

Jeff Wenzel  
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Pamala Hall  
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Councilmember

Dexter Sholar  
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Councilmember

Thomas Hedrick  
Councilmember

# *Town of Holly Ridge*

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Heather Reynolds, CMC  
Town Manager

Tracy Martin  
Deputy Town Clerk

## **HOLLY RIDGE BOARD OF ADJUSTMENT MEETING AGENDA March 23, 2021 6:00pm**

1. Call to Order
2. Pledge of Allegiance
3. Adoption of Agenda
4. Approval of February 23, 2021 Meeting Minutes
7. New Business
  - A. Special Use Permit Request  
**Buckhorn Development—Hwy 17  
Expansion of 20 units to townhouse development**
8. Board Questions/Comments
9. Adjournment



**Planning & Zoning Department  
Staff Report  
Special Use Permit  
Board of Adjustment Meeting Date:  
March 23, 2021**

Buckhorn Development, owner/applicant, is requesting an amendment to a previously issued Special Use Permit in order to add 20 additional units to an approved Multi-Family Residential Development located on US 17.

<p><b>Applicant:</b> Buckhorn Development</p> <p><b>Property Owner:</b> Buckhorn Development</p> <p><b>Parcel ID#:</b> 029930 (Map #734-115)</p> <p><b>Current Zone:</b> Neighborhood Business (NB), R-15</p> <p><b>Acreage:</b> 4.83</p> <p><b>Number of Properties:</b> 1</p> <p><b>Board of Adjustment Action Required:</b> Yes</p> <p><b>Town Council Action Required:</b> No</p> <p><b>Actions:</b></p> <ol style="list-style-type: none"><li><b>1. Approve or Deny</b> of the proposed Special Use permit for an extension of a MFR development, as present in the Staff Report or with changes.</li><li><b>2. Continue</b> to a future date to obtain additional information or to further consider information presented. The next available meeting date is April 27, 2021.</li><li><b>3. Determine</b> findings in granting approval or denying proposal.</li></ol>	<p><b>Current Zoning:</b> Neighborhood Business (NB) and a small area of R-15.</p> <p><b>Relevant History:</b> All parcels abutting this parcel are zoned MFR, R-15, NB, and OAR.</p>
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## OVERVIEW

The applicant is requesting a Special Use Permit in order to expand a previously approved Multi-family Development. The applicant plans to add an additional 4 buildings consisting of 20 units to the previously approved 11 buildings and 57-unit multi-family development. In total, the development will have 15 buildings and 77 dwelling units. The original SUP was approved on June 25, 2019.

The property is split zoned as Neighborhood Business (NB) and R-15. Multi-family development is permitted in the NB district as a "Special Use" which requires approval by the Town's Board of Adjustment.

Only a small portion of the tract is zoned R-15; the portion of which does not include any of the proposed Multi-family Development. The application was submitted by the property owner.

The proposal, provided below and attached, is in accordance with the dimensional and open space requirements outlined in the Town's Zoning Ordinance. Several additional items must be addressed prior to issuance of a building permit. Those items are outlined in the next section of the staff report.



In order to facilitate the proposed expansion and comply with the density requirements found in the Town's ordinance, the owner purchased an additional 2 acres from the neighboring property, which currently is the restaurant Smoky Tony's.

The previously approved SUP was based upon the site plan illustrated below:

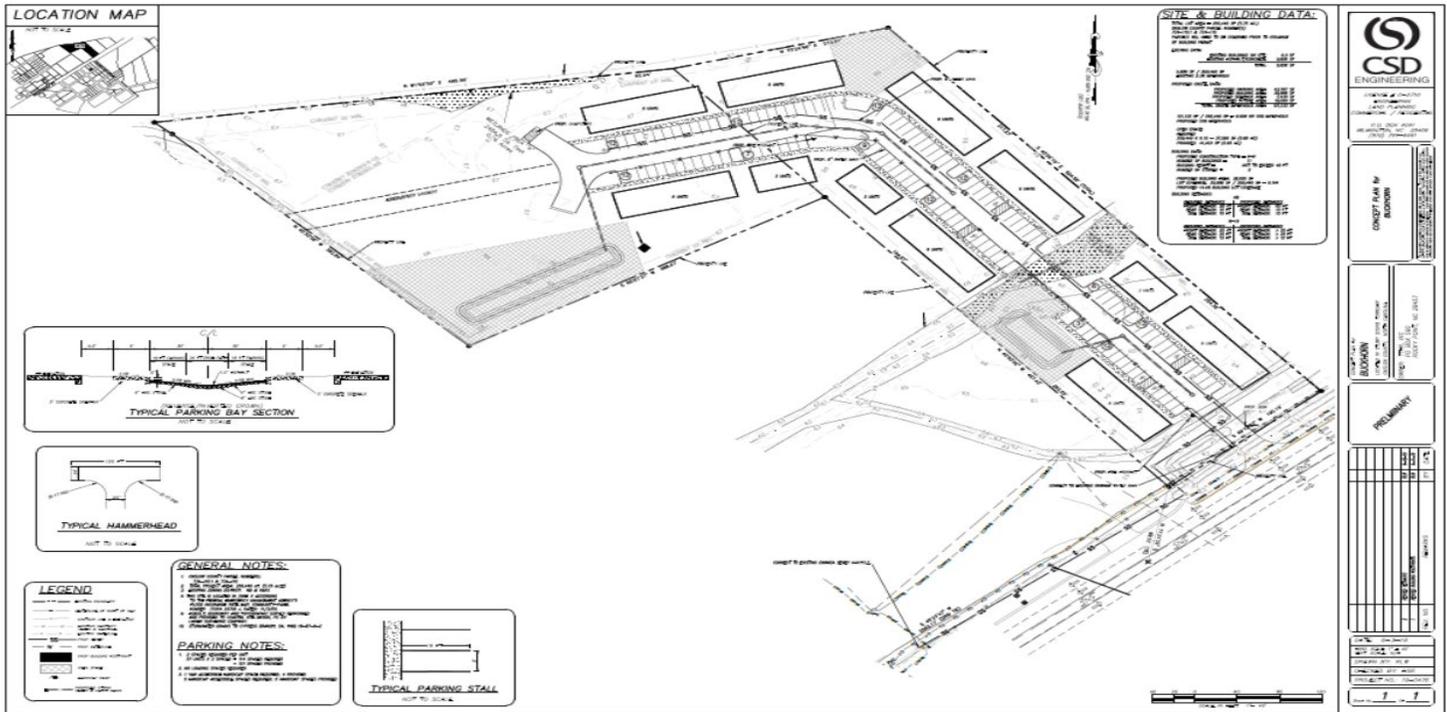


Figure 2—Previous Site Plan



Figure 3—Aerial

The property in question, with the additional 2 acres, has been combined but currently has not been updated on the Onslow County GIS mapping system. The development acreage as a whole has yet to be combined, as was a noted condition for the development's previous SUP approval. The current zoning of the property also remains as it was during the previous consideration.

