

**Camden County Planning Board
Minutes**

December 18 , 2013, 7:00pm

Historic Courtroom

Camden County Courthouse Complex

Members Present:	Absent:
Chairman Rodney Needham	Ray Albertson
Vice Chairman Calvin Leary	
Fletcher Harris	
David Bundy	
Michael Etheridge	
Patricia Delano	

Call to Order & Welcome

Chairman Rodney Needham was present at the meeting, but was the applicant for New Business Item #1, and so recused himself of the meeting leaving Vice Chairman Calvin Leary in charge and presiding over the the meeting. The Vice Chairman called to order the December 18, 2013 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

Name:	Title:
Dan Porter	Planning Director
Amy Barnett	Clerk to the Planning Board

OTHERS PRESENT

Name/Residence:	Title:	Purpose / Representing:	Meeting Section:
Rodney Needham	Property Owner	Applicant, Rezoning Request	New Business Item #1

Consideration of Agenda

Proposed Meeting Agenda:

I. Call to Order; II. Consideration of Agenda; III. Consideration of Minutes;
IV. Comments from Public; V. Old Business (none); VI.1. New Business Item#1 UDO 2013-11-26, Rezoning Request, Rodney M. Needham; VII. Info from Board and Staff; VIII. Consider date of next meeting; IX. Adjourn

Mr. Porter noted that there were no additions to or deletions from the Agenda.

Motion: "Approve agenda as presented by staff".
Made by: Michael Etheridge; Seconded by: Patricia Delano
Vote: Approved by all board members present.

Consideration of Prior Meeting Minutes

Motion: "Approve minutes from November 20, 2013 meeting as written".
Made by: Fletcher Harris
Seconded by: Michael Etheridge
Vote: Approved by all board members present.

Public Comments

Vice Chairman Calvin Leary expressed concerns regarding the fact that no second to the motion to "Approve UDO 2012-05-01, Special Use Permit, North River Crossing" was made at the November 20, 2013 meeting of the Camden County Planning Board. Mr. Leary noted that it was the duty of the Planning Board to render either a recommendation of approval or of denial to the Board of Commissioners. Applicants take their time, and pay their fees, to come before the Planning Board therefore it is requisite for the Planning Board to either approve or deny any item that comes before them even if the item is unpopular in the public's eyes.

Old Business

None

New Business

Item # 1: UDO 2013-11-26, Rezoning Request, Rodney M. Needham

Mr. Porter described this rezoning request.

- The applicant, Rodney M. Needham is present at meeting
- Since Mr. Needham is the Chairman of the Planning Board, he has asked to be recused from any action taken on this rezoning request as he is the applicant. Recusal must be voted upon by the board in order to recuse him from voting.

At this time, a motion to recuse Chairman Rodney M. Needham from voting on any motion related to "New Business Item #1, UDO 2013-11-26, Rezoning Request, Rodney M. Needham" was called for.

Motion: "Recuse Chairman Rodney Needham from voting".

Made by: Patricia Delano

Seconded by: Michael Etheridge

Vote: Approved by all board members present. Mr. Needham is recused from voting on this agenda item.

Following Mr. Needham's recusal, Mr. Porter continued describing the request for rezoning, and the information contained in the Staff Report (which is the new format for the Findings of Facts). Copy of the Staff Report is included herein below:

EXCERPT FROM STAFF REPORT (Full Report Available in Board Packet Posted to County Website)

INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Current structure is connected to South Camden Water.
Sewer	Septic tank located on property
Fire District	Shiloh Township
Schools	N/A
Traffic	Estimated daily traffic count is 2000 IAW NCDOT

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

Policy 17 states Camden County supports commercial development at the intersections of major roads (i.e., in a nodal fashion) consistent with the county’s future land use map. As identified in above map, future land use map has property identified as Low Density Residential.

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent Inconsistent

Future Land Use map has area designated as Rural Residential.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent Inconsistent

N/A

Consistent Inconsistent

N/A

Other Plans officially adopted by the Board of Commissioners

N/A

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Yes No

Will the proposed zoning change enhance the public health, safety or welfare?

Reasoning: Though not consistent with adopted plans, the benefits/needs of the community (i.e. commercial, sales tax revenue..) outweigh the location. Though the location sits right outside the core village of Shiloh, Neighborhood Commercial is defined as those commercial uses that serve the immediate area which consists of Taylor Beach, Bartlett’s Landing, Magnolia Manor and Danson’s Grant along with scattered other housing.

Yes No

Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification?

Reasoning: With the existing building being once utilized as a commercial business, staff feels the uses in the requested zoning classification is more appropriate.

Yes No

For proposals to re-zone to non-residential districts along major arterial roads:

Yes No

Is this an expansion of an adjacent zoning district of the same classification? No

Reasoning:

What extraordinary showing of public need or demand is met by this application?

Reasoning: The need for commercial and sales revenue.

Yes No

Will the request , as proposed cause serious noise, odors, light, activity, or unusual disturbances?

Reasoning: All uses allowed in the requested zoning classification should not cause any serious noise, odors, light activity, or unusual disturbances.

Yes No

Does the request impact any CAMA Areas of Environmental Concern?

Reasoning: Property is outside any CAMA Areas of Environmental Concern.

Yes No

Does the county need more land in the zoning class requested?

Reasoning: As the County grows the need for this type of zoning will grow. Currently there is only .7 acres of this type of zoning (see attached map).

Yes No

Is there other land in the county that would be more appropriate for this use?

Reasoning: There could be if there were enough residential density to support Neighborhood Commercial.

Yes No

Will not exceed the county’s ability to provide public facilities:

Schools – N/A

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – N/A

Traffic Circulation or Parking – N/A

Other County Facilities – No.

Yes No

Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?

If Yes (regarding small scale spot rezoning) – Applicants Reasoning:

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning	This would allow the applicant to utilize a building that was built as commercial for continued commercial uses.	Jobs, sales tax revenue, and the need for commercial uses of this type.
Without rezoning	The personal impact would be to modify a building that was utilized for commercial into a residential use.	Possible impact on Community is that the building sits and eventually becomes an eye sore.

STAFF COMMENTARY:

STAFF RECOMMENDATION:

Though the requested zoning is inconsistent with the CAMA Land Use Plan and Comprehensive Plan, staff feels that Neighborhood Commercial zoning is a zoning that is dictated by the growth in the immediate area. Staff feels the density (as listed above) in the area dictates the need for this zoning classification. Staff recommends approval as the community benefits outweighs the inconsistencies with adopted plans.

PLANNING BOARD RECOMMENDATION:

END OF EXCERPT

Mr. Porter made note of the following items which are in the Staff Report:

- Location of Property: 101 Taylors Lane, Shiloh Township
- Request is to rezone from Residential (R-3-2) to Neighborhood Commercial District (NCD)
- Prior use was a legal non-conforming use which has been vacant more than 6 months, therefore must be brought up to current zoning or be rezoned to continue the prior use.
- Located in the AE flood zone, so any improvements must be at or above base flood
- There is an existing septic tank on the property
- Property is served by South Camden Water
- Property is in the Shiloh Fire District
- Proposed use is inconsistent with the CAMA Land Use Plan
- Proposed use is consistent with Policy 17 which states that the county supports commercial development at the intersections of major roads
- Proposed use is inconsistent with the 2035 Comprehensive Plan and Future Land Use Maps
- Although it is inconsistent with the plans, it is consistent with county policy
- Regarding Spot Rezoning:
 - Not illegal in NC
 - Needs a justification statement
- Benefits With Rezoning:
 - Personal Benefit to Applicant: Allow applicant to use building that was built as commercial for continued commercial uses.
 - Community Benefits: Supports creation of Jobs, sales tax revenue, and the need for commercial uses of this type.

- Without Rezoning:
 - Personal Impact to Applicant: Building would have to be modified from a commercial use type of building into a residential type of building to come up to current zoning.
 - Community Impact: If building is not modified, it sits empty and eventually becomes an eye sore.
- Staff Recommendation: Though the requested zoning is inconsistent with the CAMA Land Use Plan and Comprehensive Plan, staff feels that Neighborhood Commercial zoning is a zoning that is dictated by the growth in the immediate area. Staff feels the density in the area dictates the need for this zoning classification. Staff recommends approval as the community benefits outweigh the inconsistencies with adopted plans.

At this time, Mr. Porter asked if the Board had any questions.

Michael Etheridge asked how it was determined that there were no environmental impacts.

Mr. Porter responded that there is an ongoing environmental reclamation being undertaken on the property.

Mr. Needham added that the underground storage tanks had been removed. He addressed the question of possible contamination from those tanks by saying that he had spoken to a geologist who said that as long as the tanks were not leaky when they were removed, then the ground should be ok. Mr. Needham indicated that they were not leaky.

Vice Chairman Calvin Leary noted that the site is greatly improved from what it had been.

Mr. Needham showed before and after pictures to the board, further showing the environmental improvements made on the site.

Mr. Needham added the following information:

- Taylors Oak LLC was formed by Mr. Needham in order to protect Mr. Needham's personal assets against any possible future problems that may arise.
- Would like to utilize the property for a restaurant
- Has greatly improved the site, both the building and the grounds upon which it stands
- Property is no longer a junk yard and will never be a junk yard again for as long as he owns the property, nor will it be a corner drug store
- Permits are in place for electrical work (permit addressed as 100 Taylors Lane in Egov Permit system), mechanical permit for refrigeration equipment / walk in cooler, and construction permit for a lean to.
- Planning to put cook / ventilation hood in place.
- Health Department is aware of his plans.

At this time, Vice Chairman Calvin Leary asked if there were any further questions regarding this agenda item. Hearing none, he called for a motion:

Motion: "Approve UDO 2013-11-26, Rezoning Request, Rodney M. Needham".
Made by: Fletcher Harris
Seconded by: David Bundy
Vote: Approved by all board members present, except Chairman Rodney Needham who has been recused from the meeting as he is the applicant requesting the rezoning.

Mr. Porter stated that a consistency statement was required for this type of action and recommended the following consistency statement (also in the staff recommendation in staff report):

"Though the requested zoning is inconsistent with the CAMA Land Use Plan and Comprehensive Plan, staff feels that Neighborhood Commercial zoning is a zoning that is dictated by the growth in the immediate area. Staff feels the density (as listed above) in the area dictates the need for this zoning classification."

The following motion was made to approve this as the consistency statement:

Motion: "Approve consistency statement as recommended by staff".
Made by: Michael Etheridge
Seconded by: Fletcher Harris
Vote: Approved by all board members present, except Chairman Rodney Needham who has been recused from the meeting as he is the applicant requesting the rezoning.

Information From Board and Staff

Dan Porter gave the following information:

- Due to changes in the tax laws, all employees and board members are being required to fill out new NC-4 or NC-EZ4 forms. Those forms will be mailed to you to fill out and return to us.

Patricia Delano asked if there were a calendar for 2014 meeting dates. Clerk Amy Barnett stated that the calendar of meeting dates would be on the internet within the week.

Consideration of Next Meeting Date

Next meeting will be January 15, 2014.

Adjournment

Motion: "Adjourn the meeting"
Time of Motion: 7:55 PM
Motion made by: Michael Etheridge
Seconded by: David Bundy
Vote: Approved by all board members present.

Date: _____

Approved: _____
Vice Chairman Calvin Leary

Attested: _____
Amy Barnett, Planning Clerk