

**Camden County Planning Board  
Minutes  
January 23, 2013, 7:00pm  
Historic Courtroom  
Camden County Courthouse Complex**

<b>Members Present:</b>	<b>Absent:</b>
Vice Chairman Calvin Leary	Chairman Rodney Needham
Fletcher Harris	Ray Albertson
David Bundy	
Michael Etheridge	
John Aydlett	

**Call to Order & Welcome**

Vice Chairman Calvin Leary called to order the January 23, 2013 meeting at 7:00 PM.

**Others Present at Meeting**

**STAFF PRESENT**

<b>Name:</b>	<b>Title:</b>
Dan Porter	Director of Planning
Dave Parks	Permit Officer/Flood Administrator
Amy Barnett	Planning Clerk/Clerk to the Board

**OTHERS PRESENT**

<b>Name/Residence:</b>	<b>Title:</b>	<b>Purpose / Representing:</b>	<b>Meeting Section:</b>
Donna Stewart Pudding Ridge Rd	Adjacent Property Owner	Oppose Rezoning	New Business #1
Greg Stewart Pudding Ridge Rd	Adjacent Property Owner	Oppose Rezoning	New Business #1
Gary Grahn Pudding Ridge Rd	Adjacent Property Owner	Oppose Rezoning	New Business #1
Hollis Ellis		Representing Rezoning Applicant	New Business #1
Eddie Hyman		Representing Applicant, Final Plat, Phase 2 Tar Corner Village, and donation of open space land same location	New Business Items #2, #3, & #4
Don Williams	Owner, Mainstay Construction	Applicant, Final Plat Phase 2 Tar Corner Village, and donation of open space land same location	New Business Items #2, #3, & #4

### **Consideration of Agenda**

Vice Chairman Calvin Leary called for consideration of the agenda.

Dave Parks asked to amend the agenda to include as New Business #3 consideration of a donation of property for a future recreational site by the developer of Tar Corner Village.

Motion to approve the agenda as amended made by: Michael Etheridge.

Motion Seconded by: David Bundy.

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

### **Consideration of Minutes: December 19, 2012**

Vice Chairman Calvin Leary called for consideration of the minutes from December 19, 2012.

Motion to approve the minutes as written made by: Michael Etheridge.

Motion Seconded by: David Bundy.

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

### **Comments from the Public**

None

### **Old Business**

None

## New Business

### *New Business, Item #1*

***Rezoning Application: Keith Nowell; Property Adjacent to 137 Pudding Ridge Road,  
Request to Rezone from R-3-2 to R-3-1***

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### Findings

#### **UDO 2012-12-16 Minor Zoning Map Amendment**

1. **Name of Applicant:** Keith Nowell / Green Meadows LLC
2. **Agent for Applicant:**
3. **Address of Applicant:** 987 Swamp Road  
Hertford, NC 27944
4. **PIN:** 01-7999-03-34-7305-0000
5. **File Reference:** UDO 2012-12-16
6. **Name(s) of Current Owner(s) of Record:** Green Meadows LLC
7. **Street Address of Property:** Adjacent to 137 Pudding Ridge Road
8. **Location of Property:** South Mills Township
9. **Flood Zone:** X / AE
10. **Zoning District(s):** Basic Residential (R3-2)
11. **General Description of the Proposal:** Request rezone approximately 11 acres from Basic Residential (R3-2) to Basic Residential (R3-1)
12. **Date Application Received by County:** December 31, 2012
13. **Received by:** David Parks, Permit Officer
14. **Application Fee Paid:** \$660.00 Check # 1141
15. **Completeness of Application:** Application is generally complete.
16. **Documents received upon filing of application or otherwise included:**
  - A. Rezoning Application
  - B. Deed
  - C. Health Department soil testing results (4 lots along Pudding Ridge Road)
  - D. GIS Ariel, zoning, floodplain, and Comprehensive Plan (Future Land Use Maps)
  - E. CAMA Land Suitability Map
  - F. Site Plan
17. **Adjacent Property Uses:**
  - A. Predominant: Residential (abuts McPherson Estates at rear of property)
  - B. Other: Agriculture
18. **Existing Land Uses:** Vacant Land
19. **Lot size:** Approximately 11 acres
20. **Findings Regarding Additional Requirements:**
  - A. How will the proposed zoning change enhance the public health, safety or welfare? The proposed zoning change will enhance the public health, safety or welfare by providing higher density residential development in an area identified as Rural Residential (one acre lots) based on Camden County's Comprehensive Plan Future Land Use Maps. (attached)
  - B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The range of permitted uses remains the same.

- C. 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?  
N/A.
- D. Conformity with the Plans:
- (1) Comprehensive Plan - Future Land Use Map has property identified as Rural Residential on one acre lots.
  - (2) CAMA Plan - Future Land Use Map has property identified as Low Density Residential. CAMA Plan (Policy 9) supports higher density development that is accessible to water and sewer.
  - (3) Thoroughfare Plan - Access to property is off Pudding Ridge Road.
  - (4) Other Plans officially adopted by the Board of Commissioners - N/A
- E. Will not exceed the county's ability to provide public facilities:
- (1) Schools - Will have minimal impact on Schools.
  - (2) Fire and Rescue - Will have minimal impact on Fire and Rescue.
  - (3) Law Enforcement - Will have minimal impact on Law Enforcement
  - (4) Parks & Recreation - Will have minimal impact on Parks & Recreation.
  - (5) Other County Facilities -

**Staff recommended approval as the requested zoning is in compliance with Camden's Comprehensive Plan Future Land Use Map as it reflects this area for higher density residential development on one acre lots.**

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Dave Parks described this rezoning application:

- Property is adjacent to 137 Pudding Ridge Road
- Approximately 10-11 acres
- Request is to rezone from R3-2 to R3-1
  - Change in density - reduce the minimum lot size from 2 to 1 acre
- Hollis Ellis is representing applicant (applicant was unable to attend this meeting)
- Property uses will not change, only the minimum lot size / density
  - Change in minimum lot size will provide higher density residential
- Comprehensive Plan Future Land Use Map (which has already been approved and adopted by the Board of Commissioners) shows this area as being designed for higher density, 1 acre lots, to support commercial areas nearby
- Staff is recommending approval as this request is compatible with the Camden County Comprehensive Plan
- Developer originally had 20 acres in front of subject property, which he did a minor subdivision for 4 lots of 2 acres, as he had a demand for such. All 4 lots currently have building permits, 2 of the lots have already been sold.
- Developer wants to rezone remainder of his property to 1 acre lot sizes (approximately 9 lots). Said lots would have to go through the Major Subdivision Process.

Michael Etheridge asked which lots were the Minor Subdivision. Dave Parks pointed them out on the map: 125, 129, 133, and 137 Pudding Ridge Road.

Vice Chairman Calvin Leary asked if county sewer service will be extended to the subject area. Dave Parks responded that these lots will not be on the county sewer system, they will need to have septic systems installed. Camden County Health Department has issued septic permits for the 4 aforementioned lots, which are in front of the subject property. Staff is utilizing these to meet the requirement of 10% of lots being perked, as these have septic permits. Staff feels strongly that the remainder of the lots will perk ok as well.

Mr. Parks then described a few of the considerations of the Major Subdivision Process:

- Applicant will need to:
  - Address infrastructure issues
  - Provide drainage plans
    - County is stricter than State regarding requirements
    - Will need to be able to handle / maintain a 10-year storm on site and build to the 100-year storm.
- Land suitability (CAMA Land Use Plan) ranges from very high to moderate to very low.
  - Soils in subject property are in the very low, but are still good for septic systems.
  - The 4 aforementioned lots, which are already being built upon, are also in the very low, but as these already have septic permits, are also deemed to be good.

Mr. Parks then opened the floor to public comments.

Donna Stewart of Pudding Ridge Road:

- Lives directly across street from subject property.
- Concerned with flooding.
- Commented that areas adjacent to Bunker Hill are impassible during and after major storms (hurricanes, tropical storms, etc.) due to flooding.
- Concerned that higher density adding more septic systems in the area will have a negative impact on the surrounding area.
- Subject property is very close to Joys Creek and is concerned that Joys Creek may not be able to handle all the runoff that a higher density development will produce.

Greg Stewart of Pudding Ridge Road:

- Against the rezoning for safety issues
- Speed limit is 55mph, but has observed others going significantly faster
- Road in and out of area is an agricultural road
- Roadway is not patrolled by law enforcement
- Concerned that higher density will create more traffic and cause problems and safety issues in an area that already sees problems with some motorists exceeding speed limits
- Mentioned that some homes being built are closer to the road than the rest of the established homes in the area
- Concerned with what types of homes can be built there
- Believes that at one time, subject property had been considered for 9 two acre lots, same as the 4 lots at the front of the property

Michael Etheridge asked staff to respond to some of Mr. Stewart's concerns to clarify a few items.

