

Camden County Planning Board
Minutes
March 19, 2008, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

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

Absent: None

Call to Order & Welcome

Chairman Rodney Needham called to order the March 19, 2008 meeting at 7:00 PM.

Others Present at Meeting

Present were staff members Dan Porter, Director of Planning, and Amy Barnett, Planning Clerk. Present for purposes of presenting information relevant to a Re-Zoning Application was David Rudiger, President of Camden Plantation Homes Inc. Also present to make comments were William Stafford and Marcella Whitson, both of whom own property that either adjoins or abuts the 597.5 acre tract of land located along US 17 North to McPherson Road, for which Camden Plantation Properties Inc. is seeking to re-zone from R-3-1 to PUD.

Consideration of Agenda

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

Consideration of the Minutes- February 20, 2008

Chairman Rodney Needham called for the consideration of the minutes from the February 20, 2008 meeting. Planning Clerk Amy Barnett pointed out 2 minor changes she made to the minutes after board packets went out. Vice Chairman Terri Griffin made a motion to approve the minutes from the February 20, 2008 meeting with the minor changes. John Aydlett seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; none absent; none not voting.

Comments from the Public.

There were no comments from the public on matters unrelated to Item#1 under New Business (re-zoning 597.5 acres along US 17 North to McPherson Road from R-3-1 to PUD for Camden Plantation Properties Inc.).

Old Business

None.

New Business

Prior to consideration of Item #1 below, Chairman Rodney Needham asked the board if the procedure used for considering items and voting on them could be changed as follows:

- Staff presents facts regarding the item,
- A board member makes a motion to approve or deny the item,
 - (clerk writes down exact motion)
- Another board member seconds the motion,
- Discussion regarding the item takes place,
- Comments from the public (if any) regarding the item are heard and discussed with the board,
- Board decides if they need to amend the motion or proceed with it as is
 - If the original motion needs amending:
 - A board member makes a motion to amend the original motion
 - Another board member seconds the motion to amend
 - Board votes on amending the original motion
- A vote is taken on the original motion or the amended motion to either approve or deny the item with considerations and requirements as discussed / considered / required by the board.

The board agreed to try this procedure for a while, if it works it will stay this way, if not it will go back to the prior procedure.

Item #1 Rezoning Application (UDO 2007-10-06) from Camden Plantation Properties Inc.

Findings of Facts

**UDO 2007-10-06
Zoning Change Application
Camden Plantation**

1. **Name of Applicant:** Camden Plantation Properties, Inc.
2. **Agent for Applicant:** David Rudiger, President
3. **Address of Applicant:** 544 Newtown Road, Suite 128
Virginia Beach, VA 23462
4. **PIN:** 01-7081-00-03-6230
5. **File Reference:** UDO 2007-10-06
6. **Name(s) of Current Owner(s) of Record:** Camden Plantation Properties, Inc.
7. **Street Address of Property:** Not addressed
8. **Location of Property:** US 17 North to McPherson Road
9. **Flood Zone:** X
10. **Zoning District(s):** Basic Residential (R-3-1)
11. **Is a Zoning Change required for the Proposed Use?** Yes, current zoning does not allow for high density, mixed use developments.
12. **General Description of the Proposal:** Request rezone 597.5 acres from Basic Residential (R-3-1) to Planned Unit Development (PUD) proposed plans attached.
13. **Date Application Received by County:** October 9, 2007
14. **Reference:** Article 151.298 of the Camden County Code (attached)
15. **Received by:** David Parks, Permit Officer
16. **Application Fee Paid:** \$9180.00 Check # 1227
17. **Completeness of Application:** Application is complete
18. **Documents Received Upon Filing Application or otherwise included:**
 - A. Rezoning Application
 - B. Proposed subdivision plans
 - C. Deed
 - D. GIS Ariel Map of property to be rezoned
 - E. Adjacent property owner notice
19. **Soil Classifications:**
 - A. **Predominant:** Tomotley (ToA) Severe wetness, percs slowly
Perquimans (PeA) Severe wetness, percs slowly
 - B. **Other:** Perquimans (PeA), Ronoke (RoA), and Portsmouth (PtA)
20. **Adjacent Property Uses:**
 - A. Predominant: Residential
 - B. Other: Agriculture
21. **Existing Land Uses:** Vacant / Forrest
22. **Lot Size:** Approx 597 acres

23. Utilities:

- A. Does the applicant propose the use of public sewage systems? No - private sewer system
- 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? N/A
- E. Is the area within a five-year proposal for the provision of public sewage? N/A

24. 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 jobs, commercial business, public recreation, and a mixture of housing types.

B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The PUD is a Conditional Use District which provides only those uses proposed and approved by the applicant and Board of Commissioners and subject to restrictions and conditions imposed by the Board of Commissioners and included in a PUD Master.

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?

A PUD will entail a commercial element which will provide jobs and sales revenue for Camden County.

(2) What extraordinary showing of public need or demand is met by this application? The need for commercial development which in turn will provide revenue and jobs. Also, provides a variety of housing types for a mixture of income levels.

D. Conformity with the Plans:

(1) Land Use Plan - P.31 states that "Within the Community/Highway Corridor Study Areas, Camden County supports the concept of "Smart Growth". The proposed Planned Unit Development will implement "Smart Growth" Principles and is located off U.S. Highway 17."

(2) Thoroughfare Plan - Access to property will be off U.S. 17 North and McPherson Road (3 means of ingress/egress).

(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 - Article 153 (Adequate Public Facilities Ordinance) addresses school impacts. See attached student generation rate and mitigation fees.

(2) Fire and Rescue - Will have an impact on Fire and Rescue. Phase I (63 lots) approval under current Sketch Plan (296 lots w/golf course), developer purchased 3 acres of land (\$255,000) for South Mills Fire Department and contributed \$15,000 toward the construction of a new fire station.

(3) Law Enforcement - Will have an impact on law enforcement.

(4) Parks & Recreation - Will have an impact on Parks & Recreation

(5) Other County Facilities - Developer, South Mills Water Association, and South Camden Water & Sewer District will need to address the water issues at Master Plan / Developmental Agreement stage.

Staff recommends approval to rezone property from Basic Residential (R-3-1) to Planned Unit Development (PUD) based on conceptual plans submitted and the request is in accordance with the County's Land Use Plan. The following conditions shall be addressed at the Master Plan and Development Agreement prior to issuance of the Conditional Use Permit:

- A. Applicant shall provide agreement with South Mills Water District (to include South Camden Water & Sewer District if necessary) for the provision of water prior to submission of Master Plan.
- B. Applicant shall provide written approval from NCDOT of curb cut off Highway 17 to access property.
- C. Master Plan shall additional address all the following:
 - Per condition of Phase I approval developer shall make available connection to sewer to lots along McPherson Road.
 - Address construction / maintenance standards of private roads.
 - A statement as to how the developer will address the impacts on county facilities (i.e. police, fire, school facilities).
 - Height of buildings; County ordinance states there shall be no structure higher than 35 feet as measured from the lowest adjacent grade to highest eve.

Facts Presented by Staff:

Dan Porter went through the findings of facts regarding this application (see above). He pointed out that the application was reviewed against all the concept plan requirements in our PUD Ordinance. The application is complete, however, there are some soil issues. The development is planning to provide their own sewer system, so septic issues should not be a problem. This development is located across from the counties spray field. This development will be supplied with public water and there is a requirement in the findings of fact regarding this (see #A under Staff Recommendations and Conditions). Camden Plantation is a "walkable" community and it scored highest on the Smart Growth scorecard scores. Camden Plantation is willing to work with us on the counties ability to provide public school facilities. Camden Plantation donated land and money towards the construction of a new fire station, and that project is moving forward and will hopefully get under way in the next year. Camden Plantation will impact local law enforcement, and Parks and Recreation (the golf course will be open to the public). Staff is recommending approval with the conditions as listed in the findings of facts.

Motion Made:

Vice Chairman Terri Griffin made a motion to "accept the recommendation of staff to approve this plan with the stated conditions". The motion was seconded by member Michael Etheridge.

