

**MINUTES OF THE
NASH COUNTY PLANNING BOARD REGULAR MEETING
HELD MONDAY, JUNE 20, 2022 AT 6:30 P.M.
FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Kevin Smith, Chairman
DeLeon Parker, Jr., Vice-Chairman
Jimmy Glover
Kimberly Moore
Barbara Pulley
Chris Sandifer

BOARD MEMBERS ABSENT

Philip Brannan
Moses Brown, Jr.
Ethan Vester

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Blair Alford
Iris Anderson
Richard M. Anderson
Anthony W. Brown
Brandon Burnette

Tiffany Burnette
Cindy Carter
Ned Coleman
Leigh Daughtridge
Tiffany Delano

James Evans
Jerry R. Huff
Oliver Dewey Pitts
Donald Rogers
Judy Rogers

1. Call to Order.

Chairman Smith called the meeting to order at 6:30 p.m.

2. Determination of a Quorum.

Chairman Smith recognized the presence of a quorum.

3. Approval of the Minutes of the May 16, 2022 Regular Meeting.

The minutes of the May 16, 2022 regular meeting were sent to each member of the Board for review. Chairman Smith asked for any revisions or corrections. None were offered.

BOARD ACTION: Ms. Pulley offered a motion, which was duly seconded by Mr. Parker, to approve the minutes of the May 16, 2022 regular meeting as submitted.

The motion was unanimously carried with Mr. Sandifer abstaining from the vote due to his absence from the May 16, 2022 regular meeting.

4. Review of Public Comment Policy.

Mr. Tyson reviewed the Board's public comment policy for everyone present at the meeting.

5. Conditional Rezoning Request CZ-220601 made by Debbie V. Joyner, the property owner, to rezone 18.03 acres located on the south side of Cordiality Church Rd, Nashville, NC 27856 from R-40 (Single-Family Residential) to RA-20-CZ (Medium-Density Residential Conditional Zone) for the 28-lot Bulluck Farm Subdivision.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220601 as submitted to the Board in the June 20, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on June 3, 2022 and recommended approval, subject to the recommended sketch plan revisions and development conditions listed in the staff report.

Mr. Sandifer asked about the possible implications of a recommendation for denial of this request when a similar RA-20-CZ development was already previously approved in proximity to the subject site.

Mr. Tyson responded that a rezoning request was a legislative matter, so the Board of Commissioners was free to approve or deny it based on its best judgment, provided that they also acknowledge the request's consistency with the Land Development Plan and that the decision was not found to be prejudiced against the specific applicant.

Mr. Sandifer asked about the impact to the number of proposed lots if the applicant were to reconfigure the sketch plan for an RA-30-CZ rezoning request instead.

Mr. Tyson responded that it would probably not be a drastic reduction in the number of lots, particularly if the applicant chose to utilize the cluster development option.

The following six members of the public addressed the Board in opposition to the request, citing concerns primarily regarding the inconsistency of the higher residential density of the proposed 20,000 square foot lots compared to the existing 40,000 square foot lots of the immediately adjacent Baybrook Farms Subdivision:

Richard Anderson, 4012 Baybrook Rd
Iris Anderson, 4012 Baybrook Rd
Leigh Daughtridge, 3900 Ashbrook Rd
Donald Rogers, 4044 Baybrook Rd
James Evans, 3937 Baybrook Rd
Brandon Burnette, 3998 Baybrook Rd

Blair Alford with Joyner-Keeny addressed the Board in support of the request on behalf of the applicant.

Mr. Sandifer asked about the potential impact of the proposed development to local property values and the potential preservation of a vegetative sound buffer along Interstate 95.

Mr. Alford responded that the anticipated asking price for the proposed homes would range from \$225,000 to \$250,000.

Mr. Tyson noted that the adjacent properties directly adjacent to Interstate 95 were under separate ownership and were not included in this rezoning request.

Ms. Moore asked about the 30-foot wide easement for an existing natural gas line on the subject properties.

Mr. Tyson responded that the developer and a licensed soil scientist must ensure that each lot contains adequate space for a proposed home, a septic system, and a septic repair area outside of the easement.

Ms. Moore asked about the proposed recommendations on cluster development common areas found in the current draft of the revised Land Use Plan.

