

Perquimans County Planning Board

MINUTES

Tuesday, February 9, 2021

The Perquimans County Planning Board held its regular monthly meeting on Tuesday, February 9, 2021 at 7:00 PM in the Community Meeting Room of the Perquimans County Library.

MEMBERS PRESENT: Antoine (A.J.) Moore, Chair [came in 10 minutes late due to fire call]
Lewis Smith, Vice Chair
Teresa Blanchard
A.O. Roberts

MEMBERS ABSENT: John Skinner

OTHERS PRESENT: Rhonda Money, Planner
Frank Heath, County Manager
Applicants and several interested citizens

Planning Board Vice Chair, Lewis Smith, called the meeting to order at 7:00 pm and opened with prayer by A.O. Roberts.

Agenda Item I, Approval of Agenda: Mr. Roberts made a motion, seconded by Ms. Blanchard, to approve the agenda as presented. The motion passed unanimously.

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Agenda Item II, Consent Agenda/Approval of Draft Minutes of Previous Planning Board Meetings: Attached draft of October 13, 2020 regular meeting minutes.

Ms. Blanchard made a motion, seconded by Mr. Roberts, to approve minutes of the regular meeting on October 13, 2020. The motion passed unanimously.

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Agenda Item III, Business Item A: Conditional Use Permit No. CUP-21-01, requested by Booth & Associates, LLC for a public utility substation on Burnt Mill Road, approximately 500 feet from its intersection with Snug Harbor Road. Subject property is Tax Parcel No. 2-0070-0056E and is zoned RA, rural agricultural. Planner Money showed a slide of the site on a large screen the whole room could see, then summarized by stating that it was a standard substation falling under zoning ordinance section 907. 25. The site plan meets the larger setbacks which are required on 3 sides. Vegetation will be surrounding the fence and fencing is allowed in the setback buffer. No on-site storage is anticipated. Ms. Laura Harris with Booth & Associates said the trees on the parcel were not going to be cut and handed Board members copies of the site plan that were larger than what was in their meeting packets. Kevin Heath then introduced himself as the Manager of Engineering with Albemarle Electric (AEMC) and gave some background information about the site. The only comment was from County Manager, Frank Heath, directed to Ms. Harris and Kevin Heath to make sure they give as-built drawings to the County at the end of construction.

Mr. Roberts made a motion, seconded by Ms. Blanchard, to find proposed conditional use permit No. CUP-21-01 to be consistent and in harmony with the existing development pattern around 795 Burnt Mill Road, Hertford, NC and to recommend to the Board of County Commissioners, approval of Conditional Use Permit No. CUP-21-01, for the

Albemarle Electric Membership Corporation public utility substation; zoned RA, Rural Agriculture District, also known as Tax Parcel Number 2-0070-0056E adopting Findings to support the motion. Motion passed unanimously.

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**** At this point Vice Chair Smith turned the meeting over to Chair Moore. ****

Agenda Item III, Business Item B: Conditional Use Permit No. CUP-21-02, requested by Pamela Askew to operate “Precious Little Angels Family Childcare Home”, a child daycare Home Occupation at 200 Cedarwood Blvd., a cul de sac approximately 300 feet from its intersection with Mulberry Lane in Cedarwood subdivision of the Woodville area. Subject property is Tax Parcel No. 4-D036-1009-CWI and is zoned RA-43, residential and agricultural. Planner Money explained how the case came to the Board by the applicant answering particular questions that the State of NC uses to determine if licensure is needed. Two zoning ordinance sections are relevant to this case; section 907.17 on daycares and 907.22 on home occupations. Based on the County ordinance, the proposed size of a play area in the backyard would limit the number of children able to be kept in the home to 8. Planner Money summarized one email and read a second email from Gary Martin, a Cedarwood homeowner, saying chain link fences are prohibited in Cedarwood Village and he wanted to be on record saying that he was concerned that since the location was very close to a lead drainage ditch, a child may wander off and get hurt. Mr. Roberts asked if septic tank system perc tests are relevant in a situation like this. County Manager Heath responded that the County does not require any additional testing or system expansion in a situation like this; it falls on the homeowner to keep their system working properly. Planner Money added that the conditions in the proposed CUP were copied directly from the two relevant 907 sections of the zoning ordinance.

The applicant, Ms. Askew, then read her letter to the Board members expressing why she would like to be a licensed childcare provider as she has been in the past in other locations. After being questioned by the County Manager, Ms. Askew answered that she had previously been licensed to keep up to 12 children. She also stated that she was open to the idea of meeting fencing requirements of the neighborhood.

