

STAFF REPORT

UDO 2019-03-04 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2019-03-04
Project Name; N/A
PIN: 01-7080-00-30-7405

Applicant: Keeter Barn, LLC
Chad Williams &
Alexander Underhill
Address: 205 N. Water St.
Elizabeth City, NC
Phone: (252) 340-0147
Email:

Agent for Applicant:
Address:
Phone:
Email:

Current Owner of Record: Applicant

Meeting Dates:
3/1/2019 **Neighborhood**
3/20/2019 **Planning Board**

Application Received: 3/4/2019
By: David Parks, Permit Officer

Application Fee paid: \$970 Check #1001

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

REQUEST: Rezone approximately 47 acres from Highway Commercial (HC) to Village Residential (VR) on property located at intersection of U.S. 17 and Keeter Barn Road South Mills Township.

From: Highway Commercial (HC) – Article 151.3.6.5 (Purpose Statement)

The Highway Commercial district is applied to lots along the County's major roadways (e.g., US 158, US 17, NC 34, and NC 343) and is intended for automobile-oriented commercial development as well as large floorplate commercial uses and uses that require or generate truck traffic. The district also accommodates agricultural and institutional uses as well as higher density residential uses with a special

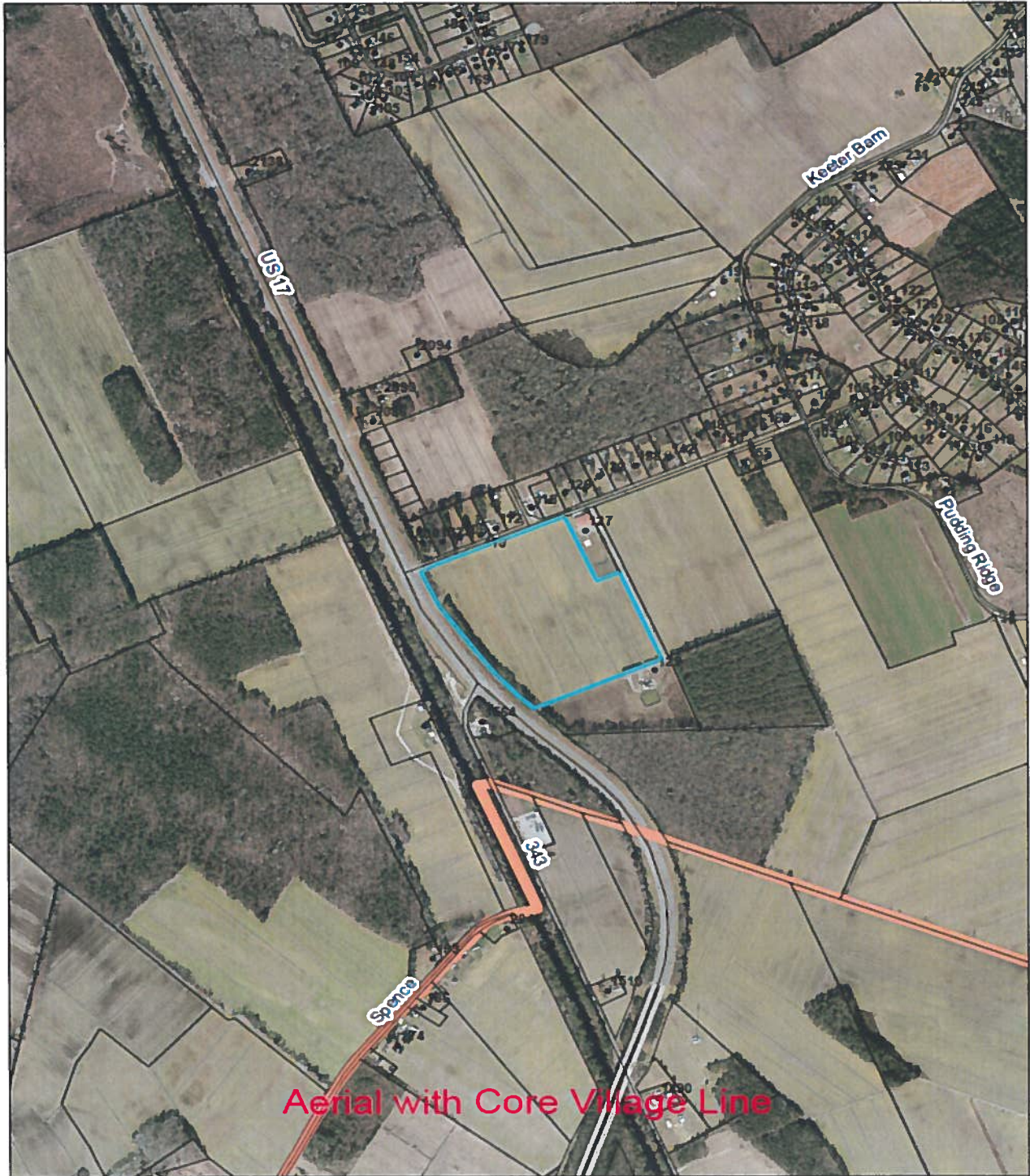
use permit. New development in the HC district is grouped and configured to ensure regular lateral vehicular and pedestrian access along major transportation routes as a means of establishing a well-connected transportation system. New development is configured to maintain high visual quality along the major roadway, or is fully screened from view. Sufficient spacing and screening is included along lot lines shared with adjacent residential zoning districts to ensure compatibility. New commercial and multi-family developments in the district are subject to the design standards in Article 151.5.

To: Village Residential (VR) – Article 151.3.5.6 (Purpose Statement)

The Village Residential (VR) district is established to accommodate a wide range of residential and institutional use types at modest densities on lots within and adjacent to designated village centers. The district allows duplexes, live/work units, single-family attached, and single-family detached dwellings, but does not allow mobile homes, manufactured homes, or conservation subdivisions. As a means of creating compact, functional neighborhoods, the district also allows a wide variety of institutional uses, including community centers, day care, schools, assisted living, religious institutions, parks, and utilities. Lots served by public sewer may have reduced minimum lot sizes and building height is measured from the base flood elevation. District regulations are intended to support the County's investment in infrastructure by encouraging the development of compact, vibrant neighborhoods with a variety of house sizes and types that are located in close proximity to complementary institutional uses. Low density development comprised of uniform building types or styles is discouraged.

PROJECT LOCATION:

Vicinity Map: South Mills Township



SITE DATA

Lot size: Approximately 42 acres.
Flood Zone: X
Zoning District(s): Highway Commercial (HC)
Existing Land Uses: Farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Rural Residential (RR)	Highway Commercial (HC)	Highway Commercial (HC)/ Rural Residential (RR)	Working Lands (WL)
Use & size	Housing	Sewer Treatment Plant	South Mills Fire Station/Farmland	U.S. 17/Dismal Swamp Canal

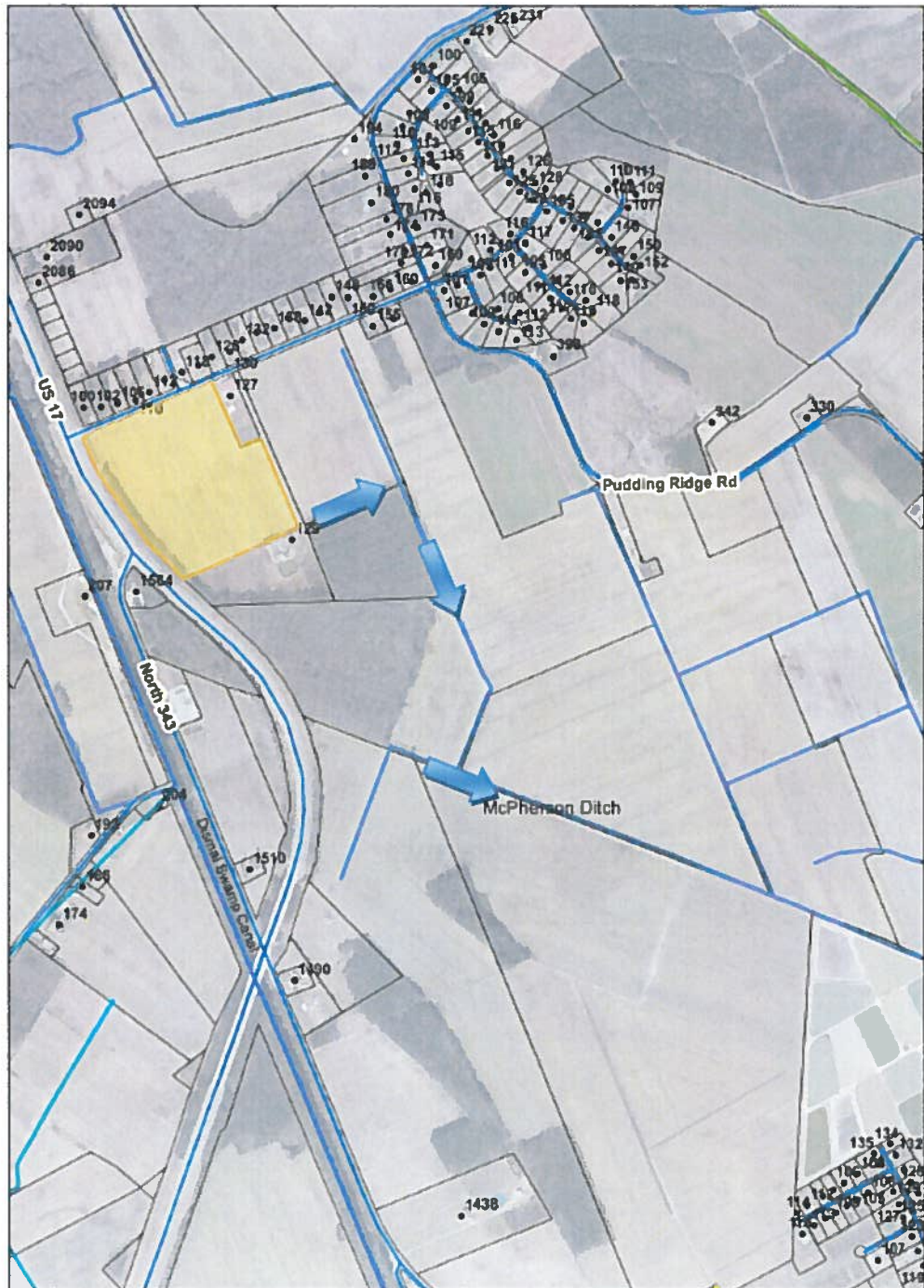
Proposed Use(s): Residential purposes.

