MEETING AGENDA

1. Call to Order.

2. Determination of a Quorum.

3. Approval of the Minutes of the May 17, 2021 Regular Meeting.

   **Outstanding / Delayed Meeting Minutes:**
   June 21, 2021 Regular Meeting
   July 19, 2021 Regular Meeting
   August 16, 2021 Regular Meeting
   September 20, 2021 Regular Meeting
   October 18, 2021 Regular Meeting
   November 15, 2021 Regular Meeting
   December 20, 2021 Regular Meeting

4. Review of Public Comment Policy.

5. **Conditional Rezoning Request CZ-220101.**
   Made by The East Group on behalf of the C. T. Williams Corporation to rezone an approximately 238-acre tract of land owned by L & F Farms, LLC and located on both sides of Green Pond Loop Rd, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the revised 176-lot Green Pond Loop Road Subdivision.

6. **Conditional Rezoning Request CZ-220102.**
   Made by Karl Friedrich Haberyan, the property owner, to rezone an approximately 20.53-acre tract of land located on the west side of Whitley Rd, Bailey, NC 27807 from R-40
7. **Ridge Road Subdivision Sketch Plan.**
   Submitted by Thomas P. White, the prospective developer, for the cluster development of 112 new residential lots on an approximately 122.67-acre tract of land owned by the Choplin Family and located on the south side of Ridge Rd, Spring Hope, NC 27882 in the A1 Agricultural Zoning District.

8. **UDO Text Amendment Request A-220101.**
   Made to amend the Nash County Unified Development Ordinance Article IX, Table 9-3-1 & Table 9-4-3 to prohibit the development of residential land uses within nonresidential zoning districts.

9. **Other Business.**
   
a. **Update on the Board of Commissioners Planning Actions Taken Jan. 3, 2022:**

   **General Rezoning Request Z-211101** to rezone 6.06 acres at Joyners Crossroad to GC (General Commercial) was **APPROVED.**

   **General Rezoning Request Z-211201** to rezone 2 acres on S Halifax Rd, Rocky Mount around Ashley’s Hardware & Supplies and Ashley’s Plumbing, Heating & Cooling, Inc. to GC (General Commercial) was **APPROVED.**

   **Conditional Rezoning Request CZ-211102** to rezone 38.73 acres on Bull Head Rd, Bailey to RA-20-CZ for the 45-lot Seamster Phase 2 Subdivision was **APPROVED** with the reduction of one lot and the addition of a vegetative screening buffer.

   **Conditional Rezoning Request CZ-211201** to rezone 6.92 acres at the corner of US Highway 64A & NC Highway 231, Spring Hope to GI-CZ for a heavy construction contractor operation was **APPROVED.**

   **Conditional Rezoning Request CZ-211202** to rezone 470.75 acres on Taylors Gin Rd, Castalia to A1-CZ for the expansion of the previously approved Gideon Solar Farm was **APPROVED.**

   **Conditional Rezoning Request CZ-211204** to rezone 44.91 acres on Barnes Hill Church Rd, Nashville to RA-20-CZ for the 55-lot Baker Farm Subdivision was **APPROVED**; but with only three of the four stub road connections previously recommended by the Planning Board.

b. **Nash County Land Use Plan Steering Committee Meeting #3 of 5 will be held on Thursday, January 20, 2022 from 4:00 p.m. to 6:00 p.m.**

10. **Adjournment.**
MINUTES OF THE
NASH COUNTY PLANNING BOARD REGULAR MEETING
HELD MONDAY, MAY 17, 2021 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

Leonard Breedlove, Chairman
Jeffrey Tobias, Vice-Chairman
   Moses Brown, Jr.
   Jimmy Glover
   Kimberly Moore
   DeLeon Parker, Jr.
   Barbara Pulley
   Chris Sandifer
   Kevin Smith

BOARD MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Gary W. Abernathy    Jim Ennis    Brenda Jones    Todd Murray
Blair Alford         Linda Fisher   Steve Jones      Tristan Murray
Michael Batts       Christin Fore  Jeremy Mason    Ronnie Peede
Mary Boone          Joshua A. Fore  Carolyn McGee  Mitch Pullen
Marc Cake           Sandy Frazier   Chuck McGee     Sylvia Pullen
Dessie Clark        James Hamilton  Bill McKeel     Cindy Schellenberg
Ned Clark           Jim Harris      Blake McKeel    Robert Schellenberg
Steve Clayton       Margaret Harris  Byron Moore     Karen Bass Seawell
Robert Coats        Tyrone Scott Hayes     Eleanor Moore  Kevin Varell
Barbara Sue Edwards  Doug Johnson    Samuel Moore    Bobbie Wollett
Mitchell Edwards    Billy Jones     Rebecca Murray  Mike Wrenn
1. **Call to Order.**
   Chairman Breedlove called the meeting to order at 6:30 p.m.

2. **Determination of a Quorum.**
   Chairman Breedlove recognized the presence of a quorum.

3. **Approval of the Minutes of the Board’s Previous Regular Meetings.**
   The minutes of the Board’s previous regular meetings were delayed and will be submitted to the Board for review at a later date.

4. **Review of Public Comment Policy.**
   Mr. Tyson reviewed the Board’s public comment policy for everyone present at the meeting.

5. **Conditional Use Rezoning Request CU-210403 made by Four Seasons Contractors, LLC to rezone 82 acres on the west side of Red Rd and NC Highway 43, Nashville, NC 27856 from A1 (Agricultural) to RA-20-CU (Medium-Density Residential Conditional Use) for the 74-lot Jones Farm Subdivision.**

   Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210403 as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Planning Board had previously considered and recommended approval of this request on April 19, 2021. The Board of Commissioners held a public hearing on the request on May 3, 2021, during which multiple citizens spoke in opposition to the rezoning. At the conclusion of the public hearing, the Board of Commissioners voted to table the request and to refer it back to the Planning Board for reconsideration.

   Mr. Tyson updated the Board on the topics of concern that emerged from the May 3, 2021 public hearing, including traffic safety at the subject intersection, a potential second subdivision entrance, a potential turn lane, and the appropriate residential density for the subject property.

   Mr. Tyson read aloud email messages submitted to the Board by the following members of the public in opposition to the request:

   Carolyn McGee, 7868 Stony Creek Ln
   Steve Jones, 1747 Wollett Mill Rd
   Cathy T. Sutton, 401 Mica Farm Ln

   Chairman Breedlove asked those present who opposed the request to designate three spokespersons to address the Board in order to avoid repetition and redundancy.

   The Board agreed to hear the remaining agenda items first and then to return to this item at the end of the meeting in order to allow time for those speakers to organize themselves.

6. **Request to Reissue Expired Conditional Use Permit CU-040801 made by Williams Builders of Rocky Mount, LLC to reauthorize the development of the 45-lot Old Spring Hope Road Phase 2 Subdivision on 49.5 acres located on the southeast side of E Old Spring Hope Rd, Rocky Mount, NC 27804 in the R-20-CU (Medium Density Residential Conditional Use) Zoning District.**
Mr. Tyson presented the staff report and supplemental materials related to the request to reissue expired Conditional Use Permit CU-040801 as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 30, 2021 and recommended approval based on the suggested conclusions with supporting findings of fact and subject to the recommended revisions and permit conditions found in the staff report.

The TRC also recommended denial of the subdivision waiver request related to the required additional lot width and area for proposed Lot 55, finding no technical basis to establish that the subject property presents an unusual and unnecessary physical hardship or that the approval of the proposed waiver would result in equal or better performance than the standard Ordinance requirements. However, the TRC did acknowledge that the extended development timeline for this project that was driven by economic circumstances has presented a challenge for the developer.

David Williams representing Williams Builders of Rocky Mount LLC, the applicant, addressed the Board in support of the requested subdivision waiver related to the required additional lot width and area for proposed Lot 55.

**BOARD ACTION:** Mr. Tobias offered a motion, which was duly seconded by Mr. Smith, to recommend the following conclusions with supporting findings of fact for approval related to the request to reissue expired Conditional Use Permit CU-040801 for consideration by the Nash County Board of Commissioners.

