

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – March 20, 2019

Camden County Planning Board

Regular Meeting

March 20, 2019 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on March 20, 2019 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME:

Chairman Calvin Leary called the March 20, 2019 meeting to order at 7:00 PM. The following Planning Board and Staff Members were Present:

Planning Board:

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

Staff:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:50 PM
Dave Parks	Permit Officer	Present	6:50 PM
Amy Barnett	Planning Clerk	Present	6:30 PM

The following were also present:

Attendee Name	Address	Purpose	Meeting Section
Chad Williams, Keeter Barn LLC	N. Water Street, Elizabeth City, NC	Applicant for Rezoning	New Business (NB), Item A
Jimmy Brickhouse	Keeter Barn Rd, Camden NC	Adjacent Property Owner	NB, Item A
Dave Klebitz, Bissell Professional Group	Kitty Hawk, NC	Agent for Applicant, Prelim Plat North River Crossing	NB, Item B
Andrew Monn	Trotman Rd, Shiloh, NC	Adjacent Property Owner	NB, Item B
Kim Hamby, Timmons Group	Elizabeth City, NC	Agent for Applicant, Prelim Plan Sleepy Hollow Phase II	NB, Item C
Jennifer Tillett	Sleepy Hollow Rd, Camden NC	Adjacent Property Owner	NB, Item C
Aaron Pippen	Sleepy Hollow Rd, Camden NC	Adjacent Property Owner	NB, Item C
Reginald Tillett	Sleepy Hollow Rd, Camden NC	Adjacent Property Owner	NB, Item C
Sarah Hamilton	Sleepy Hollow Rd, Camden NC	Adjacent Property Owner	NB, Item C
Wanda Daniels	Sleepy Hollow Rd, Camden NC	Adjacent Property Owner	NB, Item C

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CONSIDERATION OF AGENDA

Motion to Approve Agenda as Presented

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

CONSIDERATION OF MINUTES - DECEMBER 19, 2018

Motion to Approve Minutes from December 19, 2018 As Written

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

OLD BUSINESS

None.

NEW BUSINESS

A. UDO 2019-03-04 Rezoning Keeter Barn LLC

Dave Parks described this agenda item and went over the staff report as incorporated herein below:

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:

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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: \$970.00, 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.

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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: intersection of U.S. 17 and Keeter Barn Road South Mills Township

Maps Show:

- Vicinity Map:** Located at intersection US 17 & Keeter Barn Road, South Mills, NC
- Drainage Map:** Drains north east to a ditch then south along ditches leading to McPherson Ditch
- CAMA Land Suitability Map:** Very High
- Comprehensive Plan Future Land Use Map:** Rural Residential One Acre Lots
- CAMA Future Land Use Map:** Low Density Residential
- Zoning Map:** Current Zoning is Highway Commercial (HC)

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	US 17 / Dismal Swamp Canal

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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.

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: 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: 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.

Comprehensive Transportation Plan: Consistent AND Inconsistent. Proposed Interstate 87 which is on the States TIP may affect portion of property.

Other Plans officially adopted by the Board of Commissioners: N/A.

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FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Will the proposed zoning change enhance the public health, safety or welfare?

Yes. **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.

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

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:

Is this an expansion of an adjacent zoning district of the same classification? N/A **Reasoning:**

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? 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? No.

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

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

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.

Is there other land in the county that would be more appropriate for the proposed uses? No. **Reasoning:** The location of the property makes it appropriate for the proposed uses.

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Will not exceed the county’s ability to provide public facilities: No.

Reasoning: 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

Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits? No.

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.

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Dave Parks continued describing this rezoning application:

- Applicants Chad Williams and Alex Underhill are present
- Neighborhood meeting was held at South Mills Fire Department
- There is one comment from an adjacent property owner
- Presented paperwork from South Mills Fire Department outlining their concerns
- Applicant requests to rezone approximately 42 acres from HC to VR
- Property is located at intersection of US 17 and Keeter Barn Road in South Mills NC
- Showed a map detailing the location of the core village of South Mills
- Read the purpose statement for both the Highway Commercial and the Village Residential zoning districts (see page 3 above)

Dave Parks introduced Chad Williams, the applicant for this rezoning, who spoke briefly.

Chad Williams, Pudding Ridge Road, South Mills, NC; Applicant for Rezoning

- Looking to get property rezoned to Village Residential
- Want to get the most out of the acreage

After Mr. Parks finished going over the staff report, he addressed the comment from adjacent property owner and the handout which he had given the Planning Board members.

The comment from the adjacent property owner was simply a desire to be able to connect to county sewer.

