

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – January 20, 2021

Camden County Planning Board
Regular Meeting
January 20, 2021 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on January 20, 2021 in the Historic Courtroom, Camden, North Carolina. The following members were present:

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Rick McCall	Board Member	Present	6:50 PM
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Present	6:50 PM
Cathleen M. Saunders	Board Member	Present	6:50 PM
Nathan Lilley	Board Member	Present	6:50 PM

Staff Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:45 PM
Amber Curling	Permit Officer	Present	6:45 PM
Amy Barnett	Planning Clerk	Absent	

Others Present:

Attendee Name / Address	Title / Company / Purpose	Meeting Section
Steve Bradshaw, Applicant	Rezoning, Avery Shores, Avery Family Rev Trust	New Business
Jason Mizelle	Engineer for Applicant	New Business

CALL TO ORDER & WELCOME

Chairman Calvin Leary called the meeting to order at 7:00 PM.

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22 **CONSIDERATION OF AGENDA**

23 *Motion to Approve Agenda As Presented*

24	RESULT:	PASSED [UNANIMOUS]
25	MOVER:	Cathleen Saunders, Board Member
26	SECONDER:	Steve Bradshaw, Board Member
27	AYES:	McCall, Leary, Bradshaw, Albertson, Saunders, Lilley
28	ABSENT:	None

29 **CONSIDERATION OF MINUTES – DECEMBER 16, 2020**

30 *Motion to Approve 12-16-20 Minutes As Written*

31	RESULT:	PASSED [UNANIMOUS]
32	MOVER:	Nathan Lilley, Board Member
33	SECONDER:	Cathleen Saunders, Board Member
34	AYES:	McCall, Leary, Bradshaw, Albertson, Saunders, Lilley
35	ABSENT:	None

36 **OLD BUSINESS**

37
38 None.

39
40 **NEW BUSINESS**

41
42 **A. *Avery Shores - Rezoning Request - Avery Family Rev Trust***

43
44 Chairman Calvin Leary asked if Steve Bradshaw needed to be recused, as he is representing the
45 Avery family, before Amber Curling began her description of this agenda item. Ms. Curling
46 replied yes.

47
48 *Motion to Recuse Steve Bradshaw from this agenda item.*

49	RESULT:	PASSED [UNANIMOUS]
50	MOVER:	Calvin Leary, Chairman
51	SECONDER:	Nathan Lilley, Board Member
52	AYES:	McCall, Leary, Bradshaw, Albertson, Saunders, Lilley
53	ABSENT:	None

54
55 Mr. Steve Bradshaw, who is representing the Avery family in their request to rezone the property
56 which is the subject of this agenda item, has been recused and will not participate as a board
57 member.

58

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59 Zoning Officer Amber Curling described this agenda item. She pointed out a minor correction to
60 the staff report which had the meeting date for this evening’s meeting listed as the 21st, it should
61 be the 20th. Ms. Curling then handed out a copy of the questions that have to be addressed
62 regarding rezonings, same questions which are part of the staff report.

63
64 The staff report is attached to these minutes as “Attachment A”.

65
66 The Avery Family Rev Trust is represented by Mr. Steve Bradshaw and supported by Jason
67 Mizelle, the engineer for the project. They have submitted an application for a zoning map
68 amendment.

69
70 The request is to rezone approximately 52 acres from Planned Development (PD) to Suburban
71 Residential (SR), and also to rezone approximately 37 acres from Working Lands (WL) to
72 Suburban Residential (SR), along with a fragment (approximately ½ acre) of Rural Residential to
73 Suburban Residential (SR). All parcels are located off One Mill Road and Riggs Road in Shiloh
74 Township.

75
76 Current use of the properties are vacant land, wooded, and farm land. Surrounding uses are
77 woods, wetlands, farmland, and residential lots.

78
79 The first parcel is approximately 52 acres of Planned Development (PD). The second parcel is
80 approximately 37 acres of Working Lands (WL). A small piece of the second parcel (½ acre) is
81 Rural Residential (RR).

82
83 Surrounding zoning is Working Lands (WL) to the North and East, Rural Residential (RR) to the
84 South and bordering on the Pasquotank River.

85
86 Proposed use is a conservation subdivision, Avery Shores, with 61 water front lots.

87
88 Ms. Curling then read through the definitions of Planned Development, Working Lands, and
89 Suburban Residential zoning classifications which are included in the staff report (Attachment
90 A).

91
92 Maps in the Staff Report show:

- 93 • Vicinity: Located off One Mill & Riggs Roads in Shiloh Township
- 94 • Current Zoning: 52 Acres of Planned Development, 37 Acres of Working Lands, ½ Acre
95 of Rural Residential
- 96 • CAMA Land Suitability: 2/3 of properties are Low Suitability, 1/3 Very Low
- 97 • Watershed: Not in the watershed
- 98 • Wetlands: Some Present
- 99 • Flood Zone: AE

100

101 Steve Bradshaw pointed out that the two lots on the water at Avery & Riggs Roads are his house
102 with the Avery family’s house next door. These 2 lots are only about 2 to 3 feet higher in
103 elevation than the parcels under consideration for rezoning.

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104 Ms. Curling continued saying that both parcels drain to the Pasquotank River via several farm
105 ditches.

106
107 The Comprehensive Land Use Plan shows both parcels as being consistent. The Northern tract
108 (52 acre Planned Development) is shown as Village Mixed Use, areas include moderate to higher
109 density mixed uses of residential and recreational uses. The Southern tract (37 acres Working
110 Lands) is shown as Rural Preservation which promotes the continued use of working lands and
111 protection of environmentally sensitive lands from more independent development.

112
113 The proposed zoning change is inconsistent with the CAMA Future Land Use Plan in that the
114 majority of the property is identified as conservation which is designated to provide for efficient
115 long term management of significant, limited, or irreplaceable areas. A small area on the water
116 is identified as low density residential.

117
118 Two, three, and four inch water lines are located along One Mill and Riggs Roads. Sewer is not
119 available. Septic Systems will have to be used.

120
121 Rezoning will impact schools & traffic. An impact analysis will be required at the development
122 stage.

123
124 The Comprehensive Transportation Plan does not identify any roads that need or are
125 recommended for improvements south of Wharf Road on Hwy 343 South.

126
127 At this time, Ms. Curling asked Mr. Bradshaw to speak regarding his request.

128
129 Steven Bradshaw, Representing the Avery Family in their rezoning application

130
131 Mr. Bradshaw passed around a sheet containing the original Planned Unit Development that was
132 already authorized. He pointed out to the board how many units were already planned on being
133 there versus the proposed number of units should the rezoning be approved. His point in doing
134 this was that when both properties are combined after being rezoned to Suburban Residential,
135 that whatever impacts are there under the current zoning those impacts would be greatly reduced
136 under the Suburban Residential zoning classification.

137
138 On the sheet he passed around, it showed the current number of units allowable under the current
139 zoning of Planned Development for the Northern tract: 35 Single Family Homes, 24 Condos, 15
140 Multi-Family Homes, for a total of 73 homes. The Planned Development also included 8 acres
141 of commercial uses. After rezoning, these would be reduced.

142
143 The Working Lands parcel (Southern tract) is allowed to have 1 home for every 5 acres.

144
145 For both parcels, as currently zoned, they allow for a total of 91 homes. Under the proposed
146 rezoning, there would be 61 homes.

147
148 The impacts on all the infrastructure, roads, schools, etc., would be reduced if the rezoning
149 request is approved.

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150 Looking at the preliminary lot layout, attached as “Attachment B”, Mr. Bradshaw observed that
151 one question that is heard most often with projects like this is “Do you want this in your back
152 yard?”. As he lives adjacent to the project land, as does the Avery family, and given that the
153 surrounding land is either wooded or farmland, his answer to this is “yes”.

154
155 Mr. Bradshaw noted on the preliminary lot layout that the lots along the water have a long way
156 to go to get through CAMA, and Mr. Mizelle, Engineer, is working on this.

157
158 Mr. Bradshaw indicated that he plans to place a nice wide canal through the middle of the
159 property (after rezoned and combined) and also around the property, with 2 inlets connecting the
160 canals to the Pasquotank River.

161
162 The plan with the canals wrapping around and through the development will ensure water
163 quality, which is one of the things CAMA looks for, and will also provide water front lots for all
164 of the future houses.

165
166 Of the houses along One Mill Road, in the vicinity of the project, one of them will have water
167 along the back corner of their lot, and the others will have open space land to their backyards.

168
169 Mr. Bradshaw stated he is doing everything he can to minimize the impacts to the adjacent
170 property owners. He added that the open space along the water is planned to be donated to the
171 county for use as a park or other water front recreation area.

172
173 Cathleen Saunders asked if there was an access to that open space. Mr. Bradshaw stated that
174 access would be out to One Mill Road and that a road to the open space area would have to be
175 built. Mr. Mizelle added that there is an existing private path there now.

176
177 Mr. Bradshaw stated the design is such as to maximize the water frontage, which was one of
178 their goals. He reiterated that their proposal has less impacts than what current zoning allows.

179
180 Mr. Bradshaw added that waterfront lots come with a higher price tag, probably will be in the
181 \$400,000 range. He added that this should be a nice solid tax base for the county. This is based
182 on the estimated current prices of homes in Camden County which are on the water and/or on
183 canals.

184
185 Mr. Bradshaw noted that, although he can’t guarantee this, there may not be much actual impact
186 to the school system because the kind of people who move into places like this are semi-retirees.
187 He stated there aren’t any children on the block where he lives, which is adjacent to the project
188 land.

189
190 Looking at the vicinity map, which is part of “Attachment A”, there are water front houses both
191 to the north and to the south of the project land.

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192 Referring to the questions Ms. Curling had handed out earlier, Mr. Bradshaw gave his answers to
193 these questions.

194

195 1. Does Camden County need more land in the zoning class requested?

196 • Mr. Bradshaw believes it does, in that there isn't much that is along the
197 waterfront, and those kinds of lots are highly sought after.

198 2. Is there other land in the county that would be more appropriate for the proposed uses?

199 • Mr. Bradshaw stated that since there is not much waterfront property in this
200 zoning classification, the answer is No.

201 3. Is the entire range of permitted uses in the requested classification more appropriate than
202 the range of uses in the existing classification?

203 • Mr. Bradshaw stated his interpretation of this is the proposed classification
204 actually reduces the impacts, so yes it is more appropriate.

205 4. Will the request have serious impact on traffic circulation, parking space, sewer and
206 water services, other utilities?

207 • Mr. Bradshaw stated it would have impacts, but less than what the land is
208 currently zoned for.

209 5. Will the request have an impact on other county services, including police protection, fire
210 protection or the school system?

211 • Mr. Bradshaw stated there would be impacts, but less than what the land is
212 currently zoned for.

213 6. Is there a good possibility that the request, as proposed, will result, as proposed, will
214 result in lessening the enjoyment or use of adjacent properties?

215 • Mr. Bradshaw stated that one home would become waterfront via the back corner
216 of their lot bordering on the proposed canal, and the others on One Mill Road
217 would remain as is if the farmer continues to farm, or they could plant a tree line
218 buffer.

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

221 • Mr. Bradshaw stated that other than regular traffic going in and out of the
222 development, there would be no serious noise, odors, light, activity, or unusual
223 disturbances.

224 8. There was no question #8, numbering of the questions went from 7 to 9, skipping over 8.

225 9. Does the request raise serious legal questions such as spot zoning, hardship, violation of
226 precedents, or need for this type of use?

227 • Mr. Bradshaw stated there are no serious legal questions.

228 10. Does the request impact any CAMA Areas of Environmental Concern?

229 • Mr. Bradshaw stated this property is on the water so yes, it will impact CAMA
230 areas of environmental concern.

231

232 Regarding the flood zone, Mr. Bradshaw referred to the amount of excavation that will take
233 place to create the canals. He stated that combined with the fill for house pads and septic
234 systems, he hopes that will raise the houses up out of the AE flood zone.

235

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236 At this time, Mr. Jason Mizelle of Timmons Group, spoke.

237

238 Jason Mizelle, Timmons Group, Elizabeth City NC, Engineer for Applicant

239

240 Mr. Mizelle stated that even if they didn't get the canal access points, which they hope they do
241 get, they will still have stormwater capacity within the development whether it be large ponds or
242 the canals.

