

BOARD OF COMMISSIONERS

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County Manager

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Clerk of the Board/
Assistant to the Manager

Camden County Planning Board
Record of Proceedings
May 18, 2005
7:00 PM
Camden County Courthouse Courtroom

Chairman James Burnham called to order a meeting of the Camden County Planning Board with the following members present:

Chairman James Burnham
Members Calvin Leary, Gladys Banks, Robert Woodrow and Terri Griffin

Also present were Dan Porter, Planning Director, and Melissa Joines, Clerk to the Board.

Board members absent were: Rodney Needham and Juanita Staples

Chairman Burnham called for consideration of the agenda. Woodrow made a motion to approve the agenda. Griffin seconded the motion. The motion passed 5-0.

Chairman Burnham called for consideration of the March 16, 2005 minutes. Woodrow made a motion to approve the minutes. Banks seconded the motion. The motion passed 5-0.

Chairman Burnham called for consideration of the April 14, 2005 minutes. Leary made a motion to approve the minutes. Woodrow seconded the motion. The motion passed 5-0.

Chairman Burnham called for consideration of the April 20, 2005 minutes. Woodrow made a motion to approve the minutes. Leary seconded the motion. The motion passed 5-0.

Chairman Burnham called for comments from the public. Hearing none he continued with the agenda.

New Business

Item #1 Rezoning Application (UDO 2005-04-40) to rezone property located on Ponderosa Road and Heritage Drive from Light Industrial (I-1) and Residential (R-3-2) to Residential (R-3-2)

Dan Porter stated the rezoning application from Mr. Davenport, was for property currently zoned Light Industrial and Residential. The request is to rezone the property Residential with one acre lots. The Land Use Plan shows the area as Industrial and staff recommends denial of the request. Staff feels the residential would put a strain on the infrastructure.

Greg Stuart, 134 Pudding Ridge Road, felt the rezoning would be a unique opportunity for development in the county. The property is currently for sale and has been a very controversial property because it is located by the landfill.

Bill Bland, 112 Deer Trail, felt Mr. Davenport would be willing to cooperate with the county on the moratorium. Feels it would not be in the community's best interest to allow Industry in the area. There are no opportunities in the area and asked the board to consider the rezoning.

Eddie Hyman, surveyor for the property, representing Mr. Davenport, stated the property in question adjoins residential property. A portion of the property in the request is currently zoned residential. A development would provide buffers away from the landfill for a new community and the current residential community. There are current uses in the Industrial zoned area that do not require a sewer system. The current residential community does not have a buffer and a new community would help the existing one. The residents in the area are in favor of the rezoning.

Griffin stated that the current zoning, which is residential allows for two acre lots. Mr. Hyman stated the property along Heritage Drive, which is a small portion of the property in question, is currently zoned for two acre lots.

Chairman Burnham questioned the request for one acre lots as opposed to two acre lots. It would be considered spot zoning. Mr. Hyman stated the current community is already one acre lots and a two acre lot would be a burden on the homeowner.

Griffin asked was there a contract to purchase on the property and if so, what were the conditions. Mr. Hyman stated there was a contract on the property with the condition of the rezoning.

Lokie Flythe, 105 Deer Trail, asked the board would their decision be based on the best interest of the county or the current decision of the board members. Feels the neighborhood is a part of the county and would like the board to consider the interest of the community.

Tracy Bland asked the board was the Land Use Plan more of a guide for what the county should look like or was it specific as to what it will look like. Woodrow stated the Land Use Plan was a concept.

Dan Korzeniowski, 111 Deer Trail, feels the residential will soften the incoming landfill which will be unsightly.

Chairman Burnham question how will a residential subdivision be a buffer for the existing homes. Griffin stated a buffer would help the existing homes but questioned would there be a buffer for any new homes.

Mr. Korzeniowski stated the landfill would already be in place if a new residential subdivision was to be built.

Mr. Bland stated he felt Mr. Davenport intends on building a buffer for any new residential subdivision. Mr. Bland stated he appreciates the fact that he received a notice on the meeting.

Chairman Burnham called for a motion. Woodrow made a motion to table the item for more consideration. Griffin seconded the motion. The motion passed 5-0.

Item #2 Rezoning Request (UDO 2005-04-41) to rezone property located at 251 & 253 Sailboat Road, Shiloh Township from Residential (R-2) to Marine Commercial (MC)

Dan Porter stated the application was from Quality Crab Company to rezone two of their properties to Marine Commercial. The company currently owns one piece of property that is zoned Marine Commercial and would like the two property in question to be rezoned to Marine Commercial. There is currently a code enforcement action on the property. The company is using the properties as Marine Commercial without a structure which would need to be tied into a septic system under current zoning regulations. Staff's recommendation is to approve the rezoning. The county is in need of commercial zoning. One condition on the rezoning would be the property owner shall erect a six foot privacy fence along the front of the property to conceal commercial activity from public view. The property in question is currently vacant with the exception of a boat ramp, a nonconforming refrigeration unit and crab pots.

John Morrison, Attorney for Quality Crab Company stated the application comes to the board with staff approval. The rezoning is consistent with the neighborhood. Mr. Morrison showed the board photos of the property currently zoned for Marine Commercial use and the property in question containing the refrigeration unit and crab pots. The property will not perk so it cannot be used under the residential zoning requirements. The property is consistent with the Marine Overlay in the Land Use Plan. The business will create five new jobs and help the county with tax base and enhance the commercial fishing. Quality Crab Company was notified of the code violation by the county and has been in contact with the owners of the crab pots and also has a contract to remove the refrigeration unit. The company will comply.

Chairman Burnham stated one recommendation of the application would be the property owner shall erect a six foot privacy fence to conceal commercial activity from public view. Mr. Morrison stated the applicant would comply with the condition.

Woodrow questioned how this property is different from other properties in the area containing crab pots. Staff stated that in many cases the properties contain a structure and possibly a septic system that may or may not work.

Charles Busby, Attorney representing Robert White, owner of Frog Island Seafood Company is in opposition to the application. Mr. Busby stated the law for considering a proposed zoning change the board is required to consider the allowed uses of the existing zoning and the allowed uses of the proposed zoning and compare the uses as to which zoning is more appropriate. Mr. Busby asked the board to consider the law as opposed to the proposal and intended uses. The area is historically a residential subdivision with the exception of the businesses which exist in the area. The proposal will allow the commercial to encroach on the residential area and is not an appropriate zoning change to the current property. Feels the board should deny the application.

Woodrow stated the property has no value as residential property. Mr. Busby stated that if the property will not perk the uses for residential is very limited. Woodrow stated that none of the property will perk. The health department will not allow a septic system on any property. Mr. Busby stated that if the property currently has a septic system the owners are left to suffer the consequences to the commercial zoning.

Griffin asked Mr. Busby who he was representing. Mr. Busby stated he was the attorney representing Robert White, owner and operator of Frog Island Seafood Company. Griffin asked was it a competitor of Quality Crab Company. Mr. Busby stated yes but was trying to keep the uses of each business separate.

Griffin stated the intent to remove the crab pots was to abide by the ordinance but is it an intention that if the zoning is approved the current use would be restored. Mr. Morrison stated that was correct. The applicant's intention is to obey the law and to comply with county requirements. There is a contract to have the refrigeration unit removed, however if the rezoning is approved the crab pots and refrigeration unit would go back on the property. Mr. Morrison stated one of the considerations is the available uses but that is only part of the law. Another consideration would be the zoning statutes to organize land use for the public safety and welfare of the county. One issue of welfare is the tax base of the county. Mr. Morrison presented to the board a map of the area showing the properties in question. The board discussed the properties in question, the adjacent property uses and the location of Frog Island Seafood Company. Mr. Morrison stated Camden Point is a business community.

Chairman Burnham called for a motion. Griffin made a motion to recommend approval of the rezoning application. Leary seconded the motion. The motion passed 5-0.

Item # 3 Final Plat (UDO 1999-07-08) Wharfs Landing – Phase 3a

Dan Porter stated that Wharfs Landing Subdivision was divided into three phases and are in the process of completing their second phase and has submitted the final plat for Phase three. Staff is recommending approval with conditions as stated in the findings of fact. Phase three has two lots with wetlands and could possibly build on them, but the lots require approval from the Army Corp of Engineers which has not been received.

Greg Pingree, 104 Waterway Court, stated he has some issues with drainage from Phase two. Mr. Pingree presented the board with pictures of his home during a storm with water standing on his lot. He was never informed that he owned the ditch on the rear side of his property. Mr. Pingree would like the issue to be addressed.

Derrick Boggess, 106 Waterway Court, stated he lived beside Mr. Pingree. Mr. Boggess stated he did not know the ditch was part of his property. The ditch was washed-in in some areas and is over grown in other areas. The homeowners feel they have done all they could do with the exception of calling a contractor to clean out the ditch. The property owners would keep the ditch clean if it was to be clean out by the developer.

Griffin stated it would have been the responsibility of the closing attorney to inform the property owner of ownership. Griffin questioned the location of the ditch in relation to the properties. Eddie Hyman stated the ditch runs along the back of the development. The drainage for Phase three does not connect to any properties in Phase two.

Chairman Burnham asked was the developer willing to clean out the ditch. Waverly Sawyer stated the ditch was intended to be an access to Culpepper Road but was turned down by the county. After a discussion between the developer and the property owners the developer then agreed to clean the ditch.

Chairman Burnham questioned the total build out time of the development. Mr. Hyman stated the build out time would approximately be two years.

Chairman Burnham called for a motion. Woodrow made a motion to approve the application. Griffin seconded the motion.

Mr. Porter stated he would like to address the elevation issue before the board votes. Condition number four: Prior to issuance of a building permit, developer shall provide evidence that lots are crowned to the elevations listed on Phase 3a Final Plat. Mr. Porter and Larry Payne, Building Inspector met with John Altman to discuss different options of the elevation of each lot and to make sure lots are crowned correctly. One option would be to require an elevation certificate before the slab was poured for the structure which would give the builder the option to raise the slab if it did not meet the requirements.

The developer is proposing to supply the county with an elevation certificate between the slab inspection and the final inspection. The reason for the long time frame is due to grading issues. Woodrow questioned what if the house was not at required elevation at the time of final inspection. The developer stated that the developer staff will insure that the elevation is correct and have asked Hyman & Robey to test the grade so the developer can achieve the required lot grade.

Eddie Hyman stated the correct grade would come from finished floor and not the grade elevation. The developer will supply how high the house will be above finished grade. The house will be set eight inches higher than the lot grade.

Mr. Porter stated there would be no certificate of occupancy issued if the grade was not at elevation listed on the final plat.

Chairman Burnham called for a vote on the motion. The motion passed 5-0.

Items from Board and Staff

There were no items from the board or staff.

Adjournment

Griffin made a motion that the meeting be adjourned. Leary seconded the motion. The motion passed 5-0. The meeting adjourned at 8:36 PM.

Approved: _____

Chairman

ATTEST:

Melissa Joines, Clerk to the Board