

**THE TOWN OF BEAUFORT
PLANNING BOARD MINUTES
December 15, 2008**

The Town of Beaufort Planning Board held their rescheduled regular meeting on Monday, December 15, 2008 at 6:00 p.m. in the Train Depot on 614 Broad Street, Beaufort, North Carolina. Chairman Doug Doubleday presided.

Members Present:

Doug Doubleday, Chairman
Ann Carter
Ryan Neve
Steve Rice
Bruce McCutcheon, ETJ Member
Steve Valentine, ETJ Member

Staff Present:

Laura Babcock, Deputy Town Clerk
Kyle Garner, Town Planner

Members Absent:

Bob Safrit, Vice-Chairman

I. CALL TO ORDER

Chairman Doubleday called the meeting to order.

II. PLEDGE OF ALLEGEANCE

Chairman Doubleday was joined by those in attendance in the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Member Carter moved that the Board approve the agenda as presented. Member Neve seconded the motion, which carried by unanimous vote.

IV. APPROVAL OF THE MINUTES

Member Neve moved that the board approve the November 17, 2008 Minutes with the recommended changes. Chairman Doubleday seconded the motion. The vote was unanimous.

V. PUBLIC COMMENT

Janet Woodward, 2217 Lennoxville Road, stated that she wanted to talk about vistas. She noted that she understood that the Historic Preservation Commission had tried to pass something to protect the vistas; however, they were unable to do it. Ms. Woodward asked the board if they would entertain creating an ordinance that would protect vistas.

Tony Castagna, 120 Craven Street, stated that he had been out of the loop for some time and he had submitted his survey for the Tree Committee and questioned what the progress was for this project.

Chairman Doubleday stated that the Tree Committee will be giving an update during the Committee Report section of the agenda.

VI. ITEMS OF CONSIDERATION

1. Request from Lynn Eury to rezone 712 Front Street from R-8 (Residential District) to CU-WC (Conditional Use Waterfront Commercial);

Mr. Garner explained that this is the first conditional use rezoning request that the town has had since the ordinance was passed in January. He explained that that the condition is use placed on the property by the applicant and it is usually very specific and can only be changed by another rezoning. Mr. Garner noted that this board will see many more conditional use rezoning requests in the future. He stated that some will be appropriate and some will not. Mr. Garner stated that the town has been working with this applicant for about year to rezone this property. He explained that the applicant's condition on the property is no above ground structures shall be permitted on the property except fences, docks, and boat lifts and the boat lifts must be in compliance with the Town of Beaufort's regulations pertaining to boat lifts.

Member Neve questioned if the Beaufort Easement listed on the survey was a current easement.

Mr. Gamer explained that this is something that the town is working on.

Member Neve questioned how many docks built on this parcel if no conditions were placed on the zoning. Mr. Garner stated that CAMA makes those rules and they are su1 to change over time. Member Neve stated that the number of slips that are there currently are not in compliance.

In response to a question from Member Neve, Mr. Garner stated that the board could not place a condition on the rezoning but they can ask the applicant to place that condition on the rezoning.

Chairman Doubleday stated that about a year ago the applicant was talking about having the dock extended. Member Neve indicated that he would like to have more discussion on this item.

Member McCutcheon questioned if this property is fled in with the easement. Mr. Garner stated that the board would be receiving a similar request from the Town next month.

Member McCutcheon stated that the Grayden Paul Park is already so small and then to add an easement. Mr. Garner stated that the easement would make the park larger.

Member McCutcheon stated that the current zoning ordinance does not allow for building on the south side of Front Street so it would apply to this piece of property. He questioned if the town were to pass this request would the park be allowed to place a bench on the property. Mr. Garner stated that the bench would not be permissible with this condition. He reiterated that these conditions are very specific.

In response to a question from Member Neve, Mr. Garner stated that the future revamping of the Zoning Ordinance will most likely not affect this area. He explained that the two zoning planning

documents that the town uses has this area listed as waterfront commercial; however, this board also needs to balance preserving the vista and the park.

