

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

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

Absent: Calvin Leary

**Call to Order & Welcome**

Chairman Rodney Needham called to order the November 19, 2008 meeting at 7:02 PM.

**Others Present at Meeting**

Present were staff members Dave Parks, Tommy Burk, and Amy Barnett. Present for purposes of presenting information relevant to a rezoning request were several members of the general public who reside in the area near the property being considered. Of those present, the following persons spoke regarding this rezoning: Michael Riggs, 1433 South 343; Wayne Overton, 187 Thomas Point Road; and Hazel Gregory, grandmother of James Wright, 1425 South 343.

**Consideration of Agenda**

Chairman Rodney Needham called for the consideration of the agenda. Dave Parks suggested to the Board moving the new business before the old business on the agenda. Michael Etheridge made a motion to accept this change and approve the amended agenda. Vice Chairman Terri Griffin seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, John Aydlett, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

**Consideration of the Minutes- October 15, 2008**

Chairman Rodney Needham called for the consideration of the minutes from the October 15, 2008 meeting. John Aydlett made a motion to approve the minutes from the aforementioned meeting as written. Fletcher Harris seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, John Aydlett, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

## Comments from the Public.

None.

## New Business

### *Item #1, UDO#2008-11-04, Rezoning Request, NCD to R-2, Intersection of South 343 and Wharf Road*

Mr. Dave Parks gave a brief description of this rezoning request. This rezoning request was initialized by the Board of Commissioners. Background information surrounding this request: James Wright of 1425 South 343 wants to build a house on one of the properties included in this rezoning. The property is currently zoned NCD, which does not permit dwellings. Mr. Wright was informed of this when he attempted to secure a building permit, and then was told of the procedure for rezoning. The Board of Commissioners directed staff to initialize a rezoning request for that area. Staff recommended that the Board of Commissioners take into consideration the 15 parcels in that area that are zoned NCD. Findings of facts has been prepared (see below).

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## Findings of Facts

### **UDO 2008-11-04 Minor Map Amendment**

1. **Name of Applicant:** Camden County
2. **Agent for Applicant:**
3. **Address of Applicant:** P. O. Box 190, Camden, NC, 27921
4. **PIN:** Various (see attached listing)
5. **File Reference:** UDO 2008-11-04
6. **Street Address of Property:** Various (see attached listing)
7. **Location of Property:** Intersection of South 343 and Wharf Road, Shiloh Township
8. **Flood Zone:** X/AE
9. **Zoning District(s):** Neighborhood Commercial (NC)
10. **General Description of the Proposal:** Rezone property from Neighborhood Commercial (NC) to Mixed Single Family Residential (R-2)
11. **Date Application Received by County:** Directed by Board of Commissioners on November 3, 2008
12. **Received by:** David Parks, Permit Officer
13. **Application fee paid:** Waived
14. **Completeness of Application:** Application is complete
15. **Documents received upon filing of application or otherwise included:**
  - A. Rezoning Application
  - B. GIS Ariel/Current Zoning/Flood Plain/Land Suitability Map
  - C. Table of Permissible Use (Article 151.334) comparison NC vs R2

**16. Soil Classifications:**

**A. Predominant:** Portsmouth (PtA) Severe Wetness (poor filter)

**B. Other:**

**17. Adjacent Property Uses:**

**A. Predominant:** Agriculture

**B. Other:** Residential

**18. Existing Land Uses:** Predominantly residential with some vacant lots

**19. Lot size:** Ranges from .3 acres to 3.4 acres (15 parcels).

**20. Findings Regarding Additional Requirements (Article 151.585)**

**A. How will the proposed zoning change enhance the public health, safety, or welfare?**

**B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing 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 zoning 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 change is not conforming with the Land Use Plan as prior zoning maps from August of 2002 have parcels zoned commercial.

(2) Other Plans officially adopted by the Board of Commissioners. None

**Staff recommends the following options:**

- 1. Deny map amendment as proposed zoning change is not consistent with Land Use Plan.**
- 2. Reconsider a mixed use zoning district (i.e. R4X) which would allow both residential and commercial uses.**
- 3. Only rezone parcels identified by PIN 03-8971-00-69-3845 (address 1423 South 343) and PIN 03-8971-00-69-3773 (address 1425 South 343).**
- 4. Amend Land Use Plan and approve rezoning as to make a valid consistency statement.**

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Staff outlined 4 options: (1) Planning Board could deny the request, (2) Planning Board could ask the Board of Commissioners to reconsider R4X, (3) Only rezone 1423 and 1425 South 343, or (4) recommend approval of the rezoning request, amend the land use plan, and provide a consistency statement.

