

**STAFF REPORT**

**UDO 2020-12-14  
Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2020-12-14  
**Project Name:** Avery Shores  
**PIN:** 03-8971-00-21-2552  
03-8971-00-30-0834

**Applicant:** Avery Family Rev. Trust  
**Address:** 102 Avery Dr  
Shiloh, NC 27974  
**Phone:** 252-455-1028  
**Email:** sbrad11@gmail.com

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

**Current Owner of Record:** Applicant

**Meeting Dates:**  
12/9/2020                   **Neighborhood Meeting**  
1/21/2021                   **Planning Board Meeting**

**Application Received:** 12/10/2020  
**By:** Amber Curling, Planning

**Application Fee paid:** \$1440.00 Ck# 1

**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 PD & WL to SR

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**REQUEST:** Zoning Map Amendment from Planned Development, Working Lands, and Rural Residential to Suburban Residential.

Rezone two parcels; first parcel 03-8971-00-30-0834-0000 of approximately 52 acres from Planned Development (PD) and second parcel 03-8971-00-21-2552-0000 of approximately 37 acres from Working Lands (WL) and a Rural Residential fragment (RR) to Suburban Residential (SR). All parcels are located off One Mill Rd and Riggs Rd in the Shiloh Township.

## **Rezoning from the following Zoning District:**

### **Planned Development (PD) Purpose Statement (Article 151.3.6.3)**

The Planned Development (PD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:

- Reducing or diminishing inflexibility or uniform design that sometimes results from the strict application of zoning and development standards designed primarily for individual lots;
- Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, special flood hazard area, and historic features.

### **Working Lands (WL) Purpose Statement Article 151.3.5.2)**

The Working Lands (WL) district is established to accommodate agriculture, agriculturally-related uses, and limited forms residential development at very low densities in rural portions of the County. The district is primarily intended to preserve and protect bona fide farms and resource lands for current or future agricultural use as well as to protect the rural character of the area. One of the primary tools for character protection is the requirement to configure residential subdivisions of more than five lots as conservation subdivisions. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening, and allows farmers to capture a portion of the land's development potential while continuing to farm. Conservation subdivisions allow a portion of a tract or site to be developed with single-family detached homes while the balance of the site is left as conservation or agricultural land. The district also accommodates a wide range of agricultural and agricultural-related uses like "agri-tourism" as well as service and support uses to the rural community, including day care, educational uses, public safety facilities, parks, and utility features.

## **Rezoning to the following Zoning District:**

### **Suburban Residential (SR) Purpose Statement (Article 151.3.5.5)**

The Suburban Residential (SR) district is the County's primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions. While the district allows single-family detached homes, mobile homes on individual lots are prohibited. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district

**SITE DATA**

**Size of Lots:** Approximately 52 and 37 acres for an approximate total of 89 acres  
**Flood Zone:** AE  
**Zoning District(s):** Planned Development (PD), Working Lands (WL) and Rural Residential (RR)  
**Existing Land Uses:** Farmland

**Adjacent Zoning & Uses:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	Working Lands (WL)	Neighborhood Residential (NR)	Working Lands (WL)	Pasquotank River
<b>Use &amp; size</b>	Wetlands & Farmland	Residential Lots, Woods, Farmland	Residential Lots, Wetlands & Farmland	NA

**Proposed Use(s)** – The proposed use is to develop 61 waterfront lots, creating the Conservation Subdivide of Avery Shores.

**Description/History of property:** The vacant property is located in southern portion of Shiloh off Riggs Road and One Mill Road. Majority of the property has been used as farmland; the remaining is wetlands and woods.

**INFRASTRUCTURE & COMMUNITY FACILITIES**

**Water:** Water lines are located adjacent to property along One Mill Road and Riggs Road

**Sewer:** Not available.

**Fire District:** Shiloh Fire District.

**Schools:** Proposed zoning will have an impact on Schools.

**Traffic:** Proposed zoning will have impact on Traffic. A Traffic Impact Analysis required at development stage.

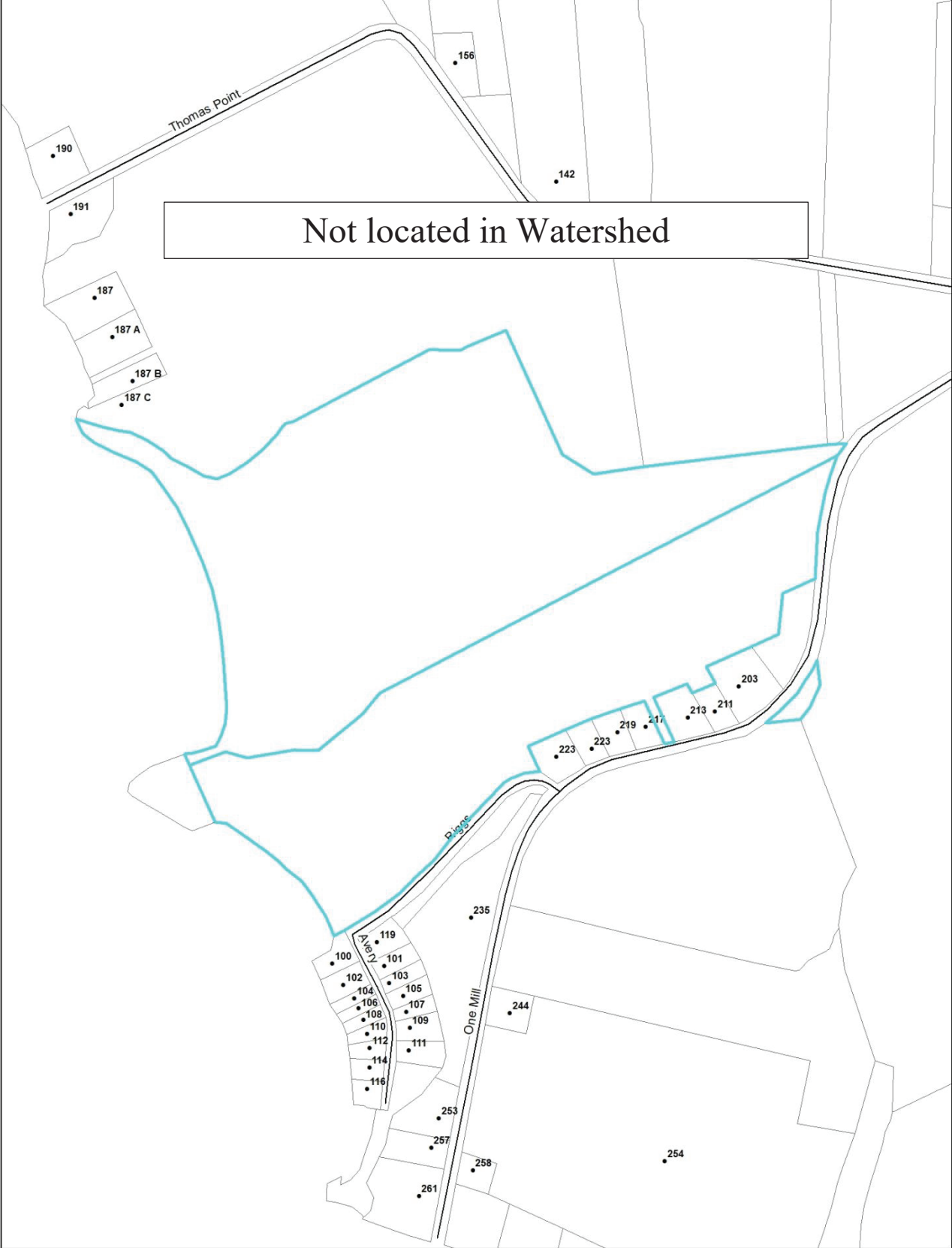
PROJECT LOCATION: Vicinity Map: Shiloh Township



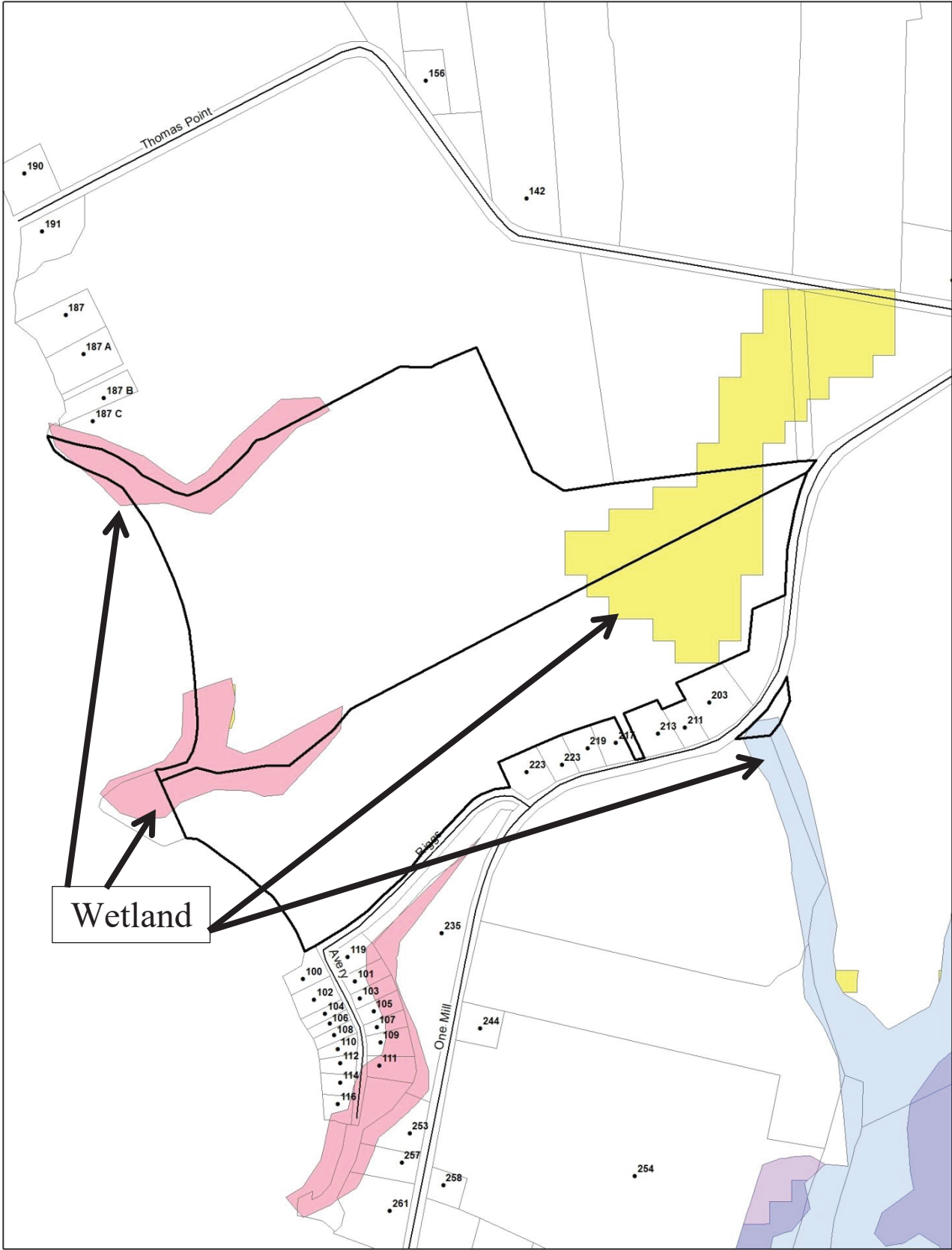




Watershed Map

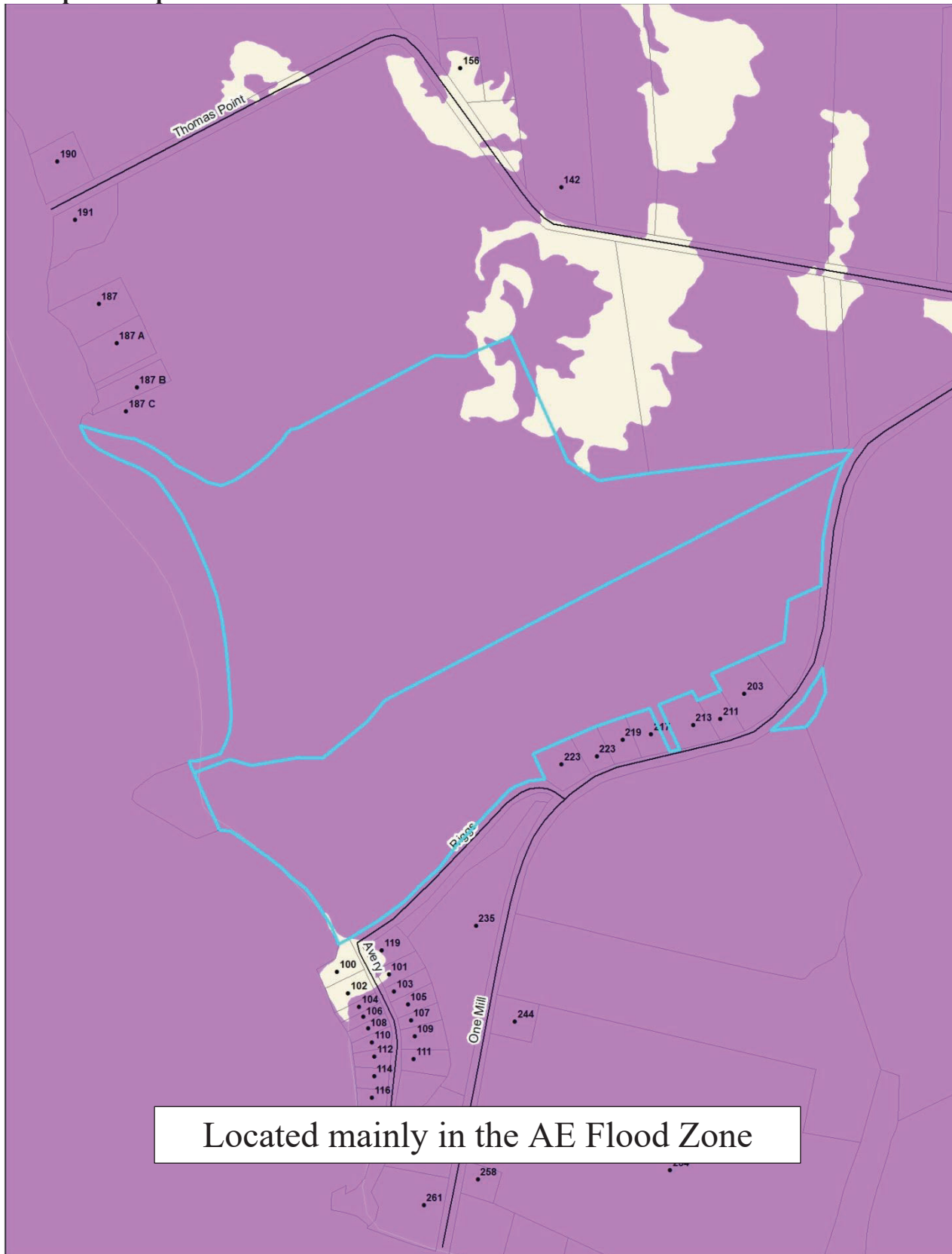


Wetlands Map