Description/History of property: Property is located just outside the Core Village of South Mills at the corner of U.S. 17 and Keeter Barn Road and is currently being farmed by current owner. Property was advertised for sale by previous owner under the current zoning of Highway Commercial (which was approved in 2004) with no prospects. Possible reasons for this maybe; 1) Only access for a development would be off Keeter Barn Road as U.S. 17 is a limited access corridor; 2) proximity to sewer treatment; 3) lack of demand/rooftops.

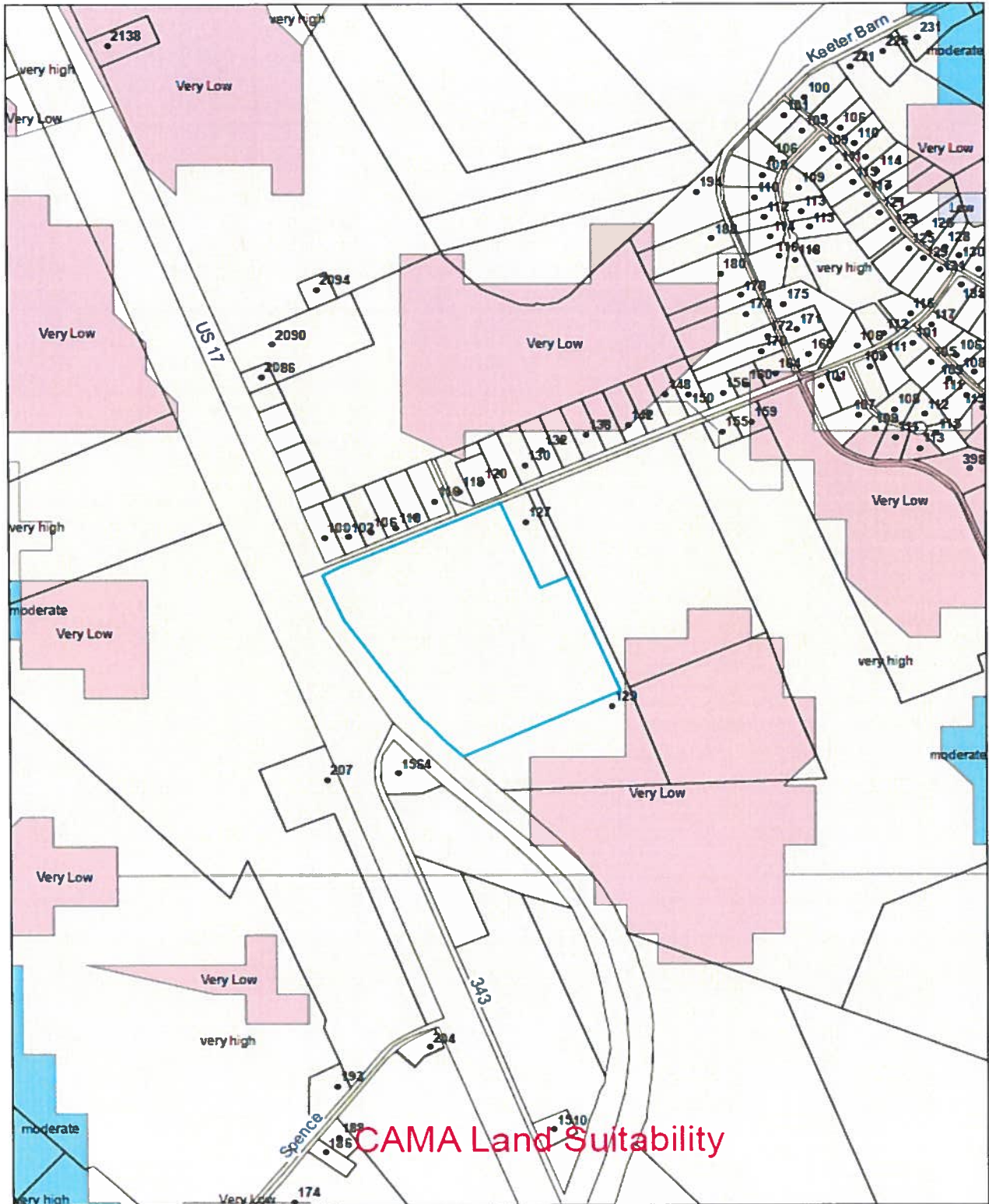
ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:
Distance & description of nearest outfall:

