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# *Town of Holly Ridge*

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## **TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES April 19th, 2022 6:00 P.M.**

### **Call to Order**

The meeting was called to order at 6:00 PM. Members present were John McIver, Dave Mosey, and Nicholas Tripp. Also present was Nathan Rhue from the Community Development Department. Applicants Charles Riggs from Charles F. Riggs & Associates, Brad Schuler from Paramounte Engineering, Inc and Hunter Young from Evolve Companies, LLC 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 *Dave Mosey* 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 *Dave Mosey* to adopt the minutes from Planning Board Meeting held on March 15<sup>th</sup>, 2022. *All Agreed.*

## New Business

### **A. Zoning Map Amendment – Evolve Companies, LLC – 501 Drag Strip Road**

Presented by Nathan Rhue – this is an application from Evolve Companies, LLC with Brad Schuler from Paramounte Engineering, Inc and Hunter Young from Evolve Companies, LLC in attendance for any supplemental questions. Owner of the property is Felix and Conie Ottaway, parcels 019651 and 028331, approximately 2.41 total acres. Currently the properties are zoned R-20, with the request to rezone to Commercial. The properties are adjacent to a previously approved PUD done through Evolve for an apartment complex. These are 2 additional properties right off Drag Strip Road.

Nathan Rhue explained that the future land use map designates these particular parcels as Low-Density Residential but based on the Staff Report previously submitted to the Board, the future land use map also designates parcels in the area as well as across the street as Commercial designation. The parcel neighboring this was rezoned to commercial for the PUD approved previously.

Nathan Rhue reminded the Board that in reviewing a general zoning map amendment, consideration of all permitted uses must take place in approving or denying the request as submitted. Nathan Rhue reminded that Board that as with Section 7-7-4 provides policy guidelines that should be followed by the Planning Board considering amendments while 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.

Surrounding properties found within the area are zoned R-20, RA, and Commercial. The adjoining properties are residentially and commercially zoned and utilized for both residential and commercial uses. Similar uses within the Commercial district would place these properties in the same or complementary categories.

(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.

As part of the purpose of the Commercial zoning district, the requested rezoning would accommodate the development of retail, service and related businesses abutting major roadways throughout the Town that cater to the traveling public. The proposed district classification would be in the general public interest as additional commercial options would be available for them, especially for those traveling.

(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.

Being as the property is located on US Hwy 17, the proposed new district classification would be appropriate as this highway is a major corridor for the traveling public. The variety of permitted uses would afford options directed to commercial endeavors that would both enhance the area for the public that travel or that could potentially conduct business within Holly Ridge.

(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.

Being the diversity of districts and land uses currently existing in the area, particularly the Commercial district found across Hwy 17, there appears to be no convincing demonstration that the character of the neighborhood would be adversely affected if developed in accord with the listed permitted uses.

(E) The proposed change is in accord with the Holly Ridge Comprehensive Plan, and any other officially adopted plan.

While the proposed change is not consistent with the Future Land Use Map, it is consistent with the public input priorities found in the Comprehensive Land Use Plan as a whole.

Nathan Rhue mentioned to the Board that the Staff's recommendation would be to approve as submitted, with condition (if sale of property completed) of this requested zoning map amendment. Based on the recommendation that the properties are located on US Hwy 17, the amendment would afford more business options for the citizens and traveling public to access. While some residential uses exist in the area, the majority of the surrounding properties are vacant and undeveloped. The adjoining property located North of these parcels is part of a previously approved Planned Unit Development, which would place the subject parcels directly adjoining additional Commercial Districts. The location of additional commercial property along US Hwy 17 would also complement other commercial uses, both that are presently existing and for future prospects.

Nathan Rhue mentioned that while the Future Land Use Map designates these parcels as Low-Density Residential, the request is consistent with the public input priorities as found within the Comprehensive Land Use Plan. Additionally, the location of commercially zoned property along a major thoroughfare would be consistent with the existing purpose for the Commercial district.

Chairman John McIver asked if there was any discussion or questions for Nathan Rhue or Evolve. Dave Mosey asked if this is premature, shouldn't the sale of the property go through first. Nathan Rhue responded that they could wait until the sale occurs, but a lot of developers want to make sure that they can use the property for what they are intending and gain the required approvals before purchasing the property. They would not want to purchase the property if they could not utilize it for what they are desiring.

Nicholas Tripp asked if someone that does not own the property can make the request for rezone. Nathan Rhue responded that they could as long as the property owner has supplied their approval via their signature on the application, or through correspondence. Nicholas Tripp asked if we have that. Nathan Rhue responded that the property owner provided an email. Brad Schuler mentioned that they are also requesting an annexation and the property owner has signed those documents. Nicholas Tripp asked if we have the email from the property owner. Nathan Rhue responded that he does not as it is with the annexation application.

Chairman John McIver asked if his was a combination of a rezone and an annexation. Nathan Rhue responded that is only for recommendation of the rezoning, the Planning Board does not consider annexations – the Town Council have called for a public hearing on that. Nicholas Tripp asked if the email does state that the property owner is ok with this. Nathan Rhue responded yes.

Brad Schuler with Paramounte Engineering, Inc introduced himself to the Board. Brad Schuler mentioned that Evolve Companies, LLC are seeking to rezone the subject site to Commercial. Previously Evolve Companies, LLC got a Planned Unit Development approved for the adjacent 49 acres, that land was annexed and rezoned to Commercial. The PUD approval allows for a mixture of both commercial and multi-family development, with the commercial being along the Highway 17 corridor.

Brad Schuler explained that this rezone is essentially just extending the commercial down a little bit to the 2.4 acres that they are looking to currently rezone. The site is along Drag Strip Road which will provide another access point to US Hwy 17 and have also been in discussion with the Town to extend that road and make improvements to that road so that could hopefully one day connect to the Industrial Park behind it.

Nicholas Tripp asked if there are any different road requirements if it is in a commercial area, does it have to be wider. Nathan Rhue responded not according to the Town's ordinance; the minimum requirement is 20 feet.

Chairman John McIver asked if there were any questions from the Board to the applicant. There were none.

A motion was made by *Dave Mosey* and seconded by *Nicholas Tripp* to recommend approval of the following resolutions with condition of sale of property completed: RESOLVED, that the Town of Holly Ridge Planning Board hereby finds the amendment to the Zoning Map is not consistent with the Town's Future Land Use Map but is consistent with the Town of Holly Ridge Comprehensive Land Use Plan because, though the map designates this property as Low-Density Residential, the public input priorities suggest more variety of businesses be attracted to Holly Ridge (page 1-10) that it is reasonable and in the public interest because the property is located along a major corridor and the more commercial options for the traveling public would be beneficial and forwards the included Consistency Statement to the Holly Ridge Town Council. *All Agreed.*

#### **B. Planned Unit Development Concept – Charles Riggs – Brooke Haven**

Presented by Nathan Rhue – this is an application from Charles F. Riggs & Associates, Inc. Property owners are Kenneth and Mary Morgan. Atlantic Coast Capital, LLC are the ones interested in purchasing this property. Property is identified as Parcel 016934, totaling approximately 16.977 acres with current zoning of Neighborhood Business with R.5 overlay with Neighborhood Business being the principal with a Planned Unit Development overlay.

Nathan Rhue mentioned to the Board that they may recall that in December 2020 this property was presented, and in January 2021 was rezoned with overlay district. In the Town Ordinance, you cannot request for an additional rezone within 12 months, which is why this was mentioned to the Board.

Nathan Rhue explained that per Section 7-4-18 of the Town's Zoning Ordinance provides the requirements associated with Planned Unit Developments. Those requirements are as follows:

- Minimum of ten (10) acres
  - 16.977 acres proposed
- Access to major streets
  - US Hwy 17 runs directly in front of the subject parcel. This property is located within Town Limits – just down and on the other side from Smoky Tony’s and Buckhorn Town Development.
- Density requirements for Commercial not to exceed sixteen (16) units per acre
  - 271 permitted—240 total units proposed (14.13 dwellings per acre)
- Minimum fifteen (15) percent of gross acreage for open space to be used by residents
  - 1.69 acres required—2.276 acres proposed (20.1%)
- Commercial development to be 10% gross acreage and to blend with community
  - 1.69 acres required—1.87 proposed
- Commercial parking to be interconnected
  - Illustrated on concept plan - 502 spaces proposed, well over 480 required but specifics will be submitted with the preliminary
- Written statement explaining character of proposed PUD, proposed financing, present ownership, indication of expected development schedule, plat/legal description of total area
  - Statement provided
- Preliminary plat to be submitted for review/approval by Town’s Planning Board in accordance with Chapter 8 of the Town’s Subdivision Ordinance and, in addition to requirements noted in Ordinance, plat must note:
  - Landscaping, sidewalk, lighting, buffering in accordance with Town ordinance/policy
  - Access and circulation to provide for firefighting equipment, deliveries, etc.
  - Underground installation of all utilities

Nathan Rhue mentioned that Onwasa was contacted, and they have been provided allocation for Phase 1 of this particular project – buildings 1 through 6, 144 units. Camp Lejeune do not have any military issues, they did note that the complex will be in the direct line of C-130’s flight path to the north runway of Camp Davis, but it is minimal operations of 15 times per year, but current conditions of runway prohibit them from currently using it.

Nathan Rhue explained that it is Staffs opinion that the applicant has submitted the required information related to Planned Unit Developments with the Preliminary Plat being submitted at a future time. All required information as found in Chapter 8 of the Town’s Subdivision Ordinance must be submitted and reviewed by the Technical Review Committee and forwarded to the Town’s Planning Board for approval. The overall acreage, density, and open space requirements meet the Town’s ordinances related to PUDs. The applicant has submitted, and is included with this report, the required written statement explaining the character of the proposed PUD along with the other required information.

Nathan Rhue explained that when the Planning Board considers a Planned Unit Development, they should review and base their findings on these standards that were adopted.

- (A) The proposed Planned Unit Development will not affect the orderly development of Holly Ridge as embodied in the Zoning Ordinance and in any Land Use Plan or portion thereof adopted by the Town.

It is Staff's opinion that it does not affect orderly development especially because the Town has established the Planned Unit Development concept therefore, we are able to keep commercial along a major corridor as well as affording residential dwellings or multi-family dwellings in the area.

- (B) The proposed Planned Unit Development will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood.

It is in Staff's opinion that this would not have any detrimental effect on any surrounding areas particular being they are either wooded or separated by a large wood line of neighboring properties.

- (C) The proposed Planned Unit Development will accomplish the objectives and will meet the standards and performance criteria as outlined.

It is in Staff's opinion that it does so far and being that Charles Riggs has submitted quality preliminary plats in the past, there is no reason to believe that would not be the case for this proposal as well.

Charles Riggs from Charles F. Riggs & Associates, Inc introduced himself to the Board. Charles Riggs mentioned to the Board that Mr. Macintyre, Mr. Washington, and Mr. Wilkinson are also present as the owners wishing to develop the property. Charles Riggs explained that they do meet the requirements of a Planned Unit Development as Nathan Rhue discussed. A mail kiosk has also been added, per the Federal Post Service – anything over a certain number of units requires one location for the everyone's mail to be delivered to. Charles Riggs mentioned that they have an existing stormwater permit that is currently being renewed and transferred to the new owners. They have an existing erosion control permit that is being transferred to the new owners. Onwasa has allocated sewer for phase 1 of the project and has promised sewer for the completion of the project. Charles Riggs mentioned that the permitting that is going to be required to complete the project is going to be Holly Ridge's approval for the plan itself, and DOT driveway permit. Water and sewer will be designed through Onwasa and the State.

Charles Riggs mentioned that it does not adversely affect the adjoining properties and are in compliance with the future Land Use Plan, and have commercial along the front of the property, and have satisfactory parking. They anticipate the sewer to be gravity fed to Jenkins Street to the rear. Charles Riggs explained that they feel it is a very good project that fits well with the Town and satisfies the need for the Town.

