Nashville Town Council Regular Meeting



Tuesday, September 1, 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. Approval of Meeting Minutes
 - a) July 28, 2020 Called Meeting Minutes
 - b) August 4, 2020 Regular Meeting Minutes
- 5. Public Comments Period
- 6. Old Business
 - a) Presentation of the South Creek Stormwater Drainage Study and Report.
 - b) Consideration of SU 2020-02: Request for a special use for property located off E. Old Spring Hope Road, Zoning District M-F (Multi-family Residential) for the purpose of establishing more than one multi-family building on a single lot.
 - c) Consideration of CP 2020-01: Request for a construction plat approval of a 41-lot major subdivision off Eastpointe Avenue, Zoning District R-4 (High Density Residential).
 - d) Consideration of Resolution 2020-18: Resolution Awarding a Timber Purchase and Harvest Contract on 42-acres of Land Owned by the Town of Nashville.

7. New Business

- a) Discussion with Michael Hurt regarding residential development ideas for 608 Western Avenue. NOTE: Mr. Hurt has withdrawn his rezoning request (Z 2020-03) and his special use request (SU 2020-01).
- b) Consideration of the submission of Asset Inventory Assessment Grants to inventory and GIS map the Town's Water and Sewer Systems.
 - Resolution 2020-19: Resolution Authorizing Submission of Water Asset Inventory Assessment Grant to the North Carolina Department of Environmental Quality.
 - ii) Resolution 2020-20: Resolution Authorizing Submission of Wastewater Asset Inventory Assessment Grant to the North Carolina Department of Environmental Quality.
- c) Consideration of Proposal for Garbage Truck Financing.
 - i) Resolution 2020-21: Resolution Approving Financing Terms
- d) Consideration of Preliminary Coronavirus Relief Funds Plan
- e) Consideration of Budget Amendments
 - i) Budget Amendment #3 (Library Grant Funds)
 - ii) Budget Amendment #4 (Flow Meter Study)
- 8. Mayor and Council Comments
- 9. Adjourn



TOWN OF NASHVILLE

6h

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

Town Council AGENDA REPORT

MEETING DATE:	September 1, 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:

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.

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.

Upon voting on the special use permit, the Town Council shall consider the following:

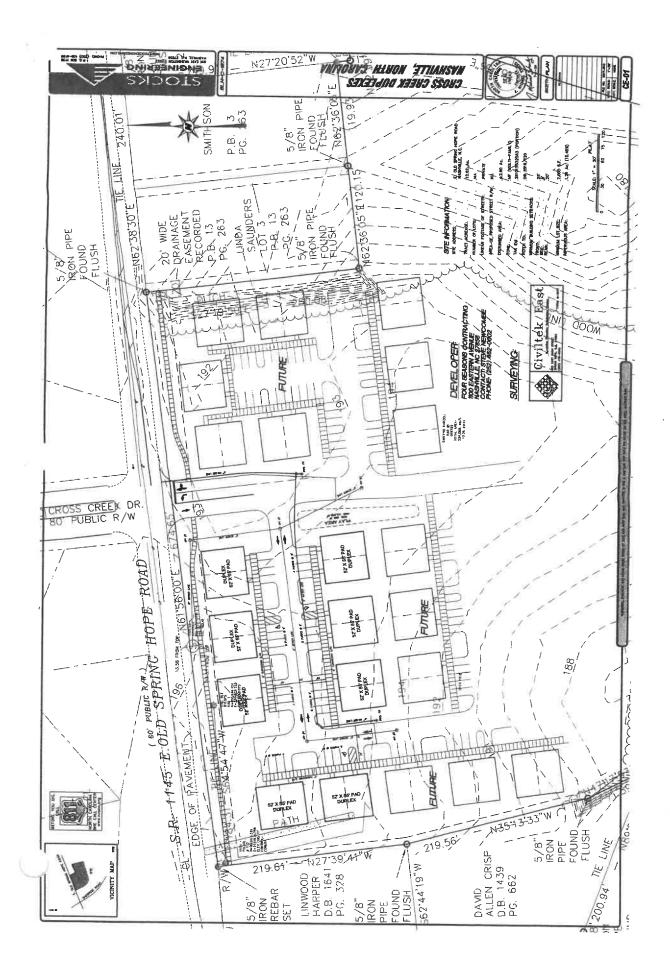
- a. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
- b. The use meets all required conditions and specifications.
- c. The use will not substantially injure the value of adjoining or abutting property, 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.

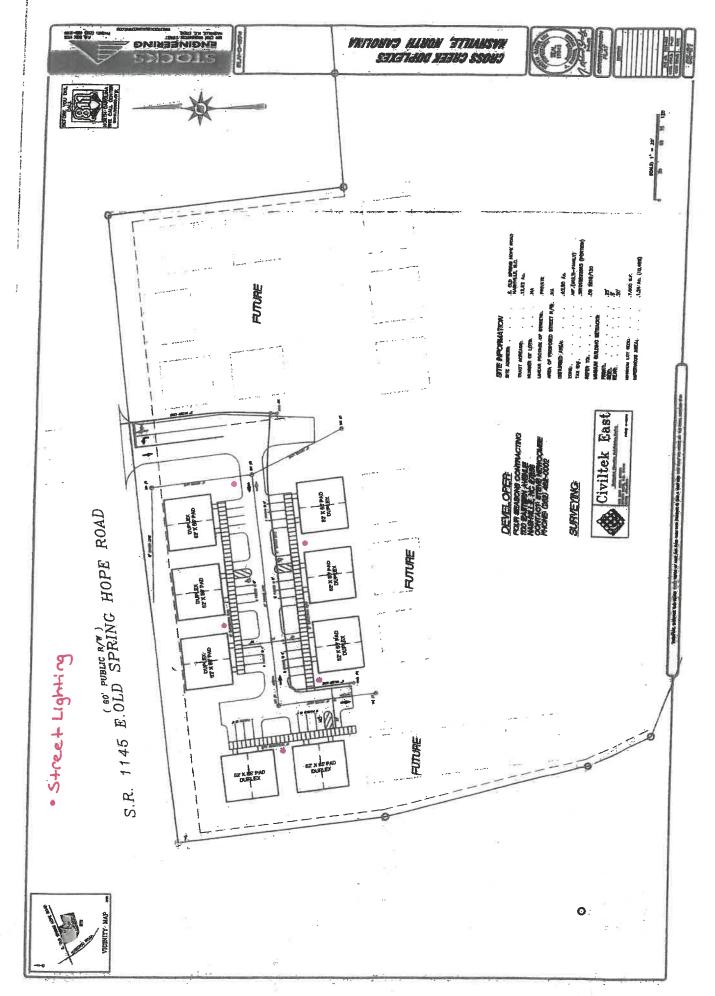
STAFF RECOMMENDATION:	Staff recommends approval of SU 2020-02.					
PLANNING RECOMMENDATION:	The Planning Board voted 3-0 to recommend approval of SU 2020-02.					
ATTACHMENT(S):	 Application Site Plan Quasi-judicial Rules 	6. Vicinity Map 7. Zoning Map 8. Land Use Map				
	4. Table of Uses 5. §18-114, §18-115.15.27	9. Photos of proposed site10. Recommendation Statement from the Planning Board				
REVIEWED BY TOWN MANAGER:	Later					



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

]	Date submitted:	8 13 50	Case #: 543020 - 02	
	(To be completed by Town staff)	(To be assigned by Town staff)	
I	(we), the under Use Permit as her	rsigned, being the owner(s) of the pro- rein requested.	perty, do hereby make application for a Speci	al
1			the following street address (or description if n	
	The property	is identified by the following map, blo	ck, and parcel number DB 2816/120	
		of the Nash County property ownership	p map (tax records) and contains approximatel	y
	12.62 ac	res. A map of the property boundaries	is attached to this application.	
	Note: If any papplication to		cial use request, they must be submitted for this	3
2.	_	se permit is requested for the following nultifamily structure on a lot in th		E1
	Based on Divi	sion 4, Section 18-115 & 116 of the N	ashville Zoning Ordinance, the specific special	
	use category th	nat is being requested is To construct m	nore than one multifamily structure on a lot in the	e Mulitfamil
		trict of the property where the special r		
	[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. Sl	The following property where Tax Id # (Parce	the special use is being requested. (At Name	tions owning property within 100 feet of the tach an additional sheet(s) if needed.) Mailing Address	
In a	ddition, I give t		accurate to the best of my knowledge. rty where this special use is being requested,	
	ted Name(s):	Property Owner(s) 3MR Limited Partnership	Owners representative (if applicable) Four Seasons Contracting	
_	ing Address(s):	2640 Old Bailey Hwy	1100 Eastern Ave	
		Nashville, NC 27856	Nashville, NC 27856	
Phor	ne number(s):	1.252.462.0002	1.252.462.0002	3





• 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:

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.

- 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	0-1	B-1	B-2	I-1	Require- ments
Contractor, general (excluding storage of equipment or supplies)										х	х		
Construction storage yards, and lumberyards												х	See note
Convenient store										Х	Х		
Correctional and penal institutions, and jails	S								S		S	s	
Curio and souvenir sales										Х	Х		
Day care facility	S	S	S	S	S	S	S	S	S	Х	S		
Delicatessen operation										Х	Х		
Dish antenna (or earth station)	x	х	х	х	х	х	Х	Х	Х	х	x		See note
Drive-in restaurants										Х	Х	Х	
Drive-in theaters										S		Х	
Dwellings, one-family detached	x	x	х	x	x	х	х	х	х				
Dwellings, two-family	S			S	S	S		Х					
Dwellings, three-family				S			Х	Р					
Dwellings, multifamily (other than townhouses, condominiums, and PUDs), one building per lot								х	х		s		
Owellings, 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				
Owelling, single-family semi- detached	х	х	х	х		х	х						
Owelling, single-family semi- detached omitted	х	х	х	х		х	х						
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	х	S	s	S	x	х	х	x	x	х			

- (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:
 - 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 10

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))

Su 2020-01 + Su2020-02

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

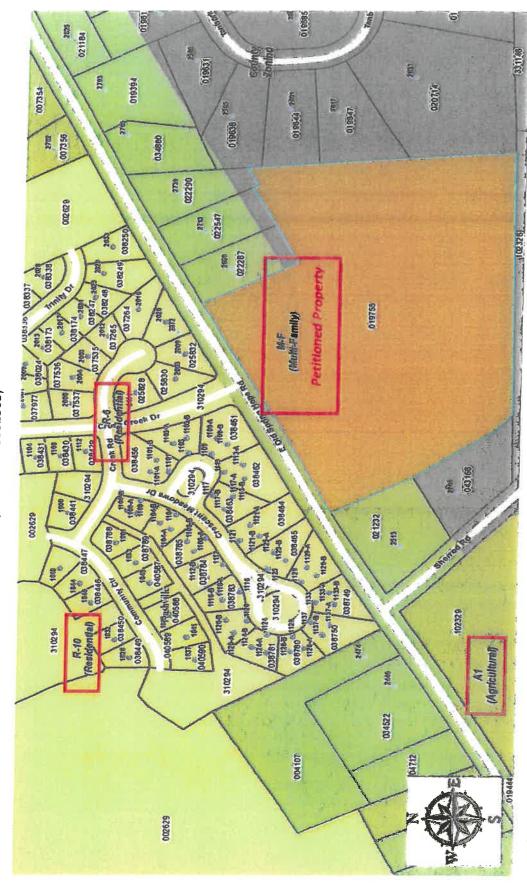
Regulations for special uses shall be as set forth in this section:

- (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.



