

STAFF REPORT

UDO 2019-09-01 Zoning Map Amendment

PROJECT INFORMATION

File Reference: UDO 2019-09-01
Project Name: N/A
PIN: 01-8907-00-43-8620 /
01-8907-00-65-3412

Applicant: Waverly Sawyer
Address: 117 Havenwood Dr.
Camden, NC
Phone: (252) 202-2882
Email:

Agent for Applicant:
Address:
Phone:
Email:

Current Owner of Record: Applicant

Meeting Dates:

9/16/2019 **Neighborhood**
9/18/2019 **Planning Board**

Application Received: 9/4/2019
By: Dave Parks, Permit Officer

Application Fee paid: \$650.00 Check #7219

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, CAMA Future Land Use and Suitability map, and Floodplain Maps
 - D.** Zoning Comparison WL and HC
-

REQUEST: Rezone approximately 10 acres (9 acres of farm and one acre of land where the office of Sawyer & Associates exists) at and adjacent to 872 N. 343 from Working Lands (WL) to Highway Commercial (HC).

From: Working Lands (WL) Article 151.3.5.2 (Purpose Statement)

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.

To: Highway Commercial (HC) Mixed Use – Article 151.3.5.6 (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: Development Standards.

PROJECT LOCATION:

Vicinity Map: South Mills Township



SITE DATA

Lot size: One acre lot with existing business and 9 acres of an approximately 300 acre tract
Flood Zone: X
Zoning District(s): Working Lands (WL)
Existing Land Uses: Existing Commercial Office building/farmland

Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Working Lands (WL)/Neighborhood Residential (NR)	Working Lands (WL)	Working Lands	Rural Residential (RR)/Neighborhood Residential (NR)
Use & size	Church/Housing	Farmland	Farmland	Housing/Farmland

Proposed Use(s): Commercial.

Description/History of property: There is an existing Legal Non-conforming commercial office use on the one acre lot (Office of Sawyer and Associates) with the other 9 acres adjacent to it being in farm use.

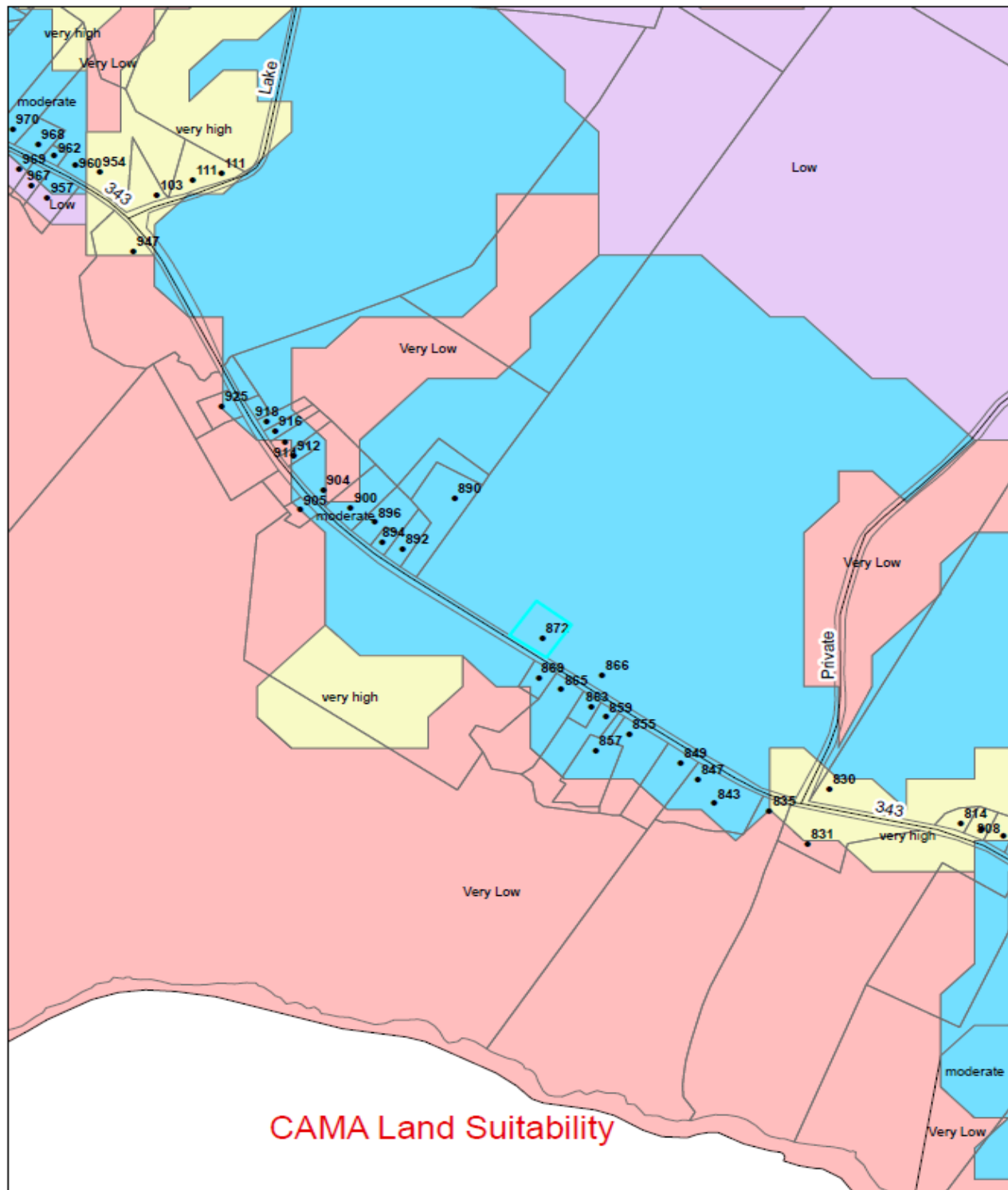
The existing office use has been in place for an estimated 20 years. Mr. Sawyer desires to use or lease the office to a tenant for use as a retail establishment which is not a permissible use with the existing zoning.

