

Camden County Planning Board
Minutes
August 20, 2008, 7:00 pm
Historic Courtroom
Camden County Courthouse Complex

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

Absent: None

Call to Order & Welcome

Chairman Rodney Needham called to order the August 20, 2008 meeting at 7:00 PM.

Others Present at Meeting

Present were staff members Dan Porter, Director of Planning, Dave Parks, Permit & Flood Administrator, and Amy Barnett, Planning Board Clerk. Present for purposes of presenting information relevant to a re-zoning request was Wayne Overton (Abode of Camden Inc.). Also present were several members of the Taylors Beach community for purposes of supporting Taylors Beach Going Green Association's request regarding Golf Cart usage in their community. Speaking on behalf of TBGGA was Jerry Wesner.

Consideration of Agenda

Chairman Rodney Needham called for the consideration of the agenda. Calvin Leary made a motion to approve the agenda as written. Michael Etheridge 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 - May 21, 2008

Chairman Rodney Needham called for the consideration of the minutes from the May 21, 2008 meeting. Vice Chairman Terri Griffin made a motion to approve the minutes from the May 21, 2008 meeting as written. 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

None

Old Business

None

New Business

Item #1, UDO 2008-06-13, Rezoning Request, Abode of Camden Inc.

Findings of Facts

**UDO 2008-06-13
Minor Map Amendment**

1. **Name of Applicant:** Abode of Camden Inc. (Wayne Overton)
2. **Agent for Applicant:**
3. **Address of Applicant:** 187 Thomas Point Road
Shiloh, NC, 27974
4. **PIN:** 03-8972-00-36-9698
5. **File Reference:** UDO 2008-06-13
6. **Street Address of Property:** North of 1285 South Highway 343
7. **Location of Property:** Shiloh Township
8. **Flood Zone:** X / AE
9. **Zoning District(s):** General Use District (GUD)
10. **General Description of the Proposal:** Request re-zone property from General Use District (GUD) to Mixed Single Family Residential (R-2)
11. **Date Application Received by County:** June 9, 2008
12. **Received by:** Dave Parks, Permit Officer
13. **Application fee paid:** \$650.00 Check # 1784
14. **Completeness of Application:** Application is complete.
15. **Documents received upon filing of application or otherwise included:**
 - A. Rezoning Application
 - B. GIS Aerial / Current Zoning / Flood Plain / Land Suitability Map
 - C. Copy of Deed
 - D. Table of Permissible Use (Article 151.334) comparison GUD vs. R2
16. **Soil Classifications:**
 - A. **Predominant:** Bojac (BoA) Moderate wetness (cleared portion)
 - B. **Other:** Chowan (CoA) Severe flooding, wetness, percs slowly (wooded portion)
17. **Adjacent Property Uses:**
 - A. **Predominant:** Agriculture
 - B. **Other:** Residential
18. **Existing Land Uses:** Agriculture
19. **Lot size:** Approximately 10 acres

20. Findings Regarding Additional Requirements (Article 151.585)

- A. How will the proposed zoning change enhance the public health, safety or welfare?** The proposed zoning change will enhance the public welfare by providing more land for affordable housing.
- B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?** The entire range of permitted uses in the requested zoning classification are more appropriate, due to the location of property staffs opinion is that the commercial uses in existing zoning classification are not likely to come to exist in the near future (see attached zoning comparison sheet). There is property just to the North and South of the same requested zoning classification.
- C. For proposals to re-zone to non-residential districts along major arterial roads:**
N/A
 - (1) Is this an expansion of an adjacent district of the same classification?
 - (2) What extraordinary showing of public need or demand is met by this application?
- D. Conformity with the Plans:**
 - (1) Land Use Plan - Proposed zoning request is conforming as Future Land Use Maps have properties within 1/4 mile of the same zoning classification.
 - (2) Other Plans officially adopted by the Board of Commissioners. None

Staff recommends approval as the proposed zoning amendment is in conformity with the County's Land Use Plan as the permissible uses in the requested zoning classification are more appropriate than in the existing classification.

Dave Parks gave a brief description of this rezoning request. The request is to rezone approximately 10 acres, North of 1285 South Highway 343 in Shiloh Township, from GUD to Mixed Single Family R-2. Staff has recommended approval as it is compatible with the Land Use Plan.

Calvin Leary made a motion to approve this rezoning request as it is compatible with the Land Use Plan. 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.

Land Use Compatibility Statement: This rezoning request (request to rezone approximately 10 acres, North of 1285 South Highway 343 in Shiloh Township, from GUD to Mixed Single Family R-2) is approved by the Planning Board by a vote of 7-0, as it is compatible with Camden County's Land Use Plan.

