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TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES May 18th, 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, and Nicholas Tripp. Also, present were Nathan Rhue, and Marsha-Gray Kircher from the Community Development Department. Applicant Chris Buffalino from CKBuff Enterprises, LLC and representatives from Paramounte Engineering were 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 *Toni Hardin* and seconded by *Nicholas Tripp* to adopt the agenda as is. *All Agreed.*

Adoption of Minutes

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* to adopt the

minutes from Planning Board Meetings held on March 16th, 2021. *All Agreed.*

New Business

Zoning Map Amendment – CKBuff Enterprises, LLC.

Presented by Nathan Rhue – A zoning map amendment for three (3) properties located on NC Hwy 50 from R-10A to RA. The request is from CKBuff Enterprises, LLC, Mr Buffalino was present at the meeting, as well as representatives from Paramounte Engineering to present this and answer any questions. The properties are identified by parcel numbers 038331, 038406, and 038314, three properties for a combined total of 10.64 acres. The request from R-10A which is a residential minimum 10,000 sq ft to Rural Agriculture. Paramounte Engineering has submitted a blown-up rendition of what is in the planning board packet illustrating the tracts in addition to an aerial view of the property.

Nathan Rhue explained that the aerial view does illustrate a parcel approximately a little over 21 acres rezoned in May 2020 which was approved by Town Council. For illustrative purposes the area in red are the parcels in questions, which is in the vicinity of Holland's Shelter, Trout Street, Tri-County Electrical Office, as well as T's Food Mart. The current zoning district is R10-A residential 10,000 sq ft, with several other zoning districts in the surrounding area to include R15-A, NB, RA and R5-A. The future land designation for this area does identify the one parcel as commercial with the other two being medium density residential. Nathan Rhue discusses the list of permitted uses that would be allowed in an RA zoning district and reminds the planning board that when considering a rezoning, to take into consideration all of the approved permitted uses versus one particular use for approval or denial.

Nathan Rhue mentioned the guidelines in Section 7-7-4 for the planning board that they are the standards and guidelines that must be considered in making their recommendation to the Town Council.

(A) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories. Nathan Rhue explained that the proposal will place the property in the same category as the parcel located below the subject property, and complimentary categories as well.

(B) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. Nathan Rhue explained that the staff's opinion is that this determination is mixed. The many of the uses within the RA District are for single-family residential uses. There are also many uses that would cater to the public as a whole due to their commercial and/or recreational opportunities.

(C) There is convincing demonstration that all uses permitted under the proposed new district classification are appropriate for the area included in the proposed change. Nathan Rhue explained that this determination is mixed. The surrounding areas include single-family dwellings as well as commercial uses. The permitted uses within the RA District are similar to the R-10A District as it relates to residential dwellings, excluding manufactured home parks within R-10A. There are also commercial uses permitted within the RA District that would be appropriate with the similarly zoned parcel adjoining the parcels in question.

(D) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change. Nathan Rhue

explains that once again in staff's opinion that this determination is mixed. It is possible that uses in both districts – R-10A and Rural Agriculture – could adversely affect the character of the neighborhood. However, the adjoining parcel currently zoned RA would allow for more compatibility for the proposed amendment.

(E) The proposed change is in accord with the Holly Ridge Comprehensive Plan, and any other officially adopted plan. Nathan Rhue explained that the proposed rezoning from R-10A to RA is consistent with the Town's comprehensive plan (Town of Holly Ridge Comprehensive Land Use Plan). The future land use designation for this area is for medium density residential development. The RA Zoning District consists of uses identified with low and medium-density residential developments as well as less intensive non-residential uses.

Nathan Rhue mentioned to the planning board that based on the land use plan, that the staff recommendation is to approve as submitted. The future land use designates it as medium density which the RA district would accommodate for low and medium density and that it would be reasonable and in the public interest because of the permitted residential and non-residential uses would be compatible with the similar uses found in the area. Nathan Rhue asked the board if there were any questions, and that there may be some in attendance with questions. There were no questions from the Board. John McIver asked if there was any comments or questions from those in attendance.

