

**TOWN OF HOLLY RIDGE
PLANNING BOARD MEETING MINUTES
June 27, 2022
6:00 P.M.**

Call to Order

The meeting was called to order at 6:04 p.m. Members present were John McIver, Toni Hardin, Dave Mosey, Nicholas Tripp, and Anna Gaskins. Also present were Nathan Rhue, Planner; and Tracy Martin, Deputy Clerk.

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)

Nicholas Tripp made a motion and seconded by *Dave Mosey* to add item #5D to the agenda in order to discuss the Board's meeting time. *All Agreed.*

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

Adoption of Minutes

A motion was made by *Nicholas Tripp* and seconded by *Dave Mosey* to adopt the minutes from the Planning Board Meeting held on April 19, 2022. *All Agreed.*

New Business

A. **Zoning Map Amendment—Edwin Bahouth—209 W Ocean Road**

Discussion and recommendation for requested zoning map amendment of .74 acres from R-15 to Commercial

Nathan Rhue welcomed Anna Gaskins to her new position on the Holly Ridge Planning Board.

Mr. Rhue stated the applicant Mr. Bahouth was not in attendance tonight and offered the Board the option to continue the meeting to a future date or proceed with the discussion of the item. It was agreed to continue with the discussion.

Mr. Rhue provided the background information related to the request as presented within the Staff Report. The property in question is found at 209 W Ocean Road Parcel #019631 (Map #734-64). The request is to rezone the property from R-15 to Commercial and consists of approximately .74 acres.

Mr. Rhue indicated the location of the property in question being next to the existing S&W concrete batch plant and found within the area of single-family dwellings. There was also a single-family dwelling that has since been demolished.

Mr. Rhue stated that the Future Land Use Plan indicates this parcel as Commercial as found within the Comprehensive Land Use Plan and reminded the Board of their obligation to consider all permitted uses within a proposed district when considering a general rezoning.

Mr. McIver asked if this applicant was the same one that owned the business that is currently selling pre-built sheds. Mr. Rhue stated that he was the owner and even owned the property at the corner of Hwy 50 and N Dyson Street as well as the car wash found on Sound Road.

Mr. Rhue reviewed the guidelines the Board should consider when making recommendations to 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-15, LI, and Commercial. The adjoining properties are residentially and industrially zoned and utilized for both residential and industrial uses. Within the area are also found commercially zoned and commercial uses not far from the property in question. 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 Hwy. 50 and approximately 300 feet from the intersection of NC Hwy 50 and 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 as the subject property is located along a major thoroughfare and directly next to an industrial use with commercial uses found in the area, 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.

The proposed change is consistent with the Future Land Use Map and consistent with the Comprehensive Land Use Plan as a whole.

Mr. Rhue stated that Staff's recommendation was that the request be approved. Being as the property is located on Hwy 50, the amendment would afford more business options for the citizens and traveling public to access. While some residential uses exist in the area, there are also current industrial and commercial districts, including an operable concrete batch plant directly adjoining the property in question. The subject property is also located approximately 300 feet from the intersection of NC Hwy 50 and US Hwy 17.

Mr. Rhue also stated that the Future Land Use Map designates this parcel as Commercial and 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. A consistency statement was submitted outlining the consistency of the request and asked the Board to consider its adoption prior to it being forwarded to Town Council.

Mr. Tripp asked what the dimensions would be for .74 acres. It is approximately 155' x 155'.

Mr. Tripp asked to look at the aerial of the property once more and asked about the adjoining property and what the aerial was indicating in the area around the property in question. Mr. Rhue stated that it appeared to be a single-family dwelling that has since been removed.

Chair McIver asked if there were any additional questions/comments and asked for a motion regarding this request and the consistency statement.

Nicholas Tripp made a motion and seconded by *Toni Hardin* to recommend approval and accept the consistency statement and forward to Town Council. *All Agreed.*

B. Zoning Map Amendment—Jason Dixon—317 N Dyson Street

Discussion and recommendation for requested zoning map amendment of .34 acres from R-15 to Commercial

Mr. Rhue stated that the records found on Onslow County GIS has not been updated to reflect the current owner's information but distributed a copy of the deed that reflects the accurate information of said current owners.

Mr. Rhue stated that the applicant, Jason Dixon, was in attendance as well as Christina Asbury, who is the realtor with Caldwell Banker representing Mr. Dixon should the Board request further information.

