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Greg Hines  
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Councilmember

# *Town of Holly Ridge*

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## **TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES December 21st, 2021 6:00 P.M.**

### **Call to Order**

The meeting was called to order at 6:00 PM. Members present were John McIver, Toni Hardin, Dave Mosey, and Nicholas Tripp. Also present was Nathan Rhue and Marsha-Gray Kircher from the Community Development Department. Applicant representative Jonathan McDaniel from Tidewater Associates, Inc was also in attendance.

### **Invocation and Pledge of Allegiance**

Board paused for a moment of silence. John McIver led the Pledge of Allegiance.

### **Adoption of Agenda (Additions and/or Deletions)**

A motion was made by *Dave Mosey* and seconded by *Toni Hardin* to adopt the agenda as is. *All Agreed.*

### **Adoption of 2022 Planning Board Meeting Schedule**

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to adopt the 2022 Planning Board Meeting Schedule as is. *All Agreed.*

### **Adoption of Minutes**

A motion was made by *Dave Mosey* and seconded by *Toni Hardin* to adopt the minutes from Planning Board Meeting held on October 19<sup>th</sup>, 2021. *All Agreed.*

### **New Business**

#### **Preliminary Plat – Folkstone Woods**

Presented by Nathan Rhue – preliminary plat review for the expansion of existing subdivision, majority of which is already under construction. The applicant is Tidewater Associates, Inc; Jonathan McDaniel is present on behalf of the applicant. The owner of the property is Folkstone RP, LLC, which is identified as parcel number 154331, approximately 6.01 acres and currently zoned R-15. The property in question is The Landings at Folkstone off Folkstone Road, which neighbors The Village of Folkstone. The particular piece of property where the preliminary plat is under consideration would be called Folkstone Woods and is bordered by Pamlico Drive and Currituck Drive. The Village of Folkstone is single family dwellings, and The Landings at Folkstone is duplexes, multi-family dwellings.

Nathan Rhue explained to the Board that the whole Landings of Folkstone development was previously approved as a master plan back in 2011. During that course of time multiple preliminary and final plats were approved for this whole subdivision in multiple phases. Majority of this subdivision is already occupied dwellings, with other duplexes currently under construction towards the rear of the subdivision. Nathan Rhue presented a picture of the master plan to the Board, presenting the portion that is under consideration – which showed that it was part of the master plan, identified as future development, and approved.

Nathan Rhue mentioned to the Board that the preliminary plat went through the TRC Committee (Technical Review Committee). Onwasa - approved the Folkstone Woods plan and stated that they could proceed with this project. NCDOT – this is not a DOT road, but Folkstone Road is. The original design that was submitted would not be recommended due to safety concerns due to how close the intersections were to Folkstone Road, and the traffic. The alternate design would be more favorable. No comments were received from the Fire Department, Public Works or Police Department. Even though there were no comments received from the Fire Department – the fire hydrants proposed comply with the Town Ordinance and Fire Code.

Nathan Rhue explained that the proposal for this preliminary does meet the required square footage for the R-15 zoning district, the minimum lot size of 15,000 square feet. The use appears to comply with the master plan, the street widths, buffering would be provided by the wetlands – therefore they would also comply. Nathan Rhue mentioned to the Board that according to the Town’s subdivision ordinance, in Section 8-36.9(E)(3) states that “intersections with arterials, collectors and thoroughfares shall be as required by the North Carolina Department of Transportation. . .”. Additionally, Section 8-36.9(E)(4) states that “no two (2) streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from center line to center line

at the intersections.” Nathan Rhue mentioned that this does not comply with this section of the ordinance – the proposed intersection is less than 400 feet.

Nathan Rhue explained that looking at the site plan as a whole, as far as a recommendation, it is a difficult thing to provide the required separation because of the amount of wetlands that exist in the area. In addition, NCDOT comments related to the intersection, originally proposed to have shared driveways coming right off onto Folkstone Road, which NCDOT definitely did not want, especially with the new school that has been constructed down that road. NCDOT has worked with Tidewater and has agreed to the alternate design being more favorable due to the new school, and safety concerns and additional traffic. Another aspect related to the roads being the proposed cul-de-sac has a radius of 35 feet, 70-foot diameter, per the Town Ordinance and required Fire Code, the minimum is a 96-foot diameter for a cul-de-sac. Nathan Rhue mentioned that there are other options like a hammerhead for example, but wanted to bring it to the Planning Boards attention.

Nathan Rhue discussed the previous design with the two intersections on Pamlico and Currituck that NCDOT denied, and the alternate design with the cul-de-sac. Tidewater Associates did propose coming off Pamlico and doing a cul-de-sac closer to Currituck, but NCDOT felt that the alternate design would be a more favorable design going forward. Nathan Rhue mentioned that the existing Stormwater permit is invalid – due it being under a new ownership and has not been transferred to the new owner yet. The permit did cover single family and multi-family dwellings on the property. Nathan Rhue mentioned that Tidewater Associates is aware of this, and they have had a state inspector visit the site, and have submitted documents and are currently waiting for the State to provide their review and approval of the Stormwater permit.

Nathan Rhue explained to the Board that staff recommends conditional approval subject to the cul-de-sac be redesigned and approved, and the submission of an updated and approved Stormwater permit as well as any additional conditions that the Planning Board may have. The Planning Board has the authority to approve, approve with modifications, deny, table, or request additional review upon documents being received per conditions before approval.

Chairman John McIver asked if there were any questions from the Board for Nathan Rhue or Jonathan McDaniel. Nicholas Tripp asked for clarification that even if the applicant comes back with a redesign of a bigger cul-de-sac, it would be hard to change the entrance way to meet the Ordinance requirement of 400 feet. Jonathan McDaniel stated that the proposed entrance is as far back as it possibly could be. Jonathan McDaniel mentioned that utilities and grading and drainage design would not change much, it would basically be removing the connection to Pamlico and doing a cul-de-sac; the utilities would still come through the same basic location.

Jonathan McDaniel explained that when they first started designing that they sent NCDOT a proposal showing shared driveways coming off Folkstone Road which was denied and recommended that they do a frontage road; the frontage road design seemed to work until the new school was built, and NCDOT required them to be further back. Nicholas Tripp asked if DOT would allow them to come onto Folkstone Road at all. Jonathan McDaniel answered no. Nathan Rhue added that in addition to the school, it would be under 800 feet to the traffic light – therefore NCDOT is concerned with the congestion it would cause to have a direct or closer connection to Folkstone Road. Jonathan McDaniel mentioned that NCDOT is in favor of the alternate design presented due to it being the last section of the 230-acre subdivision to be completed. Nicholas Tripp asked if it would be an issue to increase the size of the cul-de-sac because it is already close to an easement. Jonathan McDaniel

stated that it is close to the 25-foot setback, but they could adjust it by tweaking the lot lines but would be the same overall concept.

Nicholas Tripp stated that the biggest thing is that it does not meet the 400-foot requirement per the Town's Ordinance, which is the biggest challenge. Dave Mosey asked if a previous slide stated that this did not meet the master plan. Nathan Rhue replied that this did meet their master plan that was previously approved; due to it being proposed for future development. Nicholas Tripp stated that it sounded like the original plan was for it to come off Folkstone Road originally until things got changed. Jonathan McDaniel answered the master plan of that area was included but there was not a design for this particular section. Jonathan McDaniel mentioned that the wetlands have always been there, so this piece has always been locked in; always needed to be some kind of connection. Nicholas Tripp asked when the master plan was approved. Nathan Rhue responded 2011.

Chairman John McIver stated that the biggest hold up appears to be the 400 feet requirement and asked if there was no way to adjust that. Jonathan McDaniel stated no because of the wetlands, and that they could not apply for a wetlands impact because they are considered conserved wetlands per the Army Corps of Engineers permit. Toni Hardin stated that would be a very expensive permit. Jonathan McDaniel mentioned that due to the way that the permit is set up, and the other existing wetlands crossings throughout the neighborhood, these particular wetlands were considered as conserved.

Chairman John McIver asked if there was any additional discussion on this, if not they need a motion.

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to deny the preliminary plat submitted due to it not meeting the requirement of the Town's Ordinance. *Nicholas Tripp and Dave Mosey Agreed, Toni Hardin did not.* Deny motion carried.

Nathan Rhue asked the Board if they had an alternative. Nicholas Tripp stated that he is land-locked and could not get a special use permit, that the only alternative would be a text amendment. Nathan Rhue responded that in this particular case there may be the basis for a variance on this because of the situation of the land. Nathan Rhue mentioned that the Planning Board has the authority to eliminate the step of the applicant needing to return to the Planning Board if a variance be approved and granted by the Board of Adjustment.

Toni Hardin mentioned that staff recommended approval with the conditions that the cul-de-sac be enlarged and the updated Stormwater permit. Nathan Rhue responded yes. Nicholas Tripp stated that even with those changes it would not fix the 400-foot requirement per the Town Ordinance. Toni Hardin stated that the applicant could go to the Board of Adjustment and ask for a variance. Deny motion from Planning Board was carried.

### **Persons wishing to address the Board**

There were none.

### **Staff Updates**

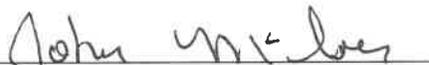
Staff wished the Board a Merry Christmas.

**Board Member Questions or Concerns**

Chairman John McIver asked if staff knew what was happening to the land next to the used car lot on Hwy 17 N going towards Jacksonville. Nathan Rhue responded that the only thing staff was aware of was a proposed church before that particular area. Nicholas Tripp asked how the gas station was coming along. Nathan Rhue responded that they are looking at a March completion date.

**Adjourn**

A motion was made by *Dave Mosey* and seconded by *Nicholas Tripp* to adjourn the meeting at 6:30 PM. *All Agreed.*

  
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John McIver  
Chairman

  
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Marsha-Gray Kircher  
Community Development Department