



**CAMDEN COUNTY**

**NORTH CAROLINA • USA**

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# **PLANNING BOARD**

**June 17, 2020**

**7:00 PM**

**Regular Meeting**

**Historic Courtroom**

**Courthouse Complex**

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## Agenda

**Camden County Planning Board  
Regular Meeting  
June 17, 2020, 7:00 PM  
Historic Courtroom, Courthouse Complex**

**ITEM I. Call to Order & Welcome**

*Item A. Administer Oath of Office*

Oath of Office - Steve Bradshaw

**ITEM II. Consideration of Agenda**

**ITEM III. Consideration of Minutes - February 19, 2020**

PB Minutes 2-19-2020

**ITEM IV. Old Business**

**ITEM V. New Business**

*Item A. UDO 2020-05-32 Rezoning Request Tonter Investments Inc*

UDO 2020-05-32 Rezoning Request Tonter Investments Inc

*Item B. UDO 2020-01-36 South Mills Landing Prelim Plat Master Plan*

UDO 2020-01-36 South Mills Landing Prelim Plat Master Plan

**ITEM VI. Info from Board and Staff**

**ITEM VII. Consider Date of Next Meeting - July 15, 2020**

**ITEM VIII. Adjourn**

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# CAMDEN COUNTY

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## **Camden County Planning Board AGENDA ITEM SUMMARY SHEET**

### **New Business**

**Item Number:**

**Meeting Date:**

June 17, 2020

**Submitted By:**

Amy Barnett, Planning Clerk  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title**

Oath of Office - Steve Bradshaw

**Attachments:**

Board Member Oath of Office (PDF)

Per new requirements by the NC Legislature, all board members are required to take an Oath of Office. All members of the Planning Board save one took said oath at February 2020 meeting.

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BOARD OF COMMISSIONERS

G. TOM WHITE  
Chairman

CLAYTON D. RIGGS  
Vice Chairman

GARRY W. MEIGGS  
RANDY KRAINIAK  
ROSS MUNRO



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COUNTY**  
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KENNETH BOWMAN  
County Manager

KAREN M. DAVIS  
Clerk to the Board

JOHN S. MORRISON  
County Attorney

**OATH OF OFFICE**

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and maintain  
(Full Printed Name)  
the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not  
inconsistent therewith, and that I will faithfully discharge the duties of my office as Planning Board  
Member, so help me God.

\_\_\_\_\_  
Signature

County of Camden  
North Carolina

Sworn to and subscribed before me, this 17th day of June, 2020 by \_\_\_\_\_.

Date: June 17, 2020

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

\_\_\_\_\_  
My Commission Expires:

( Official Seal )

Attachment: Board Member Oath of Office (2719 : Oath of Office - Steve Bradshaw)

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# CAMDEN COUNTY

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## **Camden County Planning Board AGENDA ITEM SUMMARY SHEET**

### **Minutes**

**Item Number:**

**Meeting Date:**

June 17, 2020

**Submitted By:**

Amy Barnett, Planning Clerk  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title**

PB Minutes 2-19-2020

**Attachments:**

pbminutes\_02192020 (PDF)

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**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – February 19, 2020

**Camden County Planning Board**

**Regular Meeting**

**February 19, 2020 7:00 PM**

**Historic Courtroom, Courthouse Complex**

**Camden, North Carolina**

**MINUTES**

*The regular meeting of the Camden County Planning Board was held on February 19, 2020 in the Historic Courtroom, Camden, North Carolina. The following members were present:*

**CALL TO ORDER & WELCOME**

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Absent	
Cathleen M. Saunders	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM

Planning Staff Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

Others Present:

Attendee Name / Address	Title / Company	Meeting Section
Clarann Mansfield	Applicant	New Business Item #2

**CONSIDERATION OF AGENDA**

***Motion: Amend Agenda to include "Administration of Planning Board Members' Oath of Office" as New Business Item A, and move UDO 2020-01-16 Rezoning Request Clarann Mansfield to Item B.***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Cathleen M. Saunders, Board Member
<b>AYES:</b>	Leary, Harris, McCall, Albertson, Saunders, Lilley
<b>ABSENT:</b>	Bradshaw

Attachment: pbminutes\_02192020 (2717 : PB Minutes 2-19-2020)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – February 19, 2020

---

**CONSIDERATION OF MINUTES FROM NOVEMBER 20, 2019**

*Motion: Approve Minutes from 11-20-2019 as Written*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Fletcher Harris, Board Member</b>
<b>SECONDER:</b>	<b>Ray Albertson, Board Member</b>
<b>AYES:</b>	<b>Leary, Harris, McCall, Albertson, Saunders, Lilley</b>
<b>ABSENT:</b>	<b>Bradshaw</b>

**OLD BUSINESS**

No Old Business

**NEW BUSINESS**

**A. Administration of Planning Board Members' Oath of Office**

Oaths of Office were administered to the following members of the Planning Board: Chairman Calvin Leary, Fletcher Harris, Cathleen Saunders, Ray Albertson, Nathan Lilley, and Rick McCall. Vice Chairman Steven Bradshaw was absent and will take his Oath of Office at the next meeting which he attends. Text of the oath is as follows:

"I, [Planning Board Member Name], do solemnly swear (or affirm) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Planning Board Member, so help me God."

Each member listed above took this oath, and signed a written copy of same which was then notarized by Public Notary Amy D. Barnett, a public notary registered in the County of Pasquotank, and performing the notary act in and for the County of Camden NC. Aforementioned written copies are on file in the office of the Planning Clerk.

Attachment: pbminutes\_02192020 (2717 : PB Minutes 2-19-2020)

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – February 19, 2020

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**B. UDO 2020-01-16 - Rezoning Request - Mansfield**

Dan Porter described this agenda item as herein incorporated below:

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**STAFF REPORT  
UDO 2020-01-16  
ZONING MAP AMENDMENT**

**File Reference:** UDO 2020-01-16  
**Project Name:** N/A  
**PIN:** 02-8935-02-96-7774-0000

**Applicant:** Clarann Mansfield  
**Address:** 831 North Hwy 343  
Camden, NC 27921  
**Phone:** (252) 771-2400  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** Applicant

**Meeting Dates:**  
Neighborhood 01/14/2020  
Planning Board 02/19/2020

**Application Received:** 01/21/2020  
**By:** David Parks, Permit Officer

**Application Fee paid:**

**Completeness of Application:**  
Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A. Rezoning Application
- B. Deed
- C. GIS Aerial, Current zoning, Comprehensive Plan Future Land Use and CAMA Land Use Plan Suitability Maps
- D. Neighborhood Meeting Comments
- E. Zoning Comparison: WL and SR

**REQUEST:** Rezone approximately 1 acre from Working Lands (WL) to Suburban Residential (SR) on property located at 146 Belcross Road in Courthouse Township.

# CAMDEN COUNTY PLANNING BOARD

Regular Meeting – February 19, 2020

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**From:** Working Lands (WL) Article 151.3.5.2 (Purpose Statement):

The Working Lands (WL) district is established to accommodate agriculture, agriculturally-related uses, and limited forms residential development at very low densities in rural portions of the County. The district is primarily intended to preserve and protect bona fide farms and resource lands for current or future agricultural use as well as to protect the rural character of the area. One of the primary tools for character protection is the requirement to configure residential subdivisions of more than five lots as conservation subdivisions. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening, and allows farmers to capture a portion of the land's development potential while continuing to farm. Conservation subdivisions allow a portion of a tract or site to be developed with single-family detached homes while the balance of the site is left as conservation or agricultural land. The district also accommodates a wide range of agricultural and agricultural-related uses like "agri-tourism" as well as service and support uses to the rural community, including day care, educational uses, public safety facilities, parks, and utility features.

**To:** Suburban Residential (SR) - Article 151.3.5.4 (Purpose Statement):

The Suburban Residential (SR) district is the County's primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions. While the district allows single-family detached homes, mobile homes on individual lots are prohibited. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district.

**MAPS SHOW:**

**Vicinity Map:** Property located 146 Belcross Road in Courthouse Township.

**CAMA Land Suitability:** Portion to be rezoned is very high suitability.

**CAMA Future Land Use Map:** Low Density Residential

**Comprehensive Plan Future Land Use Map:** Rural Residential One Acre Lots

**Zoning Map:** Working Lands

**Floodplain Map:** Portion of property to be rezoned is in X zone.

**SITE DATA:**

**Lot Size:** Approximately 18 acres

**Flood Zone:** X

**Zoning District(s):** Working Lands (WL)

**Existing Land Uses:** Farmland with House

Attachment: pbminutes\_02192020 (2717 : PB Minutes 2-19-2020)

# CAMDEN COUNTY PLANNING BOARD

Regular Meeting – February 19, 2020

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## Adjacent Zoning & Uses:

	North	South	East	West
<b>Zoning</b>	Light Industrial (LI)	Working Lands (WL)	Light Industrial (LI)	Working Lands (WL)
<b>Use &amp; Size</b>	Farmland / Residential Lot	Farmland	Commercial / Farmland	Housing / Farmland

**Proposed Use(s):** Cut the house out on one acre and continue to farm residual.

**Description/History of property:** Property is located adjacent to Courthouse Core Village off Country Belcross Road. Property has been in the family and farmed for generations.

## ENVIRONMENTAL ASSESSMENT

### Streams, Creeks, Major Ditches:

**Distance & description of nearest outfall:** It appears the property drains to the north out to Sawyers Creek.

## INFRASTRUCTURE & COMMUNITY FACILITIES

**Water:** Water lines are located adjacent to property along Belcross Road.

**Sewer:** Not available.

**Fire District:** South Camden Fire District.

**Schools:** If only cutting out house from farm, impact on schools already calculated.

**Traffic:** No impact.

## PLANS CONSISTENCY

**CAMA Land Use Plan Policies & Objectives:** Consistent. The CAMA Land Use Plan was adopted by the Camden County Board of Commissioners on April 4, 2005. The proposed zoning change is consistent in that the Future Land Use Maps has property identified as Low Density Residential on 1-2 acres or greater.

**2035 Comprehensive Plan:** Consistent. The proposed zoning change is consistent with the County's Comprehensive Plan (Adopted 2012) as Future Land Use Map as it shows the property to be Rural Residential.

**Comprehensive Transportation Plan:** Consistent. Property abuts Belcross Road.

**Other Plans officially adopted by the Board of Commissioners:** N/A

## FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

**Will the proposed zoning change enhance the public health, safety or welfare?** Yes. **Reasoning:** The proposed zoning change will enhance the property owner's welfare by allowing proposed owner to cut out the existing dwelling out of the farm thus preserving valuable farmland.

**CAMDEN COUNTY PLANNING BOARD**

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Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? Yes.

**Reasoning:** Uses in the requested zoning classification are more appropriate as it offers higher density residential development in an area identified by the County's CAMA and Comprehensive Plans future land use maps.

**For Proposals to re-zone to non-residential districts along major arterial roads:**

Is this an expansion of an adjacent zoning district of the same classification? N/A. **Reasoning:**

What extraordinary showing of public need or demand is met by this application? N/A. **Reasoning:**

Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances? No. **Reasoning:** All uses permitted in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Does the request impact any CAMA Areas of Environmental Concern? No. **Reasoning:** Property is outside any CAMA Areas of Environmental Concern.

Does the county need more land in the zoning class requested? Yes. **Reasoning:** In the appropriate location.

Is there other land in the county that would be more appropriate for the proposed uses? Yes and No. **Reasoning:** Higher density residential development areas are located adjacent to all Core Villages within Camden County.

**Will not exceed the county's ability to provide public facilities:** The proposed zoning will *not* have an impact on all public facilities, as the dwelling already exists.

- Schools -
- Fire and Rescue -
- Law Enforcement -
- Parks & Recreation -
- Traffic Circulation or Parking -
- Other County Facilities -

Is This A Small Scale "Spot" Rezoning Request Requiring Evaluation Of Community Benefits? Yes.

If Yes (regarding small scale spot rezoning) - Applicants Reasoning:

	<b>Personal Benefits / Impact</b>	<b>Community Benefits / Impact</b>
<b>With Rezoning</b>	Allows owner to subdivide existing dwelling of one acre from the farm thus preserving more farmland.	No additional Community benefit/Impact.
<b>Without Rezoning</b>	Owner would have to subdivide five acres decreasing amount of farmland.	Benefit/Impact would stay the same.



# CAMDEN COUNTY PLANNING BOARD

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**STAFF COMMENTARY:**

The applicant seeks to subdivide the house out of the farm on a one acre tract vice five acres thus preserving more farmland which has been her family for many years. Applicant owns the two adjacent tracts of land that is also under farm use. Although the request can be construed as spot zoning, the property is located in an area that is supported by both the CAMA and Comprehensive Plans Future Land Use Maps as suburban residential development.

**Consistency statement:**

The requested zoning change is consistent with both the CAMA and Comprehensive Future Land Use Maps that reflect allowing higher density residential development in targeted areas of the County.

Excerpt from Comprehensive Plan – Vision Statement

"New development will be focused within targeted core areas to breathe new life into established county villages and to efficiently use existing and planned infrastructure and public resources. New housing choices will be made available to serve families, young professionals, and retirees. Rural areas will maintain prominence in the county, and will continue to serve agricultural and forestry production and low density residential development."

**Recommendation:**

Planning Staff recommends approval of the Rezoning Application (UDO 2020-01-16) to rezone one acre (house lot) of the 18 acres tract from Working Lands (WL) to Suburban Residential (SR).

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Mr. Porter read through the definitions / descriptions of Working Lands (WL) and Suburban Residential (SR) districts as incorporated herein above, after which he introduced Ms. Clarann Mansfield, the applicant, who spoke briefly.

Clarann Mansfield, N. 343, South Mills, NC

- Property has been in farming
- Wants to sell the one lot that has the house on it
- Has not yet had property surveyed.

Mr. Porter continued going over the staff report and noted the following:

- Property is on the edge of the Courthouse Village boundary
- From environmental standpoint, ditch runs north to Sawyers Creek
- Went over the maps and what they showed (see staff report above)
- Lower right corner is subject of rezoning, this is where the house is located. This is the lot that Ms. Mansfield wishes to sell.

## CAMDEN COUNTY PLANNING BOARD

Regular Meeting – February 19, 2020

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- Yes this is spot zoning, but the whole tract would be appropriate to rezone. As such it's up to the applicant to decide how much to apply to have rezoned. Staff feels the request is appropriate.
- Read through the consistency statement (see staff report above) and the staff recommendation which is to recommend approval.

Rick McCall asked if the whole tract could be rezoned. Mr. Porter replied that it is up to the applicant to decide how much of the land they will apply to have rezoned. Ms. Mansfield commented that she owns property on both sides of the full tract of land and doesn't want to split them up too much as far as to how they are zoned.

At the neighborhood meeting there were a few who stated opinions that they would be against it if the whole property were rezoned because that opens the possibility of a developer coming in and developing the whole area, and there were some that stated they supported Ms. Mansfield's request if it were just the small lot.

Nathan Lilly asked if the parcel in question could fall under the provisions of a Transfer Plat or farm use without having to rezone the property. Mr. Porter replied that a Transfer Plat would only apply if Ms. Mansfield were transferring property to a family member.

Mr. Porter added that as far as farm use goes, being in farm use doesn't change the allowable uses of the land. Being farm use only affects how the land is taxed. The land that is in active farming is taxed as farmland, but land used for residential purposes is taxed as residential. So it is possible to have one parcel of land being taxed in two different ways. The way property such as this is taxed does create a little confusion sometimes when a property owner decides to sell the portion of the property that has the house on it. Just because the tax card shows 1 acre more or less (with the house on it) taxed as residential, the property owner is led to believe that it is a separate parcel of land which it is not. The land has to be subdivided to split out that portion of the land with the house on it before it can be sold. In areas where there is a minimum lot size which is larger than the size of the portion which the land owner wishes to sell, it creates a situation where the property has to be rezoned in order to be sold, or the property owner has to sell a lot that conforms with the minimum lot size. In this case, the minimum lot size is 5 acres. Ms. Mansfield only wishes to rezone approximately 1 acre so she can sell that portion.

Nathan Lilly commented that he likes the idea of rezoning only 1 acre because it goes along with the definition of the Working Lands (WL) zoning district which says in part "primarily intended to preserve and protect bona fide farms and resource lands for current or future agricultural use as well as to protect the rural character of the area". Rezoning 1 acre is better than rezoning 5 acres and potentially losing the other 4 acres from being used as farm land.

At this time, Chairman Calvin Leary asked if there were any further questions or comments. Hearing none, he entertained a motion.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – February 19, 2020

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***Motion to Approve Consistency Statement for UDO 2020-01-16 Rezoning Request 1 Acre WL to SR at 146 Belcross Road as follows:***

*The requested zoning change is consistent with both the CAMA and Comprehensive Future Land Use Maps that reflect allowing higher density residential development in targeted areas of the County.*

***Excerpt from Comprehensive Plan - Vision Statement***

*"New development will be focused within targeted core areas to breathe new life into established county villages and to efficiently use existing and planned infrastructure and public resources. New housing choices will be made available to serve families, young professionals, and retirees. Rural areas will maintain prominence in the county, and will continue to serve agricultural and forestry production and low density residential development."*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Ray Albertson, Board Member</b>
<b>SECONDER:</b>	<b>Nathan Lilley, Board Member</b>
<b>AYES:</b>	<b>Leary, Harris, McCall, Albertson, Saunders, Lilley</b>
<b>ABSENT:</b>	<b>Bradshaw</b>

***Motion to Approve UDO 2020-01-16 Rezoning Request 1 Acre WL to SR at 146 Belcross Road***

*Motion is to approve rezoning approximately 1 acre from Working Lands (WL) to Suburban Residential (SR) on property located at 146 Belcross Road in Courthouse Township.*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Fletcher Harris, Board Member</b>
<b>SECONDER:</b>	<b>Ray Albertson, Board Member</b>
<b>AYES:</b>	<b>Leary, Harris, McCall, Albertson, Saunders, Lilley</b>
<b>ABSENT:</b>	<b>Bradshaw</b>

**INFO FROM BOARD AND STAFF**

The following information was provided to the Planning Board:

- 2020 Planning Board Meeting Schedule
- There will be likely be meetings in both March and April, pending some approvals from other agencies.

**CAMDEN COUNTY PLANNING BOARD**

Regular Meeting – February 19, 2020

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**FURTHER DISCUSSION**

After the presentation of information for board and staff, Clarann Mansfield asked when the rezoning would go before the Board of Commissioners. Mr. Porter responded that it would go on the march BOC agenda for setting the date of public hearing, and that the public hearing date would be set for April and that a possible vote would take place in April as well.

**CONSIDER DATE OF NEXT MEETING - MARCH 18, 2020**

**ADJOURN**

*Motion to Adjourn*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	<b>Ray Albertson, Board Member</b>
<b>SECONDER:</b>	<b>Fletcher Harris, Board Member</b>
<b>AYES:</b>	<b>Leary, Harris, McCall, Albertson, Saunders, Lilley</b>
<b>ABSENT:</b>	<b>Bradshaw</b>

The meeting adjourned at 7:18 PM.

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*Chairman Calvin Leary  
Camden County Planning Board*

*ATTEST:*

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*Amy Barnett, Clerk  
Camden County Planning Department*

Attachment: pbminutes\_02192020 (2717 : PB Minutes 2-19-2020)



# CAMDEN COUNTY

NORTH CAROLINA • USA

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## **Camden County Planning Board AGENDA ITEM SUMMARY SHEET**

### **New Business**

**Item Number:**

**Meeting Date:**

June 17, 2020

**Submitted By:**

Amber Curling,  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title**

UDO 2020-05-32 Rezoning Request Tonter Investments Inc

**Attachments:**

CountryClubRezoningFindings (PDF)

Tonter Investments Inc. has requested to rezone approximately 3 acres from RR to NR, property located on Country Club Road directly across from 267 Country Club Road.

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**STAFF REPORT**

**UDO 2020-05-32  
Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2020-05-32  
**Project Name:** N/A  
**PIN:** 02-8934-04-81-1727-0000

**Applicant:** Tonter Investments Inc.  
**Address:** P. O. Box 66  
Currituck, NC 27929  
**Phone:** N/A  
**Email:** N/A

**Agent for Applicant:** Timmons Group  
**Address:** 1805 W City Dr., Unit E  
Elizabeth City, NC 27909  
**Phone:** 252-621-5030  
**Fax:** 252-562-6974  
**Email:** eddie.hyman@timmons.com

**Current Owner of Record:** Applicant

**Meeting Dates:**  
6/08/2020 **Neighborhood**  
6/17/2020 **Planning Board**

**Application Received:** 5/20/2020  
**By:** Amber Curling, Zoning Officer

**Application Fee paid:** \$650.00, Ck# 3222

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A.** Rezoning Application
- B.** Deed
- C.** GIS Aerial, Current zoning, CAMA Future Land Use, Comprehensive Plan Future Land Use, Wetlands, Floodplain and CAMA Land Use Plan Suitability Maps
- D.** Neighborhood Meeting Comments
- E.** Zoning Comparison RR and NR

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**REQUEST:** Rezone approximately 3 acres from Rural Residential (RR) to Neighborhood Residential (NR) on Parcel with PIN 02-8934-04-81-1727-0000. The property is located directly across from 267 Country Club Road in Courthouse Township.

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**From:** Rural Residential (RR) Article 151.3.5.3 (Purpose Statement)

The Rural Residential (RR) district is established to accommodate low density residential neighborhoods and supporting uses on lots near bona fide farms and agricultural areas in the rural portion of the County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or negatively impact the rural character of the County. One of the primary tools for character protection is the requirement to configure residential subdivisions of more than five lots as conservation subdivisions. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening. The district accommodates several differing agricultural uses and single-family detached homes. It also allows supporting uses like educational facilities, parks, public safety facilities, and utilities. District regulations discourage uses that interfere with the development of residential dwellings or that are detrimental to the rural nature of the district.

**To:** Neighborhood Residential (NR) – Article 151.3.5.5 (Purpose Statement)

The Neighborhood Residential (NR) district serves as a transition district from the rural and suburban portions of the County to areas proximate to village centers and major commercial corridors. The district is intended to accommodate single-family detached homes in a neighborhood setting at moderate densities. Mobile and manufactured homes on individual lots, conservation subdivisions, and agricultural uses are limited in order to preserve the district’s neighborhood character. Manufactured homes are not allowed on lots within 5,280 linear feet of a village center boundary. The district’s 40,000-square-foot minimum lot area may be reduced when lots are within one mile of a designated village center boundary and served by public sewer. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the district’s single-family detached neighborhood character.

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**PROJECT LOCATION:**

**Vicinity Map: South Mills Township**



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**CAMA Land Suitability:**



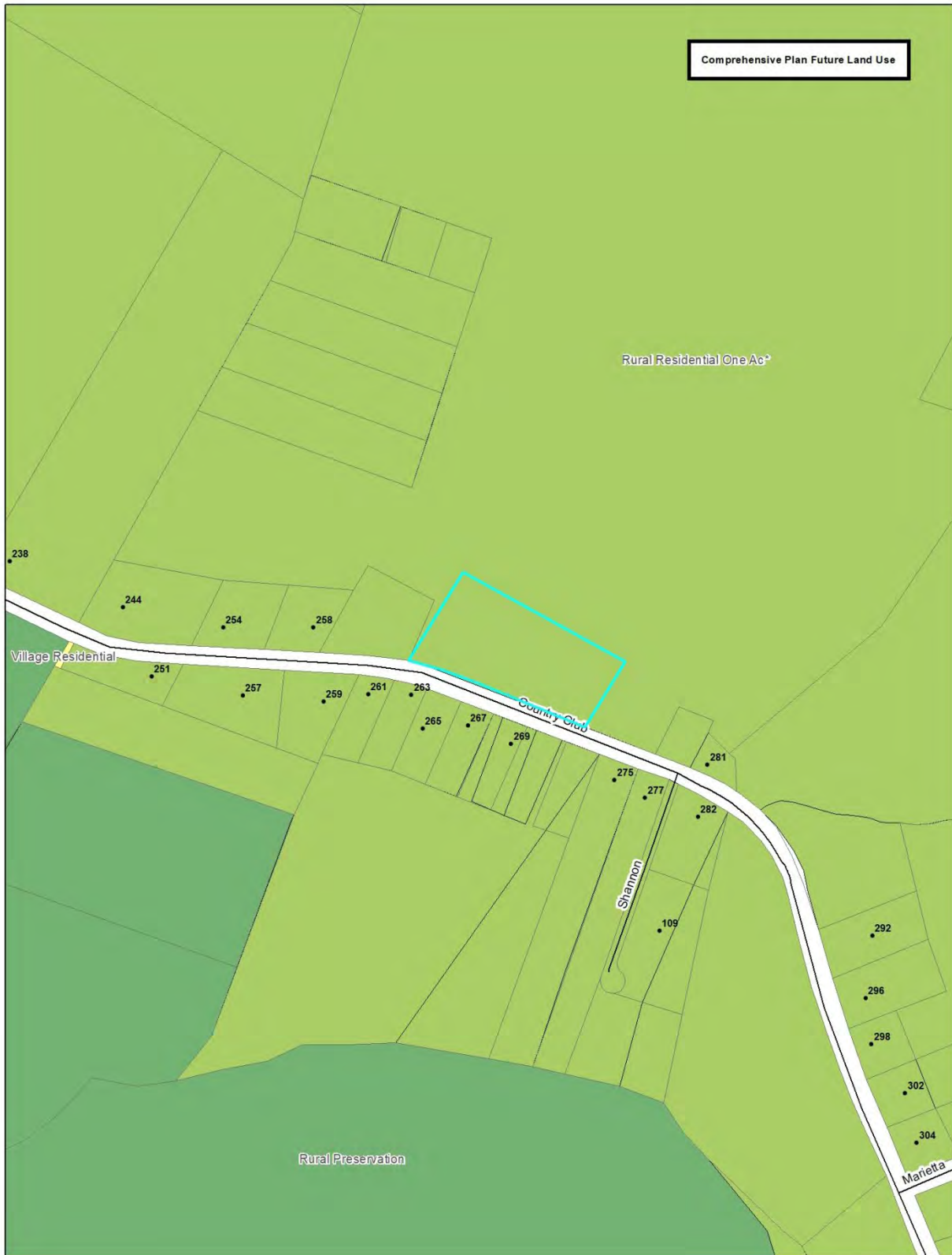
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# CAMA Future Land Use Map



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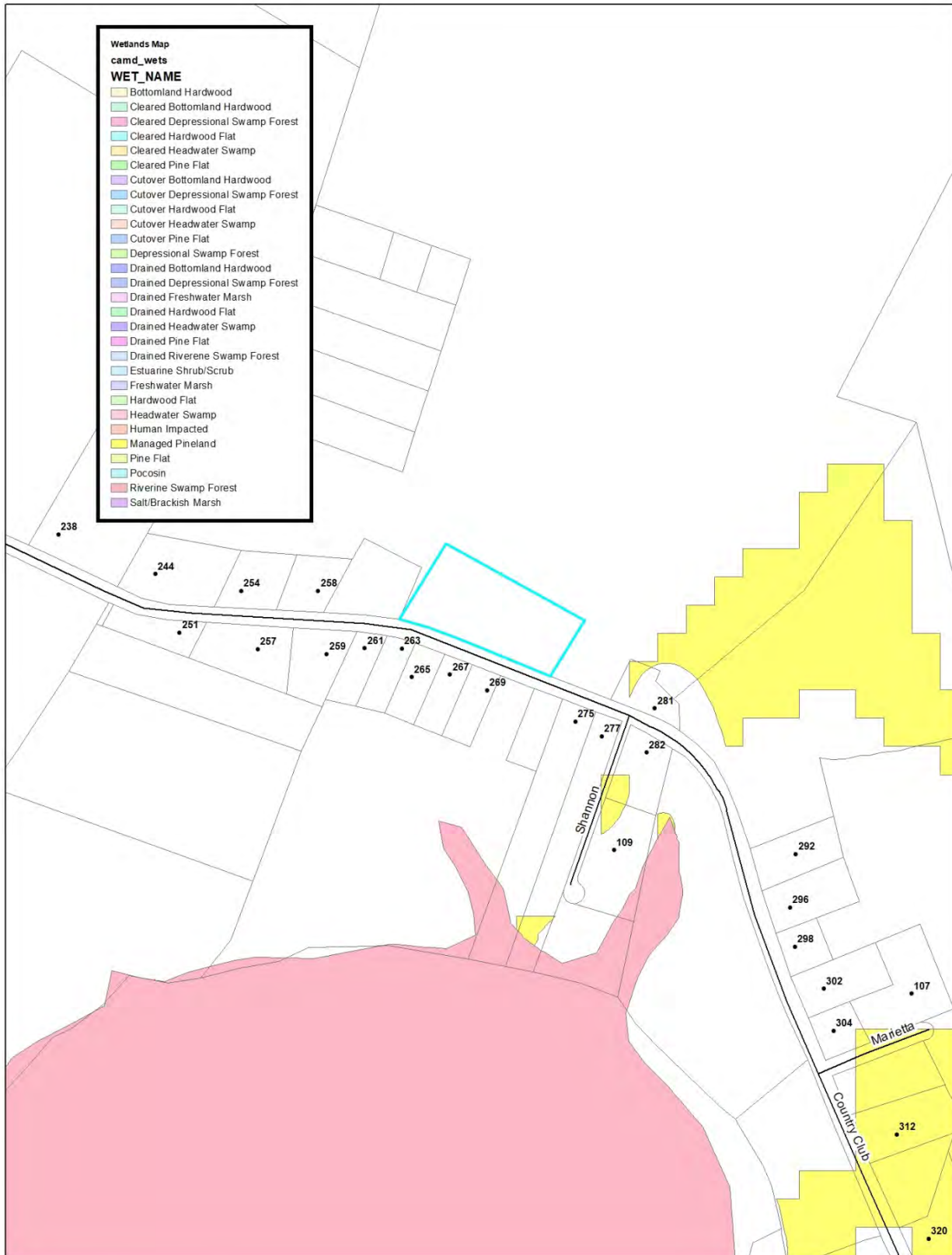
# Comprehensive Plan Future Land Use Map



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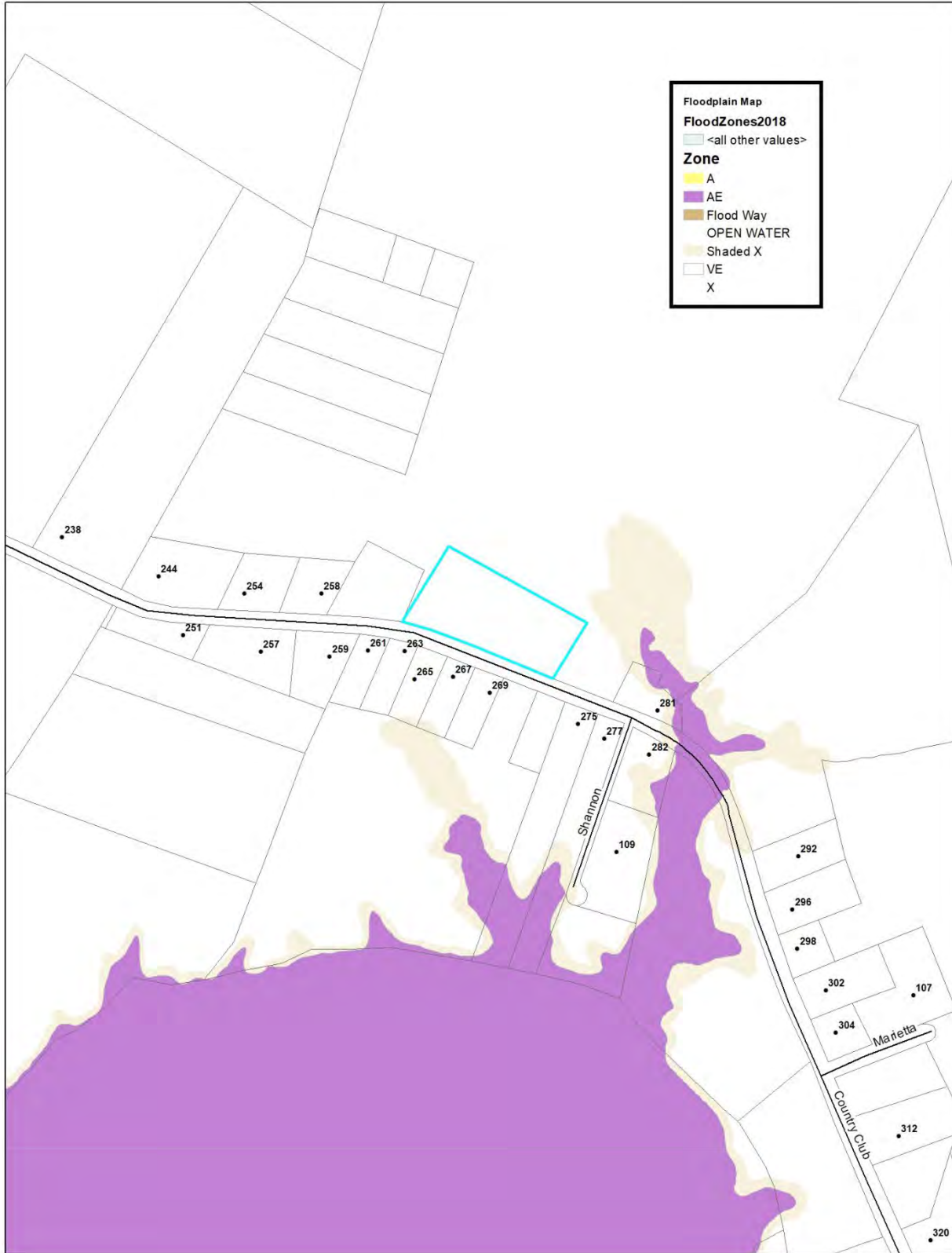


# Wetlands Map



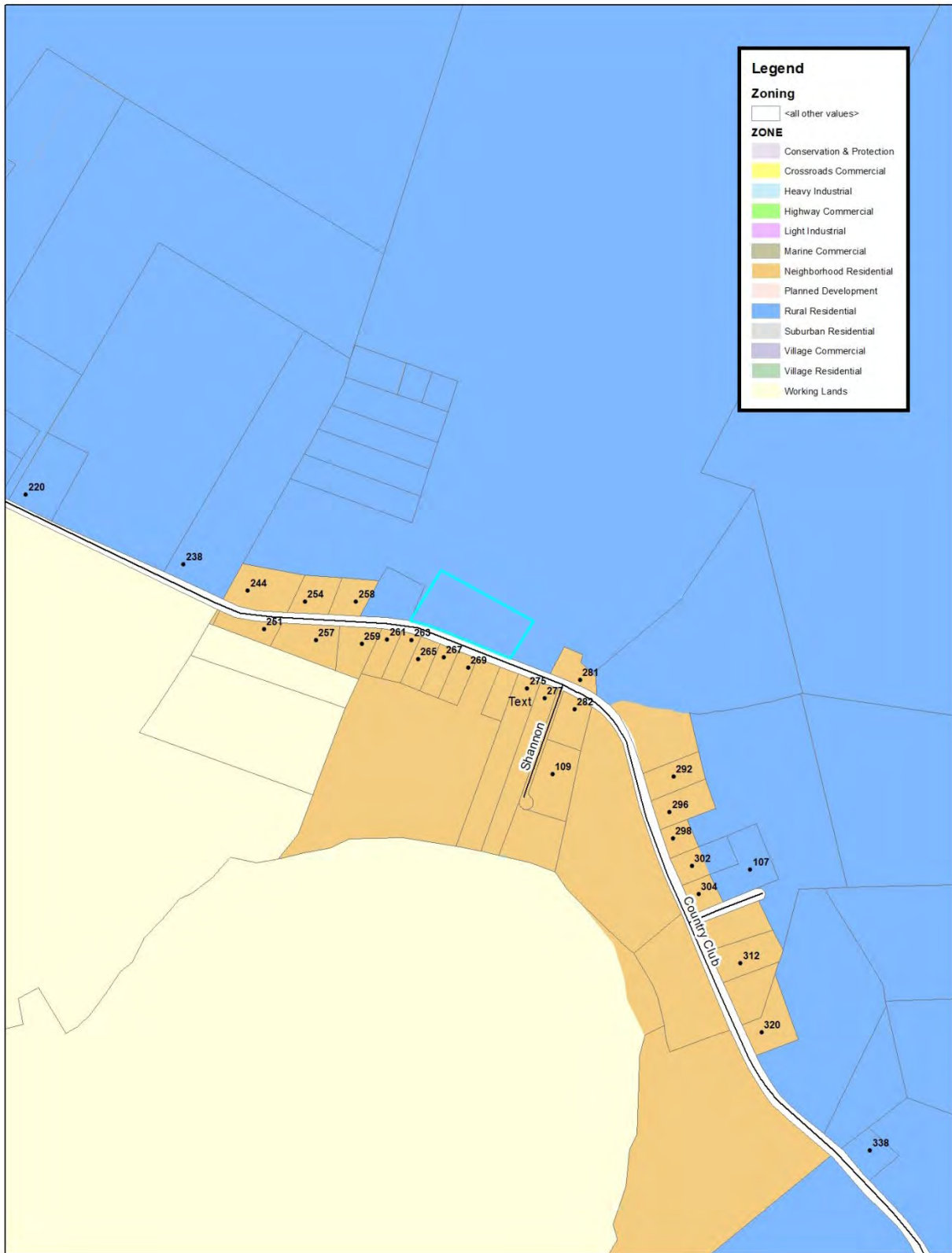
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# Floodplain Map



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**Zoning Map:**



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**SITE DATA**

**Lot size:** Approximately 3 acres.  
**Flood Zone:** X  
**Zoning District(s):** Rural Residential (RR)  
**Existing Land Uses:** Vacant-Farmland

**Adjacent Zoning & Uses:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	Rural Residential (RR)	Neighborhood Residential (NR)	Rural/Neighborhood Residential (RR/NR)	Rural/Neighborhood Residential (RR/NR)
<b>Use &amp; size</b>	Farmland	Residential Lots	Residential Lots/ Farmland	Residential Lots/ Farmland

**Proposed Use(s)** - Residential Lots

**Description/History of property:** Property is located adjacent to Courthouse Core Village on Country Club Road. Property has been farmed.

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:**

**Distance & description of nearest outfall:** It appears the property drains to an easement on the north side in farm field. The flow continues behind 281 Country Club Rd, then crossing Country Club east of Sharon Lane flowing south to Pasquotank River.

**INFRASTRUCTURE & COMMUNITY FACILITIES**

**Water** Water lines are located adjacent to property along Country Club Rd.  
**Sewer** Not available.  
**Fire District** South Camden Fire District.  
**Schools** Proposed zoning will have minimal impact on Schools.  
**Traffic** Proposed zoning will have minimal impact on Traffic

**PLANS CONSISTENCY**

**CAMA Land Use Plan Policies & Objectives:**

Consistent       Inconsistent

The CAMA Land Use Plan was adopted by the Camden County Board of Commissioners on April 4, 2005. The proposed zoning change is consistent in that the Future Land Use Maps has property identified as **Low Density Residential on 1-2 acres or greater.**

**2035 Comprehensive Plan**

Consistent       Inconsistent

While the current Rural Residential Zoning requires a minimum of two acres, the proposed zoning change is consistent as the County’s Comprehensive Plan (Adopted 2012) as the Future Land Use Map shows the property to be Rural Residential of 1-2 acres.

**Comprehensive Transportation Plan**

Consistent       Inconsistent

Property abuts Country Club Road.

**Other Plans officially adopted by the Board of Commissioners**

N/A



**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

Yes  No  **Will the proposed zoning change enhance the public health, safety or welfare?**

**Reasoning:** The proposed zoning change will allow moderate density residential uses near the Core Village to support commercial development.

Yes  No  **Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**

**Reasoning:** The proposed zoning will allow for moderate density residential uses.

Yes  No  **For proposals to re-zone to non-residential districts along major arterial roads:**

Yes  No  **Is this an expansion of an adjacent zoning district of the same classification? N/A**

**Reasoning:**

**What extraordinary showing of public need or demand is met by this application? N/A**

**Reasoning:**

Yes  No  **Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

**Reasoning:** All uses permitted in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes  No  **Does the request impact any CAMA Areas of Environmental Concern?**

**Reasoning:** Property is outside any CAMA Areas of Environmental Concern.

Yes  No  **Does the county need more land in the zoning class requested?**

**Reasoning:** In the appropriate location, this would include the 1 mile buffer adjacent to the Core Village. This parcel is just outside the Courthouse Core Village Area.

Yes  No  **Is there other land in the county that would be more appropriate for the proposed uses?**

**Reasoning:** Moderate density residential development areas would enhance the area adjacent to all Core Villages within Camden County.

Yes  No  **Will not exceed the county’s ability to provide public facilities:**

The proposed zoning will have minor impact on all public facilities, it is only 3 acres.

**Schools** Projected students maximum 1.956 (3 x 0.6521) and minimum student 1.304 (2 x 0.6521)

**Fire and Rescue** – Minimal impact.

**Law Enforcement** – Minimal impact.

**Parks & Recreation** – Minimal impact.

**Traffic Circulation or Parking** – Minimal impact.

**Other County Facilities** – Minimal impact.

Yes  No  **Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

**If Yes (regarding small scale spot rezoning) – Applicants Reasoning:**

	<b>Personal Benefits/Impact</b>	<b>Community Benefits/Impact</b>
<b>With rezoning</b>		
<b>Without rezoning</b>		

**STAFF COMMENTARY:**

The applicant seeks to subdivide the three acre parcel thus providing moderate density residential development area adjacent to Core Village. The property is located in an area that is supported by both the CAMA and Comprehensive Plans Future Land Use Maps as neighborhood residential development.

**Consistency statement:**

The requested zoning change is consistent with both the CAMA and Comprehensive Future Land Use Maps that reflect allowing an increased density in residential development in targeted areas of the County.

**Recommendation:**

Planning Staff recommends approval of the Rezoning Application (UDO 2020- 05-32) to rezone three acres from Rural Residential (RR) to Neighborhood Residential (NR).

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Doc No: 209085  
 Recorded: 05/14/2020 10:03:17 AM  
 Fee Amt: \$26.00 Page 1 of 3  
 Excise Tax: \$66.00  
 Camden County North Carolina  
 Tammie Krauss, Register of Deeds  
 BK 389 PG 726 - 728 (3)

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax:

Parcel Identifier No. 02-8934-04-81-1727-0000 Verified by Camden County on the 14 day of May, 2020  
 By: CB 196-21 33,000.00 / 330.00 per app no delinq. Tax app - 5-14-20

Mail/Box to: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

This instrument was prepared by: WILLIAM H. MORGAN, JR., 410 East Main Street, Elizabeth City, NC 27909

Brief description for the Index: 3 ACRES, COUNTRY CLUB ROAD

THIS DEED made this 11th day of May, 2020, by and between

**GRANTOR**  
 BETH D. FLYTHE, GERHARDT H. WESNER, JR. and  
 ROSE W. KORNEGAY, Trustees of  
 CAMDEN UNITED METHODIST CHURCH,  
 An Unincorporated Association  
 197 NC Highway 343 South  
 Camden, NC 27921

**GRANTEE**  
 TONTER INVESTMENTS, INC.,  
 A NC Corporation  
 P.O. Box 66  
 Currituck, NC 27929

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of \_\_\_\_\_, \_\_\_\_\_ Courthouse Township, \_\_\_\_\_ Camden County, North Carolina and more particularly described as follows:

SEE ATTACHED "EXHIBITA" WHICH IS INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 270 page 501  
 All or a portion of the property herein conveyed    includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat ~~BOOK~~ 6 ~~pages~~ 130 & 131,  
 Cabinet    Slides  
 Page 1 of 2

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

“EXHIBIT A”  
CAMDEN UNITED METHODIST CHURCH TO TONTER INVESTMENTS, INC.  
LEGAL DESCRIPTION

All that certain tract or parcel of land, containing 3.00 acres, as shown and delineated on that certain plat entitled in part, “1 Lot Minor Subdivision For Franklin Williams and Mary L. Williams”, said plat being prepared by Hyman & Robey, Surveyors and Engineers, under date of December 15, 2008, which plat is recorded in Plat Cabinet 6, at Slides 130 and 131, of the Camden County Registry, and said plat is incorporated herein by reference for a more particular description of the tract of land described herein.

This conveyance is made subject to the following perpetual restriction, which shall run with the land and shall be binding upon all persons hereafter owning the lands herein conveyed: The owner of the 3.00 acre parcel described herein shall at all times be responsible for maintaining the existing ditch lying 30 feet, more or less, northeast of and parallel to the northeast boundary of said tract, so as to allow for proper drainage of stormwater through said existing ditch, and to ensure that said drainage is adequate under approved Camden County drainage requirements and local Health Department requirements, as established in drainage plan recorded in Plat Cabinet 6, at Slide 131, of the Camden County Registry, which plan is incorporated herein by reference. Further, the Grantors, and their successors in interest, do hereby grant to the Grantees, and their successors in interest, a perpetual non-exclusive easement, 30 feet in width, lying southwestward of and parallel with the centerline of said ditch so as to allow for the construction of and maintenance of such drainage facilities as may be approved under Camden County requirements and local Health Department requirements.

And being the same tract of land conveyed to the Trustees of Camden United Methodist Church, an Unincorporated Association, by deed dated December 29, 2008, December 30, 2008, in Deed Book 270, at Page 501, of the Camden County Registry.

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Easements, reservations, restrictions, and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

CAMDEN UNITED METHODIST CHURCH (SEAL)

By: Beth D. Flythe (Equity Name) Print/Type Name: \_\_\_\_\_ (SEAL)

Print/Type Name & Title: BETH D. FLYTHE, Trustee Print/Type Name: \_\_\_\_\_ (SEAL)

By: Gerhardt H. Wesner, Jr. Print/Type Name: \_\_\_\_\_ (SEAL)

Print/Type Name & Title: GERHARDT H. WESNER, JR., Trustee Print/Type Name: \_\_\_\_\_ (SEAL)

By: Rose W. Kornegay Print/Type Name: \_\_\_\_\_ (SEAL)

Print/Type Name & Title: ROSE W. KORNEGAY, Trustee Print/Type Name: \_\_\_\_\_ (SEAL)

State of \_\_\_\_\_ - County or City of \_\_\_\_\_

I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public  
(Affix Seal) Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_

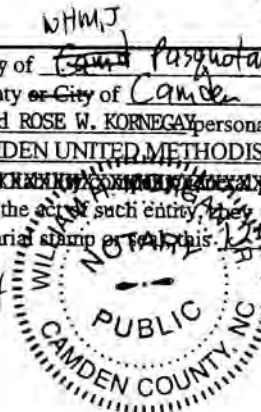
I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_ Notary Public  
(Affix Seal) Notary's Printed or Typed Name

State of North Carolina - County ~~or~~ City of Camden Pasquotank

I, the undersigned Notary Public of the County ~~or~~ City of Camden and State aforesaid, certify that BETH D. FLYTHE., GERHARDT H. WESNER, JR. and ROSE W. KORNEGAY personally came before me this day and acknowledged that they are the Trustees of CAMDEN UNITED METHODIST CHURCH, an Unincorporated association (strike through the inapplicable), and that by authority duly given and as the act of such entity, they signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 12th day of May, 2020.

My Commission Expires: April 10, 2024 Notary Public  
(Affix Seal) William H. Morgan, Jr. Notary's Printed or Typed Name



Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

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**Camden County, North Carolina  
Principal Use Table, District Comparison**

<b>Use Class / Main Category / Category</b>	<b>"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited</b>		<b>RR</b>	<b>NR</b>
<b>Agricultural</b>				
<b>AGRICULTURE/HORTICULTURE</b>				
<i>All Agriculture/ Horticulture Uses</i>	P			
<b>ANIMAL HUSBANDRY</b>				
<i>Animal Husbandry Uses (excluding stockyards and slaughterhouses)</i>				
<i>Stockyard/Slaughterhouse</i>				
<b>AGRICULTURAL SUPPORT</b>				
<i>Agricultural Research Facility</i>				
<i>Agri-Education/ Agri-Entertainment</i>	S			
<i>Distribution Hub for Agriculture Products</i>				
<i>Equestrian Facility</i>	S			
<i>Farm Machinery Sales, Rental, or Service</i>				
<i>Farmers Market</i>	S			
<i>Roadside Market</i>				
<b>Residential</b>				
<b>HOUSEHOLD LIVING USES</b>				
<i>Bungalow Court</i>				
<i>Duplex</i>				
<i>Live/Work Dwelling</i>				
<i>Manufactured Home</i>				P
<i>Manufactured Home or Mobile Home Park</i>				
<i>Mobile Home</i>	S			
<i>Multi-Family</i>				
<i>Pocket Neighborhood</i>				P
<i>Quadrplex</i>				
<i>Single-Family Attached</i>				
<i>Single-Family Detached</i>	P			P
<i>Triplex</i>				
<i>Upper Story Residential</i>				
<b>GROUP LIVING</b>				
<i>Dormitory</i>				
<i>Family Care Home</i>	P			P
<i>Group Home</i>	S			
<i>Rooming House</i>				

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

**Camden County, North Carolina  
Principal Use Table, District Comparison**

<b>Use Class / Main Category / Category</b>	<b>"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited</b>	<b>RR</b>	<b>NR</b>
<b>Institutional</b>			
<b>COMMUNITY SERVICES</b>			
<i>Community Center</i>			
<i>Cultural Facility</i>			
<i>Library</i>			
<i>Museum</i>			
<i>Senior Center</i>			
<i>Youth Club Facility</i>			
<b>DAY CARE</b>			
<i>Adult Day Care Center</i>			
<i>Child Care Center</i>			
<b>EDUCATIONAL FACILITIES</b>			
<i>Major</i>			
<i>Moderate</i>			
<i>Minor</i>		S	P
<b>GOVERNMENT FACILITIES</b>			
<i>Government Office</i>			
<i>Government Maintenance, Storage, or Distribution Facility</i>			
<b>HEALTH CARE FACILITIES</b>			
<i>Drug or Alcohol Treatment Facility</i>			
<i>Hospital</i>			
<i>Medical Treatment Facility</i>			
<b>INSTITUTIONS</b>			
<i>Assisted Living Facility</i>		S	
<i>Club or Lodge</i>			
<i>Halfway House</i>			
<i>Nursing Home</i>			
<i>Psychiatric Treatment Facility</i>			
<i>Religious Institution</i>			
<b>PARKS AND OPEN AREAS</b>			
<i>Cemetery</i>		S	S
<i>Community Garden</i>		P	P
<i>Park, Public or Private</i>		S	S

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**Camden County, North Carolina  
Principal Use Table, District Comparison**

<b>Use Class / Main Category / Category</b>	<b>"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited</b>		<b>RR</b>	<b>NR</b>
<b>PUBLIC SAFETY</b>				
<i>Police, Fire, or EMS Facility</i>			S	S
<i>Correctional Facility</i>				
<i>Security Training Facility</i>				
<b>TRANSPORTATION</b>				
<i>Airport</i>				
<i>Helicopter Landing Facility</i>				
<i>Passenger Terminal, Surface Transportation</i>				
<b>UTILITIES</b>				
<i>Utility, Major</i>			S	S
<i>Utility, Minor</i>			P	P
<b>Commercial</b>				
<b>ADULT AND SEXUALLY-ORIENTED BUSINESSES</b>				
<i>All Adult and Sexually-Oriented Businesses</i>				
<b>ANIMAL CARE</b>				
<i>Major</i>				
<i>Minor</i>				
<b>EATING ESTABLISHMENTS</b>				
<i>Restaurant, Major</i>				
<i>Restaurant, Minor</i>				
<i>Bar, Nightclub, or Dance Hall</i>				
<b>OFFICES</b>				
<i>Major</i>				
<i>Minor</i>				
<b>PARKING, COMMERCIAL</b>				
<i>All</i>				
<b>PERSONAL SERVICES</b>				
<i>Major</i>				
<i>Minor</i>				
<b>RECREATION/ENTERTAINMENT, INDOOR</b>				
<i>Major</i>				
<i>Minor</i>				

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

**Camden County, North Carolina  
Principal Use Table, District Comparison**

<b>Use Class / Main Category / Category</b>	<b>"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited</b>	<b>RR</b>	<b>NR</b>
<b>RECREATION/ENTERTAINMENT, OUTDOOR</b>			
<i>Major</i>			
<i>Minor</i>			
<i>Firing Range</i>			
<i>Water-Related Uses</i>			
<b>RETAIL SALES</b>			
<i>Flea Market</i>			
<i>Grocery Store</i>			
<i>Major</i>			
<i>Minor</i>			
<b>STORAGE, COMMERCIAL</b>			
<i>Major</i>			
<i>Minor</i>			
<b>TELECOMMUNICATIONS</b>			
<i>Antenna Collocation (on a Building)</i>			
<i>Antenna Collocation (on a Tower)</i>			
<i>Small Wireless Facility</i>			
<i>Telecommunications Tower, Freestanding</i>			
<i>Telecommunications Tower, Stealth</i>		P	P
<b>VEHICLE ESTABLISHMENT</b>			
<i>Major</i>			
<i>Minor</i>			
<b>VISITOR ACCOMMODATIONS</b>			
<i>Bed and Breakfast</i>			
<i>Campground</i>		S	
<i>Hotel or Motel</i>			
<b>Industrial</b>			
<b>EXTRACTIVE INDUSTRY</b>			
<i>All</i>			
<b>INDUSTRIAL SERVICES</b>			
<i>Contractor Service</i>			
<i>Crabshedding</i>			
<i>Fuel Oil or Bottled Gas Distributor</i>			
<i>General Industrial Service and Repair</i>			
<i>Heavy Equipment Sales, Rental, or Service</i>			
<i>Research and Development</i>			

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

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Principal Use Table, District Comparison**

<b>Use Class / Main Category / Category</b>	<b>"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited</b>	<b>RR</b>	<b>NR</b>
<b>MANUFACTURING AND PRODUCTION</b>			
<i>Manufacturing, Heavy</i>			
<i>Manufacturing, Light</i>			
<b>POWER GENERATION</b>			
<i>Solar Array</i>		S	S
<i>Wind Energy Conversion Facility</i>			
<b>WAREHOUSE AND FREIGHT MOVEMENT</b>			
<i>All</i>			
<b>WASTE-RELATED SERVICES</b>			
<i>Incinerator</i>			
<i>Land Application of Sludge/Septage</i>			
<i>Landfill</i>			
<i>Public Convenience Center or Transfer Station</i>			
<i>Recycling Center</i>			
<i>Salvage or Junkyard</i>			
<i>Waste Composting Facility</i>			
<b>WHOLESALE SALES</b>			
<i>Major</i>			
<i>Minor</i>			

Attachment: CountryClubRezoningFindings (2718 : UDO 2020-05-32 Rezoning Request Tonter Investments Inc)

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1805 West City Drive  
Unit E  
Elizabeth City, NC 27909

P 252.621.5030  
F 252.562.6974  
[www.timmons.com](http://www.timmons.com)

May 20, 2020

RE: Neighborhood Meeting - Rezoning

Dear Adjacent Property Owner,

This is to inform you that as an agent of the property owner, Tonter Investments, Inc., Timmons Group has been hired to assist in rezoning the property (parcel ID 02.8934.04.81.1727.0000) directly across from 267 Country Club Road in Courthouse Township. Please reference the attached exhibit sketch of the tax map where the proposed site is outlined in red. We are in the process of applying to Camden County to rezone approximately 3 acres from Rural Residential (RR) to Neighborhood Residential (NR).

Part of the process is to hold a neighborhood meeting to discuss with the adjacent property owners Tonter Investments, Inc.'s intentions and the uses allowed in the existing zoning classification of Rural Residential (RR) compared to the uses allowed in the proposed zoning classification of Neighborhood Residential (NR). The meeting will be held on Monday, June 8, 2020 at 6:00 PM in the upstairs Courtroom of the Historic Camden County Courthouse.

Due to the ongoing COVID-19 limitations, please send any comments or questions ahead of time to the Camden County Planning Department, via either delivery to the Planning Office at 117 N Hwy 343 or email to Ms. Amber Curling at [acurling@camdencountync.gov](mailto:acurling@camdencountync.gov).

If you have any questions please contact me, Eddie Hyman, at 252-621-5033 or the Camden County Planning Department at (252) 338-1919 ext 232.

Sincerely,  
Timmons Group

Eddie Hyman, PLS  
Agent for Property Owner

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# CAMDEN COUNTY

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## Camden County Planning Board AGENDA ITEM SUMMARY SHEET

### New Business

**Item Number:**

**Meeting Date:**

June 17, 2020

**Submitted By:**

Dan Porter, Planning Director  
Planning & Zoning  
Prepared by: Amy Barnett

**Item Title**

UDO 2020-01-36 South Mills Landing Prelim Plat / Master Plan Planned Development Major Subdivision

**Attachments:**

UDO 2020-01-36 South Mills Landing Staff Report and Supplemental Documents (PDF)  
udo-2020-01-36-south-mills-landing-master-plan-4-pages (PDF)

South Mills Landing LLC is requesting Master Plan/Preliminary Plan approval for South Mills Landing Planned Development. The documents listed above have been submitted with application.

Typically the Planned Development Master Plan would be approved first with the rezoning of the property to set out the development standards for the project such as total units, density, setbacks, open spaces etc. The Preliminary Plan would then show more specifics about the design, circulation, recreation, open space and other standards required from preliminary plats.

In this case a Master Plan rezoning was approved along with a Special Use Permit over a decade ago. No progress was made for many years and the SUP expired. The PUD rezoning remains while the UDO procedures and requirements for been modified. Therefore the applicant is resubmitting the Master Plan simultaneously with the Preliminary Plan as allowed under 151.2.3.19 (C) f.

The development consists of 580 single-family and multi-family dwellings, commercial and recreational areas with club house, pool, and walking paths. The subdivision is located within the South Mills Core Village area on the north and south sides of Main Street. The phasing schedule anticipation is for build out within 6 to 10 years.

South Mills Water Association and South Camden Water & Sewer District have approved water and sewer capacity, respectively for Phase 1 of 129 units. Water and sewer for additional Phases are in the



# CAMDEN COUNTY

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Development Agreement which has not been finalized. The Technical Review Committee inputs are varied and are included in package.

The existing Storm Water Model is complete and the post Storm Water Drainage Plan will require approval of the County storm water engineer.

NCDOT approval has not been finalized.

Upon approval of the preliminary plat, construction plans will be completed and require approval of staff and state and local technical agencies prior to beginning construction.

## RECOMMENDATION:

### Motion:

1. Approve/deny/ or approve with modification the South Mills Landing Development Agreement - Ordinance No. 2020-7- 01.
2. Approve/deny/ or approve with modifications UDO 2020-01-36 - South Mills Landing Master Plan and Preliminary Plat.

**UDO 2020-01-36  
FINDINGS  
South Mills Landing  
Planned Development**

**PROJECT INFORMATION**

**File Reference:** UDO 2020-01-36  
**Project Name;** South Mills Landing  
**PIN:** 01-7989-00-43-1290,  
01-7988-01-49-2837

**Applicant:** South Mills Landing  
LLC  
Reese Smith, Sr.  
**Address:** P.O. Box 9636  
Chesapeake, VA  
**Phone:** (757) 499-4772  
**Email:** reesesr@reesesmithassociates.com

**Agent for Applicant:** Bissell Professional Group  
Mark Bissell  
**Address:** 3512 N. Croatan Hwy  
Kitty Hawk, NC 27949  
**Phone:** (252) 261-3266  
**Email:** mark@bissellprofessionalgroup.com  
**Current Owner of Record:** Same as applicant

**Meeting Dates:**  
Neighborhood Meeting: January 29, 2020  
Technical Review: February 11, 2020  
Planning Board: March 18, 2020

**Application Received:** 1/30/2020  
**By:** David Parks, Permit Officer  
**Application Fee paid:** \$29,000 Check #1672  
**Stormwater Review Fee:** \$6000 Check #1668  
**Completeness of Application:** Application is generally complete  
**Documents received upon filing of application or otherwise included:**  
**A.** Land Use Application  
**B.** Master Plan South Mills Landing PD  
**C.** Developmental Impact Statement  
**D.** Traffic Impact Analysis  
**E.** Proposed Development Agreement  
**F.** Technical Review Committee inputs.

**REQUEST:** Master Plan/Preliminary Plat - South Mills Landing Planned Development for 580 (single and multifamily) units with commercial and recreational areas.

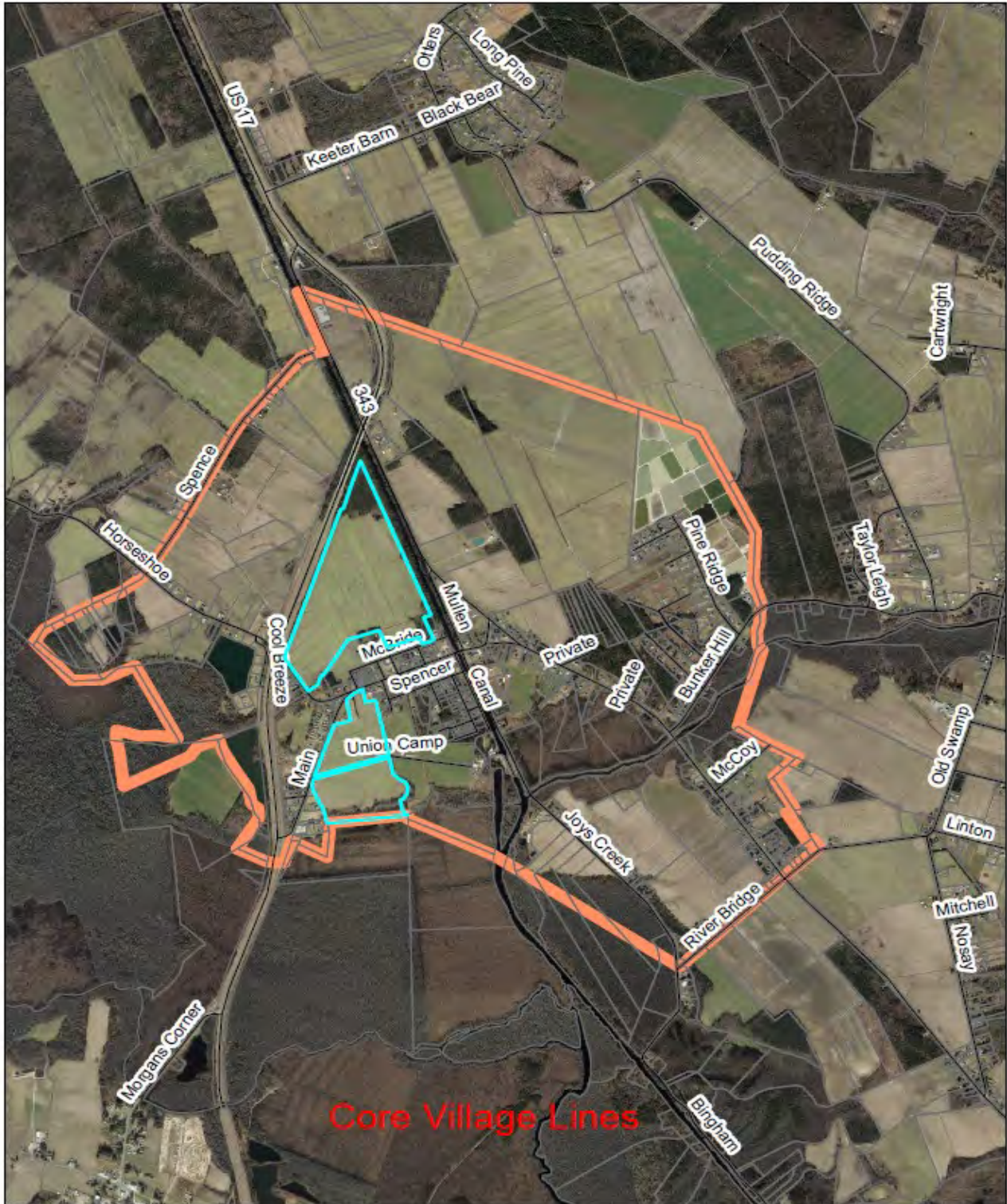
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Vicinity Map:



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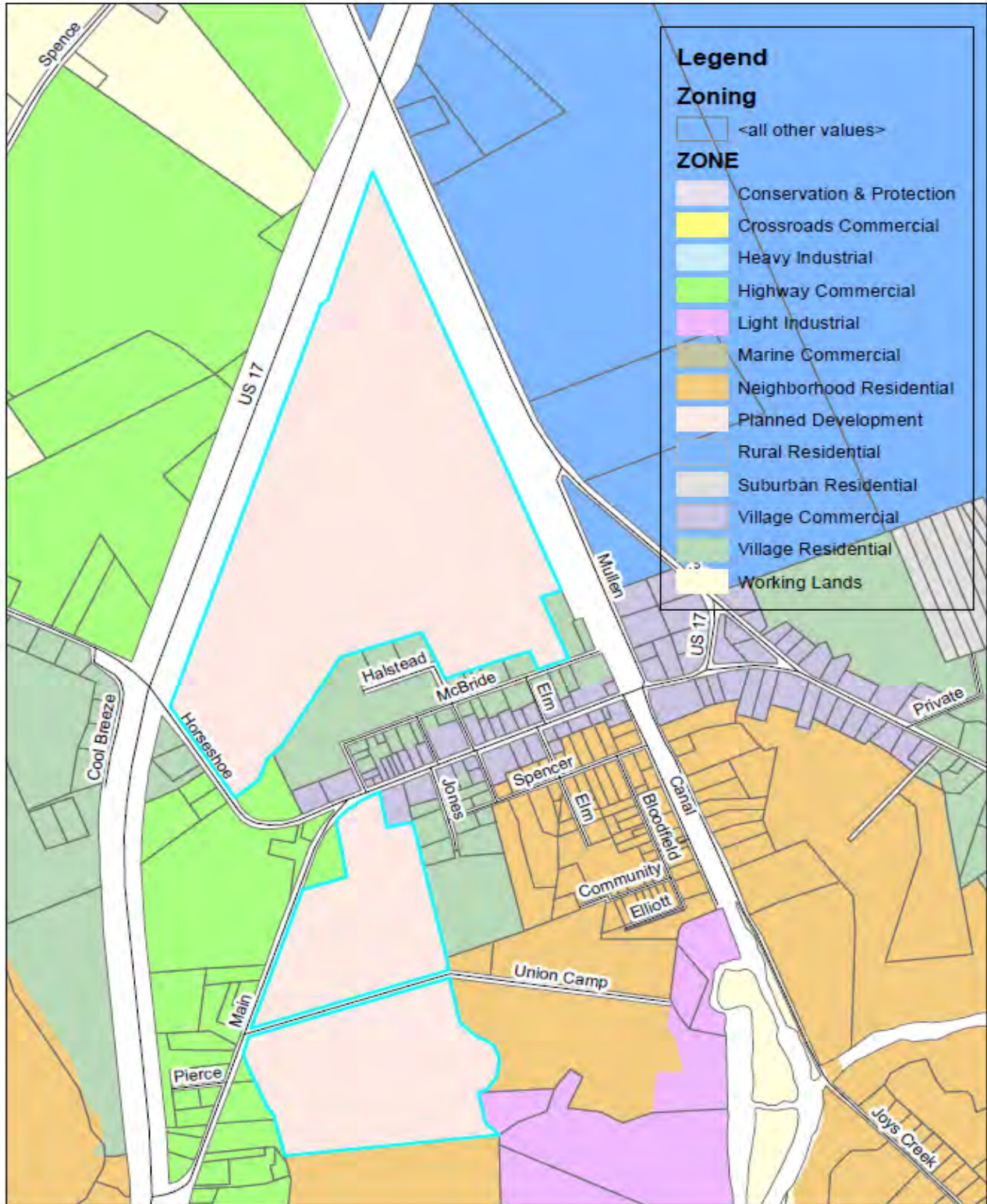
# Core Village Lines



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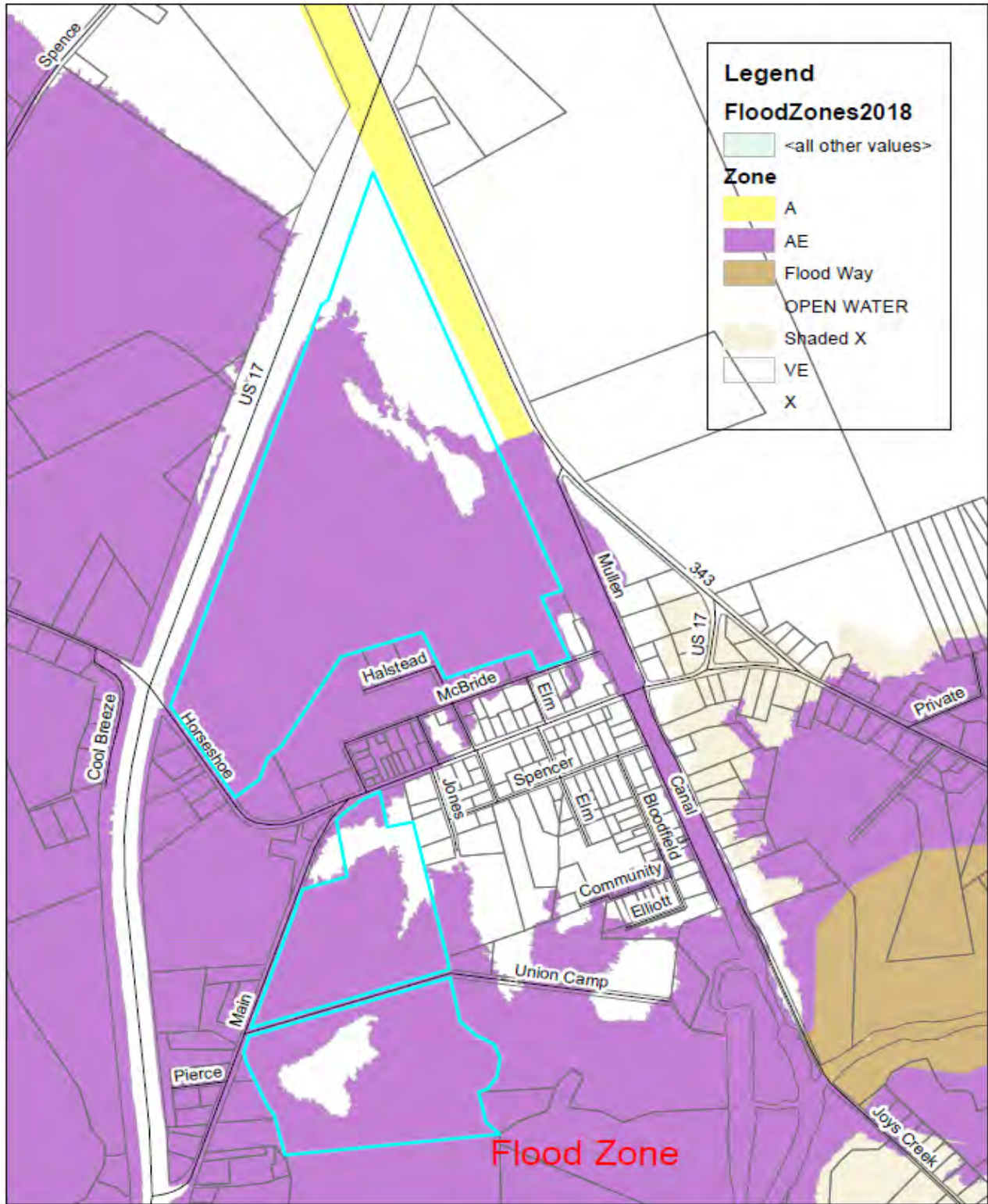


# Zoning Map



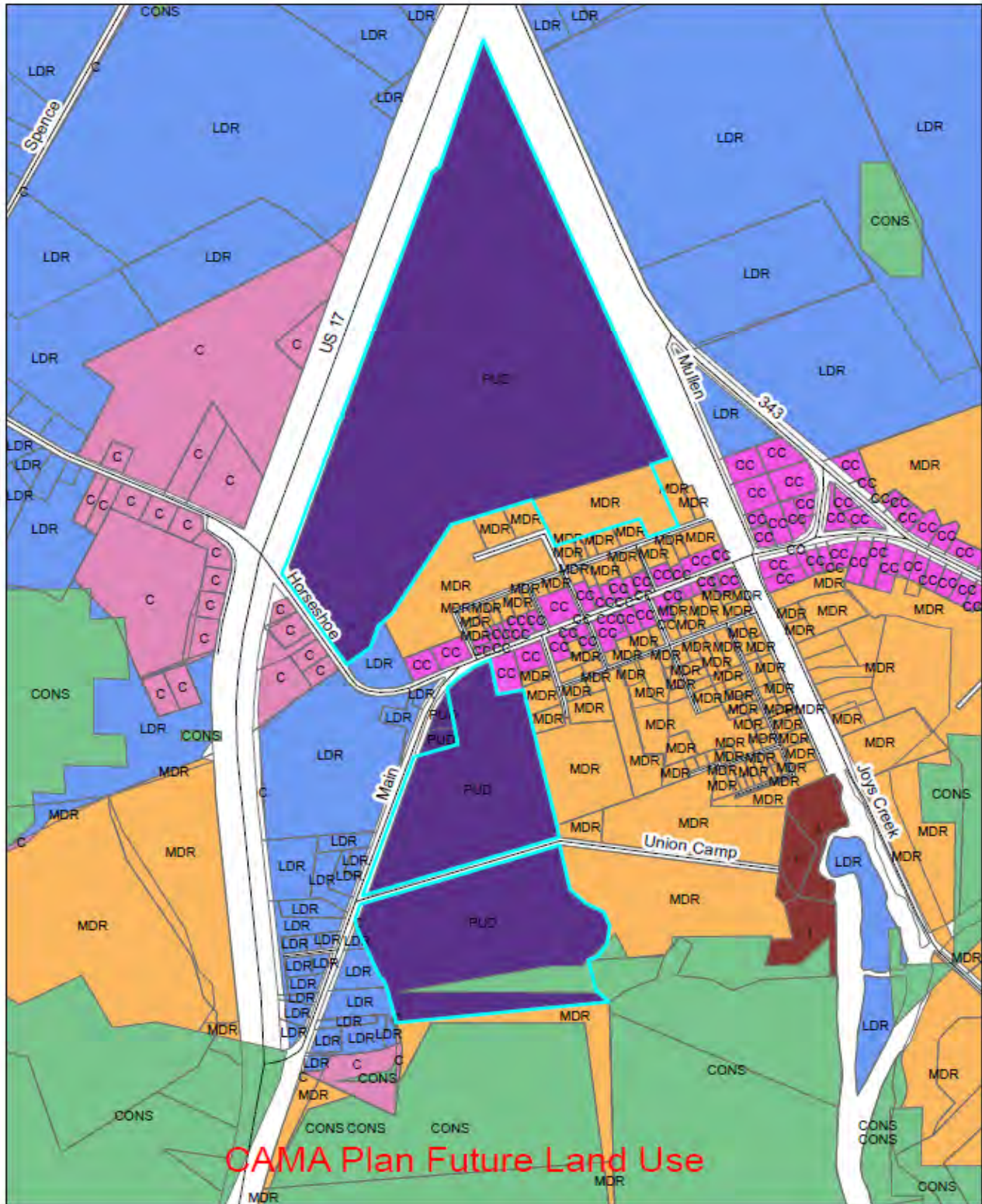
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# Flood Zone Map



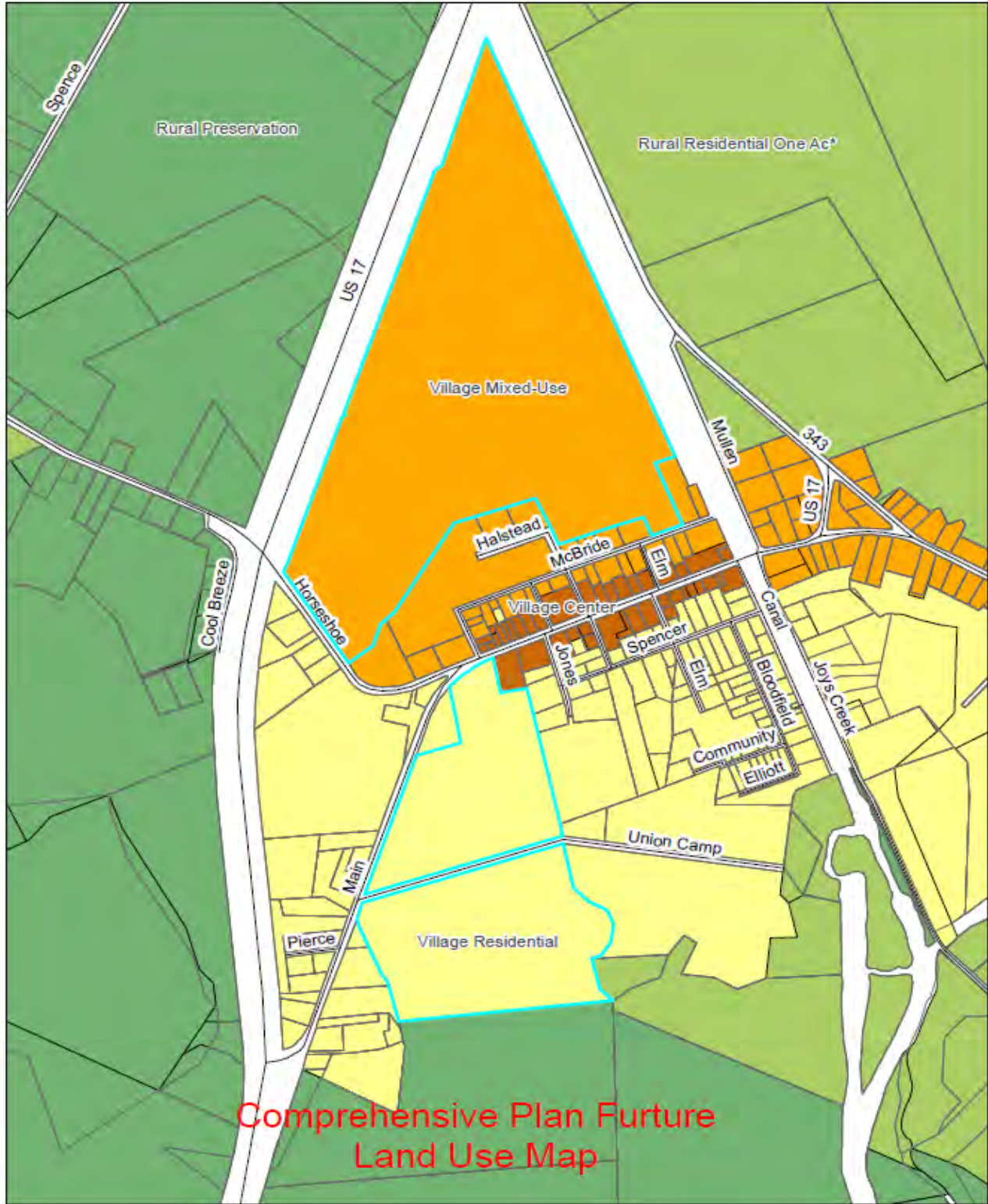
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# CAMA Future Land Use Map



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Comprehensive Plan Future Land Use Map



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**PROJECT LOCATION:**

**Street Address:** Parcels located off Main Street and Horseshoe Road  
**Location Description:** South Mills Township

**SITE DATA**

**Lot size:** Approximately 185 acres.  
**Flood Zone:** Zone AE/X (Majority in AE Flood Zone)  
**Zoning District(s):** Base Zoning; Planned Unit Development (PUD)  
**Adjacent property uses:** Residential/Agriculture/Woodland  
**Streets:** Shall be dedicated to public under control of NCDOT.  
**Street name:** See Master Plan (Street Names approved by Central Communications)  
**Open Space:** Provided: Approximately 65 acres  
**Landscaping:** Landscaping Plan provided  
**Buffering:** Per Article 151.5.5.4, a 50’ landscaped vegetative buffer required along all property lines that abut agricultural uses.  
**Recreational Land:** 383 Single Family Lots X 1452sf = 12.76 acres

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:**

**Distance & description of nearest outfall:** Outfall from North Tract is approximately 1800 feet.  
Outfall from South Tact is adjacent to property (wetlands).

**TECHNICAL REVIEW STAFF (SKETCH PLAN) COMMENTS**

- 1. **South Mills Water Association.** No written response.
- 2. **Albemarle Regional Health Department.** N/A
- 3. **South Camden Water & Sewer District:** Approved. See attached.
- 4. **South Mills Fire Department.** Disapproved. See attached
- 5. **Postmaster Elizabeth City.** No response. Did not attend TRC meeting.
- 6. **Army Corps of Engineer.** There was a proposed canoe launch located on the North Tract adjacent to the canal, however was removed based on attached email from Army Corps.
- 7. **Superintendent Camden County Schools.** Approved with comments. See attached.
- 8. **Superintendent/Transportation Director of Schools.** Approved with following comment.
- 9. **Sheriff’s Office.** Disapproved. See attached.
- 10. **Camden Soil & Water Conservasionist.** Reviewed with comments/conditions. See attached.
- 11. **NCDOT.** No response.
- 12. **Parks & Recreation.** No response.
- 13. **Mediacom.** No response.
- 14. **Albemarle EMC.** No response.
- 15. **Century Link.** No response.
- 16. **Pasquotank EMS.** Street names approved.

**PLANS CONSISTENCY**

**CAMA Land Use Plan Policies & Objectives:**

**Consistent**       **Inconsistent**

CAMA Plan future land use maps has land identified as a Planned Unit Development.

**2035 Comprehensive Plan**

**Consistent**       **Inconsistent**

Comprehensive Plan has North Tract designated as Village Mixed Use and South Tract as Village Residential (VR). Location of land is within the Core Village of South Mills.

**Comprehensive Transportation Plan**

**Consistent**       **Inconsistent**

There will be two accesses with a third maintenance access for the North Tract. There will be two accesses off Main Street for the South Tract.

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

Yes  No

**Endangering the public health and safety?**

Based on TRC input from Sherriff and SM Fire, project could have impact on public safety based on manning and infrastructure concerns.

Yes  No

**Injure the value of adjoining or abutting property.**

Without any evidence to the contrary - staffs opinion is that application does not appear to injure the value of adjoining or abutting property.

Yes  No

**Harmony with the area in which it is located.**

2035 Comprehensive Plan Future Land Use Maps has land designated as Village Residential and Village Mixed Use. CAMA Future Land use Maps has land designated as Planned Unit Development (PUD).

**EXCEED PUBLIC FACILITIES:**

Yes  No

**Schools:** Proposed development will generate 301 students after build out (.67 per SFD X 383 = 256.6) & (.23 MFU X 197 units = 45.3). High School over capacity. (See breakdown next page.)

Yes  No

**Fire and rescue:** Denied based on lack of supporting infrastructure.

Yes  No

**Law Enforcement:** Denied. Manning/equipment.

**Student Generation Rates (Single Family Dwelling = .67 students) (Other = .23 students)**

**Single Family**

Grandy Primary (.29)	383 lots X .29 = 111
Grandy Intermediate (.18)	383 lots X .18 = 68.9
Camden Middle (.07)	383 lots X .07 = 26.8
Camden High School (.13)	383 lots X .13 = 49.7

Total students: 256.4

**Other (Townhomes)**

Grandy Primary (.08)	197 units X .08 = 15.7
Grandy Intermediate (.08)	197 units X .08 = 15.7
Camden Middle (.04)	197 units X .04 = 8
Camden High School (.03)	197 units X .03 = 6

Total students: 45.4

**Overall total students generated: 301.8 (over the life of the project.)**

**PLANNING STAFF RECOMMENDATION:**

- Portion of Union Camp Road within the development from Camelia Drive to eastern property line shall be paved to NCDOT standards.
- Extend Phasing Schedule out 5 years.
- Fee in lieu of acreage for public park can be utilized for providing landscaping along Main Street
- Need to interconnect (sidewalk, crosswalk) North and South Tracts
- Provide sidewalk along Main Street for South Tract with trees.
- Landscaping around ponds (prevents alligator weed and stagnant water)
- Terms and Conditions reflect providing up to 50,000 sf of commercial yet Master Plan shows 35,000 sf?

## Compatibility with Surrounding Area

The proposed use will not injure the value of adjoining or abutting lands and will be in harmony with the area in which it is located. The northern tract is bounded by US 17 to the northwest, by Joy's Creek Canal to the east, and by the South Mills Village core district to the south. A 50' vegetative buffer is being provided to adjacent residential development to the south.

The south tract is bounded to the north and west by Main Street and Main Street extension (US 17 Business) with residential development beyond to the west. To the east is residential development and farmland and to the south is undeveloped woodland and wetlands.

Compatible residential development is being proposed and there will be 50' buffers adjacent to existing residential development.

The applicant is not aware of any adverse impacts on land value in the surrounding area. The applicant anticipates that the proposed stormwater improvements will benefit the property values of the nearby community by improving existing drainage conditions.

The proposed use is compatible with the adjacent development and will further the county's goal of concentrating new residential development in the vicinity of existing development and where public utilities are readily available.

Lot sizes appear to be compatible with existing lots in the adjoining and near-by South Mills Village area.

## CONSISTENCY WITH ADOPTED POLICY GUIDANCE

The use is consistent with the Camden County 2035 Comprehensive Land Use Plan policies addressing density, recreational and open space, transportation infrastructure, and utilities.

Community Vision Statement: The project is consistent with the following excerpt from the Camden County Community Vision Statement:

- “New development will be focused within targeted core areas to bring new life into established county villages and to efficiently use existing and plant infrastructure and public resources. New housing choices will be made available to serve young families and professionals and retirees.”

Density: The project is located within Village Mixed Use and Village Residential land use designations and proposes an overall density of 3.14 units per acre (2.53 dwelling units per acre including the adjacent 44 acre tract that is not being developed). The Village Mixed Use designation provides for between 3 and 14 dwelling units per acre, and the Village Residential envisions up to 3 dwelling units per acre. The proposed use will include residential development and village like clusters and will include open spaces surrounding the clusters, helping to prevent traditional suburban sprawl.

Stormwater: The applicant is placing significant stormwater management facilities on site to collect and manage stormwater. The applicant plans to model the 100 year storm event and to manage stormwater runoff from that event. This commitment will provide a public benefit by improving existing drainage conditions using private funds, reducing runoff from the site and reducing impacts to offsite drainage outlets.

The development is consistent with the following land use policies from the LUP:

Objective #1: Promote a Targeted Development Pattern: “Camden County will work with developers to encourage new residential and non-residential in a manner that is consistent with the county’s Future Land Use Plan,” including:

Action Strategy # 1: Promote Target Development through Rezoning.

“Promote targeted development, as identified by the Future Land Use map, through appropriate rezoning and development approvals,” and:

Action Strategy #6: Provide Public Water and Sewer in Targeted Development Areas.

“Support the extension of public water and wastewater service within targeted development Areas and discourage extension of these services outside of these areas.”

The development is consistent with LUP Objective #4: Ensure that New Development has a Positive Impact on the County Budget including:

Action Strategy #1: Promote Development Where Public Infrastructure Exists or Is Planned:

“Promote a targeted development pattern that focuses development in areas where public infrastructure and facilities are existing or planned, and away from areas where new systems would be needed to service new development.”

The proposal is consistent with Objective #5: Provide New Housing Choices including:

Action Strategy #2: New Zoning for Moderate and Higher Density Housing:

“Develop and adopt new housing districts to allow for moderate and higher density residential development within the core village areas as identified on the Future Land Use Plan map. Encourage the use of the Planned Unit Development zoning district for developments proposing higher density mixed-use development.”

The development is consistent with the following specific language from the Village Mixed Use Land Use Description:

- “This area includes new opportunities for moderate to higher density mixed use including residential, commercial and recreational uses. It includes...a proposed planned unit development north of Main Street in the South Mills core village area”, and:
- “Village Mixed-Use includes future areas for development of more dense residential neighborhoods that provide a diversity of housing types and housing options. Areas included single-family detached units, townhomes, duplexes, condominiums, apartments, senior housing, and other multi-family dwelling units. Housing densities should range from 3-14 dwelling units per acre. Development should fit the context of the most proximate core village area. Appropriate zoning for village mixed-use development includes the Planned Unit Development district.

The project is consistent with the following additional policies from the LUP:

1. The extension of public utilities within village residential areas in South Mills and Courthouse/Camden is appropriate. The village mixed-use area located in Shiloh is more appropriately serviced using a small package plant than public sanitary sewer.
2. Linkages should be made to provide vehicular, bicycle, and pedestrian access between residential neighborhoods and proximate commercial and recreational centers (The development is providing pedestrian connectivity to the South Mills Main Street area).
3. Recreational facilities provided in new residential developments should be designed to provide maximum access to properties in the development and should include passive and active recreational facilities, with emphasis on providing sidewalks and biking trails.
4. Stormwater management best practices should be used when designing residential developments to minimize flows and maintain water quality.

The development is consistent with Objective #5: New Residential Development to Assist in Development of Recreational Facilities. “Per the county’s zoning ordinance, new residential or mixed

use developments located in targeted areas should include recreational amenities. These standards should be improved to require appropriate bicycle and walking paths, and link to adjacent pathways as possible”, including:

Action Strategy #1: New Developments in Targeted Development Areas to Include Open Space and Recreational Facilities:

“Continue to require open space and recreational facilities as part of residential and mixed use Developments for developments within targeted development areas located in South Mills and Camden core village areas,” and:

Action Strategy #2: Update County Development Standards to Require Bicycle and Pedestrian Paths as Part of New Residential Development:

“Update the county’s Unified Development Ordinance to require the development of bicycle and walking paths as part of residential and mixed use developments of a certain size.”

The project will provide for sidewalks, greenways, and will have walking trails to encourage mobility by pedestrians and bicyclists. It also preserves a significant amount of open space and natural features throughout the development to promote recreation and preserve natural areas.

The development will also provide linkage to the South Mills Village core area.

The development is consistent with Objective #3: Create Better Connectivity and Accessibility within New Developments. “As new development occurs, the county should work with developers and adjacent property owners to create connections to the development site and internal connections within the site that are efficient and safe. Access to main roadways should be limited to reduce conflicts associated with vehicular turning movements.”

The developer has completed a Traffic Impact Analysis that recommends safe and efficient improvements to the limited roadway connections in a manner that is intended to reduce conflicts and provide safe vehicular turning movements.

The project is consistent with Objective #3: Promote Land Use Patterns that Efficiently Use Public Water and Sewer Services: “Camden County will promote a land development pattern that efficiently uses existing and planned public water and sewer services and that capitalizes on economic opportunities.”

This includes Action Strategy #1: Promote a Land Use Pattern that Utilizes Centralized Utility Systems:

“Promote and facilitate forms of development that will allow for more centralized and environmentally effective systems that will serve as the backbone for future growth.”

The project is also consistent with Objective #6: Identify Opportunities to Implement the Camden County Water and Sewer Master Plan: “Of particular consideration is the recommendation for provision of wastewater treatment at the South Camden Wastewater Treatment Plant in South Mills.”



In addition to the Camden County 2013 Comprehensive Land Use Plan, the project is consistent with several provisions of the South Mills Small Area Plan, including the following:

- “From the overall provision, the plans main goal is to transform South Mills Village into its own economically sustainable community, while also enticing families to pursue all of their daily activities within the Township. A Planned Unit Development with mixed residential and commercial uses should further the implantation of this goal.”
- “Densification via Sewer – Implications for Economy and Housing: With the construction of sewer lines within the South Mills core, there will be a greater potential for higher density commercial and multi-family residential developments. It is especially important to the South Mills Village Core to take advantage of what a sanitary sewer system has to offer, namely, the opportunity to bring in some density and place characteristics to the village and a more compact, efficient, walkable village form.”
- “Some smaller-scale multi-family residential development like townhouses may be appropriate within the community core, if appropriately designed and scaled to the village.”

