

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

Vicinity Map:



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

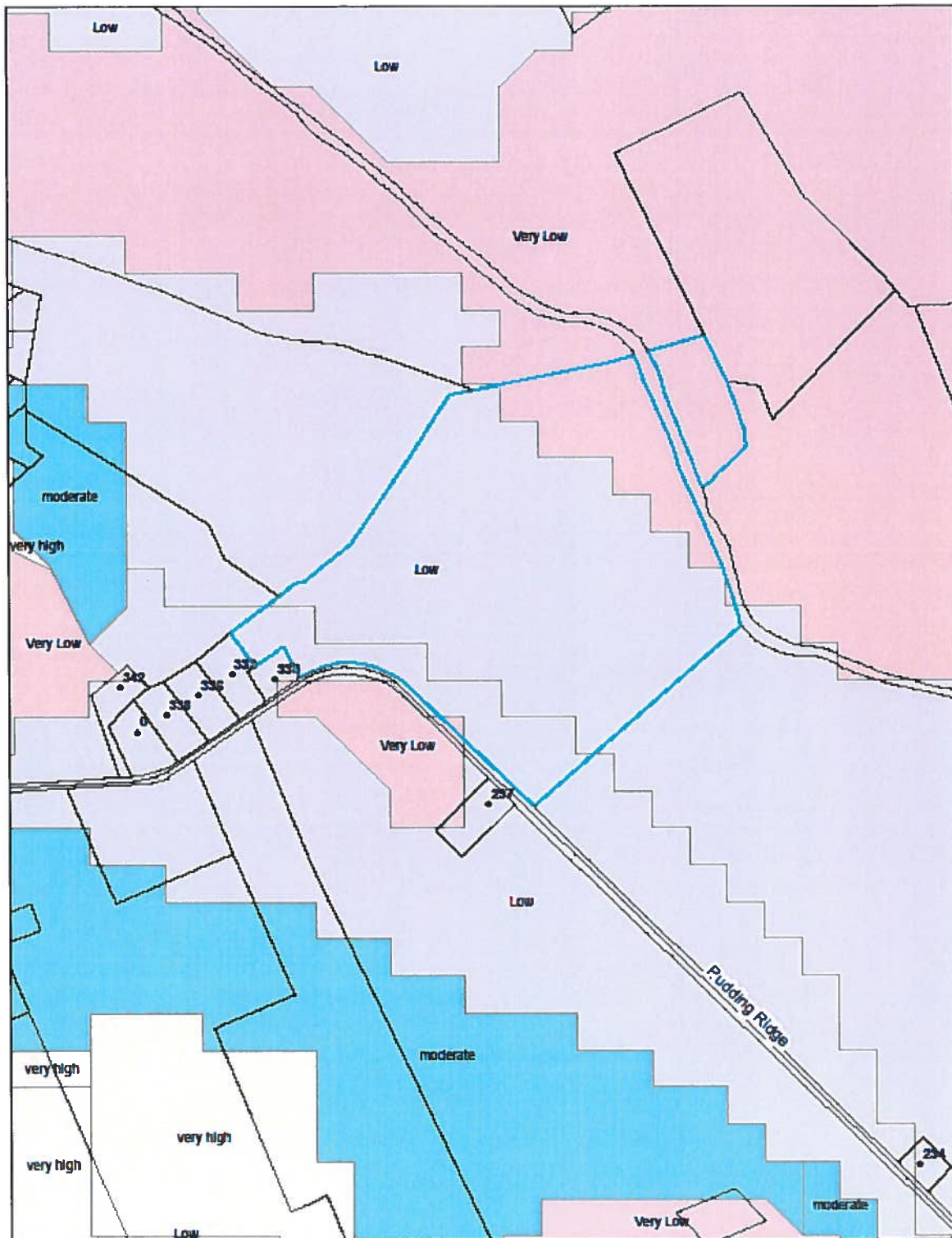
Streams, Creeks, Major Ditches: Cypress Run Ditch.

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.”

Current Zoning Map



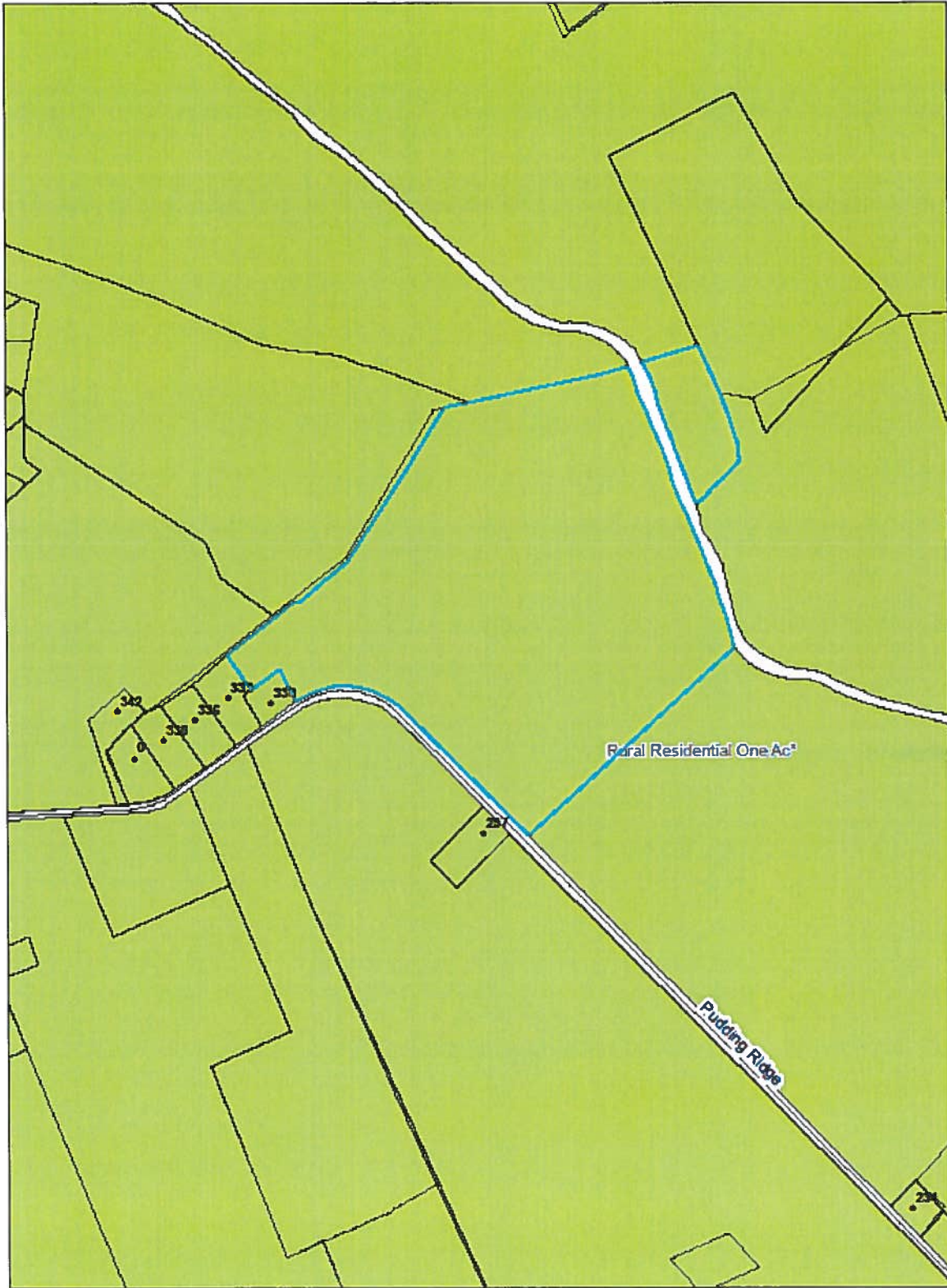
Land Suitability



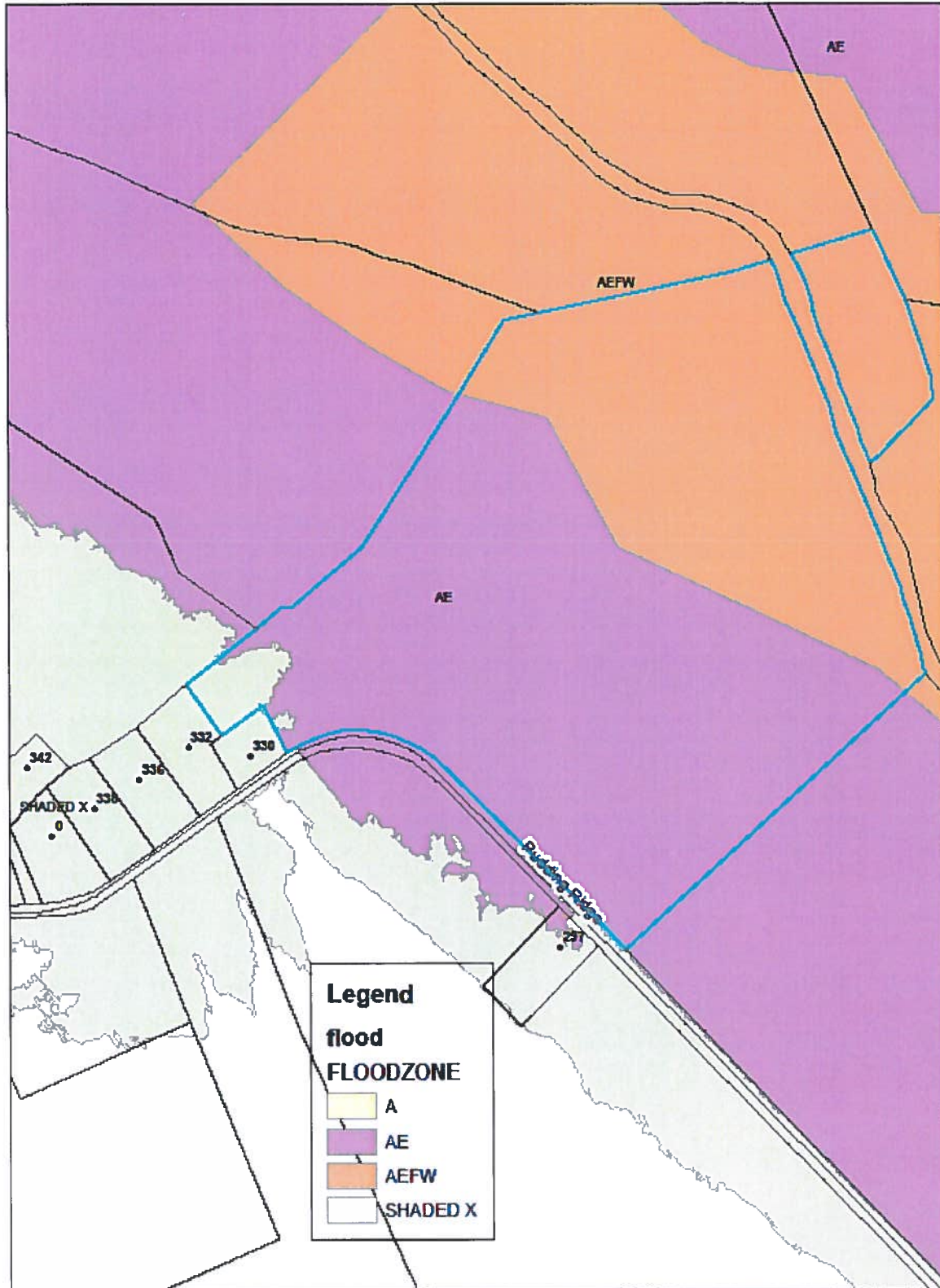
CAMA Future Land Use Map



Comprehensive Plan Future Land Use Map



Floodplain Map



Lidar Elevation Data



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 is 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

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:

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.

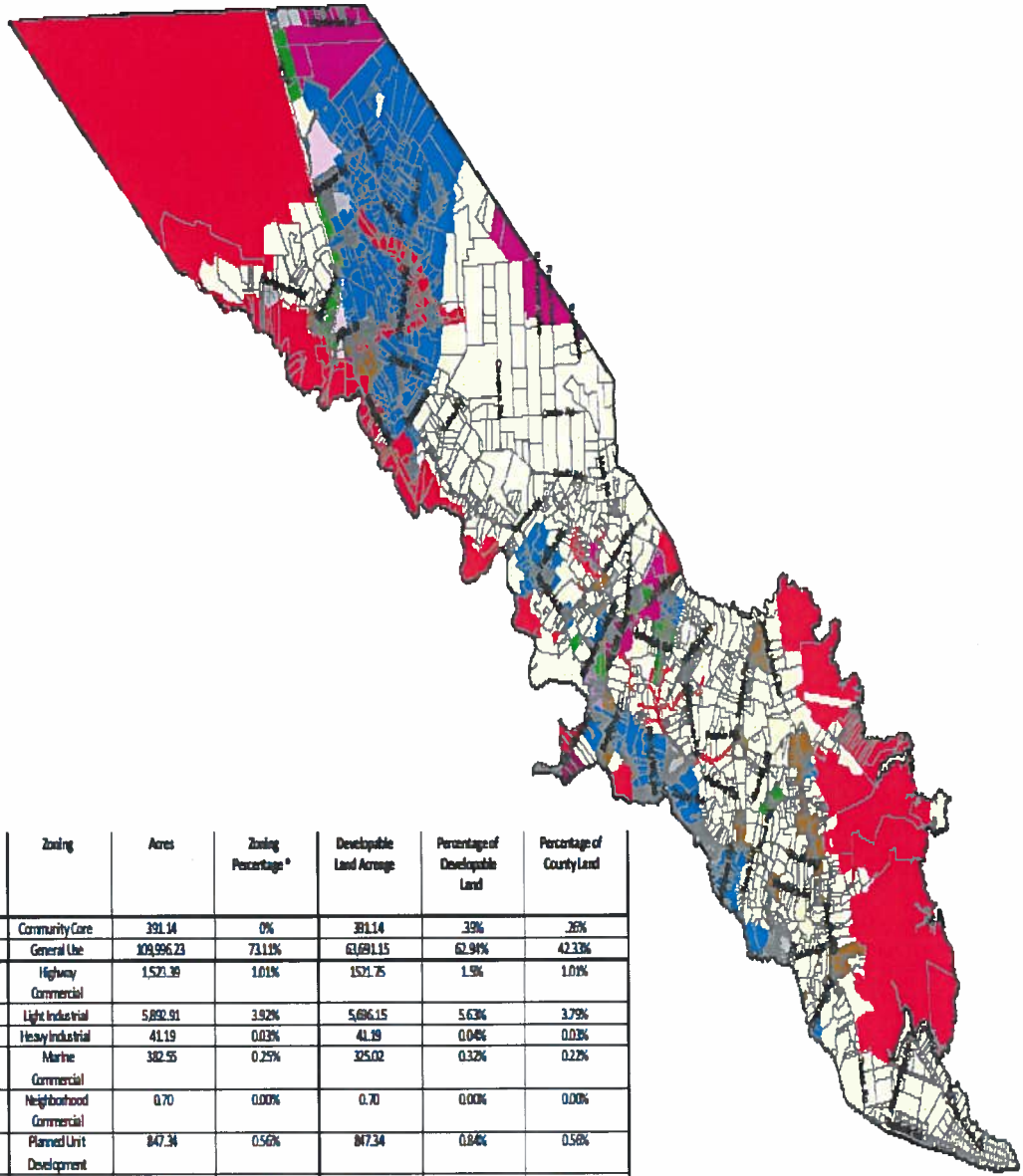
Yes No

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

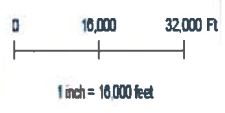
If Yes (regarding small scale spot rezoning) – Applicants Reasoning:

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

Camden County Zoning



- Legend**
- Land that cannot be developed
 - Zoning**
 - Community Core
 - General Use
 - Heavy Industrial
 - Light Industrial
 - Highway Commercial
 - Marine Commercial
 - Neighborhood Commercial
 - Planned Unit Development
 - Residential 1
 - Residential 2
 - Residential 3-1
 - Residential 3-2



Zone	Zoning	Acres	Zoning Percentage*	Developable Land Acreage	Percentage of Developable Land	Percentage of County Land
CC	Community Core	391.14	0%	391.14	39%	.26%
GU	General Use	109,996.23	73.11%	61,691.15	62.94%	42.33%
HC	Highway Commercial	1,521.39	1.01%	1,521.75	1.5%	1.01%
I-1	Light Industrial	5,892.91	3.92%	5,696.15	5.63%	3.79%
I-2	Heavy Industrial	41.19	0.03%	41.19	0.04%	0.03%
MC	Marine Commercial	382.55	0.25%	325.02	0.32%	0.22%
NC	Neighborhood Commercial	0.70	0.00%	0.70	0.00%	0.00%
PUD	Planned Unit Development	847.38	0.56%	817.34	0.84%	0.56%
R-1	Residential 1	877.29	0.58%	812.67	0.82%	0.55%
R-2	Residential 2	4,632.09	3.08%	3,994.55	3.95%	2.65%
R-3-1	Residential 3-1	2,447.01	1.62%	2,202.47	2.18%	1.48%
R-3-2	Residential 3-2	23,431.74	15.57%	21,644.46	21.39%	14.39%
TOTALS		250,462.58 Acres		101,108.58 Acres		67.23% of land is developable

*This includes the zoning percentage of the entire county, including land that has been deemed "undevelopable".

GIS/Laura's Maps/Zoning Percentage.mxd
August 17, 2010

This map is the greatest information presented by Camden County and is subject to change without notice or responsibility of the state or county. Camden County does not warrant the accuracy of this map.

STAFF COMMENTARY:

The requested rezoning could possible 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.

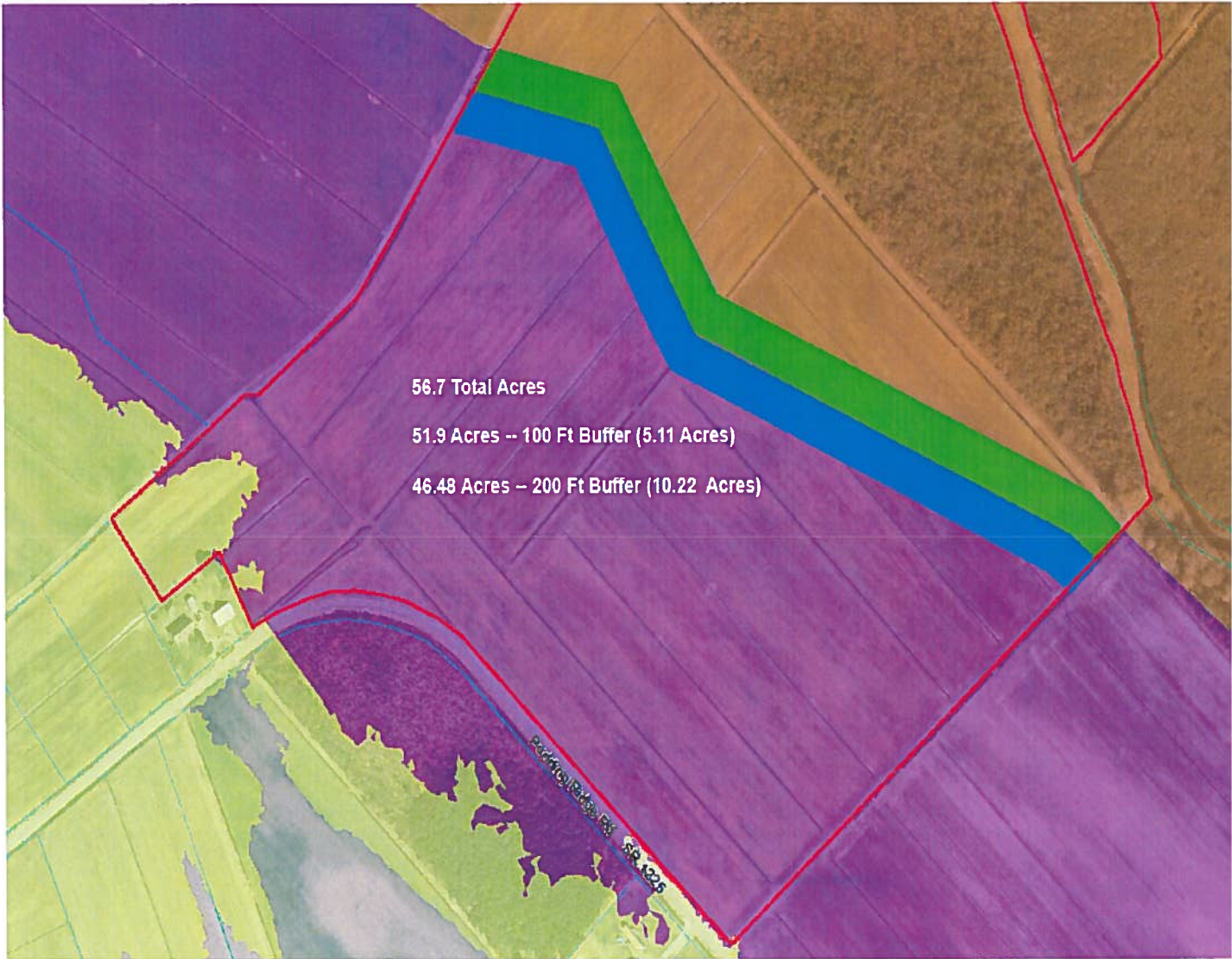
Development is permitted in Flood Zone AE (Flood Zone with a Base Flood Elevation) as long as the development adheres to current Floodplain Management regulations.