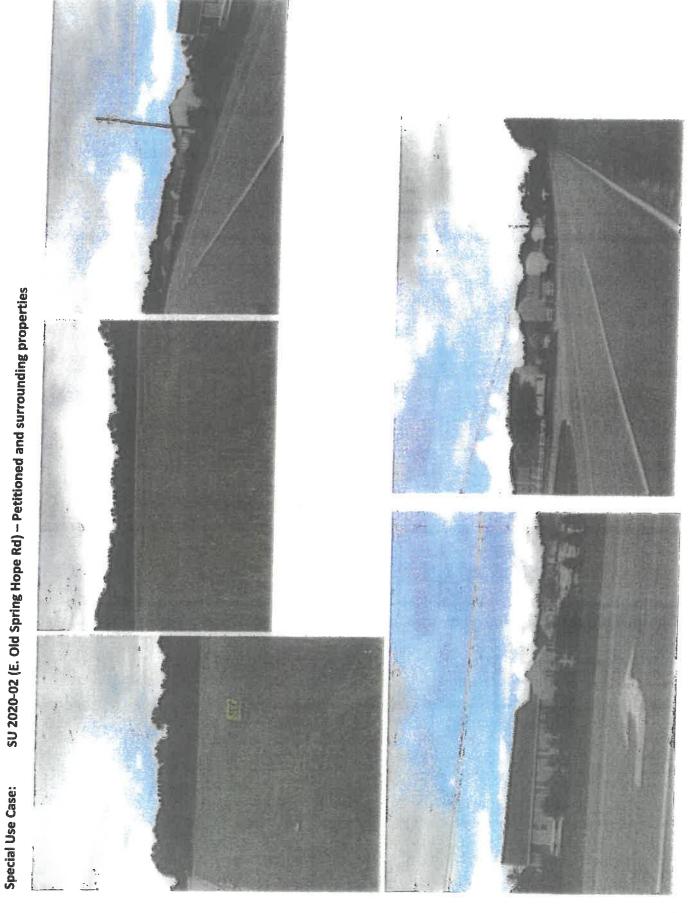
* ity Map ***...ioned Property - E. Old Spring Hope Rd (PARID-019755 / PIN-381015532563)

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



R-10 (Medium Density Residential) R-6 (High Density Residential)

MF (Multifamily Residential)



TOWN OF NASHVILLE PLANNING BOARD

Patsy McGhee, Chairman Ann Collier, Vice-Chairman Al Edwards Shirley House



Dwight Jordan
Betty Tabron Lowe
Bill Lumpp

SPECIAL USE PERMIT REQUEST: SU 2020-02

Applicant: 3MR Limited Partnership

Owner: David L. Rose

Mailing Address: 2640 Old Bailey Hwy

Tax Map and Parcel(s): 381015532563 Parcel Size: +/- 12.62 acres

Location Address: E. Old Spring Hope Road

REQUEST:

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.

STATEMENT OF SPECIAL USE PERMIT RECOMMENDATION:

At their meeting on August 26, 2020, the Planning Board voted to recommend <u>approval</u> of the proposed special use permit based on the finding of facts:

- 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. *True*
- b. The use meets all required conditions and specifications. *True*
- c. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. *True*
- 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. *True*

Motion to approve by: <u>Betty Lowe</u> Seconded by: <u>Dwight Jordan</u>

Vote: Unanimous to approve the special use permit request



TOWN OF NASHVILLE

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

Town Council AGENDA REPORT

MEETING DATE:	September 1, 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:	Staff recommends approval of CP 2020-01.				
PLANNING RECOMMENDATION:	The Planning Board recommends approval of CP 2020-01, with TRC review				
ATTACHMENT(S):	 Construction Plat Recommendation Statement from the Planning Board 				
REVIEWED BY TOWN MANAGER:	for the same				













BRADFORD PLACE SUBDIVISION EASTPOINT AVENUE NASHVILLE, NORTH CAROLINA

JULY 15, 2020

VICINITY MAP

EASTERN AVENUE

CONTACT INFORMATION

TOWN OF NASHMILE 409 S. BARNES ST. NASHMILE, NG 27858 RANDY LAMSING 252-4591	MASHVILE PUBLIC UTILY
PLANNING/ZONING:	WATER & SEWER:

NASHVILE, NO 27856 SANDRA MORRIS 252~458-4511

INDEX OF SHEETS

COVER COVER BHEET
CE-OT CONFIDENTIAL TO PLAT
CE-O2 BRADPONTO DRIVE PLAN + PROPILE
CE-O3 BRADPONTO ARE PLAN + PROPILE
CE-O4 BITREET A PLAN + PROPILE
CE-O4 BITREET A PLAN + PROPILE
CE-O5 BROSKON CONTROL PLAN
D-O9 UTILITY NOTES AND DETAILS

UNION POOTAGE OF STREETS. STE NPORMATION STE ADDRESS: NUMBER OF LOTS.

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ENGINEERING IN LAT WESTERN METERSTANDEN Contact of Michael Blocks, PE melodarelockaerigheering.com License Number 19943

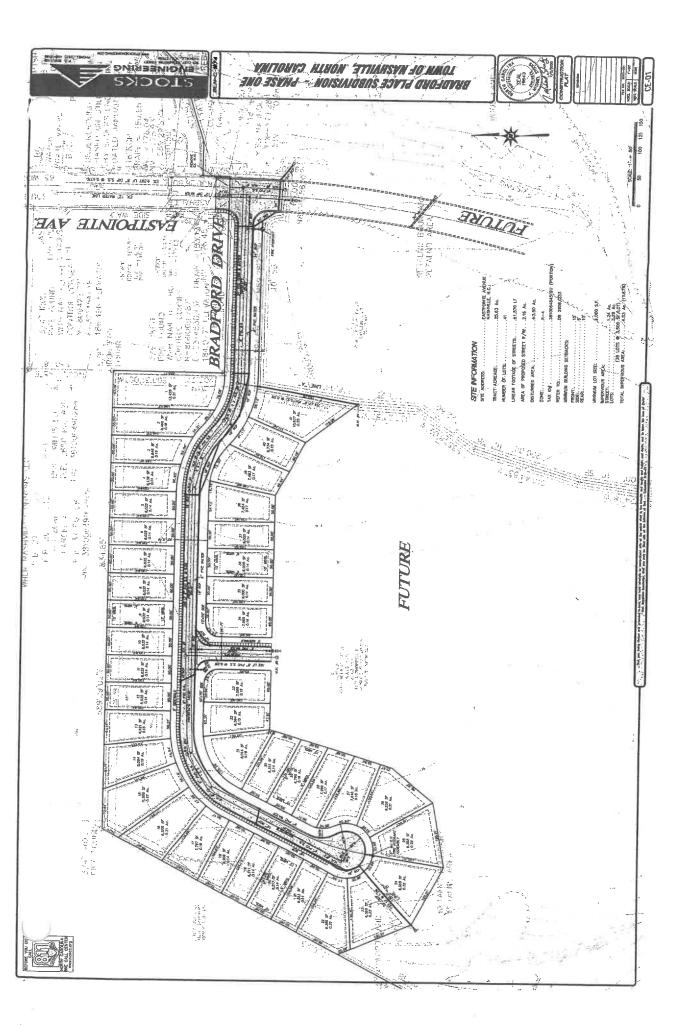
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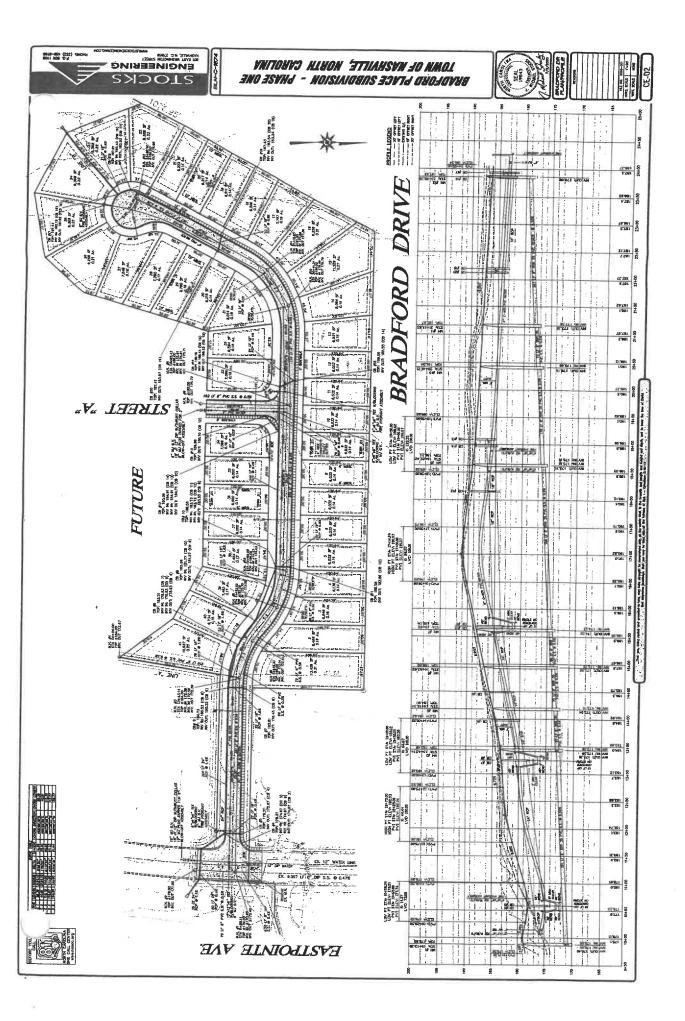
FOUR SEASONS CONTRACTING

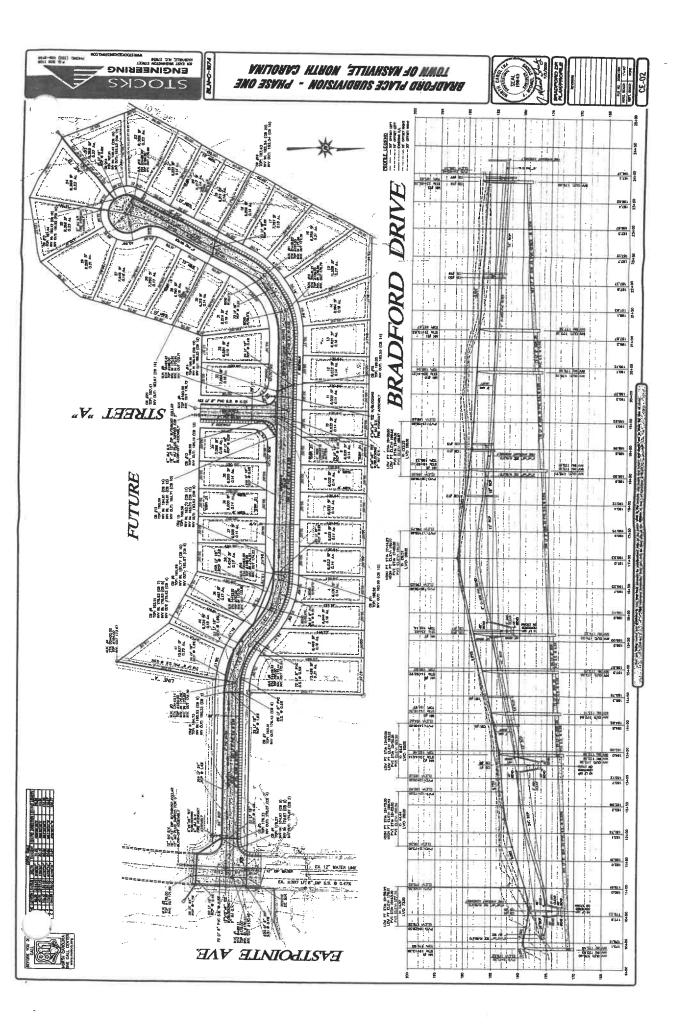
Owner/Developer:

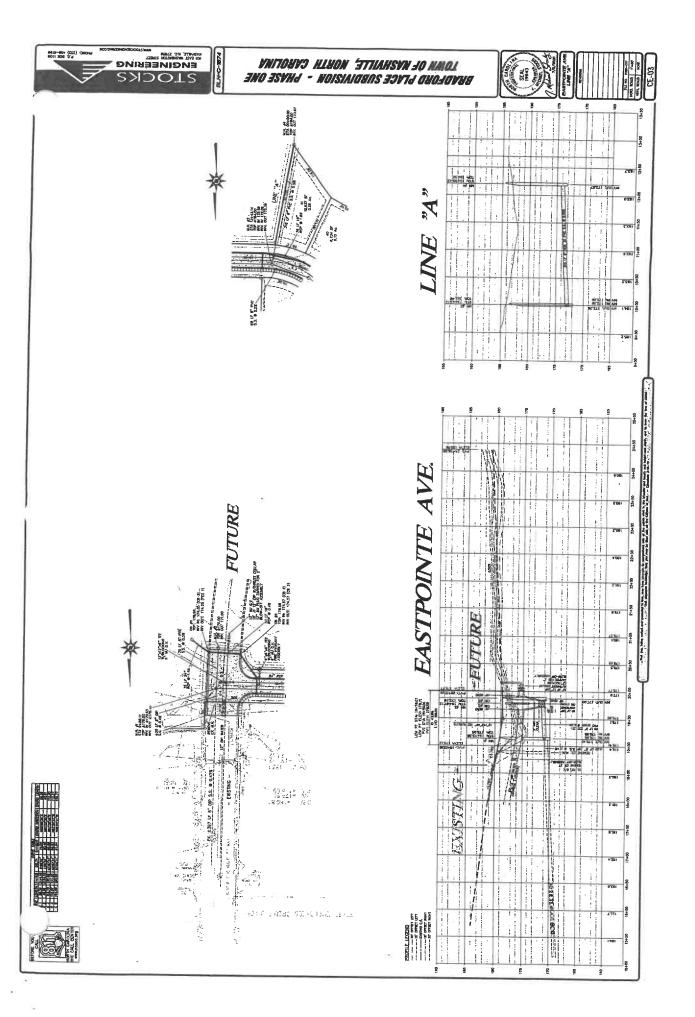
MONTH SEASONS CONTACT STEEL CHACOMEE

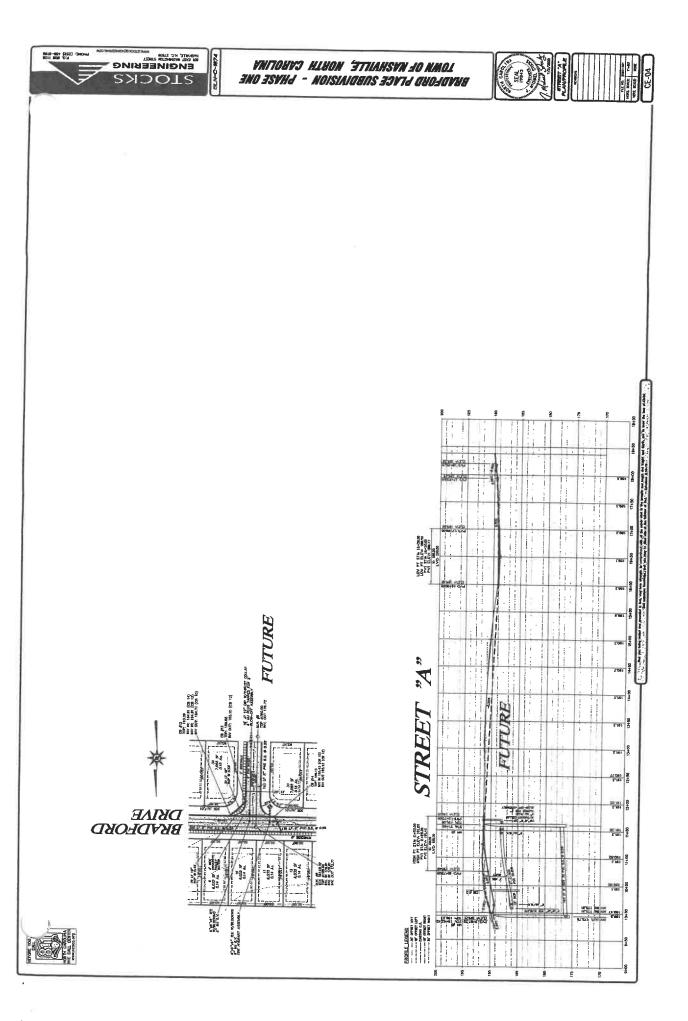
Civil Engineer:







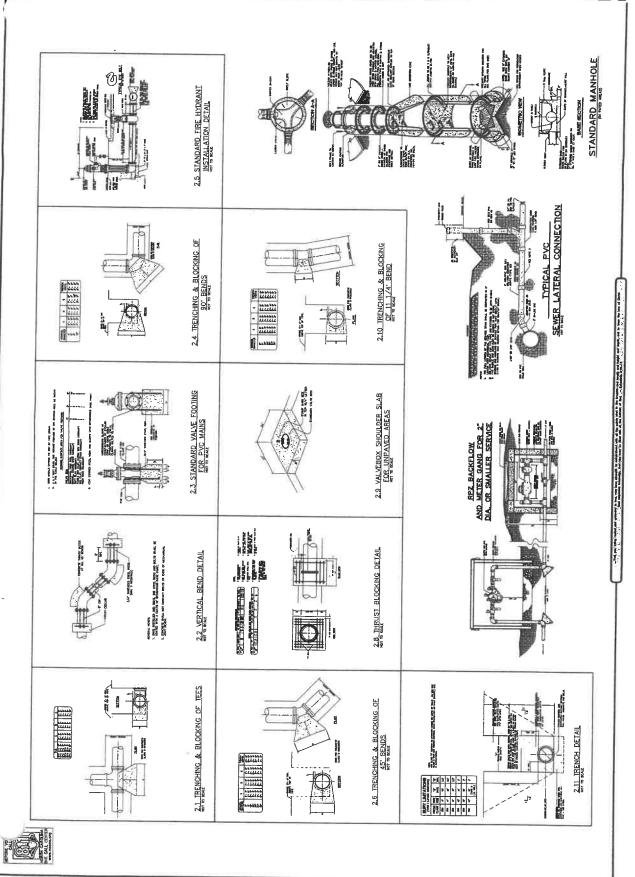


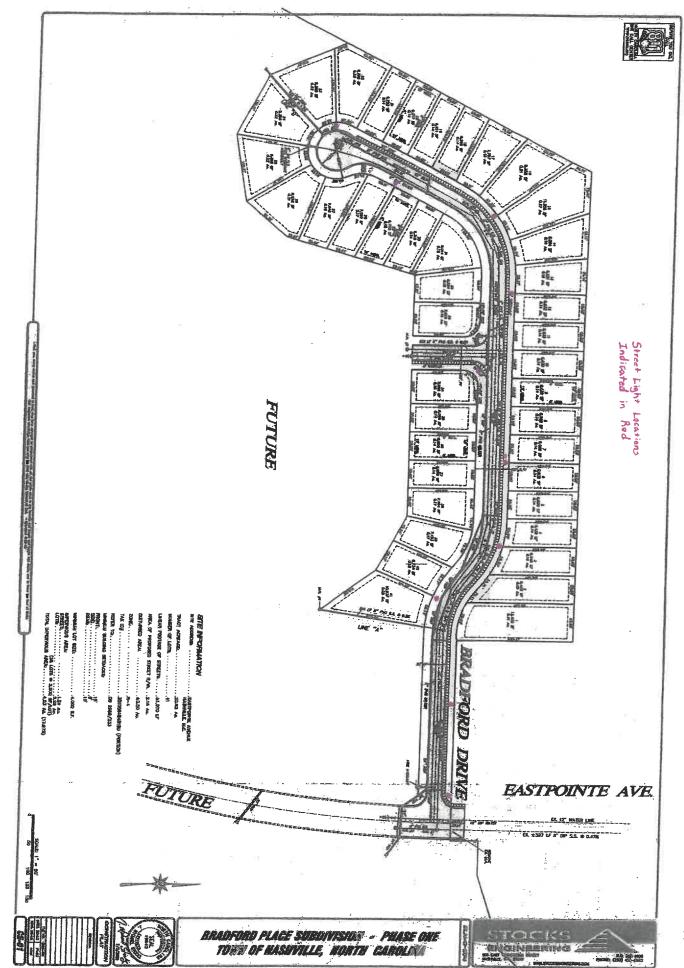




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TOWN OF NASHVILLE PLANNING BOARD

Patsy McGhee, Chairman Ann Collier, Vice-Chairman Al Edwards Shirley House



Dwight Jordan Betty Tabron Lowe Bill Lumpp

CONSTRUCTION PLAT:

Applicant / Representative:

Mailing Address:

Tax Map and Parcel(s):

Parcel Size:

Location Address:

CP-2020-01

Michael Stocks, PE

801 East Washington Street

381006484519U

+/- 25.63 acres

Eastpointe Avenue

REQUEST:

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.

STATEMENT OF CONSTRUCTION PLAT RECOMMENDATION:

At their meeting on August 26, 2020, the Planning Board voted to recommend <u>approval</u> of the Bradford Subdivision construction plat, with TRC review.

Motion to approve by: Bill Lump Seconded by: Dwight Jordan

Vote: Unanimous to approve construction plat.