

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD TUESDAY, JANUARY 16, 2018 AT 7:00 P.M.
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR
FREDERICK B. COOPER COMMISSIONERS ROOM**

MEMBERS PRESENT

Leonard Breedlove, Chairman
Moses Brown
Harold Colston
Sandra Edwards
Barbara Pulley
Chris Sandifer
Kevin Smith

MEMBERS ABSENT

Jeffrey Tobias, Vice-Chairman
DeLeon Parker, Jr.

STAFF PRESENT

Nancy Nixon, Planning Director
Adam Tyson, Senior Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Danny Boone
Michael Boone
Barbara Finch
Larry Finch

1. Call to Order.

Chairman Breedlove called the meeting to order at 7:00 p.m.

2. Determination of a Quorum.

Chairman Breedlove recognized a quorum.

3. Approval of the Minutes of the November 20, 2017 Regular Meeting.

The minutes of the November 20, 2017 regular meeting were mailed to the members of the Board for review. Chairman Breedlove asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Smith to approve the minutes of the November 20, 2017 regular meeting as submitted. The motion was unanimously carried.

4. General Rezoning Request Z-180101 Made by the Property Owners; Larry Finch, Barbara G. Finch, Angela Finch Stallings, & Carolyn Finch Ellis; to Rezone an Approximately 0.72 Acre Portion of a Tract Located at 8114 Old Middlesex Road, Bailey, NC 27807 From R-40 (Single-Family Residential) to RC (Rural Commercial).

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson began by stating that in accordance with the requirements of the Nash County Unified Development Ordinance, a written notice of this public meeting was sent by first class mail on January 3, 2018 to the applicants, to the owners of the subject property, and to the owners of all surrounding properties any portion of which is located within 600 feet of the subject property.

Mr. Tyson then presented the staff report and supplemental materials related to General Rezoning Request Z-180101 as submitted to the Board in the January 16, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-180101 on December 28, 2017 and recommended approval based on its determination that the request is consistent with the Nash County Land Development Plan and not spot zoning for the reasons outlined in the staff report.

Mr. Tyson concluded the report by informing the Board that the applicants, Mr. Larry Finch and Mrs. Barbara Finch, were present at the meeting to represent the request. He also noted that the Planning Staff had received no response to the public notices of this request mailed prior to the meeting. He offered to take any questions from the Board regarding the request.

Mr. Sandifer asked whether the description of the area to be rezoned as a "portion of a tract" was sufficient.

Mr. Tyson answered that usually the rezoning of just a portion of a tract requires a more precise description of that portion with bearings and distances to be prepared by a land surveyor, however, in this particular case, Lot 3B has recently been defined by a land surveyor on a subdivision plat and the area under consideration for rezoning is the only portion of that lot not already zoned RC (Rural Commercial). Therefore, the description as provided should be sufficient.

Mr. Sandifer asked whether the original commercial rezoning of the property included a description.

Mr. Tyson speculated that based on the time period of the original rezoning, the area was likely described in terms of the distance in feet from the intersection along the public road rights-of-way.

There were no further questions.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Brown to recommend the following consistency statement related to General Rezoning Request Z-180101 for adoption by the Nash County Board of Commissioners:

“General Rezoning Request Z-180101 is reasonable and in the public interest because it is:

- (1) Consistent with the recommendations of the Nash County Land Development Plan for the establishment of rural commercial land uses in the Suburban Growth Area because:
 - (a) The subject site has frontage along and direct access to Old Middlesex Road (S.R. 1105), a state-maintained secondary road;
 - (b) The subject site is located near the intersection of Old Middlesex Road (S.R. 1105) and Camp Charles Road (S.R. 1100);
 - (c) The subject site is located directly adjacent to the commercially zoned metal shop structure at 8114 Old Middlesex Road and in close proximity to the commercially zoned structures currently utilized by American Scale Company, Inc. at 8098 Old Middlesex Road;
 - (d) While the subject site is located immediately adjacent to the existing residences at 8138 Old Middlesex Road to the west and 10518 Camp Charles Road to the east as well as to the currently vacant but residentially zoned Lot 3C to the north, the potential impact of any future commercial development should be mitigated by the screening requirements of UDO Article XI, Section 11-3; and
 - (e) The subject site has a history of prior commercial use from the mid-1990s through late 2016 in relation to Finch Construction Inc., a heavy construction and grading contractor that specialized in road, highway, and parking lot construction; AND
- (2) Not ‘spot zoning’ because it is an expansion of the already existing, approximately 1.5 acre RC (Rural Commercial) Zoning District located immediately adjacent to the subject site at the northwest corner of the intersection of Old Middlesex Road (S.R. 1105) and Camp Charles Road (S.R. 1100).”

The motion was unanimously carried.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Sandifer to recommend approval of General Rezoning Request Z-180101 to rezone an approximately 0.72 acre portion of a tract located at 8114 Old Middlesex Road, Bailey, NC 27807 from R-40 (Single-Family Residential) to RC (Rural Commercial). The motion was unanimously carried.

5. Minor Subdivision Final Plat - Property of Michael T. Boone Submitted by James G. Strickland Land Surveying, P.A. on Behalf of the Property Owners, Brenda B. Adkins & William D. Boone,

For the Proposed Subdivision of a 2.495 Acre Lot Around the Existing Residence Located at 4447 Adolphus T Boone Road, Elm City, NC 27822 in the RA-40 (Single-Family Residential) Zoning District.

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson began by explaining that although the Planning Board does not usually review Minor Subdivision Plats, in this case the Board's approval is required due to a technicality. He also reminded the Board that subdivisions do not require the mailing of public notices to the surrounding property owners.

Mr. Tyson then presented the staff report and supplemental materials related to the "Minor Subdivision Plat - Property of Michael T. Boone" as submitted to the Board in the January 16, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the "Minor Subdivision Plat - Property of Michael T. Boone" on January 2, 2018 and recommended approval based on its determination that the plat satisfies the subdivision requirements of the Nash County Unified Development Ordinance.

Mr. Tyson concluded the report by informing the Board that Mr. Michael Boone, the future owner of the proposed new lot, and Mr. William D. "Danny" Boone, the current owner of the subject tract, were present at the meeting to represent the request. He offered to take any questions from the Board regarding the request.

Mr. Sandifer asked about any applicable requirements or guidance regarding the width of the right-of-way.

Mr. Tyson answered that because the remainder tract is greater than 10 acres in size, it is exempt from the standard road frontage requirements of the ordinance. He explained that the remainder tract could potentially have no road frontage at all and it could still be eligible for the issuance of a building permit for one single-family dwelling as long as there was an easement with a minimum width of 18 feet established to provide access to the property from the state-maintained public road. In this case, because the remainder tract is larger than 20 acres in size, it could potentially be split into two lots greater than 10 acres in size and each lot could become a residential building site with the establishment of an access easement.

Mr. Sandifer then clarified that his question was regarding the narrow strip of land connecting the main portion of the proposed new lot to its road frontage.

Mr. Tyson answered that the ordinance does not include any requirements or guidance as to the width of that connecting strip, however, the Planning Staff usually recommends that the strip not be less than the width of a standard size vehicle. He added that, in this particular case, the proposed new lot would most likely be accessed by the shared driveway and existing 20 foot wide easement established across the lot in front of it at 4485 Adolphus T Boone Rd.

There were no further questions.

BOARD ACTION: Mr. Smith offered a motion which was duly seconded by Mr. Sandifer to approve the "Minor Subdivision Plat - Property of Michael T. Boone." The motion was unanimously carried.

6. Other Business.

Chairman Breedlove asked for any other business.

Mr. Tyson noted that the Planning Board's 2018 regular meeting schedule was included on the last page of the agenda document for this meeting. He also announced that the Nash County Board of Adjustment had voted to move up the meeting time for their regular meetings from 7:00 p.m. to 6:00 p.m.

Ms. Nixon reported that the subdivision waiver request made by Bruce & Patrice Baker in relation to a shared driveway access easement on S Old Carriage Road had been approved by the Board of Commissioners. She also informed the Board that Conditional Use Permit CU-170804 for the Sabattus Solar, LLC solar farm on the southeast corner of Mount Pleasant Road and Winters Road which was previously approved by the Board of Commissioners in October had been appealed to Superior Court with no court date scheduled at this time.

Mr. Tyson also reported that information from various state regulatory agencies had been received regarding Conditional Use Rezoning Request CU-170901 made by Steven E. Luper, Jr. for a landscape and horticultural service located off Old Mill Road which was previously recommended for approval by the Planning Board in September and that the request is scheduled to be presented to the Board of Commissioners in February.

7. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 7:31 p.m.