

**Camden County Planning Board
Minutes**

April 18, 2007

7:00pm

Upstairs Courtroom
Camden County Courthouse

Chairman James Burnham
Vice Chairman Rodney Needham
Members Terri Griffin, Ray Albertson,
Michael Etheridge, Calvin Leary, and John Aydlett

Also attending: County Manager Randell Woodruff, Director of Planning Dan Porter, Flood Administrator Dave Parks, and Planning Secretary Lori Tuss

Regular member Michael Etheridge was not present until later in the meeting.

Call to Order & Welcome

Chairman James Burnham called to order the April 18, 2007 Planning Board Meeting at 7:02 PM

Consideration of Agenda

Chairman Burnham asked if there were any corrections or additions to the agenda. Staff requested that the board set aside time for discussion under VI.- Information from the Board and Staff.

Hearing no further comments, Calvin Leary made a motion to approve the agenda. John Aydlett seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, and John Aydlett voting aye; none voting no; none not voting; one absent.

Consideration of the Minutes- March 16, 2007 Regular Meeting

Chairman Burnham asked for the consideration of the March 16, 2007 Minutes. Hearing no comments or corrections, Vice Chairman Rodney Needham made a motion to approve the March 16, 2007 Regular Meeting minutes. John Aydlett seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, and John Aydlett voting aye; none voting no; none not voting; one absent

Comments from the Public.

Chairman Burnham asked if there were any comments from the public other than what is on the agenda. Hearing no comments, the meeting proceeded.

New Business:

Item #1) Special Use Permit UDO# 2005-03-34 TARK Commercial Park

Staff recommended that the Planning Board approve the Special Use Permit concerning the final plat for property located at Highway 158 East near the split off of Highway 34. The following is the Finding of Facts and the conditions recommended by the staff should the Board approve the application:

Filed: _____

**AN ORDER GRANTING A
SPECIAL USE PERMIT
BY THE BOARD OF COMMISSIONERS
CAMDEN, NORTH CAROLINA**

UDO 2005-03-34

The Board of Commissioners for County of Camden, North Carolina, having held a public hearing on Monday, June 19, 2006 to consider an application for a Special Use Permit by Tark & Associates and having heard all of the evidence presented at the hearing makes the following FINDINGS OF FACT and draws the following CONCLUSIONS for Preliminary Plat approval (Final Plat approved April 18, 2007 by the Camden County Planning Board):

It is the Board's CONCLUSION that the Special Use Permit be issued subject to certain conditions listed below.

This CONCLUSION is based upon the following FINDINGS OF FACT:

- 1. Name of Applicant:** TARK & Associates
- 2. Agent for Applicant:** Mark Gregory
- 3. Address of Agent:** P.O. Box 374
Camden, NC 27921
- 4. PIN:** 02-8945-00-09-3551
- 5. Name(s) of Current Owner(s) of Record:** Tark & Associates, Inc
- 6. Street Address of Property:** Highway 158 East
- 7. Location of Property:** Near split of Highway 34 and 158
- 8. Flood Zone:** X from Firm Map 370042 8944 J
- 9. Zoning District(s):** Highway Commercial (HC)
- 10. Is a Zoning Change Required for the Proposed Use?** No
- 11. General Description of the Proposal:** Final Plat for 34 lot Major Commercial Subdivision – Tark Commercial Park
- 12. Date Application Received by County:** March 14, 2007
- 13. Did the Applicant participate in a pre-application Conference?** Yes
- 14. Received by:** Dave Parks, Permit Officer
- 15. Application fee paid:** \$1,700 by check #
- 16. Completeness of Application:** Application is generally complete.
- 17. Proposal to be completed in Phases:** No

- A. If yes, are phases shown on Plat? N/A.
- 18. Was the Applicant given a list of agencies constituting the Technical Review Staff? Yes**
- 19. Documents received upon filing application or otherwise included:**
- A. Land Use/Development Application
 - B. 10 Blue Line Copies Final Plat
 - C. Copy of Restrictive Covenants
 - D. 8 ½ X 11 Copy of Final Plat
- 20. Soil Classifications:**
- Predominant:** Perquimans (PeA) Severe: wetness, percs slowly
- Other:**
- 21. Adjacent Property Uses:**
- A. **Predominant:** Farm Land
 - B. **Other:** Residential (Camden Crossing/Chesapeake & Albemarle Railway/Applicants office)
22. Existing Land Uses: Open
23. Lots:
- A. **Total Proposed:** Thirty Four (34) lots
 - B. **Average size:** .95 acres (40,000 sf)
- 24. Streets:**
- A. **Are all streets designed to be place under State system? Yes**
 - B. **Are proposed streets named? Yes**
 - C. **Street names:** Tark Drive, Contractors Way, Investors Way, Professional Way.
 - D. **Are any street names already being used elsewhere in the County? Names are now required to be compared across the EMS service area. No conflicts.**
- 25. Open Space:**
- A. **Is open space proposed? No.**
 - B. **Will property owner restrictive covenants be needed? Yes. Copy Attached.**
- 26. 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? No.**
 - C. **Does the applicant propose the use of public water systems? Yes, with South Camden Water Association.**
 - 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? No adopted proposals, but within logical growth of sewer system.**
- 27. Landscaping:**
- A. **Is any buffer required? Yes**
 - B. **Will trees be required along dedicated streets UDO Article 151.156? Yes.**
- 28. Findings Regarding Additional Requirements:**
- A. **Endangering the public health and safety: No.**
 - B. **Injure the value of adjoining or abutting property: The application does not appear to injure the value of adjoining or abutting property.**

- C. Harmony with the area in which it is located:** Yes, property zoned for commercial development.
- D. Conformity with the Plans:**
 - 1. Land Use Plan:** Yes
 - 2. Thoroughfare Plan:** Yes
 - 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:** Proposed development will have no impact on schools.
 - 2. Fire and Rescue:** No.
 - 3. Law Enforcement:** No.
 - Other County Facilities:** None.
- F. Other: Traffic Impact:** Turn/Deceleration Lanes shall installed to reduce the impact on traffic.

Staff recommends approval for Final Plat Tark Commercial Park with the following conditions and modifications:

- 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 2005-03-34 that contains Sketch Plan/Preliminary Plan and Final Plat approval with conditions listed in the Findings of Facts.
- 3. Access to lots 4 and 5 access shall be a minimum of 100' from Route 158 off Tark Drive.
- 4. Prior to issuance of Building Permit verification from a North Carolina Licensed Surveyor certifying that the elevation of the lot to where the building is to be located is at least 12" above existing grade. This elevation may increase based on location/installation requirements of septic tank.
- 5. Developer shall enforce all requirements of the recorded "Declaration of Restrictive Covenants" and shall provide Camden County with written approval for all commercial plans prior to issuance of building permit.
- 6. Prior to issuance of any Certificate of Occupancy, developer shall provide county with certification from NCDOT for the following (to include proper construction of turn/deceleration lanes):

- NCDOT compliance with rules and regulations.

I hereby certify that these streets as installed (or as designed and guaranteed by the applicant) are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways for acceptance of subdivision streets onto the system for maintenance.

_____ **Date** **District Engineer NC Department of Transportation**
Division of Highways

- Division of Highway District Engineer Certificate for Public Streets, if applicable.

I hereby certify that the public streets shown on this plat are intended for dedication and have been completed in accordance with at least the minimum specifications and standards of the NC Department of Transportation for acceptance of subdivision streets on the NC highway system for maintenance.

Date

District Engineer

7. Developer shall recertify that drainage has been installed according to plans submitted to the County and approved by the state at 50% build out of subdivision. Verification shall be provided by a licensed Engineer authorized to do business in North Carolina.
8. Prior to issuance of Building Permit verification from a North Carolina Licensed Surveyor certifying that the elevation of the lot to where the building is to be located is at least 12" above existing grade. This elevation may increase based on location/installation requirements of septic tank.
9. Developer shall provide County with copy of Restrictive Covenants for subdivision within 5 working days of Final Plat Approval.
10. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

IN WITNESS WHEREOF, the County has caused this Special Use Permit for Final Plat Tark Commercial Park to be issued in its name, and the undersigned, being all of the property owners/applicants of the property above described, do hereby accept this Special Use Permit together with all its conditions as binding on them, their successors and their assigns in interest.

I, Mark Gregory of Tark & Associates Applicant/Property Owner of the above-identified property do hereby acknowledge receipt of this Order authorizing the issuance of this Special Use Permit. The undersigned owner/applicant does further acknowledge that no work may be done pursuant to the Special Use Permit for Tark Commercial Park except in accordance with all of its conditions and requirements and that all restrictions shall be binding upon them, their assigns, and their successors in interest.

Mark Gregory Applicant/Property Owner

Date: _____

NORTH CAROLINA
CAMDEN COUNTY

I, _____, a Notary Public in and for said state and county, do hereby certify that Mark Gregory, Applicant/Property Owner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notorial seal the ____ day of _____, _____.

Notary Public

My commission expires:

COUNTY OF CAMDEN

ATTEST:

I, David A. Parks, Permit Officer for Camden County, do hereby acknowledge receipt of this Order authorizing the issuance of a Special Use Permit for Tark Commercial Park. The undersigned individual does further acknowledge that no work may be done pursuant to the Special Use Permit except in accordance with all of its conditions and requirements and that all restrictions shall be binding upon them, their assigns and their successors in interest.

David A. Parks, Permit Officer

NORTH CAROLINA
CAMDEN COUNTY

I, _____, a Notary Public in and for said state and county, do hereby certify that David Parks, Permit Officer, Camden County, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notorial seal the ____ day of _____, _____.

Notary Public

My commission expires:

COUNTY OF CAMDEN

ATTEST:

Chairman Burnham asked if the applicant, Mark Gregory, had any comments. He stated that he had nothing further to add.

Vice Chairman Rodney Needham asked the staff to clarify the issues concerning trees. Staff assured the board that the trees were a requirement at the preliminary stage of the application, and so the lack of trees on the final plat was not an issue. Calvin Leary commended Mark Gregory on his well developed plans and design. Hearing no further comments, Calvin Leary made a motion to approve Special Use Permit UDO # 2007-02-34 with conditions as stated in the Finding of Facts as it is consistent with Camden County Land Use Plan. Ray Albertson seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, and John Aydlett voting aye; none voting no; none not voting; one absent

At this time Micheal Etheridge joined the meeting.

Item #2) Rezoning Application- William Bartlett UDO# 2007-04-08

Staff recommended approval of the Rezoning Application (William Bartlett UDO 2007-04-08) for property located south of the intersection of Seymour Drive and South Hwy 343. The applicant wants to rezone approximately 47 acres from General Use District to R-3-1 District.

Mr. Bartlett was present for questions.

The following is the Findings of Facts with Conditions:

**UDO 2007-04-08
Rezoning Application
William Bartlett**

- 1. Name of Applicant:** William Bartlett
- 2. Agent for Applicant:**
- 3. Address of Applicant:** 1906 Nash Street North
Wilson, NC 27893-1726
- 4. PIN:** 02-8934-02-88-2194
- 5. File Reference:** UDO 2007-04-08
- 6. Name(s) of Current Owner(s) of Record:** Jacqueline B. Berry, ETAL
- 7. Street Address of Property:** South of the Intersection of Seymour Drive and South 343.
- 8. Location of Property:** 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 47 acres from General Use District (GUD) to Basic Residential (R3-1)
- 13. Date Application Received by County:** April 4, 2007
- 14. Received by:** David Parks, Permit Officer
- 15. Application fee paid:** Waived per County Manager.
- 16. Completeness of Application:** Application is complete.
- 17. Documents received upon filing of application or otherwise included:**
 - E.** Rezoning Application
 - F.** Deed
 - G.** GIS Map
 - H.** Adjacent property owner
- 18. Soil Classifications:**
 - A. Predominant:** PeA (Perquimans) – Severe wetness; percs slowly
 - B. Other:** None
- 19. Adjacent Property Uses:**
 - A. Predominant:** Agriculture
 - B. Other:** Residential
- 20. Existing Land Uses:** Agriculture
- 21. Lot size:** approx 47 acres
- 22. Utilities:**

- G. Does the applicant propose the use of public sewage systems? Septic.
- H. Does the applicant propose the use of public water systems? Yes
- I. Distance from existing public water supply system: Adjacent to property.
- J. Is the area within a five-year proposal for the provision of public water? N/A
- K. Is the area within a five-year proposal for the provision of public sewage? No.

23. Findings Regarding Additional Requirements:

- G. How will the proposed change enhance the public health, safety or welfare?:
Proposed change will enhance the public health, safety, and welfare by providing lot to expand County's infrastructure (well site).
- H. 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 uses are more appropriate for this area than the range of uses in the existing zoning classification and is in keeping with the Principals of Smart Growth. According to current plans (pending/approved), this property would be adjacent to the higher density mixed use Core Village of Courthouse Township.
- I. 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?
N/A
 - (2) What extraordinary showing of public need or demand is met by this application?
- J. Conformity with the Plans:
 - (1) Land Use Plan – Yes. Area consistent with the county's future land use map.
 - (2) Thoroughfare Plan – Property abuts Highway 343 South.
 - (3) Other Plans officially adopted by the Board of Commissioners – None
- K. Will not exceed the county's ability to provide public facilities:
 - (1) Schools – No.
 - (2) Fire and Rescue – No.
 - (3) Law Enforcement – No.
 - (4) Other County Facilities – N/A.

Staff was advised that a clerical error was found on line #10 and corrected

Hearing no further comments, Michael Etheridge made a motion to approve the Rezoning Application for William Bartlett UDO # 2007-04-08 based on the staff's Findings of Facts with Conditions as it is consistent with Camden County Land Use Plan. John Aydlett seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, Michael Etheridge and John Aydlett voting aye; none voting no; none not voting; none absent

Item #3) Special Use Permit UDO# 2007-04-09

The following is a special use permit for 3 lots plus residual Minor Subdivision for William P. Bartlett. The property is located at South Hwy 343 and Seymour Drive. Staff advised that the condition on the perc test will include all of the property rather than each lot having to be perc tested individually. This condition will help reduce the financial impact to the applicant. Staff has included copies of the CAPS applications for the Boards review. Staff recommends approval based on the following finding of Facts and conditions as it is consistent with the current Camden County Land Use Plans:

**Findings of Facts
Special Use Permit
UDO2007-04-09
Minor Subdivision**

- 29. Name of Applicant:** William P. Bartlett
30. Agent for Applicant:
31. Address of Agent: 1906 Nash Street North
Wilson, NC 27893-1726
32. PIN: 02-8934-02-88-2194
33. Name(s) of Current Owner(s) of Record: Jacqueline B. Berry, ETAL
34. Street Address of Property: South Highway 343
35. Location of Property: Just south of intersection of South Highway 343 and Seymour Drive
36. Flood Zone: X - Firm Map Number 3720893400J
37. Zoning District(s): Current Zoning is General Use District (GUD)
38. Is a Zoning Change Required for the Proposed Use? Yes – in process.
39. General Description of the Proposal: 3 Lot plus residual Minor Subdivision
40. Date Application Received by County: April 4, 2007
41. Did the Applicant participate in a pre-application Conference? Yes
42. Received by: David Parks, Permits Officer
43. Application fee paid: Fees waived per County Manager
44. Completeness of Application: Application is generally complete.
45. Proposal to be completed in Phases: No
A. If yes, are phases shown on Sketch Plat? N/A.
46. File Reference: UDO 2007-04-09
47. Documents received upon filing application or otherwise included:
I. Land Use/Development Application
J. Deed
K. Letter acting as Agent
L. Health Department Perc Test Application
M. Deed for lot 1 dated 3/15/90 (never recorded)
N. GIS Map with proposed lots
O. Proposed subdivision layout from applicant

48. Soil Classifications:

Predominant: Perquimans (PeA) Severe: wetness, percs slowly

Other: None

49. Adjacent Property Uses:

A. Predominant: Agriculture - farming

B. Other: Residential

50. Existing Land Uses: Agriculture

51. Lots:

C. Total Proposed: Three (3) lots

D. Average size: 1 Acre (43,560 sf)

52. Streets:

E. Are all streets designed to be place under State system? Abuts Highway 343.

F. Are proposed streets named? N/A

G. Street names: N/A

H. Are any street names already being used elsewhere in the County? N/A

53. Utilities:

L. Does the application include a letter or certificate from the District Health Department regarding septic tanks? Perc Test Application. Perc test only required on lot that abuts 343. Approved Septic Permit for Singlewide lot exists and third lot will be utilized as well site for county.

M. Does the applicant propose the use of public sewage systems? No

N. Does the applicant propose the use of public water systems? Yes, with South Camden Water & Sewer District.

O. Distance from existing public water supply system: Adjacent to property.

P. Is the area within a five-year proposal for the provision of public water?
Exists

Q. Is the area within a five-year proposal for the provision of public sewage? No

54. Findings Regarding Additional Requirements:

L. Endangering the public health and safety: Staffs opinion is that the proposed use will not endanger the public health and safety.

M. Injure the value of adjoining or abutting property: The application does not appear to injure the value of adjoining or abutting property.

N. Harmony with the area in which it is located: Yes.

O. Conformity with the Plans:

2. Land Use Plan: Proposed use/uses are in conformity with the County's adopted Land Use Plan.

2. Thoroughfare Plan: Residential lot abuts South Highway 343.

3. Other plans officially adopted by the Board of Commissioners: None

P. Will not exceed the county's ability to provide public facilities:

4. Schools: Approved CAPS attached for lot one (1) on Highway 343.

Residential dwelling already exists on lot two (2) and there will be no impact on schools for lot three (3) as lot to be sold to County for future well site.

5. Fire and Rescue: Additional population will need fire and rescue facilities.

6. Law Enforcement: Additional population will need law enforcement placing additional pressure on law enforcement efforts.

Other County Facilities: No.

On April 18, 2007 recommended approval as proposed use is in conformity with the County's Land Use Plan and with the following conditions and modifications:

11. 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.
12. The applicant shall complete the development in accordance with the plans submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled UDO2007-04-09.
13. Applicant shall provide approved Perc Test from the Albemarle Regional Health Services prior to signing of Final Plat.
14. Approval shall be contingent on Rezoning approval.
15. Lot 3 shall be identified as lot for Camden County future utility facility lot.
16. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.

Chairman Burnham asked if the board would entertain a motion. Calvin Leary made a motion to approve the application with conditions as recommended by the staff as it is consistent with the land use plan. Terri Griffin seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, Michael Etheridge and John Aydlett voting aye; none voting no; none not voting; none absent

Information from Board and Staff

Copies of the Camden County Land Use Plan was made available to the Board for their information.

Staff stated that the Commissioners meeting pertaining to the Major Amendments was postponed until early May. Staff invited the Planning Board to attend.

Staff and Board discussed their goals and how to better articulate their ideas to the Board of Commissioner and the public.

County Manager Randell Woodruff commended the Planning Board on their contribution to the current issues facing Camden, and explained the complex issues that the Commissioner must face as related to the proposed planning changes.

Additional minor issues and ideas were exchanged.

Consider Date of Next Meeting – May 16, 2007

Adjournment

Hearing no further business, Chairman Burnham asked for a motion to adjourn the meeting. Terri Griffin made a motion to adjourn the April 18, 2007 meeting. Calvin Leary seconded the motion. The motion passed with Chairman James Burnham, Vice Chairman Rodney Needham, members Terri Griffin, Ray Albertson, Calvin Leary, Michael Etheridge and John Aydlett voting aye; none voting no; none not voting; none absent

Date Approved: _____

Approval _____
Chairman James Burnham

Attested: _____
Planning Secretary