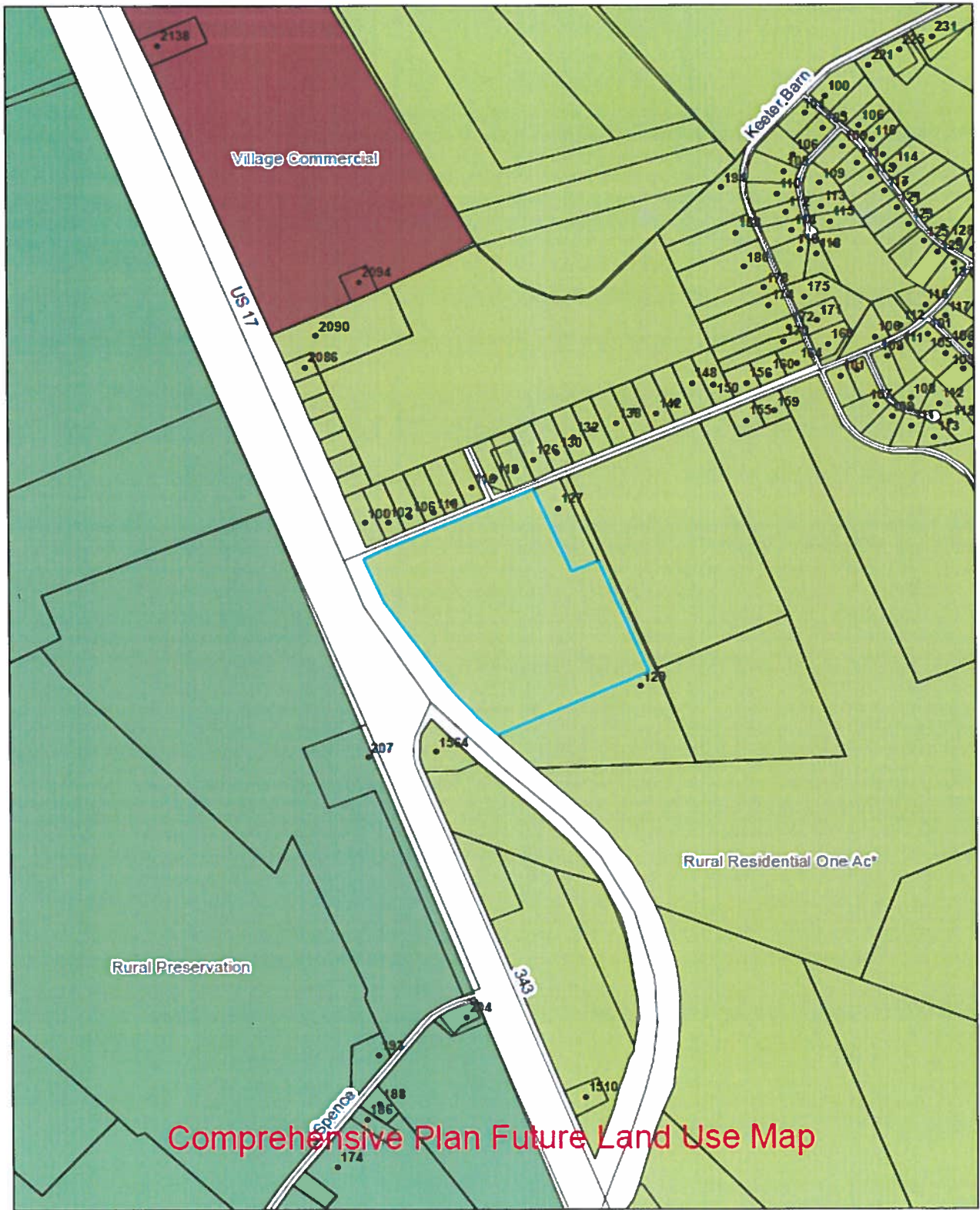
The property is very flat with a minimal outfall ditch located at the southeastern part of the property running eastwardly, then turns south through a few farm field then South to the McPherson Ditch. Approximate distance to McPherson Ditch is 3,880 feet. See Drainage Map next page.



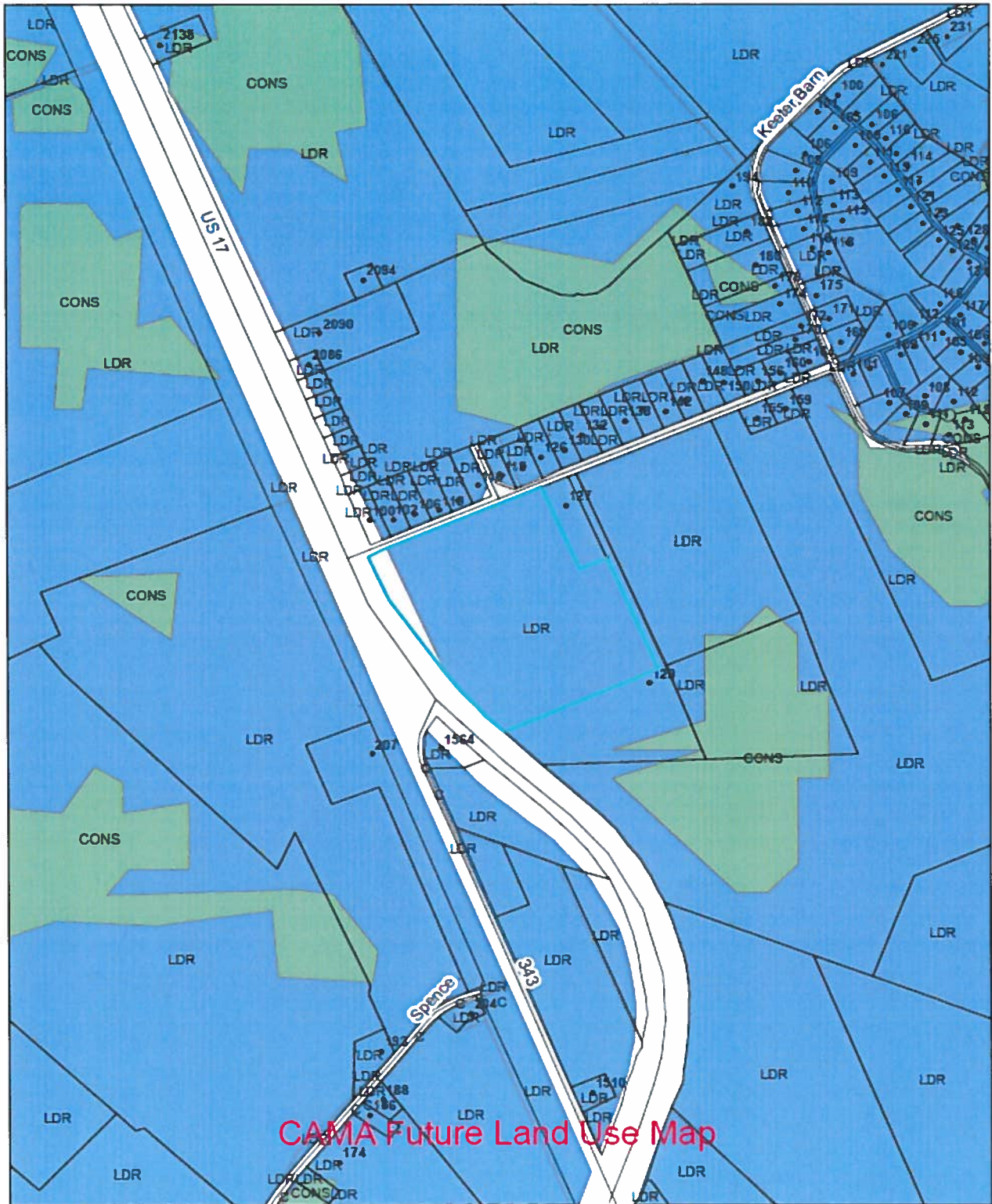
CAMA Land Suitability:



Comprehensive Plan Future Land Use Map



CAMA Future Land Use Map



CAMA Future Land Use Map

Zoning Map:



INFRASTRUCTURE & COMMUNITY FACILITIES

Water	Water lines are located adjacent to property along Keeter Barn Road.
Sewer	Sewer lines are located adjacent to property along Keeter Barn Road.
Fire District	South Mills Fire Department adjacent to property.
Schools	Impact calculated at Development stage.
Traffic	Generation of traffic will be at development stage.

PLANS CONSISTENCY

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 Future Land Use Maps has property identified as Low Density Residential on 1-2 acres or greater. However at the time the plan was adopted, the County had not considered connecting residential to sewer to allow for higher density residential development due to limited availability of sewer. The requested zoning makes it partially consistent in that it allows for residential development but with a higher density based on water/sewer availability.

2035 Comprehensive Plan

Consistent Inconsistent

The proposed zoning change is inconsistent with Comprehensive Plan (Adopted 2012) as Future Land Use Maps reflect land as Rural Residential on one acre lots. Availability of sewer for higher density development was more focused within the Core Villages of the County at the time the plan was approved. Requested zoning makes it partially consistent in that it allows for residential development, but at a higher density based on water/sewer availability.

PLANS CONSISTENCY – cont.

Comprehensive Transportation Plan

Consistent Inconsistent

Proposed Interstate 87 which is on the States TIP may affect portion of property (see Feasibility Study Map next page).

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 allow for a mix of higher density of residential and commercial uses with the availability of water and sewer which both are located adjacent to property.

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: Uses in the requested zoning classification are more appropriate as it offers a mix of residential and commercial options. The current zoning has been in place since 2004 and has been listed for sale by previous owners with no success.

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:

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

Yes No

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

Does the request impact any CAMA Areas of Environmental Concern?

Yes No

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

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

Yes No

Reasoning: The requested VR zoning is a revision as far as definition and permitted uses of the previous Mixed Village Residential (R1) (new zoning classification approved on February 4, 2019). Additional zoning of this classification is needed in specific areas within and adjacent to Camden's Village areas.

Yes No

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

Reasoning: The location of the property makes it appropriate for the proposed uses.

Yes No

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

The proposed zoning will have an impact on all public facilities, how much will be determined at the development of the property.

Schools –

Fire and Rescue –

Law Enforcement –

Parks & Recreation –

Traffic Circulation or Parking –

Other County Facilities –

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 current zoning on property is inconsistent with the CAMA Plan and Comprehensive Plan as the plans reflect property to be zoned as residential. The requested zoning according to its Purpose Statement (listed above) fits this request as property sits adjacent to South Mills Core Village.

Consistency statement:

The existing zoning and requested zoning are inconsistent with both the CAMA and Comprehensive plans as both plans identify property as low density residential. At the time both plans were adopted sewer availability was either nonexistent or the use of was focused within the villages where available.

Excerpt from Comprehensive Plan – Vision Statement

“New development will be focused within targeted core areas to breathe new life into established county villages and to efficiently use existing and planned infrastructure and public resources. New housing choices will be made available to serve families, young professionals, and retirees. Rural areas will maintain prominence in the county, and will continue to serve agricultural and forestry production and low density residential development.”

Also, the requested zoning is supported by several action strategies of the Comprehensive Plan.

Recommendation:

Planning Staff recommends approval of Rezoning Application (UDO 2019-03-04) from Highway Commercial to Village Residential.

Dave Parks

From: Alex Underhill <commercialappraisalsolutions@gmail.com>
Sent: Thursday, March 07, 2019 8:59 AM
To: dparks@camdencountync.gov
Subject: [External] Keeter Barn Tract

Dave,

This email serves as notice that Keeter Barn LLC is requesting a zoning change from Highway Commercial to Village Residential on tax parcel 01.7080.00.30.7405.0000 (41.751 Acres). We originally requested a zoning change to Mixed Use, but that has now been amended.

Thanks,

Alex Underhill
Keeter Barn LLC
205 N Water St
Elizabeth City, NC 27909
252-340-0147



Zoning Map Amendment Application

OFFICIAL USE ONLY:	
UDO Number:	<u>2019-03-04</u>
Date Filed:	<u>3/14/19</u> <i>pt of H</i>
Amount Paid:	<u>\$970.00</u> <i>1001</i>
Received By:	<u><i>[Signature]</i></u>

Contact Information

APPLICANT		PROPERTY OWNER	
Name:	<u>Keeter Barn, LLC</u>	Name:	<u>Keeter Barn, LLC</u>
Address:	<u>205 N. Water Street</u> <u>Elizabeth City, NC 27909</u>	Address:	<u>Same as applicant</u>
Telephone:	<u>(252) 340-0147 & 207-3433</u>	Telephone:	_____
Fax:	_____	Fax:	_____
Email:	_____	Email:	_____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: _____

Property Information

Physical Street Address	<u>Not addressed.</u>
Location:	<u>Intersection of U.S. 17 and Keeter Barn Road, South Mills Township</u>
Parcel ID Number(s):	<u>01-7080-00-30-7405</u>
Total Parcel(s) Acreage:	<u>Approximately 42 acres</u>
Existing Land Use of Property:	<u>Farmland</u>

Request

Current Zoning of Property: Highway Commercial (HC) Proposed Zoning District: ~~Mixed Use (MX)~~ *Village Residential (VR)*

Total Acreage for Rezoning: 42 Are you rezoning the entire parcel(s): Yes No

Metes and Bounds Description Provided: Yes No

Community Meeting, if applicable: Date Held: 3/1/2019; Location: South Mills Fire Station

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief. Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

[Signature]
Property Owner(s)/Applicant

3-1-19
Date

Note: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants, a signature is required for each.

Limited Liability Company

Legal Name

Keeler Barr, LLC

Information

SosId: 1781658

Status: Current-Active

Annual Report Status: Current

Citizenship: Domestic

Date Formed: 1/1/2019

Registered Agent: Williams, Chad

Addresses

Mailing	Principal Office	Reg Office	Reg Mailing
205 N. Water Street Elizabeth City, NC 27909	205 N. Water Street Elizabeth City, NC 27909	205 N. Water Street Elizabeth City, NC 27909	205 N. Water Street Elizabeth City, NC 27909

Company Officials

All LLCs are managed by their managers pursuant to N.C.G.S. 57D-3-20.

Member

Alexander J Underhill

205 N. Water Street

Elizabeth City NC 27909

Member

Chad Williams

205 N. Water Street

Elizabeth City NC 27909

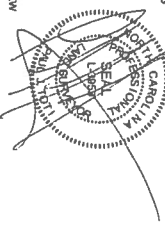
CERTIFICATE OF ACCURACY

I, PAUL J. TOM, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY ME. I HAVE BEEN DESCRIBED IN THE DEED RECORD AS THE ACTUAL SURVEYOR. I HAVE BEEN LICENSED BY THE STATE OF NORTH CAROLINA AS A SURVEYOR SINCE 1998. I HAVE FOUND IN D.B. SEE, REG. 128, THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO THE GEOGRAPHIC POSITIONING ACCURACY STANDARDS, PART 2, STANARDS FOR GEODETIC NETWORKS IN THE ADJACENT STATES, CAMDEN COUNTY, NORTH CAROLINA, IN 1997. THIS CAN BE FOUND IN THE DEED RECORD OF D.B. 4230 SECTION F-1-C-1 AS AMENDED.

I, PAUL J. TOM, ALSO CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

- 1) CLASS OF SURVEY: CLASS A
- 2) TYPE OF FIELD PROCEDURE: STATIC
- 3) TYPE OF FIELD PROCEDURE: STATIC
- 4) DATE OF SURVEY: DECEMBER 11, 2018
- 5) DATUM / EPOCH: NC GRID, NAD 83, EPOCH 2010
- 6) HORIZONTAL CONTROL: UTM, STATE
- 7) GEOD MODEL: GRS02, ITRF
- 8) COMBINED FACTOR: 1.0000000173
- 9) UNITS: US SURVEY FEET

I, PAUL J. TOM, ALSO CERTIFY THAT THIS MAP DOES NOT CREATE A NEW STRIP OF LAND OR CHANGE IN EXISTING STREET LINES OR CHANGES IN EXISTING STREET LINES. THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STRIP OF LAND OR CHANGE IN EXISTING STREET LINES OR CHANGES IN EXISTING STREET LINES. WRITERS MAY ORIGINAL SIGNATURE, REG. NUMBER, AND SEAL THIS 18 DAY OF DECEMBER 2018.

