

Camden County Planning Board
Minutes
January 21, 2009, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present: Chairman Rodney Needham,
Fletcher Harris, Ray Albertson,
Calvin Leary, Michael Etheridge

Absent: Vice Chairman
Terri Griffin,
John Aydlett

Call to Order & Welcome

Chairman Rodney Needham called to order the January 21, 2009 meeting at 7:00 PM.

Others Present at Meeting

Present were staff members Dan Porter, Dave Parks, and Amy Barnett. Present to speak in regards to the Stormwater Drainage Plan issue was Greg Johnson. Also present to speak in regards to a rezoning request were Mike Perry, Mike Riggs, Debbie Heath, Gurnie Needham, and Roy Heath.

Consideration of Agenda

Chairman Rodney Needham called for the consideration of the agenda. Calvin Leary made a motion to approve the agenda. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

Consideration of the Minutes- December 17, 2008

Chairman Rodney Needham called for the consideration of the minutes from the December 17, 2008 meeting. Calvin Leary made a motion to approve the minutes from the December 17, 2008 meeting as written. Ray Albertson seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

Comments from the Public.

None.

Old Business

Update on Surveyors' Issue: Stormwater Drainage Plans

Dan Porter briefly reviewed the issue which was tabled from the last meeting. This issue relates to whether or not the county will accept a surveyors seal on a stormwater drainage plan, as well as a engineers plan. Currently the UDO says the county has to have on minor subdivisions, a professional engineers seal on a stormwater plan. Surveyors also spoke with regard to the reasons why they feel that their interpretation of the law, which is somewhat gray in a few areas, is that they can do stormwater plans and seal them and that they are acceptable. At that time the board had a discussion about it and they wanted more information about it, Mr. Greg Johnson, the consultant for the County that reviews the stormwater plans for major subdivisions, was asked to come and make a few comments regarding this issue. Also, Mr. Johnson has been in contact with the Board of Examiners for Engineers and Surveyors, and asked them to provide a formal opinion for the county. In addition to this, Mr. Porter received a letter from the Board of Examiners regarding this issue. At this time, Mr. Porter introduced Mr. Greg Johnson, who spoke very briefly about this issue. Mr. Johnson indicated that he supported the statement of the Board of Examiners that surveyors should be allowed to do the stormwater drainage plans as he/she is qualified and licensed by the state to do so.

Chairman Needham stated an opinion that if the state mandates that one group is qualified to do a certain thing, it is a little redundant for the county to change that, unless there is a valid reason.

Mr. Dan Porter added that in talking with Mr. David Tuttle, Board Counsel for the Board of Examiners, that there is still a gray area as to what constitutes "incidental to a subdivision" and what types of storm water improvements should be designed by an engineer. So they [the Board of Examiners] will continue to look into it.

Mr. Porter spoke of the possibility of having the surveyors or engineers sit with staff and explain their calculations, so as to gain a better understanding of what's going on with any given piece of property.

Mr. Porter also spoke about landscape architects as persons who also perform stormwater drainage calculations for these plans, although they have to take extra classes to be qualified to do this.

Chairman Needham asked if we needed to change the ordinance. Mr. Porter responded that the only thing is that it puts the burden on staff to understand the plans better, no matter who submits them to us. It does require a change to the text of the ordinance so it reads "Engineers and Surveyors"... instead of just "Engineers" as it is now.

Michael Etheridge asked if staff could obtain an opinion from the Board of Examiners regarding landscape architects and stormwater drainage in case it comes up. Mr. Porter responded that staff can do that, but does not want to hold up the immediate issue.

At this time, Michael Etheridge made a motion to recommend a modification in the text of the 151.400 section to include licensed surveyors, as well as licensed professional engineers, to submit storm water drainage plans for minor subdivisions. Calvin Leary seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

New Business

UDO 2009-01-03, Rezoning Request, Intersection South 343 & Wharf Road, NC to R-2

Dan Porter gave a brief background on this issue. The properties involved are a subset of properties that the Planning Board has looked at before. There was a request to rezone a piece of property down in the Old Trap area from Neighborhood Commercial to Residential, a request for a single lot for purposes of placing a single family dwelling on the lot. At the time, staff suggested that all the properties in that area be included and one of the options listed was that the zoning could be changed to mixed use (R4X), a zoning district which we don't have - would have required a text amendment. This would have allowed both commercial and residential uses in the same district. The public present at the Planning Board meeting seemed to favor this option the most, and this option was recommended to the Board of Commissioners along with a request to create the R4X zoning district. However, at the commissioners meeting, the commissioners chose to rezone only two properties to residential, and they did not do anything with the R4X zoning text amendment request. Following the commissioners meeting, a couple of the commissioners asked if this could be brought back to the Planning Board to rezone the rest of the properties to Residential with the exception of 2 properties, which would be left as Neighborhood Commercial (NC).

At this time, Chairman Rodney Needham invited the public to speak in regards to this rezoning.

Mr. Mike Perry spoke at this time, saying that the two properties they want to leave as NC, were 1427 and 1431, which are the two corner lots on each side of Wharf Road. The property owners have gotten together and decided among themselves that they did prefer the properties be rezoned to R-2, with the exception of the 2 aforementioned properties. They compiled a petition with all but one property owners signature on it in agreement with this.

Calvin Leary asked if this would be considered "spot zoning". Dan Porter replied that it may be considered "reverse spot zoning". Those public persons present indicated a desire to have the zoning revert to what it was before it was zoned to NC. They want it to go back to how it was.

Chairman Needham asked if anyone else wanted to speak.

Mr. Mike Riggs spoke next. He wanted to know why the area was zoned commercial when his fathers house has been there over 100 years and the area has always been residential in his view. Dave Parks responded saying that they looked at zoning maps going back to 1999 and those maps showed the area as being commercial. Mr. Parks indicated that he did not know what it was before then, but that he believed it to be a community core area. Mr. Riggs indicated that when he moved into the area in the 1980's the area was Residential, and if it was rezoned, he received no notification of any rezoning.

Ms. Debbie Heath spoke next also saying that she as well was never notified of any rezoning in the area. She also wanted to know why she was never notified. She complained about the process of having to jump though hoops to have things changed back to what they were.

At this time, Mr. Dan Porter stated the following:

"Planning Staff are bound by NC State Law to notify people. There is a specific process that we have to follow which includes letters, posting of notices, and advertisements. I know since I've been here in 2004, that process has been followed to the tee. There is a discussion with Dave [Parks] about what happened in 2002 when there were several rezonings across the properties, the process that the state requires was followed at that time, there is an affidavit in the County Commissioners minutes that states that from the county manager that the process of notification was followed and I hate to be combative about this, but, we are required by law to follow certain procedures and we follow those procedures, what may have happened in the past, past commissions, Camden County going through a transition from very no growth history to a history of paying attention to its land uses. And so, I think that there probably have been cases in the past when people were notified and did not recognize that they were being notified. The reason that I can tell, and I was not here at the time that the land use plan was put together, but the land use plan for this area is that it be some type of commercial area to serve the southern portion of the county. And granted it is not a highly developed area, but it is an intersection that at one time in the past had a commercial business there, maybe more than one, it's 3 miles from Shiloh, which is the nearest zoned property for any kind of commercial business. And I think the rationale behind making that decision to try and develop a commercial area is a valid rationale. I don't discount whatsoever, and I respect all the people down there with regard to the uses of their property, the recommendation that we made with regard to establishing an R4X zone, we've had this discussion with regard to at least 2 other properties in the county, and it's been rejected. It happens to be, what I think, is a reasonable solution to these areas that are transition that gives the property owners the benefit of being able to maintain their uses, redevelop their uses, in pretty much any manner that they want to. I'm not going to oppose the rezoning of this back to R-2, but I will say that I think the rationale is there, while it does not exist in our zoning code, that we need to think about some kind of mixed use area where these transitions are taking place, it even goes into the principles of smart growth, that idea of mixing land uses so that you don't separate residences from commercial areas when those types of commercial businesses may serve those residences, they are next door neighbors. I'm not going to oppose this, but I will say that I think our recommendation is that it is consistent with the land use plan for it to be some type of commercial area."

Chairman Needham again asked if anyone else wished to speak. Mr. Gurnie Needham indicated a desire to speak. Mr. Gurnie Needham said he also never received any notifications. He also made mention of the lot sizes of his properties as not being large enough to place a business on. In his opinion, his properties have no commercial values so he is asking the board to vote in favor of rezoning to R-2.

Mr. Roy Heath questioned how the area came to be zoned as commercial when it was not commercial when he moved there in 2004. He voiced concerns regarding the limits placed on property owners in NC zones, specifically home owners. He stated "It's my HOME, it's not commercial!".

Mr. Mike Perry questioned how far back the county zoning maps go back. He asked if 1999 was as far back as the county maps went back. Dan Porter responded to this saying that this was as far back as the county maps went back. Mr. Perry then asked if the county had a practice of purging their old maps, what happened to the old maps?. Dan Porter answered saying that he didn't know if it was a process of having been purged, but that he thinks they were just gotten rid of. He further stated that it is a difficulty for Planning Staff, because records were not very well kept, up until about 2002, and the maps that were from prior to 2002 are a little sketchy, but they do show that area as having been commercially zoned. They are not signed official maps, but they are the best ones we can find.

Dan Porter then spoke of the 2002 county wide rezoning and the letters that were sent out to all taxpayers of record. He mentioned an affidavit in the commissioners minutes signed by the county manager. He also mentioned envelope stuffing of letters to all taxpayers in the county saying that zoning changes were taking place, and for them to attend a meeting to see what those changes were going to be. Mr. Porter said that the county encourages and welcomes community involvement and participation in the planning and zoning processes within the Camden County. The more community involvement and participation there is, the better the decisions that are made.

Mr. Porter went on to say that staff are only required to post notifications that there is going to be a public hearing, after the Board of Commissioners has set the hearing, and what date, and this is after the Planning Board has met and made their recommendations to the Board of Commissioners. All Planning Staff at this point is required to do is to advertise that there is going to be a public hearing and to send letters on zoning issues. Planning Staff are trying to go a few steps further than that by sending out notifications at the Planning Board stage, which are not required.

At this time, Chairman Rodney Needham asked for a motion. Calvin Leary made a motion to rezone those properties identified in the findings of facts, (with the exception of 1427 and 1431 South 343), to R-2, and add the following land-use consistency statement to accompany this rezoning: "This decision is not consistent with the land use plan, however this is what we [Planning Board] were requested to do by the Board of Commissioners." Fletcher Harris seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

Further Discussions

1. Following the vote of the preceding business item, a discussion regarding amending the land use plan to reflect the area as residential with the exception of 1427 and 1431 South NC Hwy 343 took place. All Planning Board members were in general agreement that this should be recommended to the Board of Commissioners, however no vote took place on the recommendation to amending the land use plan.
2. Chairman Rodney Needham wanted to know what about the R4X the Commissioners don't like and what can possibly be changed to make it work. Density was mentioned as a possible adverse issue that may be holding it back. Dave Parks mentioned that density is partially dependant on what kind of infrastructure is in place in a given area, etc. So density may be based on, for example the water and sewer aspect of an area.
3. Michael Etheridge and Dan Porter spoke regarding the Land Use Plan and Re-Zonings / Spot-Zonings, and what do we do next time.
4. Dan Porter mentioned that Randell Woodruff has asked for suggestions for agenda items for the upcoming Board of Commissioners retreat. Dan mentioned a possible agenda item would be the R4X proposed zoning districts.

Chairman Rodney Needham indicated a strong desire to bring the R4X text amendment to the Camden County Code of Ordinances back to the Board of Commissioners for their reconsideration. Calvin Leary made a motion to that effect. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

Information from Board and Staff

None.

Consider Date of Next Meeting – February 18, 2009

Adjournment

At 8:05 PM, Ray Albertson made a motion to adjourn the meeting. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Members Fletcher Harris, Ray Albertson, Calvin Leary, and Michael Etheridge voting aye; None voting no; 2 absent; None not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk