



**NASHVILLE TOWN COUNCIL
REGULAR MEETING AGENDA
TUESDAY, NOVEMBER 3, 2020
7:00 PM
NASHVILLE TOWN COUNCIL CHAMBERS**

- 1. CALL TO ORDER/PRAYER BY MAYOR BROWN - 7:00 PM**
- 2. APPROVAL OF MINUTES**
 - a. August 26, 2020 - Agenda Meeting Minutes
 - b. October 6, 2020 - Regular Meeting Minutes
- 3. PUBLIC COMMENTS PERIOD**
- 4. Old Business**
 - a) Adoption of Commercial Property Maintenance Ordinance
 - b) Final discussion & decision: Windy Oak Drive Drainage Improvement Project
 - c) Rezoning request to rezone property located off Liberty Drive from R-10 (Medium-Density Residential) to R-6 (High-Density Residential). This parcel contains approximately 17.99 acres and identified by Nash County Tax Parcel Number 3800 16 92 8666
- 5. New Business**
 - a) Reschedule November 25th joint Council and Planning Board meeting to November 18th
 - b) Revisit creation of a Tree Board with Chapter 27 "Tree Board," and appoint members
 - c) Review & approve Water Purchase Contract with the City of Rocky Mount
 - d) Budget Amendment # 9 - NPD and NFD request for funds to repair surplus equipment donated to the Town by the U.S. Dept. of Defense's Law Enforcement Support Services program
- 6. TOWN MANAGER'S REPORT**
- 7. COUNCIL COMMENTS**
- 8. ADJOURN**



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

**TOWN COUNCIL
AGENDA REPORT**

MEETING DATE:	November 3, 2020										
PREPARED BY:	Sherry N. Moss, Planning & Development Director										
ISSUE CONSIDERED:	Z 2020-04										
SUMMARY OF ISSUE:	<p>Rezoning request to rezone property located off Liberty Drive from R-10 (Medium-Density Residential) to R-6 (High-Density Residential). This parcel contains approximately 17.99 acres and identified by Nash County Tax Parcel Number 3800 16 92 8666.</p>										
STAFF COMMENTS:	<p>The rezoning request from R10 to R6, as presented, is to provide 8,000 square foot lots for two-family dwellings to be located within phase two of Liberty Acres Subdivision. The minimum lot size requirement for R-10 is 10,000 sf (single unit) and 12,000 sf (double unit). The minimum lot size requirement for R-6 is 6,000 sf (single unit) and 8,000sf (double unit). According to Nashville’s NC Code of Ordinances; Section 18-112; Description of districts, the R10 is defined as medium-density residential areas of mostly single family dwellings, whereas the R6 district is defined as medium-to-high density residential areas where single-family and multi-family dwellings are commingled, and certain open areas where similar residential development will likely occur. Overall, both R10 and R6 zoning districts share the same residential land uses. Although this rezoning request is proposing a smaller minimum lot size, two-family dwellings are allowed by a special use permit in both R10 and R6 zoning districts. The surrounding zoning districts of the petitioned property are R-10 (Medium Density Residential), MF (Multi-Family High-Density Residential), and A-1 (Agricultural) zoning districts. With regards to the Future Land Use Map, the petitioned property is classified as low residential growth, whereas the surrounding properties are classified as high, medium, and low-density residential growth.</p>										
STAFF RECOMMENDATION:	Staff recommends approval of Z 2020-04.										
PLANNING BOARD RECOMMENDATION:	The Planning Board recommends approval of Z 2020-04.										
ATTACHMENT(S):	<table><tr><td>1. Application</td><td>6. Description of Districts</td></tr><tr><td>2. Site Plan</td><td>7. Table of Permitted Uses</td></tr><tr><td>3. Vicinity Map</td><td>8. Setback Chart</td></tr><tr><td>4. Zoning Map</td><td>9. Statement of Consistency and Recommendation</td></tr><tr><td>5. Future Land Use Map</td><td></td></tr></table>	1. Application	6. Description of Districts	2. Site Plan	7. Table of Permitted Uses	3. Vicinity Map	8. Setback Chart	4. Zoning Map	9. Statement of Consistency and Recommendation	5. Future Land Use Map	
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2. Site Plan	7. Table of Permitted Uses										
3. Vicinity Map	8. Setback Chart										
4. Zoning Map	9. Statement of Consistency and Recommendation										
5. Future Land Use Map											
REVIEWED BY TOWN MANAGER:											



APPLICATION FOR REZONING TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: 9/29/2020
(to be completed by Town staff)

Case #: Z 2020-04
(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:
Region south of existing Liberty Acres subdivision along Liberty Drive. Liberty Acres located along Highway 58 between S. Creek Dr. and Oak Tree Lane.

The address of the property is 2005 Liberty Dr. Nashville, NC. The property is identified by the following map, block, and parcel number Book 281 / page 260 , 380016928666 , 036085 of the Nash County property ownership map (tax records). The size of the area requested for rezoning contains approximately 17.99 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 R-6 district for the following reason or purpose: to provide 8,000 sqft lots for two family dwellings

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): Jeremy Reason Reason Development Inc.

Signature of applicant: Jeremy Reason Reason Development Inc.

Mailing Address: 7120 Leigh Court, Sims NC 27880

Phone number(s): 252-245-4509

The property hereinabove described was acquired by Grantor by instrument recorded in Nash County

A map showing the above described property is recorded in Plat Book _____ page _____

I HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

USE BLACK INK ONLY

Reason Construction Company, Inc. _____ (SEAL)
(Corporate Name)

By: James F. Reason _____ (SEAL)

President

TEST: _____ (SEAL)

Secretary (Corporate Seal)

(SEAL)

SEAL-STAMP NORTH CAROLINA, _____ County.
I, a Notary Public of the County and State aforesaid, certify that _____ Grantor,

Use Black Ink personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this _____ day of _____

My commission expires: _____ Notary Public

SEAL-STAMP NORTH CAROLINA, Wilson County.
I, a Notary Public of the County and State aforesaid, certify that James F. Reason Grantor,

Use Black Ink personally came before me this day and acknowledged that James F. Reason he is President Secretary of Reason Construction Company, Inc. North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by James F. Reason President, sealed with its corporate seal and attested by _____ Secretary.

Witness my hand and official stamp or seal, this 13 day of April, 2016.

My commission expires: 1/20/21 Kristi Aycock Notary Public

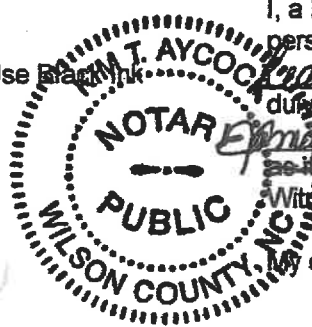


EXHIBIT A

Beginning at a point on the western right of way of NC Highway 58 said point being the eastern corner of Lot 1, Block B, Creekside Acres Subdivision recorded in Map Book 27, Page 8, Nash County Registry; thence along the western right of way of NC Highway 58, S 39° 55' 48" E 515.62 feet to a point in the western right of way of NC Highway 58, a corner for now or formerly L. C. Williams and Paula E. Williams, cornering; thence along the line of now or formerly Williams and now or formerly R. C. Monroe and Agnes B. Monroe and now or formerly J. N. Sills Heirs, S 02° 43' 19" W 1379.89 feet to a point in the line of now or formerly Sills Heirs, said point being the northeast corner of now or formerly Timothy B. Joyner and Debbie J. Joyner, cornering; thence S 77° 56' 26" W 966.00 feet to a point in the line of now or formerly Cheryl G. Rose and Charles Alan Rose Trust, cornering; thence along the line of Rose N 03° 55' 19" E 1184.81 feet to a point in the line of Rose; thence along the northern property line of now or formerly Rose the following courses and distances: N 86° 04' 41" W 146.00; N 60° 04' 41" W 72.00 feet; S 86° 27' 19" W 79.43; N 28° 28' 19" E 110.47 feet to a point on the southern property line of J. Claude Mayo, Jr. Subdivision; thence along the southern property line of J. Claude Mayo, Jr. Subdivision, Block C, the following courses and distances: N 57° 25' 00" E 154.10 feet; N 28° 32' 00" E 86.20 feet to a point in the southern right of way of Misa Road; thence along the end of Misa Road N 08° 37' 40" E 70.17 feet to a point, said point being in the line of Lot 7, Block A, Creekside Acres Subdivision; thence along the southern property line of Lot 7, Block A Creekside Acres Subdivision S 53° 08' 03" E 89.54 feet; S 49° 18' 28" E 34.69 feet to a point in the western right of way of St. Annes Road; thence along the southern end of St. Annes Road S 44° 10' 41" E 60.18 feet to a point in the eastern right of way at the end of St. Annes Road, said point being the southwest corner of Lot 7, Block B, Creekside Acres Subdivision as shown on plat of survey recorded in Plat Book 27, Page 9, Nash County Registry; thence along the southern property line of Lot 7, Block B; Creekside Acres Subdivision as shown on the hereinabove referenced plat, S 40°, 15' 35" E 144.13 feet to the southeast corner of Lot 7, Block B, cornering; thence along the eastern property line of Lot 7, Block B, N 50° 11' 59" E 190.79 feet to a point, the southeast corner of Lot 6, Block B, Creekside Acres Subdivision; thence along the eastern property line of Lots 6, 5, and 4, Block B, Creekside Acres Subdivision, N 07° 33' 36" E 357.63 feet to a point in the eastern property line of Lot 3, Block B, Creekside Acres Subdivision; thence along the eastern property lines of Lots 3, 2, and 1 of Block B, Creekside Acres Subdivision N 50° 03' 30" E 287.86 feet to a point in the western right of way of NC Highway 58, the point and place of beginning and being 34.2 acres, more or less.

Being a portion of that property conveyed by N. C. Barnes, et al to J. Claude Mayo, Jr. and wife, Fay R. Mayo, in deed recorded in Book 905, Page 14, Nash County Registry.

THERE IS SAVED AND EXCEPTED from the above-described property all of Section One Liberty Acres as shown on the Plat entitled "Final Plat – Section One Liberty Acres: recorded in Map Book 32, Page 255 in the office of the Register of Deed of Nash County

See also that deed dated June 21, 2013 recorded in Deed Book 2683, Page 34, Nash County Registry.

This is not the primary residence of Grantor.

24 Rev
26.00

This certifies that there are no delinquent ad valorem real estate taxes, which the Nash County Tax Collector is charged with collecting, that are a lien on:

Pin Number: 036085 (380016928666)

This is not a certification that this Nash County Tax Department Pin Number matches this

Deed description: Kymette Coape Date: 4-18-16
Tax Collector, Deputy Tax Collector, Tax Clerk



Doc ID: 006972330003 Type: CRP
Recorded: 04/18/2016 at 03:27:43 PM
Fee Amt: \$26.00 Page 1 of 3
Revenue Tax: \$0.00
Nash County North Carolina
Anne J. Melvin Register of Deeds
BK **2821** PG **260-262**

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 036085
Verified by _____ County on the _____ day of _____, _____
by _____

Mail after recording to Farris & Farris, P.A.
PO Box 2727, Wilson, NC 27894-2727

NO TITLE SEARCH OR OPINION

This instrument was prepared by Robert A. Farris, Jr.

Brief description for the index

THIS DEED made this 8th day of April, 2016, by and between

GRANTOR
Reason Construction Company, Inc.
8085 E NC Hwy 97
Elm City, NC 27822

GRANTEE
Reason Development, Inc.
7120 Leigh Ct
Sims, NC 27880

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

certain lot or parcel of land situated in the City of _____ Township,
Nash _____ County, North Carolina and more particularly described as follows:

See attached Exhibit A.

Parcels Within 100' of Proposed Liberty Acres Phase II

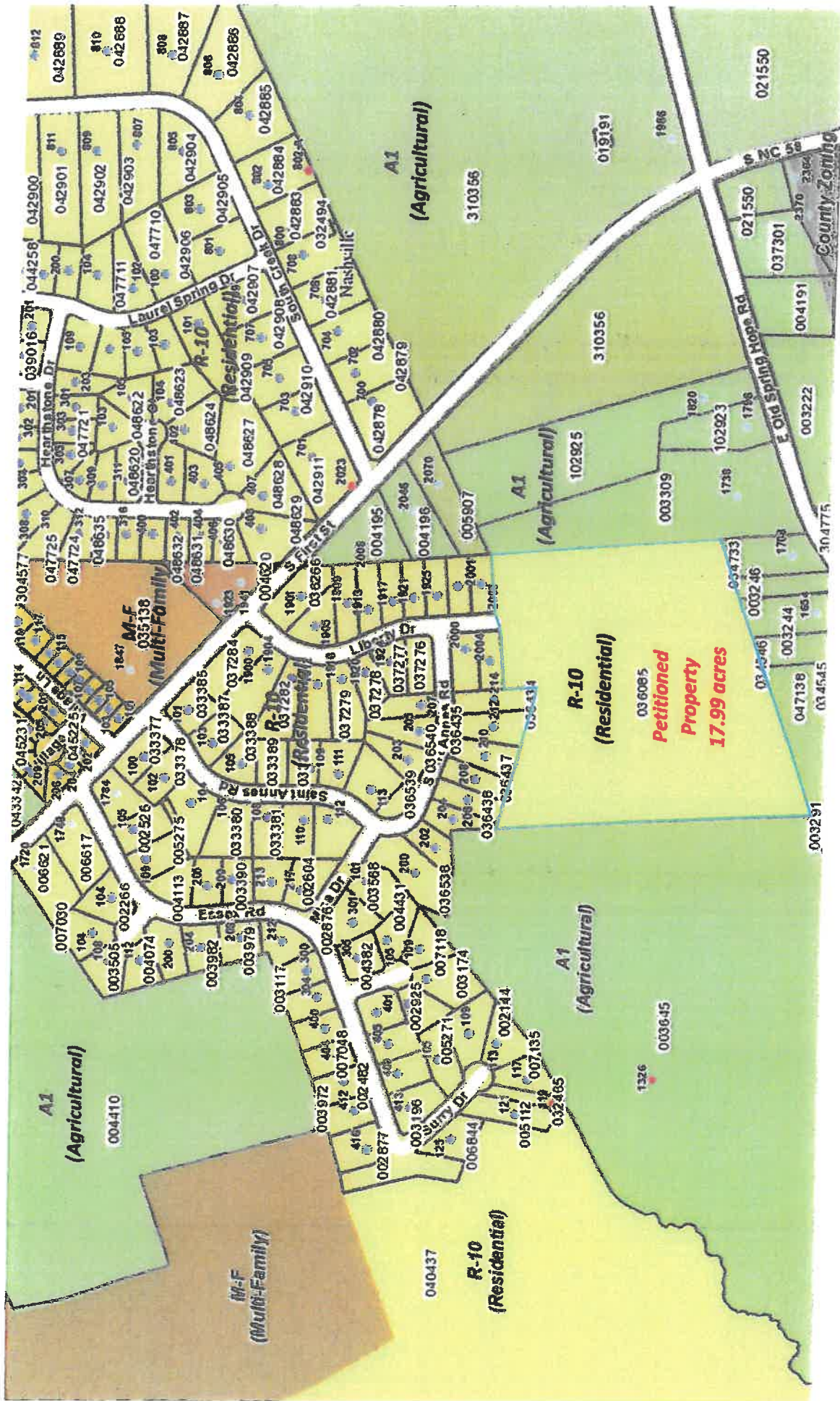
Liberty Drive, Nashville, NC

Tax ID # (Parcel)	Name	Mailing Address
003645	THREE MR LTD PTSH ET ALL	2687 OLD BAILEY HWY NASHVILLE, NC 27856
003291	JOYNER SAMUEL FRANK & AIMEE L	1498 E OLD SPRING HOPE RD NASHVILLE, NC 27856
047138	EDWARDS ALICE FAYE	1528 E OLD SPRING HOPE RD NASHVILLE, NC 27856
034546	JACKSON CHRISTOPHER ALLEN & KIMBERLY	1171 E SPRING HOPE RD NASHVILLE, NC 27856
003244	JACKSON CHRISTOPHER ALLEN	1711 E OLD SPRING HOPE RD NASHVILLE, NC 27856
003246	JACKSON CHRISTOPHER ALLEN	1711 E OLD SPRING HOPE RD NASHVILLE, NC 27856
034733	CORBETT CHARIDY KENNON & JOSEPH WILEY	1708 E OLD SPRING HOPE RD NASHVILLE, NC 27856
003309	ADAMS LYNDA EVERETTE	1738 E OLD SPRING HOPE RD NASHVILLE, NC 27856
036300	CARTER CATHERINE JORDAN	2001 LIBERTY DR NASHVILLE, NC 27856
005907	NASHVILLE INVESTMENTS LLC	5324 MURIEL LN BENSALEM, PA 19020
036301	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036432	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036433	ROBERTS JENNY ANNE	2000 LIBERTY DR NASHVILLE, NC 27856
036434	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036435	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036436	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036437	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036438	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036439	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856
036537	C & B OF NASH COUNTY LLC	3515 ROSE LOOP RD NASHVILLE, NC 27856

Z 2020-04: Vicinity Map



Z 2020-04 Zoning Map



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

	A-1	R-30	R-15	R-10	R-6M	R-5	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			

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	4,000	40						
	Manufactured Unit	6,000	50	Refer to Manufactured Home Parks Special Use Section				35
R-6 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
O-1 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 PLANNING BOARD