Mr. Roberts made a motion, seconded by Mr. Smith, to find proposed Conditional Use Permit No. CUP-21-02 to be consistent and in harmony with the existing development pattern around 200 Cedarwood Blvd., Hertford, NC.

Mr. Smith made a motion, seconded by Mr. Roberts to recommend to the Board of County Commissioners, approval of Conditional Use Permit No. CUP-21-02, for a child daycare Home Occupation; zoned RA-43, Residential & Agricultural District, also known as tax parcel number 4-D036-1009-CWI conditioned upon adding that the outside play-area fencing must meet the criteria of Cedarwood Village covenants, adopting Findings, to support the motion. Motion passed unanimously.

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Agenda Item III, Business Item C: Rezoning Request No. (PUD) REZ-20-01, requested by Albemarle Plantation Holdings II, LLC to rezone approximately 54.5 acres from RA-15, residential and agricultural to [PUD(CUD)] Planned Unit Development Conditional Use District. Subject property encompasses Tax Parcel Nos. 2-0082-0006 and 2-0082-0027A which is southeast of Mathews Road, southwest of Holiday Lane, and north and east of Pasquotank Blvd. Subject property is also known as the Cole Tract. Planner Money gave a little background information on the Cole Tract name and what happened in 2006 and 2011 when it was rezoned for a proposed 87 lot neighborhood to be called Waterleaf. It is now being called phase 3 of Albemarle Plantation. Roads are planned to be looped with no dead ends. Albemarle Utility Company professes to be able to handle any additional volume of wastewater that may be produced. The County will be involved with potable water supplies. Planner Money read, “As stated in the rezoning of Phase 2, current water capacity was available for only 320 lots in Phase 2 over the next four years; this accounted for new water customers in other areas that would normally occur in a four year period. Water service to more than 320 lots will require changes to our current water system. Phase 3 of the proposed Cole Tract PUD will subtract 95 units of water

capacity from the 320 previously noted.” Stormwater control includes a series of ponds. Technical Review Committee comments were read. County Soil and Water Conservation comments agreed with Bissell Professional Group’s drainage calculations. Comprehensive Land Use Plan consistency was summarized. Planner Money went over color designations on a Master Plan slide that the audience and Board members could see. The term reverse frontage was explained. Planner Money said that a neighboring resident visited the Planning office and complained of high water levels from run-off.

Bobby Masters, with Albemarle Plantations II, the developer, introduced himself. He said Albemarle Plantation is still primarily a retirement destination and for this last undeveloped section they wanted to do something a little different. He walked over to the slide of the Master Plan and pointed out the overall idea behind the layout of each section. This plan is designed for the current marketplace. They made almost twice as many sales at Albemarle Plantation this past year as they did the year before. He introduced Dave Klebitz, from Bissell Engineering, as an information resource. They are aiming for a market between \$350,000 and \$550,00 for a dwelling unit.

Mr. Smith asked if the houses would be speculative/pre-built housing. Mr. Masters responded that the developer also has a building company which is currently working in Bay Creek. That company will be coming to Perquimans County and will build the homes themselves. They will start with spec houses as models but after that hopefully the houses will be selling before construction. Mr. Roberts asked if the houses will have slab foundations. Mr. Masters replied that they will have raised-slab foundations where the slab is raised for the appearance of a crawlspace foundation. He also reminded Board members that stormwater is permitted through the State of NC and they do have proper permits for the work currently underway. The runoff after all the homes are built is supposed to show no increase than what it shows now as a vacant piece of land. Using a slide, Dave Klebitz, the engineer from Bissell Engineering, explained the basic drainage plan and pond system proposed. Phase 3 is designed to have curb and gutter in conjunction with water retention ponds to control water runoff. Three ponds are inter-connected and use gravity flow, not mechanical pumps. Board members Mr. Roberts and Mr. Smith asked several questions about the ponds relating to stagnation and open spaces in general. Walking trails are also proposed next to Woodside II. Planner Money pointed out that the Master Plan shows a 20 foot wide buffer but she recommends at least a 50 foot wide one. Mr. Klebitz said he did not know where the 20 foot number came from, but it is actually 100 feet of natural wooded buffer from the property boundary to the rear of the lot (pointing out lines on the slide) except for the southern area closest to the culvert where it decreases to 61 feet. Increasing the buffer to 50 feet is not a problem he said.

