

Camden County Planning Board
Minutes
April 15, 2009, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present: Vice Chairman Terri Griffin Absent: Chairman Rodney Needham
Calvin Leary Ray Albertson
Fletcher Harris Michael Etheridge
John Aydlett

Call to Order & Welcome

Vice Chairman Terri Griffin called to order the April 15, 2009 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: | Title: | Purpose / Representing | Meeting Section |
|-----------------|--------------------------|--|------------------------|
| Kate McKenzie | Counselor | Xe, Inc (aka Blackwater USA) | Old Business#1 |
| Ralph Sawyer | Owner | Sketch Plan - Phase 5 Pine Ridge Major Subdivision | New Business#1 |
| Eddie Hyman | Agent for Applicant | Sketch Plan - Phase 5 Pine Ridge Major Subdivision | New Business#1 |
| William Owens | Owner | Special Use Permit - Camden Towne Center | New Business#2 |
| Brandon Moore | Engineer for Applicant | Special Use Permit - Camden Towne Center | New Business#2 |
| Herbert Mullen | Adjacent Property Owner | Public Comment on Phase 5 Pine Ridge Major Subdivision | New Business #1 |
| Dean Burkholder | Adjacent Property Owner | Public Comment on Phase 5 Pine Ridge Major Subdivision | New Business #1 |
| Mark Gregory | Owner, Tark & Associates | Public Comments on Camden Towne Center | New Business#2 |

Consideration of Agenda

Vice Chairman Terri Griffin Called for Consideration of the agenda.

Motion to Approve made by: Calvin Leary.

Motion Seconded by: John Aydlett.

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Consideration of the Minutes- March 18, 2009

Vice Chairman Terri Griffin called for the consideration of the minutes from the March 18, 2009 meeting.

Motion to Approve As Written made by: Calvin Leary

Motion Seconded by: Fletcher Harris

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Comments from the Public.

There were no public comments on matters other than on the agenda.

Old Business

Item #1, Request from E & J Holdings to amend Conditional Use Permit for their Firing Range Facility

Dave Parks gave a brief description, recap of last meeting, and status of this agenda item. Mr. Parks noted the following:

- E & J Holdings dba Xe (formerly known as Blackwater) have pulled their request for extended hours;
- Operational hours will remain 7:00 AM till 10:00 PM;
- With regard to the concussion type explosives condition of the Special Use Permit, this is the same condition that Currituck County has required of Xe.

Mr. Parks read through the conditions of the Special Use Permit as recommended by staff, and noted staff's recommendation to approve the re-adoption of Xe's Conditional Use Permit as a Special Use Permit.

Vice Chairman Terri Griffin asked for confirmation of the items that had changed since last meeting. Dave Parks responded: the only items changed were the weapons type restrictions (condition #6) and concussion type explosives (condition #14) as listed in the conditions of the Special Use Permit.

Vice Chairman Terri Griffin called for a motion to approve or deny the special use permit.

Motion to approve the re-adoption of the Conditional Use Permit as a Special Use Permit with the conditions as recommended by the Planning Department made by: Calvin Leary.
Motion Seconded by: John Aydlett

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

New Business

Item #1, Sketch Plan for Phase 5 Pine Ridge Major Subdivision – 10 lots (UDO 2009-02-06)

Dave Parks gave a brief description of this agenda item and showed the following on the computer projection screen: copy of the sketch plan, and a 4-way GIS print of the area surrounding the proposed subdivision. While showing the sketch plan, Mr. Parks noted the following:

- Current ordinance does not allow cul-de-sacs or dead end streets to exceed 1,000 feet in length without having a turnaround located in the cul-de-sac / right of way.
 - Cul-de-sac shown on the sketch plan is 1163 feet.
 - Applicant would have to apply for a variance to address the added length over and above what the ordinance allows.

Mr. Parks then read through and explained the conditions listed in the Findings of Facts.

Calvin Leary asked if each lot required Health Department approval (pass perc test) before anything could be done further with this project. Mr. Parks responded that the approval needed to be in place prior to submission of preliminary plat application (this is also one of the conditions).

At this time, Mr. Eddie Hyman (representing Mr. Ralph Sawyer) spoke regarding the turnaround shown on the sketch plan.