ENVIRONMENTAL ASSESSMENT

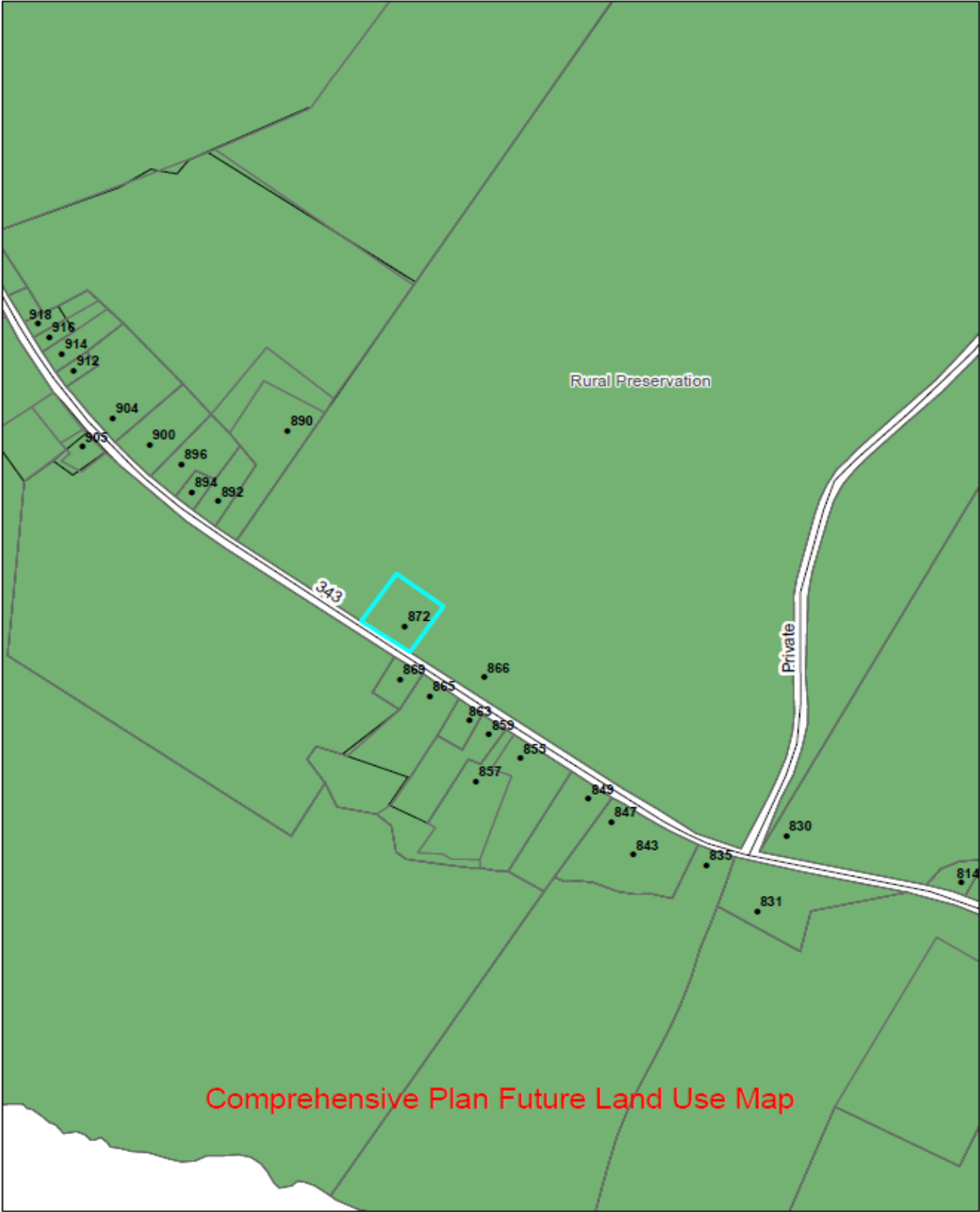
Streams, Creeks, Major Ditches:

Distance & description of nearest outfall: It appears the property drains to the south along Highway 343 to a culvert under Highway 343 which flows west out to the Pasquotank River. Property located in the Watershed that address impervious surfaces and water quality.

CAMA Land Suitability: Moderate



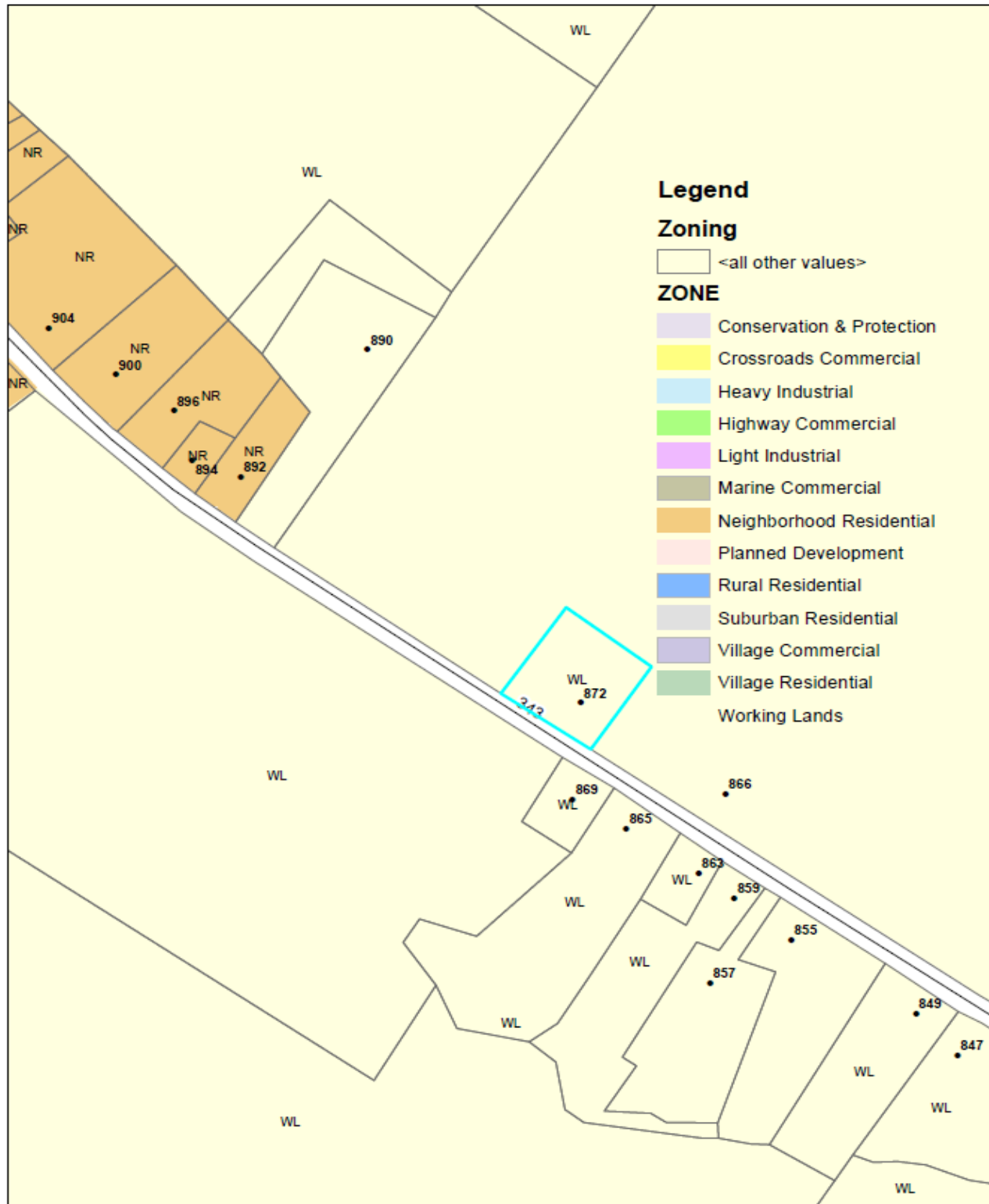
Comprehensive Plan Future Land Use Map: Rural Preservation



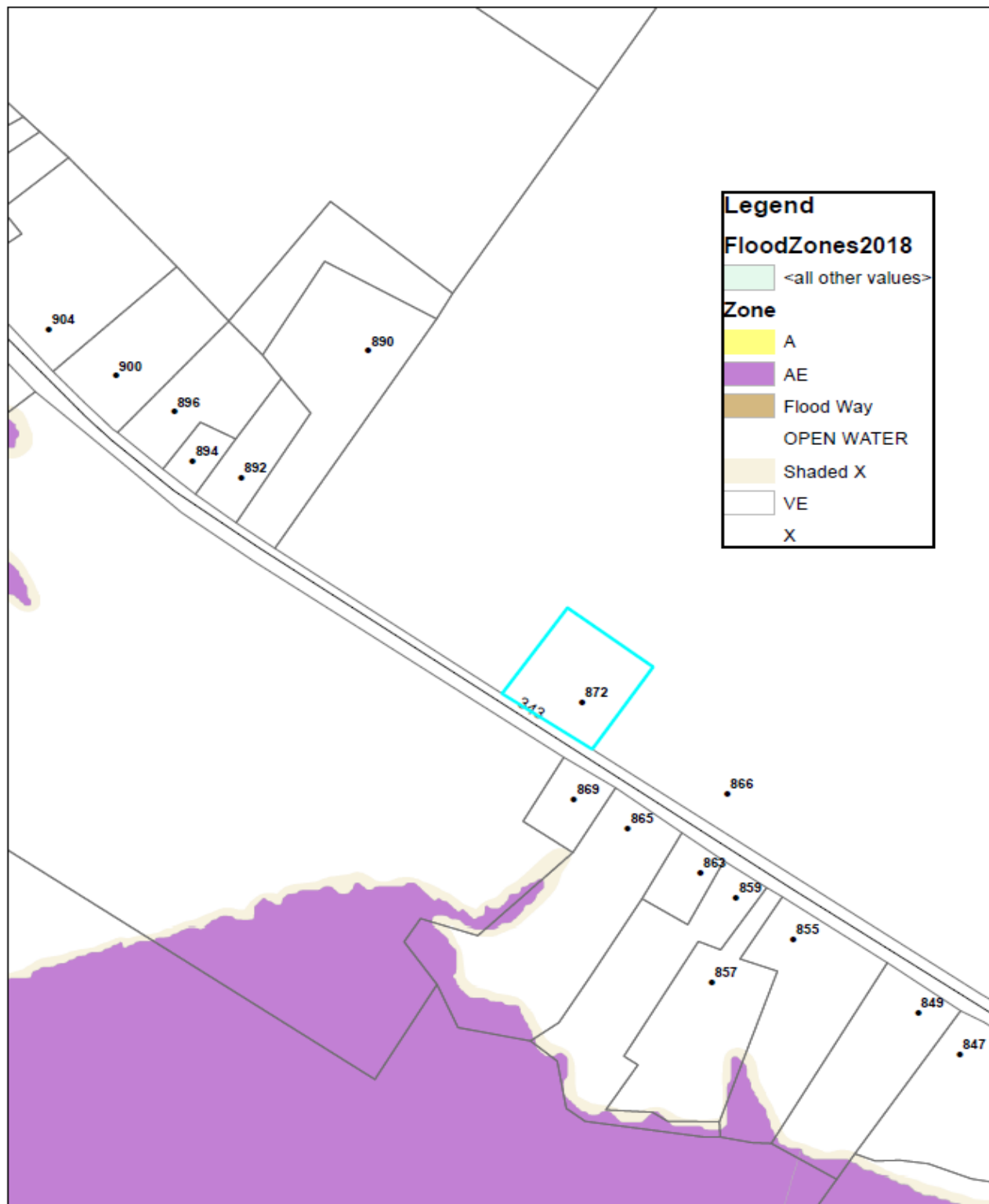
CAMA Future Land Use Map: Low Density Residential