Discussion:

At this point, David Rudiger, President of Camden Plantation Properties Inc. spoke.

This project started about 5 years ago. They were already approved for 296 single family dwelling units and a golf course. They wanted to make this project better, so they got together with the county to discuss expansion.

They were concerned about the viability of the golf course, so they hired a consultant to do a market research on what it would take to make the golf course successful. The consultant said they would need to have a certain number of people living near the golf course in order to make it economically viable. They recommended 1500-2000 houses.

At that point, the developer went back to the county and discussed the findings of the consultant. After a series of meetings, an expanded plan was developed to see what it would look like on paper... they still wanted to have their golf course. The county then moved forward with the Smart Growth program and Camden Plantations hired a land planner and worked with the Planning Department on a Smart Growth Scorecard. Camden Plantations listened to all the comments that came out of Smart Growth and tried to incorporate all those concepts and ideas into their conceptual plan (concepts of a walkable community, mixed uses to include both residential and commercial, and amenities - golf course open to the public, pool, clubhouse, etc.).

They worked with Planning Department staff and the County Attorney on the PUD Ordinance to ensure the county is protected also to see that adequate controls are in place to see that things like storm water, buffer issues, etc., are taken care of.

Dan Porter asked how many houses will there be, what is the square footage of commercial buildings, what is the timing on this project, how do they plan to develop this, and what is the overall density of this project.

David Rudiger responded that there would be between 1700-1800 residential units, and about 160,000 square feet of commercial space. There will be a commercial center, not like a traditional strip shopping center, but more like a mixture of retail use and office use. It would be an area that people can come to as a gathering place. This project has an estimated build out of 10-20 years. The first phase of this project will involve putting in the golf course, the commercial property, and the first phase of the residential which will include a mixture of different housing product types. The project will continue to grow as the market for property expands and more phases will be added accordingly. The first phase will not have large apartment complexes, it will be more like small villages or communities of like sized properties clustered together thereby creating a sense of community and a town center feel that pulls people together.

Chairman Rodney Needham asked for a time frame for the application of their first building permits (residential and commercial) on this project. David Rudiger responded that will be 1 to 2 years from now. Mr. Rudiger also said that the commercial aspect is within the first phase of the project and that discussions are underway with some businesses that are interested in locating in the commercial center.

Vice Chairman Terri Griffin asked what their game plan would be if Camden County was selected for the OLF. David Rudiger feels that approval of this project may discourage the Navy from placing the OLF in Camden County because one of the things they are trying to get away from is growth in Virginia Beach. If it does come, he feels that they can deal with it at that time.

Terri Griffin then pointed out that if the property is re-zoned to PUD, it will stay that way even if the project is terminated at a later date, so if the property is sold, who ever buys it will be bound to the current zoning regulations of the PUD unless they have it re-zoned.

Dan Porter pointed out that if for some reason the project were to be terminated, the county could also seek to re-zone the property away from being PUD. He also pointed out that the project is outside the 60 decibel range that was mapped out around the Hales Lake area (relating to the OLF). This doesn't mean anyone living in this area won't hear noise, it just means that they are outside the area considered to be directly affected should the OLF come to Camden County at the Hales Lake site.

Dan Porter then asked Mr. Rudiger how the drainage and storm water runoff will be dealt with.

David Rudiger responded that the plan deals with a 10 year storm event (defined as 6" rainfall in a 24 hour period). The PUD requirement for this is to design an on site system of wet ponds and created wetlands to retain water on site without the likelihood that the housing areas will flood, so that when there is a rain event, the water is collected centrally on the property and then slowly released out so that the rate at which it leaves the property is no greater than the rate at which it is leaving the property pre-development. This is based on the definition of a 10 year storm event.

Dan Porter asked if there were also natural wetlands on the property. David Rudiger said that there were natural wetlands and that they will be doing a combination of working around those areas where they can and mitigating those areas with created wetlands where they can't.

Dan Porter asked if there was any likelihood of improving any of the drainage with the way they are putting their storm water system in and whether they think it will have a positive effect on the surrounding properties or not.

David Rudiger responded that he thinks it will be better than it is right now. They are designing a plan that will retain water on site with the use of ponds and wetlands, and keeping it out of the development areas (housing and commercial areas). They want to be environmentally sensitive but also respectful of their neighbors where drainage is concerned.

Public Comments Regarding This Application:

William Stafford

Adjacent property owner and Battalion Chief for a Virginia Fire Department had these concerns:

- High Density Housing (apartment complexes)
 - South Mills Volunteer Fire Department cannot cope with the higher density without the addition of more resources to their department. Also, in order for the fire department to keep their current fire rating, additional resources will need to be made available (for example, another ladder truck to deal with 2nd and 3rd story windows, etc.).
 - NC Department of Insurance inspects fire departments and their available resources, and determines their fire ratings based on the largest hazard in the area and their ability to cope with that hazard. Insurance rates for consumers are affected by the fire rating of the local fire departments. The presence of high density housing may cause insurance rates to go up significantly.
 - High density housing will have a negative effect on schools and emergency services (EMS, Fire Departments, Law Enforcement, etc).
- Age Groups of Residents who may live in this area
 - Mr. Stafford is of the opinion that 'Old people like being near hospitals' so there may not be many old people living in this community. This means more people of child bearing age living in and around this community, which means an added burden on the local school system.
- Possibility of higher taxes if the development includes high density housing in its plans.

Dr. Marcella Whitson

Adjacent property owner, and farm operator had these concerns:

- Concerned about high density housing, same as previous speaker.
- Concerned about possibility of flooding.
 - Drainage Runoff
 - At present, drainage system is adequate for current usage, but when development begins, this may change.
 - Afraid that drainage runoff will increase and may flood drainage ditches that run along her property
 - Concerned with whether the ditches will be increased in size and if so, who will bear the financial responsibility of maintaining them.
 - Maintenance of drainage ditch system - who will be responsible for maintaining the system and ensuring that it is clear to where it connects with the Joyce Creek system.
 - If it does flood her property, she is afraid she will lose her crops

- She has 2 requests:
 - Require the developer and/or the Camden Plantations Homeowners Association to clean and maintain the ditch system that transports the runoff from the entry into the WPA ditch to the ditches in the Joyce Creek System.
 - Do not allow Camden Plantations to be grandfathered in to avoid having to be permitted under the NC Legislation that protects downstream property owners. She wants them to have to be permitted under this legislation in order to protect the downstream property owners.
 - Dan Porter responded to this request. He said he was not sure which law she was referring to, but that storm water systems do have to be permitted by the state. There are general statements in the NC General Statutes that speak about not negatively impacting downstream or upstream properties. There are also some new rules regarding storm water for coastal counties, and they are currently in use. The existing rules say that if you disturb an acre of ground or more, that you have to submit a soil and erosion plan and get that plan approved. The new rules say that if you disturb 10,000 square feet or more that you have to submit and have approved the aforementioned plan. There's also a change in what they call the 'low density option'. Low density development typically is development with swales¹ and ditches, which doesn't necessarily require retaining the water, so there is an impervious surface limit of 30%. If there is a higher percentage of impervious surfaces present, then the 'high density option' is used, which includes the usage of dry and wet ponds for water retention, etc. The state storm water regulations do not specify regulations specifically to drainage, they look at water quality, not water quantity. So when designing a system to be permitted, all that really needs to be looked at is the possibility of 1½" of rain in a 24 hour period, which for this area is a very low amount of rain. So our regulations requiring them to design their system to a 10 year storm event is significantly higher than what the state requires.

¹ American Heritage Dictionary: n. 3. a shallow trough-like depression that carries water mainly during rainstorms.

More Discussion:

Vice Chairman Terri Griffin asked Dan Porter if there were any statistics regarding demographics on the apartment complex currently existing within the county.

Dan Porter responded that there are 48 units and that there are about 5 or 6 children living there. The owner of the apartment complex built 2 bedroom apartments specifically because they do not attract many children. Camden Plantation is proposing 314 apartments. Mr. Porter referred to the spreadsheet showing the projected number of students generated for each housing type proposed by Camden Plantation (see attached). Over the life of this project, an estimated total of 602 students will be generated.

Mr. Porter also pointed out that there will be a development agreement, which is a contract between the developer and the county, about who will provide which portions of the infrastructure (storm drainage, roads, sewer systems and service districts, etc.) and who will pay for what and how it will be arranged.

Vice Chairman Terri Griffin pointed out that some of the discussion that was heard at this meeting will have to be heard again, all that is being considered at this meeting is the re-zoning.

Dan Porter spoke to confirm this, and added that because this is a PUD, you get to see a little bit more detail than a typical re-zoning. More detail will be seen at the Master Plan, which is the next stage.

At this point, David Rudiger spoke again. Regarding the density questions, the typical response to growth is to say lets spread it out, but that's the opposite of what Smart Growth is telling us to do. Smart Growth is telling us to focus our resources to keep from wasting land, also, make it easier to manage resources. The apartment complexes are in a later phase, and as Dan Porter pointed out, the smaller the unit, the fewer the number of children residing there. The larger the unit, the higher the number of bedrooms, the higher the number of children that will be living there. Dr. Whitson interjected that she disagrees with this assessment, that her resources informed her that the smaller units have a larger number of children and the larger units have fewer children. She said that she is going to get together some statistics regarding this and provide it to Mr. Rudiger.

Vice Chairman Terri Griffin asked Dr. Whitson to ensure that her statistics are comparable with regard to the number and types of units as being proposed in this project.

David Rudiger addressed stormwater maintenance during construction. When they get their land disturbance permit, they will create stormwater management ponds or facilities on the property to keep sedimentation from flowing downstream and to handle water quality during construction. After construction, the homeowners association will be responsible for the maintenance of all of the stormwater maintenance facilities on site.

He then addressed the groundwater issue, he stated that they will be attaching to the public water supply. He can't guarantee that no one will place a well in their back yard. Dr. Whitson commented on this and stated that she is concerned with the cone of depression that would be created if groundwater were used. Mr. Rudiger stated that no substantial use of groundwater will be in place. He also stated that the watering of the golf course will be handled using treated waste water from the on site sewer system. This system will not utilize groundwater and is ecologically sound. Dr. Whitson again mentioned her request for a baseline hydrological study to be done prior to the project just in case groundwater is utilized for any reasons.

Mr. Rudiger asked if anyone had any further questions for him. Hearing none, he returned to his seat.

William Stafford asked the board if the developer will be required to complete phase 1 before they can go to phase 2, and so forth? Dan Porter responded to this stating that it is not required to be built out, it is required to be built to the standards under which it was approved. Their infrastructure has to be completed prior to the filing of the final plat.

Vote:

At this point, Chairman Rodney Needham asked if there was any further discussion. Hearing none, he reminded the board of the motion on the table, and that it had been seconded. Dan Porter reminded Chairman Needham that now would be the time to add any amendments to the motion if the board so desired, as per the new procedures. Since no amendment was deemed necessary, Chairman Rodney Needham called for a vote on the motion to "accept the recommendation of staff to approve this plan with the stated conditions". The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; none absent; none not voting.

Information from Board and Staff

Dan Porter spoke briefly about the 21st Century Program. Sometime in Early May, there will be a visit from 2 or 3 different teams of state officials from the Department of Commerce and other agencies. They will be doing interviews with people in the community, members of the Planning Board are on the interview list. The interviews are regarding growth in the community. There will be several different kinds of meetings and the Planning Board will be invited to participate in this process. This will be a 6-9 month process that they will be leading us through and helping us develop a growth & economic development strategy for the county. Mr. Porter mentioned to the audience present at the meeting, that if any were interested in participating to let him know.

Consider Date of Next Meeting – April 16, 2008

Adjournment

At 8:28 PM, Ray Albertson made a motion to adjourn the meeting. Fletcher Harris seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, Calvin Leary, Michael Etheridge, and John Aydlett voting aye; none voting no; none absent; none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk