

Jeff Wenzel  
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Pamala Hall  
Mayor Pro-Tem

Dexter Sholar  
Councilmember

Greg Hines  
Councilmember

Rena Bragg  
Councilmember

Carolyn Stanley  
Councilmember

# ***Town of Holly Ridge***

*Post Office Box 145  
Holly Ridge, North Carolina 28445*

*Telephone (910) 329-7081  
Fax (910) 329-1593*



Heather Reynolds, CMC  
Town Manager

Tracy Martin  
Deputy Town Clerk

## **HOLLY RIDGE PLANNING BOARD MEETING AGENDA February 15, 2022 6:00PM**

### **1. Call to Order**

### **2. Moment of Silence/Pledge of Allegiance**

### **3. Adoption of Agenda**

### **4. Approval of January 18, 2022 PB Minutes**

### **5. Old Business**

#### **A. Preliminary Plat—Folkstone Woods**

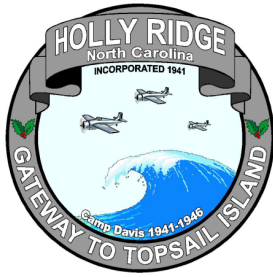
Review and determination of preliminary plat submitted by Tidewater Associates, Inc. for continued expansion of the Landings of Folkstone subdivision

#### **B. Text Amendment—Construction Access Road**

Town Council has requested the Planning Board review the previously considered amendment related to the requirement for construction access roads for future developments.

### **6. Board Questions/Comments**

### **7. Adjournment**



**Planning & Zoning Department  
Staff Report  
Preliminary Plat:  
Landings at Stump Sound Subdivision  
Planning Board Meeting Date:  
February 15, 2022**

Proposal for the Landings at Folkstone subdivision. The attached Preliminary Plat is required as part of the subdivision approval procedure for the Town in accordance with 8-25.3 of the Subdivision Ordinance. The applicant is seeking preliminary plat approval for another phase of the Landings at Folkstone subdivision located on Folkstone Road. This proposed phase is under the name of Folkstone Woods. This request was discussed before the Planning Board on December 21, 2021 and not approved due to the confliction with the requirements associated with intersection separation distances per Section 8-36.9(E)(4). The Town's BOA issued an approved variance for this issue on January 25, 2022.

**Applicant:** Tidewater Associates, Inc.

**Developer:** Folkstone RP, LLC

**Planning Board Action Required:** Yes

**Town Council Action Required:** No

**Actions:**

1. Approve the Preliminary Plat as submitted or with conditions.
2. Approve the Preliminary Plat with recommendations for change.
3. When a significant amount of change is recommended, the Planning Board may require that the plat be resubmitted with the changes for approval.
4. Disapprove the plat.

## **OVERVIEW**

Section 8-25.3 of the Town's Subdivision Ordinance requires that a Preliminary Plat be submitted and approved prior to applicant submittal of a Final Plat. Once the Preliminary Plat is approved the applicant may proceed with construction of the required improvements that will serve the site.

The Landings at Folkstone is an existing subdivision that originally received Master Plan approval around 2011. During that time, it was proposed that this development would be completed in phases. The majority of the property, if not all, has already received preliminary and final plat approval in the past with both occupied dwellings and dwellings under construction currently existing.

In researching this proposed development, Staff was able to ascertain that this development was proposed for both single-family and duplex (multi-family) dwellings to be constructed. The proposed preliminary plat considered under this application is for approximately six (6) acres located along Folkstone Road with intentions for duplex (multi-family) dwellings.

## **TECHNICAL REVIEW COMMITTEE COMMENTS**

ONWASA – Wynne Ray:

The Folkstone Woods plan is approved and they may proceed with permitting the project.

NCDOT—Douglas Racine:

Mr. Racine provided the following comments associated with the originally proposed entry/exit points for this portion of the subdivision:

Currituck Drive, and Pamlico Drive are not state roads. However, the proposed design would not be acceptable if the roads were state maintained. Also, we would not recommend the Town approving the design due to safety concerns. We did speak with Tidewater about their original proposal of 10 driveway connections to Folkstone Road and we did not want that many connections to the road due to safety and traffic concerns.

After an alternative design was provided to Mr. Racine, he provided the following:

We have reviewed the latest proposal. With the pink connection being proposed on a non-state-maintained road we would recommend that option over the green option. The pink design alleviates any safety concerns that would negatively impact Folkstone Road, or Currituck Drive.

## **STAFF COMMENTS**

All lots provided on the Preliminary Plat are in compliance with the minimum lot size of 15,000 square feet per the R-15 zoning district. As previously approved under the Master Plan, it appears the use of the property is compliant with those reviews and approvals. Proposed hydrant locations and street widths appear to comply with the Town's ordinances as well.

It is pertinent to note the following should be considered during the course of this review:

- While NCDOT has provided their recommendation for this project, 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."

In consideration of this project as is currently proposed versus the time the original Master Plan was approved, a new elementary school has since been constructed farther down Folkstone Road. This was the basis for the original comments submitted by NCDOT. Another aspect that may need to factor in is the location of the wetland areas noted on the submitted site plan and how entry points may or may not be hindered.

- When the original plan was approved, including subsequent approvals of preliminary plans, the property and development was under the control of the current owner. As such, the permitting for stormwater was under the name of the previous owner and has not been updated to reflect the name of current ownership. Staff has requested numerous times, since April 2020, to receive the updated permit for stormwater control without said permit being received. Under State requirements, if a stormwater permit is not updated to reflect the change of ownership, it is invalid. Additionally, under the coverage of the previous stormwater permit related to the number and types of dwellings, it is Staff's opinion that this is also not currently accurate. The applicant has expressed they have resubmitted on October 14<sup>th</sup> all the additional requested information to the State and their client has addressed all field compliance items from the State's recent site inspection. Their resubmittal for the Permit Transfer is currently under review for approval.
- The Town's Board of Adjustment approved a requested variance from Section 8-36.9(E)(4) and reduced the separation of the intersection to one hundred twenty-five (125) feet as illustrated in the submitted site plan. A copy of said variance is included.
- The "Proposed Site Plan" below indicates a bigger cul-de-sac then originally submitted. This is actually an improvement in order to afford more maneuverability for vehicles, especially for emergency personnel. NCDOT has stated there is no conflict with this new design.

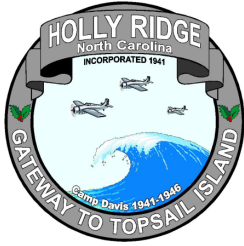
1. Submission of a new preliminary plat reflecting the addressed intersection changes as recommended by NCDOT (**see below**)
2. The submission of an approved stormwater permit reflecting current conditions of the entire subdivision (ownership, housing type/numbers, etc.).











# Town of HOLLY RIDGE

PO Box 145 \* Holly Ridge, NC 28445 \* Phone (910) 329-7081 \* Fax (910) 329-1593

## **TOWN OF HOLLY RIDGE BOARD OF ADJUSTMENT DETERMINATION AND ORDER GRANTING A VARIANCE**

The Board of Adjustment for the Town of Holly Ridge, having held a Variance hearing on January 25, 2022 to consider the application submitted by Tidewater Associates, Inc., on behalf of Folkstone RP, LLC (owner), requesting a Variance from the street intersection requirement of four hundred (400) feet as found in Section 8-36.9(E)(4) of the Town's Subdivision Ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT, and draws the following CONCLUSIONS.

The Board of Adjustment having considered the testimony and arguments presented, makes the following FINDINGS OF FACT:

1. The hearing on the Variance was properly noticed and advertised as required by NC General Statutes and the Holly Ridge Ordinances.
2. The application and site plan for the Variance was submitted by the property owner's authorized representative per Section 7-8-2 and Section 7-5-5 of the Town's Ordinance.
3. The subject property is located in Holly Ridge at 141 Folkstone Road, Tax Parcel #154331 (Map #747C-74).
4. Section 8-36.9(E)(4) of the Town's Subdivision Ordinance 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."
5. Unnecessary hardship would result for the proposed intersection because without approval of this variance the remaining 6 acre frontage of the Village of Folkstone project is not useable. According to NCDOT, no more driveway connections are allowed onto Folkstone Road. The only other feasible option is to connect to Currituck Drive as shown on the enclosed preliminary plat. This driveway connection is 125' from Folkstone Road and is less than the 400' required per Section 8-36.9(E)(4).

6. The resultant hardships are based upon the peculiarities of the property as the first is related to the frontage on Folkstone Road, where NCDOT will not allow another driveway access due to the new elementary school constructed down the road, and the new signal at Hwy. 17. The other hardship is the useable land is surrounded by wetlands that would not be permitted under the approved USACE permit.
7. The hardships did not result from actions taken by the applicant but the result of highway demands and new infrastructure imposed by NCDOT, and the existing natural wetlands located on the property.
8. The requested variance is consistent with the spirit and intent of the ordinance as the requested variance would allow the driveway connection less than 400' from the intersection which will allow the property to be developed in a way that meets all other sections of the ordinance. The proposed use will match the existing residential zoning and be in harmony with the result of the subdivision.
9. The requested variance, as submitted and illustrated, would ensure public safety and welfare as the proposed driveway connection (less than 400' from the intersection) has already been approved by NCDOT as an acceptable means of access that meets their guidelines (See Exhibit B). The proposed subdivision is designed by licensed professionals to protect public health safety and welfare.

THEREFORE, based on the foregoing Findings of Fact, the Board of Adjustment makes the following CONCLUSIONS OF LAW:

1. It is the Board's CONCLUSION that, if the property owner complies with the ordinance provisions, the owner will undergo unnecessary hardship.
2. It is the Board's CONCLUSION that the hardship affecting the property results from the strict application of the ordinance.
3. It is the Board's CONCLUSION that the hardship is suffered by the applicant's property.
4. It is the Board's CONCLUSION that the hardship does not result from the applicant's own actions.
5. It is the Board's CONCLUSION that the hardship is peculiar to the applicant's property and does not affect other properties in the same neighborhood.
6. It is the Board's CONCLUSION that the variance is in harmony with the general purpose and intent of the zoning ordinance and preserves its spirit.
7. It is the Board's CONCLUSION that, by granting the variance, the Board will ensure the public safety and welfare and promote substantial justice.

THEREFORE, on the basis of the foregoing, the Holly Ridge Board of Adjustment hereby ORDERS the issuance of a Variance from the required four hundred (400) feet for separation of street intersections as required in Section 8-36.9(E)(4) within the property identified herein subject to the following conditions:

- The intersection of the proposed Folkstone Woods Drive/ Currituck Drive and Old Folkstone Road/Currituck Drive be separated by one hundred twenty-five (125) feet

This decision was rendered by the Board of Adjustment by a vote of 3 to 0.

Ordered this **25<sup>rd</sup>** day of **January 2022**.

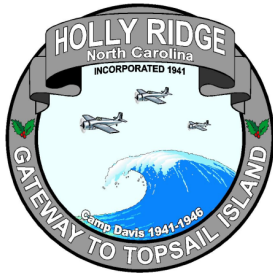
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Chairperson

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Clerk to the Board

NOTE: If you are dissatisfied with the decision of this Board, an appeal may be filed with the Clerk of Superior Court of Onslow County within 30 days after the date this order is served on you.



## **Planning & Zoning Department Staff Report Text Amendment Planning Board Meeting Date: February 18, 2022**

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Request from the Holly Ridge Town Council to reconsider and provide recommendation for a zoning text amendment in order to add language to the Town's Subdivision Ordinance to require alternate construction access.

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**Applicant:** N/A

**\*Planning Board Action Required:** Yes

**\*Town Council Action Required:** Yes

**Actions:**

1. **Recommend approval** of the request as submitted.
2. **Recommend denial** of the request as submitted.
3. **Recommend an approved modification** of the amendment as submitted.
4. **Continue** to a future date to obtain additional information or to further consider information presented.  
The next available meeting date is June 15, 2021.

**Staff Recommendation:**

Approval

## **OVERVIEW**

During the May 18, 2021 meeting of the Holly Ridge Planning Board, the Board discussed a proposed amendment to the Town's Subdivision Ordinance to add language to require alternate construction access. During said meeting, the Planning Board recommended denial of this amendment due to the potential of higher costs and acquisition of additional properties this may place on developers. It was the Planning Board's understanding, at that time, that Town Council was of the mindset that considerations were given to ensure the Town was trying to eliminate and not provide additional burdens for potential developers.

During the February 8, 2022 meeting, the Holly Ridge Town Council requested Staff present this to the Planning Board again in attempts for this to be reconsidered for recommendation. Below is the previously provided language Staff recommended during the May meeting in addition to the dialogue surrounding the reasons for Town Council's request.

Holly Ridge requires any public road/street identified for dedication be designed in accordance with the NCDOT Subdivision Roads: Minimum Construction Standards and the Town's Policy for Street Improvements and Maintenance. Town Council has expressed concerns related to streets that are intended for dedication and their deterioration due to construction traffic prior to a development being completed. This is especially true for developments that are under phased construction and are entitled to final plat approval at the completion of each phase. The completed phase may exist at the front and work continuing within the development causing construction traffic to travel along the completed portion of the installed street. 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."*

Town Staff recommends the following verbiage be added as illustrated in red below:

*"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. **Prior to any final plat being approved, an alternate construction access no less than twenty (20) feet wide must be provided and readily identified.** 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."*

Staff recommends the following verbiage be added to Section 8-28 Sketch Plan Design:

*“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, Town Staff recommends 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”*