Judy Taylor was in attendance and had some comments and questions. Judy Taylor's family owns property at 160 Trout Street, very close to the properties in question for the rezone. Judy Taylor expressed that her family is concerned that the possible uses of this property are not consistent with the land use plan – that it calls for medium density, but that there are some uses in the RA district that are different from residential, that does allow for some commercial uses. Judy Taylor mentions that the previously rezoned parcel now belongs to Evolve RV of Holly Ridge and is concerned that there is already going to be an RV Park, as it does not seem like a single-family residential use, or a medium density residential use. Nathan Rhue explained that there has been an RV park site plan submitted for the neighboring property. Judy Taylor asked if there is intention to expand into these additional parcels or will these parcels in question just be used as a buffer, or green space related to that project.

Tim Clinkscales from Paramounte Engineering responded and explained that these lots would be for an expansion of the RV park that has already been submitted. There would be a stormwater pond used as a buffer between the RV's and adjacent properties, and that the density would be a little less than it was on the other tract. This would be a low-density stormwater project, so they are only allowed 12% impervious for the existing and the new. It will not be a high-density type of project when it comes to impervious and density of the site.

Judy Taylor mentioned that she is more concerned with the fact that it is a single-family neighborhood that is adjacent to this property once you get up to the Trout Street side. The concern is that they would be introducing a high density commercial use to a medium density residential zoning area, a single family neighborhood. Tim Clinkscales explains that the side Judy Taylor is referring to is where the stormwater pond buffer would be located. With only 12% impervious it would be low density. Judy Taylor mentioned that her concern is that per the Town Ordinance it is only required to have 1500 sq ft per site and only 15 feet between each site. Tim Clinkscales explains that they are bound by that 12% unless they went with an engineered stormwater system which would be high density.

Nicholas Tripp asked for clarification, that the decision made cannot be based on the fact that it is going to be an RV park., that all permitted uses need to be taken into consideration. Judy Taylor explained that her main concern is that she wants the planning board to consider that there is a lot of talk that RA is low density residential, but that it actually allows for a lot of other uses that are not low density residential. Tim Clinkscales asked if there is a way that they could say that certain uses could not be permitted under a general rezoning. Nathan Rhue responded no; it is not possible. Judy Taylor asked if they are planning on having an exit out onto Trout Street. Tim Clinkscales stated that they are not.

Nicholas Tripp asked if the intent would be to combine it all into one tract. Tim Clinkscales explained that is correct, that is the intent, based on the timing of purchasing the original tract, this additional land was not available. There are 30 acres, so that would be approximately 3.5 acres total impervious on a 30-acre piece of property, the rest would be green space and open space. John McIver asked if there were any additional comments or questions from those in attendance, or the board. There were none.

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* to adopt the following statement of consistency: RESOLVED, that the Town of Holly Ridge Planning Board hereby finds the amendment to the Zoning Map is (i) consistent with the Town's comprehensive plan (Town of Holly Ridge Comprehensive Land Use Plan) specifically in that the future designation for this property is for medium-density residential and the RA District affords for low/medium density development; and (ii) that it is reasonable and in the public interest because of the permitted residential and non-residential uses would be compatible with the similar uses found in the area and forwards the included Consistency Statement to the Holly Ridge Town Council. *All Agreed.*

Old Business

Text Amendment Section 7-9-11 – Parking

Nathan Rhue reminded the board of March's meeting with the 160D updates and ancillary updates in the Town's existing ordinances. The planning board made recommendations for the Town Council which they were presented with at their April meeting. The Town Council had asked the planning board for reconsiderations and additional comments. The first item being parking. Town Council had asked the Planning Board to consider specifications for street lighting. At the time the submission to the planning board was based on section 7-9-11.

Nathan Rhue explained that Section 7-9-11 contains requirements associated with parking lots and, currently, does not specify as to whether such lots should be paved. In fact, no specific verbiage exists as to any requirements related to any material being used for parking. During the Planning Board's first discussion on March 9, 2021, Staff submitted the recommendation that regulations be added and proposed a new subsection. At that time, the amendment was presented to state: "In addition to the requirements for parking lots of more than five (5) spaces, where a lot contains 10 or more spaces the lot shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete as evidenced by a sealed statement of a licensed North Carolina Professional Engineer."

Nathan Rhue mentioned that staff recommended this amendment to provide regulations for parking areas to ensure suitable ground cover was provided for future developments. It was Staff's opinion that more permanent materials should be required for parking areas in order to prevent the issues that arise with grass or gravel coverings. Such as mud, rocks, sediment, etc. being transferred to public roads. Additionally, the permanent material could also provide more control for the property's stormwater runoff.

Nathan Rhue explained that the Town Council wanted the Planning Board to consider alternative language to this ordinance as some felt this requirement may be too strict if required at 10 spaces and could potentially hinder future development. This amendment would in no way absolve the installation requirements associated with ADA compliance.

Nathan Rhue discussed the surrounding jurisdictions requirements to include Pender County, Jacksonville, Onslow County and Surf City. Pender County requires five or fewer spaces may be comprised of porous pavers, grid pavers, porous asphalt, pervious concrete, non-compacting gravel, ABC stone or other materials acceptable to the Administrator. More than five spaces shall be sealed by an appropriate licensed professional and paved in accordance with NCDOT base course and pavement surface standards. Jacksonville requires all off-street parking, loading, and vehicular use areas shall be surfaced with asphalt, concrete, brick, pavers, or an equivalent material. Parking areas for Utilities may be surfaced with crushed stone, gravel, or other stable material, provided that such areas are served by a driveway that is paved with asphalt, concrete, brick, pavers, or an equivalent material within 15 feet of the edge of the street pavement.

Nicholas Tripp asked for clarification of parking spaces, does that mean a specific area for an open field, what is classified as parking spaces. Nathan Rhue explains that the zoning ordinances clarifies the parking spaces based on the use, the use dictates the numbers of spaces required. Nicholas Tripp asked if this is for new buildings only or what if an existing building changes it use. Nathan Rhue explained that any use that is in existence before an ordinance is amended can remain, but if the use changes, then they would need to comply with what is required. Nicholas Tripp asked what the Town Council thought about this. Toni Hardin responded that the Town Council is asking the planning board for alternative language and possibly increasing the number of spaces before requiring paving.

Nathan Rhue discussed that Surf City requires all parking facilities containing 25 or more spaces shall be paved with concrete or asphalt material, or with alternative paving material (e.g., concrete pavers, brick, or "turfstone") that exhibit equivalent wear resistance and load bearing characteristics as asphalt or concrete. All parking facilities containing between 5 and 24 spaces, inclusive, may be paved or surfaced with a stone material; provided that all spaces set aside for parking by handicapped persons must comply with all applicable codes, ordinances and technical requirements, and paved access to a handicapped-accessible entrance to the principal building must be provided. Nathan Rhue explained that the Staff's recommendation is for the proposal not the change but does not bind the planning board to any recommendation. Nathan Rhue mentioned that the Staff recommendation is based on the safety aspect of having paved parking lots, aesthetics, and more ability of stormwater control.

Nicholas Tripp mentioned the cost of paved parking lots, and stormwater mitigation, which is a lot of money for a small business just starting up. Nathan Rhue mentioned the state regulation that any time you disturb an acre you are going to require some sort of stormwater

measure. Toni Hardin discussed BUA, and the possibility of the property not having enough land left to pave a parking lot, but that there is an issue around town with stormwater.

Nathan Rhue mentioned that if a large company like food lion comes into town who are going to automatically pave their parking lot, why would they do that, is it for aesthetics or safety, if an outside developer would have that mindset, why would Holly Ridge not also have that mindset. Nicholas Tripp mentions the costs involved but also the benefits. Nathan Rhue mentions to the board that it is all based on the vision of how the board and council want Holly Ridge to grow, not to muscle out the mom-and-pop shops, but there are also other avenues that can be taken. Toni Hardin mentions that large businesses choose to pave their parking lots mainly for liability issues of safety and damage, in addition to aesthetics.

Nicholas Tripp mentions how would highway 17 look if it was all covered with stone and gravel parking lots. John McIver expressed that he personally likes to see asphalt in front of any business. Toni Hardin agreed.

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* to make no modifications to original recommendation as submitted related to development standards for parking lots. *All Agreed.*

Text Amendment Section 8-37.8 – Street Lighting

Nathan Rhue explained that Section 8-37.8 was introduced to the Planning Board and considered on March 9, 2021. Staff was under the knowledge that no street lighting regulations were in place at the time of the proposed submission. Being as Section 8-37.8 was not in existence at the time of submission, Staff proposed the following language for street lighting requirements: “All subdivisions containing 10 or more lots shall provide street lighting in accordance with the specifications of the appropriate provider (Duke Power, Jones-Onslow, etc.).”

Nathan Rhue mentioned to the board that during the public hearing, Town Council questioned the specifics of such an ordinance pertaining to spacing, types of lighting, responsibility of expenses, etc. The have requested the Planning Board consider this ordinance to determine what, if any, specific requirements should be included as well. Further research by Staff found that a Town policy currently exists regulating and requiring street lighting. This policy was subject to discussion before Town Council on February 12, 2013 where it was unanimously approved and adopted.

Nathan Rhue discussed the current existing street lighting policy with the board.

1. Policy Purpose

This policy sets the standards and guidelines for the Town of Holly Ridge pertaining to the installation of streetlights for the purpose of traffic and pedestrian safety.

2. Coverage

This policy applies to all public rights of way within the town limits of Holly Ridge.

3. Standard Street Lighting

A. Standard streetlight shall be a high-pressure sodium lamp, cobra fixture, mounted overhead on a free-standing pole (wood, metal, fiberglass, etc.) in compliance with either Jones Onslow Electric Membership Corporation or Progress Energy and approved by the Town.

B. Streetlight spacing shall be at 300-to-500-foot intervals in residential areas.

C. A streetlight will be installed only at the intersection if the length of the street is less than 350 feet.

D. Vertical or horizontal street alignment or other physical features may require installation of a streetlight less than 300 feet from another streetlight.

4. Street Lighting in New Developments

A. The developer or owner of a subdivision shall be required to install underground wiring for street lighting along all proposed streets in compliance with either Jones Onslow Electric Membership Corporation or Progress Energy and the Town of Holly Ridge standards at the developer's or owner's expense.

B. Plans shall be submitted for review and approval by the Planning Department.

C. Developer shall guarantee streetlight work not completed at the time of final plat through a performance bond.

D. The Town will assume responsibility of the street lighting when the street is accepted onto the Town's street system.

5. Additional Street Lighting

If a developer of a subdivision or an existing subdivision desires additional street lighting beyond the Town's standard lighting, the lighting plan shall be approved by the Town. The installation, operation and maintenance of the additional street lighting shall be the sole responsibility of the developer or homeowner's association.

6. Private Streets

Developers of private streets shall be required to install street lighting. The street lighting shall be in compliance with this street lighting policy. The installation, operation and maintenance of street lighting along the private streets shall be the sole responsibility of the residents or property owners along the streets. The responsibility of the residents or property owners shall be described in the articles of incorporation of the development or homeowner's association.

7. Conformance

Lights that are not in conformance with the standards of this policy but are installed prior to the adoption of this policy by developers shall be exempt and may become the responsibility of the Town upon adoption of the streets.

8. Approval

Under no circumstances will the Town take responsibility for any lights installed that are not approved by the Town.

Nathan Rhue explains that all of these requirements would need to be submitted to the Town just like all other requirements in a preliminary plat such as street width. Nicholas Tripp asked if the developer has made it greater than 500 feet, and the roads were accepted by the Town, would the Town be obligated to add additional lighting to meet the requirement of 300-500 ft interval. Nathan Rhue responded that he would need to address that with someone else.