Dave Parks stated the following:

- With regard to flooding, the subject property is outside the 100-year flood zone
- R3 is the zoning designation for basic residential and only stick built or modular homes can be built on properties so designated
- County has no control over the speed limits on state maintained roads. NCDOT sets speed limits as development occurs according to their standards
- Agricultural areas exist throughout the county, so agricultural traffic is likely to occur on many roads

John Aydlott commented that the subject property would have to meet and comply with state and county stormwater rules. Dave Parks added that the county's stormwater rules are stricter than those of the state.

Further Public Comments:

Gary Grahn of Pudding Ridge Road:

- Is against the rezoning
- Mentioned a very large swale adjacent to his property that runs along Pudding Ridge Rd to the back of the subject property, which the developer cleared out to both his and the developers benefit.
  - To his knowledge there has been no maintenance of the swale otherwise.
  - This swale empties out into Joys Creek.
  - He believes that landowners in Taylor Leigh area were supposed to maintain it.
  - He is concerned with the "no mans land" in between his property and the subject property.
    - Who is going to maintain it, how well is it going to drain, and where is it going to drain to.
  - Joys Creek overflows with too much drainage.
- Concerned with drainage but acknowledges that there is more involved than just drainage
  - Septic systems and how well land perks is an issue
  - He has an alternative type of septic system which utilizes an underground drainage sump pump to pump out septic waste in order to get it to drain
    - Does not see how the lots on the subject property will adequately drain as far as the septic systems go.

Dan Porter stated the following in response to the public comments:

- The subject property is close to the flood way, but is not in the flood way nor is it in a flood zone
- Most of the existing properties were built to state standards, as they existed when those properties were built upon. Since that time, the county has adopted stricter standards than the state standards
- Any improvements to the subject property will be according to the county's standards, which exceed state standards
- Development plans will need to address runoff and show that post development runoff will not exceed pre-development runoff for a 10-year storm (which is about 5½ to 6 inches of stormwater in a 24 hour period).
  - State standard is for a 1 year storm, which is about 1½ to 2 inches in a 24 hour period
- Types of problems with regard to runoff and flooding that currently exist are due to lower standards which were in place at the time those properties were built upon
- Regarding who maintains drainage ditches - the county is trying to address that from the standpoint of stormwater utility for the county.
  - Objective - try to keep the major outfalls clear so that the lateral ditches and other ditches and canals will have the ability to runoff.
  - This will not be the kind of maintenance that addresses drainage ditches for private property owners.
- Developer of subject property will be required to deal with runoff
  - Runoff rates are the same for 1 acre lots and 2 acre lots
  - Plat must have stormwater plan that meets both state and local standards and it must be reviewed by the engineer engaged by the county to review such, as well as by the state to ensure those plans are adequate.

Mr. Hollis Ellis, representative for the applicant, spoke briefly saying that each lot will be evaluated separately for septic systems. Mr. Ellis commented that the Health Department no longer allows pump style septic systems, but that there were several products on the market that can support on-site sewage disposal, and they are much more efficient than systems from 10 to 15 years ago.

Further Public Comments:

Mike Sawyer of Pudding Ridge Road:

- Lives across street from subject property
- Has a drainage ditch that is supposed to be maintained by others and is not being maintained, so is concerned with flooding
- His house is in the flood zone
- Concerned that more houses will increase the runoff and cause additional flooding
- Is against the rezoning

At this time Vice Chairman Calvin Leary asked if there were any further comments from the public. Hearing none, he called for a motion on Rezoning Application: Keith Nowell; Property Adjacent to 137 Pudding Ridge Road, Request to Rezone from R-3-2 to R-3-1.

Motion Made: *Approve the rezoning with the following compatibility statement: "Rezoning of the property identified as being adjacent to 137 Pudding Ridge Road, owned by Keith Nowell, fits in with the Camden County Comprehensive Plan and Future Land Use Maps."*

Motion made by: Fletcher Harris

Motion seconded by: David Bundy

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

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***New Business, Item #2***

***Final Plat, Phase II Tar Corner Village, UDO 2003-02-37***

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**Final Plat  
Phase II Tar Corner Village  
UDO 2003-02-37**

- |   |   |
|---|---|
| <b>1. Name of Applicant:</b>  | Mainstay Construction   |
| <b>2. Agent for Applicant:</b>  | Don Williams  |
| <b>3. Address of Agent:</b>   | P. O. Box 429, Moyock, NC, 27958  |
| <b>4. PIN:</b>  | 01-7090-00-83-7276-0000   |
| <b>5. Name(s) of Current Owner(s) of Record:</b>  | Mainstay Construction   |
| <b>6. Street Address of Property:</b>   | 109 Woodrows Way  |
| <b>7. Location of Property:</b>   | Tar Corner Village Subdivision,<br>South Mills Township                       |
| <b>8. Flood Zone:</b>   | X/AE  |
| <b>9. Zoning District(s):</b>   | Basic Residential, R3-2   |
| <b>10. General Description of the Proposal:</b>   | Final Plat Phase II Tar Corner Village,<br>1 lot (Lot 5)                      |
| <b>11. Date Application Received by County:</b>   | January 4, 2013   |
| <b>12. Have all the requirements of the Special Use Permit for Preliminary Plat been met?</b> | Yes   |
| <b>13. Received by:</b>   | David Parks, Permits Officer  |
| <b>14. Application fee paid:</b>  | Yes, \$50.00 cash   |
| <b>15. Completeness of Application:</b>   | Application is generally complete.  |
| <b>16. Documents received upon filing application or otherwise included:</b>                  |   |
| <b>A.</b>   | Land Use/Development Application  |
| <b>B.</b>   | Letters of Credit for roads/improvements                                      |
| <b>C.</b>   | Letter/receipt for Payment to schools for bus stop                            |
| <b>D.</b>   | Blue Line Copies of Final Plat  |
| <b>E.</b>   | Letter offering to donate 8.16 acres to County (for future recreational park) |
| <b>F.</b>   | Letter on improvement completion  |
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Dave Parks described this item:

- This is Phase 2 of the Final Plat for Tar Corner
- Developer has met all requirements of the preliminary plat
- A letter of credit has been received and is on file for the improvements to be made to the roadways
- Payment has been made to Camden Schools in the amount of \$2,925.00 for placement of a school bus shelter
- An offer has been made to donate 8.16 acres of open space to the County for use as a future recreational park
  - Donation of land and future building of recreational park by county would be in lieu of the 50% open space requirement by the developer. Developer feels that if improvements originally proposed were placed there, they would be significantly under-utilized and would end up being deteriorated.
  - Offer to donate the land and let the county build a recreational park at some point in the future is supported by Camden County Parks and Recreation.
- Staff recommends approval of this phase of the final plat

Eddie Hyman, agent of the applicant, had the following comments:

- This is for 1 lot in Phase 2 (Lot #5)
- There is a performance bond in place for the improvements to be made to the open space by the developer, should the Board of Commissioners not accept the donation.
- Tap fees for connection to South Mills Water is \$4,000 per lot
  - This is a lot of money if tap fees are required at final plat for all lots
  - Would like to request that water tap fee requirement be shifted to building permit instead of final plat

Dave Parks clarified Mr. Hyman's comment regarding water tap fees: As it is right now, all water tap fees for all lots are due at final plat.

Dan Porter stated that a text amendment to the UDO would be needed to change the water tap requirement from Final Plat to Building Permit.

Michael Etheridge asked when taps are required per current UDO. Dan Porter responded that all tap fees are due at Final Plat with meter installation due before building Permit.

David Parks suggested amending the agenda to include discussion of a text amendment, after voting on the Final Plat is completed.

Vice Chairman Calvin Leary asked if there was any further discussion on the Final Plat for Phase 2 Tar Corner Village, hearing none he called for a motion on this item.

**Motion Made:**     *Approve Final Plat, Phase II Tar Corner Village, UDO 2003-02-37*

Motion made by:     David Bundy

Motion seconded by: John Aydlett

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

### **Amendment to Agenda**

**Motion Made:**     *Amend Agenda to include as New Business Item #4, Consideration of Text Amendment to the UDO to change water tap requirement from Final Plat to Building Permit.*

Motion made by:     David Bundy

Motion seconded by: Michael Etheridge

The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

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### ***New Business, Item #3***

#### ***Donation of Property for Future Recreational Site***

Dave Parks described this request to donate land to the county.

- Don Williams of Mainstay Construction is requesting to donate 8.1 acres of land to the county.
- If accepted by the Board of Commissioners, donation would be in lieu of the 50% open space requirement for Tar Corner Village development
- Donated land would be for a future recreational site, as it is an ideal location for such.
- Tim White, Camden Parks and Recreation Director, supports this offer of dedication of land for a future recreational park.
- Land is expensive, so a donation of land would save a lot of money and give the county the ability to establish an additional public park.

Dan Porter added that Don Williams has a bond in place for the improvements to the open space, should this donation not be accepted by the county. If the donation is accepted, it would be in lieu of the otherwise required improvements, and the bond would be returned.

Mr. Porter also added that it was unlikely that the county would build a park on the land right away. Rather, the county would probably wait until the population in the area could support such a park. Dave Parks added that the land would likely be leased to a farmer to farm the land until such time as the county was ready to build a park thereon.

Michael Etheridge asked how long it might be until a park was built on the land. Mr. Porter responded that it could be between 5 and 10 years.

John Aydlett asked about the pond which is located on the property - he wanted to know what it was used for. Dave Parks responded that there used to be a track around it, and that the feature itself was a beautification feature of the land.

Vice Chairman Calvin Leary asked staff to clarify what was being asked of the board in this agenda item. Dan Porter responded that staff was seeking a recommendation whether or not the Board of Commissioners should accept the donation of the land.

Fletcher Harris observed that this land could be of great benefit to the county down the road as Parks and Recreation are always looking for land to build parks on. Mr. Harris commented that it would be wise to accept it.

David Bundy inquired about the current requirements as stands in the paperwork right now. Dan Porter replied that as it is right now, Mr. Williams is required to place improvements on the land, and he has bonded those improvements rather than actually building them at this time. If the donation is not accepted, he will be required to make those improvements within 12 months.

Michael Etheridge asked if the property were to be accepted, would its use be limited to recreational use only. Dan Porter replied that it would be up to the Board of Commissioners as to how to utilize the land if they accept the donation.

Mr. Don Williams commented that the Home Owners Association currently maintains the land, and that they would likely want it to be utilized for specific purposes.

Mr. Eddie Hyman suggested that if the donation were accepted, deed restrictions could be put in place limiting the types of uses on the land, such that the wishes of the Home Owners Association might be taken into consideration when determining the use of the land.

Dan Porter added that the developer planned his development to be an "open space development", and by doing so, is able to get smaller lot sizes for his development.

Vice Chairman Calvin Leary asked if the cul-de-sac access is the only access to the property. Dan Porter responded that at this point, yes it is. Mr. Porter added that more access points are being planned. Dave Parks added that easements are being sought from adjacent land owners in order to add access points.

David Bundy asked why this development was required to have a park when some of the other developments the board has approved were not required to do so. Dave Parks clarified that all Major subdivisions are required to have some form of recreational facility. Mr. Parks added that some developers opt to pay a fee rather than include those facilities and recreational areas.

David Bundy asked what would be staff's recommendation regarding the use of the open space. Mr. Porter responded that the recommendation given to the Board of Commissioners should be something like "recommend that the land be used as a park area or for agricultural purposes, but that the ultimate use be for a recreational park".

Michael Etheridge commented that, if the donation is accepted, there needs to be deed restrictions limiting the use to either agricultural or recreational uses. Dan Porter added that an additional deed restriction could be added which would keep it as "open space".

John Aydlett asked if the existing home owners were promised this open space. Dave Parks responded saying that the Home Owners Association would have to agree to this.

Mr. Don Williams stated that the Home Owners Association would prefer that the maintenance of this property were under taken by another party. He went on to say that the donation is in everybody's best interests.

Mr. Porter stated that the question of Home Owner's agreement could be added to any motion on this matter.

Michael Etheridge commented that there would need to be another access other than through the development. He stated that he could see it becoming an issue when a park is built... also parking for the park. [See previous page, last paragraph.]

David Bundy asked how a motion on this donation request should be worded.

Dan Porter suggested the following: "Recommend to Board of Commissioners that the donation of land be accepted subject to: covenants that it be maintained as open space, as agricultural, or as a park area; and approval of the current land owners".

Michael Etheridge made a motion as suggested by Mr. Porter. John Aydlett seconded the motion. The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

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***New Business Item #4***

***Consideration of a text amendment to the UDO to change water tap fees from Final Plat to Building Permit***

Dan Porter restated what this text amendment was for:

- Per the request of the applicant here tonight, would like the board to consider a text amendment to the UDO to change the requirement that water tap fees be paid at Final Plat to requiring that the tap fees be due before Building Permit.

Michael Etheridge suggested getting input from South Mills Water Association and the Camden Water Department, as it would affect both agencies.

Dan Porter suggested that staff could draft a text amendment and bring it back to the board at the next meeting.

Board consensus was for staff to prepare the text amendment and bring it back to the Planning Board for further consideration.

**Information from Board and Staff**

- 2013 Planning Board Meeting Schedule

**Consider Date of Next Meeting - February 20, 2013**

**Adjournment**

At 7:55 PM, David Bundy made a motion to adjourn the meeting. Fletcher Harris seconded the motion. The motion was approved with Vice Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye, none voting no, Chairman Rodney Needham and Ray Albertson absent, and none not voting.

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

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

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