

# CAMDEN COUNTY PLANNING BOARD

Regular Meeting – March 15, 2017

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## Camden County Planning Board

Regular Meeting

March 15, 2017 7:00 PM

Historic Courtroom, Courthouse Complex

Camden, North Carolina

### MINUTES

*The regular meeting of the Camden County Planning Board was held on March 15, 2017 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
Patricia Delano	Vice Chairman	Present	6:50 PM
Michael Etheridge	Board Member	Absent	
Rick McCall	Board Member	Absent	
Ray Albertson	Board Member	Present	6:50 PM
Steven Bradshaw	Board Member	Present	6:50 PM

Staff Present:

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	6:50 PM

Others Present

Attendee Name	Company/Title	Purpose	Meeting Section
Nick Rackley	E.T. Hyman Surveying	Speaking on behalf of Estate of Robert L. Whaley Jr. Regarding rezoning of 210 & 222 NC Hwy 343 South	New Business Item A
Jason Mizelle	Eastern Carolina Engineering PC	Speaking on behalf of Adam Maurice of A&B Building Inc.	New Business Item B
Adam Maurice	A&B Building Inc.	Applicant, Sketch Plan for The Fairfax, Major Subdivision	New Business Item B
Randy Krainiak	Adjacent Property Owner	Voice Concerns	New Business Item B
Thomas Harrison	Adjacent Property Owner	Voice Concerns	New Business Item B

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**CONSIDERATION OF AGENDA**

**Motion to Approve Agenda: As Presented**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Patricia Delano, Vice Chairman
<b>SECONDER:</b>	Ray Albertson, Board Member
<b>AYES:</b>	Leary, Harris, Delano, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge, McCall

**CONSIDERATION OF MINUTES**

With Clerks apology, will be considered at next regularly scheduled meeting.

**PUBLIC COMMENTS**

NONE

**OLD BUSINESS**

NONE

**NEW BUSINESS**

***Item A. UDO 2017-02-16 Rezoning 210 and 222 South 343***

Dave Parks read through the Staff Report, incorporated herein below:

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**STAFF REPORT  
UDO 2017-02-16  
Zoning Map Amendment**

**PROJECT INFORMATION**

**File Reference:** UDO 2017-02-16  
**Project Name:** N/A  
**PIN:** 02-8934-02-68-8036  
02-8934-02-78-5266  
**Applicant:** Estate of Robert L. Whaley, Jr.  
**Address:** 3 Duchess Court, Baltimore, MD, 21237  
**Phone:** (443) 559-6604  
  
**Agent for Applicant:** E.T. Hyman Surveying  
**Address:** 133 US Hwy 158 West, Camden, NC, 27921  
**Phone:** (252) 338-2913  
  
**Application Received:** 2-15-2017 By David Parks, Permit Officer  
**Application Fee Paid:** \$650.00, Check # 5765  
**Completeness of Application:** Application is generally complete

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

- A. Rezoning Application
- B. Aerial of portion of property requested to be rezoned
- C. Email authorizing Eddie Hyman to act as agent
- D. Deed
- E. GIS Aerial, existing zoning, Comprehensive Plan Future Land Use and CAMA Land Use Plan Suitability Maps
- F. Offer to purchase contract

**Meeting Dates:** Planning Board: 3-15-2017

**PROJECT LOCATION:**

**Street Address:** Property located adjacent to 210 & 222 South Highway 343.  
**Location Description:** Courthouse Township

**REQUEST:**

Rezone from General Use District (GUD) to Basic Residential (R-3-1) 5 acres of land along Hwy 343 South for a two lot minor subdivision where existing homes are located. Owner has offer to purchase contract with adjacent owner to the south who desires to keep in farm use, but doesn't want the dwellings as part of the sale.

**From:** General Use District (GUD)

The GUD district is established to allow opportunities for very low density residential development and bona fide farms, along with agricultural and related agricultural uses (e.g. timber, horticulture, silviculture, and aquaculture.)

**To:** Basic Residential (R-3-1)

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 R-3-1 district requires a minimum of one acre per lot.