Zoning Map: Working Lands District



Floodplain Map: X



INFRASTRUCTURE & COMMUNITY FACILITIES

Water: South Mills water lines are located adjacent to property along North 343.

Sewer: Lines are adjacent but currently not in use.

Fire District: South Mills Fire District.

Schools: N/A.

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**.

The proposed zoning change is consistent with policies P.22 and P.23 for commercial/industrial as Policies 22 and 23 state “Camden County supports industrial development along major thoroughfares and that are accessible to water/sewer.

2035 Comprehensive Plan:

Consistent ☐ **Inconsistent** ☒

The proposed zoning change is inconsistent with Comprehensive Plan (Adopted 2012) **Future Land Use Map as it shows the property designated as Rural Preservation**.

Comprehensive Transportation Plan:

Consistent ☒ **Inconsistent** ☐

Property abuts Highway 343.

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: If the 10 acre property were to be developed as a commercial center it could result in increased jobs and taxes for the county..

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 range of uses in existing classification are more appropriate at this time.

The 2035 Comprehensive Plan overall strategy is to focus commercial growth in and around the village centers and maintain the rural character of the lands away from the villages.

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?**

Reasoning:

Yes ☐ No ☐ **What extraordinary showing of public need or demand is met by this application?** None at this time due to the location of property.

Reasoning:

Yes ☒ No ☐

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

Reasoning: There are uses permitted in the Highway Commercial zoning that could cause noise, odors, light, activity or increased traffic.

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: In the appropriate location in and around village centers.

Yes ☒ No ☐

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

Reasoning: Based on the location and surrounding uses the property is located too far out from where the county visions these types of uses at this time.

Yes ☐ No ☒

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

The proposed zoning uses will have an impact on all public facilities, how much and what facilities 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:

Planning Staff makes the following recommendations for either approval or denial:

Approval:

Consistency Statement:

The proposed zoning change is consistent with policies P.22 and P.23 for commercial/industrial as Policies 22 and 23 state “Camden County supports industrial development along major thoroughfares and that are accessible to water/sewer. Sewer lines are adjacent to property, but are not active.

Application:

Recommend approval of Rezoning Application (UDO 2019-09-01) for Waverly Sawyer to rezone parcels (10 acres total) from Working Lands (WL) to Highway Commercial (HC).

Denial:

Consistency Statement:

The proposed zoning change is inconsistent with the CAMA Plan (adopted April 4, 2005 as Future Land Use Map has property identified as Low Density Residential and Comprehensive Plan Future Land Use Maps as map has property identified as Rural Preservation.