Mr. Rhue stated that the property is located at 317 N Dyson Parcel 042817 (Map #903-12.1) and consists of .34 acres. Ms. Asbury stated that the noted area on the presented aerial and Onslow County GIS was not accurate and provided a copy of the current survey, which was included in the Board's packet.

Mr. Rhue stated that the current zoning of the property is R-15 and the request is to rezone the property to Commercial. A single-family dwelling is found on the property and also lies across from the loading dock of J&J Snack Foods.

Mr. Tripp asked if the parcel identification was accurate and was concerned that the existing identification would change the whole parcel. Further explanation was provided that the chance for some identifying elements would change the submitted information but the address of the structure, 317 N Dyson, would remain the same. Additional confirmation of the parcel in question was provided by indicating that the plat in question is recorded in Map Book 81 Page 90.

Mr. Rhue stated that the Future Land Use Map identifies this parcel as Medium-Density Residential.

Mr. Rhue reviewed the guidelines the Board should consider when making recommendations to 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-15 and Light Industrial. The adjoining properties are residentially and industrially zoned and utilized for both residential and industrial uses. Within the area are also found commercially zoned and commercial uses not far from the property in question. 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.

The location of the subject property across from the main loading docks of an operable industrial use could demonstrate that any use permitted within the Commercial District would be in the general public interest as the area is already utilized for commercial traffic access and would not permit additional residential uses within the area.

(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.

While the surrounding parcels are currently zoned and utilized for residential uses, the direct area is utilized for industrial/commercial vehicles due to the adjacent industrial operation across the street. The similar and/or less invasive uses found within the Commercial District could demonstrate that this amendment would be appropriate for this area.

(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.

The subject property is located directly across from the loading docks of an existing industrial use. There is no convincing demonstration that the character of the neighborhood would be adversely affected.

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

The proposed change is not consistent with the Future Land Use Map as this parcel is designated as Medium-Density Residential. However, it would be consistent with the public input priorities as found within the Comprehensive Plan as it would attract additional businesses within Holly Ridge.

Mr. Rhue stated that Staff recommends approval of the request as the parcel is located directly across from the loading docks of J&J Snacks, which is an industrial use. The addition of commercial uses would not dramatically impact the surrounding area that is currently utilized for heavy truck access.

While there are existing residential uses in the area, the uses found in the Commercial District would be compatible being the existence of the industrial use directly across the street. Additionally, the subject parcel is located about a block for other commercially zoned parcels along N Green Street and Sound Road.

Mr. Tripp questioned that it does not meet the Future Land Use Map but that it is consistent with the Comprehensive Plan. Mr. Rhue stated that, while it does not meet the map, other consistencies exist, such as the public input priorities for the Town to attract additional businesses. He stated that it was Staff's opinion that this parcel being located directly across from the loading dock of an industrial use could meet this attraction for more businesses.

Ms. Gaskins asked why the request was not more for mixed-use development. Mr. Rhue stated that the Town does not have an official "mixed-use" designation but that Neighborhood Business could be of a similar designation.

Mr. Tripp asked for what options the Board had in its deliberation. Mr. Rhue stated that the Board could approve, modify and approve, table for additional information, or deny the request. Mr. Tripp asked if the Board had the authority to amend the request and recommend a modification and if that could be done tonight. Mr. Rhue stated that it could if the applicant agreed.

Ms. Hardin stated that the applicant was in attendance and we could ask him questions related to his request. Mr. Dixon explained that his intent was to open a cleaning business on the property that would be more for a staging and office use. Mr. Tripp reminded that consideration of all the uses should be considered in recommending the rezoning.

Ms. Asbury asked about differences between Commercial and Neighborhood Business. Mr. Rhue stated that the only difference was that the Neighborhood Business district requires setbacks but that Commercial district does not. The uses are very similar, if not the same. Mr. Rhue stated that, should it be rezoned Neighborhood Business, any existing structures would be permitted to remain as is with any expansions conforming to the current ordinances.

Mr. Mosey asked if the proposed business was operating as a 24-hour location. Mr. Dixon stated no and that the hours are Monday-Friday 9a-5p. Additionally, this location was primarily for office use.

Mr. McIver asked for any additional questions and a motion.

