

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – March 21, 2018

Camden County Planning Board
Regular Meeting
March 21, 2018 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on March 21, 2018 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members Present:

Attendee Name	Title	Status	Arrived
Calvin Leary	Chairman	Present	6:50 PM
Fletcher Harris	Board Member	Present	6:50 PM
Patricia Delano	Vice Chairman	Present	6:50 PM
Rick McCall	Board Member	Absent	
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

Staff Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:40 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

Others Present:

Attendee Name	Title	Purpose	Meeting Section
Sean Robey, Eastern Carolina Engineering	Agent for Applicant	Speak on behalf of Applicant A & B Building, Inc.	New Business 5.1
Randy Krainiak, 173 NC Hwy 343 South	Adjacent Property Owner	Voice Concerns regarding UDO 2017-02-28 SUP Prelim Plat The Fairfax	New Business 5.1
Tommy Harrison, 191 NC Hwy 343 South	Adjacent Property Owner	Voice Concerns regarding UDO 2017-02-28 SUP Prelim Plat The Fairfax	New Business 5.1

CONSIDERATION OF AGENDA

Motion to Approve Agenda As Presented

RESULT:	PASSED [UNANIMOUS]
MOVER:	Patricia Delano, Vice Chairman
SECONDER:	Steven Bradshaw, Board Member
AYES:	Leary, Harris, Delano, Albertson, Bradshaw, Saunders
ABSENT:	McCall

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CONSIDERATION OF MINUTES FROM FEBRUARY 21, 2018

Motion to Approve Minutes From 2-21-18 As Written

RESULT:	PASSED [UNANIMOUS]
MOVER:	Fletcher Harris, Board Member
SECONDER:	Ray Albertson, Board Member
AYES:	Leary, Harris, Delano, Albertson, Bradshaw, Saunders
ABSENT:	McCall

OLD BUSINESS

None

NEW BUSINESS

- 1. UDO 2017-02-28 Special Use Permit Preliminary Plat - Major Subdivision - The Fairfax***

**SPECIAL USE PERMIT
UDO 2017-02-28
FINDINGS OF FACTS**

PROJECT INFORMATION

File Reference: UDO 2017-02-28
Project Name: The Fairfax
PIN: 02-8934-02-57-3312-0000

Applicant: A & B Building, Inc., Adam Maurice
Address: 141 Travis Blvd., Moyock, NC 27958
Phone: (757) 619-0746
Email: aandbbuildinc@gmail.com

Agent for Applicant: Eastern Carolina Engineering
Address: P. O, Box 128, Camden, NC, 27921
Phone: (252) 335-1888
Email:

Current owner of Record: Same as applicant

Application Received: 2/6/2018
By: David Parks, Permit Officer

Application Fee Paid: \$3,200, Check # 2879
Stormwater Review Fee: \$6,000, Check # 2880

Completeness of Application: Application is generally complete

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Documents received upon filing of application or otherwise included:

- A. Land Use Application
- B. Preliminary Plat (7 Copies)
- C. Construction Drawings (2 Copies)
- D. Perc Tests (16) from Albemarle Regional Health Services
- E. DENR Stormwater Permit (Pending)
- F. DENR E & S Control Plan No. Camde-2018-007
- G. Approval letter for Drainage Plan
- H. Technical Review Committee inputs

Meeting Dates:

Technical Review: March 6, 2018
Planning Board: March 21, 2018

REQUEST: Special Use Permit Preliminary Plat - The Fairfax - 16 lot Major Subdivision - Article 151.230 of the Code of Ordinances.

Maps Show:

Vicinity Map: Site located off NC Hwy 343 South between 173 and 191 NC 343 South

Flood Zone Map: AE / X Flood Zones. X Flood Zone in middle, AE around outer edges and on north back end and north front end of property.

Zoning Map: R-2 Zoning District

PROJECT LOCATION:

Street Address: Property located adjacent to 173 & 191 South Highway 343

Location Description: Courthouse Township

SITE DATA:

Lot Size: Approximately 23 acres total.

Flood Zone: Zone X / AE

Zoning District(s): Base Zoning; Mixed Single Family Residential (R2)

Adjacent Property Uses: Agriculture with residential on either side

Streets: Shall be dedicated to public under control of NCDOT

Street Name: Isaac Court

Open Space: Required: 23.10 acres x .05 = 1.16; Provided: 3.28 acres

Landscaping: Landscaping Plan provided

Buffering: Per Article 151.232(N), a 50' landscaped vegetative buffer required along all property lines that abut non-residential uses

Recreational Land: N/A - Less than 30 lots

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ENVIRONMENTAL ASSESSMENT:

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall: Pasquotank River is less than a mile from the site.

TECHNICAL REVIEW STAFF (SKETCH PLAN) COMMENTS:

1. South Camden Water. Approved.
2. Albemarle Regional Health Department. Approved.
3. South Camden Fire Department. Approved.
4. Postmaster Elizabeth City. No response. Did not attend TRC meeting.
5. Army Corps of Engineers. No response.
6. Superintendent Camden County Schools. No response.
7. Superintendent/Transportation Director of Schools. Approved at Sketch. Did not attend TRC meeting for Preliminary.
8. Camden Soil & Water Conservationist. Approved.
10. NCDOT. No response. Did not attend TRC meeting.
11. Parks & Recreation. N/A
12. Mediacom. No response. Did not attend TRC meeting.
13. Albemarle EMC. Need new street name for consideration.
14. Century Link. No response. Did not attend TRC meeting.
15. Pasquotank EMS. Approved.

PLANS CONSISTENCY:

CAMA Land Use Plan Policies & Objectives: Consistent; CAMA Plan has land identified as Medium Density Residential.

2035 Comprehensive Plan: Consistent; Comprehensive Plan has area designated as Rural Residential One Acre.

Comprehensive Transportation Plan: Consistent; Access to property will be a proposed Public Road that runs off South Highway 343.

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Endangering the public health and safety? No; Staffs opinion is that application does not appear to endanger the public health and safety.

Injure the value of adjoining or abutting property? No; Without any evidence to the contrary - staffs opinion is that application does not appear to injure the value of adjoining or abutting property.

Harmony with the area in which it is located? Yes; 2035 Comprehensive Plan has land designated as Rural Residential and CAMA Future Land Use Maps has land designated as Medium Density Residential. Property located within the Core Village of Courthouse Township.

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EXCEED PUBLIC FACILITIES:

Schools: Yes; Proposed development will generate 7 students (.44 per household x 16 households). High School over capacity: 2016/2017; Capacity: 570, Enrollment: 607

Fire and Rescue: No; Approved.

Law Enforcement: No; Approved.

PLANNING STAFF RECOMMENDATION:

Planning Staff recommends approval of this Special Use Permit for Preliminary Plat for The Fairfax Major Subdivision with the following conditions:

1. The Applicant must strictly abide by all requirements of the Unified Development Ordinance of Camden County, North Carolina, and must also strictly comply with all other local, state, and federal ordinances, laws, rules and regulations as one or more ordinances, laws, rules and regulations may apply to this development.
 2. The applicant shall complete the development strictly in accordance with the approved Preliminary Plat and specifications submitted to the Planning Office of Camden County, North Carolina, and contained in the file titled (UDO 2017-02-28).
 3. Amend Preliminary Plat as follows:
 - Under Title change township to Courthouse vice Shiloh.
 - Add new street name when approved.
 - Under Note 5; add in designations X / AE after the word Zones.
 - Add additional note: USE OF LAND WITHIN A FLOODPLAIN IS SUBSTANTIALLY RESTRICTED BY THE CAMDEN COUNTY CODE.
 - Place addresses on each lot as provided.
 4. Prior to approval of Final Plat property indicated on Preliminary Plat that is to be conveyed to Harrison shall be recorded along with deed with the Camden County Registry of Deeds.
 5. All lots shall be crowned to where the dwelling is located to an elevation at or above the 100 year flood as indicated in the Construction drawings. These elevations shall be verified by a Surveyor or Engineer licensed to do business in North Carolina prior to final inspection for the dwelling.
 6. Developer and or Home Owners Association shall provide Camden County certification by a licensed North Carolina Engineer of compliance with approved Drainage Plan for The Fairfax every five years starting from recording of Final Plat in the Camden County Registry of Deeds.
 7. Home Owners Restrictive Covenants shall include the following information:
 - a. All requirements (to include Maintenance and allowable built upon area) listed under NCDENR Stormwater Permit No. _____ dated _____.
 - b. The re-certification to the County of the approved drainage plan every five years.
 - c. Maintenance of all open space and improvements throughout the subdivision.
 8. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this approval in its entirety shall be void and have no effect.
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Dan Porter briefly described this agenda item:

- Special Use Permit Application for Preliminary Plat
- Applicant is A & B Building Inc., Adam Maurice
- 23 Acre, 16 Lot Major Subdivision

Mr. Porter introduced Mr. Sean Robey of Eastern Carolina Engineering, the agent for the applicant.

Sean Robey, Eastern Carolina Engineering

- Representing Adam Maurice of A & B Building
- 16 Lot Subdivision proposed
- Located on NC Hwy 343 just North of Camden United Methodist Church
- Approximately 1000 foot long road in subdivision which will be extended in and off of NC 343 to a cul-de-sac
- Most of the lots are over an acre, 40,000 sqft average
- Some lots border wetlands to the rear of the lots, those are as much as 2.5 acres.
- Will extend county water main from NC 343 through subdivision and for fire hydrants
- Will provide the necessary drainage
- Have submitted and received approvals on Erosion Control and Stormwater from NC DENR
- Greg Johnson, the engineer for Camden County, has also reviewed the stormwater plan and given his blessing on it

Dan Porter then went over the staff report / findings of facts as incorporated herein above and noted the following:

- Located on NC 343 between Seymour and Stevens Roads
- Primarily surrounded on all 3 sides by woodlands
 - Mr. Robey noted that a small portion of the woodlands will be cleared in order to facilitate the drainage ways, 30 foot ditches
- R-2 Zoning, allows a little less than one acre lots
- Across the road on NC 343 is General Use District zoning
- Approximately 1/2 of the property is in Flood Zone X (500 year flood), the other 1/2 is in the AE Flood Zone (buildings must be built to one foot above base flood)
- Technical Review Committee has reviewed application
- Schools - will generate 7 to 8 students based on formula used by the County to assess school impacts
- Will create slightly elevated traffic along NC 343
- Buffer is the woodlands that surround property with the exception of the 2 lots that are at the front of the property and abut NC 343

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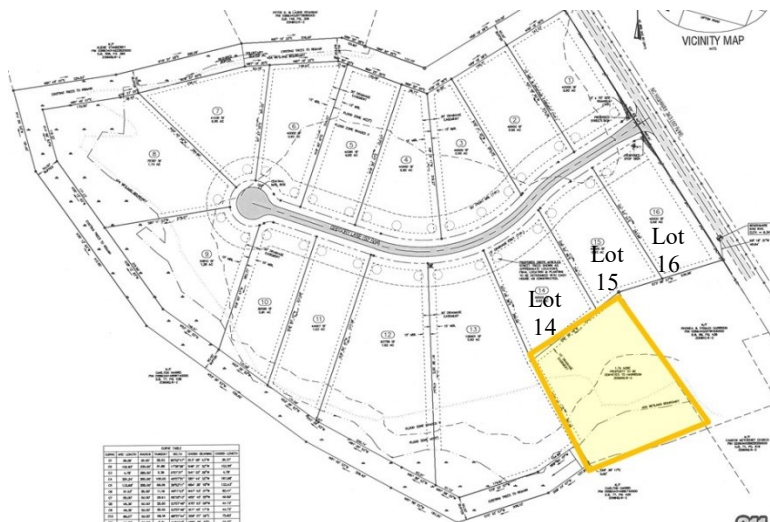
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- Staff recommends approval with conditions as listed in staff's findings of facts
 - Uncommon Conditions Included:
 - Property behind lot 14 and portion of property behind lot 15, as indicated on Preliminary Plat, to be conveyed to Thomas Harrison, shall be recorded along with deed with the Camden County Registry of Deeds.
 - Home Owners Restrictive Covenants shall include the following information:
 - All requirements (to include Maintenance and allowable built upon area) listed under NCDENR Stormwater Permit No. _____ dated _____.
 - The re-certification to the County of the approved drainage plan every five years.
 - Maintenance of all open space and improvements throughout the subdivision.