- The issue regarding the length of the cul-de-sac could be taken care of in one of two ways:
 - adding a turnaround on the roadway, or
 - apply for and receive a variance from the Board of Adjustment
 - Mr. Dan Porter added that the way the ordinance reads is "No cul-de-sac or dead end street shall exceed 1,000 feet in length".

Vice Chairman Terri Griffin asked for clarification of the terminology 'turnaround'.

- Mr. Hyman responded that it is an interpretation of the ordinance that the rule saying that no cul-de-sac or dead end street shall exceed 1,000 feet in length can be alleviated by providing an area for vehicular turn around once every 1,000 feet.
 - Ms. Griffin commented that this area would need to be large enough to accommodate emergency vehicles, school buses, larger vehicles, etc.

The question of whether to make an exception to the road length rule was brought up and the following discussed:

- Dan Porter said that a variance would be the best way to handle excess road length.
 - Variance would need to be obtained or turnarounds incorporated into the project prior to Special Use Permit at Preliminary Plat stage.
 - Owner of the property, Mr. Ralph Sawyer, would have to apply for a variance from the Board of Adjustment
- Dan Porter did not want to set a precedent by making exceptions.

Dave Parks mentioned the community meeting requirement of the ordinance, and provided the following information:

- Developer is required to hold a community meeting to discuss issues related to their project.
 - Community meeting for Pine Ridge was held on April 7.
 - Most of the concerns were relating to the roads.
 - One of the other issues that came out of that meeting is that the ditch that runs along the back of the Pine Ridge property, which abuts farmland, needs an easement for drainage.

Mr. Herbert Mullen Jr., spoke regarding the abutting agricultural property to the rear of Pine Ridge property and aerial pesticide spraying of the same. His concerns are as follows:

- Current regulations say that a person can not spray [aerial pesticide spraying - crop dusting, etc] within 100 feet of the roads or residences.
 - If houses are placed within 100 feet of agricultural property, then those regulations may cause a farmer to lose some of their crops due to non spraying of pesticides along the abutting property lines.

Mr. Eddie Hyman responded to Mr. Mullen's concerns and provided the following:

- *There would be a 50 foot buffer between property lines and agricultural land, this is already in the concept plan.*
- *Any house(s) placed abutting the agricultural property can be placed so that they are more than 100 feet from the property line.*
- *Property Lot Lines within the subdivision can be reconfigured and tweaked to increase lot size to allow placement of house(s) to be at least 100 feet from any agriculturally abutting property line.*

Mr. Dean Burkholder, another adjacent property owner (Amanda Court), spoke. He had the following concerns:

- Wanted clarification regarding the maintenance and acceptance of the roads by the state
 - *Mr. Dave Parks answered his inquiry saying that the developer is responsible for the maintenance, upkeep, and any improvements needed to bring the road up to state standards prior to state acceptance of the roads.*
- Inquired about the house that was already built in that area.
 - *Mr. Parks responded saying that it was built on a minor subdivision. Mr. Parks then explained the difference between minor and major subdivisions.*

- Inquired about the drainage on the road.
 - *Mr. Parks responded saying that drainage will be addressed before the roads are accepted by the state.*
- Expressed concern that there is a lot of flooding in the Amanda Court area now, he is concerned that Pine Ridge may add to the flooding.
 - *Mr. Eddie Hyman spoke to this saying that when NCDOT evaluates the drainage issues prior to road acceptance, the overall drainage will undergo a review by engineers and will be engineered so it will drain. A county engineer will look at it as well as NCDOT.*
- Spoke about drainage on Amanda Court draining opposite way from way Pine Ridge is planned to drain.
 - *Mr. Hyman responded saying that at the time Amanda Court was built, its drainage was away from its cul-de-sac, which is the high point for Amanda Court... Pine Ridge's drainage (on the concept plan) is toward the Pine Ridge cul-de-sac, which has access to Mullen Ditch, which can be used to resolve some of the drainage, all of which will be considered in a detailed study regarding how to address the drainage.*

Vice Chairman Terri Griffin asked if anyone had any further comments.

Mr. Ralph Sawyer, owner of the Pine Ridge property, spoke regarding the drainage issues.

- Asked if Mr. Burkholder had encountered any flooding recently.
 - Mr. Burkholder responded that he had not.
- Last year Mr. Sawyer opened up access to 2 ditches to alleviate the flooding on Amanda Court.
 - There are now two channels for drainage of stormwater
 - To Mr. Sawyer's knowledge the drainage issue on Amanda Court has been fixed.

Vice Chairman Terri Griffin again asked if there were any further comments/discussion. Hearing none, she called for a motion.

A motion to adopt and approve Item #1, Sketch Plan for Phase 5 Pine Ridge Major Subdivision – 10 lots (UDO 2009 02 06) as recommended by the Planning Staff with the addition that the pesticide spraying be addressed was made by: Calvin Leary.

Seconded by: Fletcher Harris

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Item #2 Special Use Permit Application (UDO 2009-03-05) - Shopping Center Commercial Site Plan "Camden Towne Center"

Mr. Dan Porter described this special use permit application:

- Applicant is Camden Realty Group / William Owens;
- Technical Review Committee meeting has taken place on this project;
- Location of Property is Intersection of Hwy 343 and Hwy 158, across from Camden County High School and beside the Camden County Courthouse Complex area;
- Zoning District: Community Core District (CCD);
- General Description of Proposal: Shopping Center;
- Application Status: Appears to be complete;
- Adjacent Property Uses: Businesses and residential;
- Property Lot Size: Approximately 19 acres;
- Does not need letter from Health Dept because they will be hooking up to the sewer system;
- Will be hooking up to the public water system
 - Water Department is part of the Technical Review Committee;
- 2 streets into and out of the project which will be left as private streets
 - They will provide street names later;
- Buffer required next to the residential property;

Mr. Dan Porter introduced Mr. Brandon Moore, the engineer for the applicant. Mr. Moore provided the following information:

- Described the concept plan, shown on the computer projection screen
 - Locations of offices, retail uses, restaurants, out parcels, etc.;
- Utilities
 - Discussions with Dave Credle (Water & Sewer Department)
 - Options for sewer, which line to connect to (on which road),
 - Pump station at back of Camden Towne Center property that sewer will eventually connect to,
 - Water is available on both street fronts (343 and 158);
- Storm Water Management
 - Handling all storm water with storm water wetlands which will contain the 2 year storm as per county code requirements,
 - Located at back of property,
 - Will be vegetated,
 - Will meet requirements for nutrient reduction and nitrogen removal;
- Landscape plan
 - Shading of particular use areas,
 - Plantings and islands in parking lots,
 - Buffering Requirements between Camden Towne Center and existing adjacent apartments and any other residential areas;

Mr. Moore introduced Mr. William Owens, the property owner of the proposed Camden Towne Center. Mr. Owens indicated he was here to answer any questions the Board may have for him.

Mr. Dave Parks asked about the following:

- Questioned the use of vehicular rotary road way turn around and the parking on the other side of same,
- Parking on plan exceeds Planning requirements,
- Asked if an area for community gathering had been considered;

Mr. Owens responded to Mr. Parks:

- Mr. Parks comments were brought up at the TRC meeting,
- Mr. Owens indicated he had been involved in a project that met parking requirements according to code, but was told they did not have enough parking, he did not want to repeat that here,
- Has plans to make the area in question almost park like,
- One of his partners is really concerned with not having enough parking;

Mr. Moore spoke again. To increase parking and to increase the grid space inside and around the central island, he suggested phasing the construction of the round-a-bout and parking spaces around it to see what will work and what is needed.

Vice Chairman Terri Griffin asked the Board if there were any further questions, hearing none she asked the public if they had any questions.

Mr. Mark Gregory had a few concerns. They are as follows:

- Water impact fees for each individual retail, office, restaurant, etc., location
- Deceleration lanes and center turn lanes along major roadways
- Asked Dan Porter if there were impact fees for county sewer lines
 - Mr. Porter indicated that there were sewer impact fees
 - Mr. Gregory asked if the sewer impact fees were based on each individual spot
 - Mr. Porter answered that he was not sure.
- Mr. Gregory indicated a desire to see the Board make across the board requirements of all businesses such that they are all treated the same with regard to the above issues.

Mr. Porter spoke regarding the deceleration lanes and center turn lanes which Mr. Gregory spoke about.

- Traffic impact analysis
 - Mr. Porter indicated that Planning has spoken to NCDOT regarding traffic impact analysis and what their requirements will be. They are not requiring it for phase one, but for additional development it is required.
 - Ingress and Egress on 158 with hard medians which will be a right turn in and out.