Mr. Tyson and Mr. Culpepper responded that the revised draft plan recommended that a specific percentage of the common area actually be usable by the residents of the subdivision.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Ms. Moore, to recommend denial of Conditional Rezoning Request CZ-220601 to rezone the specified property to RA-20-CZ for the development of the Bulluck Farm Subdivision and the adoption of the statement of plan consistency and reasonableness below for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-220601 is:

- (1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
 - (a) The LDP designates the subject property as Suburban Growth Area.
 - (b) The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board's discretion.
 - (c) The subject property has access to Nash County public water service via an existing six-inch (6") waterline installed along Cordiality Church Rd.

- (d) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.; BUT
- (2) Unreasonable and not in the public interest because of:
 - (a) Its inconsistency with the draft version of the revised Nash County Land Use Plan, which would not support the subdivision of lots with less than 30,000 square feet of area without access to both public water and public sewer service; and
 - (b) Its inconsistency with the already-existing 40,000 square foot lots of the immediately adjacent Baybrook Farms Subdivision.

The motion was unanimously carried.

6. General Rezoning Request Z-220601 made by Ned B. Coleman on behalf of the property owner, Rebecca Coleman, to rezone 17.5 acres located at 5424 Southern Nash High Rd, Spring Hope, NC 27882 at Stanhope Crossroad from A1 (Agricultural) & R-30 (Single & Two-Family Residential) to RC (Rural Commercial).

Mr. Culpepper presented the staff report and supplemental materials related to General Rezoning Request Z-220601 as submitted to the Board in the June 20, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on June 3, 2022 and recommended approval based on its determination that the request is consistent with the recommendations of the Nash County Land Development Plan, reasonable, in the public interest, and not “spot zoning.”

Mr. Sandifer asked about the partial commercial rezoning of some of the other lots located at the intersection.

Mr. Culpepper responded that those previous rezonings only included the area of commercial activity instead of the entire parcel.

Mr. Sandifer asked about the vegetative buffer requirements.

Mr. Tyson responded that buffer determinations would be made when and if an actual proposed commercial site plan was submitted for the property.

Ned Coleman addressed the Board in support of the request on behalf of the property owner. He noted that much of the northern portion of the property was relatively wet and that no specific commercial land use had been identified for the property at that time.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to recommend approval of General Rezoning Request Z-220601 to rezone the subject property to RC (Rural Commercial) and the statement of plan consistency and reasonableness below for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency and Reasonableness:

General Rezoning Request Z-220601 is:

- (1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) for the establishment of an RC (Rural Commercial) Zoning District in this Suburban Growth Area because:

- (a) The subject property has frontage along and direct access to both W NC Highway 97, a major state highway, and Southern Nash High Rd, a state-maintained secondary road.
 - (b) The subject property is located at the Stanhope Crossroads, a major intersection with more than an estimated 2,100 vehicle trips per day.
 - (c) The subject property is located in proximity to other similar commercial and nonresidential land uses including the Stanhope Community Volunteer Fire Department (4416 W NC Highway 97), the former Jones Grocery & Café (4447 W NC Highway 97), and the Stanhope Mini Storage (5534 Southern Nash High Rd.)
 - (d) The subject property is spatially separated from any relatively dense, suburban-type residential development that would be incompatible with commercial activity.
- (2) Reasonable, in the public interest, and not “spot zoning” because it is an expansion of the already existing RC (Rural Commercial) Zoning District previously established on the other three corners of the Stanhope Crossroads intersection.

The motion was unanimously carried.

7. Whispering Hills Phase II Subdivision Sketch Plan resubmitted by the property owners, Anthony W. Brown Sr. & Betty P. Brown, for the development of 14 new residential lots along a new public road right-of-way on 20 acres located on the east side of Lancaster Store Rd at Grey Horse Ct, Spring Hope, NC 27882 in the A1 (Agricultural) Zoning District.

Mr. Tyson presented the staff report and supplemental materials related to the Whispering Hills Phase II Subdivision Sketch Plan as submitted to the Board in the June 20, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the plan on June 3, 2022 and recommended approval, subject to the conditions listed in the staff report.

Mr. Sandifer asked whether the adjacent property to the rear of the subject property had road frontage and whether a stub road connection to that property should be considered.

Mr. Culpepper responded that the property had road frontage along Edwards Road.

Mr. Tyson added that the TRC and Planning Board had not recommended or required a stub road when the project was previously reviewed, but it would still be within the Planning Board’s authority to require one.

Anthony W. Brown, the applicant and developer, addressed the Board in support of the sketch plan.

Mr. Sandifer asked about the potential impact of a stub road connection.

Mr. Brown explained that the addition of a stub road connection would be complicated by the presence of an existing riparian stream buffer on that portion of the property.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to approve the Whispering Hills Phase II Subdivision sketch plan, subject to the following conditions.

Conditions for Preliminary Plat Approval & Construction Authorization:

- (1) The location and design of the shared mailbox kiosk currently depicted on the sketch plan shall be revised to conform to the N.C. Department of Transportation's "Policy for the Placement of Mail Cluster Box Units in Subdivisions."
- (2) The developer shall submit the necessary documents, fees, and/or buy-down payments required for the issuance and recording of a **Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit** for both Phases I & II of the subdivision.
- (3) The developer shall submit the following required documents issued by other agencies:
 - (a) **Subdivision Road Design Approval** from the N.C. Department of Transportation
 - (b) **Driveway Permit** from the N.C. Department of Transportation
 - (c) **Erosion & Sedimentation Control Plan Approval** from the N.C. Department of Environmental Quality, Division of Land Resources
 - (d) **Stream Buffer Determination** from the N.C. Department of Environmental Quality, Division of Water Resources (The previously submitted determination expired on 10/27/2019.)
 - (e) **Section 401 Water Quality Certification Permit for Wetlands Impact** from the N.C. Department of Environmental Quality, Division of Water Resources (The previously submitted permit has expired.)
 - (f) **Section 404 General Permit for Wetlands Impact** from the U.S. Army Corps of Engineers (The previously submitted permit expired on 3/18/2022.)

The motion was unanimously carried.

8. UDO Text Amendment Request A-220601 made by Jerry R. Huff to amend Table 9-3-1 & Section 11-4.29 to permit the manufacture and storage of explosives in the GI (General Industrial) Zoning District with the issuance of a special use permit and subject to required development standards.

Mr. Culpepper presented the staff report and supplemental materials related to UDO Text Amendment Request A-220601 as submitted to the Board in the June 20, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on June 3, 2022 and recommended approval.

Mr. Parker asked whether the manufacture and storage of explosives was currently permitted.

Mr. Culpepper responded that it is currently a land use permitted in the A1 (Agricultural) Zoning District, but not in the GI (General Industrial) Zoning District.

Mr. Tyson noted that this particular applicant was only planning to store explosives and not to actually manufacture explosives, but "explosives manufacture and storage" was the most similar existing land use classification found in the UDO.

Mr. Sandifer asked if any research had been done on the requirements for similar land uses in other counties.

Mr. Culpepper responded no, but also noted that additional safety regulations would be enforced by state and federal authorities for facilities containing explosive materials.

Jerry R. Huff, the applicant, addressed the Board in support of the request. He discussed his credentials in relation to explosives handling and described the agencies that oversee explosives operations.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Sandifer, to recommend approval of UDO Text Amendment Request A-220601 to permit the manufacture and storage of explosives in the GI (General Industrial) Zoning District with the issuance of a special use permit and subject to required development standards as well as the adoption of the following statement of plan consistency for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency:

UDO Text Amendment Request A-220601 is neither consistent nor inconsistent with the recommendations of the Nash County Land Development Plan, because the plan does not specifically address explosives manufacturing and storage as a potential land use.

The motion was unanimously carried.

9. Other Business.

Mr. Tyson provided the following update on the planning actions taken by the Nash County Board of Commissioners at its regular meeting on June 6, 2022:

UDO Text Amendment Request A-220401 to add body art service (tattoos and piercings) as a permitted land use in the GC (General Commercial) Zoning District was approved.

Mr. Tyson announced the reappointment of the following Planning Board members with terms expiring June 30, 2022:

Vice-Chairman DeLeon Parker, Jr. was reappointed to a second full three-year term expiring June 30, 2025.

Jimmy Glover was reappointed to a second full three-year term expiring June 30, 2025.

Mr. Tyson also provided an update on the appeal of the Planning Board's approval of the Ridge Road Subdivision sketch plan to Superior Court, noting that the court had dismissed the appellants' petition on June 14, 2022 based on the findings that:

- (1) The Planning Board's approval of the sketch plan was an administrative decision and not a quasi-judicial decision as alleged by the appellants; and
- (2) An administrative decision must be appealed first to the Board of Adjustment before consideration by the Superior Court.

Mr. Tyson reminded the Board of the upcoming Nash County Land Use Plan Steering Committee Meeting on Monday, June 27 at 4:00 p.m.

Mr. Tyson also reminded the Board that the election of Board officers (Chairman & Vice-Chairman) for the 2022-2023 year would occur at the Board's next regular meeting.

10. Adjournment.

There being no further business, Chairman Smith adjourned the meeting at 8:01 p.m.