

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD REGULAR MEETING  
HELD TUESDAY, APRIL 19, 2022 AT 5:30 P.M.  
FREDERICK B. COOPER COMMISSIONERS ROOM  
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR  
120 WEST WASHINGTON STREET  
NASHVILLE, NC 27856**

**BOARD MEMBERS PRESENT**

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

**BOARD MEMBERS ABSENT**

Moses Brown, Jr.  
Kimberly Moore  
Chris Sandifer

**STAFF MEMBERS PRESENT**

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

**OTHERS PRESENT**

Cindy Allen  
Michael Allen  
Gary Atkinson  
Brittany Bass  
Kyle Bass  
Colin Bateman  
Paula Bateman  
Tom Benson  
Gerald André Bissette  
Letitia Bottoms  
Mike Bottoms  
Carolyn Bracey

Jennie Cawthon  
John Cawthon  
Jeffrey Harrison Edwards  
Melinda Edwards  
Ralph Jeffrey Edwards  
Heather Louise Finch  
Jane Flowers Finch  
Louise S. Finch  
Darlene Floyd  
Karl Haberyan  
Tim Huggins  
Jay McLeod

Donna Moore  
Shawn D. Moore  
Gerald Pearson  
Sandra Pearson  
Joanne Robey  
Teresa Dilda Shadding  
Kevin Varnell  
Andrea Lynn Whitley  
Amy S. Williams  
Ray Williams  
Jim Wilson

**1. Call to Order.**

Chairman Smith called the meeting to order at 5:30 p.m.

**2. Determination of a Quorum.**

Chairman Smith recognized the presence of a quorum.

**3. Approval of the Minutes of the October 18, 2021 and March 21, 2022 Regular Meetings.**

The minutes of the October 18, 2021 and March 21, 2022 regular meetings were sent to each member of the Board for review. Chairman Smith asked for any revisions or corrections. None were offered.

**BOARD ACTION: Mr. Glover offered a motion, which was duly seconded by Mr. Brannan, to approve the minutes of the October 18, 2021 and March 21, 2022 regular meetings as submitted.**

**The motion was unanimously carried.**

**4. Presentation of Draft Nash County Land Use Plan.**

Community Planning Consultant Jay McLeod with Stewart provided an update presentation on the draft version of the revised Nash County Land Use Plan as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document.

Mr. Tyson added that with this version of the revised Land Use Plan, the Steering Committee had placed more emphasis on landowner choice and less emphasis on the availability of public water service, at least in comparison to the current Land Use Plan. He also noted a number of Ordinance amendment recommendations that resulted from the committee's discussions, including limiting the number of lots subdivided with direct access to existing state roads, requiring the development of new subdivisions from the inside-out, and potential changes to the cluster development option requirements.

Chairman Smith stated that the Steering Committee's proposal represented a good compromise between the competing interests of preserving a rural, agricultural way of life and permitting continued development, while providing fair opportunities for landowners across the County.

Mr. Glover inquired about information regarding the loss of agricultural land over the last ten years.

Mr. McLeod responded that average farm size has decreased by approximately 7% as farmlands have been consolidated and that the overall number of farms has very slightly decreased, while the value of farm market products has increased by 4%.

Mr. Vester noted his concern about potential conflicts between the currently proposed future land use map and the initial plan goals set by the committee.

Mr. McLeod noted the option of returning to the future land use map that was adopted with the currently effective land use plan, but tweaking the accompanying text and area descriptions to better fit the committee's initial goals.

Mr. Vester also asked about the future expansion of the County's public park system.

Mr. Tyson responded that the County does have a Parks & Recreation Comprehensive Master Plan and that currently the County was working to secure a site and funding for a new park immediately adjacent to the Tar River as recommended by the plan.

Chairman Smith temporarily recessed the meeting until 6:30 p.m.

**5. Review of Public Comment Policy.**

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

Mr. Tyson reviewed the Board's public comment policy for everyone present at the meeting.

**6. Conditional Rezoning Request CZ-220401 made by Irene H. Newton et al., the property owners, to rezone approximately 165.67 acres located on the northwest and southwest corners of Winstead Crossroads at the intersection of S NC Highway 58 & E NC Highway 97, Elm City, NC 27822 to RA-30-CZ (Single-Family Residential Conditional Zone) for the cluster development of the 121-lot Newton's Grove Subdivision.**

Mr. Tyson presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220401 as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 11, 2022 and recommended approval of the request and the suggested statement of plan consistency and reasonableness, subject to the substantial recommended sketch plan revisions and development conditions listed in the staff report.

The following members of the public addressed the Board in opposition to the request, expressing concerns regarding the increased residential density, decreased lot size, preservation of agricultural and forest land, litter, traffic safety, water drainage issues, the continued use of the pond on the subject property by the local fire department as well as the potential impact of the development on the local property values, neighborhood character, and groundwater supply.

Colin Bateman  
Andrea Lynn Whitley  
Cindy Allen  
Jane Flowers Finch  
Heather Louise Finch

Mr. Tyson clarified that all the proposed new lots would be served by Nash County public water and would each include an onsite septic system and designated repair area. He noted that the state watershed regulations permitted 20,000 square foot lots in this area to use onsite septic systems.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He noted that the applicant had no objections to the staff-recommended revisions, that the development would abide by the applicable stormwater management requirements, and that the pond would remain accessible to the local fire department.

**BOARD ACTION: Mr. Glover offered a motion, which was duly seconded by Chairman Smith, to recommend denial of Conditional Rezoning Request CZ-220401 to rezone the specified property to RA-30-CZ for the development of the Newton's Grove Subdivision and the adoption**

**of the statement of plan consistency and reasonableness below for the consideration of the Nash County Board of Commissioners.**

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-220401 is:

- (1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
  - (a) The LDP designates the northern portion of the subject property as Suburban Growth Area and the southern portion of the subject property as General Commercial Area.
  - (b) The request is consistent with the recommendations of the LDP for the Suburban Growth Area because:
    - (i) 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.
    - (ii) The subject property has access to Nash County public water service via an existing twelve-inch (12") waterline installed along E NC Highway 97 and an existing four-inch (4") waterline installed along Riviera Dr.
    - (iii) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.
  - (c) The request is also consistent with the recommendations of the LDP for the General Commercial Area because:
    - (i) The LDP supports the development of higher density residential uses within the General Commercial Area to serve as a buffer and transition area between commercial land uses and surrounding lower density residential areas; BUT
- (2) Unreasonable and not in the public interest because of the requested residential density.

**The motion was unanimously carried.**

- 7. Conditional Rezoning Request CZ-220402 made by Gary W. Atkinson on behalf of Flat Tire Enterprises LLC, the property owner, to rezone 1.91 acres located at 1313 N NC Highway 58, Nashville, NC 27856 to RC-CZ (Rural Commercial Conditional Zone) in order to add contractor with no outdoor storage and beauty shop to the list of commercial land uses already permitted on the subject property.**

Mr. Culpepper presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-220402 as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 11, 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.

Gary Atkinson, the applicant, addressed the Board in support of the request and stated that he wished to use the subject property to expand his existing swimming pool contractor business and to open a beauty shop.

**BOARD ACTION: Mr. Vester offered a motion, which was duly seconded by Mr. Glover, to recommend approval of Conditional Rezoning Request CZ-220402 to rezone the specified property to RC-CZ to authorize its use for contractor with no outdoor storage and beauty shop in addition to the other commercial land uses previously approved for this location and the**

**statement of plan consistency and reasonableness below, subject to the following development conditions recommended for the consideration of the Nash County Board of Commissioners.**

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-220402 is:

- (1) Partially 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 request is consistent with the recommendations of the LDP for the Suburban Growth Area because:
    - (i) The commercial use of the subject property is limited in scope by the conditional nature of the request.
    - (ii) The subject property has frontage along and direct access to N NC Highway 58, a major state highway.
    - (iii) The subject property has potential access to Town of Nashville public water and sewer utility service.
  - (c) The request is inconsistent with the recommendations of the LDP for the Suburban Growth Area because:
    - (i) The subject property is not located at a major intersection.
    - (ii) The subject property is not located in proximity to other similar commercial or nonresidential land uses.
    - (iii) The subject property does not have significant spatial separation from the existing residential dwelling located directly across the highway.
- (2) Reasonable "spot zoning" and in the public interest because:
  - (a) The Board of Commissioners previously determined that the initial rezoning of the subject property for conditional commercial use in 2008 (Case File #CU-080202) was reasonable because it allowed the growth and expansion of a pre-existing equipment repair business that was legally established and operating on the opposite side of the highway at that time.
  - (b) The commercial use of the subject property has continued since 2008 and approval of the current request would allow the re-use of an existing, viable commercial building.
  - (c) The proposed additional commercial land uses – contractor (no outdoor storage) and beauty shop – are similar to and likely no more intensive in nature than those uses already permitted on the subject site.

**Development Conditions:**

- (1) The subject property is approved for the development of the following commercial land uses only: light equipment repair (ex. lawn mower repair), equipment rental & leasing (no outdoor storage), miscellaneous retail sales, office use (not otherwise classified), contractor (no outdoor storage), and/or beauty shop.
- (2) The subject property shall be developed in accordance with the approved site plan only.

**The motion was unanimously carried.**

- 8. UDO Text Amendment Request A-220401 made by Donna Moore to amend the Nash County Unified Development Ordinance Article IX, Table 9-3-1 to add tattoo parlor as a permitted land use in the GC (General Commercial) Zoning District.**

Mr. Culpepper presented the staff report and supplemental materials related to UDO Text Amendment Request A-220401 as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this request on April 11, 2022 and recommended approval.

Tim Huggins was present at the meeting to represent the request applicant.

**BOARD ACTION: Mr. Brannan offered a motion, which was duly seconded by Mr. Glover, to recommend approval of UDO Text Amendment Request A-220401 to add tattoo parlor as a land use permitted by right in the GC (General Commercial) Zoning District and the adoption of the following statement of plan consistency for the consideration of the Nash County Board of Commissioners.**

**Statement of Plan Consistency:**

UDO Text Amendment Request A-220401 is neither consistent nor inconsistent with the recommendations of the Nash County Land Development Plan, because the plan does not address tattoo parlors as a specific commercial land use.

**The motion was unanimously carried.**

- 9. Coolwater Phase Four Subdivision Sketch Plan submitted by Karl Friedrich Haberyan, the property owner, for the cluster development of 19 new residential lots along a new public road right-of-way on approximately 20.53 acres located on the west side of Whitley Rd, Bailey, NC 27807 in the R-40 (Single-Family Residential) Zoning District.**

Mr. Tyson presented the staff report and supplemental materials related to the Coolwater Phase Four Subdivision Sketch Plan as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the plan on April 11, 2022 and recommended approval, subject to the sketch plan revisions listed in the staff report.

Mr. Parker asked if approval of the subdivision sketch plan would change the land uses that were permitted for development on the property.

Mr. Tyson responded that since the request does not include a rezoning of the subject property, the permitted land uses would remain the same.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant.

Mr. Glover asked about the smallest and largest proposed lots.

Mr. Tyson responded that Lot 34 with 30,114 square feet was the smallest proposed lot and Lot 24 with 52,511 square feet was the largest proposed lot.

Mr. Glover asked about the location of the proposed mailbox kiosk.

Mr. Tyson and Mr. Varnell responded that the mailbox kiosk was to be located in the curve of Street "C".

Karl Friedrich Haberyan, the property owner and developer, addressed the Board in support of the subdivision sketch plan.

**BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Chairman Smith, to approve the Coolwater Phase Four Subdivision sketch plan, subject to the following revisions.**

**Sketch Plan Revisions:**

- (1) The front MINIMUM BUILDING SETBACK LINE (MBSL) currently depicted on each lot shall be corrected from 50' to 40'.
- (2) After the front MBSLs have been corrected, the width of each lot shall be rechecked and verified to be at least 100' as measured at the revised front setback line.
- (3) On Lot 27, the MBSL shown along the southern property line shall either be corrected to a 15' side MBSL or removed altogether as it will fall within the 20' EXISTING VEGETATION PRESERVATION BUFFER.
- (4) On Lot 28, the 30' rear MBSL shall be corrected to a 15' side MBSL as there is no rear lot line.
- (5) On Lot 35, the MBSLs shall be revised as follows:
  - (a) 40' front MBSL along Whitley Rd;
  - (b) 20' corner side MBSL along Street "C";
  - (c) 30' rear MBSL along the western lot line; and
  - (d) 15' side MBSL along the southern lot line.
- (6) Under SITE INFORMATION:
  - (a) The MINIMUM BUILDING SETBACKS shall be corrected as follows:  
FRONT / R/W: 40'  
CORNER SIDE: 20'
  - (b) The MINIMUM LOT SIZE shall be corrected to 30,000 SF.

**Additional Notes:**

The following signed and notarized documents shall be submitted and recorded concurrently along with the final subdivision plat:

- (1) 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 26 & 27.
- (2) A deed transferring the ownership of the special purpose lot for common area / open space to the homeowners' or property owners' association.

**The motion was unanimously carried.**

**10. Countryview Subdivision Sketch Plan submitted by Vanhart Homes for the development of 24 new residential lots along two new public road rights-of-way on approximately 37.88 acres owned by Tar River Ranch, LLC and located on the south side of E NC Highway 97, Rocky Mount, NC 27803 in the R-30 (Single & Two-Family Residential) Zoning District.**

Mr. Tyson presented the staff report and supplemental materials related to the Countryview Subdivision Sketch Plan as submitted to the Board in the April 19, 2022 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the plan on April 11, 2022 and recommended approval, subject to the sketch plan revisions listed in the staff report.

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. Glover, to approve the Countryview Subdivision sketch plan, subject to the following sketch plan revisions.**

**Sketch Plan Revisions:**

- (1) The title of the sketch plan shall be revised from COUNTRYVIEW SUBDIVISION to COUNTRY VIEW SUBDIVISION PHASE II (because PHASE I was previously recorded in Plat Book 38 Page 129 of the Nash County Registry.)
- (2) All lots containing less than one (1) acre in area shall be labeled with their total square footage.
- (3) On Lot 7, the REAR MBSL shall be corrected from 20' to 30'.
- (4) The immediately adjacent properties shall be labeled with the current ownership information.
- (5) The TEMPORARY TURNAROUNDS shown on either side of the end of COUNTRY VIEW ROAD shall be labeled as TEMPORARY TURNAROUND EASEMENTS.
- (6) The sketch plan shall note that the extension of Leigh Rd will be paved across the adjacent property line for a continuous connection to the existing portion of the road right-of-way.
- (7) The sketch plan shall account for the potential 50' TAR-PAM RIPARIAN BUFFER depicted on Plat Book 38 Page 129 of the Nash County Registry.
- (8) The sketch plan shall designate a location for a shared mailbox kiosk per the requirements of the U.S. Postal Service.
- (9) Under DEVELOPER, the spelling of WILSONT shall be corrected to WILSON.
- (10) The PROPERTY OWNER's name, address, and telephone number shall be noted on the sketch plan (TAR RIVER RANCH, LLC).
- (11) Under SITE INFORMATION:
  - (a) The DEED BOOK & PAGE references shall be updated to DEED BOOK: 2653 PAGE: 83.
  - (b) The PARCEL ID NUMBER shall be corrected to 373700256684.
  - (c) TOWNSHIP: ROCKY MOUNT OUTSIDE shall be added.
  - (d) WATERSHED PROTECTION OVERLAY DISTRICT: WS-IV-CA & WS-IV-PA shall be added.

**Additional Notes:**

- (1) The NCDOT advises that the construction of a double left turn lane will be required in the E NC Highway 97 public right-of-way for the proposed entrance to this subdivision as well as Tar River Cove Dr directly across the highway.
- (2) The proposed new road name COUNTRY VIEW RD will require review and approval by Nash County Emergency Services prior to its official assignment.
- (3) Natural gas utility service is available to this subdivision and may be installed under the City of Rocky Mount's gas main extension policy.

**The motion was unanimously carried.**

**11. Other Business.**

Mr. Tyson provided the following update on the planning actions taken by the Nash County Board of Commissioners at its regular meeting on April 4, 2022:



Subdivision Waiver Request to waive the limitation on the number of lots served by an access easement in order to permit the subdivision of the property at 7695 Stony Creek Ln based on an unintentional staff error was approved.

**12. Adjournment.**

There being no further business, Chairman Smith adjourned the meeting at 7:48 p.m.