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Heather Reynolds, CMC
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TOWN OF HOLLY RIDGE PLANNING BOARD MEETING MINUTES April 19th, 2023 6:30 P.M.

Call to Order

The meeting was called to order at 6:30 PM. Members present were Dave Mosey, Toni Hardin, Anna Gaskins, Emily Hedrick and Nicholas Tripp. Also present was applicant Channing Langrudi, in addition to Nathan Rhue and Marsha-Gray Kircher from the Community Development Department.

Invocation and Pledge of Allegiance

Board paused for a moment of silence. Dave Mosey led the Pledge of Allegiance.

Adoption of Agenda (Additions and/or Deletions)

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

Adoption of Minutes

A motion was made by *Nicholas Tripp* and seconded by *Anna Gaskins* to adopt the minutes from the Planning Board Meeting held on March 21st, 2023. *All Agreed.*

New Business

A. Zoning Map Amendment – Jones Street – Barry Ottaway

Presented by Nathan Rhue – requested map amendment submitted by Barry Ottaway, no present at the meeting. The property is located on Jones, the parcel ID 010389, approximately 1.49 acres and is currently zoned R-20, residential zoning with a minimum of 20,000 sq ft per lot. The rezoning request is to rezone it to R-15 with a minimum of 15,000 sq ft per lot. Nathan Rhue reminded the Board that a couple of years ago, one of the neighboring properties was rezoned from R-20 to R-15. The property in question is currently vacant and undeveloped, with surrounding uses being single family dwellings.

Nathan Rhue mentioned that the Future Land Use map indicates this property as low density residential and looking at the purpose and understanding of the R-15 zoning district, the requested zoning district, that is conducive with low density residential. The uses within R-15 are very extensive as provided in the Planning Board packet provided to the Board.

Nathan Rhue reminded the Board of Section 7-7-4, the Ordinance provides policy guidelines that the Planning Board should consider relating to the zoning amendments.

- (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, R-15, and R-15A. The areas surrounding the property in question are either vacant and undeveloped or single-family residential dwellings, which are also found within the R-15 zoning district. The R-15 district, like the R-20 district, is more directed for low-density residential development, so the request would place the property in similarly situated areas.

- (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 permitted uses within the R-15 district would afford additional options related to lot area for more uses found within such a district. As such, the proposed district could potentially benefit additional groups aside for an individual or small group.

- (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.

All permitted uses within the R-15 district are more appropriate for single-family, low-density residential developments. This classification would be appropriate for the area made up of both low and medium-density residential uses.

- (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 character of the neighborhood is single-family residential, the character should not be affected by the uses found within the R-15 district.

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

The future designation of the subject properties is “Low-Density Residential”. The purpose of the R-15 District is to provide for low-density residential development.

Nathan Rhue explained to the Board Staff’s evaluation of the request that the existing R-20 zoning designation is appropriate for low-density residential development. The same designation is found for the R-15 zoning district as defined by the Holly Ridge Zoning Ordinance. The permitted uses related to single-family development are more or less shared between the R-20 and R-15 districts and would be appropriate for this area.

Nathan Rhue additionally mentioned that the Comprehensive Land Use Plan supports this consideration as it indicates low-density residential development in this area. These areas are typically rural in nature with an existing low-density residential development pattern. Appropriate uses would include both single-family residences and manufactured homes, which would be compatible with the R-15 District.

Nicholas Tripp asked how many lots could there be if this piece was rezoned. Toni Hardin responded with the lot being 1.49 acres, there is 64,904.4 square feet. With its current zoning of R-20 there could be 3 lots, if rezoned to R-15 there could be 4 lots. Nicholas Tripp confirms that it could potentially be 4 lots, the difference only being 1 lot.

Dave Mosey asked if there was any further discussion or comments from the Board. There were none. Dave Mosey asked for a motion.

A motion was made by *Anna Gaskins* and seconded by *Toni Hardin* that the Town of Holly Ridge Planning Board hereby recommends approval of the following resolutions: RESOLVED, that the Town of Holly Ridge Planning Board hereby finds the amendment to the Zoning Map is (i) consistent/inconsistent with the Town’s comprehensive plan (Town of Holly Ridge Comprehensive Land Use Plan) and (ii) that it is reasonable and in the public interest and forwards the included Consistency Statement to the Holly Ridge Town Council. *All Agreed.*

B. Zoning Map Amendment – 714 E Ocean Road – Channing Langrudi

Toni Hardin brings it to the Board’s attention that she has an interest in the adjacent property and recuses herself from this item. Dave Mosey asked the Board how they would like to handle this. Anna Gaskins recommended that Toni Hardin sit elsewhere away from the Board during this agenda item and sit out with the audience.

Presented by Nathan Rhue – requested map amendment submitted for 714 E Ocean Road, parcel ID 022648, owned by Channing Langrudi, applicant who is present. Request for 0.77 acres with current zoning being Neighborhood Business with the request for it to be rezoned to Commercial. It is neighboring the entrance of the newly established RV Resort Park. There is a vacant property

adjoining the subject parcel, with a convenience store and an electrical contractor's office, and single-family dwellings. The parcel currently has one small building on it, and received a Special Use permit a couple of years ago for a used car dealership use.

Nathan Rhue mentioned that the Future Land Use map designates this parcel as Commercial land use. Commercial land uses in Holly Ridge's planning jurisdiction are currently concentrated in close proximity to primary roadways. Future high-impact commercial development is intended to be located along major thoroughfares on NC 50 and US 17 that have easy access for automobiles. Lower intensity commercial uses such as small offices and boutiques are also appropriate.

Nathan Rhue explained that multi-family dwellings are no longer permitted within the Commercial zoning district but can be part of a planned unit development depending on the size as long as there is Commercial development along the major thoroughfares. The appropriate uses for Commercial include high intensity commercial, office, and institutional establishments as well big box retail, such as grocery stores and building supply stores. Inappropriate uses would include industrial uses and single-family residential uses and duplexes. Additionally, as part of the public input priorities included within the Town's Comprehensive Land Use Plan, it is noted that the Town should make efforts to attract a broad variety of businesses to Holly Ridge to maximize retail diversity.

Nathan Rhue reminded the Board of Section 7-7-4, the Ordinance provides policy guidelines that the Planning Board should consider relating to the zoning amendments.

- (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 Rural Agriculture, Neighborhood Business, and R-15. Adjoining the subject property are single-family, commercial, and recreational uses. Similar uses within the Commercial district could place this property 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.

- (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 commercial and residential uses are found in the area, the variety of permitted uses within the Commercial District would afford options to accommodate the district's purpose. Located on a major thoroughfare of Holly Ridge, uses within the commercial District 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.

Being the districts and land uses currently existing in the area are residential and commercial and located on a major thoroughfare in the Town, 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 Holly Ridge Comprehensive Plan designates this area for Commercial development. As such, a concentration of Commercial, either with high or low intensity, in this area would be consistent with the Town's Plan. The variety of uses within the Commercial District would be in accord with this designation.

Nathan Rhue explained to the Board Staff's evaluation of the request reminding them that the surrounding parcels are utilized for single-family dwellings and commercial and recreational uses. The commercial and recreational uses consist of a convenient store, an electrical contractor's office, and an RV park. Also, in the area and along NC Hwy 50 is a restaurant, a drinking establishment (bar/lounge), a retail establishment for storm shutters, and a proposed micro-brewery currently under construction. Surrounding properties are zoned NB, RA, and R-15 causing the requested district to be more compatible with the NB District and the uses found in the area.

Nathan Rhue explained to the Board that in consideration of this request, the question could be asked as to whether this would be considered "spot-zoning" based upon the size of the parcel and that there are no parcels identified that are within the Commercial Zoning District. Based upon the book "Land Use Law in North Carolina", written by David Owens of the UNC School of Government, it states that "spot zoning occurs when a relatively small tract of land is zoned differently from the surrounding area.

Nathan Rhue mentioned that in North Carolina, spot zoning is not illegal in and of itself, as it is in some states. However, to be upheld, spot zoning must be supported by a reasonable basis." Mr. Owens continues, "When adopting a "spot" zone, a local government has an affirmative obligation to establish that there is a reasonable public-policy basis for doing so." Being as G.S. 160D-605(b) requires adoption of consistency statements and statements of reasonableness, Mr. Owens states that the statute lists the factors, which are suggested and not mandated, that should be considered are:

- The size and physical attributes of the site;
- The benefits and detriments to the landowner, the neighbors, and community;
- How the actual and previously permitted uses of the site relate to newly permitted uses;
- Any changed conditions warranting the amendment; and
- Other factors affecting the public interest.

