

CAMDEN COUNTY PLANNING BOARD

Regular Meeting – February 19, 2020

Camden County Planning Board

Regular Meeting

February 19, 2020 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

MINUTES

The regular meeting of the Camden County Planning Board was held on February 19, 2020 in the Historic Courtroom, Camden, North Carolina. The following members were present:

CALL TO ORDER & WELCOME

Planning Board Members Present:

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

Planning Staff Present:

Attendee Name	Title	Status	Arrived
Dan Porter	Planning Director	Present	6:45 PM
Amy Barnett	Planning Clerk	Present	6:35 PM

Others Present:

Attendee Name / Address	Title / Company	Meeting Section
Clarann Mansfield	Applicant	New Business Item #2

CONSIDERATION OF AGENDA

Motion: Amend Agenda to include "Administration of Planning Board Members' Oath of Office" as New Business Item A, and move UDO 2020-01-16 Rezoning Request Clarann Mansfield to Item B.

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

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CONSIDERATION OF MINUTES FROM NOVEMBER 20, 2019

Motion: Approve Minutes from 11-20-2019 as Written

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

OLD BUSINESS

No Old Business

NEW BUSINESS

A. Administration of Planning Board Members' Oath of Office

Oaths of Office were administered to the following members of the Planning Board: Chairman Calvin Leary, Fletcher Harris, Cathleen Saunders, Ray Albertson, Nathan Lilley, and Rick McCall. Vice Chairman Steven Bradshaw was absent and will take his Oath of Office at the next meeting which he attends. Text of the oath is as follows:

"I, [Planning Board Member Name], do solemnly swear (or affirm) that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Planning Board Member, so help me God."

Each member listed above took this oath, and signed a written copy of same which was then notarized by Public Notary Amy D. Barnett, a public notary registered in the County of Pasquotank, and performing the notary act in and for the County of Camden NC. Aforementioned written copies are on file in the office of the Planning Clerk.

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B. UDO 2020-01-16 - Rezoning Request - Mansfield

Dan Porter described this agenda item as herein incorporated below:

STAFF REPORT
UDO 2020-01-16
ZONING MAP AMENDMENT

File Reference: UDO 2020-01-16
Project Name: N/A
PIN: 02-8935-02-96-7774-0000

Applicant: Clarann Mansfield
Address: 831 North Hwy 343
Camden, NC 27921
Phone: (252) 771-2400
Email:

Agent for Applicant:
Address:
Phone:
Email:

Current Owner of Record: Applicant

Meeting Dates:
Neighborhood 01/14/2020
Planning Board 02/19/2020

Application Received: 01/21/2020
By: David Parks, Permit Officer

Application Fee paid:

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
- E.** Zoning Comparison: WL and SR

REQUEST: Rezone approximately 1 acre from Working Lands (WL) to Suburban Residential (SR) on property located at 146 Belcross Road in Courthouse Township.

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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: Suburban Residential (SR) - Article 151.3.5.4 (Purpose Statement):

The Suburban Residential (SR) district is the County's primary district for suburban residential neighborhoods located along primary roadways, shoreline areas, and in locations bordering rural areas. The district has a one-acre minimum lot area requirement, which is the basic threshold size for lots with on-site wastewater systems. Use of the conservation subdivision configuration is optional for residential subdivisions. While the district allows single-family detached homes, mobile homes on individual lots are prohibited. Nonconforming mobile homes may remain but may not be expanded or replaced with another mobile home. The district accommodates equestrian uses, utilities, as well as various neighborhood-supporting institutional uses such as parks, schools, and public safety facilities. District regulations discourage uses that interfere with the development of residential neighborhoods or that are detrimental to the suburban nature of the district.

MAPS SHOW:

Vicinity Map: Property located 146 Belcross Road in Courthouse Township.

CAMA Land Suitability: Portion to be rezoned is very high suitability.

CAMA Future Land Use Map: Low Density Residential

Comprehensive Plan Future Land Use Map: Rural Residential One Acre Lots

Zoning Map: Working Lands

Floodplain Map: Portion of property to be rezoned is in X zone.

SITE DATA:

Lot Size: Approximately 18 acres

Flood Zone: X

Zoning District(s): Working Lands (WL)

Existing Land Uses: Farmland with House

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Adjacent Zoning & Uses:

	North	South	East	West
Zoning	Light Industrial (LI)	Working Lands (WL)	Light Industrial (LI)	Working Lands (WL)
Use & Size	Farmland / Residential Lot	Farmland	Commercial / Farmland	Housing / Farmland

Proposed Use(s): Cut the house out on one acre and continue to farm residual.

Description/History of property: Property is located adjacent to Courthouse Core Village off Country Belcross Road. Property has been in the family and farmed for generations.

ENVIRONMENTAL ASSESSMENT

Streams, Creeks, Major Ditches:

Distance & description of nearest outfall: It appears the property drains to the north out to Sawyers Creek.

INFRASTRUCTURE & COMMUNITY FACILITIES

Water: Water lines are located adjacent to property along Belcross Road.

Sewer: Not available.

Fire District: South Camden Fire District.

Schools: If only cutting out house from farm, impact on schools already calculated.

Traffic: No impact.

PLANS CONSISTENCY

CAMA Land Use Plan Policies & Objectives: Consistent. The CAMA Land Use Plan was adopted by the Camden County Board of Commissioners on April 4, 2005. The proposed zoning change is consistent in that the Future Land Use Maps has property identified as Low Density Residential on 1-2 acres or greater.

2035 Comprehensive Plan: Consistent. The proposed zoning change is consistent with the County's Comprehensive Plan (Adopted 2012) as Future Land Use Map as it shows the property to be Rural Residential.

Comprehensive Transportation Plan: Consistent. Property abuts Belcross Road.

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

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 property owner's welfare by allowing owner to cut out the existing dwelling out of the farm thus preserving valuable farmland.

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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 higher density residential development in an area identified by the County's CAMA and Comprehensive Plans future land use maps.

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: In the appropriate location.

Is there other land in the county that would be more appropriate for the proposed uses? Yes and No. **Reasoning:** Higher density residential development areas are located adjacent to all Core Villages within Camden County.

Will not exceed the county's ability to provide public facilities: The proposed zoning will *not* have an impact on all public facilities, as the dwelling already exists.

- 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? Yes.

If Yes (regarding small scale spot rezoning) - Applicants Reasoning:

	Personal Benefits / Impact	Community Benefits / Impact
With Rezoning	Allows owner to subdivide existing dwelling of one acre from the farm thus preserving more farmland.	No additional Community benefit/Impact.
Without Rezoning	Owner would have to subdivide five acres decreasing amount of farmland.	Benefit/Impact would stay the same.

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STAFF COMMENTARY:

The applicant seeks to subdivide the house out of the farm on a one acre tract vice five acres thus preserving more farmland which has been her family for many years. Applicant owns the two adjacent tracts of land that is also under farm use. Although the request can be construed as spot zoning, the property is located in an area that is supported by both the CAMA and Comprehensive Plans Future Land Use Maps as suburban residential development.

Consistency statement:

The requested zoning change is consistent with both the CAMA and Comprehensive Future Land Use Maps that reflect allowing higher density residential development in targeted areas of the County.

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.”

Recommendation:

Planning Staff recommends approval of the Rezoning Application (UDO 2020-01-16) to rezone one acre (house lot) of the 18 acres tract from Working Lands (WL) to Suburban Residential (SR).

Mr. Porter read through the definitions / descriptions of Working Lands (WL) and Suburban Residential (SR) districts as incorporated herein above, after which he introduced Ms. Clarann Mansfield, the applicant, who spoke briefly.

Clarann Mansfield, N. 343, South Mills, NC

- Property has been in farming
- Wants to sell the one lot that has the house on it
- Has not yet had property surveyed.

Mr. Porter continued going over the staff report and noted the following:

- Property is on the edge of the Courthouse Village boundary
- From environmental standpoint, ditch runs north to Sawyers Creek
- Went over the maps and what they showed (see staff report above)
- Lower right corner is subject of rezoning, this is where the house is located. This is the lot that Ms. Mansfield wishes to sell.

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- Yes this is spot zoning, but the whole tract would be appropriate to rezone. As such it's up to the applicant to decide how much to apply to have rezoned. Staff feels the request is appropriate.
- Read through the consistency statement (see staff report above) and the staff recommendation which is to recommend approval.

Rick McCall asked if the whole tract could be rezoned. Mr. Porter replied that it is up to the applicant to decide how much of the land they will apply to have rezoned. Ms. Mansfield commented that she owns property on both sides of the full tract of land and doesn't want to split them up too much as far as to how they are zoned.

At the neighborhood meeting there were a few who stated opinions that they would be against it if the whole property were rezoned because that opens the possibility of a developer coming in and developing the whole area, and there were some that stated they supported Ms. Mansfield's request if it were just the small lot.

Nathan Lilly asked if the parcel in question could fall under the provisions of a Transfer Plat or farm use without having to rezone the property. Mr. Porter replied that a Transfer Plat would only apply if Ms. Mansfield were transferring property to a family member.

Mr. Porter added that as far as farm use goes, being in farm use doesn't change the allowable uses of the land. Being farm use only affects how the land is taxed. The land that is in active farming is taxed as farmland, but land used for residential purposes is taxed as residential. So it is possible to have one parcel of land being taxed in two different ways. The way property such as this is taxed does create a little confusion sometimes when a property owner decides to sell the portion of the property that has the house on it. Just because the tax card shows 1 acre more or less (with the house on it) taxed as residential, the property owner is led to believe that it is a separate parcel of land which it is not. The land has to be subdivided to split out that portion of the land with the house on it before it can be sold. In areas where there is a minimum lot size which is larger than the size of the portion which the land owner wishes to sell, it creates a situation where the property has to be rezoned in order to be sold, or the property owner has to sell a lot that conforms with the minimum lot size. In this case, the minimum lot size is 5 acres. Ms. Mansfield only wishes to rezone approximately 1 acre so she can sell that portion.

Nathan Lilly commented that he likes the idea of rezoning only 1 acre because it goes along with the definition of the Working Lands (WL) zoning district which says in part "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". Rezoning 1 acre is better than rezoning 5 acres and potentially losing the other 4 acres from being used as farm land.

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

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Motion to Approve Consistency Statement for UDO 2020-01-16 Rezoning Request 1 Acre WL to SR at 146 Belcross Road as follows:

The requested zoning change is consistent with both the CAMA and Comprehensive Future Land Use Maps that reflect allowing higher density residential development in targeted areas of the County.

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."

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

Motion to Approve UDO 2020-01-16 Rezoning Request 1 Acre WL to SR at 146 Belcross Road

Motion is to approve rezoning approximately 1 acre from Working Lands (WL) to Suburban Residential (SR) on property located at 146 Belcross Road in Courthouse Township.

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

INFO FROM BOARD AND STAFF

The following information was provided to the Planning Board:

- 2020 Planning Board Meeting Schedule
- There will be likely be meetings in both March and April, pending some approvals from other agencies.

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FURTHER DISCUSSION

After the presentation of information for board and staff, Clarann Mansfield asked when the rezoning would go before the Board of Commissioners. Mr. Porter responded that it would go on the march BOC agenda for setting the date of public hearing, and that the public hearing date would be set for April and that a possible vote would take place in April as well.

CONSIDER DATE OF NEXT MEETING - MARCH 18, 2020

ADJOURN

Motion to Adjourn

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

The meeting adjourned at 7:18 PM.

*Chairman Calvin Leary
Camden County Planning Board*

ATTEST:

*Amy Barnett, Clerk
Camden County Planning Department*