

**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     | Louise Finch      | Dale Glover Medlin |
| Sharon V. Eatmon     | Vicky Griffin     | Tracey H. Stone    |
| Linda P. Edwards     | Connie F. Joyner  | Andrew Tyson       |
| Heather Louise Finch | Gregory C. Joyner | Kevin Varnell      |
| Jane Flowers Finch   |                   |                    |

**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 27807 from R-40 (Single-Family Residential) to RA-30-CZ (Single-Family Residential Conditional Zone) for the development of the 27-lot Lamm Subdivision.**

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.