Floodplain Map

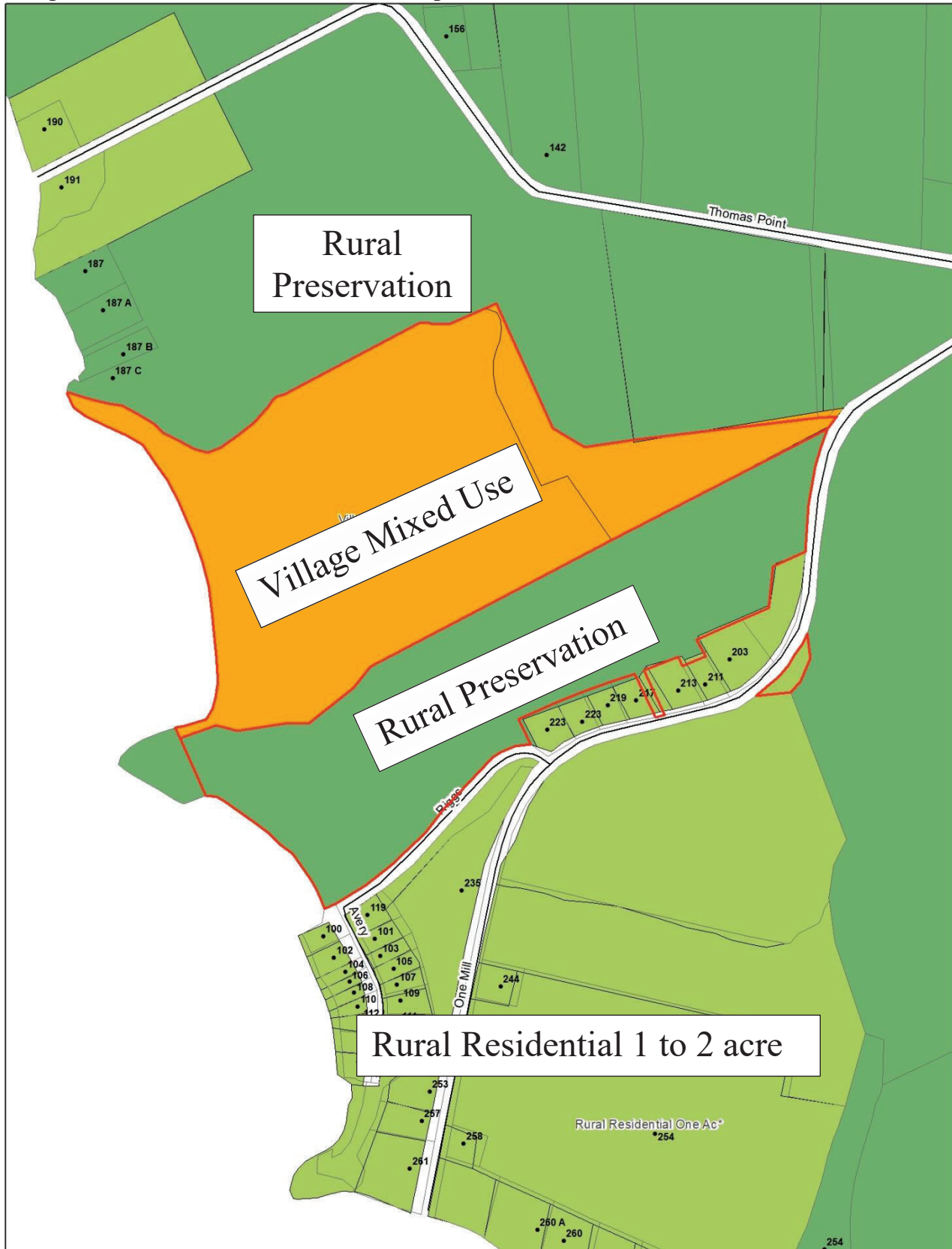


Located mainly in the AE Flood Zone

**ENVIRONMENTAL ASSESSMENT: Streams, Creeks, Major Ditches:**  
**Distance & description of nearest outfall:** It appears the property drains to Pasquotank River.

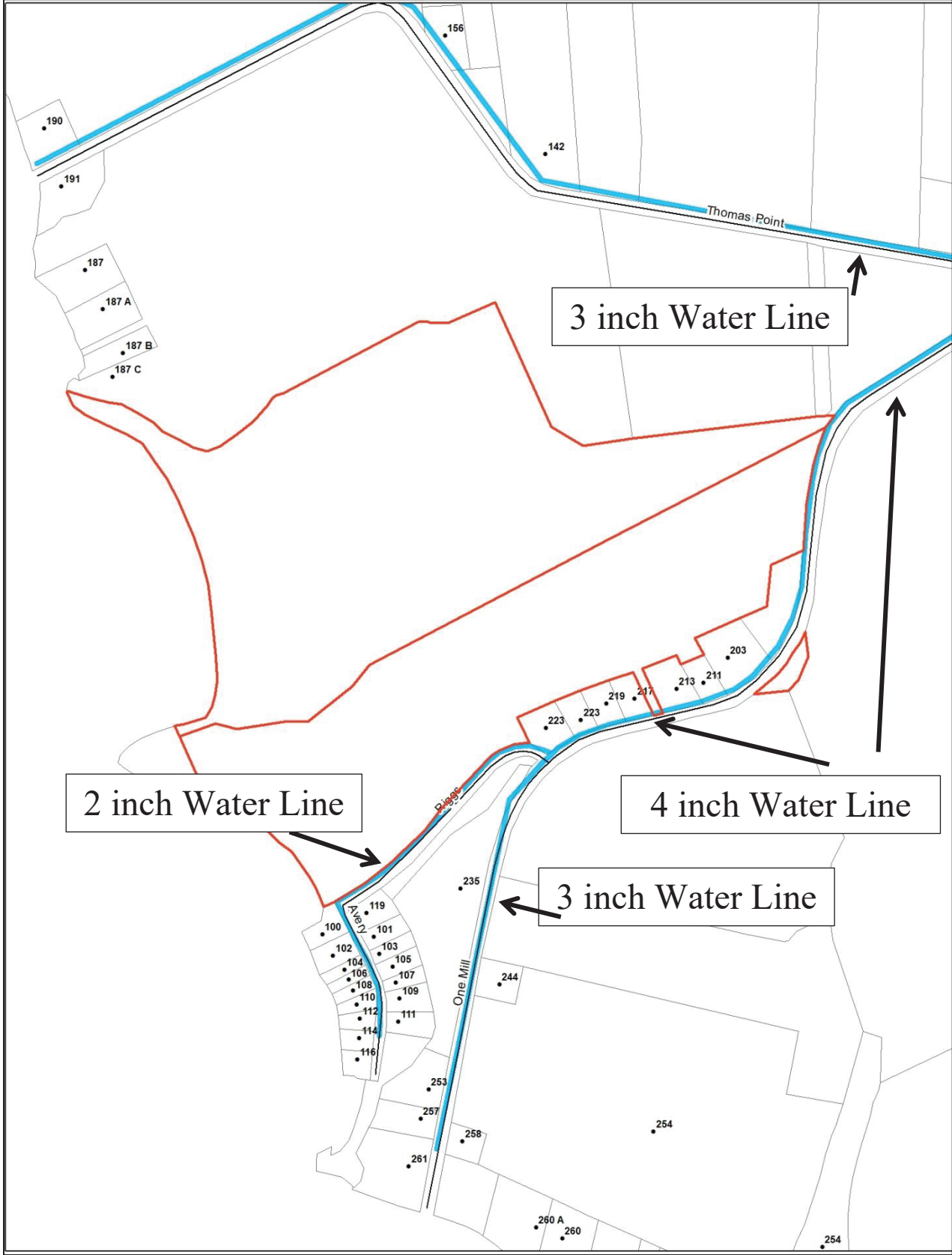


Comprehensive Plan Future Land Use Map





Water is available





Shiloh 1 mile Buffer

Proposed Avery Shores

The goal when reviewing a project for Zoning Regulations in accordance with the Camden County Land Use Plans is to make sure the project is designed to:

- to lessen congestion in the streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population; and
- to facilitate the adequate provision of transportation, water, sewage, schools parks and other public requirements

## Summary

### **CONSISTENCY with PLANS and MAPS**

#### **2035 Comprehensive Plan**

Consistent       Inconsistent

The County’s Comprehensive Future Land Use Map (Adopted 2012) shows the current Planned Development Zoning Parcel to be Village Mixed Use. Village Mixed use areas include moderate to higher density mixed use including residential, commercial, and recreational uses. The Working Lands are shown on the Future Land Use map as Rural Preservation. Rural Preservation promotes the continued use of working lands and protection of environmentally sensitive lands from more intense development.

#### **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 CAMA Future Land Use Maps has the majority of property identified as Conservation. Small areas on the water are identified as Low Density Residential. Conservation is designated to provide for effective long term management of significant limited or irreplaceable areas.

#### **Comprehensive Transportation Plan**

The Camden County Comprehensive Transportation Plan does not identify any roads as needing improvement or recommended for improvement south of Wharf Rd on Hwy 343 south.

#### **-Other Plans officially adopted by the Board of Commissioners**

N/A

**SPECIFIC CAMA LAND USE QUESTIONS for THE PLANNING BOARD TO CONSIDER:**

**1. Does Camden County need more land in the zoning class requested?**

In Camden County 0.63% is zoned as Planned Development, 72.95% is zoned as Working Lands and 1.79% of the property is zoned as Suburban Residential.

**2. Is there other land in the county that would be more appropriate for the proposed uses?**

There is very limited waterfront property left to be developed.

**3. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?**

The range of uses between Planned Development, Working Lands and Suburban Residential are similar. Planned Development may allow for commercial development not allowed in other two districts and the proposed density is established upon approval of Masterplan. Suburban Residential allows for higher density than Working Lands. The Zoning Comparison, included in the package, identifies specific uses for each zoning district.

**4. Will the request have serious impact on traffic circulation, parking space, sewer and water services, other utilities?**

The proposed zoning uses will have an impact on all public facilities. The Preliminary Plat Application will require a Development Impact Statement. The Development Impact Statement is determined by the Physical Analysis, Housing Market Analysis Water Analysis, Sewer Analysis, Fiscal Analysis and Traffic Analysis.

**5. Will the request have an impact on other county services, including police protection, fire protection or the school system?**

The proposed zoning uses will have an impact on all public services. The specific service and to what extent the impact will be projected during the development approval process of the property, using recommendations from the Technical Review Committee.

**6. Is there a good possibility that the request, as proposed, will result, as proposed, will result in lessening the enjoyment or use of adjacent properties?**

All permitted uses in the requested zoning classification should not lessen the enjoyment or use of any adjacent properties.

**7. Will the request, as proposed cause serious noise, odors, light, activity, or unusual disturbances?**

All uses permitted in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

**9. Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?**

The request does not raise serious legal questions.



## **10. Does the request impact any CAMA Areas of Environmental Concern?**

Yes the proposed development includes areas of environmental concern. Concerns are flood zone AE, wetlands, and the waterfront. The development process will include the required documentation for Federal, State and County; (CAMA permit, NCDEQ Erosion & Sediment Control permit, NCDEQ Stormwater permit, Approved County drainage plan, and any other appropriate approvals.)

## **Recommendations:**

Planning Staff recommends approval of the Rezoning Application (UDO 2020- 12-14) of the Avery parcels on One Mill Rd and Riggs Road from Planned Development, Working Lands, and Rural Residential to Suburban Residential. This recommendation is based on the 2035 Comprehensive Plan which identifies: (1) 52 acres as Village Mixed Use with an appropriate specific use as moderate and higher density residential uses (up to 14 dwellings units per acre); (2) 37 acres as Rural Preservation with appropriate uses of farms and forestry sites.