

Camden County Planning Board
Minutes
December 15, 2010, 7:00pm
Historic Courtroom
Camden County Courthouse Complex

Members Present:	Absent:
Chairman Rodney Needham	Ray Albertson
Vice Chairman Calvin Leary	
Fletcher Harris	
David Bundy	
Michael Etheridge	
John Aydlett	

Call to Order & Welcome:

Chairman Rodney Needham called to order the December 15, 2010 meeting at 7:00 PM.

Others Present at Meeting:

STAFF PRESENT

Name:	Title:
Dan Porter	Director of Planning
Dave Parks	Permit & Flood Officer
Amy Barnett	Planning Clerk/Clerk to the Board

OTHERS PRESENT

Name/Residence:	Title:	Purpose / Representing:	Meeting Section:
William Dufault	Community Plans Liaison Officer	Naval Facilities Engineering Command, Naval Support Activity, Northwest Annex	New Business Item #1

Consideration of Agenda:

Chairman Rodney Needham called for consideration of the agenda.

Motion to approve the agenda as presented made by: John Aydlett.

Motion Seconded by: Michael Etheridge.

The motion was approved with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye; none voting no; Member Ray Albertson absent; none not voting.

Consideration of the Minutes (10-20-2010):

Chairman Rodney Needham called for consideration of the October 20, 2010 minutes.

Motion to approve the October 20, 2010 minutes as written made by Vice-Chairman Calvin Leary.

Motion Seconded by: Fletcher Harris.

The motion was approved with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlott voting aye; none voting no; Member Ray Albertson absent; none not voting.

Comments from the Public on matters Other than Agenda Items:

None

Old Business:

None

New Business:

Item #1, Zoning Change Application, Camden ECO Business Park, (UDO 2010-10-04)

Dan Porter described this application:

- Property is 100 acres, north of spray fields
- McGill & Associates have been secured to do the planning for this park
- Requesting this property be rezoned to PUD
- May have industrial as well as business uses in the property that would be in both highway commercial and light industrial type zonings, would be multiple types of uses, PUD would give flexibility for multiple uses.
- Also provides flexibility once master plan is approved, all the future approvals are done administratively in the Planning Department office.
- PUD gives greater flexibility to process paperwork quicker than other zoning types
- PUD is conditional use zone, which is different than a traditional zone, conditional use zones can have conditions attached to it, which is different than traditional zones which do not have conditions attached to them.
 - Permitted uses, prohibited uses, for the park etc can be listed in the zoning ordinance for this.
- Plans show it being divided into several approximately 2 acre lots, once master plan is approved and filed, those lot lines would be established and if someone wanted to recombine lots to create larger lot sizes, they could do a re-combination survey, as long as they are not creating more lots
- PUD will require a set of restrictive covenants that is required by the Planned Unit Development Ordinance, is part of the master plan, not submitted to board tonight, Step #1 is the rezoning, Step #2 is the application for the master plan, the rest of the process is administrative approvals done in the Planning Office.
- Tonight is consideration of the Rezoning only, and setting the conditions under which it can be developed.