243

244 One of the things they hope will be a benefit will be improved drainage for the adjacent
245 properties due to the plans to have canals, they hope to be able to route some of the outside
246 drainage through the development.

247

248 The septic field evaluation has been discussed with the Health Department and they've gotten
249 some feedback as to how much fill they would need to accommodate septic systems.

250

251 With the water systems, the loop system through the development will hopefully keep that from
252 being an issue with the water pressure.

253

254 Dan Porter stated that these types of things will be addressed at the development stage. He
255 added that the decision before the board is whether to rezone the properties from their current
256 zoning classifications to Suburban Residential or to leave as is. He further added that Mr.
257 Bradshaw's statements regarding reducing the impacts by reducing the number of units is
258 accurate, but that the layout of this development is a decision for later on. He also commented
259 that sometimes applicants show their plans at the rezoning stage, and down the line end up
260 altering their plans and doing something different.

261

262 Nathan Lilley stated he is all for rezoning the northern tract, which is currently zoned Planned
263 Development, because it will reduce the allowable density, but is torn on rezoning the southern
264 tract which is currently zoned Working Lands because it will increase the impacts on that parcel
265 with regard to facilities, schools, etc.

266

267 Cathleen Saunders commented that she feels the Working Lands and Planned Development
268 parcels should be rezoned together to that the zoning in the area is consistent, such that there
269 won't be 'residential-working lands-residential', it would all be residential.

270

271 Mr. Bradshaw stated that no matter what they ultimately end up doing, it will still be fewer units
272 than the current zoning allows, and less impacts.

273

274 Mr. Mizelle added that at present there are 32 acres in the southern tract which is zoned Working
275 Lands. If this is rezoned to Suburban Residential and a Conservation Subdivision is created,
276 then 50% of the total land (once both parcels are rezoned and combined) will be conservation
277 land. This means that 44 acres total from both parcels will be conservation land.

278

279 Nathan Lilley asked if what Mr. Mizelle is saying is that if the two parcels are rezoned and
280 combined, that the total amount of conservation land will be more acreage than what the
281 southern tract, currently zoned Working Lands, is now. Mr. Mizelle answered that was correct.

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282 Mr. Mizelle added that there would be 89 total acres once rezoned and combined, and that 50%
283 of that would be conservation land, approximately 44 acres.

284
285 Ms. Curling asked if the board had any questions or anything to add regarding the questions
286 which Mr. Bradshaw went over. Hearing none, she added that staff’s answers to the questions
287 were in the board packet.

288
289 At this time, the following motion was made:
290

291 ***Motion to approve the request to rezone the parcels. Parcel with PIN# 03-8971-00-30-***
292 ***0834-0000 from Planned Development (PD) to Suburban Residential (SR), and Parcel***
293 ***with PIN# 03-8971-00-21-2552-0000 from Working Lands (WL) to Suburban***
294 ***Residential (SR).***

295
296 Ms. Curling added that the motion should reflect a Consistency Statement saying that the
297 rezoning is consistent with the 2035 Comprehensive Plan.

298
299 Nathan Lilley asked to add the Consistency Statement to the motion which Rick McCall
300 had made.

301
302 **Amended Motion is: Approve the request to rezone the parcels. Parcel with PIN# 03-**
303 **8971-00-30-0834-0000 from Planned Development (PD) to Suburban Residential (SR),**
304 **and Parcel with PIN# 03-8971-00-21-2552-0000 from Working Lands (WL) to**
305 **Suburban Residential (SR) as this is consistent with the 2035 Comprehensive Plan.**
306

RESULT:	PASSED [UNANIMOUS]
MOVER:	Rick McCall, Board Member
SECONDER:	Cathleen Saunders, Board Member
AYES:	McCall, Leary, Albertson, Saunders, Lilley
ABSENT:	None
RECUSED:	Bradshaw

313
314
315 **INFORMATION FROM BOARD AND STAFF**

316
317 None.