**SITE DATA**

**Lot Size:** Both lots contain approximately 80 acres  
**Flood Zone:** Zone X (Located outside the 100)  
**Zoning District(s):** General Use District (GUD)  
**Existing Land Uses:** Agriculture

**Adjacent Zoning & Uses:**

	North	South	East	West
<b>Zoning</b>	General Use District (GUD)	Basic Residential (R3-1)	Residential (R3-2) (R2)	Basic Residential (R3-2)
<b>Use &amp; Size</b>	Farmland	Predominantly Farmland with houses along 343	Farmland	Predominantly Farmland with houses along 343

**Proposed Use(s):** See attached Permitted Use Table comparison

**Description of Property:** Property abuts South Hwy 343 on the eastern side. There are currently 3 dwellings existing on both lots with the remainder in farm use.

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## ENVIRONMENTAL ASSESSMENT

**Streams, Creeks, Major Ditches:** None.

**Distance & description of nearest outfall:** Approximately 1 mile.

## INFRASTRUCTURE & COMMUNITY FACILITIES

**Water** Water line located adjacent to property on Highway 343.

**Sewer** Four Perc tests not required as dwellings exist on lots desiring to be subdivided

**Fire District** South Camden Fire District. Station located approximately 2 miles from property. Station located on Sawyers Creek Road.

**Schools** Impact already calculated with existing dwellings.

**Traffic** Traffic not exceed road capacities.

## PLANS CONSISTENCY

**CAMA Land Use Plan Policies & Objectives:** Both Consistent AND 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 it could be determined as spot zoning due to the amount of acreage requested. However, it will allow for the preservation of farmland which is part of the Community Vision in maintaining the County's rural and cultural heritage.

**2035 Comprehensive Plan** - Both Consistent AND Inconsistent

Consistent with Comprehensive Plan Future Land Use Maps as one parcel is identified as Rural Residential 1 acre lots and inconsistent as the other parcel is identified as Rural Preservation.

**Comprehensive Transportation Plan** - Consistent; Property abuts Highway 343 South.

**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?** No.

**Reasoning:** The proposed zoning change will not enhance the public health, safety, or welfare as the proposed change will allow the owner to cut out two lots with existing dwellings on them and keep the remainder as farmland. Has an offer to purchase contract for the farmland.

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

**Reasoning:** Due to the small amount of acreage requested to be rezoned, the permitted uses will not significantly change to say which one would be more appropriate.

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

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

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

**Will the request, as proposed, cause serious noise, odors, light, activity, or unusual disturbances?** No.

**Reasoning:** All uses allowed 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:** These are areas in the county (right outside the core villages) that are identified as appropriate for the requested zoning classification.

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**Is there other land in the county that would be more appropriate for the proposed uses?** No.

**Reasoning:** As stated above.

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

**Schools** - The higher density would have an impact on the schools, however in this instance the impacts have already been identified with the existing homes.

**Fire & Rescue** - No impact

**Law Enforcement** - No impact

**Parks & Recreation** - No impact

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

**Other County Facilities** - No

**Is this a small scale "Spot" rezoning request requiring evaluation of community benefits?** Yes

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

	<b>Personal Benefits/Impact</b>	<b>Community Benefits/Impact</b>
<b>With Rezoning</b>	Would allow owner to subdivide out two lots out of the farm as perspective buyer only want to purchase and maintain farmland.	Preservation of farmland.
<b>Without Rezoning</b>	No personal benefit. Sale of property impact.	No change.

**STAFF COMMENTARY:**

The property has a buyer for just the farmland. In order to subdivide the existing dwellings (3 dwellings, one to be demolished) existing zoning requires 5 acre minimums for each lot. In order to preserve as much farmland as possible owner only desires to rezone property along 343 (5 acres) to 1 acre lots which would allow to subdivide out the houses on one acre lots and preserve land that is already being farmed. Note that it will allow the possibility of further subdividing the remaining land along 343 into 3 additional lots.

**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 the preservation of farmland in keeping with the vision of the County to preserve its rural character and cultural heritage.

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At this time, Mr. Parks introduced Mr. Nick Rackley of ET Hyman Surveying, agent for the applicant.

Nick Rackley, of ET Hyman Land Surveying, provided the following information:

- Representing Estate of Robert L. Whaley Jr., to apply for an expansion of an existing R-3-1 residential Zone by 5 acres to allow for 2 existing homes located on large farm tracts to be subdivided into 1 acre residential lots.
- Property is located approximately 1 mile south of the Camden County Courthouse on NC 343 South.
- Current zoning is General Use which requires 5 acre lots in order to subdivide.
- By rezoning from GUD to R-3-1, 8 acres of existing productive farmland can be preserved, and prevented from becoming part of a residential lot.
- Due to existing houses on the properties, there will be no changes to the public services needs for the properties.

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Steven Bradshaw asked what would happen to the remaining acres of land after the properties were subdivided, provided that the Board were to recommend approval.

Dave Parks stated that the remaining acreage could be subdivided as the allowable uses on the land allow.

Dan Porter asked Mr. Rackley for clarification that the applicant is not planning to subdivide anything other than the two 1 acre lots. Mr. Rackley stated that was correct.

Mr. Porter further added that the person who intends to purchase the remaining acreage could, after purchase, subdivide further but has stated an intent to farm the land.

At this time, Dave Parks continued reading the staff report (Mr. Parks had paused just before Infrastructure and Community Facilities section in order to allow Mr. Rackley to comment on the information which preceded that section). For text of the staff report, see above.

Staff recommends approval for the reasons stated in the staff report.

Dan Porter reminded the Board that a consistency statement was required in addition to the vote on the rezoning.

*Consistency Statement: Rezoning of 210 and 222 NC Hwy 343 South from GUD to R-3-1 is consistent with the CAMA Land Use Plan and the Comprehensive Plan as it allows for the preservation of farm land in keeping with the vision of the county to preserve its rural character and cultural heritage.*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Ray Albertson, Board Member
<b>SECONDER:</b>	Steven Bradshaw, Board Member
<b>AYES:</b>	Leary, Harris, Delano, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge, McCall

***Motion to Approve UDO 2017-02-16 Rezoning 210 and 222 South 343***

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Fletcher Harris, Board Member
<b>SECONDER:</b>	Steven Bradshaw, Board Member
<b>AYES:</b>	Leary, Harris, Delano, Albertson, Bradshaw
<b>ABSENT:</b>	Etheridge, McCall

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## ***Item B. UDO 2017-02-28 Sketch Plan - The Fairfax - Major Subdivision***

Dave Parks gave a brief introduction for this agenda item and provided the following information:

- A&B Building Incorporated, Adam Maurice, represented by Eastern Carolina Engineering PC, Jason Mizelle has applied for Sketch Plan Approval for a 16 lot Major Subdivision.
- Property is adjacent to 173 and 191 NC Hwy 343 South, Camden, NC

Mr. Parks introduced Mr. Jason Mizelle, who provided the following information:

- Property consists of 24.5 acres
- 16 lots
- Approximately 960 feet of road frontage
- Lots are between 1-2 acres each
- Soils on site have been evaluated and are very good
- Perc test done on 2 of the lots and they perc
- Lot 3 has some low areas as far as stormwater drainage is concerned. Plan is to work the land to create ways to divert the stormwater runoff away and to a swale or pond.
- Currently 2 water lines on the east side of 343. Public Works Director David Credle has said there is capacity to handle the 16 lots.
- Will have septic systems on each lot
- Drainage will be primarily via swales down property lines, down the side property lines, and rear lot lines, and roadside ditch, with water diverted to a wet pond.
- Street names will reflect the historical character of the area.
  - Subdivision is named after the plantation house where General Isaac Gregory grew up, Fairfax Hall. Subdivision is named "The Fairfax".

At this time, Dave Parks went over the Staff Report as incorporated herein below:

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Staff Report  
UDO 2017-02-28  
Sketch Plan - The Fairfax  
Major Subdivision

### **PROJECT INFORMATION**

**File Reference:** UDO 2017-02-28  
**Project Name:** The Fairfax  
**PIN:** 02-8934-02-57-3312-0000

**Applicant:** A&B Building, Inc., Adam Maurice  
**Address:** 141 Travis Blvd, Moyock, NC, 27958  
**Phone:** (757) 619-0746  
**Email:**

**Agent for Applicant:** Eastern Carolina Engineering, PC  
**Address:** 154 US Hwy 158 East, Camden, NC, 27921  
**Phone:** (252) 335-1888  
**Email:**

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**Current Owner of Record:** See Attached Deed

**Meeting Dates:**

3/7/2017 Neighborhood Meeting

3/15/2017 Planning Board

**Application Received:** 2/23/17

**By:** David Parks, Permit Officer

**Application Fee Paid:** \$2,400 check# 2640

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

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

A. Land Use Application

B. Sketch Plan

C. Deed

D. Perc Tests(2) from Albemarle Regional Health Services

E. Technical Review Comments

**PROJECT LOCATION:**

**Street Address:** Adjacent to 173 and 191 South Highway 343

**Location Description:** Courthouse Township

**SITE DATA**

**Lot size:** Approximately 25 acres

**Flood zone:** Zone X/AE

**Zoning District(s):** Mixed single family residential (R2)

**Adjacent property uses:** Predominantly agriculture with some residential

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

**Street/Subdivision name:** Gregory Lane Approved by (Central Communications)

**Open space:** Provided

**Landscaping:** Landscaping plan required at preliminary plat

**Buffering:** Per Article 151.232(N), a 50' landscaped vegetative buffer required along all property lines that abut non-residential uses

**Recreational land:** Not applicable

**ENVIRONMENTAL ASSESSMENT**

**Streams, Creeks, Major Ditches:** None

**Distance & description of nearest outfall:** 1 mile

**TECHNICAL REVIEW STAFF (SKETCH PLAN) COMMENTS**

1. **South Camden Water.** Approved as is.
2. **Albemarle Regional Health Department.** Perc test completed on 2 lots (10% of lots required to be perc tested).
3. **South Camden Fire Department.** No response.
4. **Pasquotank EMS.** No response.
5. **Sheriff's Office.** Approved as is.
6. **Postmaster Elizabeth City.** No response.
7. **Superintendent/Transportation Director of Schools.** Approved.
8. **Camden Soil & Water Conservationist.** No response.
9. **NCDOT.** No response.
10. **Mediacom.** No response.
11. **Central Communications 911.** Approved subdivision/street names.

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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:** Consistent; Comprehensive Plan Future Land Use Maps has land designated as Rural Residential 1 acre and property is located within the Courthouse Core Village.

**Comprehensive Transportation Plan:** Consistent; Property abuts highway 343 South.

## 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 7 students (.44 per household X 16 lots). High School over capacity: 2016/2017 capacity: 570; enrollment: 607.

**Fire and Rescue:** No.

**Law Enforcement:** No.

## STAFF'S RECOMMENDATION:

Staff recommends approval of sketch plan for the Fairfax with the following recommendations:

1. In accordance with schools input, ensure the cul-de-sac is designed for the turning radius of a 72 passenger bus.
  2. Wetland delineation.
- 

Dave Parks highlighted on the following from the Staff Report:

- Predominantly outside the 100 year flood zone
- Concept plan drawn for yield plan of approximately 100 lots with all requirements of the ordinances
- Environmental Assessment - there is a ditch located at the back right hand corner of the property that has recently been cleared
- Property is zoned R-2 which allows for Stick Built, Modular, and Manufactured Homes, so there is the possibility that if a lot were to be sold before a house was built upon it, that the new owner could put a manufactured home. As it is zoned R-2, the county can not enforce design standards and the zoning does allow for manufactured dwellings.

Dan Porter added that the Postmaster requires there to be community mailboxes.

Mr. Mizelle commented regarding the types of homes to be built stating that the developer plans to build all the dwellings, and won't be selling un-improved lots.

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Steve Bradshaw asked if the developer has any issues with rezoning to a zoning classification that would preclude the possibility of manufactured homes. Mr. Mizelle stated that rezoning would likely add approximately 6 months to the project, and reiterated that the developer intends to build all the homes and then to make it part of the restrictive covenants that only stick built be allowed.

At this time, Dave Parks opened the floor to public comment.

Randy Krainiak, Adjacent Property Owner, 172, 173 South 343, Camden, NC

Concerns included:

- Biggest concern is that anything could be put on that property.
- Size of homes, could be manufactured
- Does not want mobile homes in a development next to his property
- Wants nice houses - medium to large, not small houses
- Concerned about potential flooding from development impacting his property
- Concerned about size of lots
- Doesn't want a subdivision next to his house
- Close to the core of the county needs to be a classy development

Chairman Calvin Leary observed that the developer stated he was going to be the one doing the building on the dwellings for this development and that he had stated an intent for only stick built homes.