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:



Zoning Change Application
County of Camden, North Carolina

A rezoning may be obtained pursuant to Article 151.580 of Unified Development Ordinance (UDO) of Camden County and upon approval by the Board of Commissioners after a recommendation from the Planning Board.

Please consult the Planning Office (1-252-338-1919) with any questions about your application.

PLEASE PRINT OR TYPE

Please Do Not Write in this Box	
PIN:	<u>01-7090-00-01-5676</u>
UDO#	<u>2016-03-09</u>
Date Received:	<u>3/11/16</u>
Received by:	<u>JS</u>
Zoning District:	<u>R3-2</u>
Fee Paid:	<u>\$ 1100.00</u>

Applicant's Name: Padding Ridge of Soot Mills LLC
Heb Mollen & Tracey Swain

CK # 1026
JS

If the Applicant is acting as agent for another person (the "principal"), please give that person's name on the line below and submit a copy of the agency agreement/letter with this Application.

Applicant's Mailing Address: 149 Lilly Road
South Mills, NC 27976

Daytime Phone Number: (252) 339-5963

Street Address Location of Property: Padding Ridge Road South Mills PIN 017090 005676 01

General Description of Proposal: Rezone from R-3-2 to R-3-1 - 55 ACRES

I swear or affirm that the foregoing information and all attachments hereto (now or subsequently provided as part of this application) are true and correct to the best of my knowledge.

Signed: 

Dated: 3-3-16

Please include a site plan with this application and any other supporting documentation that the applicant feels would assist the Board of Commissioners and the Planning Board in determining the need for a zoning change.

* Information to be filled out by Planning Department

*Is the Property in a Watershed Protection area? NO

*Flood Zone (from FIRM Map): AE/AEFW *Taxes paid? yes no

Zoning Change Application Questions

The UDO requires the Board to consider to principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety or welfare? (Article 151.585)

This parcel is currently zoned R-3-2 having lots of two or more acres in size. A two acre lot for a major subdivision reduces income to the county in two ways. It reduces the amount of land available for agriculture and it makes lots unappealing to the average home owner who had rather maintain a one acre lot than two.

By rezoning this parcel to R-3-1 having lots of one or more acres in size will increase the county's tax revenue, which will allow additional funding to go to public health, safety and welfare. With dwindling State and Federal Revenues dedicated to these programs this additional tax income may provide the county the with the ability to fund these programs in the future (Typically when these funds dry up the requirements stay intact and the burdened of funding falls back on the county government).

(B) Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? (Article 151.585)

Yes, it will allow the county's tax base to increase by utilizing less land, which will give the county the option of a larger tax base in the future through continued development and income from agriculture.



ALBEMARLE REGIONAL HEALTH SERVICES
Partners in Public Health

March 17, 2016

Mr. Herb Mullen
PO Box 236
South Mills NC 27976

Pasquotank Based on the soil evaluations performed on February 2, 2016 the following property
PIN 017090000156760000 located on Pudding Ridge Road, South Mills, NC is
provisional suitable - based on the following modifications for single family dwellings
Perquimans on sewage disposal systems with 1 acre lots.

Camden Soil evaluations were completed and have been marked on the attached map and
the specifics are listed below:

Chowan

Currituck -All systems will consist of a 1000 gallon tank - there will be no pretreatment
- Based on the findings the largest system size would be 400 linear feet and a repair
area.

Bertie - Some systems may require backfill
- All landscaping over system will be crowned to divert surface water

Gates - Install systems shallow with no more than 12 inches cover
- Depending on the amount of backfill if any will determine if the system will be part
of the Public Management Entity

If I can be of further assistance, please feel free to contact me at 1-252-340-9015

Ralph L. Hollowell, Jr.
Environmental Health Director
License Soil Scientist



Jerry L. Parks, MPH, Health Director

P.O. Box 189 • 711 Roanoke Avenue • Elizabeth City, North Carolina 27907-0189
Tel: 252-338-4400 • Fax: 252-338-4449 • www.arhs-nc.org



BFE 7.4 FO + 1 Regulatory = 8.4

Dave Parks

From: Gerber, John <John.Gerber@ncdps.gov>
Sent: Friday, April 01, 2016 1:46 PM
To: Brubaker, Dan; Dave Parks
Subject: RE: Rezoning

Hey Dave - I agree with Dan.

A buffer is not a bad idea if you are concerned the fill material or other development may encroach into the floodway. There should be some way for you to verify in the field that there are no encroachments in the floodway. It is often helpful to have the surveyor stake the floodway limits so there is no question when fill is being placed in the SFHA that it does not encroach into the floodway.

Thanks for letting us comment and let us know if you need anything additional.

John

From: Brubaker, Dan
Sent: Friday, April 01, 2016 1:27 PM
To: Dave Parks; Gerber, John
Subject: RE: Rezoning

Good afternoon, David. I concur with the Staff Commentary. Do you know if the developer intends to bring fill in for the building sites, or will they elevate on crawlspaces so that the finished floor is above the regulatory flood level?

This area (Joyce Creek) is not changing on the preliminary flood maps.

There isn't a FEMA requirement for a buffer around the floodway. As long as the development is outside of the floodway and built in compliance, it would meet the minimum NFIP requirements. Anything within the floodway would need to be checked for compliance with 60.3.d.3 (No-Rise or CLOMR).

John will be back in the office on Monday. Feel free to give me a call if you need anything else in the meantime.

Best regards,

Dan Brubaker

John D. Brubaker, PE, CFM
NFIP Engineer
NC Department of Public Safety
Risk Management Section
4218 Mail Service Center
Raleigh, NC 27699-4218
(919) 825-2300
dan.brubaker@ncdps.gov
www.ncdps.gov



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

Sent: Wednesday, March 30, 2016 9:55 AM

To: Brubaker, Dan; Gerber, John

Subject: Rezoning

Dan and John,

John the attached is an updated findings from what I sent you earlier. Property owner want to rezone the portion of his property (outlined)outside the AEFW from two acre to one acre and looking at doing a Major Subdivision later down the road. I'm looking at requiring a buffer from the AEFW of 100 to 200 feet, but would like your inputs on this.

Thanks,

David Parks, CFM

Camden County

(252) 338-1919 ext 232

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