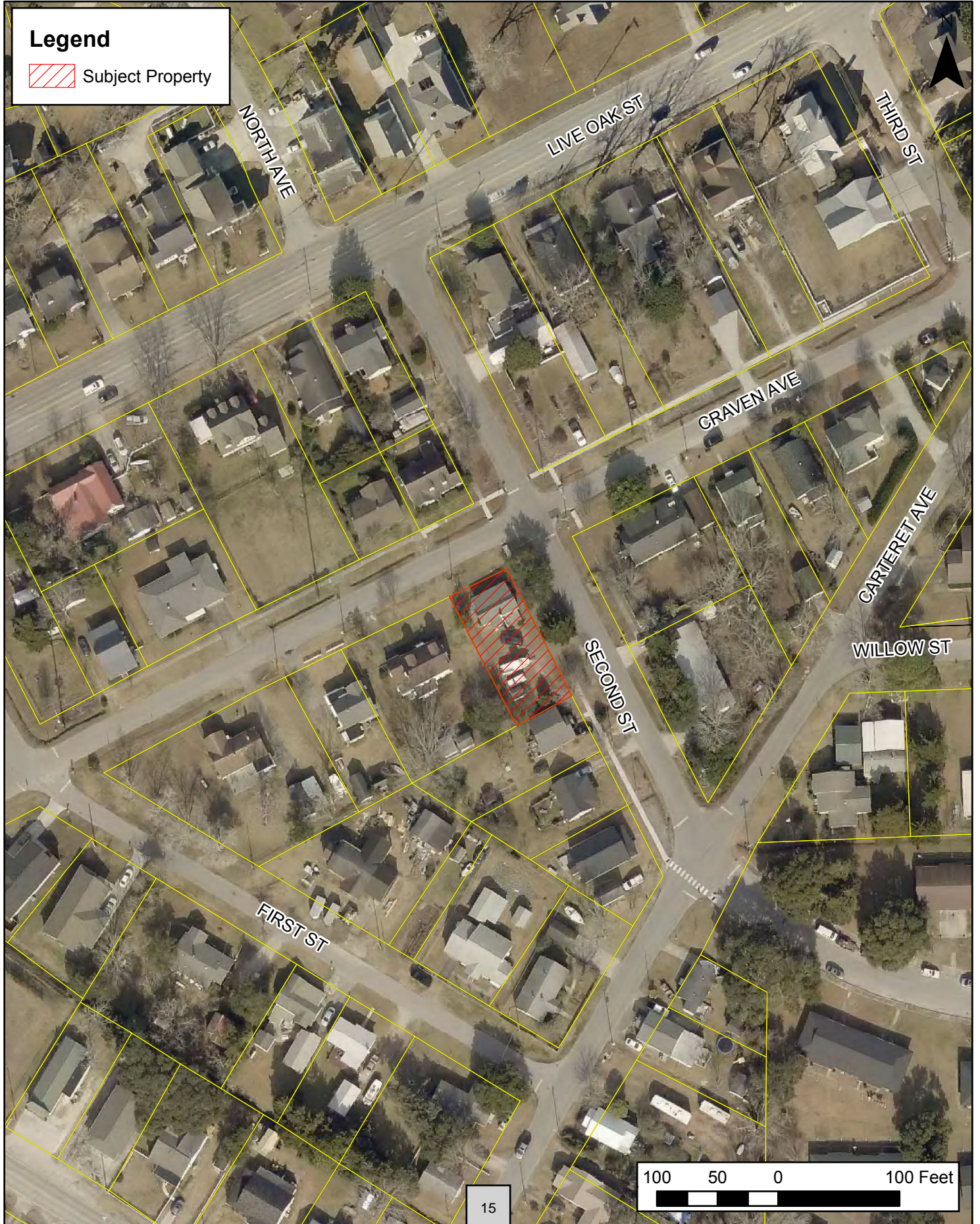
Vicinity Map

Case No. 21-09



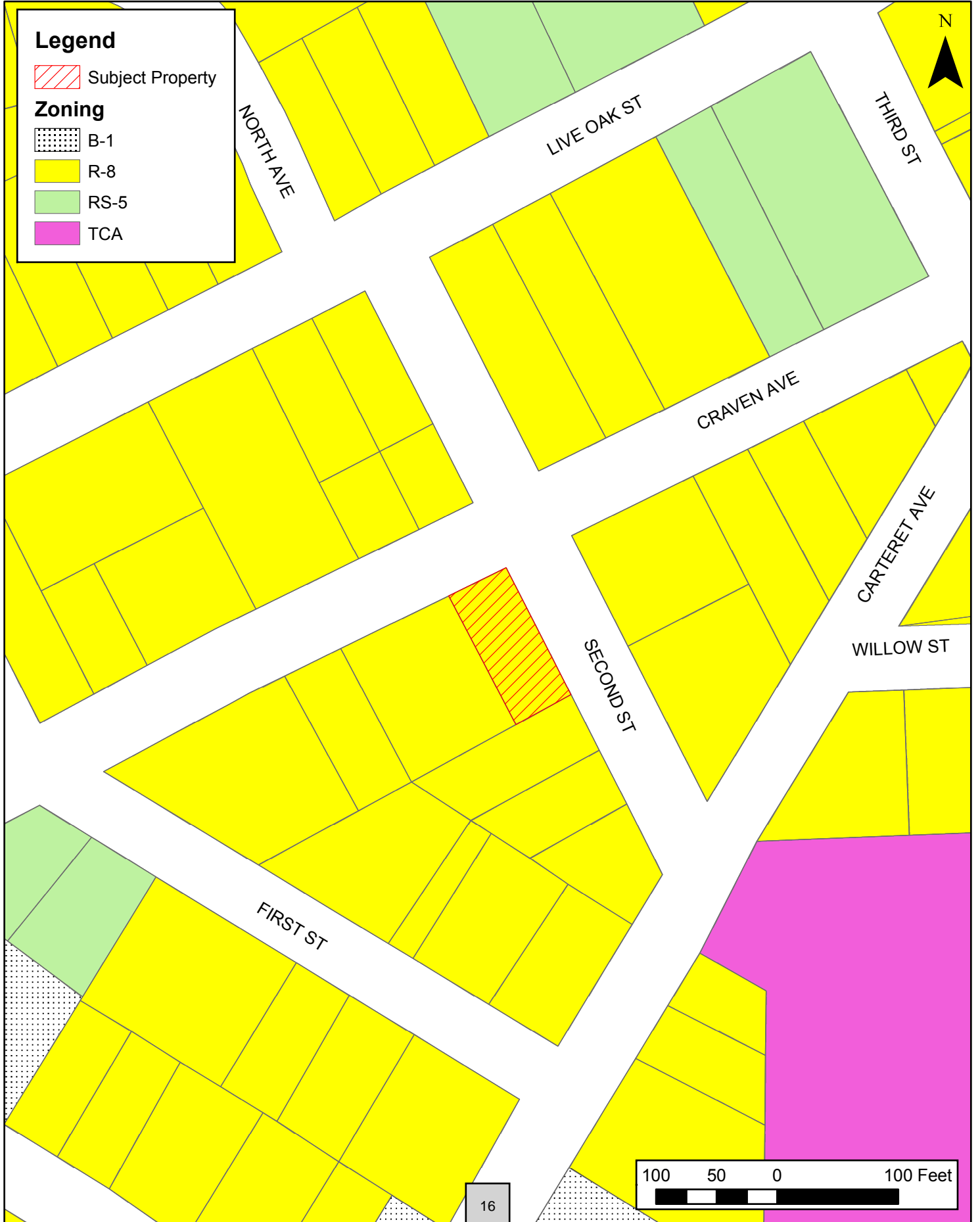
Aerial

Case No. 21-09



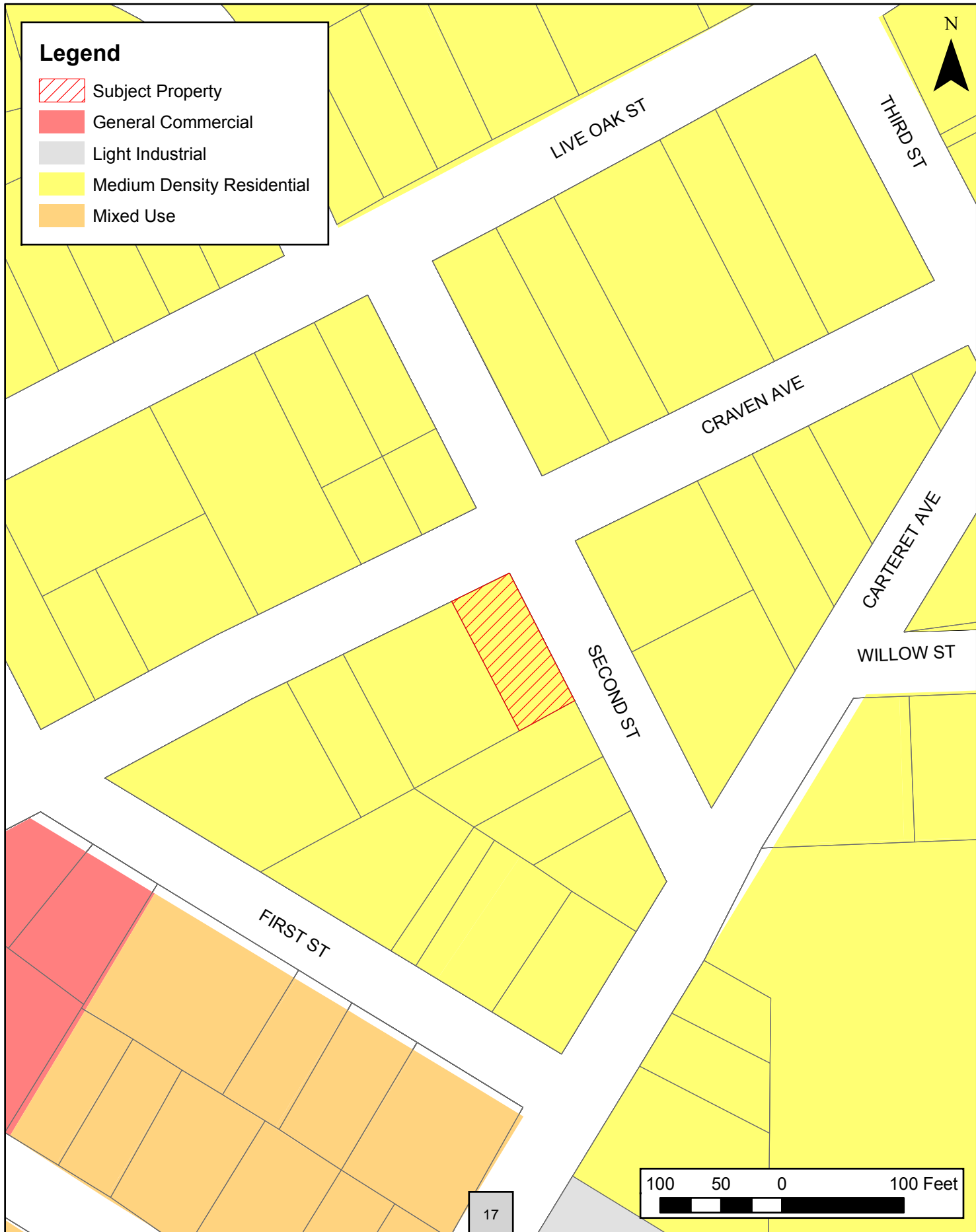
Current Zoning

Case No. 21-09



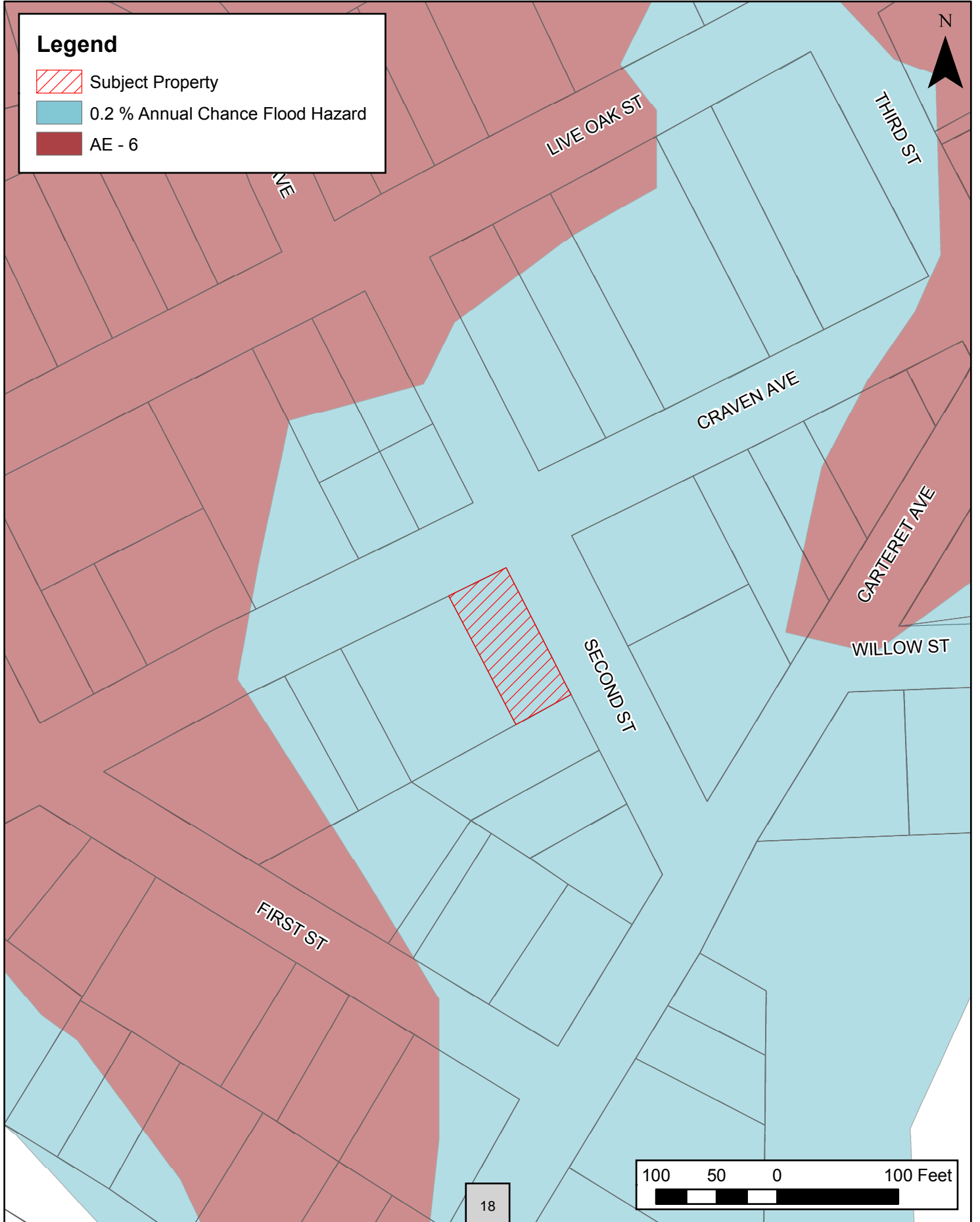
Future Land Use

Case No. 21-09



Flood Hazard Areas

Case No. 21-09



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

F) **RS-5 Residential Single-Family 5 Development District.**

This residential district classification is intended for existing or older neighborhoods characterized by single-family residences on relatively smaller lots and provides reduced setback requirements and a defined street orientation. The purpose of this district is to provide relief to existing lots of record which make them difficult to be developed as single-family residences. The RS-5 district has a fifty percent (50%) lot coverage restriction which must be maintained. 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 RS-5 district shall be a minimum of five thousand square feet (5,000 ft²).

2) Residential Density.

- a) All lots in the RS-5 district shall be limited to one single-family detached dwelling per lot.
- b) All lots in the RS-5 district shall not exceed an impervious surface area requirement of fifty percent (50%).

3) Minimum Lot Width.

All lots in the RS-5 district shall have a minimum lot width of fifty feet (50') at the minimum building line.

4) 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 7-17 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>
RS-5	20 feet	15 feet	5 feet	35 feet

Table 7-18 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>
RS-5	20 feet	10 feet	15 feet	5 feet	35 feet

Table 7-19 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>
RS-5	20 feet	20 feet	5 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.

5) 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.

6) Permitted Uses.

Antenna Co-Location on Existing Towers	Indoor/Outdoor, Private Neighborhood Recreation Center, Public
Athletic Field, Public	Park, Public
Carport	Public Safety Station
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
Home Occupation	Utility Minor
Neighborhood Recreation Center,	Vehicle Charging Station

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

Accessory Dwelling Unit	Golf Driving Range
Athletic Field, Private	Marina
Bed & Breakfast	Outdoor Amphitheater, Public
Cemetery/Graveyard	Preschool
Club, Lodge, or Hall	Religious Institution
Concealed (Stealth) Antennae & Towers	Satellite Dish Antenna
Golf Course, Privately Owned	School, Post-Secondary
	Transportation Facility



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: EDWARDS, JAMES A ETUX LAURIE C
Applicant Address: 325 Baylor Dr Fay. NC 28306
Phone Number: (910) 624-8345 Email: jaedwards56@gmail.com

Property Owner Name: EDWARDS, JAMES A ETUX LAURIE C
Address of Property Owner: 325 Baylor Dr Fay. NC 28306
Phone Number: (910) 624-8345 Email: jaedwards56@gmail.com

PROPERTY INFORMATION

Property Address: 214 CRAVEN AVE
15-Digit PIN: 730619515223000 Lot/Block Number: L7 B5 HIGHLAND PARK
Size of Property (in square feet or acres): 0.137
Current Zoning: R-8 Requested Zoning: RS5
Current Use of Property: Residential Vacant Commercial Other: _____

James A Edwards
Applicant Signature Date of Applicant's Signature: 3-21-2021

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.

James A. Edwards
325 Baylor Dr.
Fayetteville, NC. 28306
(910) 624-8345

March 21, 2021

Planning and Inspections Department
701 Front Street
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The request is to rezone my property located at 214 Carven Ave. (Pin # 730619515223000) zoned R 8 to RS 5.

The reason for this request is to add an addition to the existing house that was built in the 40's. The additional square footage is needed for this property to become my primary residence. There are several property in the area that are zoned RS 5 (106 Craven Ave., 101 First St., 105 Third St., 1110, 1111,1107 Live Oak St., 101 Loftin Ln., 100 102 104 106 108 110 112 &114 Ricks Ave.

I hope this request will be granted for I am looking forward to becoming a permanent resident of The Town of Beaufort. Thank you in advance for your consideration concerning this request.

Sincerely:



James A Edwards

James A. Edwards
325 Baylor Dr.
Fayetteville, NC. 28306
(910) 624-8345

March 21, 2021

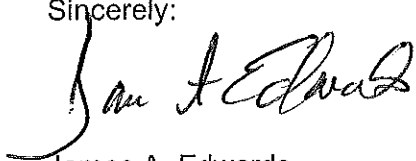
Planning and Inspections Department
701 Front Street
Beaufort, NC. 28516

Subject: Rezoning of Residential Property

The property located at 214 Carven Ave. (Pin # 730619515223000) is not for sale. I bought the property November 29, 2004 with the goal of adding on to the existing home and retiring here some day. I have retired and the additional square footage is needed for me to become a permanent resident of Beaufort.

Again, the property is not for sale. Thank you for your consideration to zone the property RS 5.

Sincerely:



James A. Edwards

NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of Notary Public(s) is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Melanie Arthur, Registrar of Deeds

By Paula Lewis
Acting Deputy, Registrar of Deeds

CARTERET COUNTY
19818 12/03/2004
\$168.00



Real Estate
Excise Tax

Melanie Arthur 2P
CARTERET COUNTY
MA Date 12/03/2004 Time 15:46:00
GR 1086228 Page 1 of 2

Prepared by: Sydney L. Cummings
Mail after recording to: Sydney L. Cummings
Cummings & Cummings, PLLC
1210 Arendell Street
Morehead City, NC 28557

Parcel # 7306.19.51.5223000
Stamps: \$168.00

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

WARRANTY DEED

THIS WARRANTY DEED, made this 29 day of November, 2004, by Edwin L. Sears and wife, Jean R. Sears, of 2638 S. Alston Avenue, Durham, North Carolina 27713, hereinafter called "GRANTOR", to James A. Edwards and wife, Laurie C. Edwards of Post Office Box 589, Fayetteville, North Carolina, 28302 hereinafter called "GRANTEE;"

WITNESSETH THAT:

GRANTOR, for TEN DOLLARS (\$10) and other valuable consideration, hereby acknowledged as paid and received, has bargained and sold, and by these presents does grant, bargain, sell and convey in fee simple (subject to limitations, conditions, and provisions - if any - listed below) to GRANTEE, his heirs and assigns, certain land described as follows:

North Carolina Carteret County Beaufort Township

BEING all of Lot 7, Block 5, according to a map of Highland Park Subdivision duly recorded in Map Book 1, Page 99, Carteret County Registry, together with all improvements located thereon, reference to said map being made for a more particular description; and being the same property conveyed to the parties of the first part by deed recorded in Book 701, Page 105, Carteret County Registry.

