

Jeff Wenzel  
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Pamala Hall  
Mayor Pro Tem

Rena Bragg  
Councilmember

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Councilmember

# *Town of Holly Ridge*

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Heather Reynolds, CMC  
Town Manager

Tracy Martin  
Deputy Town Clerk

## **TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES February 15th, 2022 6:00 P.M.**

### **Call to Order**

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

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

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

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

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

### **Adoption of Minutes**

A motion was made by *Dave Mosey* and seconded by *Nicholas Tripp* to adopt the

minutes from Planning Board Meeting held on January 18<sup>th</sup>, 2022. *All Agreed.*

## **Old Business**

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

Presented by Heather Reynolds – both items on the agenda are old business, with the first Being Item A, preliminary plat approval for Folkstone Woods. Heather Reynolds mentioned that this had previously come before the Planning Board in December and was denied due to the distance of the driveway to the road. The Board of Adjustment met and granted a variance for those distance restrictions and is back before the Board requesting approval.

Chairman John McIver asked if there was any discussion even though the Board of Adjustment approved the variance. Nicholas Tripp asked for clarification of the other issues mentioned in the previous meeting. Toni Hardin responded that originally, they wanted access that was denied by NCDOT, but new proposed design has been approved, and the size of the cul-de-sac was another issue which has been fixed on plat presented. Nicholas Tripp wanted clarification that the size of the cul-de-sac had been increased. Applicant Jonathan McDaniel confirmed that the size of the cuddles had been revised to a 96-foot diameter, before it was 70 feet.

Chairman John McIver asked if the applicant was prepared for the two conditions as provided:

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

Applicant Jonathan McDaniel confirmed that they are fine with those conditions and are still waiting for the final paperwork which was submitted to DEQ last year.

A motion was made by *Toni Hardin* and seconded by *Dave Mosey* to recommend approval of the following resolutions: RESOLVED, that the Town of Holly Ridge Planning Board hereby recommends approval of the preliminary plat subject to the conditions, number 1: Submission of a new preliminary plat reflecting the addressed intersection changes as recommended by NCDOT, and number 2: The submission of an approved stormwater permit reflecting current conditions of the entire subdivision, and forwards this consistency statement to the Holly Ridge Town Council. *All Agreed.*

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

Heather Reynolds explained to the Board that during this month's Town Council meeting, the Town Council requested that the Planning Board consider the text amendment for the construction access roads. This has previously come before the Planning Board and Town Council quite a few times. Heather Reynolds mentioned that Town Council is asking for consideration to look at adding in the amendment to the ordinance to allow for the construction entrance.

Heather Reynolds mentioned that the proposed text amendment is included in the packet, the verbiage being “Prior to any final plat being approved, an alternate construction access no less than twenty (20) feet wide must be provided and readily identified”. It would also be added to section 8-28, sketch plan design, and section 8-29, preliminary plat design; “alternate construction access as required by section 8-36.6”.

Heather Reynolds explained to the Board that the Town Council has expressed concerns about the streets and roads that are going to be submitted for dedication, having the heavy construction traffic on them, and them being in disrepair by the time they are dedicated, or needing repairs.

Chairman John McIver asked if Heather Reynolds believed this would satisfy Town Council. Heather Reynolds responded, yes, I do. Nicholas Tripp asked if the Council could do this at their own level rather than bringing it down for a third time to the Planning Board. Heather Reynolds answered yes, they could, but typically with a text amendment pertaining to land use it has to come before the Planning Board for recommendation. Nicholas Tripp asked if there will be any clarity provided for this text amendment – where the road can be placed, does property need to be dedicated for the road specifically. Nicholas Tripp asked if these are things to be considered at this level or will the Council fine tune it.

Nicholas Tripp stated that it is super subjective. Heather Reynolds responded that it could be seen as being subjective but if the Planning Board has a recommendation as to how to fine tune this, Nathan Rhue could present it back to the Town Council for consideration. Toni Hardin mentioned that they have already gone over this and sent their thoughts on this to Town Council on why they did not agree with this proposal; Town Council has never given the planning board any feedback on the previous comments on why they did not recommend it, but now they are asking the Planning Board to revisit it and nothing has changed.

Toni Hardin asked if any of the things that they brought up last time been addressed – last time it was brought up that they do not want to overburden the developers and want to make sure that they do not have to pay extra costs, yet here we are telling developers that they need to buy land or get an easement next to your development, so we get good roads. Toni Hardin stated that they could protect themselves in other ways – do not have the roads taken over within a year of the first plat, have them turned over to the Town within a year after the final phase is developed. Then the Town could look at the roads and evaluate them and decide whether to take them or not, then it would be up to the developer to bring them up to standard if necessary and they would not have to provide an extra construction access on a recorded plat, which they then have to withdraw dedication and all of this extra work that would be put on the developer because the Town does not want them to use the roads once they have been dedicated.

Toni Hardin stated that the Town should not take them until they are done with the development, and then the Town would know the conditions of the roads. Toni Hardin stated there is other ways that the Town can protect from that, that the cost does not need to be on the developer if you want to encourage development. Toni Hardin asked so in the time since this was last visited, what has the Town Council said about this, nothing, just that they do not like the Planning Boards non recommendation, look at it again.

Heather Reynold responded that the Town Council are concerned about the construction traffic. Toni Hardin stated that she understands that the Town does not want to get roads that need repaired, and that cost should be on the developer, but why does the developer have to pave

a road and make it nice and perfect for the Town, spend more money to get another access or run an access over lots that they cannot develop until they get rid of that access; the Town is just putting more burden and cost which is unnecessary if you just change the way the Town takes over roads.

Heather Reynolds responded that typical a construction access is a common practice from jurisdiction to jurisdiction. Toni Hardin brought up the example of Folkstone Woods, where could they get 20 feet for a construction access; he cannot get it from the main road because NCDOT has already told him no, so where would they get his 20 feet. The Town is then telling them that they could not develop this land unless you do a 20-foot access – they would have to put it along the backs of these lots, which they could not because it is wetlands. Dave Mosey asked since NCDOT has refused to allow access to Folkstone Woods off the main road, could they allow a construction access? Jonathan McDaniel answered yes, a temporary one. Toni Hardin stated that her concern is for the developer that does not have the space for a construction access.

Nicholas Tripp asked if the Town's requirement is that the developer only has a 20-foot access or is the Town Council looking for the Planning Board to come up with ideas or go with this with an approval. Heather Reynolds stated that this is the same as what was presented previously to the Planning Board. Nicholas Tripp responded that it is identical. Heather Reynolds stated that she does not know that the Town Council is asking to dissect it, it is something that they would like to consider now, and because of the way that the ordinances are written, it has to come to the Planning Board.

Nicholas Tripp stated that he thinks this needs a more in-depth look, that there are merits to having a construction access, however, it needs to be really reviewed as far as what we are going to expect. The Town says construction access, it is super subjective; what do we want it to be made out of, how it is maintained throughout the construction? Toni Hardin asked would it be dirt; would it be paved? Nicholas Tripp stated they put in a construction access, is that for all the construction or just heavy equipment? Nicholas Tripp stated if the Town Council wants us to look at this that they need to put these conditions in place; we either circle back to it with an in-depth look at this, or we send it back to the Town Council for some more bullet points, for a more methodical answer. Nicholas Tripp stated that if it just pencil whipping this, that he is not ok with it, but he would be okay with some solid objective bullet points to be put into this.

Nicholas Tripp stated that he thinks there needs to be more input from the Town Council- they could send out a list of objectives that they want the Planning Board to look at as far as how things are going to be done, or we work conjunctively in a workshop because this is a big deal for them. Nicholas Tripp stated he would like Town Council to do this. Toni Hardin stated that she would like Town Council would consider the feedback that was sent to them previously and give them a response rather than sending back the exact same proposal. Dave Mosey stated that he would like to hear from Staff, and for the Town Council to provide their insight as to what their thought is; this is the same as the last time, therefore there is a problem that the Planning Board does not see, and they need to get more understanding of what the Town Council's issue is with this to be able to provide a collective and appropriate answer. Dave Mosey suggested tabling this item for the moment, and perhaps the Town Council and Planning Board meeting together.

Heather Reynolds suggested that the Staff put together recommendations for how to fine tune this, send it to the Town Council by email for their comments and revisions, and then we

see if a joint workshop is needed. Dave Mosey and Chairman John McIver stated that sounds good. Dave Mosey asked if Staff could gather what other municipalities are doing, if the Town is perhaps going overboard with this. Toni Hardin stated that it would be good to look at not only what other Towns do, but also what area of development they are in- are they looking to slow development or are they growing; this would be pertinent also.

Heather Reynolds mentioned that with her experience specifically with the Industrial Park, within the last week or so, the Town needed to go back to their RFP and add that a construction entrance was needed- this was sent out to the contractors. Heather Reynolds stated that it is her understanding that with the construction entrance, we as the RFP committee, are not dictating what it needs to look like, or putting any perimeters around it, but we are saying some type of slate rock so that it knocks the dirt and mud off the trucks.

Nicholas Tripp asked if everyone is required to use it for the construction- the concrete people all the way down to the people that put in the trim. Heather Reynolds stated that while the Town installs infrastructure in the Industrial Park for phase 2, the contractors are going to be travelling on phase 1 roads, the construction entrance and all the traffic come through that construction entrance which is at the end of phase 1. It connects to phase 1, it is just so when they come out of the job site, rock is there to take off some of the debris from the wheels. Nicholas Tripp asked what happens the other way; what if we put rock onto major thoroughfares and a car kicks up a rock and knocks out a windshield, where is the liability, and we are just moving dirt from there onto the main roads.

Nicholas Tripp asked what the penalty is if someone does not use the construction entrance and uses the paved roads. Heather Reynolds mentioned that they have to drive on those roads, there is only one way in and one way out. Nicholas Tripp stated there is one road and a construction entrance; the road is muddy, they take a concrete truck on phase 1 roads to get to phase 2, what are the consequences. Toni Hardin stated that what you are trying to protect against might not actually be protected because if they do not use the construction access, they could still use the roads. Toni Hardin stated if the developer put in a 24-foot access, but the dump trucks still drive over the paved roads, what would the penalty be if they used the paved roads instead of the construction access.

Heather Reynolds asked if we were talking about the Industrial Park specifically or any type of development? Nicholas Tripp responded any road; what if a concrete truck uses the paved road and not the construction entrance, what are the consequences? Heather Reynolds responded in a subdivision, if there is another option, no there would be no penalty because it is not in the ordinance. Nicholas Tripp stated that there is supposed to be no other option. Toni Hardin stated that you make them get a construction entrance, but there is no enforcement to make them use said construction entrance. Heather Reynolds responded that is correct.

Heather Reynolds mentioned that what she was referring to with the Industrial Park, there is no other option, it is surrounded with trees, there is no other point of entry. Nicholas Tripp asked if the Town can force them to have a construction entrance. Heather Reynolds responded that is what they have advised the contractors, that a construction entrance would be required. Toni Hardin stated we can force them to have a construction entrance but not to use it. Toni Hardin asked why it is 1 year from final plat instead of 1 year from phasing out the development. Nicholas Tripp responded because they have 1 year to turn the roads over. Toni Hardin asked why it is that number specifically. Nicholas Tripp responded because the Town does not want to draw it out like in the Preserves.

Toni Hardin stated that she understood that but for example Folkstone, they are 10 years in and he is just doing his final phase now, but if he was going through phase 1 for example, to phase 8 in the back, that is 10 years' worth of wear on the roads, so the Town should not accept the roads until 10 years later, so why is there this arbitrary 1 year rule on final plat. Toni Hardin stated that you may have your final plat done, but you may not do your phases for 10 years after. Toni Hardin stated why not address that issue versus having a workshop and doing a lot of work regarding a construction access that you cannot enforce when the Town could say that we are not going to take your roads until the development is built out, you have a year within the final built out to dedicate them to the Town. Why not say we are not accepting the roads until we are done, and then you will pave it and bring it to this standard, why not address it that way.

Heather Reynolds asked for clarification if this would be when the whole neighborhood is built out. Toni Hardin responded, majority of the phases would be complete, when the developer finalizes the development, then give them 12 months from that point, rather than accepting the roads multiple years before finishing the development. Toni Hardin stated that you have to have a final plat in order to record it and to deed out your first lot; if you are doing a phased development you have to final plat even though you are not done, you are just started- so you have this arbitrary date of 1 year, some houses take longer than a year to build. Toni Hardin stated why not address it that way, or at least consider addressing it that way rather than all of these other ways.

Heather Reynolds responded sure, that is definitely an option. Heather Reynolds mentioned that the Town knows from experience, specifically with the Neighborhoods of Holly Ridge how that turned into basically a dumpster fire with the streets, and now we have the Preserves where we have issues, and on the heels of that we have Sage's Ridge where construction traffic for the Homeplace subdivision is going through their roads. Heather Reynolds mentioned that on a staff level, we are willing to listen to any type of recommendation that can help fight these fires.

Nicholas Tripp stated that he thinks that a construction access is appropriate for some of these things, especially like Sage's Ridge, but you cannot say listen we are going to force you to put in a road that you do not have to use, there is no consequence; if we are going to put a rule in place we have to follow it up with some kind of consequence. Toni Hardin asked if it has to be on the final plat, why can it not be on the preliminary plat- they may not want to have that recorded, that construction access, on the plat in the public record, now they have to get rid of that before they sell. Toni Hardin stated maybe it should be on the preliminary plat and not on the final, problem is you cannot sell a lot until you have a final, I think it makes it tougher on the developer.

Jonathan McDaniel mentioned that there are all good points, and the Town having options would be a good solution. Some scenarios the construction access works and is a benefit because the overall intent is to preserve the roads, so the Town does not get crap roads. Nicholas Tripp stated that he would like to give the staff 2 weeks, and then have a special meeting; I do not want to drag this out. Nicholas Tripp stated that he does not want to table it to next month, because they just had a council meeting, the council is going to come back and send it to us, then we are going to meet again, it is going to be April. Nicholas Tripp stated that if they could say that they wanted to have another meeting before the council meeting to address this and put it to bed. Toni Hardin stated that it was her understanding that staff would draft it then send it to

council first so council could put in their changes and recommendations and then it would be decided if we needed a joint session.

Dave Mosey stated that he was not comfortable putting a time limit on staff. Toni Hardin stated that they do not have the authority to do so. Nicholas Tripp stated that he just did not want it to get dragged out for 2 more months. Heather Reynolds mentioned that essentially it would have to be dragged out because we have statutory required public hearing requirements, we have hash out the details, but if there is a big change then it would have to go back and be readvertised. Nicholas Tripp stated that it would be advantageous if it could be done before the next council meeting. Heather Reynolds mentioned that a special meeting would still need to be advertised. Toni Hardin asked what would be a special meeting. Heather Reynolds responded if the Planning Board and Town Council have a joint workshop, which may not even be needed; if staff can draw up the options and send it to council for review and then we get that back to the Planning Board, there may be an agreement in itself. If anything, the Planning Board could come to the Town Council meeting when the public hearing is held which has been done before.

Chairman John McIver asked if there was a motion to continue this at our next meeting with input from staff and possibly Town Council. Nicholas Tripp stated that it does not have to wait until Planning Board's next meeting, until a future date, to be determined.

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to table Old Business B- Text Amendment- Construction Access Road, pending options from staff and input from Town Council. *All Agreed.*

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

There were none.

### **Staff Updates**

Heather Reynolds mentioned the RFP for the Industrial Park went out for the third time; the bids are due by Friday at 12 noon. The committee view the bids, file a notice of intent to award a contract, hopefully Town Council will approve the contract at the March 8<sup>th</sup>, 2022, meeting. The number of inspections has not slacked off any, the inspectors are very busy, on average 500 inspections in a month. Homeplace and Landing at Stump Sound going strong with almost all permits issued, Summerhouse very steady, Buckhorn Townhomes have just been issued permits for buildings 4 & 5, with some CO's already issued for building 1. Heather Reynolds also mentioned the RV Resort Park on Hwy 50, and that same company, Evolve, along US Hwy 17 S by the Industrial Park, Town Council approved that as the Town's first PUD. They are in the final stages of closing on some additional property around that site.

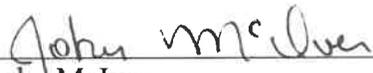
### **Board Member Questions or Concerns**

John McIver asked what is going on along US Hwy 17 N, next to the lot with all the palms trees, they have been clearing the lot. Staff responded there has been a site plan submitted for a

church in that vicinity. Toni Hardin asked if there were any updates on the property located on Hwy 50 for the taphouse. Heather Reynolds responded that their main concern right now is sewer service. Nicholas Tripp asked about the bathrooms down at Morris Landing. Heather Reynolds mentioned that they just had the property resurveyed, there has been a small setback with the height of the building requirements because it is in the flood zone. Public works, Nathan Rhue and the Town Manager are working with Coastal Management, CAMA and DEQ to try and find a resolution. They build these things all the time up and down these beaches, so we just need to find a compromise so that it does not have to be 20 feet in the air. Nicholas Tripp asked if that will affect the cost. Heather Reynolds responded that the Town was concerned about the increase with the cost of construction just because of where we are today with the pandemic, but the revised numbers show enough leniency when Coastal Federation provided the initial estimate. Heather Reynolds mentioned that if it does have to be 20 feet in the air, then yes, that is going to be a mess; the ADA ramp, additional materials etc. Nicholas Tripp asked why they wouldn't just write that project off. Heather Reynolds responded that we would like to think that DEQ and CAMA would not give the Town a grant for a \$90,000 bathroom facility not knowing that it was flood zone. Nicholas Tripp asked if there was a timeline on the grant. Heather Reynolds responded that the Town just did an extension for 12 months, we have an additional 6 months if needed; they have no problem extending it out because it has already been awarded. Nicholas Tripp asked if Circle K was on point. Heather Reynolds responded that it is and should be open by the beginning of March.

**Adjourn**

A motion was made by *Nicholas Tripp* and seconded by *Toni Hardin* to adjourn the meeting at 6:43 PM. *All Agreed.*

  
\_\_\_\_\_  
John McIver  
Chairman

  
\_\_\_\_\_  
Marsha-Gray Kircher  
Community Development Department