



**Nashville Town Council
Agenda Meeting**

Wednesday, August 26, 2020

7:00 PM

**Nashville Town Council Chambers
114 W. Church Street, Nashville, NC 27856**

1. Call to Order by Mayor Brown
2. Pledge of Allegiance
3. Prayer
4. Public Comments Period
5. Joint Public Hearing
 - a) **Public Hearing to receive comments on Z 2020-03:** Request to rezone property located at 608 Western Avenue from R-10 (Medium-Density Residential) Zoning District to M-F (Multi-Family Residential) Zoning District. This parcel contains approximately 9.45 acres and is identified by Nash County Tax Parcel Number 380006299776.
 - b) **Public Hearing to receive comments on SU 2020-01:** Request for a special use for property located at 608 Western Avenue for the purpose of constructing more than one multi-family building on a single lot. This parcel contains approximately 9.45 acres and is identified by Nash County Tax Parcel Number 380006299776.
 - c) **Public Hearing to receive comments on SU 2020-02:** Request for a special use for property located off E. Old Spring Hope Road, M-F (Multi-Family Residential) Zoning District for the purpose of establishing more than one multi-family building on a single lot. This parcel contains approximately 12.62 acres and is identified by Nash County Tax Parcel Number 381015532563.
6. Council Comments
7. Mayor's Comments
8. Adjourn

BRENDA BROWN
MAYOR

RANDY LANSING
TOWN MANAGER

Town of Nashville



TOWN COUNCIL
LOUISE W. HINTON
KATE C. BURNS
LYNNE HOBBS
LARRY D. TAYLOR

**REGULAR MEETING AGENDA
TOWN OF NASHVILLE PLANNING BOARD
WEDNESDAY, THE 26th OF August 2020**

1. CALL TO ORDER: 7:00

2. NEW BUSINESS:

A: Z 2020-03

Request by Michael Hurt to rezone 9.45 acres of land at 608 Western Avenue, Nash County Parcel ID #3800 06 29 9776 in the Town of Nashville from R-10 (Medium Density Residential to MF (Multifamily Residential District) per Division 9 of the Nashville Zoning Ordinance.

B: SU: 2020-01

Request by Michael Hurt for a Special Use permit to construct more than one multi-family building on a single lot at 608 Western Avenue, Nash County Parcel #3800 06 29 9776 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

C: SU: 2020-02

Request by Four Seasons for a Special Use permit to construct more than one multi-family building on a single lot at E. Old Spring Hope Rd, Nash County Parcel #3810 15 53 2563 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

D: CP 2020-01

Consideration of a Construction Plat for the proposed Bradford Place Subdivision located behinds the Food Lion off of East Pointe Ave. There are approximately 41 proposed lots; Nash County Parcel ID #3810 06 48 4519U. This property contains approximately 25.63 acres and is zoned R-4 (High Density Residential).

3. OTHER BUSINESS:

4. ANNOUNCEMENT OF NEXT MEETING: The date of the next regular monthly meeting would be **Wednesday, the 30th of September 2020.**

5. ADJOURNMENT

Town of Nashville

BRENDA BROWN
MAYOR

RANDY LANSING
TOWN MANAGER



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TOWN OF NASHVILLE
 P.O. BOX 987 / 499 S. BARNES STREET
 NASHVILLE, NC 27856
 WWW.TOWNOFNASHVILLE.COM
 (252) 459-4511

AGENDA REPORT

MEETING DATE: August 26, 2020

PREPARED BY: Sherry N. Moss, Planning & Development Director

ISSUE CONSIDERED: Z 2020-03

SUMMARY OF ISSUE:
 Rezoning request to rezone property located at 608 Western Avenue from R-10 (Medium-Density Residential) Zoning District to M-F (Multi-Family Residential) Zoning District. This parcel contains approximately 9.45 acres and identified by Nash County Tax Parcel Number 380006299776.

STAFF COMMENTS:
 The petitioned property is surrounded by MF (Multi-Family), R-10 (Medium Density Residential), R6 (High Density Residential), B1 (Business), I-1 (Industrial), and A-1 (Agricultural) zoning districts, with close proximity to downtown and Hwy 64. With regards to the Future Land Use Map, the petitioned property is classified as low residential growth. The surrounding areas are classified as high density, medium density, agricultural, industrial, and commercial growth. Although there is some inconsistency between the zoning category vs. the future land use category of the petitioned property, updates to the future land use map will begin its update soon. However, the proposed amendment would be in harmony with the surrounding land uses, and would keep the residential character of the area.

The rezoning request from R10 to MF, as presented, is to allow a multi-family land use to be established at the petitioned property. Currently, the multifamily land use is not permitted under the parcel's current zoning district. However, the R10 and MF zoning districts have numerous uses that are permitted the same, with exception to a few uses that are permitted differently:

Land Use	R10	MF
Apartment, accessory to a primarily structure	(S)-Special Use	(X)-Allowed by right
Athletic fields, recreational buildings, playgrounds, no commercial gain, no automobile or motorcycle racing	(S)-Special Use	Not Allowed
Boardinghouse, rooming house, and bed and breakfast	(S)-Special Use	Not Allowed
Community buildings, not for commercial gain	(S)- Special Use	(X)-Allowed by right
Dwellings, two-family	(S)-Special Use	(X)-Allowed by right
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) one bldg. per lot	Not Allowed	(X)-Allowed by right
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) more than one bldg. per lot	Not Allowed	(S) – Special Use
Dwellings, single-family semi-detached	(X)-Allowed by right	
Dwelling, single-family semi-detached omitted	(X)-Allowed by right	
Dwellings, for caretaker or domestic employee on premises where employed	(S)- Special Use	(X)-Allowed by right
Rehabilitation homes, such as halfway houses		(S)-Special Use

STAFF RECOMMENDATION: This is a public hearing to receive information on the rezoning request.

- ATTACHMENT(S):**
- 1. Application
 - 2. Vicinity Map
 - 3. Zoning Map
 - 4. Land Use Map
 - 5. Description of Districts
 - 6. Table of Permitted Uses
 - 7. Setback Chart

REVIEWED BY TOWN MANAGER:



APPLICATION FOR REZONING TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: _____
(to be completed by Town staff)

Case #: 2 2020-03
(to be assigned by Town staff)

I, the undersigned, do hereby make application to change the Official Zoning Map/Atlas of the Town of Nashville as herein requested.

1. A general description of the area requested to be rezoned is as follows:

9.47 ACRE TRACT ON WESTERN AVENUE

The address of the property is 608 WESTERN AVENUE. The property is identified by the following map, block, and parcel number 3800.06-29-9776 ~~3800.06-39-2004~~ of the Nash County property ownership map (tax records). The size of the area requested for rezoning contains approximately 9.47 acres. A map of the property/area along with a legal description of the property/area boundaries is attached to this application.

2. It is desired and requested that the foregoing property/area be rezoned from R-10 district to MF district for the following reason or purpose: DEVELOP AN APARTMENT COMPLEX.

3. The following are all individuals, firms, or corporations owning property within 100' of the property/area sought to be rezoned. Attach an additional sheet if needed.

<u>Tax Id # (Parcel)</u>	<u>Name</u>	<u>Mailing Address</u>
<u>(Attached)</u>		

I certify that all information furnished in this application is accurate to the best of my knowledge.

APPLICANT (printed name): MICHAEL HURT

Signature of applicant: _____

Mailing Address: 110 TIMBERLAKE DRIVE
YOUNGSVILLE, NC 27596

Phone number(s): 252-714-3710

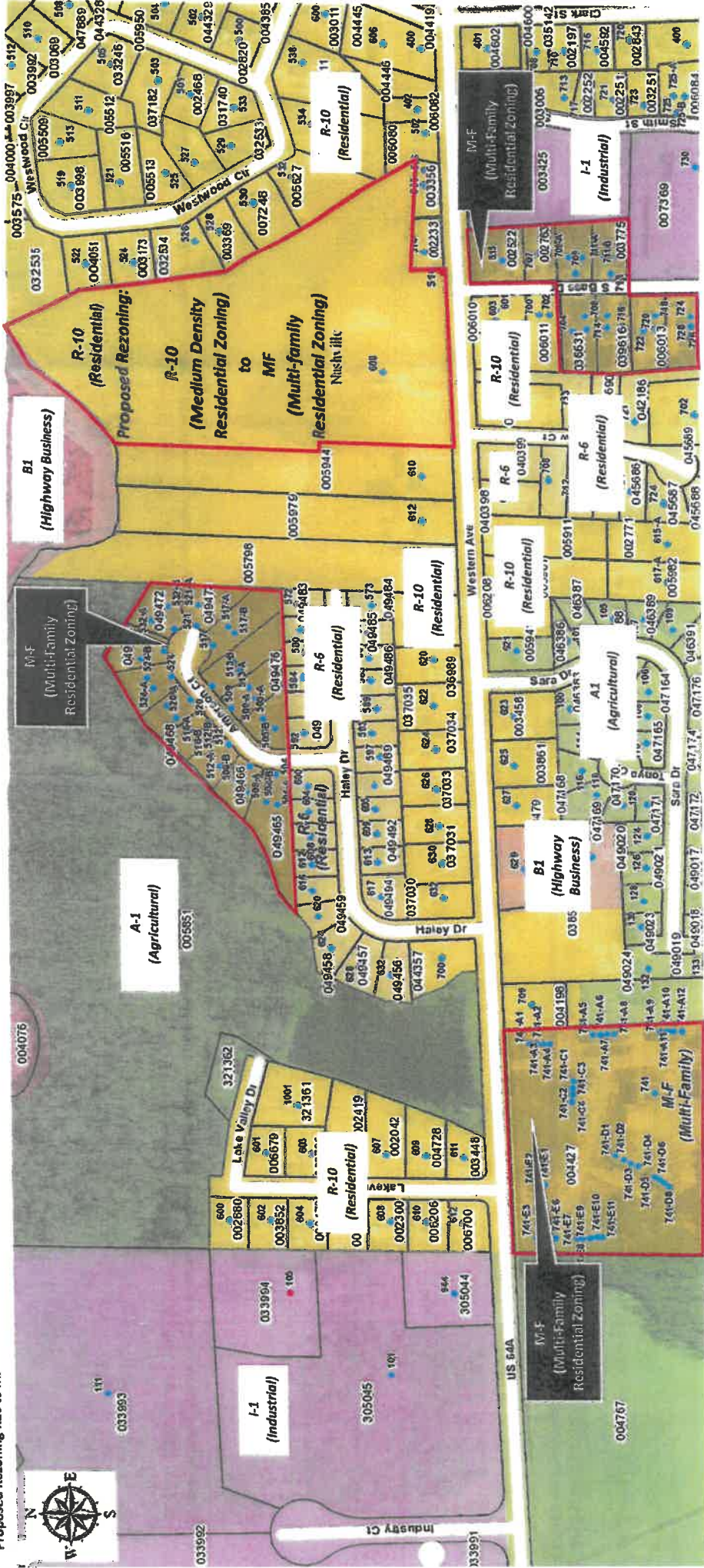
608 Western Avenue

Lying and being in Nashville Township, Nash County, North Carolina and being more particularly described as follows:

Commencing at a point on the northern right-of-way of Western Avenue, a common corner with Oakland Grove Rentals, LLC, Deed Book 2394, Page 625 and Monroe Tant, Deed Book 2542, Page 865; thence continuing along the northern right-of-way of Western Avenue S 87°43'01" W 138.96' to the TRUE POINT OF BEGINNING; thence S 87°42'41" W 414.39' to a point, a common corner with Healon W. Smith, et al, Deed Book 2841, Page 848; thence leaving the northern right-of-way of Western Avenue N 01°52'41" E 300.00' to a point; thence S 87°42'41" W 24.90' to a point; thence N 01°52'41" E 464.97' to a point in the southernmost bank of Stony Creek; thence continuing along the bank of Stony Creek N 53°47'59" E 27.74' to a point; thence N 68°14'10" E 30.58' to a point; thence N 40°56'31" E 121.49' to a point; thence N 40°02'11" E 91.74' to a point; thence N 55°20'42" E 102.50' to a calculated point, a common corner with Town of Nashville, Deed Book 1846, Page 985; thence leaving the bank of Stony Creek and continuing with Town of Nashville property S 30°00'45" E 2.00' to a witness iron; thence S 30°00'45" E 166.24' to a point; thence S 30°00'45" E 25.87' to a point; thence S 06°09'19" E 337.91' to a point; thence S 31°54'33" E 99.45' to a point; thence S 31°54'33" E 109.87' to a point; thence S 31°54'33" E 214.69' to a point; thence S 31°54'33" E 81.02' to a point; thence N 87°09'04" W 258.10' to a point; thence S 01°47'34" W 75.14' to the point and place of beginning containing 9.47 acres +/- according to a map prepared by Mack Gay Associates, P.A. titled, "Recombination Plat for Hurt, LLC", dated June 23, 2020.



Zoning Map : Z 2020-03
608 Western Avenue (PARID-019755 / PIN-381015532563)
Proposed Rezoning R10 to MF



- M-F (Multifamily Residential) High Density
- R-6 (High Density Residential)
- R-10 (Medium Density Residential)
- A-1 (Agricultural)
- B-1 (Highway Business)
- I (Industrial)

Sec. 18-112. - Description of districts.

- (a) *A-1 agricultural district.* The A-1 district is defined as one to provide land for future development while permitting continued agricultural use until such time that development is appropriate. It is assumed that approved wells and septic tanks will be utilized until such time as municipal water and sewer is available. This district is situated primarily in the town's extraterritorial jurisdiction.
- (b) *R-30 low-density residential district.* The R-30 district is defined as low-density residential areas of single-family dwellings plus open areas where similar residential development will likely occur. The uses in this district are designated to stabilize and protect the essential characteristics of the area and to prohibit all activities of commercial nature except certain home occupations controlled by specific limitations.
- (c) *R-15 medium-density residential district.* The R-15 district is defined as open areas where only single-family development will likely occur. The uses in this district are designed to stabilize and protect all activities of a residential nature except certain home occupations.
- (d) ***R-10 medium-density residential district.* The R-10 district is defined as medium-density residential areas of mostly single-family dwellings and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect all activities of a residential nature except certain home occupations controlled by specific limitations.**
- (e) *R-6M high-density residential and manufactured home park district.* The R-6M district is defined as high-density residential areas of mostly single-family dwellings, open areas where similar residential development will likely occur, and manufactured home parks. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
- (f) *R-6 high-density residential district.* The R-6 district is defined as medium- to high-density residential areas where single-family and multifamily dwellings are commingled and certain open areas where similar residential development will likely occur. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
- (g) *R-4 high-density residential district.* The R-4 district is defined as high-density residential areas where single-family and two-family dwellings are commingled. The district is primarily established to accommodate existing residential neighborhoods where lot sizes are too small to be appropriate for any other zoning district. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.
- (h) ***MF multifamily residential district.* The MF district is designed to provide high-density areas in which multifamily dwellings are distributed with particular regard to stabilizing and protecting the essential characteristics of the area.**
- (i) *O-1 office and institutional district.* The O-1 district is defined as certain land areas with structures that provide office space for professional services and for certain institutional functions, and residential accommodations, usually medium- or high-density. The district is normally small, and may include older homes undergoing conversion. The district is usually situated between business and residential districts, and the regulations are designed to permit development of the enumerated functions and still protect and be compatible with nearby residential districts.
- (j) *B-1 general business district.* The B-1 district is defined as certain commercial areas which provide a wide selection of convenience and comparison shopping outlets, furniture showrooms, and for personal services, in an orderly arrangement of retail facilities, parking and other amenities. This district is customarily located at the intersection of one or more highways or along thoroughfares. This district may also provide retailing and personal services for the benefit of residents in nearby areas and nonresidents. Included also are certain functions such as warehousing that are compatible with the primary uses.

- (k) *B-2 central business district.*
- (1) The B-2 district is defined as certain land structures that provide personal services, retailing, some high density dwellings, and business services of all kinds for local and regional commerce. The area is located in the central business district of the town where major streets and highways converge.
 - (2) The regulations are designed to permit a concentrated development of permitted facilities and to protect the district from overintensive development and congestion.
- (l) *I-1 industrial district.* The I-1 district is defined as certain lands so situated as to be suitable for industrial development, usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries excepting those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise and vibrations and those industries which deal primarily in hazardous products such as explosives. Selected business uses are also appropriate in this district.
- (m) *WS watershed overlay district.*
- (1) The watershed overlay district is established as an overlay district for all general zoning districts for the following purposes:
 - a. Protecting portions of the designated Tar River and the Tar River Reservoir public water supply watershed from activities which could degrade water quality;
 - b. Reducing the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate;
 - c. Minimizing land disturbances to reduce the amount of sediment entering the river; and
 - d. Providing for natural and engineered methods of managing stormwater.The watershed overlay district is intended to be superimposed over the underlying general zoning district, and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.
 - (2) The watershed overlay district consists of that part of the Tar River Reservoir public water supply watershed designated by the state environmental management commission and located within the town planning jurisdiction that is five miles upstream from and draining to the Tar River Reservoir water intake or to the ridgeline of the watershed, whichever comes first, and that part of the Tar River public water supply watershed designated by the state environmental management commission and located within the town planning jurisdiction that is ten miles upstream and draining to the Tar River water intake or to the ridgeline of the watershed, whichever comes first.
 - (3) The boundaries of the area included in the watershed overlay district are delineated on the official zoning map as defined in section 18-87. Land use within the watershed overlay district must comply with all of the requirements of both the underlying general zoning district and the watershed overlay district. Supplementary watershed district standards are delineated in note 15 to the table of permitted uses, section 18-113. The supplementary standards and requirements of note 15 to the table, however, are applicable only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established by the state sedimentation control commission.

(Ord. of 1-5-1993, art. V, § 1; Ord. Amend. 2018-04, § A), 3-6-2018)

TABLE OF PERMITTED USES

R10 (Medium Density Residential District) VS. MF (Multifamily Residential District)

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Abattoir operations												X	
Accessory building, including but not limited to fallout shelters, garages, guest houses, tool sheds and swimming pools	X	X	X	X	X	X	X	X	X	X	X	X	See note 1
Addressing services									X	X	X		
Agencies, including but not limited to travel, brokers, insurance, loan and employment									X	X	X		
Agricultural uses, nurseries, truck farms, greenhouses, etc.	X									X		X	
Alcoholic beverage packages for retail sale										X	X		
Animal medical care, including kennel operations									X	X	X	X	See note 8
Animal shelter	X												
Antiques and gift retail									X	X	X		
Any use not otherwise prohibited by law or by this article												X	See note 4
Amusements, commercial, including but not limited to bowling alleys and roller skating rinks; not including drive-in theaters, commercial stables, roller coasters, carousels, fairgrounds, automobile racetracks, circuses or the										X	X	X	
Apartment, accessory to a primary residence	X	S	S	S	X	X	X	X	X				
Apartment, accessory to a commercial use										X	X	X	
Appliance distributor for wholesale										X	X	X	
Art gallery									X	X	X		
Arts and crafts supply and retail sales										X	X	X	

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Assembling of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating; and the manufacturing of small parts only such as coils, capacitors, transformers, crystal holders and like												X	
Athletic fields, recreational buildings, playgrounds, no commercial gain, no automobile or motorcycle racing	X	S	S	S	S	S	S		X	X	X	S	
Auction sales (excluding livestock auctioning)	X									X			
Auditoriums, indoor theaters, and assembly halls										X	X	X	
Automobile accessories sales										X	X	X	
Automobile and truck assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, parking more than one truck and trailer and similar uses												X	
Automobile repair shops, including body and fender work, conducted within a completely enclosed building										X	X	X	
Automobile sales, new and used										X	X	X	
Automobile laundry (car wash)										X	X	X	

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Contractor, general (excluding storage of equipment or supplies)										X	X		
Construction storage yards, and lumberyards												X	See note 5
Convenient store										X	X		
Correctional and penal institutions, and jails	S								S		S	S	
Curio and souvenir sales										X	X		
Day care facility	S	S	S	S	S	S	S	S	S	X	S		
Delicatessen operation										X	X		
Dish antenna (or earth station)	X	X	X	X	X	X	X	X	X	X	X		See note 12
Drive-in restaurants										X	X	X	
Drive-in theaters										S		X	
Dwellings, one-family detached	X	X	X	X	X	X	X	X	X				
Dwellings, two-family	S			S	S	S		X					
Dwellings, three-family				S			X	P					
Dwellings, multifamily (other than townhouses, condominiums, and PUDs), one building per lot								X	X		S		
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) more than one building per lot								S					
Dwellings, planned unit development (PUD)	S	S	S	S	S	S	S	S	S				
Dwelling, single-family semi-detached	X	X	X	X			X	X					
Dwelling, single-family semi-detached omitted	X	X	X	X			X	X					
Dwellings, condominiums				S	S	S		S	S		S		
Dwellings, townhouses				S	S	S		S	S		S		
Dwellings for caretaker or domestic employee on premises where employed	X	S	S	S	X	X	X	X	X	X			

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Manufacturing of pottery and figurines or similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas												X	
Manufactured home parks					S								
Manufactured homes, agricultural implements, heavy machinery sale, repair, rental or storage										X		X	
Manufactured unit used as an office									S	S	S	S	
Manufactured unit used as a temporary office	X		X	X	X	X	X	X	X	X	X	X	See note 13
Manufactured unit used as a classroom	X	X	X	X	X	X	X	X	X	X	X	X	See note 16
Manufactured home sales										X		X	See note 16[sic]
Manufactured home sales office										X		X	See note 11
Medical, dental, paramedical and chiropractor offices									X	X	X		
Metal shops involving fabrication of sheet metal only												X	
Monument works and stone works												X	
Motels and hotels										X	X		
Newsstand sales										X	X		
Nightclubs, bars, lounges, and the like										S	S		
Nursery operations (plants)	X									X		X	
Offices									X	X	X	X	
Office supplies and equipment sales and service									X	X	X		
Orphanages									X				

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Railroad station operations										X	X	X	
Rehabilitation homes, such as halfway houses								S	S				
Recreation or amusement enterprise conducted inside or outside a building and for profit, and not otherwise listed in this section										X	X		
Restaurants, including all eating places, except drive-ins, nightclubs, clubs and lodges										X	X	X	
Retail business, but not car sales, otherwise listed										X	X	X	See note 1
Sawmill or planing activities												X	
Schools (academic); kindergarten, elementary, secondary, public or private	S	S	S	S	S	S	S	S	S	S	S	S	
Schools (nonacademic); commercial, vocational, public or private to include music and dance studios									S	X	X	S	
Secondhand and swap shop activities										X	X		
Service establishments, including but not limited to barbershops, small item repair shops, rental shops, custom fabrication, tailor shops, beauty parlors, and tanning beds										X	X	X	
Sheet metal and roofing shops										X		X	
Shoe repair										X	X	X	

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Signs	X	X	X	X	X	X	X	X	X	X	X	X	See division 5
Solar farm												S	
Stables (commercial)												X	
Storage, outdoor, not including junkyards or storage of petroleum products in quantities over 100,000 gallons, not otherwise listed in this section										S		S	See note 6
Storage, petroleum products in quantities greater than 100,000 gallons												X	
Stores or shops, retail, but not automobile sales or repair and not otherwise listed in this section										X	X		
Taxi operation										X	X	X	
Temporary buildings incidental to a construction project	X	X	X	X	X	X	X	X	X	X	X	X	
Tire recapping										X	X	X	
Tobacco processing and storage												X	
Tourist homes				S	S	S	S	S	X	X	X		
Townhouses (commercial)									S	S	S	S	
Training centers, associated with schools, colleges, or public agencies	X								X	X	X		
Transportation terminals, freight										X		X	
Transportation terminals, passengers										X	X	X	
Travel trailer parks												X	
Upholstery, paper hanging, and decorator shops										X	X		

District	Minimum Lot Size		Minimum Yard Regulations				Maximum Height of Structure In Feet	
	Area in Square Feet	Lot Width	Front Yard Set Back in Feet	Side Yard Set Back in Feet	Side Street Setback in Feet	Rear Yard Depth in Feet		
A-1 Agricultural	30,000 w/o central water & sewer	100	50	15		40	35	
	20,000 w central water	100	50	15		40	35	
	15,000 w central sewer	100	50	15		40	35	
R-30 Residential	30,000	100	30	15		30	35	
R-15 Residential	15,000	100	35	15		25	35	
R-10 Residential	Single Unit	10,000	75	30	12		30	35
	Double Unit	12,000	80	30	12		30	35
R-6M Residential	Single Unit	4,000	40					
	Manufactured Unit	6,000	50	Refer to Manufactured Home Parks Special Use Section				35
Residential	Single Unit	6,000	60	25	8		20	35
	Double Unit	8,000	80	25	8		20	35
R-4 Residential	Single Unit	4,000	40	15	6	7.5	10	35
	Double Unit	6,000	40	15	6	7.5	10	35
MF Multi-Family	Single Unit	6,000	60	25	8		20	35
	Double Unit	7,000	60	25	8		20	35
Multi-Units	8,000 for the first 2 units and 2,500 for each additional unit	60	25	8		20	56	
D-1 Office and Institutional	Office and Institutional	4,000	40	25	10	12.5	10	56
	Residential	4,000	40	25	10		20	56
B-1 Highway Business	4,000	40	25	10	12.5	10	35	
B-2 Central Business	4,000	40	10	0 if B-2, 8 if another zone		10	56	
I-1 Industrial	4,000	40	25	10	12.5	10	56	

Town of Nashville

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LYNNE HOBBS
LARRY D. TAYLOR

REGULAR MEETING AGENDA TOWN OF NASHVILLE PLANNING BOARD WEDNESDAY, THE 26th OF August 2020

1. CALL TO ORDER: 7:00

2. NEW BUSINESS:

A: Z 2020-03

Request by Michael Hurt to rezone 9.45 acres of land at 608 Western Avenue, Nash County Parcel ID #3800 06 29 9776 in the Town of Nashville from R-10 (Medium Density Residential to MF (Multifamily Residential District) per Division 9 of the Nashville Zoning Ordinance.

B: SU: 2020-01

Request by Michael Hurt for a Special Use permit to construct more than one multi-family building on a single lot at 608 Western Avenue, Nash County Parcel #3800 06 29 9776 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

C: SU: 2020-02

Request by Four Seasons for a Special Use permit to construct more than one multi-family building on a single lot at E. Old Spring Hope Rd, Nash County Parcel #3810 15 53 2563 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

D: CP 2020-01

Consideration of a Construction Plat for the proposed Bradford Place Subdivision located behinds the Food Lion off of East Pointe Ave. There are approximately 41 proposed lots; Nash County Parcel ID #3810 06 48 4519U. This property contains approximately 25.63 acres and is zoned R-4 (High Density Residential).

3. OTHER BUSINESS:

4. ANNOUNCEMENT OF NEXT MEETING: The date of the next regular monthly meeting would be **Wednesday, the 30th of September 2020.**

5. ADJOURNMENT



TOWN OF NASHVILLE
P.O. BOX 987 / 499 S. BARNES STREET
NASHVILLE, NC 27856
WWW.TOWNOFNASHVILLE.COM
(252) 459-4511

AGENDA REPORT

MEETING DATE: August 26, 2020

PREPARED BY: Sherry N. Moss, Planning & Development Director

ISSUE CONSIDERED: SU 2020-01

SUMMARY OF ISSUE: Request for a special use for property located at 608 Western Avenue, for the purpose of constructing more than one multi-family building on a single lot. This parcel contains approximately 9.45 acres and identified by Nash County Tax Parcel Number 380006299776.

STAFF COMMENTS:

The applicant is requesting a Special Use Permit to allow six three-story, 24-unit apartments to be established on a 9.47-acre lot off Western Avenue.

The applicant/owner previously requested a rezoning for the petitioned property from R10 to MF. If approved, the applicant/owner will proceed with the special use process. The petitioned property is surrounded by a mixture of residential land uses including apartments, single family dwellings, and duplexes, with mixed zoning classifications of MF (Multi-Family), R-10 (Medium Density Residential), R6 (High Density Residential), and A-1 (Agricultural), I-1 (Industrial), and B1 (Business) zoning districts. With regards to the Future Land Use Map, the petitioned property is classified as low residential growth. The surrounding areas are classified as low, medium, and high-density residential growth, and agricultural, business, and industrial growth. The proposed use would be in harmony with the residential character of the area.

In granting the special use permit, if approved, the Planning Board and the Town Council shall find that the:

- a. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- b. The use meets all required conditions and specifications.
- c. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- d. The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in the general conformity with the plan of development of the Town of Nashville.

STAFF RECOMMENDATION: Staff does not make a recommendation on special use permits until after the public hearing.

ATTACHMENT(S):

1. Application
2. Site Plan
3. Quasi-judicial Rules
4. Table of Uses
5. §18-114, §18-115.15.16
6. Vicinity Map
7. Zoning Map
8. Land Use Map
9. Photos of proposed site

REVIEWED BY TOWN MANAGER:



APPLICATION FOR A SPECIAL USE PERMIT TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: _____
(To be completed by Town staff)

Case #: SU 2020-01
(To be assigned by Town staff)

I (we), the undersigned, being the owner(s) of the property, do hereby make application for a Special Use Permit as herein requested.

1. The property where the request is to be located has the following street address (or description if no street address has been assigned): 608 WESTERN AVENUE

The property is identified by the following map, block, and parcel number 3800.06 - 29 - 9776 & 3800.06-39-2861 of the Nash County property ownership map (tax records) and contains approximately 9.47 acres. A map of the property boundaries is attached to this application.

Note: If any plans or details are required for the special use request, they must be submitted for this application to be complete.

2. This special use permit is requested for the following reason or purpose: TO DEVELOP AN APARTMENT COMPLEX

Based on Division 4, Section 18-115 & 116 of the Nashville Zoning Ordinance, the specific special use category that is being requested is (15) DWELLINGS, MULTIFAMILY

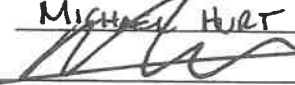
The zoning district of the property where the special use is being requested is MF
[For residential uses, indicate the number of dwelling units per acre being proposed (15.2 du/acre).]

3. The special use permit fee (\$200) is included with this application.

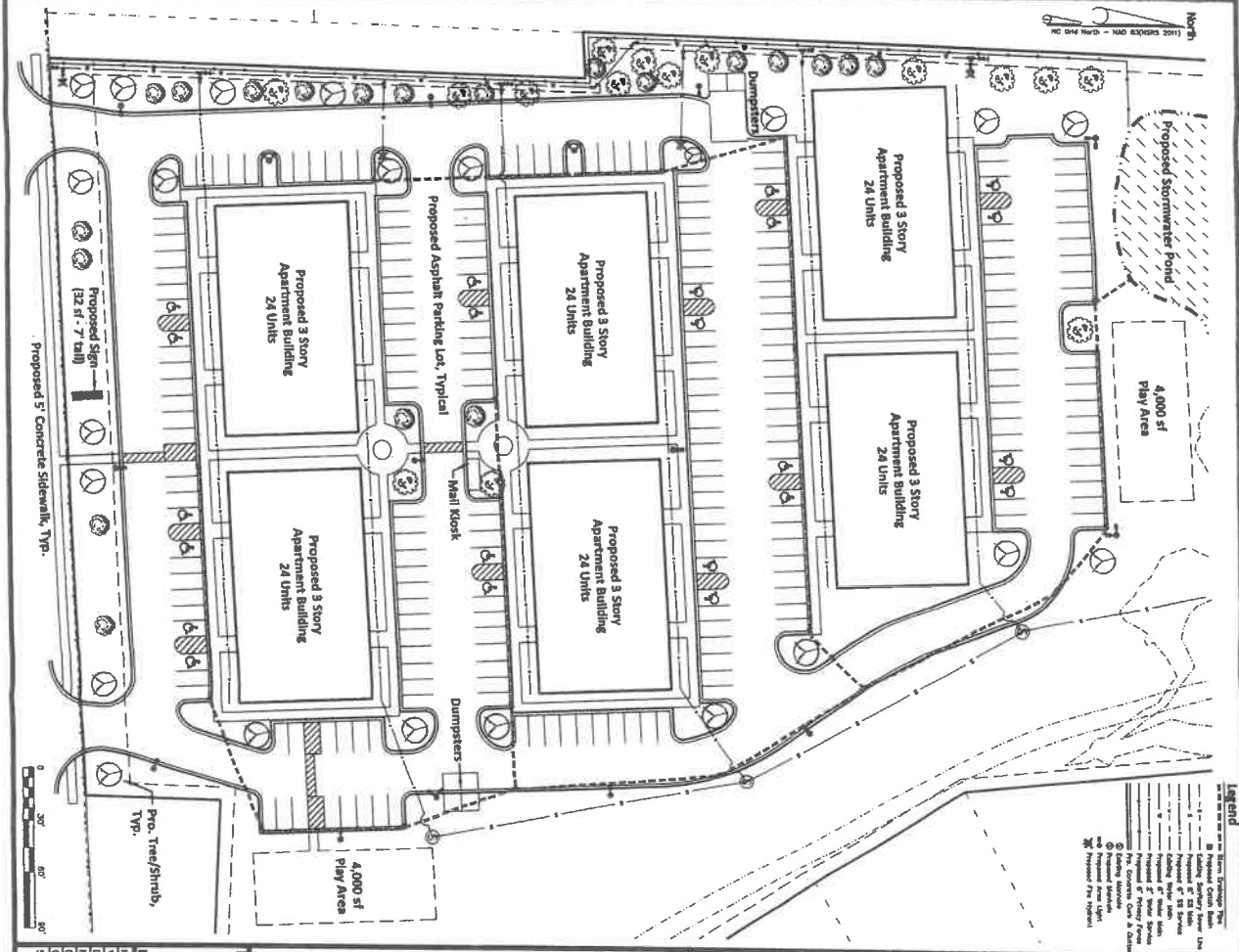
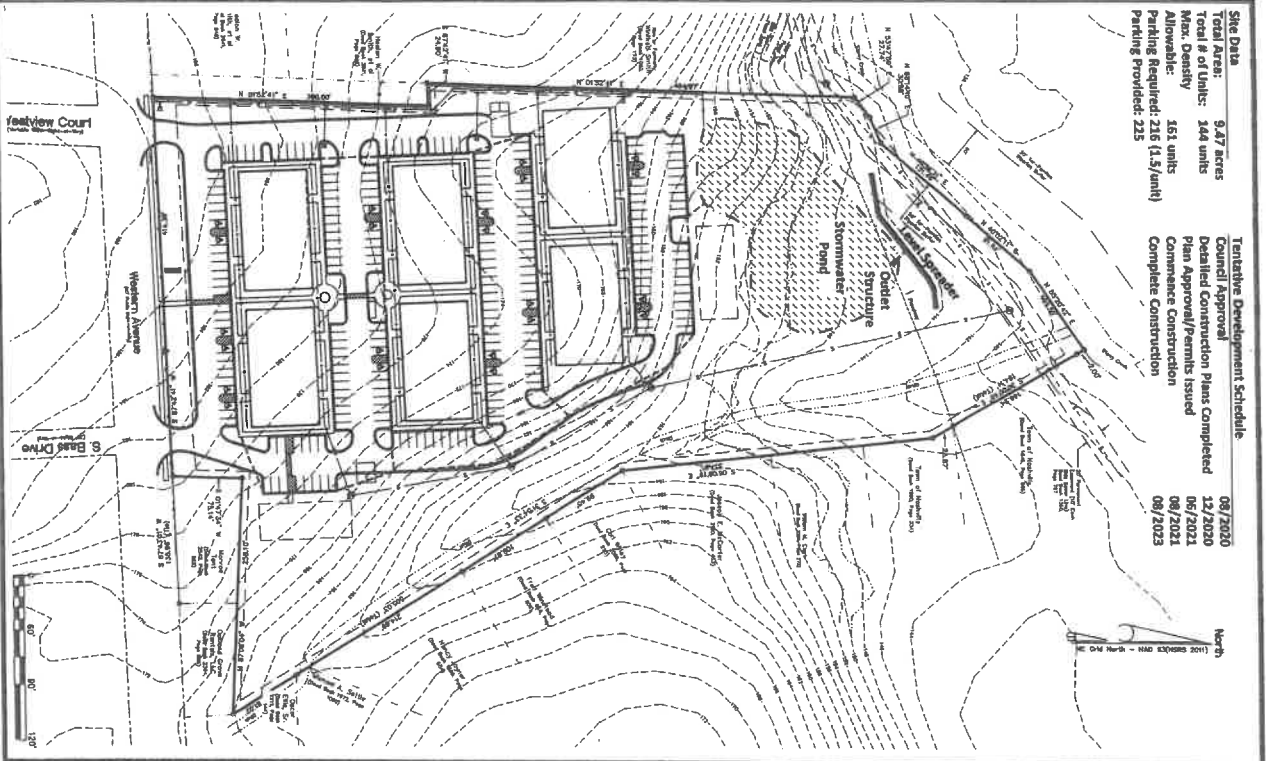
4. The following are all individuals, firms, or corporations owning property within 100 feet of the property where the special use is being requested. (Attach an additional sheet(s) if needed.)

<u>Tax Id # (Parcel)</u>	<u>Name</u>	<u>Mailing Address</u>
<u>SEE ATTACHMENT</u>		

I certify that all information furnished in this application is accurate to the best of my knowledge. In addition, I give the Town permission to visit the property where this special use is being requested, prior to action by the Town Council.

	<u>Property Owner(s)</u>	<u>Owners representative (if applicable)</u>
Printed Name(s):	<u>MICHAEL HURT</u>	
Signature(s):		
Mailing Address(s):	<u>110 TIMBERLAKE DRIVE</u>	
	<u>YOUNGVILLE, NC 27596</u>	
Phone number(s):	<u>252-714-3710</u>	

Site Data	Total Area: 9.47 acres	Tentative Development Schedule	08/2020
Total # of Units: 144 units		Council Approval	12/2020
Max. Density: 151 units		Detailed Construction Plans Completed	06/2021
Allowable: 216 (1.5/Unit)		Plan Approval/Permits Issued	09/2021
Parking Provided: 225		Commence Construction	09/2021
		Complete Construction	09/2023



Legend

- Proposed Contour Lines
- Proposed 3' Concrete Sidewalk, Typ.
- Proposed 5' Concrete Sidewalk, Typ.
- Proposed Sign (32' x 7' tall)
- Prop. Trees/Shrub, Typ.
- Proposed Stormwater Pond
- 4,000 sq ft Play Area
- Proposed 3 Story Apartment Building 24 Units
- Proposed Asphalt Parking Lot, Typical
- Mail Kiosk
- Dumpsters

Number	Date	Description	Revisors
1	7-15-2020	Added signs, forms, landscape buffer and setbacks	GG
2	7-21-2020	Added sign dimensions	GG

Sketch Plan

KINDELL HEIGHTS

Western Avenue, Town of Nashville,
Nash County, North Carolina

MGA
Mack Gay Associates, P.A.
Engineering • Surveying • Planning
1145 Thomas B. Hill Pkwy., Rocky Mount, NC 27864 - Perm License: C-0049
Phone: 919-484-8817 Fax: 919-484-7113 www.mackgay.com

Not for Construction
Horizontal Scale: as shown
Vertical Scale: 1/4" = 10'
Date: June 24, 2020
Project No.: P200006
Drawn By: SM/MT
Checked By: SM/MT
Sheet: 1 of 2



This map depicts buildings and structures within 500' of the subject property.

Not for Construction
 NGS SCALE: 1" = 500'
 Project: 10000000
 Drawn by: SGA/AVT
 Checked by: SGA/AVT
 Sheet: 2 of 2



Sketch Plan
KINDELL HEIGHTS
 Western Avenue, Town of Nashville,
 Nash County, North Carolina

Revisions	
Number	Date
1	7-15-2008
2	7-21-2008
3	7-21-2008

MGA
Mack Gay Associates, P.A.
 Engineering • Surveying • Planning
 1407 W. Highway 101, Suite 100, Rocky Mount, NC 27854 • P.O. Box 10000
 Phone: 252-446-2017 • Fax: 252-446-2715 • www.mackgay.com

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The following rules apply to the quasi-judicial public hearing (2020-01, Special Use Permit, Multifamily, more than one building per lot):

This application for a special use permit requires an evidentiary hearing on the application, which will be heard by Council acting as a quasi-judicial board. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance. The purpose is not to gather public opinion about the desirability of the project. Council should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing. All testimony before Council must be "sworn" testimony. All persons wishing to speak on this matter must be sworn in. Applicants may elect to be represented by legal counsel.

The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Council to conclude that the criteria of the applicable ordinance(s) have been met.

Staff will not provide a recommendation on denial or approval of the case until after the evidentiary hearing is closed. All evidence must be presented and considered before a recommendation can be submitted. After the hearing is closed, staff will be prepared to make their recommendation to the Board.

PROCEDURE FOR THE HEARING

The procedure for hearing this case is as follows:

- Anyone who wants to speak at this quasi-judicial public hearing should sign in with the town clerk and be sworn in to speak.
- The hearing is opened and preliminary matters are addressed.
- A staff representative presents a preliminary statement.
- The applicant is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support of the application.
- Council and members of the planning board may pose questions to the applicant and the speakers who spoke in support of the application.
- Persons opposed to the application are invited to speak.
- Council and members of the planning board may pose questions to the persons who spoke in opposition to the request.
- Both sides are permitted to question the other side and present rebuttals.
- The Mayor closes the period for public discussion.
- Council and the planning board deliberate. In the course of the deliberation, the members of the council and the planning board may ask questions of the staff, the applicant or others who have testified, but beyond that, additional comments from the floor will be admitted only at the discretion of the Mayor. Additional cross-examination and rebuttals may be made only on new evidence presented.
- Staff may present their recommendation to the Boards at this time.
- The hearing is closed.

- The planning board will make a written recommendation to the town council before the next regular council meeting. The town council will render a decision at the next regular council meeting.

RULES FOR PUBLIC HEARING SPEAKERS

- All speakers should speak from the podium.
- The applicant should present their argument and evidence to show that the standards of the applicable ordinance(s) have been met as concisely and efficiently as possible.
- All speakers should address the approval criteria and must avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.
- Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.
- All speakers should ensure their testimony (i) is relevant to the criteria, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying and (iii) is not speculative opinions or generalized objections without supporting facts.
- Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to the public safety, or (iii) other matters that would require expert testimony under the rules of evidence.
- All speakers should direct their testimony to the criteria that must be met for the particular application. For this special use permit approval the criteria are:
 - A. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 - B. Use meets all required conditions and specifications.
 - C. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
 - D. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.

QUASI-JUDICIAL REQUIREMENTS FOR VOTING

The Town Council and Planning Board should motion on the approval or denial of SU 2020-01.

1. If approved, the Board need not make findings of fact.
2. If denied the Board must vote on each specific finding and state a reason as to why the finding was denied. Only one finding must be denied to oppose the permit. The findings of fact are as follows:

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Contractor, general (excluding storage of equipment or supplies)										X	X		
Construction storage yards, and lumberyards												X	See note 5
Convenient store										X	X		
Correctional and penal institutions, and jails	S								S		S	S	
Curio and souvenir sales										X	X		
Day care facility	S	S	S	S	S	S	S	S	S	X	S		
Delicatessen operation										X	X		
Dish antenna (or earth station)	X	X	X	X	X	X	X	X	X	X	X		See note 12
Drive-in restaurants										X	X	X	
Drive-in theaters										S		X	
Dwellings, one-family detached	X	X	X	X	X	X	X	X	X				
Dwellings, two-family	S			S	S	S		X					
Dwellings, three-family				S			X	P					
Dwellings, multifamily (other than townhouses, condominiums, and PUDs), one building per lot								X	X		S		
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) more than one building per lot								S					
Dwellings, planned unit development (PUD)	S	S	S	S	S	S	S	S	S				
Dwelling, single-family semi-detached	X	X	X	X		X	X						
Dwelling, single-family semi-detached omitted	X	X	X	X		X	X						
Dwellings, condominiums				S	S	S		S	S		S		
Dwellings, townhouses				S	S	S		S	S		S		
Dwellings for caretaker or domestic employee on premises where employed	X	S	S	S	X	X	X	X	X	X			

Sec. 18-114. - Special uses.

(a) *Objectives and purposes.*

- (1) Permitting special uses adds flexibility to this article. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.
- (2) The uses for which special use permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

(b) *Special use permits granted by the town council.*

- (1) Special use permits may be granted by the town council upon recommendation of the planning board for the uses enumerated in the regulations for special uses.
- (2) a. The owner of all the property included in the petition for a special use permit shall submit an application to the zoning administrator at least three weeks prior to the regular monthly planning board meeting at which it is to be heard. Such application shall include all the requirements pertaining to it in this section. Where plans are required to be submitted and approved as part of the application for a special use permit involving property located within the watershed overlay district, the site plan shall show the boundary of the public water supply watershed (if applicable), the location and width of buffer areas, the total amount of existing and proposed built-upon area (in square feet), the percentage of the site that is covered with an impervious surface, and proposed stormwater or drainage facilities.
 - b. On receiving the application, the town clerk shall give notice of a public hearing in the manner as is required for the hearing on an amendment to this article. At the public hearing, all interested persons shall be permitted to testify.
- (3) The special use permit, if granted, shall include approval of plans as may be required. In granting the permit, the planning board and the town council shall find that the:
 - a. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. Use meets all required conditions and specifications;
 - c. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d. Location and character of the use, if developed according to the plan as submitted

and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town.

- (4) In granting the special use permit, the planning board may recommend and the town council may designate additional conditions to ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this article and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special use permit certificate itself, and on the approved plans submitted with the permit. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and permit assigns.
- (5)
 - a. If the town council disapproves of the special use permit, the council shall enter the reason for its action in the minutes of the meeting at which the action is taken.
 - b. No appeal may be taken to the board of adjustment in granting or denying a special use permit. Any such action by the town council shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- (6) In addition to the conditions specifically imposed in this subsection (b) and such further conditions as the town council may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zone district in which they are located. All special uses other than manufactured home parks, condominiums, townhouses, planned unit developments, and commercial planned unit developments shall comply with yard regulations for the zone district where they are located. No structure in any manufactured home park or planned unit development, either commercial or residential, shall be located closer to any external property line of the tract on which it is situated than 25 feet, nor closer to any street right-of-way line than the distance specified as a front yard requirement for the zone district in which it is located.
- (7) In the event of failure to comply with the plans approved by the town council, or with any other conditions imposed upon the special use permit, or failure to obtain a building permit within two years, the permit shall immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this article; however, the town council shall not be prevented from thereafter rezoning such property for its most appropriate use.
- (8) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the town

council.

- (9) Only a simple majority vote by the planning board is required for an affirmative recommendation of a special use permit. Vacant seats and disqualified members are not counted in computing majority.
- (10) Only a simple majority vote by the town council is required for approval of special use permits. Vacant seats and disqualified members are not counted in computing majority.
- (c) *Regulations for special use permits.* Detailed regulations for the special uses subject to this section are set forth in section 18-115, regulations for special uses, and the notes related to those provisions.

(Ord. of 1-5-1993, art.-V, § 3; Ord. No. 2006-01, § C)

Sec. 18-115. - Regulations for Special Uses.

Regulations for special uses shall be as set forth in this section:

(15) Dwellings, multifamily, with more than one structure per lot.

- a. Approved by: Town council.
- b. Special use districts: MF.
- c. Parking and loading: Off-street parking shall be provided in the ratio of 1.5 spaces for each dwelling unit.
- d. Plans required must show:
 1. Topography: Topography of the site at contour intervals no greater than five feet.
 2. Structure: Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easements or rights-of-way, public or private, adjoining or intersecting such property.
 3. Circulation: Proposed points of access and egress and proposed patterns of internal automobile and pedestrian circulation.
 4. Parking and loading: Location and extent of parking areas; proposed lighting facilities.
 5. Timing: Proposed schedule of development including stages likely to be followed.
 6. Other details: Same as planned unit developments, commercial.
- e. Other requirements: Play areas shall be provided for all residential building groups with over five units and shall contain a minimum of 56 square feet per unit with each play area not to exceed 4,000 square feet. These areas must be clearly delineated on the plan and shall not be used for paths or any other purposes other than recreation. The reasonableness that such sites could be used by young children, free from apparent danger, must be clearly evident before approval.

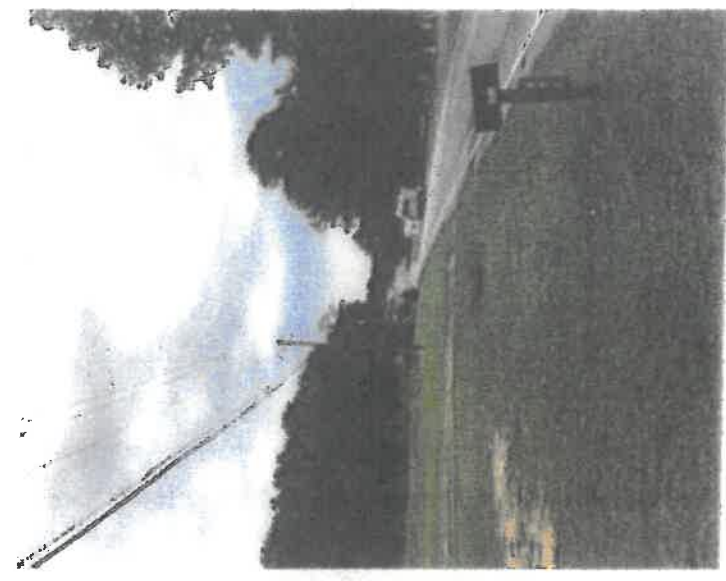
(27) Planned unit developments, commercial.

6. Other details:
 - i. Proposed provision for storm drainage and sanitary sewage, approved by the town, including both natural and manmade features.
 - ii. Size and proposed location of any signs to be visible from a public right-of-way.
 - iii. Proposed solid waste storage facilities.
 - iv. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.
 - v. Types of surfacing for drives, sidewalks, malls, etc.
 - vi. The location and heights of all fences, walls and hedges shall be shown.

Vicinity Map
Petitioned Property – Western Avenue (PARID-335724 / PIN-380006299776)



Special Use Case: SU 2020-01 (608 Western Avenue) – Petitioned and surrounding properties



Town of Nashville

BRENDA BROWN
MAYOR

RANDY LANSING
TOWN MANAGER



TOWN COUNCIL
LOUISE W. HINTON
KATE C. BURNS
LYNNE HOBBS
LARRY D. TAYLOR

REGULAR MEETING AGENDA TOWN OF NASHVILLE PLANNING BOARD WEDNESDAY, THE 26th OF August 2020

1. CALL TO ORDER: 7:00

2. NEW BUSINESS:

A: Z 2020-03

Request by Michael Hurt to rezone 9.45 acres of land at 608 Western Avenue, Nash County Parcel ID #3800 06 29 9776 in the Town of Nashville from R-10 (Medium Density Residential to MF (Multifamily Residential District) per Division 9 of the Nashville Zoning Ordinance.

B: SU: 2020-01

Request by Michael Hurt for a Special Use permit to construct more than on multi-family building on a single lot at 608 Western Avenue, Nash County Parcel #3800 06 29 9776 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

C: SU: 2020-02

Request by Four Seasons for a Special Use permit to construct more than one multi-family building on a single lot at E. Old Spring Hope Rd, Nash County Parcel #3810 15 53 2563 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

D: CP 2020-01

Consideration of a Construction Plat for the proposed Bradford Place Subdivision located behinds the Food Lion off of East Pointe Ave. There are approximately 41 proposed lots; Nash County Parcel ID #3810 06 48 4519U. This property contains approximately 25.63 acres and is zoned R-4 (High Density Residential).

3. OTHER BUSINESS:

4. ANNOUNCEMENT OF NEXT MEETING: The date of the next regular monthly meeting would be **Wednesday, the 30th of September 2020.**

5. ADJOURNMENT



TOWN OF NASHVILLE
P.O. BOX 987 / 499 S. BARNES STREET
NASHVILLE, NC 27856
WWW.TOWNOFNASHVILLE.COM
(252) 459-4511

AGENDA REPORT

MEETING DATE:	August 26, 2020
PREPARED BY:	Sherry N. Moss, Planning & Development Director
ISSUE CONSIDERED:	SU 2020-02
SUMMARY OF ISSUE:	Request for a special use for property located off E. Old Spring Hope Road, Zoning District M-F (Multifamily Residential) for the purpose of establishing more than one multi-family building on a single lot. This parcel contains approximately 12.62 acres and identified by Nash County Tax Parcel Number 381015532563.
STAFF COMMENTS:	<p>The applicant is requesting a Special Use Permit to allow more than one duplex to be established on a 12.62-acre lot off E. Old Spring Hope Road. The Multifamily Residential zoning district allows multifamily (more than one building per lot) with a special use permit. The sketch plan submitted shows eight duplexes (16-units), with future expansion of more units.</p> <p>The petitioned property is surrounded by a mixture of single family dwellings and duplexes, with mixed zoning classifications of MF (Multi-Family), R-10 (Medium Density Residential), R6 (High Density Residential), and A-1 (Agricultural) zoning districts. With regards to the Future Land Use Map, the petitioned property is classified as medium residential growth. The surrounding areas are classified as high density, medium density, and agricultural growth. The proposed use would be in harmony with the residential character of the area.</p> <p>In granting the special use permit, if approved, the Planning Board and the Town Council shall find that the:</p> <ol style="list-style-type: none">The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.The use meets all required conditions and specifications.The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in the general conformity with the plan of development of the Town of Nashville.
STAFF RECOMMENDATION:	Staff does not make a recommendation on special use permits until after the public hearing.
ATTACHMENT(S):	<ol style="list-style-type: none">1. Application2. Site Plan3. Quasi-judicial Rules4. Table of Uses5. §18-114, §18-115.15.166. Vicinity Map7. Zoning Map8. Land Use Map9. Photos of proposed site
REVIEWED BY TOWN MANAGER:	



APPLICATION FOR A SPECIAL USE PERMIT TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: 8-13-20
(To be completed by Town staff)

Case #: SU2020-02
(To be assigned by Town staff)

I (we), the undersigned, being the owner(s) of the property, do hereby make application for a Special Use Permit as herein requested.

1. The property where the request is to be located has the following street address (or description if no street address has been assigned): E. Old Spring Hope Road (Tax ID 381015532563 [Portion])

The property is identified by the following map, block, and parcel number DB 2816/120 of the Nash County property ownership map (tax records) and contains approximately 12.62 acres. A map of the property boundaries is attached to this application.

Note: If any plans or details are required for the special use request, they must be submitted for this application to be complete.

2. This special use permit is requested for the following reason or purpose: To construct more than one multifamily structure on a lot in the Multifamily zoning district.

Based on Division 4, Section 18-115 & 116 of the Nashville Zoning Ordinance, the specific special use category that is being requested is To construct more than one multifamily structure on a lot in the Multifamily zoning district.

The zoning district of the property where the special use is being requested is Multifamily.
[For residential uses, indicate the number of dwelling units per acre being proposed (12 du/acre).]

3. The special use permit fee (\$ 200) is included with this application.
4. The following are all individuals, firms, or corporations owning property within 100 feet of the property where the special use is being requested. (Attach an additional sheet(s) if needed.)

<u>Tax Id # (Parcel)</u>	<u>Name</u>	<u>Mailing Address</u>
--------------------------	-------------	------------------------

SEE ATTACHED

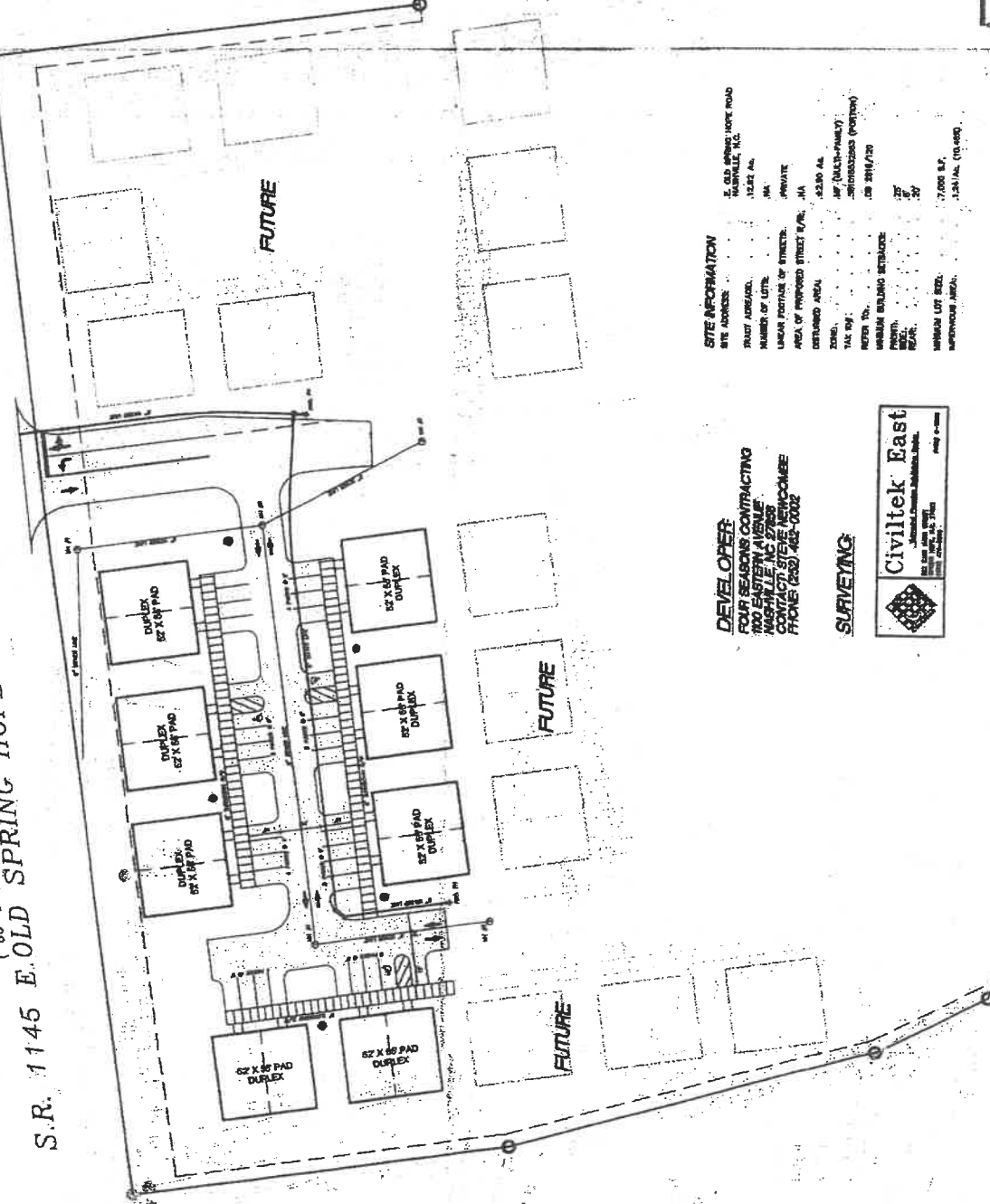
I certify that all information furnished in this application is accurate to the best of my knowledge. In addition, I give the Town permission to visit the property where this special use is being requested, prior to action by the Town Council.

	<u>Property Owner(s)</u>	<u>Owners representative (if applicable)</u>
Printed Name(s):	<u>3MR Limited Partnership</u>	<u>Four Seasons Contracting</u>
Signature(s):	<u>David L. Rose</u>	<u>[Signature]</u>
Mailing Address(s):	<u>2640 Old Bailey Hwy Nashville, NC 27856</u>	<u>1100 Eastern Ave Nashville, NC 27856</u>
Phone number(s):	<u>1.252.462.0002</u>	<u>1.252.462.0002</u>



SCALE: 1" = 30'

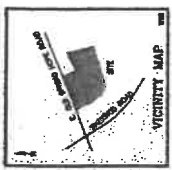
S.R. 1145 E. OLD SPRING HOPE ROAD
 (60' PUBLIC R/W)



SITE INFORMATION
 SITE ADDRESS: E. OLD SPRING HOPE ROAD, NASHVILLE, NC
 TRACT AREA: 12.21 AC.
 NUMBER OF LOTS: 10
 LINEAR FOOTAGE OF STREET: PRIVATE
 AREA OF PROPOSED STREET R/W: 60'
 DISTURBED AREA: 62,300 SQ. FT.
 ZONE: R1
 TAX ID: 147 (LOCAL-PAYEE)
 SECTION No.: 2000000000 (PORTWY)
 FEDERAL BUILDING SETBACKS: FRONT: 30', SIDE: 5', REAR: 5'
 MINIMUM LOT SIZE: 7,000 SQ. FT.
 IMPROVEMENT AREA: 1,500 SQ. FT.

DEVELOPER
 FOUR SEASONS CONTRACTING
 100 EASTERN AVENUE
 NASHVILLE, NC 27858
 CONTACT: SITE NETWORKEE
 PHONE: (252) 462-0002

SURVEYING



NOTES: 1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

The following rules apply to the quasi-judicial public hearing (2020-02, Special Use Permit, Multifamily, more than one building per lot):

This application for a special use permit requires an evidentiary hearing on the application, which will be heard by Council acting as a quasi-judicial board. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance. The purpose is not to gather public opinion about the desirability of the project. Council should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing. All testimony before Council must be "sworn" testimony. All persons wishing to speak on this matter must be sworn in. Applicants may elect to be represented by legal counsel.

The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Council to conclude that the criteria of the applicable ordinance(s) have been met.

Staff will not provide a recommendation on denial or approval of the case until after the evidentiary hearing is closed. All evidence must be presented and considered before a recommendation can be submitted. After the hearing is closed, staff will be prepared to make their recommendation to the Board.

PROCEDURE FOR THE HEARING

The procedure for hearing this case is as follows:

- Anyone who wants to speak at this quasi-judicial public hearing should sign in with the town clerk and be sworn in to speak.
- The hearing is opened and preliminary matters are addressed.
- A staff representative presents a preliminary statement.
- The applicant is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support of the application.
- Council and members of the planning board may pose questions to the applicant and the speakers who spoke in support of the application.
- Persons opposed to the application are invited to speak.
- Council and members of the planning board may pose questions to the persons who spoke in opposition to the request.
- Both sides are permitted to question the other side and present rebuttals.
- The Mayor closes the period for public discussion.
- Council and the planning board deliberate. In the course of the deliberation, the members of the council and the planning board may ask questions of the staff, the applicant or others who have testified, but beyond that, additional comments from the floor will be admitted only at the discretion of the Mayor. Additional cross-examination and rebuttals may be made only on new evidence presented.
- Staff may present their recommendation to the Boards at this time.
- The hearing is closed.

- The planning board will make a written recommendation to the town council before the next regular council meeting. The town council will render a decision at the next regular council meeting.

RULES FOR PUBLIC HEARING SPEAKERS

- All speakers should speak from the podium.
- The applicant should present their argument and evidence to show that the standards of the applicable ordinance(s) have been met as concisely and efficiently as possible.
- All speakers should address the approval criteria and must avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.
- Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.
- All speakers should ensure their testimony (i) is relevant to the criteria, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying and (iii) is not speculative opinions or generalized objections without supporting facts.
- Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to the public safety, or (iii) other matters that would require expert testimony under the rules of evidence.
- All speakers should direct their testimony to the criteria that must be met for the particular application. For this special use permit approval the criteria are:
 - A. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 - B. Use meets all required conditions and specifications.
 - C. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
 - D. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.

QUASI-JUDICIAL REQUIREMENTS FOR VOTING

The Town Council and Planning Board should motion on the approval or denial of SU 2020-02.

1. If approved, the Board need not make findings of fact.
2. If denied the Board must vote on each specific finding and state a reason as to why the finding was denied. Only one finding must be denied to oppose the permit. The findings of fact are as follows:

- a. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. Use meets all required conditions and specifications;
 - c. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
 - d. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.
3. If approved, any conditions should be stated in the motion to approve.

Choices:

- Zoning denial with specific finding and stated reasoning for such.
- Zoning approval without conditions (acceptance of project as submitted).
- Zoning approval with a selection of conditions provided by staff, Board Members and/or applicant.
- Table for further study.

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Contractor, general (excluding storage of equipment or supplies)										X	X		
Construction storage yards, and lumberyards												X	See note 5
Convenient store										X	X		
Correctional and penal institutions, and jails	S								S		S	S	
Curio and souvenir sales										X	X		
Day care facility	S	S	S	S	S	S	S	S	S	X	S		
Delicatessen operation										X	X		
Dish antenna (or earth station)	X	X	X	X	X	X	X	X	X	X	X		See note 12
Drive-in restaurants										X	X	X	
Drive-in theaters										S		X	
Dwellings, one-family detached	X	X	X	X	X	X	X	X	X				
Dwellings, two-family	S			S	S	S		X					
Dwellings, three-family				S			X	P					
Dwellings, multifamily (other than townhouses, condominiums, and PUDs), one building per lot								X	X		S		
Dwellings, multifamily (other than townhouses, condominiums, and PUDs) more than one building per lot								S					
Dwellings, planned unit development (PUD)	S	S	S	S	S	S	S	S	S				
Dwelling, single-family semi- detached	X	X	X	X		X	X						
Dwelling, single-family semi- detached omitted	X	X	X	X		X	X						
Dwellings, condominiums				S	S	S		S	S		S		
Dwellings, townhouses				S	S	S		S	S		S		
Dwellings for caretaker or domestic employee on premises where employed	X	S	S	S	X	X	X	X	X	X			

(a) *Objectives and purposes.*

- (1) Permitting special uses adds flexibility to this article. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.
- (2) The uses for which special use permits are required are listed in the chart accompanying this section, along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

(b) *Special use permits granted by the town council.*

- (1) Special use permits may be granted by the town council upon recommendation of the planning board for the uses enumerated in the regulations for special uses.
- (2)
 - a. The owner of all the property included in the petition for a special use permit shall submit an application to the zoning administrator at least three weeks prior to the regular monthly planning board meeting at which it is to be heard. Such application shall include all the requirements pertaining to it in this section. Where plans are required to be submitted and approved as part of the application for a special use permit involving property located within the watershed overlay district, the site plan shall show the boundary of the public water supply watershed (if applicable), the location and width of buffer areas, the total amount of existing and proposed built-upon area (in square feet), the percentage of the site that is covered with an impervious surface, and proposed stormwater or drainage facilities.
 - b. On receiving the application, the town clerk shall give notice of a public hearing in the manner as is required for the hearing on an amendment to this article. At the public hearing, all interested persons shall be permitted to testify.
- (3) The special use permit, if granted, shall include approval of plans as may be required. In granting the permit, the planning board and the town council shall find that the:
 - a. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - b. Use meets all required conditions and specifications;
 - c. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d. Location and character of the use, if developed according to the plan as submitted

and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town.

- (4) In granting the special use permit, the planning board may recommend and the town council may designate additional conditions to ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this article and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special use permit certificate itself, and on the approved plans submitted with the permit. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and permit assigns.
- (5)
 - a. If the town council disapproves of the special use permit, the council shall enter the reason for its action in the minutes of the meeting at which the action is taken.
 - b. No appeal may be taken to the board of adjustment in granting or denying a special use permit. Any such action by the town council shall be considered as the equivalent of action on a proposed zoning amendment and shall be reviewed only in the same manner as action on a proposed amendment.
- (6) In addition to the conditions specifically imposed in this subsection (b) and such further conditions as the town council may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zone district in which they are located. All special uses other than manufactured home parks, condominiums, townhouses, planned unit developments, and commercial planned unit developments shall comply with yard regulations for the zone district where they are located. No structure in any manufactured home park or planned unit development, either commercial or residential, shall be located closer to any external property line of the tract on which it is situated than 25 feet, nor closer to any street right-of-way line than the distance specified as a front yard requirement for the zone district in which it is located.
- (7) In the event of failure to comply with the plans approved by the town council, or with any other conditions imposed upon the special use permit, or failure to obtain a building permit within two years, the permit shall immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this article; however, the town council shall not be prevented from thereafter rezoning such property for its most appropriate use.
- (8) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the town

council.

- (9) Only a simple majority vote by the planning board is required for an affirmative recommendation of a special use permit. Vacant seats and disqualified members are not counted in computing majority.
- (10) Only a simple majority vote by the town council is required for approval of special use permits. Vacant seats and disqualified members are not counted in computing majority.
- (c) *Regulations for special use permits.* Detailed regulations for the special uses subject to this section are set forth in section 18-115, regulations for special uses, and the notes related to those provisions.

(Ord. of 1-5-1993, art. V, § 3; Ord. No. 2006-01, § C)

Sec. 18-115. - Regulations for Special Uses.

Regulations for special uses shall be as set forth in this section:

(15) Dwellings, multifamily, with more than one structure per lot.

- a. Approved by: Town council.
- b. Special use districts: MF.
- c. Parking and loading: Off-street parking shall be provided in the ratio of 1.5 spaces for each dwelling unit.
- d. Plans required must show:
 1. Topography: Topography of the site at contour intervals no greater than five feet.
 2. Structure: Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easements or rights-of-way, public or private, adjoining or intersecting such property.
 3. Circulation: Proposed points of access and egress and proposed patterns of internal automobile and pedestrian circulation.
 4. Parking and loading: Location and extent of parking areas; proposed lighting facilities.
 5. Timing: Proposed schedule of development including stages likely to be followed.
 6. Other details: Same as planned unit developments, commercial.
- e. Other requirements: Play areas shall be provided for all residential building groups with over five units and shall contain a minimum of 56 square feet per unit with each play area not to exceed 4,000 square feet. These areas must be clearly delineated on the plan and shall not be used for paths or any other purposes other than recreation. The reasonableness that such sites could be used by young children, free from apparent danger, must be clearly evident before approval.

(27) Planned unit developments, commercial.

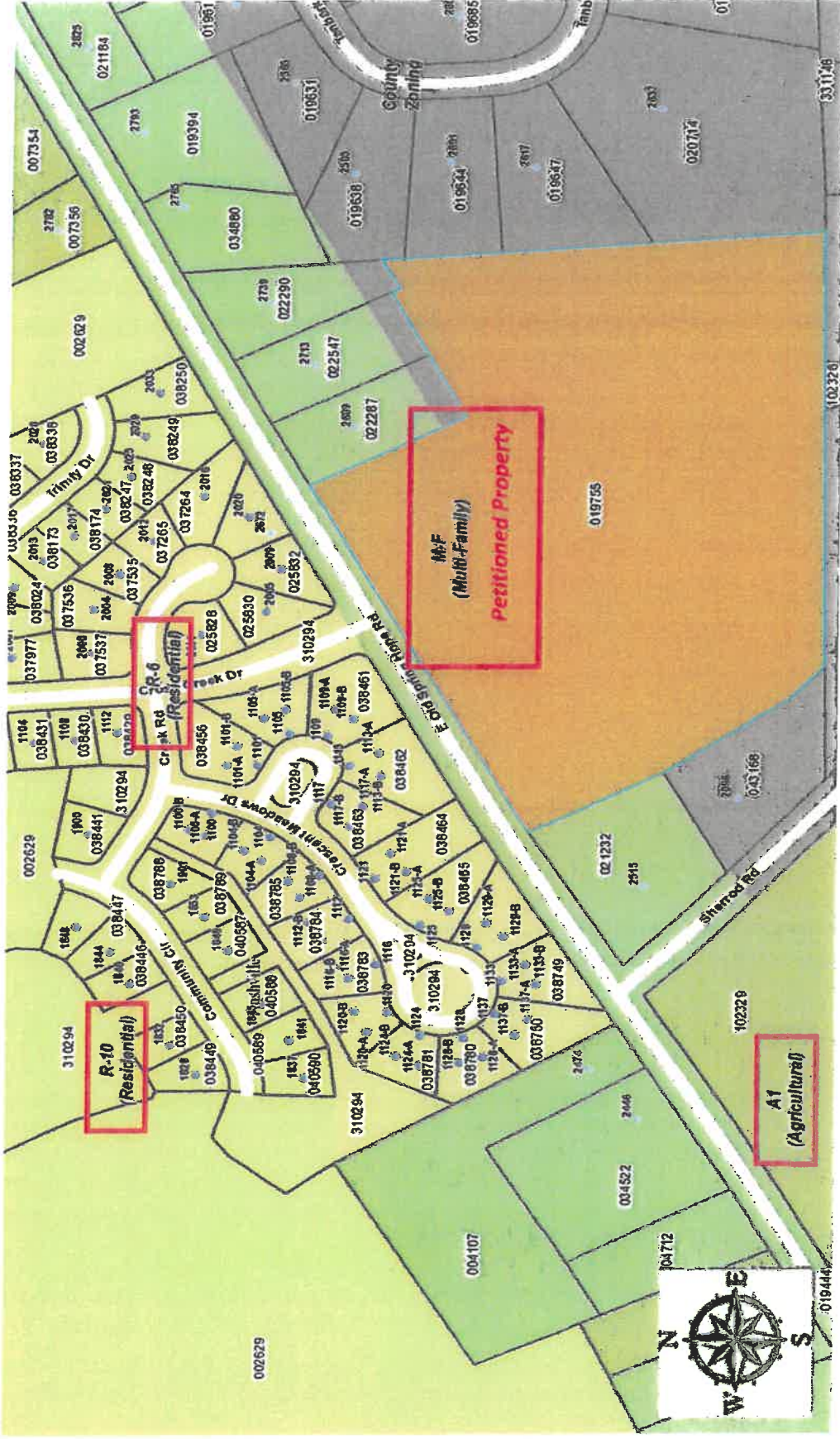
6. Other details:
 - i. Proposed provision for storm drainage and sanitary sewage, approved by the town, including both natural and manmade features.
 - ii. Size and proposed location of any signs to be visible from a public right-of-way.
 - iii. Proposed solid waste storage facilities.
 - iv. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.
 - v. Types of surfacing for drives, sidewalks, malls, etc.
 - vi. The location and heights of all fences, walls and hedges shall be shown.

Vic Map

Petitioned Property – E. Old Spring Hope Rd (PARID-019755 / PIN-381015532563)

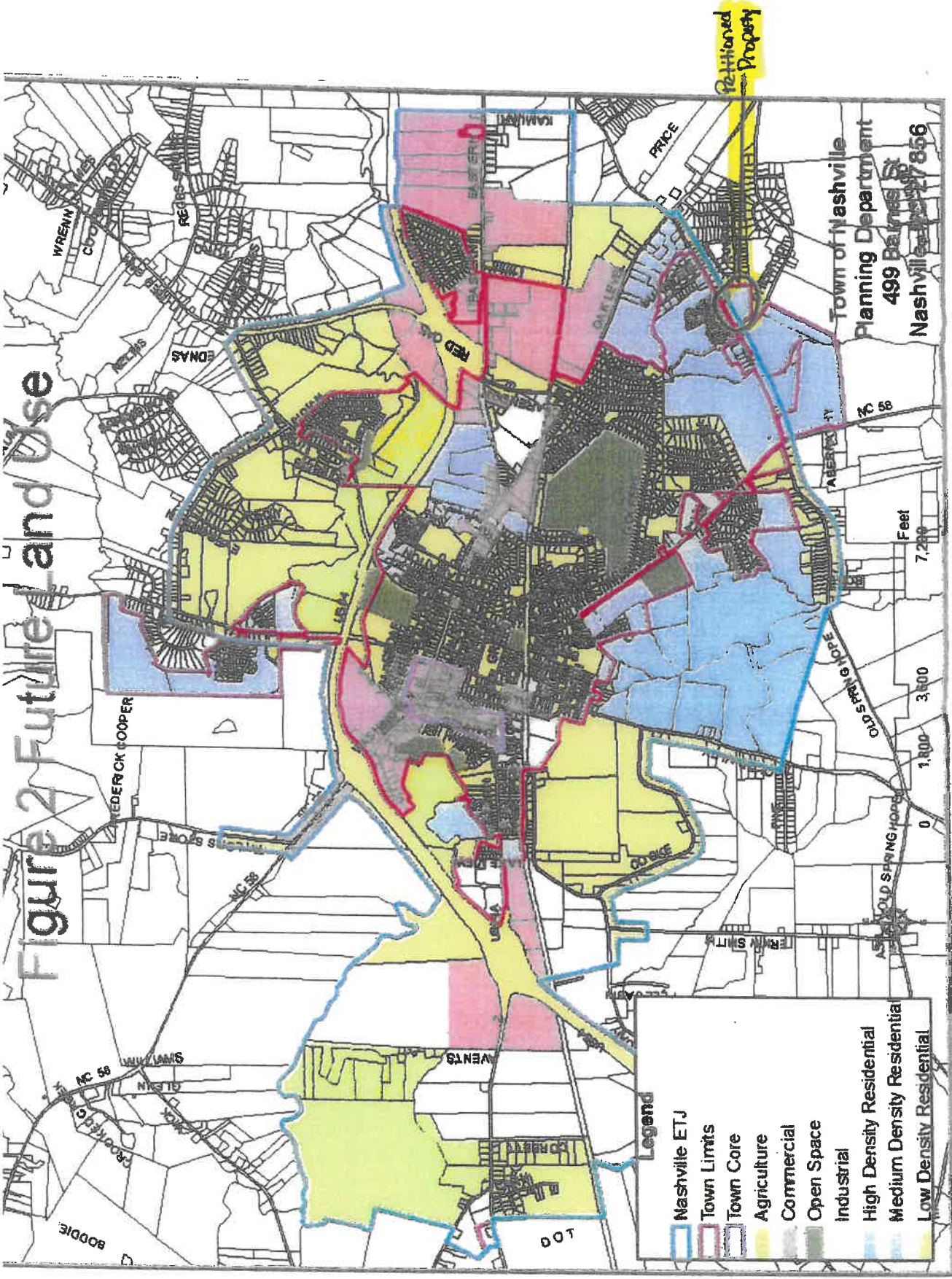


Petitioned Property – E. Old Spring Hope Rd (PARID-019755 / PIN-381015532563)

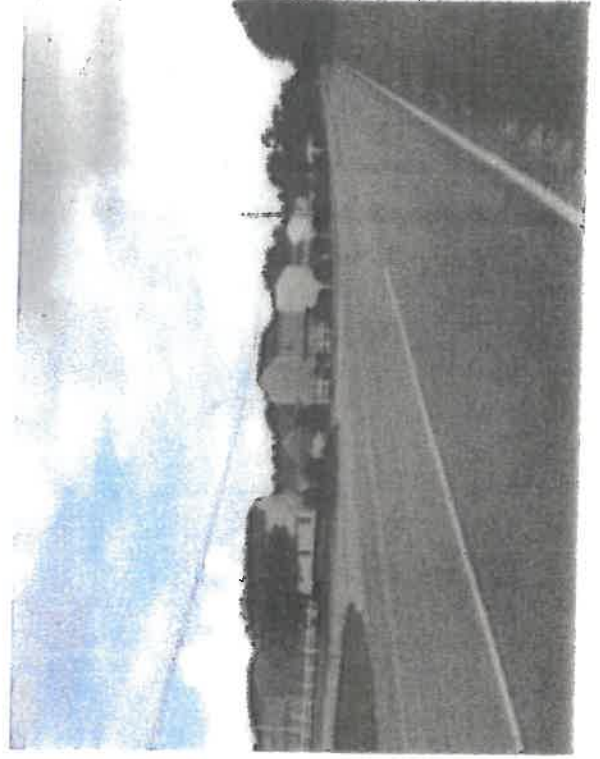
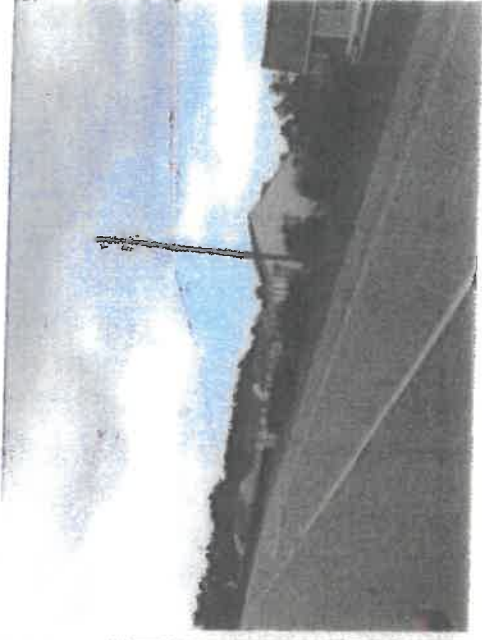
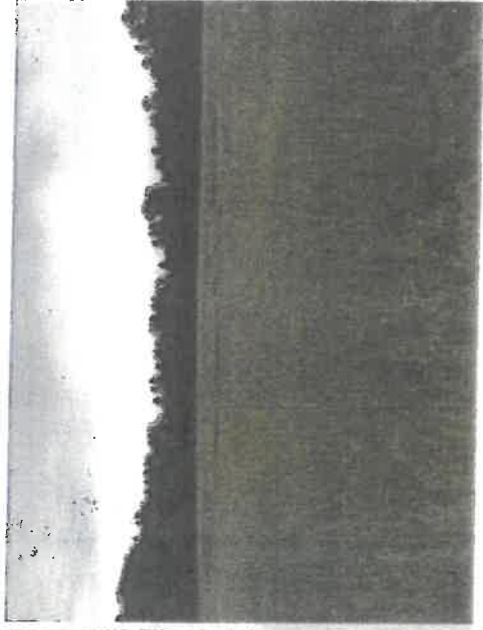
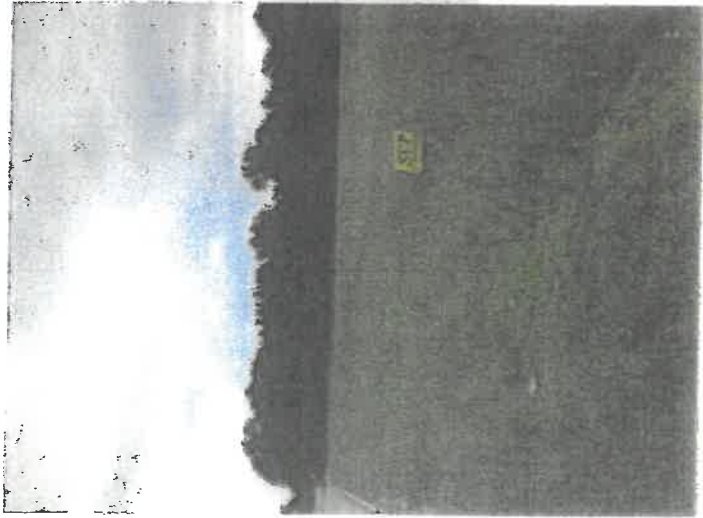


- R-10 (Medium Density Residential)
- R-6 (High Density Residential)
- MF (Multifamily Residential)
- A1 (Agricultural)

Figure 2 Future Land Use



Special Use Case: SU 2020-02 (E. Old Spring Hope Rd) – Petitioned and surrounding properties



Town of Nashville

BRENDA BROWN
MAYOR

RANDY LANSING
TOWN MANAGER



TOWN COUNCIL
LOUISE W. HINTON
KATE C. BURNS
LYNNE HOBBS
LARRY D. TAYLOR

REGULAR MEETING AGENDA TOWN OF NASHVILLE PLANNING BOARD WEDNESDAY, THE 26th OF August 2020

1. **CALL TO ORDER: 7:00**

2. **NEW BUSINESS:**

A: Z 2020-03

Request by Michael Hurt to rezone 9.45 acres of land at 608 Western Avenue, Nash County Parcel ID #3800 06 29 9776 in the Town of Nashville from R-10 (Medium Density Residential to MF (Multifamily Residential District) per Division 9 of the Nashville Zoning Ordinance.

B: SU: 2020-01

Request by Michael Hurt for a Special Use permit to construct more than one multi-family building on a single lot at 608 Western Avenue, Nash County Parcel #3800 06 29 9776 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

C: SU: 2020-02

Request by Four Seasons for a Special Use permit to construct more than one multi-family building on a single lot at E. Old Spring Hope Rd, Nash County Parcel #3810 15 53 2563 in the Town of Nashville per Section 18-113 (3) & 18-114 of the Nashville Zoning Ordinance.

D: CP 2020-01

Consideration of a Construction Plat for the proposed Bradford Place Subdivision located behinds the Food Lion off of East Pointe Ave. There are approximately 41 proposed lots; Nash County Parcel ID #3810 06 48 4519U. This property contains approximately 25.63 acres and is zoned R-4 (High Density Residential).

3. **OTHER BUSINESS:**

4. **ANNOUNCEMENT OF NEXT MEETING:** The date of the next regular monthly meeting would be **Wednesday, the 30th of September 2020.**

5. **ADJOURNMENT**

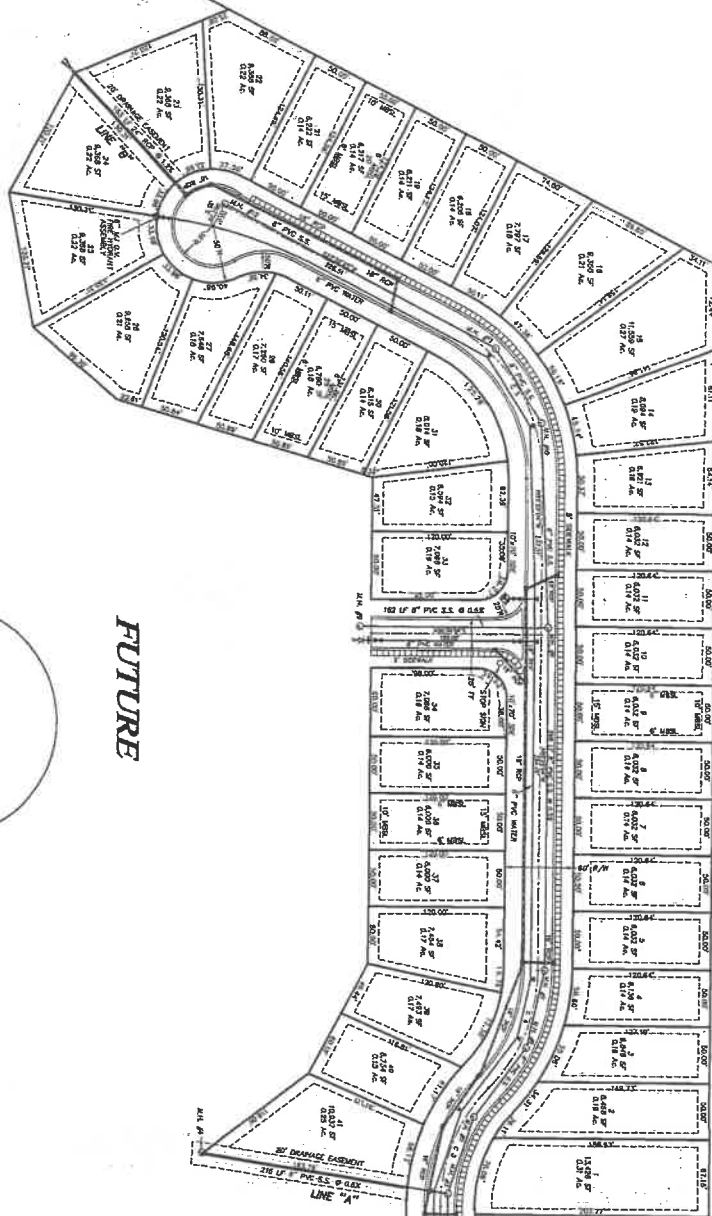


TOWN OF NASHVILLE
P.O. BOX 987 / 499 S. BARNES STREET
NASHVILLE, NC 27856
WWW.TOWNOFNASHVILLE.COM
(252) 459-4511

AGENDA REPORT

MEETING DATE:	August 26, 2020
PREPARED BY:	Sherry N. Moss, Planning & Development Director
ISSUE CONSIDERED:	Bradford Place Subdivision
SUMMARY OF ISSUE:	Request for a construction plat approval of a 41-lot major subdivision off Eastpoint Avenue, Zoning District R-4 (High-Density Residential). This parcel contains approximately 25.63 acres and identified by Nash County Tax Parcel Number 381006484519U.
STAFF RECOMMENDATION:	The construction plat is being forwarded to the Planning Board and Town Council for review and approval.
ATTACHMENT(S):	Construction Plat
REVIEWED BY TOWN MANAGER:	

Rezoned from B1 to R4



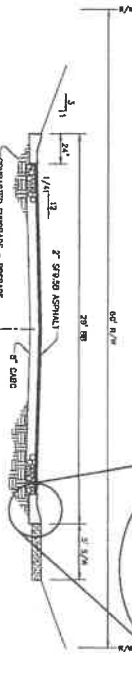
FUTURE

BRADFORD DRIVE

EASTPOINTE AVE

FUTURE

STREET CROSS SECTION



1'-0" Plan, 2'-0" Vertical and Elevation. To be used in conjunction with the subdivision plat. The engineer is not responsible for the accuracy of the information provided on this drawing. The engineer is not responsible for the accuracy of the information provided on this drawing. The engineer is not responsible for the accuracy of the information provided on this drawing.

SCALE: 1" = 40'



DATE	10/15/10
BY	STOCKS ENGINEERING, INC.
SCALE	1" = 40'
PROJECT	BRADFORD PLACE SUBDIVISION - PHASE ONE
DATE	10/15/10
BY	STOCKS ENGINEERING, INC.
SCALE	1" = 40'
PROJECT	BRADFORD PLACE SUBDIVISION - PHASE ONE



BRADFORD PLACE SUBDIVISION - PHASE ONE
TOWN OF NASHVILLE, NORTH CAROLINA

STOCKS ENGINEERING

201 EAST WASHINGTON STREET
NASHVILLE, N.C. 27604

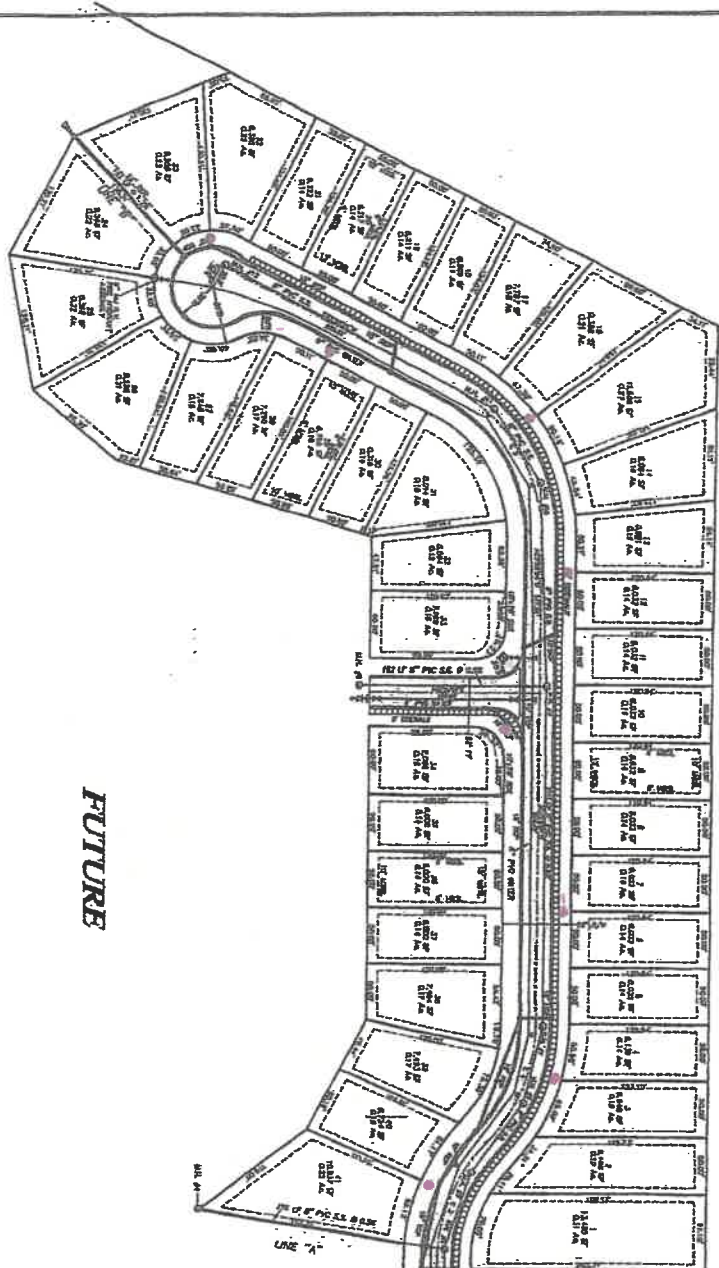
P.O. BOX 1105
NASHVILLE, N.C. 27604

WWW.STOCKSENGINEERING.COM

PHON: (336) 438-8188



Street Light Locations Indicated in Red



FUTURE

BRADFORD DRIVE

EASTPOINTE AVE.

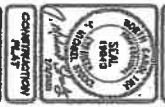
Scale: 1" = 40' (Horizontal) 1" = 10' (Vertical)

SITE INFORMATION
 SITE ADDRESS: ...
 TRACT AREA: ...
 NUMBER OF LOTS: ...
 AREA OF PROPOSED STREETS: ...
 DISTURBED AREA: ...
 TOTAL SITE AREA: ...



DATE	DESCRIPTION

PROJECT NO. 05-91



BRADFORD PLACE SUBDIVISION - PHASE ONE
TOWN OF NASHVILLE, NORTH CAROLINA

STOCKS ENGINEERING
 1000 ...
 ...