Vice Chairman Patricia Delano asked about safety concerns with regards to school children and bus pickups. Dan Porter stated that the school buses will pick up children inside the subdivision and not at any particular bus stop.

Mr. Porter also stated that the Post Office is requiring cluster mailboxes.

Vice Chairman Patricia Delano asked for clarification as to which property would be conveyed to Harrison upon his purchase of same. Mr. Porter replied that it was the property behind lot 14 as indicated on the lot layout / preliminary plat map. He showed the property to be conveyed on the computer screen to be:



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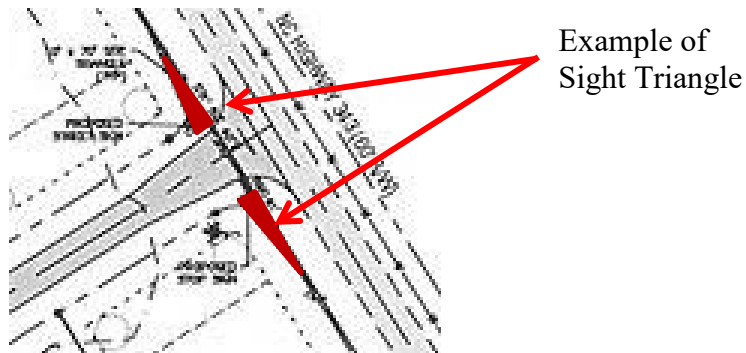
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Cathleen Saunders questioned the lot size of lot 10, asking why it was slightly less than 40,000 sqft. Mr. Robey stated he could adjust the back lot lines either of lot 9 or lot 11 to make lot 10 meet the 40,000 sqft. Mr. Robey noted that the front lot lines are required to have 25 foot frontage along the road. Ms. Saunders further asked if the lot areas included the wetlands. Mr. Robey replied yes they did.

Vice Chairman Patricia Delano asked what the setbacks for houses on the inside of the subdivision would be, feet from the road. Mr. Robey responded that they would be 50 feet or more with the exception of the lots which contain wetlands to the rear of the lots. Those lots may be very close or right at the 50 foot minimum setbacks due to the location of the wetlands and the need to place the septic systems / drainfields along the sides of those houses.

Cathleen Saunders asked if the side setbacks in the subdivision were the same as on NC 343. Dan Porter replied that the side setbacks are 10 feet but that they have to add 25 feet to that.

Steven Bradshaw asked if that was what is referred to as a sight triangle. Dan Porter replied that it was not and showed on the map where the sight triangles were, which are in the corners of the corner lots (see below).



Mr. Porter added that with regard to the setbacks for properties along major arterial highways / roads, side setbacks require an additional 25 feet which makes the side setbacks for such properties a minimum of 35 feet.

Mr. Porter stated that the additional 25 feet was not addressed for lots 1 and 16 so they would have to be re-visited.

Vice Chairman Patricia Delano asked about the front setbacks of lots 15 and 16, wondering if it were possible to situate the houses on those 2 lots closer to the roadway so that they would be farther away from the neighboring properties to the rear of those lots. Mr. Robey responded saying the setbacks on those lots "are pushed back from the road fairly nicely". Mr. Robey stated that if the County were to offer reduced setbacks on certain lots, he would not argue with that.

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Mr. Porter asked which setbacks were being referred to. Mr. Robey responded that it was the front setbacks that were being discussed. Mr. Porter responded saying that the law requires a 50 foot front setback. If a reduced setback is desired, it would be a change that would have to go before the Board of Adjustment for a variance.

At this time, Chairman Calvin Leary asked if there were any further comments or questions from the Board. Hearing none, he opened the floor for public comment.

Randy Krainiak, 173 NC Hwy 343 South

Mr. Krainiak voiced the following concerns:

- Would like for site layout / design plan for the subdivision to indicate which direction proposed houses will face in relation to adjacent property owner's houses
- Concerned about the possible distance between back door of houses that his house will face
- Doesn't want to be looking at back doors / back ends of houses
- Would like to see a buffer zone between current property owners in the area and the subdivision
- Wants to be able to see down the road from his house. Wants unencumbered view.
- Concerned that additional houses in the area will have a negative impact on the quality of life
- Concerned about number of possible entrances onto and off of NC Hwy 343

Dan Porter commented that the UDO doesn't allow the County to dictate which way a house is positioned on a lot.

Steven Bradshaw commented that if a house was positioned facing 343 instead of facing the internal subdivision road, there would be 2 issues:

1. Safety of children getting off of school buses along Hwy 343
2. If lots 1 and 16 houses are turned so they face Hwy 343, then lots 2 and 15 will have the backs of the houses from lots 1 and 16 facing their sides, and those backs will be much closer than they otherwise normally would be to adjacent property.

Chairman Calvin Leary commented with regard to #1 above that driveways would be on the inside of the subdivision. A brief discussion regarding setbacks and how they affect adjacent property depending on the orientation of the houses on lots 1 and 16 took place. If the houses face 343, there would be little or no back yard for those houses, and the distance from building to adjacent property lines would be less than if the houses faced the inside of the subdivision.

Mr. Krainiak added that he wants it to look good if he's going to have to look at it from his patio.

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Chairman Calvin Leary asked if there were any further comments from the public.

Tommy Harrison, 191 NC Hwy 343 South

Mr. Harrison had the following concerns:

- Is purchasing property which is behind lot 14
- Same concerns as Mr. Krainiak regarding seeing subdivision from his back door
- Would like to see a tree type vegetative buffer put in place to show the separation between the subdivision and adjacent properties
- Wants to be able to look out and not feel like his property is part of the subdivision as he is an adjacent property owner and not part of the subdivision
- Concerned about potential increases in traffic and issues which go along with it
- Concerned about traffic safety / visibility when making turns onto NC Hwy 343
- Concerned about stormwater drainage

Mr. Porter stated that certain areas require a 50 foot buffer and other areas do not. The County cannot require it if it isn't otherwise required. The developer can agree to place a buffer if he so chooses, but the County cannot require it.

Cathleen Saunders asked if landscaping would help. Mr. Porter replied that it would be nice to have, but the County cannot require it.

Ms. Saunders asked if fences would be allowed or if they would impede the flow of stormwater drainage. Mr. Porter replied that typically a fence can be placed right on the property line, but that fences cannot be placed where they would block any flow of drainage. He added that there's not much room at the rear of lot 16 due to the drainage easement.

Chairman Calvin Leary asked Planning Director Dan Porter if the issue of a buffer would be something that adjacent property owners would have to take up with the developer. Mr. Porter replied yes it would.

Steve Bradshaw asked Mr. Harrison why his house was built so close to his property line instead of at the center of his property. Mr. Harrison replied that it was built at the center of his property but that he built on a garage which extended the size of the structure toward the property line.

Mr. Bradshaw commented that the NC 343 corridor is a desirable area for development as is the town center / core village area of Camden.

At this time, Chairman Calvin Leary asked if there were any further comments from the public. Hearing none, he called for a motion.

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Motion to Approve UDO 2017-02-28 Special Use Permit Preliminary Plat - Major Subdivision - The Fairfax

RESULT:	PASSED [ROLL CALL VOTE]
MOVER:	Steven Bradshaw, Board Member
SECONDER:	Fletcher Harris, Board Member
AYES:	Leary, Harris, Delano, Bradshaw, Saunders
NAYS:	Albertson
ABSENT:	McCall

Chairman Calvin Leary spoke briefly regarding the responsibility of the board to render a recommendation one way or the other as a second for the above motion was only made reluctantly.

INFORMATION FROM BOARD AND STAFF

None.

CONSIDER DATE OF NEXT MEETING - APRIL 18, 2018

ADJOURN

Motion to Adjourn 3-21-18 Meeting

RESULT:	PASSED [UNANIMOUS]
MOVER:	Ray Albertson, Board Member
SECONDER:	Fletcher Harris, Board Member
AYES:	Leary, Harris, Delano, Albertson, Bradshaw, Saunders
ABSENT:	McCall

Meeting adjourned at 7:45 PM.

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett
Planning Clerk*