

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD MEETING  
HELD TUESDAY, JANUARY 19, 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  
Moses Brown, Jr.  
Jimmy Glover  
Kimberly Moore  
DeLeon Parker, Jr.  
Barbara Pulley  
Chris Sandifer  
Kevin Smith

**BOARD MEMBERS ABSENT**

Jeffrey Tobias, Vice-Chairman

**STAFF MEMBERS PRESENT**

Adam Tyson, Planning Director  
Windy Braswell, Planning Technician

**OTHERS PRESENT**

Ray Brown	Steven Eatmon	Larry Shrout
Tommy Cleveland	Heather Louise Finch	Mary Beth Shrout
Ned Coleman	Jane Flowers Finch	Kevin Varnell
Charles Scott Currier	Clint Henry	Brad Webb
Bill Davis	Reed Hollander	Cecil Williams
Daniel De Vines	Cory Howell	Brent Young
Sharon Eatmon	Nicholas Kirkland	Rex Young

**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 December 21, 2020 Regular Meeting.**

The minutes of the December 21, 2020 regular meeting were delayed and will be submitted to the Board for review at a later date.

**4. Conditional Use Permit CU-190701 Amendment Request made by Phobos Solar LLC, the developer, on behalf of the property owners, Susan Anna Allen & Gabe Branch Holdings LLC, to authorize the expansion of a previously approved 80-megawatt photovoltaic solar farm to include an additional approximately 65 acre tract of land located at 3354 Frazier Rd, Middlesex, NC 27557 and an additional approximately 277 acre tract of land located on the north side of Frazier Road.**

Mr. Tyson presented the staff report and supplemental materials related to the request to amend Conditional Use Permit CU-190701 as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered this second request to amend Conditional Use Permit CU-190701 on January 5, 2021 and recommended approval based on the suggested conclusions with supporting findings of fact and the amended permit conditions.

Mr. Reed Hollander of Nelson Mullins Riley & Scarborough LLP addressed the Board on behalf of the applicant and explained that the purpose of the amendment request was to include the adjacent properties in the project upon the request of the landowners.

Mr. Cory Howell addressed the Board on behalf of the applicant and stated that, in his professional opinion, the additional project area was in substantial compliance with the applicable UDO requirements, it would not materially endanger the public health or safety, and it would be consistent with the previously approved project. He further discussed the proposed placement of driveways and inverters on the additional properties.

Mr. Tommy Cleveland, P.E. addressed the Board on behalf of the applicant and stated his opinion that the additional project area would pose no negative health or safety impacts.

Mr. Nicholas Kirkland, licensed residential appraiser, addressed the Board on behalf of the applicant and explained that an appraisal impact study had concluded that the proposed project expansion would not substantially injure the value of adjoining or abutting property.

No members of the public, other than the representatives of the applicant, addressed the Board with regard to this request.

**BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Smith, to recommend the following conclusions with supporting findings of fact for approval of the request to amend Conditional Use Permit CU-190701 for consideration by the Nash County Board of Commissioners:**

- (1) The proposed development meets all the standards required by the Nash County Unified Development Ordinance, including the specific requirements of Article XI, Section 11-4, Subsection 11-4.72(a) for solar farm facilities because:

  - (a) The proposed site is located in the A1 Agricultural Zoning District and a solar farm is a permitted land use in this district with the issuance of a conditional use permit by the Nash County Board of Commissioners.
  - (b) The submitted site plan depicts the proposed solar farm facilities and structures to be in conformance with the principal building setback requirements of the A1 Agricultural Zoning District in which it will be located.
  - (c) The proposed solar panel arrays are depicted on the submitted site plan to reach a maximum height of fifteen feet (15') above grade, not exceeding the maximum allowable height of twenty-five feet (25').
  - (d) The submitted site plan depicts the location of the maximum potential extent of the solar panel array coverage on the subject properties meeting the required separation distances from the surrounding property lines. It also depicts the locations of the proposed substation, inverters, access drives, vegetative screening buffers, and areas to remain undisturbed for the protection of existing wetlands and riparian stream buffers. The site plan includes a scaled drawing of the proposed solar collector structures.
  - (e) A decommissioning plan dated December 22, 2020 with a projected cost estimate for the Phobos Solar Farm has been submitted by Pine Gate Renewables LLC, in which it assumes responsibility to ensure that there are sufficient funds available and a process in place to remove the equipment and restore the site at the end of the project's useful life, preventing the facility from being abandoned in a state of disrepair.
- (2) The proposed development will not materially endanger the public health or safety because:

  - (a) The solar farm facility will be constructed to meet all applicable construction codes.
  - (b) The solar farm will be fenced and gated to control access to the facility.
  - (c) The submitted site plan depicts the solar farm facility enclosed by a six-foot (6') high chain-link security fence topped with three-strand barbed wire.
  - (d) No visual safety hazard is anticipated for motorists passing the solar farm facility because the photovoltaic cells will be treated with an anti-reflective coating in order to prevent glare.
  - (e) The solar farm facility will not produce or release any dangerous vapors or contaminants into the environment.
  - (f) The proposed solar panels are made primarily of glass and other inert materials and utilize "Thin Film" technology to lock the photovoltaic materials into the panels, preventing them from leaching into the soil or ground water.
  - (g) The proposed solar panels pass the EPA's toxic leaching characteristic procedure test, which classifies them as non-hazardous waste allowing for their disposal in landfills and demonstrating that they do not pose a threat to health or ground water if ever abandoned on the ground.
  - (h) The proposed solar panels may be recycled, rather than put in a landfill, at the end of their useful life.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property because:

  - (a) A submitted appraisal impact report addressing the proposed expansion of the previously approved Phobos Solar project prepared by Richard C. Kirkland, Jr. MAI of Kirkland Appraisals, LLC and dated December 18, 2020, concludes that, in his

professional opinion, *“the modifications to the proposed solar farm at the subject property will have no impact on the value of adjoining or abutting property.”*

- (4) The proposed development will be in harmony with the area in which it is to be located because:
- (a) The solar farm facility generates minimal noise during operational daylight hours and no noise at night.
  - (b) The solar farm facility does not generate dust, fumes, or odors.
  - (c) After construction, the solar farm facility will generate no additional traffic with the exception of routine maintenance inspections or repairs.
  - (d) The solar farm facility shall be largely screened from view by the proposed existing or planted vegetative buffers.
  - (e) A submitted appraisal impact report addressing the proposed expansion of the previously approved Phobos Solar project prepared by Richard C. Kirkland, Jr. MAI of Kirkland Appraisals, LLC and dated December 18, 2020, concludes that, in his professional opinion, *“the proposed use is in harmony with the area in which it is located,”* noting that *“some of the positive implications of a solar farm that have been expressed by people living next to solar farms include protection from future development of residential developments or other more intrusive uses, reduced dust, odor and chemicals from former farming operations, protection from light pollution at night, its quiet, and there is no traffic.”*
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan because:
- (a) The Nash County Land Development Plan designates the subject property as a Suburban Growth Area.
  - (b) While the Land Development Plan does not specifically comment on solar farms as a potential land use, solar farm facilities have previously been determined to be compatible with the Suburban Growth Area because:
    - (i) The solar farm facility is a relatively low-intensity land use consistent with the existing low-density residential and agricultural development pattern of the surrounding area.
    - (ii) The solar farm facility does not require public infrastructure services such as the provision of a water supply or wastewater disposal services.
    - (iii) The solar farm facility will provide a renewable, sustainable alternative source of energy to benefit the community.

The motion was carried unanimously, with Mr. Sandifer choosing to recuse himself from voting on this matter due to his business relationship with the applicant.

**BOARD ACTION:** Mr. Parker offered a motion, which was duly seconded by Mr. Brown, to recommend approval of the request to amend Conditional Use Permit CU-190701 for consideration by the Nash County Board of Commissioners, subject to the following amended permit condition:

The development of the solar farm facility shall be subject to the approval and issuance of the following additional permits and documents, as applicable:

- (a) Sedimentation & Erosion Control Plan Approval, Neuse River Basin Stormwater Approval, and Riparian Stream Buffer Determination all issued by the N.C. Department of Environmental Quality;
- (b) Wetlands Delineation Verification issued by the U.S. Army Corps of Engineers;

- (c) Driveway Permits issued by the N.C. Department of Transportation;
- (d) Demolition Permit issued by the Nash County Planning & Inspections Department and Well and/or Wastewater System Abandonment Permits issued by the Nash County Environmental Health Division for the existing dwelling located at 3602 Frazier Road; and
- (e) Zoning Permit, Electrical Permit, and Tar-Pamlico River Basin Stormwater Permit issued by the Nash County Planning & Inspections Department.

The motion was carried unanimously, with Mr. Sandifer choosing to recuse himself from voting on this matter due to his business relationship with the applicant.

**5. Nash County Unified Development Ordinance Text Amendment Request A-210101 made by the C. T. Williams Corporation to restore the cluster development of residential subdivision lots with lot areas less than 20,000 square feet, which was previously repealed on September 23, 2019 by UDO Text Amendment A-190902.**

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-210101 as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-210101 on January 5, 2021 and recommended that the amendment be revised to include a stipulation or condition requiring that the clustering of residential subdivision lots with lot areas less than 20,000 square feet may only be permitted in areas where both public water and sewer utility services are available in order for the request to be reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan.

Mr. Sandifer asked why the Ordinance was previously amended to eliminate the use of the cluster development option to create smaller lots.

Mr. Tyson answered that the Ordinance amendment was requested by the Board of Commissioners as a result of a planning and development work session.

Mr. Sandifer asked about the TRC's recommendation to require that the clustering of residential subdivision lots with lot areas less than 20,000 square feet only be permitted in areas where both public water and sewer utility services were available.

Mr. Tyson explained that the intention of the TRC's recommendation was to bring the proposed text amendment into compliance with the current recommendations of the Land Development Plan.

Mr. Sandifer asked how much of Nash County had adequate soil conditions to accommodate lots less than 20,000 square feet in size without sewer utility service.

Mr. Tyson responded that the Nash County Environmental Health Department supports the TRC's recommended stipulation.

Mr. Cecil Williams, the applicant, addressed the Board and stated that the allowance of smaller lot sizes was favorable for both land conservation and waterway protection.

Mr. Scott Currier of 9296 Whitley Rd, Bailey, NC 27807 addressed the Board to ask clarifying questions about the cluster development option.

Chairman Breedlove and Mr. Tyson explained that the cluster development option does not allow for more homes or more lots, but it does allow for smaller lot sizes with the difference in lot areas being set aside into a common area.

Mr. Bill Davis of 5762 Red Oak Battleboro Rd, Battleboro, NC 27809 addressed the Board in opposition to the request based on his concerns regarding adequate sewage disposal for smaller lots.

**BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to recommend the following consistency statement related to Text Amendment Request A-210101 for consideration by the Nash County Board of Commissioners:**

**Text Amendment Request A-210101 is inconsistent with the recommendation of the Nash County Land Development Plan Section III, Item #2, which states that the development of residential subdivision lots with minimum required lot areas less than 20,000 square feet should be limited to areas where both public water and sewer utility services are available, however, it is also reasonable and in the public interest because it provides design flexibility for residential subdivisions, particularly in areas where the soil conditions are uniquely suitable for the installation of private, individual onsite septic systems.**

**The motion was unanimously carried.**

**BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Text Amendment Request A-210101, subject to its revision to include a stipulation or condition requiring that the clustering of residential subdivision lots with lot areas less than 20,000 square feet may only be permitted in areas where both public water and sewer utility services are available, as recommended by the TRC.**

**The motion was unanimously carried.**

- 6. General Rezoning Request Z-210101 made by the C. T. Williams Corporation, the property owner and developer, to rezone two adjacent tracts of land totaling 91 acres and located at 3706 Stoney Hill Church Rd & 9213 Whitley Rd, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-20 (Medium-Density Residential.)**

Mr. Tyson presented the staff report and supplemental materials related to General Rezoning Request Z-210101 as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-210101 on January 5, 2021 and recommended approval of rezoning the subject property to either the RA-30 or RA-20 Zoning Districts at the Board's discretion based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not "spot zoning."

Mr. Sandifer asked about the proposed connector road.

Mr. Tyson indicated the proposed connector road on the submitted site plan and noted that it had already been reviewed by the N.C. Department of Transportation.

Mr. Cecil Williams, the applicant, addressed the Board to explain the concept behind the proposed development and stated his opinion that higher density development with smaller lot sizes helps to conserve land and is also more marketable.

Mr. Sandifer asked about the soil conditions of the subject property.

Mr. Williams answered that the LTAR (Long Term Acceptance Rate) testing showed excellent sandy soils to accommodate septic systems.

Mr. Glover asked when the road construction would begin.

Mr. Williams answered that the road construction would be dependent upon the recommendation to be made by the Planning Board.

Mr. Glover asked if this development was what the community really wanted.

Mr. Williams noted a recent commercial rezoning approved in the same area, which he interpreted as interest in new local growth.

Mr. Sandifer asked about the number of lots that could be subdivided under the RA-20 Zoning District versus the RA-30 Zoning District.

Mr. Williams estimated that the proposed RA-20 Zoning District might allow about 150 lots as compared to the current R-40 Zoning District, which may only allow 40 to 50 lots. He was unsure about how many lots the RA-30 Zoning District would allow.

Attorney Jane Flowers Finch addressed the Board on behalf of Ms. Louise Strickland Finch of Stoney Hill Church Road in opposition to the request, citing various concerns including the residential density, traffic, water capacity, emergency service responses, and trespassing.

Ms. Heather Louise Finch also addressed the Board in opposition to the request, citing additional concerns regarding the loss of farmland as well as issues related to flooding and land clearing.

Mr. Brad Webb of Whitley Road addressed the Board in opposition to the request, citing the current rural character and nature of the community.

**BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to recommend the following consistency statement related to General Rezoning Request Z-210101 for consideration by the Nash County Board of Commissioners:**

**General Rezoning Request Z-210101 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 existing four-inch (4") waterlines installed along both the Stoney Hill Church Road and Whitley Road public rights-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 (91 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.

The motion was carried with a split vote of 6 to 2, with Mr. Glover and Ms. Moore voting in opposition.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend approval of General Rezoning Request Z-210101 to rezone the subject property to the RA-20 (Medium-Density Residential) Zoning District as requested by the applicant for consideration by the Nash County Board of Commissioners.

The motion was carried with a split vote of 6 to 2, with Mr. Glover and Ms. Moore voting in opposition.

7. General Rezoning Request Z-210102 made by Claudette D. Reges, the property owner, 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 Road from R-30 (Single & Two-Family Residential) to RA-20 (Medium-Density Residential.)

Mr. Tyson presented the staff report and supplemental materials related to General Rezoning Request Z-210102 as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-210102 on January 5, 2021 and recommended approval based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not "spot zoning."

Mr. Sandifer asked how far the subject property was from the nearest available sewer service.

Mr. Tyson answered that there was no sewer service available nearby.



Mr. Kevin Varnell with Stocks Engineering addressed the Board on behalf of the applicant. He stated that the soil conditions of the subject property were very good.

Mr. Sandifer and Mr. Varnell discussed two stub roads to be provided for the possibility of future connectivity.

Mr. Eddie Lewis of 4870 Dogwood Dr submitted comments to the Board in opposition to permitting additional development on the subject property.

Mr. Bill Davis of 5762 Red Oak Battleboro Rd addressed the Board in opposition to the request, citing concerns regarding flooding issues, the protection of the endangered spiny mussel species, and adequate sewage disposal.

Mr. Clint Henry of 5784 Red Oak Battleboro Rd addressed the Board in opposition to the request, citing concerns regarding the loss of farmland and the increase in residential density.

**BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Brown, to recommend the following consistency statement related to General Rezoning Request Z-210102 for consideration by the Nash County Board of Commissioners:**

**General Rezoning Request Z-210102 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) Nash County public water service is currently available just to the west of the subject property along the Red Oak Battleboro Road public right-of-way and could reasonably be extended to serve the subject property.**
  - (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 is located within a reasonable distance to extend the existing public water service.**
  - (f) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.**

The motion was unanimously carried.

**BOARD ACTION:** Mr. Smith offered a motion, which was duly seconded by Ms. Pulley, to recommend approval of General Rezoning Request Z-210102 to rezone the subject property from R-30 (Single & Two-Family Residential) to RA-20 (Medium-Density Residential) for consideration by the Nash County Board of Commissioners.

The motion was carried with a split vote of 7 to 1, with Ms. Moore voting in opposition.

8. **General Rezoning Request Z-210103 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 Road at its intersection with Skeet Road from R-40 (Single-Family Residential) to RA-20 (Medium-Density Residential.)**

Mr. Tyson presented the staff report and supplemental materials related to General Rezoning Request Z-210103 as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-210103 on January 5, 2021 and recommended approval of rezoning the subject property to either the RA-30 or RA-20 Zoning Districts at the Board's discretion based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not unreasonable "spot zoning."

Chairman Breedlove asked how much road frontage the subject property had.

Mr. Tyson answered approximately 580 feet.

Mr. Sandifer asked how much of the site involved drainage area.

Mr. Tyson answered that a riparian stream buffer and likely wetlands located within the wooded portion of the property would hinder its development potential.

Mr. Kevin Varnell of Stocks Engineering addressed the Board on behalf of the applicant. He acknowledged the limitations caused by the overall shape of the subject property and the low area in the center. He explained a concept map depicting a potential best-case scenario for its development.

Mr. Sandifer asked about the cul-de-sac proposed in the middle of the development.

Mr. Varnell answered that the cul-de-sac will function as the boundary between proposed Phases 1 and 2 of the development.

Mr. Sandifer asked about the potential need to install a pipe to cross the existing creek.

Mr. Varnell answered that ultimately, the feasibility of developing the lots on the far side of the creek would determine whether there was a need to install a pipe for a crossing. He noted that NCDEQ would have to permit the installation of a crossing, if it was needed.

Ms. Sharon Eatmon, the owner of the immediately adjacent parcel to the west of the subject property, addressed the Board in opposition to the request, citing concerns related to water retention from the Beaverdam Creek, the timbering of the property, and potential trash accumulation.

Mrs. Barbara T. Seamster and Mr. Michael H. Seamster, the owners of the immediately adjacent parcel to the east of the subject property, submitted comments to the Board in support of approval of the request.

**BOARD ACTION:** Mr. Brown offered a motion, which was duly seconded by Ms. Pulley, to recommend the following consistency statement related to General Rezoning Request Z-210103 for consideration by the Nash County Board of Commissioners:

General Rezoning Request Z-210103 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 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) 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.

The motion was carried with a split vote of 7 to 1, with Mr. Glover voting in opposition.

**BOARD ACTION:** Mr. Brown offered a motion, which was duly seconded by Mr. Sandifer, to recommend approval of General Rezoning Request Z-210103 to rezone the subject property to the RA-30 (Single-Family Residential) Zoning District for consideration by the Nash County Board of Commissioners.

The motion was unanimously carried.

9. Major Subdivision Preliminary Plat for the Adolph Road Subdivision submitted by Herring-Sutton & Associates, P.A. on behalf of the property owner and developer, Ronald R. Watson, for the development of six (6) new residential lots along a new private road to be constructed on a 6.78 acre tract of land located on the south side of Adolph Road in the A1 (Agricultural) Zoning District.

Mr. Tyson presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Adolph Road Subdivision as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for the Adolph Road Subdivision on January 5, 2021 and recommended approval, subject to suggested conditions.

**BOARD ACTION:** Mr. Sandifer offered a motion, which was duly seconded by Mr. Parker, to approve the Major Subdivision Preliminary Plat for the Adolph Road Subdivision, subject to the following conditions:

**Conditions for Preliminary Plat Approval / Construction Authorization:**

- 1) The developer shall submit a Subdivision Review Approval and Driveway Permit issued by the N.C. Department of Transportation District Engineer based on a review of the proposed road construction plans.
- 2) The developer's engineer shall submit the construction plans and specifications for the proposed new two-inch public waterline extension to both the Nash County Public Utilities Department and the N.C. Department of Environmental Quality (NCDEQ) for review and approval. NCDEQ shall issue an Authorization to Construct.

**Conditions for Final Plat Approval / Recording:**

- 1) Post-construction inspection and approval of the new private road by the N.C. Department of Transportation District Engineer.
- 2) The developer's engineer shall submit a Utility Construction Certification approved by the N.C. Department of Environmental Quality (NCDEQ) as well as the engineered as-built record drawings of the constructed waterline and any related appurtenances to the Nash County Public Utilities Department and shall establish the required one (1) year warranty period for the utility related improvements.
- 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 developer shall submit a signed and notarized declaration and road maintenance agreement to be recorded concurrently along with the final plat that establishes an Owner's Association consisting of the lot owners within the subdivision to own and maintain the private road.
- 5) The developer shall submit a signed and notarized deed to be recorded concurrently along with the final plat that transfers the ownership of the private road to the Owner's Association.
- 6) 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.)
- 7) 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. New Road Sign Fee: \$60.00 (Made Payable to "Nash County")
  - c. Plat Recording Fee: \$21.00 per Plat Page (Made Payable to "Nash County Register of Deeds")
  - d. Document Recording Fees for the Declaration / Road Maintenance Agreement / Deed: \$26.00 for the First 15 Pages + \$4.00 for Each Additional Page, Per Separate Document (Made Payable to "Nash County Register of Deeds")

The motion was unanimously carried.

10. **Subdivision Waiver Request for the Major Subdivision Plat for the Property of Minnie Burt, Jehoshabeath Joyner, and Alvia Harris Tharpe made by James G. Strickland Land Surveying, P.A. on behalf of the property owners in order to subdivide a 4.467 acre tract of land located at 3897, 3911, & 3917 S NC Highway 581, Spring Hope, NC 27882 in the A1 (Agricultural) Zoning District into three (3) new residential lots with Lots 2 & 3 required to share a single driveway access easement.**

Mr. Tyson presented the staff report and supplemental materials related to the subdivision waiver request for the Major Subdivision Plat for the Property of Minnie Burt, Jehoshabeath Joyner, and Alvia Harris Tharpe as submitted to the Board in the January 19, 2021 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the subdivision waiver request on January 5, 2021 and recommended approval based on its determination that the requested waiver will result in equal or better performance in the furtherance of the purposes of the Ordinance.

Mr. Sandifer asked about the irregular shape of the proposed lots.

Mr. Tyson answered that the irregular shapes were a result of the land surveyor having to satisfy the standard minimum lot width and lot size requirements for the zoning district. He also noted that the family that owned the subject property was eager to divide the tax burden among its occupants.

**BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Glover, to recommend approval of the subdivision waiver request for the Major Subdivision Plat for the Property of Minnie Burt, Jehoshabeath Joyner, and Alvia Harris Tharpe for consideration by the Nash County Board of Commissioners.**

The motion was unanimously carried.

#### 11. Other Business.

Mr. Tyson provided the following update on the planning actions taken by the Board of Commissioners at its January 4, 2021 regular meeting.

Text Amendment Request A-201201 made to add "animal shelter (government owned)" as a land use permitted for development in the A1 (Agricultural), OI (Office & Institutional), and GI (General Industrial) Zoning Districts subject to required development standards was approved.

General Rezoning Request Z-201202 made to rezone 23.7 acres located at 3656 Eastern Ave from R-20 (Medium Density Residential) and R-30 (Single & Two-Family Residential) to OI (Office & Institutional) was approved.

General Rezoning Request Z-201201 made to zone 1.93 acres located at 2180 & 2194 Northern Nash Rd to the RA-30 (Single-Family Residential) Zoning District was approved.

Mr. Tyson also provided the Board with a schedule of their regular meeting dates for the upcoming 2021 year.

**12. Adjournment.**

There being no further business, Chairman Breedlove adjourned the meeting at 8:56 p.m.