

**MINUTES OF THE
NASH COUNTY PLANNING BOARD
REGULAR MEETING
HELD TUESDAY, JANUARY 17, 2023 AT 6:30 P.M.
COMMISSIONERS ROOM – THIRD FLOOR
NASH COUNTY ADMINISTRATION BUILDING
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Kevin Smith, Chairman
DeLeon Parker, Jr., Vice-Chairman
Moses Brown, Jr.
Jimmy Glover
Kimberly Moore
Barbara Pulley
Ethan Vester

BOARD MEMBERS ABSENT

Chris Sandifer
Philip Brannan

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Cal Cunningham
Phil Davis
Nancy Glover
Melanie H. Little

Phillip McCall
Sheri Weaver McCall
Dale Poland

Gary Tyler
Kevin Varnell
Donnie S. Weaver

1. Call to Order.

Chairman Smith called the meeting to order at 6:31 p.m.

2. Determination of a Quorum.

Chairman Smith recognized the presence of a quorum.

3. Approval of the Minutes of the November 15, 2021 and December 19, 2022 Regular Meetings.

The minutes of the November 15, 2021 and December 19, 2022 regular meetings were provided to each Board member for review. Chairman Smith asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Brown, to approve the minutes of the November 15, 2021 and December 19, 2022 regular meetings as submitted.

The motion was unanimously carried.

4. Review of Public Comment Policy.

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

5. Conditional Rezoning Request CZ-221201 made by Donnie S. Weaver & Ginger W. Robles, the property owners, to rezone an approximately 3.94-acre portion of a tract of land located on the east side of S Halifax Rd, Rocky Mount, NC 27803 from R-30 (Single & Two-Family Residential) to GC-CZ (General Commercial Conditional Zone), specifically for the development of a funeral home.

Mr. Culpepper presented the staff report and supplemental materials related to Conditional Rezoning Request CZ-221201 as submitted to the Board in the January 17, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on December 13, 2022 and recommended approval subject to suggested site plan revisions and development conditions.

Ms. Moore asked about the location of the vegetative screening buffers.

Mr. Culpepper explained that there would be vegetative screening buffers required along S Halifax Road and adjacent to the residentially-zoned property to the north.

Mr. Tyson referred the Board to Site Plan Revision #3 in the staff report for the details on the required vegetative screening buffers.

Mr. Vester asked if the required vegetative screening buffers were allowed within the minimum building setback and the Tar-Pamlico riparian buffer.

Mr. Tyson answered that vegetative screening buffers were allowed within the minimum building setback and within the outer 20-foot section of a 50-foot riparian buffer.

Mr. Parker asked about the purpose of the vegetative screening buffer required along the road.

Mr. Tyson explained that the buffer would consist of bushes and shorter vegetation to visually screen vehicles and headlights in the parking lot.

The following members of the public addressed the Board with concerns regarding potential impacts to air quality from a crematorium, drainage issues and water runoff, increased traffic, and the effect on groundwater quality of disposing of bodily fluids and embalming chemicals into the onsite wastewater system.

Dale Poland of 3421 S Halifax Rd
Gary Tyler of 3397 S Halifax Rd
Sheri Weaver McCall of 3465 S Halifax Rd

Kevin Varnell with Stocks Engineering addressed the Board on behalf of the applicant in support of the request. He explained that the site would likely require the installation of a stormwater pond and that only very small visitations or ceremonies would be held at the facility, with most services to be held off-site at churches or gravesides.

Mr. Varnell noted that the applicant would agree to the attachment of two additional development conditions to the rezoning request in order to: 1) prohibit the development of a crematorium on the subject property and 2) prohibit vehicular funeral processions from the subject property.

Ms. Moore asked about the adjacent site at 8278 West Mount Dr.

Mr. Donnie Weaver, the property owner, confirmed that it was the former location of a now-removed manufactured home.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Moore, to recommend approval of Conditional Rezoning Request CZ-221201 to rezone the subject property to GC-CZ (General Commercial Conditional Zone) for the development of a funeral home and the adoption of the statement of plan consistency and reasonableness below as well as the listed site plan revisions and development conditions for the consideration of the Nash County Board of Commissioners:

Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-221201 is:

- (1) Consistent with the recommendations of the 2022 Nash County Comprehensive Land Use Plan for the establishment of a non-residential land use in this Residential / Agricultural Area because:**
 - (a) The proposed commercial land use is limited in both size and scope by the submitted site plan and the recommended conditions of the rezoning request.**
 - (b) The subject property has frontage along and direct access to S Halifax Road, a state-maintained secondary road.**
 - (c) The subject property is located within ¼-mile of the intersection of S Halifax Road and West Mount Drive to the south, which has been intentionally designated by the plan as a Rural Commercial Area.**
 - (d) The Rural Commercial Area extends to cover the southern portion of the subject property itself.**
 - (e) The Rural Commercial Area includes other, already existing commercial land uses such as the convenience store at 8206 West Mount Dr, the Ramo's Pizza & Grill restaurant at**

8211 West Mount Dr, the Drill & Fill Manufacturing operation at 8241 West Mount Dr, and the Ashley's Plumbing & Supplies business at 3714 S Halifax Rd.

- (f) The proposed building and parking lot would be spatially separated from other, non-compatible land uses such as existing, dense residential development.
- (2) Reasonable, in the public interest, and not "spot zoning" because the subject property is located only about 170 feet north of the already existing GC (General Commercial) Zoning District previously established at the intersection of S Halifax Road and West Mount Drive.

Site Plan Revisions:

- (1) On Lot 1, the label PROPOSED ZONING – GC-CU should be corrected to PROPOSED ZONING – GC-CZ.
- (2) On Lot 1, the FRONT MBSL should be reduced from 40' to 20' for consistency with the proposed GC-CZ Zoning District.
- (3) The proposed site plan should be revised to depict a minimum 10-foot wide vegetative screening buffer along the front length of the parking lot (excluding the driveway) in accordance with the requirements of UDO Section 11-3.1 (A) and a minimum 25-foot wide vegetative screening buffer or minimum 5-foot high opaque fence along the north side of the parking lot and buildings in accordance with the requirements of UDO Sections 11-3.3 & 11-3.4.
- (4) The site plan should specify that the proposed parking will be paved.
- (5) Under the SITE INFORMATION section, the following revisions should be made:
 - (a) The LOCATION should be revised to S HALIFAX ROAD, ROCKY MOUNT, NC 27803.
 - (b) The ZONING should be revised to R-30 (GC-CZ Proposed).
 - (c) The SIDE & REAR MINIMUM BUILDING SETBACKS should be corrected to 15' due to the immediately adjacent, residentially-zoned properties.
 - (d) The REQUIRED PARKING calculation should be revised to either also include 1 parking space for every 4 proposed seats in the chapel area of the funeral home per UDO Table 11-2-1 or to specify that the funeral home will not include a chapel area.
 - (e) The IMPERVIOUS AREA calculations should be expressed as a percentage of the total area of Lot 1 only instead of the total tract.
 - (f) A note should be added stating that the SUBJECT PROPERTY IS LOCATED IN THE WS-IV-PA WATERSHED PROTECTION OVERLAY DISTRICT.

Development Conditions:

- (1) The subject property is approved for the development of a funeral home only.
- (2) The subject property is not approved for the development of a crematorium unless and until it is specifically authorized by the Board of Commissioners through a separate rezoning / public hearing process at a later date.
- (3) The funeral home shall not conduct vehicular funeral processions from the subject property.
- (4) The subject property shall be developed in accordance with the submitted and approved site plan only.
- (5) The vegetative screening buffers depicted on the site plan shall be revised, installed, maintained, and/or supplemented as necessary to satisfy the specific roadside buffer yard requirements of UDO Section 11-3.1 (A) and the adjoining incompatible land use screening requirements of UDO Section 11-3.3 (B).
- (6) Prior to the construction of the funeral home, the following permits and documents shall be submitted, reviewed, approved, and/or issued, as applicable:

- (a) Erosion & Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality;
- (b) Driveway Permit issued by the N.C. Department of Transportation;
- (c) On-Site Well & Wastewater System Permits issued by Nash County Environmental Health; and
- (d) Tar-Pamlico Stormwater Permit, Zoning Permit, Commercial Building Permit, and Commercial Trade Permits issued by the Nash County Planning & Inspections Department.

The motion was unanimously carried.

6. UDO Text Amendment Request A-221201 made by Thomas White to amend the Nash County Unified Development Ordinance Section 10-7.2 (B) to allow multiple residential lots to be served by an off-site wastewater system approved and permitted by the State of North Carolina.

Mr. Tyson presented the staff report and supplemental materials related to UDO Text Amendment Request A-221201 as submitted to the Board in the January 17, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on December 13, 2022 and recommended approval, based on the oversight provided by the N.C. On-site Wastewater Protection Branch review process and the ongoing monitoring requirements.

Chairman Smith asked if the Planning Staff foresaw any complications with allowing this type of off-site wastewater system.

Mr. Tyson explained that more issues or problems might be expected from more complex systems such as these, but in this instance, the complexity is mitigated by the oversight provided by both the State and the required Operator in Responsible Charge.

Mr. Brown asked if this type of system was utilized anywhere else in the State.

Mr. Tyson answered that yes, it was utilized in other counties.

No members of the public addressed the Board with regard to the request.

Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. He explained how the shared off-site wastewater system works and stated that it was permitted in most other counties contiguous to Nash County. He also explained how a private utility company would be responsible for monitoring and maintaining the system.

Mr. Parker asked if there was a maximum number of lots that may be served by a shared off-site wastewater system.

Mr. Varnell explained that the maximum number of lots would be determined by the specific design of the system.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Vester, to recommend approval of UDO Text Amendment Request A-221201 to allow multiple residential lots to be served by an off-site wastewater system approved and permitted by the State of

North Carolina for the consideration of the Nash County Board of Commissioners along with the following statement of plan consistency:

Statement of Plan Consistency:

UDO Text Amendment Request A-221201 is consistent with the Nash County 2022 Comprehensive Land Use Plan, Section 7, Infrastructure, Utilities, & Services Objective 5.2, which recommends the establishment of standards for private utility systems.

The motion was unanimously carried.

7. UDO Text Amendment Request A-221202 to consider amending the Nash County Unified Development Ordinance Section 9-4.1 (B) to eliminate the cluster development subdivision option.

Mr. Tyson presented the staff report and supplemental materials related to UDO Text Amendment Request A-221202 as submitted to the Board in the January 17, 2023 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the request on December 13, 2022 and recommended approval of either option, noting that this matter was more of a general policy decision than a specific technical question.

Mr. Parker proposed the concept of a “conservation subdivision” as an alternative or replacement for the current cluster development option that would allow for smaller residential lot sizes in exchange for areas permanently dedicated for agricultural use instead of residential common areas.

The Board discussed a strategy for studying and considering “conservation subdivisions.”

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Mr. Vester, to table UDO Text Amendment Request A-221202 to consider the elimination of the cluster development subdivision option for now and to instruct the Planning Director to collaborate with Vice-Chairman Parker to gather research on and examples of “conservation subdivisions” and to request to reconvene the Land Use Plan Steering Committee to consider the concept as a potential alternative to the cluster development subdivision option before presenting a recommendation to the Planning Board.

The motion was unanimously carried.

8. Other Business.

Mr. Tyson provided the following updates on the planning actions taken by the Nash County Board of Commissioners at its regular meeting on November 7, 2022:

Conditional Rezoning Request CZ-221001 to rezone 0.5 acre at 3845 Collie Tyson Ln, Nashville to GI-CZ for the storage of explosives was approved.

Conditional Rezoning Request CZ-221002 to rezone 5.44 acres at 8282 & 8250 S NC Highway 58, Elm City to RC-CZ for the expansion of the Harvest Family Health Center was approved.

General Rezoning Request Z-221001 to rezone 0.92 acre at 6975 Old Bailey Hwy, Nashville to RC (Rural Commercial) was approved.

General Rezoning Request Z-221002 to downzone 22.71 acres on S Old Carriage Rd, Rocky Mount from GI to RA-30 (Single-Family Residential) was approved.

The Nash County 2022 Comprehensive Land Use Plan was approved with the following two modifications to the proposed draft version:

1. To recommend a minimum residential lot size of at least 30,000 square feet throughout the County's planning jurisdiction, regardless of the availability of public utility service; and
2. To consider the elimination of the cluster development option from the County's subdivision regulations.

Mr. Tyson also noted that no planning actions were taken by the Nash County Board of Commissioners at its regular meetings on December 5, 2022 and January 9, 2023.

Chairman Smith discussed concerns regarding member attendance in light of the Board's inability to meet in December due to the lack of a quorum.

9. Adjournment.

There being no further business, Chairman Smith adjourned the meeting at 7:44 p.m.