Toni Hardin made a motion and seconded by **Dave Mosey** to recommend approval and accept the consistency statement and forward to Town Council. Motion passed 3-2 with Ms. Hardin, Mr. Mosey, and Mr. McIver voting to approve.

C. Zoning Ordinance Text Amendments—Town of Holly Ridge

Discussion and recommendation for multiple text amendments submitted by Town Staff related to buffering, travel trailers, Planned Unit Developments, definitions, and the permitted use table.

Mr. Rhue stated that the Board was presented with several text amendments that originated from Staff as a result of past experiences, questions, and lack of clarity.

Mr. Rhue stated that, in attempts to continue providing clear and succinct requirements and regulations concerning development and land use, Town Staff continually reviews and seeks ways to amend and add clarification to existing ordinances. The following list of proposed ordinances are the result of previous experiences that may have led to confusion, misdirection, or omissions due to different scenarios that would not have been considered at the text's inception.

In considering the regulations associated with both the Commercial and Light Industrial district, the requirements related to setbacks are that the Commercial District has none and the LI has 20' for the front, 10' for the side, and 10' for the rear yards. It also adds that should these districts abut a residentially zoned lot, both districts are required to have 15' for rear yards and 10' for side yards in addition to the width required for buffering. An example of the current requirements would be that a developer who chooses to utilize an approved natural buffer of 20' would be required to add an additional 10' outside that buffer for setback purposes instead of being permitted to place any buildings directly along the buffer. Similarly, a developer that would choose to install a fence would be required to install the fence 3' from the property line and then add their setback from the fence versus the property meaning the structure would now be 13' from the property line.

The request is to strike out the verbiage that adds the buffer width to the required setback width.

Section 7-3-14 Commercial District

Where the rear of a lot abuts a residential district, there shall be a fifteen (15) foot rear yard and where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than ten (10) feet in width. ~~In these cases, a buffer shall be required in addition to the required yards.~~

Section 7-3-16 LI Light Industrial District

Whenever an industrial lot which abuts a residential district is developed, there shall be a fifteen (15) foot rear yard and where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than ten (10) feet in width. ~~In these cases, a buffer shall be required in addition to the required yards.~~

Mr. Rhue clarified that this was not to remove the buffering requirements but simply removing the requirement that the setback be added to the buffering requirements. Mr. Tripp asked for clarification related to natural buffering as to what that is defined as. Clarification was provided that natural would be considered the undisturbed and undeveloped portion of the property as it relates to buffering.

Ms. Gaskins stated that we may want to look into the buffering requirements and, specifically, having the natural buffering not be removed with the addition of fencing. Mr. Rhue stated that this may be something that the Board could consider in the future should that be their desire.

Mr. Rhue stated that we have started seeing an increase of single travel trailers and recreational vehicles being located on residentially zoned parcels. While these are allowed to be stored on such parcels, we have also seen an influx of such vehicles being connected to utilities and being occupied for extended periods of time. The current ordinance does state that these vehicles cannot be used for sleeping, utility, office, material storage, etc.

The request is to add verbiage that prohibits permanent connection to utilities.

Section 7-4-11 Campgrounds, travel trailer, and RV Parks(B)

Travel trailers or recreational vehicles may be stored on any lot in any residential zoning district provided they are not stored in the required setback for front yards. Travel trailers or recreational vehicles, while being stored in this area, cannot be used for sleeping, utility, office, material storage, etc. or be permanently connected to utilities including, but not limited to, water, sewer, electric, etc.

Mr. Rhue stated that travel trailers are intended for temporary occupation and not designed for permanent occupation. Ms. Hardin stated that we may need to define “permanent” for clarity’s sake. Mr. Rhue stated that the permanent was in reference to the connection of utilities as no issue has been experienced for those occasions when visitors, such as family, are only staying for a few days.

In the Town’s consideration of Planned Unit Developments, it was the desire of Town Council to ensure protection of strictly commercial uses along the major corridors. The verbiage associated with PUDs only specified a percentage of gross acreage be dedicated to commercial development and did not specify how said development should be situated.

The request is to add verbiage that specifies only commercial development is permitted along the major thoroughfares.

Section 7-4-18 Planned Unit Developments(2)(d)(3)

Commercial district (C/NB). The commercial density district shall include commercial development **only** along road frontage at no less than 10% of the gross acreage and can include single-family stick built or modular dwellings and multi-family units. Multi-family units shall be at a maximum density of sixteen (16) units per gross acre. **No residential development, including multi-family, accessory structures, parking, and/or open space, is permitted along road frontage.** (See Section 7-4-6 for additional supplementary requirements)

Mr. Rhue stated that this amendment spurned from a recent request of a Planned Unit Development that was proposed that, while meeting the percentage requirement for commercial development, only indicated said development only on a portion of the property fronting the major thoroughfare. Mr. Rhue stated that, after discussions with Town Council, it was the intent of Council to strictly limit development along the thoroughfares solely to commercial.

Ms. Hardin stated that she had issues with word “only” as this could lead ones to believe that was the only location for commercial development. This would prohibit commercial development from other locations within the PUD.

Ms. Asbury asked if mixed-use development would be an option. Mr. Rhue stated that mixed-use development was already a permitted use within Commercial and Neighborhood districts, which are those districts primarily found along the major thoroughfares. This amendment only applies to Planned Unit Developments.

Section 7-9-20 and 7-9-21 provide some requirements associated with buffering. One of the options for buffering is for an opaque fence/wall to be installed 3’ from the property line. Should this option

be chosen by the developer, it is also required that evergreen plantings be installed between the property line and fencing. It is Staff's opinion that the plantings installed in this location could cause more harm than good as property rights may be affected; be that on the owner of the plantings going on the neighbor's property or the neighbors damaging said plantings.

The request is to add clarifying verbiage to Section 7-9-20 that requires buffering from single family districts and uses versus just single-family dwellings as is currently the text. It is also requested that the requirement for evergreen plantings between fences and property lines be removed, adding that the finished side of any fence face the adjoining property, and that manufactured home parks, RV/campsites and multi-family dwellings will only be permitted to utilize a fence/wall as a buffer.

Section 7-9-20 Buffers Required

In all districts, a uniform buffer or screen is required along the side and rear lot lines between commercial and industrial uses and residential or rural agricultural districts or residential uses. Buffers are also required between proposed manufactured home parks, RV/campsites or multi-family dwellings and single family ~~districts or uses~~ (See 7-9-21 below). Information shall be submitted to the Zoning Administrator showing details of the proposed buffer as to the location and type of buffer.

Mr. Rhue stated that this is to provide the buffer requirement to be included for neighboring "districts or uses" versus only being required if they are next to "dwellings" as is currently found in the ordinance.

Section 7-9-21 Buffer Specifications

(A) Unless specified elsewhere in this Ordinance, a buffer shall be one (1) of the following:

- (1) A six (6)foot high opaque fence/wall installed no closer than three (3) feet from the property line, ~~with the finished side facing the adjoining parcels, with evergreen plantings between the fence and property line. This will be minimally required for manufactured home parks, RV/Campsites or multi-family dwellings adjoining single-family districts or uses;~~ or
- (2) A buffer that is eight (8) feet wide shall include two (2) staggered rows of evergreen plantings, to include six (6) trees, six (6) feet in height and twenty (20) shrubs per 100 feet; or
- (3) A twenty (20) foot wide natural wooded barrier; or
- (4) A combination of a barrier and plantings as approved by the Zoning Administrator

Mr. Rhue stated that this requirement was in reference to multi-family, manufactured home parks, and RV/Campsites being required to at least install a fence/wall. The other options would also be available should the developer desire to use the planting options.

After continued discussion for clarity, the Board recommended that the verbiage to Section 7-9-20 be amended to say "Buffers, ~~only as specified in Section 7-9-21(A)(1)~~, are required between proposed manufactured home parks, RV/campsites or multi-family dwellings and single family districts or uses." The proposed verbiage recommended above in Section 7-9-21 would only add the requirement for the finished side of the fence to face the adjoining parcel.

Article XIII provides definitions of certain terms utilized throughout the Zoning Ordinance. At times, some definitions are not available and add to confusion and misdirection.

The request is to add a definition for a sight triangle and add verbiage to “parking, commercial” to include RV and boat storage.

Definitions

Sight Triangle—on a corner lot, within the area formed by a triangle twenty-five (25) feet from the intersection of right-of-way lines, there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet above the average center line grade of each street. (Ref Sec 7-9-2)

Parking, Commercial—A principal use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles; to include boat and RV storage

Mr. Rhue stated that these amendments were due to the increasing requests received related to boat and RV storage and the Permitted Use Table not having a specific definition for this type of use. Mr. Rhue stated that, as an accessory use, these may still be permitted with the principal use.

