

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, FEBRUARY 18, 2019 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

Jeffrey Tobias, Vice-Chairman
Moses Brown
Harold Colston
Sandra Edwards
Chris Sandifer
Kevin Smith
Deleon Parker
Barbara Pulley

BOARD MEMBERS ABSENT

Leonard Breedlove, Chairman

STAFF MEMBERS PRESENT

Nancy Nixon, Planning Director
Adam Tyson, Senior Planner
Windy Braswell, Planning Technician
Jessica Flores, Planning Technician

OTHERS PRESENT

Gary Cockrell
Sid Joyner
Brandy Keel
Brian Keith Murray
Phillip Leonard Murray
Brent Purdum
Cheri Stallings
Charlie Tyson
Diane Tyson
Ernest D. Winstead

1. Call to Order.

Vice-Chairman Tobias called the meeting to order at 7:00 p.m.

2. Determination of a Quorum.

Vice-Chairman Tobias recognized a quorum.

3. Approval of the Minutes of the January 22, 2019 Regular Meeting.

The approval of the minutes of the January 22, 2019 regular meeting was delayed until a later date.

4. Conditional Use Rezoning CU-100301 Amendment Request Made by Phillip L. Murray, the Property Owner Along with Brian Keith Murray, for the Existing 5.77 Acre Spring Hope Mini Storage Facility Located at 3091 S NC Highway 581, Spring Hope, NC 27882 in the RC-CU (Rural Commercial Conditional Use) Zoning District in Order to Expand the Fenced Gravel Compound and to Construct a Fifth Additional Self-Storage Warehouse Building.

Vice-Chairman Tobias recognized Mr. Tyson to present the staff report.

Mr. Tyson introduced the agenda item by stating that a written notice of this public meeting was sent by first class mail on February 7, 2019 to the applicant, to the owner of the subject property, and to the owners of record for tax purposes of all properties located within 600 feet of the subject property.

He then presented the staff report and supplemental materials related to Conditional Use Rezoning Amendment Request CU-100301 as submitted to the Board in their February 18, 2019 Nash County Planning Board Meeting agenda document. Mr. Tyson explained that the property owner's request is to revise the approved site plan in order to further expand the fenced gravel area toward the north to accommodate the construction of a fifth additional self-storage warehouse. He stated that the Nash County Technical Review Committee (TRC) considered this request to amend Conditional Use Rezoning CU-100301 on February 1, 2019 and recommended approval subject to conditions.

Mr. Tyson noted that the Murrays, the owners of the subject property, were present to answer any questions from the Board. Mr. Tyson also offered to answer any questions the Board might have for the staff. There were no questions for Mr. Tyson.

The Board recognized Mr. Brian Keith Murray. Mr. Murray informed the Board that this business is in addition to their farming operation and the storage units were currently at 100% capacity. He stated that they have been and intend to continue to be good neighbors. He offered to answer any questions from the Board.

Mr. Sandifer questioned whether there was evidence regarding potential injury to the value of the adjoining or abutting property.

Mr. Murray replied that he had no evidence that the four existing storage units currently in operation had injured any property values thus far.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Sandifer to recommend the following consistency statement related to the request to amend Conditional Use Rezoning CU-100301 for consideration by the Nash County Board of Commissioners:

The request to amend Conditional Use Rezoning CU-100301 is reasonable and in the public interest because:

- (1) The Nash County Board of Commissioners have previously determined that the development of this self-storage warehouse facility was consistent with the recommendations of the Nash County Land Development Plan for this Suburban Growth Area because:
 - (a) The subject site has frontage along and direct access to S NC Highway 581, a major state highway;
 - (b) The self-storage warehouse operation is a low-intensity commercial land use that does not generate excessive noise or heavy traffic;
 - (c) The self-storage warehouse operation does not require any water supply or wastewater disposal facilities;
 - (d) The scale of the commercial development is restricted by the nature of the conditional use site plan review process; and
 - (e) The initial rezoning of the subject site was consistent with Nash County's efforts to support ongoing sustainability and diversification for farming operations that experienced declining income as a result of tobacco buy-outs.
- (2) The site plan amendment request would not be considered "spot zoning" because it does not propose any changes to the current zoning classification of the subject property (which will remain Rural Commercial Conditional Use) or to the existing boundary of the zoning area (which will remain 5.77 acres).

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend approval of the request to amend Conditional Use Rezoning CU-100301 to revise the approved site plan in order to further expand the fenced gravel area toward the north to accommodate the construction of a fifth additional self-storage warehouse building.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Brown to recommend the issuance of a revised conditional use permit for the development of the property that is subject to the amended Conditional Use Rezoning CU-100301 based on the following suggested findings of fact, conclusions, and conditions:

FINDINGS OF FACT:

- (1) The subject property is a 5.77 acre portion of a larger tract of land in the ownership of Phillip L. Murray and Brian Keith Murray containing the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581, Spring Hope, NC 27882 within the RC-CU (Rural Commercial Conditional Use) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #277800052971 and Parcel ID #009676.

- (2) The subject property was rezoned by the Nash County Board of Commissioners on April 5, 2010 from A1 (Agricultural) to RC-CU (Rural Commercial Conditional Use) for the development of a self-storage warehouse facility and the approved site plan was subsequently amended and revised by the Board of Commissioners to expand the facility and to add additional self-storage warehouse buildings on December 3, 2012 and again on February 1, 2016.
- (3) An application to amend Conditional Use Rezoning CU-100301 was submitted by Phillip L. Murray, the property owner, to again revise the approved site plan in order to further expand the fenced gravel area toward the north to accommodate the construction of a fifth additional self-storage warehouse building.
- (4) The adopted consistency statement related to this amendment to Conditional Use Rezoning CU-100301 established that the request was reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not "spot zoning."

CONCLUSIONS:

- (1) The application submitted for the amendment to Conditional Use Rezoning CU-100301 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure 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.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The approved permitted use of the subject property shall continue to be limited to a self-storage warehouse facility only.
- (2) The subject property shall only be developed in accordance with the submitted, revised, and approved site plan.
- (3) The development of the expanded fenced gravel area and the construction of the fifth additional self-storage warehouse building shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit;
 - (b) Nash County Zoning Permit; and
 - (c) Nash County Commercial Building Permit.

The motion was unanimously carried.

5. Conditional Use Rezoning Request CU-190201 Made by Sidney Pete Joyner & Gary Lynn Cockrell, the Property Owners, to Rezone a 1.58 Acre Portion of Two Tracts of Land Located on the North Side of Sandy Cross Road (S.R. 1717) West of the Sandy Cross Crossroads From R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use) for the Development of a General Merchandise Retail Store.

Mr. Tyson began by stating that notice of this public meeting was sent by first class mail on February 7, 2019 to the applicants, to the owners of the subject properties, and to the owners of record for tax purposes of all properties located within 600 feet of the subject property.

He then presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-190201 as submitted to the Board in their February 18, 2019 Nash County Planning Board Meeting agenda document. He described the proposed change from R-40 to GC-CU for the development of a general merchandise retail store which will be constructed and operated initially by the Dollar General Corporation. He noted that the property has access to an existing 12" Nash County public waterline but would need to utilize a private on-site wastewater system. He explained that the rezoning is tied to the property and the proposed site plan, but not to a specific corporation. If the rezoning is granted, the store could be operated by a different corporation in the future.

He reported that the Nash County Technical Review Committee considered Conditional Use Rezoning Request CU-190201 on February 1, 2019 and recommended approval subject to conditions and based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not spot zoning.

Mr. Tyson reviewed the three-motion process necessary for recommending approval or denial of the requested R-40 to GC-CU change and directed the Board to the conclusions and conditions recommended in the last suggested motion.

Mr. Tyson recognized that Mr. Brent Purdum with Triangle Site Design and the property owners, Sidney Joyner and Gary Cockrell, were present to answer any questions that the Board may have. Mr. Tyson also offered to answer any questions the Board may have for the staff.

Mr. Brown asked about the water drainage system.

Mr. Tyson explained that a stormwater pond would be constructed to capture rain water runoff and to allow phosphorous and nitrogen accumulations to settle. He noted that Mr. Purdum could better explain the details of the proposed system.

Mr. Sandifer asked questions regarding the necessity of a buffer and its permanence.

Mr. Tyson explained that the proximity of the proposed parking lot to the residential dwelling at 3608 Sandy Cross Road triggers a mandatory UDO screening requirement. If, in the future, the currently residentially-zoned properties were rezoned and developed for commercial use, then the screening buffer would no longer be required at that time.

Mr. Sandifer questioned whether Condition #4 regarding coordination between the City of Rocky Mount Public Utilities and the developer regarding relocation and/or service installation of both electrical and natural gas utilities on the property would be necessary if the City of Rocky Mount was not in charge of the utilities in that area.

Mr. Tyson informed the Board that the City of Rocky Mount is represented on the Technical Review Committee and that their representative initiated the inclusion of Condition #4 based on the fact that they were the utility provider for the subject property.

Mr. Parker had questions regarding the strip of land that will be added to the lot at 3608 Sandy Cross Road, noting that Condition #3 addresses the survey plats and deeds to create the 1.58 acre combined lot shown on the site plan but that nothing addressed the strip to be deeded to 3608 Sandy Cross Road.

Mr. Tyson noted that conditions attached to the conditional use permit regarding property located outside of the rezoning boundary would be unenforceable, however, he provided assurance that the Planning Staff would enforce the minimum lot size requirements for that property when the recombination plat was submitted and reviewed.

Brent Purdum addressed the Board representing the applicants. He explained that there would be a stormwater pond on the property and stated that NCDOT would require the construction of a left turn lane which was included in the proposed site plan. He also noted that NCDEQ had been contacted for their sedimentation and erosion control input. He confirmed that the additional land area would be added to the rear of the lot located at 3608 Sandy Cross Road in order to satisfy the 40,000 square foot minimum lot size requirement in the R-40 Residential Zoning District.

Mr. Sandifer asked about any potential injury to the adjoining or abutting property values.

Mr. Purdum stated that he had no specific evidence, but that he had experience in establishing many similar stores throughout North Carolina and that there have not been any property value issues in those cases.

There was a question from the Board regarding the permitted land uses allowed in a General Commercial Zoning District according to the Table of Permitted Uses.

Mr. Tyson explained that the existing commercial property at this intersection was zoned Rural Commercial, which does not allow for a general merchandise retail store – meaning that the applicant needed to request a rezoning to the General Commercial Zoning District, however, they limited themselves to only the single identified land use per the conditional use permit.

The Board recognized Mr. Ernest Winstead to speak. Mr. Winstead stated that he owns property to the north of the proposed rezoning area. He stated that he has discussed this project with members of the community and the Sandy Cross United Methodist Church and that the general consensus was that this store would benefit Sandy Cross.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Ms. Pulley to recommend the following consistency statement related to Conditional Use Rezoning Request CU-190201 for consideration by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-190201 is reasonable and in the public interest because:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan for this Rural Commercial Area because:**
 - (a) The subject property is located near the Sandy Cross Crossroads;**
 - (b) The proposed retail store is a limited commercial service that is appropriate for crossroads development in this predominantly rural/agricultural area;**

- (c) The proposed retail store does not require public sewer service; and
 - (d) The proposed retail store is intended to serve a local customer base of the surrounding residential population.
- (2) The request would not be considered unreasonable “spot zoning” because:
- (a) The subject property is immediately adjacent to another already existing commercially-zoned and used property at 5862 S NC Highway 58;
 - (b) The request is consistent with the recommendations of the Nash County Land Development Plan; and
 - (c) The conditional nature of the request as well as the proposed screening measures should limit the potential impact of the development on the surrounding area.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to recommend approval of Conditional Use Rezoning Request CU-190201 to rezone 1.58 acres located on the north side of Sandy Cross Road from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use) for the development of a general merchandise retail store.

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Brown to recommend the issuance of a conditional use permit for the development of the property that is subject to Conditional Use Rezoning Request CU-190201 based on the following suggested findings of fact, conclusions, and conditions:

FINDINGS OF FACT:

- (1) The subject property is a 1.58 acre portion of two tracts of land in the ownership of Sidney Pete Joyner and Gary Lynn Cockrell located on the north side of Sandy Cross Road (S.R. 1717) and west of the Sandy Cross Crossroads within the R-40 (Single-Family Residential) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #s 371800136558 & 371800136930 and Parcel ID #s 021620 & 023723.
- (2) Conditional Use Rezoning Request CU-190201 was submitted by the property owners in order to rezone the subject property from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use), specifically for the development of a general merchandise retail store.
- (3) The submitted site plan depicts a 9,100 square foot retail store with a 45 space paved parking lot, designated areas for stormwater management and an onsite septic system, as well as a six foot high opaque wooden slatted fence and a planted vegetative roadside buffer to be installed for screening purposes.
- (4) The consistency statement adopted in relation to Conditional Use Rezoning CU-190201 established that the request was reasonable and in the public interest because it was consistent with the recommendations of the Nash County Land Development Plan and not unreasonable “spot zoning.”

CONCLUSIONS:

- (1) The application submitted for Conditional Use Rezoning Request CU-190201 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure 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.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The approved permitted use of the subject property shall be limited to a general merchandise retail store only.
- (2) The subject property shall only be developed in accordance with the submitted and approved site plan.
- (3) Prior to the development of the subject property, the developer shall submit and record the necessary survey plats and deeds to create the 1.58 acre combined lot depicted on the site plan.
- (4) The developer shall coordinate with the City of Rocky Mount Public Utilities regarding the necessary relocation and/or service installation of both electrical and natural gas utilities on the subject property.
- (5) The development of the general merchandise retail store shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) N.C. Department of Transportation Driveway Permit;
 - (b) N.C. Department of Transportation Encroachment Agreements (as required for utility installation and maintenance);
 - (c) N.C. Department of Environmental Quality, Division of Land Resources Erosion and Sedimentation Control Plan Approval;
 - (d) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit (utilizing the High Density Development Option within the WS-IV-PA Watershed Protection Overlay District);
 - (e) Nash County Environmental Health Onsite Wastewater Permit;
 - (f) Nash County Zoning Permit; and
 - (g) Nash County Commercial Building & Trade Permits.

NOTE: The onsite wastewater permit issued for the subject property utilizes a design flow reduction specifically allowed by the N.C. Division of Public Health, Environmental Health Section, On-Site Water Protection Branch for stores operated by the Dollar General Corporation only. Any future operator of the store other than the Dollar General Corporation shall contact Nash County Environmental Health to apply for a revised onsite wastewater permit using standard design flow evaluations which may require the septic system to be redesigned at that time.

The motion was unanimously carried.

6. Major Subdivision Preliminary Plat for the Whispering Hills Subdivision, Phase II Submitted by Civiltek East on Behalf of Anthony W. Brown, Sr. & Betty P. Brown, the Property Owners, for the Development of Fourteen (14) Proposed New Residential Lots Located Along Grey Horse Court, a Proposed New Public Road Right-of-Way, to be Constructed Off the East Side of Lancaster Store Road (S.R. 1321) in the A1 (Agricultural) Zoning District.

Vice-Chairman Tobias recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Whispering Hills Subdivision, Phase II as submitted to the Board in the February 18, 2019 Nash County Planning Board agenda document. Mr. Tyson explained that this is a more refined version of the major subdivision sketch plan that the Nash County Planning Board approved on October 20, 2014. The approval for the sketch plan expired after the construction of Grey Horse Ct was not authorized within a 12 month period, necessitating a re-review and re-approval by the Planning Board. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for Whispering Hills Subdivision, Phase II on February 1, 2019 and recommended approval subject to conditions.

Mr. Tyson informed the Board that Ted Hopkins of Civiltek East, the land surveyor for the project, was present to represent the application. Mr. Tyson concluded the staff report by informing the Board that this is a single motion process and offering both himself and Mr. Hopkins to answer any questions from the Board.

There was a question from the Board regarding why the original project was delayed.

Mr. Tyson speculated that it most likely involved the funding required for the road construction but noted that he was unsure.

The Board recognized Mr. Hopkins. He stated that he really had nothing to add other than that this had been a complicated process and that he felt that finances were probably the reason that the initial project had been delayed.

There were no further questions.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Parker to approve the Major Subdivision Preliminary Plat for the Whispering Hills Subdivision, Phase II subject to the following conditions:

Conditions for Preliminary Plat Approval & Construction Authorization:

- (1) The developer shall submit an updated Section 401 Water Quality Certification issued by the N.C. Department of Environmental Quality, Division of Water Resources for the approximately 0.05 acre wetland impact required for the permanent culverted road crossing for Grey Horse Court to replace the previously submitted, but now expired, documentation.**
- (2) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources.**

- (3) The developer shall submit the necessary documents, fees, and/or payments required for the issuance and recording of a Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit.**
- (4) The developer shall record a survey plat revising the sign easements depicted at the intersection of Lancaster Store Road and Grey Horse Court on Lots 1 & 16 of Plat Book 39 Page 151 of the Nash County Registry in order to remove the areas designated as 10' x 70' sight distance easements per the requirements of the N.C. Department of Transportation.**
- (5) The developer shall submit a Driveway Permit and Subdivision Review Approval issued by the N.C. Department of Transportation.**
- (6) The developer shall designate on the preliminary plat the proposed location of the shared cluster box unit (CBU) mailbox as required by the United States Postal Service in order to accommodate centralized mail delivery. The mailbox location shall be located outside of the sight distance easements designated at the road intersection either within the public road right-of-way (in compliance with the N.C. Department of Transportation Policy for Placement of Mail Cluster Box Units on State Maintained Subdivision Streets) or on privately owned property (within an easement or separate special purpose lot reserved for ownership by a homeowners association.)**

Conditions for Final Plat Approval:

- (1) Post-construction inspection and approval of the Grey Horse Court public road right-of-way by the N.C. Department of Transportation District Engineer.**

The motion was unanimously carried.

7. Other Business.

Mr. Tyson reported the following outcomes from the February 4, 2019 Board of Commissioners meeting:

General Rezoning Z-190101 to rezone two adjacent tracts of land totaling 4.51 acres located at the northeast corner of Winstead Crossroads at the intersection of E NC Highway 97 and S NC Highway 58 from RC (Rural Commercial) to GC (General Commercial) was approved.

Conditional Use Rezoning Request CU-190102 to rezone a 32.13 acre tract of land located on the east side of Barnes Hill Church Road between Oak Level Road and Batchelor Road from R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) was approved.

Text Amendment Request A-190101 to amend the Nash County Unified Development Ordinance Article XI, Section 11-5, Subsections 11-5.1 (2) and 11-5.5 (f) & (3)(c)(ii) in order to increase the maximum permitted height of freestanding non-concealed wireless communication towers located in residential zoning districts from one hundred fifty feet (150') to one hundred ninety nine feet (199') was approved.

Text Amendment Request A-190102 to amend the Nash County Unified Development Ordinance Article IX, Section 9-3, Table 9-3-1 in order to permit biogas production as a land use in the GI (General Industrial) Zoning District was approved, but with the additional requirement of the issuance of a conditional use permit.

Mr. Tyson reminded the Board that this would be Planning Director Nancy Nixon's final meeting prior to her retirement and reminded the Board members of her retirement celebration and reception scheduled for Thursday, February 28, 2019 from 3:00 p.m. to 5:00 p.m. in the Third Floor Breakroom of the Claude Mayo, Jr. Administration Building.

The Board expressed their appreciation for Ms. Nixon's leadership, knowledge, and efforts during her tenure as Planning Director. Ms. Nixon expressed her gratitude to the members of the Board for their tolerance, ease to work with, and willingness to serve.

8. Adjournment.

There being no further business, Vice-Chairman Tobias adjourned the meeting at 7:57 p.m.