Camden County Planning Board

Regular Meeting
December 20, 2017 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on December 20, 2017 in the Historic Courtroom, Camden, North Carolina. The following members were present:

I. 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
Patricia Delano	Vice Chairman	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM

Staff Members Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Absent	N/A
Dave Parks	Permit Officer	Present	6:40 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

Others Present:

Attendee Name	Address	Purpose	Meeting Section
Glen A. Carey, Jr.	197 Sharon Church Road,	Applicant for	New Business #1
	South Mills, NC	Rezoning	
Jeffrey and Amanda	324 Horseshoe Road, South	Applicant for	New Business #2
Thornley	Mills, NC	Rezoning	

II. CONSIDERATION OF AGENDA

Motion to Approve Agenda

RESULT: PASSED [UNANIMOUS]
MOVER: Ray Albertson, Board Member
SECONDER: Patricia Delano, Vice Chairman

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

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III. **CONSIDERATION OF MINUTES**

Motion to Approve Minutes of November 15, 2017 As Written

RESULT: PASSED [UNANIMOUS] **MOVER:** Fletcher Harris, Board Member SECONDER: Steven Bradshaw, Board Member

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

IV. **OLD BUSINESS**

None.

V. **NEW BUSINESS**

1. UDO 2017-10-02 Rezoning Request Glen Carey

Motion to Recuse Ray Albertson

Ray Albertson farms the land which is the subject of this rezoning, and so has requested to be recused from this agenda item.

RESULT: PASSED [UNANIMOUS] **MOVER:** Patricia Delano, Vice Chairman SECONDER: Fletcher Harris, Board Member

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

Dave Parks described this agenda item and went over the staff report as incorporated herein below:

STAFF REPORT UDO 2017-10-02 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2017-10-02

Project Name: N/A

PIN: 01-7081-00-81-4060-0000

Applicant: Glen A. Carey, Jr.
Address: P.O. Box 211

South Mills, NC

(252) 333-8596 Phone:

Email:

Agent for Applicant:

Address: Phone: Email:

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Current Owner of Record: Glen A. Carey, Jr.

Meeting Dates:

Planning Board 12/20/2017

Application Received: 10/02/2017

By: David Parks, Permit Officer

Project Address / Location:

Adjacent to 197 Sharon Church Road, South Mills

Application Fee Paid: \$800.00, Check # 18697

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

A. Rezoning Application

- B. ARHS Perc Test
- C. Deed
- D. GIS Aerial, existing zoning, Comprehensive Plan Future Land Use and CAMA Land Use Plan Suitability Maps

REQUEST: Rezone approximately 25 acres from Basic Residential (R3-2) to Basic Residential (R3-1)

From: Basic Residential (R3-2)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

To: Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

Maps Show:

Vicinity Map: Property is Adjacent to 197 Sharon Church Road

CAMA Land Suitability: Mostly Very High, some Moderate

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

CAMA Future Land Use Map: Low Density Residential

Zoning Map: R3-2

SITE DATA

Lot Size: Approximately 25 acres

Flood Zone: Zone X

Zoning District(s): Basic Residential (R3-2)
Existing Land Uses: Agriculture/Residential

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Adjacent Zoning & Uses:

	 	North		South		East	 -	West	
Zoning 			İ	Residential	İ	Residential (R3-2) (R2)	İ	Basic Residential (R3-2)	
Use & Size	 	Woodland		Farmland		Farmland / Housing		Woods / Farmland	

Property Use(s):

The uses will remain the same; just the density change is requested from two to one acre.

Description of property:

Property abuts Sharon Church Road. Property has been in farm use for quite some time plus there currently exists 3 dwellings on the property.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Mill Run Ditch.

Distance & Description of Nearest Outfall: Less than 1 mile.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water: Water lines are located adjacent to property along

Sharon Church Road.

Sewer: There are 3 dwellings on lot with septic systems.

Fire District: South Mills Fire District. Property located

approximately 3 miles from Station on Keeter Barn

Road.

Schools: Impact calculated at subdivision.

Traffic: Staff's opinion is traffic will not exceed road

capacities.

PLANS CONSISTENCY

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

2035 Comprehensive Plan: Consistent; Consistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land identified as Rural Residential 1 acre lots.

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Comprehensive Transportation Plan: Consistent; Property abuts Sharon Church 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 Yes; Reasoning: The proposed zoning change will enhance the public health, safety, or welfare as the proposed change will allow for higher density residential development to support future commercial development providing a needed tax base for County residents.

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? Reasoning: The allowable uses in the R3 (Basic Residential) zoning will not change as the request is for higher density from two acres to one acre.

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: N/A.

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

Will the request as proposed cause serious noise, odors, light, activity, or unusual disturbances? No; Reasoning: All uses allowed 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? Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Does the county need more land in the zoning class requested? Reasoning: Higher density development in areas identified in the Comprehensive and CAMA Plans provides needed roof tops to support commercial development.

Is there other land in the county that would be more appropriate for the proposed uses? N/A; Reasoning: Proposed uses will not change.

Will not exceed the county's ability to provide public facilities: Schools:

The higher density would have an impact on the high school as it is over capacity. Owner desires to create a four lot minor subdivision and

preserve the rest in farmland.

Fire & Rescue: Minimal Impact
Law Enforcement: Minimal Impact Parks & Recreation: Minimal Impact Traffic Circulation or Parking: N/A

Other County Facilities: No.

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Is this a Small Scale "Spot" Rezoning Request Requiring Evaluation Of Community Benefits? Yes.

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

	Personal Benefits/Impact Community Benefits/Impact
With Rezoning 	Will allow owner to cut Preservation of farmland out a 4 lot minor and providing additional subdivision of one acre roof tops to support lots. commercial development.
Without Rezoning 	Property owner will be No change wasting 4 acres of farm land under current zoning requiring two acre lot sizes.

STAFF COMMENTARY

The owner would like to do a 4 lot minor subdivision and preserve as much farm land as possible.

STAFF RECOMMENDATION

Consistency Statement:

The requested Map Amendment is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for densities as low as one acre. Higher density provides more residential roof tops to support Commercial Development needed within designated areas of Camden County.

Staff recommends approval of Ordinance No. 2017-11-01 / Rezoning Application UDO 2017-10-02.

Dave Parks noted the following during his review of the staff report:

- Uses will not change
- Is compatible with the plans
- Outside the 100 year flood
- Proposal is residential
- Existing housing in area
- Mill Run is nearest outfall
- Water provided by South Mills Water Association
- Sewer is via septic systems
- Will not affect the schools until property is subdivided
- Is in an area where higher density is preferable / desired
- Is a small scale spot rezoning. Is for 25 acres. See staff report for benefits.

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- Needs consistency statement in approval. Suggested consistency statement is that it is consistent with both the CAMA Land Use Plan and the Comprehensive Plan as it allows higher density 1 acre lots
- Staff recommends approval

At this time, Mr. Parks introduced Mr. Glen Carey Jr, who simply requested that the board approve the rezoning.

Cathleen Saunders noted that the perc test came back with a requirement for 18 inches of fill, which might make it hard to fit a house on the lot(s). Dave Parks responded saying that for a large portion of the county, perc tests indicate some sort of fill requirement. He said that the Health Department looks at the lot size when issuing septic permits. This will restrict the developer as far as the size of the house that can be built and the location of the house on the lot. Mr. Parks went on to say that when difficulties arise, engineered systems are sometimes needed.

Chairman Calvin Leary asked about the 3 existing dwellings on the parcel, what size lots are they on. Mr. Parks responded saying that they are part of the farm, and that at one time they housed employees who help on the farm. Mr. Carey added that the lots are designated as 1 acre lots. Mr. Parks stated that they are not subdivided, they are just part of the whole parcel.

Fletcher Harris asked where the new lots would be located. Mr. Carey stated they would be at the road front side by side.

At this time, Chairman Calvin Leary asked if there were any further questions or comments. Hearing none, he called for the following motions:

Motion to Approve Consistency Statement: This request is consistent with both the CAMA Land Use Plan and the Comprehensive Plan as they both support higher density 1 acre lots in this area.

RESULT: PASSED [6 TO 0]

MOVER: Steven Bradshaw, Board Member SECONDER: Fletcher Harris, Board Member

AYES: Leary, Harris, Delano, McCall, Bradshaw, Saunders

RECUSED: Albertson

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Motion to Approve UDO 2017-10-02 Rezoning Request Glen Carey

RESULT: PASSED [6 TO 0]

MOVER: Steven Bradshaw, Board Member SECONDER: Patricia Delano, Vice Chairman

AYES: Leary, Harris, Delano, McCall, Bradshaw, Saunders

RECUSED: Albertson

2. UDO 2017-11-23 Rezoning Request Jeffrey and Amanda Thornley

Dave Parks described this agenda item and went over the staff report as incorporated herein below:

STAFF REPORT UDO 2017-11-23 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2017-11-23

Project Name: N/A

PIN: 01-7989-00-02-5678-0000

Applicant: Jeffrey L. & Amanda W. Thornley Address: P. O. Box 175, South Mills, NC

Phone: (919) 418-9904

Email:

Agent for Applicant:

Address: Phone: Email:

Current Owner of Record: Applicant

Meeting Dates: 12/20/2017 Planning Board

Application Received: 11/20/2017

By: David Parks, Permit Officer

Application Fee Paid: \$720.00, Check # 1040

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

A. Rezoning Application

B. Deed

C. Table of Permissible Uses comparison

D. GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps

E. ARHS Perc Test

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REQUEST: Rezone approximately 17 acres from Highway Commercial (HC) to Basic Residential (R3-1) on property located adjacent to 165 & 195 Horseshoe Road.

From: Highway Commercial (HC)

The Highway Commercial district is designed to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public along US 17, US 158, and NC 343.

To: Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

Maps Show:

Vicinity Map: Located in South Mills Township near intersection of Horseshoe Road and Spence Lane

CAMA Land Suitability: Very Low at back of property, Moderate for 2/3 of property from front

Comprehensive Plan Future Land Use Map: Rural Preservation

CAMA Future Land Use Map: Low Density Residential

Zoning Map: Highway Commercial with R-2 adjacent to the Northwest and

R3-1 adjacent to the Southeast on same side of road.

General Use and Highway Commercial across the road.

Floodplain Map: AE Flood Zone

SITE DATA

Lot Size: Approximately 17 acres Flood Zone: AE (100 Year Flood) Highway Commercial (HC) Zoning District(s):

Existing Land Uses: Farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning 	Basic Residential (R3-1)/GUD 	Residential (R2)	Highway Commercial (HC)/ Basic Residential (R3-1)	·
Use & Size	Farmland / Some Housing	·	Farmland / House	House / Woodland

Proposed Use(s): Residential Purposes.

Description of property: Property is adjacent to 165 & 195 Horseshoe Road.

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ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Upper Pasquotank

Distance & description of nearest outfall: Less than 1 mile.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water Water lines are located adjacent to property along

Horseshoe Road.

Sewer No sewer available. Septic System will be utilized.

Fire District South Mills Fire District. Property located

approximately 1 mile from Station on Halstead Street.

Schools Impact calculated at subdivision / building permit.

Traffic Staffs opinion is traffic will not exceed road

capacities.

PLANS CONSISTENCY

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

2035 Comprehensive Plan: Both Consistent & Inconsistent; Inconsistent with Comprehensive Plan (Adopted 2012) as current Future Land Use Maps reflect land as Rural Preservation. Consistent as Comprehensive Plan calls for development to be focused in the Core Villages. Staff feels that an error was made on the Future Land Use Map as property is located within South Mills Core Village. Future Land Use Maps will need to be changed to ensure compatibility between maps and the need to focus development within the Core Village areas as addressed in the Comprehensive Plan.

Comprehensive Transportation Plan: Consistent; Property abuts Horseshoe Road.

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

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

<u>welfare?</u> Both Yes & No; Reasoning: The proposed zoning change will neither enhance or hinder the public health, safety, or welfare. The infrastructure is there for residential development however sewer is unavailable (if needed) for commercial development.

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? Yes; Reasoning: Requested uses more appropriate than existing as property is ½ mile from U.S. 17 which distance is not within close proximity of U.S. 17 to be appropriate for Highway Commercial uses. No sewer available at site to which most HC uses will need.

For purposes 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: N/A

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

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

<u>Does the request impact any CAMA Areas of Environmental Concern?</u> No; Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Does the county need more land in the zoning class requested? Yes; Reasoning: Higher density development in areas identified in the CAMA Land Use and Comprehensive Plan provides needed rooftops to support commercial development.

Is there other land in the county that would be more appropriate for the proposed uses? No; Reasoning: There are homes located adjacent to and near the property.

Will not exceed the county's ability to provide public facilities: No;

Schools: The higher density would have an impact on

the high school as it is over capacity.

Fire & Rescue: Minimal impact
Law Enforcement: Minimal impact
Parks & Recreation: Minimal impact
Traffic Circulation or Parking: N/A
Other County Facilities: No

Is this a Small Scale "Spot" Rezoning Request Requiring Evaluation of Community Benefits? Yes

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

1	Personal Benefits/Impact	Community Benefits/Impact
With Rezoning	Will allow owner to build their home on the land.	Add required rooftops to support current and future commercial development.
Without Rezoning 	able to use the land in which they intended as single family homes are	Due to distance/location from US 17 and lack of sewer staff feels it would be some time before any Community Benefits.

Staff Commentary:

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This is another area where the CAMA Plan, Comprehensive Plan and Zoning Maps are not consistent with each other. CAMA Plan has property identified as Low Density Residential, Comprehensive Plan Future Land Use Map has land at Rural Preservation and Zoning Map has property zoned Highway Commercial. There is no sewer available at this time and there are houses located at or near the property. With distance from US 17 staff feels current zoning is inappropriate for property.

Staff Recommendation:

- 1. Staff motion for the Consistency Statement is The requested zoning is consistent with adopted CAMA Future Land Use Maps as property is identified as Low Density Residential not Commercial. Comprehensive Plan Future Land Use Maps has parcel located in Rural Preservation, however staff feels there was an error and Maps should read Rural Residential. The Comprehensive Plan FLU Map will need to be amended to reflect.
- Staff recommends approval of Ordinance 2017-12-01 / rezoning request UDO 2017-11-23 to rezone property from Highway Commercial (HC) to Basic Residential (R3-1).

Dave Parks noted the following items from the Staff Report:

- Request is to rezone from Highway Commercial to R-3-1
- Located ½ mile from Hwy 17
- Is in 100 year flood zone, must meet flood plain regulations
- When last county wide rezoning was done, maps were done in error as property is located within the South Mills Core Village
 - Will be addressed 1 property at a time
- No County Sewer Planned
- Limited access to properties for commercial businesses / commercial traffic
- Hard for commercial businesses to locate there due to the limited access
- Adjacent uses are residential uses.
- Request is consistent with the CAMA Land Use Plan
- Both consistent and inconsistent with the 2035 Comprehensive Plan
- Consistent with the Transportation plan
- Is in the flood plain, outside any CAMA Areas of Environmental Concern
- Is a small scale spot rezoning, which will allow applicant to build a single family dwelling, also the community benefit is that there would be potential for additional rooftops to support current and future commercial development.
- Plans are not consistent with each other, and are in the process of being rectified.
- Needs to change from Rural Preservation to Rural Residential on the Comprehensive Plan

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Mr. Parks then handed out a sheet with recommendations for motions (listed below):

- 1. Motion to recommend approval to amend Comprehensive Plan Future Land Use Map for this property from Rural Preservation to Rural Residential.
- 2. Consistency Statement: The requested rezoning is consistent with adopted CAMA Future Land Use Maps as property is identified as Low Density Residential not Commercial. Comprehensive Plan Future Land Use Map for this parcel is being recommended to amend to reflect Rural Residential which will make the request consistent with FLU Maps. Residential development will provide support for Commercial Development in targeted areas within the Core Village of South Mills.
- 3. Motion to recommend approval of Ordinance 2017-12-01 and rezoning request UDO 2017-11-23 to rezone property from Highway Commercial (HC) to Basic Residential (R3-1).

At this time, Dave Parks opened the floor to public comment.

Mr. Jeff Thornley, applicant, requested for the board to approve this request as this is where he and his family want to build their primary residence.

Chairman Calvin Leary asked if there were any further questions or comments. Hearing none, he entertained motions.

Motion to recommend approval to amend Comprehensive Plan Future Land Use Map for this property from Rural Preservation to Rural Residential.

RESULT:PASSED [UNANIMOUS]MOVER:Steven Bradshaw, Board MemberSECONDER:Ray Albertson, Board Member

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

Motion to Approve Consistency Statement: The requested rezoning is consistent with adopted CAMA Future Land Use Maps as property is identified as Low Density Residential not Commercial. Comprehensive Plan Future Land Use Map for this parcel is being recommended to amend to reflect Rural Residential which will make the request consistent with FLU Maps. Residential development will provide support for Commercial Development in targeted areas within the Core Village of South Mills.

RESULT: PASSED [UNANIMOUS]

MOVER: Patricia Delano, Vice Chairman

SECONDER: Steven Bradshaw, Board Member

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

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Motion to recommend approval of Ordinance 2017-12-01 and rezoning request UDO 2017-11-23 to rezone property from Highway Commercial (HC) to Basic Residential (R3-1).

RESULT: PASSED [UNANIMOUS]
MOVER: Ray Albertson, Board Member
SECONDER: Fletcher Harris, Board Member

AYES: Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders

3. 2018 Planning Board Schedule

After a discussion as to date of meeting for November, the board decided to schedule the November 2018 meeting for the second Wednesday instead of the third Wednesday due to the Thanksgiving holiday. November 2018 meeting will be on 11-14-2018.

VI. INFORMATION FROM BOARD AND STAFF

Dave Parks gave the following information:

- Planning is in the process of updating many ordinances, changing a lot of uses to more administrative type of approvals.
 - o Major Subdivisions will be a legislative decision, not a special use permit.
 - Any use that requires a special use permit will be a quasi-judicial public hearing and will go straight to the Board of Commissioners due to the legal ramifications inherent to this type of decision. Special use permits will not go before the Planning Board.
 - o Hoping to have updates done by October 2018.

VII. CONSIDER DATE OF NEXT MEETING - JANUARY 17, 2018

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VIII. ADJOURN

Motion to Adjourn

Meeting Adjourned at 7:40 PM.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ray Albertson, Board Member
SECONDER:	Fletcher Harris, Board Member
AYES:	Leary, Harris, Delano, McCall, Albertson, Bradshaw, Saunders
	Chairman Calvin Leary
	Camden County Planning Board
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