Mr. Mizelle addressed Mr. Krainiak's flood related concerns with the following:

- Will follow the county's drainage ordinance, and drainage plan will be drawn up to meet the 10 year storm event threshold while maintaining that water on site inside the development.
- North end of property will be reworked in such a way as to create ways to divert the water / storm runoff toward swales and a wet pond in order to maintain the water on site and alleviate drainage issues in the area.
- Mr. Adam Maurice, the developer, does not build cheap homes, he builds high end homes, so there won't be any mobile homes on the property.

Mr. Porter observed that the law doesn't allow the county to regulate the design, size, or cost of houses. Ms. Patricia Delano added that height of roof lines are also not regulated as they are considered part of design.

Mr. Adam Maurice, of A & B Building Inc., stated the following:

- Intends to make the neighborhood as nice as he can make it
- Is more of a custom home builder, doesn't build modular or mobile homes
- Size of homes built range from 1800 to 3500 square feet, heated
- Smallest house plan in inventory is 1800 square feet

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*Tommy Harrison, Adjacent Property Owner, 191 South 343, Camden, NC*

Concerns included:

- Afraid that development will impact the current view of natural features of the area (wildlife, etc.)
- Does not want to see subdivision from his property
- Concerned that his privacy and the value of his house will be impacted by the presence of a subdivision adjacent to his property

Mr. Harrison spoke of an agreement with the developer to purchase a piece of the property in an effort to maintain his privacy. Staff stated that agreement is solely between the developer and Mr. Harrison and is not part of these proceedings. Mr. Parks suggested that when the developer submits his application for Preliminary Plat, that Mr. Harrison have an appraisal of his property and submit such as evidence during the quasi judicial hearing that will take place at that time.

Chairman Calvin Leary reiterated what staff stated, that the Planning Board has no part in the agreement that is by and between the developer and Mr. Harrison.

Mr. Harrison stated that he simply wants a buffer to protect his property (privacy, etc.). He doesn't want to stop the development, he just doesn't want to have to look at it from his back doorstep.

Mr. Mizelle addressed Mr. Harrison's concern regarding the sale of the property referenced above. Mr. Mizelle stated that his understanding was that upon approval of the sketch plan, that deal would take place.

Chairman Calvin Leary reiterated that the sale of the property reference above is by and between Mr. Harrison and the developer, and that the county is not a part of it therefore it is not part of these proceedings or the deliberations of the Planning Board in their decision regarding the sketch plan for the development.

At this time, Chairman Calvin Leary asked if there were any further public comments or comments / questions from the Planning Board.

Steve Bradshaw asked if all the buildings are going to be stick built, why not rezone the property to R-3 before doing the sketch plan. Dave Parks replied saying that the type of homes allowed on the property would be addressed in the Home Owners Association documents when they are recorded at the Register of Deeds or at Preliminary Plat. R-3 requires minimum lot sizes of 1 acre, 43,560 square feet, and the plans on the sketch plan show lot sizes of approximately 40,000 square feet which are allowed in the R-2 zone. Any modifications would be addressed at Preliminary Plat.

Chairman Calvin Leary asked if there was any further discussion. Hearing none, he called for a motion.

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***Motion to Approve UDO 2017-02-28 Sketch Plan - The Fairfax - Major Subdivision***

**RESULT:** PASSED [UNANIMOUS]  
**MOVER:** Steven Bradshaw, Board Member  
**SECONDER:** Ray Albertson, Board Member  
**AYES:** Leary, Harris, Delano, Albertson, Bradshaw  
**ABSENT:** Etheridge, McCall

**INFORMATION FROM BOARD AND STAFF**

NONE

**CONSIDER DATE OF NEXT MEETING - APRIL 19, 2017**

**ADJOURN**

**Motion to Adjourn 3-15-17 Meeting**

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

Meeting adjourned at 7:46 PM.

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*Chairman Calvin Leary  
Camden County Planning Board*

*ATTEST:*

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*Amy Barnett  
Planning Clerk*