Item #2, UDO 2008-06-27, Special Use Permit, Larry Lamb

**Special Use Permit
UDO 2008-06-27**

1. **Name of Applicant:** Larry Lamb
2. **Agent for Applicant:**
3. **Address of Applicant:** P. O. Box 158, Camden, NC, 27921
4. **File Reference:** UDO 2008-06-27
5. **PIN:** 02-8934-01-17-4778-0000
6. **Street Address of Property:** 152 US 158 West
7. **Location of Property:** Courthouse Township
8. **Flood Zone:** Shaded AE
9. **Zoning District(s):** Community Core District (CCD)
10. **Is a Zoning Change required for the Proposed Use?** No
11. **General Description of the Proposal:** Lambs Video & Game Room
12. **Use Classification:** Article 151.334 (Use # 27.000 & 6.110)
13. **Date Application Received by County:** June 10, 2008
14. **Received by:** Dave Parks, Permit Officer
15. **Application Fee Paid:** \$400.00 (Check #87477)
16. **Completeness of Application:** Application appears to be complete.
 - A. **Items Needed:** None
17. **Documents Received Upon Filing Application or otherwise included:**
 - A. Land Use Application
 - B. Site Plan
 - C. Deeded through Will (99E 22)
 - D. Aerial Photo
18. **Adjacent Property Use:** Businesses
19. **Existing Land Use:** Lamb's Marina / Trailer Park / Convenience Store
20. **Lot Size:** Approximately 4 acres
21. **Utilities:**
 - A. **Does the application include a letter or certificate from the District Health Department regarding septic tanks?** Yes.
 - B. **Does the applicant propose the use of public sewage systems?** Not for proposed use.
 - C. **Does the applicant propose the use of public water systems?** Exists
 - D. **Distance from existing public water supply system:** Adjacent to property.
 - E. **Is the area within a five-year proposal for the provision of public water?** N/A
 - F. **Is the area within a five year proposal for the provision of public sewage?** Existing.
22. **Landscaping**
 - A. **Is any buffer required?** No.
 - B. **Is any landscaping described in application?** No.

23. Findings Regarding Additional Requirements

- A. Endangering the public health and safety: Staff feels that the proposed use does not endanger the public health and safety.
- B. Injure the value of adjoining or abutting property: Staff feels that this would have no effect on values of adjoining or abutting property.
- C. Harmony with the area in which it is located: Proposed use is in harmony with the area in which located.
- D. Conformity with the Plans
 - (1). Land Use Plan - Land Use Plan encourages commercial development
 - (2). Thoroughfare Plan - Location will not be affected by U.S. 158 widening.
 - (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 - N/A
 - (2). Fire and Rescue - No
 - (3). Law Enforcement - No
- F. Other County Facilities - No

Staff recommends approval

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 submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO 2008-06-27.
3. Per Article 151.111 applicant shall provide 5 parking stalls to include one handicapped.
4. 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.

Dave Parks gave a brief description of this special use permit application. Mr. Parks pointed out that Mr. Larry Lamb was not in attendance and that it would be at the Board's discretion whether to proceed on this agenda item or to table it to a later meeting when Mr. Lamb could be in attendance.

The Board decided to go ahead and proceed on this item. Ms. Terri Griffin pointed out that the use is already there, as Mr. Lamb already has this business in place. Mr. Parks confirmed this assessment and added that Mr. Lamb originally had a zoning permit for an office building, and then switched uses in the building which required a special use permit.

Dan Porter, as a point of order, mentioned that the applicant was not required to be at the Planning Board meeting, but was required to attend the Board of Commissioners meeting wherein a public hearing will be held.

Michael Etheridge made a motion to approve the special use permit with the conditions set forth in the Findings of Fact, as prepared by staff. Vice Chairman Terri Griffin 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.

Item #3, UDO 2008-07-36, Rezoning Request, New Camden County High School

Findings of Facts

**UDO 2008-07-36
Zoning Change Application
Camden County**

1. **Name of Applicant:** Camden County
2. **Agent for Applicant:** Planning Department
3. **Address of Applicant:** 117 N. Hwy 343, P. O. Box 190
Camden, NC, 27921
4. **PIN:** 02-8925-00-85-5013-0000
5. **File Reference:** UDO 2008-07-36
6. **Name(s) of Current Owner(s) of Record:** Camden County
7. **Street Address of Property:** Not Addressed
8. **Location of Property:** South of 256 North Hwy 343 Courthouse Township
9. **Flood Zone:** X
10. **Zoning District(s):** General Use District (GUD)
11. **Is a Zoning Change Required for the Proposed Use?** No
12. **General Description of the Proposal:** Rezone approximately 60 acres from General Use District (GUD) to Highway Commercial (HC)
13. **Date Application Received by County:** July 22, 2008
14. **Received by:** Dave Parks, Permit Officer
15. **Application fee paid:** Waived
16. **Completeness of Application:** Application is complete.
17. **Documents received upon filing of application or otherwise included:**
 - A. Rezoning Application
 - B. Deed
 - C. Aerial / Flood / Zoning / Land Suitability Map
 - D. Table of Permissible Use comparison, GUD Vs. HC
18. **Soil Classifications:**
 - A. **Predominant:** RoA (Roanoke) - Severe wetness; percs slowly
 - B. **Other:** ToA (Tomotley) - Severe wetness; percs slowly

