

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD REGULAR MEETING  
HELD 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**

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

Kimberly Moore

**STAFF MEMBERS PRESENT**

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

**OTHERS PRESENT**

Brian Milburn  
Shelley Milburn  
James Strickland  
Sabrina Lynn Williams

**1. Call to Order.**

Chairman Smith called the meeting to order at 6:31 p.m.

**2. Determination of a Quorum.**

Chairman Smith recognized the presence of a quorum.

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

The minutes of the August 16, 2021, September 20, 2021, and February 21, 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: Ms. Pulley offered a motion, which was duly seconded by Mr. Vester, to approve the minutes of the August 16, 2021, September 20, 2021, and February 21, 2022 regular meetings as submitted.**

**The motion was unanimously carried.**

**4. Review of Public Comment Policy.**

With the Chairman's permission, Mr. Tyson refrained from verbally reviewing the Board's public comment policy because the only members of the public present at the meeting were applicants for the agenda items.

**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.**

Mr. Culpepper presented the staff report and supplemental materials related to the Morganshire Subdivision, Section Nine sketch plan as submitted to the Board in the March 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the plan on March 10, 2022 and recommended approval, subject to the revisions and submittal requirements listed in the staff report.

Mr. James Strickland, the land surveyor, was present at the meeting to represent the project.

Mr. Sandifer inquired about the grayed-out areas depicted on the sketch plan.

Mr. Tyson and Mr. Culpepper responded that those specific areas were found by the licensed soil scientist to have unsuitable soils for the installation of septic systems.

Mr. Strickland added that the soil scientist located suitable soils on each of the proposed lots.

**BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Glover, to approve 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."

**The motion was unanimously carried.**

**6. Subdivision Waiver Request for the Property of Lloyd James Williams & Sabrina Lynn Williams 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.**

Mr. Tyson presented the staff report and supplemental materials related to the subdivision waiver request as submitted to the Board in the March 21, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request 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.

Mr. Glover asked if it was necessary to provide notice of a subdivision waiver request to the surrounding property owners.

Mr. Tyson responded that there was no public notice requirement for a subdivision waiver request.

Mr. Sandifer asked if the first 500 feet of the access easement could be converted to a public road standard.

Mr. Tyson responded that the conversion of the easement to a public road would permit the desired subdivision, but it would also require an engineer to provide a construction assessment and cost estimate.

Mr. Sandifer asked if this option had been considered.

Mr. Tyson responded that, to his knowledge, the applicant had not contacted an engineer.

**BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Brown, to recommend approval of the subdivision waiver request for the property of Lloyd James Williams & Sabrina Lynn Williams at 7695 Stony Creek Lane 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) Stony 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."

**The motion was unanimously carried.**

## **7. 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 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.

Mr. Tyson also discussed with the Board the date and format for the upcoming presentation of the draft Nash County Land Use Plan.

## **8. Adjournment.**

There being no further business, Chairman Smith adjourned the meeting at 7:00 p.m.