

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, SEPTEMBER 17, 2018 AT 7:00 P.M.
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR
FREDERICK B. COOPER COMMISSIONERS ROOM**

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

None

STAFF MEMBERS PRESENT

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

OTHERS PRESENT

Linda Rosenberger
Ray Edgar Rosenberger
Billy D. Winstead
Kaye W. Winstead
Brenda Scott
Cecil Williams
Helen Williams
John Shepherd, Jr.
Linda Shepherd
Dion Viventi
D. J. Reams

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 July 16, 2018 Regular Meeting.**

The minutes of the July 16, 2018 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for corrections or revisions. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion which was duly seconded by Ms. Pulley to approve the minutes of the July 16, 2018 meeting as submitted. The motion was unanimously carried.

4. **Approval of the Minutes of the August 20, 2018 Regular Meeting.**

The minutes of the August 20, 2018 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for corrections or revisions. He noted a date correction from 2017 to 2018. There were no other corrections or revisions.

BOARD ACTION: Mr. Brown offered a motion which was duly seconded by Mr. Smith to approve the minutes of the August 20, 2018 meeting as submitted, pending the date change. The motion was unanimously carried.

5. **Conditional Use Rezoning Request CU-180901 Made by Doris Jordan Worthington & Oliver Wendell Worthington, the Property Owners, and Cecil T. Williams, Jr. to Rezone a 48.79 Acre Tract Located on the North Side of Jordan Road (S.R. 1738) From R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) Subject to the Exclusion of Boarding & Rooming House, Congregate Care Facility, and/or Manufactured Home Park as Permitted Land Uses.**

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

Mr. Tyson began by stating that a written notice of this public meeting was sent by first class mail on September 5, 2018 to the applicants, subject property owners, the owners of record for properties located within 600 feet of the subject property and to other citizens who had expressed an interest in the zoning classification of this property.

Mr. Tyson then presented the staff report and supplemental materials related to Conditional Use Rezoning Request CU-180901 as submitted to the Board in their September 17, 2018 Nash County Planning Board Meeting agenda document. He noted that the Nash County Technical Review Committee (TRC) considered Conditional Use Rezoning Request CU-180901 on August 27, 2018 and recommended approval of the request to rezone the subject property to R-20-CU (Medium Density Residential Conditional Use) based on its determination that the request is reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan for the Rural Growth Area and not spot zoning.

Mr. Tyson concluded the staff report by stating that Mr. Cecil Williams was present to represent the applicants and several members of the public were in attendance to address the Board regarding this rezoning request. Mr. Tyson offered to answer any questions pertaining to the staff report.

There was a brief discussion between the Board and Mr. Tyson regarding the Board of Commissioners' previous decision to deny General Rezoning Request Z-180701 for this same property. The main difference between the previous Planning Board consideration for R-20 and this Conditional Use request is the elimination of the three land uses.

Chairman Breedlove invited Mr. Williams to address the Board.

Mr. Williams expressed to the Board that he had no interest in developing mobile home parks, boarding or rooming houses or congregate care facilities. His interest was in building single family dwellings on 20,000 square foot lots. He noted that infrastructure, roads and the possibility of pumping stations being required in some areas as necessitating the request for the lot size in order to make the development economically feasible.

Chairman Breedlove invited the public to speak.

Billy Winstead, owner of a small farm on Jordan Road, addressed the Board. He presented a petition to the Board signed by individuals who have property in the area and are opposed to a zoning designation of less than R-30. Mr. Winstead indicated that the individuals signing the petition did not oppose development on Jordan Road, but the smaller lot size which an R-20 rezoning would allow and the precedent it might set for Jordan Road. He also expressed concerns regarding the cluster option which would allow smaller lots as low as 10,000 square feet.

John Shepherd of 7290 Jordan Road took the podium. He stated that Mr. Williams could already cluster the lots as they are currently zoned by giving up 15% as open space. Mr. Shepherd told the Board that Mr. Williams visited his home after the last meeting and informed him of the possibility of chicken houses and/or migrant camps.

Mr. Tyson clarified for the Board that, under the current R-30 zoning, Mr. Williams could cluster the development down to 20,000 square foot lots by reserving 15% of what he develops as open area. If the rezoning is approved, he can develop 20,000 square foot lots without reserving anything. He could develop down to R-10 (10,000 square foot lots) by reserving 15%. Mr. Tyson stated that the cluster option doesn't start with this rezoning. It is already currently an option. The size that the lots can be clustered down to is what changes.

Dion Viventi, Director of the Rocky Mount Wilson Regional Airport, addressed the Board to offer concerns regarding the possible density of the development as it relates to the airport. He stated that this development falls under the traffic pattern of runway 22. He stated that noise would be a factor and the airport is currently doing a decibel noise study as part of their 20 year strategic master plan. The plan will include recommendations and considerations regarding development around the airport and the impact for individuals in surrounding areas regarding noise levels. He stated that the airport has plans to build additional hangars and will be expanding operations, thereby increasing air traffic and noise.

There was a general discussion between Mr. Viventi and the Board regarding the current density of existing developed areas surrounding the airport.

Mr. Williams expressed surprise at the Airport's concern regarding his proposed development and his dissatisfaction with considering things that might be in a future plan that has not even been completed yet, and with the potential result of any overlay of non-development around the airport.

There was a general discussion among the staff and the Board regarding density in rural developments, clustering homes in relation to the current zoning classification, as well as airport considerations such as height and noise as those relate to rezoning of properties. The possibility of placing restrictions on other nearby properties in an effort to satisfy current homeowners was raised. The staff explained that conditions could not be attached to any other properties, only to the property included in the application. The number of lots that could potentially be developed at the current zoning as well as if the property were rezoned was also discussed.

Mr. Williams told the Board that according to the plats his engineer had designed, the R-30 zoning classification allows the potential for 15 to 18 lots. Under the R-20 zoning classification there is the potential for 25 lots. Those estimates utilize the cleared area at the front of the property that is known to be developable. He indicated that an area towards the rear of the property may allow a bit more developable land but was awaiting the rezoning determination before proceeding in that area. Mr. Williams indicated that he would not be open to any further conditions.

Chairman Breedlove closed the discussion.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Sandifer to recommend the following consistency statement related to Conditional Use Rezoning Request CU-180901 for adoption by the Nash County Board of Commissioners:

Conditional Use Rezoning Request CU-180901 is reasonable and in the public interest because:

- (1) The Nash County Board of Commissioners has already previously established with the approval and adoption of General Rezoning Case Z-060401 on January 8, 2007 (later amended and affirmed on May 4, 2009) for the approximately 30 acre tract located east of and immediately adjacent to the subject property that, with the availability of public water service along the Jordan Road right-of-way, a rezoning from R-30 (Single and Two-Family Residential) to R-20 (Medium Density Residential) is consistent with the recommendations of the Nash County Land Development Plan for the Rural Growth Area;**
- (2) The request 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; and**
- (3) The conditional use nature of the rezoning request will specifically prohibit the development of the subject property for a boarding and rooming house, congregate care facility, and/or manufactured home park; which are the only land uses permitted for development in the requested R-20 Zoning District that are not already permitted for development in the current R-30 Zoning District.**

The motion was unanimously carried.

BOARD ACTION: Mr. Parker offered a motion which was duly seconded by Mr. Tobias to recommend approval of Conditional Use Rezoning Request CU-180901 to rezone 48.79 acres located on the north side of Jordan Road from R-30 (Single and Two-Family Residential) to R-20-CU (Medium Density Residential Conditional Use) for the potential development of any of the land uses permitted in the standard R-20 Zoning District with the specific exclusion of boarding and rooming house, congregate care facility, and/or manufactured home park.

The motion was carried 7-1 with Mr. Colston voting against.

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 subject property in relation to Conditional Use Rezoning Request CU-180901 based on the following suggested findings of fact, conclusions, and conditions.

FINDINGS OF FACT:

- (1) The subject property is a 48.79 acre parcel referred to as Tract No. 2 of the Property of the C. H. Jordan Heirs as depicted on Plat Book 31 Page 32 of the Nash County Registry; further identified as Nash County Tax Map PIN #373700415380 and Parcel ID #025676; and located on the north side of Jordan Road (S.R. 1738) between Ferrell Road (S.R. 1739) and Old Joyner Lane within the R-30 (Single and Two-Family Residential) Zoning District of Nash County, North Carolina.
- (2) The application for Conditional Use Rezoning Request CU-180901 was submitted by Doris Jordan Worthington & Oliver Wendell Worthington, the current owners of the subject property, and Cecil T. Williams, Jr. requesting rezoning of the parcel to R-20-CU (Medium Density Residential Conditional Use) for the potential development of land uses permitted in the standard R-20 Zoning District with the specific exclusion of boarding and rooming house, congregate care facility, and/or manufactured home park.
- (3) The three land uses to be excluded - boarding and rooming house, congregate care facility, and/or manufactured home park - are the only land uses permitted for development in the requested R-20 (Medium Density Residential) Zoning District that are not also permitted for development in the current R-30 (Single and Two-Family Residential) Zoning District.
- (4) The subject property is designated by the Nash County Land Development Plan as Rural Growth Area and the requested rezoning is consistent with the recommendations of the plan due to the availability of public water service along the Jordan Road right-of-way.
- (5) The rezoning request is not considered "spot zoning" because it is an expansion of the existing approximately 30 acre R-20 (Medium Density

Residential) Zoning District previously established by General Rezoning Case Z-060401 that is located east of and immediately adjacent to the subject property.

CONCLUSIONS:

- (1) The application submitted for Conditional Use Rezoning Request CU-180901 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 applicants are entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The development of a boarding and rooming house, congregate care facility, and/or manufactured home park on the subject property is specifically prohibited.
- (2) The development of all other land uses as permitted in the R-20 (Medium Density Residential) Zoning District shall be allowed on the subject property in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

The motion was carried 7-1 with Mr. Colston voting against.

6. Other Business.

Chairman Breedlove asked for any other business. There was none.

7. Adjournment.

There being no further business, Chairman Breedlove declared the meeting adjourned at 8:02 p.m.