Section 7-3-25 contains all the uses that are permitted within every zoning district of Holly Ridge. In review of past requests, Staff’s opinion is that some uses should be updated to reflect the direction that is becoming more evident for the Town.

The request is to both remove or add already listed uses from certain districts or add a new use within a district. The request is primarily in the interest of the industrial park. As this continues to grow, it is Staff’s opinion that some uses should be prohibited that could potentially not be identified as job creators, which could impact future interest in the industrial park itself as well as grant opportunities for the Town.

Permitted Use Table

Transportation, Wholesaling, and Warehousing

“Mini-warehouse”—remove “PS” from LI to prohibit use

“Parking lot (commercial)”—remove “S” from LI to prohibit use

“Open storage facility”—remove “P” from LI to prohibit use

“Warehousing”—remove “P” from LI to prohibit use

(These could still be permitted as accessory to the principal use)

Industrial, Manufacturing, and Heavy Repair

“Woodworking Fabrication Plant”—add to permitted use table as “P” within LI

Mr. Rhue stated that the proposed amendments to the permitted use table was an effort to protect certain uses within the Camp Davis Industrial Park, especially for those uses that are more apt for job creation which, in turn, assists the Town with potential grant opportunities.

Ms. Hardin asked if these are removed from Light Industrial where would these uses be located? Mr. Rhue commented that these would still be permitted within the Commercial and Neighborhood Business districts.

Mr. Tripp asked how these recommended amendments for the permitted uses came about. Mr. Rhue stated that, in Staff’s opinion, these uses would not be conducive to other typical surrounding uses of an industrial park.

Ms. Hardin confirmed that these uses could still be used as accessory uses. Mr. Rhue stated that was correct.

The Board agreed that uses within the industrial park should not be that for only storing of material and goods. Mr. Rhue restated that those uses would still be permitted within the Commercial and Neighborhood Business districts.

Mr. Rhue stated that Staff recommends approval of the amendments as they will provide clarification to existing ordinances and concise direction for the benefit of Staff, developers, citizens, etc. He also provided the consistency statement to the Board in that the request 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 that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge concise and specific procedures and requirements for development within the Town's planning jurisdiction.

Mr. Mosey stated that he had no issue with the amendments but did not like the verbiage that was submitted regarding the buffer specifications within Section 7-9-21. He felt that there could be better language to be included for this section. Ms. Hardin stated that the options related to buffering as found in Section 7-9-21 still allowed the use of different types of buffering.

After further discussion, Section 7-9-20 was agreed to be amended to as "Buffers, **only as specified in Section 7-9-21(A)(1)**, are required between proposed manufactured home parks, RV/campsites or multi-family dwellings and single family districts or uses." The Board felt comfortable with this change.

Nicholas Tripp made a motion and seconded by *David Mosey* to recommend approval as modified and accept the consistency statement and forward to Town Council. *All Agreed.*

D. Discussion Regarding Planning Board Meeting Time (Amended Agenda Item)

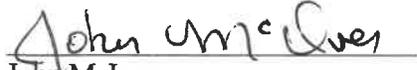
Mr. Tripp stated that, with the exclusion of tonight's meeting, the start time of 6pm was hard on the working man and wanted to propose a change of start time to follow suit with Town Council and move the time to 6:30pm. Mr. McIver added that the Board did meet at 6:30pm for many years and only changed the time to 6pm about 3 years ago.

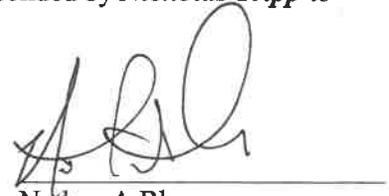
The Board briefly discussed this item with them coming to a consensus to change the time.

Nicholas Tripp made a motion and seconded by *Anna Gaskins* to change the start time from 6pm to 6:30pm. *All Agreed.*

Adjourn

With no further business, a motion was made by *Dave Mosey* and seconded by *Nicholas Tripp* to adjourn at 7:45 p.m. *All Agreed.*


John McIver
Chair


Nathan A Rhue
Community Development