NASH COUNTY PLANNING BOARD
REGULAR MEETING
MONDAY, MARCH 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

MEETING AGENDA

1. Call to Order.

2. Determination of a Quorum.

3. Approval of the Minutes of the Following Meetings.
   August 16, 2021 Regular Meeting
   September 20, 2021 Regular Meeting
   February 21, 2022 Regular Meeting

   Delayed Meeting Minutes:
   October 18, 2021 Regular Meeting
   November 15, 2021 Regular Meeting
   December 20, 2021 Regular Meeting

4. Review of Public Comment Policy.

5. Morganshire Subdivision, Section Nine Sketch Plan.
   Submitted by Morganshire Partners LLC, the property owner, for the development of nine (9) new residential lots and the extension of an existing public road right-of-way on an approximately 7.8-acre tract of land located on the east end of Roseheath Ct, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District.

   Submitted by the property owners to waive the limitation on the number of lots that may be served by a private access easement in order to subdivide the 10.01-acre lot located at 7695 Stony Creek Lane, Nashville, NC 27856 into two (2) residential lots.
7. Other Business.

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

Conditional Rezoning Request CZ-220102 to rezone approximately 20.53 acres on the west side of Whitley Rd, Bailey, NC 27807 to RA-30-CZ for the 22-lot Coolwater Phase Four Subdivision was DENIED due to the Board’s determination that the request was "unreasonable and not in the public interest due to the requested residential density."

Conditional Rezoning Request CZ-220202 to rezone approximately 22.71 acres on the east side of S NC Highway 581, Bailey, NC 27807 to RA-30-CZ for the 27-lot Lamm Subdivision was DENIED due to the Board’s determination that the request was "unreasonable and not in the public interest due to the requested residential density."

Conditional Rezoning Request CZ-220203 to rezone 15.14 acres on the west side of S NC Highway 231, Middlesex, NC 27557 for the development of an event and conference venue (the Stone Wedding Venue) was APPROVED.

b. Nash County Land Use Plan Update.
Discussion of Scheduling Recessed Planning Board Meeting in April.

8. Adjournment.
MINUTES OF THE
NASH COUNTY PLANNING BOARD REGULAR MEETING
HELD MONDAY, AUGUST 16, 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

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

BOARD MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Ned Coleman
James Ray Coley
Ed Cozart
Steven Eatmon
Fonzie Wayne Stone
Kevin Varnell
1. Call to Order.
Chairman Smith called the meeting to order at 6:30 p.m.

2. Determination of a Quorum.
Chairman Smith recognized the presence of a quorum.

3. Approval of the Minutes of the February 15, 2021 Regular Meeting.
The minutes of the February 15, 2021 regular meeting were sent to each member of the Board for review. Chairman Smith asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to approve the minutes of the February 15, 2021 regular meeting as submitted.

The motion was unanimously carried.

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

5. General Rezoning Request Z-210801 made by Donna Marie Moore on behalf of the property owners, Teresa B. Renfrow & K. Michael Renfrow, to rezone approximately 1.38 acres located at 4495 US Highway 264A, Bailey, NC 27807 from LI (Light Industrial) to GC (General Commercial).

Mr. Culpepper presented the staff report and supplemental materials related to General Rezoning Request Z-210801 as submitted to the Board in the August 16, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on August 4, 2021 and recommended approval based on its determination that the request is mostly consistent with the recommendations of the Nash County Land Development Plan, reasonable, and in the public interest.

No members of the public addressed the Board with regard to this request.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to recommend approval of General Rezoning Request Z-210801 to rezone the specified property to GC (General Commercial), subject to the following statement recommended for consideration by the Nash County Board of Commissioners.

Statement of Plan Consistency and Reasonableness:
General Rezoning Request Z-210801 is:
(1) Mostly 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 subject property has frontage along and direct access to a state highway (US Highway 264A) and is located in close proximity to an already existing commercial land use (the immediately adjacent automobile towing and repair service), which is consistent with the LDP’s recommendations for commercial land uses in the Suburban Growth Area.
(c) The subject property is not located at a major intersection and it is not substantially separated from the surrounding residential development, which is inconsistent with the LDP’s recommendations for commercial land uses in the Suburban Growth Area.
(d) However, the subject property has previously been used as a business and the less intensive commercial land uses of the proposed GC Zoning District are more consistent with the intent of the LDP for the Suburban Growth Area than the more intensive industrial land uses of the current LI Zoning District.

(2) Reasonable and in the public interest because:
   (a) The request is not "spot zoning" because it is an expansion of the existing and immediately adjacent GC (General Commercial) Zoning District established at 4521 US Highway 264A for the automobile towing and repair service.
   (b) The request is a "down-zoning" amendment, meaning that the land uses permitted by the new zoning classification (GC) are less intensive than the land uses permitted by the previous zoning classification (LI).

The motion was unanimously carried.

6. Conditional Rezoning Request CZ-210802 made by the property owners, Barbara T. & Michael H. Seamster, to rezone approximately 47 acres located on the north side of Old Smithfield Road, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the 44-lot Seamster Subdivision.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-210802 as submitted to the Board in the August 16, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on August 4, 2021 and recommended approval, subject to the suggested statement of plan consistency and reasonableness and the development conditions included in the staff report.

Mr. Steven Eatmon addressed the Board in opposition to the request due to his concern over the increase in residential density and he urged the Board to consider rezoning the subject property to an RA-30 classification instead.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He stated that use of the cluster subdivision development option along with a request to rezone the subject property to RA-30-CZ instead would likely result in a similar lot design.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Brown, to recommend approval of Conditional Rezoning Request CZ-210802 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Seamster Subdivision, subject to the following statement and development conditions recommended for consideration by the Nash County Board of Commissioners.

Statement of Plan Consistency and Reasonableness:
Conditional Rezoning Request CZ-210802 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 Old Smithfield Road 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.; and

(2) Reasonable and in the public interest because:

(a) The request is not "spot zoning" because it is an expansion of the immediately adjacent RA-20-CU (Medium-Density Residential Conditional Use) Zoning District previously established for the development of the similar Old Smithfield Road Subdivision (Case File #CU-210304.)

(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 subdivision sketch plan for the Seamster 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. 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 was carried with a split vote of 6 to 2 with Mr. Glover and Ms. Moore opposed.

**7. Major Subdivision Sketch Plan for the Stone Hill Subdivision submitted on behalf of F. W. Stone Properties, LLC for the development of eight (8) residential lots along a proposed new private road on approximately 10 acres located on the south side of W NC Highway 97, Middlesex, NC 27557.**

Mr. Culpepper presented the staff report and supplemental materials related to the major subdivision sketch plan for the Stone Hill Subdivision as submitted to the Board in the August 16, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this plan on August 4, 2021 and recommended approval, subject to the revisions and conditions included in the staff report.

Mr. Sandifer asked if the manufactured homes currently located on the subject property would have to be removed.

Mr. Culpepper responded that some of the manufactured homes could remain on the site, provided that they meet the minimum building setbacks from the new property lines.

Mr. Glover asked if the new private road would be paved.

Mr. Culpepper explained that the private road would be designed to meet the applicable NCDOT standards for a public road, but it would be graveled instead of paved.
BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Ms. Moore, to approve the major subdivision sketch plan for the Stone Hill Subdivision, subject to the following revisions and conditions.

Sketch Plan Revisions:
(1) The mail kiosk area depicted on Lot 8 shall be relocated a minimum of 100 feet from the subdivision entrance per the recommendation of the NCDOT District Engineer and it shall be located within an easement to permit shared access by all the lot owners in the subdivision.
(2) The proposed new private road shall also be designated as a utility easement.

Conditions for Preliminary Plat Approval / Construction Authorization:
(1) The developer shall submit a Driveway Permit and Subdivision Review Approval issued by the N.C. Department of Transportation based on a review of the proposed road construction plans.
(2) The developer shall submit a Sedimentation & Erosion Control Plan approval and a Stream Buffer Determination issued by the N.C. Department of Environmental Quality.
(3) 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.
(4) A road name for the new private road depicted on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to its official assignment.
(5) The developer shall pay the preliminary plat review fee(s) as applicable.

Conditions for Final Plat Approval / Recording:
(1) The developer shall submit engineer-sealed documentation verifying that the new private road has been constructed to the required specifications.
(2) The developer shall submit a signed and notarized declaration and road maintenance agreement to be recorded concurrently along with the final plat that establishes an Owner's Association consisting of the lot owners within the subdivision to own and maintain the private road and the shared mail kiosk.
(3) The developer shall submit a signed and notarized deed to be recorded concurrently along with the final plat that transfers the ownership of the private road to the Owner's Association.
(4) The developer shall pay the final plat review and recording fee(s) as applicable.

The motion was unanimously carried.

8. Text Amendment Request A-210801 made by Timothy Ross Fisher to amend the Nash County Unified Development Ordinance Article XI, Section 11-4.58 (D)(2) to revise the paving requirements for interior access roads in private campgrounds and RV parks.

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-210801 as submitted to the Board in the August 16, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on August 4, 2021 and recommended approval based on its determination that the UDO already permits the development of up to ten residential lots with permanent dwellings on unpaved private roads that are stabilized with a minimum of four inches of crush and run gravel (Article X, Section 10-7.3 G.)
The Board discussed the various levels and types of campsite accessibility observed in campgrounds located in other jurisdictions.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to recommend approval of Text Amendment Request A-210801 to revise the paving requirements for interior access roads in private campgrounds and RV parks, subject to the following statement for consideration by the Nash County Board of Commissioners.

**Statement of Plan Consistency:**
Text Amendment Request A-210801 is neither consistent nor inconsistent with the recommendations of the Nash County Land Development Plan, because the plan does not specifically address the paving requirements for interior access roads in private campgrounds and RV parks.

The motion was unanimously carried.

9. **Text Amendment Request A-210802 made by the Nash County Technical Review Committee to amend the Nash County Unified Development Ordinance Article IX, Table 9-3-1 to require a conditional zoning district for the development of private campgrounds and RV parks in the A1 (Agricultural) Zone.**

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-210802 as submitted to the Board in the August 16, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on August 4, 2021 and recommended approval based on its determination that private campgrounds and RV parks proposed in the A1 (Agricultural) Zoning District should require the approval of a conditional zoning district.

Kevin Varnell with Stocks Engineering addressed the Board and requested that the text amendment be tabled for further consideration at the next regular meeting on September 20, 2021 in order to allow the pending Fisher / Gold Mine RV Park project to proceed under the currently applicable review requirements.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to table Text Amendment Request A-210802 for further consideration at the Board’s next regular meeting on September 20, 2021.

The motion was unanimously carried.