Application:

Recommend denial of Rezoning Application (UDO 2019-09-01) for Waverly Sawyer to rezone parcels (10 acres total) from Working Lands (WL) to Highway Commercial (HC).

Recommendation: Staff would like to discuss with Planning Board at meeting.



Zoning Map Amendment Application

OFFICIAL USE ONLY:

UDO Number: 2019-08-01Date Filed: 9/4/19Amount Paid: \$650.00Received By: crCHK # 7219

Contact Information

APPLICANT

Name: Waverly SawyerAddress: 117 Havenwood DriveCamden, NC 27921Telephone: (252) 202-2882

Fax: _____

Email: _____

PROPERTY OWNER

Name: Same

Address: _____

Telephone: _____

Fax: _____

Email: _____

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Same

Property Information

Physical Street Address 872 North Highway 343Location: South Mills, NCParcel ID Number(s): 01-8907-00-43-8620 101-8907-00-65-3412Total Parcel(s) Acreage: 1 Acre/9 acres of farm along roadExisting Land Use of Property: Office of Sawyer & Associates and farmland

Request

Current Zoning of Property: Working Lands (WL) Proposed Zoning District: Highway Commercial (HC)Total Acreage for Rezoning: 10 Are you rezoning the entire parcel(s): ☐ Yes ☒ NoMetes and Bounds Description Provided: ☐ Yes ☒ NoCommunity Meeting, if applicable: Date Held: N/A; Location: _____

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.

Waverly M. Sawyer
Property Owner(s)/Applicant

Sept. 4, 2019
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.

Zoning Change Application Questions

The UDO requires the Board to consider principal issues when considering an application for a zoning change. Please respond to each issue in the space provided below or on a separate sheet.

(A) How will the proposed zoning change enhance the public health, safety, or welfare?

The use as commercial still exists as a legal non-conforming use. The proposed zoning change will make the current use conforming and allow me to allow additional uses within the Highway Commercial zoning.

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

The uses in the proposed zoning classification are more appropriate as property abuts Highway 343 and even though sewer is not available, the lines are there for future development.

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

(1) Is this an expansion of an adjacent zoning district of the same classification? NO.

However 872 Highway 343 is commercial (legal non-conforming).

(2) What extraordinary showing of public need or demand is met by this application? Possible the need for additional commercial in the future.

- I.14 The county will regulate through its zoning and subdivision ordinance the development of conflicting land uses along the US 17, US 158, and NC 343 highway corridors. *Schedule: Continuing Activity.*
- I.15 The county will consider the merits of establishing a minimum housing code to ensure that all occupied structures are fit for human habitation. *Schedule: Fiscal Year 2006-2007.*
- I.16 The county will pursue Community Development, North Carolina Housing Finance Agency, and United States Department of Agriculture funds from state and federal sources for rehabilitation or redevelopment of substandard housing. *Schedule: Continuing Activity.*

Policies - Commercial/Industrial:

- P.17 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. *Schedule: Continuing Activity.*
- P.18 The county supports properly permitted mining activities within its borders. *Schedule: Continuing Activity.*
- P.19 Camden County deems industrial development within fragile areas and areas with low land suitability acceptable only if the following conditions are met:
- (1) CAMA minor or major permits can be obtained.
 - (2) Applicable zoning ordinance provisions are met in zoned areas.
 - (3) Within coastal wetlands, estuarine waters, and public trust waters, no industrial use will be permitted unless such use is water related.

This policy applies to both new industrial development and to expansion of existing industrial facilities. *Schedule: Continuing Activity.*

- P.20 Camden County opposes the establishment of private solid waste/landfill sites in the county which are not licensed by the county. *Schedule: Continuing Activity.*
- P.21 Camden County supports the recruitment and siting of environmentally compatible light industrial and commercial establishments within its borders in areas that are already similarly developed or in public or private industrial parks to minimize the

sacrifice of prime agricultural lands for such development. The county also supports the Northeastern North Carolina Economic Development Commission in its efforts to promote economic development in the county. The county does not encourage the conversion of prime farmland to residential use. *Schedule: Continuing Activity.*

- P.22 Camden County supports industrial development which will be located adjacent to and/or with direct access to major thoroughfares. *Schedule: Continuing Activity.*
- P.23 Camden County supports the development of industrial sites that are accessible to county water and sewer services. *Schedule: Continuing Activity.*
- P.24 Industries which are noxious by reason of the emission of smoke, dust, glare, noise, odor, and vibrations, and those which deal primarily in hazardous products such as explosives, should not be located in Camden County. *Schedule: Continuing Activity.*
- P.25 Industry should be located in conformance with the county's land use plan. This includes placing emphasis on light industrial development. *Schedule: Continuing Activity.*

Implementing Actions - Commercial/Industrial:

- I.17 The county will enforce its zoning regulations and rely on state permitting agencies to regulate mining activities. The county will take a more active stance regarding the State permitting authorities and their oversight of mining activities by communicating grievances to the appropriate State agencies and officials. *Schedule: Continuing Activity.*
- I.18 Camden County will rely on its zoning ordinance in zoned areas and the CAMA permitting program with regard to new industrial development and expansion of existing industrial facilities. *Schedule: Continuing Activity.*
- I.19 Camden County will review its zoning and subdivision ordinances to ensure compliance with policies P.17 and P.20 through P.25. *Schedule: Fiscal Year 2005-2006.*

**Camden County, North Carolina
Principal Use Table, District Comparison**

Use Class / Main Category / Category	"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited	WL	HC
Agricultural			
AGRICULTURE/HORTICULTURE			
<i>All Agriculture/ Horticulture Uses</i>		P	P
ANIMAL HUSBANDRY			
<i>Animal Husbandry Uses (excluding stockyards and slaughterhouses)</i>		P	
<i>Stockyard/Slaughterhouse</i>			
AGRICULTURAL SUPPORT			
<i>Agricultural Research Facility</i>		P	P
<i>Agri-Education/ Agri-Entertainment</i>		P	S
<i>Distribution Hub for Agriculture Products</i>		P	P
<i>Equestrian Facility</i>		P	S
<i>Farm Machinery Sales, Rental, or Service</i>		S	S
<i>Farmers Market</i>		P	P
<i>Roadside Market</i>		P	P
Residential			
HOUSEHOLD LIVING USES			
<i>Bungalow Court</i>			
<i>Duplex</i>			
<i>Live/Work Dwelling</i>		S	
<i>Manufactured Home</i>		P	
<i>Manufactured Home or Mobile Home Park</i>			
<i>Mobile Home</i>			
<i>Multi-Family</i>			S
<i>Pocket Neighborhood</i>			
<i>Quadraplex</i>			P
<i>Single-Family Attached</i>			S
<i>Single-Family Detached</i>		P	
<i>Triplex</i>			P
<i>Upper Story Residential</i>			P
GROUP LIVING			
<i>Dormitory</i>			S
<i>Family Care Home</i>		P	
<i>Group Home</i>		S	S
<i>Rooming House</i>		S	S

**Camden County, North Carolina
Principal Use Table, District Comparison**

Use Class / Main Category / Category	"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited	WL	HC
Institutional			
COMMUNITY SERVICES			
<i>Community Center</i>			P
<i>Cultural Facility</i>			S
<i>Library</i>			P
<i>Museum</i>			P
<i>Senior Center</i>			P
<i>Youth Club Facility</i>			P
DAY CARE			
<i>Adult Day Care Center</i>			P
<i>Child Care Center</i>	P		P
EDUCATIONAL FACILITIES			
<i>Major</i>			S
<i>Moderate</i>	S		P
<i>Minor</i>	P		P
GOVERNMENT FACILITIES			
<i>Government Office</i>	P		P
<i>Government Maintenance, Storage, or Distribution Facility</i>	S		P
HEALTH CARE FACILITIES			
<i>Drug or Alcohol Treatment Facility</i>			S
<i>Hospital</i>			S
<i>Medical Treatment Facility</i>	S		P
INSTITUTIONS			
<i>Assisted Living Facility</i>			S
<i>Club or Lodge</i>	S		P
<i>Halfway House</i>			S
<i>Nursing Home</i>			S
<i>Psychiatric Treatment Facility</i>			S
<i>Religious Institution</i>	S		P
PARKS AND OPEN AREAS			
<i>Cemetery</i>	S		S
<i>Community Garden</i>	P		
<i>Park, Public or Private</i>	P		P

