

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – April 17, 2019

Camden County Planning Board

Regular Meeting

April 17, 2019 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on April 17, 2019 in the Historic Courtroom, Camden, North Carolina. The following members were present:

I. CALL TO ORDER & WELCOME

Chairman Calvin Leary called the meeting to order at 7:00 PM.

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	7:03 PM
Ray Albertson	Board Member	Absent	
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM

Staff members Present:

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

Others Present:

Attendee Name / Address	Title / Company	Meeting Section
Aaron Phippen, 262 Sleepy Hollow Road, Camden NC	Adjacent Property Owner	Old Business # A, Sleepy Hollow Estates
Sean Robey, 154 US 158 E, Camden NC	Eastern Carolina Engineering, Agent for Applicant	New Business # A, WAO Garage

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21 **II. CONSIDERATION OF AGENDA**

22 *Motion to Approve Agenda As Presented*

23 Rick McCall arrived to the meeting late, after the agenda was voted upon.

24	RESULT:	PASSED [UNANIMOUS]
25	MOVER:	Steven Bradshaw, Board Member
26	SECONDER:	Cathleen M. Saunders, Board Member
27	AYES:	Leary, Harris, Bradshaw, Saunders, Lilley
28	ABSENT:	McCall, Albertson

29 **III. CONSIDERATION OF MINUTES - MARCH 20, 2019**

30 *Motion to Approve March 20, 2019 Minutes As Written*

31 Rick McCall arrived to the meeting late, after the minutes were voted upon.

32	RESULT:	PASSED [UNANIMOUS]
33	MOVER:	Steven Bradshaw, Board Member
34	SECONDER:	Fletcher Harris, Board Member
35	AYES:	Leary, Harris, Bradshaw, Saunders, Lilley
36	ABSENT:	McCall, Albertson

37 **INTRODUCTION OF NEW BOARD MEMBER**

38 Planning Director Dan Porter introduced Nathan Lilley of Camden, NC, newest member of the
39 Planning Board.

40 **IV. OLD BUSINESS**

41 *Old Business - UDO 2019-02-18 Preliminary Plan Phase 2 Sleepy Hollow Estates*

42
43 Dan Porter described this Old Business item. This item was heard at the March 20, 2019
44 meeting of the Camden County Planning Board. At that meeting, adjacent property owners
45 spoke of property line disputes between their property lines and the developer's property. It was
46 decided by the Board to table this item until such time as the disputes had been cleared up. Staff
47 consulted with County Attorney John Morrison who advised in writing that property line
48 disputes are a matter for the courts and not governmental boards such as the Planning Board or
49 Board of Commissioners. Dan Porter summarized the letter which Attorney Morrison wrote:

- 50
- 51 • Property line disputes are between property owners
 - 52 • Planning Board, Board of Commissioners, and Planning Staff do not have the right to
53 intervene in such disputes
 - 54 • Property line disputes are a matter for the courts
 - 55 • If a developer decides to proceed, he does so at his own risk, even if he knows that at
56 some point in the future the property lines may be disputed in court
- 57

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- 58 • From letter: "Although this may seem surprising to the public, it makes common sense
59 upon even brief reflection. If the Planning Board or the Board of Commissioners had the
60 authority to stop development because of title concerns, any citizen could make an
61 objection and bring development to a halt."
62

63 Chairman Calvin Leary stated that considering the advice of the County Attorney on this, and
64 since the reason for tabling this item was due to property line disputes, all discussion was
65 handled at the prior meeting. Chairman Leary also stated that there shall be no further discussion
66 except one person who called him at his residence. Chairman Leary had promised Aaron Pippen
67 5 minutes worth of time to speak.
68

69 Aaron Pippen, 262 Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- 70 • Stated he spoke with the person who wrote the UDO and he said that as long as
71 association with a bona fide farmer who is farming your piece of property can be shown,
72 then that is what it was written for.
73

74 Rick McCall asked if that person was present. Dan Porter stated that he was not, and further
75 stated that the person referenced was the consultant on the UDO.
76

77 Dan Porter passed out a handout which was an excerpt of the North Carolina General Statutes
78 which define what the State of North Carolina considers to be a Bona Fide Farm.
79

80 Chairman Leary asked for confirmation that this was covered at the last meeting. Mr. Porter
81 stated it was but that he didn't have the legal reference at that meeting.
82

83 Mr. Porter read from NCGS §153A-340(b)(2):
84

85 "For Purposes of determining whether a property is being used for bona fide farm
86 purposes, any of the following shall constitute sufficient evidence that the property is
87 being used for bona fide farm purposes:

- 88 a. A farm sales tax exemption certificate issued by the Department of Revenue
89 b. A copy of the property tax listing showing that the property is eligible for
90 participation in the present use value program pursuant to G.S. 105-277.3.
91 c. A copy of the farm owner's or operator's Schedule F from the owner's or
92 operator's most recent federal income tax return.
93 d. A forest management plan."
94

95 Mr. Porter stated that none of the 4 criteria listed above are on record for the adjacent property in
96 question and that it does not qualify as a bona fide farm.
97

98 Mr. Pippen asked Mr. Porter to read the County Ordinance relating to this matter.
99

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100 After handing out a copy of the ordinance to the Board members, Mr. Porter read from the
101 Farmland Compatibility Standards in the UDO, section 5.5.2 Applicability:

102
103 "Except where exempted by Section 5.5.3, Exemptions, the standards in this section shall
104 apply to all major subdivisions, planned developments, special use permits, or site plans
105 on lots or tracts of five acres in area or greater proposed adjacent to a bona fide farm or
106 agricultural use associated with a bona fide farm."
107

108 Mr. Pippen keyed on this section contending that his property is "associated with a bona fide
109 farm" if a farmer who is a bona fide farmer and who owns and operates a bona fide farm is
110 farming his property.

111
112 Chairman Leary stated that having none of the 4 criteria required by the State of North Carolina,
113 the adjacent property can not be considered a bona fide farm.
114

115 Mr. Pippen stated his belief that the 4 criteria are what constitutes a bona fide farm, he contends
116 that his property is an *associated use* of a bona fide farm and not a bona fide farm itself.
117

118 Steven Bradshaw asked what was the point of this discussion. Mr. Pippen stated that the point
119 was to obtain a 50 foot buffer between his property and the proposed development. He further
120 contended that the "one who wrote the UDO" said that if the property is a bona fide farm or
121 associated with a bona fide farm that a 50 foot buffer should be applied.
122

123 Rick McCall again asked if that person was present. He further stated that the reason he asks this
124 is because at the last meeting Mr. Pippen referred to information given to him by the
125 Superintendent of Schools, but the Superintendent was not present to clarify statements made in
126 his name. The same holds true of the person Mr. Pippen refers to as the "one who wrote the
127 UDO".
128

129 Steve Bradshaw stated for clarification sake that the UDO was a collaborative effort, not written
130 by any one individual, the Planning Board and Board of Commissioners among others all had a
131 hand in it's writing, and have intimate knowledge of it's contents.
132

133 At this time, Chairman Leary stated that Mr. Pippen's 5 minutes were up. Mr. Pippen questioned
134 why the time limit was applied. Chairman Leary stated that at the beginning of this agenda
135 item's discussion he had stated that there was to be no further discussion except the information
136 from the County Attorney relating to the property lines and the 5 minutes he was allowing for
137 Mr. Pippen to speak because he had promised such earlier in the week via a phone conversation
138 with Mr. Pippen.
139

140 At this time, Chairman Leary entertained a motion on this agenda item.

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141 *Motion to Approve UDO 2019-02-18 Preliminary Plan Phase 2 Sleepy Hollow Estates*

142	RESULT:	PASSED [UNANIMOUS]
143	MOVER:	Fletcher Harris, Board Member
144	SECONDER:	Rick McCall, Board Member
145	AYES:	Leary, Harris, McCall, Bradshaw, Saunders, Lilley
146	ABSENT:	Albertson

147 **V. NEW BUSINESS**

148 *UDO 2019-03-06 Commercial Site Plan - WAO Garage*

149 Dan Porter introduced this agenda item and went over which site plans are administrative
150 approvals and which ones come before the Planning Board according to the newly revised UDO
151 which was adopted February 4, 2019.

- 152 • Major Site Plans (both commercial and residential development) go before Planning
153 Board
- 154 • Minor Site Plans are administrative
- 155 • Commercial Site Plan for WAO Garage is the first major site plan to be considered under
156 the new UDO.

157
158
159 **Commercial Site Plan**
160 **WAO Garage**
161 **UDO 2019-03-06**

162
163 **PROJECT INFORMATION**

164
165 **File Reference:** UDO 2019-03-06
166 **Project Name:** WAO Garage
167 **PIN:** 01-7072-00-50-0728-0000
168
169 **Applicant:** Coastal Custom Homes, LLC
170 Randall Finck
171 **Address:** P. O. Box 16215
172 Chesapeake, VA
173 **Phone:** (757) 334-6586
174
175 **Agent for Applicant:** Eastern Carolina Engineering
176 **Address:** 154 U.S. 158 East
177 Camden, NC 27921
178 **Phone:** (252) 335-1888
179 **Email:**
180
181 **Current Owner of Record:** Same as applicant
182
183 **Application Received:** 2/6/2019
184 **By:** Dave Parks, Permit Officer
185
186 **Application Fee Paid:** \$25.00, Check # 2879
187
188 **Storm Water Review Fee:** N/A

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

190

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

192

193 **A.** Land Use Application

194

195 **B.** commercial Site Plan

196

197 **C.** Construction Drawings

198

199 **D.** DENR Stormwater Permit SW7110609

200

201 **E.** DENR E & S Control Plan No. Camde-2019-005

202

203 **F.** Technical Review Committee inputs

204

205 **Meeting Dates:**

206

207 **Technical Review:** Comments provided by email

208

209 **Planning Board:** April 17, 2019

210

211 **REQUEST:** Commercial Site Plan - WAO Garage - Automobile Restoration.

212

213 (Reference Camden's UDO Administrative Manual Article 3.4.2; Camden UDO

214

215 Article 151.2.3.16 - Major Site Plan Procedures).

216

217 **PROJECT LOCATION:**

218

219 **Street Address:** 200 Opportunity Drive - Camden Commerce Park

220

221 **Location Description:** Off U.S. 17 in South Mills Township

222

223 **SITE DATA**

224

225 **Lot Size:** Approximately 6 acres

226

227 **Flood Zone:** Zone X

228

229 **Zoning District(s):** Base Zoning; Planned Development (PD)

230

231 **Adjacent Property Uses:** Farming to North. Rest of lot surrounded by Commerce

232

233 Park.

234

235 **Streets:** Shall be dedicated to public under control of NCDOT.

236

237 **Landscaping:** Landscaping Plan provided

238

239 **Buffering:** Farmland buffer provided to the North - Article

240

241 151.5.5

242

243 **ENVIRONMENTAL ASSESSMENT**

244

245 **Streams, Creeks, Major Ditches:**

246

247 **Distance & description of nearest outfall:** 25 acre pond adjacent to

248

249 property.

250

251 **TECHNICAL REVIEW STAFF COMMENTS**

252

253 1. **South Camden Water & Sewer.** Approved

254

255 2. **South Mills Fire Department.** See attached comments.

256

257 3. **Postmaster Elizabeth City.** No response. Community Mailboxes?

258

259 4. **Sheriff's Office.** Approved.

260

261 5. **Camden Soil & Water Conservationist.** Approved.

262

263 6. **Pasquotank EMS.** No response.

264

265 7. **South Mills Water.** No response.

266

267 **PLANNING STAFF RECOMMENDATION:** Planning Staff recommends approval of

268

269 Commercial Site Plan for WAO Garage with the following recommendations:

270

271 1. The County should respond back to South Mills Fire Department on their
272 request for a dry hydrant.

273

274 -----

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245 At this time, Mr. Porter introduced Mr. Sean Robey of Eastern Carolina Engineering who spoke
246 regarding this agenda item.

247

248 *Sean Robey, Eastern Carolina Engineering*

- 249 • Randy Finck, WAO Garage, is first tenant for the Commerce Park
- 250 • Mr. Finck wants to partner with the school system for internships to give students the
251 opportunity to gain experience working in the garage working on vehicles
- 252 • Mr. Finck wants to operate a car restoration business to restore cars back to their original
253 conditions.
- 254 • The lot for construction of Mr. Finck's business is on the north end of the commerce park.
255 Location is between the two proposed roads and backs up to the pond.
- 256 • The roads in the park are built only to a certain point, will need to be extended.
- 257 • The site plan represents only about 30% of the total land / tract that Mr. Finck has
258 purchased.
- 259 • An existing project will extend some roads and infrastructure.

260

261 Dan Porter spoke briefly regarding a photocopy image in the board packet which shows the road
262 and the needed extension of Opportunity Drive. Opportunity Drive stops at the first curve, plan
263 is to build it out to the location of the property line.

264

265 Mr. Robey continued:

- 266 • Stormwater improvements will be going in, half on county property, half on Mr. Finck's
267 property.
- 268 • If Mr. Finck decides to develop the rest of his property, additional stormwater
269 improvements will be necessary.

270

271 Rick McCall asked if Mr. Finck was planning any other types of development in addition to the
272 garage. Mr. Robey responded perhaps down the road there may be some storage, but a specific
273 use was not specified.

274

275 Steven Bradshaw asked about the issue of dry hydrants. Dan Porter addressed this saying that
276 the Fire Chief for South Mills has asked staff to consider dry hydrants on the pond for fire
277 suppression purposes. It is unsure what the pressure on the lines would be like. It is unlikely
278 that the pressure would support a standard fire hydrant, so a dry hydrant would be appropriate.
279 Fire suppression is a requirement for any business which is to be located in the park. It would be
280 the responsibility of the developer to provide for that, not the individual business, so it would fall
281 to the county as the developer of the park as a whole to provide for that. In addition there is a
282 hydrant right out front of Mr. Finck's property. His proposed building is not large enough to
283 require a sprinkler system. Mr. Porter added that the fire department will hook up to or use
284 whatever water supply is available.

285

286 Mr. Robey added that the hydrant mentioned above has not been able to be tested because the
287 line has been turned off and will need to be put back in service. He added that the water will
288 most likely have to be chlorinated and tested before its put back into service.

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289 Mr. Porter added the following information:

- 290
- 291 • The Commerce Park was developed as a Planned Unit Development (PUD)
 - 292 • Mr. Porter mentioned design standards for the Commerce Park, standards which are part
 - 293 of Ordinance No. 2011-01-02, which is the rezoning ordinance which rezoned the park
 - 294 from Highway Commercial to Planned Unit Development back in 2011. These standards
 - 295 are part of a document which is registered with the Camden County Register of Deeds
 - 296 (Deed Book 293 Page 695) and incorporated herein by reference.
 - 297 • In the new UDO there are specific standards with regard to the design standards of
 - 298 buildings. As this is a site plan and not a building plan under consideration here, such
 - 299 building standards are not yet required but will be required down the line prior to a
 - 300 commercial building permit.
 - 301 • There are restrictive covenants for the Commerce Park
 - 302 ○ In addition to a conditional use permit, there is a Property Owners Association
 - 303 which has certain standards in their restrictive covenants
 - 304 ○ Most of the time, the restrictive covenants and the county's requirements are very
 - 305 similar, in this case there was one difference, parking requirements
 - 306 ■ Plan meets county's requirements in terms of number of spaces associated
 - 307 with a light industrial type of use
 - 308 ■ Covenants said only 25% can be located at the front of the property
 - 309 ■ Planning Board and Board of Commissioners cannot make a decision
 - 310 based on covenants since the County does not enforce covenants
 - 311 ■ Property Owners Association met and resolved this issue by doing away
 - 312 with the restriction of 25% mentioned above.
 - 313 • Stormwater Plan - Conditionally Approved by Greg Johnson, Stormwater Engineer
 - 314 ○ County received letter saying that the Stormwater Plan submitted by the applicant
 - 315 does not appear to have any significant impact in terms of storm water runoff.
 - 316 ■ Stormwater will drain into the lake and should not affect the level of the
 - 317 lake.
 - 318 ■ The lake has an emergency outfall into a ditch which empties into the
 - 319 Dismal Swamp Canal.
 - 320 ○ Sean Robey has been asked to provide information regarding the rain water
 - 321 flow/drainage in the area.

322 Cathleen Saunders made a recommendation that the place holders on the site plan be updated
323 with actual information prior to the final plan submittal. Such updates to include information
324 regarding Register of Deeds information, deed book and page number, etc. Mr. Porter replied
325 that it has been recorded, but were not on the plans for whatever reason. Mr. Robey stated it
326 would be updated.

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327 *Motion to Approve UDO 2019-03-06 Commercial Site Plan - WAO Garage with the*
328 *conditions set forth by the Property Owner’s Association Restrictive Covenants, and*
329 *the Conditional Approval of the Stormwater Engineer, Greg Johnson.*

RESULT:	PASSED [UNANIMOUS]
MOVER:	Steven Bradshaw, Board Member
SECONDER:	Cathleen M. Saunders, Board Member
AYES:	Leary, Harris, McCall, Bradshaw, Saunders, Lilley
ABSENT:	Albertson

335 **VI. INFORMATION FROM BOARD AND STAFF**

336
337 Dan Porter provided the following information to the Board:

- 338 • UDO Chapter 150, relating to Building Codes and Minimum Housing Codes is being
339 reviewed / revised.
 - 340 ○ In attempting to enforce some of the County Ordinances relating to the above, it
341 has been found that the County Ordinances and State Statutes are at odds with
342 each other in some instances
 - 343 ○ Staff has been meeting with Building Inspector, County Manager, and County
344 Attorney to review Ordinances and State Statutes for updates/inclusion into the
345 County Ordinances
 - 346 ○ Does not have to come before the Planning Board, but will go before the Board of
347 Commissioners for public hearing at some point in the future.
 - 348 ○ Hoping for May or June for public hearing before BOC
 - 349 ○ Copy can be provided to Planning Board if so desired.
- 350

351 **VII. CONSIDER DATE OF NEXT MEETING - MAY 15, 2019**

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352 **VIII. ADJOURN**

353 *Motion to Adjourn*

354	RESULT:	PASSED [UNANIMOUS]
355	MOVER:	Fletcher Harris, Board Member
356	SECONDER:	Steven Bradshaw, Board Member
357	AYES:	Leary, Harris, McCall, Bradshaw, Saunders, Lilley
358	ABSENT:	Albertson

359 Meeting adjourned at 7:43 PM.

360

361

362

363

364

365

*Chairman Calvin Leary
Camden County Planning Board*

366 *ATTEST:*

367

368

369

370 *Amy Barnett, Clerk*
371 *Camden County Planning Department*