



**NASH COUNTY PLANNING BOARD
FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING - THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

MONDAY, MARCH 16, 2020 - 6:30 P.M.

MEETING AGENDA

- 1. Call to Order.**
- 2. Determination of a Quorum.**
- 3. Approval of the Minutes of the January 21, 2020 Regular Meeting.**
- 4. Approval of the Minutes of the February 11, 2020 Joint Strategic Land Use Planning Workshop.**
- 5. Approval of the Minutes of the February 17, 2020 Regular Meeting.**
- 6. General Rezoning Request Z-200301.**
Made by Gail Grimes & Anita Liverman, the property owners, and A. H. Brown Builders LLC, the developer, to rezone an approximately 0.24 acre portion of a 0.34 acre tract of land located on the north side of White Oak Road off E NC Highway 97 from R-30 (Single & Two-Family Residential) to R-20 (Medium Density Residential).
- 7. Text Amendment Request A-200301 - Nash County Unified Development Ordinance.**
Made by Turner Votipka to amend UDO Articles II, IX, & XI in order to define "event and conference venue" as a land use, to permit its development in the A1 (Agricultural), OI (Office & Institutional), RC (Rural Commercial), and GC (General Commercial) Zoning Districts with the issuance of a conditional use permit, and to establish related development standards.
- 8. Major Subdivision Final Plat - Stonehill Farm Subdivision, Phase II.**
Submitted on behalf of Tony R. Stone & Brenda C. Stone, the property owners, for eight (8) proposed new residential lots to be developed along the existing US Highway 264A on a 25.54 acre tract of land located in the R-40 (Single-Family Residential) Zoning District.
- 9. Major Subdivision Preliminary Plat - Poplar Run Subdivision, Phase 2.**
Submitted on behalf of Claudette & Roger Reges, the property owners, for twelve (12) proposed new residential lots to be developed along the existing Nick Coley Road on a 40.3 acre tract of land located in the A1 (Agricultural) Zoning District.

10. Major Subdivision Final Plat - Driver Landing Subdivision.

Submitted on behalf of Pier One Investments, the developer, for thirteen (13) proposed new residential lots to be developed along the existing Debnam Road on a 13.5 acre tract of land located in the A1 (Agricultural) Zoning District.

11. Other Business.

Update on Board of Commissioners Planning Actions on March 5, 2020:

No Planning Actions Taken.

12. Adjournment.

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD TUESDAY, JANUARY 21, 2020 AT 7:00 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.
Sandra Edwards
Jimmy Glover
DeLeon Parker, Jr.
Barbara Pulley
Chris Sandifer

BOARD MEMBERS ABSENT

Kevin Smith

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Jessica Flores, Planning Technician

OTHERS PRESENT

| | | |
|--------------------------|-----------------|---------------------|
| Brent Bass | Anthony Erb | Steve Petty |
| Cathy Bass | Brett Hanna | Betty Jane Upchurch |
| Edward Bass | John Holder | David E. Upchurch |
| Terry Battle | Cory Howell | Julian Upchurch |
| Autry Bissette | Nick Kirkland | Michael Upchurch |
| John C. Clark | Laura B. Krantz | Roger Warren |
| Tommy Cleveland | David Manning | Vivian Warren |
| Forrest Coldren | Rae Manning | Tracie Winstead |
| Nathan Duggins | Phillip Martin | Rex Young |
| Jonathan Derrill Edwards | | |

1. Call to Order.

Chairman Breedlove called the meeting to order at 7:00 p.m.

2. Determination of a Quorum.

Chairman Breedlove recognized a quorum.

3. Approval of the Minutes of the December 16, 2019 Regular Meeting.

Chairman Breedlove noted that the preparation of the minutes of the December 16, 2019 regular meeting had been delayed and would be submitted for the Board's review and approval at a later date.

4. Text Amendment Request A-200101 made by Ecoplexus, Inc. to amend UDO Article XI, Section 11-4, Subsection 11-4.72(a)(C) in order to remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots.

Chairman Breedlove recognized Mr. Tyson to present the staff report for this item.

Mr. Tyson presented the staff report and supplemental materials related to Text Amendment Request A-200101 as submitted to the Board in the January 21, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Text Amendment Request A-200101 on January 11, 2020 and recommended approval based on its determination that the proposed amendment is reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan.

Mr. Sandifer asked if other types of land uses besides solar farms might be subject to similar building setback issues.

Mr. Tyson answered that he was not aware of any other land uses that would be subject to this particular issue.

Vice-Chairman Tobias asked how the amended regulations might affect lease agreements involving multiple property owners on the same project.

Mr. Tyson answered that if an individual property owner chose to end or not renew his or her lease agreement for the solar farm, then the solar panels would likely be removed from that property, however, the panels installed on the adjoining properties could remain immediately adjacent to the property boundary without a specific building setback separation distance.

Mr. Parker asked about the use of the terms "facility" and "project area" in the proposed text amendment.

The Board discussed a revision to the proposed amendment language in order to clarify its intention as follows:

"Solar farm facilities and structures shall conform to the principal building setback requirements of the zoning district in which they are located. Where a solar farm facility is located on multiple lots of record in separate ownership, the building setback requirements shall apply only to the exterior perimeter of the ~~total project area~~ property boundaries surrounding the facility and not to the interior property boundaries within the ~~project area~~ facility."

Mr. Tyson noted that Nathan Duggins with Tuggle Duggins P.A. was present at the meeting to represent the applicant, Ecoplexus, Inc.

Mr. Duggins addressed the Board in support of the proposed text amendment and explained that it was necessary due to the increased size of solar farms constructed across properties in multiple ownership.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Brown to recommend the following consistency statement related to Text Amendment Request A-200101 for consideration by the Nash County Board of Commissioners:

Text Amendment Request A-200101 is reasonable, in the public interest, and consistent with the recommendations of the Nash County Land Development Plan because:

- (1) The Nash County Land Development Plan does not specifically address development standards for solar farm facilities, leaving that task to the Unified Development Ordinance.**
- (2) The application of the current minimum building setback requirements to the interior property boundaries of large solar farm facilities developed on multiple properties in separate ownership:**
 - (a) Creates inefficient “gaps” within the project area that increase the overall required size of the facility; and**
 - (b) Only serve to separate solar panel arrays from other solar panel arrays that all belong within the same contiguous, fenced facility.**
- (3) The standard building setback requirements will continue to apply around the exterior perimeter of solar farm facility project areas.**

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Edwards to recommend approval of Text Amendment Request A-200101 as revised during the meeting for consideration by the Nash County Board of Commissioners. The motion was unanimously carried.

- 5. Conditional Use Permit Request CU-200101 made by Fresh Air Energy XXIII, LLC on behalf of the property owners - Family Acreage, LLC and the Heirs of J. E. Upchurch et al. - to authorize the development of the northern portion of the East Nash PV1, LLC photovoltaic solar farm on portions of two tracts of land totaling approximately 183 acres located at 1652 N Old Franklin Rd, Nashville, NC 27856 in the A1 (Agricultural) Zoning District.**

Mr. Sandifer requested to recuse himself from voting on this agenda item because the applicant was one of his clients, although he was not familiar with this particular project.

Chairman Breedlove recognized Mr. Tyson to present the staff report for this item.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Permit Request CU-200101 as submitted to the Board in the January 21, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered

Conditional Use Permit Request CU-200101 on January 3, 2020 and recommended approval based on and subject to the suggested conclusions with supporting findings of fact and the recommended permit conditions listed in the staff report.

Mr. Tyson noted that Nathan Duggins with Tuggle Duggins P.A. was present at the meeting to represent the applicant, Fresh Air Energy XXIII, LLC.

Mr. Duggins addressed the Board in support of the proposed conditional use permit and introduced the owners of the subject property that were present at the meeting including Mr. Upchurch, the Bass Family, and Mr. Edwards.

Phillip Martin, Director of Community Engagement at Ecoplexus Inc., addressed the Board in support of the proposed conditional use permit and explained the history and evolution of the project to its current form.

Tommy Cleveland, a professional engineer specializing in solar energy, addressed the Board in support of the proposed conditional use permit and specifically discussed the health and safety impacts of the project.

Vice-Chairman Tobias asked a question regarding the supporting data for Mr. Cleveland's comments.

Mr. Cleveland answered that his statements were based on his study of the expert literature available on solar energy system components, which are well understood by the scientific community, and that it was his conclusion from his observations of the construction and operation of these components that they pose no negative health impact.

Nick Kirkland with Kirkland Appraisals, LLC addressed the Board in support of the proposed conditional use permit and reviewed the results of the appraisal impact assessment prepared for the project, which concluded that the solar farm would have no impact on the value of adjoining or abutting property and would exist in harmony with the area in which it is to be located.

Mr. Duggins concluded the applicant's presentation by stating that, in his opinion, appropriate evidence had been offered to establish the findings of fact and to support the conclusions necessary for the approval of the requested conditional use permit.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Pulley to recommend the following conclusions with supporting findings of fact related to Conditional Use Permit Request CU-200101 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 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').
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) No visual safety hazard is anticipated to be caused for motorists passing the solar farm facility because the photovoltaic cells will be treated with an anti-reflective coating in order to prevent glare.
 - (g) Solar farm facilities shall be removed, at the owner's expense, within one hundred eighty (180) days of a determination by the Zoning Administrator that the facility is no longer being maintained in an operable state of good repair, unless a different responsible party is identified by the lease agreement.
- (2) The proposed development will not materially endanger the public health or safety because:
- (a) The solar farm will be fenced and gated to control access to the facility.
 - (b) The solar farm facility will be constructed to meet all applicable construction codes.
 - (c) The solar panels that comprise the solar arrays are made primarily of glass and they do not contain dangerous materials, nor do they emit dust, noxious fumes, or liquids.
 - (d) The solar panels are designed to absorb light, rather than reflect it, which mitigates glare concerns for adjoining properties.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property because:
- (a) The applicant cites previous appraisal reports which conclude that solar farms do not injure the value of adjoining or abutting properties.
 - (b) The solar farm facility generates minimal noise during operational daylight hours and no noise at night.
 - (c) The solar farm facility does not generate dust, fumes, or odors.
 - (d) After construction, the solar farm facility will generate no additional traffic with the exception of routine maintenance inspections or repairs.
 - (e) The solar farm facility shall be screened from view by the proposed existing or planted vegetative buffers.
- (4) The proposed development will be in harmony with the area in which it is to be located because:
- (a) As a relatively low-impact passive development, a solar farm facility is consistent with the land use pattern of the surrounding area, which includes existing agricultural, residential, and forested land uses.
 - (b) A solar farm facility generates less traffic than a typical residence or agricultural operation and the solar panel arrays are shorter in height than typical residential and agricultural structures in the area.

- (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 unanimously carried with Mr. Sandifer not voting.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Brown to recommend approval of Conditional Use Permit Request CU-200101 for consideration by the Nash County Board of Commissioners, subject to the following suggested permit conditions:

- (1) The solar farm facility shall be developed on the subject properties in accordance with the submitted application materials, the approved site plan, and all applicable requirements of the Nash County Unified Development Ordinance.
- (2) All vegetative screening buffers shall be planted or preserved as depicted on the approved site plan and shall be maintained and/or replaced as necessary in order to provide effective visual screening of the solar farm facility.
- (3) Upon approval of the conditional use permit, the applicant shall submit the required permit recording fee made payable to the Nash County Register of Deeds.
- (4) Prior to the issuance of a construction authorization, the developer shall submit a revised site plan depicting the specific construction details of the solar farm facility.
- (5) 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, Riparian Stream Buffer Determinations, and Stream Crossing Approvals issued by the N.C. Department of Environmental Quality;
 - (b) Driveway Permits issued by the N.C. Department of Transportation;
 - (c) 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 (if necessary) for the existing structures located at 1652 N Old Franklin Rd;
 - (d) Tar-Pamlico River Basin Overlay District Stormwater Permit issued by the Nash County Planning & Inspections Department; and
 - (e) Zoning Permit and Electrical Permit issued by the Nash County Planning & Inspections Department.
- (6) The landowner(s) of record shall be responsible for the deconstruction and removal of the solar farm at such time that the facility is either decommissioned or abandoned in accordance with the requirements of UDO Article XI, Section 11-4, Subsection 11-4.72(a)(G).

The motion was unanimously carried with Mr. Sandifer not voting.

6. **Conditional Use Permit CU-190701 Amendment Request made by Phobos Solar, LLC on behalf of the property owner, Tracie Winstead, to authorize the expansion of a previously approved photovoltaic solar farm to include an additional approximately 24 acre portion of an approximately 40 acre tract of land located at 2949 Old Nash Rd and 3951 & 3990 Frazier Rd, Middlesex, NC 27557 in the A1 (Agricultural) Zoning District.**

Mr. Tyson recognized Mr. Culpepper to present the staff report for this item.

Mr. Culpepper 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 21, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request to amend Conditional Use Permit CU-190701 on January 3, 2020 and recommended approval based on the suggested conclusions with supporting findings of fact listed in the staff report.

Mr. Tyson noted that all the findings of fact and conclusions cited in the originally issued Conditional Use Permit CU-190701 would remain applicable unless the Board identifies a unique circumstance particularly related to the additional property.

Mr. Tyson noted that Brett Hanna with Nelson Mullins was present at the meeting to represent the applicant, Phobos Solar, LLC.

Mr. Hanna addressed the Board in support of the proposed conditional use permit and explained that this particular parcel was originally intended to be part of the project area, however, a lease agreement was only recently reached with the property owner which would formally allow its inclusion.

Mr. Sandifer asked about the application of screening buffers and minimum building setbacks to this expansion of the project.

Mr. Tyson answered that the additional property would be subject to the same buffering and setback requirements as the rest of the previously approved project.

Mr. Steve Petty addressed the Board on behalf of the owner of the adjacent property located at 4152 Frazier Road and expressed concern regarding continued access to that property via a farm path after the construction of the solar farm facility.

Mr. Hanna noted that the applicant could not establish an easement to the subject property because they were not the actual owner of the underlying land, however, he agreed to offer an additional permit condition that would provide a thirty-foot (30') wide access route for pedestrian and vehicular traffic from Frazier Road to the subject property which shall remain open at all times during the term of the solar farm facility's lease agreement.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Edwards to recommend the following conclusions with supporting findings of fact related to 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 the subject property is located in the A1 (Agricultural) Zoning District and the expanded area of the facility is proposed to be constructed to the same design standards as the previously approved portion of the Phobos Solar Farm.
- (2) The proposed development will not materially endanger the public health or safety because there is no evidence that the expanded area of the solar farm facility will pose any unique threat not already considered in relation to the previously approved portion of the Phobos Solar Farm.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property because the applicant has submitted a property impact report for the proposed expansion of the previously approved Phobos Solar Farm prepared by Richard C. Kirkland, Jr., MAI of Kirkland Appraisals, LLC which concludes that in his professional opinion, "the solar farm proposed 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 the applicant has submitted a property impact report for the proposed expansion of the previously approved Phobos Solar Farm prepared by Richard C. Kirkland, Jr., MAI of Kirkland Appraisals, LLC which concludes that in his professional opinion, "the proposed use is in harmony with the area in which it is located" due to "some of the positive implications of a solar farm" including "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, it's quiet, and there is no traffic."
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan because the subject property is designated as Suburban Growth Area and solar farm facilities have previously been determined to be compatible with the Suburban Growth Area because they are a relatively low-intensity land use that does not require public infrastructure services (water supply or wastewater disposal) and that provides a renewable, sustainable alternative source of energy to benefit the community.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Edwards to recommend approval of the request to amend Conditional Use Permit CU-190701 in order to authorize the expansion of the previously approved Phobos Solar Farm to include the subject property for consideration by the Nash County Board of Commissioners, subject to the following suggested condition:

A thirty-foot (30') wide access route for pedestrian and vehicular traffic to be depicted on the submitted site plan from Frazier Road across the property identified as Tax Parcel ID #003971 currently in the ownership of R. Autry Bissette to the immediately adjacent properties to the west identified as Tax Parcel ID #035924 at 4124 Frazier Rd currently in the ownership of Pamela Morgan Smith & Glen A. Smith and Tax Parcel ID #004145 at 4152 Frazier Rd currently

in the ownership of David Manning & Hilda Rae Manning shall remain open at all times during the term of Phobos Solar, LLC's leasehold interest in the subject property.

The motion was unanimously carried.

7. Other Business.

Mr. Tyson provided an update to the Board on the planning actions taken by the Nash County Board of Commissioners at their January 6, 2020 meeting, including the approval of General Rezoning Request Z-191201 to rezone the 37.78 acre campus of The Free Will Baptist Children's Home, Inc. at 7907 Buck Deans Rd to OI (Office & Institutional) and the approval of Conditional Use Permit CU-091102 Amendment Request to permit "miscellaneous retail sales (party supplies/rentals and used merchandise store)" within the 0.8 acre RC-CU (Rural Commercial Conditional Use) Zoning District located at 7442 S NC Highway 58.

Mr. Tyson reminded the Board of the upcoming Nash County Joint Strategic Land Use Planning Workshop to be held on Tuesday, February 11, 2020 from 6:00 p.m. to 8:30 p.m., which will be facilitated by Bruce Naegelen with the N.C. Department of Commerce Main Street & Rural Planning Center.

8. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 8:09 p.m.

**MINUTES OF THE
NASH COUNTY JOINT STRATEGIC LAND USE PLANNING WORKSHOP
HELD TUESDAY, FEBRUARY 11, 2020 AT 6:00 P.M.
EMERGENCY SERVICES TRAINING ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – FIRST FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

COUNTY COMMISSIONERS PRESENT

Robbie B. Davis, Chairman, District 7
J. Wayne Outlaw, Vice-Chairman, District 5
Fred Belfield, Jr., District 2
Dan Cone, District 3
Sue Leggett, District 4
Lou M. Richardson, District 1
Mary P. Wells, District 6

PLANNING BOARD MEMBERS PRESENT

Leonard Breedlove, Chairman
Jeffrey Tobias, Vice-Chairman
Moses Brown, Jr.
Sandra Edwards
Jimmy Glover
DeLeon Parker, Jr.
Barbara Pulley
Chris Sandifer
Kevin Smith

STAFF MEMBERS PRESENT

Zee Lamb, County Manager
Stacie Shatzer, Assistant County Manager
Janice Evans, Clerk to the Board
Vince Durham, County Attorney
Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Jonathan Boone, Public Utilities & Facilities Director
Andy Hagy, Economic Development Director
Susan Phelps, Retail Economic Developer
Patsy McGhee, Assistant to the County Manager
Jonathan Edwards, Communications Manager
Sandy Hall, County Extension Director
Maryanna Waters, Agriculture Extension Agent

OTHERS PRESENT

Bruce Naegelen, Workshop Facilitator
Nancy Nixon, Retired Planning Director

1. Call to Order.

Chairman Robbie B. Davis called the recessed meeting of the Nash County Board of Commissioners to order at 6:00 p.m. in the Frederick B. Cooper Commissioners Room on the third floor of the Claude Mayo, Jr. Administration Building.

BOARD ACTION: Commissioner Richardson offered a motion, which was duly seconded by Commissioner Cone to move the location of the meeting to the Emergency Services Training Room on the first floor of the Claude Mayo, Jr. Administration Building in order to meet jointly with the Nash County Planning Board. The motion was unanimously carried.

Chairman Leonard Breedlove called the meeting of the Nash County Planning Board to order at 6:00 p.m. and recognized a quorum being present.

2. Welcome and Introductions.

Chairman Davis welcomed everyone in attendance.

Planning Director Adam Tyson introduced Mr. Bruce Naegelen with the N.C. Department of Commerce Main Street & Rural Planning Center, who served as the facilitator for the meeting.

Mr. Tyson further explained that this joint meeting of the Nash County Board of Commissioners and the Nash County Planning Board as well as select County staff members was intended to serve as the kick-off for the process to update the Nash County Land Development Plan. The purpose of the workshop was to identify and discuss general land use concerns, topics, and ideas that will provide direction for the consultant selected to update the plan.

3. Open-Ended Discussion Questions.

Mr. Naegelen facilitated a group discussion of the following open-ended questions:

1. What things about Nash County do you think make it a good place to live and work?
2. What are some positive development changes or trends in Nash County that you have noticed over the past 10 years or so?
3. What are some negative development changes or trends in Nash County that you have noticed over the past 10 years or so?
4. In general, do you think that Nash County's current development regulations are too strict, not strict enough, or just about right? (Please give examples.)
5. What are some development goals that you think Nash County should pursue over the next 10 years or so?
6. What are the biggest development challenges that you think Nash County will face over the next 10 years or so?

4. Specific Land Development Topics.

Mr. Naegelen facilitated a group discussion of the following specific land development topics:

1. Public Water System
2. Solar Farms
3. Manufactured Homes
4. Airport Development
5. Subdivision of Lots Along Existing State Roads
6. Floodplain Regulations
7. Accessory Dwelling Units

8. Site Plan Requirements
9. Public Engagement
10. Other Topics

5. Group Map Exercise.

The meeting participants formed three groups to discuss and mark up large maps of Nash County to indicate locations to be considered for future commercial or industrial growth as well as locations to be considered for lower, medium, and/or higher density residential development. Each individual group presented their map and the reasoning behind their choices.

6. Conclusion & Adjournment.

BOARD ACTION: Commissioner Cone offered a motion, which was duly seconded by Commissioner Wells to recess the meeting of the Nash County Board of Commissioners until February 19, 2020 at 6:00 p.m. in the Nash Central High School Media Center located at 4279 Nash Central High Road, Rocky Mount, NC 27804 for a joint meeting with the Nash-Rocky Mount Board of Education. The motion was unanimously carried.

Vice-Chairman Jeffrey Tobias adjourned the meeting of the Nash County Planning Board at 8:30 p.m.

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, FEBRUARY 17, 2020 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.
Sandra Edwards
Jimmy Glover
DeLeon Parker, Jr.
Barbara Pulley
Chris Sandifer
Kevin Smith

BOARD MEMBERS ABSENT

Jeffrey Tobias, Vice-Chairman

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Tony Bartlett
Cecil Williams, Jr.

1. Call to Order.

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

2. Determination of a Quorum.

Chairman Breedlove recognized a quorum.

3. Approval of the Minutes of the December 16, 2019 Regular Meeting.

The minutes of the December 16, 2019 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith to approve the minutes of the December 16, 2019 regular meeting as submitted. The motion was unanimously carried.

4. Approval of the Minutes of the January 21, 2020 Regular Meeting.

Chairman Breedlove noted that the preparation of the minutes of the January 21, 2020 regular meeting had been delayed and that they would be submitted for the Board's review and approval at a later date.

5. Approval of the Minutes of the February 11, 2020 Joint Strategic Land Use Planning Workshop.

Chairman Breedlove noted that the preparation of the minutes of the February 11, 2020 Joint Strategic Land Use Planning Workshop had been delayed and that they would be submitted for the Board's review and approval at a later date.

6. Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II submitted on behalf of Fairfield Realty Down East LLC and the C. T. Williams Corporation, the property owners, for seventeen (17) proposed new residential lots to be developed along both sides of the existing Jordan Road on an 8.15 acre portion of two tracts of land located in the R-20 (Medium Density Residential) and R-20-CU (Medium Density Residential Conditional Use) Zoning Districts.

Chairman Breedlove recognized Mr. Tyson to present the staff report for this item.

Mr. Tyson presented the staff report and supplemental materials related to the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Sandifer asked about the water supply available to the proposed lots.

Mr. Tyson answered that the proposed lots would be served by an existing four-inch Nash County public water line installed along the Jordan Road right-of-way.

Mr. Sandifer asked if there had been any contact made with the Rocky Mount-Wilson Regional Airport regarding the proposed development.

Mr. Tyson answered that as a member of the Technical Review Committee, the Rocky Mount-Wilson Regional Airport had been advised of the proposed development and had acknowledged that it was located in proximity to their location, however, their representative did not actually attend the TRC meeting.

Mr. Glover asked about whether the Town of Sharpsburg would assume responsibility for the maintenance of the proposed sewer infrastructure including the septic tank effluent pump (S.T.E.P.) stations.

Mr. Tyson answered that was his understanding, but also noted that the applicant could provide further confirmation.

Mr. Cecil Williams, Jr. addressed the Board in support of the proposed subdivision. He presented photographs of the homes already under construction on Jordan Road and further explained the proposed septic tank effluent pump (S.T.E.P.) stations. He confirmed the Town of Sharpsburg's maintenance responsibility for the sewer system infrastructure.

Mr. Sandifer asked about the proposed location on the lots for the septic tanks and whether those areas would be designated by a utility easement.

Mr. Williams answered that each tank would be located in the front yard of the lot and that the Town of Sharpsburg would have a utility easement to allow for maintenance and repairs.

Mr. Tyson noted that it was his understanding that the exact placement of the S.T.E.P. stations would not be determined until further along in the construction process, however, an agreement to be recorded concurrently with the final plat would establish a blanket easement granting the Town of Sharpsburg legal access to the stations wherever they were ultimately installed.

The Board further discussed how the proposed septic tank effluent pump (S.T.E.P.) stations would function.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Pulley to approve the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II, subject to the following revision and conditions:

Revision:

- (1) Correct the labeled width of the area reserved for a future right-of-way shown beside the Laura F. Godwin lot from 60' to 50'.

Conditions for Final Plat Approval:

- (1) The developer shall designate a location for a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery if required by the United States Postal Service Rocky Mount Postmaster. The mailbox location shall be designed in accordance with all applicable U.S.P.S. and N.C. Department of Transportation requirements.

- (2) **The developer's engineer shall submit the application, nutrient calculations, and other necessary documentation and fees as applicable for the required issuance and recording of an approved Tar-Pamlico River Basin Overlay District Stormwater Permit.**
- (3) **Any documents as deemed necessary by the Town of Sharpsburg shall be recorded concurrently with the final plat in order to establish any required easements or agreements for the operation and maintenance of the municipal sewer system and related septic tank effluent pump (S.T.E.P.) stations.**

The motion was unanimously carried.

Mr. Williams requested to address the Board again and was recognized by Chairman Breedlove.

Mr. Williams stated that it was his original intent when rezoning the subject property to an R-20 designation to then utilize the cluster development option for this subdivision in order to create smaller lot sizes. However, after the requested rezoning was approved, the Board of Commissioners amended the cluster development option of the Unified Development Ordinance in order to no longer allow the clustering of lots to sizes less than 20,000 square feet. He explained that he was previously unaware that a subdivision project required Planning Board approval in order to have a vested right to development. He concluded his remarks by stating that the ordinance amendment rendered the work done on his previous subdivision plans worthless and that the public should be made aware that just because a rezoning is approved, a developer does not always get to follow through with his original intentions.

- 7. Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV submitted on behalf of Four Seasons Contractors LLC, the property owner and developer, for twenty-six (26) proposed new residential lots and one (1) conservation area lot to be developed along an extension of Poplar Creek Road and two other proposed new public rights-of-way on two tracts of land totaling 33.83 acres located in the RA-30 (Single-Family Residential) Zoning District.**

Chairman Breedlove recognized Mr. Culpepper to present the staff report for this item.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Sandifer asked about the distinction between manufactured homes and modular homes.

Mr. Tyson answered that this RA-30 Zoning District specifically prohibits the development of manufactured homes such as single-wides and double-wides, however, modular homes are permitted for development by the ordinance wherever stick-built dwellings are permitted.

Chairman Breedlove clarified that modular homes are constructed in accordance with the state building code standards.

The Board further discussed the differences between manufactured homes and modular homes.

There were no further questions.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith to approve the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV, subject to the following revisions and conditions:

Revisions:

- (1) Specify and relabel the total lot widths as measured along the curve of the 40' front minimum building setback for Lots 25 and 26.
- (2) Per the request of the NCDOT District Engineer, please note on the plans the total amount of paved area in the cul-de-sacs (4,403 square feet as measured from the end of the typical section per information provided by the developer.)
- (3) Correct the scale at which the preliminary plat is prepared. (The current plat was not prepared at the noted 1" = 100' scale.)

Conditions for Construction Authorization:

- (1) The proposed new road name "Reynard Lane" shall be reviewed and approved by Nash County Emergency Services. (Note: "Newport Court" has already received approval.)
- (2) The developer shall submit a Subdivision Review Approval issued by the N.C. Department of Transportation District Engineer based on a review of the proposed road construction plans and the proposed location of the cluster box unit (CBU) mailbox prior to construction.
- (3) The developer's engineer shall submit the required Tar-Pamlico River Basin Overlay District stormwater management plan revised to include the previous Phases I & II as well as the currently proposed Phases III & IV. The submittal shall include the required stormwater application, a detailed narrative describing the project and how the calculations were derived, an updated Tar-Pamlico nutrient calculation worksheet, and any other documents and fees deemed necessary for review and approval.
- (4) The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.
- (5) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources.
- (6) The developer shall submit a Stream Buffer Determination issued by the N.C. Department of Environmental Quality regarding the potential stream feature depicted on the Soil Survey Map of Nash County located in the area of Lots 40-43.
- (7) The developer shall submit copies of any necessary permits, approvals, and/or documentation as required by the N.C. Department of Environmental Quality and/or the U.S. Army Corps of Engineers related to the impact of the proposed road construction across the existing riparian stream buffer and any related wetland areas.

Conditions for Future Final Plat Approval:

- (1) Post-construction inspection and approval of the new public road rights-of-way by the N.C. Department of Transportation District Engineer. (Note: The NCDOT District Engineer has determined that the existing asphalt for Phases I & II of the Poplar Creek Subdivision

will require repair and maintenance before these roads are eligible to be accepted for state maintenance.)

- (2) A homeowners or property owners association declaration document satisfying all the applicable requirements of UDO Article X, Section 10-5 shall be recorded concurrently with the final plat in order to establish the responsible entity for the ownership and maintenance of the conservation area lots.
- (3) A deed conveying the fee-simple title of the conservation area lots from the current property owner to the owners association shall be recorded concurrently with the final plat.
- (4) The developer shall pay a one-time fee in the total amount of \$120.00 (\$60.00 per sign blade) at the time of the submittal of the final plat for the purchase and installation of two new road name signs.

The motion was unanimously carried.

8. Major Subdivision Final Plat for the Buck's Pointe Subdivision submitted on behalf of Four Seasons Contractors LLC, the property owner and developer, for eleven (11) proposed new residential lots to be developed along the existing Red Road and W Beulah Road on a 13.18 acre portion of a tract of land located in the A1 (Agricultural) Zoning District.

Chairman Breedlove recognized Mr. Culpepper to present the staff report for this item.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Final Plat for the Buck's Pointe Subdivision as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Buck's Pointe Subdivision on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Brown asked about the requested revision to remove the word "proposed" from the label for the 10' wide cemetery access easement.

Mr. Culpepper answered that the revision was requested because this is a final plat intended for recording as opposed to a preliminary plat.

Mr. Sandifer asked about the "N/F" notation labeling the adjacent properties on the plat.

Mr. Tyson noted that the "N/F" designation was labeled on all the surrounding parcels shown on the plat.

The Board discussed the existing house on the lot of record located immediately adjacent to the subject property at 2767 Red Road.

Mr. Parker requested to recuse himself from voting on this agenda item because he had represented one of the parties during the purchase of the subject property.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Glover to approve the Major Subdivision Final Plat for the Buck's Pointe Subdivision, subject to the following revisions and conditions:

Revisions:

- (1) Correct the Tax Map PIN Number to the newly created: 380200343785.**
- (2) Label the cemetery lot as "Special Purpose Lot for use as a Cemetery."**
- (3) Remove the word "Proposed" from the label for the 10' wide cemetery access easement.**
- (4) Add the Riparian Buffer Note (See Certificate P found in the Nash County UDO Appendix 2: A-2-2.)**

Conditions for Final Plat Approval:

- (1) The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.**
- (2) A Tar-Pamlico River Basin Overlay District Stormwater Permit shall be issued and recorded along with the related documents establishing the required conservation easements. The developer shall submit the applicable recording fees for both documents.**
- (3) The developer shall designate a location for a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery if required by the United States Postal Service Nashville Postmaster. The mailbox location shall be designed in accordance with all applicable U.S.P.S. and N.C. Department of Transportation requirements.**

The motion was unanimously carried with Mr. Parker not voting.

9. Other Business.

Mr. Tyson provided an update to the Board on the planning actions taken by the Nash County Board of Commissioners at their February 3, 2020 meeting, including the approval of Text Amendment Request A-200101 to amend the Nash County UDO Article XI, Section 11-4, Subsection 11-4.72(a), (C) in order to remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots; the approval of Conditional Use Permit Request CU-200101 to authorize the development of the northern portion of the East Nash PV1, LLC solar farm at 1652 N Old Franklin Rd; and the approval of Conditional Use Permit CU-190701 Amendment Request to authorize an expansion of the previously approved Phobos Solar, LLC solar farm at 2949 Old Nash Rd and 3951 & 3990 Frazier Rd.

Mr. Tyson also thanked the Board members for their participation in the Nash County Joint Strategic Land Use Planning Workshop held on February 11, 2020. He noted that the results of that workshop would be compiled into a report and that the Planning Board should expect to meet with the Board of Commissioners again, most likely after a consultant had been selected for the Land Development Plan update project.

10. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 7:17 p.m.

NASH COUNTY PLANNING BOARD
GENERAL REZONING REQUEST – STAFF REPORT

File Number: Z-200301 (General Rezoning Request)
Applicant / Property Owner: Gail Grimes & Anita Liverman (Property Owners)
A. H. Brown Builders, LLC (Developer)
Location: North Side of White Oak Road; Off E NC Highway 97
Tax ID #: PIN # 374813040389 / Parcel ID # 011533 (Portion)
Area to be Rezoned: Approximately 0.24 Acres
Current Zoning District: R-30 (Single & Two-Family Residential)
Proposed Zoning District: R-20 (Medium Density Residential)
LDP Classification: Suburban Growth Area
Notice of Public Meeting: Mailed to Property Owners within 600' on March 4, 2020

Description of the Subject Property:

The subject property is the approximately 0.24 acre eastern portion of a 0.34 acre lot in the ownership of Gail Grimes & Anita Liverman located on the north side of White Oak Road off E NC Highway 97 and further identified as Lot 3, Block B of the Mary Hales Griffin Subdivision recorded in November 1963. The site is undeveloped and located between the City of Rocky Mount to the north and Joyners Crossroads to the south.

The subject property is not located in a regulated floodplain, but it is located in the Tar-Pamlico River Basin and the WS-IV-PA Watershed Protection Overlay District.

The property is currently split between two zoning districts. The western portion (approximately 0.10 acres) is zoned R-20 (Medium Density Residential), while the eastern portion (approximately 0.24 acres) is zoned R-30 (Single & Two-Family Residential).

Description of the Rezoning Request:

A. H. Brown Builders LLC, the prospective developer, and the current property owners have jointly submitted General Rezoning Request Z-200301 to rezone the subject property from R-30 (Single & Two-Family Residential) to R-20 (Medium Density Residential). The purpose of the request is to address the currently split zoning by subjecting the entire lot to the land use and dimensional standards of a single zoning district.

The R-20 Zoning District is "primarily intended to accommodate single-family detached dwellings, Class A manufactured homes, and two-family dwellings in areas where public water and/or public sewer services are available or where soil characteristics allow for medium-density development" (UDO Article IX, Section 9-1.2 E2.)

With a total area of approximately 0.34 acres (or about 14,810 square feet), this legal nonconforming lot is already smaller than the minimum lot size required by either the current or the proposed zoning district.

An excerpt from the Table of Permitted Uses found in UDO Article IX, Section 9-3 listing all the land uses allowed for development in both the current R-30 Zoning District and the proposed R-20 Zoning District is included with this report.

Approval of the request to rezone the subject property to the R-20 Zoning District would have three primary impacts:

- (1) The following land uses that are prohibited in the current R-30 Zoning District would become permitted for potential development: boarding and rooming house, congregate care facility, and manufactured home park (with the required issuance of a special use permit.)
- (2) The following land uses that are permitted in the current R-30 Zoning District would become prohibited for potential development: rural family occupation, radio or communication towers over 60 feet in height, non-hazardous solid waste disposal/collection/convenience center/transfer sites, utility field office, water treatment plant, horse shows, and turkey shoots.
- (3) The applicable minimum building setback distances would be reduced as shown in the following table:

| Type of Building Setback: | Current R-30 Setback Distance: | Proposed R-20 Setback Distance: |
|----------------------------------|---------------------------------------|--|
| Front (Road Right-of-Way) | 40 Feet | 35 Feet |
| Side (Property Line) | 15 Feet | 12 Feet |
| Rear (Property Line) | 30 Feet | 25 Feet |

Land Development Plan Consistency:

General Rezoning Request Z-200301 is consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

- (1) The LDP designates the subject property as Suburban Growth Area.
- (2) The LDP explicitly supports the rezoning of property within the Suburban Growth Area to the R-20 (Medium Density Residential) Zoning District where both public water and sewer service is available.

- (3) The subject property has access to Nash County public water and sewer service via an existing 6-inch waterline and an existing 8-inch gravity sewer line installed within the immediately adjacent White Oak Road public right-of-way.

Spot Zoning Analysis:

Approval of General Rezoning Request Z-200301 would not be considered “spot zoning” because it would be an expansion of the already existing and immediately adjacent R-20 (Medium Density Residential) Zoning District established along the E NC Highway 97 corridor between the City of Rocky Mount to the north and W Tarboro Road to the south, including the western portion of the subject lot itself.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-200301 on February 28, 2020 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.”

Suggested Motions:

MOTION #1 – RECOMMEND A CONSISTENCY STATEMENT:

*I move that the Nash County Planning Board recommends **Consistency Statement ‘A’ or ‘B’ (choose one from below)** related to General Rezoning Request Z-200301 for consideration by the Nash County Board of Commissioners.*

Consistency Statement ‘A’ (For APPROVAL):

General Rezoning Request Z-200301 is:

- (1) Reasonable and in the public interest.
- (2) 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 explicitly supports the rezoning of property within the Suburban Growth Area to the R-20 (Medium Density Residential) Zoning District where both public water and sewer service is available.
 - (c) The subject property has access to Nash County public water and sewer service via an existing 6-inch waterline and an existing 8-inch gravity sewer line installed within the immediately adjacent White Oak Road public right-of-way.
- (3) Not “spot zoning” because it is an expansion of the already existing and immediately adjacent R-20 (Medium Density Residential) Zoning District established along the E NC Highway 97 corridor between the City of Rocky Mount to the north and W Tarboro Road to the south, including the western portion of the subject lot itself.

--- OR ---

Consistency Statement 'B' (For DENIAL):

General Rezoning Request Z-200301 is not reasonable and/or not in the public interest and/or not consistent with the recommendations of the Nash County Land Development Plan and/or unreasonable "spot zoning" because: **(List reasons.)**

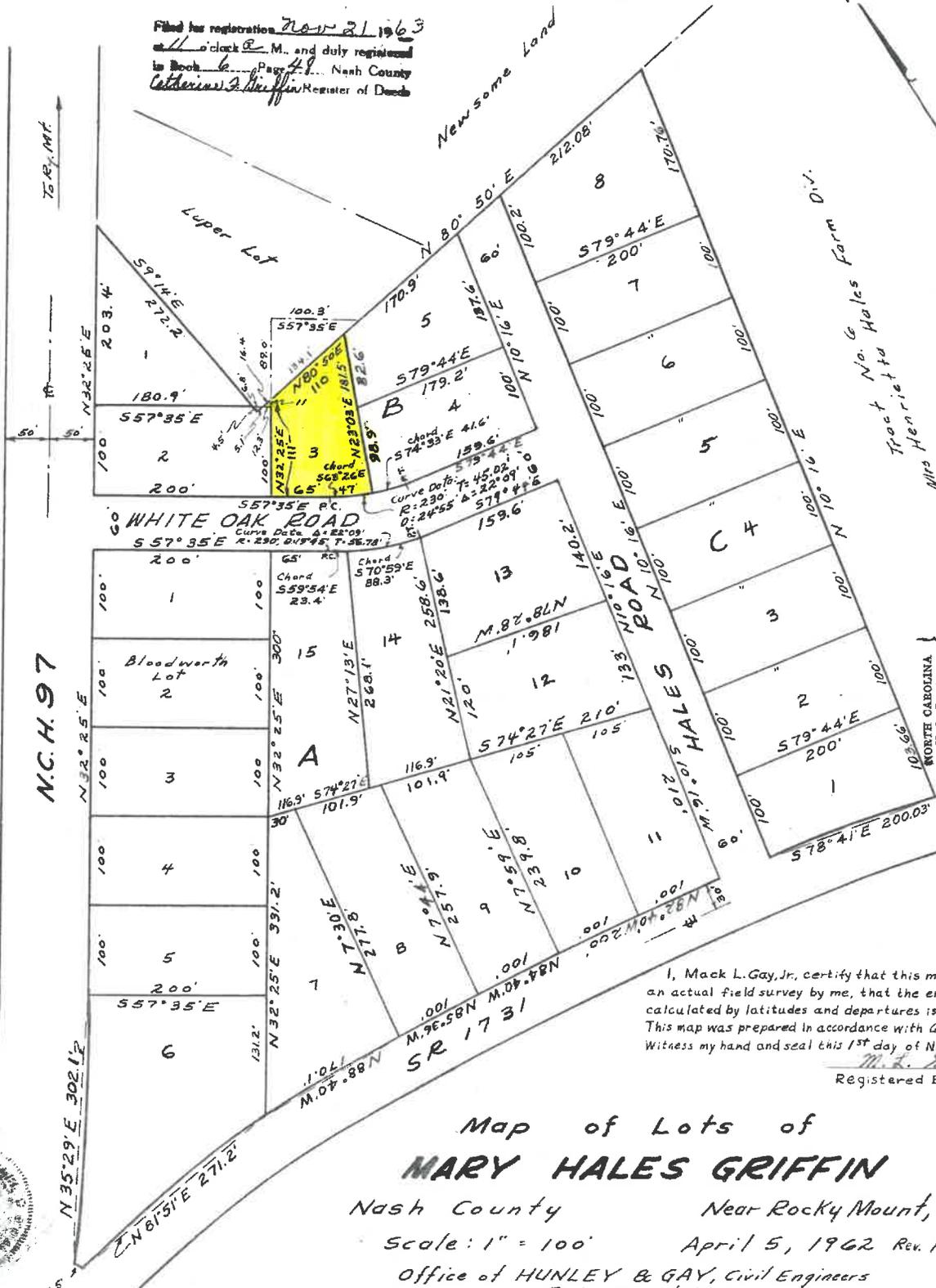
MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE ZONING MAP AMENDMENT:

*I move that the Nash County Planning Board recommends **APPROVAL** or **DENIAL** (choose one) of General Rezoning Request Z-200301 to rezone the approximately 0.24 acre subject property located on the north side of White Oak Road to R-20 (Medium Density Residential) for consideration by the Nash County Board of Commissioners.*

75 R. MT.

Filed for registration Nov 21 1963
at 11 o'clock P.M. and duly registered
to Book 6 Page 41 Nash County
Catherine J. Griffin Register of Deeds

Filed for registration 19
at 11 o'clock P.M. and duly registered
to Book 6 Page 41 Nash County
Register of Deeds



N.C.H. 97

Tract No. 6 Hales Farm Div.
Mrs. Henrietta Hales

103.66' MORFE CAROLINA Nash County

The foregoing certificate of William S. Gay, Jr. County
Notary Public of Edgecombe County
is adjudged to be correct. Let the instrument with
the certificates be registered. Witness my hand
this 21 day of Nov 1963

Elaine J. Robinson Clerk Superior Court.
Deputy Clerk Superior Court.

I, Mack L. Gay, Jr. certify that this map was made from an actual field survey by me, that the error of closure as calculated by latitudes and departures is not more than 1:7000. This map was prepared in accordance with G.S. 47-30 as amended. Witness my hand and seal this 13th day of November 1963.

M. L. Gay, Jr.
Registered Engineer 2836

Map of Lots of MARY HALES GRIFFIN

Nash County Near Rocky Mount, N.C.
Scale: 1" = 100' April 5, 1962 Rev. Nov. 1, 1963
Office of HUNLEY & GAY, Civil Engineers
Rocky Mount, N.C.

Note
Tract No. 7
Mrs. Henrietta Hales Farm Div.
by E.L. Hunley - March, 1937

Sworn to and subscribed before me this 13 day of November 1963.

William S. Gay, Jr.
Notary Public

My commission expires December 8, 1964



**General Rezoning Request Z-200301
Property of Gail Grimes & Anita Liverman
Aerial Photograph**

**Approx. 0.24 Acre
Lot Portion
To Be Rezoned
From R-30 To R-20**



**General Rezoning Request Z-200301
Property of Gail Grimes & Anita Liverman
Zoning Map**

**Approx. 0.24 Acre
Lot Portion
To Be Rezoned
From R-30 To R-20**

**R-20
(Residential)**

**R-30
(Residential)**

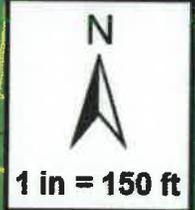
ENC 97

White Oak Rd

Whitley Circle Way

Woodcrest Rd

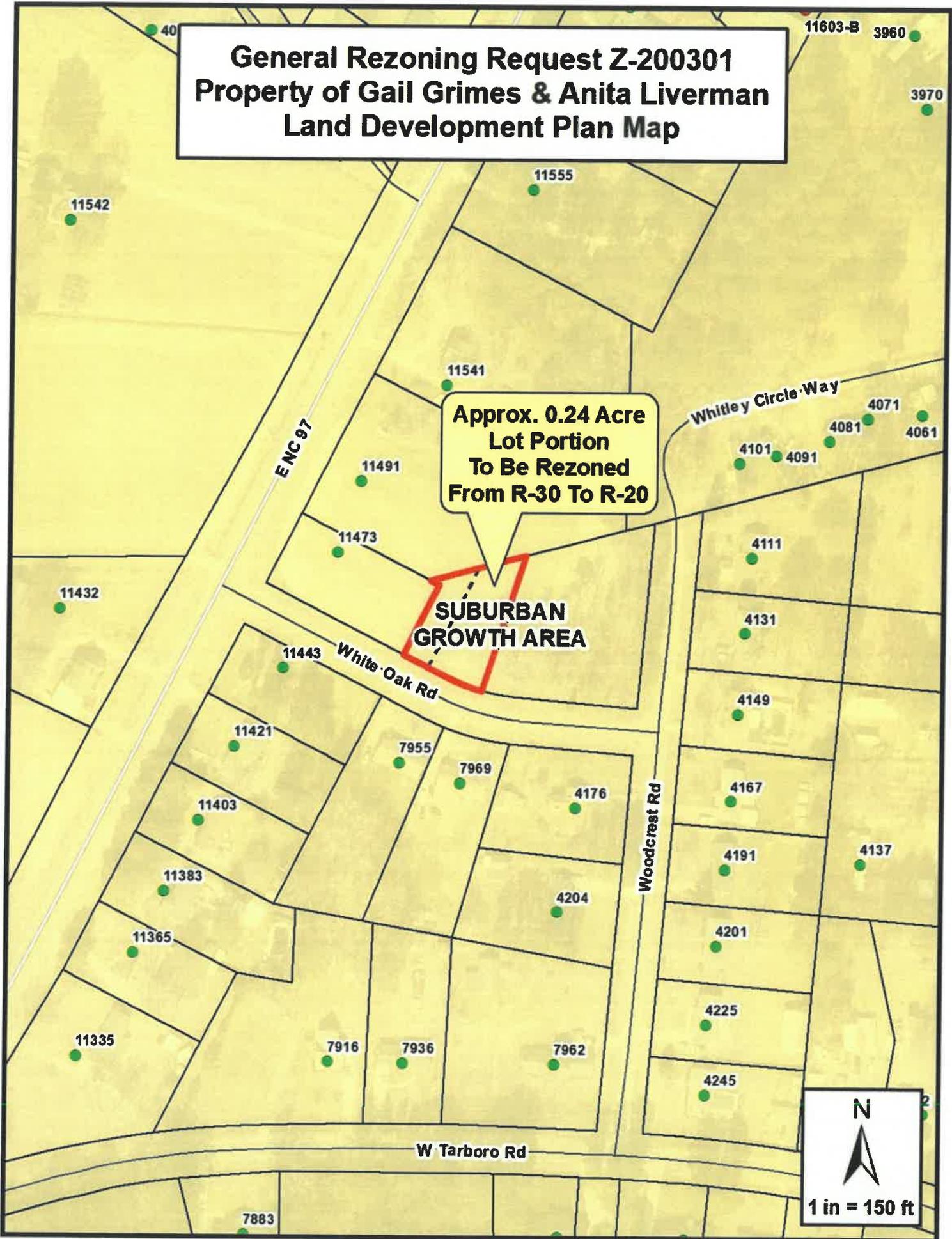
W Tarboro Rd



**General Rezoning Request Z-200301
Property of Gail Grimes & Anita Liverman
Land Development Plan Map**

**Approx. 0.24 Acre
Lot Portion
To Be Rezoned
From R-30 To R-20**

**SUBURBAN
GROWTH AREA**



UDO Article IX, Table 9-3-1: Table of Permitted Uses (Excerpt)

| Land Use Type | Ref. SIC | Zoning District | |
|---|----------|-----------------|------|
| | | R-30 | R-20 |
| AGRICULTURAL USES | | | |
| Agricultural Production (Crops) | 0100 | P | P |
| Agricultural Production (Livestock), Except Swine Farms | 0200 | P | P |
| Forestry | 0810 | P | P |
| RESIDENTIAL USES | | | |
| Bed and Breakfast | 7011 | S | S |
| Boarding and Rooming House | 7021 | | P |
| Congregate Care Facility | 0000 | | D |
| Family Care Home | 0000 | P | P |
| Modular Home | 0000 | P | P |
| Manufactured Home, Class A | 0000 | P | P |
| Manufactured Home Park | 0000 | | S |
| Patio Homes | 0000 | D | P |
| Single-Family Detached Dwelling | 0000 | P | P |
| Two-Family Dwelling (Duplex) | 0000 | P | P |
| ACCESSORY USES AND STRUCTURES | | | |
| Accessory Solar Panel Array (Photovoltaic) | 0000 | P | P |
| Accessory Uses and Structures (Customary) | 0000 | P | P |
| Emergency Shelter | 0000 | P | P |
| Home Occupation | 0000 | D | D |
| Rural Family Occupation | 0000 | S | |
| Satellite Dish Antenna | 0000 | D | D |
| Swimming Pool | 0000 | D | D |
| RECREATIONAL USES | | | |
| Athletic Fields | 0000 | S | S |
| Club | 8640 | S | S |
| Country Club with Golf Course | 7997 | S | S |
| Golf Course | 7992 | S | S |
| Public Park or Recreational Facility, Other | 7990 | D | D |
| Swim and Tennis Club | 7997 | S | S |
| EDUCATIONAL AND INSTITUTIONAL USES | | | |
| Cemetery or Mausoleum | 0000 | P | P |
| Church | 8661 | D | D |
| Day Care Center, Adult and Child | 8320 | S | S |
| Elementary or Secondary School | 8211 | P | P |
| Fire Station | 9224 | P | P |
| Library | 8231 | S | S |

P = Use permitted by Zoning Permit
D = Use permitted by Zoning Permit with development standards
S = Special Use Permit required
C = Conditional Use Permit required

UDO Article IX, Table 9-3-1: Table of Permitted Uses (Excerpt)

| Land Use Type | Ref. SIC | Zoning District | |
|--|----------|-----------------|------|
| | | R-30 | R-20 |
| Nursing and Convalescent Home | 8050 | S | S |
| Law Enforcement Station | 9221 | P | P |
| TRANSPORTATION, WAREHOUSING, AND UTILITIES | | | |
| Radio or Communication Tower Under 60' in Height | 0000 | P | P |
| Radio or Communication Tower Over 60' in Height | 0000 | S | |
| Solid Waste Disposal (Non-Hazardous), Collection Sites, Convenience Centers, and Transfer Sites | 4953 | C | |
| Utility Field Office (Government Owned) | 0000 | S | |
| Utility Lines | 0000 | P | P |
| Utility Related Appurtenances, Substation | 0000 | D | D |
| Water Treatment Plant, Government Owned or Operated | 0000 | D | |
| OTHER USES | | | |
| Automobile Parking On Same Lot As Principal Use | 0000 | P | P |
| Horse Shows | 7999 | D | |
| Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with Concurrent Building Permit for Permanent Building) | 0000 | P | P |
| Temporary Hardship Manufactured Home | 0000 | S | S |
| Temporary Commercial Construction Office | 0000 | D | D |
| Temporary Construction/Repair Residence | 0000 | S | S |
| Temporary Emergency Repair Residence | 0000 | D | D |
| Turkey Shoots | 0000 | D | |

P = Use permitted by Zoning Permit
D = Use permitted by Zoning Permit with development standards
S = Special Use Permit required
C = Conditional Use Permit required

NASH COUNTY PLANNING BOARD
TEXT AMENDMENT REQUEST - UNIFIED DEVELOPMENT ORDINANCE
STAFF REPORT

File Number: A-200301 (Text Amendment Request)
Applicant: Turner Lee Votipka
Affected UDO Section(s): Article II, Section 2-4, Subsection 2-4.55(a)
Article IX, Section 9-3, Subsection 9-3.1, Table 9-3-1
Article XI, Section 11-4, Subsection 11-4.28b
Purpose: To define “event and conference venue” as a land use, to permit its development in the A1 (Agricultural), OI (Office & Institutional), RC (Rural Commercial), and GC (General Commercial) Zoning Districts with the issuance of a conditional use permit, and to establish related development standards.