Findings of Facts

**UDO 2010-10-04
Zoning Change Application
Camden ECO Business Park**

1. **Name of Applicant:** Camden County
2. **Agent for Applicant:** Dan Porter, Planning Director
3. **Address of Applicant:** 117 North Highway 343, P. O. Box 190
Camden, NC 27921
4. **PIN:** 01-7071-00-69-8959
5. **File Reference:** UDO 2010-10-04
6. **Name(s) of Current Owner(s) of Record:** Camden County
7. **Street Address of Property:** Not addressed
8. **Location of Property:** Approximately 1/2 mile north of the intersection of McPherson Road and Highway 17.
9. **Flood Zone:** X
10. **Zoning District(s):** Highway Commercial (HC)
11. **Is a Zoning Change Required for the Proposed Use?** Yes, current zoning does not allow for high density commercial developments
12. **General Description of the Proposal:** Request rezone approximately 100 acres from Highway Commercial (HC) to Planned Unit Development (PUD).
13. **Date Application Received by County:** October 12, 2010
14. **Reference:** Article 151.298 of the Camden County Code
15. **Received by:** David Parks, Permit Officer
16. **Application fee paid:** N/A
17. **Completeness of Application:** Application is Complete.
18. **Documents received upon filing of application or otherwise included:**
 - A. Rezoning Application
 - B. Proposed conceptual subdivision plans
 - C. GIS Ariel Map of property to be rezoned
 - D. Adjacent property owner notice
19. **Soil Classifications:**
 - A. **Predominant:** Portsmouth (PtA) severe wetness, poor filter
 - B. **Other:** Udorthents (Ud)
20. **Adjacent Property Uses:**
 - A. **Predominant:** Agriculture
 - B. **Other:** Woodland
21. **Existing Land Uses:** Agriculture/Woodland
22. **Lot size:** approx 100 acres
23. **Utilities:**
 - A. **Does the applicant propose the use of public sewage systems?** Yes
 - B. **Does the applicant propose the use of public water systems?** Yes
 - C. **Distance from existing public water supply system:** Soon to be installed adjacent to property.
 - D. **Is the area within a five-year proposal for the provision of public water?** Yes
 - E. **Is the area within a five-year proposal for the provision of public sewage?** Yes
24. **Findings Regarding Additional Requirements:**
 - A. How will the proposed zoning change enhance the public health, safety or welfare? The proposed zoning change will enhance the public health, safety or welfare in providing jobs and commercial business.
 - B. Is the entire range of permitted uses in the requested classification more appropriate than the range of uses in the existing classification? The PUD is a Conditional Use District which provides only those uses proposed and approved by the applicant and Board of Commissioners and subject to restrictions and conditions imposed by the Board of Commissioners and included in a PUD Master Plan.
 - C. For proposals to re-zone to non-residential districts along major arterial roads:
 - (1) Is this an expansion of an adjacent zoning district of the same classification?
No.
 - (2) What extraordinary showing of public need or demand is met by this application? The need for commercial development which in turn will provide revenue and jobs.

D. Conformity with the Plans:

- (1) Land Use Plan - P.31 states that “Within the Community/Highway Corridor Study Areas, Camden County supports the concept of “Smart Growth”. The proposed Planned Unit Development will implement “Smart Growth Principles through green businesses and is located off U.S. Highway 17.”
- (2) Thoroughfare Plan - Main entrance into the development will be off U.S. 17 North.
- (3) Other Plans officially adopted by the Board of Commissioners - N/A

E. Will not exceed the county’s ability to provide public facilities:

- (1) Schools - N/A.
- (2) Fire and Rescue - Will have an impact on Fire and Rescue. New Fire Station is in the Permitting stage to be built.
- (3) Law Enforcement - Will have an impact on law enforcement.
- (4) Parks & Recreation - N/A
- (5) Other County Facilities - South Mills Water Association and South Camden Water & Sewer District will need to address the water issues at Master Plan.

Staff recommends approval with the following conditions as the proposed rezoning is in compliance with the CAMA Land Use Plan:

A. Amend plans as follows:

- Change title to ECO Industrial Park (all pages)
- On Vicinity Map change Sharon Church Road to McPherson Road
- Under General Notes and Site Data:
 - #6 Setbacks - Delete last sentence
 - #14 delete PER and change Firm Panel to 37217060J
- Page 2 under typical lot layouts, include 50’ Front Building Setbacks
- Zoning: Middle of page 2 should read HC vice GUD and Whitehurst property change zoned to read R3-2 and delete Residential 3-2
- Title Block for pages 2 and 3 delete the word proposed

B. Applicant shall provide agreement with South Mills Water District (to include South Camden Water & Sewer District if necessary) for the provision of water prior to submission of Master Plan.

C. Applicant shall provide written approval from NCDOT of curb cut off Highway 17 access to property

D. The only uses allowed within the Camden Eco Industrial Park shall be as follows:

- Businesses that have achieved the Green America Business Seal of Approval by Green America
- Manufacturing, production or assembly of end products or components that increase the use of renewable energy resources, improve air quality, improve water quality, or lead to a decrease in negative environmental impacts.
- Manufacturing, production or assembly of end products or components that utilize recycled materials as resources for reuse.
- University related and private research and development of products, processes, technologies, and services that solve rather than cause environmental problems.
- Professional services related to promoting sustainable environmental practices.
- Production of products supporting aerospace & pharmaceutical efforts of region.
- Traditional commercial and governmental office uses that promote environmental excellence in building materials, processes, health & safety, and working environment.
- Manufacturing, production or assembly of end products or components that promote environmental excellence in building materials, processes, health & safety, and working environment.
- Eco tourism related eateries, lodging, and retail uses.
- Limited retail and recreational uses providing goods and services to occupants and employees of the Eco Industrial Park.
- Public outdoor educational / recreational uses of the property’s environmental amenities.