Mr. Moore spoke in response to Mr. Porter.

- He also is in contact with NCDOT who has provided design plans for the intersection of 343 and 158, and are integrated into their plans, future DOT right of ways etc., they are following NC DOT recommendations.
- There is a median planned, they are looking into a way to add left turns

Vice Chairman Terri Griffin asked if the Board had any further questions.

John Aydlett asked about the water meters. The water meters are being put in individually, but not being charged until the unit is leased... is that across the board?

Mr. Porter responded that the issued that came up at a commissioners meeting had to do with individual metering and multiple accountability. What the commission decided at that point was that they would require individual meters but they would only require them at the time the update was done, so the water connection fee does not have to be paid until there is a tenant and start outfitting that portion of a building. They have to coordinate with the Water Department with the placement of the water meters.

Mr. Gregory made a comment referencing placement of water meters, indicating the importance of coordinating with the Water Department in order to ensure proper placement of the meters.

Vice Chairman Terri Griffin asked if there were any further comments or questions. Hearing none, she called for a motion. Mr. Dan Porter interjected that he needed to read through the conditions and staff recommendation of approval (see below).

"Staff recommends approval with the following conditions.

1. The applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules, and regulations as one or more ordinances, laws, rules, and regulations may apply to this development.
2. The applicant shall complete the development strictly in accordance with the plans approved by the Board of Commissioners of Camden County, North Carolina, and contained in the file titled UDO 2009-03-05.
3. Prior to any land disturbing activity, applicant shall provide copies of approved Erosion & Sedimentation Control Plan, Storm Water Permit from DENR, drainage plan approved by County Engineer, and signed Wetland delineation from Army Corps of Engineers.
4. Applicant shall provide updated utility plan based on TRC inputs.
5. Provide two proposed street names to planning staff for verification on duplication with EMS prior to Camden County Board of Commissioner's public hearing.
6. Per NCDOT a Traffic Impact Analysis shall be required prior to any construction beyond Phase I of project.
7. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this special use permit shall be voided and have no effect."

Vice Chairman Terri Griffin entertained a motion at this time.

A motion to approve Item #2 Special Use Permit Application (UDO 2009-03-05) - Shopping Center Commercial Site Plan "Camden Towne Center" as staff recommends was made by Calvin Leary.

Seconded by John Aydlett.

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Item #3, Amendment to Article 151.261 (Design Standards - Minor Subdivisions) of the Camden County Code of Ordinances

Mr. Dan Porter described this amendment and explained what it is. This is a minor change to the UDO to clarify the requirement that applicants for a minor subdivision shall connect to a public water system if they are within 1000 feet of any public water line. Basically, it clarifies when the requirement shall not apply and to whom it shall not apply to and requirements of the applicant for whom it does not apply.

Amended text reads (amendments are italics and underline, removals are strike-out):

"(E) *Water*. All applicants for a minor subdivision ~~must~~ *shall* connect each newly created lot to a public water supply system if any boundary of a newly created lot is located within 1,000 feet of a public water supply system. All water lines and related improvements shall be constructed pursuant to state and local laws and approved by the Administrator. This requirement shall not apply *only* if the *newly created lots are over 1,000 feet from a public water supply system and* applicant provides a written statement signed by an official of each public water supply system in the county that the public water supply system does not plan to provide water service to the property within five years of the date of the minor subdivision application."

Vice Chairman Terri Griffin commented that this is more a text clarification than a change. That said, she asked if there was any discussion from the Board or any comments from the public. Hearing none, she entertained a motion.

A motion to accept Item #3, Amendment to Article 151.261 (Design Standards - Minor Subdivisions) of the Camden County Code of Ordinances as changed was made by Calvin Leary.

Seconded by John Aydlett.

The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Information from Board and Staff

None.

Consider Date of Next Meeting – May 20, 2009

Adjournment

At 8:00 PM, John Aydlett made a motion to adjourn the meeting. Fletcher Harris seconded the motion. The motion was approved with Vice Chairman Terri Griffin, Members Fletcher Harris, Calvin Leary, and John Aydlett voting aye; none voting no; 3 absent; none not voting.

Date: _____

Approved: _____
Vice Chairman Terri Griffin

Attested: _____
Amy Barnett, Planning Clerk