

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, MARCH 15, 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

Leonard Breedlove, Chairman
Jeffrey Tobias, Vice-Chairman
Moses Brown, Jr.
Jimmy Glover
Kimberly Moore
DeLeon Parker, Jr.
Barbara Pulley
Kevin Smith

BOARD MEMBERS ABSENT

Chris Sandifer

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Blair Alford	Steve Eatmon
Danny Ray Barbour	Jane Flowers Finch
Maria Morgan Barbour	Graham Perry
Timothy Conyer Brown	Jeff Stone
Ned Coleman	Linda Sutton
William H. Davis	Kevin Varnell
Sharon Eatmon	Al Williams

1. Call to Order.

Chairman Breedlove called the meeting to order at 6:30 p.m.

2. Determination of a Quorum.

Chairman Breedlove recognized the presence of a quorum.

3. Approval of the Minutes of the January 19, 2021 Regular Meeting.

The minutes of the January 19, 2021 regular meeting were delayed and will be submitted to the Board for review at a later date.

4. Approval of the Minutes of the February 15, 2021 Regular Meeting.

The minutes of the February 15, 2021 regular meeting were delayed and will be submitted to the Board for review at a later date.

5. Public Comment Policy – Discussion and Adoption.

Mr. Tyson presented the draft public comment policy as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Vice-Chairman Tobias, to adopt the Nash County Planning Board Public Comment Policy as follows:

1. The Board Chairman will recognize the Planning Director or Senior Planner to present the staff report for each agenda item.
2. 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. A three-minute timer will be displayed on the screen in green. The timer will turn yellow when there is one (1) minute of the speaker's time remaining. The timer will turn red when there are thirty (30) seconds of the speaker's time remaining.
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.
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 necessary for the Board's decision.

The motion was unanimously carried.

6. Request to Amend Conditional Use Permit CU-170802 made by Rhonda Edgerton, the property owner, and Browns Truck and Trailer, Inc. to permit motor vehicle sales in addition to the existing automobile towing service and truck customization operation located at 2450 W Hornes Church Rd, Bailey, NC 27807 in the RC-CU (Rural Commercial Conditional Use) Zoning District.

Mr. Tyson presented the staff report and supplemental materials related to the request to amend Conditional Use Permit CU-170802 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval, subject to the suggested condition that the required visual screening measures depicted on the revised site plan shall be installed and maintained on the subject property to provide effective visual screening of the permitted commercial activity prior to the issuance of a zoning verification letter by Nash County as required by the N.C. Department of Motor Vehicles in order to authorize a dealer's license at this location.

Mr. Tyson read statements to the Board from the following members of the public that were emailed in opposition to the request for reasons including traffic safety, the rural/residential nature of the area, and aesthetic concerns:

Tyrone & Betsy Battle of 2427 W Hornes Church Rd
Chris & Pamela Martin of 11317 Old Smithfield Rd
Barney Cecil Pearson of 2340 W Hornes Church Rd

The Board discussed the pipeline easement noted on the proposed site plan.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Brown, to recommend the following consistency statement related to the request to amend Conditional Use Permit CU-170802 for consideration by the Nash County Board of Commissioners:

The request to amend Conditional Use Permit CU-170802 is reasonable and in the public interest because:

- (1) The request is 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 of very limited commercial land uses within the Suburban Growth Area that 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 use nature of the previously established RC-CU Zoning District qualifies it as a "limited" commercial land use because the subject property may only be developed for the specifically approved land uses and only in accordance with the approved site plan.**
 - (d) The subject property has frontage along and direct access to W Hornes Church Road, a state-maintained secondary road.**
 - (e) The subject property is located just southeast of High Crossroads at the intersection of W Hornes Church Road and Old Smithfield Road.**
 - (f) The subject property is located in proximity to the Bailey Fire Department Station 2 across the road at 2509 W Hornes Church Rd, which is a similarly nonresidential land use and the former site of the Pearson's Peak Auto Garage is located to the east at 2141 W Hornes Church Rd.**
 - (g) The subject site is located near existing residential development directly across the road at 2419 & 2427 W Hornes Church Rd, however, the proposed site plan is**

specifically intended to mitigate the potential impact of the commercial operation by visually screening the vehicle storage, parking, and display area.

- (h) The Nash County Board of Commissioners has previously determined on September 5, 2017 and again on May 7, 2018 that the limited commercial use of the subject property for a motor vehicle-related business is appropriate for this particular location.
- (2) The established RC-CU Zoning District has been determined to be a reasonable “spot zone” because:
 - (a) It allows the reuse of an already existing, still viable commercial building.
 - (b) The visual screening required around the vehicle storage, parking, and display area located behind the building will mitigate the potential impact of the commercial activity on the surrounding properties.
 - (c) It is consistent with the recommendations of the Nash County Land Development Plan as detailed above.
 - (d) Additionally, the proposed new commercial land use, motor vehicle sales, is similar in nature to the other two vehicle-related land uses, automobile towing and truck customization, previously approved for the subject property.

The motion was unanimously carried.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Brown, to recommend approval of the request to amend Conditional Use Permit CU-170802 to:

- (1) Add motor vehicle sales as a third permitted land use at this location in addition to the existing automobile towing service and truck customization operation;
- (2) Revise the approved site plan to allow an approximately 40-foot by 60-foot addition to the west side of the existing metal building; and
- (3) Substitute a six-foot tall wooden privacy fence along the west side of the designated vehicle storage, parking, and display area instead of the previously approved vegetative screening buffer.

And to recommend the following conclusions with supporting findings of fact and amended permit conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

This amendment to Conditional Use Permit CU-170802:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the revised proposed site plan;
- (2) Will not materially endanger the public health or safety provided that it is constructed and operated in accordance with all the applicable safety standards and code requirements;
- (3) Will not substantially injure the value of adjoining or abutting property due to the visual screening required around the vehicle storage, parking, and display area located behind the existing building;
- (4) Will be in harmony with the area in which it is to be located because the proposed development is a limited commercial land use that allows the reuse of an already existing, still viable commercial building; and
- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons stated in the consistency statement adopted in relation to the request to amend Conditional Use Permit CU-170802.

Amended Permit Conditions:

- (1) The permitted commercial use of the subject property shall be limited to automobile towing, truck customization, and motor vehicle sales only.**
- (2) The subject property shall only be developed in accordance with the revised site plan approved April 5, 2021 depicting an approximately 40-foot by 60-foot addition to the west side of the existing metal building and in compliance with all other applicable development regulations.**
- (3) No outdoor disassembly or salvaging of vehicles shall be permitted on the site and all truck customization activities shall be performed inside the existing building.**
- (4) All towed vehicles, customized trucks or trailers, and motor vehicles displayed for sale on the subject property shall be parked or stored only in the specific area designated on the revised site plan and located behind the existing building and the required visual screening.**
- (5) The required visual screening measures depicted on the revised site plan shall be installed and maintained on the subject property to provide effective visual screening of the permitted commercial activity prior to the issuance of a zoning verification letter by Nash County as required by the N.C. Department of Motor Vehicles in order to authorize a dealer's license at this location.**

The motion was unanimously carried.

- 7. Conditional Use Rezoning Request CU-210301 made by the C. T. Williams Corporation, the property owner and developer, to rezone three adjacent tracts of land totaling 148.52 acres located on the north side of Stoney Hill Church Rd and the east side of Whitley Rd, Bailey, NC 27807 to RA-20-CU (Medium-Density Residential Conditional Use), specifically for the development of the 207-lot Williams Grove Subdivision with a related subdivision waiver request.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210301 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not "spot zoning."

The following members of the public addressed the Board in opposition to the request for reasons including the potential increases in residential density, traffic, and the need for additional government services as well as the lack of existing local commercial businesses:

Alice Plauche'-Evans of 9092 Whitley Rd (via emailed statement)

Jane Flowers Finch on behalf of Louise Strickland Finch of 4462 Stoney Hill Church Rd

The Board discussed the status of the previously approved nineteen (19) lots of Williams Grove Phase I.

Blair Alford with Joyner-Keeny answered on behalf of the applicant that those lots had been sold and were currently under development.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Mr. Parker, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210301 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-210301 is reasonable and in the public interest because:

- (1) The request is 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 Stoney Hill Church Road right-of-way and an existing four-inch (4") waterline installed along the Whitley Road right-of-way.
 - (d) Furthermore, the Nash County Public Utilities Department has determined that the existing water system has sufficient capacity to accommodate the residential development of the subject property at either density.
 - (e) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.
- (2) The request is not considered "spot zoning" because:
 - (a) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.
 - (b) Approval of the request will permit smaller minimum lot areas and increased residential development density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.
 - (c) The large size of the subject property (148.52 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a small, isolated area of distinct zoning.
 - (d) The subject property has access to existing public water service.
 - (e) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.
 - (f) Due to the "conditional" nature of the rezoning request, the subject property may only be developed in accordance with the approved sketch plan for the remainder of the Williams Grove Subdivision.

The motion was carried 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Rezoning Request CU-210301 to rezone the subject property from R-40 (Single-Family Residential) and RA-30-CU (Single-Family Residential Conditional Use) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was carried 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Use Permit CU-210301 to authorize the development of the subject property for the remainder of the Williams Grove Subdivision based on the following

conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

The proposed development of the remainder of the Williams Grove Subdivision on the subject property:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed subdivision sketch plan;
- (2) Will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements;
- (3) Will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions;
- (4) Will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar to other, already existing residential developments in the surrounding area;
- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210301; and
- (6) Will result in equal or better performance in the furtherance of the purposes of the Nash County Unified Development Ordinance subject to the approved subdivision waiver permitting Lots 1-37 to utilize 17 shared driveways along Stoney Hill Church Road instead of providing the additional lot width typically required along high traffic roads with more than 1,000 vehicle trips per day.

Development Conditions:

- (1) The subject property shall only be developed in accordance with the approved subdivision sketch plan for the remainder of the Williams Grove residential subdivision.
- (2) The subject property may be developed for any of the land uses as 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) The developer shall submit a stream buffer determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the portion of Reedy Branch located on the subject property and shall adjust the design of the subdivision sketch plan accordingly.
- (5) All new road names proposed on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to their official assignment.
- (6) All recorded final subdivision plats depicting Lots 1-37 shall include the following subdivision waiver notation:
“This subdivision is approved subject to the waiver of the standards of the Nash County Unified Development Ordinance (UDO) Article X, Section 10-7, Subsection 10-7.2 (F) “Lots on Roads with Capacity Deficiencies” granted by the Nash County Board of Commissioners on April 5, 2021 on the grounds that the waiver will result in equal or better

performance in the furtherance of the purposes of the Ordinance in accordance with UDO Article X, Section 10-8 "Waivers." The lots depicted hereon with direct access to the Stoney Hill Church Road public right-of-way shall be restricted to the use of the designated private access easements for shared joint driveways only and no additional driveways shall be permitted or constructed along the Stoney Hill Church Road public right-of-way."

- (7) 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 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

8. **Conditional Use Rezoning Request CU-210302 made by the C. T. Williams Corporation and the Williams Ridge Homeowners Association, the property owners and developers, to rezone portions of two adjacent tracts of land totaling 9.7 acres located on the west side of Chapman Rd, Bailey, NC 27807 to RA-20-CU (Medium-Density Residential Conditional Use), specifically for the development of the 16-lot Williams Ridge Subdivision, Phase IV.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210302 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not "spot zoning."

The Board discussed increased development density and vehicle travel volume in relation to NCDOT driveway permits and speed limits.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210302 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-210302 is reasonable and in the public interest because:

- (1) **The request is 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 Chapman 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.**
- (2) **The request is not considered "spot zoning" because:**
- (a) **The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.**
 - (b) **Approval of the request will permit only slightly smaller minimum lot areas and only slightly increased residential development density, with only a minor change to the permitted land uses.**

- (c) The proposed new residential lots will be similar in size to the 16 adjacent cluster development lots of Phases I & II of the Williams Ridge Subdivision.
- (d) The size of the subject property (9.7 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a small, isolated area of distinct zoning.
- (e) The subject property has access to existing public water service.
- (f) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.
- (g) Due to the “conditional” nature of the rezoning request, the subject property may only be developed in accordance with the approved sketch plan for the Williams Ridge Subdivision, Phase IV.

The motion was carried 6 to 1 with Mr. Glover voting in opposition.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Rezoning Request CU-210302 to rezone the subject property from RA-30 (Single-Family Residential) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was carried 6 to 1 with Mr. Glover voting in opposition.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Use Rezoning Request CU-210302 to authorize the development of the subject property for the Williams Ridge Subdivision, Phase IV based on the following conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

The proposed development of the Williams Ridge Subdivision, Phase IV on the subject property:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed subdivision sketch plan;
- (2) Will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements;
- (3) Will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions;
- (4) Will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar to other, already existing residential developments in the surrounding area; and
- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210302.

Development Conditions:

- (1) The subject property shall only be developed in accordance with the approved subdivision sketch plan for the Williams Ridge Subdivision, Phase IV.
- (2) The subject property may be developed for any of the land uses as 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) The developer shall submit a stream buffer determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the ditches located on the subject property and shall adjust the design of the subdivision sketch plan accordingly.
- (5) The new road name proposed on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to its official assignment.
- (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 6 to 1 with Mr. Glover voting in opposition.

9. **Conditional Use Rezoning Request CU-210303 made by Claudette D. Reges, the property owner, and Tim Matthews, the developer, to rezone an approximately 58.29-acre portion of an approximately 74.79-acre tract of land located on the south side of Red Oak Battleboro Rd, Battleboro, NC 27809 to RA-20-CU (Medium-Density Residential Conditional Use), specifically for the development of the 68-lot Red Oak Battleboro Road Subdivision.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210303 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning.”

The following members of the public addressed the Board in opposition to the request for reasons including the increased residential density, existing drainage issues, sewage disposal concerns, traffic safety, noise, and the proximity of the immediately adjacent livestock pasture land.

Graham Perry of 5365 Red Oak Battleboro Rd
William “Bill” Davis of 5762 Red Oak Battleboro Rd
Eddie Lewis of 4870 Dogwood Dr (via emailed statement)
Al Williams of 5586 Red Oak Battleboro Rd

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He explained that the project would be subject to Nash County’s stormwater management regulations, meaning that the post development water discharge must be less than or equivalent to the pre-development rates. He also explained the NCDOT’s involvement in the traffic safety issues and noted the proposed location of the stormwater quality pond.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210303 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-210303 is reasonable and in the public interest because:

- (1) The request is 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 Red Oak Battleboro Road right-of-way to the west as well as existing four-inch (4") waterlines installed along both the Pine Street and Dogwood Drive rights-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) The request is not considered "spot zoning" because:
 - (a) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.
 - (b) Approval of the request will permit smaller minimum lot areas and increased residential development density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.
 - (c) The proposed 20,000 square foot minimum lot area requirement is consistent with the existing approximately 20,000 square foot lots along Pine Street and Dogwood Drive in the immediately adjacent Deans Mobile Terrace Subdivision.
 - (d) The large size of the subject property (58.29 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a small, isolated area of distinct zoning.
 - (e) The subject property has access to existing public water service.
 - (f) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.
 - (g) Due to the "conditional" nature of the rezoning request, the subject property may only be developed in accordance with the approved sketch plan for the Red Oak Battleboro Road Subdivision.

The motion was carried 6 to 1 with Mr. Glover voting in opposition.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Rezoning Request CU-210303 to rezone the subject property from R-30 (Single & Two-Family Residential) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was carried 6 to 1 with Mr. Glover voting in opposition.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Permit CU-210303 to authorize the development of the subject property for the Red Oak Battleboro Road Subdivision based on the following

conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

The proposed development of the Red Oak Battleboro Road Subdivision on the subject property:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed subdivision sketch plan;
- (2) Will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements;
- (3) Will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions;
- (4) Will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar to other, already existing residential developments in the surrounding area; and
- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210303.

Development Conditions:

- (1) The subject property shall only be developed in accordance with the approved subdivision sketch plan for the Red Oak Battleboro Road Subdivision.
- (2) The subject property may be developed for any of the land uses as 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) The developer shall submit a stream buffer determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the pond and ditch located on the subject property and shall adjust the design of the subdivision sketch plan accordingly.
- (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 6 to 1 with Mr. Glover voting in opposition.

10. Conditional Use Rezoning Request CU-210304 made by Ned B. Coleman & EMA Land Development LLC, the property owners and developers, to rezone an approximately 47.05-acre tract of land located on the north side of Old Smithfield Rd, Bailey, NC 27807 to RA-20-CU (Medium-Density Residential Conditional Use), specifically for the development of the 59-lot Old Smithfield Road Subdivision.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210304 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not unreasonable “spot zoning.”

Sharon & Steven Eatmon of 10654 Pace Rd addressed the Board in opposition to the request for reasons including the increased residential density, increased traffic, the potential impacts to the Beaverdam Creek, and sewage disposal concerns.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He noted that the current design, which depicted the road crossing the creek, was a “best-case scenario” for now and that any stream crossing constructed for the road would ultimately have to satisfy NCDOT standards.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Mr. Smith, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210304 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-210304 is reasonable and in the public interest because:

- (1) The request is 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.**
- (2) The request is not considered unreasonable “spot zoning” because:**
 - (a) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.**
 - (b) Approval of the request will permit smaller minimum lot areas and increased residential development density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.**
 - (c) The large size of the subject property (47.05 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a small, isolated area of distinct zoning.**
 - (d) The subject property has access to existing public water service.**
 - (e) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.**
 - (f) Due to the “conditional” nature of the rezoning request, the subject property may only be developed in accordance with the approved sketch plan for the Old Smithfield Road Subdivision.**

The motion was carried 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Use Rezoning Request CU-210304 to rezone the subject property from R-40 (Single-Family Residential) to RA-20-CU (Medium-Density Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was carried 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of Conditional Use Permit CU-210304 to authorize the development of the subject property for the Old Smithfield Road Subdivision based on the following conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

The proposed development of the Old Smithfield Road Subdivision on the subject property:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed subdivision sketch plan;
- (2) Will not materially endanger the public health or safety provided that the subdivision is developed in accordance with all the applicable design standards and safety requirements;
- (3) Will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed only in accordance with the approved subdivision sketch plan and any other specifically attached conditions;
- (4) Will be in harmony with the area in which it is to be located because the proposed residential subdivision will be similar to other, already existing residential developments in the surrounding area; and
- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210304.

Development Conditions:

- (1) The subject property shall only be developed in accordance with the approved subdivision sketch plan for the Old Smithfield Road Subdivision.
- (2) The subject property may be developed for any of the land uses as 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 5 to 2 with Mr. Glover and Ms. Moore voting in opposition.

11. Conditional Use Rezoning Request CU-210305 made by J & W Morgan Properties LLC, the property owner and developer, to rezone an 8.07-acre tract of land located on the north side of W NC Highway 97, Middlesex, NC 27557 to RC-CU (Rural Commercial Conditional Use), specifically for the development of a self-storage warehouse facility.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-210305 as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, sufficiently consistent with the recommendations of the Nash County Land Development Plan, and reasonable “spot zoning.”

Ms. Pulley questioned the distance between the proposed self-storage warehouse facility and the Samaria Crossroads at the intersection of W NC 97 and S NC 231. Mr. Tyson answered that it was approximately 0.25 miles.

Maria Morgan Barbour addressed the Board in support of the request on behalf of the applicant. She explained that the subject property was inherited by her father from Mr. Billy Morgan and that the intent of the project was to improve the general appearance of the property while meeting a need for storage space in the community.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-210305 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-210305 is reasonable and in the public interest because:

- (1) The request is consistent with some recommendations of the Nash County Land Development Plan (LDP), but inconsistent with others:**
 - (a) The LDP designates the subject property as Suburban Growth Area.**
 - (b) The LDP supports the development of very limited commercial land uses within the Suburban Growth Area that 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 use nature of the request qualifies it as a “limited” commercial land use because the development of the property would be restricted to a self-storage warehouse facility only and it may only be developed in compliance with the specifically approved site plan and any attached conditions.**
 - (d) The subject property has frontage along and direct access to W NC Highway 97, a major state highway.**
 - (e) The subject property is not located at a major intersection, however, it is located about 0.25 miles east of Samaria at the crossroads of W NC Highway 97 and S NC Highway 231, which is identified by the LDP as a Rural Commercial Area or a key road intersection appropriate for the development of small-scale commercial and business services intended to serve a local customer base.**
 - (f) The subject property is not located in direct proximity to other similar commercial or nonresidential land uses, with the closest being at the Samaria Crossroads itself.**

- (g) The subject property does not have significant spatial separation from the already existing residential development located directly across the road and immediately adjacent to the site's western boundary, however, the proposed screening buffers would help to mitigate the impact of the facility.
- (2) The request is reasonable "spot zoning" because:
 - (a) The subject property is located directly along a major state highway and is only 0.25 miles east of the Rural Commercial Area identified by the LDP at the Samaria Crossroads for small-scale commercial and business development.
 - (b) The proposed land use, a self-storage warehouse facility, is a relatively low-intensity commercial operation that is appropriate for highway development and is intended to serve a local customer base.
 - (c) The commercial use of the subject property would be restricted to a self-storage warehouse facility only and it must be developed in compliance with the approved site plan and any attached conditions.
 - (d) Previous self-storage warehouse facilities have been approved and successfully developed in similar rural highway locations within Nash County's zoning jurisdiction including the Spring Hope Mini Storage at 3091 S NC Highway 581 and the 58 North Mini Storage at 4671 N NC Highway 58.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Rezoning Request CU-210305 to rezone the subject property from R-30 (Single & Two-Family Residential) to RC-CU (Rural Commercial Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Glover, to recommend approval of Conditional Use Permit CU-210305 to authorize the development of a self-storage warehouse facility on the subject property based on the following conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners:

Conclusions with Supporting Findings of Fact:

The proposed development of the self-storage warehouse facility on the subject property:

- (1) Will satisfy the applicable requirements of the Nash County Unified Development Ordinance based on the review of the proposed site plan;
- (2) Will not materially endanger the public health or safety provided that the facility is developed in accordance with all the applicable design standards and safety requirements;
- (3) Will not substantially injure the value of adjoining or abutting property because the 25-foot wide preserved natural vegetative screening buffers proposed along both sides of the site will mitigate the impact of the facility on the adjacent properties;
- (4) Will be in harmony with the area in which it is to be located because the facility is a relatively low-intensity commercial operation that is appropriate for highway development, intended to serve a local customer base, and is similar to other previously approved and

developed self-storage warehouse facilities located in rural highway locations within Nash County's zoning jurisdiction; and

- (5) Will be in general conformity with the Nash County Land Development Plan for the reasons established in the consistency statement adopted in relation to Conditional Use Rezoning Request CU-210305.

Development Conditions:

- (1) The subject property is approved for the commercial development of a self-storage warehouse facility only.
- (2) The subject property shall be developed in accordance with the approved site plan only.
- (3) The 25-foot wide vegetative screening buffers required along both sides of the subject property shall be preserved, maintained, and/or supplemented as necessary in order to provide effective visual screening of the self-storage warehouse facility.
- (4) The development of the self-storage warehouse 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.
 - (b) Driveway Permit issued by the N.C. Department of Transportation.
 - (c) Well & Septic Permits issued by the Nash County Environmental Health Division.
 - (d) Zoning, Building, & Trade Permits issued by the Nash County Planning & Inspections Department.
- (5) Significant or substantial modifications or revisions to the approved site 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 unanimously carried.

12. Major Subdivision Preliminary Plat for the Daughtridge Property Subdivision submitted by Stocks Engineering, PA on behalf of Marie J. Daughtridge, the property owner, and Marvin Shearin, the developer, for the proposed subdivision of twenty (20) new residential lots at the southeast corner of Ada Taylor Rd & Graham Brantley Rd, Bailey, NC 27807 on an approximately 45.16-acre tract of land in the R-40 (Single-Family Residential) Zoning District.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Daughtridge Property Subdivision as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval, subject to suggested conditions.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He explained that the subject property had been evaluated by a soil scientist and that the areas both suitable and unsuitable for septic system installation were notated on the map.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Brown, to approve the Major Subdivision Preliminary Plat for the Daughtridge Property Subdivision, subject to the following conditions:

Conditions for Final Plat Approval:

- (1) The proposed locations of the two mail kiosks shall be reviewed by the N.C. Department of Transportation District Engineer for compliance with the NCDOT Policy for Placement of Mail Cluster Box Units in Subdivisions and adjusted if necessary.
- (2) A sight distance easement should be added to Lot 6.
- (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) The following certificates from UDO Appendix 2, Section A-2-2 shall be added to the final plat:
 - (A) Certificate of Ownership (For Use With Minor Plats Only)
 - (C) Certificate of Minor Plat Approval
 - (F) Certificate of Survey and Accuracy
 - (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
 - (K) Public Water Supply Watershed Protection Statement
 - (L) Certificate of Purpose of Plat
 - (O) Review Officer Certification
- (5) The developer shall submit one final mylar copy of the plat with the appropriate land surveyor and property owner signatures as well as two additional paper copies (no signatures required.)
- (6) The developer shall pay the following fees at the time of final plat submittal:
 - (a) Final Plat Review Fee: \$25.00 (Made Payable to "Nash County")
 - (b) Plat Recording Fee: \$21.00 per Plat Page (Made Payable to "Nash County Register of Deeds")

The motion was unanimously carried with Mr. Parker recused from the vote on this item.

13. Major Subdivision Preliminary Plat for the Crooked Swamp Subdivision submitted by Stocks Engineering, PA on behalf of Lucile Ricks Huffaker, the property owner, and Tim Matthews, the developer, for the proposed subdivision of fourteen (14) new residential lots on the east side of Crooked Swamp Rd, Whitakers, NC 27891 on an approximately 26.47-acre tract of land in the A1 (Agricultural) Zoning District.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Crooked Swamp Subdivision as submitted to the Board in the March 15, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on February 25, 2021 and recommended approval, subject to suggested conditions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to approve the Major Subdivision Preliminary Plat for the Crooked Swamp Subdivision, subject to the following conditions:

Conditions for Final Plat Approval:

- (1) 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.
- (2) A Tar-Pamlico Stormwater Permit shall be issued and recorded by the Nash County Planning & Inspections Department.
- (3) The following certificates from UDO Appendix 2, Section A-2-2 shall be added to the final plat:
 - (A) Certificate of Ownership (For Use With Minor Plats Only)
 - (C) Certificate of Minor Plat Approval
 - (F) Certificate of Survey and Accuracy
 - (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
 - (L) Certificate of Purpose of Plat
 - (O) Review Officer Certification
 - (P) Riparian Buffer Note
- (4) The developer shall submit one final mylar copy of the plat with the appropriate land surveyor and property owner signatures as well as two additional paper copies (no signatures required.)
- (5) The developer shall pay the following fees at the time of final plat submittal:
 - (a) Final Plat Review Fee: \$25.00 (Made Payable to “Nash County”)
 - (b) Plat Recording Fee: \$21.00 per Plat Page (Made Payable to “Nash County Register of Deeds”)
 - (c) Stormwater Permit Recording Fee: \$26.00 (Made Payable to “Nash County Register of Deeds”)

The motion was unanimously carried

14. 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 1, 2021:

Conditional Use Permit CU-141102 Amendment Request to revise the drainage measures proposed for the Spring Hope 2 Solar Farm at the corner of Frazier Rd and Worth Rd was approved.

Conditional Use Rezoning CU-160302 Amendment Request to expand the existing 58 North Mini Storage Facility at 4671 N NC Highway 58 was approved.

Subdivision Waiver Request for the Williams Ridge Subdivision, Phase III Sketch Plan to permit three (3) residential lots to share a single driveway access easement on Chapman Rd was approved.

The Board discussed the newly adopted public comment policy and decided to keep it in place indefinitely.

15. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 8:48 p.m.