

Camden County Planning Board
Minutes
December 19, 2007, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present: Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett
Absent: Terri Griffin

Call to Order & Welcome

Chairman James Burnham called to order the December 19, 2007 meeting at 7:05 PM.

Others Present at Meeting

Present were staff members Dan Porter (Director of Planning), Dave Parks (Zoning/Permit/Flood Administrator), and Amy Barnett (Planning Board Clerk). Present for purposes of presenting information relevant to their sketch plans were Richard Browner (Lakes at Shiloh) and Eddie Hyman (representing Wharfs Landing).

Consideration of Agenda

Chairman James Burnham called for the consideration of the agenda. Calvin Leary made a motion to approve the agenda. Ray Albertson seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Consideration of the Minutes- November 28, 2007

Chairman James Burnham called for the consideration of the minutes from the November 28, 2007 meeting. Dan Porter pointed out a few corrections to the minutes. Vice Chairman Rodney Needham made a motion to approve the minutes from the November 28, 2007 meeting with the changes as indicated. Mike Etheridge seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Comments from the Public.

There were no comments from the public.

Old Business

Item #1, Amendment to Chapter 151 of the Camden County Code of Ordinances (Planned Unit Developments)

Dan Porter went over the document to be considered for submission to the Board of Commissioners for an Amendment to Chapter 151 of the Camden County Code of Ordinances (Planned Unit Developments).

Topics touched on as Dan went over this document include the following:

- First page of document gives definitions, etc.
- Pages 2-16 are deleted language
- Pages 17-37 contain new language
- Specific topics touched on:
 - General
 - Definitions
 - Establishing a PUD District
 - Mandatory Elements of PUD Rezoning Applications
 - Concept Plan
 - Required elements of a completed zoning application form
 - Existing site conditions
 - Development Conditions
 - Conceptual Plan Drawing - Requirements to be included
 - What the process entails (Rezoning Process, Future Development, PUD Approval Ordinance to be Issued)
 - PUD Master Plan and Conditional Use Permit
 - Review and Approval of all Final Plans
 - Minimum Design and Development Criteria
 - General Site Considerations touched upon:
 - Open Space Requirements
 - Wetlands considerations
 - Dwellings
 - Phasing of Development and Schedule of Non Residential Development
 - Required Elements and Content of PUD Master Plans
 - Manual for maintenance of private roads
 - Proposed phasing schedule for master plan
 - PUD Master Plan Approval Process
 - Review and Approval by Planning Board
 - Review and Approval by Board of Commissioners

- Board of Commissioners Findings
 - Consistent and complies with PUD Approval Ordinance, conceptual plan, and satisfies all required elements and content for PUD Master Plan as set forth in ordinance
 - Complies with Adequate Public Facilities (public schools) ordinance
 - Public Health and Safety
 - Impact on property values, etc.
- Phasing and Modifications of Approved PUD Master Plans
 - Minor Modifications

After Dan Porter completed his walkthrough, he asked if any of the board members had any questions. Rodney Needham asked a question pertaining to the open space requirements as they pertain to wetlands: "Is it always up to the developer to set aside the open space or does the planning department have any input into that? So to say 'no we don't want all wetlands'...". Dan's response was that wetlands do not count as open space per se, but that wetlands created to replace built upon wetlands can be partially counted if the amount of wetlands created is significantly above what was on site. For example, if there were 10 acres of wetlands built upon, and the developer creates 20 acres of wetlands to replace those 10 acres, he should get credit for 10 acres of open space.

Hearing no further questions, Chairman James Burnham asked Mr. Porter what action was being requested on this item. Mr. Porter responded that he would like for this to be sent to the Board of Commissioners if there were no further changes requested to it by the board. Chairman Burnham called for a motion to send it to the Board of Commissioners. Calvin Leary made the motion, Vice Chairman Rodney Needham 2nd the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

New Business

Item #1, UDO 2007-10-09, Sketch Plan, The Lakes at Shiloh Major Subdivision

Findings of Facts
UDO2007-10-09
Sketch Plan
The Lakes at Shiloh

1. **Name of Applicant:** Richard S. Browner & Frank T. Williams
2. **Agent for Applicant:**
3. **Address of Agent:** 131 Dances Bay Road
Elizabeth City, NC 27909
4. **PIN:** 03-8974-00-13-2193
5. **Name(s) of Current Owner(s) of Record:** Richard Browner & Frank T. Williams
6. **Street Address of Property:** Not addressed
7. **Location of Property:** Across from 701 Sandy Hook Road, Shiloh Township
8. **Flood Zone:** X/AE
9. **Zoning District(s):** Mixed Single Family Residential (R2)
10. **Is a Zoning Change Required for the Proposed Use?** No
11. **General Description of the Proposal:** Sketch Plan for 23 lot Major Residential Subdivision – The Lakes at Shiloh
12. **Date Application Received by County:** October 9, 2007
13. **Did the Applicant participate in a pre-application Conference?** Yes
14. **Received by:** David Parks, Permit Officer
15. **Application fee paid:** \$3,450.00 by check # 104724
16. **Completeness of Application:** Application is generally complete.
17. **Proposal to be completed in Phases:** No
 - A. If yes, are phases shown on Sketch Plat?
18. **Was the Applicant given a list of agencies constituting the Technical Review Staff?** Yes
 - A. Technical Review Staff (Sketch Plan Approval)
 - (a) South Camden Water & Sewer District
 - (b) Camden County Health Dept
 - (c) South Camden Fire Dept/EMS
 - (d) Sheriff's Office
 - (e) Albemarle Soil & Water Conservation District
 - (f) Superintendent of Camden County Schools
 - (g) N.C. DOT
 - (h) Cable Company

19. Documents received upon filing application or otherwise included:

- A. Land Use/Development Application
- B. Deed
- C. Tax Card
- D. Letter from Albemarle Regional Health Services
- E. Developmental Impact Statements
- F. 10 Copies of Sketch Plan

20. Soil Classifications:

Predominant: State (StA) Moderate wetness: percs slowly

Other: Bojac (BoA) Moderate wetness

21. Adjacent Property Uses:

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

22. Existing Land Uses: Agriculture, wooded and swampland

23. Lots:

- A. **Total Proposed:** 23 lots
- B. **Average size:** 1 acre (43,560 sf)

24. Streets:

- A. **Are all streets designed to be place under State system?** Yes
- B. **Are proposed streets named?** Yes.
- C. **Street names:** Bailey Farm Road & Bailey Circle
- D. **Are any street names already being used elsewhere in the County?**

25. Open Space:

- A. **Is open space proposed?** Yes
- B. **Will property owner restrictive covenants be needed?** Yes.

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

27. Landscaping:

- A. **Is any buffer required?** Yes. Article 151.232(N)
- B. **Will trees be required along dedicated streets UDO Article 151.156?**
Landscaping Plan required.

28. Findings Regarding Additional Requirements:

- A. **Endangering the public health and safety:** Proposed subdivision does not appear to endanger the public health and safety.
- 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, there are residential dwellings within close proximity.

D. Conformity with the Plans:

1. Land Use Plan:

- Proposed subdivision is located outside the Core Area of Shiloh.
- Land suitability map reflects high to moderate suitability.
- Policy 9 states the county supports greater residential densities in areas that are accessible to water and/or sewer services.
- Policy 11 states the county supports regulating growth to coincide with the provision of public facilities and services. County water runs adjacent to property.
- Development pays respect to the environment by setting aside large portion of property as open space.
- Promotes active living.

2. Thoroughfare Plan: Yes

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

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

1. Schools: Developer shall comply with Chapter 153 (Adequate Public Facilities) of the Code of Ordinances.

2. Fire and Rescue: Additional homes will have impact on services.

3. Law Enforcement: Additional homes will have impact on services.

Other County Facilities: None.

F. Other:

Recommendations

A. Technical Review Staff Comments:

- (1) South Camden Water & Sewer District. Approved
- (2) Camden County Health Department: Approved (See attached letter)
- (3) Camden County Schools (Transportation). No response.
- (4) Camden County Schools (Transportation Director)
- (5) South Camden Fire Department. See attached letter from EMS
- (6) Sheriff's Office. Approved.
- (7) Cable Company. No comment.
- (8) NCDOT. See attached.
- (9) Soil Conservation Service: Will need to review drainage plan prior to Preliminary Approval.

B. Adoption of all Technical Review Staff. Staff recommends adoption of Technical Review Staff Comments

Staff recommends approval of Sketch Plan for the "Lakes at Shiloh" major subdivision.

Dave Parks called attention to the application package. This application was originally on the November meeting agenda, but was pulled from the agenda due to the application being incomplete (missing items on the sketch plan). At this time the application is complete, the developer has complied with all the requirements for sketch plan approval, and the sketch plan meets all requirements of the ordinances. Staff is recommending approval of this major subdivision.

Richard Browner was present and asked the board for approval of the sketch plan for The Lakes at Shiloh. He referred to his presentation which he made last month.

Calvin Leary asked how long the build out on this subdivision would take. Mr. Browner's answer seemed to focus on the question of whether they were going to start putting streets in right now or wait until the economy turns around a little bit. They haven't made that decision yet. He indicated that they would go ahead and prepare a preliminary subdivision plat. He didn't really answer the original question, but indicated that he hoped that the market would turn around within the next 7 or 8 months, by the time they received the appropriate approvals. He said he hoped to have the street system in place by then. Dave Parks agreed with Mr. Browner that it is difficult to determine a build out period with market dictates and related issues.

Chairman Burnham asked the board if there were any further questions. Hearing none, he asked for a motion.

Vice Chairman Rodney Needham asked if he could recuse himself from voting on this item due to conflicts of interest. Chairman Burnham said that the board would have to approve a request for recuse. Calvin Leary made a motion to allow Mr. Needham to recuse himself. Ray Albertson seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Chairman Burnham called for a motion to approve or deny ***UDO 2007-10-09, Sketch Plan, The Lakes at Shiloh Major Subdivision***. Mike Etheridge made a motion to approve. John Aydlett seconded the motion. The motion was approved with Chairman James Burnham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 member recused from voting; 1 absent.

*Item #2, UDO 2007-10-08, Sketch Plan, The Reserve at Wharfs Landing Major
Subdivision*

Findings of Facts
UDO2007-10-08
Sketch Plan
The Reserve at Wharf's Landing

- 1. Name of Applicant:** Camden Square Associates
- 2. Agent for Applicant:**
- 3. Address of Agent:** 389 Edwin Drive
Virginia Beach, VA 23462
- 4. PIN:** 01-7080-00-47-2055/01-7080-00-68-2061/01-7080-00-86-8982
- 5. Name(s) of Current Owner(s) of Record:** Camden Square Associates
- 6. Street Address of Property:** Not addressed
- 7. Location of Property:** Behind existing Wharfs Landing Subdivision with some property off Keeter Barn Road.
- 8. Flood Zone:** X/AE
- 9. Zoning District(s):** Basic Residential (R3-1)
- 10. Is a Zoning Change Required for the Proposed Use?** Rezoning will have to be approved before Board of Commissioners consideration of this application.
- 11. General Description of the Proposal:** Sketch Plan for 165 lot Major Residential Subdivision – The Reserve at Wharfs Landing
- 12. Date Application Received by County:** October 9, 2007
- 13. Did the Applicant participate in a pre-application Conference?** Yes
- 14. Received by:** David Parks, Permit Officer
- 15. Application fee paid:** \$27,000 by check # 4752
- 16. Completeness of Application:** Application is generally complete.
- 17. Proposal to be completed in Phases:** Yes.
 - A.** If yes, are phases shown on Sketch Plat? Yes.
- 18. Was the Applicant given a list of agencies constituting the Technical Review Staff?** Yes
 - A.** Technical Review Staff (Sketch Plan Approval)
 - (a) South Mills Water District
 - (b) Camden County Health Dept
 - (c) South Mills Fire Dept
 - (d) Sheriff's Office
 - (e) South Mills Post Office
 - (f) Albemarle Soil & Water Conservation District
 - (g) Superintendent of Camden County Schools
 - (h) Transportation Director of Camden County Schools
 - (i) N.C. DOT
 - (j) Cable Company

19. Documents received upon filing application or otherwise included:

- A. Land Use/Development Application
- B. Deed
- C. Tax Card
- D. 10 Blue Line Copies of Sketch Plan

20. Soil Classifications:

- A. **Predominant:** Roanoke (RoA) Severe: wetness, percs slowly
- B. **Other:** Altavista (AaA), Portsmouth (PtA) and Tomotley (ToA)

21. Adjacent Property Uses:

- A. **Predominant:** Agriculture
- B. **Other:** Residential (existing Wharfs Landing Subdivision)

22. Existing Land Uses: Cleared lands, wooded and farming

23. Lots:

- A. **Total Proposed:** 164 lots
- B. **Average size:** 1 acre (43,560 sf)

24. Streets:

- A. **Are all streets designed to be place under State system?** Yes
- B. **Are proposed streets named?** No
- C. **Street names:**
- D. **Are any street names already being used elsewhere in the County?**

25. Open Space:

- A. **Is open space proposed?** Yes. $250 \times .05 = 12.5$ acres required. Proposed 25 acres.
- B. **Will property owner restrictive covenants be needed?** Yes.

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. Septic
- C. **Does the applicant propose the use of public water systems?** Yes, with South Mills 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?** Yes.

27. Landscaping:

- A. **Is any buffer required?** Yes. In accordance with Article 151.232 (N).
- B. **Will trees be required along dedicated streets UDO Article 151.156?**
Landscaping Plan required.

28. Findings Regarding Additional Requirements:

- A. **Endangering the public health and safety:** Sketch Plan does not appear to endanger the public health and safety.
- 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:** Expansion of an existing subdivision.

D. Conformity with the Plans:

1. Land Use Plan:

- Property located outside Core Village of South Mills.
- Policy 9 states the county supports greater residential densities in areas that are accessible to water and/or sewer services.
- Policy 11 states the county supports regulating growth to coincide with the provision of public facilities and services.

2. Thoroughfare Plan:

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: Chapter 153 addresses schools.

2. Fire and Rescue: See attached letters from EMS and South Mills Fire District.

3. Law Enforcement: See attached letter.

Other County Facilities: None.

F. Other:

Recommendations

A. Technical Review Staff Comments:

- (1) South Mills Water. See attached letter.
- (2) Camden County Health Department: (see attached letter)
- (3) Camden County Schools (Transportation). No response.
- (4) South Mills Fire Department/EMS: See attached letters.
- (5) Sheriff's Office. Approved (see attached letter)
- (6) South Mills Post Office. Approved.
- (7) Cable Company. No response.
- (8) Dominion Power. No response.
- (9) NCDOT. See attached letter.
- (10) Soil Conservation Service: Will need to review drainage plan prior to Preliminary Approval.

B. Adoption of all Technical Review Staff. Staff recommends adoption of Technical Review Staff Comments

Staff recommends approval with the following recommendations.

1. Based on Health Department letter, applicant should address the issues with lots 121, 131, and 162. All lots shall have an approval prior to Preliminary Plat application.
 2. Amend Sketch
 - II. Setting – Environmental Information: Correct floodplain references.
 3. Prior to submission of Preliminary Plat application applicant shall have an approval letter from South Mills Water Association.
-

Dan Porter pointed out to the board that the Board of Commissioners has not met to consider the application for re-zoning associated with this sketch plan.

Staff recommendations pertaining to this sketch plan are (1) that all lots be perc tested, (2) make the necessary corrections to the floodplain references on the plat, and (3) provide letter of approval from South Mills Water Association. With regard to number (3), the applicant has not provided this yet because South Mills Water Association is working on improvements (water tower and line upgrades) and do not want to issue the letter until these are completed.

Chairman Burnham asked Dan Porter if the board could act on the sketch plan without the re-zoning approval in place. Mr. Porters response was that re-zonings and plats have been submitted together in the past to the Board of Commissioners. If the re-zoning is not approved then they do not look at the plat, but they can be submitted at the same time.

Chairman Burnham indicated that he is reluctant to act on it until all the "i's" are dotted and all the "t's" are crossed (until all the paperwork and prior approvals are in). Also, Chairman Burnham expressed a preference to have a clear approval from the Health Department on the perc test issue, so that there is no problem down the line with septic issues. Dan Porter said staff feels the same way with regard to the septic systems issue. Mr. Porter pointed out that there are a number of new technologies available, a lot of different ways to build septic systems which would increase suitability of the land whereupon they would reside.

Eddie Hyman, of Hyman and Robie, was present to represent Wharfs Landing. Mr. Hyman pointed out that the requirement for sketch plan is to have 10% of the lots on a property perc tested. He said that the requirement is like a design tool used to indicate where you may have problem areas. Mr. Hyman said that Wharfs Landing is going to have the Health Department evaluate the entire site and they will identify and design around any problem areas. Mr. Hyman referred to a letter from the Health Department which was included in the December Planning Board packet. He indicated that the letter is a standard letter, that about 90% of the county would get a letter like this if perc tested. He said that only about 10% of the soil in the county would pass a perc test without modifications. He also indicated that there are things you can do to make an unsuitable lot suitable by modifying certain elements of the land to promote drainage.

Dave Parks reiterated much of what Mr. Hyman said, saying that they did meet the requirement for sketch plan approval per the ordinance (have 10% of the property lots perc tested). Mr. Parks said that the only issue is the re-zoning, acting on the re-zoning prior to sketch plan consideration by the Board of Commissioners as far as setting up public hearing. Recommendation of staff was that the Board of Commissioners set the public hearing after the public hearing for the re-zoning is considered.

Mr. Hyman indicated a desire for the board to go ahead and vote on approval of the conceptual sketch plan since they have met all the requirements of sketch plan. There are a lot of design tasks that they can not move forward on until sketch plan is approved. He pointed out that they have already spent an enormous amount of time and money, and would like to have all necessary approvals in before spending the "big bucks".

Chairman Burnham asked Mr. Hyman if he would be willing to wait a month so that the rezoning can go before the Board of Commissioners. Mr. Hyman replied that they have already been waiting 3 and a half years and would prefer to not wait another month. If rezoning and sketch plan go to the Board of Commissioners together, and the rezoning is not approved then they will not look at the sketch plan and no harm done.

Dave Parks pointed out to the board that a conceptual plan is just that - conceptual. Staff checks and makes sure that sketch plan applicants meet all the requirements of the ordinance for sketch plan approval. Mr. Parks indicated that what the board needed to consider is that the applicant has met all the requirements and how the proposed development is going to benefit both the developer and the county itself.

Mr. Hyman again reiterated his desire to move forward with this due to the fact that the Board of Commissioners did not have a meeting in November, he feels they have lost a month and requested the Planning Board to send both the rezoning and the sketch plan to the Board of Commissioners at the same time.

Chairman Burnham asked the board if there were any further questions, hearing none he called for a motion to be made. Calvin Leary made a motion to approve the Sketch Plan. Michael Etheridge seconded the motion.

At this time, Ray Albertson requested permission to recuse himself from voting due to a conflict of interest. Calvin Leary made a motion to allow Mr. Albertson to recuse himself, John Aydlett seconded it. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

A motion to approve the sketch plan for Wharfs Landing had already been made, Chairman Burnham called for a vote. The motion was approved with Vice Chairman Rodney Needham, Members Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 member absent; 1 member recused from voting, and Chairman James Burnham abstained.

Item #3, Amendment to Chapter 151 of the Camden County Code of Ordinances (Table of Permissible Uses)

Dan Porter went over the changes to the Table of Permissible Uses. Among the major changes were that businesses would be allowed with a zoning permit, and the Planning Department would try to push for the landscape buffer requirements and impose conditions as needed.

Chairman Burnham called for a vote to approve/deny the changes to the Table of Permissible Uses. Mike Etheridge made a motion to approve the changes. Rodney Needham seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Information from Board and Staff

Dan Porter mentioned some programs and committees that would be starting in January, 2008.

Consider Date of Next Meeting – January 16, 2008

Adjournment

At 8:51 PM, Ray Albertson made a motion to adjourn the meeting. Rodney Needham seconded the motion. The motion was approved with Chairman James Burnham, Vice Chairman Rodney Needham, Members Ray Albertson, Calvin Leary, Mike Etheridge, and John Aydlett voting aye; none voting no; 1 absent; none not voting.

Date: _____

Approved: _____
Chairman James Burnham

Attested: _____
Amy Barnett, Planning Clerk