Description of the Proposed Text Amendment:

The Table of Permitted Uses (Table 9-3-1) found in Article IX of the Nash County Unified Development Ordinance (UDO) does not currently include a land use category comparable to an “event and conference venue.” The most similar permitted land use, “private club or recreation facility (other),” is typically associated with amateur sport or hobby membership clubs. When a land use is not specifically listed in the table and it cannot be determined to be similar to another land use listed in the table, then that land use is considered prohibited from development (UDO Article IX, Section 9-3, Subsection 9-3.1 B2.)

Mr. Turner Votipka is the owner of a property that he desires to develop as an “event and conference venue.” Therefore, he has collaborated with the Nash County Planning Staff and Technical Review Committee to submit Text Amendment Request A-200301 in order to define “event and conference venue” as a land use, to permit its development in the A1 (Agricultural), OI (Office & Institutional), RC (Rural Commercial), and GC (General Commercial) Zoning Districts with the issuance of a conditional use permit, and to establish related development standards.

The proposed text amendment is based on zoning requirements in effect for similar land uses in Franklin County (conference center/retreat facility), Pitt County (retreat/conference center), and Wake County (conference center/retreat house) as well as development standards already currently required by the UDO for other land uses.

Proposed Text Amendment:

NASH COUNTY UNIFIED DEVELOPMENT ORDINANCE

ARTICLE II: INTERPRETATIONS AND DEFINITIONS

2-4.0 DEFINITIONS

2-4.55(a) Event and Conference Venue. An establishment that is available to the general public for hosting weddings, receptions, conferences, parties, business meetings, social gatherings, and similar indoor or outdoor events.

ARTICLE IX: ZONING

9-3 PERMITTED USES

9-3.1 Permitted Use Table

Table 9-3-1: Table of Permitted Uses

| Use Type | Ref. SIC | Zoning Districts | | | |
|----------------------------|----------|------------------|----|----|----|
| | | A1 | OI | RC | GC |
| RECREATIONAL USES | | | | | |
| Event and Conference Venue | 0000 | C | C | C | C |

C = Conditional Use Permit Required

ARTICLE XI: DEVELOPMENT STANDARDS

11-4 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

11-4.28b Event and Conference Venue

(A) Where Required

A1, OI, RC, and GC districts.

(B) Minimum Area

An event and conference venue shall be located on a property with a lot area of at least five (5) acres.

(C) Access

Principal access to the event and conference venue must be from a paved collector or higher capacity road.

(D) Separation

The primary structures used to host events and/or any outdoor event use areas shall be located no closer than fifty (50) feet to any property line. Accessory structures shall be located in accordance with the standard minimum building setbacks required in the underlying zoning district.

(E) Noise

Noise generated by the event and conference venue shall be in accordance with the Nash County Code of Ordinances Chapter 16, Article III "Noise."

(F) Parking

Adequate parking spaces to accommodate the use of the event and conference venue shall be provided in accordance with Section 11-2 "Off-Street Parking, Stacking, and Loading Areas." Paving of the parking spaces shall not be required due to their irregular use for events.

(G) Screening

All structures, outdoor use areas, and parking areas associated with the event and conference venue shall be screened in accordance with Section 11-3.3 (B) "Industrial and Commercial Uses."

Analysis of the Proposed Text Amendment:

The proposed definition for an "event and conference venue" is based on the definition currently used for a "conference center/retreat house" by Wake County.

The amendment proposes the required issuance of a conditional use permit by the Board of Commissioners prior to the development of an "event and conference venue." This process will require a site-specific project review by the Technical Review Committee and the Planning Board before a quasi-judicial public hearing is held. During the public hearing, additional conditions specific to a particular project may be discussed and attached to the permit.

The issuance of a conditional use permit requires a determination that the proposed development:

- (1) Will not materially endanger the public health or safety;
- (2) Will not substantially injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is to be located; and
- (4) Will be in general conformity with the land development plan or other plans officially adopted by the Board of Commissioners.

The proposed minimum required lot area of five (5) acres is based on the Franklin County requirement for a "conference center/retreat facility."

The proposed access requirements are based on the current Nash County requirements for a “private club or recreation facility” as well as the Pitt County requirements for a “retreat/conference center,” with additional input provided by our local N.C. Department of Transportation District Engineer.

The fifty (50) foot separation distance from the surrounding property lines proposed by the applicant is consistent with the current Nash County separation requirements for a “country club.” For reference, the UDO typically requires a separation distance of one hundred (100) feet between an industrial land use with noise-producing equipment and the surrounding property lines.

The proposed development standards specifically reference the noise ordinance enforced by the Nash County Sheriff’s Office and found in Chapter 16, Article III of the Nash County Code of Ordinances (a copy of which is attached to this report) because law enforcement is better equipped to address after-hours noise violations than the Planning Staff.

The noise ordinance prohibits “loud and raucous noise” as a public nuisance, including electronically amplified sound or music that “annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the county limits,” particularly before 6:30 a.m. or after 9:30 p.m. Monday through Saturday and before 8:00 a.m. or after 6:00 p.m. on Sunday. Violations of the noise ordinance are punishable as a Class 3 criminal misdemeanor.

The proposed parking requirements would typically require the designation of one (1) parking space per each five (5) persons based on the total design capacity of the building used to host events. The proposed exemption from the paving requirements is consistent with UDO Article XI, Section 11-2, Subsection 11-2.4 (C)(1)(c) which does not require paved parking for facilities used on a more irregular basis such as churches, private clubs, or nonprofit organizations.

The proposed screening measures invoke the same 25-foot wide natural or planted buffer yard requirement that already applies to any commercial or industrial land use developed within 100 feet of a residentially zoned or used lot.

The Board of Commissioners has previously considered and rejected two somewhat similar text amendment proposals including a request in August 2007 (Case File #A-070902) for a “rural banquet hall” and a request in November 2014 (Case File #A-141001) for a “family function center.” However, the primary objection to those proposals was that the facilities would be permitted for development in the R-40 (Single-Family Residential) Zoning District, something not included in the current request.

If the proposed text amendment were approved, then the property owned by the applicant would have to first be successfully rezoned by the Board of Commissioners to an appropriate zoning district before it would become eligible for the development of an “event and conference venue.”

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered Text Amendment Request A-200301 on February 28, 2020 and recommended **APPROVAL** based on its determination that the request is reasonable, in the public interest, and not inconsistent with the recommendations of the Nash County Land Development Plan.

Suggested Motions:

MOTION #1 – RECOMMEND A CONSISTENCY STATEMENT:

I move that the Nash County Planning Board recommends Consistency Statement ‘A’ or ‘B’ (choose one from below) related to Text Amendment Request A-200301 for consideration by the Nash County Board of Commissioners.

Consistency Statement ‘A’ (For APPROVAL):

Text Amendment Request A-200301 is reasonable, in the public interest, and not inconsistent with the recommendations of the Nash County Land Development Plan because the plan does not specifically address an “event and conference venue” as a land use type.

--- OR ---

Consistency Statement ‘B’ (For DENIAL):

Text Amendment Request A-200301 is not reasonable and/or not in the public interest and/or not consistent with the recommendations of the Nash County Land Development Plan because: **(List reasons.)**

MOTION #2 – RECOMMEND APPROVAL OR DENIAL OF THE TEXT AMENDMENT:

I move that the Nash County Planning Board recommends APPROVAL or DENIAL (choose one) of Text Amendment Request A-200301 to establish “event and conference venue” as a permitted land use for consideration by the Nash County Board of Commissioners.

**NASH COUNTY, NORTH CAROLINA
CODE OF ORDINANCES**

Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III. - NOISE

Sec. 16-50. - Penalties.

- (a) Any person who violates this article shall receive an oral or written order from any law enforcement officer to cease or abate the noise immediately; provided, however, that an oral order to cease or abate shall not be necessary with respect to:
- (1) Any violation occurring after 9:30 p.m. on Monday through Saturday, or after 6:00 p.m. on Sunday, and before 6:30 a.m. Monday through Saturday, or before 8:00 a.m. on Sunday; or
 - (2) Any second violation by the same person occurring within 60 days;
- and in such cases the person responsible shall be guilty of a class 3 misdemeanor and may be charged criminally with a misdemeanor violation of this article, punishable by fine or imprisonment to the maximum allowed by general law, and criminal process may be issued, all without an oral order to cease or abate.
- (b) If an oral order to cease and abate is not complied with promptly, the person or persons responsible shall be guilty of a class 3 misdemeanor and may be charged criminally with a misdemeanor violation of this article, punishable by fine or imprisonment to the maximum allowed by general law, and criminal process may be issued.
- (c) In addition to or in lieu of remedies for enforcement authorized in this section, violations of this article may be enjoined and/or abated through equitable remedies issued by any court of competent jurisdiction.

(Code 1996, § 17-55; Ord. of 6-1-1998, art. V)

Sec. 16-51. - Loud and raucous noise prohibited.

The generation or maintenance of any loud and raucous noise within Nash County is hereby declared to be a public nuisance. It shall be unlawful for any person to willfully make, continue, or cause to be made or continued any loud and raucous noise, which term shall mean any sound which, because of its volume level, duration, and character:

- (1) Annoys, disturbs, injures or endangers the comfort, health, peace, or safety of reasonable persons of ordinary sensibilities within the county limits; or
- (2) Interferes seriously with neighboring residents' reasonable use and enjoyment of their properties.

The term "loud and raucous noise" shall include, but shall not be limited to, the kinds of noise generated by the activities enumerated in section 16-52.

(Code 1996, § 17-51; Ord. of 6-1-1998, art. I)

Sec. 16-52. - Prohibited noise activities.

The following acts, as limited by section 16-51 and subject to the exemptions of section 16-53, are hereby declared to be public nuisances in violation of section 16-51, but the acts enumerated in this section shall not be deemed to be exclusive:

- (1) The use or operation of any mechanical or electrical device, apparatus, or instrument to amplify, intensify, or reproduce the human voice, or to produce, reproduce, intensify or amplify any other sound when the sound is of such character, intensity and duration so as to annoy or disturb the quiet, comfort or repose of reasonable persons of ordinary sensibilities.
- (2) The playing or operation of any radio, cassette tape player, compact disk player, or any other sound-producing instrument, device or apparatus installed or located in a motor vehicle when the speaker volume is elevated to such an extent that the sound is clearly audible more than 60 feet from the vehicle. The provisions of this subsection shall apply regardless of whether the vehicle is traveling upon the roads of the county, parked on public or private property or stopped in traffic.
- (3) The sounding of any horn or signal device on any automobile, motorcycle, bicycle, bus or other vehicle, except as a danger signal, so as to create an unreasonably loud or harsh sound, or the sounding of such device for an unreasonable period of time, or the use of siren horns on bicycles, automobiles, or other vehicles except upon automobiles and other apparatus of the sheriff and fire departments or upon authorized emergency service vehicles.
- (4) The playing of any radio, cassette tape player, compact disk player, phonograph, or mechanical or nonmechanical musical or sound-producing instrument in such a manner or with such volume that the sound therefrom creates a loud and raucous noise so as to annoy or disturb the quiet, comfort or repose of reasonable persons of ordinary sensibilities in any dwelling, motel, hotel or other type of residence.
- (5) The use of any automobile, truck, motorcycle or vehicle so as to annoy or disturb the quiet, comfort or repose of reasonable persons of ordinary sensibilities in any dwelling, motel, hotel or other type of residence.

(Code 1996, § 17-52; Ord. of 6-1-1998, art. II)

Sec. 16-53. - Exemptions.

The following acts or activities are exempt from the provisions of this article:

- (1) The use of a permanently installed loud speaker or public-address system at railroad and bus stations or airports to announce the arrival and departure of trains, buses, and airplanes;
- (2) The use of a permanently installed loud speaker or public address system at athletic stadiums to announce athletic contests;
- (3) Any musical chimes or bells emanating from a public or religious institution or facility;
- (4) Sounds emanating from any authorized emergency vehicle responding to an emergency or acting in the time of emergency;
- (5) Noises coming from construction or bona fide agricultural operations; provided all equipment is operated in accordance with any applicable manufacturer's specifications and with all standard equipment manufacturer's mufflers and/or noise-reducing equipment in use and in properly operating condition;
- (6) Landscaping, grading or clearing operations; provided all equipment is operated in accordance with any applicable manufacturer's specifications and with all standard equipment manufacturer's mufflers and/or noise-reducing equipment in use and in properly operating condition;

- (7) Noise emanating from any burglar alarm or security device on any building, dwelling or vehicle, provided such noise terminates within 30 minutes of being activated;
- (8) Noise from any sanitation operations;
- (9) Sounds from or at parades, street fairs or similar festivals sponsored, permitted or sanctioned by the county or any of the municipalities located within the county.

(Code 1996, § 17-53; Ord. of 6-1-1998, art. III)

Sec. 16-54. - Permits for temporary variances.

- (a) Any person desiring relief from any provision of this article shall apply for a permit to cause or create a noise which would otherwise be in violation of this article. Applications for permits must be made in writing to the county sheriff and shall contain information which demonstrates that bringing a source of sound or activity for which the permit is sought into compliance with this article would constitute an unreasonable hardship on the applicant, or on the community, or on other persons.
- (b) In determining whether to tentatively approve a permit or to grant or deny the application, the sheriff shall balance the hardship to the applicant, the community and other persons of not granting the permit against the adverse impact on the health, safety, welfare, and comfort of persons affected, the adverse impact on property affected, and other adverse impacts of granting the permit. Any decision made on appeal by the board of commissioners shall be made on the same basis.
- (c) Any permit granted pursuant to this section shall contain thereon all conditions upon which such permit has been granted including, but not limited to, the effective date, time of day, location, sound-level limits and equipment limitations; provided, however, that no permit shall be issued for a period in excess of 15 consecutive days. Any permit granted under this section may be renewed upon reapplication, following all procedures contained in this section for the initial application. Noncompliance with any condition of the permit shall terminate it and make it subject to the provisions of section 16-50.
- (d) Applications for permits herein shall be processed and decisions made as expeditiously as possible, and in any event before 5:00 p.m. on the fifth business day following the day of receipt. If the application was submitted more than ten days in advance of the event, the permit, alternate permit, or written notice of denial shall be mailed to the applicant. If the application was submitted less than ten days in advance of the event, the sheriff's department shall exercise reasonable diligence in attempting to notify by telephone or other means. Any person aggrieved by action taken on a permit application may file a written notice of appeal, first with the county manager and then with the county commissioners. The notice of appeal must be filed within seven days from the date notice of the action, regardless of the means used to convey such notice, is received by the applicant. The county manager shall act on the appeal as expeditiously as possible. The county commissioners shall hear any appeal taken from the decision of the county manager at its next regularly scheduled meeting. In hearing any appeal, the county manager or the county commissioners may reverse or affirm, wholly or in part, the action of the sheriff, or may grant an alternate permit for a date, time or place different from that requested by the applicant or subject to different requirements or conditions than requested by an applicant. An alternate permit must be accepted in writing within 24 hours after notice that is available.
- (e) The sheriff may revoke any permit issued hereunder for the following reasons or causes:
 - (1) The substantial violation of this section or the terms and conditions of a permit; or
 - (2) A material misstatement of any fact on the application for a permit.

(Code 1996, § 17-54; Ord. of 6-1-1998, art. IV)

NASH COUNTY PLANNING BOARD
MAJOR SUBDIVISION FINAL PLAT – STAFF REPORT

| | |
|------------------------------------|--|
| Type of Plat: | Major Subdivision Final Plat |
| Subdivision Name: | Stonehill Farm Subdivision, Phase II |
| Property Owner / Developer: | Tony R. Stone & Brenda C. Stone |
| Surveyor / Engineer: | Bartlett Engineering & Surveying, PC (Tony Bartlett) |
| Location: | South Side of US Highway 264A |
| Tax ID #: | PIN # 275300195137 / Parcel ID # 331168 |
| Total Development Area: | 25.54 Acres |
| Number of Lots: | 8 New Residential Lots |
| Street Improvements: | None Proposed |
| Water Supply: | Individual Private Onsite Wells |
| Wastewater Disposal: | Individual Private Onsite Septic Systems |
| Zoning District: | R-40 (Single-Family Residential) |
| LDP Classification: | Suburban Growth Area |

Description of the Subject Property:

The subject property is a 25.54 acre tract of land owned by Tony R. Stone & Brenda C. Stone and located on the south side of US Highway 264A between the towns of Bailey and Middlesex and immediately adjacent to the Seaboard Coastline Railroad right-of-way in the R-40 (Single-Family Residential) Zoning District.

The property is located east of and immediately adjacent to the eight (8) lot Stonehill Farm Subdivision, Phase I previously developed along Stone Heritage Road and recorded in October 2019 without Planning Board approval, subject to the exemption provided for the first phase of a major subdivision that includes no more than nine (9) lots and no required road or public utility improvements (UDO Article X, Section 10-3, Subsection 10-3.5 A.)

The property is currently undeveloped, located in the Neuse River Basin, and not located in either a regulated floodplain or a watershed protection overlay district.

The property does not currently have access to public water or sewer service, therefore any future residential development would utilize individual private onsite well and septic systems.

Description of the Proposed Subdivision:

Bartlett Engineering & Surveying, PC has submitted a major subdivision final plat on behalf of the property owner and developer for the Stonehill Farm Subdivision, Phase II, which proposes the development of eight (8) additional residential lots along the existing US Highway 264A.

This R-40 (Single-Family Residential) Zoning District typically requires a minimum lot area of 40,000 square feet and a minimum lot width of 100 feet. However, US Highway 264A is identified by the UDO as a road with significant traffic mobility concerns due to the number of average vehicle trips exceeding 1,000 per day.

Individual residential lots with direct access to these roads are required to have either 200 feet of lot width (which is double the standard minimum requirement) or at least 150 feet, if an additional 1,000 square feet of lot area is provided for every one (1) foot of lot width that is less than 200 feet. All the proposed lots meet or exceed these minimum dimensional requirements.

Lots 9, 14, 15, & 16 include a 50 foot wide buffer strip required in residential zoning districts immediately adjacent to railroad rights-of-way, which is reserved for vegetation only and which prohibits the building of any structures (UDO Article X, Section 10-7, Subsection 10-7.6 A.)

The eastern portion of Lot 16 includes both an existing 45 foot wide access easement serving the home at 8081 US Highway 264A located on the immediately adjacent property to the south and a stream feature subject to a 50 foot wide Neuse riparian buffer as verified by the N.C. Department of Environmental Quality, Division of Water Resources.

The United States Postal Service Bailey Postmaster has determined that the installation of a shared cluster box unit (CBU) mailbox will not be required for this subdivision, provided that the individual mailboxes are placed in groups of two each.

Subdivision Review Procedure:

The proposed final plat shall remain valid for one year (12 months) from the date of its approval by the Planning Board unless the overall proposed design of the subdivision deviates substantially enough from the previously approved version to require reconsideration and re-approval by the Board.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Stonehill Farm Subdivision, Phase II on February 28, 2020 and recommended **APPROVAL** subject to required revisions that have since been completed.

Suggested Motion:

*I move that the Nash County Planning Board **APPROVE or DENY (choose one)** the Major Subdivision Final Plat for the Stonehill Farm Subdivision, Phase II, subject to the following **CONDITION:***

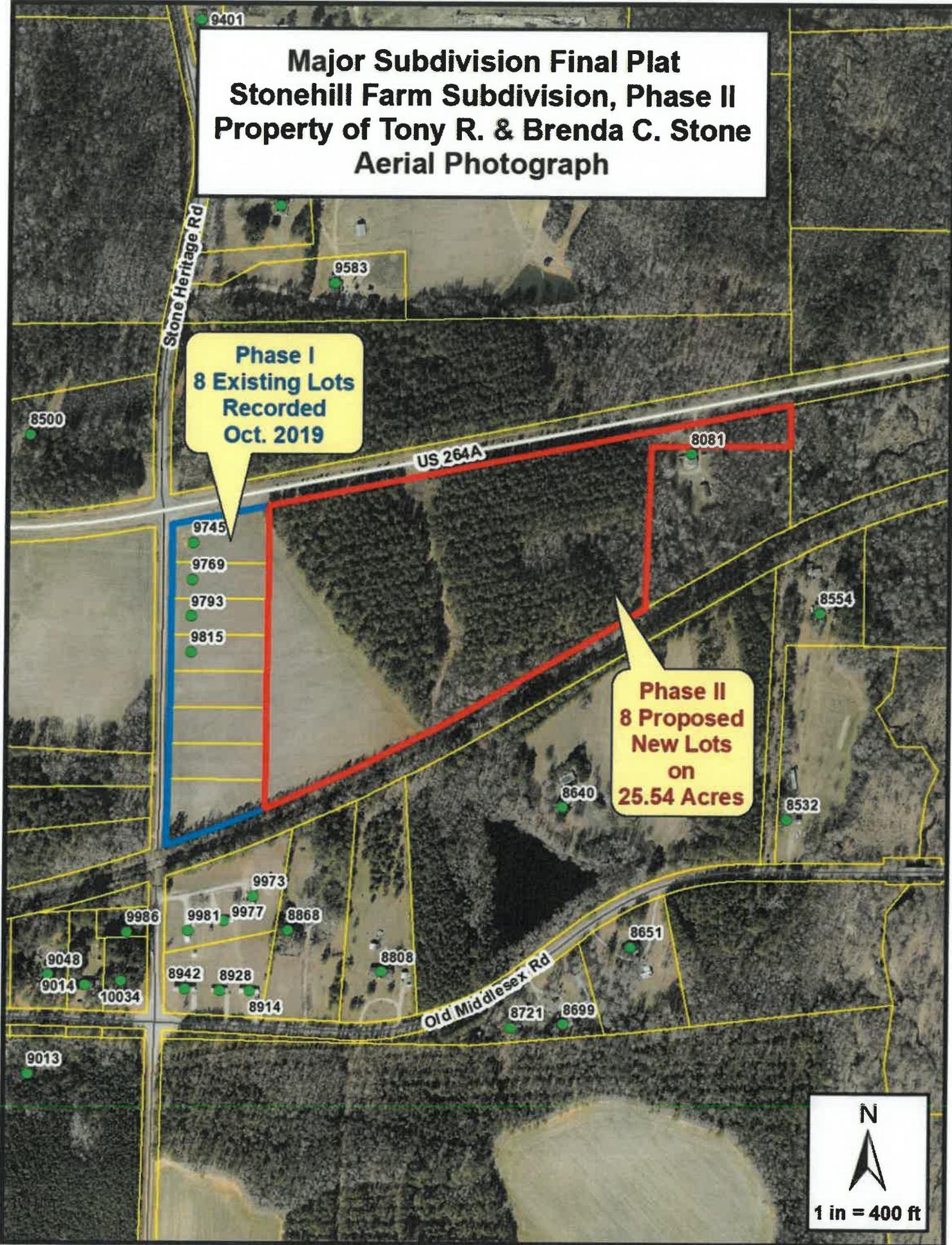
Condition for Final Plat Approval:

The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.

**Major Subdivision Final Plat
Stonehill Farm Subdivision, Phase II
Property of Tony R. & Brenda C. Stone
Aerial Photograph**

**Phase I
8 Existing Lots
Recorded
Oct. 2019**

**Phase II
8 Proposed
New Lots
on
25.54 Acres**



N
1 in = 400 ft

NASH COUNTY PLANNING BOARD
MAJOR SUBDIVISION PRELIMINARY PLAT – STAFF REPORT

| | |
|------------------------------------|--|
| Type of Plat: | Major Subdivision Preliminary Plat |
| Subdivision Name: | Poplar Run Subdivision, Phase 2 |
| Property Owner / Developer: | Claudette and Roger Reges |
| Surveyor / Engineer: | Stocks Engineering, PA (Kevin Varnell) |
| Location: | North Side of Nick Coley Road |
| Tax ID #: | PIN # 382600059873 / Parcel ID # 331649 |
| Total Development Area: | 40.3 Acres |
| Number of Lots: | 12 New Residential Lots |
| Street Improvements: | 40 Foot Wide Access & Utility Easement |
| Water Supply: | Individual Private Onsite Wells |
| Wastewater Disposal: | Individual Private Onsite Septic Systems |
| Zoning District: | A-1 (Agricultural) |
| LDP Classification: | Rural Growth Area |

Description of the Subject Property:

The subject property is a 40.3 acre tract of land owned by Claudette and Roger Reges and located on the north side of Nick Coley Road between Swift Creek School Road and Ward Road north of the Town of Red Oak in the A-1 (Agricultural) Zoning District.

The property is located directly across Nick Coley Road from the eight (8) lot Poplar Run Subdivision, Phase 1 previously recorded in November 2019 without Planning Board approval, subject to the exemption provided for the first phase of a major subdivision that includes no more than nine (9) lots and no required road or public utility improvements (UDO Article X, Section 10-3, Subsection 10-3.5 A.)

The property is currently undeveloped and is not located in either a regulated floodplain or a watershed protection overlay district. It is located in the Tar-Pamlico River Basin, meaning that its development will be subject to Nash County stormwater nutrient management regulations related to disturbed land area and impervious surfaces. The northern rear property line is defined by an existing stream branch that is potentially subject to a 50 foot wide Tar-Pamlico riparian buffer, which must be protected from disturbance.

The property does not currently have access to public water or sewer service, therefore any future residential development would utilize individual private onsite well and septic systems.

Description of the Proposed Subdivision:

Stocks Engineering, PA has submitted a major subdivision preliminary plat on behalf of the property owner for the Poplar Run Subdivision, Phase 2, which proposes the development of twelve (12) new residential lots on the north side of the existing Nick Coley Road.

This A-1 (Agricultural) Zoning District requires a minimum lot area of 40,000 square feet and a minimum lot width of 100 feet. Lots 1-9 meet or exceed these minimum dimensional requirements. Lots 10-12 are exempt from the typical subdivision standards because they are each greater than ten acres in area (UDO Article II, Section 2-4, Subsection 2-4.167.) Lots 11 & 12 will be served by a proposed 40 foot wide access and utility easement located between Lots 6 & 7.

The United States Postal Service Whitakers Postmaster will determine whether the installation of a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery will be required for this subdivision.

Subdivision Review Procedure:

The proposed preliminary plat shall remain valid for one year (12 months) from the date of its approval by the Planning Board unless the overall proposed design of the subdivision deviates substantially enough from the previously approved version to require reconsideration and re-approval by the Board.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for the Poplar Run Subdivision, Phase 2 on February 28, 2020 and recommended **APPROVAL** subject to required revisions that have since been completed.

Suggested Motion:

*I move that the Nash County Planning Board **APPROVE or DENY (choose one)** the Major Subdivision Preliminary Plat for the Poplar Run Subdivision, Phase 2, subject to the following **CONDITIONS:***

Conditions for Future Final Plat Approval:

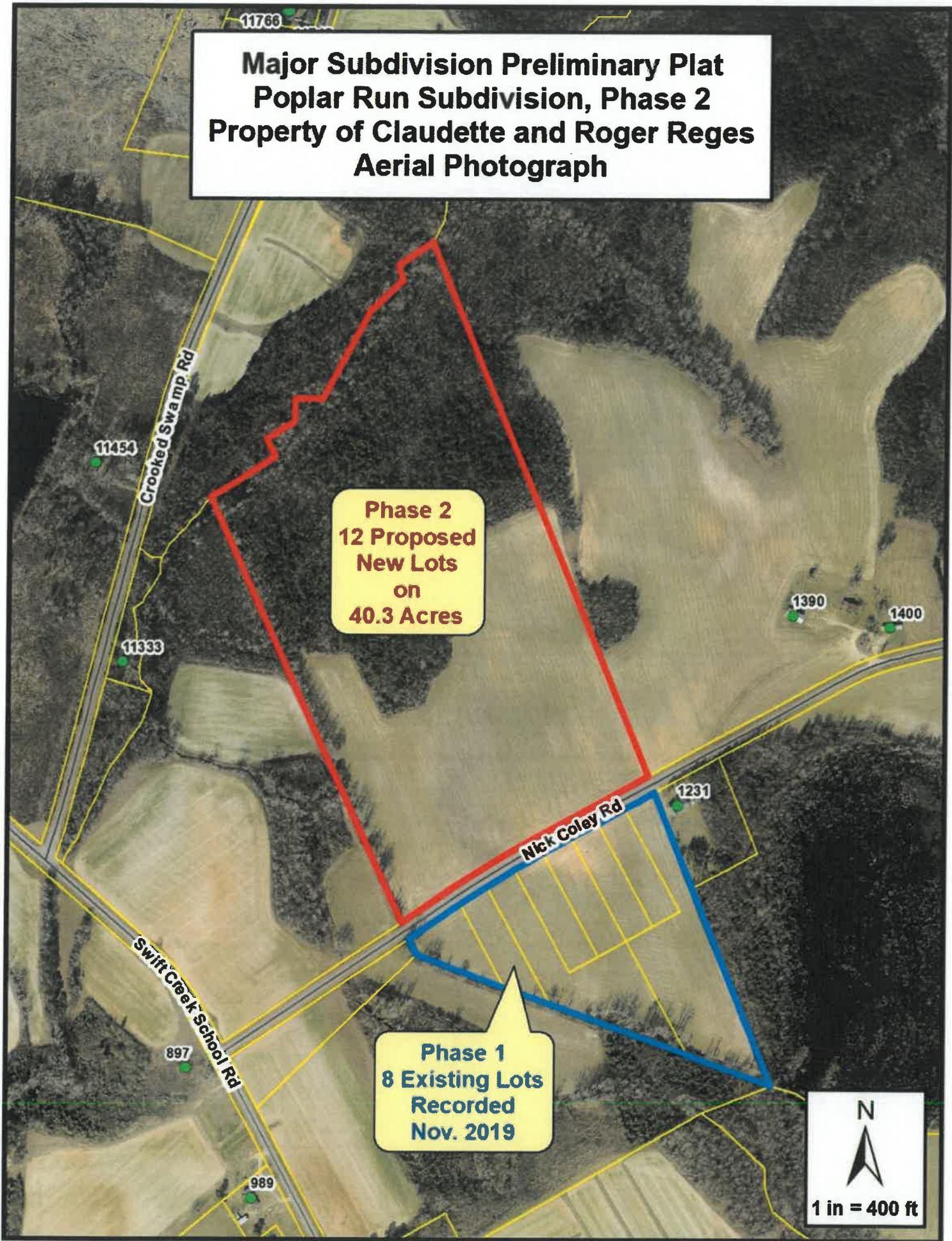
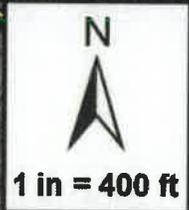
- (1) The title of the plat shall be revised to "Major Subdivision Final Plat."
- (2) The plat shall be resized to be 18 inches x 24 inches.

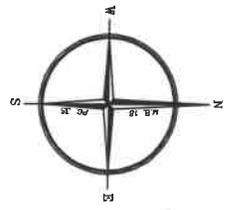
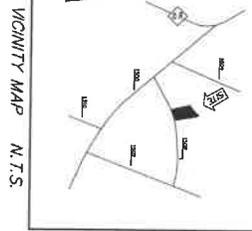
- (3) The owner/developer's phone number shall be added to the plat.
 - (4) The following certificates found in UDO Appendix 2, Section A-2-2 shall be added to the plat: A, C, F, H2, I1 or I2, L, O, and P.
 - (5) A Tar-Pamlico River Basin Overlay District Stormwater Permit shall be issued and recorded either prior to or concurrently with the final plat.
 - (6) 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.
 - (7) If the United States Postal Service Whitakers Postmaster determines that the installation of a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery will be required for this subdivision, then the developer shall designate an appropriate location designed in accordance with all applicable U.S.P.S. and N.C. Department of Transportation requirements.
-

**Major Subdivision Preliminary Plat
Poplar Run Subdivision, Phase 2
Property of Claudette and Roger Reges
Aerial Photograph**

**Phase 2
12 Proposed
New Lots
on
40.3 Acres**

**Phase 1
8 Existing Lots
Recorded
Nov. 2019**



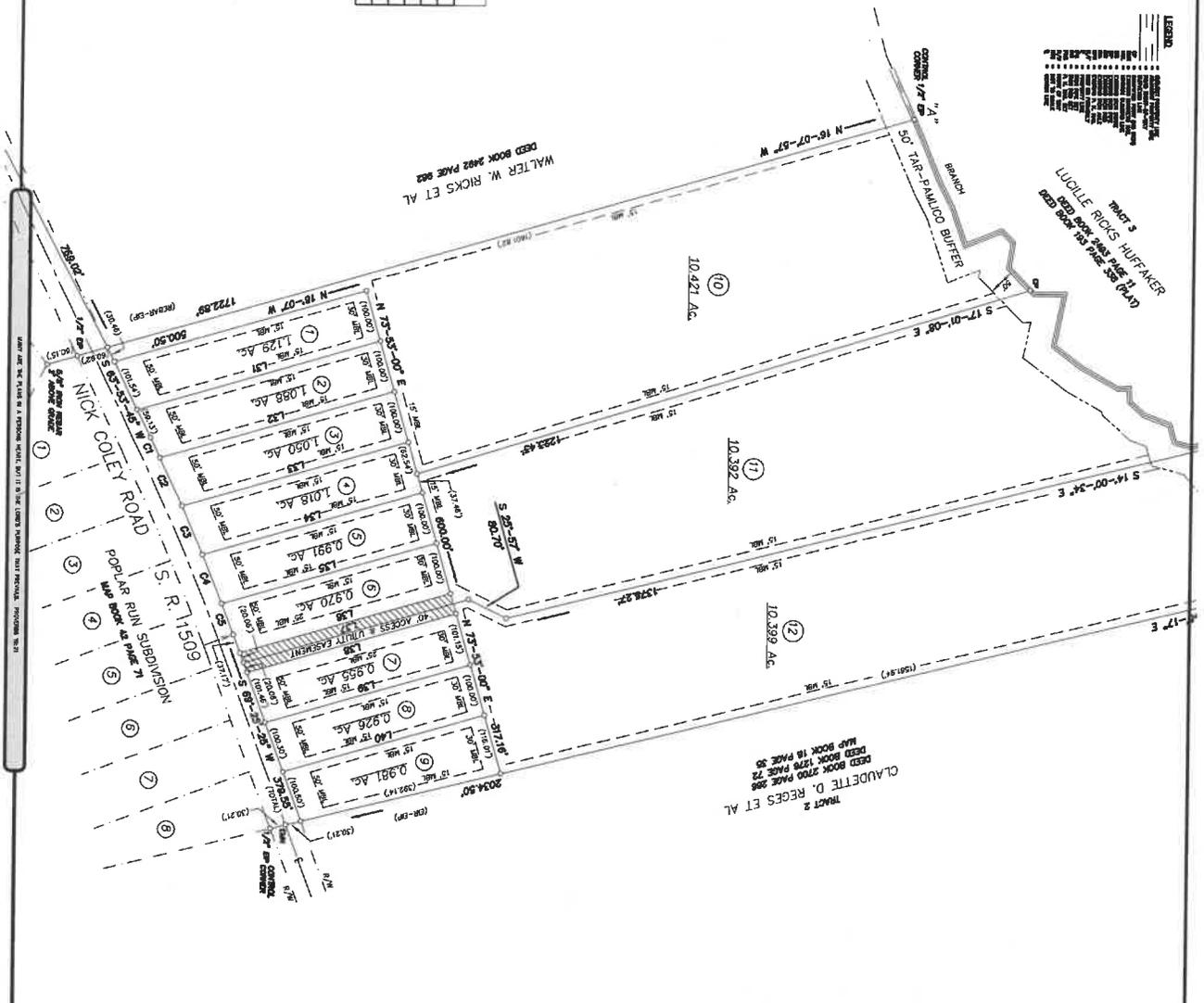


CURVE TABLE

| # | BEARING | CHORD | RADIUS |
|----|----------------|---------|---------|
| C1 | N 84-07'-08" E | 42.37' | 430.00' |
| C2 | N 69-09'-18" E | 101.17' | 423.00' |
| C3 | N 67-53'-13" E | 103.63' | 320.00' |
| C4 | N 67-53'-13" E | 103.63' | 320.00' |
| C5 | N 67-58'-45" E | 83.19' | 320.00' |

COURSES AND DISTANCES ALONG NEW LOT LINES

| | | |
|-----|------------|---------|
| L31 | N 18-07' W | 482.88' |
| L32 | N 18-07' W | 485.19' |
| L33 | N 18-07' W | 487.50' |
| L34 | N 18-07' W | 489.81' |
| L35 | N 18-07' W | 492.12' |
| L36 | N 18-07' W | 494.43' |
| L37 | S 16-07' E | 418.44' |
| L38 | N 18-07' W | 418.44' |
| L39 | N 18-07' W | 418.44' |
| L40 | N 18-07' W | 418.44' |



LINE TABLE ALONG BRANCH FROM "A" TO "B"

| LINE # | BEARING | DISTANCE |
|--------|---------------|----------|
| 1 | S 67°08'55" W | 180.13' |
| 2 | N 67°08'55" E | 52.10' |
| 3 | N 21°46'28" E | 72.30' |
| 4 | N 21°46'28" E | 72.30' |
| 5 | N 48°23'45" E | 38.27' |
| 6 | S 80°11'44" E | 48.19' |
| 7 | N 45°24'02" E | 58.16' |
| 8 | N 45°24'02" E | 10.13' |
| 9 | N 00°27'59" W | 59.89' |
| 10 | S 78°38'42" E | 187.25' |
| 11 | N 28°16'00" E | 58.04' |
| 12 | N 28°16'00" E | 58.04' |
| 13 | N 04°59'22" W | 20.59' |
| 14 | N 88°38'44" E | 26.60' |
| 15 | N 41°29'40" E | 37.45' |
| 16 | N 20°16'00" E | 51.42' |
| 17 | N 20°16'00" E | 51.42' |
| 18 | N 21°58'12" W | 30.08' |
| 19 | N 69°21'43" E | 11.72' |
| 20 | N 69°21'43" E | 11.72' |
| 21 | N 49°46'01" E | 75.63' |
| 22 | N 49°46'01" E | 75.63' |
| 23 | N 89°13'54" E | 17.05' |
| 24 | N 89°13'54" E | 17.05' |
| 25 | N 41°19'10" E | 33.63' |
| 26 | N 41°19'10" E | 33.63' |
| 27 | S 57°58'11" E | 31.14' |
| 28 | N 49°40'07" E | 43.44' |
| 29 | S 68°41'49" E | 27.59' |
| 30 | N 54°23'54" E | 40.93' |

OWNER/DEVELOPER
DEED ACQUISITION AND INVESTMENT GROUP
10000 WASHINGTON STREET
P.O. BOX 10000
RICHMOND, VA 23260

ENGINEER
MICHAEL J. HARRIS, P.E.
1000 W. WASHINGTON STREET
P.O. BOX 10000
RICHMOND, VA 23260

NOTE: THE ABOVE PROPERTY BOUNDS ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

SITE INFORMATION
SITE LOCATION: ...
TRACT LOCATIONS: ...
NUMBER OF LOTS: ...
LENGTH OF LOTS: ...
LANDS INCLUSIVE OF: ...
NAME OF PROPERTY: ...
ZONING: ...
TAX MAP: ...
DEED BOOK/PAGE: ...
LEGAL DESCRIPTION: ...
ADJACENT PROPERTIES: ...
ADJACENT STREETS: ...
ADJACENT LOTS: ...
ADJACENT TRACTS: ...

SCALE: 1" = 100'
0 100 200 300

PRELIMINARY SUBDIVISION PLAT for POPLAR RUN SUBDIVISION PHASE 2 NASH COUNTY, NORTH CAROLINA

BLA-C-8724

STOCKS ENGINEERING
601 EAST WASHINGTON STREET
NASHVILLE, N.C. 27606
PHONE: (704) 426-8188
WWW.STOCKSENGINEERING.COM

SE-01

PLAT NO. SE-01-28
DATE: 08/11/2007
SCALE: 1"=100'

APPROVED FOR RECORDATION
MICHAEL J. HARRIS, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 10000

APPROVED FOR RECORDATION
MICHAEL J. HARRIS, P.E.
REGISTERED PROFESSIONAL ENGINEER
NO. 10000

NASH COUNTY PLANNING BOARD
MAJOR SUBDIVISION FINAL PLAT – STAFF REPORT

| | |
|--------------------------------|---|
| Type of Plat: | Major Subdivision Final Plat |
| Subdivision Name: | Driver Landing Subdivision |
| Property Owner: | Helen C. Driver |
| Developer: | Pier One Investments |
| Surveyor / Engineer: | Williams-Pearce & Associates, PA (Danny Williams) |
| Location: | Northeast Side of Debnam Road |
| Tax ID #: | PIN # 272500964435 / Parcel ID # 008504 |
| Total Development Area: | 13.54 Acres |
| Number of Lots: | 13 New Residential Lots |
| Street Improvements: | None Proposed |
| Water Supply: | Individual Private Onsite Wells |
| Wastewater Disposal: | Individual Private Onsite Septic Systems |
| Zoning District: | A-1 (Agricultural) |
| LDP Classification: | Suburban Growth Area |

Description of the Subject Property:

The subject property is a 13.54 acre tract of land owned by Helen C. Driver and located on the northeast side of Debnam Road off Massey Road and north of the Town of Middlesex in the A-1 (Agricultural) Zoning District.

The property is currently undeveloped, located in the Neuse River Basin, and not located in either a regulated floodplain or a watershed protection overlay district.

The property does not currently have access to public water or sewer service, therefore any future residential development would utilize individual private onsite well and septic systems.

Description of the Proposed Subdivision:

Williams-Pearce & Associates, PA has submitted a major subdivision final plat on behalf of the developer, Pier One Investments, for the Driver Landing Subdivision, which proposes the development of thirteen (13) new residential lots along the existing Debnam Road.

This A-1 (Agricultural) Zoning District requires a minimum lot area of 40,000 square feet and a minimum lot width of 100 feet. All the proposed lots meet or exceed these minimum dimensional requirements.

The northeastern rear corner of Lot 13 includes an existing stream branch that is potentially subject to a 50 foot wide Neuse riparian buffer, which must be protected from disturbance.

The United States Postal Service Zebulon Postmaster has determined that the installation of a shared cluster box unit (CBU) mailbox will not be required for this subdivision, provided that the individual mailboxes are placed in groups of two each.

Subdivision Review Procedure:

The proposed final plat shall remain valid for one year (12 months) from the date of its approval by the Planning Board unless the overall proposed design of the subdivision deviates substantially enough from the previously approved version to require reconsideration and re-approval by the Board.

TRC Recommendation:

The Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Driver Landing Subdivision on February 28, 2020 and recommended **APPROVAL** subject to required revisions that have since been completed.

Suggested Motion:

*I move that the Nash County Planning Board **APPROVE** or **DENY** (choose one) the Major Subdivision Final Plat for the Driver Landing Subdivision subject to the following **CONDITION:***

Condition for Final Plat Approval:

The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.

**Major Subdivision Final Plat
Driver Landing Subdivision
Property of Helen C. Driver
Aerial Photograph**

**13 Proposed
New Lots
on
13.54 Acres**

Debnam Rd

4828

5055

5049

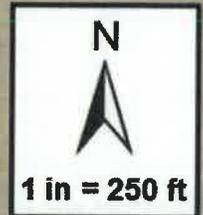
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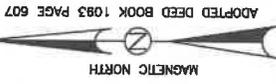
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5021

5035

5043





The Nash County Health Department has reviewed the plat and the lots shown hereon and has approved the same for recording. The Health Department and the County Health Department are not responsible for the accuracy of the plat and the lots shown hereon. The Health Department and the County Health Department are not responsible for the accuracy of the plat and the lots shown hereon. The Health Department and the County Health Department are not responsible for the accuracy of the plat and the lots shown hereon.

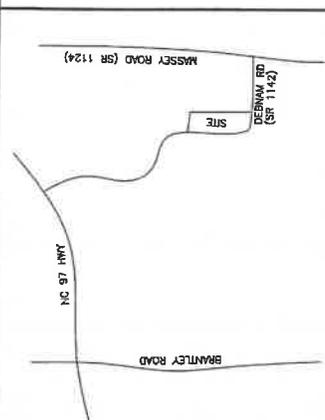
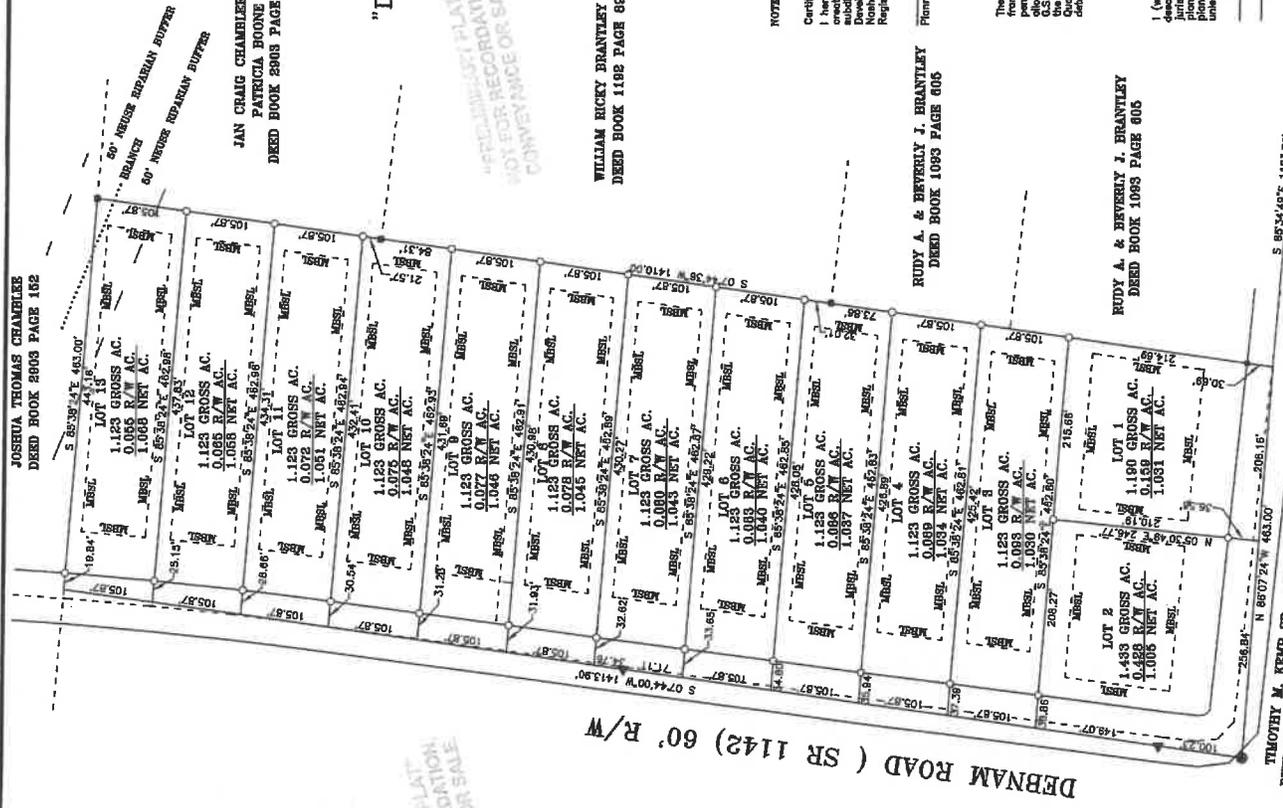
**MAJOR SUBDIVISION
FINAL PLAT FOR
PIER ONE INVESTMENTS
"DRIVER LANDING SUBDIVISION"
DRY WELLS TOWNSHIP
NASH COUNTY
NORTH CAROLINA**

REFERENCE: DEED BOOK 1098 PAGE 413
DEED BOOK 1098 PAGE 414
DEED BOOK 1098 PAGE 415
DEED BOOK 1098 PAGE 416
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WILLIAM RICKY BRANTLEY
DEED BOOK 1192 PAGE 898

RUDY A. & BEVERLY J. BRANTLEY
DEED BOOK 1093 PAGE 605

RUDY A. & BEVERLY J. BRANTLEY
DEED BOOK 1093 PAGE 605



VICINITY MAP

NOTE: AREA COMPILED BY COORDINATE METHOD.
NOTE: NO NGCS MONUMENT
NOTE: THIS PROPERTY IS SUBJECT TO EASEMENTS
TAX MAP PIN # 27800094530

State of North Carolina
County of Nash

I, **DANNY G. WILLIAMS**, Review Officer of Nash County, certify that the map or plat to which this certification is attached meets all statutory requirements for recording.

Date _____
Review Officer

DANNY G. WILLIAMS, PROFESSIONAL LAND SURVEYOR, No. 11111, State of North Carolina, certifies that this plat was drawn under the supervision of the Surveyor General of North Carolina and that the measurements and calculations thereon are correct and true to the original field notes and data. He also certifies that the plat was prepared in accordance with the laws and regulations of the State of North Carolina and that the same are correct and true to the original field notes and data.

DATE: FEBRUARY 25, 2020



DANNY G. WILLIAMS, PROFESSIONAL LAND SURVEYOR, No. 11111, State of North Carolina, certifies that this plat was drawn under the supervision of the Surveyor General of North Carolina and that the measurements and calculations thereon are correct and true to the original field notes and data. He also certifies that the plat was prepared in accordance with the laws and regulations of the State of North Carolina and that the same are correct and true to the original field notes and data.

OWNER:
MELEN C. DRIVER
11111
NORTH WALK, NC 28677

ZONED A1

SETBACKS:
FRONT - 50'
SIDE - 25'
REAR - 25'
CORNER SIDE - 25'

LEGEND

MSBL = MINIMUM BUILDING SETBACK LINE
= EXISTING AXLE
= EXISTING IRON PIN
= EXISTING PK NAIL
= NEW IRON PIN

GRAPHIC SCALE - FEET
0 100 200 300

COORDINATE FILE: DABBS
FIELD BOOK: 11111
DATE: 02-25-2020
SCALE: 1" = 100'



WILLIAMS - PEARCE & ASSOC., P.A.
Professional Land Surveyors
P.O. Box 892, Zebulon, N.C. Phone (919)289-9805

TIMOTHY M. KEMP SR.
DEED BOOK 1690 PAGE 411

RUDY A. & BEVERLY J. BRANTLEY
DEED BOOK 1093 PAGE 605

WILLIAMS - PEARCE & ASSOC., P.A.
Professional Land Surveyors
P.O. Box 892, Zebulon, N.C. Phone (919)289-9805

NOTE: JOINT MAJORITIES WILL BE REQUIRED FOR LOTS 1-2, 3-4, 5-6, 7-8, 9-10, 11-12.

Certificate of Minor Plat Approval

I hereby certify that the minor subdivision shown on this plat does not involve the subdivision of new public roads or any change in existing public roads, that the subdivision complies with the provisions of the North Carolina Subdivision Control Act, and that the subdivision complies with the provisions of the North Carolina Subdivision Control Act, and that the subdivision complies with the provisions of the North Carolina Subdivision Control Act.

The 50 foot riparian buffer zone is measured from the top of bank of stream or creek. No activity is allowed within the riparian buffer zone as defined in Zone 5 (20'). Owner/Developer to consult U.S. EPA NCAC 2B.0226 before any disturbance within riparian buffer zone. Riparian buffer zone is defined as the area between the ordinary high water mark and the ordinary low water mark. Surface Water Protection Section for official determination.

Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown on this plat and that I (we) have the authority to execute this plat and that I (we) have the authority to execute this plat and that I (we) have the authority to execute this plat.

OWNER _____
OWNER _____

DATE _____
DATE _____