A representative from Paramounte Engineering asked for Staff's interpretation as it would pertain to their proposed project with private street networks – would they require streetlights or lighting of their choice. Nathan Rhue responded that the private use of the project – they could install their own choice of lighting. Town Council want to provide street lighting for residents – Summerhouse, for example have chosen fancy street lighting, but do not want to have the burden of using taxpayer's money for more than a basic lighting of the streets.

Nathan Rhue explained to the board that when this policy was submitted previously, Section 8-37.8, and the only verbiage that was in there was "all subdivisions containing 10 or more lots shall provide street lighting in accordance with the specifications of the appropriate provider (Duke Power, Jones-Onslow, etc.)." What is being recommended now from Staff, is to

make no changes to the current policy and to amend the previously submitted Section 8-37.8 to read “All subdivisions shall provide street lighting in accordance with the Town of Holly Ridge Street Lighting Policy.”

Toni Hardin asked for verification that this policy does not pertain to the ETJ. Nathan Rhue responded that is correct. Toni Hardin asked if there is no HOA developed for a subdivision, then there would be no legal requirement for street lighting. Nathan Rhue responded that if the property is in the ETJ, that the Town probably would not take over those roads. Toni Hardin mentions that the Town is trying to put that restriction of private streets. Nathan Rhue explained that the Town already has standards on the streets, they have to construct the streets to the current road improvement policy.

Nicholas Tripp asked what the Town Council would like the board to do. Nathan Rhue explained that at the time the verbiage was for any subdivision that had 10 or more lots shall provide street lighting. Town Council wanted specifics, which they already had in the policy that has been adopted since 2013. Nicholas Tripp asked if this all circles back to 160D. Nathan Rhue responded that it was at the same time, in the same meeting, but that these amendments have nothing to do with 160D and are not required. Toni Hardin stated that she does not think that Town Council knew of this existing policy, and that the planning board would recommend that they review it as submitted. Nicholas Tripp asked if the board should give Town Council an opportunity to review it before changing verbiage.

Nathan Rhue explained to the board that they can review it and if they would like to change something and make a recommendation to the Town Council that they can. Nicholas Tripp discussed that the board has an opportunity to review this policy and update it since 2013, and then give Town Council an opportunity to review the board’s recommendation. John McIver expressed that he has one observation – 300 feet is the length of a football field, that is a long way between lights if someone needs to walk down the street after dark, and that if it is 500 feet that he would not want his wife to be walking in the dark and lights are at 500 foot intervals.

Nicholas Tripp asked if they should change the text to state the distance be 300 feet instead of 300-500 feet. John McIver agreed with 300 feet. Nathan Rhue mentioned that another option is to include lighting at intersections, like Jones Onslow, they have a street light at intersections, in this policy it states that “a street light will be installed only at the intersection if the length of the street is less than 350 feet.” Toni Hardin mentioned that it is possible to get a street light installed in your hard through Jones Onslow, like her father did. Nathan Rhue said that is always an option, but that it is in your yard, but what the policy is referring to is in the right-of-way, as far as the policy is concerned to allow street lighting along the roads.

Toni Hardin asked if there is any guidance for any of the electric companies, how far apart they recommend installing the street lights. Nathan Rhue responded that they do not have a formula, but that they generally put one per 5 to 6 people. For example, Holly Hills, if you have lots that are on average 50 foot wide, if you take 5 of those lots, you are looking at a light at approximately every 250-300 feet. Toni Hardin made the comment that it would appear the Jones Onslow can comply with a street policy from Jacksonville, they could also do that here in Holly Ridge. Nathan Rhue mentioned that Jones Onslow try to install lights at intersections, entrances and the rest are spread in between. If a local jurisdiction has a policy, the developer will reach out to Jones Onslow, or the Town would verify it through Jones Onslow or Duke.

