

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD MEETING  
HELD MONDAY, MARCH 18, 2019 AT 7:00 P.M.  
FREDERICK B. COOPER COMMISSIONERS ROOM  
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR  
120 WEST WASHINGTON STREET  
NASHVILLE, NC 27856**

**BOARD MEMBERS PRESENT**

Leonard Breedlove, Chairman  
Jeffrey Tobias, Vice-Chairman  
Moses Brown  
Harold Colston  
Sandra Edwards  
Kevin Smith  
Deleon Parker  
Barbara Pulley

**BOARD MEMBERS ABSENT**

Chris Sandifer

**STAFF MEMBERS PRESENT**

Adam Tyson, Planning Director  
Windy Braswell, Planning Technician

**OTHERS PRESENT**

Ron Sutton  
Cecil Williams

**1. Call to Order.**

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

**2. Determination of a Quorum.**

Chairman Breedlove recognized a quorum.

**3. Approval of the Minutes of the January 22, 2019 Regular Meeting.**

The approval of the minutes of the January 22, 2019 regular meeting was delayed until a later date.

**4. Approval of the Minutes of the February 18, 2019 Regular Meeting.**

The minutes of the February 18, 2019 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for any revisions or corrections. None were offered.

**BOARD ACTION: Mr. Brown offered a motion which was duly seconded by Ms. Pulley to approve the minutes of the February 18, 2019 meeting as submitted. The motion was unanimously carried.**

**5. Major Subdivision Preliminary Plat for the Castle Berry Subdivision, Section Two Submitted by Herring-Sutton & Associates, P.A. on Behalf of the Property Owner, H & S Land LLC, for the Development of 45 Proposed New Residential Lots and One Proposed Conservation Easement Lot Along Four Proposed New Public Road Rights-of-Way to be Constructed on a 32.13 Acre Tract of Land Located on the East Side of Barnes Hill Church Road (S.R. 1703) in the R-20-CU (Medium Density Residential Conditional Use) Zoning District.**

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

Mr. Tyson presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Castle Berry Subdivision, Section Two as submitted to the Board in the March 18, 2019 Nash County Planning Board agenda document. He informed the Board that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for the Castle Berry Subdivision, Section Two on February 28, 2019 and recommended approval subject to conditions.

Mr. Tyson also reported that subsequent to the TRC's recommendation, the NCDOT District Engineer had advised both the developer and Nash County that the design of the proposed stub road intended to provide connectivity to any future development on the adjacent tract to the east of the subdivision could not be approved in its current configuration because it lacked substantial turning area to accommodate large vehicles such as school buses or fire trucks.

Mr. Tyson proposed two potential options to address this issue. The first option was to eliminate the proposed connectivity by terminating the stub road in a typical cul-de-sac. He noted that the adjacent property already had significant existing frontage and access along two state-maintained public road rights-of-way, Oak Level Road and S Old Carriage Road. This option also would not require any temporary paving or access easements located outside of the permanently dedicated road right-of-way. However, the drawback to this option would be the reduced connectivity to any future development of the tract located to the east.

Mr. Tyson explained that a second option would involve establishing temporary turn-around access easements around the end of the proposed stub road which would resemble a typical cul-de-sac

design, except that only the straight-away would be permanently dedicated and constructed. He noted that this option would provide the potential road connectivity, but it would require temporary paving outside of the permanent road right-of-way on privately owned property reserved as a temporary access easement with no clearly defined timeframe for its eventual removal and abandonment. This option would also assume that the proposed location of the road connection is optimal for the future development of the adjacent property without the benefit of a subdivision sketch plan, soils report, or environmental studies being prepared for that specific tract.

Mr. Tyson concluded the staff presentation by recommending the first option wherein the proposed stub road would be replaced with a typical cul-de-sac. He also noted that Mr. Ron Sutton with Herring-Sutton & Associates was present at the meeting to represent the applicant. Mr. Tyson offered to answer any questions that the Board may have for the staff.

There were no questions.

Chairman Breedlove recognized Mr. Sutton to address the Board on behalf of the applicant.

Mr. Sutton stated that the developers were in agreement with the Planning Staff's recommendation to replace the proposed stub road with a typical cul-de-sac due to the available alternative access for the adjacent property along both Oak Level Road and S Old Carriage Road as well as the potential future issues that could surround the temporary paving and temporary access easements.

Mr. Sutton offered to answer any questions that the Board may have.

There were no questions.

**BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Colston to recommend approval of the Major Subdivision Preliminary Plat for the Castle Berry Subdivision, Section Two subject to the following revision and conditions:**

**Revision:**

- (1) The proposed stub road shall be terminated in a typical cul-de-sac.

**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 District Engineer based on a review of the proposed road construction plans.
- (2) The submitted Tar-Pamlico River Basin Overlay District stormwater management plan shall be approved and the developer shall submit the necessary documents and fees required for the issuance and recording of a Nash County Stormwater Permit (including the documents required to establish the proposed Low Maintenance Conservation Easement on Lot 46 as well as documentation of any necessary nutrient buy-down payments made to a private mitigation bank.)
- (3) The submitted soils report prepared by a licensed soil scientist shall be reviewed and approved by the Nash County Environmental Health Division in

order to verify that each proposed new lot will be suitable for the installation of an individual private onsite septic system.

- (4) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources.
- (5) The developer shall submit a Stream Determination issued by the N.C. Department of Environmental Quality, Division of Water Resources establishing the riparian buffer status of the stream feature potentially impacting proposed Lots 32 & 46.
- (6) The developer's engineer shall submit the construction plans for the proposed public water utility system expansion along with all the required state permit applications and permits issued by the N.C. Department of Environmental Quality to Nash County Public Utilities for review and approval prior to construction.

**Conditions for Final Plat Approval:**

- (1) Post-construction inspection and approval of the new public road rights-of-way by the N.C. Department of Transportation District Engineer.
- (2) The four proposed new road names shall be reviewed and approved by Nash County Emergency Services.
- (3) The developer's engineer shall submit a utility construction certification approved by the N.C. Department of Environmental Quality and record drawings related to the completed public water utility system expansion to Nash County Public Utilities and shall also establish the required one (1) year warranty period for the utility related improvements.
- (4) The developer shall record documents providing for the ownership of the Low Maintenance Conservation Easement (Lot 46) by the Castle Berry Homeowners Association as a shared common area either prior to or concurrently with the recording of the final plat.

The motion was unanimously carried.

6. **Text Amendment Request A-190301 Made to Amend the Nash County Unified Development Ordinance Article XII, Section 12-1 and Subsection 12-1.2 (A) in Order to Repeal the 40,000 Square Foot Minimum Lot Size Requirement Previously Applicable Within Certain Limited Watershed Protection Areas and Enforced in Accordance with the Rules of Title 15A NCAC 18C .1211 "Ground Absorption Sewage Collection: Treatment/Disposal Systems" Which Expired Effective December 1, 2015.**

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

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-190301 as submitted to the Board in the March 18, 2019 Nash County Planning Board agenda document. He stated that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-190301 on February 28, 2019 and recommended approval based on its determination that the request is reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan.

Mr. Tyson concluded the staff report by indicating that Mr. Cecil Williams was present and although he was not the applicant for the request, he did have an upcoming project that could be impacted by the outcome of this text amendment request. Mr. Tyson also offered to answer any questions from the Board.

Chairman Breedlove stated that this proposed amendment appeared to basically align the requirements of Nash County with the current North Carolina state law.

Mr. Tyson confirmed that was correct.

There were no questions from the Board for Mr. Tyson.

Chairman Breedlove recognized Mr. Cecil Williams to address the Board.

Mr. Williams stated that this would be an excellent opportunity for Nash County to become compatible with the State rules enabling growth in the southern part of the county.

The Board had no questions for Mr. Williams.

**BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend the following consistency statement related to Text Amendment Request A-190301 for approval by the Nash County Board of Commissioners:**

**Text Amendment Request A-190301 is reasonable, in the public interest, and consistent with the Nash County Land Development Plan because:**

- (1) The subject portions of UDO Article XII, Section 12-1 and Subsection 12-1.2 (A) to be repealed were intended to accommodate the enforcement of the “40,000 Square Foot Rule” of Title 15A NCAC 18C .1211 “Ground Absorption Sewage Collection: Treatment/Disposal Systems” which was allowed to expire on December 1, 2015 after both the N.C. Public Water Supply Section and the N.C. Rules Review Commission determined that it was unnecessary due to the subsequent adoption of other regulatory requirements including a revision to the “Sewage Treatment and Disposal Systems” rules to require the permitting of designated septic system repair areas as well as the enactment of the North Carolina Water Supply Watershed Protection Rules; and**
- (2) The repeal of these specific requirements will not affect the enforcement of the other existing minimum lot size standards required separately by the zoning and watershed protection overlay district regulations of the UDO.**

**The motion was unanimously carried.**

**BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend approval of Text Amendment Request A-190301 to repeal the portions of UDO Article XII, Section 12-1 and Subsection 12-1.2 (A) originally intended to accommodate the enforcement of the “40,000 Square Foot Rule” of the now expired Title 15A NCAC 18C .1211 “Ground Absorption Sewage Collection: Treatment/Disposal Systems.”**

**The motion was unanimously carried.**

**7. Other Business.**

Mr. Tyson reported that on March 7, 2019 the Board of Commissioners approved both the request to amend Conditional Use Rezoning CU-100301 made by Phillip L. Murray and Brian Keith Murray in order to expand the existing Spring Hope Mini Storage Facility located along S NC Highway 581 with the construction of a fifth additional self-storage warehouse building as well as Conditional Use Rezoning Request CU-190201 made by Sidney Pete Joyner and Gary Lynn Cockrell to rezone a 1.58 acre portion of two tracts of land on the north side of Sandy Cross Road from R-40 to GC-CU for the development of a general merchandise retail store.

He also noted that Adam Culpepper would be assuming his role as Nash County's new Senior Planner effective March 25, 2019.

**8. Adjournment.**

There being no further business, Chairman Breedlove adjourned the meeting at 7:35 p.m.