Dave Mosey asked for clarification in relation to review by the Fire Department, and that if it has not already, that it will be reviewed in regards to the single egress. Charles Riggs responded that they would address that, they have the single egress, but more than likely they will have a secondary one on US Hwy 17. Charles Riggs mentioned that they do have secondary access on Jenkins Street already, primarily for sewer, but that could also be used for fire access. Charles Riggs also mentioned that the parking lot is designed up to fire code, with enlarged width in the parking lot and all the drives for emergency access and fire. Charles Riggs stated that they would definitely have an additional access for fire, but do not know exactly where at this point. DOT will be one of the last approvals they will go through and will be looking at traffic counts and based on the density of the project they already show a deceleration lane. The placement of that lane may alter slightly.

Nicholas Tripp asked if these are going to be the biggest buildings in Holly Ridge, being 3 stories tall. Nathan Rhue responded that they will no higher than 40 feet per the Town's ordinance. These will be the same as the buildings that will be built by Evolve in the previously approved PUD – 24-unit buildings, 3 stories. Nicholas Tripp mentioned that when the Town says that the commercial has to be along the front, he does see that but also sees that the residential section is sneaking up to Hwy 17, the front seems ambiguous, but it is not all of the front, but there is no verbiage that it has to be the whole front, it just has to be in the front. Nathan Rhue responded that is correct. Nicholas Tripp asked if there will be direct access to these, will this be gated, or can people freely go back there from the commercial area. Charles Riggs responded that they have exceeded the commercial requirement, needed 1.6 acres, they have 1.87 acres. There will be internal access from the commercial to the apartments themselves.

Nicholas Tripp asked what the buffer is going to be to Hwy 17. Charles Riggs responded if he was talking about the landscaping. Nicholas Tripp stated that he meant from the end of the road to where you are going to start building, what is that distance. Charles Riggs responded are you talking about the distance from the right of way line to the first building. Nicholas Tripp responded no that he wants to know the distance from the tree line to Hwy 17.

Charles Rigg responded that the deceleration line is illustrated along the edge of the existing pavement, so that is the edge of the pavement, with an additional 12 foot lane for deceleration, so then from the edge of the deceleration lane to the right of way line would be approximately 35 feet, then from the right of way line to the edge of the parking it would be approximately 20 feet, then across the parking lot it would be approximately 65 feet, then you have a 5 foot sidewalk and then there is green area around all the buildings, which is not included in the total green space needed. Charles Riggs explained that there is approximately 115 feet from the right of way to the face of the building.

Chairman John McIver asked if there were any additional questions from the Board for Charles Riggs. There were none.

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to recommend approval of Sketch Plan as submitted. *All approved.*

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

There were none.

### **Board Member Questions or Concerns**

Chairman John McIver asked about a property down US Hwy 17 S next to the lot with all the Palm Trees, he was told that it is going to be a church going there and asked for clarification. Nathan Rhue responded where they are clearing the lot, he is not sure what is going there. The church will be where the New Life Church sign is located. The Church had previously submitted drawings, but where the lot is being cleared, nothing has been submitted and Staff has not spoken to anyone about that particular lot.

Nicholas Tripp stated that he was excited to see that Construction Entrance was not on the

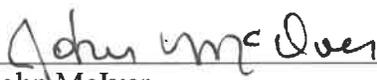
agenda and asked if they are done with that. Nathan Rhue responded yes; the Town Council has called for a public hearing on that in May. Nicholas Tripp stated hard work pays off.

### Staff Updates

Nathan Rhue mentioned that the Onslow County Board of Commissioners accepted the appointment of Anna Gaskins to the Planning Board as an ETJ member, and will be joining the Planning Board next month after she is worn in. The delay in that was that the County also has to approve that position as it is for an ETJ member.

### Adjourn

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to adjourn the meeting at 6:35 PM. *All Agreed.*

  
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John McIver  
Chairman

  
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Marsha-Gray Kircher  
Community Development Department