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



Dwight Jordan
Betty Tabron Lowe
Bill Lumpp

Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. (NCGS 160A-383)

REZONING MAP AMENDMENT: **Z-2020-04**
Applicant/Owner: Jeremy Reason
Reason Development, Inc.

Mailing Address: 710 Leigh Ct.
Sims NC 27880
Tax Map and Parcel(s): 380016928666
Parcel Size: +/- 17.99 acres
Location Address: Liberty Drive

REQUEST:
Request to rezone the above parcel from R-10 (Medium Density Residential District) to R-6 (High Density Residential District).

STATEMENT OF CONSISTENCY & RECOMMENDATION:
On October 28, 2020, the Nashville Planning Board reviewed a request by Jeremy Reason, Reason Development, Inc., to rezone 17.99 acres off Liberty Drive in the Town of Nashville from R-10 medium-density residential to R-6 high-density residential. Based on a review of the Nashville Comprehensive Plan, Code of Ordinances, Future Land Use Map, and other official plans for the Town, it was noted that the rezoning request was not consistent with the Future Land Use Map which has the property slated for medium-density residential development. Despite this inconsistency, the Planning Board voted unanimously to recommend to the Nashville Town Council that the property be rezoned to R-6 high-density residential noting the following: 1) the growing desire of today's homeowners for smaller lots and smaller homes which have less yardwork, maintenance, and upkeep, 2) Nashville has still within Town limits three (3) large tracks of land containing an estimated 186-acres of developable R-10 property in the Cottonwood Subdivision Phase II, Cross Creek Community Phase II, and the old Birchwood Golf Course property, and 3) the Future Land Use Map is 10-years old and Nashville's growth and development over this time period has surpassed many of the slated land uses on the Map.

Motion to approve by: Bill Lumpp
Seconded by: Al Edwards

Vote: Unanimous to approve the rezoning map amendment Z 2020-04