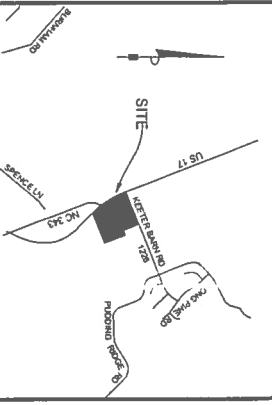


NORTH CAROLINA, CAMDEN COUNTY

REVIEW OFFICER OF CAMDEN COUNTY CERTIFY THAT THE MAP OR PLAN TO WHICH THIS CERTIFICATION IS APPLIED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

David Park
REVIEW OFFICER

Doc No: 20181210 1109 32 AM
Page 1 of 1
Camden County, North Carolina
Surveyor's Office
100 N. 1st St.
Rm 9
PO Box 109 (1)



NOTES:

- 1) LOWER BANFF LUTHER CHARLETON, NC 28015
- 2) BASED UPON RECORDS IN OTTUM, ILL. THE PROPERTY DESCRIBED ON THE PLAT DOES NOT APPEAR TO BE LOCATED WITHIN A FEMA IDENTIFIED SPECIAL FLOOD HAZARD AREA ACCORDING TO F.I.R.M. FOR CAMDEN COUNTY MAP NUMBER 372998Z. COMMENT: DO NOT CONSIDER THIS INFORMATION AS A GUARANTEE OF ACCURACY. THE FLOOD INFORMATION WAS OBTAINED FROM THE FLOOD RISK INFORMATION SYSTEM THAT WAS IN EFFECT ON DECEMBER 11, 2018.
- 3) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REVEAL ALL EASEMENTS, ENCUMBRANCES OR RESTRICTIONS THAT AFFECT THE SUBJECT PROPERTY.
- 4) THIS PROPERTY IS CURRENTLY ZONED NC AND IS SUBJECT TO ALL RESTRICTIONS AND EASEMENT REQUIREMENTS SET FORTH BY CAMDEN COUNTY AND ANY COVENANTS OF RECORD.
- 5) AREA BY COORDINATE METHOD. ALL COORDINATES SHOWN ARE GRID. ALL DISTANCES ARE HORIZONTAL/GROUND.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	DIRECTION
C1	1286.36'	3055.72'	201.6237°	649.86'	1279.86'	N 55° 08' 31" W

LINE TABLE

LINE	LENGTH	DIRECTION
L1	69.46'	N 17° 57' 22" W
L2	34.51'	N 8° 48' 07" E
L3	62.13'	S 45° 47' 04" E

LEGEND

- ▲ SET MARK NAIL
- IRON MONUMENT (MGN)
- IRON ROD FOUND (IRF)
- ⊙ IRON ROD SET (IRS)
- CALCULATED POINT
- ⊕ UTILITY POLE
- ⊖ TELECOMMUNICATIONS PEDESTAL
- PROPERTY LINE
- PROPERTY EXTENSION
- OVERHEAD UTILITIES
- EXISTING DITCH LINE
- EDGE OF PAVEMENT
- R/W FENCE

1,818,685 SF
41.751 ACRES
0178600463300000

CAMDEN COUNTY
D.P. & S. 588
0178600463300000



BOUNDARY SURVEY
FOR
BANFF F. LUTHER AND HOLLY A. LUTHER
SOUTH MILLS TOWNSHIP
CAMDEN COUNTY
NORTH CAROLINA

PAUL J. TOM
LAND SURVEYING

131 MAIN ST
RICHMOND, NC 27262
PHONE: (703) 227-1911

DATE: 12/11/2018
SHEET NUMBER: 1 OF 1

KEETER BARN LLC

205 N Water St
Elizabeth City, NC 27909

Phone: (Cell) 252-340-0147
Email: alex.und7@yahoo.com

March 1, 2019

Re: Request for zoning change from Highway Commercial to Mixed Use



US Hwy 17 N & Keeter Barn Rd
South Mills, NC 27976
Camden County
Tax Parcel: 01.7080.00.30.7405.0000
Acres: 41.751

Neighbor's Comments:

my only concern is the new housing development will probably be able to hook up to the county septic system. While all of us existing homeowners are not able to. We still have septic systems in our backyard. I think more consideration should be made to existing homeowners.

Otherwise, I have no problem with the re-zoning change.

Catherine L. Baker

100 + 104 Keeter Barn Rd