The handout from the South Mills Fire Department dealt primarily with the approach and landing zone for the Nightingale and also the USCG helicopters. An area of the property to be rezoned falls within the 400 foot "protection" zone. South Mills Fire is concerned that any structures built within the zone would put both the structure and the helicopter at risk due to the approach path and landing zone. Also South Mills Fire is concerned that noise and air displacement from a helicopter may damage any structure built adjacent to the Fire Department property. In addition, there is some concern regarding the retention pond at the rear of the Fire Department property, it will need to be fenced in should a residential development arise out of this rezoning.

Chairman Calvin Leary asked if this meant that nothing could be built in the 400 foot protection zone. Mr. Parks responded that the South Mills Fire Department is requesting that the property remain zoned Highway Commercial.

Mr. Parks pointed out that the 400 foot protection zone also includes a large portion of the "back yard" of the Fire Department property itself, such that an approach from behind the fire department is possible with regard to the 400 foot protection zone.

Dan Porter, Planning Director, commented that this information reflects information brought by the South Mills Fire Department and is not a requirement that the county has. Rezoning is a yes or no decision and conditions cannot be placed on it.

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Fletcher Harris asked if there was sufficient property clearance for a rear approach of a helicopter to land on the South Mills Fire Department's helicopter pad. Dan Porter responded by referring to an image which showed the 400 foot protection zone which also shows that there is sufficient property clearance for such landings.

Dave Parks commented that things like the protection zone of the helicopter pad are things that would be considered at development stage.

Mr. Porter added that the issues with regard to the South Mills Fire Department's helicopter pad would be brought up regardless of whether the property was developed commercial or residential, so it really doesn't matter what zoning it is, if it's developed either way, this issue will come up.

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

Jimmy Brickhouse, Keeter Barn Road, South Mills, NC; Adjacent Property Owner

- Has a problem with the potential runoff from the property when it is developed. Afraid that water will drain towards his property and cause flood problems for his farm.
- Stated he is against the rezoning.

Mr. Porter addressed Mr. Brickhouse's concern:

- If the property is able to connect to county sewer, there is potential for smaller lots
- If the property is developed as Highway Commercial, then there will be parking lots
- If the property is developed as Residential, then there will be roof tops
- Developers must submit a subdivision plan, and they also must submit a stormwater plan to show how runoff will be handled
- Post development runoff cannot exceed the pre development amount of runoff
 - Requires the developer to build any number of different types of ponds, swales, etc., to ensure that the runoff post development will be equal or less than the pre development rate.
 - Applies to the runoff rate of a 10-year storm, which is about 5.5 or 6 inches in a 24 hour period.
 - Camden's requirement is several times more than what the state requires.
- Stormwater runoff is usually an issue that is addressed when a project moves forward.
- Regardless of whether it is developed as commercial or residential, any development must come back to the board and go through a number of processes which includes the submission of an engineered stormwater plan, to ensure that the upstream and downstream properties are not negatively impacted by the development.

Chairman Calvin Leary asked if there were any further questions or comments, hearing none, he called for a motion. Mr. Parks reminded the board that 2 motions would be required, a consistency statement, and a motion to approve or deny.

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Motion to Approve Consistency Statement for UDO 2019-03-04 Rezoning Keeter Barn LLC:

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.

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

Motion to Approve UDO 2019-03-04 Rezoning Keeter Barn LLC

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

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B. UDO 2019-02-01 North River Crossing Phase 2 Prelim Plat

Motion to Recuse Cathleen Saunders from UDO 2019-02-01, North River Crossing Phase 2 Prelim Plat

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

Cathleen Saunders is recused and will not participate in any board discussion or action pertaining to North River Crossing Phase 2 Preliminary Plat.

Dan Porter described this agenda item and went over the staff report as incorporated herein below:

STAFF REPORT

**UDO 2019-02-01
Preliminary Plan North River Crossing
Phase II Major Subdivision**

PROJECT INFORMATION

File Reference: UDO 2019-02-01
Project Name: North River Crossing
PIN: 03-8965-00-24-6702
Applicant: Seaboard Development Alliance LLC/EHP Land Company, Inc
Address: 2875 Forge Road
Toano, VA 23168

Phone: (757) 869-0001
Email:

Agent for Applicant:
Address:
Phone:
Email:

Current Owner of Record: Seaboard Development Alliance, LLC

Meeting Dates:
2/12/2019 Neighborhood Meeting
3/06/2019 Technical Review Meeting

Application Received: 2/12/19
By: David Parks, Permit Officer

Application Fee paid: \$8,400 Check #003034

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 Plan
- C. Deed
- D. Perc Tests from Albemarle Regional Health Services on all lots
- E. Neighborhood meeting comments
- F. TRC Inputs

PROJECT LOCATION:

Street Address: Off Ditch Bank Road

Location Description: Shiloh Township

REQUEST: Preliminary Plan Phase II North River Crossing Major Subdivision
- 42 lots - Article 151.2.3.16 of the Unified Development Ordinance. Phase II will be further phased as 2A, 2B, 2C.

SITE DATA

Lot size: Approximately 47 acres

Flood Zone: Zone X

Zoning District(s): Neighborhood Residential (NR)

Adjacent property uses: Agriculture, Residential

Streets: Shall be dedicated to public under control of NCDOT.

Street/Subdivision name:

Subdivision name: North River Crossing

Street Names: Pamlico, Perquimans, Cape Fear Drives, Chowan, and Deep Court's

Open Space Required: 47 acres X .05 = 2.35 acres (Article 151.3.5.5)

Landscaping: Landscaping Plan required at Construction Drawings.

Farmland Compatibility Standards: Per Article 151.5.5, a 50' wide vegetative buffer required along all agricultural uses. Indicated on plan.

Recreational Land: Per Article 151.6.1.13 - Developer is requesting to pay the fee in lieu of providing land. Formula:
1452 sf per lot X 42 (number of lots) = 60,984 sf or 1.4 acres.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Development will outfall into the North River.

Distance & description of nearest outfall: Distance to North River from Development is approximately 2000 feet. There is a maintenance easement along a ditch of the Roberts property to which the HOA is responsible to maintain in accordance with recorded covenants. Maintenance easement recorded in Camden County Registry of Deeds in BK 301, Pages 817-820.

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MAPS SHOW:

Vicinity Map: Property is located along Ditch Bank Road just south of Cape Fear Drive

Preliminary Subdivision Map: Shows phase 2 to be completed in 3 parts. Phase 2A is on Ditch Bank Road, Phase 2B is along Cape Fear Drive, Perquimans Drive, and Chowan Court. Phase 2C is along Pamlico Drive and Deep Court.

TECHNICAL REVIEW STAFF (SKETCH PLAN) COMMENTS

1. **South Camden Water.** Approved.
2. **Albemarle Regional Health Department.** Approved. Received 42 perc tests.
3. **South Camden Fire Department.** Reviewed no comments.
4. **Pasquotank EMS (Central Communications).** Subdivision/road names approved.
5. **Sheriff's Office.** Reviewed no comments.
6. **Postmaster Elizabeth City.** No response. Did not attend meeting.
7. **School Superintendent.** No response. Did not attend meeting.
8. **Transportation Director of Schools.** Approved with request that all cul-de-sac's turning radius be a minimum of 43.5 feet.
9. **Camden Soil & Water Conservationist.** Approved.
10. **NCDOT.** No response.
11. **Mediacom.** No response.
12. **Century Link.** No response.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives: Consistent. CAMA Land Suitability Maps has land designated as Moderate Suitability and Future Land Use Maps has land designated as Medium Density Residential.

2035 Comprehensive Plan: Consistent. Property is consistent with 2035 Comprehensive Plan Future Land Use Maps which has area designated as Rural Residential.

Comprehensive Transportation Plan: Consistent. Property abuts Ditch Bank and Trotman Roads and internal roads will be dedicated to public.

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Endangering the public health and safety? No. In staff's opinion, application does not appear to endanger public health and safety.

Injure the value of adjoining or abutting property? No. In staff's opinion, application does not appear to injure the value of adjoining or abutting property as this is Phase II of existing subdivision.

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EXCEED PUBLIC FACILITIES:

Schools: Yes. Proposed development will generate 28 students (.67 per household X 42 lots). **High School over capacity:** 2018/2019 capacity: 570 Enrollment: 607 - Capacity does not include modular units for Camden Early College.

Fire and rescue: No. Approved.

Law Enforcement: No. Approved.

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Planning Staff recommends approval of Preliminary Plan for Phase II of North River Crossing Subdivision with the following comments.

1. Constructions drawings to reflect turning radius of cul-de-sacs be minimum 43.5' as requested by the Transportation Director of Camden County Schools.

Mr. Porter paused going through the staff report about half way through and introduced Dave Klebitz with Bissell Professional Group, agent for the applicant, who spoke briefly.

Dave Klebitz, Bissell Professional Group, Kitty Hawk, NC

- This is for phase 2 of this development
- Will be completed in 3 sub phases, A, B, and C, as described in the Staff Report Mr. Porter just finished going over.
- Sewer will be septic tanks. All 42 lots perked.
- Water will be via public water.
- Stormwater / drainage will be handled via an expansion of existing ponds / canals
 - o Showed pre and post development drainage maps
 - o The 3 sub phases all drain to different locations
 - o Subphase C drains to areas in phase 1
 - o Tiny portion of subphase B located at corner of Perquimans Drive and Ditch Bank Road drains to Ditch Bank Road
- Roads will be to NCDOT Standards
- 1 cul-de-sac, turning radius for school busses will be about 48 feet.
- Mail will be in cluster mailboxes as per requirements of the Post Office. Location of cluster mailbox will be along the new entrance / extension of Perquimans Drive which is off of Ditch Bank Road, and will be behind Lot 60.
 - o New entrance way was going to be in with phase 2B, but as the cluster mailbox needs to be located along this part of the road, the first couple hundred feet of the new roadway will be constructed with phase 2A.
- All TRC comments have been addressed

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A comment was made that when it rains, sometimes the intersection of Ditch Bank and Trotman Roads are like a river as far as drainage is concerned.

Mr. Porter added that originally when they submitted their sketch plan for this overall project, there was some discussion about drainage at the north and at the southern end of the canal / ditch that leads off of Ditch Bank Road. They could not get an agreement from the property owner to let them clean and maintain that ditch, so all the water from this development goes to the north underneath Trotman and out towards Indian Town Creek. As Mr. Klebitz showed on the drainage map, some of the current runoff comes down through Ditch Bank Road. They are actually eliminating some of that runoff so that the only water that will be coming off and onto Ditch Bank Road will be the front yards of those houses along that roadway. Runoff from the other sections of the development will be routed elsewhere.

Mr. Porter continued going through the Staff Report. Mr. Porter commented that this particular development was started under the old UDO (Phase 1), and that Phase 2 will be completed under the new UDO which was adopted this past February. The landscaping requirement was one change that under the old UDO was required at Preliminary Plat, now under the new UDO it is required at construction drawing stage.

After concluding the staff report, Mr. Porter opened the floor to public comment.

Andrew Monn, Trotman Road, Shiloh, NC; Adjacent Property Owner

- Primary concern is drainage
- Spoke of effects of Hurricane Matthew and how roads were impassible after the storm due to flooding
- Spoke of culverts in area being clogged and posing a problem for drainage
- Asked that the culverts be cleaned before turning anything over to a Home Owners Association

At this time, Chairman Calvin Leary asked if there were any further questions or comments from the board, staff, or public. Hearing none, he entertained a motion.

Motion to Approve UDO 2019-02-01 North River Crossing Phase 2 Prelim Plat

RESULT:	PASSED [4 TO 0]
MOVER:	Rick McCall, Board Member
SECONDER:	Ray Albertson, Board Member
AYES:	Leary, Harris, McCall, Albertson
RECUSED:	Saunders
ABSENT:	Bradshaw

Mr. Porter commented for public knowledge that this agenda item will be on the April Board of Commissioners meeting agenda to set a public hearing date, and the public hearing itself will be held in May.

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C. UDO 2019-02-18 Sleepy Hollow Estates Phase 2 Preliminary Plan

Dan Porter described this agenda item and went over the Staff Report as incorporated herein below:

STAFF REPORT

UDO 2019-02-18

**Preliminary Plan Sleepy Hollow Estates
Phase II Major Subdivision**

PROJECT INFORMATION

File Reference: UDO 2019-02-18
Project Name: Sleepy Hollow Estates
PIN: 02-8935-01-28-8169
Applicant: Daniel Cartwright
Address: 366 N. Gregory Rd, Shawboro, NC 27973
Phone: (252) 202-6645
Email:

Agent for Applicant: Timmons Group
Address: 1805 West City Dr., Unit E, Elizabeth City, NC, 27909
Phone: (252) 338-2913
Email:

Current Owner of Record:

Meeting Dates:

02/19/2019 Neighborhood Meeting
03/06/2019 Technical Review Meeting
03/20/2019 Planning Board

Application Received: 2/22/19
By: David Parks, Permit Officer

Application Fee paid: \$2,000 Check #1210

Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:

- A. Land Use Application
- B. Preliminary Plan
- C. Agent for Applicant letter
- D. Deed
- E. Pere Tests from Albemarle Regional Health Services
- F. TRC Inputs

PROJECT LOCATION:

Street Address: Off Sleepy Hollow Road Adjacent to address 312
Location Description: Courthouse Township

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REQUEST: Preliminary Plan Phase II Sleepy Hollow Estates Major Subdivision
- 10 lots - Article 2.3.16 of the Unified Development Ordinance.

MAPS SHOW:

Vicinity Map: Property located adjacent to 312 Sleepy Hollow Road

Zoning Map: Property is zoned Rural Residential (RR)

Comprehensive Plan Future Land Use Map: Rural Preservation

CAMA Plan Future Land Use Map: Medium Density Residential

SITE DATA

Lot size: Approximately 14 acres

Flood Zone: Zone AE/X

Zoning District(s): Neighborhood Residential (NR)

Adjacent property uses: Agriculture, Residential, Church.

Streets: Shall be dedicated to public under control of NCDOT.

Street/Subdivision name:

Subdivision name: Sleepy Hollow Estates

Street Names: Blue Bill Way

Open Space Required: 12 acres X .05 = .61 acres

Landscaping: Landscaping Plan required at Construction Drawing.

Farmland Compatibility Standards: Per Article 151.5.5, a 50' wide vegetative
buffer required along all agricultural uses. Indicated on plan.

Recreational Land: N/A (Less than 30 lots) Article 151.6.1.13

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches: Sawyers Creek

Distance & description of nearest outfall: Outfall located at the South-
eastern portion of property through 404 wetlands under Sawyers Creek Road out
to Sawyers Creek. Distance is approximately 2,100 feet to culvert.

TECHNICAL REVIEW STAFF COMMENTS

1. **South Camden Water.** Approved.
2. **Albemarle Regional Health Department.** Approved. 10 Perc tests received.
3. **South Camden Fire Department.** Reviewed with no comments.
4. **Pasquotank EMS (Central Communications).** Subdivision/road names approved.
5. **Sheriff's Office.** Reviewed with no comments.
6. **Postmaster Elizabeth City.** No response. Did not attend TRC meeting.
7. **Superintendent of Schools.** No response. Did not attend TRC meeting.
8. **Transportation Director of Schools.** Approved with comments (see attached).
9. **Camden Soil & Water Conservationist.** Approved.
10. **NCDOT.** No response.
11. **Mediacom.** No response.
12. **Century Link.** Reviewed no comments.

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PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives: *Consistent.* CAMA Future Land Use Maps has land designated as Medium Density Residential.

2035 Comprehensive Plan: *Inconsistent.* Property Zoned Neighborhood Residential (NR) prior to adoption of Comprehensive Plan Future Land Use Maps which has area designated as Rural Preservation.

Comprehensive Transportation Plan: *Consistent.* Property abuts Sleepy Hollow Road (SR 1202) and internal road will be dedicated to public.

FINDINGS REGARDING ADDITIONAL REQUIREMENTS:

Endangering the public health and safety? *No.* In staff's opinion, application does not appear to endanger public health and safety.

Injure the value of adjoining or abutting property? *No.* In staff's opinion, application does not appear to injure the value of adjoining or abutting property.

EXCEED PUBLIC FACILITIES:

Schools: *Yes.* Proposed development will generate 6 students (.67 per household X 9 lots). **High School over capacity:** 2018/2019 capacity: 570 Enrollment: 607 - Capacity does not include modular units for Camden Early College

Fire and rescue: *No.* Approved.

Law Enforcement: *No.* Approved.

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Staff recommends approval of Phase II Sleepy Hollow Estates based on current by right zoning with the following recommendations:

1. Constructions drawings to reflect turning radius of cul-de-sacs be minimum 43.5' as requested by the Transportation Director of Camden County Schools.

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Dan Porter noted that both the applicant, Daniel Cartwright, and his agent, Kim Hamby with Timmons Group are both present. At this time, Mr. Porter asked Ms. Hamby to speak regarding this project.

Kim Hamby, Timmons Group, Elizabeth City, NC; Agent for Applicant

- Propose to develop 10 residential lots on 14.5 acres located between the church and the 4 lot minor subdivision which are located on Sleepy Hollow Road
- There will be a single road in
- Instead of a traditional cul-de-sac, there will be a turn-around, essentially a bulb cul-de-sac at the 1000 foot limit to meet safety requirements for safety turn around. We've extended the road to meet the County's requirement for interconnectivity should anyone desire to develop the adjacent property, they would be able to connect.
- Site has been evaluated for individual septic systems. Entire project has been approved by ARHS with varying levels of fill from 8 to 18 inches which is typical in this area.
- Water will be via South Camden Water, with a line run down for hydrants
- Drainage - there is a lead ditch that goes around the back end south side of the property and leads into wetlands at the indicated corner. The only drainage passing through this site at present drains to the wetland. The ditches on the site extend about 100-150 feet onto the property to the north. What we intend to do is put in a perimeter ditch system that will intercept the runoff from the adjacent properties and bring the runoff around the site instead of trying to bring it through the lots. We have started discussions with Greg Johnson regarding how the drainage review will be done.
- If it is found that storage is needed to prevent post development discharge of runoff, it is likely that a wide swale will be used to provide for water storage after storms, that will still be able to drain down, and that will likely be positioned between the agricultural buffer to the south and the backs of the lots on the south side of the proposed road.
- We've received some comments from the school system about enlarging the pavement radius for school bus turn-around, and have reached out to NCDOT to start talking with them about what they would prefer to see taking into account the request of a 43.5 foot turning radius and NCDOT's right of way requirement of 50 foot, the right of way may need to be enlarged as well. If that becomes the case, there is sufficient property to move lot lines around to accommodate this if needed.
- Mail boxes will be cluster/community mailboxes per Postal requirements
- Parking will be ADA Compliant, will be one standard parking space and one ADA Compliant parking space per lot instead of just having roadside pull offs

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At this time, Dan Porter continued going over the staff report. Items of note are:

- Is in the AE flood zone, so will require elevation certificates when lots are developed
- Lots are surrounded by agricultural, residential, and a church
- Open space requirement is .61 acres which will likely be accommodated in the buffer that is required.
- A farmland compatibility buffer of 50 feet is required between any agricultural use adjacent to residential use
- Buffers are located on the western and southern parts of the property
- A 50 foot buffer between the church and the road in the project, which is not a requirement, they are doing this on their own.
- Project outfalls eventually to Sawyer's Creek located at the south eastern portion of the property, draining through 404 wetlands
- New UDO changes the way Stormwater Plans and Permits are handled. Under the old UDO, stamped sealed and approved stormwater plans and state permits were required to be submitted prior to preliminary plat. The New UDO changes all that. Under the new UDO, those plans and permits are still required, but just not at this point. They have to commit to doing that, and we need a letter from the agency stating that they have met all the requirements. What we require for our stormwater requirements is for the applicant to identify the amount of watershed area upstream from their project that will be flowing into this project, and as Ms. Hamby mentioned, it is pretty minimal for this project. They are also required to identify the downstream outfall. That is the point at which the pre and post development is measured. The question is how much does this development have to model the amount of other water coming from other parts of the property going to the ditch / wetlands, and that is still under discussion with Mr. Johnson, the county's stormwater engineer.
- Mr. Greg Johnson has provided a letter stating "Based on inspection and the information provided, I recommend that the project proceed to the design stage. Please include any future submittals of plans for the first phase". Mr. Johnson has approved it at this point with the information presented, and he will be involved in the process of approving the overall stormwater plan before they can begin construction.
- Recommending approval of Phase II Sleepy Hollow Estates based on the current by right zoning with the recommendation that construction drawings reflect the request by the schools regarding 43.5 foot turnaround radius.

Chairman Calvin Leary asked Kim Hamby how the Neighborhood Meeting went. Ms. Hamby responded that there were questions relating to stormwater runoff/drainage, trash during construction. Ms. Hamby went on to say that there will be a 50 foot planted buffer between the farmland and the development which should prevent debris from construction from leaving the construction site(s). She added that there were some property owners to the north who had property line disputes, but that to her knowledge those have been settled and property has been transferred.

Mr. Porter commented that the trash / debris issue is an issue everywhere that construction occurs. It is something that is monitored by the building and code enforcement officials.

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Ms. Hamby also stated that the buffer between the development and the church property will be maintained and kept up. She added that this particular buffer may be reduced in size slightly if it is found that the lot lines need to be modified. This is not an issue because the buffer between the development and the church is not a requirement.

At this time, Chairman Calvin Leary opened the floor to public comment.

Jennifer Tillett, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Property owner with property line dispute
- Did not get deed to property that was transferred to her

Dave Parks stated that the deeds were "quit claims deeds", the survey on this was signed, and the deeds were recorded, he did not know why she did not get hers.

Aaron Pippen, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Also had property line dispute
- Stated that his claim is still open regarding the land transfer until his property has been surveyed, even though paperwork says that the Cartwright's claim has been settled.

Mr. Porter stated that the paperwork Mr. Pippen referred to was a letter from his title insurance agent. Mr. Porter further stated that he is not sure what Mr. Pippen's claim actually is, other than that there was a negotiated agreement with regard to where the property line is. The survey was brought to the Planning Department, staff reviewed the survey which had quit claims deeds with it. The survey was signed and walked over to the Register of Deeds office and recorded. It is up to the board whether or not to continue this proceeding given that there is question of recordation.

Chairman Calvin Leary voiced his opinion that this agenda item should be tabled pending verification that the land transfer issues have been cleared up.

Rick McCall asked if the problem was getting the actual deed or if the problem was with the information on the survey. Mr. Pippen responded that the problem is with the line on the survey. He further stated that the developer has his own survey, but to settle the dispute the line has to be settled. They settled their claim and surrendered their right to the disputed property, but for the right to that property the line has to be established.

Ms. Hamby stated that the title company is the one who ordered the survey, reviewed the deeds, the survey, and the descriptions.

Fletcher Harris stated agreement with Chairman Leary that this item should be tabled pending verification of the aforementioned issues.

Mr. Pippen asked if he could speak on other issues with this development. Chairman Leary agreed.

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Aaron Pippen, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- He owns a field adjacent to the development. Referring to a property line on one of the maps, stated that there is no 50 foot buffer.

Mr. Porter addressed this concern stating that the uses adjacent to the property line mentioned by Mr. Pippen is not a bona fide farm use and so according to the Farmland Compatibility Standards, no buffer is required. The property may be being farmed, but unless it is a bona fide farm, no buffer is required.

Mr. Pippen disputed this saying that the property could be farmed by a bona fide farmer. Mr. Porter stated that there is no indication that the property is in fact a bona fide farm. Dave Parks added that to qualify as a bona fide farm, the tract of land has to be greater than 10 acres and it has to be registered as a farm use with the Tax Department and be taxed as a farm. Mr. Parks further stated that if a farmer has, for example, a parcel of 100 acres which is a bona fide farm, and he has another parcel of 3 acres elsewhere that is in his name, the 3 acre tract qualifies as a bona fide farm because he has the larger bona fide farm tract.

Mr. Pippen disputed this and asked for a reading of the ordinance.

Mr. Porter read: "Except where exempted by this section with regard to exemption, the standards in this section shall apply to all major subdivisions, planned developments, special use permits, or site plans, on lots or tracts of 5 acres or greater, proposed adjacent to bona fide farm or agricultural uses associated with a bona fide farm." Our interpretation is that if you a development that is 5 acres or greater and it is adjacent to a bona fide farm it has to provide a farmland compatibility buffer. This project is greater than 5 acres, but it is not adjacent to a bona fide farm. It may be farmed, but it is not a bona fide farm.

Mr. Pippen again argued that the land is an agricultural use. Mr. Porter reiterated that it is not a bona fide farm or an agricultural use associated with a bona fide farm. Mr. Pippen believes that if a farmer who is associated in his own person with a bona fide farm farms the land, that makes it associated with a bona fide farm. Mr. Porter stated that this is not correct, that to be a bona fide farm, the land must meet the General Statutes set forth for such by the State of North Carolina.

Mr. Pippen continued on to his next concern: Cul-de-sacs. Concern is over the length of the dead end road. Believes that no dead end road should be over 1000 feet in length.

Mr. Porter addressed this by reading section 6.2.3 paragraph K of the new UDO. "All dead end streets (excluding temporary dead end streets) shall be designed as cul-de-sacs, in accordance with the following standards: (1) No cul-de-sac or dead end street shall exceed 1,000 feet in length nor be less than 100 feet in length, as measured from the closest street intersection centerline. (2) Cul-de-sacs shall be designed and constructed to meet state standards and National Fire Protection Association standards. (3) The entrance into a cul-de-sac shall be flared by sufficient width to ensure proper turning radius for emergency vehicles upon entering and exiting the cul-de-sac. (4) Streets that include roundabouts shall not be considered cul-de-sacs or dead end streets."

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Mr. Porter clarified what he believed to be Mr. Pippen's issue: that the road, a dead end road, is proposed to extend beyond 1000 feet. Mr. Porter stated that staff looked at that and there is another section of the UDO, 6.2.3 paragraph I, which deals with external connectivity. 6.2.3.I(2)(a) states "The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and deemed appropriate for future development or in which the adjoining lands are developed and include opportunities for such connections." Basically this means that if a proposed development is adjacent to a piece of undeveloped land, that it has to provide a means of continuing the road way for future use for a time when that land will be developed.

Mr. Pippen disputed the external connectivity section saying that 6.2.3(K) says 1000 feet. Mr. Parks stated that if the adjacent property were to be developed and the street connected up, then a turn around would not be required. The turn around is for emergency vehicles and school busses, and it meets the requirements.

Cathleen Saunders stated that there is a limit to the ability of emergency vehicles to back up on a road way turn around, and that what is proposed is the maximum they would be able to do.