At this time Mr. Parks invited those present to speak regarding this rezoning.

Mr. Michael Riggs, of 1433 South 343, wanted to know the definition of NCD. Mr. Parks defined it as a small district that has commercial entities that would serve more the immediate vicinity of the neighborhood itself. Mr. Parks indicated that the zoning maps prior to the county wide rezoning that took place back in 2002 had the property in question zoned commercial. So the properties have been zoned commercial for a long time. He went on to say that the residential houses that are in the district are considered to be non-conforming uses, but are allowed because they were legal allowed uses at the time the houses were built, and in the event of a disaster, or event that would in effect destroy a dwelling on one of these properties, the owners would be allowed to re-build.

Terri Griffin questioned the process of what goes on when a rezoning is undertaken. Mr. Parks replied that planners look at the county as a whole as far as where the corridors, infrastructure, etc are located. Hwy 343 is a major corridor in the county. For future planning, planners look at both present and future uses of the properties and what is around those properties, and try to determine what would be the most appropriate use, with future development in mind.

Mr. Wayne Overton, of 187 Thomas Point Road, Shiloh, spoke next. He has the lot that is the corner of Wharf Road and 343. His property is commercial. He said he would like to have his lot zoned like it is, he does not want the zoning to change.

Chairman Rodney Needham said that with Mr. Overton's comment in mind, option number 2 (R4X) which would allow residential and commercial uses, would be the best option.

Terri Griffin observed that this zoning district does not yet exist, and the Board has not been successful as of yet in getting the Board of Commissioners to consider an R4X district. The Planning Board does keep trying to get the Board of Commissioners to consider it for the reason that it does allow both commercial and residential uses.

Mr. Overton spoke in favor of rezoning Mr. Wright's property only (1425 South 343) so that Mr. Wright can build a house. Vice Chairman Terri Griffin responded to Mr. Overton's statement by way of speaking about what is called "Spot Zoning" which is taking one piece of property out of a zoned area and rezoning it to another type of zoning district to benefit the owner of the one piece of property. Ms. Griffin said that the dilemma in doing this is that everybody has a different belief of what the appropriate use of the one piece of property is. Also, if you spot zone one piece of property, then the owners of the property next to it, may want to hold on to a zoning type that they believe may benefit them differently. So as a board, the Planning Board has a challenge to look at the whole property (zoned area).

Mr. Overton re-iterated that he does not want his property to be rezoned from commercial to residential. He has a commercial warehouse on his property and wants his property to be able to continue to be utilized as a commercial use.

Chairman Rodney Needham stated that he would like to see the Planning Board try to get the Board of Commissioners to approve an R4X because the situation here is different from what it has been in the past. In the past, the property owners wanted rezoning all one way - residential, this time there are property owners on both sides - wanting both commercial and residential. The commissioners may see that this will work, and this is what the people want, they may be more inclined to approve R4X.

Vice Chairman Terri Griffin asked if the members of the audience realized that if the commissioners approved R4X, that there could be a house on one lot and a business next door to it.

Ms. Hazel Gregory spoke saying that she deeded the property to Mr. James Wright (her grandson). She said the property was zoned residential, but was rezoned to commercial and they did not get any notification of the rezoning until Mr. Wright went to get a building permit. She questioned the notification process. Mr. Parks replied that he couldn't speak to what was done in the past before he came to work for the county, but that there is a current procedure in place. Ms. Gregory stated that "the law states that you have to notify anybody if you are going to rezone it." She went on to ask the audience if they ever received any notification that a rezoning was going to take place. Vice Chairman Terri Griffin, asked Mr. Parks if public postings qualify as notification (placing notification flyers in public places and in the newspaper). Mr. Parks responded that this was correct, and added that they do go down and 'post' the property (there is a sign and flyer box that is placed on the actual property itself).

Ms. Gregory continued to say that she never received any kind of notification, nor did she see any notices. She only found out about the rezoning when her grandson came to her and said that the county would not let him build a house on the property in question.

Vice Chairman Terri Griffin replied to Ms. Gregory saying that the process of rezoning is sometimes just sitting in a meeting, looking at a map, and just suggesting that an area may be an area where certain things will work, and just the nature of its being on Hwy 343 lends itself to that kind of zoning.

Ms. Gregory responded that this particular piece of property couldn't lend itself to be commercial, as Mr. Wright's brother lives next to this property, so it could be nothing but residential.

Ms. Gregory questioned how this rezoning [from residential to commercial] could come to be. Vice Chairman Terri Griffin responded saying that rezoning by the county doesn't look at one piece of property, it looks at a whole area, they look at all the possible future uses of the property and what the property could in the future lend itself to be. Ms. Griffin went on to say it was probably something as simple as saying 'this is a major corridor that lends itself to future use that it should have some commercial uses there'. She went on to say that if anyone were to want to put a commercial business in that area of the county, that would probably be a prime location.

Vice Chairman Terri Griffin added that it is a broader pen that does it [rezoning] than what people realize. It wasn't aimed at any specific agenda, it was just looking at a piece of property on a corridor of prime road frontage and saying 'this would lend itself to commercial use in the future'...'this looks like where growth could occur in the future and it probably needs to be commercial property'.

Ms. Gregory observed that most of the property in question is farmland, and as long as the farmer that owns it is living, it will never be used as commercial. Ms. Griffin responded that there has been a lot of farmland that has been sold and used for other uses where they wouldn't have thought it would be, so that reaffirms the need to keep an eye to future uses when considering rezoning.

John Aydlett asked if it would hurt anything to rezone 1423 and 1425 into R-2 and then try to get the commissioners to approve a R4X district and rezone the rest of the property into R4X. Mr. Parks replied that if R4X were to be approved, it would allow both residential and commercial.

Vice Chairman Terri Griffin asked the members of the audience present if they would go before the commission in support of R4X. R4X is seen by the Planning Board as a possible compromise between zoning a piece of property commercial or residential, since R4X would allow both in one district.

Ms. Gregory asked Vice Chairman Griffin if she was saying that the Board was not going to recommend turning the property back into residential. Ms. Griffin replied that the Board is trying to look for a compromise that would allow the property owners to have it both ways. The Planning Board has met some resistance the couple of times that they have tried to submit this type of rezoning to the commissioners. The Planning Board is just a recommendation board, they just recommend suggestions to the commissioners. Because situations like this keep coming up, the Planning Board thinks it is a better solution than taking one piece of property out and making a zoning decision, and then leaving everyone else to fight their own individual battles if they want to change something. The Planning Board thinks it is a better compromise when you have a zone and you have a majority of people that are in that zone who say 'we are in agreement, we can compromise, lets do something a little bit different'.

Ms. Gregory indicated a possible intent on her part to take this to court to have the zoning changed to residential from commercial. Mr. Parks replied to this by reiterating what the R4X district would allow, should it be adopted by the commissioners and then subsequently approved for the zoning on the property in question.

Ms. Gregory then asked who gave the authority to change the zoning from residential years ago to commercial which is what it is now. Vice Chairman Terri Griffin replied to this by saying that the voters give the Board of Commissioners the authority to make zoning decisions when they elect commissioners. Ms. Griffin went on to say that all the Commissioners have to do prior to rezoning a property is to meet the minimum notification requirements.

Ms. Gregory again stated 'It is the law that the landowner has to be notified', and she indicated again that she was not personally notified.

At this time, Mr. Wayne Overton spoke again. He said that several years ago, some of his property was being considered for a rezoning. He hired a lawyer who stood with him when they tried to rezone his property. His lawyer spoke for him and listed 3 different instances of cases in NC where Boards of Commissioners tried to rezone property with the objection of the property owner. And in those instances, the rezoning was defeated and the property owner prevailed. He indicated that if it went to court, with the property owners fighting it [objecting to the rezoning], it would probably be defeated [or overturned as in the case of the original rezoning from residential to commercial].

Chairman Rodney Needham then said that this is a golden opportunity to 'have it your way' with the possibility of the R4X district. Although there has not been success yet in getting R4X passed, there are 2 new commissioners, they may have different opinions than their predecessors, and R4X may stand a chance of being adopted with the new members of the Board of Commissioners. There is a different situation here than the Planning Board has seen in the past, there is a person wanting the property to remain commercial, and persons wanting it to be residential. The situation in the past has been a group of people that all wanted a rezoning to be all residential, the Board of Commissioners wanted it all to be commercial, and that was the battle. This is not the same as the current situation.. R4X would allow Mr. Overton to have his property commercial, and Ms. Gregory would be able to have hers residential. Chairman Needham said he would like to see this go before the commissioners and be approved, as this has great potential to work, as it would give the ability to have both uses in the same district.

Mr. Michael Riggs said he owns the old brick store that is no longer in commercial use, that sits on the corner across from Mr. Overton's property. Right now the building is being used for a storage building. He asked hypothetically, if the property was to be rezoned to R-2, and he decided to go into business and want to use the building in a commercial capacity, what would he have to do? Mr. Parks replied that he would have to seek a rezoning to commercial at that time and pay the \$650 application fee to seek rezoning on the property. Mr. Parks, further explained that if the properties in question tonight were to be rezoned to R4X, it would cover both uses, and Mr. Riggs would not have to seek rezoning. Both uses would be allowed.

