

**Camden County Planning Board
Minutes
September 15, 2010, 7:00pm
Historic Courtroom
Camden County Courthouse Complex**

| Members Present: | Absent: |
|----------------------------|-------------------------|
| Vice Chairman Calvin Leary | Chairman Rodney Needham |
| Fletcher Harris | |
| Ray Albertson | |
| David Bundy | |
| Michael Etheridge | |
| John Aydlett | |

Call to Order & Welcome

Vice Chairman Calvin Leary called to order the September 15, 2010 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

| Name: | Title: |
|-------------|------------------------------------|
| Dan Porter | Director of Planning |
| Dave Parks | Permit Officer/Flood Administrator |
| Amy Barnett | Planning Clerk/Clerk to the Board |

OTHERS PRESENT

| Name/Residence: | Title: | Purpose / Representing: | Meeting Section: |
|---------------------------|--------------------------|-------------------------|------------------|
| Thomas P. Nash | Attorney | Elsie G. Hollowell-Pugh | New Business #1 |
| Chuck Hollowell | Son of Ms. Pugh | Elsie G. Hollowell-Pugh | New Business #1 |
| Richard Browner | Land Planning Consultant | Elsie G. Hollowell-Pugh | New Business #1 |
| William (Bill) K. Wassink | Public Commenter | Spoke in Opposition | New Business #1 |
| Darryl Neal | Public Commenter | Spoke in Opposition | New Business #1 |
| Allison Neal | Public Commenter | Spoke in Opposition | New Business #1 |
| Shawn Wench | Public Commenter | Spoke in Opposition | New Business #1 |
| Craig Poff | Sr. Business Developer | Iberdrola Renewables | New Business #2 |
| April Montgomery | Business Rep | Invenergy | New Business #2 |

Consideration of Agenda

Vice Chairman Calvin Leary called for consideration of the agenda.

Motion to approve the agenda as presented made by: No Motion Made, Agenda Approved by Board Consensus.

Motion Seconded by: N/A.

No vote was taken to approve the agenda, rather it was approved by board consensus as no one spoke to the contrary.

Comments from the Public

None

Old Business

None

New Business

Rezoning Application (UDO 2010-08-11) Elsie G. Hollowell-Pugh

Dave Parks described this re-zoning application as listed in the findings of facts below:

Findings of Facts

UDO 2010-08-11 Zoning Change Application

1. **Name of Applicant:** Thomas P. Nash
2. **Agent for Applicant:** Mr. Nash is Agent for Elsie G. Hollowell-Pugh
3. **Address of Applicant:** 200 N. Water Street #2A
Elizabeth City, NC 27909
4. **PIN:** 02-8916-00-81-4029-0000
5. **File Reference:** UDO 2010-08-11
6. **Name(s) of Current Owner(s) of Record:** Elsie G. Hollowell-Pugh
7. **Street Address of Property:** 172 Shipyard Road
8. **Location of Property:** Courthouse Township
9. **Flood Zone:** X/AE
10. **Zoning District(s):** Basic Residential (R3-2)
11. **General Description of the Proposal:** Request rezone approximately 32.9 acres from Basic Residential (R3-2) to Basic Residential (R3-1)
12. **Date Application Received by County:** August 6, 2010
13. **Received by:** David Parks, Permit Officer

