Camden County Planning Board
Regular Meeting
April 17, 2019 7:00 PM
Historic Courtroom, Courthouse Complex
Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on April 17, 2019 in the Historic Courtroom, Camden, North Carolina. The following members were present:

I. CALL TO ORDER & WELCOME

Chairman Calvin Leary called the meeting to order at 7:00 PM.

Planning Board Members Present:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calvin Leary</td>
<td>Chairman</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Fletcher Harris</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Rick McCall</td>
<td>Board Member</td>
<td>Present</td>
<td>7:03 PM</td>
</tr>
<tr>
<td>Ray Albertson</td>
<td>Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Steven Bradshaw</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Cathleen M. Saunders</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
<tr>
<td>Nathan Lilley</td>
<td>Board Member</td>
<td>Present</td>
<td>6:50 PM</td>
</tr>
</tbody>
</table>

Staff members Present:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dan Porter</td>
<td>Planning Director</td>
<td>Present</td>
<td>6:40 PM</td>
</tr>
<tr>
<td>Dave Parks</td>
<td>Permit Officer</td>
<td>Present</td>
<td>6:30 PM</td>
</tr>
<tr>
<td>Amy Barnett</td>
<td>Planning Clerk</td>
<td>Present</td>
<td>6:30 PM</td>
</tr>
</tbody>
</table>

Others Present:

<table>
<thead>
<tr>
<th>Attendee Name / Address</th>
<th>Title / Company</th>
<th>Meeting Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aaron Pippen, 262 Sleepy Hollow Road, Camden NC</td>
<td>Adjacent Property Owner</td>
<td>Old Business # A, Sleepy Hollow Estates</td>
</tr>
<tr>
<td>Sean Robey, 154 US 158 E, Camden NC</td>
<td>Eastern Carolina Engineering, Agent for Applicant</td>
<td>New Business # A, WAO Garage</td>
</tr>
</tbody>
</table>
II. CONSIDERATION OF AGENDA

Motion to Approve Agenda As Presented

Rick McCall arrived to the meeting late, after the agenda was voted upon.

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

III. CONSIDERATION OF MINUTES - MARCH 20, 2019

Motion to Approve March 20, 2019 Minutes As Written

Rick McCall arrived to the meeting late, after the minutes were voted upon.

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

INTRODUCTION OF NEW BOARD MEMBER

Planning Director Dan Porter introduced Nathan Lilley of Camden, NC, newest member of the Planning Board.

IV. OLD BUSINESS

Old Business - UDO 2019-02-18 Preliminary Plan Phase 2 Sleepy Hollow Estates

Dan Porter described this Old Business item. This item was heard at the March 20, 2019 meeting of the Camden County Planning Board. At that meeting, adjacent property owners spoke of property line disputes between their property lines and the developer's property. It was decided by the Board to table this item until such time as the disputes had been cleared up. Staff consulted with County Attorney John Morrison who advised in writing that property line disputes are a matter for the courts and not governmental boards such as the Planning Board or Board of Commissioners. Dan Porter summarized the letter which Attorney Morrison wrote:

- Property line disputes are between property owners
- Planning Board, Board of Commissioners, and Planning Staff do not have the right to intervene in such disputes
- Property line disputes are a matter for the courts
- If a developer decides to proceed, he does so at his own risk, even if he knows that at some point in the future the property lines may be disputed in court
• From letter: "Although this may seem surprising to the public, it makes common sense upon even brief reflection. If the Planning Board or the Board of Commissioners had the authority to stop development because of title concerns, any citizen could make an objection and bring development to a halt."

Chairman Calvin Leary stated that considering the advice of the County Attorney on this, and since the reason for tabling this item was due to property line disputes, all discussion was handled at the prior meeting. Chairman Leary also stated that there shall be no further discussion except one person who called him at his residence. Chairman Leary had promised Aaron Pippen 5 minutes worth of time to speak.

Aaron Pippen, 262 Sleepy Hollow Road, Camden, NC; Adjacent Property Owner
• Stated he spoke with the person who wrote the UDO and he said that as long as association with a bona fide farmer who is farming your piece of property can be shown, then that is what it was written for.

Rick McCall asked if that person was present. Dan Porter stated that he was not, and further stated that the person referenced was the consultant on the UDO.

Dan Porter passed out a handout which was an excerpt of the North Carolina General Statutes which define what the State of North Carolina considers to be a Bona Fide Farm.

Chairman Leary asked for confirmation that this was covered at the last meeting. Mr. Porter stated it was but that he didn't have the legal reference at that meeting.

Mr. Porter read from NCGS §153A-340(b)(2):

"For Purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue
b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
d. A forest management plan."

Mr. Porter stated that none of the 4 criteria listed above are on record for the adjacent property in question and that it does not qualify as a bona fide farm.

Mr. Pippen asked Mr. Porter to read the County Ordinance relating to this matter.
After handing out a copy of the ordinance to the Board members, Mr. Porter read from the Farmland Compatibility Standards in the UDO, section 5.5.2 Applicability:

"Except where exempted by Section 5.5.3, Exemptions, the standards in this section shall apply to all major subdivisions, planned developments, special use permits, or site plans on lots or tracts of five acres in area or greater proposed adjacent to a bona fide farm or agricultural use associated with a bona fide farm."

Mr. Pippen keyed on this section contending that his property is "associated with a bona fide farm" if a farmer who is a bona fide farmer and who owns and operates a bona fide farm is farming his property.

Chairman Leary stated that having none of the 4 criteria required by the State of North Carolina, the adjacent property can not be considered a bona fide farm.

Mr. Pippen stated his belief that the 4 criteria are what constitutes a bona fide farm, he contends that his property is an associated use of a bona fide farm and not a bona fide farm itself.

Steven Bradshaw asked what was the point of this discussion. Mr. Pippen stated that the point was to obtain a 50 foot buffer between his property and the proposed development. He further contended that the "one who wrote the UDO" said that if the property is a bona fide farm or associated with a bona fide farm that a 50 foot buffer should be applied.

Rick McCall again asked if that person was present. He further stated that the reason he asks this is because at the last meeting Mr. Pippen referred to information given to him by the Superintendent of Schools, but the Superintendent was not present to clarify statements made in his name. The same holds true of the person Mr. Pippen refers to as the "one who wrote the UDO".

Steve Bradshaw stated for clarification sake that the UDO was a collaborative effort, not written by any one individual, the Planning Board and Board of Commissioners among others all had a hand in it's writing, and have intimate knowledge of it's contents.

At this time, Chairman Leary stated that Mr. Pippen's 5 minutes were up. Mr. Pippen questioned why the time limit was applied. Chairman Leary stated that at the beginning of this agenda item's discussion he had stated that there was to be no further discussion except the information from the County Attorney relating to the property lines and the 5 minutes he was allowing for Mr. Pippen to speak because he had promised such earlier in the week via a phone conversation with Mr. Pippen.

At this time, Chairman Leary entertained a motion on this agenda item.
Motion to Approve UDO 2019-02-18 Preliminary Plan Phase 2 Sleepy Hollow Estates

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

V. NEW BUSINESS

UDO 2019-03-06 Commercial Site Plan - WAO Garage

Dan Porter introduced this agenda item and went over which site plans are administrative approvals and which ones come before the Planning Board according to the newly revised UDO which was adopted February 4, 2019.

- Major Site Plans (both commercial and residential development) go before Planning Board
- Minor Site Plans are administrative
- Commercial Site Plan for WAO Garage is the first major site plan to be considered under the new UDO.

Commercial Site Plan
WAO Garage
UDO 2019-03-06

PROJECT INFORMATION

File Reference: UDO 2019-03-06
Project Name: WAO Garage
PIN: 01-7072-00-50-0728-0000
Applicant: Coastal Custom Homes, LLC
Randall Finck
Address: P. O. Box 16215
Chesapeake, VA
Phone: (757) 334-6586
Agent for Applicant: Eastern Carolina Engineering
Address: 154 U.S. 158 East
Camden, NC 27921
Phone: (252) 335-1888
Email:
Current Owner of Record: Same as applicant
Application Received: 2/6/2019
By: Dave Parks, Permit Officer
Application Fee Paid: $25.00, Check # 2879
Storm Water Review Fee: N/A
Completeness of Application: Application is generally complete

Documents received upon filing of application or otherwise included:
A. Land Use Application
B. commercial Site Plan
C. Construction Drawings
D. DENR Stormwater Permit SW7110609
E. DENR E & S Control Plan No. Camde-2019-005
F. Technical Review Committee inputs

Meeting Dates:
Technical Review: Comments provided by email
Planning Board: April 17, 2019

REQUEST: Commercial Site Plan - WAO Garage - Automobile Restoration.
(Reference Camden's UDO Administrative Manual Article 3.4.2; Camden UDO Article 151.2.3.16 - Major Site Plan Procedures).

PROJECT LOCATION:
Street Address: 200 Opportunity Drive - Camden Commerce Park
Location Description: Off U.S. 17 in South Mills Township

SITE DATA
Lot Size: Approximately 6 acres
Flood Zone: Zone X
Zoning District(s): Base Zoning; Planned Development (PD)
Adjacent Property Uses: Farming to North. Rest of lot surrounded by Commerce Park.
Streets: Shall be dedicated to public under control of NCDOT.
Landscaping: Landscaping Plan provided
Buffering: Farmland buffer provided to the North - Article 151.5.5

ENVIRONMENTAL ASSESSMENT
Streams, Creeks, Major Ditches:
Distance & description of nearest outfall: 25 acre pond adjacent to property.

TECHNICAL REVIEW STAFF COMMENTS
1. South Camden Water & Sewer. Approved
2. South Mills Fire Department. See attached comments.
3. Postmaster Elizabeth City. No response. Community Mailboxes?
6. Pasquotank EMS. No response.

PLANNING STAFF RECOMMENDATION: Planning Staff recommends approval of Commercial Site Plan for WAO Garage with the following recommendations:
1. The County should respond back to South Mills Fire Department on their request for a dry hydrant.

-----------------------------------------------------------------
At this time, Mr. Porter introduced Mr. Sean Robey of Eastern Carolina Engineering who spoke regarding this agenda item.

Sean Robey, Eastern Carolina Engineering

- Randy Finck, WAO Garage, is first tenant for the Commerce Park
- Mr. Finck wants to partner with the school system for internships to give students the opportunity to gain experience working in the garage working on vehicles
- Mr. Finck wants to operate a car restoration business to restore cars back to their original conditions.
- The lot for construction of Mr. Finck's business is on the north end of the commerce park.
- Location is between the two proposed roads and backs up to the pond.
- The roads in the park are built only to a certain point, will need to be extended.
- The site plan represents only about 30% of the total land / tract that Mr. Finck has purchased.
- An existing project will extend some roads and infrastructure.

Dan Porter spoke briefly regarding a photocopy image in the board packet which shows the road and the needed extension of Opportunity Drive. Opportunity Drive stops at the first curve, plan is to build it out to the location of the property line.

Mr. Robey continued:

- Stormwater improvements will be going in, half on county property, half on Mr. Finck’s property.
- If Mr. Finck decides to develop the rest of his property, additional stormwater improvements will be necessary.

Rick McCall asked if Mr. Finck was planning any other types of development in addition to the garage. Mr. Robey responded perhaps down the road there may be some storage, but a specific use was not specified.

Steven Bradshaw asked about the issue of dry hydrants. Dan Porter addressed this saying that the Fire Chief for South Mills has asked staff to consider dry hydrants on the pond for fire suppression purposes. It is unsure what the pressure on the lines would be like. It is unlikely that the pressure would support a standard fire hydrant, so a dry hydrant would be appropriate. Fire suppression is a requirement for any business which is to be located in the park. It would be the responsibility of the developer to provide for that, not the individual business, so it would fall to the county as the developer of the park as a whole to provide for that. In addition there is a hydrant right out front of Mr. Finck’s property. His proposed building is not large enough to require a sprinkler system. Mr. Porter added that the fire department will hook up to or use whatever water supply is available.

Mr. Robey added that the hydrant mentioned above has not been able to be tested because the line has been turned off and will need to be put back in service. He added that the water will most likely have to be chlorinated and tested before its put back into service.
Mr. Porter added the following information:

- The Commerce Park was developed as a Planned Unit Development (PUD)
- Mr. Porter mentioned design standards for the Commerce Park, standards which are part of Ordinance No. 2011-01-02, which is the rezoning ordinance which rezoned the park from Highway Commercial to Planned Unit Development back in 2011. These standards are part of a document which is registered with the Camden County Register of Deeds (Deed Book 293 Page 695) and incorporated herein by reference.
- In the new UDO there are specific standards with regard to the design standards of buildings. As this is a site plan and not a building plan under consideration here, such building standards are not yet required but will be required down the line prior to a commercial building permit.
- There are restrictive covenants for the Commerce Park
  - In addition to a conditional use permit, there is a Property Owners Association which has certain standards in their restrictive covenants
  - Most of the time, the restrictive covenants and the county’s requirements are very similar, in this case there was one difference, parking requirements
    - Plan meets county’s requirements in terms of number of spaces associated with a light industrial type of use
    - Covenants said only 25% can be located at the front of the property
    - Planning Board and Board of Commissioners cannot make a decision based on covenants since the County does not enforce covenants
    - Property Owners Association met and resolved this issue by doing away with the restriction of 25% mentioned above.
- Stormwater Plan - Conditionally Approved by Greg Johnson, Stormwater Engineer
  - County received letter saying that the Stormwater Plan submitted by the applicant does not appear to have any significant impact in terms of storm water runoff.
    - Stormwater will drain into the lake and should not affect the level of the lake.
    - The lake has an emergency outfall into a ditch which empties into the Dismal Swamp Canal.
  - Sean Robey has been asked to provide information regarding the rain water flow/drainage in the area.

Cathleen Saunders made a recommendation that the place holders on the site plan be updated with actual information prior to the final plan submittal. Such updates to include information regarding Register of Deeds information, deed book and page number, etc. Mr. Porter replied that it has been recorded, but were not on the plans for whatever reason. Mr. Robey stated it would be updated.
Motion to Approve UDO 2019-03-06 Commercial Site Plan - WAO Garage with the conditions set forth by the Property Owner’s Association Restrictive Covenants, and the Conditional Approval of the Stormwater Engineer, Greg Johnson.

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

VI. INFORMATION FROM BOARD AND STAFF

Dan Porter provided the following information to the Board:
• UDO Chapter 150, relating to Building Codes and Minimum Housing Codes is being reviewed / revised.
  o In attempting to enforce some of the County Ordinances relating to the above, it has been found that the County Ordinances and State Statutes are at odds with each other in some instances
  o Staff has been meeting with Building Inspector, County Manager, and County Attorney to review Ordinances and State Statutes for updates/inclusion into the County Ordinances
  o Does not have to come before the Planning Board, but will go before the Board of Commissioners for public hearing at some point in the future.
  o Hoping for May or June for public hearing before BOC
  o Copy can be provided to Planning Board if so desired.

VII. CONSIDER DATE OF NEXT MEETING - MAY 15, 2019
VIII. ADJOURN

Motion to Adjourn

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

Meeting adjourned at 7:43 PM.

Chairman Calvin Leary
Camden County Planning Board

ATTEST:

Amy Barnett, Clerk
Camden County Planning Department