

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – September 16, 2020

Camden County Planning Board

Regular Meeting

September 16, 2020 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on September 16, 2020 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members, Staff, & Others 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 | Absent | |
| Steven Bradshaw | Board Member | Present | 6:50 PM |
| Cathleen M. Saunders | Board Member | Present | 6:50 PM |
| Nathan Lilley | Board Member | Absent | |
| Dan Porter | Staff: Planning Director | Present | 6:45 PM |
| Amber Curling | Staff: Zoning Officer | Present | 6:45 PM |
| Amy Barnett | Staff: Planning Clerk | Present | 6:35 PM |
| Richard Krainiak | Applicant for Rezoning | Present | 6:45 PM |

CONSIDERATION OF AGENDA

Motion to Approve Agenda as Presented

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

CONSIDERATION OF MINUTES - JULY 15, 2020

Motion to Approve Minutes as Written

| | |
|------------------|---|
| RESULT: | PASSED [UNANIMOUS] |
| MOVER: | Fletcher Harris, Board Member |
| SECONDER: | Steven Bradshaw, Board Member |
| AYES: | Leary, Harris, McCall, Bradshaw, Saunders |
| ABSENT: | Albertson, Lilley |

OLD BUSINESS – None

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NEW BUSINESS

UDO 2020-09-14 Rezoning Request - Richard Krainiak

Amber Curling, Camden County Zoning Officer, noted a correction on the first page of the Staff Report. The first page of the Staff Report listed the request as “Rezoning approximately 3 acres from Village Residential (VR) to Neighborhood Residential (NR) on Parcel 03-8953-04-80-2636 located at 913 Hwy 343 South in the Shiloh Township.” The current zoning on the property is actually Village Commercial, not Village Residential. The rest of the board packet lists it correctly as commercial.

Ms. Curling went over the Staff Report as incorporated herein at the end of these minutes as Attachment A, and noted the following items:

- Request is rezone approximately 3 acres, Village Commercial (VC) to Neighborhood Residential (NR) at 913 NC Hwy 343 South {See Attachment A for definitions of both zoning designations }
- Richard Krainiak is applicant / property owner
- Neighborhood meeting was held, no public showed up, but there were a few emailed comments from public
- Current use is farmland, and there is a vacant house on property
- Maps show:
 - Vicinity: Located at 913 NC Hwy 343 South, outside of the 1 Mile Buffer which surrounds the Shiloh Core Village
 - Zoning Map: Property is zoned Village Commercial (VC). There is property zoned Neighborhood Residential and Rural Residential across the road to the west, with Village Commercial and Working Lands to the North, and Neighborhood Residential and Rural Residential to the East, and Rural Residential to the South.
 - Cama Land Use Suitability: Very High
 - Wetlands/Floodplain/Watershed Map: No Wetlands, not in floodplain or watershed.
 - Drainage Map: Drains to southeast, then southwest, then southeast, then southwest along adjacent drainage ditches located on other parcels to the south of the property. {See Attachment A: Drainage map }
 - Comprehensive Plan Future Land Use Map: Shows request to be inconsistent with the 2035 Comprehensive Plan which shows the property to be Village Center with Rural Preservation to the North and Rural Residential to the South.
 - CAMA Future Land Use Map: Shows request to be inconsistent with the CAMA Future Land Use Plan as the property is designated as Community Core with Medium Density Residential to the East and West and Low Density Residential to the South.
 - Water Availability: Water Lines run along Hwy 343 and on Milltown Road in the vicinity of the property.
 - No Sewer Connectivity, will be septic systems
 - Located in Shiloh Fire District
 - Minimal impact on schools and traffic

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At this time, Ms. Curling introduced Richard Krainiak, the applicant who spoke briefly regarding his request.

Richard Krainiak, Camellia Drive, Camden, NC - Applicant for Rezoning

- Has met with area property owners / residents who have indicated to him they are ok with his request and would love to see the house renovated back to living condition
- Mr. Forehand, historian for the museum, also expressed desire for restoration of the house
- Mentioned emails of support for his request
- Indicated house located on property is historical and wants to renovate to restore its historical splendor
- Although the 2035 Comprehensive Plan calls for the property and surrounding land to be commercial, with the exception of 910 & 917 NC 343 South, all the surrounding properties are residential and have houses on them. Doesn't see how the land can be commercial with so much residential.
- Doesn't seem like the 2035 plan will be in effect for this area come 2035, so rezoning the property back to residential makes sense.

At this time, Ms. Amber Curling continued with the rest of the staff report:

- Rezoning request for 913 NC 343 S is inconsistent with the 2005 CAMA Land Use Plan which has the property identified as Community Core
- Also inconsistent with the 2035 Comprehensive Plan as the aforesaid plan shows the property to be Village Center
- Planning Staff recommends denial of this zoning map amendment application to rezone the 3 acres from Village Commercial (VC) to Neighborhood Residential (NR)

Vice Chairman Steven Bradshaw commented that looking at the aerial photos of the property, most of the properties in the area are residential in nature if not in zoning. Amber Curling acknowledged this saying that there are 2 or 3 commercial but the majority is single family dwellings.

Dan Porter commented that he was new to the position when the 2005 CAMA Plan was under development, so he didn't have much to do with the way those decisions were made, but when the 2035 Comprehensive Plan was developed, the plan was for there to be 3 core villages, Shiloh, Courthouse (which is central Camden), and South Mills. Shiloh is the smallest core village as far as commercial zoning is concerned.

Mr. Porter added that a consistency statement is required for this rezoning one way or the other, but that the consistency statement does not dictate whether or not the board can approve it or not. Mr. Porter further added that if the board votes to approve the rezoning, then the 2005 CAMA Land Use Plan and the 2035 Comprehensive Plan will be deemed, by state law, to be modified for this parcel.

Rick McCall asked about the location of the Dollar General in the area as it didn't show on the zoning map which was shown. Ms. Curling pointed out the locations of the commercial businesses and went over the zoning districts in the area as depicted on the zoning map.

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Mr. Krainiak commented that the Shiloh Store (across the street) and the Dollar General (next door) are the only commercial businesses in the area, the rest are houses.

Rick McCall asked if this is approved by the board, will it set a precedent for future rezonings in the area. Mr. Porter replied that the decision on this rezoning does not dictate what the decision on future applications has to be. Mr. Porter reminded the board that there will need to be 2 motions, one for consistency, the other for approval or denial.

Vice Chairman Steven Bradshaw expressed concerns about rezoning this piece of property. He stated that he understands there are houses all around it, and that the plans call for it to be commercial. He added that his initial thought is to make it residential so that it can be developed like all the surrounding properties, but the plans call for it to be commercial. He indicated he understands the desire for it to be residential, even though the plans call for it to be commercial, he has issues with making a motion on this for that reason. Fletcher Harris agreed with Mr. Bradshaw that this is indeed a quandry.

Mr. Krainiak stated that when the 2005 CAMA Land Use Plan designated it commercial, property owners were not even notified of the zoning change at that time.

Mr. Bradshaw added that even though what is being asked for is inconsistent with the plans, the request is more consistent with the reality of what's on the ground. Mr. Porter stated that this is why the decision to approve or deny is not dictated by the consistency statement, but that the board does need to indicate why a decision is being made which is inconsistent with plans.

At this time, the following motion was made:

Motion to Approve Consistency Statement: "Rezoning of 913 NC 343 S from VC to NR is inconsistent with CAMA Land Use Plan and the 2035 Comprehensive Plan"

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

Vice Chairman Steven Bradshaw asked Mr. Krainiak if he's tried to sell it as commercial property. Mr. Krainiak responded saying that he had thought about it, but that his neighbors would not like it and he doesn't want to upset his neighbors. He recalled that some neighbors were against Dollar General. He added that all he really wants is to rezone the acre with the house on it, the other two acres could stay commercial if they had to. He indicated the location of the house as being in between two rows of trees right next to the Dollar General, and that the other 2 acres are empty land.

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Mr. Bradshaw asked the other board members if it were a possibility to divide the land and rezone only the portion with the house on it.

Ms. Curling responded that Mr. Krainiak had thought about that, but that it would require a survey and subdivision, and considering the time it would take he chose to just try to rezone the whole parcel.

Rick McCall asked for clarification on the historical nature of the house. Mr. Krainiak responded saying the house was built in the 1800's, and that Mr. Forehand had given him some information relating to the history of the house.

Mr. Porter stated that he didn't know the history of the house other than that it was built in the 1800's. There was a house there that was burned down during the Civil War, then rebuilt, and that is what the current house is. However, it isn't on the national registry of historical places.

Mr. McCall added that if the 1 acre the house is on could be subdivided out and rezoned and leave the other 2 acres commercial, that it made more sense to do it that way, especially given the historical nature of the house.

Cathleen Saunders asked what the process would be to subdivide out the acre with the house and then rezone only that acre. Ms. Curling responded saying that Mr. Krainiak would have to subdivide the land and then go through the application process to rezone the one acre.

Mr. Krainiak expressed a concern that if the rezoning for the 3 acres were approved by the board, that the County could come back at some future time and rezone it all back to commercial like they did when the CAMA Land Use Plan was done, without the knowledge of the property owner. Mr. Porter replied saying that was a county-wide rezoning which occurred in 2002 before he was here.

Rick McCall asked if deed restrictions could be placed on the property for the other 2 acres were it to be subdivided out such that the house were to be made separate. Mr. Porter replied that since it is private property, the county can't put deed restrictions on it (except in certain circumstances).

Mr. McCall added that if the property were subdivided and only the one acre with house were rezoned, then at some point later in time there could be a commercial business on both sides of the house which would not be ideal.

Chairman Calvin Leary concurred that subdividing it would put the house in a bad position, and his opinion was that the board either approve it or not approve it as the entire 3 acres.

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Mr. Bradshaw commented that since all the surrounding properties had houses on them, he would make a motion to approve the rezoning. Mr. Porter asked Mr. Bradshaw to include a statement reflecting his earlier opinion regarding the reality of what is on the ground vice what's in the plans. Mr. Bradshaw made the following motion:

Motion to Approve Rezoning 913 NC 343 S from VC to NR because it is more consistent with the "reality of what's on the ground".

| | |
|------------------|---|
| RESULT: | PASSED [UNANIMOUS] |
| MOVER: | Steven Bradshaw, Board Member |
| SECONDER: | Fletcher Harris, Board Member |
| AYES: | Leary, Harris, McCall, Bradshaw, Saunders |
| ABSENT: | Albertson, Lilley |

INFO FROM BOARD AND STAFF - None

CONSIDER DATE OF NEXT MEETING - OCTOBER 21, 2020

ADJOURN

Motion to Adjourn

| | |
|------------------|---|
| RESULT: | PASSED [UNANIMOUS] |
| MOVER: | Steven Bradshaw, Board Member |
| SECONDER: | Rick McCall, Board Member |
| AYES: | Leary, Harris, McCall, Bradshaw, Saunders |
| ABSENT: | Albertson, Lilley |

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett, Clerk
Camden County Planning Department*

See Next Page For Beginning of Attachment(s)

STAFF REPORT

**UDO 2020-09-14
Zoning Map Amendment**

PROJECT INFORMATION

File Reference: UDO 2020-09-14
Project Name: N/A
PIN: 03-8953-04-80-2636

Applicant: Richard Krainiak
Address: 103 Camellia Drive
Camden, NC 27921
Phone: 252-333-0787
Email: rickykrainiak@yahoo.com

Agent for Applicant: Self
Address:
Phone:
Fax:
Email:

Current Owner of Record: Applicant

Meeting Dates:
8/31/2020 **Neighborhood Meeting**

Application Received: 9/10/2020
By: Amber Curling, Planning

Application Fee paid: \$650.00 Ck# 2156

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 RR and NR

REQUEST: Rezone approximately 3 acres from Village Residential (VR) to Neighborhood Residential (NR) on Parcel 03-8953-04-80-2636 located at 913 Hwy 343 South in the Shiloh Township.

From Village Commercial (VC) Article 151.3.6.3 (Purpose Statement)

The Village Commercial district intended to foster high quality, compact, pedestrian-oriented development on lots within designated village centers. Development in the VC district is human-scaled and designed to promote visual interest for pedestrians. Ground-level retail and personal services that promote pedestrian activity along the street are highly encouraged and large, monolithic, automobile-oriented developments are prohibited. New development in the district is located close to the street, provides passers-by with clear views into the building's ground floor, and fosters sidewalk dining, outdoor seating, and interaction among pedestrians. The district requires urban-style open space (greens, seating areas, plazas, pocket parks, roof gardens, etc.) to be included as a part of new development. In addition to commercial uses, the district allows a variety of moderate-density residential development. New commercial, mixed-use, and multi-family developments in the district are subject to the design standards in.

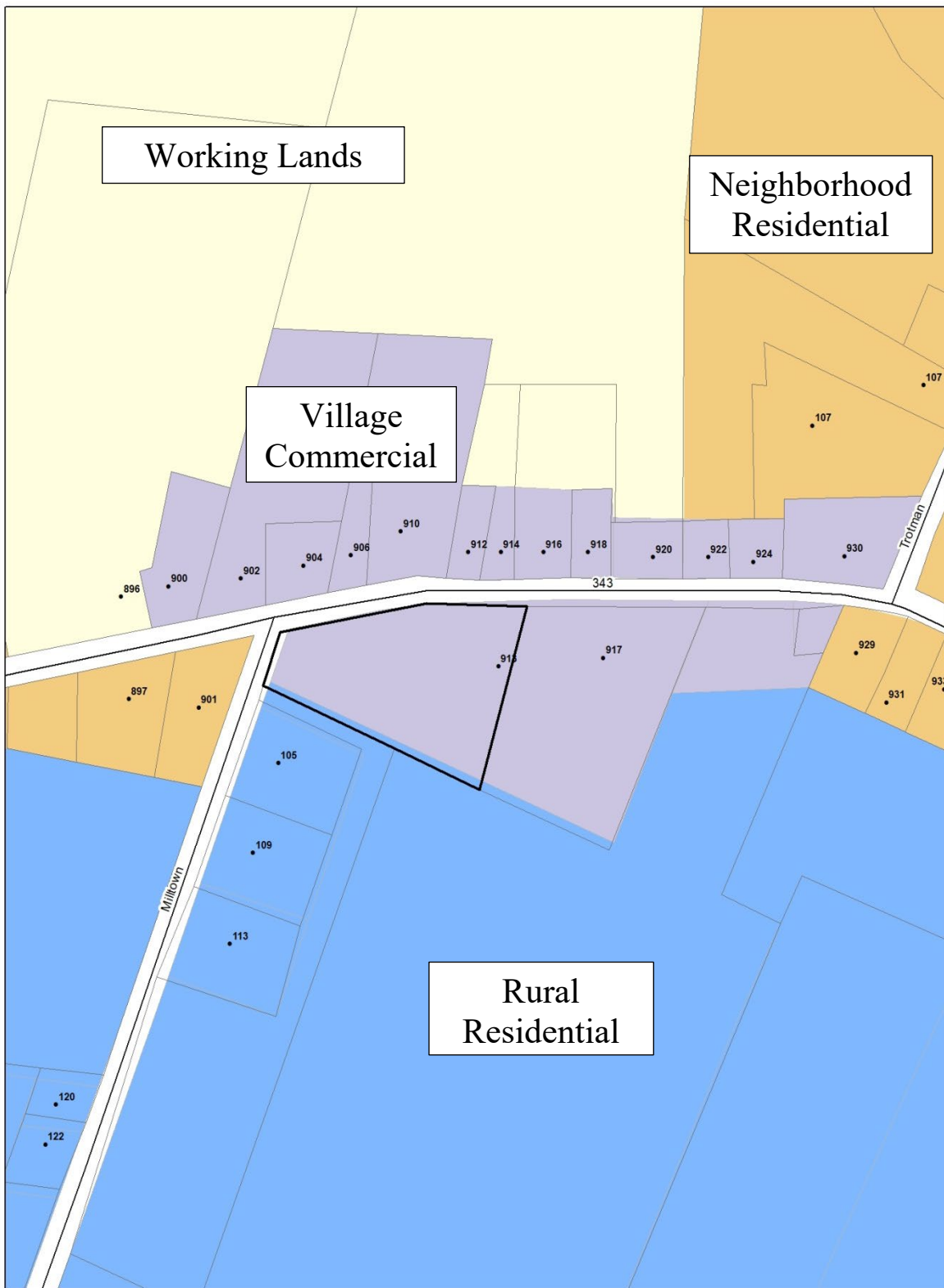
To: Neighborhood Residential (NR) – Article 151.3.5.5 (Purpose Statement)

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.

PROJECT LOCATION: Vicinity Map: Shiloh Township



Zoning Map:



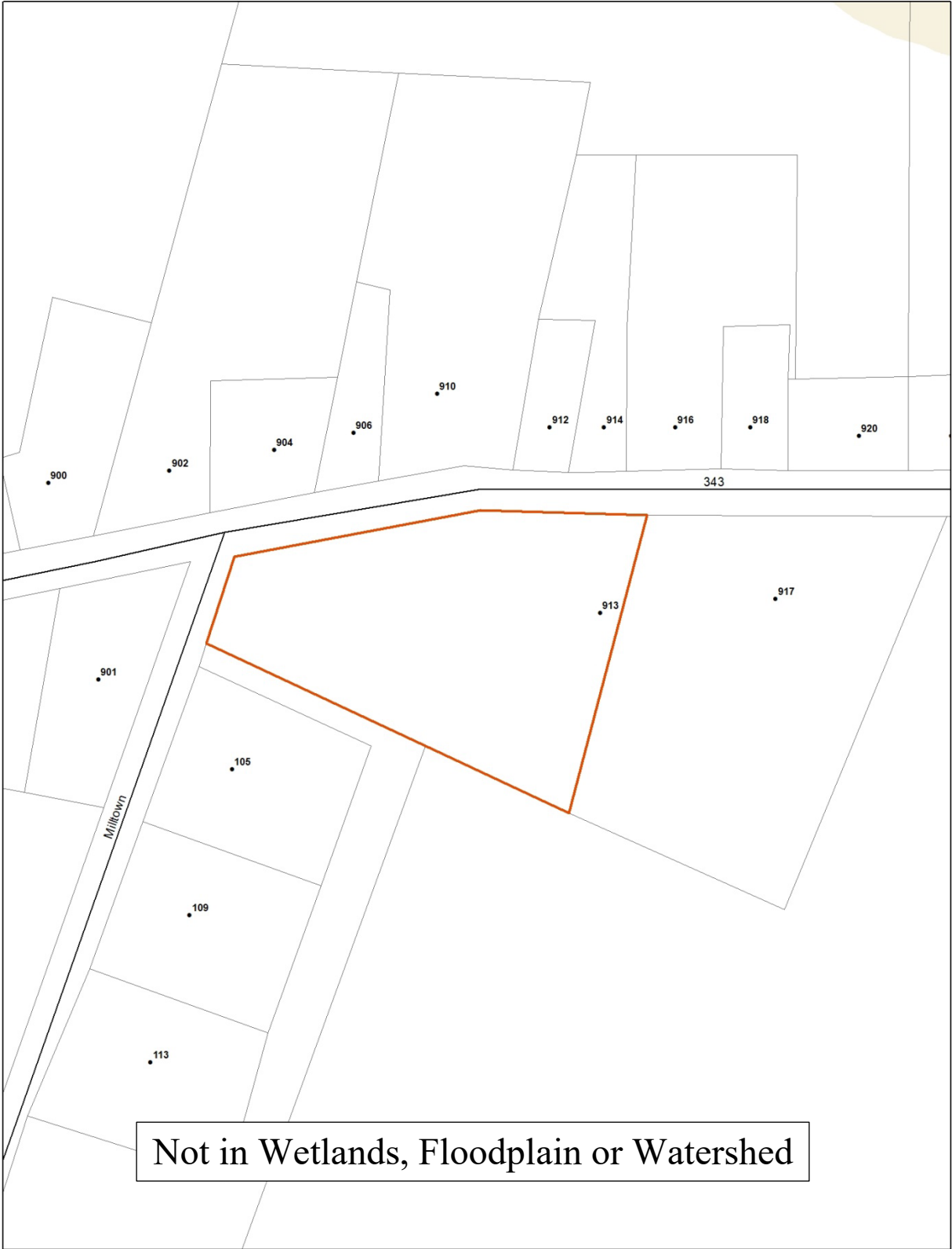
CAMA Land Suitability:



Wetlands Map

Floodplain Map

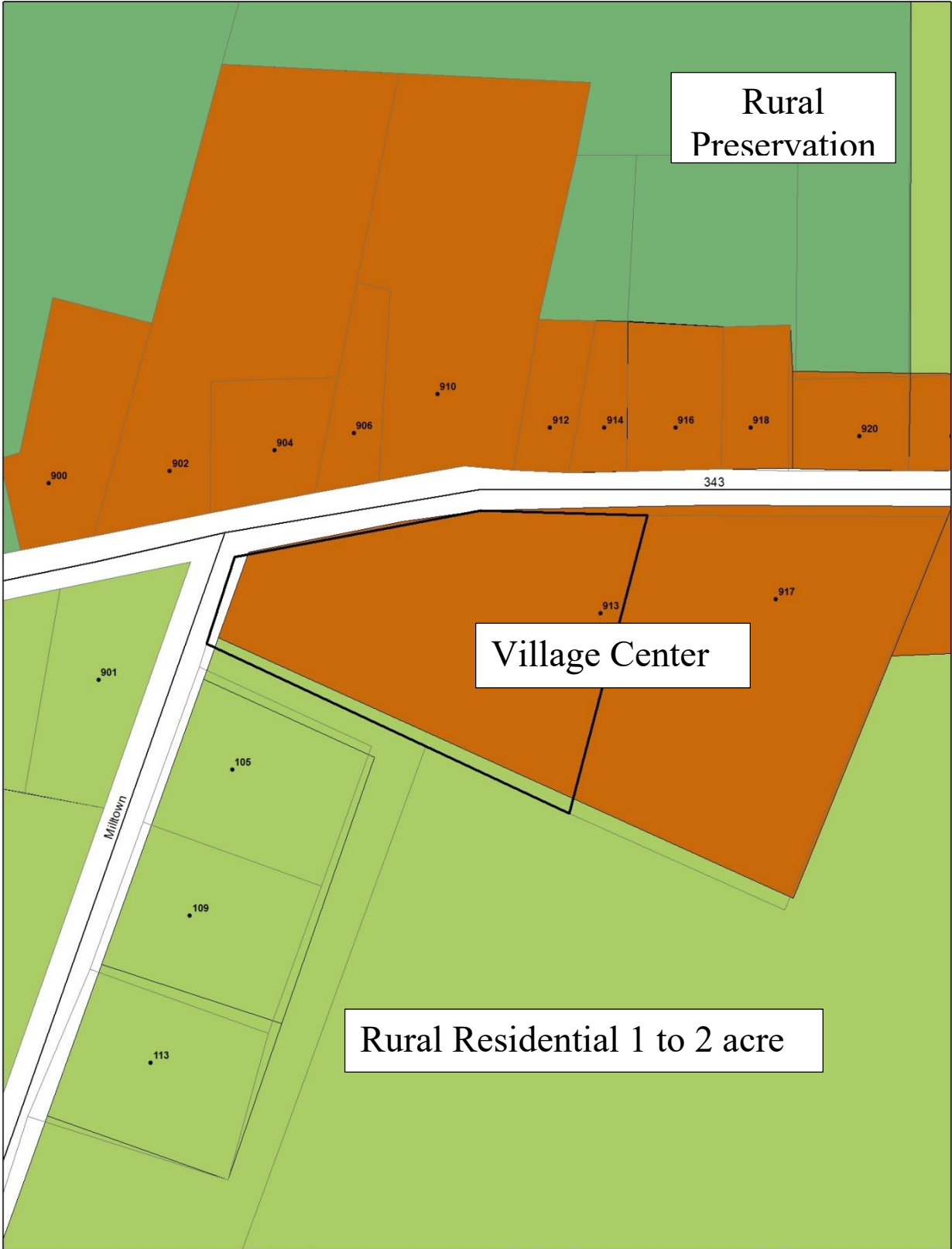
Watershed Map



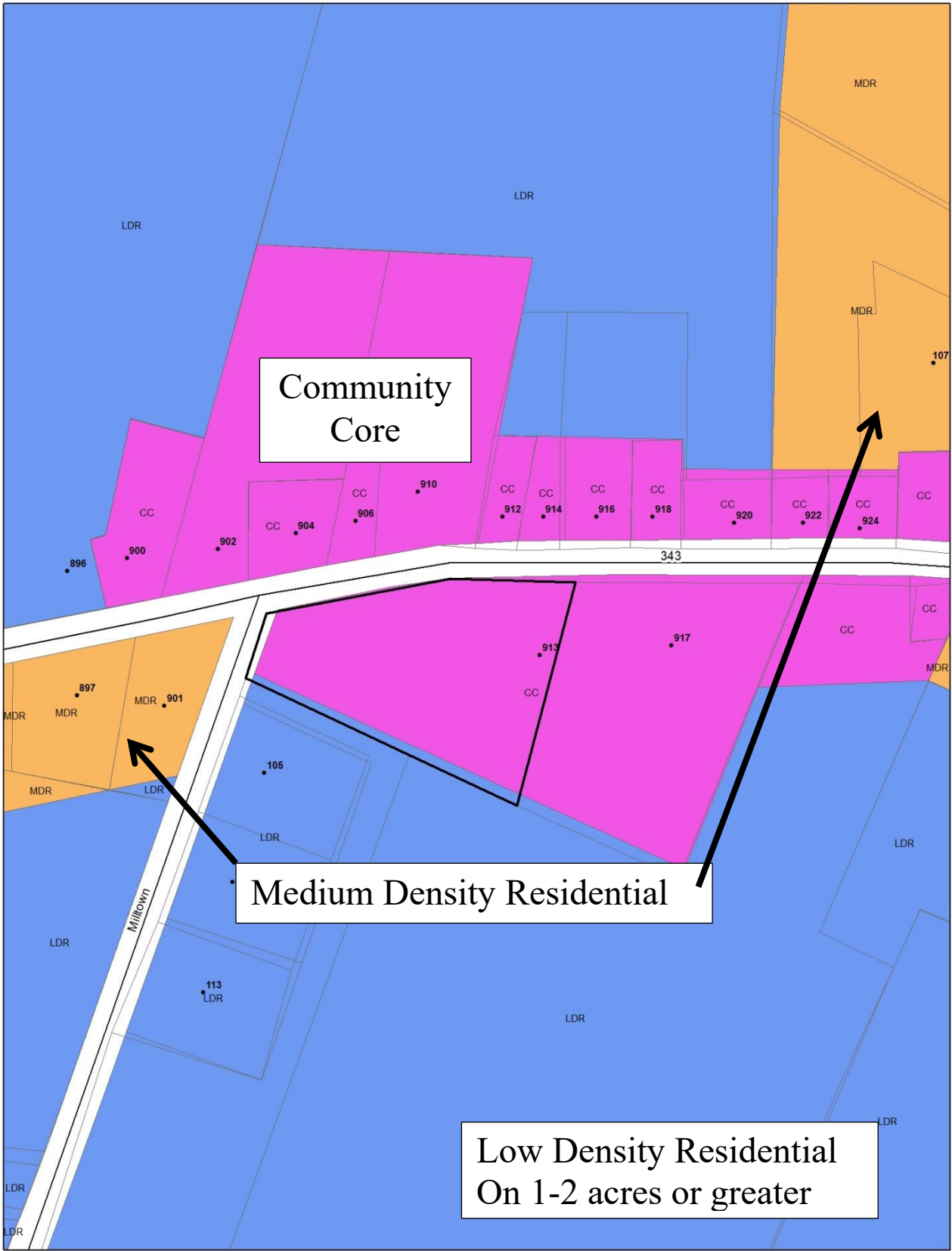
Drainage; Black arrows show apparent water flow

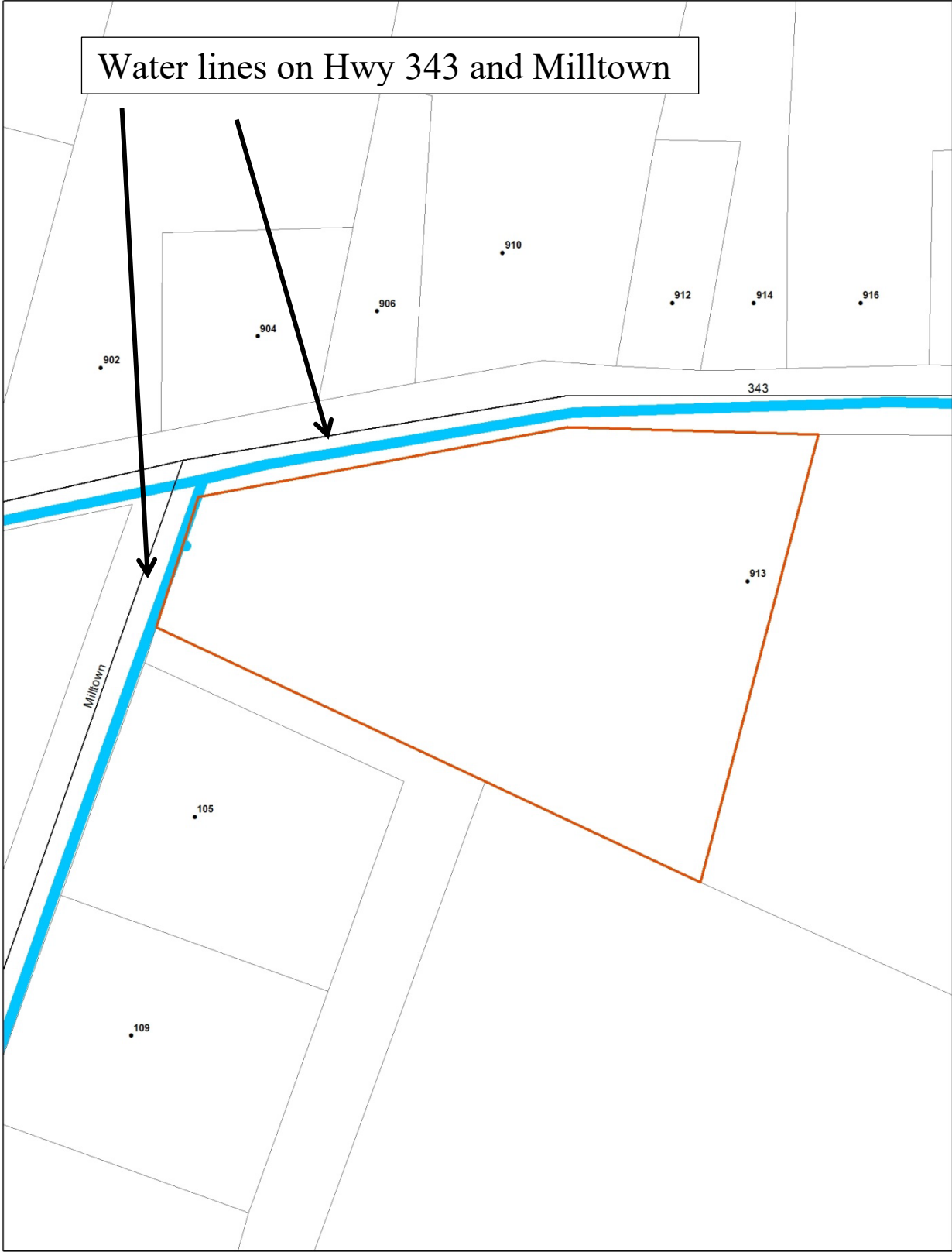


Comprehensive Plan Future Land Use Map



CAMA Future Land Use Map





SITE DATA

Lot size: Approximately 3 acres.
Flood Zone: X
Zoning District(s): Village Commercial (VC)
Existing Land Uses: Vacant- House and Farmland

Adjacent Zoning & Uses:

| | North | South | East | West |
|-----------------------|----------------------------------|------------------------|-------------------------|--|
| Zoning | Village Commercial (VC) | Rural Residential (RR) | Village Commercial (VC) | Rural/Neighborhood Residential (RR/NR) |
| Use & size | Commercial Business/ Residential | Residential Lots | Commercial Business | Residential Lots/Farmland |

Proposed Use(s) - Subdivide one acre with the house and continue to farm Residual.

Description/History of property: Property is located in Shiloh Core Village on Hwy 343. Property has been farmed and house has been vacant.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall: It appears the property drains to the ditch on the south west side in farm field. The flow continues approximately 3300 feet thru farm field ditches south east, south west, south east again into wetlands. The wetlands flow to Pasquotank River.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water Water lines are located adjacent to property along Highway 343 and Milltown Road.

Sewer Not available.

Fire District Shiloh 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 inconsistent in that the Future Land Use Maps has property identified as. Community Core.

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 Village Center.

Comprehensive Transportation Plan

Consistent Inconsistent

Property abuts Hwy 343 South and Milltown 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 Parcel is intended to be part of Village Center

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 Core Village is intended for Commercial Use

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 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 Shiloh Core Village. This parcel is within the Shiloh Community 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 the Shiloh Village Center.

Yes No **Will 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:

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

STAFF COMMENTARY:

The applicant seeks to subdivide the three acre parcel and the house becomes a residential home. The property being in the Core Village is Commercial not moderate density residential development area adjacent to. The property is located in an area that is not supported by either the CAMA or Comprehensive Plans Future Land Use Maps as residential development.

Consistency statement:

The requested zoning change is not consistent with either the CAMA or the Comprehensive Future Land Use Maps that reflect a Village Center and Community Core area.

Recommendation:

Planning Staff recommends denial the Rezoning Application (UDO 2020- 09-03) of 913 Hwy 343 South from Village Commercial (VC) to Neighborhood Residential (NR).