Rick McCall stated that this has more to do with public safety than with the developer. The road has to be able to connect to any future road that may be part of a future development so emergency vehicles have access. There has to be a turn around for emergency vehicles and there has to be a means to continue the roadway should a future development occur.

Dan Porter stated that if there were more than 2 lots on the other side of the turn around, it would not be allowed. The fact is that these two lots, whether there is a cul-de-sac or an extension, it would be configured differently and the driveways would be different. There would be no ability to create a connectivity to the next project.

Mr. Pippen brought up his next issue: Harm to the community, specifically schools. Chairman Calvin Leary stated that the school issue has been fully discussed. Mr. Pippen objected saying he had not discussed it. Mr. Porter stated that the plans for this project were sent to the school superintendent and they had no comments on the matter. The Schools are part of the Technical Review Committee. If they had concerns, they would be included in the board packet for this proceeding.

Mr. Pippen continued arguing, Mr. Parks stated that if the school officials were concerned, they would be at this meeting.

At this time, Chairman Leary asked if there were any further questions or comments. Mr. Reginal Tillett came forward.

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Reginald Tillett, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Concern is over a right of way at the back of his property that he has used for 40 years, whether or not he will get that back.

Mr. Porter asked if he was referring to the farm property. Mr. Tillett responded yes. Mr. Porter stated that staff did research and could not find a registered easement. Mr. Porter further stated that throughout the county, there are pathways that are used but are not registered as easements or rights of way.

Ms. Hamby stated that there has always been a path that runs along the woods line that serviced the farm over all these years. To the best of her knowledge that farm has been farmed by someone who assumed they owned that land at that time, and the individual property owners of these residential lots did not use that for access to their properties. The pieces of land that they are calling their farm land and that are all a little less than an acre on the backs of their properties, they have legal right to access their own properties, and there was no right of way ever dedicated across that path for access to those properties, it was just utilized for the farm.

Sarah Hamilton, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Procedural question: If the stormwater plan is not required at this point, when will it be, and will the public get to see it?

Mr. Porter replied saying that the stormwater plan does not go before a public hearing, it is required at construction drawing stage. The stormwater plan has to undergo a long and drawn out effort to ensure compliance with the UDO and the standards therein. To answer her question, he stated that when it is completed, it may be viewed at the Planning Department office.

Aaron Pippen, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Spoke about the 4 lot minor subdivision that preceded this development
- Believes the drainage was modified for the second phase of the development
- Stated that the way the developer states the drainage runs, it doesn't drain that way
- Stated that drainage was supposed to drain to the swamp, but didn't do that until a ditch was cut into the land, and all that did was make it drain to the pond and now that pond floods.
- Stated that developer said there was a pipe for drainage, but there is no pipe

Ms. Hamby stated that the drainage plan is registered in the Registry of Deeds office. She further stated that 2 of the 4 lots drain to the road, and the other 2 drain to the back to the back to follow the original patterns at the time that Mr. Hyman took over the property several years ago.

Dan Porter added that it was a 4 lot minor subdivision. The way minor subdivisions handled stormwater prior to the adoption of the new UDO, was for the developer to submit a signed and sealed statement stating how the drainage would go, and the county accepted their seal. Now, under the new UDO, 3 or more lot subdivisions must have their stormwater plans reviewed. Stormwater plans are recorded at the Register of Deeds. Mr. Porter added that the engineer said there was a pipe under the ditch, and there is some evidence of that, but that is the 4 lot minor subdivision that is already completed and done and not part of this proceeding.

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Wanda Daniels, Sleepy Hollow Road, Camden, NC; Adjacent Property Owner

- Concerned about flooding
- Floods around the curve and up into her yard
- Water stands and doesn't drain

Dan Porter stated that Sleepy Hollow Road is in the flood zone and it floods in a lot of places.

Mr. Porter suggested to the board that this matter be tabled pending research into the property line disputes / transfers and be brought back to the Planning Board at a later date.

Chairman Leary agreed and called for a motion.

Motion to Table UDO 2019-02-18 Sleepy Hollow Estates Phase 2 Preliminary Plan

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

UDO 2019-02-18 Sleepy Hollow Estates Phase 2 Preliminary Plan has been tabled until such time as property line disputes have been cleared up.

VI. INFORMATION FROM BOARD & STAFF

Mr. Porter presented the following information:

- There will be a meeting in April where a commercial site plan will be up for review, a piece of land that was sold in the commerce park.

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VII. ADJOURN

Motion to Adjourn

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

Meeting adjourned at 8:42 PM.

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett, Clerk
Camden County Planning Department*