Board Chair Moore allowed audience members to question and comment to the developer and engineer regarding current stormwater drainage. Several audience members from multiple households of the Woodside II section were present and concerned about drainage.

Rod Mueller, lives in Woodside II section of Alb. Plantation, asked --- To what extent have you looked at the overall drain design considering the fact that it is ultimately putting some drainage into the canal that drains all of Woodside II? Mr. Klebitz answered that the model Bissell has prepared and generated already includes all the drainage from Woodside II. Mr. Mueller said Woodside already has problems with drainage and does not want any additional issues arising from additional housing and impermeable surfaces.

Robert Muir, lives in Woodside II, --- he said he has a little waterfall into that drainage ditch and the ditch is filled with debris

Carole Medford, lives in Woodside II, -- spoke about and showed a photo of water flooding into her backyard from the main drainage ditch in discussion

William Stevenson, in Alb. Plantation also -- questioned property lines and what the homeowner association owns. He also questioned why the developer is choosing to put duplexes in the proposed location versus somewhere else on the tract. Mr. Masters answered it was just the lay of the land.

Ms. Medford -- said the existing trees are probably 80 feet wide and when she bought her lot she never thought she would be entertaining a drainage ditch and then have the vegetation that's been there to help absorb some of it, be removed because a developer needs more property

Planner Money then read through each condition of the proposed Cole Tract phase 3 Conditional Use Permit stopping for a few comments throughout. County Manager Heath worked on stormwater language to be added as an eighth condition under the Drainage/Stormwater Improvements section.

Mr. Smith made a motion, seconded by Ms. Teresa Blanchard, to find proposed Rezoning No. (PUD) REZ-20-01(a) to be consistent and in harmony with the county comprehensive Land Use Plan existing development pattern because the proposed PUD area of map Exhibit IX-B, 'Projected Future Land Use Unincorporated Portions of Perquimans County', shows the parcels as 'Residential' and the CAMA Land Use Plan (LUP) Future Land Use Compatibility Matrix on page IX-35 allow a Planned Unit Development (PUD) to contain "any combination of uses, permitted and conditional" without requiring a minimum lot size. Motion was unanimously approved.

Mr. Smith made a motion, seconded by Mr. Roberts to recommend to the Board of County Commissioners approval of Rezoning Request (PUD)REZ-20-01(a), to rezone from RA-15, Residential & Agricultural to PUD(CUD), Planned Unit Development Conditional Use District, the +/- 54.5 acre property located at Tax Parcel numbers 2-0082-0006 and 2-0082-0027A, adopting Policy Guidelines from Zoning Ordinance section 1302 to support the motion. Motion was unanimously approved.

Mr. Roberts made a motion, seconded by Ms. Blanchard, to recommend to the Board of County Commissioners approval of Conditional Use Permit No. (PUD)REZ-20-01(b), requested by Albemarle Plantation Holdings II, LLC for a Planned Unit Development Conditional Use, on +/- 54.5 acres located at Tax Parcel numbers 2-0082-0006 and 2-0082-0027A conditioned upon adding Stormwater condition #8 requiring the applicant to consult with Albemarle Plantation Property Owner's Association to ensure the drainage ditches are maintained for neighboring residents and adopting Findings of County Zoning Ordinance Article 15:PUDs to support the motion. Motion was unanimously approved.

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Agenda Item III, Business Item D: Consideration of Preliminary Plat for a 95 lot major subdivision as part of a proposed 54.4 acre PUD on the Cole Tract. Planner Money pointed out that the Planning Board could require an environmental impact statement if they chose but since the area in question is the same type of use of the neighboring areas then the applicant and staff did not see a need to submit one. Some requirements in the CUP that used to be required prior to preliminary plat have been edited to put the requirement before final plat. Mr. Smith asked a question about wetlands and floodzones and how they would be handled. Dave Klebitz responded.

Mr. Roberts made a motion, seconded by Mr. Smith, to recommend to the BCC approval of Albemarle Plantation Cole Tract Preliminary Plat. Motion was unanimously approved.

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Agenda Item IV, Other Items A: Status Report on Previous Board Recommendations:

Abbreviated Subdivision Variance Request No. NZV-20-02, requested by Marie Ferrell to subdivide 2.9 acres at 1190 Chapanoke Road. Planner Money informed the Board that the case was approved at the November 2, 2020 County Commissioner meeting and the proposed structures were currently in place, but not hooked up yet.