**Conclusions with Supporting Findings of Fact for Approval:**

1. The proposed development will meet all the standards required by the Nash County Unified Development Ordinance based on the review of the proposed subdivision preliminary plat.
2. The proposed development will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements.
3. The proposed development will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions.
4. The proposed development will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar in nature and design to the immediately adjacent and previously approved Old Spring Hope Road Phase 1 subdivision that is currently under development.
5. The proposed development will be in general conformity with the Nash County Land Development Plan (LDP) because:
   a. The LDP designates the subject property as Suburban Growth Area;
   b. The LDP supports the development of 20,000 square foot lots within the Suburban Growth Area where public water service is available;
   c. The subject property has access to existing City of Rocky Mount municipal water service along the E Old Spring Hope Road public right-of-way; and
   d. Permitting this residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.
The motion was carried with a split vote of 7 to 1 with Ms. Moore opposed.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend approval of the subdivision waiver request related to the required additional lot width and area for proposed Lot 55, for consideration by the Nash County Board of Commissioners, based on the following grounds:

1. A revised master sketch plan for the Old Spring Hope Road Subdivision was previously approved by Nash County depicting Lot 55 as currently proposed;
2. The developer previously acted in good faith by constructing Phase 1 of the subdivision in accordance with that master sketch plan;
3. A denial of proposed Lot 55 would result in an inefficient use of the viable area of the subject property;
4. The developer previously paid for the installation of a water meter to serve proposed Lot 55 based on the previous approval of the master sketch plan by Nash County; and
5. The issuance of the waiver would only result in the creation of one additional lot along E Old Spring Hope Road that would be similar in width to the immediately adjacent existing lots of Phase 1 of the subdivision.

The motion was carried with a split vote of 7 to 1 with Ms. Moore opposed.

BOARD ACTION: Mr. Tobias offered a motion, which was duly seconded by Mr. Sandifer, to recommend approval of the request to reissue expired Conditional Use Permit CU-040801 for consideration by the Nash County Board of Commissioners, subject to the following recommended revisions and permit conditions.

Revisions:

1. Label each of the roads as “50' PUBLIC R/W”.
2. Add sight distance triangles at each intersection.
3. Update the current owner/developer information.
4. Depict a mailbox kiosk location as required by U.S.P.S.
5. Correct the adjacent property owner information for the parcel to the east (Mount Crossfield Farming LLC, DB 2797, PG 604.)
6. Remove the word “FUTURE” from the label for the “SPECIAL PURPOSE LOT.”
7. Verify the minimum lot width as measured at the 35' front building setback for all lots labeled with less than 100' of lot width directly along the road right-of-way.
8. Depict the pavement of Gurganus Rd extending all the way to the adjacent property line.
9. Depict a temporary turnaround at the end of Gurganus Rd.
10. Revise the name of Edenham Rd to Edenham Ct in accordance with the road naming standards of the Nash County Addressing Ordinance because it ends in a cul-de-sac.
11. Propose a new road name for consideration instead of Revoir Rd, which has been rejected by Nash County Emergency Services due to concerns regarding the potential for different pronunciations to cause confusion during emergency situations. The new road name should end in COURT because the road ends in a cul-de-sac.

Conditions for Preliminary Plat Approval / Construction Authorization:
(1) The subject property shall only be developed in accordance with the approved subdivision plan for the Old Spring Hope Road Phase 2 Subdivision.

(2) The permitted use of the subject property shall be limited to single-family detached dwellings, modular homes, customary residential accessory uses and structures, satellite dish antennas, swimming pools, automobile parking on the same lot as a principal use, and/or a temporary modular office unit for construction, storage, and real estate sales or rentals (with a concurrent building permit for a permanent building.)

(3) All residential lots subdivided from the subject property shall be served by the City of Rocky Mount municipal water system, which shall be extended by the developer as necessary.

(4) Prior to a construction approval, the developer shall submit the following documentation:
   (a) Sedimentation & Erosion Control Plan Approval, Riparian Stream Buffer Crossing Approval, and Authorization to Construct the Water System Expansion issued by the N.C. Department of Environmental Quality;
   (b) Wetlands Impact Approval issued by the U.S. Army Corps of Engineers;
   (c) Road Construction Plan Approval and Driveway Permit issued by the N.C. Department of Transportation; and
   (d) Tar-Pamlico River Basin Overlay District Stormwater Permit issued by the Nash County Planning & Inspections Department.

(5) Significant or substantial modifications or revisions to the approved design of the subdivision plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

The motion was unanimously carried.

7. Conditional Use Rezoning Request CU-210503 made by Eliam T. Hoyle to rezone 0.378 acres behind and immediately south of 4303 Oak Level Rd, Rocky Mount, NC 27803 from R-30 (Single & Two-Family Residential) to OL-CU (Office & Institutional Conditional Use) for continued office use by Carolina Industrial Resources (CIR) Flexible Packaging.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210503 as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 30, 2021 and recommended approval based on its determination that although the request is mostly inconsistent with the recommendations of the Land Development Plan, it is still in the public interest and it is a unique case of reasonable "spot zoning."

James Hamilton, representing the applicant, addressed the Board in support of the request.

BOARD ACTION: Mr. Tobias offered a motion, which was duly seconded by Mr. Glover, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210503 for consideration by the Nash County Board of Commissioners.

Conditional Use Rezoning Request CU-210503 is:
(1) Mostly inconsistent with the recommendations of the Nash County Land Development Plan (LDP) for this Suburban Growth Area because:
(a) Although the request would be considered a “limited” commercial land use with a relatively restricted size and intensity, the actual area to be rezoned does not satisfy any of the specific locational criteria recommended by the LDP for commercial land uses.

(b) The area to be rezoned does not have frontage along or direct access to either a major state highway or secondary road, it is not located at a major intersection, it is not located in proximity to other similar land uses, and it is not significantly spatially separated from the adjacent, existing residential development.

(2) However, it is also still in the public interest and a unique case of reasonable “spot zoning” because:

(a) The area and structure requested for rezoning have previously been used as an office for more than twenty years with no evident record of complaints or concerns from the neighbors or the surrounding community.

(b) The request would allow only very limited commercial use of the subject property in terms of total area (only 0.378 acres) and intensity (office use only.)

(c) The request does not allow for any future expansion of the facility or rezoning area without requiring additional zoning hearings and the explicit approval of the Board of Commissioners.

(d) Approval of the request would be beneficial to the continued operation of the existing business at this location while having little to no anticipated impact on the neighbors or the surrounding community.

The motion was unanimously carried.

BOARD ACTION: Mr. Tobias offered a motion, which was duly seconded by Mr. Glover, to recommend approval of Conditional Use Rezoning Request CU-210503 to rezone the subject property from R-30 (Single & Two-Family Residential) to OI-CU (Office & Institutional Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was unanimously carried.

BOARD ACTION: Mr. Tobias offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Use Permit CU-210503 to authorize the continued use of the subject property for an office based on the following suggested conclusions with supporting findings of fact and subject to the following recommended development conditions for consideration by the Nash County Board of Commissioners.

Conclusions with Supporting Findings of Fact:

The continued use of the subject property for an office:

(1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance because a general office is a permitted land use by right in the OI (Office & Institutional) Zoning District.

(2) Will not materially endanger the public health or safety because the permitted use of the subject property would be restricted to office use only, which poses no inherent danger.

(3) Will not substantially injure the value of adjoining or abutting property because only a very limited area (0.378 acres) would be used for the office with little to no anticipated impact on the neighbors or the surrounding community.

(4) Will be in harmony with the area in which it is to be located because the subject area and structure have previously been used as an office for more than twenty years with no
evident record of complaints or concerns from the neighbors or the surrounding community.

(5) Will not be in general conformity with the Nash County Land Development Plan, however, it is still in the public interest and a unique case of reasonable “spot zoning” because of the very limited size and intensity of the proposed land use.

Development Conditions:

1. The subject property is approved for office use only.
2. The subject property shall be developed and used in accordance with the approved site plan only.
3. The existing well and septic system serving the former guest house shall be evaluated by the Nash County Environmental Health Division and brought into compliance with the applicable water supply and wastewater disposal requirements for a commercial office.
4. The office structure and its related parking area shall be visually screened from the immediately adjacent residential subdivision located to the west by a vegetative landscape buffer and a privacy fence, which shall be preserved, maintained, replaced, and/or supplemented as necessary in order to provide effective visual screening of the facility while it is used for commercial purposes.

The motion was unanimously carried.

8. General Rezoning Request Z-210501 made by Tyron Scott Hayes to rezone one acre located at 10972 Old US Highway 64, Spring Hope, NC 27882 from A1 (Agricultural) to RC (Rural Commercial).

Mr. Culpepper presented the staff report and supplemental materials related to General Rezoning Request Z-210501 as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 30, 2021 and recommended approval based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning.”

Mitchell Edwards representing Geraldine Edwards, his grandmother and the owner of the property located directly across NC Highway 98, addressed the Board regarding concerns about vehicle parking on the subject property.

Tyron Scott Hayes, the applicant, addressed the Board in support of the request.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Glover, to recommend the following consistency statement related to General Rezoning Request Z-210501 for consideration by the Nash County Board of Commissioners.

General Rezoning Request Z-210501 is reasonable and in the public interest because:

1. The request is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   (a) The LDP designates the subject property as part of a Rural Commercial Area intentionally centered around the intersection of Old US Highway 64 and NC Highway 98.
(b) Rural Commercial Areas are specifically designated at key road intersections in predominantly rural areas where small-scale business services are already present and where the development of additional, limited commercial services would benefit the local customer base of surrounding residents.

(2) The request is not considered “spot zoning” because:
   (a) The subject property has previously been used for commercial purposes and it includes an existing commercial structure.
   (b) The subject property is located at a major intersection with frontage along and direct access to a major state highway.
   (c) The subject property is located east of and in proximity to the commercially-zoned Terminix Pest Control Facility at 11070 & 11114 Old US Highway 64.
   (d) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.

The motion was unanimously carried.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to recommend approval of General Rezoning Request Z-210501 to rezone the subject property from A1 (Agricultural) to RC (Rural Commercial) for consideration by the Nash County Board of Commissioners.

The motion was unanimously carried.

9. General Rezoning Request Z-210502 made by the Minnie D. Bulluck Heirs to rezone 1.87 acres on the south side of E NC Highway 97, Rocky Mount, NC 27803 from R-30 (Single & Two-Family Residential) to GC (General Commercial).

Mr. Culpepper presented the staff report and supplemental materials related to General Rezoning Request Z-210502 as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 30, 2021 and recommended approval based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning.”

Ronne Peede of 11113 E NC Highway 97 addressed the Board regarding a stream located partially on the subject property and the potential future development of the remainder of that tract.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Brown, to recommend the following consistency statement related to General Rezoning Request Z-210502 for consideration by the Nash County Board of Commissioners.

General Rezoning Request Z-210502 is reasonable and in the public interest because:
   (1) The request is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
       (a) The LDP designates the subject property as being partially located within a General Commercial Area intentionally centered around Joyner’s Crossroads at the intersection of E NC Highway 97 and S Halifax Road.
(b) General Commercial Areas are typically designated at major highway intersections served by both public water and sewer in order to accommodate both small and large-scale commercial land uses.

(c) The subject property has potential access to both Nash County public water and sewer service along the E NC Highway 97 public right-of-way.

(2) The request is not “spot zoning” because the subject property is located immediately adjacent to the commercially-zoned Joyner’s Crossing at Mill Branch Shopping Center and across the road from the commercially-zoned Dollar General at 10696 E NC Highway 97.

The motion was unanimously carried.

**BOARD ACTION:** Mr. Smith offered a motion, which was duly seconded by Ms. Moore, to recommend approval of General Rezoning Request Z-210502 to rezone the subject property from R-30 (Single & Two-Family Residential) to GC (General Commercial) for consideration by the Nash County Board of Commissioners.

The motion was unanimously carried.

10. **Major Subdivision Preliminary Plat for the Driver Landing Phase II Subdivision submitted by Pier One Investments for the development of 27 new residential lots on 57 acres located on both sides of Debnam Rd, Zebulon, NC 27597 in the A1 (Agricultural) Zoning District.**

Mr. Tyson presented the staff report and supplemental materials related to the major subdivision preliminary plat for the Driver Landing Phase II Subdivision as submitted to the Board in the May 17, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this plat on April 30, 2021 and recommended approval, subject to the suggested conditions included in the staff report.

**BOARD ACTION:** Mr. Smith offered a motion, which was duly seconded by Mr. Parker, to approve the major subdivision preliminary plat for the Driver Landing Phase II Subdivision, subject to the following conditions.

**Conditions for Final Plat Approval:**

1. The plat shall be redrawn and resubmitted at a scale of not less than 1" = 100' and the plat shall verify that each lot has a minimum width of 100' as measured at the 50' front minimum building setback line.

2. The plat shall provide the square footage for all proposed lots less than an acre in size.

3. The front minimum building setback line for Lots 25, 26, & 27 shall be depicted 50' from the property boundary instead of from the edge of the access easement.

4. The plat shall include the Private Roads Disclosure Statement for Easements as found in UDO Appendix 2, Section A-2-2, Certificate (HJ)(2).

5. The note referencing “joint mailboxes” that was carried over from the plat for Phase I shall be removed.

6. The developer shall depict an appropriate location for a shared mailbox kiosk or documentation of alternative mailbox arrangements as approved by the U.S.P.S. Zebulon Postmaster.

7. The developer shall demonstrate that proposed Lots 11 & 12 have at least 40% of their total lot area as contiguous buildable area of a shape sufficient to hold a principal
building at an elevation of at least one foot above the base flood elevation of the 100 Year Floodplain (Zone AE) or otherwise dispose of them as proposed buildable lots.

(8) Please provide a new road name for the proposed 20' private access and utility easement serving Lots 25, 26, & 27 in accordance with the requirements of the Nash County Addressing Ordinance. The proposed road name must be reviewed and approved by Nash County Emergency Services prior to its official assignment.

(9) The developer shall submit a Stream Buffer Determination issued by the N.C. Department of Environmental Quality, Division of Water Resources addressing the riparian buffer status of the stream feature forming the perimeter of the subject property, the stream feature on the north side of and running more or less parallel to Debnam Rd, and the pond located at the rear of Lots 25 & 26.

(10) Any riparian buffers required by the Stream Buffer Determination shall be depicted and labeled on the plat.

(11) The developer shall submit a notarized Road Maintenance Agreement signed by the property owner for the 20' private access and utility easement serving Lots 25, 26, & 27 to be recorded concurrently with the plat.

(12) The developer shall submit a copy of a Driveway Permit issued by the N.C. Department of Transportation for the 20' private access and utility easement serving Lots 25, 26, & 27.

(13) The developer shall either have each of the proposed lots evaluated for the issuance of a wastewater permit by the Nash County Environmental Health Division or submit a soils report prepared by a licensed soil scientist verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.

(14) The developer shall submit one final mylar copy of the plat with the appropriate land surveyor and property owner signatures, two final paper copies of the plat (no signatures required), and a completed “Nash County Subdivision Review Application Form.”

(15) The developer shall submit the following fees at the time of final plat submittal:

(a) $25.00 Final Plat Review Fee (Payable to “Nash County”)
(b) $60.00 New Road Name Sign Fee (Payable to “Nash County”)
(c) $21.00 Plat Recording Fee (Per Plat Page - Made Payable to “Nash County Register of Deeds”)
(d) $26.00 Road Maintenance Agreement Recording Fee (Made Payable to “Nash County Register of Deeds”)

The motion was carried with a split vote of 7 to 1 with Ms. Moore opposed.

11. Subdivision Modification Request for the Jordan Place Phase 1 Subdivision made by Kimberly A. Hennes and Linus M. Dickens to remove the 175' non-buildable buffer recorded on Lots 4 & 5 located at 8026 Bray Rd, Bailey, NC 27807.

Mr. Tyson announced that this request had been deferred to the June 21, 2021 regular Planning Board meeting with the permission of the applicant in order to provide additional notice to the adjacent property owner.

5. CONTINUED: Conditional Use Rezoning Request CU-210403 made by Four Seasons Contractors, LLC to rezone 82 acres on the west side of Red Rd and NC Highway 43, Nashville, NC 27856 from A1 (Agricultural) to RA-20-CU (Medium-Density Residential Conditional Use) for the 74-lot Jones Farm Subdivision.

The following members of the public addressed the Board in opposition to the request:
Jim Harris, 1733 W Castalia Rd
Todd Murray, 258 W Castalia Rd
Ned Clark, 261 Private Ln
Blake McKeel, 1626 Spring Pond Rd
Karen Bass Seawell, 3921 Red Oak Rd
Brenda Jones, 2713 W Hilliardston Rd

Kevin Varnell with Stocks Engineering, representing the applicant, addressed the Board in support of the request.

Mr. Parker recused himself from the vote on this request due to his previous work with the developer on this project.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to reaffirm the Board’s previous decision to recommend:

(A) The following consistency statement related to Conditional Use Rezoning Request CU-210403 for consideration by the Nash County Board of Commissioners.

Conditional Use Rezoning Request CU-210403 is reasonable and in the public interest because:

1. The request is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   a. The LDP designates the subject property as Suburban Growth Area and Rural Commercial 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 a proposed extension of an existing eight-inch (8") waterline installed along the Red Oak Blvd / NC Highway 43 public right-of-way.
   d. Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.
   e. Although the LDP primarily designates Rural Commercial Areas to encourage the development of limited commercial business and/or light industrial land uses at key road intersections, it also supports the development of residential land uses in these areas.

2. The request is not considered “spot zoning” because:
   a. Approval of the request will permit smaller minimum lot areas and increased residential development density, but the new zoning district is also much more restrictive in terms of permitted land uses than the current zoning district.
   b. The large size of the subject property (approximately 82 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a small, isolated area of distinct zoning.
   c. The subject property has access to existing public water service.
(d) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.

(e) Due to the "conditional" nature of the rezoning request, the subject property may only be developed in accordance with the approved sketch plan for the Jones Farm Subdivision.

(B) Approval of Conditional Use Rezoning Request CU-210403 to rezone the subject property from A1 (Agricultural) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

(C) Approval of Conditional Use Permit CU-210403 to authorize the development of the subject property for the Jones Farm Subdivision based on the following suggested conclusions with supporting findings of fact and subject to the following recommended development conditions for consideration by the Nash County Board of Commissioners.

Conclusions with Supporting Findings of Fact:
The proposed development of the Jones Farm Subdivision on the subject property:

(1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed subdivision sketch plan;

(2) Will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements;

(3) Will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions;

(4) Will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar to other residential land uses already permitted in the surrounding area; and

(5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210403.

Development Conditions:

(1) The subject property shall only be developed in accordance with the approved subdivision sketch plan for the Jones Farm Subdivision.

(2) The subject property may be developed for any of the land uses as permitted in the RA-20 (Medium-Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

(3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

(4) The developer shall submit a stream buffer determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the subject property and shall adjust the design of the subdivision sketch plan accordingly.

(5) The proposed stub road providing potential connectivity with future development on the immediately adjacent property to the south may be removed if it can be demonstrated that environmental features such as wetlands or riparian stream buffers present on the adjacent property would render the proposed connection impractical.
(6) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

The motion failed with a split vote of 3 to 4 with Mr. Sandifer, Mr. Brown, and Ms. Pulley voting in favor and Mr. Tobias, Mr. Smith, Ms. Moore, and Mr. Glover voting in opposition.

BOARD ACTION: Ms. Moore offered a motion, which was duly seconded by Mr. Glover, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210403 for consideration by the Nash County Board of Commissioners.

Conditional Use Rezoning Request CU-210403 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 and Rural Commercial 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 a proposed extension of an existing eight-inch (8”) waterline installed along the Red Oak Blvd / NC Highway 43 public right-of-way.
   (d) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.
   (e) Although the LDP primarily designates Rural Commercial Areas to encourage the development of limited commercial business and/or light industrial land uses at key road intersections, it also supports the development of residential land uses in these areas.

(2) However, the request is unreasonable and not in the public interest because the proposed 20,000 square foot minimum lot size would be incompatible with the existing residential density of the surrounding area.

The motion carried with a split vote of 4 to 3 with Ms. Moore, Mr. Glover, Mr. Tobias, and Mr. Smith voting in favor and Mr. Sandifer, Mr. Brown, and Ms. Pulley voting in opposition.

BOARD ACTION: Ms. Moore offered a motion, which was duly seconded by Mr. Glover, to recommend denial of Conditional Use Rezoning Request CU-210403 to rezone the subject property from A1 (Agricultural) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion carried with a split vote of 4 to 3 with Ms. Moore, Mr. Glover, Mr. Tobias, and Mr. Smith voting in favor and Mr. Sandifer, Mr. Brown, and Ms. Pulley voting in opposition.

BOARD ACTION: Ms. Moore offered a motion, which was duly seconded by Mr. Glover, to recommend denial of Conditional Use Permit CU-210403 to authorize the development of the subject property for the Jones Farm Subdivision.
The motion carried with a split vote of 4 to 3 with Ms. Moore, Mr. Glover, Mr. Tobias, and Mr. Smith voting in favor and Mr. Sandifer, Mr. Brown, and Ms. Pulley voting in opposition.

12. Other Business.

Mr. Tyson provided the following updates on the planning actions taken by the Nash County Board of Commissioners at its regular meeting on May 3, 2021:

Conditional Use Permit Request CU-210401 for the Gideon Solar Farm on Taylors Gin Rd was approved.

Conditional Use Rezoning Request CU-210402 for the gravel parking area adjacent to the W.S. Strickland’s Body Shop at 9077 S NC Highway 581 was approved.

UDO Text Amendment Request A-210401 to remove the waiver provision from the residential lot width requirements along heavily traveled roads was approved.

Conditional Use Rezoning Request CU-210404 for the Whitley Crossing Subdivision at the corner of Needham Rd & Whitley Rd was approved, but the related Subdivision Waiver Request for shared driveways along Whitley Rd was denied.

The Subdivision Waiver Request for the Creekside Manor Subdivision Sketch Plan for shared driveways along Selma Rd was denied.

Mr. Tyson also provided an update regarding upcoming Board member term expirations.


There being no further business, Chairman Breedlove adjourned the meeting at 8:43 p.m.
Nash County Planning Board
Public Comment Policy

Adopted March 15, 2021

1. The Board Chairman will recognize the Planning Director or Senior Planner to present the staff report for each agenda item.

2. The Board Chairman will then recognize individual members of the public, one at a time, who wish to address the Board with regard to that specific agenda item.

3. Each individual will be permitted to speak once per agenda item for a maximum of three (3) minutes. No time may be yielded or transferred from one speaker to another.

4. To avoid repetition, groups of individuals supporting the same position are encouraged to designate a spokesperson to address the Board on their behalf.

5. The three-minute timer may beep to indicate when one minute and then thirty seconds of the speaker's time is remaining or when the speaker's time has expired.

6. At the conclusion of the speaker's comments, the Board Chairman will provide an opportunity for the Board members to ask the speaker any clarifying questions regarding their previous comments.

7. After all interested members of the public have spoken, the Board Chairman will recognize the applicant for the agenda item to address the Board and to answer any questions or comments raised by the previous speakers.

8. The Board Chairman reserves the right to call upon anyone present during the Board's discussion of the agenda item if he or she determines that additional information is relevant to the Board's decision.
**NASH COUNTY PLANNING BOARD**  
**STAFF REPORT: CONDITIONAL REZONING REQUEST**

<table>
<thead>
<tr>
<th><strong>File Number:</strong></th>
<th>CZ-220101 (Conditional Rezoning Request)</th>
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<tbody>
<tr>
<td><strong>Type of Plat:</strong></td>
<td>Major Subdivision Sketch Plan</td>
</tr>
<tr>
<td><strong>Subdivision Name:</strong></td>
<td>Green Pond Loop Road Subdivision</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>L &amp; F Farms, LLC</td>
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<tr>
<td><strong>Developer:</strong></td>
<td>C. T. Williams Corporation</td>
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<tr>
<td><strong>Engineer / Applicant:</strong></td>
<td>The East Group, P.A.</td>
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<td><strong>Location:</strong></td>
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<td><strong>Tax ID #:</strong></td>
<td>PIN # 278500350735 / Parcel ID # 024909</td>
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<td><strong>Total Area to be Rezoned:</strong></td>
<td>Approx. 238 Acres</td>
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<td><strong>Current Zoning District:</strong></td>
<td>R-40 (Single-Family Residential)</td>
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<td><strong>Proposed Zoning District:</strong></td>
<td>RA-20-CZ (Medium Density Residential Conditional Zone)</td>
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<td><strong>LDP Classification:</strong></td>
<td>Suburban Growth Area</td>
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<td><strong>Proposed Land Use:</strong></td>
<td>177 New Residential Lots</td>
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<td><strong>Water Supply:</strong></td>
<td>Nash County Public Water System (Proposed Extension)</td>
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<td><strong>Wastewater Disposal:</strong></td>
<td>Individual Private Onsite Septic Systems</td>
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<tr>
<td><strong>Notice of Public Meeting:</strong></td>
<td>Mailed to Property Owners within 600 Feet on Jan. 6, 2022</td>
</tr>
</tbody>
</table>

**NOTE:**

The Planning Board previously reviewed and recommended approval of a similar rezoning request for the same subject property in October 2021 (Case File #CZ-210801.) That request was exempt from the additional lot width requirements applicable to roads with an average daily traffic of more than 1,000 vehicles per day due to the NCDOT's classification of Green Pond Loop Road as a "local road."

However, that request was still ultimately denied by the Board of Commissioners in December 2021 due to the "*significant number of houses proposed to be located directly on a state roadway.*"

Also in December 2021, the Board of Commissioners amended the Unified Development Ordinance (UDO) to remove that reference to the NCDOT Functional Classification System (Case File #A-211101.) Therefore, this re-submittal is subject to those additional lot width requirements.
The revised subdivision sketch plan reduces the overall number of proposed new residential lots by 27 from the previous 204 to the current 177. It also reduces the number of residential lots directly accessed from Green Pond Loop Road by 29 from the previous 70 to the current 41. With that exception, this rezoning request remains substantially the same as the previous one.

**Description of the Subject Property:**

The subject property is an approximately 238-acre tract of land owned by L & F Farms, LLC and located on both sides of Green Pond Loop Rd, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District.

The property is northeast of the Town of Bailey in the area known as the Green Pond Community. The site is partially cleared and currently includes a dilapidated dwelling at 10278 Green Pond Loop Rd, a manufactured home at 10539 Green Pond Loop Rd, and the former site of a removed manufactured home at 10673 Green Pond Loop Rd.

The subject property is north of and immediately adjacent to the Joyce Belcher Subdivision developed on the east side of Green Pond Loop Rd between 2001 to 2002 and the Belcher Land Company Subdivision developed on the west side of Green Pond Loop Rd in 2013, both of which were subject to a minimum required lot size of 40,000 square feet.

Several areas around the perimeter of the property are not developable due to wetlands related to the adjacent White Oak Swamp, Toisnot Swamp, and the Beaverdam Creek. There are also some mapped stream features located on the property that will need to be evaluated for riparian buffer requirements prior to its actual development.

The site is located in the Neuse River Basin and in the WS-III-PA Watershed Protection Overlay District, meaning that for water quality protection purposes, no lots may be subdivided with less than 20,000 square feet of area. An electrical transmission line easement crosses the property from east to west.

The subject property is located in the same general vicinity as several other tracts recently rezoned to an RA-20 conditional zoning classification for the development of the Williams Ridge, Williams Grove, Whitley Crossing, and Strickland Road subdivisions.

**Description of the Rezoning Request:**

The East Group has submitted Conditional Rezoning Request CZ-220101 on behalf of the prospective developer, the C. T. Williams Corporation, to rezone the subject property to RA-20-CZ (Medium Density Residential Conditional Zone), specifically for the development of the revised 177-lot Green Pond Loop Road Subdivision.
The RA-20 (Medium-Density Residential) Zoning District “is primarily intended to accommodate single-family detached dwellings in areas where public water and/or public sewer services are available or where soil characteristics allow for medium-density development” (UDO Article IX, Section 9-1, Subsection 9-1.2, E1.)

Approval of the rezoning request would have three substantial impacts on the subject property:

(1) The required minimum lot area would be reduced by half from 40,000 square feet to 20,000 square feet, doubling the potential residential density.

(2) The following nine (9) land uses, which are permitted for development under some circumstances in the current R-40 Zoning District, would no longer be permitted for development under the proposed RA-20-CZ Zoning District: double-wide manufactured homes, rural family occupations, radio or communication towers over 60 feet in height, solar farms, non-hazardous solid waste disposal collection sites, utility field offices, water treatment plants, horse shows, and/or turkey shoots.

(3) The subject property could only be developed in accordance with the proposed sketch plan for the Green Pond Loop Road Subdivision.

The “conditional” nature of this rezoning request allows for the attachment of reasonable, site-specific development conditions with the consent of the applicant.

---

*Description of the Subdivision Sketch Plan:*

The East Group has submitted a revised sketch plan for the Green Pond Loop Road Subdivision to serve as the required site plan for this conditional rezoning request.

The sketch plan proposes the development of one hundred and seventy-seven (177) new residential lots that must either meet or exceed the standard 20,000 square foot minimum lot area and 100 foot minimum lot width requirements of the requested RA-20 Zoning District.

Forty-one (41) of the lots will be accessed directly from the existing Green Pond Loop Road and the remaining one hundred and thirty-six (136) lots will be accessed from a network of eight (8) new interior roads that also provide a stub road connection to a large, undeveloped, and otherwise land-locked property to the south.

Per the recently amended UDO 10-7.2 (F), because the development of the subdivision is projected to increase the average daily traffic on Green Pond Loop Road beyond 1,000 vehicles per day, the lots accessed directly from that road must have either an increased minimum lot width of 200 feet (as measured at the 35-foot front minimum building setback line) or a minimum
lot width of 150 feet with 1,000 additional square feet of lot area provided for each foot of lot width that is less than the 200-foot standard requirement.

The sketch plan also includes a lot designated for "recreational space" and a lot designated for a shared mailbox kiosk to serve the future residents of the subdivision.

The developer will be required to construct new waterlines within the subdivision to connect each new lot to the existing Nash County Public Water System.

Per the Planning Board's previous recommendation, the developer has provided a fifty-foot (50') wide access and utility easement from Green Pond Loop Road across the subject property to serve the immediately adjacent tract to the north currently owned by Green Pond Swine Farm, Inc.

Land Development Plan Consistency:

Conditional Rezoning Request CZ-220101 is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

1. The LDP designates the subject property as Suburban Growth Area.

2. 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.

3. The subject property has access to Nash County public water service via the end of an existing four-inch (4") waterline installed along the western segment of the Green Pond Loop Road public right-of-way that may be extended to serve the proposed development or the existing six-inch (6") waterline installed along the W Hornes Church Road public right-of-way to the south.

4. Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

Analysis of Reasonableness and "Spot Zoning":

Conditional Rezoning Request CZ-220101 is reasonable and in the public interest because:

1. The request is not unreasonable "spot zoning" because it is consistent with the ongoing transition of this general area to an RA-20 residential density as evidenced by the recently approved rezoning requests for the development of the Williams Ridge, Williams Grove, Whitley Crossing, and Strickland Road subdivisions.
(2) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(3) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-220101 on January 12, 2022 and recommended APPROVAL of the request and the suggested statement of plan consistency and reasonableness below, subject to the listed SKETCH PLAN REVISIONS and DEVELOPMENT CONDITIONS.

Suggested Motions:

MOTION TO RECOMMEND APPROVAL OF THE ZONING MAP AMENDMENT:

I move that the Nash County Planning Board recommends APPROVAL of Conditional Rezoning Request CZ-220101 to rezone the specified property to RA-20-CZ for the development of the Green Pond Loop Road Subdivision and the statement of plan consistency and reasonableness below, subject to the following sketch plan revisions and development conditions recommended for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-220101 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 the end of an existing four-inch (4") waterline installed along the western segment of the Green Pond Loop Road public right-of-way that may be extended to serve the proposed development or the existing six-inch (6") waterline installed along the W Hornes Church Road public right-of-way to the south.
   (d) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

(2) Reasonable and in the public interest because:
(a) The request is not unreasonable “spot zoning” because it is consistent with the ongoing transition of this general area to an RA-20 residential density as evidenced by the recently approved rezoning requests for the development of the Williams Ridge, Williams Grove, Whitley Crossing, and Strickland Road subdivisions.

(b) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(c) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

**Sketch Plan Revisions:**

(1) The unlabeled lot depicted immediately south of Lot 14 on the east side of Green Pond Loop Rd shall either be assigned a lot number or combined with the large remainder tract located directly behind it.

(2) The sketch plan shall note the proposed lot width for each lot accessed directly from Green Pond Loop Rd as measured at the 35-foot front minimum building setback line for verification with the requirements of UDO 10-7.2 (F). (The dimensions of some lots as shown including Lots 20, 21, 39, & 142 require further verification.)

(3) The total number of proposed new lots listed under the site data notes shall be revised if or as necessary per items 1 & 2 above.

(4) Ten-foot (10’) wide construction easements shall be depicted along either side of the fifty-foot (50’) wide access and utility easement per the requirements of UDO 10-7.3 (C)(c)2.

**Development Conditions:**

(1) The subject property shall be developed in accordance with the approved sketch plan for the Green Pond Loop Road Subdivision.

(2) The subject property may be developed for the land uses permitted in the RA-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

(3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

(4) All new road names proposed on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to their official assignment.
(5) The developer shall submit a stream buffer determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the subject property.

(6) Lots 18, 19, 23, 25, 40, 139, 145, & 175 shall include a five-foot (5') wide non-access easement along Green Pond Loop Road and these lots shall not be eligible for NCDOT Driveway Permits along that public right-of-way.

(7) The developer shall establish a minimum fifty-foot (50') wide access and utility easement with ten-foot (10') wide construction easements along either side from the public right-of-way of Green Pond Loop Road along the existing farm path across the subject property (between proposed Lots 1 & 176) to serve the immediately adjacent property to the north currently owned by Green Pond Swine Farm, Inc. and to allow for the potential construction of a public or private road by the current or future owner(s) of that parcel in accordance with UDO 10-7.3 (C).

(8) The following signed and notarized documents shall be submitted and recorded concurrently along with the final subdivision plat:

(a) A declaration establishing a property owners’ association to own and maintain the special purpose lots for recreational space and the shared mail kiosk;
(b) A deed transferring the ownership of the special purpose lots for recreational space and the shared mail kiosk to the property owners’ association; and
(c) A deed of easement for the fifty-foot (50') wide access and utility easement.

(9) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

--- OR ---

MOTION TO RECOMMEND DENIAL OF THE ZONING MAP AMENDMENT:

I move that the Nash County Planning Board recommends DENIAL of Conditional Rezoning Request CZ-220101 to rezone the specified property to RA-20-CZ for the development of the Green Pond Loop Road 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-220101 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 the end of an existing four-inch (4") waterline installed along the western segment of the Green Pond Loop Road public right-of-way that may be extended to serve the proposed development or the existing six-inch (6") waterline installed along the W Hornes Church Road public right-of-way to the south.

(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: (List specific reasons related to the proposal’s requested residential density, subdivision design, and/or its incompatibility with the adjacent and surrounding area.)
Conditional Rezoning Request CZ-220101
Property of L & F Farms, LLC
Aerial Photograph

Approx. 238 Acres To Be Rezoned From R-40 To RA-20-CZ For 176 New Residential Lots
Conditional Rezoning Request CZ-220101
Property of L & F Farms, LLC
Zoning Map

Approx. 238 Acres
To Be Rezoned
From R-40
To RA-20-CZ
For 176 New
Residential Lots
Conditional Rezoning Request CZ-220101
Property of L & F Farms, LLC
Land Development Plan Map

Approx. 238 Acres
To Be Rezoned
From R-40
To RA-20-CZ
For 176 New Residential Lots

1 in = 900 ft
NASH COUNTY PLANNING BOARD
STAFF REPORT: CONDITIONAL REZONING REQUEST

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<td>Type of Plat:</td>
<td>Major Subdivision Sketch Plan</td>
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<td>Coolwater Phase Four Subdivision</td>
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<td>Karl Friedrich Haberyan</td>
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<td>Engineer:</td>
<td>Stocks Engineering</td>
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<td>Notice of Public Meeting:</td>
<td>Mailed to Property Owners within 600 Feet on Jan. 6, 2022</td>
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**Description of the Subject Property:**

The subject property is an approximately 20.53-acre tract of land owned by Karl Friedrich Haberyan and located on the west side of Whitley Rd, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District.

The property is northeast of the Town of Bailey in the area known as the Green Pond Community and currently includes one existing nonresidential structure at 9062 Whitley Rd.

The site is immediately south of six (6) existing lots of the Coolwater Phase One Subdivision (2008) along Needham Rd and west of two (2) existing lots of the Coolwater Phase Three Subdivision (2013) along Whitley Rd. It is north of six (6) existing lots of the Glover Oaks Section One Subdivision (2004) also along Whitley Rd. All of which were developed subject to the dimensional requirements of the current R-40 Zoning District.

More recently, the property directly across Whitley Rd was rezoned in May and October of 2021 to RA-20-CZ for the development of the 54-lot Whitley Crossing Phase One Subdivision (Case File #CU-210404) and the 37-lot Whitley Crossing Phase Two Subdivision (Case File #CZ-210901.)
The western boundary of the subject property includes a 50-foot wide Neuse Riparian Buffer to protect the immediately adjacent White Oak Swamp from disturbance.

The site is located in the Neuse River Basin and in the WS-III-PA Watershed Protection Overlay District, meaning that for water quality protection purposes, no lots may be subdivided with less than 20,000 square feet of area.

**Description of the Rezoning Request:**

The property owner has submitted Conditional Rezoning Request CZ-220102 to rezone the subject property to RA-20-CZ (Medium Density Residential Conditional Zone), specifically for the development of the 23-lot Coolwater Phase Four Subdivision.

The RA-20 (Medium-Density Residential) Zoning District “is primarily intended to accommodate single-family detached dwellings in areas where public water and/or public sewer services are available or where soil characteristics allow for medium-density development” (UDO Article IX, Section 9-1, Subsection 9-1.2, E1.)

Approval of the rezoning request would have **three** substantial impacts on the subject property:

1. **The required minimum lot area would be reduced by half from 40,000 square feet to 20,000 square feet, doubling the potential residential density.**

2. **The following nine (9) land uses, which are permitted for development under some circumstances in the current R-40 Zoning District, would no longer be permitted for development under the proposed RA-20-CZ Zoning District:** double-wide manufactured homes, rural family occupations, radio or communication towers over 60 feet in height, solar farms, non-hazardous solid waste disposal collection sites, utility field offices, water treatment plants, horse shows, and/or turkey shoots.

3. **The subject property could only be developed in accordance with the proposed sketch plan for the Coolwater Phase Four Subdivision.**

The “conditional” nature of this rezoning request allows for the attachment of reasonable, site-specific development conditions with the consent of the applicant.

**Description of the Subdivision Sketch Plan:**

Stocks Engineering has submitted a sketch plan for the Coolwater Phase Four Subdivision to serve as the required site plan for this conditional rezoning request.
The sketch plan proposes the development of twenty-two (22) new residential lots that must either meet or exceed the standard 20,000 square foot minimum lot area and 100 foot minimum lot width requirements of the requested RA-20 Zoning District. It also includes one (1) open space lot on the western portion of the property nearest to the White Oak Swamp.

None of the lots would be accessed directly from the existing Whitley Road, but rather from the proposed new interior road, which also provides a stub road connection to the immediately adjacent property to the south for potential interconnectivity in the future.

The sketch plan includes a shared mailbox kiosk located within the right-of-way of the proposed new interior road to serve the future residents of the subdivision.

The developer will be required to construct a new waterline within the subdivision to connect each new lot to the existing Nash County Public Water System.

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**Land Development Plan Consistency:**

Conditional Rezoning Request CZ-220102 is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

1. The LDP designates the subject property as Suburban Growth Area.

2. 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.

3. The subject property has access to Nash County public water service via an existing four-inch (4") waterline installed along the Whitley Rd public right-of-way.

4. Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

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**Analysis of Reasonableness and “Spot Zoning”:**

Conditional Rezoning Request CZ-220102 is reasonable and in the public interest because:

1. The request is not unreasonable “spot zoning” because it would be an expansion of the existing RA-20-CZ Zoning District established directly across Whitley Rd from the subject property in May and October of 2021 for the development of Phases One & Two of the Whitley Crossing Subdivision (Case Files #CU-210404 & #CZ-210901.)
(2) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(3) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

**TRC Recommendation:**

The Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-220102 on January 12, 2022 and recommended **APPROVAL** of the request and the suggested statement of plan consistency and reasonableness below, subject to the listed **SKETCH PLAN REVISIONS** and **DEVELOPMENT CONDITIONS**.

**Suggested Motions:**

**MOTION TO RECOMMEND APPROVAL OF THE ZONING MAP AMENDMENT:**

_I move that the Nash County Planning Board recommends **APPROVAL** of Conditional Rezoning Request CZ-220102 to rezone the specified property to RA-20-CZ for the development of the Coolwater Phase Four Subdivision and the statement of plan consistency and reasonableness below, subject to the following sketch plan revisions and development conditions recommended for the consideration of the Nash County Board of Commissioners._

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-220102 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 four-inch (4") waterline installed along the Whitley Rd public right-of-way.
   
   (d) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

(2) Reasonable and in the public interest because:
   
   (a) The request is not unreasonable “spot zoning” because it would be an expansion of the existing RA-20-CZ Zoning District established directly across Whitley Rd from the
subject property in May and October of 2021 for the development of Phases One & Two of the Whitley Crossing Subdivision (Case Files #CU-210404 & #CZ-210901).

(b) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(c) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

Sketch Plan Revisions:

(1) Under the site information notes, the total number of lots shall be corrected from 28 to 23.

(2) Under the site information notes, the statement beside the total linear footage of streets referencing a request for a variance from the standard block length requirement shall be removed as UDO 10-7.3 (I) & 10-7.5 (A) allow for modifications of this requirement when warranted by existing conditions upon the recommendation of the Planning Board and the approval of the Board of Commissioners without the need for a formal variance.

(3) The Charlotte Rd right-of-way depicted on the north side of Needham Rd shall be removed, as it is not currently shown on the Nash County Tax Map.

(4) Street “C” shall be labeled as a 60’ PUBLIC R/W.

(5) A note shall be added to the sketch plan stating that: “The existing nonresidential structure located at 9062 Whitley Rd shall be removed from the subject property.”

(6) The 25’ rear minimum building setback line shown on Lot 30 shall be revised to a 12’ side minimum building setback line due to the “wedge” shape of the lot.

(7) The dashed minimum building setback lines depicted within the 50’ Neuse Riparian Buffer on Lots 25-27 are unnecessary and shall be removed.

(8) Lot 29 shall either be labeled as: “Special Purpose Lot for Open Space” and a property owners’ association shall be established to own and maintain it or it shall be combined with the rear of Lots 27 and/or 28.

(9) The designer shall specify the separation distance between the proposed entrance of Street “C” on Whitley Rd and the proposed entrance of the new road to the north providing access to the interior of the Whitley Crossing Phase One Subdivision for NCDOT review and approval.
Development Conditions:

(1) The subject property shall be developed in accordance with the approved sketch plan for the Coolwater Phase Four Subdivision.

(2) The subject property may be developed for the land uses permitted in the RA-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

(3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

(4) The following signed and notarized documents shall be submitted and recorded concurrently along with the final subdivision plat:

(a) A declaration establishing a property owners’ association to own and maintain Lot 29;
(b) A deed transferring the ownership of Lot 29 to the property owners’ association; and
(c) A deed of easement for the twenty-foot (20’’) wide access easement located on Lot 28 to serve Lot 29.

(5) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

--- OR ---

MOTION TO RECOMMEND DENIAL OF THE ZONING MAP AMENDMENT:

I move that the Nash County Planning Board recommends DENIAL of Conditional Rezoning Request CZ-220102 to rezone the specified property to RA-20-CZ for the development of the Coolwater Phase Four 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-220102 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 four-inch (4") waterline installed along the Whitley Rd public right-of-way.

(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: (List specific reasons related to the proposal's requested residential density, subdivision design, and/or its incompatibility with the adjacent and surrounding area.)
Conditional Rezoning Request CZ-220102
Property of Karl Friedrich Haberyan
Aerial Photograph

Approx. 20.53 Acres
To Be Rezoned
From R-40
To RA-20-CZ
For 23 New Residential Lots
Conditional Rezoning Request CZ-220102
Property of Karl Friedrich Haberyan
Zoning Map

Approx. 20.53 Acres
To Be Rezoned
From R-40
To RA-20-CZ
For 23 New
Residential Lots
Conditional Rezoning Request CZ-220102
Property of Karl Friedrich Haberyan
Land Development Plan Map

Approx. 20.53 Acres To Be Rezoned From R-40 To RA-20-CZ For 23 New Residential Lots

1 in = 1,100 ft
## NASH COUNTY PLANNING BOARD
### STAFF REPORT: MAJOR SUBDIVISION SKETCH PLAN

<table>
<thead>
<tr>
<th><strong>Type of Plat:</strong></th>
<th>Major Subdivision Sketch Plan (Cluster Development Option)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of Plat:</strong></td>
<td>Ridge Road Subdivision</td>
</tr>
<tr>
<td><strong>Property Owners:</strong></td>
<td>Marlie Steven Choplin, Pepper Dean Choplin, &amp; Santa Choplin Bogdon</td>
</tr>
<tr>
<td><strong>Developer:</strong></td>
<td>Thomas P. White</td>
</tr>
<tr>
<td><strong>Engineer:</strong></td>
<td>Stocks Engineering</td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>South Side of Ridge Rd, Spring Hope, NC 27882</td>
</tr>
<tr>
<td><strong>Tax ID #:</strong></td>
<td>PIN # 277800223665 / Parcel ID # 008317 (Portion)</td>
</tr>
<tr>
<td><strong>Total Area of Development:</strong></td>
<td>Approx. 122.67 Acres</td>
</tr>
<tr>
<td><strong>Number of Lots:</strong></td>
<td>112 New Residential Lots</td>
</tr>
<tr>
<td><strong>Water Supply:</strong></td>
<td>Individual Private Onsite Wells</td>
</tr>
<tr>
<td><strong>Wastewater Disposal:</strong></td>
<td>Individual Private Onsite Septic Systems</td>
</tr>
<tr>
<td><strong>Zoning District:</strong></td>
<td>A1 (Agricultural)</td>
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<td><strong>LDP Classification:</strong></td>
<td>Suburban Growth Area</td>
</tr>
</tbody>
</table>

### NOTE:

The Planning Board previously reviewed a conditional rezoning request in December 2021 to rezone this same subject property to RA-30-CZ (Case File #CZ-211205.) The Board ultimately recommended denial of the request due to its inconsistency with the recommendations of the Land Development Plan for this Suburban Growth Area because of the property’s lack of access to public water service.

The request was subsequently withdrawn by the applicant prior to a public hearing before the Board of Commissioners.

In its place, the prospective developer has submitted this revised subdivision sketch plan, which uses the cluster development option.

The revised subdivision sketch plan reduces the overall number of proposed new residential lots by 9 from the previous 121 to the current 112.
**Description of the Subject Property:**

The subject property is an approximately 122.67-acre tract of land owned by the Choplin Family and located on the south side of Ridge Rd, Spring Hope, NC 27882 in the A1 (Agricultural) Zoning District.

The property is undeveloped and located between the Town of Spring Hope to the north and the Tar River to the south.

The property is located in the Tar-Pamlico River Basin, meaning that stormwater management requirements will apply to its future development. The property is not located in a regulated floodplain or a designated watershed protection overlay district. It does appear to include a potential wetland area as well as multiple potential riparian stream buffers that may require protection from disturbance.

---

**Description of the Subdivision Sketch Plan:**

Stocks Engineering has submitted a sketch plan for the Ridge Road Subdivision on behalf of the prospective developer, Thomas P. White, which proposes the development of the subject property into one hundred and twelve (112) new residential lots along a network of five (5) new interior public roads.

The plan provides stub roads to all four surrounding, immediately adjacent properties to allow for potential future interconnectivity. None of the lots are proposed to be accessed directly from Ridge Rd.

The plan uses the cluster development option, meaning that although the normally required minimum lot size in this A1 Zoning District is 40,000 square feet, these lots may include as little as 30,000 square feet each, provided that all the land which would have otherwise been included in the residential lots is designated as shared common area on the same property.

The sketch plan designates 18.48 acres of common area on the southwestern portion of the subject property (which exceeds the minimum calculated requirement of 18.40 acres or 15% of the overall development area.)

The use of the cluster development option does not result in a greater number of lots than would already be permitted by the standard requirements of the current zoning district, but rather in a hopefully more efficient and sometimes more environmentally-friendly subdivision design with slightly smaller lots arranged slightly closer together.

Because public water or sewer service is not currently available in the area of the subject property, these lots will utilize individual private onsite wells and septic systems.
Subdivision Review Procedure:

The proposed sketch plan shall remain valid for one year (12 months) from the date of its approval by the Planning Board.

The Planning Staff may review and approve a preliminary plat (authorizing the construction of new roads) and a final plat (post-construction) unless the overall proposed design of the subdivision deviates substantially enough from the previously approved version to require reconsideration and re-approval by the Board.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the major subdivision sketch plan for the Ridge Road Subdivision on January 12, 2022 and recommended APPROVAL, subject to the SKETCH PLAN REVISIONS listed below.

Suggested Motion:

I move that the Nash County Planning Board APPROVE or DENY (choose one) the major subdivision sketch plan for the Ridge Road Subdivision, subject to the following revisions.

Sketch Plan Revisions:

(1) One of the two lots currently labeled as Lot 81 shall be relabeled as Lot 82.

(2) Lots 1 & 108-112 shall include a 5’ NON-ACCESS EASEMENT along Ridge Rd.

(3) On Lot 87, the 30’ rear minimum building setback line shall be corrected.

(4) In the vicinity map, the road name MACEDONIA CHURCH RD shall be corrected to MACEDONIA RD.

(5) Under SITE INFORMATION, the ZONE shall be corrected from “A-1 PROPOSED ZONING to RA-30” to “A-1 CLUSTERED TO DIMENSIONAL REQUIREMENTS OF R-30”.

(6) The proposed road located between Lots 10 & 11 shall be labeled as STREET “E”.

(7) All proposed new roads shall be labeled as 50’ PUBLIC R/W.

(9) The 50' TAR-PAHLICO RIPARIAN BUFFER depicted on the plan shall be labeled as such.

(10) The SPECIAL COMMON AREA LOT (OPEN SPACE) shall be relabeled as SPECIAL PURPOSE LOT FOR COMMON AREA / OPEN SPACE & STORMWATER MANAGEMENT.

(11) The proposed location of the MAIL KIOSK shall be designated as either an easement or a special purpose lot to allow for its ownership and maintenance by a property owners' association.

(12) The proposed location and design of the MAIL KIOSK shall be submitted to the NCDOT District Engineer for review and approval because it requires exiting vehicles to back directly into the public right-of-way.

PROCEDURAL NOTE:

A rezoning request receives an advisory legislative review by the Planning Board, meaning that the Board has broad authority to recommend either approval or denial based on its opinions and best judgment.

A subdivision, on the other hand, receives an administrative review by the Planning Board, meaning that the Board's decision must be based solely upon the specific regulations and standards set forth in the Unified Development Ordinance.

Typically, a developer shall be allowed to proceed with a subdivision unless the staff or Planning Board can identify a specific Ordinance standard or requirement that it would violate.

While all meetings of the Planning Board are open to the public, the County is not required to mail public notice letters to the adjacent landowners prior to considering a subdivision or to receive public input on subdivisions due to the more technical and less subjective nature of the administrative review process.

However, the Board Chairman has granted permission for two attorneys – Bryce Pike with The Pike Law Firm and Stephen Dunn with Emanuel & Dunn – to address the Board with regard to this proposed Ridge Road Subdivision on behalf of the adjacent landowners.

Note that the Board's ultimate decision to either approve or deny the subdivision must still be based on the applicable requirements of the Ordinance and not on the opinions or preferences of the adjacent landowners.
Ridge Road Subdivision
Property of the Choplin Family
Aerial Photograph

Approx. 122.67 Acres
To Be Developed For
112 Residential Lots
NASH COUNTY PLANNING BOARD
STAFF REPORT: UDO TEXT AMENDMENT REQUEST

File Number: A-220101 (UDO Text Amendment Request)
Applicant: Nash County Technical Review Committee
Affected UDO Section: Article IX, Table 9-3-1 & Table 9-4-3
Purpose: To prohibit the development of residential land uses within nonresidential zoning districts.

Description of the Proposed Text Amendment:

The Nash County Unified Development Ordinance (UDO) currently permits the development of a variety of single-family, two-family, and multi-family residential land uses in the OI (Office & Institutional), RC (Rural Commercial), and GC (General Commercial) Zoning Districts, subject to the density and dimensional requirements of the R-6 (High Density Residential) Zoning District.

This means that they are allowed by right with a minimum lot size requirement as little as 6,000 square feet per lot and a minimum lot width requirement as little as 60 feet per lot (provided that adequate water supply and sewage disposal is available.)

The purpose of Text Amendment Request A-220101 below, submitted by the Nash County Technical Review Committee, is to prohibit the development of residential land uses within these nonresidential zoning districts.

These residential land uses are already prohibited within industrial zoning districts and they will continue to be permitted for development within the County’s agricultural and residential zoning districts (subject to any already applicable development standards or review requirements.)

This amendment would prohibit the vertical mixed-use development typically seen in an urban area (meaning commercial use at the ground level of a structure with residential uses on the upper floors.) However, horizontal mixed-use development (meaning commercial and residential uses directly beside one another on the same site) would remain possible, most likely through a conditional rezoning request with a site plan that delineates the differently zoned areas within the same development project.

Any existing residential land uses already located within an OI, RC, or GC Zoning District would be recognized by the UDO as a legal, nonconforming land use and as such, they may lawfully remain or even be potentially enlarged or replaced, subject to the specific requirements of Article VI, Section 6-3.
**Current Ordinance Text:**

NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE IX – ZONING

**Table 9-3-1: Table of Permitted Uses (Excerpt):**

<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>REF. SIC</th>
<th>OI</th>
<th>RC</th>
<th>GC</th>
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<tbody>
<tr>
<td>Residential Uses</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>7011</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Congregate Care Facility</td>
<td>0000</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>Family Care Home</td>
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<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Group Care Facility</td>
<td>0000</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Homeless Shelter</td>
<td>0000</td>
<td>S</td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Modular Home</td>
<td>0000</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multifamily Dwelling / Condominium</td>
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<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Patio Homes</td>
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<td></td>
<td>P</td>
</tr>
<tr>
<td>Single-Family Detached Dwelling</td>
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<tr>
<td>Temporary Shelter</td>
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<td>Townhouse Dwelling</td>
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<td>P</td>
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<tr>
<td>Two-Family Dwelling (Duplex)</td>
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</tr>
</tbody>
</table>

P = Use Permitted by Zoning Permit
D = Use Permitted by Zoning Permit with Development Standards
S = Use Permitted by Special Use Permit

**Table 9-4-3: Table of Density and Dimensional Requirements for Nonresidential Districts:**

**Notes:**

1. Permitted residential uses in nonresidential districts shall comply with the R-6 density and dimensional requirements outlined in Table 9-4-1.
Proposed Text Amendment *(Changes Highlighted)*:

NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE
ARTICLE IX – ZONING

Table 9-3-1: Table of Permitted Uses (Excerpt):

<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>REF. SIC</th>
<th>ZONING DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL USES</strong></td>
<td></td>
<td>OI</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>7011</td>
<td>P</td>
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<tr>
<td>Congregate Care Facility</td>
<td>0000</td>
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</tr>
<tr>
<td>Group Care Facility</td>
<td>0000</td>
<td>S</td>
</tr>
<tr>
<td>Homeless Shelter</td>
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<td>Patio Homes</td>
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<td>S</td>
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<tr>
<td>Townhouse Dwelling</td>
<td>0000</td>
<td>P</td>
</tr>
<tr>
<td>Two-Family Dwelling (Duplex)</td>
<td>0000</td>
<td>P</td>
</tr>
</tbody>
</table>

P = Use Permitted by Zoning Permit
D = Use Permitted by Zoning Permit with Development Standards
S = Use Permitted by Special Use Permit

Table 9-4-3: Table of Density and Dimensional Requirements for Nonresidential Districts:

Notes:

1. Permitted residential uses in nonresidential districts shall comply with the R-6 density and dimensional requirements outlined in Table 9-4-1.
Land Development Plan Consistency:

Text Amendment Request A-220101 is neither consistent nor inconsistent with the specific recommendations of the Nash County Land Development Plan.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered Text Amendment Request A-220101 on January 12, 2022 and recommended APPROVAL.

Suggested Motions:

MOTION TO RECOMMEND APPROVAL OF THE TEXT AMENDMENT:

I move that the Nash County Planning Board recommends APPROVAL of Text Amendment Request A-220101 to prohibit the development of residential land uses within nonresidential zoning districts and the adoption of the following statement of plan consistency for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency:

Text Amendment Request A-220101 is neither consistent nor inconsistent with the specific recommendations of the Nash County Land Development Plan.

--- OR ---

MOTION TO RECOMMEND DENIAL OF THE TEXT AMENDMENT:

I move that the Nash County Planning Board recommends DENIAL of Text Amendment Request A-220101 to prohibit the development of residential land uses within nonresidential zoning districts and the adoption of the following statement of plan consistency for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency:

Text Amendment Request A-220101 is neither consistent nor inconsistent with the specific recommendations of the Nash County Land Development Plan.