This conveyance is made subject to all Restrictions and Easements of record, if any.

(3)

BOOK 1086 PAGE 228

TO HAVE AND TO HOLD (subject to limitations, conditions, restrictions and provisions - if any - listed above), said land, and all privileges and appurtenances thereto belonging, to GRANTEE, his heirs, successors and assigns, forever.

And GRANTOR covenants with GRANTEE 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 of all encumbrances (Except those - if any - listed above), and that he does hereby forever warrant and will forever defend the same against the lawful claims of all persons whomsoever.

Wherever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders as the context may require.

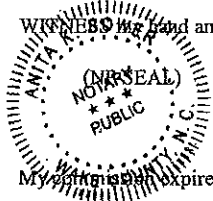
IN TESTIMONY WHEREOF, GRANTOR has signed and sealed this Deed.

Edwin L. Sears (SEAL) Jean R. Sears (SEAL)
Edwin L. Sears Jean R. Sears

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Anita K Bower, a Notary Public of the County and State aforesaid do hereby certify that and Edwin L. Sears and wife, Jean R. Sears personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESSED my hand and Notarial Seal, this the 29 day of November, 2004.

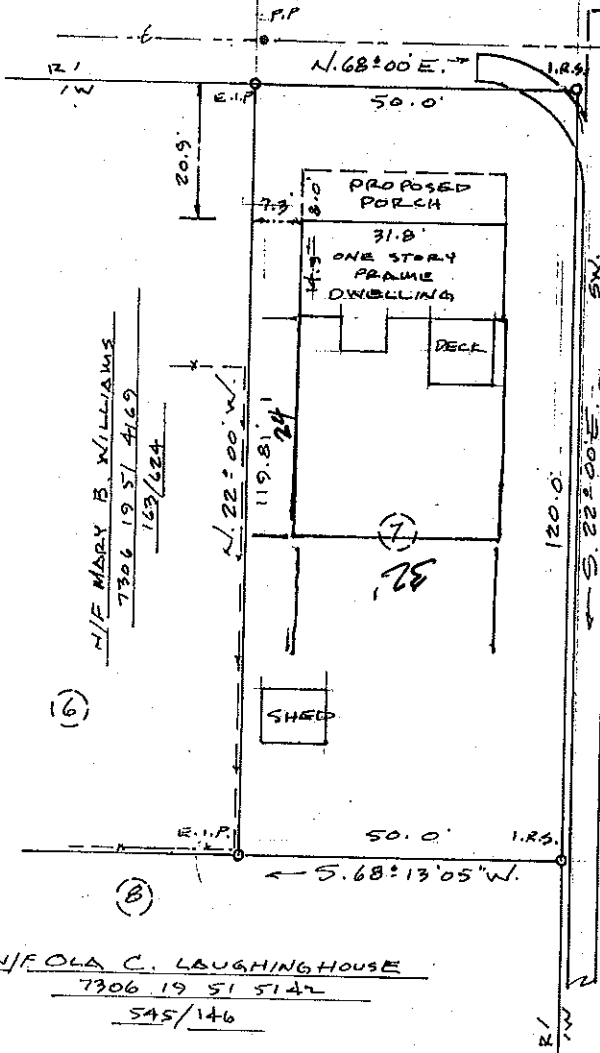
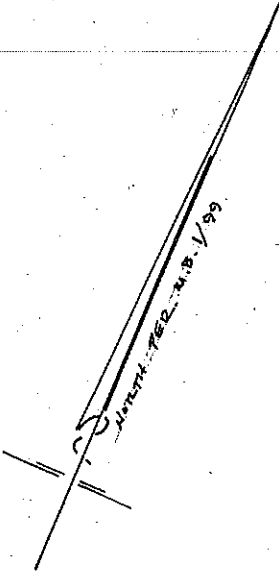


Anita K Bower
Notary Public

My notary seal expires: 05/30/2009

BOOK 1086 PAGE 228

CRAVEN AVE (60' R/W)



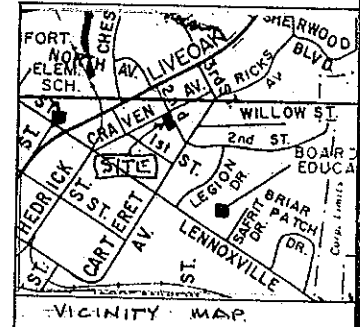
N/F MARY B. WILLIAMS
7306 19 51 4169
159/624

(6)

(B)

N/F OLA C. LAUGHINGHOUSE
7306 19 51 5142
545/146

SECOND ST. (40' R/W)



- LEGEND
- R/W = RIGHT OF WAY
 - N/F = NOW OR FORMERLY
 - P.P. = POWER POLE
 - E- = ELECTRIC POWER LINE
 - SW. = SIDEWALK
 - M.B. = MAP BOOK
 - E.I.P. = EXISTING IRON PIPE
 - I.R.S. = IRON ROD SET

214 Craven Avenue Adjacent Properties

Pennington, John Rand Etux Dian
210 Craven Ave

Raines, Nancy A
202 Second St

Mullins, Kimberly A Etvir C
206 Second St

Grassi, Jennifer G
203 Second St

Hassell, Raymond G Etux Susan M
201 Second St

Rouse, Marcus E III Etux Angela
1104 Live Oak Sr

Sewell, John B III Etux B Ellen
1100 Live Oak St

Lewis Properties Beaufort LLC
215 Craven Ave

Sasser, Steven R
213 Craven Ave

Shearin, Woody
1106 Live Oak St



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, April 19, 2021 – Virtual Meeting via Zoom**

AGENDA CATEGORY: Discussion
SUBJECT: Conceptual Plan for Old County Home on Hwy. 101 Property

BRIEF SUMMARY:

Mr. Terry O'pray the owner of the County Home property on Hwy. 101 would like to discuss his concept of a tiny home village on the 1.66 acre property and get feedback from the Planning Board before he continues on this path.

REQUESTED ACTION:

No Action

EXPECTED LENGTH OF PRESENTATION:

15 Minutes

SUBMITTED BY:

Kyle Garner, AICP
Planning & Inspections Director

BUDGET AMENDMENT REQUIRED:

N/A



STAFF REPORT



To: Planning Board Members
From: Kyle Garner, AICP, Town Planner
Date: April 12, 2021
Case No. Conceptual Plan for Old County Home on Hwy. 101 Property

THE QUESTION: Mr. Terry O’pray the owner of the County Home property on Hwy. 101 would like to discuss his concept of a tiny home village on the 1.66 acre property and get feedback from the Planning Board before he continues on this path.

BACKGROUND: The County Home property is on the National Register of Historic Places and has been for sale for several years. It has not operated as a business for at least 8 years. Access is limited to the site via Hwy. 101 as the NCDOT has limited access to the new section of US 70.

Location: 229 Hwy. 101
 Owners: Terry O’pray
 Requested Action: None
 Existing Zoning: B-1
 Size: 1.66 acres
 Amount of Open Space: N/A
 Existing Land Use: Former County Home

SPECIAL INFORMATION: Staff has shared with Mr. O’pray that any significant change in the property would require engineered plans as well as meeting Town Standards and that comments from this Board is not an endorsement of the project but just a discussion.

Also, staff has included a CAMA Land Use map which shows the future land use as low density residential. Mr. O’pray’s letter (Attached) proposes 10 units per acre and would require a Land Use Plan Amendment, Rezoning and Preliminary & Final Plat.

There is no formal decision that needs to be made for this proposal. Mr. O’pray is looking for guidance.

Public Utilities:
 Water: Town Of Beaufort
 Sanitary Sewer: Town Of Beaufort

Page: 1

OPTIONS:

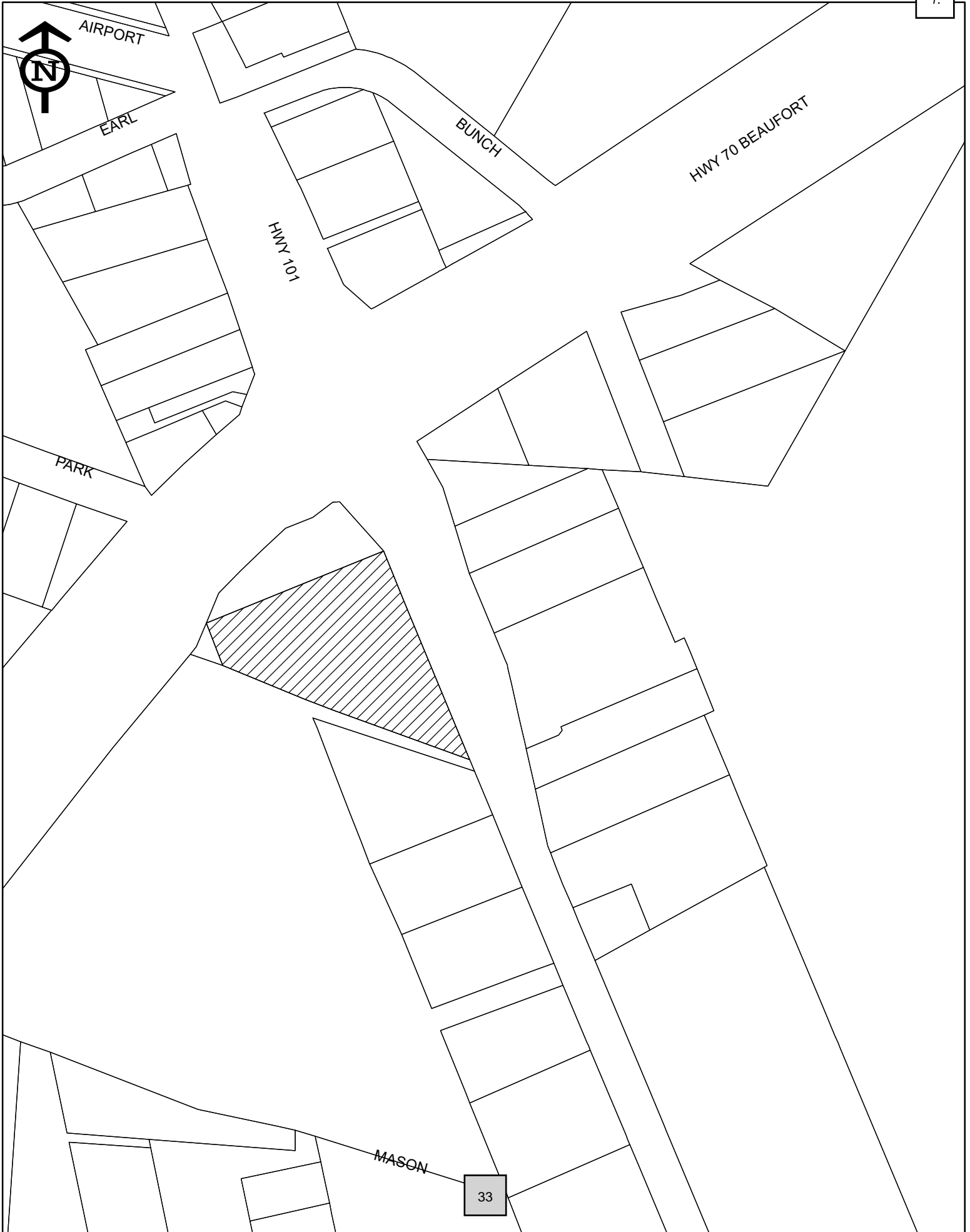
N/A

Attachments:

- Attachment A - Vicinity Map
- Attachment B – Zoning Map
- Attachment C – CAMA Land Use Map
- Attachment D – Mr. O’pray Letter to the Board

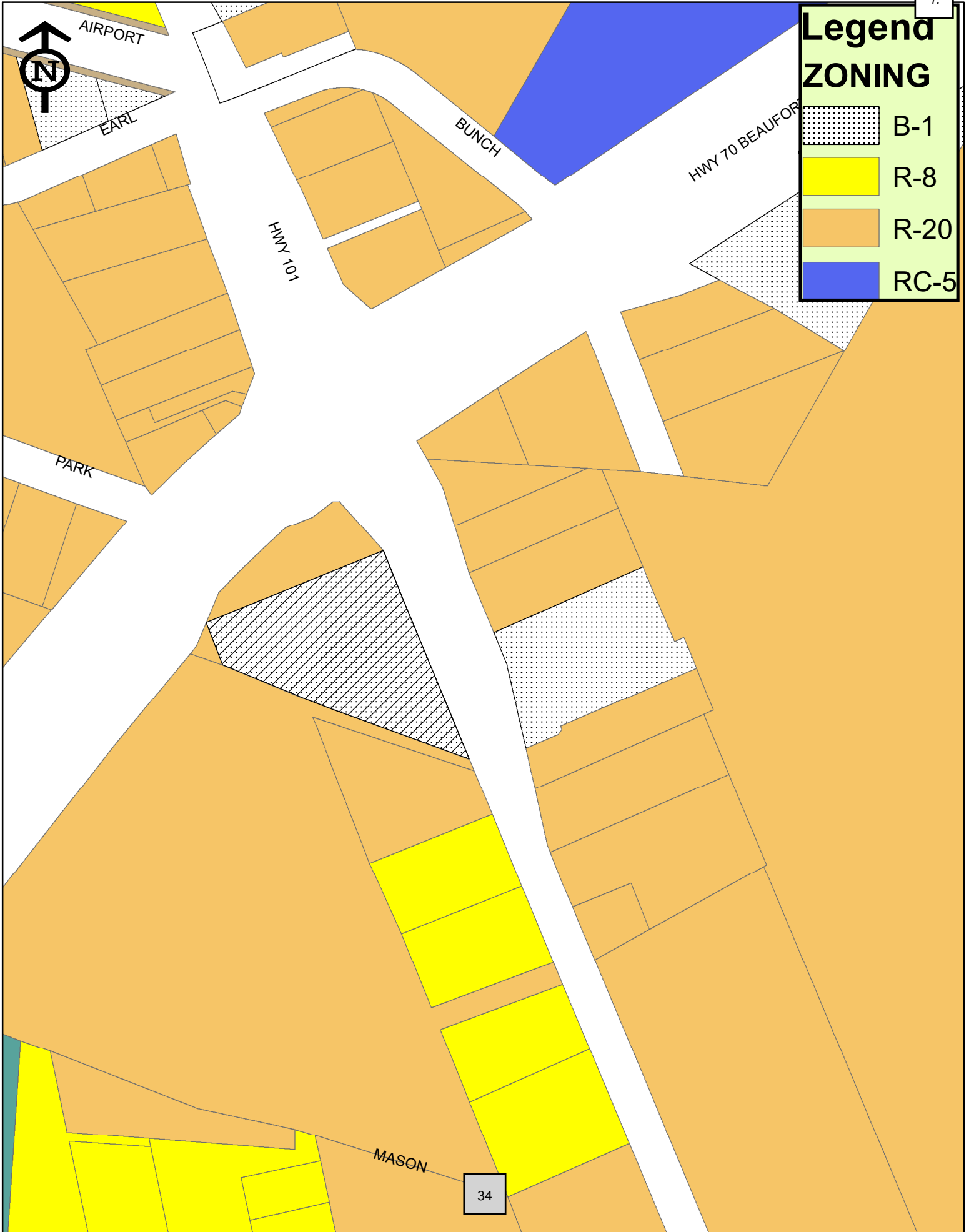
Vicinity Map - Conceptual Plan - County Home Property - 229 Hwy. 101

1.



Zoning Map - Conceptual Plan - County Home Property - 229 Hwy. 101

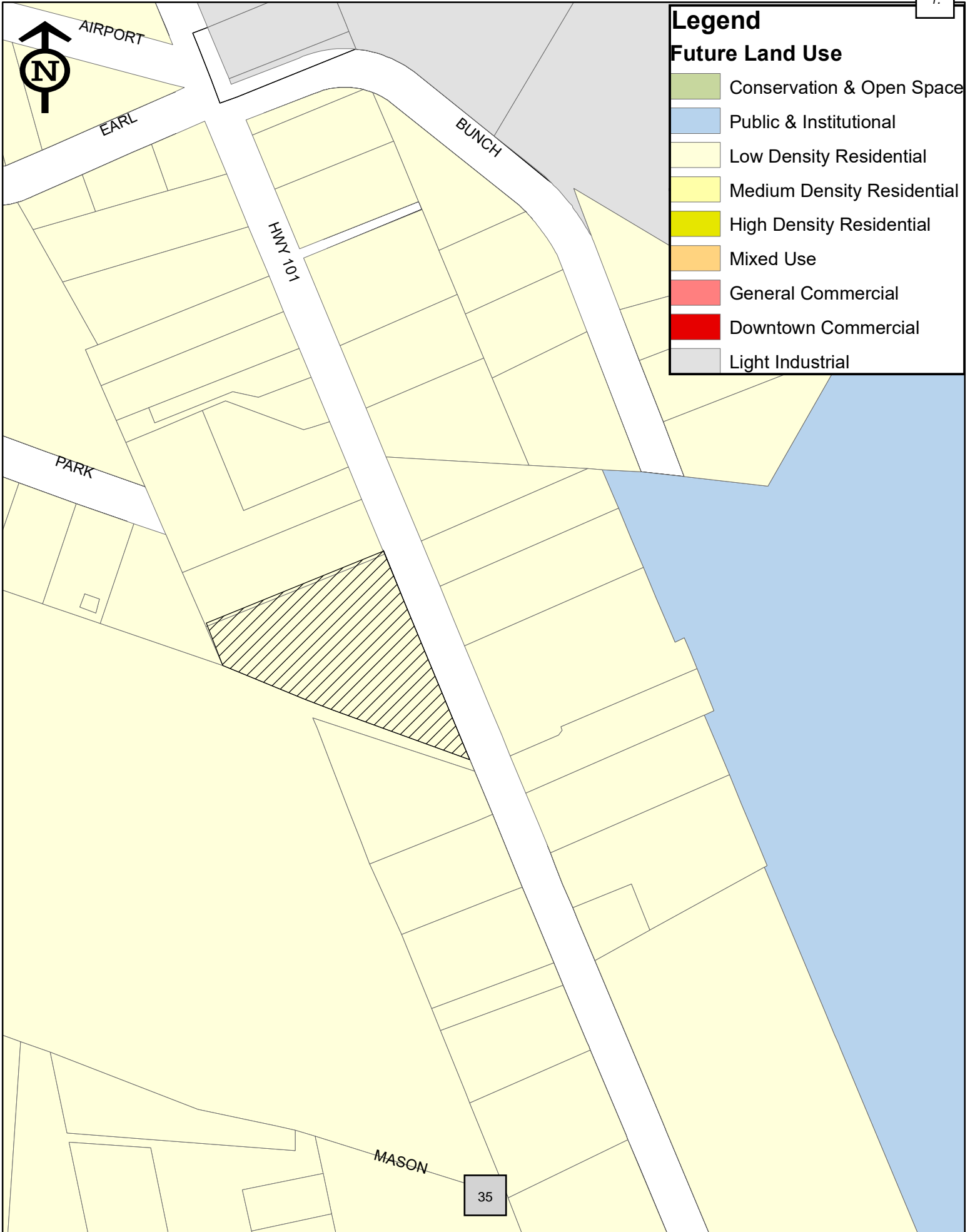
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34

CAMA Land Use Map - Conceptual Plan - County Home Property

1.



PROPOSAL TO AMEND OR MAKE EXCEPTION TO THE BEAUFORT ZONING CODE TO ALLOW A "TINY HOME" DEVELOPMENT

History:

The property at 299 hwy 101 was used as a bed and breakfast for 19 years until the NCDOT began and ultimately completed the hwy 70 bypass around Beaufort. The once peaceful and bucolic country setting enjoyed by many visitors to our town is now akin to front row seats at a NASCAR race. Time and hurricanes have taken their toll and rendered the building uninhabitable and a demolition permit was issued.

Several offers have been made for purchase of the B-1 zoned property but they have been withdrawn due to DOT reluctance to allow sufficient access on hwy 101 for any commercial developments such as convenience store, restaurant, drive-thru, etc.

Proposed:

Fifteen(15) 400 square foot single story, single family residences situated on approximately 2500 s.f. lots on the 1.42 acre property. The common area will be controlled by a HOA at the appropriate time. To accomplish this a change in zoning from the present B-1 to TCA would be needed as well as minor changes to the existing regulations governing TCA.

- Present lot size of 2750 s.f. be reduced to 2500 s.f.
- Width at the minimum building line reduced to 40 feet
- Front and rear setbacks reduced to 15 and 10 feet respectively

Conclusion:

There are a number of tiny home developments in North Carolina and elsewhere. They serve a wide variety of affordable uses such as: employee housing, vacation homes, empty-nesters and retirees wishing to downsize and simplify their lives, entry level first homes for young couples and many more.

This presentation is nowhere complete. There are many issues to resolve. Engineering, infrastructure, utilities, sitework to name a few. However, I am reluctant to expend money and effort if this concept is not at all compatible with Beaufort's vision for the future. I merely request that you look at it with an open mind and give it due consideration.

If there is any interest from the Board, I will proceed to the next phase and submit all applicable documents along with the required fees and, hopefully, mitigate any questions and concerns that arise.

Thank you,
Terry O'Pray