NASH COUNTY PLANNING BOARD
REGULAR MEETING
MONDAY, FEBRUARY 21, 2022 AT 6:30 P.M.
FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856

NOTE: FACEMASKS ARE CURRENTLY REQUIRED INSIDE NASH COUNTY FACILITIES TO LIMIT THE SPREAD OF COVID-19.

MEETING AGENDA

1. Call to Order.

2. Determination of a Quorum.

3. Approval of the Minutes of the Following Meetings.
   June 21, 2021 Regular Meeting
   July 19, 2021 Regular Meeting
   January 18, 2022 Regular Meeting

   Delayed Meeting Minutes:
   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


   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 (Single-Family Residential) to RA-30-CZ (Single-Family Residential Conditional Zone) for the development of the 22-lot Coolwater Phase Four Subdivision. (Tabled for further consideration at the Board’s previous regular meeting on January 18, 2022.)
6. **Conditional Rezoning Request CZ-220202.**
   Made by Brian K. Lamm, the property owner, to rezone an approximately 22.71-acre tract of land located on the east side of S NC Highway 581, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-30-CZ (Single-Family Residential Conditional Zone) for the development of the 27-lot Lamm Subdivision.

7. **Conditional Rezoning Request CZ-220203.**
   Made by Tracy H. Stone, the property owner, to rezone an approximately 15.14-acre tract of land located on the west side of S NC Highway 231, Middlesex, NC 27557 from A1 (Agricultural) to A1-CZ (Agricultural Conditional Zone) for the development of an event and conference venue (the Stone Wedding Venue.)

8. **Countryside Farms Subdivision Sketch Plan.**
   Submitted by Dink Acquisitions LLC, the property owner, for the cluster development of 16 new residential lots on an approximately 16.93-acre tract of land located on the north side of Frazier Rd, Middlesex, NC 27557 in the A1 (Agricultural) Zoning District.

9. **Other Business.**

   a. **Update on the Board of Commissioners Planning Actions Taken Feb. 7, 2022:**

      **Conditional Rezoning Request CZ-220101** to rezone 238 acres on both sides of Green Pond Loop Rd, Bailey, NC 27807 to RA-20-CZ for the 175-lot Green Pond Loop Road Subdivision was **DENIED** due to the Board’s determination that the request was “unreasonable and not in the public interest because the proposal would result in a residential housing density too great for this specific rural area.”

      **UDO Text Amendment Request A-220101** to prohibit the development of residential land uses within nonresidential zoning districts was **APPROVED.**

   b. **Nash County Land Use Plan Steering Committee Meeting #4 of 5**
      Tuesday, February 22, 2022 from 4:00 p.m. to 6:00 p.m.

10. **Adjournment.**
Nash County Planning Board
Public Comment Policy

Adopted March 15, 2021
Proposed Amendments Highlighted

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

2. For agenda items requiring public input (rezoning requests and ordinance amendments), 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 when 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. The applicant is not subject to a specific time limit.

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

File Number: CZ-220102 (Conditional Rezoning Request)
Type of Plat: Major Subdivision Sketch Plan
Subdivision Name: Coolwater Phase Four Subdivision
Property Owner / Applicant: Karl Friedrich Haberyan
Engineer: Stocks Engineering
Location: West Side of Whitley Rd, Bailey, NC 27807
Tax ID #: PIN # 277500331082 / Parcel ID # 303404
Total Area to be Rezoned: Approx. 20.53 Acres
Current Zoning District: R-40 (Single-Family Residential)
Proposed Zoning District: RA-30-CZ (Single-Family Residential Conditional Zone)
LDP Classification: Suburban Growth Area
Proposed Land Use: 22 New Residential Lots & 1 Common Area / Open Space Lot
Water Supply: Nash County Public Water System (Proposed Extension)
Wastewater Disposal: Individual Private Onsite Septic Systems
Notice of Public Meeting: Mailed to Property Owners within 600 Feet on Feb. 11, 2022

Update:

The Planning Board previously considered Conditional Rezoning Request CZ-220102 at the January 18, 2022 regular meeting. After a motion to approve the request failed with a split vote of 3 to 3, the Board voted unanimously to table the request for further consideration at the February 21, 2022 regular meeting.

Since that time, the request was revised as follows:

(1) Instead of the previously requested RA-20-CZ (Medium Density Residential Conditional) Zoning District, the applicant is now requesting that the property be rezoned to the RA-30-CZ (Single-Family Residential Conditional) Zoning District.

(2) No substantial changes to the proposed subdivision sketch plan resulted from this revision because the applicant is utilizing the cluster development option to continue to propose lots that are potentially as small as 20,000 square feet in area.

(3) The previously proposed open space lot on the western portion of the property will now serve as the common area lot required for a cluster development.
(4) Although the applicant previously stated that they did not intend to establish a homeowners' or property owners' association for this development, one will now be required to own and maintain the common area lot per UDO 9-4.1 (B)(2)(e).

(5) The applicant has revised the proposed subdivision sketch plan to include the following measures discussed by the Board at the previous meeting:

(a) A 3-foot high and 5-foot wide earthen berm to be constructed along the southern boundaries of Lots 29 & 31-38.

(b) A 6-foot high wooden screening fence to be installed at the southern end of the proposed 60-foot wide public road right-of-way.

(c) A 20-foot wide screening buffer to consist of preserved, existing natural vegetation along the southern boundaries of Lot 28 and the common area lot.

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 it currently includes one existing nonresidential structure at 9062 Whitley Rd, which is planned to be removed.

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-30-CZ (Single-Family Residential Conditional Zone), specifically for the development of the 22-lot Coolwater Phase Four Subdivision.

The RA-30 (Single-Family Residential) Zoning District “is primarily intended to accommodate low density single-family detached dwellings on large lots in areas without access to public water and sewer services and in areas where soil characteristics necessitate low density development” (UDO 9-1.2 C.)

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

1. **The required minimum lot area would be reduced from 40,000 square feet to 30,000 square feet, increasing the potential residential density, and the cluster development option would permit lots potentially as small as 20,000 square feet with a required common area.**

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-30-CZ Zoning District: double-wide manufactured homes, rural family occupations, nursing and convalescent homes, 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. It proposes the development of twenty-two (22) new residential lots.
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 plan uses the cluster development option, meaning that although the normally required minimum lot size in the requested RA-30 Zoning District is 30,000 square feet, these lots may include as little as 20,000 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 3.31 acres of common area on the western portion of the property nearest to the White Oak Swamp, which exceeds the minimum calculated requirement of 3.08 acres (or at least 15% of the overall development area.) The lot owners may access the common area via a 20-foot wide access easement to be established on Lots 27 & 28.

The sketch plan includes a shared mailbox kiosk located within the right-of-way of the proposed new interior road and 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.

---

**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.

---

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

Conditional Rezoning Request CZ-220102 may be considered reasonable and in the public interest because:
(1) The request is not unreasonable “spot zoning” because it is similar to 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 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-30-CZ for the development of the Coolwater Phase Four Subdivision and the statement of plan consistency and reasonableness below, subject to the following 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 is similar to 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.

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-30 (Single-Family 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 measures shall be required and maintained as depicted on the approved subdivision sketch plan:

(a) A 3-foot high and 5-foot wide earthen berm to be constructed along the southern boundaries of Lots 29 & 31-38.

(b) A 6-foot high wooden screening fence to be installed at the southern end of the proposed 60-foot wide public road right-of-way.

(c) A 20-foot wide screening buffer to consist of preserved, existing natural vegetation along the southern boundaries of Lot 28 and the common area lot.

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

(a) A declaration establishing a homeowners’ or property owners’ association to own and maintain the special purpose lot for common area / open space and granting all lot owners access to that lot via the 20-foot wide access easement on Lots 27 & 28.

(b) A deed transferring the ownership of the special purpose lot for common area / open space to the homeowners’ or property owners’ association.
(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.

--- 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-30-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-30-CZ
For 22 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-30-CZ For 22 New Residential Lots

RA-20 - CZ (Conditional Zone)
RA-20 - CU (Conditional Use)
RA-30 - CU (Conditional Use)
RA-30 - CD (Cluster Development)

1 in = 1,100 ft
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-30-CZ
For 22 New
Residential Lots
NASH COUNTY PLANNING BOARD
STAFF REPORT: CONDITIONAL REZONING REQUEST

File Number: CZ-220202 (Conditional Rezoning Request)
Type of Plat: Major Subdivision Sketch Plan
Subdivision Name: Lamm Subdivision
Property Owner / Applicant: Brian K. Lamm
Engineer: Stocks Engineering
Location: East Side of S NC Highway 581, Bailey, NC 27807
Tax ID #: PIN # 276400278245 / Parcel ID # 001468
Total Area to be Rezoned: Approx. 22.71 Acres
Current Zoning District: R-40 (Single-Family Residential)
Proposed Zoning District: RA-30-CZ (Single-Family Residential Conditional Zone)
LDP Classification: Suburban Growth Area
Proposed Land Use: 27 New Residential Lots & 1 Common Area / Open Space Lot
Water Supply: Nash County Public Water System (Proposed Extension)
Wastewater Disposal: Individual Private Onsite Septic Systems
Notice of Public Meeting: Mailed to Property Owners within 600 Feet on Feb. 11, 2022

Note:

The public notices sent for this request advertised it as a request to rezone the subject property to RA-20-CZ (Medium Density Residential Conditional Zone.) However, the applicant has since revised the request to rezone the property to RA-30-CZ (Single-Family Residential Conditional Zone.)

This revision resulted in no substantial changes to the previously advertised subdivision sketch plan because the applicant is utilizing the cluster development option to continue to propose lots that are potentially as small as 20,000 square feet in area and the included open space lot will now serve as the common area lot required for a cluster development.

Description of the Subject Property:

The subject property is an approximately 22.71-acre tract of land owned by Brian K. Lamm and located on the east side of S NC Highway 581, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District.
The property is north of and immediately adjacent to the extraterritorial jurisdiction (ETJ) of the Town of Bailey. It currently includes one dilapidated dwelling at 11079 S NC Highway 581, which is planned to be removed.

The eastern boundary of the subject property is defined by a stream that may be subject to a 50-foot wide riparian buffer to protect it from disturbance.

The site is located in the Neuse River Basin, but it is not located in a regulated floodplain or a watershed protection overlay district.

**Description of the Rezoning Request:**

The property owner has submitted Conditional Rezoning Request CZ-220202 to rezone the subject property to RA-30-CZ (Single-Family Residential Conditional Zone), specifically for the development of the 27-lot Lamm Subdivision.

The RA-30 (Single-Family Residential) Zoning District “is primarily intended to accommodate low density single-family detached dwellings on large lots in areas without access to public water and sewer services and in areas where soil characteristics necessitate low density development” (UDO 9-1.2 C.)

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

1. The required minimum lot area would be reduced from 40,000 square feet to 30,000 square feet, increasing the potential residential density, and the cluster development option would permit lots potentially as small as 20,000 square feet with a required common area.

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-30-CZ Zoning District: double-wide manufactured homes, rural family occupations, nursing and convalescent homes, 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 Lamm 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 Lamm Subdivision to serve as the required site plan for this conditional rezoning request.

None of the proposed 27 new residential lots would be accessed directly from the highway, but rather from the three proposed new interior roads, which also provide stub road connections to the immediately adjacent properties to the north and south for potential interconnectivity in the future.

The plan uses the cluster development option, meaning that although the normally required minimum lot size in the requested RA-30 Zoning District is 30,000 square feet, these lots may include as little as 20,000 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 3.92 acres of common area along S NC Highway 581, which exceeds the minimum calculated requirement of 3.41 acres (or at least 15% of the overall development area.) The lot owners may access the common area via a 10-foot wide pedestrian access easement to be established on Lots 18 & 19.

The sketch plan includes a shared mailbox kiosk located within the right-of-way of the proposed new interior road and 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.

NCDOT states that the construction of a left turn lane within the highway’s public right-of-way will be required for the development of this subdivision.

Land Development Plan Consistency:

Conditional Rezoning Request CZ-220202 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 twelve-inch (12") waterline installed along the S NC Highway 581 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.

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

Conditional Rezoning Request CZ-220202 may be considered reasonable and in the public interest because:

1. The request is not unreasonable “spot zoning” because it only allows for a relatively slight increase in residential density over the current zoning district.

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-220202 on February 14, 2022 and recommended **APPROVAL** of the request and the suggested statement of plan consistency and reasonableness below, subject to the listed 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-220202 to rezone the specified property to RA-30-CZ for the development of the Lamm Subdivision and the statement of plan consistency and reasonableness below, subject to the following development conditions recommended for the consideration of the Nash County Board of Commissioners.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-220202 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 twelve-inch (12”) waterline installed along the S NC Highway 581 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 only allows for a relatively slight increase in residential density over the current zoning district.
(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.

Development Conditions:

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

(2) The subject property may be developed for the land uses permitted in the RA-30 (Single-Family 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 homeowners’ or property owners’ association to own and maintain the special purpose lot for common area / open space and granting all lot owners access to that lot via the 10-foot wide pedestrian access easement on Lots 18 & 19.
(b) A deed transferring the ownership of the special purpose lot for common area / open space to the homeowners’ or property owners’ association.

(5) The construction of a left turn lane within the highway’s public right-of-way shall be required for the development of this subdivision if or as determined by the N.C. Department of Transportation.
(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.

--- 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-220202 to rezone the specified property to RA-30-CZ for the development of the Lamm 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-220202 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 twelve-inch (12”) waterline installed along the S NC Highway 581 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-220202
Property of Brian K. Lamm
Aerial Photograph

Approx. 22.71 Acres To Be Rezoned From R-40 To RA-30-CZ For 27 New Residential Lots
Conditional Rezoning Request CZ-220202
Property of Brian K. Lamm
Zoning Map

Approx. 22.71 Acres To Be Rezoned From R-40 To RA-30-CZ For 27 New Residential Lots
Conditional Rezoning Request CZ-220202
Property of Brian K. Lamm
Land Development Plan Map

Approx. 22.71 Acres
To Be Rezoned From R-40
To RA-30-CZ
For 27 New Residential Lots
NASH COUNTY PLANNING BOARD
STAFF REPORT: CONDITIONAL REZONING REQUEST

File Number: CZ-220203 (Conditional Rezoning Request)
Property Owner / Applicant: Tracy H. Stone
Engineer: Stocks Engineering
Location: West Side of S NC Highway 231, Middlesex, NC 27557
Tax ID #: PIN # 274600338494 / Parcel ID # 009736
PIN # 274600335002 / Parcel ID # 039940 (Portion)
Total Area to be Rezoned: Approx. 15.14 Acres
Current Zoning District: A1 (Agricultural)
Proposed Zoning District: A1-CZ (Agricultural Conditional Zone)
Proposed Land Use: Event & Conference Venue Facility (Stone Wedding Venue)
LDP Classification: Suburban Growth Area
Notice of Public Meeting: Mailed to Property Owners within 600 Feet on Feb. 11, 2022

Description of the Subject Property:

The subject property consists of all or portions of two tracts of land totaling approximately 15.14 acres owned by Tracy H. & Lisa S. Stone and located on the west side of S NC Highway 231, Middlesex, NC 27557 north of the Town of Middlesex in the A1 (Agricultural) Zoning District.

The site is undeveloped and immediately adjacent to an existing dwelling at 5574 S NC Highway 231 that is owned by the applicant and a portion of that residential lot is proposed to be included in the area to be rezoned.

The property is located in the Neuse River Basin, but it is not located in a regulated floodplain or a designated watershed protection overlay district and it does not appear to include any riparian stream buffers.

The site does not have access to public water or sewer service, so future development would utilize a private onsite well and septic system.

Description of the Rezoning Request:

The property owner has submitted Conditional Rezoning Request CZ-220203 to rezone the subject property to A1-CZ (Agricultural Conditional Zone), specifically for the development of an event and conference venue to be known as the Stone Wedding Venue.
An event and conference venue requires the establishment of a conditional zoning district.

The A1 (Agricultural) Zoning District “is primarily intended to accommodate uses of an agricultural nature, including farm residences. It also accommodates scattered non-farm residences.” (UDO 9-1.1 A.)

The “conditional” nature of this rezoning request allows for the attachment of reasonable, site-specific development conditions with the consent of the applicant and, if approved, the subject property may only be developed for an event and conference venue in accordance with the approved site plan.

Required Development Standards:

UDO 11-4.28b establishes the following specifically required development standards for event and conference venues:

(A) Where Required
   A1, RC, and GC districts.

   The subject property is proposed for rezoning to A1-CZ (Agricultural Conditional Zone), which permits the development of an event and conference venue.

(B) Minimum Area
   An event and conference venue shall be located on a property with a lot area of at least ten (10) acres.

   The subject property to be rezoned for the event and conference venue has a total approximate area of 15.14 acres, exceeding the minimum area requirement.

(C) Access
   Principal access to the event and conference venue must be from a paved collector or higher capacity road.

   Access to the event and conference venue will be directly from S NC Highway 231.

(D) Separation

   (1) The primary structures used to host events and/or any outdoor event use areas shall be located:

   (a) No closer than two hundred (200) feet to the property line of an immediately adjacent agriculturally zoned, residually zoned, and/or residually used
property, unless the property already includes a legally established commercial or industrial land use.

Both the proposed 6,400 square foot venue building and the 1,600 square foot open shelter are located more than 200 feet from any immediately adjacent property line.

(b) No closer than fifty (50) feet to the property line of an immediately adjacent office and institutionally, commercially, and/or industrially zoned or used property, provided that the property is not residentially used.

None of the immediately adjacent properties are zoned or used for office, institutional, commercial, or industrial land uses.

(2) Parking spaces and loading areas may be located within the required separation distance.

The proposed parking area is located partially within the 200-foot separation distance from the immediately adjacent properties to the north.

(3) Accessory structures with a gross floor area of less than six hundred (600) square feet shall be located in accordance with the standard minimum building setbacks required in the underlying zoning district.

No accessory structures with a gross floor area of less than six hundred (600) square feet are proposed at this time and the location of both of the proposed structures exceed the standard minimum building setbacks required in the underlying A1 Zoning District.

(E) Noise

Noise generated by the event and conference venue shall be in accordance with the Nash County Code of Ordinances Chapter 16, Article III “Noise.”

The Nash County Sheriff’s Office shall enforce any noise violations as necessary.

(F) Parking

Adequate parking spaces to accommodate the use of the event and conference venue shall be provided in accordance with Section 11-2 “Off-Street Parking, Stacking, and Loading Areas.” Paving of the parking spaces shall not be required due to their irregular use for events.

The submitted site plan proposes a total of 61 parking spaces to accommodate the use of the event and conference venue. Per UDO Section 11-2, one parking space shall be required for every five persons based on the maximum building
occupancy. The final number of parking spaces may need to be adjusted once the maximum building occupancy for the proposed venue building has been determined.

(G) Screening

All structures, outdoor use areas, or parking and loading areas associated with the event and conference venue and located within one hundred (100) feet of an immediately adjacent lot which is agriculturally zoned, residentially zoned, and/or residentially used shall be screened in accordance with Section 11-3.3 (B) “Industrial and Commercial Uses.”

All structures, outdoor use areas, and parking or loading areas associated with the event and conference venue and depicted on the proposed site plan are more than 100 feet from any immediately adjacent lot, so no mandatory screening is required.

Land Development Plan Consistency:

Conditional Use Rezoning Request CU-220203 is partially 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 development within the Suburban Growth Area of very limited nonresidential/commercial land uses, which meet specific locational criteria, including: frontage along and access to either a major state highway or secondary road, location at a major intersection, proximity to similar land uses, and spatial separation from non-compatible land uses such as existing residential development.

(3) The conditional nature of the rezoning request means that the proposed event and conference venue facility will be a limited nonresidential/commercial land use because the development of the property will be restricted to that specific land use only as well as restricted to the specific design authorized by the submitted and approved site plan only.

(4) While the subject site is not located at a major intersection, it does have frontage along and direct access to S NC Highway 231, a major state highway with an estimated annual average daily traffic (AADT) of 1,100 vehicle trips per day.

(5) While the subject property is not located in close proximity to other existing commercial or nonresidential land uses, that activity may not be compatible with the desired rural setting appropriate for a wedding venue.
(6) The proposed event and conference venue will be located back from the road right-of-way with spatial separation from other existing residential development.

**Spot Zoning Analysis:**

Conditional Rezoning Request CZ-220203 would not be considered unreasonable "spot zoning" because the underlying A1 Zoning District will remain in place with the permitted addition of the proposed event and conference venue subject to specifically defined development standards and conditions as applicable.

**TRC Recommendation:**

The Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-220203 on February 14, 2022 and recommended APPROVAL of the request and the suggested statement of plan consistency and reasonableness below, subject to the listed 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-220203 to rezone the specified property to A1-CZ for the development of the event & conference venue and the statement of plan consistency and reasonableness below, subject to the following development conditions recommended for the consideration of the Nash County Board of Commissioners._

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-220203 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 development within the Suburban Growth Area of very limited nonresidential/commercial land uses, which meet specific locational criteria, including: frontage along and access to either a major state highway or secondary road, location at a major intersection, proximity to similar land uses, and spatial separation from non-compatible land uses such as existing residential development.

(c) The conditional nature of the rezoning request means that the proposed event and conference venue facility will be a limited nonresidential/commercial land use because
the development of the property will be restricted to that specific land use only as well as restricted to the specific design authorized by the submitted and approved site plan only.

(d) While the subject site is not located at a major intersection, it does have frontage along and direct access to S NC Highway 231, a major state highway with an estimated annual average daily traffic (AADT) of 1,100 vehicle trips per day.

(e) While the subject property is not located in close proximity to other existing commercial or nonresidential land uses, that activity may not be compatible with the desired rural setting appropriate for a wedding venue.

(f) The proposed event and conference venue will be located back from the road right-of-way with spatial separation from other existing residential development.

(2) Reasonable and in the public interest because the request is not unreasonable "spot zoning" because the underlying A1 Zoning District will remain in place with the permitted addition of the proposed event and conference venue subject to specifically defined development standards and conditions as applicable.

**Development Conditions:**

(1) The subject property is approved for the development of an event and conference venue facility only and only in accordance with the approved site plan and the applicable requirements of the Nash County Unified Development Ordinance including, but not limited to, those requirements established specifically for event and conference venues by Article XI, Section 11-4, Subsection 11-4.28b.

(2) The final number of parking spaces shall be adjusted to comply with the applicable requirements of UDO Section 11-2, once the maximum building occupancy for the proposed venue building has been determined.

(3) The development of the event and conference venue facility shall be subject to the approval and/or issuance of the following additional permits and documents, as applicable:

(a) Erosion & Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality: Division of Energy, Mineral, & Land Resources;
(b) Driveway Permit issued by the N.C. Department of Transportation;
(c) Onsite Wastewater Permit and Well Permit issued by the Nash County Environmental Health Division;
(d) Recombination Plat to combine the subject properties as depicted on the site plan; and
(e) Zoning, Building, and Trade Permits issued by the Nash County Planning & Inspections Department.

--- 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-220203 to rezone the specified property to A1-CZ for the development of an event & conference venue 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-220203 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 development within the Suburban Growth Area of very limited nonresidential/commercial land uses, which meet specific locational criteria, including: frontage along and access to either a major state highway or secondary road, location at a major intersection, proximity to similar land uses, and spatial separation from non-compatible land uses such as existing residential development.
   (c) The conditional nature of the rezoning request means that the proposed event and conference venue facility will be a limited nonresidential/commercial land use because the development of the property will be restricted to that specific land use only as well as restricted to the specific design authorized by the submitted and approved site plan only.
   (d) While the subject site is not located at a major intersection, it does have frontage along and direct access to S NC Highway 231, a major state highway with an estimated annual average daily traffic (AADT) of 1,100 vehicle trips per day.
   (e) While the subject property is not located in close proximity to other existing commercial or nonresidential land uses, that activity may not be compatible with the desired rural setting appropriate for a wedding venue.
   (f) The proposed event and conference venue will be located back from the road right-of-way with spatial separation from other existing residential development.; BUT

(2) **Unreasonable and not in the public interest because:** (List specific reasons related to the proposal’s requested land use, site design, and/or its incompatibility with the adjacent and surrounding area.)
Conditional Rezoning Request CZ-220203
Property of Tracy H. Stone & Lisa S. Stone
Aerial Photograph

Approx. 15.14 Acres To Be Rezoned From A1 To A1-CZ For The Stone Wedding Venue
Conditional Rezoning Request CZ-220203
Property of Tracy H. Stone & Lisa S. Stone
Zoning Map

Approx. 15.14 Acres
To Be Rezoned
From A1
To A1-CZ
For The
Stone Wedding
Venue

A1
(Agricultural)

A1 - NL
(Noncompliant Lot)
Conditional Rezoning Request CZ-220203
Property of Tracy H. Stone & Lisa S. Stone
Land Development Plan Map

Approx. 15.14 Acres To Be Rezoned From A1 To A1-CZ For The Stone Wedding Venue

SUBURBAN GROWTH AREA

1 in = 200 ft
NASH COUNTY PLANNING BOARD
STAFF REPORT: MAJOR SUBDIVISION SKETCH PLAN

Type of Plat: Major Subdivision Sketch Plan (Cluster Development Option)
Name of Plat: Countryside Farms Subdivision
Property Owner / Developer: Dink Acquisitions, LLC
Engineer: Stocks Engineering
Location: North Side of Frazier Rd, Middlesex, NC 27557
Tax ID #: PIN # 274800916926 / Parcel ID # 342070
Total Area of Development: Approx. 16.93 Acres
Number of Lots: 16 New Residential Lots
Water Supply: Individual Private Onsite Wells
Wastewater Disposal: Individual Private Onsite Septic Systems
Zoning District: A1 (Agricultural)
LDP Classification: Suburban Growth Area

Description of the Subject Property:

The subject property is an approximately 16.93-acre tract of land owned by Dink Acquisitions, LLC and located on the north side of Frazier Rd, Middlesex, NC 27557 in the A1 (Agricultural) Zoning District.

The property is undeveloped and is between the towns of Spring Hope and Middlesex on the east side of NC Highway 231 and south of the Tar River.

The property is located on the boundary between the Tar-Pamlico and Neuse River Basins, meaning that stormwater management requirements may apply to its future development.

The property is not located in a regulated floodplain or a designated watershed protection overlay district and it does not appear to contain any buffered stream features.

Description of the Subdivision Sketch Plan:

Stocks Engineering has submitted a sketch plan for the Countryside Farms Subdivision on behalf of the property owner, which proposes the development of the subject property into sixteen (16) new residential lots along two new interior public roads.
None of the new lots would be accessed directly from Frazier Rd, but rather from the interior roads, which also provide stub road connections to the immediately adjacent properties to the north and south for potential interconnectivity in the future.

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 3.91 acres of common area in the rear of the property, which exceeds the minimum calculated requirement of 3.52 acres as well as the requirement for the common area to include at least 15% of the overall development area.

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

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 Countryside Farms Subdivision on February 14, 2022 and recommended **APPROVAL**, subject to the **SKETCH PLAN REVISION** listed below.

---

**Suggested Motion:**

*I move that the Nash County Planning Board APPROVE or DENY (choose one) the major subdivision sketch plan for the Countryside Farms Subdivision, subject to the following revision.*
Sketch Plan Revision:

(1) The proposed name of the new interior road – JUSTINS WAY – will likely be rejected by Nash County Emergency Services due to the pre-existing, similar road name – JUSTIN CT – and it will need to be replaced with an approved alternative.
Countryside Farms Subdivision
Property of Dink Acquisitions, LLC
Aerial Photograph

Approx. 16.93 Acres For 16 New Lots

1 in = 500 ft