

BEFORE THE TOWN OF SWANSBORO BOARD OF COMMISSIONERS
IN RE: SPECIAL USE PERMIT APPLICATION OF PRO FORMA WARD FARM LOT 8,
LLC, 1.21 ACRES, WARD FARM TOWN CENTER; 200 WARD ROAD

This case concerns an application for a Special Use Permit brought by Pro Forma Ward Farm Lot 8, LLC, under Section 152.210 of the Zoning Ordinance of the Town of Swansboro. The matter came before the Town Board of Commissioners on October 22, 2024, at a quasi-judicial evidentiary hearing, pursuant to Chapter 160D-405 of the N.C. General Statutes.

Having considered the Application and supporting materials, all other material and statements offered by those testifying in this matter, including the report of the Town's Planning staff, the Board of Commissioners hereby makes the following:

FINDINGS OF FACT

1. This matter represents the consideration of an application for a Special Use Permit (SUP) to construct 16 townhouse dwellings, to be known as "Brezza Lofts" on Lot 8 of the Ward Farm Town Center. The property is a 1.21 acre parcel, and is zoned B-3, *Traditional Business*. Townhome dwellings are allowed in the B-3 zoning district, subject to the approval of a Special Use Permit by the Board of Commissioners.
2. Town Code Section 152.210 sets forth four criteria for granting or denying an SUP. The Board of Commissioners may approve an application for an SUP upon finding that:

(B)(1) The special use is allowed pursuant to Sec. 152.210 and meets all the required conditions and specifications, including, without limitation, those set out in Sec. 152.211; and

- (2) The special use will not materially endanger the public health or safety if located where proposed and developed according to plan as submitted and approved; and
- (3) The special use will not substantially injure the value of adjoining or abutting property, or the special use is a public necessity; and
- (4) The location and character of the special use, if developed according to the plan as submitted and approved, will be in harmony with the land in which it is located. The special use shall demonstrate conformance with the Land Use Plan or other plan in effect at the time and address impacts of the project.
3. Mr. John Plageman, AIA, testified as fact witness in the case to further explain the proposed project and to respond to questions.
 4. Mrs. Suzanne Nelson, MAI, after having been qualified as an expert in the field of real estate valuation, testified with respect to her appraisal of the subject property. Mrs. Nelson's written appraisal report was included in the submitted Application. As noted in the report, and as supported by Mrs. Nelson's testimony, the proposed special use will not injure the value of adjoining or abutting property.
 5. As indicated in the official staff report, and as supported by the testimony of Ms. Rebecca Brehmer, the Town's Planning Director, the proposed special use meets all required conditions, specifications and requirements of the Town, including those in the UDO.
 6. As indicated in the staff report, and as supported by the testimony of Ms. Brehmer, the proposed site plan for the townhouse development was verified by a professional engineer, reviewed by the Town's Technical Review Committee, and confirmed to meet all fire, building code, and other requirements.
 7. As indicated in the Application and Staff Report and supported by testimony of witnesses for the Applicant, the proposed development is consistent with the Land Use Plan, which identifies the Ward Farm area as "Traditional Town Center", calling for a mix of residential, commercial and civic uses, and recognizing Ward Farm as an extension of the Town's downtown area.

Based upon the evidence contained in the Application and Staff Report, testimonial and other evidence received at the evidentiary hearing, and the foregoing Findings of Fact, the Board of Commissioners hereby enter the following:

CONCLUSIONS OF LAW

1. The Applicant's burden is to show that the criteria listed in the Town's Code of Ordinances, Section 152.210 Procedure for Special Use Permits have been satisfied.
2. The Applicant has produced competent, material, and substantial evidence that the proposed special use has satisfied these Code requirements.

DECISION

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and upon a vote of 4 in favor and 1 opposed, the Board of Commissioners of the Town of Swansboro has determined, and rules, that the requested Special Use Permit is hereby Approved.

This _____ day of _____, 2024

John Davis, Mayor

Attest:

Alissa Fender, Town Clerk