Nathan Rhue mentioned by way of comparison of the uses in both districts, the following are permitted within the Commercial District and not permitted within the Neighborhood Business District:

- Family Care Home
- Truck, farm, heavy equipment sales/service
- Concrete product productions (Special Use)
- Lawnmower repair
- Tire dealers
- Adult Establishments (Special Use)
- Amusement Park
- Go-cart tract (Special Use)
- Truck Freight terminal (more than 6 vehicles requires Special Use)
- Vehicle for hire

Nathan Rhue additionally mentioned that the following are permitted within the Commercial District and permitted only with an approved Special Use Permit within the Neighborhood Business District:

- Hotel
- Auto, truck sales
- Monument work/sales
- Metal machining, welding
- Grading business
- Petting zoo
- Open Storage

Nathan Rhue also mentioned that the following uses are permitted within the Neighborhood Business District and not within the Commercial:

- Bed & Breakfast
- Crematorium (Special Use)

Nathan Rhue mentioned to the Board that another difference between the two zoning districts would be the setback requirements; there are no setbacks with the Commercial district, and setback requirements of 20-foot front, 10-foot rear and 10-foot sides for Neighborhood Business district. If there is a new structure imposed, there are other building code related items that would need to be in place such as type of construction, fire safety etc.

Dave Mosey asked the applicant if he had anything to add, and if so to stand up and introduce himself. Applicant Channing Langrudi of Hampstead stated that this request falls within the Future Use plan. Channing Langrudi mentioned that they own the property and have rented it out over the years to include the used car dealership, and originally, he started his own business at this location. His plan is to continue to rent this place out.

Emily Hedrick asked if there was any proposal for new buildings at this location. Applicant Channing Langrudi responded no new buildings.

Nicholas Tripp asked the applicant to describe what is currently on the property now, compared to the aerial image that was provided. Applicant Channing Langrudi responded there are some trees in the back that are gone. Nicholas Tripp asked how far back. Applicant Channing Langrudi responded almost to the property line, there is still a wooded line at the back. Nicholas Tripp asked if it is basically an open lot. Applicant Channing Langrudi responded yes; the right side still has a wood line, and so does the back. The other side does not have any vegetation. Emily Hedrick asked if there is a wood line between this lot and the RV Park. Applicant Channing Langrudi responded there is vegetation and cannot see through to that side.

Dave Mosey asked if there was any further discussion or comments from the Board.

Nicholas Tripp asked for clarification and if the large arrow shaped parcel was zoned Commercial. Nathan Rhue responded it is R-10A and there is no Commercial designated zoning district on the aerial shown.

Dave Mosey readdressed the planning board considerations for the rezone: the size and physical attributes of the site, no issues there. The benefits and detriments to the landowner and neighbors, no issues there. The previously permitted uses relate to newly permitted uses, there were none. Any changed conditions or other factors affecting the public interest, no issues there.

Dave Mosey asked if there were any further thoughts or comments from the Board.

Anna Gaskins stated that she believes the Neighborhood Business zoning fits this property.

Channing Langrudi stated that it has not at this point – the previous person that was renting was only approved for 5 cars at the time and had to go through the Special Use process to get permission to do that. The Neighborhood Business versus Commercial in that aspect made it difficult for him.

Dave Mosey asked if there was a motion to approve, disapprove or table this request.

A motion was made by *Nicholas Tripp* and was not seconded to recommend denial of the proposed amendment of the Holly Ridge Zoning Map. ***Motion died.***

Dave Mosey asked if there was a motion to approve or table this request.

A motion was made by *Emily Hedrick* and seconded by *Anna Gaskins* that the Town of Holly Ridge Planning Board hereby recommends approval of the proposed amendment of the Holly Ridge Zoning Map and finds that (i) it is consistent with the Town of Holly Ridge Comprehensive Land Use Plan because the permitted uses within the Commercial District allow for commercial uses that qualify for such development within the Commercial designation as noted by the Town's Comprehensive Land Use Plan and would prove to be reasonable and in the public interest by providing additional commercial options along a major thoroughfare of Holly Ridge for both residents and traveling public and a variety of commercial uses are currently found within the area and forwards this included Consistency Statement to the Holly Ridge Town Council. ***Not all agree, Nicholas Tripp denied.***

Persons wishing to address the Board

There were none.

Board Member Questions or Concerns

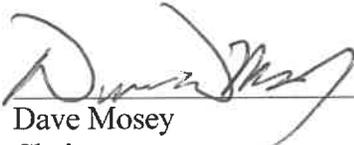
There were none.

Staff Updates

There were none.

Adjourn

A motion was made by *Toni Hardin* and seconded by *Nicholas Tripp* to adjourn the meeting at 7:10 PM. *All Agreed.*



Dave Mosey
Chairman



Marsha-Gray Kircher
Community Development Department