Mr. Riggs asked another question: He indicated that he owns multiple properties, but only received one notification letter, and that letter only indicated one parcel. His question was if the other properties were to be included in the rezoning as well. Mr. Parks replied that the 15 parcels indicated on the map shown are included in the rezoning. Mr. Riggs asked if all owners were notified. Mr. Parks replied that he did certify the addresses, which were obtained from the tax cards of the parcels, and did mail notices to all owners. He further stated that he has a list of all the owners and parcels affected where upon a notification letter was sent.

Chairman Terri Griffin asked Mr. Parks if he had the proposed table of permissible uses for the R4X zoning district. Mr. Parks said that he may have it on the laptop computer that was present and set up for presentation purposes for tonight's meeting. Mr. Parks brought up a document which showed the amendments that were sent to the Board of Commissioners for R4X (document was shown on a projector screen via a laptop - projector setup).

Mr. Parks showed the table of permissible uses, and explained what each zoning district was. He explained that below the district headings is a non-exhaustive list of uses, as they are now. He said that what the Planning Board does is look at the uses and the zoning districts and what would be compatible in those districts. With the R4X as recommended, the Planning Board went down through the table of permissible uses and said 'what would work in that area with that mixture of residential and commercial uses?'

In the R4X district, the Planning Board is recommending lot sizes of 40,000 square feet (0.9182 acres) as a minimum lot size. This way a rural atmosphere can be preserved, a person does not have to break up a 10 acre lot into 10 one acre lots in order to place a house on the lot. Also, lot sizes would not become as much of a concern for persons wanting to put up a house or someone wanting to place a business, as long as the minimum lot size of 40,000 square feet was observed.

Mr. Parks then spoke about attempts to get the community involved in county government matters and public hearings. He mentioned the locations where he posts notices of public hearings, and that he places ads in the local newspapers. He then invited the audience present at tonight's meeting to attend the public hearing scheduled for December 1, 2008 at 8 A.M.

Wayne Overton asked about the taxation of the property. He asked if the tax values would change if the property was rezoned. Mr. Parks replied that he was not a tax authority, but the way he understood it, the tax was based on the current use of the property. If the property was being used for commercial purposes, then it was taxed as a commercial business, versus if the property was being used as a residence, it was taxed as a residence. He said that anyone with questions regarding tax values should contact Mary Rhodes in the Camden County Tax Department.

Vice Chairman Terri Griffin added to what Mr. Parks stated, saying that the way she understands it is that a commercial use tax on a property does not exist until a commercial business is present on the property. If a property has a residence on it, then it is taxed as a residence.

Vice Chairman Terri Griffin also spoke about R-2 versus R4X. If the property was zoned R-2, and a property owner wanted to open up a business in that zoning district, they would have to seek a rezoning in order to do that. With R4X, the commercial and residential uses are already both allowed there. Should the commissioners vote to adopt the R4X district, this would give the ability to open a business in an area where houses exist.

Ms. Griffin's opinion is that the R-2 is a little more restrictive than what the area [community] would want to support. Chairman Rodney Needham agreed, and stated that he thinks R4X would suite everybody. John Aydlett also agreed, and stated that the property owners need to "work on the commissioners and let them know that this is the way you want it done, because they listen to you".

Mr. Parks stressed the importance of the communities involvement at the public hearing, since they are in agreement with the way they want it zoned (R4X), a consensus would show the commissioners what the people want. He repeated the invitation to attend the public hearing scheduled for December 1, 2008 at 8:00 A.M.

Chairman Rodney Needham asked if there was anyone else that wanted to speak on this before the Board voted on this matter. Hearing none, he called for a motion. Michael Etheridge made the following motion: "Due to the current mixed use of the property, the Planning Board recommends changing the zoning to the R4X to better serve the community, and to request the Board of Commissioners to initiate the text amendment to the ordinances to create the R4X Zoning District". Vice Chairman Terri Griffin seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, John Aydlett, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Vice Chairman Terri Griffin made a statement after the vote: "What we have done is to ask the commissioners to consider the R4X zoning for this area. And that will take care of the broad zoning. But you (audience present) need to go to the commissioners and say that you support this as a community".

Ms. Hazel Gregory asked: "What happens if they will not do that?" Mr. Parks replied that if the community supports it, he would think that they would not go against their voters, but that he could not predict what the Commissioners will or will not do.