318
319 **NEXT MEETING - FEBRUARY 17, 2021**

320

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321 **ADJOURN**

322 *Motion to Adjourn*

323	RESULT:	PASSED [UNANIMOUS]
324	MOVER:	Ray Albertson, Board Member
325	SECONDER:	Rick McCall, Board Member
326	AYES:	McCall, Leary, Bradshaw, Albertson, Saunders, Lilley
327	ABSENT:	None

328 The meeting adjourned at 7:28 PM.

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*Chairman Calvin Leary
Camden County Planning Board*

336 *ATTEST:*

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*Dan Porter, Planning Director
Camden County Planning Department*

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360 See next page for beginning of attachments.

STAFF REPORT

**UDO 2020-12-14
Zoning Map Amendment**

PROJECT INFORMATION

File Reference: UDO 2020-12-14
Project Name: Avery Shores
PIN: 03-8971-00-21-2552
03-8971-00-30-0834

Applicant: Avery Family Rev. Trust
Address: 102 Avery Dr
Shiloh, NC 27974
Phone: 252-455-1028
Email: sbrad11@gmail.com

Agent for Applicant: Self
Address:
Phone:
Fax:
Email:

Current Owner of Record: Applicant

Meeting Dates:
12/9/2020 **Neighborhood Meeting**
1/21/2021 **Planning Board Meeting**

Application Received: 12/10/2020
By: Amber Curling, Planning

Application Fee paid: \$1440.00 Ck# 1

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A.** Rezoning Application
- B.** Deed
- C.** GIS Aerial, Current zoning, Comprehensive Plan Future Land Use and CAMA Land Use Plan Suitability Maps
- D.** Neighborhood Meeting Comments
- E.** Zoning Comparison PD & WL to SR

REQUEST: Zoning Map Amendment from Planned Development, Working Lands, and Rural Residential to Suburban Residential.

Rezone two parcels; first parcel 03-8971-00-30-0834-0000 of approximately 52 acres from Planned Development (PD) and second parcel 03-8971-00-21-2552-0000 of approximately 37 acres from Working Lands (WL) and a Rural Residential fragment (RR) to Suburban Residential (SR). All parcels are located off One Mill Rd and Riggs Rd in the Shiloh Township.

Rezoning from the following Zoning District:

Planned Development (PD) Purpose Statement (Article 151.3.6.3)

The Planned Development (PD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other County goals and objectives by:

- Reducing or diminishing inflexibility or uniform design that sometimes results from the strict application of zoning and development standards designed primarily for individual lots;
- Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
- Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
- Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, special flood hazard area, and historic features.

Working Lands (WL) Purpose Statement Article 151.3.5.2)

The Working Lands (WL) district is established to accommodate agriculture, agriculturally-related uses, and limited forms residential development at very low densities in rural portions of the County. The district is primarily intended to preserve and protect bona fide farms and resource lands for current or future agricultural use as well as to protect the rural character of the area. One of the primary tools for character protection is the requirement to configure residential subdivisions of more than five lots as conservation subdivisions. The conservation subdivision approach seeks to minimize the visibility of new residential development from adjacent roadways through proper placement and screening, and allows farmers to capture a portion of the land's development potential while continuing to farm. Conservation subdivisions allow a portion of a tract or site to be developed with single-family detached homes while the balance of the site is left as conservation or agricultural land. The district also accommodates a wide range of agricultural and agricultural-related uses like "agri-tourism" as well as service and support uses to the rural community, including day care, educational uses, public safety facilities, parks, and utility features.

Rezoning to the following Zoning District:

Suburban Residential (SR) Purpose Statement (Article 151.3.5.5)

The Suburban Residential (SR) district is the County's primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions. While the district allows single-family detached homes, mobile homes on individual lots are prohibited. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district

SITE DATA

Size of Lots: Approximately 52 and 37 acres for an approximate total of 89 acres
Flood Zone: AE
Zoning District(s): Planned Development (PD), Working Lands (WL) and Rural Residential (RR)
Existing Land Uses: Farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Working Lands (WL)	Neighborhood Residential (NR)	Working Lands (WL)	Pasquotank River
Use & size	Wetlands & Farmland	Residential Lots, Woods, Farmland	Residential Lots, Wetlands & Farmland	NA

Proposed Use(s) – The proposed use is to develop 61 waterfront lots, creating the Conservation Subdivide of Avery Shores.

Description/History of property: The vacant property is located in southern portion of Shiloh off Riggs Road and One Mill Road. Majority of the property has been used as farmland; the remaining is wetlands and woods.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water: Water lines are located adjacent to property along One Mill Road and Riggs Road

Sewer: Not available.

Fire District: Shiloh Fire District.

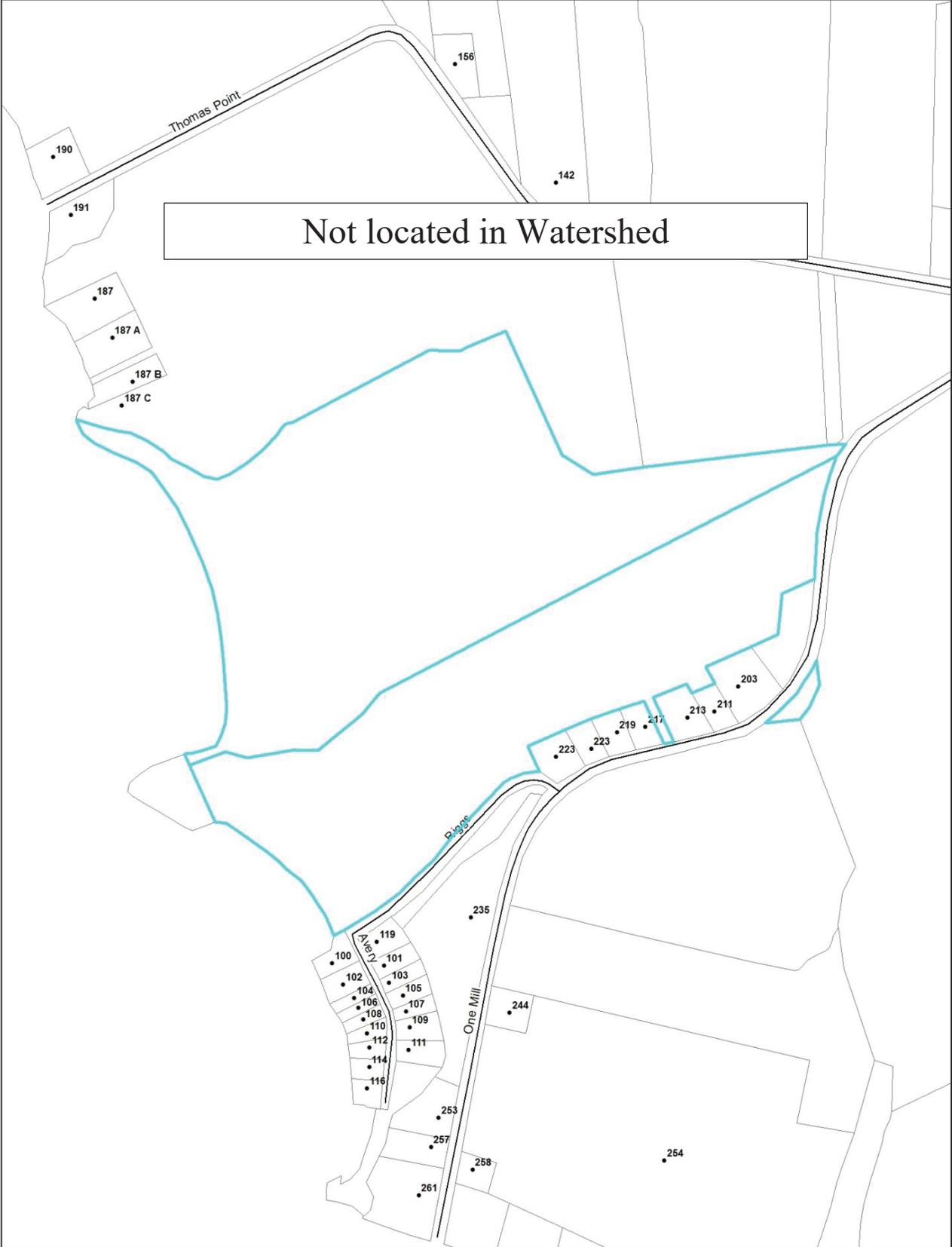
Schools: Proposed zoning will have an impact on Schools.

Traffic: Proposed zoning will have impact on Traffic. A Traffic Impact Analysis required at development stage.

PROJECT LOCATION: Vicinity Map: Shiloh Township



Watershed Map



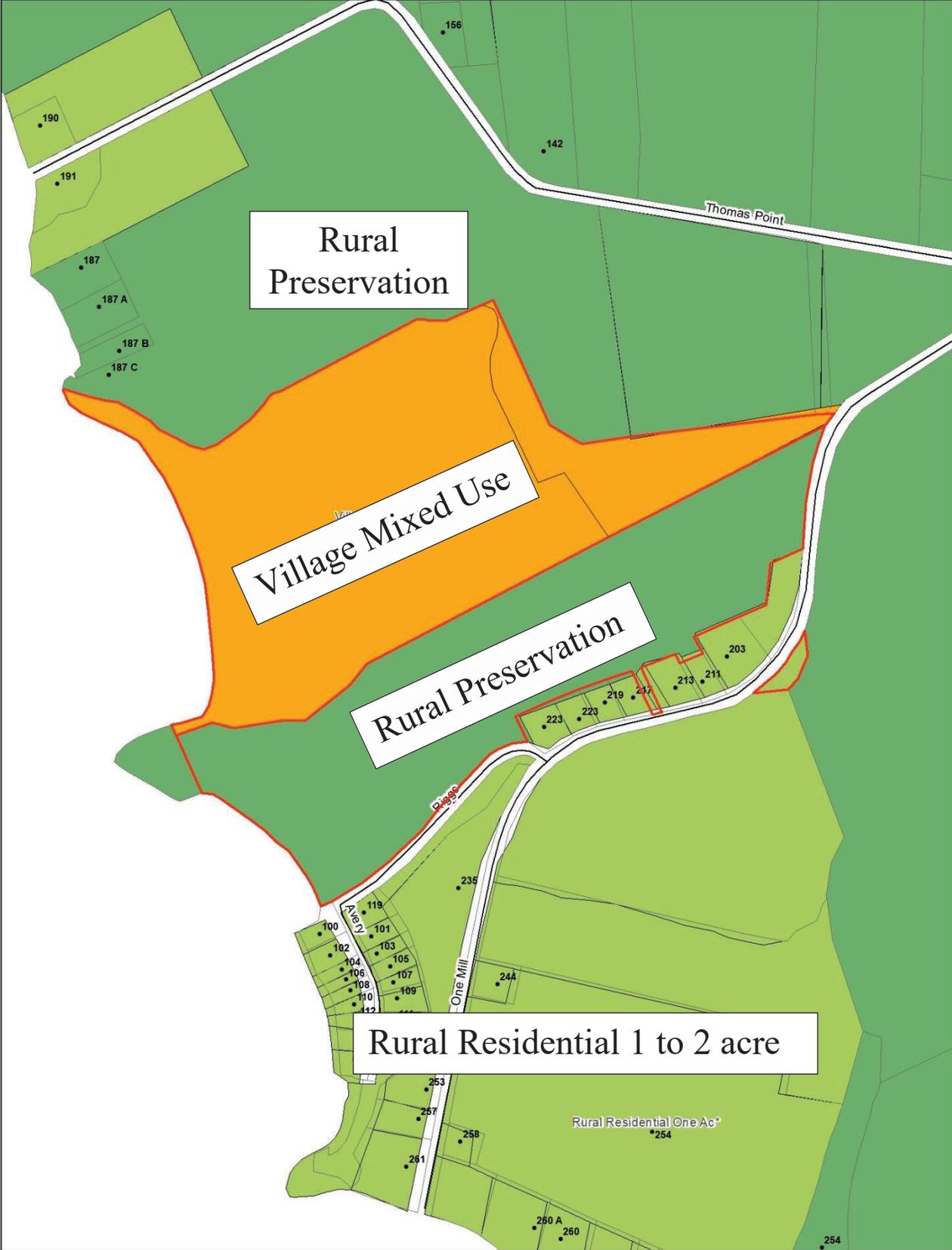
Floodplain Map



ENVIRONMENTAL ASSESSMENT: Streams, Creeks, Major Ditches:
Distance & description of nearest outfall: It appears the property drains to Pasquotank River.



Comprehensive Plan Future Land Use Map





Shiloh 1 mile Buffer

Proposed Avery Shores

The goal when reviewing a project for Zoning Regulations in accordance with the Camden County Land Use Plans is to make sure the project is designed to:

- to lessen congestion in the streets;
- to secure safety from fire, panic, and other dangers;
- to promote health and the general welfare;
- to provide adequate light and air;
- to prevent the overcrowding of land;
- to avoid undue concentration of population; and
- to facilitate the adequate provision of transportation, water, sewage, schools parks and other public requirements

Summary

CONSISTENCY with PLANS and MAPS

2035 Comprehensive Plan

Consistent Inconsistent

The County’s Comprehensive Future Land Use Map (Adopted 2012) shows the current Planned Development Zoning Parcel to be Village Mixed Use. Village Mixed use areas include moderate to higher density mixed use including residential, commercial, and recreational uses. The Working Lands are shown on the Future Land Use map as Rural Preservation. Rural Preservation promotes the continued use of working lands and protection of environmentally sensitive lands from more intense development.

CAMA Land Use Plan Policies & Objectives:

Consistent Inconsistent

The CAMA Land Use Plan was adopted by the Camden County Board of Commissioners on April 4, 2005. The proposed zoning change is inconsistent in that the CAMA Future Land Use Maps has the majority of property identified as Conservation. Small areas on the water are identified as Low Density Residential. Conservation is designated to provide for effective long term management of significant limited or irreplaceable areas.

Comprehensive Transportation Plan

The Camden County Comprehensive Transportation Plan does not identify any roads as needing improvement or recommended for improvement south of Wharf Rd on Hwy 343 south.

-Other Plans officially adopted by the Board of Commissioners

N/A

SPECIFIC CAMA LAND USE QUESTIONS for THE PLANNING BOARD TO CONSIDER:

1. Does Camden County need more land in the zoning class requested?

In Camden County 0.63% is zoned as Planned Development, 72.95% is zoned as Working Lands and 1.79% of the property is zoned as Suburban Residential.

2. Is there other land in the county that would be more appropriate for the proposed uses?

There is very limited waterfront property left to be developed.

3. 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 uses between Planned Development, Working Lands and Suburban Residential are similar. Planned Development may allow for commercial development not allowed in other two districts and the proposed density is established upon approval of Masterplan. Suburban Residential allows for higher density than Working Lands. The Zoning Comparison, included in the package, identifies specific uses for each zoning district.

4. Will the request have serious impact on traffic circulation, parking space, sewer and water services, other utilities?

The proposed zoning uses will have an impact on all public facilities. The Preliminary Plat Application will require a Development Impact Statement. The Development Impact Statement is determined by the Physical Analysis, Housing Market Analysis Water Analysis, Sewer Analysis, Fiscal Analysis and Traffic Analysis.

5. Will the request have an impact on other county services, including police protection, fire protection or the school system?

The proposed zoning uses will have an impact on all public services. The specific service and to what extent the impact will be projected during the development approval process of the property, using recommendations from the Technical Review Committee.

6. Is there a good possibility that the request, as proposed, will result, as proposed, will result in lessening the enjoyment or use of adjacent properties?

All permitted uses in the requested zoning classification should not lessen the enjoyment or use of any adjacent properties.

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

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

9. Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?

The request does not raise serious legal questions.

10. Does the request impact any CAMA Areas of Environmental Concern?

Yes the proposed development includes areas of environmental concern. Concerns are flood zone AE, wetlands, and the waterfront. The development process will include the required documentation for Federal, State and County; (CAMA permit, NCDEQ Erosion & Sediment Control permit, NCDEQ Stormwater permit, Approved County drainage plan, and any other appropriate approvals.)

Recommendations:

Planning Staff recommends approval of the Rezoning Application (UDO 2020- 12-14) of the Avery parcels on One Mill Rd and Riggs Road from Planned Development, Working Lands, and Rural Residential to Suburban Residential. This recommendation is based on the 2035 Comprehensive Plan which identifies: (1) 52 acres as Village Mixed Use with an appropriate specific use as moderate and higher density residential uses (up to 14 dwellings units per acre); (2) 37 acres as Rural Preservation with appropriate uses of farms and forestry sites.

Attachment "B"