10. **Other Business.**

Mr. Tyson provided the following update on the planning action taken by the Nash County Board of Commissioners at its regular meeting on August 2, 2021:

Conditional Rezoning Request CZ-210603 for the 121.5-acre 148-lot Strickland Road Phase 1 Subdivision was approved. (The portion of the project area on the north side of Strickland Road was withdrawn from consideration by the applicant.)
Mr. Tyson announced that Stewart had been chosen as the consultant to update the Nash County Land Use Plan and he outlined the approximately 12-month anticipated project timeline.

Mr. Tyson also announced that the County had been awarded grant funding by the state for the removal of abandoned manufactured homes and the Board discussed the locations of units that might be potential candidates for the program.

11. Adjournment.
   There being no further business, Chairman Smith adjourned the meeting at 7:33 p.m.
MINUTES OF THE
NASH COUNTY PLANNING BOARD REGULAR MEETING
HELD MONDAY, SEPTEMBER 20, 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

DeLeon Parker, Jr., Vice-Chairman
Moses Brown, Jr.
Jimmy Glover
Kimberly Moore
Barbara Pulley
Chris Sandifer
Ethan Vester

BOARD MEMBERS ABSENT

Kevin Smith, Chairman

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Danny Benson
Leigh Kokenes
Kevin Varnell
Melba Whitman
1. Call to Order.
Vice-Chairman Parker called the meeting to order at 6:30 p.m.

2. Determination of a Quorum.
Vice-Chairman Parker 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 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 Rezoning Request CZ-210901 made by Barnes Land Corporation, the property owner, to rezone approximately 30.5 acres located on both sides of Needham Rd, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the 37-lot Whitley Crossing Phase 2 Subdivision.

Mr. Culpepper presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-210901 as submitted to the Board in the September 20, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on September 2, 2021 and recommended approval of the request and the suggested statement of plan consistency and reasonableness, subject to the sketch plan revisions and development conditions included in the staff report.

The Board discussed the proposed connectivity of the development’s new interior roads with the adjacent properties and the fact that the development of cell phone towers would be prohibited on the subject property should the rezoning request be approved.

No members of the public, other than the applicant, addressed the Board with regard to this request.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant.

Ms. Moore suggested that the Board note all of the residential developments recently approved in the County’s jurisdiction over the past year and to consider them when making this rezoning recommendation.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to recommend approval of Conditional Rezoning Request CZ-210901 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Whitley Crossing Phase 2 Subdivision and the statement of plan consistency and reasonableness below, subject to the following sketch plan revisions and development conditions for the consideration of the Nash County Board of Commissioners.

**Statement of Plan Consistency and Reasonableness:**
Conditional Rezoning Request CZ-210901 is:
(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
(a) The LDP designates the subject property as Suburban Growth Area.
(b) The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
(c) The subject property has access to Nash County public water service via an existing six-inch (6”) waterline installed along the Needham Road 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; and

(2) Reasonable and in the public interest because:
(a) The request is not “spot zoning” because it is an expansion of the immediately adjacent RA-20 conditional zoning districts previously established for the development of the Williams Grove Subdivision to the south (Case File CU-210301 in April 2021), the Whitley Crossing Subdivision to the west (Case File CU-210404 in May 2021), and the Strickland Road Phase 1 Subdivision to the north (Case File CZ-210603 in August 2021.)
(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 plat label should be revised from CONSTRUCTION PLAT to SKETCH PLAN.
(2) A 5' NON-ACCESS EASEMENT should be depicted on Lots 1 & 34 along the Needham Road right-of-way.
(3) The plan should depict STREET “B” to be constructed and paved up to the property line of the immediately adjacent property to the east.
(4) The area of the cul-de-sac bulb at the eastern end of STREET “B” located outside of the typical 50-foot wide right-of-way should be depicted as a TEMPORARY TURNAROUND EASEMENT that may be abandoned in the future upon the further extension of the road to the east.
(5) The plan should depict a location for a shared cluster box unit (CBU) MAILBOX KIOSK as required by the U.S. Postal Service for centralized mail delivery.
(6) The minimum building setback lines shown within the potential wetland areas on Lots 16, 36, & 37 should be removed.
(7) Sight distance easements/triangles should be depicted at the road intersections on Lots 1, 4, 7, 26, 31, & 34.

Development Conditions:
(1) The subject property shall be developed in accordance with the approved subdivision sketch plan for the Whitley Crossing Phase 2 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) Lots 16, 36, & 37 shall be evaluated for the presence of jurisdictional wetlands and/or riparian stream buffers.
(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.

The motion was carried with a split vote of 6 to 1 with Ms. Moore opposed.

6. Conditional Rezoning Request CZ-210902 made by Thomas P. White, the developer, on behalf of the Choplin Family, the property owners, to rezone approximately 110.31 acres located on the west side of S NC Highway 231, Middlesex, NC 27557 from R-40 (Single-Family Residential) to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the 142-lot Choplin Property NC 231 Subdivision.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-210902 as submitted to the Board in the September 20, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on September 2, 2021 and recommended denial of the request based on:

(1) Its inconsistency with the recommendations of the Nash County Land Development Plan; and
(2) Concern that approval of the request would effectively open the entire Suburban Growth Area for higher density residential rezoning in a way that was not previously considered at the adoption of the current Land Use Plan.

He noted that the TRC recommended that the relationship between private community water systems and residential rezonings be studied further during the Land Use Plan update process.

The Board discussed the distance between the subject property and the existing public water systems of Nash County and the Town of Middlesex, the already existing private community water systems located in the County, and the rates charged by private community water systems.

The following members of the public addressed the Board with concerns about the request including potential light pollution, the effect on property values, water runoff, and the effect on the existing local wells and water supply.

Leigh Kokenes, owner of nearby property on S NC Highway 231
Danny Benson of 11556 Bissette Rd
Melba Whitman of 11574 Bissette Rd

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He discussed the regulation of private community water systems by the North Carolina Utilities Commission, the proximity of the Johnston County public water system to the west, potential well capacity, water quality treatment/monitoring/testing, restrictive covenants to prohibit lot owners from drilling their own individual wells, and the potential need for a third back-up well.

The Board discussed the request’s inconsistency with the current Land Development Plan and the proposed residential density of the development.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to table Conditional Rezoning Request CZ-210902 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Choplin Property NC 231 Subdivision for further consideration at the Board’s next regular meeting on October 18,
2021 and to instruct the Planning Staff to investigate the possibility of attaching a condition to the rezoning that would require a contractual agreement between the owner/operator of the private water system and the County that would define the terms for the County’s eventual acquisition of the private system when/if its public water system extends into this area in the future.

The motion was unanimously carried.

7. Race Track Road Subdivision Sketch Plan submitted on behalf of Thomas P. White, the developer, and James Ervin Rigsbee, the property owner, for the development of 51 residential lots on approximately 66.72 acres located on the east side of Race Track Rd, Castalia, NC 27816 in the A1 (Agricultural) Zoning District.

Mr. Culpepper presented the staff report and supplemental materials related to the Race Track Road Subdivision sketch plan as submitted to the Board in the September 20, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this plan on September 2, 2021 and recommended approval, subject to the revisions and conditions included in the staff report.

Kevin Varnell with Stocks Engineering was present to represent the project on behalf of the developer.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Ms. Pulley, to approve the major subdivision sketch plan for the Race Track Road Subdivision, subject to the following revisions and conditions.

**Sketch Plan Revisions:**

1. Please consider revising the proposed name of the subdivision to RACE TRACK ACRES PHASE II for consistency with the existing, immediately adjacent development.

2. The front segment of the new public road right-of-way providing access from Race Track Road must be revised because it exceeds the maximum allowable block length of 1,200 feet.

3. The plan should specify whether the lot strips located to the immediate north and south of the front segment of the new public road right-of-way are intended to become common area lots or to be recombined with the adjacent residential lots.

4. The width of each proposed new public road right-of-way should be specified on the plan.

5. The radius of the proposed cul-de-sac should be specified on the plan.

6. Lots 24, 25, 26, & 27 must be revised to meet the 100-foot minimum lot width requirement as measured at the 50-foot front minimum building setback line.

7. The STREAM centerlines and the 50’ TAR-PAM RIPARIAN BUFFERS should be labeled as such on the plan.

8. Minimum building setback lines depicted within the riparian buffers should be removed.

9. The plan should depict a location for at least one shared cluster box unit (CBU) MAILBOX KIOSK as required by the U.S. Postal Service for centralized mail delivery.

**Conditions for Preliminary Plat Approval / Construction Authorization:**

1. The developer shall submit a Driveway Permit and Subdivision Review Approval issued by the N.C. Department of Transportation based on a review of the proposed road construction plans.

2. The developer shall submit a Sedimentation & Erosion Control Plan approval, a Stream Buffer Determination, and any necessary stream crossing or wetland impact permits issued by the N.C. Department of Environmental Quality.
(3) A Tar-Pamlico River Basin Overlay District Stormwater Permit shall be issued by the Nash County Planning & Inspections Department. The required stormwater calculations shall include the previously developed Race Track Acres Phase II lots as well as the currently proposed lots and roads.

(4) 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.

(5) New road names for the proposed public rights-of-way depicted on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to their official assignment.

(6) The developer shall pay the preliminary plat review fee(s) as applicable.

Conditions for Final Plat Approval / Recording:
(1) The developer shall submit engineer-sealed documentation verifying that the new public roads have been constructed to the required N.C. Department of Transportation specifications.

(2) The developer shall pay the final plat review and recording fee(s) as applicable.

The motion was unanimously carried.

8. Text Amendment Request A-210802 made by the Nash County Technical Review Committee to amend the Nash County Unified Development Ordinance Article IX, Table 9-3-1 to require a conditional zoning district for the development of private campgrounds and RV parks in the A1 (Agricultural) Zone. (Tabled by the Planning Board at its previous regular meeting on August 16, 2021.)

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-210802 as submitted to the Board in the September 20, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on August 4, 2021 and recommended approval based on its determination that private campgrounds and RV parks proposed in the A1 (Agricultural) Zoning District should require the approval of a conditional zoning district.

The Board discussed the three-month continuous occupancy limitation for campgrounds and RV parks to prevent extended or permanent residential use and the currently required staff-level administrative review process for campgrounds and RV parks that does not allow for input from the Planning Board.

No members of the public addressed the Board with regard to the request.

BOARD ACTION: Mr. Glover offered a motion, which was duly seconded by Mr. Brown, to recommend approval of Text Amendment Request A-210802 to require a conditional zoning district for the development of private campgrounds and RV parks in the A1 Zoning District along with the following statement for the consideration of the Nash County Board of Commissioners.

Statement of Plan Consistency:
Text Amendment Request A-210802 is neither consistent nor inconsistent with the recommendations of the Nash County Land Development Plan, because the plan does not specifically address the review requirements for private campgrounds and RV parks.
The motion was unanimously carried.

9. 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 September 7, 2021:

General Rezoning Request Z-210801 to rezone 1.38 acres at 4495 US Highway 264A, Bailey, NC 27807 from LI (Light Industrial) to GC (General Commercial) was approved.

Conditional Rezoning Request CZ-210802 to rezone 47 acres located on Old Smithfield Rd, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-20-CZ (Medium Density Residential Conditional Zone) for the 44-lot Seamster Subdivision was approved.

UDO Text Amendment Request A-210801 to revise the paving requirements for interior access roads in small private campgrounds and RV parks was approved.

Mr. Tyson also provided a brief update on the Land Use Plan process and announced that the County Manager would be appointing the following individuals to the Nash County Land Use Plan Steering Committee:

Commissioner Marvin C. Arrington
Commissioner Robbie B. Davis (Chairman)
Commissioner Sue Leggett
Planning Board Member Kevin Smith (Chairman)
Planning Board Member DeLeon Parker, Jr. (Vice-Chairman)
Planning Board Member Kimberly Moore
Planning Board Member Ethan Vester

The Board discussed the Abandoned Manufactured Home Program as well as a potential change to the Board’s Public Comment Policy related to the order of speakers.

10. Adjournment.

There being no further business, Vice-Chairman Parker adjourned the meeting at 7:58 p.m.
MINUTES OF THE
NASH COUNTY PLANNING BOARD REGULAR MEETING
HELD 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

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Philip Brannan

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Windy Braswell, Planning Technician
Rebecca Burbage, Economic Development Administrative Assistant

OTHERS PRESENT

Richard Brantley
Sharon V. Eatmon
Linda P. Edwards
Heather Louise Finch
Jane Flowers Finch

Louise Finch
Vicky Griffin
Connie F. Joyner
Gregory C. Joyner

Dale Glover Medlin
Tracey H. Stone
Andrew Tyson
Kevin Varnell
1. **Call to Order.**
   Chairman Smith called the meeting to order at 6:30 p.m.

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

3. **Approval of the Minutes of the June 21, 2021, July 19, 2021, and January 18, 2022 Regular Meetings.**
   The minutes of the June 21, 2021, July 19, 2021, and January 18, 2022 regular meetings were sent to each member of the Board for review. Chairman Smith asked for any revisions or corrections. None were offered.

   **BOARD ACTION:** Mr. Parker offered a motion, which was duly seconded by Mr. Glover, to approve the minutes of the June 21, 2021, July 19, 2021, and January 18, 2022 regular meetings as submitted.

   The motion was unanimously carried.

4. **Review of Public Comment Policy & Proposed Amendments.**
   Mr. Tyson reviewed the Board's public comment policy for everyone present at the meeting and presented two proposed amendments to: 1) Clarify that the policy applies only to agenda items that require public input such as rezoning requests and ordinance amendments; and 2) Clarify that the item applicant is not subject to a specific time limit.

   Chairman Smith reiterated that members of the public addressing the Board would be held to a strict three-minute time limit.

   **BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to adopt the two proposed amendments to the Public Comment Policy as presented.

   The motion was unanimously carried.

5. **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 (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.)**

   Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220102 as submitted to the Board in the February 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on January 12, 2022 and recommended approval of the request and the suggested statement of plan consistency and reasonableness, subject to the development conditions listed in the staff report.

   The following members of the public addressed the Board in opposition to the request, expressing concerns regarding insufficient public notice prior to the meeting, increased residential density, traffic,
trespassing, and litter as well as the potential impact of the development on local school capacity, agricultural operations, law enforcement, and emergency response services:

Jane Flowers Finch  
Dale Glover Medlin  
Heather Louise Finch  
Sharon V. Eatmon

Ms. Medlin specifically requested that fencing be provided along the southern boundary of the common area lot.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant.

Mr. Sandifer suggested the installation of an NCDOT-style standard woven wire fence with wood posts along the southern boundary of the common area lot outside of the riparian buffer zone.

Mr. Varnell responded that he would prefer the use of a vegetative buffer, but agreed to the installation of the suggested fence on behalf of the applicant.

The Board discussed that the property owners’ association would be responsible for the future maintenance of the fence.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to recommend 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 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.
   (d) An NCDOT-style standard woven wire fence with wood posts to be installed along the southern boundary of the common area lot outside of the riparian buffer zone.

(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.

The motion was carried with a split vote of 5 to 3 with Mr. Glover, Ms. Moore, and Mr. Vester opposed.

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 27507 from R-40 (Single-Family Residential) to RA-30-CZ (Single-Family Residential Conditional Zone) for the development of the 27-lot Lamm Subdivision.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220202 as submitted to the Board in the February 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 14, 2022 and recommended approval of the request and the suggested statement of plan consistency and reasonableness, subject to the development conditions listed in the staff report.
The Board discussed the potential NCDOT requirement of a left turn lane and the proposed connection to the Nash County public water system.

The following members of the public addressed the Board in opposition to the request, expressing concerns regarding the usability of the proposed common area, the presence and proximity of the electrical transmission lines, the potential increase in residential density, traffic, and trespassing as well as the potential impact of the development on the County’s water supply, local school capacity, agricultural operations, law enforcement, and emergency response services:

Jane Flowers Finch  
Vicky Griffin  
Connie F. Joyner  
Gregory C. Joyner  
Richard Brantley  
Sharon V. Eatmon  
Heather Louise Finch

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He noted that the existing dilapidated home would be removed from the property and that the NCDOT-required turn lane would help address the traffic concerns.

**BOARD ACTION:** Mr. Brown offered a motion, which was duly seconded by Mr. Sandifer, to recommend 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 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.

The motion was carried with a split vote of 5 to 3 with Mr. Glover, Ms. Moore, and Mr. Vester opposed.

Ms. Moore addressed the concerns that were expressed by members of the public in relation to the nearby electrical transmission lines and easements.

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.)

Mr. Culpepper presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220203 as submitted to the Board in the February 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 14, 2022 and recommended approval of the request and the suggested statement of plan consistency and reasonableness, subject to the development conditions listed in the staff report.

The Board discussed the fact that due to the distance of the proposed facility from the surrounding property lines, no mandatory screening was required. However, screening could be required as a potential condition of the rezoning with the consent of the applicant.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant.

**BOARD ACTION:** Ms. Pulley offered a motion, which was duly seconded by Mr. Vester, to recommend 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 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.
The motion was unanimously carried.

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.

Mr. Culpepper presented the staff report and supplemental materials related to the Countryside Farms Subdivision sketch plan as submitted to the Board in the February 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the plan on February 14, 2022 and recommended approval, subject to the sketch plan revision listed in the staff report.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the owner and developer.

BOARD ACTION: Chairman Smith offered a motion, which was duly seconded by Mr. Brown, to approve 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.

The motion was unanimously carried.

9. 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 February 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.

Mr. Tyson also noted that the fourth meeting of the Nash County Land Use Plan Steering Committee would be held on Tuesday, February 22, 2022 from 4:00 p.m. to 6:00 p.m.

10. Adjournment.
    There being no further business, Chairman Smith adjourned the meeting at 8:07 p.m.
Nash County Planning Board
Public Comment Policy

Adopted: March 15, 2021
Last Amended: February 21, 2022

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: MAJOR SUBDIVISION SKETCH PLAN

<table>
<thead>
<tr>
<th>Type of Plat:</th>
<th>Major Subdivision Sketch Plan (Cluster Development Option)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Plat:</td>
<td>Morganshire Subdivision, Section Nine</td>
</tr>
<tr>
<td>Property Owner / Developer:</td>
<td>Morganshire Partners, LLC (R. Jackson Smith, III)</td>
</tr>
<tr>
<td>Land Surveyor:</td>
<td>James G. Strickland Land Surveying, P.A.</td>
</tr>
<tr>
<td>Location:</td>
<td>East End of Roseheath Ct, Bailey, NC 27807</td>
</tr>
<tr>
<td>Tax ID #:</td>
<td>PIN # 276600578619 / Parcel ID # 016963</td>
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<tr>
<td>Total Area of Development:</td>
<td>Approx. 7.8 Acres</td>
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<tr>
<td>Number of Lots:</td>
<td>9 New Residential Lots</td>
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<td>Water Supply:</td>
<td>Nash County Public Water Service (Extension)</td>
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<tr>
<td>Wastewater Disposal:</td>
<td>Individual Private Onsite Septic Systems</td>
</tr>
<tr>
<td>Zoning District:</td>
<td>R-40 (Single-Family Residential)</td>
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<tr>
<td>LDP Classification:</td>
<td>Suburban Growth Area</td>
</tr>
</tbody>
</table>

Description of the Subject Property:

The subject property is an approximately 7.8-acre tract of land owned by Morganshire Partners, LLC and located at the east end of Roseheath Ct, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District, south of the Floods Chapel Crossroads at the intersection of S NC Highway 581 and W NC Highway 97.

The property is the undeveloped remainder of the immediately adjacent Sections Four and Six of the Morganshire Subdivision, which were previously developed between 2001 and 2005. The entirety of Roseheath Ct was constructed at that time, however, only the western portion was dedicated and recorded as a public right-of-way.

The site is located in the Neuse River Basin and in the WS-III-PA Watershed Protection Overlay District. It is south of, but not immediately adjacent to, the Toisnot Swamp and its 50-foot wide riparian buffer.

Description of the Subdivision Sketch Plan:

James G. Strickland Land Surveying has submitted a sketch plan for the Morganshire Subdivision, Section Nine on behalf of the property owner, which proposes the development of the subject property into nine (9) new residential lots along the previously constructed Roseheath Ct.
The plan uses the cluster development option, meaning that although the normally required minimum lot size in this R-40 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.

A 5.36-acre common area lot for Sections Four and Six of the Morganshire Subdivision was previously established surrounding the subject property to its north, south, and east. This lot exceeds the minimum calculated requirement of 5.05 acres needed for the 30 total cluster lots included in the existing Sections Four and Six as well as the proposed new Section Nine. It also exceeds the requirement for the common area to include at least 15% of the overall development area.

The cluster development option is not intended to 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.

All the proposed new lots would be served by an extension of the Nash County public waterline installed along Roseheath Ct and by individual private onsite 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.

Because the road has already been constructed, no preliminary plat will be required and the Planning Staff may review and approve a final plat 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 Morganshire Subdivision, Section Nine on March 10, 2022 and recommended APPROVAL, subject to the REVISIONS & SUBMITTAL REQUIREMENTS listed below.

Suggested Motion:
I move that the Nash County Planning Board APPROVE or DENY (choose one) the major subdivision sketch plan for the Morganshire Subdivision, Section Nine, subject to the following revisions and submittal requirements.

Revisions for Final Plat:

(1) The new lots shall be renumbered from Lots 38-46 to Lots 44-52 in order to avoid the duplication of the lot numbers 42 & 43, which were previously used for the lots at the corner of Roseheath Rd and S NC Highway 581 in Section Six of the Morganshire Subdivision.

(2) NOTE #1 shall be revised to read: PROPERTY ZONED R-40 & CLUSTERED TO R-30 DIMENSIONAL REQUIREMENTS.

(3) Under NOTE #4, the following minimum building setbacks shall be revised:
   FRONT – 40’
   SIDE STREET – 20’

(4) The front minimum building setback shown on each lot shall be revised from 50’ to 40’ and the side and rear minimum building setbacks shall be depicted as dashed lines.

(5) An additional NOTE shall be added stating: PROPERTY IS LOCATED IN THE WS-III-PA WATERSHED PROTECTION OVERLAY DISTRICT.

(6) The adjacent OPEN SPACE lot shall be relabeled as: COMMON AREA / OPEN SPACE FOR CLUSTER DEVELOPMENT.

(7) Prior to the construction of the public waterline extension along Roseheath Ct, the developer’s engineer shall submit the proposed construction plans to the Nash County Public Utilities Department and shall secure an authorization for construction from NCDEQ. A preconstruction conference with the Nash County Public Utilities Department shall be required.

(8) The plat shall depict a proposed location for a shared cluster box unit (CBU) mail kiosk unless the Bailey U.S.P.S. Postmaster provides written approval for individual mail delivery to the new lots.

(9) The final plat shall include the following certificates from UDO Appendix 2, Section A-2-2:

   (B) Certificate of Ownership and Dedication
   (E) Certificate of Final Approval (1 & 2)
   (F) Certificate of Survey and Accuracy
   (G) Division of Highways District Engineer Certificate
   (I)(1) Certification of Subdivision and Soils Report Review by the Nash County Health Department OR
(I)(2) Certification of Subdivision by the Nash County Health Department

(J) Utilities Certificate

(K) Public Water Supply Watershed Protection Statement

(L) Certificate of Purpose of Plat (a)

(O) Review Officer Certification

(P) Riparian Buffer Note

**Submittal Requirements for Final Plat:**

(1) A letter either sealed by the project engineer or provided by the NCDOT District Engineer verifying that Roseheath Ct has been constructed in accordance with the applicable public road design standards.

(2) An engineer’s certification of the installed waterline approved by NCDEQ and engineered record drawings of the constructed waterline and related appurtenances.

(3) The Erosion & Sedimentation Control Plan Approval issued by NCDEQ for the clearing of the subject property.

(4) Each of the proposed lots shall be evaluated for the issuance of a wastewater permit by the Nash County Environmental Health Division or a soils report prepared by a licensed soil scientist shall be submitted that verifies each proposed new lot will be suitable for the installation of an individual private on-site septic system.

(5) One mylar copy of the final plat (with appropriate land surveyor and property owner signatures) as well as two paper copies (no signatures required.)

(6) Adequate documentation verifying that the new lots have been included in the previously established Roseheath at Morganshire Homeowners Association.

(7) $25.00 Major Final Plat Review Fee made payable to “Nash County.”

(8) $21.00 Plat Recording Fee (per page) made payable to “Nash County Register of Deeds.”
Morganshire Subdivision, Section Nine
Property of Morganshire Partners, LLC
Aerial Photograph

Approx. 7.8 Acres
For 9 New Lots
NASH COUNTY PLANNING BOARD
SUBDIVISION WAIVER REQUEST – STAFF REPORT

Type of Plat: Minor Subdivision Sketch Plan with Waiver Request
Name of Plat: Property of Lloyd James Williams & Sabrina Lynn Williams
Property Owner: Lloyd James Williams & Sabrina Lynn Williams
Land Surveyor: James G. Strickland Land Surveying, P.A.
Physical Address: 7695 Stony Creek Lane, Nashville, NC 27856
Tax ID #: PIN # 381400877963 / Parcel ID # 045031
Total Area: 10.01 Acres
Number of Lots: 2 Residential Lots
Zoning District: A1 (Agricultural)
LDP Classification: Suburban Growth Area
Grounds for Waiver: Unintentional Error (UDO Section 10-8.2 C)

Description of the Subject Property:

The subject property is the 10.01-acre Lot 14 of the Stoney Creek Farms Subdivision owned by Lloyd and Sabrina Williams in the A1 (Agricultural) Zoning District, immediately adjacent to the municipal limits of the Town of Red Oak. The lot currently includes one single-family dwelling at 7695 Stony Creek Lane, Nashville, NC 27856.

The Stoney Creek Farms Subdivision was established in 1991 and Stoney Creek Lane is a fifty-foot (50’) wide private access easement providing access to the residential lots from Wollett Mill Rd.

The Nash County Unified Development Ordinance (UDO) Section 10-7.2 (G)(2)(a) limits the number of subdivision lots that may be served by a private access easement to “three (3) or less interior residential lots and no more than four (4) lots total including corner lots and remaining tracts.”

Each of the existing eighteen (18) lots with direct access to the Stoney Creek Lane easement are greater than ten (10) acres in size, meaning that they are exempted from local subdivision regulations (including the limitation on the number of lots to be served by a private access easement noted above) by North Carolina General Statute 160D-802(a)(2).

However, the subdivision of any lots smaller than ten (10) acres with direct access to Stoney Creek Lane would be subject to that limitation.
Timeline of Events:

July 7, 2021: Shelley Milburn, the daughter of the property owner, met with a member of the Nash County Planning Staff to discuss the subdivision of the subject property into two (2) new lots—one lot in the front for the property owner’s existing dwelling and an additional lot in the rear for the construction of a new dwelling for Mrs. Milburn and her husband, Brian.

Due to the incorrect depiction of Stoney Creek Lane on the Nash County Tax / G.I.S. map as a public right-of-way, the staff member mistakenly determined it to be a public road and informed Mrs. Milburn that the subject property met the dimensional requirements to allow its subdivision into the two proposed lots.

July 14, 2021: Mrs. Milburn requested and received (via email) a written confirmation of this determination from the staff member.

Jan. 19, 2022: Mr. Milburn met with a different member of the Planning Staff to discuss again the proposed subdivision of the subject property as described above. At this meeting, Mr. Milburn was informed by the staff member that Stoney Creek Lane was actually a private access easement instead of a public road and that the proposed subdivision would violate the limitation on the number of lots that may be served by an easement. Because each of the two lots that would result from the subdivision would be less than ten (10) acres in size, they would be subject to this local regulation.

Later that day, Mrs. Milburn forwarded the written confirmation she had previously received, which stated that the property was eligible to be subdivided and she inquired about potential appeal options.

Jan. 20, 2022: At the request of the Planning Staff, Mrs. Milburn provided (via email) a description of the actions that were taken by her and her husband on the basis of the incorrect July 14, 2021 written confirmation, which included:

(a) The completion of multiple repairs and upgrades to the Milburn’s former home to prepare it for sale;
(b) The actual sale of the Milburn’s former home in October 2021; and
(c) The relocation of the Milburn’s to smaller, temporary accommodations in the existing home of Mrs. Milburn’s parents on the subject property at 7695 Stony Creek Lane in anticipation of the subdivision of the lot and the construction of the new dwelling in 2022.

Mrs. Milburn also stated that purchasing or constructing a new dwelling that was comparable to their previous home somewhere other than the subject property was complicated by the recent increase in housing prices.
The Milburns also explored the possibility of annexation into the immediately adjacent municipal limits of the Town of Red Oak, but the town has a similar limitation as the County on the number of lots that may be served by an easement.

**Description of the Subdivision Waiver Request:**

UDO Section 10-8.2 (C) grants authority to the Nash County Board of Commissioners to approve waivers of the subdivision ordinance standards in cases "where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Article, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties."

The Milburns have submitted a request to waive the limitation of UDO Section 10-7.2 (G)(2)(a) on the number of lots that may be served by an easement in order to permit the subdivision of the subject property into two resulting lots as depicted on the proposed sketch plan submitted by James G. Strickland Land Surveying.

The waiver is requested on the grounds that:

1. The Nash County Planning Staff made an unintentional error by incorrectly identifying Stoney Creek Lane as a public road instead of a private access easement and issuing a written confirmation stating that the subject property was eligible for subdivision; and

2. The Milburns committed to a plan to subdivide the subject property to accommodate the construction of their new home on the basis of that written confirmation.

The two proposed lots otherwise satisfy the applicable zoning and subdivision requirements of the Nash County UDO.

The proposed subdivision of the subject property does not appear to conflict with the restrictive covenants for the Stoney Creek Farms Subdivision, which state that the property "shall not be redivided more than one time and if redivided shall not result in more than two separate parcels of land" (Deed Book 1339 Page 589, Nash County Registry.)

UDO Section 10-8.3 also permits the Board of Commissioners to attach reasonable conditions to the issuance of a subdivision waiver to ensure that the purposes of the waived requirement are met to the extent possible.

**TRC Recommendation:**
The Nash County Technical Review Committee (TRC) considered the subdivision waiver request for the property of Lloyd James Williams & Sabrina Lynn Williams on March 10, 2022 and recommended APPROVAL based on its determination that the Planning Staff made an unintentional error when issuing the incorrect written confirmation of the property’s subdivision eligibility on July 14, 2021.

Suggested Motion:

I move that the Nash County Planning Board recommends APPROVAL or DENIAL (choose one) of the subdivision waiver request for the property of Lloyd James Williams & Sabrina Lynn Williams for consideration by the Nash County Board of Commissioners, subject to the following conditions:

Conditions for Final Subdivision Plat:

(1) The title of the plat shall be revised from SKETCH PLAN to MINOR SUBDIVISION FINAL PLAT.

(2) The two resulting lots shall be labeled as Lot 14-A & Lot 14-B.

(3) Stoney Creek Lane shall be depicted on the plat as a private access easement consistent with its description found in Deed Book 1303 Page 900 of the Nash County Registry.

(4) The spelling of WOLLETT MILL ROAD shall be corrected.

(5) The minimum building setbacks shall be depicted on the resulting lots as dashed lines.

(6) Any water supply well present on the subject property shall be depicted on the plat.

(7) The plat shall include the appropriate certificates as required by UDO Appendix 2.

(8) The plat shall include the following note:

THIS SUBDIVISION WAS APPROVED SUBJECT TO A WAIVER OF THE STANDARDS OF THE NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) ARTICLE X, SECTION 10-7.2 (G)(2)(a) “ACCESS REQUIREMENTS” GRANTED BY THE NASH COUNTY BOARD OF COMMISSIONERS ON APRIL 4, 2022 ON THE GROUNDS OF AN UNINTENTIONAL ERROR IN ACCORDANCE WITH UDO ARTICLE X, SECTION 10-8 “WAIVERS.”
Subdivision Waiver Request
Property of Lloyd James Williams & Sabrina Lynn Williams
Aerial Photograph

Waiver Request
To Subdivide
Into 2 Lots

1 in = 500 ft
Subdivision Waiver Request
Property of Lloyd James Williams & Sabrina Lynn Williams
Zoning Map

Waiver Request
To Subdivide
Into 2 Lots