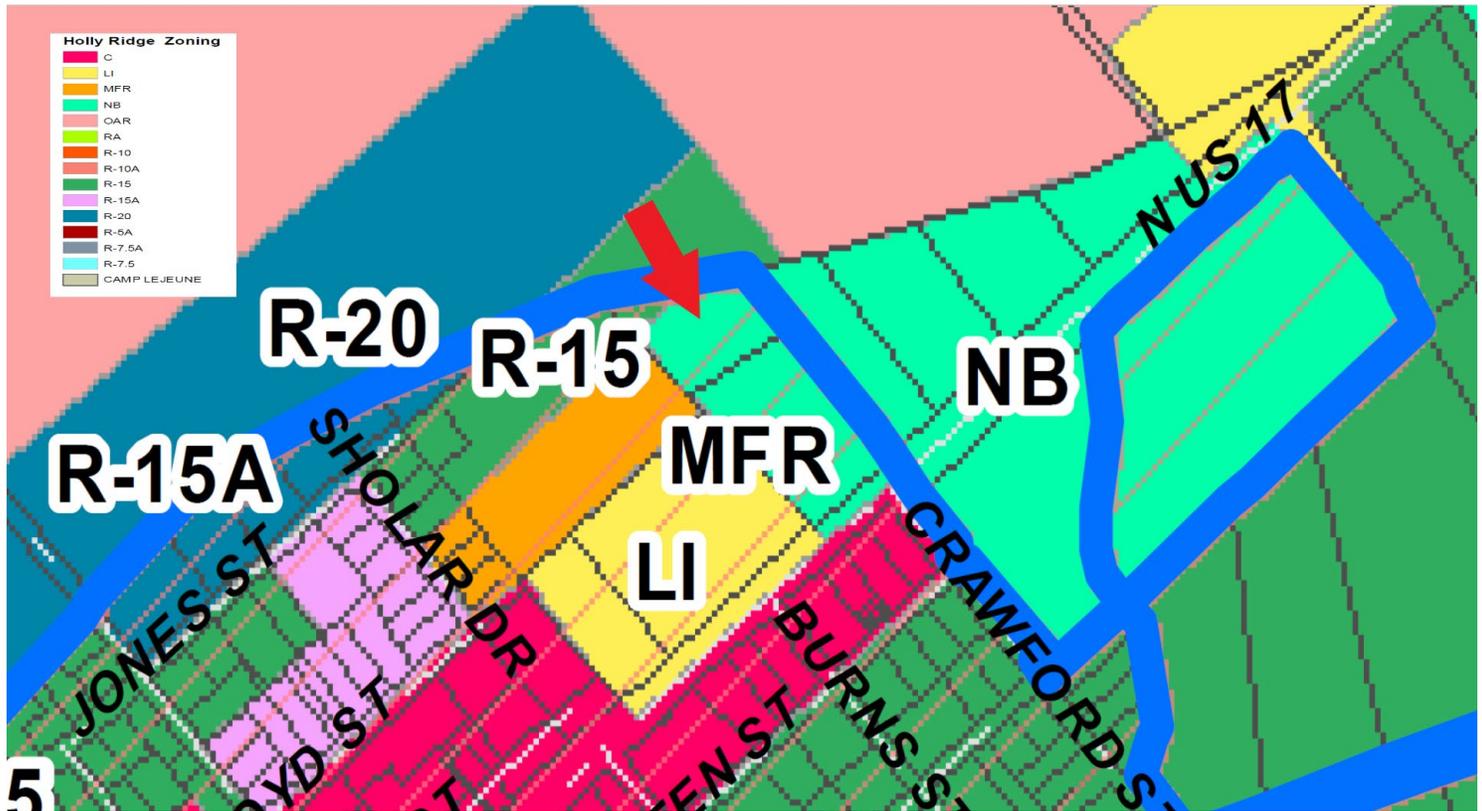


Figure 4—Current Zoning

**SPECIAL USE PERMIT REQUIREMENTS**

Because the proposal requires a Special Use Permit, additional considerations must be taken into account by the Board of Adjustment. In particular, per Section 7-5-10, the Board must make an affirmative finding of each of the following items prior to issuance of the Special Use Permit. Staff has provided some guidance for each item; however, the applicant is responsible for the burden of proof in establishing each item below has been duly addressed.

- (1) That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved.

**The proposed use is located in close proximity to military training operations that may result in incompatible land use development. However, there are no restrictions related to residential development on this tract. Staff is not aware of any immediate dangers to public health as a result of this proposal. Included with this report is correspondence supporting this from the military base.**

(2) That the use meets all required standards set forth in this Ordinance.

**The proposed use meets all of the required standards of this ordinance. However, prior to issuance of a building permit the applicant will be required to provide the following:**

- a) A plan and HOA documentation for solid waste storage and upkeep and maintenance of common open space. A copy of the maintenance agreement must also be submitted.**
- b) An approved NCDOT Driveway Permit has been secured with work yet to be completed**
- c) An approved NC Stormwater Permit; modification and approval of the previously approved permit would need to be completed**
- d) Recombination plat to combine the property into one tract**
- e) Required approval of the water and sewer system from ONWASA as indicated by the included correspondence**
- f) Per Fire Chief and Town Building Code, hydrants must be spaced no greater than 300 feet.**

**If the proposal is approved the conditions above should be included.**

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

**Most of the parcels in the immediate proximity are zoned for non-residential uses with no established neighborhood susceptible to damaged property values. A parcel zoned Multi-Family Residential abuts the rear northwest corner of the tract. If the Town supports a diversity of housing options, then the proposed use could be considered a public necessity.**

(4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.

**A restaurant use adjoins the site. Other more intensive uses compatible with Multi-Family Residential development are located in close proximity. If the Town desires additional retail and commerce development, more residential development (such as multi-family), will support this goal.**

**The Town's Future Land Use map contained in the Comprehensive Growth Strategy Plan identifies this property for future "Commercial" use. The proposed density of the project could be considered more in harmony with the "Commercial" designation of the future land use map rather than a "Low Density Residential" classification.**

The future land use designation of the site is primarily “Commercial,” with a small portion of “Low Density Residential.”