19. Adjacent Property Uses:

- A. Predominant: Agriculture
- B. Other: Residential

20. Existing Land Uses: Cut over woodland

21. Lot size: Approximately 60 acres

22. Findings Regarding Additional Requirements:

- A. How will the proposed change enhance the public health, safety or welfare? The proposed change will enhance the public health, safety, and welfare by providing area for new high school.
- B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The requested zoning classification is more appropriate for this area (See attached Permissible Use Table comparison).
- 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? No
 - (2) What extraordinary showing of public need or demand is met by this application?
The need for land for a new high school.
- D. Conformity with the Plans:
 - (1) Land Use Plan - Yes. In accordance with Policy 32, Camden County supports providing adequate community services and facilities which meet the needs of Camden County's citizens.
 - (2) Thoroughfare Plan - Property abuts Highway 343 North and Sleepy Hollow Road.
 - (3) Other Plans officially adopted by the Board of Commissioners - None
- E. Will not exceed the county's ability to provide public facilities:
 - (1) Schools - N/A
 - (2) Fire and Rescue - No
 - (3) Law Enforcement - No.
 - (4) Other County Facilities -

Recommendations

Staff recommends approval as the proposed zoning change is in conformity with the adopted Land Use Plan.

Dave Parks gave a brief description of this rezoning request. The request is to rezone approximately 60 acres, South of 256 North Hwy 343 in Courthouse Township, from GUD (General Use District) to HC (Highway Commercial) for intended use as the site of the proposed new Camden County High School. Staff has recommended approval as it is compatible with the Land Use Plan.

Dan Porter pointed out to the Board that 'proposed use' doesn't mean 'ultimate use' where use of the land at this location is concerned, and that the Board had to consider all possible uses when approving / denying rezoning requests.

John Aydlett brought up the question of parking access, and what road would be used. Dan Porter responded to this indicating that a traffic impact analysis will need to be done to address this issue.

Vice Chairman Terri Griffin made a motion to approve this rezoning request as it is consistent with the Land Use Plan. Ray Albertson 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.

Land Use Compatibility Statement: This rezoning request (request to rezone approximately 60 acres, South of 256 North Hwy 343 in Courthouse Township, from GUD (General Use District) to HC (Highway Commercial)) is approved by the Planning Board by a vote of 7-0, as it is consistent with Camden County's Land Use Plan.

Item #4, Utilization of Golf Carts, Taylors Beach

Dan Porter gave a synopsis of this issue and observed the following:

- Towns and Cities have requested the ability to regulate use of golf carts on their roadways, but Counties have not.
- NC Legislature must grant authorization to governing body (Town, City, or County) providing the ability to enact ordinances, rules, and regulations pertaining to the use of golf carts.
 - Authorization is in the form of a private act, submitted to and voted upon by the NC Legislature by our State Representative, specific to the region wherein the power to regulate is being sought.
 - Once granted authorization, a governing body would be able to set ordinances, rules, and regulations for where, when, and how golf carts can be used.
- Other Towns and Cities have similar laws that allow use of golf carts.
- Golf carts can not be registered with the NCDOT unless they meet NCDOT standards for a motor vehicle, therefore golf carts would not be able to be driven on major roads / highways.
- Taylor's Beach residents have signed a petition asking for this issue to be looked into.

Dan Porter continued, saying that regulating golf carts is a regulatory issue that is not within the scope of authority of the Planning Board. This is not a land use issue, areas are not be zoned for golf cart usage. It is a regulatory authority that would have to be enforced by the Sheriff's office. There are a number of issues with regard to safety that would need to be addressed. The Planning Board *can make a recommendation* to the Board of Commissioners, to ask our State Representative to introduce a private act into the State Legislature that would grant authority to the Camden County Board of Commissioners to create ordinances relating to golf carts.

Calvin Leary asked who would have the responsibility of actually writing the regulations. Dan Porter responded that the Planning Department would assist with this, and that there would be review by the county attorney.

Vice Chairman Terri Griffin had a question for the audience present (Taylors Beach residents). She wanted to know if they had any suggestions for the rules and regulations as they would have to be broad and across the board, and not affecting just one community.