**Camden County, North Carolina
Principal Use Table, District Comparison**

Use Class / Main Category / Category	"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited	WL	HC
PUBLIC SAFETY			
<i>Police, Fire, or EMS Facility</i>		S	P
<i>Correctional Facility</i>			
<i>Security Training Facility</i>			
TRANSPORTATION			
<i>Airport</i>		S	
<i>Helicopter Landing Facility</i>		S	S
<i>Passenger Terminal, Surface Transportation</i>			S
UTILITIES			
<i>Utility, Major</i>		P	P
<i>Utility, Minor</i>		P	P
Commercial			
ADULT AND SEXUALLY-ORIENTED BUSINESSES			
<i>All Adult and Sexually-Oriented Businesses</i>			
ANIMAL CARE			
<i>Major</i>		S	P
<i>Minor</i>		P	P
EATING ESTABLISHMENTS			
<i>Restaurant, Major</i>			P
<i>Restaurant, Minor</i>			P
<i>Bar, Nightclub, or Dance Hall</i>			S
OFFICES			
<i>Major</i>			S
<i>Minor</i>			P
PARKING, COMMERCIAL			
<i>All</i>			P
PERSONAL SERVICES			
<i>Major</i>			P
<i>Minor</i>			P
RECREATION/ENTERTAINMENT, INDOOR			
<i>Major</i>			P
<i>Minor</i>			P

**Camden County, North Carolina
Principal Use Table, District Comparison**

Use Class / Main Category / Category	"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited	WL	HC
RECREATION/ENTERTAINMENT, OUTDOOR			
<i>Major</i>		S	S
<i>Minor</i>		S	P
<i>Firing Range</i>		S	
<i>Water-Related Uses</i>		S	
RETAIL SALES			
<i>Flea Market</i>			S
<i>Grocery Store</i>			P
<i>Major</i>			P
<i>Minor</i>			P
STORAGE, COMMERCIAL			
<i>Major</i>			P
<i>Minor</i>			P
TELECOMMUNICATIONS			
<i>Antenna Collocation (on a Building)</i>			P
<i>Antenna Collocation (on a Tower)</i>		P	P
<i>Small Wireless Facility</i>		P	P
<i>Telecommunications Tower, Freestanding</i>		S	S
<i>Telecommunications Tower, Stealth</i>		P	P
VEHICLE ESTABLISHMENT			
<i>Major</i>			P
<i>Minor</i>			P
VISITOR ACCOMMODATIONS			
<i>Bed and Breakfast</i>		P	
<i>Campground</i>		S	S
<i>Hotel or Motel</i>			S

Industrial

EXTRACTIVE INDUSTRY			
<i>All</i>		S	
INDUSTRIAL SERVICES			
<i>Contractor Service</i>			P
<i>Crabshedding</i>			
<i>Fuel Oil or Bottled Gas Distributor</i>			
<i>General Industrial Service and Repair</i>			S
<i>Heavy Equipment Sales, Rental, or Service</i>			P
<i>Research and Development</i>			P

**Camden County, North Carolina
Principal Use Table, District Comparison**

Use Class / Main Category / Category	"P"=Permitted, "S"=Special Use Permit, Blank=Prohibited		WL	HC
MANUFACTURING AND PRODUCTION				
Manufacturing, Heavy				
Manufacturing, Light				P
POWER GENERATION				
Solar Array		S	S	
Wind Energy Conversion Facility		S	S	
WAREHOUSE AND FREIGHT MOVEMENT				
All				P
WASTE-RELATED SERVICES				
Incinerator				
Land Application of Sludge/Septage				
Landfill				
Public Convenience Center or Transfer Station		S	P	
Recycling Center		S	P	
Salvage or Junkyard				
Waste Composting Facility		S		
WHOLESALE SALES				
Major				P
Minor				P