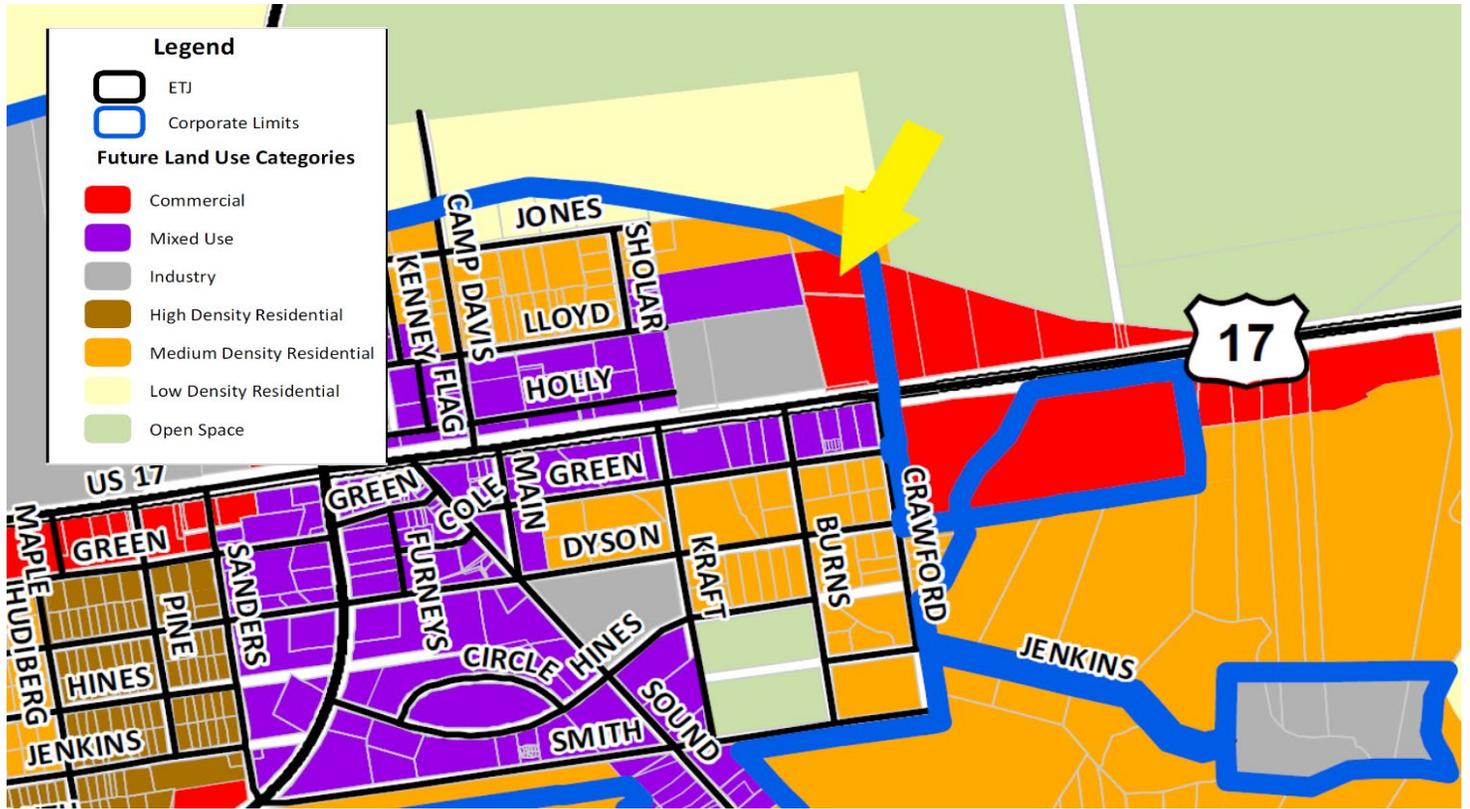


Figure 5—Future Land Use

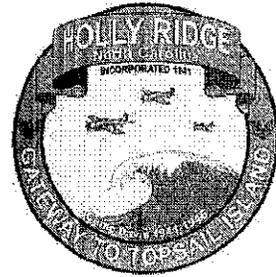
## **BOARD OF ADJUSTMENT ACTION**

The following sequence should be utilized during the Special Use Permit quasi-judicial hearing:

1. Chair opens hearing and announces case.
2. Witnesses are sworn in.
3. Staff gives summary overview the case.
4. The applicant presents case, documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
5. Objectors present case (if present), documents, evidence, witnesses. BOA may ask questions. Chair allows cross-examination.
6. Applicant's rebuttal (if applicable).
7. Objector's rebuttal (if applicable).
8. Chair summarizes evidence and excludes hearsay, opinion. BOA may add/clarify.
9. Deliberation and determination of facts and conclusions.
10. Motion and vote on each of the four findings below:
  1. That the use will not materially endanger the public health or safety, if located where proposed and developed according to the plan submitted and approved.
  2. That the use meets all required standards set forth in this Ordinance.
  3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
  4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Holly Ridge Comprehensive Plan.
11. Hearing closed.

# Town of Holly Ridge

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## SPECIAL USE PERMIT APPLICATION

Town of Holly Ridge Zoning Ordinance

3/1/21 029930  
Date of Application Application Number Parcel ID Number  
Name of Owner/Applicant : BUCKHORN DEVELOPMENT, INC  
Mailing Address : PO BOX 590  
Street Address : \_\_\_\_\_  
City, State, Zip : ROCKY POINT, NC 28457  
Telephone : 910-617-0995 Alternate: \_\_\_\_\_  
Description of Proposed Use : Increase Buckhorn subdivision from 57 to 77 lots

Zoning District : \_\_\_\_\_ Conditional Use Fee : 300-

I certify that the above information is true and accurate.

Owner/Applicant Signature : \_\_\_\_\_

Owner/Attorney in Fact

Supporting data and information shall include a Site Plan in addition to the application fee as set out in the Schedule of Fees, as adopted. Application must be submitted to the Holly Ridge Planning/Zoning Department.

Date received : March 2, 2021

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

**A FEE WILL BE REQUIRED AT SUBMISSION OF THIS APPLICATION PER CURRENT ADOPTED FEE SCHEDULE.**