

Jeff Wenzel
Mayor

Pamala Hall
Mayor Pro Tem

Rena Bragg
Councilmember

Greg Hines
Councilmember

Dexter Sholar
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
Town Manager

Tracy Martin
Deputy Town Clerk

TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES August 23rd, 2022 6:30 P.M.

Call to Order

The meeting was called to order at 6:30 PM. Members present were Nicholas Tripp, Dave Mosey, Toni Hardin, and new member, Emily Hedrick. Also present was Nathan Rhue from the Community Development Department. Applicant Charles Riggs from Charles F. Riggs & Associates was also in attendance.

Invocation and Pledge of Allegiance

Board paused for a moment of silence. Nicholas Tripp led the Pledge of Allegiance.

Appointment of Chair

Due to the resignation of Mr. McIver, the Planning Board needed to appoint a new chair for the Board.

A motion was made by *Toni Hardin* and seconded by *Nicholas Tripp* to nominate Dave Mosey as Planning Board Chair. *All Agreed.*

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 Meeting held on June 27th, 2022. *All Agreed.* Adjustment of minutes made by *Toni Hardin* – Item B Zoning Map: states Caldwell Banker, needs correction to Coldwell Banker.

New Business

A. Major Subdivision Sketch Plan Review – Charles F. Riggs & Associates / Onslow RLD, LLC

Presented by Nathan Rhue – this is an application from Charles F. Riggs & Associates for Residences at Morris Landing. The applicant proposes to subdivide approximately 25.9 acres into 70 tracts for future use for single-family and multi-family(duplexes) residential units. On July 21, 2020, this was previously approved by the Planning Board, but the time limit of 12 months has passed, therefore approval is void. Staff could not see any changes from what was previously submitted. The TRC comments should also be relevant related to this. Only changes since original submittal are the creation of a paved area, the mail kiosks, and location of signage.

Nathan Rhue explained that the parcel in question is PAR ID 033730 & 061857, totaling approximately 25.9 acres, with a proposal for a 70-lot subdivision consisting of 8 single family dwelling and 62 duplex dwellings. Current zoning of smaller 5-acre parcel is R-15, and other is Multi-family Residential. Aerial of location was shown in addition to concept of housing proposed. As far as the sketch plan is concerned it appeared to meet the requirements, road widths are in order, the changes received are related to the emergency access area which was originally gravel at the time (changed to paved per Fire Chief recommendation), the mail kiosk, all appear to meet ordinance requirements.

Nathan Rhue mentioned that there is a proposed area for stormwater and sewer treatment, which would be serviced by Onwasa water. The square footage of the lots in the R-15 area do meet the minimum of 15,000 square feet, the density for the MFD is to the Town's standard of 10 per acre, which will be lower with a total of 62. The streets are proposed to remain private meaning permitted only in a owner's association is created and it is recorded that they maintain the streets, but would still need to be to NCDOT standards. Sidewalks are proposed along one side of the street, and the proposed cul-de-sacs meet requirements.

Nathan Rhue explained that if this is approved, the next step would be that their preliminary plat be submitted to the Planning Board for approval – this would include more detailed information for all requirements that must be met and permits in place. Nicholas Tripp asked if anything could be built in the wetlands. Nathan Rhue mentioned that ultimately that would fall under the Army Corps of

Engineers. As it is submitted as a sketch, it would not be considered the final placement, rather an overview of what the development is going to look like.

Charles Riggs of 502 New Bridge Street, Jacksonville, responded that the square footage of wetlands is included within the lots, but nothing would be built in the wetlands. Dwellings may be constructed within wetlands with approval and permit from the Army Corps of Engineers. Charles Riggs mentioned that an elevated pine supported structure that was 8 feet above the wetlands, and there was no shading, could be built without a permit, but has no intention to build in any wetlands at this location. There is almost 26 acres, 8 single family lots and 31 duplex structures – there is an outline on the sketch map of the proposed duplexes which are joined in the rear by a storage area, a 10 x 10 storage area with a party wall – meaning that they look like single family dwellings, but they are attached in the rear by the storage areas. This gives the impression that they are single family but are multi-family but have a more harmonious appearance. The streets will be built to DOT specifications and have sidewalks on the one side. The reason they decided to pave the emergency access is because they are adding the mail kiosk and felt it would end up being used as more than just emergency access. There is an area designed for stormwater and the sewer will be community owned, and Onwasa water. There is a proposed amenity area in Phase 3.

Nicholas Tripp asked if there will be a buffer by Lenox. Charles Riggs replied that they will meet the buffering requirements of the Town, and that the buffer shown is the buffer that the State of North Carolina requires off a stream. Any landscaping and buffering requirements of the Town will certainly be complied by. Nathan Rhue mentioned the Town recently amending buffering requirements, and being that the proposed are multi-family, they would need the fence along the residential properties, and that these details would be shown on the preliminary plat.

Charles Riggs mentioned that this sketch was previously approved with the only changes being the mail kiosk and the emergency access changing from gravel to paved, and that they do meet or exceed the standards of the Town. Charles Riggs explained that this is just the sketch, the basic design, and that the next step being the preliminary would show all the engineering plans and required permits. Nathan Rhue explained that this is more of an artist rendering of how they would like the layout of the subdivision to look with phases. The next step would be phase 1 preliminary with exact specifications, including road construction, buffering, etc.

Toni Hardin asked what the little gray lines are over the lots on the sketch submitted. Charles Riggs responded they are the contours, elevation contours. Charles Riggs explained that the amenity area of the property is at around 36 to 29, and the stormwater area goes anywhere from 25 to 17 – there is about 10 feet of drop from one end to the other. This is good because all the gravity fed sewer can flow without having a lift station, and it is also good for drainage because all the water will flow to the stormwater basin.

Nicholas Tripp asked if a construction entrance would apply to this. Nathan Rhue responded yes. Dave Mosey stated that if there is no separate distinct construction access to prevent all of the construction traffic, all the materials will enter through Cheswick. Dave Mosey asked is there a separate distinct construction access to prevent that from happening. Nathan Rhue answered there is not. Dave Mosey suggested adding an requirement that the Town's Public Works department review this in regards to the construction vehicles. Toni Hardin mentioned that she did not think the Town passed that. Nathan Rhue responded that is correct, these are now public road, publicly accessed, and they did not put in a separate construction as any damage to the roads would be the responsibility of the ones that damaged them – not only new roads, but any damage to existing roads.

Dave Mosey mentioned that he is curious what the engineers are proposing for the sewer area; that appears that there will be 4.5 acres of leech fields. Charles Riggs responded that the system that is being designed is similar to that of a shipping container; all the sewer will be flowing to that direction into a shipping container, be treated in that container, and the area where you see stormwater on the sketch is only a holding area of the effluent after it has already been treated. It will flow into that, seep into the ground, and then flow away – this is actually down slope from the adjoining septic fields of the Preserve at Morris Landing. If anything, they would be concerned that PML systems are flowing towards theirs.

Dave Mosey asked if there were any additional questions for Charles Riggs. There were none.

Charles Riggs mentioned that the clients have signed a deed stating that they would take care of any damage that may occur on any streets. Dave Mosey suggested that as he is a resident of PML, that there be regular maintenance of the streets being used.

A motion was made by *Toni Hardin* and seconded by *Nicholas Tripp* to recommend approval of the sketch plan as submitted. *All Agreed.*

B. Zoning Ordinance Text Amendments – Town of Holly Ridge

Presented by Nathan Rhue – during the July Town Council meeting there were several text amendments submitted per the approval of the Planning Board, one of those being the removal of certain uses within the Light Industrial district. At the time it was Staff's opinion as well as the Planning Board to keep some of the heavier industrial uses separate from the light industrial uses. Town Council felt that they did not want to remove some of those particular uses all together from the light industrial district, and had asked that this be brought back to the Planning Board in order to consider additional options.

Nathan Rhue explained that what is proposed for the protection of Camp Davis Industrial Park, is that an overlay be created in order to keep heavier industrial uses confined within the Park while still allowing some of the uses within the light industrial still being out in other areas. As such, the uses within the Camp Davis Industrial Park would be more for the assembling, fabricating, manufacturing, distribution type uses. What is being proposed is that those uses be permitted by right within the Camp Davis Industrial Park overlay versus a special use permit as many of them are currently within the light industrial district.

Nathan Rhue mentioned that similar uses may still apply in light industrial outside of the Camp Davis Industrial Park, but there would be restrictions being that they would be under a special use permit. The changes are denoted by an asterisk on the table of permitted uses included in the staff packet. As it is submitted, those particular uses would be more for the asphalt products manufacturing, bottling plants, concrete products, production, metal machining, fabrication, vehicle manufacturing, paving, wood working, refinery, wholesale distribution, liquor store, micro-breweries, meat packaging, processing plant, accessory structure and uses as well as wireless communication facilities.

Nathan Rhue explained that the proposed creation of the Camp Davis Industrial Park Overlay would afford protection of both heavy and light industrial uses by centrally locating the heavy industrial uses within the confines of the existing and expanding industrial park. It would

be consistent with the comprehensive plan being as all development as is stated should adhere to the Town's regulations, and it would be reasonable in public interest by limiting the heavier industrial uses within that confined area of the Industrial Park.

Toni Hardin asked for clarification as last time they discussed warehouse, storage and parking and to remove those from light industrial, but now leave those in light industrial and only apply this to Camp Davis. Nathan Rhue responded yes, as far as making an overlay district for the Camp Davis Industrial Park. Toni Hardin so the items that were removed last time, cannot be applied in Camp Davis Industrial Park. Nathan Rhue responded that is correct.

Dave Mosey asked if there were any additional questions, or more time needed. Nicholas Tripp felt they need some time to go over this as it was sent back to the Planning Board. Nicholas Tripp asked if they could go into an executive session at this level. Nathan Rhue responded no; you are an only as advisory board. Nathan Rhue asked where Nicholas Tripp was going with that. Nicholas Tripp responded to be able to talk off the record. Nathan Rhue responded that is not afforded to the Planning Board. Nicholas Tripp asked if they could take a recess and adjourn the meeting and restart it. Nathan Rhue asked what the direction is. Nathan Rhue asked if Nicholas Tripp wanted to use his position as a Planning Board member and not speak in public. Nicholas Tripp responded that he wanted to talk off the record with the group, and not on the record. Nathan Rhue responded that you are bound by rules and orders and cannot just close for an executive session because the Planning Board does not do that. Nathan Rhue asked what the spirit is behind it.

Dave Mosey responded that there is a new member on the Board, there is a lot of history associated with this particular topic – the new member is expected to present her opinion based on her knowledge of this, as a means to answer the question – approved or disapproved. Dave Mosey believed that the new member, Emily Hedrick, deserves an opportunity to understand what that background is, and it would take up too much time right now to accommodate that. Nicholas Tripp added to be able to discuss it and not write minutes about it.

Nathan Rhue explained that if you are giving the history to the new member, that the Board can stay as long as needed to do so. Nathan Rhue stated that it is up to the Board how they would like to proceed but cautioned the Board that they are meeting as a Board and discussing public business, it is not very ethical to close down and start over.

Toni Hardin mentioned that last time she had a major concern because they wanted to make these changes to give the Town a better ability to get grants and was vocal about that last meeting – policing everybody, and what does the Town getting grants have to do with permitted uses in light industrial. Nicholas Tripp mentioned that this is not the first time that the Town Council has asked the Planning Board to look at something and send it to them after spending a lot of time on it to achieve the objective, for it to be sent back to the Planning Board again because they did not like the recommendation, but no guidance was provided. But this one, they are very clear on – they want the exemption.

Toni Hardin explained that this time is different, as the Planning Board gave them exactly what the staff suggested, we said go ahead and remove them; maybe the Town Council decided that it should only be applied to Camp Davis, the Town's property. Nathan Rhue mentioned that as this has been presented as an overlay is not an uncommon practice, because there are several examples of Industrial Parks that suffer because of particular uses that have been permitted in

there. Nathan Rhue gave the example of strictly boat storage, or strictly warehouses, where other potential uses cause it to not necessarily be an industrial park. Even when you look at the Town's permitted uses and you see the things like asphalt manufacturing, concrete production, there is usually a special use attached to it in the light industrial because of where it is going to be located. With this overlay it is giving those heavier uses a by right within the industrial park, being that would be an appropriate area for it versus right on the road somewhere.

Nicholas Tripp mentioned that he thought the Town was not a big fan of overlays. Nathan Rhue replied that Staff is not, but this is the route they went versus creating a whole new zoning district. Nathan Rhue explained that if the Board is more comfortable with creating a heavier industrial zoning district, that could also be achieved. Nicholas Tripp stated that he believes the overlay will set a precedent that it can be done for other places. Toni Hardin mentioned that an overlay is adding extra restrictions on a particular piece – for example certain uses allowed within Camp Davis Industrial Park. Nathan Rhue explained that even uses such as the ones presented to the Board as what would be within the Camp Davis Industrial Park, those would still be permitted within the light industrial with a special use permit, its just that some of the use in light industrial such as commercial parking lot, would not be a permitted principle use within the overlay.

Nicholas Tripp asked if this would overlay the whole thing. Nathan Rhue responded Camp Davis Industrial Park. Nicholas Tripp asked what that would do for the businesses that are already there. Nathan Rhue responded that they are permitted to remain there, but they could not increase it, they would be considered legal non-conforming. There is already one boat storage place there, they could not expand, should it be approved. Nicholas Tripp stated that if wanted to add on extra to expand and grew his business, he could not. Nicholas Tripp asked if he was interpreting correctly. Nathan Rhue responded yes. Nicholas Tripp asked if they could overlay a portion. Nathan Rhue responded no. Nicholas Tripp stated so it would be all or nothing. Nathan Rhue responded he does not know how you would decipher that – overlay everything but the storage lot that already exists. Toni Hardin mentioned that when the Board is making a recommendation, that they are doing that based on everyone. Nicholas Tripp stated that he sees this as restricting the existing businesses, what they can accomplish. Toni Hardin stated that is only one business that you are talking about – these can be added as an accessory to their existing business. They cannot start a new business with this being the principal business purpose.

Dave Mosey asked if this would be for all of Camp Davis Industrial Park, or could it be divided by the phases. Nathan Rhue responded that it could if that is how the Board would like to do it, but feels that it could potentially become more of an issue of trying to parcel it out like that. Nicholas Tripp asked why. Nathan Rhue responded that now you would allow it in phase 1, but not in phase 2, or phase 3.

Nicholas Tripp asked why we do not want RV storage. Toni Hardin responded that we do not mind RV storage, but do not want it to be in an area where they are prime to bring in industrial and manufacturing jobs – and RV storage lot is going to being in a lot of jobs in the industrial park. Nicholas Tripp asked what about RV repair, where they can store them on the lot and do repairs on site. Nathan Rhue mentioned that the Board could include that, but Staff did not include a vehicle repair shop in the industrial park. Toni Hardin stated that these are being proposed to be permitted, but what if that boat storage came in and say they wanted to do another acre but are denied because it is no longer permitted; would they be able to come in for a special

use permit or a variance. Nathan Rhue responded that to issue a special use permit you are bound by the standards that are provided – part of that would be does it meet the standards of the ordinance – in this case it would be no, therefore they would not be afforded a special use permit. Toni Hardin asked if they could get a variance. Nathan Rhue responded no, it would be self-inflicted, but it could possibly be debatable.

Dave Mosey asked if there was any other discussion from the Board. There was none.

A motion was made by **Toni Hardin** and seconded by **Emily Hedrick** that the Town of Holly Ridge Planning Board hereby recommends adoption of the proposed amendment of Chapter 7 of the Town's Code of Ordinances- Chapter 7: Zoning Regulations to the Town Council and finds that (i) it is consistent with the Town's 2019 Comprehensive Land Use Plan, and policy 5.1.A, which states "All development shall adhere to the Town's building and development regulations set forth in the Code of Ordinances," and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge by limiting heavier industrial uses within the Camp Davis Industrial Park. **Toni Hardin, Emily Hedrick and Dave Mosey Approved. Nicholas Tripp opposed.**

Nathan Rhue presented – Town Council have been discussing for quite some time regarding that multi-family dwellings are permitted within Commercial and Neighborhood Business zoning districts with a special use permit. Multi-family are apartments of 3 or more units, duplexes, or townhouses of 3 or more units. This would be an amendment to the permitted use table, taking out those elements within the commercial and neighborhood business districts. Nathan Rhue explained that it would allow them within multi-family residential zoning district or should a Planned Unit Development be proposed.

Nicholas Tripp asked what the take ways from the Town Council were relating to this. Nathan Rhue explained that the Town Council's vision is to have the major thoroughfares along US Highway 17 and Highway 50 remain commercial and not be inundated with multi-family dwellings. Nathan Rhue mentioned that Town Council also discussed this when the Planning Board recommended the rezoning next to the concrete plant on Highway 50 – if the Planning Board considered multi-family dwellings within Commercial. Town Council want to remove this from these districts in order to afford for businesses to be located there.

Nathan Rhue mentioned that being the Town has implemented the Planned Unit Development, it is a give and take. The Town gets the commercial along the front of the highways, and the developer are allowed the multi-family at a denser rate of 16 units per acre versus 10. With the PUD being implemented, Staff did not have issue recommending this text amendment because it would afford more commercial along the major thoroughfares and still provide from multi-family.

Toni Hardin mentioned that this would encourage more rezonings to Multi-Family Residential. Nathan Rhue responded that is correct, but whoever wants to rezone, depending on the size of the property, needs to be mindful of spot zoning – a not compatible zoning district. This would be the only downside related to this request, as there are not too many other locations for multi-family residential as a district, not as a use. Staff recommends approval provided that it is consistent with the comprehensive plan, and it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge as it would protect the commercial and neighborhood business districts for more commercial development along the thoroughfares, which are mentioned in the consistency statement provided.

Dave Mosey asked if there were any additional comments or questions from the Board. There were none.

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* that the Town of Holly Ridge Planning Board hereby recommends adoption of the proposed amendment of Chapter 7 of the Town's Code of Ordinances- Chapter 7: Zoning Regulations to the Town Council and finds that (i) it is consistent with the Town's 2019 Comprehensive Land Use Plan, and policy 5.1.A, which states "All development shall adhere to the Town's building and development regulations set forth in the Code of Ordinances," and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge by removing multi-family development from the Commercial and Neighborhood Business Districts to protect said districts for more commercially driven development along the Town's major corridors. *All Agreed.*

Persons wishing to address the Board

There were none.

Board Member Questions or Concerns

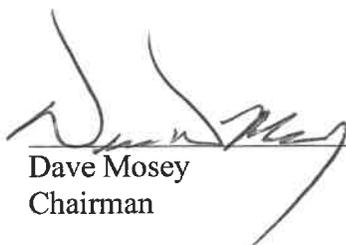
Nicholas Tripp stated that this is the first meeting without John McIver. Nathan Rhue mentioned that John McIver served close to 30, if not over 30 years and will be recognized by the Town for his service to the Planning Board.

Staff Updates

Nathan Rhue mentioned the RV Park is continuing and are shooting for Labor Day weekend but may not happen. There is a public hearing relating to the sale of the properties for Phase 2 of Camp Davis Industrial – 8 buildable lots and all lots have letters of interest. Buckhorn Development are close to halfway. Summerhouse is continuing. Home Place is almost built out. Landings are Stump Sound were recently reminded to install sidewalks to reach completion. Community Development Department hired a certified building inspector recently, who came from Pender County.

Adjourn

A motion was made by *Nicholas Tripp* and seconded by *Emily Hedrick* to adjourn the meeting at 7:45 PM. *All Agreed.*



Dave Mosey
Chairman



Marsha-Gray Kircher
Community Development Department