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Camden County Planning Board
Record of Proceedings

June 15, 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
Vice-Chairman Rodney Needham
Members Calvin Leary, Juanita Staples, Robert Woodrow and Terri Griffin

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

Board members absent were: none

Chairman Burnham called for consideration of the agenda. Needham made a motion to approve the agenda. Griffin seconded the motion. The motion passed 6-0.

Chairman Burnham called for consideration of the May 18, 2005 minutes. Mr. Porter requested to include he had stated there would be no certificate of occupancy issued if the grade was not at elevation listed on the final plat. Woodrow made a motion to approve the minutes as amended. Leary seconded the motion. The motion passed 6-0.

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

Old 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 approximately 190 acres. There were comments from the public at last months meeting which were in support of the rezoning. Staff recommends denial of the request. There is little, if any infrastructure in the area and the Land Use Plan shows the area as Light Industrial. The county needs commercial development to generate tax revenue. There is currently a moratorium in place on residential development.

Dave Parks stated he feels the county would not support a new residential subdivision based on the inadequate facilities.

Eddie Hyman, representing the applicant, stated the comments from the public at the last meeting were all positive. There are twenty plus residents in the area that would like to residential development around them. This would be a unique opportunity for the county to create a buffer around the existing residential development. A portion of the property in the request is currently zoned residential. A subdivision cannot be submitted at this time due to the moratorium but if the rezoning is approved the current residents will not be impacted by what is currently allowed in the Industrial zoning such as: racetracks, correctional facilities, mining operations, junkyards, landfills etc. This is an opportunity to buffer the existing residential, which should have been considered when the rezoning of the county took place. When the next development comes in it will create the buffer that is needed to screen it from the potential landfill and to be more in harmony with the existing use.

Leary asked the developer, Mr. Davenport his position on the opposition of the landfill. Mr. Davenport stated he did not have a position. There are developments in Virginia that are located within site of landfills.

Eddie Hyman stated there was a landfill in Pasquotank County with a development adjacent to it. It is an existing situation where a landfill abuts a development. A landfill is run so that it is a very clean operation.

Chairman Burnham question a new residential subdivision will be a buffer for the existing residential area, what will buffer a new subdivision. Mr. Hyman stated that a design would be created to buffer and isolate any new development in the area. The existing residential lots are nonconforming due to the current zoning and the existing residential will abut any new development. If the rezoning is approved, there will be a design of up to a fifty foot buffer for any new development.

Woodrow questioned how far off Highway 17 would the landfill sit. Dan Porter stated the closest point of the landfill will be three thousand feet from the center line of Highway 17.

Chairman Burnham stated subdivisions are required to be on a state maintained road and Heritage Drive and Ponderosa Road are neither state maintained. Mr. Hyman stated there was an adequate right-of-way that would be used.

Chairman Burnham stated if the property is 193 acres, if 193 homes are built, what would the impact be on the schools. Mr. Hyman stated nothing would be approved until the adequate facilities are met. Mr. Hyman feels residential will support the commercial and industrial that the county needs. The proposal is for a rezoning not a request for a subdivision. When the moratorium is lifted then a development can be discussed.

Staff stated if the rezoning was approved, the two years spent developing the land use plan would be wasted. The development should start within the core villages.

Staff stated that uses permissible in an Industrial district would require a special use permit and with 193 homes, based on the impact study would generate about 85 students. If the board chose to recommend the rezoning, that a condition be placed on it stating any home sold in the area include a disclosure to any new home owner of the surrounding zoning districts and the landfill. There has been instances arise that new home owners were not aware of surroundings when they purchased the home.

Board and staff discussed decisions and development in the county based on the land use plan. Certain developments and uses in the county require a special use permit. A development can be denied based on harmony with the area.

Mr. Hyman stated he felt another residential subdivision in the area would be in harmony. The land use plan should be used as a guide in development. Some areas were not developed properly in the county. Mr. Hyman went through the questions on the rezoning application.

Griffin asked was there a contingency for the rezoning in the contract to purchase. Mr. Davenport stated there was a contingency on the rezoning.

Chairman Burnham questioned what type of homes did Mr. Davenport as a developer build. Mr. Davenport stated he built all types of homes including single family to condominiums. The homes are generally built on crawl space.

Needham stated he was not against residential development and feels the county needs to enforce a larger more expensive home.

Woodrow stated at the last meeting the residents in the area were very supportive of the rezoning.

The board asked the developer could there be a compromise with the rezoning. Mr. Davenport discussed development and stated he would not accept a partial rezoning.

Greg Stuart, 134 Pudding Ridge Road, stated the family had discussed the sale of the property in great detail, and that it is a very controversial piece of property.

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

Staff recommended that if the board approved the rezoning, recommend that the developer have a disclosure to state there is a landfill in the area of the property.

Leary seconded the motion. The motion was denied 3-2 with Chairman Burnham voting no, Needham voting no, Woodrow voting no, Leary voting yes, Griffin voting yes, and Staples sustained from voting.

The developer thanked the board for their consideration.

New Business

Item # 1 Rezoning Request

Staff stated the request was for a rezoning from Light Industrial to Highway Commercial. Mr. Harris started with a small business and his current business is not permitted in Light Industrial. Staff requested the rezoning to extend back about 250 feet and run along Lambs Road to the end of the Harris property.

Mr. Harris stated he did not have any comments. He stated Mr. Parks and Mr. Porter have helped him along with the application.

Staff stated the application came in as a result of a Code Enforcement Action.

Chairman Burnham asked if the dog kennels were personnel kennels and if the kennels were existing. Mr. Harris stated the kennels were his hunting dogs and is not part of the business. Staff stated the kennels sit behind the actual business.

Staff stated the property where the business is located is for storage of the equipment. There is no actual work done on the property. The business is underground waterlines and cable work.

Chairman Burnham called for a motion. Woodrow made a motion to recommend approval of the rezoning application. Needham seconded the motion. The motion passed 6-0.

Item # 2 Special Use Application

Staff stated the application was the special use permit for the actual business for Mr. Harris. Staff recommends approval of the application. If the special use permit is approved it would be based on the rezoning approval.

Chairman Burnham called for a motion. Leary made a motion to recommend approval of the application. Griffin seconded the motion. The motion passed 6-0.

Items from Board and Staff

There were no items from the board or staff.

Next Meeting Date

The next meeting date will be July 20, 2005.

Adjournment

Staples made a motion that the meeting be adjourned. Needham seconded the motion. The motion passed 6-0. The meeting adjourned at 8:22 PM.

Approved: _____

Chairman

ATTEST:

Melissa Joines, Clerk to the Board