

**MINUTES OF THE  
NASH COUNTY PLANNING BOARD MEETING  
HELD MONDAY, APRIL 15, 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**

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

**BOARD MEMBERS ABSENT**

Harold Colston

**STAFF MEMBERS PRESENT**

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

**OTHERS PRESENT**

Doris Brantley	William E. Eatmon
Peggy Bullock	Jimmy Glover
Edward Cozart	Ted S. Hopkins
Horace Eatmon	Fred Schroeder
Joseph M. Eatmon	Lane Schroeder
Joyce Eatmon	Cecil Williams
Mack Eatmon	Helen Williams

**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 January 22, 2019 Regular Meeting.**

The minutes of the January 22, 2019 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for any corrections or revisions. None were offered.

**BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Smith to approve the minutes of the January 22, 2019 meeting as submitted. The motion was unanimously carried.**

**4. Approval of the Minutes of the March 18, 2019 Regular Meeting.**

The approval of the minutes of the March 18, 2019 regular meeting was delayed until a later date.

**5. Conditional Use Rezoning Request CU-190401 Made by Frederic J. Schroeder, Jr. and Lane F. Schroeder on Behalf of the Property Owner, L & F Farms LLC, to Rezone Five Tracts of Land Totalling Approximately 188.1 Acres Located on Both the North and South Sides of Stoney Hill Church Road (S.R. 1109) from R-40 (Single-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) in Order to Reduce the Required Minimum Lot Size From 40,000 Square Feet to 20,000 Square Feet and to Prohibit the Development of Boarding and Rooming Houses, Congregate Care Facilities, Manufactured Homes, Manufactured Home Parks, and/or Two-Family Dwellings (Duplexes).**

Chairman Breedlove recognized Mr. Tyson to present the staff report.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-190401 as submitted to the Board in the April 15, 2019 Nash County Planning Board Meeting agenda document. He stated that the Nash County Technical Review Committee considered Conditional Use Rezoning Request CU-190401 on March 29, 2019 and recommended approval subject to conditions. The TRC also recommended that the Planning Board and Board of Commissioners consider an incremental approach to this request rather than rezoning the entire 188.1 acres all at once.

Mr. Tyson concluded the staff report by stating that the Planning Staff had received two contacts from members of the public regarding this request. One was a request for more information and the second was an email sent by Mr. Delton Brantley, an adjacent property owner, expressing his opposition to the rezoning. Mr. Tyson read the email to the Board.

He offered to answer any questions that the Board may have regarding the staff report and informed the Board that the applicants, Mr. and Mrs. Schroeder, as well as the prospective developer, Mr. Cecil Williams, were present at the meeting and available to answer questions as well.

Mr. Sandifer asked what would trigger a traffic study.

Mr. Tyson answered that the submittal of a driveway permit for a new road to connect to the state right-of-way would trigger a review by the NCDOT regarding any potential traffic improvements that may be required at the expense of the developer.

Mr. Sandifer asked in reference to the cluster development option, whether some areas of the subject property could be developed at the R-20 standards and some areas could be developed at a slightly higher density.

Mr. Tyson responded that if the cluster development option was utilized, there was no requirement preventing it from being used for just a portion of the property.

Chairman Breedlove asked how many additional lots would result from the proposed R-20 district versus the current R-40 district.

Mr. Tyson stated that he could not give an exact number, but felt safe in saying that the number of lots would potentially double.

The Board had no further questions regarding the staff report and Chairman Breedlove recognized Mr. Schroeder, the request applicant, to address the Board.

Mr. Schroeder explained that he had been approached by Cecil Williams regarding the potential development of the subject property which is currently farm land. He stated that the Bailey area could benefit from additional people moving into the community and that he could make more money by selling the land than leasing it. He noted that he was advancing in age and would like to use the money to help his children and grandchildren.

Chairman Breedlove asked for any public comment on the request.

Mike Eatmon addressed the Board in opposition to the request, identifying himself as an attorney in Nashville who owns property at the corner of Juniper Road and Stoney Hill Church Road. He described the subject area as a rural community located approximately four miles from the Town of Bailey in which his family had resided since the 1800s. He noted his concern that the approval of this request would result in the subject area becoming its own town. He cited the lack of existing businesses in the area and the possibility that the number of additional houses resulting from the rezoning could attract commercial development.

Mr. Eatmon listed increased traffic, a potential decline in property values, erosion issues, flooding issues, a potential increase in taxation for the current property owners, other unknown environmental hazards, and increased sewage as reasons to deny the request. He stated that there were no comparable areas of development nearby so the impact of the rezoning would be unknown and neither this area or its residents were suited for such a radical change.

Mr. Tobias asked when the subject area was zoned as R-40.

Mr. Tyson stated his guess that the property was zoned sometime around the mid-1990s when county-wide zoning was first implemented. He was unsure if the area was initially zoned for agricultural use and later changed to residential, or if it was initially zoned as R-40, but he noted that agricultural activity is allowed in all zoning districts.

William Eatmon addressed the Board in opposition to the request, identifying himself as the owner of the property located at 958 Bailey Road and as a longtime resident of the area. He stated that he had served in the Air Force for 25 years and had returned home 26 years ago. Mr. Eatmon stated that the population of Bailey had remained the same since the mid-1960s and an increase in homes would

drastically increase traffic on the roads that are currently used by farmers. Mr. Eatmon stated that he had recently built a home in the area and expressed his concerns regarding the potential impact of the rezoning request on his property value as well as on his brother who has also resided in the area for 30 years.

Peggy Bullock addressed the Board in opposition to the request, stating that her family had lived in this area for over 200 years. She noted that people choose to live in this area because they appreciate the rural atmosphere. While she understood that development in this area could not be stopped, she also questioned the volume of the rezoning, estimating that the proposed development could potentially bring 800 additional people to the area.

Doris Brantley addressed the Board in opposition to the request, identifying herself as the spouse of Mr. Delton Brantley, who sent the email read previously to the Board by Mr. Tyson. She explained that Mr. Brantley could not attend the meeting due to work obligations, but stated that she agreed with Mr. Eatmon's previous comments. She stated that she had lived in this area for 52 years and that it was a small community where everyone knows everyone else and that this farmland should remain farmland.

Cecil Williams, the prospective developer of the subject property, addressed the Board in support of the rezoning request. He noted the distance of the proposed development from nearby towns and amenities. He commented on the excellent quality of the soils suitable for the installation of septic systems and explained that the property was originally zoned R-40 at the inception of county-wide zoning due to its location in the Toisnot Reservoir watershed area which required a minimum of 40,000 square feet per lot at the time. He noted that this requirement had since been repealed which opens up this entire area for further development. He stated that the request had met all the applicable standards and that an incremental approach to the development could be considered. He stated that the Schroeders, as the property owners, should be able to enjoy the use of their land as they see fit.

There was a general discussion among the Board members regarding the size of the area proposed for rezoning and the potential benefit of taking an incremental approach. They also discussed the size of homes that could be built on the smaller lots and the potential impact on existing property values in the area.

There were no further questions or public comments.

**BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Vice-Chairman Tobias to recommend the following Consistency Statement related to Conditional Use Rezoning Request CU-190401 for consideration by the Nash County Board of Commissioners:**

**Conditional Use Rezoning Request CU-190401 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 Suburban Growth Area because:**
  - (a) The increased development density afforded by the R-20 Zoning District will help accommodate the residential growth anticipated by the plan for this Suburban Growth Area;**
  - (b) The plan explicitly supports rezoning to the R-20 Zoning District in the Suburban Growth Area where public water service is available; and**

- (c) The condition proposed by the applicant to prohibit the development of any manufactured homes on the subject property is equivalent to the plan's recommendation that any residential rezonings within the Suburban Growth Area should be limited to RA zoning districts only, unless both public water and public sewer service is available.
- (2) The request is considered reasonable "spot zoning" because:
  - (a) The large size of the subject tracts characterizes the request as the intentional creation of a new "zoning district" rather than an isolated "spot zone;"
  - (b) The request is consistent with the recommendations of the Nash County Land Development Plan as established above;
  - (c) The subject tracts as well as all the adjacent and surrounding properties are already zoned for residential use; and
  - (d) The attached condition prohibiting the development of manufactured homes makes the proposed R-20 Zoning District slightly more restrictive in terms of permitted land uses than the current R-40 Zoning District, which should limit the potential impact of the request on the neighboring properties.

The motion was carried 7 to 1 with Chairman Breedlove voting in opposition to the request.

**BOARD ACTION:** Mr. Tobias offered a motion which was duly seconded by Mr. Parker to recommend approval of Conditional Use Rezoning Request CU-190401 to rezone five tracts of land totaling approximately 188.1 acres located on both the north and south sides of Stoney Hill Church Road around its intersection with Chapman Road and between Whitley Road to the west and W Hornes Church Road to the east from R-40 (Single-Family Residential) to R-20-CU (Medium Density Residential Conditional Use).

The motion was carried 7 to 0 with Chairman Breedlove abstaining from the vote.

**BOARD ACTION:** Mr. Tobias offered a motion which was duly seconded by Mr. Parker to recommend the issuance of a conditional use permit for the development of the property that is subject to Conditional Use Rezoning Request CU-190401 based on the following suggested findings of fact, conclusions, and conditions.

**FINDINGS OF FACT:**

- (1) The subject property consists of five tracts of land in the ownership of L & F Farms, LLC totaling approximately 188.1 acres located at 3326, 3645, & 3706 Stoney Hill Church Road, Bailey, NC 27807 and 9213 Whitley Road, Bailey, NC 27807 on both the north and south sides of Stoney Hill Church Road (S.R. 1109) around its intersection with Chapman Road (S.R. 1978) and between Whitley Road (S.R. 1957) to the west and W Hornes Church Road (S.R. 1941) to the east within the R-40 (Single-Family Residential) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #s 277500415270, 277500615272, 277500703148, 277500803410, & 277500819743 and Tax Parcel ID #s 001335, 001338, 001348, 001323, & 001342.

- (2) The subject property has access to existing Nash County public water lines located along both the Whitley Road and Stoney Hill Church Road public rights-of-way.
- (3) An application for Conditional Use Rezoning Request CU-190401 was submitted by Frederic J. Schroeder, Jr. and Lane F. Schroeder on behalf of the property owner, L & F Farms LLC, to rezone the subject property from R-40 (Single-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) in order to reduce the required minimum lot size from the current 40,000 square feet per lot to 20,000 square feet per lot and to prohibit the development of boarding and rooming houses, congregate care facilities, manufactured homes, manufactured home parks, and/or two-family dwellings (duplexes).
- (4) The consistency statement adopted in relation to Conditional Use Rezoning Request CU-190401 established that the requested rezoning was reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and reasonable spot zoning.

**CONCLUSIONS:**

- (1) The application submitted for Conditional Use Rezoning Request CU-190401 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 subject tracts may be developed for any of the land uses as permitted in the R-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance with the specific exceptions of a boarding and rooming house, a congregate care facility, manufactured homes, a manufactured home park, and/or two-family dwellings (duplexes) all of which shall be prohibited.
- (2) All residential subdivision lots developed on the subject tracts shall be connected to and served by the Nash County Public Water System.

The motion was carried 7 to 0 with Chairman Breedlove abstaining from the vote.

6. Major Subdivision Sketch Plan for the Pine Ridge Subdivision, Phase Two Submitted by Civiltek East on Behalf of the Property Owners, Edward J. Cozart Jr. and Rachel G. Cozart, for the Development of 11 Proposed New Residential Lots to be Accessed by a Proposed Extension of the Existing Surrey Top Road Public Right-of-Way to be Constructed on a 14.38

**Acre Tract of Land Located off the North Side of Schooners Road (S.R. 1175) and on the East Side of Winters Road (S.R. 1106) in the R-40 (Single-Family Residential) Zoning District.**

Mr. Tyson introduced Senior Planner Adam Culpepper to present the staff report.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Sketch Plan for the Pine Ridge Subdivision, Phase Two as submitted to the Board in their April 15, 2019 Planning Board meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Sketch Plan for the Pine Ridge Subdivision, Phase Two on March 29, 2019 and recommended approval subject to revisions and conditions.

The report was concluded with the announcement that land surveyor Ted Hopkins with Civiltek East as well as Mr. Cozart, the owner of the subject property, were present and available for questions regarding the proposal along with the Planning Staff.

There were no questions from the Board.

**BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Mr. Brown to approve the Major Subdivision Sketch Plan for the Pine Ridge Subdivision, Phase Two subject to the following revisions and conditions:**

**Revisions Required for Sketch Plan Approval:**

- (1) On proposed Lots 1 & 20, the 50' minimum building setback required along the Winters Road public right-of-way is scaled correctly, however, the label should be revised from "30' SB" to "50' SB" on both lots.
- (2) On proposed Lot 2, the 15' minimum side building setback required along the eastern property boundary should be depicted as a separate dashed line located 5' outside the boundary of the 20' wide private storm drain easement (P.S.D.E.)
- (3) On proposed Lot 18, the 15' minimum side building setback required along the western property boundary should be depicted as a separate dashed line located 5' outside the boundary of the 20' wide private storm drain easement (P.S.D.E.)
- (4) On proposed Lot 19, only one 30' minimum rear building setback is required along the 172.05' segment. The additional 30' minimum rear building setback currently depicted along the 77.52' and 147.00' segments should be corrected to 15' minimum side building setbacks.
- (5) On proposed Lots 19 & 20, the scaling of the dashed lines representing the minimum building setbacks within the lot boundaries should be rechecked and corrected as necessary.
- (6) The proposed cluster box unit (CBU) mailbox site shall either be revised to be located completely within the public road right-of-way in accordance with the N.C. Department of Transportation "Policy for the Placement of Mail Cluster Box Units on State Maintained Subdivision Streets" or the affected portion of proposed Lot 7 shall be designated as either an easement for mailbox access or a separate special purpose lot reserved for ownership by a homeowners association.

**Conditions for Future Preliminary Plat Approval and Construction Authorization:**

- (1) 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 plans and the proposed location of the cluster box unit (CBU) mailbox prior to construction.
- (2) The developer's engineer shall submit the construction plans for the proposed public water utility system expansion along with all the required state permit applications and permits issued by the N.C. Department of Environmental Quality to Nash County Public Utilities for review and approval prior to construction.
- (3) The developer shall submit to the Nash County Environmental Health Division either a revised map reflecting the currently proposed lot configuration to accompany the soils report previously prepared by Licensed Soil Scientist Fred D. Smith for the Pine Ridge Subdivision or a new soils report prepared specifically for Phase Two in its current configuration in order to verify that each proposed new lot will be suitable for the installation of an individual private onsite septic system.
- (4) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources.

**Conditions for Future Final Plat Approval:**

- (1) Post-construction inspection and approval of the new public road right-of-way by the N.C. Department of Transportation District Engineer.
- (2) The developer's engineer shall submit a utility construction certification approved by the N.C. Department of Environmental Quality and record drawings related to the completed public water utility system expansion to Nash County Public Utilities and shall also establish the required one (1) year warranty period for the utility related improvements.

**The motion was unanimously carried.**

**7. Other Business.**

Mr. Tyson reported that on April 1, 2019 the Nash County Board of Commissioners approved Text Amendment Request A-190301 to amend UDO Article XII, Section 12-1 & Subsection 12-1.2 (A) to repeal the "40,000 Square Foot Rule" previously enforced in accordance with the now-expired Title 15A NCAC 18C .1211 Ground Absorption Sewage Collection: Treatment/Disposal Systems as previously recommended by the Planning Board.

**8. Adjournment.**

There being no further business, Chairman Breedlove adjourned the meeting at 8:25 p.m.