### **Old Business**

Dave Parks and Tommy Burk showed a Power Point slide presentation using the laptop projector setup. Dave went over the existing zoning along the 158 Corridor in the Courthouse District.

The following were depicted in the Power Point presentation:

- US 158 and Country Club Road
  - Shell Station Area
    - Zoning of Shell Station to Upton Road is Community Core (CC all the way to 343) with a small Marine Commercial Area that is surrounded by Community Core.
    - Track of land behind Shell Station
- Bank of Currituck
  - Bank of Currituck Area - Brick Style Building was looked at

- US 158 and Upton Road
  - Shore Flight Area
    - Metal building of Shore Flight considered to be not too attractive
  - Camden Sales and Service
    - Dusty Attic store across the street, with residential housing next door
- US 158 at Railroad Tracks
  - Lambs Station - widening project will take away Lamb's pumps and will not leave any room for parking. DOT is negotiating with Lambs over this.
  - Track I Restaurant Area
  - Storage Buildings near Track I Restaurant
  - Side Strip Mall (where Zeros Subs is) off to left and down from Track I building
  - Insurance Office and Used Car Dealership next to it.
- US 158 and NC Hwy 343
  - High School Area
    - Traffic Lights and power lines were talked about - would be nice if could run power lines underground. Maybe put Traffic Lights on poles instead of hanging from lines.
  - Camden Post Office
- US 158 East of Gumberry Road
  - Hyman and Robey
  - Storage building facility across road from Hyman and Robey
  - Day Care facility
  - Camden Medical Park
  - C & L Concrete
  - Another Mini Strip Mall
- US 158 and Belcross Road
  - A few residential houses between Mini Strip Mall area and Belcross
  - A few dilapidated looking commercial buildings
  - A few nice looking commercial buildings
    - Auto Upholstery and Car Furniture place
  - Belcross Bake Shoppe
  - Another u-store type storage facility
- U.S. 158 and Highway 34
  - Intersection, Highway signs down road on Hwy 34
  - Houses in background down Hwy 158.
  - Power Lines that might be better if underground
- U.S. 158 After Highway 34 Split
  - A few more dilapidated looking buildings near residential
  - Camden Business Park with houses off in the distance behind it
- Wharf Road Zoning
  - Aerial/Zoning/Flood map
  - Camden County Zoning Map (entire county)

Terri Griffin said that curbing is what jumps out at her. If curbs were present along all the roadways, the areas would look 100% better. She said it makes the difference between a nice neat appearance and a not so neat appearance. She also said that it might encourage more and different kinds of landscaping to be put in place.

Dave Parks observed that curbs [and sidewalks presumably] would also encourage walking.

Terri Griffin continued saying that landscaping improves an area a lot, even with facades on the front of buildings. She indicated a desire to make this as economically feasible for owners as possible.

Dave Parks said that the 158 widening project would push back a lot of areas. Phase 1 of the widening project begins in May of 2009. He continued saying he would like to see overhead wiring in the area of 158 and 343 converted to underground. Said it would be more aesthetically appealing.

Terri Griffin, upon seeing the picture of the school in the presentation, said that schools set a particular look and that the Board might want to pick design elements that would go with that look.

Dave Parks said he would like to get some public input to see what the public would like to see as far as design standards are concerned.

Tommy Burk mentioned that he has a program that allows him to do 3D modeling of an area incorporating development designs, impacts, tax revenues, environmental concerns, etc. Terri Griffin asked if he could take what is there now [items shown in the presentation from the Courthouse District] and merge them with a conceptual design to show how it could look with improvements. Tommy replied he is already working on this. It is his next project.

Dave Parks mentioned a possibility of extending the community core district down past the Camden Medical Park (it is zoned highway commercial at present time). He spoke about sidewalks, revitalization grants, etc.

Dave Parks wrapped up the discussion by asking the Board to be thinking about styles of buildings with regard to existing zoning, and bring those ideas to the next meeting where the discussion into design standards would continue.

### **Information from Board and Staff**

Dave Parks reminded the Board about the next Golden Leaf Meeting - December 10, 6:30 PM at the Camden Middle School

**Consider Date of Next Meeting – December 17, 2008**

**Adjournment**

At 8:40 PM, Vice Chairman Terri Griffin made a motion to adjourn the meeting. Michael Etheridge seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Terri Griffin, Members Fletcher Harris, Ray Albertson, John Aydlett, and Michael Etheridge voting aye; none voting no; 1 absent; none not voting.

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
Chairman Rodney Needham

Attested: \_\_\_\_\_  
Amy Barnett, Planning Clerk