14. **Application fee paid:** \$880.00, Check # 3649
15. **Completeness of Application:** Application is complete.
16. **Documents received upon filing of application or otherwise included:**
- A. Rezoning Application
 - B. Deed
 - C. Letter authorizing Mr. Nash to act as agent
 - D. Health Department soil testing results
 - E. GIS Ariel Map of property to be rezoned
 - F. Adjacent property owner notice
17. **Adjacent Property Uses:**
- A. Predominant: Agriculture
 - B. Other: Wetlands / Some Residential
18. **Existing Land Uses:** Agriculture
19. **Lot size:** Approximately 32.9 acres
20. **Utilities:**
- A. Does the applicant propose the use of public sewage systems? No
 - B. Does the applicant propose the use of public water systems? Yes
 - C. Distance from existing public water supply system: Adjacent to property
 - D. Is the area within a five-year proposal for the provision of public water? Existing.
 - E. Is the area within a five-year proposal for the provision of public sewage? No
21. **Findings Regarding Additional Requirements:**
- A. How will the proposed zoning change enhance the public health, safety or welfare?
The proposed zoning change will enhance the public health, safety or welfare in providing higher density within an area of commercial zoning that would attract commercial uses and provide much needed revenue.
 - B. 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 permitted uses is the same in both zoning classifications.
 - C. For proposals to re-zone to non-residential districts along major arterial roads:
 - (1) Is this an expansion of an adjacent zoning district of the same classification? N/A
 - (2) What extraordinary showing of public need or demand is met by this application?
N/A
 - D. Conformity with the Plans:
 - (1) Land Use Plan - The requested zoning is generally in compliance with the Land Use Plan.
 - (2) Thoroughfare Plan - Access to property will be off Shipyard Road.
 - (3) Other Plans officially adopted by the Board of Commissioners - N/A
 - E. Will not exceed the county's ability to provide public facilities:
 - (1) Schools - The requested zoning could have twice the impact on the schools than the existing zoning.
 - (2) Fire and Rescue - Will have minimal impact on Fire and Rescue.
 - (3) Law Enforcement - Will have minimal impact on law enforcement.
 - (4) Parks & Recreation - Will have minimal impact on Parks & Recreation.
 - (5) Other County Facilities -

Staff recommends approval as the requested zoning is generally in compliance with the Land Use Plan as:

- Land Suitability ranges from very low to moderate (some wetlands on property)**
- The uses in the requested and existing zoning classification are the same as there is only a change in the density if subdivided from two acres to one acre.**
- There is a 6" water line extending down Shipyard Road.**
- ARHS soil evaluation indicates land suitable for conventional septic systems with some minor modifications.**

The only non-compliance with the Land Use Plan is that the property is located approximately 3 miles outside the Courthouse Core Village lines.

Dave Parks then went over a list of 5 questions which the board (Planning Board and Commissioners alike) need to consider. These were included in the board packet.

1. Does Camden County need more land in the zoning class requested?
 - We've talked about establishing nodes around areas of our commercial development, up along 343
 - This would provide higher density to support any type of commercial businesses which may look to locate in that area
 - A listing of the different zoning classifications and the percentages of developable land in those zoning classifications has been provided to the board... looking percentage wise, there are very limited 1 acre lots in the county, there are a lot of 2 acre lots, and general use.
 - Planning is looking at this area as a possible node to provide higher density for the residential up along 343, also the key thing there is water and sewer up there, which will eventually attract more commercial businesses.
2. Will the request have a serious impact on traffic circulation, parking, sewer, water, services, and other utilities?
 - Currently water runs down Shipyard Road.
 - If a subdivision is planned, a traffic impact analysis would be required.
3. Will the request have an impact on county services including police protection, fire protection, and school system?
 - Impacts on county services will be handled at subdivision application.
 - If the county does not provide the adequate facilities to support development of a subdivision, then that would be a basis for denial.

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

- The front property, located at address 154 Shipyard Road, contains a house on the historic registry (Milford House). If this rezoning is approved, it may require a buffer to protect this historic site.
- Staff doesn't think this would lessen the enjoyment or use of adjacent properties.
- Adjacent properties are (1) Coastal Land Trust (Wassink Property) to right of Mrs. Pugh's property, (2) swampland in back of Mrs. Pugh's property which will probably never be developed, (3) wetlands and swamps across the road (gamelands owned by the State of NC)
- Very limited developable land in that area, and Mrs. Pugh's land is it.

5. Does the request adversely impact any CAMA areas of environmental concerns or other environmental sensitive areas including water quality?

- The high ground is outside the 100 year flood zone, it drops off in the back.
- Storm-water and environmental issues can be addressed later on by developer, as far as drainage requirements etc.

Mr. Parks then indicated that Planning Staff is recommending approval of this re-zoning application.

At this time, Mr. Parks introduced the applicant, Mr. Thomas P. Nash, who is also agent for the land owner Mrs. Elsie G. Hollowell-Pugh.

Mr. Nash provided the following information:

- Stated for the record that he is a resident of Elizabeth City-117 Nixonton Loop Road
- He is representing Mrs. Pugh, as she has health issues and could not be here
- Mrs. Pugh's son is present at these proceedings (Chuck Hollowell-from Raleigh)
- Property in question is a 32.9 acre tract on Shipyard Road
- Requesting rezoning from R3-2 to R3-1
- Health Department has determined that the property is suitable for ground absorption systems, and has provided a report to that effect
- A wetlands delineation has been prepared and furnished to the planning department which defines that the property does meet county requirements
 - There is an area in the middle that is low
 - It is suitable to have a bridge or road connecting the two high parcels
 - Surrounding properties are composed of a lot of swamp and a lot of land that will likely not be developed
- Our goal is to provide affordable housing to residents of the county
- We believe our request is consistent with the land use plan and request approval of the rezoning
- Chuck Hollowell, Mrs. Pugh's son, is also here to answer any questions the board may have of him

At this time, Mr. Nash entertained questions from the Board and Staff.

Vice-Chairman Calvin Leary asked Mr. Nash if the request were granted, what benefits would be seen by the citizens of Camden County.

- Mr. Nash responded that with 1 acre lots located on a paved road with water available, would allow for affordable housing in a period of time when many people can not afford much of anything. He added that he hoped to provide reasonable housing prices to people who want to move to the subdivision.

Vice-Chairman Calvin Leary asked Mr. Nash to elaborate on what was meant by the term 'affordable housing'. Mr. Nash deferred the question to Mr. Richard Browner for an answer. Mr. Browner provided the following information:

- Indicated that Mrs. Pugh contacted him 2 or 3 years ago to look at her property and make recommendations as to its potential use
- Informed Mrs. Pugh of 3 main issues to be concerned about:
 - Land Issues:
 - Wetlands on her property - need for delineation, which at this point has already been done
 - Area of wetlands cuts across the middle of Mrs. Pugh's property
 - Mrs. Pugh was concerned about architectural control standards and the house at 154 Shipyard Road (Milford House) which is on historic registry
 - Mrs. Pugh didn't see a need for large mansion size houses, rather a 2100 - 2400 sqft house with nice architectural controls is more her intent
 - Want to ensure a more than adequate buffer for the home in the historic registry
 - Soil Suitability - ARHS has tested the area and the soil is suitable for ground absorption systems
 - NCDOT Issues:
 - The roadway to Mrs. Pugh's property has recently been paved.
 - Any additional subdivision roads would be built to NCDOT standards
 - Permit Issues:
 - Other permits would have to be obtained:
 - Erosion & Sedimentation Plan
 - Storm-water Management Plan
 - CAMA Permits
 - Other Environmental Permits & Approvals
- Mrs. Pugh wants the final product to be something that is attractive and is something the community can be proud of
- Mr. Browner indicated that if he were a neighbor, he would be concerned regarding covenants, restrictions, and architectural standards and conditions
 - After these items are drafted, is willing to get together with everyone and go over these items prior to any meetings (Planning or Commissioners)

Dave Parks reminded Mr. Browner that the neighbors of Elsie Pugh would be involved in the process the entire way, and that a neighborhood meeting would be required prior to any further meetings.

Mr. Browner acknowledged Mr. Parks comment, and reminded the Board that Mrs. Pugh's son was here to speak on her behalf.

At this time, Mr. Chuck Hollowell, of Carey NC, came to the podium.

- His mother, Elsie G. Hollowell-Pugh lived in the community all her life until last year, when her health issues necessitated a move to Raleigh to enter an assisted living home wherein she could be close to her son's residence in Raleigh.
- Mr. Hollowell has been handling her property since her move into assisted living
- He was encouraged that this would be appropriate for Shipyard Road
- He doesn't think that there will be an unreasonable increase in traffic if rezoning is approved
- Commented on the fact that the soil perked ok, there's sewer and water available, and the road is paved. Taking these into account, he feels it is appropriate.
- Offered to answer any questions from Board or Staff (there were no questions)

At this time, Mr. Dave Parks opened the floor to public comments.

William (Bill) K. Wassink, of Elizabeth City, NC made the following comments:

- Mr. Wassink's family are stewards of Milford house and take care of it
- Milford House is an asset and a treasure for Camden County and the area should be preserved
- Bought and donated to NC State University, 100 acres of swamp/wetlands across the road from Mrs. Pugh's property
- Bought and donated the development rights to Coastal Carolina Land Trust, 57 acre tract of land adjoining Mrs. Pugh's property (also adjoins Milford House property)
- Sole purpose is to keep area as rural as possible and to preserve integrity of historic home
- Recommend as little development as possible
- Against the rezoning

Darryl Neal, a resident of Shipyard Road, Camden, NC made the following comments:

- Most of Mrs. Pugh's property is in flood zone AE, and so any future residents would be required to maintain flood insurance at great cost
- If a big hurricane or nor'easter came through, more than 1/2 of the property would be under water
- 3 pieces of land surrounding Mrs. Pugh's property are part of the Shipyard Natural Heritage Area (2005, NC Natural Heritage Program Biennial Protection Plan)
- Milford House gives the Shipyard Road area a Historic feeling. That feeling would be lost if a modernized housing development were built on it's back doorstep
- There's no other R3-1 in this area
- A rezoning and subsequent housing development would mean additional traffic up and down Shipyard Road, and the road is too narrow already for that. Bikers and walkers have to get off of the road when a car comes down the road.
- Camden County is supposed to maintain a quality school system with no overcrowding of schools, but if this is built, it would have twice the impact on schools

- The rezoning doesn't agree with the Camden County community vision statement that is in the land use plan:
 - 'Camden County will be an area controlled by growth designed to maintain its rural and cultural heritage' - this applies to this area
 - 'future development will have at its foundation the preservation of Camden County's quality of life including it's natural resources' - again this is a natural heritage area
- It will decrease the quality of life for all who live on Shipyard Road

At this point, Mr. William (Bill) K. Wassink spoke again briefly only to ask if Mr. Browner was aware of the gas line that ran along Shipyard Road. Mr. Browner responded:

- Mr. Browner was not aware of the gas line at this point
- Mr. Browner indicated that one of the first steps after approval of the rezoning is to contact utilities and find out where all the lines are and what type of lines they are

Mr. Browner made additional comments in response to earlier comments:

- Assured all present that what is built will be an asset to the community
- Regarding Milford House, will be getting together with the neighbors to present some type of landscaping easement and a buffer around that home (if all is approved)
- Mentioned Mrs. Pugh was concerned with aesthetics of how the area will look and that the historic home was buffered very well
- Feels that 20 some single family homes will not affect property values on Shipyard Road

Mr. Shawn Wench, a resident of Shipyard Road, made the following comments:

- He feels the property is not suitable to break into 1 acre lots
- Commented that there are other 1 acre lots (R3-1 zoning districts) in the county
- Concerned with the number of persons who would be residing in that area, feels it would be a substantial increase in residency, not to mention traffic
- Feels it would put a strain on county facilities in the area
- Feels it would decrease quality of life in the area

Mrs. Allison Neal, a resident of Shipyard Road, made the following comments:

- The community on Shipyard Road is a tightly knit community, rezoning would affect quality of life, family outings, etc.

Planning Board member Ray Albertson asked Mr. Browner if the property had been divided for 2 acre lots on a plat or only for 1 acre lots. Mr. Browner responded only for 1 acre lots.

At this time, Ray Albertson made a motion to Deny Rezoning Application (UDO 2010-08-11) Elsie G. Hollowell-Pugh. John Aydlett seconded the motion. The motion passed with members Ray Albertson, Fletcher Harris, Michael Etheridge, and John Aydlett voting aye; Vice-Chairman Calvin Leary and member David Bundy voting no; 1 absent; none not voting.

Rezoning Application (UDO 2010-08-11) Elsie G. Hollowell-Pugh has been Denied.

Ordinance No. 2010-09-01 Amendment to Chapter 151 (Unified Development) of the Camden County Code of Ordinances concerning Wind Turbines

Dan Porter described this amendment and went over the changes made to the Wind Turbines ordinance.

Craig Poff of Iberdrola Renewables made a presentation to the Board regarding Wind Turbines and Wind Farms.

April Montgomery of Invenergy made a brief commentary regarding wind energy to the Board.

At the conclusion of the presentation and commentary made by Mr. Poff and Ms. Montgomery, the Board took action on the above ordinance.

Vice Chairman Calvin Leary entertained a motion regarding the above ordinance. Ray Albertson made a motion to accept the ordinance as written with the amendment [and send to commissioners for their consideration]. The motion was seconded by Michael Etheridge. The motion passed with Vice-Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Information from Board and Staff

None

Consider Date of Next Meeting - October 20, 2010

Adjournment

At 8:23 PM, Fletcher Harris made a motion to adjourn the meeting. Ray Albertson seconded the motion. The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, Ray Albertson, David Bundy, Michael Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Date: _____

Approved: _____
Vice Chairman Calvin Leary

Attested: _____
Amy Barnett, Planning Clerk