

## **STAFF REPORT**

### **UDO 2015-03-11 Zoning Map Amendment**

#### **PROJECT INFORMATION**

**File Reference:** UDO 2015-03-11  
**Project Name;** N/A  
**PIN:** 01-7090-00-07-6888  
01-7090-00-17-0117  
**Applicant:** Harbinger Land &  
Timber, LLC &  
Assorted  
Development Corp –  
Gary Dunston  
**Address:** P.O. Box 4  
Harbinger NC 27941  
**Phone:** (252) 202-1100  
**Email:**

**Agent for Applicant:**  
**Address:**  
**Phone:**  
**Email:**

**Current Owner of Record:** Same as applicant

**Meeting Dates:**

4/15/2015      **Planning Board**  
                    **Board of Commissioners**

**Application Received:** 3/18/15  
**By:** David Parks, Permit Officer.

**Application Fee paid:** \$950 Check #2027

**Completeness of Application:** Application is generally complete

**Documents received upon filing of application or otherwise included:**

- A.** Rezoning Application
- B.** Deed
- C.** GIS Aerial, existing zoning, Comprehensive Plan future land use and CAMA Land Use Plan Suitability Maps
- D.** Conceptual Development Plans
- E.** Perc Tests (4) from Albemarle Regional Health Services

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#### **PROJECT LOCATION:**

**Street Address:** Property fronted by Sandy Lane, Keeter Barn and Sharon Church Roads  
**Location Description:** South Mills Township

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**REQUEST:** Rezoning of the approximately 41 (Farmland only)

**From:** Basic Residential (R3-2)

**To:** Basic Residential (R3-1)

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-2 district requires a minimum of two acres per lot.

The R3 Districts are designed to provide for low density residential development in areas that are adjacent to those areas primarily devoted to agriculture. Subdivision in the R3-1 district requires a minimum of one acre per lot.

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#### **SITE DATA**

**Lot size:** Approximately 54 acres both lots. Request is for the 41 acres of farm land Only.

**Flood Zone:** Zone X (Located outside the 100 & 500 year flood)

**Zoning District(s):** Basic Residential (R3-2)

**Existing Land Uses:** Agriculture (except area where Septic Tank is located)

#### **Adjacent Zoning & Uses:**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Zoning</b>	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)	Basic Residential (R3-2)
<b>Use &amp; size</b>	Farmland	Woodland	Woodland/Farmland	Approved 18 lot subdivision (Joyce Landing)

#### **Proposed Use(s):**

Uses are the same the only change is in the density from two acres to one acre.

#### **Description of property:**

Property abuts Sandy Lane, Keeter Barn and Sharon Church Roads in South Mills Township. Property surrounded by farmland and woodland.

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#### **ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** Mill Run Ditch.

**Distance & description of nearest outfall:** Mill Run Ditch is located to the east of the wooded portion of the property which is not included in this rezoning and will probably be utilized as the outfall.

## **INFRASTRUCTURE & COMMUNITY FACILITIES**

<b>Water</b>	Water line located adjacent to property on Sharon Church and Keeter Barn Roads (6 Inch lines).
<b>Sewer</b>	Four Perc tests completed on lots 1, 9, 19 and 26 from the conceptual design (attached) and reflect shallow placement to fill area with 18" of sand indicate some septic systems can be placed shallow
<b>Fire District</b>	South Mills Fire District. Station located approximately 2 miles from property and hydrant located approximately 1600 feet from property.
<b>Schools</b>	Increasing density of development through rezoning will increase projected number of students generated from future development.
<b>Traffic</b>	Increasing density will increase traffic generation, however traffic is not anticipated to exceed road capacities.

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## **PLANS CONSISTENCY**

### **CAMA Land Use Plan Policies & Objectives:**

**Consistent** ☒

**Inconsistent** ☒

The proposed zoning change is inconsistent with the CAMA Land Use Plan which was adopted by the Camden County Board of Commissioners on April 4, 2005 in that is located outside the Core Area of South Mills. However, future land use maps reflect Low-Density Residential which allows for density of 1 to 2 acres or greater.

## **PLANS CONSISTENCY – cont.**

### **2035 Comprehensive Plan**

**Consistent** ☒

**Inconsistent** ☐

Consistent with Comprehensive Plan Future Land Use Maps in that area is identified as Rural Residential with maximum density of 1 acre lots.

## **PLANS CONSISTENCY – cont.**

### **Comprehensive Transportation Plan**

**Consistent** ☒

**Inconsistent** ☐

Property abuts Sandy Lane (SR 1227) (unpaved), Keeter Barn (SR 1226) and Sharon Church (SR 1231) Roads

Consistent ☐

Inconsistent ☐

**Other Plans officially adopted by the Board of Commissioners**

N/A

**FINDINGS REGARDING ADDITIONAL REQUIREMENTS:**

Yes ☒ No ☐

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

**Reasoning:** The proposed zoning change will enhance the public health, safety, or welfare as it will provide needed residential density in an area identified by the Comprehensive Plan to encourage commercial development.

Yes ☒ No ☐

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

**Reasoning:** The permitted uses will not change as the request is for a higher density in the existing district of Basic Residential (R3).

**For proposals to re-zone to non-residential districts along major arterial roads:**

Yes ☐ No ☐

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

**Reasoning:**

Yes ☐ No ☐

**What extraordinary showing of public need or demand is met by this application? N/A**

**Reasoning:**

Yes ☐ No ☒

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

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

Yes ☐ No ☒

**Does the request impact any CAMA Areas of Environmental Concern?**

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

Yes ☒ No ☐

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

**Reasoning:** The attached graph indicates the percentage and amount of land in the R3-1 zone.

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

Yes ☐ No ☒

**Reasoning:** Uses are the same, request is for higher density from 2 acres to one acre.

Yes ☐ No ☒

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

**Schools** – The higher density would have an impact on the schools once developed as the high school has exceeded its capacity.

**Fire and Rescue** – Minimal impact.

**Law Enforcement** – Minimal impact.

**Parks & Recreation** – Minimal impact

**Traffic Circulation or Parking** – N/A

**Other County Facilities** – No.

Yes ☐ No ☒

**Is This A Small Scale “Spot” Rezoning Request Requiring Evaluation Of Community Benefits?**

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

	Personal Benefits/Impact	Community Benefits/Impact
With rezoning		
Without rezoning		

**STAFF COMMENTARY:**

The requested rezoning will increase the potential number of lots from approximately 20 to 40.

It is important to note that this request is accompanied by conceptual plans proposing an Open Space subdivision including the set-aside of 50% undeveloped open space including 10 acres across Sharon Church Road which is not part of this request. Although this is the development expected to occur, the rezoning to 1 acre minimum lot size cannot guarantee design and development of the open space subdivision proposal.

**STAFF RECOMMENDATION:** Staff recommends approval of the rezoning as it is consistent with both the CAMA Land Use Plan and Comprehensive Plan as it allows for maximum densities up to one acre.

**PLANNING BOARD RECOMMENDATION:**