

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, JULY 20, 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
Jeffrey Tobias, Vice-Chairman
Moses Brown, Jr.
Jimmy Glover
Kimberly Moore
Barbara Pulley
Chris Sandifer
Kevin Smith

BOARD MEMBERS ABSENT

DeLeon Parker, Jr.

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Nicholas S. Rightmyer, Joyner Keeny
Kevin Varnell, Stocks Engineering
Ed Phillips, Herring-Sutton & Associates

1. Call to Order.

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

2. Determination of a Quorum.

Chairman Breedlove recognized the presence of a quorum.

3. Introduction of New Planning Board Member – Kimberly Moore.

Mr. Tyson introduced Kimberly Moore as the newest appointed member of the Planning Board. He stated that she was nominated by Commissioner Lou Richardson and appointed by the Board of Commissioners on June 1, 2020 for a three-year term to run from July 1, 2020 to June 30, 2023. He also noted that Mrs. Moore works in Wilson as an NCDOT Division 4 Utilities Engineer.

4. Election of Board Officers (Chairman & Vice-Chairman) for 2020-2021.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to nominate Leonard Breedlove to continue to serve as Chairman of the Nash County Planning Board for 2020-2021. There were no other nominations. The motion was unanimously carried.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Brown, to nominate Jeffrey Tobias to continue to serve as Vice-Chairman of the Nash County Planning Board for 2020-2021. There were no other nominations. The motion was unanimously carried.

5. Approval of the Minutes of the June 15, 2020 Regular Meeting.

The minutes of the June 15, 2020 regular meeting were sent to each member of the Board for review. Chairman Breedlove asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Ms. Pulley, to approve the minutes of the June 15, 2020 regular meeting as submitted. The motion was unanimously carried.

6. Conditional Use Rezoning Request CU-200701 & Major Subdivision Sketch Plan with Subdivision Waiver Request for the Williams Grove Subdivision made by the C. T. Williams Corporation, the property owner, to rezone an approximately 68.88 acre tract of land located on the north side of Stoney Hill Church Road, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-30-CU (Single-Family Residential Conditional Use) for the development of the Williams Grove Subdivision.

Mr. Tyson presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-200701 and the Major Subdivision Sketch Plan with Subdivision Waiver Request for the Williams Grove Subdivision as submitted to the Board in the July 20, 2020 Nash County Planning Board agenda document.

He noted that the Nash County Technical Review Committee (TRC) considered Conditional Use Rezoning Request CU-200701 and the Major Subdivision Sketch Plan with Subdivision Waiver Request for the Williams Grove Subdivision on July 2, 2020 and recommended approval based on its determination that the rezoning request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning” as well as its determination that the requested waiver will result in equal or better performance in the furtherance of the purposes of the ordinance and that the proposed subdivision design is otherwise consistent with

the applicable standards of the UDO, subject to the suggested development conditions listed in the report.

Mr. Glover questioned whether Lots 71-76 would actually be developable due to the presence of the riparian stream buffer.

Mr. Tyson answered that typically, the NCDEQ Division of Water Resources will permit one stream crossing per property if necessary and he further noted that prior to the final approval or recording of any of the proposed lots, they all must be evaluated by either a licensed private soil scientist or the Nash County Environmental Health Department and determined to be suitable for the installation of onsite septic systems. He described the current sketch plan as an optimistic “best case scenario” for the developer, dependent upon the actual soil conditions.

Mr. Glover asked whether the Williams Ridge Subdivision located across Stoney Hill Church Road had been sufficiently developed at this time to satisfy the expectations of the Board of Commissioners, noting that Chapman Road had not yet been paved.

Mr. Tyson replied that was a question best answered by the Board of Commissioners as they had previously declined to offer any specific guidelines regarding what would constitute an appropriate level of development.

Mr. Sandifer questioned the proposed conclusion included in the staff report regarding the impact of the development on the public health and safety and he suggested that the determination of the NCDOT would be more reliable than any applicable standards of the Nash County Unified Development Ordinance.

Mr. Tyson replied that the NCDOT District Engineer serves as a member of the Technical Review Committee and that he had reviewed the sketch plan for safety concerns and determined that the proposed shared driveway arrangement was preferable to separate individual driveways.

Mrs. Moore added that based on her experience as an NCDOT employee who previously processed driveway permits for years, there is an entire set of regulations for driveways (separate from the County’s development regulations) that take into account sight distances, curves, and frequency of traffic accidents among other things.

Mr. Sandifer and Mr. Tyson discussed a revision to the suggested Conclusion with Supporting Finding of Fact #1 from the staff report to state: *“The proposed development will not materially endanger the public health or safety because the Major Subdivision Sketch Plan for the Williams Grove Subdivision has been reviewed for safety considerations by the N.C. Department of Transportation District Engineer in his capacity as a member of the Technical Review Committee.”*

Mr. Tobias asked about the speed limit on Stoney Hill Church Road.

Mr. Tyson and Mrs. Moore both answered that they believed the speed limit to be 55 miles per hour.

Mr. Tobias asked if the installation of a turn lane would be required for the proposed development.

Mr. Culpepper noted that the requirement of a turn lane would likely be dependent upon the NCDOT’s traffic impact analysis.

Mr. Tyson added that the UDO identifies the installation of a turn lane as a viable alternative to the currently proposed shared driveways.

Mr. Tyson noted for the Board that one letter was submitted by the owner of the immediately adjacent property to the west (who was also the former owner of the subject property), which expressed support for the proposed rezoning request.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend the following consistency statement related to Conditional Use Rezoning Request CU-200701 for consideration by the Nash County Board of Commissioners.

Conditional Use Rezoning Request CU-200701 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 supports the rezoning of property located within the Suburban Growth Area to the RA-30 (Single-Family Residential) Zoning District where public water service is available and where the soil conditions are suitable to accommodate the installation of on-site septic systems.**
 - (c) The subject property has access to Nash County public water service via an existing four-inch (4") waterline installed along the immediately adjacent Stoney Hill Church Road public right-of-way. Furthermore, the Nash County Public Utilities Department has determined that the existing water system has sufficient capacity to accommodate the residential development of the subject property at the proposed density.**
 - (d) The typical soil conditions of the area, as observed by the Nash County Environmental Health Division, appear generally sandy, well drained, and favorable for the installation of on-site septic systems.**
 - (e) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.**
- (3) Not "spot zoning" because:**
 - (a) The request is an expansion of the adjacent, existing approximately 24 acre RA-30 Zoning District previously established on the south side of Stoney Hill Church Road between Juniper Road and Chapman Road for the development of the Williams Ridge Subdivision.**
 - (b) The large size of the subject property (approximately 68.88 acres) demonstrates that approval of the request will establish a new zoning district within which multiple residential lots may be subdivided, rather than creating a single, small, isolated area.**
 - (c) The subject property has unique access to existing public water service and its soil conditions are favorable for the installation of on-site septic systems.**
 - (d) The request is consistent with the recommendations of the Nash County Land Development Plan as established above.**
 - (e) The subject property already is and will continue to be zoned for residential use.**
 - (f) While the requested RA-30 Zoning District will allow smaller minimum lot areas and higher density residential development, it is also more restrictive in terms of permitted land uses than the current R-40 Zoning District.**

- (g) Due to the “conditional” nature of this rezoning request, the subject property may only be developed in accordance with the proposed site plan, which is the Major Subdivision Sketch Plan for the Williams Grove Subdivision.

The motion was carried with a vote of 6 to 1. Mr. Glover voted in opposition to the motion and Chairman Breedlove did not vote.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Rezoning Request CU-200701 to rezone approximately 68.88 acres located on the north side of Stoney Hill Church Road, Bailey, NC 27807 from R-40 (Single-Family Residential) to RA-30-CU (Single-Family Residential Conditional Use) for consideration by the Nash County Board of Commissioners.

The motion was carried with a vote of 6 to 1. Mr. Glover voted in opposition to the motion and Chairman Breedlove did not vote.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith, to recommend approval of Conditional Use Permit CU-200701 to authorize the development of the Williams Grove Subdivision on the subject property based on the following conclusions with supporting findings of fact and subject to the following development conditions for consideration by the Nash County Board of Commissioners.

Conclusions with Supporting Findings of Fact:

- (1) The proposed development will not materially endanger the public health or safety because the Major Subdivision Sketch Plan for the Williams Grove Subdivision has been reviewed for safety considerations by the N.C. Department of Transportation District Engineer in his capacity as a member of the Technical Review Committee.
- (2) The proposed development will not substantially injure the value of adjoining or abutting property because the conditional use nature of the request will require the subject property to be developed in accordance with the approved Major Subdivision Sketch Plan for the Williams Grove Subdivision.
- (3) The proposed development will be in harmony with the area in which it is to be located because the Williams Grove Subdivision will be similar to other existing residential developments in the surrounding area.
- (4) The proposed development will be in general conformity with the Nash County Land Development Plan (LDP) because:
 - (a) The LDP designates the subject property as Suburban Growth Area.
 - (b) The LDP supports the rezoning of property located within the Suburban Growth Area to the RA-30 (Single-Family Residential) Zoning District where public water service is available and where the soil conditions are suitable to accommodate the installation of on-site septic systems.
 - (c) The subject property has access to Nash County public water service via an existing four-inch (4”) waterline installed along the immediately adjacent Stoney Hill Church Road public right-of-way. Furthermore, the Nash County Public Utilities Department has determined that the existing water system has sufficient capacity to accommodate the residential development of the subject property at the proposed density.

- (d) The typical soil conditions of the area, as observed by the Nash County Environmental Health Division, appear generally sandy, well drained, and favorable for the installation of on-site septic systems.
- (e) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

Development Conditions:

- (1) The subject property shall only be developed in accordance with the approved Major Subdivision Sketch Plan for the Williams Grove Subdivision.
- (2) The subject property may be developed for any of the land uses as permitted in the RA-30 (Single-Family Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.
- (3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System.
- (4) The development of the Williams Grove Subdivision is subject to the waiver of the standards of the Nash County Unified Development Ordinance (UDO) Article X, Section 10-7, Subsection 10-7.2 (F) "Lots on Roads with Capacity Deficiencies" granted by the Nash County Board of Commissioners on August 3, 2020 on the grounds that the waiver will result in equal or better performance in the furtherance of the purposes of the Ordinance in accordance with UDO Article X, Section 10-8 "Waivers." No additional driveways or points of vehicular access other than those designated on the approved Major Subdivision Sketch Plan shall be permitted or constructed on the subject property along the Stoney Hill Church Road public right-of-way.
- (5) The final location of the shared cluster box unit (CBU) mailbox kiosk required for centralized mail delivery shall be subject to the approval of both the Bailey USPS Postmaster and the NCDOT District Engineer.
- (6) Substantial design modifications or revisions to the approved sketch plan may require additional review by the Nash County Planning Board and re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

The motion was carried with a vote of 6 to 1. Mr. Glover voted in opposition to the motion and Chairman Breedlove did not vote.

- 7. Major Subdivision Final Plat with Subdivision Waiver Request for the North Halifax Acres Subdivision, Section 1 made by Stocks Engineering, P.A. on behalf of the property owner, Berry R. Brown, and the developer, Timothy Matthews, to request a waiver of the additional lot width required along high traffic roads subject to the establishment of shared driveway access easements for the development of eleven (11) new residential lots totaling 23.606 acres located on the west side of N Halifax Road, Battleboro, NC 27809.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Final Plat with Subdivision Waiver Request for the North Halifax Acres Subdivision, Section 1 as submitted to the Board in the July 20, 2020 Nash County Planning Board agenda document.

He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat with Subdivision Waiver Request for the North Halifax Acres Subdivision, Section 1 on July 2, 2020 and recommended approval based on its determinations that the requested waiver will result

in equal or better performance in the furtherance of the purposes of the ordinance and that the proposed subdivision design is otherwise consistent with the applicable standards of the UDO, subject to the suggested conditions listed in the report. He also noted that Mr. Kevin Varnell with Stocks Engineering was present to answer any questions regarding the request.

Mr. Smith asked whether this request had also been reviewed by the N.C. Department of Transportation District Engineer in his capacity as a member of the TRC.

Mr. Culpepper replied yes.

Mr. Sandifer asked about the statement in the staff report that approval of the waiver “will result in equal or better performance in the furtherance of the purposes of the ordinance.”

Mr. Culpepper replied that the specific language comes directly from the UDO.

Mr. Sandifer asked who had determined that approval of the waiver “will result in equal or better performance in the furtherance of the purposes of the ordinance.”

Mr. Tyson answered that, ultimately, the Board of Commissioners would have to make that determination based on the recommendations provided by the Technical Review Committee and the Planning Board. He reiterated that the TRC had already agreed that approval of the waiver “will result in equal or better performance in the furtherance of the purposes of the ordinance.”

Mr. Sandifer confirmed that the N.C. Department of Transportation District Engineer had contributed to that determination in his capacity as a member of the TRC.

Mr. Tyson clarified that, in this particular case, the “purposes of the ordinance” were to provide additional space between driveways located along heavily traveled roads.

BOARD ACTION: Mr. Brown offered a motion, which was duly seconded by Mr. Sandifer, to recommend approval of the Major Subdivision Final Plat with Subdivision Waiver Request for the North Halifax Acres Subdivision, Section 1 for consideration by the Nash County Board of Commissioners, subject to the following conditions.

Conditions for Final Plat Approval:

- (1) The developer shall submit a Stream Buffer Determination issued by the N.C. Department of Environmental Quality, Division of Water Resources for the existing swale located on Lots 1-5 and shall revise the subdivision design to accommodate a 50’ wide riparian stream buffer on the final plat, if applicable.
- (2) The 40’ wide access and utility easement serving Lots 3, 4, 10, & 11 shall be assigned a new road name (preferably ending in “Lane”) that has been reviewed and approved by both the Nash County Addressing Administrator and Nash County Emergency Services. The developer shall submit the required \$60.00 fee for the new road sign installation.
- (3) Prior to the recording of the final plat, a Nash County Stormwater Management Permit for the subdivision shall be issued and recorded in the Nash County Register of Deeds. The developer shall submit the required \$26.00 recording fee.
- (4) The following certificates from UDO Appendix 2, Section A-2-2 shall be added to the plat, as appropriate:

- (A) Certificate of Ownership (For Use With Minor Plats Only)
- (C) Certificate of Minor Plat Approval
- (F) Certificate of Survey and Accuracy
- (H)(2) Private Roads Disclosure Statement (Easements)
- (I)(1) Certification of Subdivision and Soils Report Review By The Nash County Health Department
- (L)(a) Certificate of Purpose of Plat
- (O) Review Officer Certification
- (P) Riparian Buffer Note (If required by the Stream Buffer Determination.)

The motion was unanimously carried.

- 8. Request to Reapprove the Expired Sketch Plan for the River Stone Subdivision made by Herring-Sutton & Associates, P.A. on behalf of the property owner and developer, Williams Builders of Rocky Mount LLC, for the development of twelve (12) new residential lots and a new fifty (50) foot wide public road right-of-way on a 7.21 acre tract of land located on the east side of S NC Highway 58 in the RC (Rural Commercial) Zoning District.**

Mr. Tyson presented the staff report and supplemental materials related to the Request to Reapprove the Expired Sketch Plan for the River Stone Subdivision as submitted to the Board in the July 20, 2020 Nash County Planning Board agenda document.

He noted that the sketch plan was previously approved by the Planning Board on June 17, 2019 but recently expired on June 17, 2020 after no road construction plans were submitted within one year of the approval date. If re-approved by the Board, the sketch plan would remain valid for an additional year to July 20, 2021.

He concluded the staff report by stating that Mr. Ed Phillips with Herring-Sutton & Associates was present to answer any questions regarding the request.

Mr. Sandifer asked about the review fee required for the resubmittal of this sketch plan.

Mr. Tyson replied that the required review fee was \$50.00 and that the resubmittal required minimal review and expense for Nash County. He further noted that he would most likely not convene a Planning Board meeting for the sole purpose of considering a re-approval such as this, if it could be delayed until there were other agenda items for the Board's consideration as well.

Chairman Breedlove noted that any review costs incurred by Nash County would pale in comparison to the tax base growth generated by the development of the proposed subdivision.

BOARD ACTION: Mr. Smith offered a motion, which was duly seconded by Mr. Glover, to approve the Major Subdivision Sketch Plan for the River Stone Subdivision subject to the following conditions.

Conditions for Future Preliminary Plat Approval and Construction Authorization:

- (1) The developer shall submit a Driveway Permit and 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.

- (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's engineer shall submit the required Tar-Pamlico River Basin Overlay District stormwater management plan along with the necessary documents and fees required for the issuance and recording of a Nash County Stormwater Permit (including documentation of any necessary nutrient buy-down payments made to a private mitigation bank.)
- (4) The developer shall submit a final 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.

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.
- (3) The developer shall identify the responsible party and make the necessary accommodations for the future maintenance of the proposed stormwater discharge drainage system.
- (4) A one-time fee in the amount of \$75.00 for the purchase and installation of the new River Stone Court street name sign shall be paid at the submittal of the final plat.

The motion was unanimously carried.

9. Other Business.

Mr. Tyson reported that on July 6, 2020 the Board of Commissioners had approved the Subdivision Waiver Request for the Major Subdivision Final Plat for Linda Foster Rich, S. J. Bartholemew Tract, Phase II made to develop four (4) new residential lots with two (2) shared driveway access easements on N NC Highway 58, Castalia, NC 27816.

Mr. Tyson also took a moment to acknowledge the recent passing of former Planning Board Member Harold D. Colston.

10. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 7:29 p.m.