Lynn Eury thanked the board for hearing his request for rezoning. He stated that he bought this property in 1983 and he noted that he and his wife have talked quite frequently about how they would like to see this property used. Mr. Bury stated that the number o slips for boats are grandfathered in and there is a possibility of a possible extension of the slips. He stated that he and his wife would like to see this property utilized by the Town of Beaufort. Mr. Eury stated that when they bought the property they placed a fence around it and over time they have allowed for the Town of Beaufort to use the property while they paid the taxes and maintained it. Mr. Bury explained that they wanted it stipulated that no permanent objects to be placed on the property. He noted that they would like the property to be used for the benefit of the Town.

Chairman Doubleday questioned if the fence would have to remain. Mr. Eury explained that the fence was placed on the property to keep the public from entering the docks. He noted that he would have been unable to get insurance on the property without the fence.

Edith Mason, attorney for Lynn Eury, stated that she was unaware that this was the first conditional use rezoning request that the town had received. She noted that she is familiar with them because Morehead City does quite a few. Ms. Mason stated that this request is not an usual request. She noted that most requests go with the development of certain properties. She stated that the use of the property will not be changing by this request; however, it will be brought into compliance. Ms. Mason also noted to the board that the type questions that the board is asking are inappropriate and the board needs to look at what the request before them is.

In response to a question from Member Neve, Ms. Carter stated CAMA will regulate the docks and ensure that all laws are abided by.

Ms. Mason also stated that she not aware of CAMA laws.

Tony Castagna, 120 Craven Street, stated that this property falls east of the historic district but it is part of the National Historic District. He noted that if the fence was to be replaced he would like to see a Beaufort style fence put in its place. Mr. Castagna explained that because it is near a dock it should be the square picket style. He also noted that he is concerned about providing an easement because it will affect the tax value of the property.

Ms. Woodward stated that if they just donate the land then the vista would be protected. She also noted that concern that citizens are having about the kayak racks located at Fisherman's Park.

Member Carter stated that she does have a concern about the fence.

Mr. Garner stated that the fence would have to be replaced as is. Ms. Mason stated that the applicant would be willing to change the verbiage on the conditions so that fence can be replaced with a more appropriate fence. Mr. Eury explained that their objective is to keep the vista as it is. Member McCutcheon stated that this is an unusual request. He noted that there are already several boat slips already located on this parcel; however, he noted that he feels better about the easement being there and the land being used for a park.

Member Carter stated that the applicant has made every effort to keep the property as it is.

Member Carter moved that the board approve the 1) request from Lynn Eury to rezone 712 Front Street from R-8 (Residential District) to CU-WC (Conditional Use Waterfront Commercial) with conditions that are included in the resolution; and 2) adopt the following resolution. Member Neve seconded the motion, which carried by unanimous vote.

**TOWN OF BEAUFORT PLANNING BOARD
STATEMENT OF RECOMMENDATION ON A REQUEST FOR REZONING**

Applicant:	Lynn Eury
Location:	712 Front Street
Parcel ID:	730505293353000
Lot Size:	0.228 acres
Existing District:	R-8
Meeting Date:	December 15, 2008
Request:	Rezone parcel from R-8 to CU-WC Conditional Use Waterfront Commercial

WHEREAS, the applicant has submitted a request to rezone the above referenced properties to CU-WC; and

WHEREAS, the Planning Board has convened to consider and prepare a recommendation on the request at their regular meeting on December 15, 2008, at which time applicant and/or applicant's representative was given the opportunity to present arguments, and town staff was given the opportunity to comment on the application; and

WHEREAS, the Planning Board has made the following findings and conclusions:

- 1. The proposed rezoning is consistent with the 2006 Core Land Use Plan which designates indicates the property as "Downtown Commercial".*
- 2. The proposed rezoning is reasonable considering the location of the tract and the relationship between other properties zoned similarly.*
- 3. The proposed rezoning advances the public good and furthers the purposes of zoning in that the location of the rezoned parcel will permit appropriate development of a the land.*

NOW THEREFORE, on the basis of the foregoing findings and conclusions, that the Planning Board does hereby recommend to the Town Council that the request for rezoning be APPROVED.

2. Request for Final Plat Approval of Pirates Landing, Phase I and Phase XW;

Mr. Garner stated that this is the final plat approval for Phase I and Phase XIV for Pirates Landing. He stated that this will subdivide a 0.908 acre tract into 8 town lots. Mr. Gamer explained that all improvements except for asphalt paving of the parking area and some sidewalks have been installed and are in compliance with the approved preliminary plan. He noted that an estimate has been submitted to the town by the developers engineer for the incomplete improvements and the developer has provided to the town a certified check to cover the cost of the incomplete improvements while the develop has them installed. Mr. Gamer stated that as-built drawings of

water and sewer improvements have been provided to the Town of Beaufort Public Works Department and Public Works Director John Young has accepted these improvements which are covered by a one year warranty.

In response to a question from Member Neve, Mr. Garner stated that the parking area are owned by the Homeowners Association and will not be turned over to the town.

Member Rice moved that the board approve the request for final plat for Pirates Landing, Phase I and Phase XIV. Member Carter seconded the motion, which carried by unanimous vote.

3. Appointment of a Planning Board Member to the Water Access/Overlook Committee to replace Member McCutcheon.

Chairman Doubleday stated Member McCutcheon will not be renewing his term on the Planning Board which means that he needs to appoint a member to take his place. He stated that he will be appointing himself in Member McCutcheon's place until a replacement for Member McCutcheon can be found.

4. Adoption of the 2009 Yearly Schedule for the Planning Board.

Chairman Doubleday moved that the board approve the 2009 Yearly Schedule as follows. Member Neve seconded the motion. The vote was 6 to 0 with Member McCutcheon abstaining.

*2009 Regular Meeting Schedule for Beaufort's Planning Board
All Meetings will be held at 6:00 p.m. in the Train Depot located at
614 Broad Street, Beaufort, NC*

*Tuesday, January 20, 2009
February 16, 2009
March 16, 2009
April 20, 2009
May 18, 2009
June 15, 2009
July 20, 2009
August 17, 2009
September 21, 2009
October 19, 2009
November 16, 2009
December 21, 2009*

VII. BOARD COMMENTS

Member Carter stated that the Workforce Housing Committee gave their presentation to the Board of Commissioners and it went very well.

Chairman Doubleday stated that he is looking forward to working with everyone next year.

VIII. COMMITTEE REPORTS

1. **Tree Subcommittee Report-Member Neve;**

Member Neve stated that he has Tony Castagna's survey and Member Safrit is done with his survey and they will have a presentation on that. He noted that he has talked with several nurseries and has some pricing information of a memorial marker for former Planning Board Member Jimm Prest. Member Neve stated that funding will be minimal for the town.

2. **Water Access/Overlook Committee-Member McCutcheon;**

Member McCutcheon stated that there are a few updates from the last meeting. He stated that they now have a work crew that will be begin building the kayak racks and they will begin construction this Wednesday.

3. **Neighborhood Plan-Member Neve and Member Rice.**

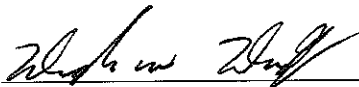
Member Neve stated that he has started the application for the Safe Walking Routes to School grant. He noted that he has met with John Barber and noted that he thinks it is wise to bring in some people from the school system.

VIII. PLANNER'S REPORT

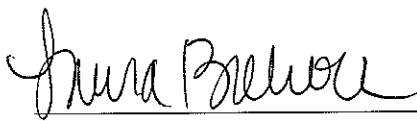
Mr. Garner thanked Member McCutcheon for all his hard work.

IX. ADJOURN

There being no further business, Member Neve moved the Board adjourn, seconded by Chairman Doubleday. The vote carried unanimously.



Doug Doubleday, Chairman



Laura Babcock, Deputy Town Clerk