

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD  
REGULAR MEETING  
HELD MONDAY, MAY 15, 2023 AT 6:30 P.M.  
COMMISSIONERS ROOM – THIRD FLOOR  
NASH COUNTY ADMINISTRATION BUILDING  
120 WEST WASHINGTON STREET  
NASHVILLE, NC 27856**

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

None

**STAFF MEMBERS PRESENT**

Adam Tyson, Planning Director  
Aaron Chalker, Senior Planner  
Windy Braswell, Planning Technician

**OTHERS PRESENT**

Cecil T. Williams, Jr.  
Steve Williams

**1. Call to Order.**

Chairman Smith called the meeting to order at 6:33 p.m.

**2. Determination of a Quorum.**

Chairman Smith recognized the presence of a quorum.

**3. Approval of the Minutes of the July 18, 2022 & April 17, 2023 Regular Meetings.**

The minutes of the July 18, 2022 & April 17, 2023 regular meetings were provided to the Board for review. Chairman Smith asked for any revisions or corrections. None were offered.

**BOARD ACTION: Vice-Chairman Parker offered a motion, which was duly seconded by Mr. Vester, to approve the minutes of the July 18, 2022 & April 17, 2023 regular meetings as submitted.**

**The motion was unanimously carried.**

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

With the Chairman's permission, Mr. Tyson omitted the usual review of the Board's public comment policy because there were no members of the public present at the meeting other than the request applicant.

**5. Conditional Rezoning Request CZ-230501: Williams Grove Subdivision made by the C.T. Williams Corporation, the property owner, to amend the previously approved sketch plan in order to remove the proposed connection of Shallow Creek Trl to Stoney Hill Church Rd and to request a waiver of the 1,200-foot maximum cul-de-sac length limitation.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-230501 and the subdivision waiver request as submitted to the Board in the May 15, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on May 4, 2023 and recommended denial for the following reasons:

- (1) The inconsistency of the waiver request with the recommendation of the 2022 Nash County Comprehensive Land Use Plan for shorter block lengths.
- (2) The additional point of vehicular access and local road interconnectivity to be provided by the previously approved extension of Shallow Creek Trl to Stoney Hill Church Rd that will benefit not only the 93 already existing, interior lots of the Williams Grove Subdivision, but also the additional interior lots proposed for development in the future.
- (3) The requirement of Nash County Public Utilities to still extend the four-inch (4") waterline along Shallow Creek Trl to connect to the six-inch (6") waterline along Stoney Hill Church Rd as previously proposed and approved, regardless of whether the road itself is extended, in order to "loop" the water system for improved performance.
- (4) The TRC found the technical documentation submitted thus far to be insufficient justification that the construction of the previously approved connection of Shallow Creek Trl to Stoney Hill Church Rd through the existing jurisdictional wetland would constitute an "unusual and unnecessary hardship on the subdivider" as required by UDO Section 10-8.2(A) in order to waive the maximum cul-de-sac length.

Mr. Glover asked if the area of proposed impact to the jurisdictional wetland were to be expanded as requested by the U.S. Army Corps of Engineers, then could the developer proceed with the construction of the road connection.

Mr. Tyson replied that the question remains to be answered because the developer has not submitted any documentation regarding whether the proposal was adjusted as requested and, if so, what was the response from the U.S. Army Corps of Engineers.

Mr. Glover stated that the Board needed to know the answer to that question before proceeding.

Chairman Smith asked for clarification that the proposed disturbance of the wetland for the construction of the road connection had not yet been approved.

Mr. Tyson replied that based on the documentation submitted by the developer thus far, he could only confirm that the developer's consultant, S&EC, was in discussion with the U.S. Army Corps of Engineers regarding the proposed construction of the road connection, but he was not aware of the resolution to that discussion.

Chairman Smith asked about the Nash County Public Utilities requirement that the proposed waterline must still be extended through the jurisdictional wetland in order to "loop" the water system, in the event that the developer's request were to be approved.

Mr. Tyson replied that an extension of the waterline only (without the road connection) would significantly reduce the proposed area of impact to the jurisdictional wetland, but he noted that, at this time, the developer has not clarified the status of the approvals needed from the applicable federal and state agencies.

Ms. Moore stated that based on her experience working for the NCDOT, roads can and are built through jurisdictional wetlands.

Mr. Glover asked what else the developer needed to do.

Mr. Tyson replied that the developer's engineer and/or consultant should adjust their previously submitted proposal as advised by the U.S. Army Corps of Engineers and the N.C. Department of Environmental Quality in order to satisfy the applicable wetland impact mitigation requirements.

Ms. Moore stated that one potential outcome could be that the developer might be required to revise the proposed road design in such a way that the impacted area would drain to a different, adjacent part of the property, effectively shifting the location of the wetland.

Mr. Sandifer asked if the request were approved, then would the burden and associated cost of crossing the wetland then transfer to the County.

Mr. Tyson answered no, that the burden and associated cost of installing the required public waterline connection through the jurisdictional wetland would continue to be the responsibility of the developer.

Cecil T. Williams, Jr. addressed the Board on behalf of the applicant, the C.T. Williams Corporation, in support of the rezoning and subdivision waiver requests. He stated that the project consultant, S&EC, had been unable to provide assurance of a governmental approval to cross the jurisdictional wetland.

Mr. Williams referenced, as a precedent, a proposed subdivision previously approved by the County on Old Smithfield Rd wherein the developer purchased additional, adjoining property to the north on Bull Head Rd in order to avoid impacting an existing creek that crossed the tract and terminated the proposed new road in a cul-de-sac on either side of the creek.

Ms. Moore noted that it was her recollection that the change to that particular subdivision was made by the developer due to the anticipated cost of crossing the creek with a new road.

Mr. Tyson summarized the design evolution of the previously approved subdivision.

Vice-Chairman Parker stated that he did not recall the change to the design of the previously approved subdivision being the result of a decision made by the Planning Board, but rather a decision made by the developer.

Mr. Williams stated his belief that impacts to wetlands should be avoided when possible.

Mr. Sandifer asked Mr. Williams why the sketch plan previously submitted and approved for the Williams Grove Subdivision initially proposed the road connection through the jurisdictional wetland.

Mr. Williams replied that decision was made by the engineer hired to design the subdivision.

Mr. Sandifer noted that the proposed road connection could have been designed to avoid the jurisdictional wetland altogether.

Mr. Williams replied that obtaining approval for the road connection through the jurisdictional wetland had proven more difficult than he was lead to believe it would be by the project engineer.

Mr. Sandifer asked whether all the recorded lots along the road had already been sold by the developer.

Mr. Williams confirmed that was correct.

Mr. Tyson noted that the County cannot force a developer to construct a road, but it can deny a request for additional residential lots that does not conform to the previously approved subdivision design. He also noted that the TRC had not necessarily ruled out the possibility that crossing the jurisdictional wetland could be a physical hardship for the developer, but rather that the developer had not yet submitted sufficient documentation to demonstrate that it is an unusual and unnecessary hardship.

Mr. Williams asked about the type of documentation that would be needed to make that determination.

Mr. Tyson replied that the most definitive documentation would be a denial issued by one of the applicable regulatory agencies.

Mr. Williams replied that the proposed wetland impact had been turned down by the U.S. Army Corps of Engineers.

Mr. Tyson noted that the submitted message from the U.S. Army Corps of Engineers was not actually a denial, but rather an instruction regarding how to revise the proposal.

Mr. Williams replied that the request to revise the proposal was an indication of the difficulty and cost that would be necessary to obtain the approval for the wetland impact. He suggested that the Board consider allowing the conversion of the temporary turn-around easement located at the current end of Shallow Creek Trl into a permanent, dedicated turn-around in order to address the maximum cul-de-sac length requirement.

The Board discussed the need for additional information before proceeding with a recommendation on the requests.

Mr. Sandifer asked what would be involved to require the conversion of the temporary turn-around easement into a permanent, dedicated turn-around as proposed by Mr. Williams.

Mr. Tyson replied that a recommendation for approval of the rezoning and subdivision waiver requests could be made subject to an attached development condition requiring that the temporary turn-around easement be converted into a permanent, dedicated turn-around.

Vice-Chairman Parker commented that at the core of this issue is the subjective nature of the decision as to what documentation would sufficiently justify an “unusual and unnecessary hardship on the subdivider” as required by the Ordinance.

Mr. Williams asked whether the TRC had the opportunity to review all the additional documentation submitted as justification for the waiver request.

Mr. Tyson replied that the TRC had reviewed the developer’s letter, but not the threatened and endangered species report or the message from the U.S. Army Corps of Engineers that were submitted later.

The Board and Mr. Tyson discussed that the potential conversion of the temporary turn-around easement into a permanent, dedicated turn-around would require additional consideration in relation to the effect on the immediately adjacent residential lots as well as review and approval of the revised road design by NCDOT.

Vice-Chairman Parker asked about the possibility of establishing the permanent turn-around closer to the midpoint between the current eastern end of Shallow Creek Trl and the intersection with Chapman Rd to the west.

Mr. Williams replied that would probably not be possible because those lots have already been sold.

Chairman Smith asked Mr. Williams whether he would prefer for the Planning Board to table the requests in order to allow for the submittal of additional information or to recommend denial of the requests, which would allow them to proceed on directly to the Board of Commissioners for consideration.

Mr. Williams asked what the Board would consider to be sufficient documentation to justify the hardship for the approval of the waiver request and reiterated his position that impacts to wetlands should be avoided when possible.

**BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Mr. Sandifer, to table Conditional Rezoning Request CZ-230501 to amend the Williams Grove Subdivision sketch plan and the related request to waive the maximum cul-de-sac length limitation for Shallow Creek Trl until the applicant submits additional information regarding the requests.**

**The motion was unanimously carried.**

**6. 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 May 1, 2023:

Conditional Rezoning Request CZ-230401 to rezone 1.15 acres on Millie Field Ln off W Tarboro Rd, Rocky Mount to A1-CZ (Agricultural Conditional Zone) for a private campground/RV park was denied.

Mr. Tyson announced that the Board of Commissioners appointed Mr. Steve Williams as a new member of the Planning Board to serve out the remaining term of Mr. Philip Brannan following his resignation and reappointed Ms. Moore to serve a second three-year term effective July 1, 2023.

Mr. Tyson also reminded the Board that the terms of both Chairman Smith and Ms. Pulley would expire on June 30, 2023. He noted that Chairman Smith would be ineligible for reappointment due to having served three consecutive terms and that Ms. Pulley had declined to serve an additional term at this time, so the Board of Commissioners will need to appoint two new Planning Board members.

**7. Adjournment.**

There being no further business, Chairman Smith adjourned the meeting at 7:42 p.m.