Nicholas Tripp asked if they should clarify private streets or recommend some changes. Nathan Rhue mention Toni Hardin's previous comment pertaining to the ETJ and explained that even if the property is in the ETJ, the Town zoning still applies. If the streets are private, the Town subdivision ordinance does dictate how wide those roads need to be, how they need to be constructed, location of fire hydrants etc. Toni Hardin asked if they must have lights. Nathan Rhue responded that with the current verbiage, they would not. Nicholas Tripp asked if the Town could annex private roads. Nathan Rhue responded the yes, the Town could do so. Nicholas Tripp asked if private roads still have to comply with this policy. Toni Hardin stated that they would if they are within Town limits. Nathan Rhue explained to the board that it is already required in this policy for private roads to follow the lighting policy, as long as it is in Town limits, according to how the policy is written, ETJ would not have to comply.

Toni Hardin asked the board if the only change they had so far was changing the distance from 300-500 feet to 300-350 feet. Nicholas Tripp and John McIver agreed. Nathan Rhue asked if there was any inclination to have any at the end of the road or other specific locations. John McIver stated that he would recommend them at the beginning. John McIver mentioned that it would be beneficial to have them not just at the entrances, but also at the end of a dead-end street or in a cul-de-sac. Nathan Rhue clarified that even if it were a cul-de-sac that it would still be considered the end of the road.

Nicholas Tripp asked where the locations would be added to the policy. Nathan Rhue recommended that the locations would be listed under section 3 and strike out C and add it to B. John McIver asked if they could use verbiage along the lines of having all road names visible, however they want to have them illuminated. Nicholas Tripp agrees that the lights should be located at all intersections, Toni Hardin agreed. Nicholas Tripp stated that the whole intent of street lighting is for safety, and that if lights are 500 feet apart there would not be solid street illumination. Nicholas Tripp said that 500 feet between each light is very dark at night, just like where he lives in the Preserves at Morris Landing.

Nicholas Tripp asked if B and C from Section 3 – Standard Street Lighting – be consolidated. Nicholas Tripp stated that he would like the lights to be at the ends as it would help deter any crime and is safer for anyone out at night. Toni Hardin asked what if the end of the road is someone's property. Nathan Rhue explained that there would be no roads without a right-of-way, so even if it were to dead end on someone's property that there would still be a right-of-way, and that is where the light would be located. Nathan Rhue went over section 3, B and C, and mentioned that C would be removed completely, and modifications would be added to B. The modifications of B would now read Streetlight spacing shall be at 300 to 350 foot intervals in residential areas with intersections and road ends lighted. Section 8-37.8 to be added to Chapter 8 – Subdivision Ordinance - that all subdivisions provide street lighting according to the Street Lighting Policy.

A motion was made by *Toni Hardin* and seconded by *Nicholas Tripp* for approval of the modifications of the current street lighting policy and amend the Subdivision ordinance to include Section 8-37.8. *All Agreed.*

Text Amendment Section 8-28, 8-29, 8-36.6 – Construction Access Road

Nathan Rhue explained that this text amendment was not discussed with the Planning Board, that this was something that the Town Council wanted to bring to the board relating to the requirement of construction access, construction entrances. Nathan Rhue mentioned that this would be something

for public roads, those that are intended for public dedication. In the subdivision ordinance they are master plans, a developer comes in with his vision of what they would like to do, it is very general, nothing specific. Master plans come to the planning board for approval or denial. If approved, the developer has one of two choices, one of those choices being a phased development. A preliminary plat would be required which would show the location of the roads, road width, street lighting, etc. Planning Board would give their approval for such items.

Nathan Rhue explained that preliminary plats show what the developer wants to do, and final plats, which are reviewed by Staff, show what the developer has done. If the final plat has a significant change, it would need to go back before the planning board, but generally they do not change. Final plats need to be approved prior to any of the lots being sold, prior to construction being done. What has been happening in Town, for instance Morris Landing, they would develop the front of it, or even the whole subdivision, at final plat, those roads have to be in or there are bonds, performance guarantees, which are only good for one year. Town Council has expressed that if they take over the roads, even if it is not phased development, the developer may pave everything, now they start construction, then there is a lot of maintenance of the roads due to the heavy traffic over these roads. Nathan Rhue mentions that the Staff recommendation for this would be that there are requirements for a construction access until the road dedication is complete.