- E. The following uses are specifically prohibited:
- Businesses that create negative environmental impacts and do not attempt to integrate environmental best practices into their buildings or business model.
 - Nuclear power plant.
 - Dirty recycling.
 - Adult entertainment establishments.
 - Large multi business big box retail establishments.
 - Drive through fast food restaurants
 - Businesses that utilize or produce toxic or hazardous materials.
 - Junk and salvage yards.
 - Personal self storage not related to business activities conducted within the Eco Industrial Park.
 - Businesses that create excessive air, noise, or other environmental pollution.
 - Personal services.
- F. Setbacks shall be as follows:
- Front Vehicular: 25'
Front Building: 50'
Rear: 50'
Side: 25'
Rear setback along Hwy 17: 50'
Along existing or constructed wetlands: 30' (To be dedicated easements to POA for maintenance)
- G. All roads shall be dedicated and maintained by NCDOT.
- H. Master Plan shall include a set of restrictive covenants including establishment of a property owners association, which shall be responsible for maintenance of all common open spaces and drainage easements and improvements.
- I. There shall be a 10' wide easement for greenway for all property that runs the perimeter of the pond.
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John Aydlett asked if the master plan would contain things like design standards. Dan Porter responded that it would be pretty specific regarding where things like the roads and so forth would be. Restrictive covenants, setbacks, NCDOT Accesses etc, and additional things will be in the master plan. All other relevant regulations of the UDO must also be complied with.

Calvin Leary asked why the requested rezoning was for a PUD.

Dan Porter responded as follows and provided the following additional information:

- Trying to make the park as flexible as possible regarding what types of businesses can locate there within the boundaries of the conditions set forth in the PUD ordinance.
- Want to see businesses produce 'green' products or services, or if they don't, then want to see their buildings built of 'green' building materials. Want to see businesses contributing to the sustainability of the environment.
- Had considered only allowing 'LEED Certified' businesses to locate in the park. Mentioned that would be decided on a case by case basis.
- Businesses have to submit an application to Economic Development Committee in order to try to locate in the park. The EDC will then review the application and make a recommendation to the Board of Commissioners regarding selling of property in the park.

Dave Parks added that if a business meets certain 'LEED Certifications', there are incentives for them to locate in the park. If businesses do certain things to achieve a 'LEED Certification', then certain elements of the restrictive covenants can be relaxed just a bit for them... for example the stormwater permit, the restrictive covenants say 50% impervious surfaces throughout the entire park, but if a business does certain things to achieve their 'LEED Certification', they would be able to do 40% impervious surfaces on their lot, which means they can utilize 60% of the land on their lot instead of 50% as per the restrictive covenants.

Rodney Needham asked about the 40% impervious surfaces incentive for LEED Certified businesses. Dan Porter replied that the business has to be employing 'Best Management Practices' in an effort to stay 'green'. They have to be producing a product or service that contributes to the sustainability of the environment. Mr. Porter added that water quality also plays a part.

Mr. Porter added that businesses would only be allowed to cover 40% of their property in the park unless they go over and above in achieving their 'LEED Certification' regarding 'Best Management Practices' and 'green' operations.

At this time, Dave Parks introduced Mr. William Dufault, Community Plans Liaison Officer, of the Naval Facilities Engineering Command, Naval Support Activity, Northwest Annex.

Mr. Dufault spoke regarding the Navy's radar antenna located within the Northwest Annex. He said that the radar antennas are very sensitive to electro-magnetic interference / radio frequency interference / noise interference. He requested that welding shops and wind turbines be restricted or eliminated from the allowed uses in the Eco Industrial Park as those types of uses can interfere with the Northwest Annex's radar antennas.

Dave Parks asked if this applied to businesses that weld but not on a continual basis.

John Aydlett asked if there was any way that a business could construct their building in such a way as to prevent the interference. Mr. Dufault responded that according to the analysts there are ways to mitigate the interference. He went on to say that it would be a case by case basis to determine the specific solution to prevent the interference. Calvin Leary asked Mr. Dufault, just to clarify, that if such a business were to want to locate to the park, that Camden should notify the Northwest Annex and analysts would determine what needed to be done to prevent the interference to the radar antennas. Mr. Dufault responded that might work.

Dan Porter asked Mr. Dufault if a body shop would cause interference. Mr. Dufault responded that he believes it would. He went on to say that the antennas can 'see' what is called a 'noise floor' and that anything within a 5 mile distance will affect the Northwest Annex. He added that 8-10 hours of manufacturing/industry will build up the noise floor to the extent that the antenna might have trouble seeing over the horizon.

Mr. Porter observed that this could pose a considerable limitation on industrial development in that area. Mr. Porter then asked about wind turbines for the Hales Lake area and if it would be a problem.

Mr. Dufault responded that wind turbines are an emerging technology and that it is a good question on how it can affect this particular radar. He went on to say that he believes a wind farm in Hales Lake would affect the Northwest Annex due to the height and scale of the project.

Dave Parks questioned Mr. Dufault's statement regarding Hales Lake wind farm, saying that Hales Lake is outside the 5 mile radius of the radar. Mr. Dufault responded that due to the height, 150 feet high or greater, would have an impact on the ROTHRA Antenna.

Dave Parks then asked regarding the welding shop issue, and the possibility of mitigation by analysts to reduce the impacts to the antenna. Mr. Dufault responded that it is depending on the nature of the electro-magnetic interference and radio frequency interference that is created by the welding operation. Mr. Parks commented that if a welding shop were built such that the noise were reflected inward to keep noise from escaping, would that have an impact on the radar? Would that type of building mitigate the impact to the radar?

Mr. Dufault mentioned that the Northwest Annex is willing to work with Camden County on a case by case basis. He went on to say that the radar antenna needs to be able to track the noise signatures of airplanes and so forth, and the noise signatures from things like arc welding, electrical substations with problems, mining operations using older equipment with timing problems, etc add to the noise floor making it difficult to detect and track airplanes at times.

Rodney Needham commented that if welding is eliminated from the permissible uses, then it might have a detrimental effect on the ability of the county to attract businesses to the park.

Rodney Needham asked if identifiable noise signatures could be filtered out. Mr. Dufault responded that they cannot be filtered, that the noise has a cumulative effect on the noise floor.

John Aydlott commented that welding is a large part of industry and doesn't see how it can be eliminated from the park.

Dave Parks commented that something could be placed in the covenants whereby the Northwest Annex is consulted on a case by case basis regarding any business that utilizes welding or wind turbine generators.

Calvin Leary commented that another thing that could be done is for the analysts to provide instructions on how to construct in a manner so as to prevent the noise.

Rodney Needham commented that the Planning Board needed to let the Board of Commissioners know about things that may come up with regards to the Eco Industrial Park, such as the Northwest Annex radar situation.

Dave Parks again suggested an addition to the restrictive covenants whereby the Northwest Annex is consulted on a case by case basis regarding any business that utilizes welding or wind turbine generators so that their analysts can assist in mitigating any effects such a business may have on the radar antenna.

At this time Vice Chairman Calvin Leary made a motion to accept staff's recommendations for approval of the rezoning of the Camden Eco Industrial Park from Highway Commercial (HC) to Planned Unit Development (PUD), with the added recommendation regarding an additional restrictive covenant whereby the Northwest Annex would be consulted on a case by case basis for any business located in the park which utilizes arc welding or wind turbine generators, so that analysts can assist in mitigating the effects these have on the Naval radar antenna. The motion was seconded by John Aydlott. The motion was approved with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlott voting aye; none voting no; Member Ray Albertson absent; none not voting.

Information from Board and Staff:

- A. 2011 Planning Board Schedule
- B. 2011 Board of Adjustment Schedule
- C. 2011 Board of Commissioners Schedule

Consider Date of Next Meeting – January 19, 2011

Adjournment

At 7:55 PM, Fletcher Harris made a motion to adjourn the meeting. John Aydlett seconded the motion. The motion was approved with Chairman Rodney Needham, Vice-Chairman Calvin Leary, Members Fletcher Harris, David Bundy, Michael Etheridge, and John Aydlett voting aye; none voting no; Member Ray Albertson absent; none not voting.

Date: _____

Approved: _____
Chairman Rodney Needham

Attested: _____
Amy Barnett, Planning Clerk