The proposal is also consistent with the SAP goal of providing better street lighting. “Street lights will not only bring character to the Village Core (if pedestrian-scale lighting is installed) but add Village Core security at night.”

This development is also consistent with the following land use regulations identified in the Small Area Plan: “Specifically, this plan proposes several of the following changes: ....higher density permissions upon the extension of sewer.”

In summary, it appears the development proposal is consistent with many provision of both the Camden County 2035 Comprehensive Land Use plan and the South Mills Small Area Plan.

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**Community Meeting Summary**  
**South Mills Landing Planned Development**

**Wednesday, January 29, 2020**

**Scheduled Time/Place: 6:00 pm, South Mills Fire Station, South Mills, NC**

**Meeting Began at approximately 6:05 pm and Ended at approximately 7:40 pm**

**Attendees:** Community Residents (See attached sign-in sheet)

Dan Porter and Dave Parks, Camden County  
 Reese Smith, Sr. and Reese Smith, Jr., Landowners  
 Mark Bissell, Engineer

**Overview:**

An overview of the development review and approval process in Camden County was offered. It was noted that the process will take 1 to 2 years before the first building will be constructed on the site.

A map was reviewed of the project setting showing surrounding land uses.

The Master Development Plan was presented showing several residential neighborhoods within a Master Planned community with the vision of creating an upscale and attractive development with major expanses of open space, large stormwater ponds to manage run off and buffers to existing development. Preliminary renderings were also provided of proposed building types and a typical streetscape perspective drawing.

Comments regarding stormwater:	Response: Existing conditions and out-lets are being modeled to determine their capacity which will serve as the basis of design for the stormwater. Stormwater will be modeled to both the 10yr and the 100yr storm conditioned to properly manage stormwater on the site through a series of ponds and with controlled release outlets. Lot elevations will be determined after the stormwater modeling is completed.
Horseshoe road floods, downstream ditches are in poor condition, who maintains off-site ditches, what is the basis of design, and how high will lots be elevated? Horseshoe Road entrance is under 3' of water during a hurricane.	NC does not have impact fees for schools, the schools are figured in the overall tax base. A
What about schools, will there be impact fees, and when will a new school be built, before or after houses	NC does not have impact fees for schools, the schools are figured in the overall tax base. A

are developed?	new school will not be constructed until there are enough children in the system to warrant it.
<p>Comments regarding wastewater: Will it be on septic, if not where will lift stations be located, the existing lift station has overflowed, is the existing pipe under the river is adequate, how much wastewater capacity is available, will the treatment plant need to be expanded, and will people be forced to connect to the sewer system?</p>	The plan is for the development to connect to the South Mills sewer system, three additional lift stations will be constructed to serve the development, the pipe under the river will be evaluated as part of the sewer modeling at the Construction Drawing stage, right now approximately 90,000 gallons of capacity is available, and the county is evaluating the need to expand the treatment plant. Residents outside of the development will not be forced to connect to the sewer.
<p>Comments regarding water: South Mills water is at capacity, what about lines along Union Camp road, there is an asbestos cement pipe along Main Street that can't be tapped, what about fire protection?</p>	Camden County is furnishing water to South Mills for new development, it is proposed that the water line along Union Camp Road be re-routed and possibly enlarged when that phase is being constructed; we will work with the County and South Mills Engineers to determine where and how to tap waterlines, and fire protection will need to be provided in accordance with UDO.
<p>Questions regarding traffic: Will there be significant traffic on Halstead, is the connection to Main Street too close, where will the connection be on Horseshoe Road, and will there be problems with these new driveways?</p>	A Traffic Impact Analysis has been prepared by a traffic engineer who has recommended improvements to accommodate the entrances at Main Street and at Horseshoe Road. No additional improvements are being proposed at Halstead, although the entrance at the development there will require a slight reconfiguration at that location. Turning lanes will be provided at the main entrances for safe turning movements.
<p>Questions regarding commercial developments: What kind of development and when will the construction take place, how much commercial is being proposed, more commercial development is needed in South Mills.</p>	The type and the timing of the commercial development is going to be largely market driven. Additional residential development will be needed first and will then result in additional commercial development. The site is expected to accommodate up to 50,000sf of commercial space. Water and sewer lines are being stubbed to the site so that it is ready for development.
The commercial lot on the other side of Highway 17 needs attention. What is being done with it?	The site was in terrible shape when purchased years ago and dilapidated buildings were torn down and the site was cleaned up. The site is available for purchase and development.
What will the phasing be?	The site has been designed in development pods of 30 to 40 lots and is expected to build out over an 8-10 year period. Phasing is shown in color.

What is the price range?	It is expected that a typical lot and home package will start at about \$240,000, but the developer will ask as high a price as the market will bear.
How many total lots will there be?	580 including single-family and townhomes
Will residents from the village get to use the clubhouse?	The Home Owners Association will establish rules for the community facilities.
Will there be buffers?	Yes, 50' buffers are proposed to existing development.
Will Halstead be the main entrance?	It will not be constructed at first but it eventually will be a secondary entrance.
Will county residents have to pay for water and sewer expansion?	No, those expenses are paid for by the developer through capacity fees.
What size will the homes be?	Probably in the range of 1,600-2,500sqft.
What size are the lots on the South tract?	Most are in the range of 8-10-12,000sqft.
Where is the water connection for the south neighborhood?	Both entrances for looping.
What size is the commercial property?	About 5 1/2 acres.
Does the development go all the way to the canal?	There is an approximate 100' buffer between development and the canal.
This is a great idea and we hope it comes together just fine. We are confident this will be good improvement for the area with many benefits.	Thank you, we are in agreement.

**Summary:**

It was stated that community concerns would be evaluated and taken into consideration. A number of people stayed around after the meeting was adjourned to view maps and renderings and discuss pros and cons of the development.

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January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

Name: Glenda Hagler  
Address: 1/2 Kester Barn Rd.  
Phone: (Optional) \_\_\_\_\_

Comments:

*Great idea! I am confident everything will come together just fine. My only concern is - will our over-crowded schools support the additional residents? No. But, hopefully, that will come together as well!*

Signature: Glenda Hagler

Date: 1/29/20

January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

Name: Donna Coogan  
Address: 209 Spencer's  
Phone: (Optional) 252-771-2884

Comments:

Just be sure the older homes  
are okay with water when planning  
I pray all this improves everything  
in South Mills. I love South Mills

Signature: Donna Coogan

Date: Jan 29, 2020



January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

Name: Georgia Johnson

Address: 636 Main St South Mills

Phone: (Optional) \_\_\_\_\_

Comments:

I Am very concerned about the increase of water runoff in the area. Flooding has been worsening over the years already.

I Am concerned about my taxes increasing to pay for infrastructure + school improvements with any development within the county.

I also do not want to be forced onto a sewer system. I Am also concerned about traffic.

Signature: 

Date: 1/29/2020

January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: (Optional) \_\_\_\_\_

Comments:

185 + 40 225  
8 - 10 YEARS OUT  
HOA  
  
  
  
  
  
  
fire service

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

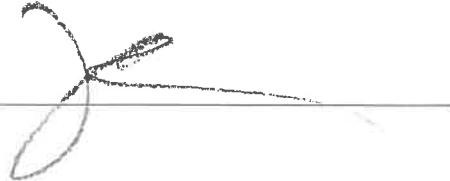
Name: Jon Stuckert

Address: PO Box 69

Phone: (Optional) \_\_\_\_\_

Comments:

My biggest concern is water elevations run off cause 100 yr Flood does not matter in the past five years seen it twice traffic on Halsted, Main St, water plant being able to supply the distribution

Signature: 

Date: 1/29/20

January 29, 2020

From: South Mills Landing LLC

RE: South Mills Landing Planned Development – Comment Sheet

In accordance with Camden County Unified Development Ordinance Article 151.2.2.30 prior to consideration of any development application a Neighborhood Meeting is to be held to provide adjacent property owners comments on the proposed zoning.

Name: Caroline Drew

Address: 634 Main St.

Phone: (Optional) 252-202-9728

Comments:

I think this is a wonderful idea for South Mills, I feel confident that it will be a good improvement to the area, and many would benefit from this having to take place, I myself being an older single female. Also for all the children growing up and having to leave the area because of no jobs. I feel it will bring

Signature: Caroline Drew

Date: 1-28-2020

Many jobs into the community so there would be more jobs for people. Not just all these people that really don't care about how their places look to begin with. I feel it would make the

place a much better place all around,  
in much more ways. I also feel it  
will bring a whole different type of  
people into our neighborhood, I say  
get it done. What I have seen is that  
the homeowners need to clean out some of  
their ditches so they can actually drain.  
I clean mine.

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Community Meeting Sign-in Sheet

For South Mills Landing

January 29, 2020 @ 6:00pm

NAME	ADDRESS	TELEPHONE	E-MAIL
Al + Carol Lambert	103F Rese Lane	252-485-7124	ahtogether103@gmail.com
Berny + Shara Newig	1081 Nc Hwy 1	Candor 252 4557662	
Joe Jackson	632 Main St	312-6359	
Dan Peters	160 Horseshoe Rd	333-4052	
Val/Diana Bridgers	160 Horseshoe Rd	333-4052	
Bernie Longan	209 Sendor's Ave	71-2884	
Jerrida Hugel	113 Kateri Run	771-3240	
Dow Reed	POB 6920 Okla	757-328-1073	
Gangin Johnson	636 W. R. St. <small>South Mills</small>		
Joe Jackson	102 Pierce Ave		

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## Dan Porter

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**From:** Cox <greg316@cox.net>  
**Sent:** Thursday, May 07, 2020 6:19 AM  
**To:** Dan Porter  
**Subject:** [External] Re: [External] Fwd: South Mills Landing - 10-yr Model Continuity Error

Good morning

Andy has a model of the existing conditions. He has not submitted anything else. The proposed conditions will be challenging. I do not know how they proposed to show that development doesn't increase runoff.

Greg

Sent from my iPad

On May 6, 2020, at 4:59 PM, Dan Porter <[dporter@camdencountync.gov](mailto:dporter@camdencountync.gov)> wrote:

AND???

Do we have enough information to proceed to consider the preliminary plat so they can tackle the plan and lost development conditions.

Dan B. Porter, Planning Director  
Camden County  
PO Box 74  
117 NC Hwy 343 North  
Camden, NC 27921  
Ph: 252 338 1919 Ext. 263  
Fax: 252 333 1603  
Email: [dporter@camdencountync.gov](mailto:dporter@camdencountync.gov)  
[dbp0124@hotmail.com](mailto:dbp0124@hotmail.com)

\*DISCLAIMER: Pursuant to the Freedom of Information Privacy Acts (FOIPA) and North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail messages(s) sent in response to it may be considered public record and as such subject to request and review by anyone.

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**From:** Cox [<mailto:greg316@cox.net>]  
**Sent:** Tuesday, May 05, 2020 6:12 AM  
**To:** Dan. 263 Porter  
**Subject:** [External] Fwd: South Mills Landing - 10-yr Model Continuity Error

Sent from my iPad

Begin forwarded message:

**From:** David Deel <dadeeleng@gmail.com>  
**Date:** May 4, 2020 at 7:58:32 PM EDT  
**To:** Greg <greg316@cox.net>  
**Subject: Re: South Mills Landing - 10-yr Model Continuity Error**

Thanks!

Sent from my iPhone

On May 4, 2020, at 3:36 PM, Greg <greg316@cox.net> wrote:

Pack it in

Sent from my iPhone

On May 4, 2020, at 2:34 PM, David Deel  
<dadeeleng@gmail.com> wrote:

Greg;

I extended the time period so that the model would run for three days after the end of the rainfall event and my flow continuity error remains at 6.29% and the peak flow at Outfall 1 remains at 41.78 cfs

Thanks,  
Andy

On Mon, May 4, 2020 at 2:15 PM Greg  
<greg316@cox.net> wrote:

Okay. You've reported your efforts. One thing just hit me....allow the model to run two days beyond the the rain After that give up

Sent from my iPhone

> On May 4, 2020, at 1:28 PM, David Deel  
<dadeeleng@gmail.com> wrote:

>

>

> Greg;

>

> Well... I have gone through the nodes with high instability indexes, modified inverts to maintain positive slopes, removed culverts, reconnected drainage areas downstream, replaced culverts with

open channels, replaced culverts with equivalent pipes, reduced my time step down to 0.067 seconds, etc. etc., etc.... I can't come up with a set of modifications that really moves that flow continuity error (it has stayed in the 5.9% - 7.1% range the entire time). My flow at the related outfall (link E001-Outfall1) has barely moved as I've made these changes (it has varied from 41.33 cfs to 41.78 cfs). I think I'm past that "spend a couple of hours on it" plan to see if I could pull it into the 1.0% range.

>

> -Andy

>

> --

> Deel Engineering, PLLC

> P.O. Box 3901

> Kill Devil Hills, NC 27948

> (252)202-3803

--

Deel Engineering, PLLC

P.O. Box 3901

Kill Devil Hills, NC 27948

(252)202-3803

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mailed out  
3/10/2020

**SOUTH MILLS WATER ASSOCIATION, INC.**  
**103 HALSTEAD ST.**  
**PO BOX 279**  
**SOUTH MILLS, NC 27976**  
**PHONE: 252-771-5620**  
**FAX: 252-771-2380**

March 4, 2020

Mr. Herbert T. Mullen, Jr.  
101 East Elizabeth St.  
Elizabeth City, NC 27909

RE: South Mills Landing, LLC

Dear Mr. Mullen:

This responds to your request for confirmation that South Mills Water Association (Association) will allocate water to South Mills Landing (Development). The Board of Directors has approved allocation of water to the Development subject to the conditions set forth in this letter.

The Association is committed treating all of its members fairly in a manner consistent with the Association's Water Line Construction Rules and Regulations for Developer (the "Rules") and other applicable policies and regulations. Based on our review of the Rules, the Development is subject to our developer Rules.

Therefore, the Association confirms allocation of water to 129 units of the Development's Phase 1 with the following conditions:

1. The Association is able to provide the water to the Development from its regular sources.
2. The connection tap fee for all 129 units is paid up front before any connection to the Association's system will be allowed.
3. The Development will cover all expenses related to the Association's costs associated with constructing a new water line across the Dismal Swamp Canal.

4. The Development provides the Association proof that the three wells located within or adjacent to the Development have been properly abandoned and recorded as abandoned.
5. Any relocation of the former Union Camp right-of-way within the Development does not disrupt or otherwise interfere with the Association's system. Any expenses incurred by the Association related to the relocation will be paid by the Development and any relocated easements in favor of the Association must be properly recorded to the satisfaction of the Association.

This allocation of water is effective March 4, 2020 and expires on March 3, 2021. If the tap fees are not paid by the expiration date, the Association will not provide the water. The Development may apply for an additional one-year term no earlier than December 3, 2020.

This allocation letter supersedes all prior discussions or documents related the Development's water allocation.

Sincerely,



Chairman

ND: 4851-2477-2278, v. 1

7009 2250 0000 3257 3036

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03/10/2020

Sent To: Herbert T. Mullen Jr  
 Street, Apt. No., or PO Box No.: 101 E. Elizabeth St  
 City, State, ZIP+4: Elizabeth, NC 27709

2

Date:

From: Technical Review Staff Camden Co. School Transportation Dept.  
(Organization)  
To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

Attached is a copy of the proposed Master/Preliminary Plan for South Mills Landing a 581 unit Planned Development located off Main Street and adjacent to Horseshoe Road and U.S. 17 in South Mills Township.

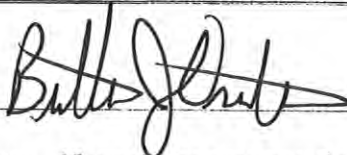
After you have reviewed the plans, please complete the section below and provide this memo with your comments to the Planning Department either at the meeting or prior to by either email ([dparks@camdencountync.gov](mailto:dparks@camdencountync.gov)) or fax (252) 338-1603.

- Approved as is  
 Reviewed with no comments.  
 Approved with the following comments/recommendations:

CCS Transportation recommends 26 "Bus Stop School" sign and 3 additional shelters. Shelters shall be added to existing shelters on plans.

~~Disapproved with the following comments: (Provide factual evidence for denial)~~

Full build out will ~~address~~ for 4 to 6 additional school buses.

Name: Britton Overton Signature: 

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

Date: 2.11.2020

From: Technical Review Staff Camden County Schools  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

Attached is a copy of the proposed Master/Preliminary Plan for South Mills Landing a 581 unit Planned Development located off Main Street and adjacent to Horseshoe Road and U.S. 17 in South Mills Township.

After you have reviewed the plans, please complete the section below and provide this memo with your comments to the Planning Department either at the meeting or prior to by either email ([dparks@camdencountync.gov](mailto:dparks@camdencountync.gov)) or fax (252) 338-1603.

- Approved as is
- Reviewed with no comments.
- Approved with the following comments/recommendations:

Will there be money paid to the county for support of schools like is the case w/ Camden Plantation? If this subdivision adds

Disapproved with the following comments: (Provide factual evidence for denial)

\_\_\_\_\_

\_\_\_\_\_

Name: Joe Ferrell Signature: Joe Ferrell

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

approximately 300 students (using the appropriate calculation formula), we are looking at 15-18 new classrooms across the school district and we simply do not have those spaces available.



Date: 2-5-2020

From: Technical Review Staff NCDEP - DIVISION OF COASTAL MANAGEMENT  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

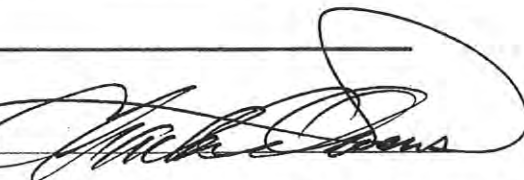
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- Approved as is
- Reviewed with no comments.
- Approved with the following comments/recommendations:

X REVIEWED WITH COMMENTS. (SEE ATTACHED EMAIL)

Disapproved with the following comments: (Provide factual evidence for denial)

Name: CHARLEN OWENS Signature: 

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

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## Dave Parks

---

**From:** Owens, Charlan <charlan.owens@ncdenr.gov>  
**Sent:** Wednesday, February 05, 2020 4:28 PM  
**To:** Dave Parks  
**Cc:** Peoples, Audy J  
**Subject:** [External] Camden Technical Review Committee Meeting - February 11, 2020  
**Attachments:** CamdenTechnicalReviewMemo\_020520.pdf

Good afternoon Dave,

The response memo form regarding the South Mills Landing Planned Development Major Subdivision is ATTACHED. Below are DCM's referenced comments. DCM has no comments on the **South Mills Landing – South Tract** proposal.

### South Mills Landing Master Plan – North Tract

- NOTE: The Division of Coastal Management has jurisdiction over navigable waters and a 30 foot jurisdictional buffer along the navigable waters of the Atlantic Intracoastal Waterway and connecting navigable ditches and canals.
- Sheet 3 of 11 indicates an “open space and canoe launch area” with no direct water access. The area abuts property controlled by the US Army Corps of Engineers that includes the Atlantic Intracoastal Waterway. The waterway is approximately 120 feet from the property line.

Water access with walkway and launch improvements will require a legal easement over land, along the shoreline and in the water. The easement will need to connect the open space to the water sufficient for a walkway, cover a width of shoreline sufficient to accommodate the square footage of proposed in-water improvements (since allowable square footage is based on the width of property shoreline) and cover an area of water bottom sufficient for construction/installation and operation of the launch. Improvements in the water and within 30 feet of the waterway will require a CAMA Permit.

- The Camden County GIS indicates a drainage canal connecting to the Atlantic Intracoastal Waterway at the southeast corner of the North Tract. Sheet 3 of 11 does not show the drainage canal.

A proposal to block and/or fill the drainage connection to the waterway will require evaluation of navigability and could require a CAMA Permit.

- NOTE: Please contact Audy Peoples, DCM Field Representative, for any questions on this item. He can be reached at 252-264-3901.

**Charlan Owens, AICP**  
District Planner  
Division of Coastal Management  
North Carolina Department of Environmental Quality

252 264-3901 office  
252 331-2951 fax

[charlan.owens@ncdenr.gov](mailto:charlan.owens@ncdenr.gov)

401 South Griffin Street, Suite 300  
Elizabeth City, NC 27909

*Email correspondence to and from this address is subject to the  
North Carolina Public Records Law and may be disclosed to third parties.*

**From:** Dave Parks [<mailto:dparks@camdencountync.gov>]

**Sent:** Friday, January 31, 2020 1:40 PM

**To:** Otts, David B <[dbotts@ncdot.gov](mailto:dbotts@ncdot.gov)>; Spear, Caitlin A <[caspear@ncdot.gov](mailto:caspear@ncdot.gov)>; [kjones@camdencountync.gov](mailto:kjones@camdencountync.gov);  
[nharris@mediacomcc.com](mailto:nharris@mediacomcc.com); [Amy.Ward@centurylink.com](mailto:Amy.Ward@centurylink.com); [Cheryl.Spencer@centurylink.com](mailto:Cheryl.Spencer@centurylink.com);  
[Michael.sipe@piedmontng.com](mailto:Michael.sipe@piedmontng.com); 'Newell, Jerry' <[newellj@co.pasquotank.nc.us](mailto:newellj@co.pasquotank.nc.us)>; [feltonk@co.pasquotank.nc.us](mailto:feltonk@co.pasquotank.nc.us);  
[smwaplant@embarqmail.com](mailto:smwaplant@embarqmail.com); 'David Credle' <[dcredle@camdencountync.gov](mailto:dcredle@camdencountync.gov)>; 'Kevin Carver' <[kcarver@arhs-nc.org](mailto:kcarver@arhs-nc.org)>;  
'Banks, Tommy (NSHC)' <[tommy.banks@nucor.com](mailto:tommy.banks@nucor.com)>; [Derek.E.Boone@usps.gov](mailto:Derek.E.Boone@usps.gov); 'Brian Lannon'  
<[blannon@camdencountync.gov](mailto:blannon@camdencountync.gov)>; Owens, Charlan <[charlan.owens@ncdenr.gov](mailto:charlan.owens@ncdenr.gov)>; [krystynka.b.stygar@uasce.army.mil](mailto:krystynka.b.stygar@uasce.army.mil);  
[jferrell@camdenk12.nc.us](mailto:jferrell@camdenk12.nc.us); Britton Overton <[boverton@camden.k12.nc.us](mailto:boverton@camden.k12.nc.us)>

**Cc:** Dan Porter <[dporter@camdencountync.gov](mailto:dporter@camdencountync.gov)>; 'Ken Bowman' <[kbowman@camdencountync.gov](mailto:kbowman@camdencountync.gov)>; 'Mark Bissell'  
<[mark@bissellprofessionalgroup.com](mailto:mark@bissellprofessionalgroup.com)>; Reese Smith <[reesesr@reesesmithassociates.com](mailto:reesesr@reesesmithassociates.com)>; 'Reese Smith'  
<[reese@beaconcustomhomes.com](mailto:reese@beaconcustomhomes.com)>

**Subject:** [External] Technical Review Committee Meeting - South Mills Landing

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

Attached are the proposed Master Plans for South Mills Landing Planned Unit Development along with the letter informing you of the date/time/place of the Technical Review Committed Meeting. If you have any questions, please let me know.

Sincerely,

David Parks, CFM  
Permit Officer  
Camden County

Date: 2/13/20

From: Technical Review Staff South Camden WFS District  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

Attached is a copy of the proposed Master/Preliminary Plan for South Mills Landing a 581 unit Planned Development located off Main Street and adjacent to Horseshoe Road and U.S. 17 in South Mills Township.

After you have reviewed the plans, please complete the section below and provide this memo with your comments to the Planning Department either at the meeting or prior to by either email ([dparks@camdencountync.gov](mailto:dparks@camdencountync.gov)) or fax (252) 338-1603.

Approved as is

Reviewed with no comments.

Approved with the following comments/recommendations:

see attached

Disapproved with the following comments: (Provide factual evidence for denial)

Name: David Credle Signature: David Credle

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

2/13/20

South Camden Water & Sewer District

**Comments on South Mills Landing Subdivision**

Sewer capacity, about 60,000 gallons per day, is available at this time. No guarantee that sewer capacity will be available for this project until capacity has been purchased. Mark Bissell said that he expected the connection fees to pay for future capacity needs at the wastewater treatment plant and disposal.

I have reviewed the preliminary sewer plans and have the following concerns:

The elevation of this property causes flooding in heavy rain events. With the use of gravity sewer this would mean the manholes, cleanouts and possible pump stations could also be over whelmed with flood water.

The collection piping is shown in the middle of the road, Camden is not equipped to work in the road or handle the removal and replacement of roadways. Some collection piping is shown between the back yards of homes, this isn't acceptable because of fencing and storage building being installed that will block access for maintenance and repair work.

Date: 2/12/2020

From: Technical Review Staff Soil & Water  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

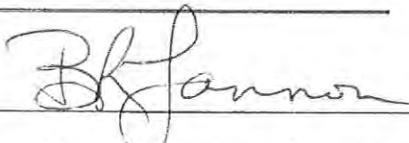
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- Approved as is
- Reviewed with no comments.
- ~~Approved~~ with the following comments/recommendations:

See attached.

Disapproved with the following comments: (Provide factual evidence for denial)

Name: Brian Lannon Signature: 

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

## South Mills Landing Planned Development Major Subdivision

### Stormwater Management Master Plan –North Tract

Currently flooding occurs at the proposed entrance to the subdivision in the curve of Horseshoe road. This is a low spot in the road with stormwater crossing thru a culvert heading southwest toward the right-of-way underneath US 17. This outlet and drainage way will need to be maintained during and after construction of the proposed subdivision. The culvert going under US 17 needs to large enough to handle run-off from the entire area of the subdivision due to the high density of the units and infrastructure. There will be very little predicted infiltration on site. Storage capacity of the many ponds needs to be of sufficient quantity to handle regularly occurring rainfall events.

Water quality is also a concern. Aeration and water movement thru the pond system needs to prevent anaerobic conditions and chemical and nutrient pollution. Discharge and run-off from the subdivision should not contribute to the degradation of the Pasquotank River.

Recommend planting some trees around ponds for control of geese and aquatic weeds such as Alligatorweed.

### South Tract

The proposed drainage outlet under Main St. and traveling to US17 right-of-way then north to the same culvert outlet that drains the north tract looks like it will need more capacity then there is currently. The drainage ditch on the east side of the tract may be an option for some drainage.

Also have the same water quality concerns and planting of trees recommendation for the south tract.



Date: 2-11-2020

From: Technical Review Staff South Mills Vol. Fire Dept.  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

Attached is a copy of the proposed Master/Preliminary Plan for South Mills Landing a 581 unit Planned Development located off Main Street and adjacent to Horseshoe Road and U.S. 17 in South Mills Township.

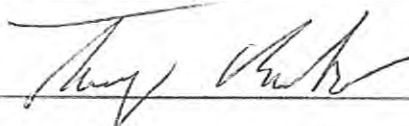
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- Approved as is
- Reviewed with no comments.
- Approved with the following comments/recommendations:

\_\_\_\_\_

Disapproved with the following comments: (Provide factual evidence for denial)

Lack of Supporting Infrastructure  
See Letter for details

Name: Tommy Banks Signature: 

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

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## South Mills Volunteer Fire Department

127 Keeter Barn Road  
PO Box 24  
South Mills, NC 27976  
(252) 771-2772

February 11, 2020

Camden County Planning Board & Camden County Commissioners:

Thank you for the opportunity to attend and provide feedback on the proposed South Mills Landing Project during today's meeting. As I shared during the technical review meeting, I do have concerns regarding my department's ability to provide adequate fire protection for this development as it is planned. I take very seriously my roles and responsibilities involving protection of the public as well as members of our department.

My primary concern is that of water supply needed to safely conduct fire ground operations during structural fire-fighting activities. It is difficult to obtain the amount of fire flow through municipal water sources for protection of our current residents. The plan for adding more than 500 additional structures will only compound that issue. Our recent inspection by the North Carolina Office of State Fire Marshal again highlighted the potential life safety and financial impacts this lack of reliable fire flow poses to our jurisdiction.

In addition, while the plan for construction includes high density developments, there is no plan to address the needed water supply for fire flow in these types of buildings. Structure fires in high density developments are known to spread rapidly from structure to structure and are very challenging, even for full-time, career-level fire departments in established metropolitan areas. While we have a great

department, excellent, well-trained volunteers, and have demonstrated the ability to obtain good insurance ratings, the lack of fire flow places our department's members and the general public at risk.

A secondary concern we share is that of flooding in the "Village", in particular along Horseshoe Road adjacent to the planned development. Following Hurricane Matthew in the fall of 2016, the section of this road between Main Street and Highway 17 remained impassible to most personal vehicles. We are concerned that this development will create a situation similar to that which we have experienced in other parts of our jurisdiction where the fire department spent several hours daily over the course of multiple days providing assistance to isolated residents. As a volunteer department, it is very difficult to provide manpower coverage to provide this level of service.

Finally, a related public safety concern we have is that of emergency medical services coverage. Currently, paramedic-level medical assistance is only scheduled for 12 hours each day out of our station. Often, the medic unit is directed to provide backup coverage to southern Camden County or in neighboring Pasquotank County. We believe Camden County should work to further establish consistent pre-hospital medical coverage to further support the *existing* residents.

The South Mills Volunteer Fire Department is asking that this development not be approved until the concerns expressed above have been addressed. Again, thank you for the opportunity to provide this feedback. If you have any questions or concerns, please feel free to contact me.

Sincerely,

Tommy Banks, Chief  
South Mills Volunteer Fire Department  
252-202-1027

Date: February 4, 2020

From: Technical Review Staff Camden Sheriff's Office  
(Organization)

To: Camden County Planning Department

RE: South Mills Landing Planned Development Major Subdivision

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- Reviewed with no comments.
- Approved with the following comments/recommendations:

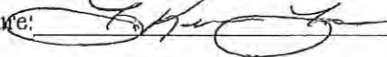
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Disapproved with the following comments: (Provide factual evidence for denial)

Without a guarantee from the Board of Commissioners to adequately fund this office with extra personnel  
and equipment to meet the increased demands that this project will produce I cannot approve this action at this time.

Name: J. Kevin Jones Signature: 

Thank you for your prompt attention to this matter. If you have any questions, please call the Planning Department at (252) 338-1919 ext 232.

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## Dan Porter

---

**From:** Kevin Jones <kjones@camdencountync.gov>  
**Sent:** Tuesday, February 11, 2020 3:13 PM  
**To:** Dan Porter  
**Cc:** Brandon Henderson  
**Subject:** Technical Review Committee Meeting

Mr. Porter, I would like to apologize for not attending the meeting this morning, I had full intention of doing so, however we had an incident at the Sheriff's office this morning between a landlord and a former tenant that took my full attention and I completely forgot about the meeting. With that being said, I submitted the sheet you requested by email to your office about an hour ago, I hope you received same. I oppose this subdivision, as well as any other subdivision being planned until our county's infrastructure is up to par to handle the increased demand that projects like this will impose. Speaking just for the Sheriff's Office, I oppose this subdivision or others until this offices' infrastructure is adequate to handle the extra demand. We are at maximum capacity in terms of the call volume we now receive with our existing personnel and the current population we serve. A 581 unit subdivision could be devastating to our efficiency in providing adequate law enforcement response to our future citizens and current citizens. Please take my concerns about our county's safety when considering to go forward with this project. If you did not receive the sheet I sent you, please let me know and I will hand deliver. Thank you for what you do and if you have any questions, don't hesitate to call me. Thanks...Kevin.

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February 24, 2020

Mr. Dave Parks, CFM  
Zoning Officer & Certified Floodplain Manager  
Camden County  
117 N. NC 343  
Camden, NC 27921

RE: South Mills Landing Review Comments

Dear Dave,

We are submitting revised plats and plans of the proposed South Mills Landing Planned Development addressing TRC comments that we have received, as follows:

Planning Comments:

- a. The proposed open space has been labeled to designate active and passive recreational areas. The timing of construction is included in the proposed phasing schedule, and preliminary plans for the clubhouse and related amenity area are now included with the submittal.
- b. Regarding solid waste, for both the single and multi-family dwelling units, roll-out trash cans will be used with a private pick-up service. Tentative dumpster locations are being shown for the commercial area only.
- c. Development standards have been addressed as follows:
  - Visitor parking has been added for the townhome areas.
  - A combination of land dedication and fee in lieu for park and recreation improvements has been proposed (please refer to Public Facilities section of the draft Development Agreement).
  - A service entrance has been added on McBride Street to add the required third access point for the northern tract.
  - Existing overhead utilities have been removed from pages other than the existing conditions sheet.
- d. Concerning Administrative Manual 3.1.1:
  - The seal and signature will be provided once the plan has been approved and finalized.
  - Copies of boundary surveys of the tracts are included with this submittal.
  - We are providing a Development Impact Statement which includes the required physical and fiscal analyses.
  - The coversheet has been updated to eliminate North Carolina, LLC and to re-designate street addresses in connection with the north and south tracts.

- A development summary chart and setback summary have been added to the cover sheet.
  - The total open space is being shown, easement notes have been added, and the Corp of Engineers ownership has been added along the top of the bank of the canal.
- e. An additional legend has been added to clarify all of the symbology that is being used on the plans.

Soil and Water Comments:

- a. Regarding the Stormwater Management Plan, the site is being modeled and stormwater management facilities are being provided that will reduce the amount of water that is leaving the site post-development, compared to its current pre-development condition. The site is also being modeled for the 100 year storm event.
- b. Regarding off-site drainage conditions, the developer will provide downstream clearing and snagging to improve those drainageways where necessary to accommodate the site's runoff, subject to securing the right to access those areas.

Camden County School Transportation Department:

- a. Three additional bus shelters have been provided as requested.
- b. Twenty-six bus stop school signs are being provided as requested.

Camden Sheriff's Office:

- a. As indicated in the Fiscal Impact Analysis, the development is expected to generate over one million dollars in additional annual tax revenue and will generate over 2.7 million dollars in other revenue to Camden County, which is expected to off-set the cost of additional personnel and equipment that the Sheriff's department indicates are needed.

South Mills Volunteer Fire Department:

- a. To address the concern about available fire flow, the developer has agreed to construct a new water main to run under the Dismal Swamp Canal to provide looping that will provide redundancy, additional pressure and flow to improve the water system's fire-fighting capability. Additionally, the waterlines will be looped through the development, will be sized as required to provide needed fire flows, and water system modeling will be performed and provided at the Construction Drawing review stage for this development.

Camden County Schools:

- a. As indicated above, a fiscal impact analysis has been provided that shows significant revenues that are expected to be generated from this development to the benefit of Camden County.

Street Names:

- a. As requested, the name Cedar Lane has been changed to Spanish Cedar Lane. All other names have been approved and this should satisfy the one outstanding concern.

We are also providing copies of a Preliminary Plat, which shows all of the details of the roadway alignments and lot development in accordance with the Camden Unified Ordinance Development.

As suggested, we have prepared a draft of a proposed Development Agreement for review in connection with the Master Plan and Preliminary Plat. The Development Agreement outlines the responsibilities of the parties and is intended to govern the development over a ten year period.

We look forward to receiving your comments regarding the outline of the Development Agreement that has been provided, and we can fine tune it as we receive your input as the review process continues.

Finally, a Development Impact Statement is included which covers the physical analysis, market analysis, environment impact summary and fiscal analysis based on the final Master Plan.

We appreciate your assistance and look forward to continuing the review as we move toward the upcoming Planning Board hearing.

Sincerely,  
BISSELL PROFESSIONAL GROUP



Mark S. Bissell, P.E.

Cc: Mr. Reese Smith, Sr.  
Mr. Reese Smith, Jr.

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# **Development Impact Statement**

**For**

## **South Mills Landing**

**580-Unit Planned Unit Development**

**South Mills Township**

**OWNER/DEVELOPER**

**South Mills Landing, LLC  
4665 South Boulevard, Suite A  
Virginia Beach, VA 23452**

**Updated February 21, 2020**

# SOUTH MILLS LANDING

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- Projected Values
- Phasing Project
- Example Housing Styles
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- Supply and Demand Considerations
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- Tax Revenue (Annual)
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# **SOUTH MILLS LANDING**

## **PART 1**

### **PHYSICAL ANALYSIS**

# PHYSICAL ANALYSIS FOR SOUTH MILLS LANDING

## **Expected Housing Unit Types:**

South Mills Landing will be a Planned Development (P.D.) with approximately 383 Single-family and 197 Multi-family dwellings to be situated within substantial community open space areas. There will also be about 5.5 acres of Commercial Development. Typical houses will range from 1800 to 2600 square feet. For the Townhomes, we anticipate square footage in the range of 1600 to 2000 square feet. The square footage numbers represent conditioned space. Houses will be a mixture of one- and two-story structures, and will typically have a minimum of two bathrooms and three to five bedrooms. Townhomes will be two- and three-story structures with three to four bedrooms and two to three bathrooms. Both housing types are expected to have garages. A mixture of modern-style upscale homes is anticipated, similar to the representative models that are presented on the following pages. Upgrades will be offered that include metal roofs and stone accents. (Note: The building examples are submitted as “expected” and “typical” but not necessarily binding as product will change with market conditions, changing design trends and depending on the ultimate composition of preferred builders in the community).

## **Projected Values:**

The developer anticipates selling development phases to a preferred builder or builders, who will in turn develop the phases and then build out the development. The developer estimates at build-out, the P.D.’s total valuation will be in the range of 139.7 million to 154.2 million, as further shown in the fiscal impact section of this report.

## **Phasing of the Project:**

The developer anticipates building the infrastructure in several phases. Erosion control and stormwater management facilities associated with each phase will be constructed at the beginning of the phase development, followed by site grading and roadway construction, and lastly, the addition of site amenities such as trails and landscaping. Based on a review of the history of other projects in the area, and on the expectations of the developer in the current housing market in the area, it is anticipated that the subdivision will build out in about 6 to 10 years. A tentative phasing plan is shown on the following page. Final phasing will largely depend on market conditions.





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# **SOUTH MILLS LANDING**

## **PART 2**

### **MARKET ANALYSIS**

# HOUSING MARKET ANALYSIS FOR SOUTH MILLS LANDING

## **Market Area and Plan:**

The primary target market will be two-fold. There appears to be a strong market of retirees who want to be in the Camden County and particularly the South Mills area of the county. Second, there is an opportunity to capture some of the “move-up” housing in the market for those who prefer the rural environment of northeastern North Carolina to what is offered in Tidewater Virginia. The developer plans, in concert with the preferred builder, to offer attractive and affordable builder packages in South Mills Landing.

## **Supply and Demand Considerations:**

Camden County’s housing market has been in somewhat of a slump for the past several years, but there are now signs of increasing interest in new property ownership in the area. New residents not only bring income and wealth to the area, but they create the demand for housing – which brings construction jobs to the county. South Mills Landing is designed to provide an attractive upscale community with strict restrictive covenants for permanent residents of Camden County.

## **Development Profile:**

South Mills Landing will be a development of well-coordinated single-family and multi-family dwellings. The project is anticipated to reach build out in approximately 6 to 10 years. Strict covenants and required approval of construction by an architectural review committee will ensure that the homes in South Mills Landing are upscale in design and size, with homes ranging from 1800 to 2600 square feet and townhomes ranging from 1600 to 2000 square feet. A clubhouse and other amenities will be provided, including a community trail system that will connect the open space areas for the enjoyment of the residents. The development’s design has homes interior to the development; vegetative screening will also increase the community’s overall aesthetic value. The preliminary development plan for this development is shown following the table of contents at the beginning of this report.

**SOUTH MILLS LANDING**

**PART 3**

**ENVIRONMENTAL IMPACT**

## **ENVIRONMENTAL IMPACT (WATER AND WASTEWATER)**

South Mills Landing is designed to be a 381-Planned Unit Development with water supply to be provided by South Mills Water Association, and with each lot to be served by a connection to the Camden County Wastewater system. It is our understanding that there is currently capacity in that system to serve the first several phases of this development. There are existing waterlines on Main Street and Horseshoe road that will be tapped and looped through the subdivision to provide both potable water distribution and fire protection to the development.

### **Estimated Water Consumption and Sewage Disposal:**

The basis of design for the wastewater systems for the houses in this development will be 120 gallons per day per bedroom, in accordance with state rules, with three and four bedrooms per dwelling. Since the subdivision will utilize South Mills water, the basic design flow for water per house will be 400 gallons, as prescribed by the NC Public Water Supply System. The basis of design for the water and sewer facilities for this project is therefore as follows:

Water: 580 Dwellings at 400 GPD/Dwelling = 232,000 GPD  
Wastewater: 580 Dwellings at 3.75 BR average @ 120 GPD/BR = 261,000 GPD\*

\*The wastewater number is based on the NCDEQ standard allocation of 120 gallons per day per bedroom; actual consumption is expected to be much less and should not exceed 200 gallons per day per residence, so actual flows from the development at build-out are not expected to exceed 116,000 gallons per day, and likely will be substantially less than that.

### **Wastewater Collection:**

A preliminary plan of gravity collection sewers and pump stations has been developed for South Mills Landing P.D., and is shown on the Master Plan for the development. The proposed wastewater collection system will be connected to the Camden system in a manner to be approved by the County.

### **Stormwater:**

Collector swales and infiltration swales will be installed as needed along lot lines. A series of stormwater detention and retention ponds will be constructed to detain the difference between pre- and post-development runoff. The details of the stormwater plan will be designed in consultation with Camden County's Engineer and its stormwater regulations, as well as those promulgated by the North Carolina Department of Environmental Quality (NCDEQ), Division of Water Resources.

# **SOUTH MILLS LANDING**

## **PART 4**

### **FISCAL ANALYSIS**

**FISCAL IMPACT STATEMENT**  
for  
**SOUTH MILLS LANDING**

The following is a summary of the anticipated Fiscal Impact for South Mills Landing based on the current Master Plan that is being reviewed for P.D. approval:

**A. Estimated Total Property Valuation at Build-out:**

383 Single-family Homes @ \$262,500 (Average).....	\$100,537,500
197 Multi-family Dwellings @ \$212,500 (Average).....	\$ 41,862,500
35,000 sq.ft. of Commercial Development @\$120/sq.ft.....	<u>\$ 4,200,000</u>
 Estimated Total Value at Build-out.....	 <b>\$146,600,000</b>

**B. Tax Revenue (Annual):**

The positive operational impact on Camden County at full buildout is estimated to be as follows:

Ad Valorem Tax: .75/100 x \$146,600,000.....	\$1,099,500.
(Includes Fire Tax)	
 Total Estimated Annual Tax Revenue:.....	 <b>\$1,099,500</b>

**C. Annual Fees:**

Solid Waste Fee: \$75/yr. x 580 Properties.....	\$ 43,500/year
Stormwater Fee: \$10/yr. x 580 Properties.....	\$ 5,800/year (minimum)

**D. Water and Sewer Fees**

Water Fees (to South Mills Water Assoc.): 580 x \$5,000/Connection..	<b>2,900,000</b>
Sewer Fees (to Camden County):	
- Capacity Fees: 580 x \$7,400.....	\$ 4,292,000
- Connection Fees: 580 x \$3500.....	\$ 2,030,000
Total Sewer Fees:.....	<b>6,322,000</b>

**E. Other Revenue Sources:**

Transfer Taxes on Home Sales: 1.0% x \$142,400,000.....	\$ 1,424,000
Revenue Stamps: 0.2% x \$142,400,000.....	<u>\$ 284,800</u>
Subtotal:.....	\$ 1,708,800
 Development Review Fees: 580 Units @ \$400/unit.....	 \$ 232,000
Stormwater Review Fees:.....	\$ 6,000 (minimum)
Building Permit Fees: 580 Homes @ 1,300/home (Average).....	<u>\$ 754,000 (estimated)</u>
Subtotal:.....	\$ 992,000
 Total, Estimated Other Revenue:.....	 <b>\$ 2,720,800</b>



# **SOUTH MILLS LANDING**

## **PART 5**

### **TRAFFIC IMPACT ANALYSIS**

The Traffic Engineering firm VHB was contracted to provide a Traffic Impact Analysis, which has been provided under separate cover. The recommendations for the VHB report, as approved by NCDOT will be followed during the course of this development project.

# South Mills Landing

South Mills, NC

PREPARED FOR

Reese Smith, Sr.  
Managing Partner  
South Mills, LLC  
PO Box 9636  
Chesapeake, VA 23321

PREPARED BY

---



**VHB Engineering NC, P.C. (C-3705)**  
940 Main Campus Drive, Suite 500  
Raleigh, NC 27606  
919.829.0328

October 11<sup>th</sup>, 2019



## Executive Summary

South Mills Landing, LLC plans to construct a residential development east of US 17 in South Mills, NC (Figure 1). The proposed development will be constructed on two different tracts of land. The northern site can be accessed via Horseshoe Road and Main Street (US 17 Business) and the southern site can only be accessed via Main Street (US 17 Business). In total, the development will consist of 387 single-family homes and 194 multifamily housing units (apartments or townhomes). The development is expected to be constructed by 2022.

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### Project Background

Based on the conceptual site plan (Figure 2), access to the development is proposed via four (4) vehicular access points. The following are the proposed access points:

- › Future Access #1: Full movement access on Horseshoe Road, approximately 400 feet east of US 17.
- › Future Access #2: Full movement access on Main Street (US 17 Business) via Halstead Street.
- › Future Access #3: Full movement access on Main Street (US 17 Business) at Horseshoe Road.
- › Future Access #4: Full movement access on Main Street (US 17 Business), approximately 1,600 feet northeast of US 17.

The following intersections are included in the study area and were analyzed, where applicable, for existing and future conditions:

- › US 17 at Main Street (US 17 Business)
- › US 17 at Horseshoe Road
- › Main Street (US 17 Business) at Horseshoe Road/Future Access #3
- › Main Street (US 17 Business) at Halstead Street/Future Access #2
- › US 17 Business at Main Street (SR 1241)
- › Horseshoe Road at Future Access #1
- › Main Street (US 17 Business) at Future Access #4

The analysis was performed under four (4) scenarios: Existing (2019), No-Build (2022), Build (2022), and Build (2022) with Improvements. The Existing (2019) scenario includes typical weekday AM and PM peak hour analysis based on turning movement count data collected in April 2019. The No-Build (2022) scenario includes existing traffic with a one percent (1%) annual growth rate applied between the base year (2019) and the build-out year (2022). The Build (2022) scenario includes No-Build (2022) volumes with the addition of site trips generated by the full build-out of the proposed development. Future conditions with the recommended improvements in place were analyzed in the Build (2022) with Improvements scenario.

## Existing (2019) Conditions

Existing analyses were conducted based on current roadway geometrics and intersection turning movement counts collected in April 2019.

As reported in the Summary Level of Service (LOS) table on page vi, all stop-controlled approaches, except for one, operate at an acceptable level of service (i.e., LOS D or better) during both peak hours. The westbound stop-controlled approach at the intersection of US 17 and Horseshoe Road operates at LOS E during the PM peak hour with 38.0 seconds of delay per vehicle.

## No-Build (2022) Conditions

An annual growth rate of one percent (1%) was applied to the existing traffic to account for the normal growth between the base year (2019) and the build year (2022).

One background project was identified within the study area that will be constructed by the build year (2022). The North Carolina Department of Transportation (NCDOT) is developing plans to install a two-phase signal at the intersection of US 17 and Main Street (US 17 Business). Multiple fatal crashes have taken place at this location over the previous six years, and the signal is being installed to attempt to improve safety conditions at the intersection.

As reported in the Summary Level of Service (LOS) table on page vi, the new traffic signal at the intersection of US 17 and Main Street (US 17 Business) operates at LOS A during both peak hours. All stop-controlled approaches, except for one, operate at an acceptable level of service during both peak hours. The westbound stop-controlled approach at the intersection of US

17 and Horseshoe Road maintains operations at LOS E during the PM peak hour with a projected 40.9 seconds of delay per vehicle.

## Trip Generation and Assignment

Trip generation was conducted based on the most appropriate corresponding trip generation codes included in the *ITE Trip Generation Manual, 10<sup>th</sup> Edition* and the suggested method of calculation in the NCDOT's "*Rate vs. Equation*" *Spreadsheet*. The proposed South Mills Landing development is to consist of 387 single-family homes and 194 apartments/townhomes; ITE LUC 210 (Single-Family Detached Housing) and LUC 220 (Multifamily Housing (Low Rise)) were used based on the NCDOT guidance.

As a result, the proposed development is projected to generate 5,037 daily weekday site trips, with 370 trips (91 entering, 279 exiting) occurring in the AM peak hour and 479 trips (301 entering, 178 exiting) occurring in the PM peak hour. The generated site trips were distributed in accordance with the existing turning movement counts and land uses.

## Build (2022) Conditions

The Build (2022) conditions account for both the No-Build (2022) traffic and the site traffic generated by the proposed development after the completion.

As shown on the Summary LOS table on page vi, with the addition of site trips, both stop-controlled approaches at the intersection of US 17 and Horseshoe Road deteriorate to LOS F during the PM peak hour. The eastbound approach along Horseshoe Road at US 17 deteriorates to LOS E during the AM peak hour. All other stop-controlled approaches, including the future access driveways, operate acceptably during both peak hours. The traffic signal at the intersection of US 17 and Main Street (US 17 Business) is projected to maintain operations at LOS A during both peak hours.

## Roadway Improvement Recommendations

The site generated trips from the proposed development are expected to impact at least one of the study area intersections. Therefore, the following intersection improvements have been identified for the build-out of the development.

### US 17 and Horseshoe Road

The eastbound and westbound stop-controlled approaches at this intersection are projected to operate at unacceptable levels of service during both peak hours with the development in place. The following should be considered to improve overall operations at the intersection:

- › Widen Horseshoe Road between US 17 and Future Access #1 to provide a new two-way left-turn lane. Stripe out at least 100 feet of storage for a new westbound left-turn lane at US 17.

- › Construct a westbound right-turn lane with at least 100 feet of storage.

The generated trips from the development are not expected to negatively affect operations at any of the four future access driveways. However, the following turn lane improvements at the site driveways should be considered to efficiently move traffic into and out of the development:

Horseshoe Road and Future Access #1

The stop-controlled approach along Future Access #1 is projected to operate at LOS A during both peak hours. The following is recommended for the Future Access #1 connection:

- › Construct Future Access #1 with a single ingress lane and single egress lane.
- › Stripe out at least 100 feet of storage within the new two-way left-turn lane along Horseshoe Road between US 17 and Future Access #1.

Main Street (US 17 Business) and Future Access #2/Halstead Street

The existing stop-controlled approach along Halstead Street is projected to maintain operations at LOS B during both peak hours with the development in place. No additional improvements are recommended at this location once Future Access #2 is connected to Halstead Street.

Main Street (US 17 Business) and Future Access #3

The stop-controlled approach along Future Access #3 is projected to operate at LOS B during both peak hours. The following is recommended for the Future Access #3 connection:

- › Construct Future Access #3 with a single ingress lane and single egress lane at the intersection of Main Street (US 17 Business) and Horseshoe Road.

Main Street (US 17 Business) and Future Access #4

The stop-controlled approach along Future Access #4 is projected to operate at LOS B during both peak hours. The following is recommended for the Future Access #4 connection:

- › Construct Future Access #4 with a single ingress lane and single egress lane.
- › Construct an exclusive southbound left-turn lane with at least 100 feet of storage and appropriate taper.

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Table ES-1 Summary Level of Service Table

Intersection and Approach	Traffic Control	Existing (2019)		No-Build (2022)		Build (2022)		Build (2022) - With Improvements	
		AM	PM	A	A	B	A	B	A
				(7.1 sec/veh)	(8.1 sec/veh)	(10.0 sec/veh)	(9.2 sec/veh)	(10.0 sec/veh)	(9.2 sec/veh)
US 17 at Main Street (US 17 Business)	Unsignalized	-	-	-	-	-	-	-	-
		B-12.3	B-11.7	B-13.6	B-12.2	B-15.0	B-13.1	B-15.0	B-13.1
		-	-	A-6.1	A-6.7	A-8.6	A-7.6	A-8.6	A-7.6
US 17 at Horseshoe Road	Unsignalized	-	-	-	-	-	-	-	-
		C-19.8	C-24.1	C-20.3	D-25.4	E-38.1	F-50.0	E-38.1	F-50.0
		C-20.4	E-38.0	C-21.1	E-40.9	C-20.7	F-53.4	C-16.6	D-30.1
Main Street (US 17 Business) at Horseshoe Road/Future Access #3	Unsignalized	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-
		B-10.1	B-10.4	B-10.2	B-10.4	B-11.2	B-12.3	B-11.2	B-12.3
Main Street (US 17 Business) at Halstead Street/Academy Avenue/Future Access #2	Unsignalized	-	-	-	-	-	-	-	-
		B-10.6	B-12.0	B-10.7	B-12.1	B-11.8	B-14.4	B-11.8	B-14.4
		B-10.6	B-11.5	B-10.7	B-11.6	B-10.1	B-11.4	B-10.1	B-11.4
US 17 Business at Main Street	Unsignalized	-	-	-	-	-	-	-	-
		A-9.7	B-10.5	A-9.7	B-10.6	B-10.0	B-11.0	B-10.0	B-11.0
		-	-	-	-	-	-	-	-
Horseshoe Road at Future Access #1	Unsignalized	-	-	-	-	-	-	-	-
		-	-	-	-	A-9.5	A-9.8	A-9.5	A-9.8
		-	-	-	-	-	-	-	-
Main Street (US 17 Business) at Future Access #4	Unsignalized	-	-	-	-	-	-	-	-
		-	-	-	-	-	-	-	-
		B-12.6	B-13.0	B-12.6	B-13.0	B-12.5	B-12.9	B-12.5	B-12.9

X (X sec/veh) = Overall intersection LOS (average delay); X-XX = Approach LOS and average delay

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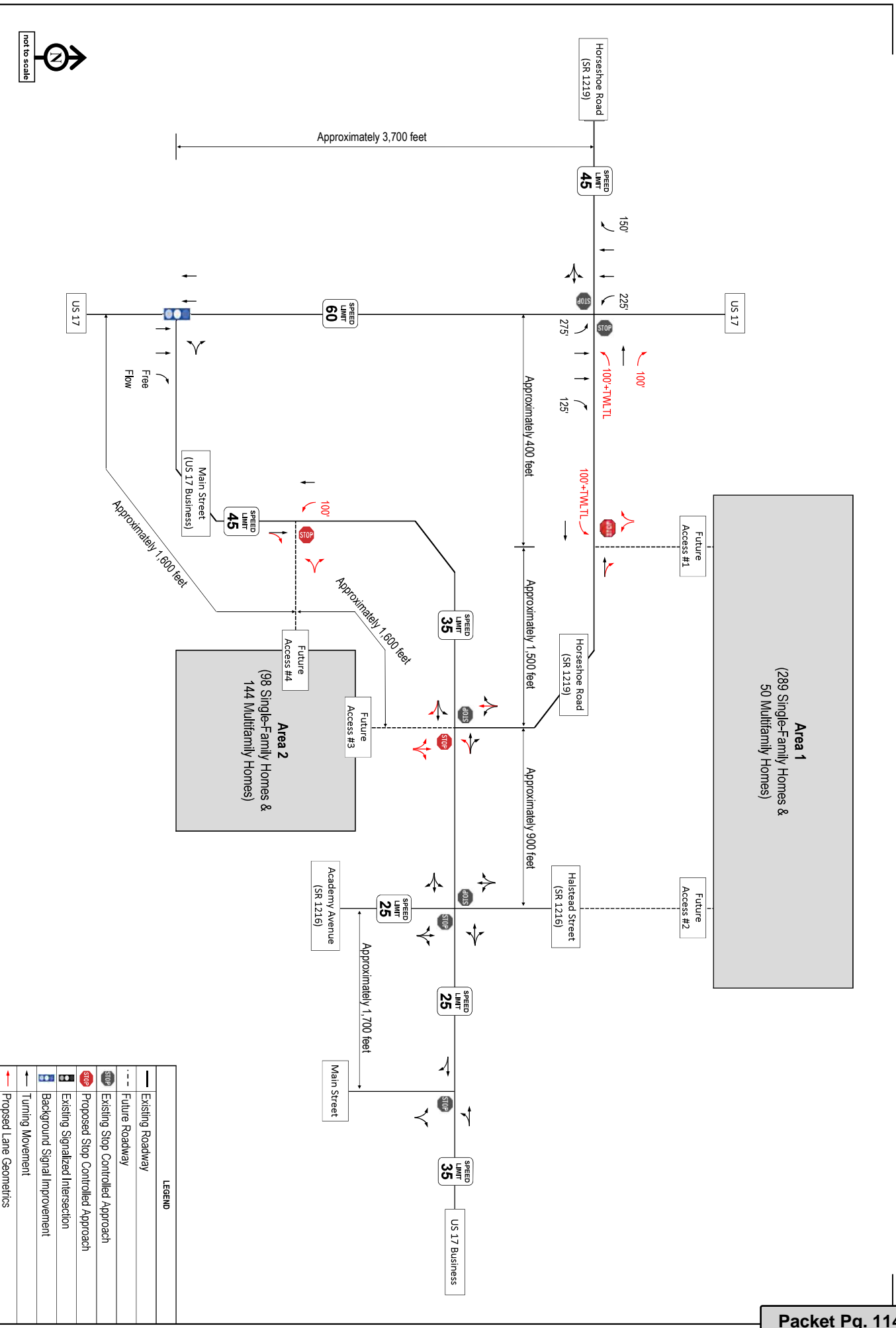


Figure ES  
Build (2022) Lane Geometrics and Traffic Control

South Mills Landing TIA  
South Mills, NC

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## South Mills Landing PD • Draft Terms and Conditions

Statement of Planning Objectives: To build a community that has a creative design, providing a mix of residential uses in close proximity to one another, while at the same time providing an efficient use of open space that promotes an active lifestyle and a strong sense of community. Commercial development is also proposed to serve both the needs of the residents of this development and of the adjacent South Mills community.

- a. The Phasing Plan attached to this terms and conditions document and incorporated herein by reference as Schedule A (attached) shall be adhered to except that the Developer may determine the sequence in which phases are developed. The Developer shall provide an annual report updating the Phasing Plan for the development.
- b. Development on the Property shall be connected to Camden County's permitted and approved central wastewater treatment and disposal system, and to the South Mills Water Association water system. Fire protection shall be provided in accordance with the UDO Standards.
- c. The density/intensity standards, dimensional standards and development standards for development of the Property shall be in accordance with the Master Plan and Schedule B (attached), subject to the degree of flexibility provided in these conditions.
- d. Community form and design for development of the Property shall conform generally to the sample building elevations attached in Appendix A. Variations may be provided and shall be permitted in colors, materials, and architectural detailing that are compatible with the design concept.
- e. Transportation: The main subdivision entrance to the North tract will be connected to Horseshoe Road, which will be designed and improved in accordance with recommendations made in the Traffic Impact Analysis (TIA) for this development as approved by NCDOT. The entrance to the South tract from Main Street (US 17 Business) will be also be designed and improved in accordance with recommendations made in the TIA as approved by NCDOT. Internal roads shall be designed in accordance with North Carolina Department of Transportation ("NCDOT") standards and shall be approved by NCDOT prior to construction. Roadways shall be laid out generally as shown on the Master Plan and in accordance with the typical sections shown on the Master Plan drawings.
- f. Potable Water: Water shall be supplied by South Mills Water Association via connections with the existing water distribution system. Individual lots and dwellings shall be metered. The Developer shall model the water system to demonstrate adequate

water flow and pressure for fighting fires while meeting the maximum day domestic demand.

- g. Wastewater: A wastewater collection system will be constructed by the Developer and then dedicated to and managed by Camden County.
- h. Stormwater:
  - i. On-site stormwater will be managed by construction a series of stormwater management ponds that will be interconnected and will retain and slow-release stormwater to existing drainage outlets both directly and indirectly.

In addition to modeling and retaining stormwater to the UDO and Stormwater Manual standard for the 10-year developed condition and runoff, stormwater will be modeled for the 100-year storm event and property line berms constructed as necessary to manage the 100-year storm without adversely impacting neighboring properties.

Stormwater will be conveyed to on-site retention ponds through a combination of curbs with inlets, stormwater pipes and open, vegetated swales.

The Improvements set forth in this section shall be maintained by the Developer, or a management association created by the Developer.

Improvements will be generally as shown on sheets 3 and 4 of the Master Plan drawings

Up to 50,000 square feet of commercial development will be constructed in the area set aside for commercial development on the Master Plan. Water and sewer lines will be stubbed to the commercial area property line in Phase 1 of the development.

- j. Perimeter compatibility shall be addressed as follows:
  - i. 50 foot vegetated buffers shall be provided to existing residential development along areas adjacent properties.
  - ii. Commercial development is located away from existing development and adjacent to US 17 Bypass..
  - iii. Architectural Features: Building placement, design features, orientation and entryways promote compatibility with adjacent properties.
- k. Environmental Protection and Monitoring: Wetlands subject to the jurisdiction of the US Army Corps of Engineers have been delineated and confirmed by the Corps of Engineers. The Association documents (Declaration) will include provisions that prohibit the filling of wetlands and prohibit the clearing of any vegetation other than incidental tree cutting and vegetation removal, and for stormwater management.

The Association, either itself or via a management entity, will assume responsibility for ongoing operation and maintenance of all stormwater management facilities in accordance with the Camden County UDO requirements and all NCDEQ permit requirements. The Association dues will be structured in a way that funds are provided for the upkeep of these facilities, as well as a contribution to off-site ditch maintenance.

I. Developer general responsibilities:

The developer is responsible to design and construct or install the required and proposed on site public utilities in compliance with applicable county, state and federal regulations.

The developer shall dedicate to the public the right-of-way and easements necessary to construct or install the required and proposed on site public facilities in compliance with applicable county, state and federal regulations.

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**ORDINACE NO. 2020-07-01**  
**Adopted by the Camden county Board of Commissioners**  
**July 6, 2020**

STATE OF NORTH CAROLINA

COUNTY OF CAMDEN

**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (this “Development Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the County of Camden, a North Carolina County possessing the powers of a unified government pursuant to N.C.G.S. § 153A-471 (2010) existing under the laws of the State of North Carolina (the “County”), and South Mills Landing LLC, (SML) a North Carolina corporation, as the owner of the property subject to this Development Agreement, and as the developer of the property subject to this Development Agreement, (SML together with their successors and assigns jointly, .

WITNESSETH:

WHEREAS, SML owns a parcel of approximately three tracts totaling 233.68 acres (the “Property”), and more than twenty-five (25) acres of the Property is developable within the jurisdiction of the County. A legal description of the Property is attached hereto as **Exhibit A**.

WHEREAS, SML intends to establish a large-scale mixed use community on the Property known as “South Mills Landing,” which SML intends to be comprised of approximately ?????????? A master plan showing South Mills Landing is attached hereto as **Exhibit B**; details concerning South Mills Landing required by N.C.G.S. § 153A-349.6(a) (2010) are set forth in **Exhibit C**; and the development schedule for South Mills Landing (the “Development Schedule”) required by N.C.G.S. § 153A-349.6(b) is attached hereto as **Exhibit D**.

WHEREAS, the County has rezoned the Property to a Planned Development (“PD”) and **Exhibit B** has been approved by the County as a Master Plan pursuant to the County’s land development regulations. SML and the County anticipate that South Mills Landing will be developed in multiple phases, extending over a period of years and requiring a long-term commitment of SML’s resources, and will require the careful integration between public capital facilities planning, financing and construction schedules, as well as the phasing of South Mills Landing, to be successful from the County’s and SML’s standpoints.

WHEREAS, South Mills Landing involves a substantial commitment of private capital by SML, which SML is unwilling to risk without sufficient assurances that development standards will remain stable through the extended phasing of South Mills Landing.

WHEREAS, because of the type, size and location of South Mills Landing, the County and SML believe that the orderly completion of South Mills Landing will be difficult to accommodate through the County’s traditional zoning processes alone.

WHEREAS, the County finds that South Mills Landing is a development suitable to be planned and developed through a development agreement as permitted by Part 3A of Article 18 of Chapter 153A of the North Carolina General Statutes and that it is in the County’s interests to enter into this Development Agreement because significant benefits to the County and its citizens will be realized as a result of this Development Agreement.

WHEREAS, the County has published notices of and has held a public hearing concerning this Development Agreement as required by N.C.G.S. § 153A-349.5 (2010) and otherwise completed all steps, conditions and requirements necessary for the County Board of Commissioners to consider the adoption of this Development Agreement as permitted by law.

WHEREAS, after holding the public hearing and carefully considering the terms and conditions of this Development Agreement, the County Board of Commissioners duly adopted this Development Agreement as an ordinance as required by N.C.G.S. § 153A-349.3 (2010) and directed its execution by the Chairman of the Board of Commissioners and attestation by the Clerk to the Board.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, and pursuant to North Carolina law, including N.C.G.S. § 153A-349.1 (2010) *et seq.*, the County and SML agree as follows:

**1. Effective Date.**

The Effective Date is the date this Development Agreement is executed by both parties after the adoption of this Development Agreement by the County Board of Commissioners as an ordinance. The County shall sign and deliver this Development Agreement to SML within five (5) days of adopting the ordinance.

**2. Definitions.**

Certain terms having specific definitions are used in this Agreement, and these terms and definitions, unless the context clearly indicates to the contrary, are as set forth in this Section 2. The defined terms appearing in this Section are set forth in this Agreement in the exact capitalized form as they appear between the quotation marks. When the same term is used in this Agreement with the meaning as assigned herein, it shall appear in the identical capitalized form. Otherwise, the meaning shall be as used in the context of the sentence in which it appears and not necessarily that as defined herein.

2.1 “South Mills Landing” – means the Property, as it is intended to be developed, substantially in accordance with Exhibit B, as that may be amended from time to time in accordance with applicable County ordinances.

2.2 “Development Permit” – means a building permit, zoning permit, subdivision approval, site plan approval, special or conditional use permit, variance or any other official action by the County having the effect of permitting the development of property.

2.3 “Land Development Regulations” – means ordinances and regulations enacted by the County for the regulation of any aspect of development and includes zoning, subdivision or any other land development ordinances.

2.4 “Laws” – means all ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by the County affecting the development of property, and includes laws governing permitted uses of the property, density, design and improvements.

2.5 “Property” – means all real property owned by SML and shown on **Exhibit A** that is subject to land-use regulation by the County and includes any improvements or structures customarily regarded as a part of real property.

### **3. Background**

3.1 South Mills Landing, LLC is the owner of 3 tracts of land as follows: The North Tract consisting of 124.83 acres located off of Horseshoe Road, the South Tract consisting of 60.1 acres located off of Maple Street, and an undeveloped tract adjacent to the South Tract consisting of 44.39 acres, referred to as the Environment Tract. Plats of these properties are attached as Exhibit A.

3.2 The North and South Tracts were rezoned to PUD (Planned Unit Development) in 2004, now Planned Development (PD) under the current UDO. A concept plan for a Planned Development of 581 units was reviewed and approved administratively in 2019, and a Master Plan was submitted in January, 2020 for a 580 unit Planned Development, which is in substantiated conformance with the approved Concept Plan. A preliminary plat for the 580 units has now also been submitted.

3.3 . The development is shown on the Master Plan and the Preliminary Plat, now referred to as the "Plan". The Plan consists of the Master Plan prepared by Bissell Professional Group and dated revised 6-10-20, attached as Exhibit B, and the Preliminary Plat also prepared by Bissell Professional Group and dated revised 6-10-20, attached as Exhibit C. Typical building elevations including a preliminary building plan and swimming pool for the proposed club house and recreation facility are included as Exhibit D. These plans and elevations show the concept but are subject change during actual design based on market conditions.

**4                    Legal Description of Property**

The Property that is the subject of the Agreement consists of 3 tracts totaling 233.68 acres, as follows:

4.1 The North Tract located off of Horseshoe Road, PIN #017989004312900000 with an acreage of 124.83 acres per plat, attached as Exhibit "A".

4.2 The South Tract located off Main Street, PIN #017988014928370000 consisting of 60.1 acres per plat, also attached as Exhibit "A".

4.3 The third undeveloped, or environmental tract located adjacent to the South Tract, PIN #017988004738040000 consisting of 48.75 acres per plat, also attached as Exhibit "A". (The third tract is not part of the PD-zoned property, but is included in what is being offered as part of this Development Agreement). This third tract is not a part of the PD but is included in the Agreement

**5.                    Description of Project**

5.1        The development is shown on the Master Plan and the Preliminary Plat, now referred to as the "Plan". The Plan consists of the Master Plan prepared by Bissell Professional Group and revised 6-10-20, 2020, attached as Exhibit B, and the Preliminary Plat also prepared by Bissell Professional Group and revised 6-10-20 , attached as Exhibit C. Typical building elevations including a preliminary building plan and swimming pool for the proposed club house and recreation facility are included as Exhibit D. These plans and elevations show the concept but are subject change during actual design based on market conditions.

5.2        These elevations are similar to, but do not represent exactly, the actual homes that will be constructed within South Mills Landing. The developer reserves the right to modify the final building plans to fit builder preferences and market conditions.

5.3        The development is summarized in the following table:

**DEVELOPMENT SUMMARY**

<b><u>TRACT</u></b>	<b><u>AREA</u></b> <b><u>(AC.)</u></b>	<b><u>S.F.</u></b> <b><u>LOTS</u></b>	<b><u>LOT SIZE</u></b> <b><u>RANGE</u></b>	<b><u>M.F.</u></b> <b><u>UNITS</u></b>	<b><u>TOTAL</u></b> <b><u>UNITS</u></b>	<b><u>OPEN SPACE</u></b> <b><u>(AC.)</u></b>
<b><u>NORTH</u></b>	124.83	285	6,500-15,978	50	335	40.64
<b><u>SOUTH</u></b>	60.10	98	6,500-11,783	147	245	23.31
<b><u>TOTAL</u></b>	<b>184.93</b>	<b>383</b>	<b>6,500-15,978</b>	<b>197</b>	<b>580</b>	<b>63.95</b>



**6. Dedication of Land for Public Use**

6.1 South Mills Landing proposes to dedicate the third tract (PIN #017988004738040000) consisting of approximately 48.75 acres per plat, also known as the undeveloped, environmentally sensitive area, for public use

6.2 South Mills Landing will also dedicate utility easements for the maintenance of the wastewater collection system, including sewer lines and lift stations

**7 Public Facilities**

7.1 Subject to the approval of the NC Department of Environmental Quality, a new public waste water collection system including gravity lines, lift stations and force mains will be constructed to serve South Mills Landing and will connect to the County wastewater disposal system. All gravity sewer mains, force mains, pump stations and appurtenances will be designed, permitted and constructed at the developer's sole expense and then turned over to Camden County for ownership and maintenance.

7.2 The developer will also install a new water main under the Dismal Swamp Canal from Mullen Street on the East side of the canal for the purpose of looping and providing redundancy to the public water supply system that serves South Mills, and to provide for improved fire flow to enhance the firefighting ability of the South Mills Volunteer Fire Department

7.3 The developer will commit funds in the amount of \$92,729 to be used in one of the following ways for Public Facilities:

A. Streetscape improvements along Main Street through the main business corridor of South Mills including sidewalks, street lights, landscape planting, and related improvements in general conformance with the Concept Plan prepared by Bissell Professional Group and attached hereto.

**8 Obligations of South Mills Landing LLC**

8.1 . Install a wastewater collection system as approved by Camden County and the NC Department of Environmental Quality; pay for all normal costs associated with the preparation of the Engineering Plans, DWR permitting, and the collection system construction and dedication to Camden County. Upon completion and certification, the Developer will deed the wastewater collection system to Camden County.

8.2. Purchase capacity for 580 sewer connections in the Camden County Wastewater System, to serve phases 1 through 5 and pay a \$7,400 (seven thousand, four hundred dollar) System Development Fee for each of the 580 County Sewer Connections as follows:

A. Reserve Payment- 25% of \$7,400 or \$1,850 per connection to be paid upon approval of Construction Drawings for each development phase.

B. Intermediate Payment- 25% x \$7,400, or \$1,850 per connection as a condition of recording the Final Plat for each phase.

C. Residual Payment- 50% of \$7,400 or \$3,700 per connection to be paid at the request for a building permit for each lot or unit.

8.3. Install a water main under the Dismal Swamp Canal, as approved by the South Mills Water Association and the NC Public Water Supply Section, and upon completion and certification, dedicate the water main for public use.

8.4. Improve off-site drainage ways downstream of the development's stormwater drainage outlets by clearing and snagging as necessary to remove obstructions to flow, subject to gaining the right of access to make these improvements.

8.5. Adhere to conditions of the Master Plan and Preliminary Plat approvals as approved by the Camden County Board of Commissioners

8.6. Pay water tap fees to South Mills Water Association in advance of development so that capacity fees can be paid by SMWA to Camden County

**9 Obligations of the County**

9.1 Utilize funds provided by South Mills Landing, LLC for the construction of community improvements as described in the Public Facilities section of this Agreement.

9.2. Make sewer taps available upon the payment of System Development Fees by the Developer in accordance with the schedule outlined above to enable the development of the property to be completed in general conformance with the phasing schedule provided and approved with the Master Plan and the Preliminary Plat.

9.3. Furnish a supply of County water to South Mills Water Association in such amounts as may be required for the South Mills Water Association to commit water taps to South Mills Landing in accordance with the approved phasing schedule incorporated into this Agreement.

**10. Public Roads, Public Streets and Private Streets to serve South Mills Landing.**

10.1 Connection to Existing Public Roads. SML will be responsible for securing appropriate permits from the North Carolina Department of Transportation (“NCDOT”) for connecting South Mills Landing to the existing public road system maintained by NCDOT. To that end, SML agrees to make all improvements to the public road system required by NCDOT. SML and the County agree to cooperate and assist each other in connection with the planning of connections to the public road system as well as improvements to the public road system; however, the County shall have no duty to fund the construction of improvements to the public road system required by NCDOT in connection with South Mills Landing.

10.2 Public Streets within South Mills Landing. SML anticipates that there will be a number of streets built to standards approved by the County for public residential streets. SML will be solely responsible for the design and construction of these streets. SML shall have a continuing obligation to repair and maintain these streets until the public streets are accepted by NCDOT for maintenance or SML transfers the obligations to repair and maintain the streets to one or more property owners associations (POA) established as part of South Mills Landing. SML may not transfer the duties to repair and maintain these streets to the POA until the County has reviewed and approved the documents establishing the POA.

**11. Stormwater Management and Wetlands.**

11.1 Stormwater Management. SML will be solely responsible for the design, permitting, construction, repair and maintenance of the stormwater management system to serve South Mills Landing. SML’s stormwater management plan for South Mills Landing will include stormwater management devices which meet or exceed the minimum criteria of the North Carolina Department of Environmental and Natural Resources (DENR), Camden County and incorporate drainage ways, ponds and wetlands that treat and control stormwater passively by taking advantage of naturally occurring processes.

**12. Self-Contained Development.**

South Mills Landing will contain a network of pedestrian and bicycle paths which connect all residential neighborhoods with the amenities within South Mills Landing so that residents of South Mills Landing will have the option to walk or ride a bicycle to the passive and active recreational opportunities located in South Mills Landing.

**13. Phasing and Development Schedule.**

13.1 Based upon the best information available to SML on the Effective Date, SML has designated five phases for development of South Mills Landing. Exhibit D contains the Development Schedule for South Mills Landing as of the Effective Date. Due to the uncertainty of the demand for South Mills Landing, interest rates and the general economy, SML shall have the right annually during the term of this Agreement to examine the Development Schedule and modify the number of phases, the phasing lines and Development Schedule of South Mills Landing.; However, in no event shall the intervals in the modified Development Schedule be greater than five (5) years.

13.2 The following is the Developer's proposed schedule for completing the Development that is the subject of this Agreement:

<u>Activity</u>	<u>Proposed Schedule</u>
Permitting	August 2020 -October 2020
Construction of Phase 1	Commence November 2020 (subject to permitting)
Record Phase 1	2021
Record Phase 2	2022
Record Phases 3	2023
Record Phase 4	2024
Record Phase 5	2025

A tabulation of the phasing, showing the numbers of units for each phase is included on the Plan and is attached on the following page as Exhibit "E"

**14. Conditions Precedent.**

14.1 Until an agreed plan for providing water and sewer to serve South Mills Landing has been reached to the satisfaction of both SML and the County and until driveway permits satisfactory to SML have been issued by the NCDOT, neither SML nor the County shall owe any affirmative duty in connection with the construction of South Mills Landing to the other party under this Development Agreement, except for the duty to work together to satisfy the two conditions precedent.

14.2 The County acknowledges that the conditions precedent are material to this Agreement and satisfaction of them is essential to the establishment of South Mills Landing. To the extent permitted by law and for the purpose of stating an agreed plan for reasonable development and use of the Property in the event that the conditions precedent cannot be satisfied, SML and the County agree as follows:

14.3 After diligent efforts by SML and the County to satisfy the conditions precedent, the County shall accept a petition signed by SML requesting the Property to be rezoned from PD to a district which permits the Property to be developed without the conditions precedent being satisfied. Upon receipt of such a rezoning petition from SML, the County shall declare this Agreement terminated and declare that applying the same zoning district to the Property as was applied to the Property before it was rezoned to PUD is consistent with the County's Comprehensive Plan. The County shall process SML's rezoning petition with the intention of rezoning the Property to the zoning district requested by SML or to the district which is most similar to the zoning district which applied to the Property before it was zoned to PUD.

**15. Vested Rights to Complete South Mills Landing as Approved; Application of Laws and Land Development Regulations.**

15.1 South Mills Landing shall be subject only to the Laws and Land Development Regulations enacted and applicable to South Mills Landing at the time of the County’s adoption of this Development Agreement as an ordinance and in accordance with the provisions of the Development Agreement (the “Existing South Mills Landing Development Law”). The parties agree that SML needs to obtain the following permits or approvals

- A. Master Plan approval
- B. Preliminary plat approval
- C. South Mills Water Association water system plans
- D. State Erosion and Control Permit
- E. County Sewer System approval
- F. County stormwater Plan approval
- G. State Stormwater Plan Permit
- H. Construction Plans
- I. I .Commercial site Plan for clubhouse and pool
- J. Final Plat approval
- K. Building permits for all structures pursuant to the North Carolina State Building Code
- L. Comply with the Existing South Mills Landing Development Law in order to complete the development of South Mills Landing under local law. Except for changes in the County’s reimbursement schedule which is attached as **Exhibit E**.
- M. Laws, rules, regulations or policies adopted by the County or any of its boards, officials or staff enacted, adopted, formed or administered after the adoption of this Development Agreement, including but not limited to land use, streets, buffers, the division of land, grading, landscaping, water, sewer, stormwater, setbacks and signage, shall not directly or indirectly be applicable to any aspect of South Mills Landing, the development of South Mills Landing as currently approved, the Existing South Mills Landing Development Law or the Property for a period of ten (10) years after the Effective Date.

15.2 The failure of this Development Agreement to identify a particular permit, condition, term or restriction does not relieve SML of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions of local development permits. However, the County represents to SML that the above paragraph identifies all permits or approvals which are required by the County prior to the County issuing certificates of occupancy for uses and improvements at South Mills Landing.

15.3 In the event that State or federal law is changed after the Effective Date in such a way that prevents compliance with this Development Agreement by SML, the County and SML will review the terms of this Development Agreement and will work together in good faith to modify the affected provisions to accomplish the intended purpose of this Development Agreement and the economic benefits foreseen by the parties when they entered into this Development Agreement.

**16. Review to Assess Compliance with this Development Agreement.**

From time to time, SML and the County may review the good faith execution of the provisions of this Development Agreement by the parties to assure compliance with this Development Agreement and the accomplishment of the purposes originally intended by the parties. The failure of SML to complete any phases of South Mills Landing within the times set forth in this Development Agreement shall not, in and of itself, constitute a material breach of this Development Agreement and whether a material breach exists must be judged based on the totality of the circumstances. A County officer designated by the Chairman of the County Commissioners shall conduct a progress review (a “Review”) every twelve (12) months to determine whether SML remains in good faith compliance with this Development Agreement based upon the totality of the circumstances.

**17. Default.**

17.1 In the event the County determines in the course of a Review that SML is in material breach of this Development Agreement, the County shall, within a reasonable time after the Review, send notice to SML setting forth (a) with reasonable particularity the nature of the breach and evidence supporting the County’s findings and determination, and (b) a reasonable time in which SML may cure the breach. If SML fails to cure the breach within the time provided, the County may unilaterally terminate this Development Agreement by sending a termination notice to SML; provided the termination notice may be appealed to the County’s Board of Adjustment in the manner provided in N.C.G.S. § 153A-345(b) (2010).

17.2 For all other defaults and breaches of this Development Agreement by either the County or SML, the non-defaulting Party shall notify the defaulting Party of the default, specifying the nature of the default and providing at least thirty (30) days for the defaulting Party to cure the default. If the default at issue cannot be cured by the defaulting Party within thirty (30) days, then the notice shall specify a reasonable cure period in excess of thirty (30) days, but in no event more than ninety (90) days. If the defaulting Party fails to cure the default within the cure period provided in the notice, then the non-defaulting Party may terminate this Development Agreement or, in the alternative, seek to enforce this Development Agreement through any and all remedies available at law or in equity.

**18. Recordation of Agreement.**

Pursuant to N.C.G.S. § 153A-349.11 (2010), within fourteen (14) days after the Effective Date, SML shall record this Development Agreement with the register of deeds in Camden County, North Carolina.

**19. Term.**

Pursuant to N.C.G.S. § 153A-349.4 (2010), the term of this Development Agreement shall be a period of ten (10) years from the Effective Date.

**20. Miscellaneous.**

20.1 Force Majeure. The parties hereto shall not be liable for any failure to perform hereunder as a result of an external event or events beyond their respective control, including, without limitation, acts of the United States of America, acts of the State of North Carolina, embargos, fire, flood, drought, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism or civil riots. However, if any such event interferes with the performance by a party hereunder, such party shall diligently and in good faith act to the extent within its power to remedy the circumstances affecting its performance or to complete performance in as timely a manner as is reasonably possible.

20.2 Amendment and Cancellation. This Development Agreement may be amended or canceled by mutual consent of the County and SML, and their successors or assigns. No amendment to this Development Agreement shall be effective, unless such amendment is reduced to a written agreement signed by the parties hereto.

20.3 Recitals. The recitals of this Development Agreement are material terms of this Development Agreement and shall be binding upon the parties.

20.4 Severability. If any section, subsection, sentence, clause, phrase or portion of this Development Agreement is for any reason held invalid or unconstitutional by a non-appealable, final decision from any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

20.5 Notice. All notices or other communications required or permitted to be served hereunder shall be deemed served in accordance with this Development Agreement if the notice is (a) mailed in a sealed wrapper and deposited in the United States mail, certified mail, return receipt request, postage prepaid; or (b) deposited with a national overnight courier service that retains receipts of its deliveries. Notices or other communications shall be properly addressed as follows:

The County:                   The County of Camden  
  P.O. Box 190  
  117 North NC 343  
  Camden, NC 27921  
  Attn: County Manager

SML:                               South Mills Landing LLC  
  PO Box 9636  
  Chesapeake, VA 23321  
  Attn: Reese Smith

The parties may, by written notice given to the other, designate any further or different addresses to which all notices or other communications shall be sent.

20.6 Run with the Land. This Development Agreement shall run with the Property, and any portion thereof as it may be subdivided or recombined.

20.7 Entire Agreement. This Development Agreement contains the entire agreement between the parties. Any prior or contemporaneous oral or written agreements are merged into this Development Agreement.

20.8 Multiple Counterparts. This Development Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Development Agreement to produce or account for more than one such fully executed counterpart.

20.9 Applicable Law. This Development Agreement is governed by, and shall be construed in accordance with, the laws of the State of North Carolina.



20.10 Representations and Warranties of the Parties. The County and SML, and the persons executing this Development Agreement on their behalf, represent and warrant, as applicable, that (1) such party or person has the full power and authority to enter into this Development Agreement, to execute it on behalf of the party indicated on the signature page, and to perform the obligations hereunder, (2) such party is acting on its own behalf and on behalf of its members, successors and assigns, (3) this Development Agreement is a valid and binding obligation, enforceable against the parties in accordance with its terms, (4) entering into this Development Agreement does not conflict with any other agreements entered into by either party, and (5) the execution, delivery and performance of this Development Agreement has been duly and validly authorized by all necessary corporate or governmental action on its part. Specifically (and not as a limitation), the County represents and warrants to SML that this Development Agreement has been pre-audited to ensure compliance with the applicable budgetary accounting requirements (if any). In the event that any of the obligations of the County in this Development Agreement constitute debt, the County has complied, at the time of the obligation to incur the debt and before the debt becomes enforceable against the County, with any applicable constitutional and statutory procedures for the approval of the debt.

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

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By:  
Finance Officer  
Camden County, North Carolina

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year indicated below:

ATTEST:

COUNTY OF CAMDEN

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

This is to certify that on the \_\_\_ day of \_\_\_\_\_ in the year 2020, before me personally came \_\_\_\_\_, who, being by me duly sworn, says that she is the Clerk to the Camden County Board of Commissioners and \_\_\_\_\_, is the Chairman of the Camden County Board of Commissioners, a North Carolina County possessing powers of a unified government pursuant to N.C.G.S. § 153A-471, described in and which executed the foregoing; that she knows the corporate seal of said County, that the seal affixed to the foregoing instrument is said corporate seal, and the name of the unified government was subscribed thereto by the said \_\_\_\_\_ and that the said corporate seal was affixed, all by order of the governing body of said County, and that the said instrument is the act and deed of said County.

WITNESS my hand and official seal or stamp, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ATTEST:

SOUTH MILLS LANDING HOMES, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, a Notary Public of \_\_\_\_\_ County, North Carolina, do hereby certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is the \_\_\_\_\_ of South Mills Landing Homes, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its corporate seal, and attested by (her/him) self as its \_\_\_\_\_.

WITNESS my hand and official seal or stamp, this the \_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

ATTEST:

SOUTH MILLS LANDING PROPERTIES, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, a Notary Public of \_\_\_\_\_ County, North Carolina, do hereby certify that \_\_\_\_\_ personally came before me this day and acknowledged that he/she is the \_\_\_\_\_ of South Mills Landing Properties, Inc., a North Carolina, corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_, sealed with its corporate seal, and attested by (her/him) self as its \_\_\_\_\_.

WITNESS my hand and official seal or stamp, this the \_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public

\_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT C**  
**DISCLOSURES REQUIRED BY**  
**N.C.G.S. § 153A-349.6(a)**

(1) A legal description of South Mills Landing and the names of its legal and equitable property owners. *See **Exhibit A*** for legal description. The Property is owned by South Mills Landing Properties, Inc., and is under contract for sale and development to South Mills Landing Homes, Inc., both of which are wholly owned subsidiaries of Boyd of North Carolina Corp.

(2) The duration of this Development Agreement is ten (10) years.

(3) The development uses permitted on South Mills Landing, including population densities and building types, intensities, placement on the site and design, are as permitted on the Conceptual Plan approved by the County. *See **Exhibit B***.

(4) A description of public facilities that will service South Mills Landing, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of South Mills Landing.

Potable Water – South Mills Water Association/Camden County or other third parties approved by SML and the County

Wastewater Treatment – SML as development progresses and/or agreements with Camden County or other third parties approved by SML and the County

(5) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property. *See **Exhibit B** and any dedications required by NCDOT.*

(6) A description of all local development permits approved or needed to be approved for the development of South Mills Landing together with a statement indicating that the failure of this Development Agreement to address a particular permit, condition, term, or restriction does not relieve SML of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions. *See Paragraph 15 of the Development Agreement.*

(7) A description of any conditions, terms, restrictions or other requirements determined to be necessary by the County for the public health, safety or welfare of its citizens. *Not applicable.*

(8) A description, where appropriate, of any provisions for the preservation and restoration of historic structures. *Not applicable.*

**EXHIBIT D**  
**DEVELOPMENT SCHEDULE REQUIRED**  
**BY N.C.G.S. § 153A-349.6(b)**

1. **Commencement Date:** Subject to the economy and the availability of water and issuance of permits for construction of SML’s wastewater system, SML will commence construction of Phase I of South Mills Landing, as depicted on Exhibit B, within five (5) years of the date of the Effective Date. This date will be referred to in this Exhibit as the “Commencement Date.”
2. **Infrastructure Required.** In order for Development to proceed as anticipated by this Agreement, South Mills Water Association must increase the capacity of its system by some combination of additional wells, additional or expanded water treatment plant(s), and/or supply agreement(s) with other water provider(s). It is anticipated that South Mills Water Association will take these actions in a timely fashion to accommodate the development contemplated by this Agreement, and the parties agree to work cooperatively to achieve this goal. If required infrastructure is not provided as necessary, the time schedules set out in this Agreement may be affected.
3. **Phase 1 Completion:** SML will have completed 50% of the development work in Phase 1 within five (5) years of the Commencement Date. SML will have completed 100% of the development work in Phase 1 within ten (10) years of the Commencement Date.
4. **Phase 2 Planning:** Within 10 years of the Commencement Date, SML will have delivered to the County notice of whether SML intends to construct Phase 2 (the “Phase 2 Construction Notice”). If the Phase 2 Construction Notice delivered to the County indicates that SML intends to proceed with Phase 2, the notice will be accompanied by SML’S proposed development plan for Phase 2.
5. **Phase 2 Completion:** If the Phase 2 Construction Notice commits to construct Phase 2, SML will have completed the development work in Phase 2 within 15 years of the Commencement Date.
6. **Phase 3 Planning:** Within 15 years of the Commencement Date, SML will have delivered to the County notice of whether SML intends to construct Phase 3 (the “Phase 3 Construction Notice”). If the Phase 3 Construction Notice delivered to the County indicates that SML intends to proceed with Phase 3, such notice will be accompanied by SML’s proposed development plan for Phase 3.
7. **Phase 3 Completion:** If the Phase 3 Construction Notice delivered to the County indicates that SML intends to proceed with Phase 3, SML will have completed the development work in Phase 3 within twenty (20) years of the Effective Date.

8. Phase 4 Planning: Within 19 years of the Commencement Date, SML will have delivered to the County notice of whether SML intends to construct Phase 4 (the “Phase 4 Construction Notice”). If the Phase 4 Construction Notice delivered to the County indicates that SML intends to proceed with Phase 4, such notice will be accompanied by SML’s proposed development plan for Phase 4.
9. Phase 4 Completion: If the Phase 4 Construction Notice delivered to the County indicates that SML intends to proceed with Phase 4, SML will have completed the development work in Phase 4 within twenty (20) years of the Effective Date.





**Residential Development**

PHASE	AREA (Ac.)	OPEN SPACE INTENSITY (D./A.C.)	UNITS (D./A.C.)	DEVELOPMENT YEAR	OTHER IMPROVEMENTS (Ac.)
1	42.5	13.9	129	2021	Main Entrance, Roundabout, Portion of Multi-use Path, Mail Kiosk; Main drainage outlet
2	45.1	17.2	178	2022	Clubhouse; Pedestrian Connectivity
3	40.5	13.7	134	2023	Additional Mail Kiosk, Canoe Launch; Continue M.U.P. 4
	15.7		99	2024	Dog Park
5	14.3	4.1	40	2025	
<b>TOTAL</b>	<b>185</b>	<b>64.6</b>	<b>580</b>	<b>3.14</b>	

**Commercial Development**

PHASE	ARE A	OPEN SPACE (Ac.)	COMM. S.F.	MAXIMUM FLOOR AREA	COMM. FLOOR AREA	EST. CONST. YEAR
A	1	0.2 +/-	7000 +/-			2024
B	1.25	0.2 +/-	7000 +/-			2025
C	1	0.1 +/-	7000 +/-			2027
D	1.25	0.1 +/-	7000 +/-			2029
E	1	0.2 +/-	7000 +/-			2031