Nathan Rhue explained that currently, there are no requirements to provide alternative access for such traffic. Section 8-36.6 states: "Public roads shall be designed in accordance with the North Carolina Department of Transportation (NCDOT) Subdivision Roads; Minimum Construction Standards and the Town's Policy for Street Improvements and Maintenance. Where streets are dedicated to the public but not accepted into a town at the time the plat is recorded, a statement explaining the status of the street shall be included on the final plat. Said statements shall explain that the developer shall be responsible for the upkeep and maintenance of all streets until such time that the streets are accepted by the Town. All public streets shall be petitioned for acceptance by the Town within one year of approval of the final plat and/or prior to transfer of ownership of the streets. Public streets shall not be transferred to a homeowner's association or lot owners prior to acceptance by the Town."

Nathan Rhue mentioned that Town Staff recommends that the following verbiage be added to Section 8-36.6 : "Prior to any final plat being approved, an alternate construction access no less than twenty (20) feet wide must be provided and readily identified." Nathan Rhue recommended the following verbiage be added to Section 8-28 Sketch Plan Design: Number 8. General locations of proposed lot lines, streets, sidewalks, utility easements and access easements, "including alternate construction access as required by Section 8-36.6" Additionally, Nathan Rhue recommended the following verbiage be added to Section 8-29 Preliminary Plat Design: 15. Utility easements "and alternate construction access as required by Section 8-36.6"

Toni Hardin expressed that the Town could ask the developer to put the roads back up to spec before they take it over after the construction is complete. Toni Hardin asked what the developer is supposed to do if there is no space, why should the developer give up a lot or multiple lots to provide access, so the Town does not get a road that has been used. Toni Hardin said that in her opinion it is a ludicrous request, that the Town should just require the developer to repair the road to meet the standards before the Town takes over the road. Nicholas Tripp asked that if the Town takes over the roads before the development has been started, for example the development behind Morris Landing, that would be public roads that the construction vehicles would be using to put that development in,

this would protect that, the investment of the roads. Nathan Rhue responds that he believes that is what the intent is.

Nathan Rhue used Morris Landing as an example that if the developer had gone in there and paved the roads and sold all the lots and did the public dedication and the engineers have provided all required documents – the developer could then go to the Town and turn the roads over to the Town even without anything being built on there. Now, the way the ordinance reads is that once the final plat has been recorded, that developer has one year to turn the roads over to the Town. Toni Hardin asked what if the developer is not the one building the houses, that they sell all the lots, and then difference construction companies come in and build the houses on those lots. Toni Hardin expressed that you cannot legislate that, there is too many different factor and variables, and that she believes there is another way to fix the problem, that the requirement of a construction access is a terrible use of that property; what are they going to do with that when the construction is over. Is it going to become a random overgrown lot in a subdivision? Toni Hardin strongly expresses that this is a terrible idea. Nicholas Tripp states that the Town keeps getting burnt on roads. Toni Hardin responded that the Town does not have to accept them.

Nathan Rhue mentioned to the Board that they can approve it, modify, and approve it, or deny it. Nicholas Tripp asked if this came from Nathan Rhue. Nathan Rhue answered that the direction to incorporate some sort of construction access came from Town Council, and if the Planning Board could come up with something. Nicholas Tripp mentioned Morris Landing and asked how a new developer would have construction road access when it is land locked. Nathan Rhue responded that they could possibly use neighboring properties. Nicholas Tripp stated that it is land locked. Nathan Rhue responded that there is already a recorded easement through Morris Landing for that. Nicholas Tripp stated that he does not believe that would be possible in Morris Landing to have a construction access as there is nowhere to put an additional access.

Nathan Rhue mentioned that even though the roads are to compliance and meets the street construction policy, there is no guarantee that the Town will take them over, the Town does not have to. Nicholas Tripp stated that he thought the Town had to take over the roads within one year. Nathan Rhue explained that the roads have to be dedicated to the Town within one year, they would have to come to the Town and inform that they are going to dedicate the roads to the Town, but the Town still has the option to say that they do not want to take them over. Nicholas Tripp asked that if a developer has to within one year dedicate the roads to the Town, and the Town does not want to take them over, would they just stay private roads? Nathan Rhue responded that they would still be designated as public. Nicholas Tripp expressed that is horrible. Nathan Rhue explained that when a subdivision comes in that a developer can label however, they want to, private or public, but the planning board would hopefully never say that we see they are labelled as public, so we are going to take these roads over. There is nothing that guarantees a developer the Town will accept those roads. The street improvement policy that the Town has now goes beyond what DOT requires.

Nicholas Tripp asked if the Town has a requirement if someone is going to do construction, if the roads have already been taken over, then it is decided to add an additional phase, is there any construction requirements if the roads are already public? Are there any measures in place to protect the roads from the construction traffic? Nathan Rhue responded no, but there are some things in place for large trucks, but where construction is concerned, no. Nicholas Tripp asked if this would take care of retroactive developments? Nathan Rhue answered no, this would only be for ones that are coming in – they would have to identify where the construction access is going to be.

Nicholas Tripp asked if someone came in with a master plan and this was not in place, but then they came in with a preliminary plan, would they have to meet this requirement? Nathan Rhue answered yes – nothing is really required for a master plan as far as submission is concerned. The master plan is basically a vision of the project. Nicholas Tripp asked if the developer is in sketch process and they have not come for preliminary plat approval yet, they would not be obligated to this? Nathan Rhue answered that would be up to the Planning Board because sketch plans and preliminary plans are approved by the Planning Board. The Planning Board could request the applicant to put in a construction access based on this amendment, if their sketch plan has already been approved, but could not require it.

Nichola Tripp asked if they could table this for more information. Nathan Rhue responded that they could if that was the Boards decision. Toni Hardin asked what more information would they need, and who would provide that information and what additional information could they be looking for. Toni Hardin states that in her opinion the Town does need to protect themselves, but the protection is not in requiring additional requirements on developers. Toni Hardin suggested that the Town could either deny the roads or request that the road be repaved and brought up to their standards before accepting it, that there are other ways to protect themselves, rather than making developers put in a 20-foot access, or go to a neighboring property, cut out an extra lot – they already have a lot of requirements to go through. Toni Hardin strongly expressed that this proposed amendment is ridiculous.

Nicholas Tripp asked for a breakdown of the recommendations. Nathan Rhue explained Town Staff recommendation, that the master plan does not really have any requirements. In Section 8-28 it lays out the sketch design and what needs to be included, in number 8, General locations of proposed lot lines, streets, sidewalks, utility easements and access easements, “including alternate construction access as required by Section 8-36.6” Nicholas Tripp asked if the Planning Board could make a motion to deny the Staff’s recommendation. Toni Hardin asked what level of a subdivision does this apply to – minor or major. Nathan Rhue responded that preliminary plats will come before the Planning Board for both minor and major subdivisions.

Toni Hardin verified that this amendment would be applied to all subdivisions, would not matter if it was 4 or 400 lots. Nathan Rhue responded that this amendment would only be for major subdivisions where you are going to have new roads and infrastructure. Toni Hardin asked if it would be applied to minor subdivisions because they would need new roads. Nathan Rhue responded then it would not be defined as a minor subdivision, because it is not just the number of lots, there is no street improvements in a minor subdivision.

Nicholas Tripp asks what the options are for this amendment – deny it, approve it or take no action. Nathan Rhue explained that this text amendment has been brought to the Planning Board to make their recommendation for the Town Council, that this same Staff recommendation will be submitted to Town Council; that this recommendation can be modified, approved, or denied by the Planning Board.

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* for denial of the request of proposed text amendment to include requirements associated with roads for construction traffic for subdivisions containing public streets as submitted. *All Agreed.*

Persons wishing to address the Board

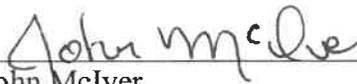
There were none.

Board Member Questions or Concerns

There were none.

Adjourn

A motion was made by *Toni Hardin* and seconded by *Nicholas Tripp* to adjourn the meeting at 7:50 PM. *All Agreed.*



John McIver
Chairman



Marsha-Gray Kircher
Community Development Department