Mr. Jerry Wesner of 114 Taylor's Lane replied to Ms. Griffin's inquiry. He suggested a permit system, for example that would issue a permit to each golf cart showing what area that golf cart is authorized to operate in. He also mentioned that the use of golf carts would save residents money, since they are electric in nature and do not use gas. They are 'green transportation' meaning that since they do not use gasoline, they are better for the environment than cars. Also, they could be used for community security, community watch groups, etc. Mr. Wesner said that the use of golf carts encourage community involvement / communication, 'when you travel down the road and see people, you tend to speak to them'. Taylor's Beach is an aging community, golf carts make getting around within the community easier for elderly members of the community.

John Aydlett asked if anyone in the Taylor's Beach community had spoken to our State Representative regarding this. Mr. Wesner replied that they wanted to start with the Planning Board and go from there. Mr. Wesner added that members of the community are willing to help the Board of Commissioners with the drafting of the ordinances.

Michael Etheridge asked if the Sheriffs Department was in favor of allowing golf carts. Dan Porter replied that they were.

Ray Albertson asked if insurance would be required on each golf cart. Mr. Wesner replied that the liability would be on the person driving the golf cart. Their own personal insurance such as homeowners insurance might cover it.

Fletcher Harris asked if there was an age limit to drive a golf cart. Mr. Wesner replied that in their community they haven't enforced any age limit, but that most rules and regulations specify that you have to be basically the same age as would allow you to drive a tractor, etc or be a legal age driver (car). Other than that, common sense for safety, don't drink and drive, drive under 35 mph, etc.

At this point Michael Etheridge asked what the procedure for this to move forward would be. Dan Porter replied that a letter of recommendation, to the Board of Commissioners from an advisory standpoint, that would basically say that Taylor's Beach was asking the blessing of the Planning Board and indicate whether the blessing is given or not.

Mr. Porter indicated that it would be a good idea to have county wide standards with regards to golf cart usage, and not be specific to any one community. Also, he suggested that one possible rule (after Camden is granted the ability to regulate golf carts) might be that neighborhoods where the speed limit was less than 35 or 25 mph, would be able to be driven on by a golf cart, but not driving on higher traffic / higher speed limit roads (crossing such roads would be allowed).

Vice Chairman Terri Griffin asked for clarification of what we should be asking of the Board of Commissioners on this. Dan Porter replied that the Planning Board could make a statement that they support the efforts of the Taylors Beach community in their effort to obtain the legal ability from the state to utilize golf carts on the roadways within their community. Rodney Needham added to this saying that we would be asking the Board of Commissioners to ask the NC Legislature to allow Camden County to regulate the use of golf carts on streets and roadways within the county. After that authority is granted to the county, then the Board of Commissioners will have the legal right to create ordinances regulating golf carts.

At this time, Michael Etheridge made a motion to move this forward to the Board of Commissioners for their consideration. Vice Chairman Terri Griffin 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.

After the voting took place, one additional person spoke. Mr. Wayne Overton of Abode of Camden Inc., who was present for purposes of requesting a rezoning, described a retirement community in Georgia that uses golf carts for almost all of the 65 permanent residents. He said they use the rules of the road, common sense, and an age limit for using golf carts is 16 and up. He said he doesn't live in Taylors Beach, but he thinks its a good thing for them.

Information from Board and Staff

Dan Porter gave updates on the following:

1. Regarding Janet Cooke: Her rezoning was denied by the Board of Commissioners, and Mr. A.B. Hunter is removing the business that was on the property.
2. Green Park Report Meeting scheduled to be held at Camden Middle School at 5:00 pm on August 28th.
3. 21st Century Program: NC Dept of Commerce staff are still compiling the report on this, we hope to have a meeting with them in September.
4. Dan Porter and Dave Parks attended a Stormwater Management Workshop.
5. Lakes at Shiloh have submitted a preliminary plat, only thing they are lacking is a drainage plan.
6. There have been a few minor subdivisions applied for.
7. Camden Plantation Update: A few issues: Curb access from US 17 approval from NCDOT, South Mills water, impacts on the county, etc.

8. South Mills Landing - PUD zoning was in place prior to the moratorium so they didn't have to submit a concept plan, all they have to submit is a master plan. We have asked them as a courtesy to let us take their concept plan that has already been approved through a technical review process in order to coordinate the impacts regarding their development. That process will take place on the 2nd Wednesday in September.
9. About 5 or 6 persons have paid the \$10,249 impact fee for building a single family dwelling.

Consider Date of Next Meeting – September 17, 2008

Adjournment

At 7:55 PM, Michael Etheridge made a motion to adjourn the meeting. 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.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk