

CAMDEN COUNTY PLANNING BOARD

April 20, 2016

Camden County Planning Board

Regular Meeting

April 20, 2016

7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on April 20, 2016 in the Historic Courtroom, Camden, North Carolina. The following Board Members were present:

I. CALL TO ORDER & WELCOME

Board Members Present

Attendee Name	Title	Status	Arrived
Rodney Needham	Chairman	Present	6:50 PM
Calvin Leary	Vice Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Patricia Delano	Board Member	Present	6:50 PM
Michael Etheridge	Board Member	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM

Staff Members Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:55 PM
Dave Parks	Permit Officer	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

Also Present List

Applicant for Rezoning Herb Mullen of Pudding Ridge of South Mills LLC.

II. CONSIDERATION OF AGENDA

1. Motion to Approve Agenda As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Michael Etheridge, Board Member
SECONDER:	Patricia Delano, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

III. CONSIDERATION OF MINUTES

1. Motion to Approve Minutes from 3-16-16 As Written

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Fletcher Harris, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

IV. COMMENTS FROM PUBLIC

NONE.

V. OLD BUSINESS

NONE.

VI. NEW BUSINESS

1. *Rezoning Application - Pudding Ridge of South Mills LLC - Herb Mullen / Tracy Swain, Property adjacent to 330 Pudding Ridge Road, South Mills Township*

Dave Parks described this rezoning application and then introduced Herb Mullen, applicant for rezoning of the property adjacent to 330 Pudding Ridge Road located in South Mills Township.

Mr. Mullen stated that he is requesting a rezoning for the property adjacent to 330 Pudding Ridge Road in South Mills from R-3-2 to R-3-1. The purpose for the rezoning is to allow 1 acre lots which would allow for greater use of the land and increase the tax base for the county with the future addition of houses on the property. Mr. Mullen stated that he has no preliminary plans yet, but will prepare them should the Planning Board and Board of Commissioners approve the rezoning.

Dan Porter stated that if this is approved, Mr. Mullen would go through the process of submitting a sketch plan, and then a preliminary plat, and then a final plat as part of the process of developing the land for a major subdivision.

Chairman Rodney Needham asked why the property is R-3-2. Dave Parks responded saying that R-3-2 is zoning designation that requires a 2 acre minimum for subdivision. Mr. Parks stated that Mr. Mullen is requesting to be rezoned to R-3-1 to allow for higher density.

Mr. Parks also stated that when a rezoning application is submitted, that staff looks at the uses in the current zoning designation as compared with the requested zoning designation. The uses listed in the Table of Permissible Uses are compared to see if any of the uses differ between the two designations. With R-3-2 to R-3-1, the uses are the same, the only change would be the minimum acreage for subdivision which would create higher density.

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At this point, Mr. Parks went over the Staff Report, incorporated herein below.

STAFF REPORT

**UDO 2016-03-09
Zoning Map Amendment**

PROJECT INFORMATION

File Reference: UDO 2016-03-09
Project Name; N/A
PIN: 01-7090-00-01-5676
Applicant: Pudding Ridge of
South Mills LLC –
Herb Mullen/Tracy
Swain
Address: 149 Lilly Road
South Mills NC
27976
Phone: (252) 339-5963
Email:

Agent for Applicant:
Address:
Phone:
Email:

Current Owner of Record: Same as applicant

Meeting Dates:

4/20/2016 **Planning Board
Board of Commissioners**

Application Received: 3/11/2016
By: David Parks, Permit Officer

Application Fee paid: \$1100 Check #1026

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A.** Rezoning Application
- B.** Deed
- C.** GIS Aerial, existing zoning, Comprehensive Plan Future Land Use Map, CAMA Land Use Plan Suitability Maps
- D.** Letter from Albemarle Regional Health Services
- E.** Emails from NC Department Public Safety (Floodplain Management Branch) John Gerber and Dan Brubaker

PROJECT LOCATION:

Street Address: Property adjacent to 330 Pudding Ridge Road
Location Description: South Mills Township

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REQUEST: Rezoning of the approximately 55 of 93 acres (all property located outside the Floodway)

From: Basic Residential (R3-2)

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 R3-2 district requires a minimum of two acres per lot.

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.

SITE DATA

Lot size: Approximately 93 acres. Request is for the 56 acres of land that is located outside the FEMA Floodway
Flood Zone: Zones: Shaded X, AE, and AEFW
Zoning District(s): Basic Residential (R3-2)
Existing Land Uses: Agriculture/Woodland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)
Use & size	Farmland	Farmland	Woodland	Farmland/Residential

Proposed Use(s):

Uses are the same the only change is in the density from two acres to one acre.

Description of property:

Property abuts 330 Pudding Ridge Road and its current use is mostly farmland. Only utility adjacent to property is electric with the nearest waterline over 4500 feet away on Keeter Barn Road.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Cypress Run Ditch.

Distance & description of nearest outfall: Cypress Run Ditch located to the East of property. In reviewing flood map approximately 36 acres is designated as the FEMA Floodway defined as "The channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot."

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INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Nearest water line located approximately 4500 feet away at Keeter Barn and Pudding Ridge Roads (6 Inch lines).
Sewer	Letter from Albemarle Regional Health Services Soil Scientist (Ralph Hollowell stating soils are provisionally suitable for septic systems
Fire District	South Mills Fire District. Station located approximately 1.2 miles from property.
Schools	Increasing density of development through rezoning will increase projected number of students generated from future development.
Traffic	Increasing density will increase traffic generation, however traffic is not anticipated to exceed road capacities.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that the parcel is designated as Conservation (Area of Environmental Concern). This would probably be based on the property being located in an Area of Environmental Concern (floodplain/Floodway according to the FEMA Flood Maps).

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent Inconsistent

Consistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Residential with maximum density of 1 acre lots.

Comprehensive Transportation Plan

Consistent Inconsistent

Property abuts Pudding Ridge Road (SR 1225)

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

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FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

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

Reasoning:

- (1) The proposed zoning change will enhance the public health, safety, or welfare as it will provide needed residential density in an area identified by the Comprehensive Plan to encourage commercial development.
- (2) The proposed zoning change could jeopardize the public safety as the CAMA Land Use Plan has the parcel identified as Conservation or an Area of Environmental Concern (AEC) due to it being in the FEMA Floodplain/Floodway. Flood Maps are based on that 1% chance every year that the County could be inundated with the 100 year storm which would dump approximately 9 inches of rain in a 24 hour period.

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 permitted uses will not change as the request is for a higher density in the existing district of Basic Residential (R3).

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:

Yes No **What extraordinary showing of public need or demand is met by this application? N/A**

Reasoning:

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

Reasoning: All uses allowed 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 located in a CAMA Areas of Environmental Concern (Floodplain/Floodway AE/AEFW)

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

Reasoning: The attached graph indicates the percentage and amount of land in the R3-1 zone.

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

Reasoning: Uses are the same, request is for higher density from two acres to one acre.

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

Schools – The higher density would have an impact on the schools once developed as the high school has exceeded its capacity.

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – Minimal impact

Traffic Circulation or Parking - N/A

Other County Facilities – No.

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

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

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning		
Without rezoning		

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STAFF COMMENTARY:

The requested rezoning could possibly double the potential number of lots. The property owner has not submitted a proposed conceptual plan as they do not know when they are going to proceed with any development.

It is important to note that the property is located in an Area of Environmental Concern (Floodplain) as stated in this report and that caution should be made when allowing development within the floodplain especially when the flood zone (AE) is located adjacent to the Floodway (AEFW). Though the County has not experienced this 100 year flood resulting in approximately 9 inches of rain in 24 hours, it is of my opinion as the County's Floodplain Administrator if this storm event were to occur, areas in the floodplain would see severe flooding which could result in endangering the health and safety of its citizens.

Development is permitted in Flood Zone AE (Flood Zone with a Base Flood Elevation) as long as the development adheres to current Floodplain Management regulations.

STAFF RECOMMENDATION:

Based on all information provided, staff is recommending approval to rezone from Basic Residential (R3-2) to Basic Residential (R3-1) a portion of the property (approximately 52 acres) excluding the floodway and a 100 foot buffer from the flood way, as it is consistent with the Comprehensive Plan as it allows for density of 1 to 2 acres.

Additionally staff recommends rezoning from Basic Residential (R3-2) to Conservation District (CD) the remaining approximately 41 acres (the floodway and the 100 foot buffer adjacent to the Floodway) (see following map).

PLANNING BOARD RECOMMENDATION:

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Highlights from the Staff Report:

- Part of the property is in AEFW (floodway) - about ½ of the property
 - Cannot build in the floodway
 - Can build in the flood zone
 - Must meet flood plain regulations
 - Requires elevation of structures, flood vents, etc.
- Checked with Department of Public Safety, Floodplain Mapping Branch, to see if there were any restrictions for development in and around the floodway as far as the grade adjacent to it. There are no restrictions.
- Development in South Mills, run off water runs to Joyce Creek regardless of whether or not it is in the floodplain.
- Mr. Parks went over the maps that were included in the board packet.
- Request is compatible with the Comprehensive Plan, not so much the CAMA Land Use Plan as far as development goes
- Adjacent Uses are mostly farmland, with some residential uses also
- Closest major subdivision is Sanders Crossing which is about ¼ mile away
- The uses in R-3-2 and R-3-1 are the same, so no change in allowed uses
- Cypress Run Ditch runs to the east of the property where the floodway is
- Property is in the Joyce Creek service district
- 36 Acres is designated as FEMA Floodway, protected area
- Elevations on the property - the further into the floodway, the lower the elevations are
- Closer to the roadway, the elevations are higher, base flood elevations are 7.1 to 7.5
- County has adopted a +1 rule with regard to base elevations, so all utilities and such would have to be elevated to the base flood level +1 foot.
- Spoke about the changes to the FEMA maps
- Findings regarding additional requirements (highlights):
 - Will provide higher residential density as is compatible with the Comprehensive Plan to encourage residential development
 - Could jeopardize public safety - CAMA Land Use Plan identifies the property as an Area of Environmental Concern (AEC) due to being in the FEMA Floodway/Floodplain.
 - 1% chance of 100 year storm where property might experience 9 inch rainfall in a 24 hour period
 - Camden is a flat county, if 9 inches of rain falls, multiple areas of the county are likely to flood.
 - Zoning designation change will not change the allowable uses in the area
 - More residential density will have an impact on the schools
 - Higher density would have an impact on the schools once developed as the high school has exceeded its capacity.
 - Minimal impact on Fire & Rescue, Law Enforcement, Parks & Recreation
 - This is not a small scale / spot zoning, area of request is 93 acres.
 - Buildable area is 56.7 acres
 - Buffers to separate buildable area and floodway: 100 & 200 feet. If 100 foot buffer, buildable area would be approximately 51 acres, if a 200 foot buffer, buildable area would be approximately 46.4 acres.

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- Is suitable for septic systems
- Conservation zoning designation is in Camden County's ordinances, however there is currently not any land with such designation
- Staff recommends approval of rezoning the approximately 52 acres of the property that is not in the floodway from R-3-2 to R-3-1 as it is consistent with the Comprehensive plan which allows for densities of 1 to 2 acres.
- Staff further recommends rezoning the approximately 41 acres that IS in the floodway from R-3-2 to CD (Conservation District).

Planning Director Dan Porter commented:

- The CAMA Land Use Plan shows the property as being in conservation
- The Comprehensive Plan shows it as compatible with higher density
- The recommendation before the board is a compromised recommendation, wherein part of the property is recommended for rezoning to R-3-1 (the part in the AE) and part of the property is being recommended as rezoning to Conservation District (the part in the AEFW) with a buffer between the two.
- This will be the first development that is adjacent to the floodway.
- Requiring a buffer in this rezoning will set a precedent for other rezonings adjacent to the floodway
- Development of a stormwater plan will likely be a challenge
- Property does not currently have water service provided to it, it will be on wells unless South Mills Water Association runs water lines to the property
- Floodway means that when it floods it will flood in that way, AE means that it might flood and that any houses built will need to be elevated in case of flood.
- Reason for buffer is so that when and if a flood occurs, the water will have somewhere to go without encroaching on houses adjacent to the floodway.

Michael Etheridge asked if Mr. Mullen was in agreement with Staff's recommendation of rezoning the approximately 41 acres that is in the floodway to conservation district. Mr. Parks stated that Mr. Mullen agreed to this.

Rick McCall asked about lots less than an acre and if they would be allowed. Dan Porter responded that in a Conservation Subdivision lots could be less than an acre if 50% of the land were set aside as common open space (and that does not include areas in the floodway, it would have to be buildable land). They could do a conservation subdivision if the land perked well enough. A conservation subdivision is considered an open space subdivision because 50% of the land is being dedicated as open space.

Mr. Mullen indicated that he does not want to do a conservation subdivision because of the requirements of the Health Department regarding septic systems on smaller lot sizes.

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

Dave Parks stated that there needed to be 2 motions, one to approve a compatibility statement and one for the rezoning.

Motion to Approve Compatibility Statement: Rezoning the property adjacent to 330 Pudding Ridge Road, and having PIN 01-7090-00-01-5676-0000 from R-3-2 to R-3-1 is consistent with Camden County's adopted Comprehensive Plan.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Michael Etheridge, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

Motion to Approve Rezoning - Rezone the property adjacent to 330 Pudding Ridge Road, having PIN 01-7090-00-01-5676-0000, located in South Mills Township, as recommended by staff in the Staff Report.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Calvin Leary, Vice Chairman
SECONDER:	Michael Etheridge, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

VII. INFORMATION FROM BOARD AND STAFF

NONE.

VIII. CONSIDER DATE OF NEXT MEETING

Next Regularly Scheduled Meeting is on May 18, 2016 unless there are no matters to be brought before the board.

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IX. ADJOURN MEETING

1. Motion to Adjourn 4-20-16 Meeting (Meeting adjourned at 7:50 PM)

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ray Albertson, Board Member
SECONDER:	Michael Etheridge, Board Member
AYES:	Needham, Leary, Harris, Delano, Etheridge, McCall, Albertson

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk