

**Camden County Planning Board
Minutes
April 15, 2015, 7:00pm
Historic Courtroom
Camden County Courthouse Complex**

| Members Present: | Absent: |
|----------------------------|-------------------|
| Chairman Rodney Needham | Michael Etheridge |
| Vice Chairman Calvin Leary | |
| Ray Albertson | |
| Patricia Delano | |
| Fletcher Harris | |
| Rick McCall | |

Call to Order & Welcome

Chairman Rodney Needham called to order the April 15, 2015 meeting at 7:00 PM.

Others Present at Meeting

STAFF PRESENT

| Name: | Title: |
|-------------|-------------------|
| Dan Porter | Planning Director |
| Amy Barnett | Planning Clerk |

OTHERS PRESENT

| Name/Residence: | Title: | Purpose / Representing: | Meeting Section: |
|-----------------|-----------|-----------------------------|----------------------|
| Mark Bissell | Engineer | Harbinger Land & Timber LLC | New Business Item #1 |
| Gary Dunstan | Applicant | Harbinger Land & Timber LLC | New Business Item #1 |

Consideration of Agenda

Chairman Rodney Needham called for consideration of the agenda.

Motion to approve the agenda as presented made by: Vice Chairman Calvin Leary.

Motion Seconded by: Fletcher Harris.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Ray Albertson, Patricia Delano, Fletcher Harris, and Rick McCall voting aye, none voting no, Member Michael Etheridge Absent, and none not voting.

Consideration of Minutes: March 18, 2015

Chairman Rodney Needham called for consideration of the minutes from March 18, 2015.

Motion to approve the minutes as written made by: Vice Chairman Calvin Leary.

Motion Seconded by: Ray Albertson.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Ray Albertson, Patricia Delano, Fletcher Harris, and Rick McCall voting aye, none voting no, Member Michael Etheridge Absent, and none not voting.

Comments from the Public

None

Old Business

None

New Business

New Business, Item #1

UDO 2015-03-11, Rezoning Request, Harbinger Land & Timber LLC, Gary Dunstan

Dan Porter described this agenda item and read through the staff report (detailed below).

STAFF REPORT

**UDO 2015-03-11
Zoning Map Amendment**

PROJECT INFORMATION

| | | | |
|---------------------------------|---|---|---|
| File Reference: | UDO 2015-03-11 | Application Received: | 3/18/15 |
| Project Name: | N/A | By: | David Parks, Permit Officer. |
| PIN: | 01-7090-00-07-6888 | Application Fee paid: | \$950 Check #2027 |
| | 01-7090-00-17-0117 | Completeness of Application: | Application is generally complete |
| Applicant: | Harbinger Land & Timber, LLC & Assorted Development Corp – Gary Dunston | Documents received upon filing of application or otherwise included: | |
| Address: | P.O. Box 4 Harbinger NC 27941 | A. | Rezoning Application |
| Phone: | (252) 202-1100 | B. | Deed |
| Email: | | C. | GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps |
| Agent for Applicant: | | D. | Conceptual Development Plans |
| Address: | | E. | Perc Tests (4) from Albemarle Regional Health Services |
| Phone: | | | |
| Email: | | | |
| Current Owner of Record: | Same as applicant | | |
| Meeting Dates: | | | |
| 4/15/2015 | Planning Board | | |
| | Board of Commissioners | | |

PROJECT LOCATION:

Street Address: Property fronted by Sandy Lane, Keeter Barn and Sharon Church Roads
Location Description: South Mills Township

REQUEST: Rezoning of the approximately 41 (Farmland only)

From: Basic Residential (R3-2)

To: Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

SITE DATA

Lot size: Approximately 54 acres both lots. Request is for the 41 acres of farm land Only.
Flood Zone: Zone X (Located outside the 100 & 500 year flood)
Zoning District(s): Basic Residential (R3-2)
Existing Land Uses: Agriculture (except area where Septic Tank is located)

Adjacent Zoning & Uses:

| | North | South | East | West |
|-----------------------|--------------------------|--------------------------|--------------------------|---|
| Zoning | Basic Residential (R3-2) | Basic Residential (R3-2) | Basic Residential (R3-2) | Basic Residential (R3-2) |
| Use & size | Farmland | Woodland | Woodland/Farmland | Approved 18 lot subdivision (Joyce Landing) |

Proposed Use(s):

Uses are the same the only change is in the density from two acres to one acre.

Description of property:

Property abuts Sandy Lane, Keeter Barn and Sharon Church Roads in South Mills Township. Property surrounded by farmland and woodland.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Mill Run Ditch.

Distance & description of nearest outfall: Mill Run Ditch is located to the east of the wooded portion of the property which is not included in this rezoning and will probably be utilized as the outfall.

INFRASTRUCTURE & COMMUNITY FACILITIES

| | |
|----------------------|--|
| Water | Water line located adjacent to property on Sharon Church and Keeter Barn Roads (6 Inch lines). |
| Sewer | Four Perc tests completed on lots 1, 9, 19 and 26 from the conceptual design (attached) and reflect shallow placement to fill area with 18" of sand indicate some septic systems can be placed shallow |
| Fire District | South Mills Fire District. Station located approximately 2 miles from property and hydrant located approximately 1600 feet from property. |
| Schools | Increasing density of development through rezoning will increase projected number of students generated from future development. |
| Traffic | Increasing density will increase traffic generation, however traffic is not anticipated to exceed road capacities. |

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives:

Consistent **Inconsistent**

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that is located outside the Core Area of South Mills. However, future land use maps reflect Low-Density Residential which allows for density of 1 to 2 acres or greater.

PLANS CONSISTENCY – cont.

2035 Comprehensive Plan

Consistent **Inconsistent**

Consistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Residential with maximum density of 1 acre lots.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent **Inconsistent**

Property abuts Sandy Lane (SR 1227) (unpaved), Keeter Barn (SR 1226) and Sharon Church (SR 1231) Roads

Consistent Inconsistent

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: The proposed zoning change will enhance the public health, safety, or welfare as it will provide needed residential density in an area identified by the Comprehensive Plan to encourage commercial development.

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: The permitted uses will not change as the request is for a higher density in the existing district of Basic Residential (R3).

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? N/A**

Reasoning:

Yes No **What extraordinary showing of public need or demand is met by this application? N/A**

Reasoning:

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: The attached graph indicates the percentage and amount of land in the R3-1 zone.

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

Yes No

Reasoning: Uses are the same, request is for higher density from 2 acres to one acre.

Yes No

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

Schools – The higher density would have an impact on the schools once developed as the high school has exceeded its capacity.

Fire and Rescue – Minimal impact.

Law Enforcement – Minimal impact.

Parks & Recreation – Minimal impact

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 | | |
| Without rezoning | | |

STAFF COMMENTARY:

The requested rezoning will increase the potential number of lots from approximately 20 to 40.

It is important to note that this request is accompanied by conceptual plans proposing an Open Space subdivision including the set-aside of 50% undeveloped open space including 10 acres across Sharon Church Road which is not part of this request. Although this is the development expected to occur, the rezoning to 1 acre minimum lot size cannot guarantee design and development of the open space subdivision proposal.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning as it is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for maximum densities up to one acre.

PLANNING BOARD RECOMMENDATION:

Mr. Porter provided the following highlights from the staff report:

- Request is for 41 acres (not the wooded portion)
- No change in land use
- Is part of the Joyce Creek Drainage District
- Suitability is very high
- CAMA Land Use Plan identifies it as low density residential
- Comprehensive Plan identifies it as rural residential one acre lots
- Property is outside the Shaded X Flood Zone (500 year)
- South Mills Water - 6" lines
- Perk tests were approved with conditions
- South Mills Fire District - station located within 2 miles of property
- Schools - will increase number of students
- Traffic - will increase traffic
- Consistent with both CAMA and Comprehensive plans
- Woodland area will remain undeveloped
- Next meeting on this may include a sketch plan
- Staff recommends approval

Mr. Mark Bissell (from Kitty Hawk, NC), Engineer/Planner for the applicant, provided the following information:

- This is a conservation style development
- This is an ideal site because:
 - Open space provides better chance for an open design
 - Additional density will pay for the infrastructure
 - Will have large open spaces with wooded areas of conservation
 - Lots may be up to 100 foot wide
 - Property backs up to open spaces at back of lots
 - Plans support this type of rezoning
- Applicant is open to conditions on the zoning

Board Member Rick McCall asked who is responsible for upkeep on Sharon Church Road. Planning Director Dan Porter responded that it is a state secondary road. Sandy Lane was also discussed, Mr. Porter stated that if there are driveways along Sandy Lane, then Sandy Lane must be paved.

Mr. Bissell said that there would be walkways, trails, and so on.

Chairman Rodney Needham asked why rezone only 41 acres and not the whole property. Mr. Bissell stated that although it would increase density, it might not be consistent with the land use plans if the entire property were rezoned.

Mr. Porter added that the county could ask for the wooded area to be a conservation area. He added that when open space is increased, lot sizes can be decreased to 15-20,000 square feet if 50% is set aside. He also added that spaces set aside would be part of the concept plan.

Member Ray Albertson observed that the board was not voting on concept tonight, only on the rezoning request.

At this time, Chairman Rodney Needham asked if there were any further questions or comments. Hearing none, he called for a motion.

Motion to approve UDO 2015-03-11, Rezoning Request, Harbinger Land & Timber LLC, Gary Dunstan with the conditions as stated in Staff's findings of facts made by: Vice Chairman Calvin Leary.

Motion seconded by: Fletcher Harris.

The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Ray Albertson, Patricia Delano, Fletcher Harris, and Rick McCall voting aye, none voting no, Member Michael Etheridge Absent, and none not voting.

Information from Board and Staff

Dan Porter gave the following information:

- Planning is accepting proposals from consultants for update of the UDO

Consider Date of Next Meeting - May 20, 2015 (unless no matters for board)

Adjournment

At 7:30 PM, Ray Albertson made a motion to adjourn the meeting. Patricia Delano seconded the motion. The motion was approved with Chairman Rodney Needham, Vice Chairman Calvin Leary, Members Ray Albertson, Patricia Delano, Fletcher Harris, and Rick McCall voting aye, none voting no, Member Michael Etheridge Absent, and none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk