



REGULAR MEETING AGENDA
THURSDAY, OCTOBER 5, 2023
7:00 PM
NASHVILLE TOWN COUNCIL CHAMBERS

1. **Call to Order by Mayor Brown**
2. **PLEDGE OF ALLEGIANCE & INVOCATION**
3. **Public Comments**
 - 3 minutes per speaker
 - See Public Comments Policy for more information
4. **Old Business**
 - a. Front Yard Parking Ordinance - Second reading of Ordinance 2023-19 prohibiting the parking of vehicles in the front yard and side yard of lots used for residential purposes and prohibiting on-street parking beyond the hard surface of the street.
[Agenda Report - Front Yard Parking Ordinance - Pdf](#)
 - b. Social Districts- Review and discuss a recommendation from the Downtown Nashville Strong Advisory Board to establish a social district for the Downtown and Nashville Junction Social Districts
[Agenda Report - Downtown and Nashville Junction Social Districts - Pdf](#)
5. **New Business**
 - a. Rezoning Request - Open and hold a scheduled public hearing on Arun Dutta's request rezoning two vacant Lots at Brake Street & South 1st Street from R-10 Medium Density Residential to B-1 General Business, and approve or deny the rezoning request.
[Agenda Report - Rezoning Public Hearing and Decision - Two Vacant Lots at Brake & S. 1st Streets - Pdf](#)
6. **Town Manager's Report**
7. **Council Comments**
8. **Adjourn**



TOWN OF NASHVILLE

499 S. BARNES STREET

NASHVILLE, NC 27856

WWW.TOWNOFNASHVILLE.COM

(252)459-4511

AGENDA REPORT

MEETING DATE:	October 5, 2023
PREPARED BY:	Randy Lansing, Town Manager
ISSUE CONSIDERED:	Front Yard Parking Ordinance
SUMMARY OF ISSUE:	<p>A number of changes were made to the front yard parking ordinance at the September 12th town council meeting, and to ensure all of the changes were incorporated I recommend a 2nd reading of the ordinance. The town attorney Francis Rasberry has reviewed the changes and added a couple of his. All of the changes to the ordinance are in red italic text and attached.</p>
MANAGER'S RECOMMENDATION:	Approve <u>Ordinance 2023-19</u> prohibiting the parking of vehicles in the front yard and side yard of lots used for residential purposes and prohibiting on-street parking beyond the hard surface of the street.
ATTACHMENTS:	2023-19 Front Yard Parking Ordinance-1
REVIEWED BY TOWN MANAGER:	Randy Lansing

ORDINANCE 2023-19

AMENDING CHAPTER 36 “TRAFFIC AND VEHICLES” OF THE NASHVILLE CODE OF ORDINANCES WITH THE ADDITION OF SECTION 36-96(a)(14) AND SECTION 36-101 “FRONT YARD PARKING PROHIBITED”

BE IT ENACTED by the Town Council of the Town of Nashville, North Carolina:

SECTION 1. NEW SUBSECTION. That Section 36-96(a)(14) is hereby created and added to the Nashville Code of Ordinance and shall read as follow:

Sec. 36-96. Parking prohibited in certain locations, no traffic control devices required.

(a) Except as otherwise provided in this article, no person may park any vehicle or permit it to stand in any of the following:

(14) Beyond or off-of the hard surface of the street.

SECTION 2. NEW SECTION. That Section 36-101 titled “Front Yard Park Prohibited” is hereby created and added to in the Nashville Code of Ordinances and shall read as follows:

Sec. 36-101. Front Yard Parking Prohibited.

(a) *No property owner, resident, or person in control of the premises shall park a vehicle or allow a vehicle to be parked* on any natural surface area within the front yard or side yard of a lot used for residential purposes. Front yard parking shall be on prepared hard surfaces as defined below. For single-family dwellings no more than 30% of the front yard shall be covered with prepared hard surfaces. For two-family dwellings no more than 40% of the front yard shall be covered with prepared hard surfaces. Where a corner lot provides primary parking in the corner side yard, the corner side yard shall be treated as a front yard for the purposes of this section.

(b) Exceptions may be necessary for emergency or temporary situations. In these situations, the exception shall not last longer than ten (10) days, unless an extension, not to exceed ten (10) additional days, is approved by the Code Enforcement Officer.

(c) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

Front yard. The open, unoccupied space extending the full width of the lot, and situated between the street and the front line of the house, projected to the side lines of the lot.

Natural surface area. Area that is not finished with a prepared hard surfacing or *hard* unprepared surface, maintained in a natural state to include grass, dirt, and landscape areas.

Park. When a vehicle is stopped and allowed to remain in a fixed location for duration of time, whether attended or unattended.

Prepared hard surface. Includes, but not limited to, asphalt, concrete, gravel, or unit pavers. Prepared hard surfaces do not include those finished with dirt or mulch.

Similar material. A material that at a minimum matches the existing materials but could be improved to an accepted prepared hard surfacing. For example: If an existing gravel driveway was to be extended to comply with this section, a similar material would include gravel.

Side yard. The open, unoccupied space on the same lot with a house between the sideline of the house (exclusive of steps) and the sideline of the lot and extending from the front yard line to the rear yard line.

Unprepared hard surface. Surface material that is not made of a prepared hard surface material.

Vehicle. Every device in, upon, or by which any person or property is or may be transported by *motor vehicle* or drawn *by motor vehicle* upon a highway, *including but not limited to cars, pickups, vans, trucks, semis, motorcycles, ATVs, trailers of all types, and campers.*

(d) Enforcement Procedures.

(1) The Code Enforcement Officer upon complaint or observation of a violation should provide *the owner, resident, or other person in control of the premises* a written warning as to the nature of the violation and procedures for compliance.

(2) After a warning, the Code Enforcement Officer may issue civil penalties according to the penalties enumerated below.

(3) Any effort to improve surfaces in accordance with this section may temporarily stay enforcement proceedings as long as the surface requirements are to be met in a reasonable time *as approved by the Code Enforcement Officer.*

(e) Penalties. Any violator of subsection (d) shall be responsible and subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each offense. *Every day a vehicle is parked in violation of this ordinance shall constitute a new and separate violation subject to the above penalties.* The civil penalty is to be paid within ten (10) days following service, which penalty may provide an additional fifty-dollar (\$50.00) delinquency charge upon non-payment, and which penalty and delinquency charge and costs of collection including a reasonable attorney fee may be recovered by the Town in a civil action. *All civil penalties imposed by this subsection shall be paid to the Town Hall office.*

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect from and after 12:01 AM the day after its final passage and approval.

PASSED, APPROVED, and ADOPTED this 26th day of September 2023.

Attest:

Brenda Brown, Mayor

Louise Bennett, City Clerk



TOWN OF NASHVILLE

499 S. BARNES STREET

NASHVILLE, NC 27856

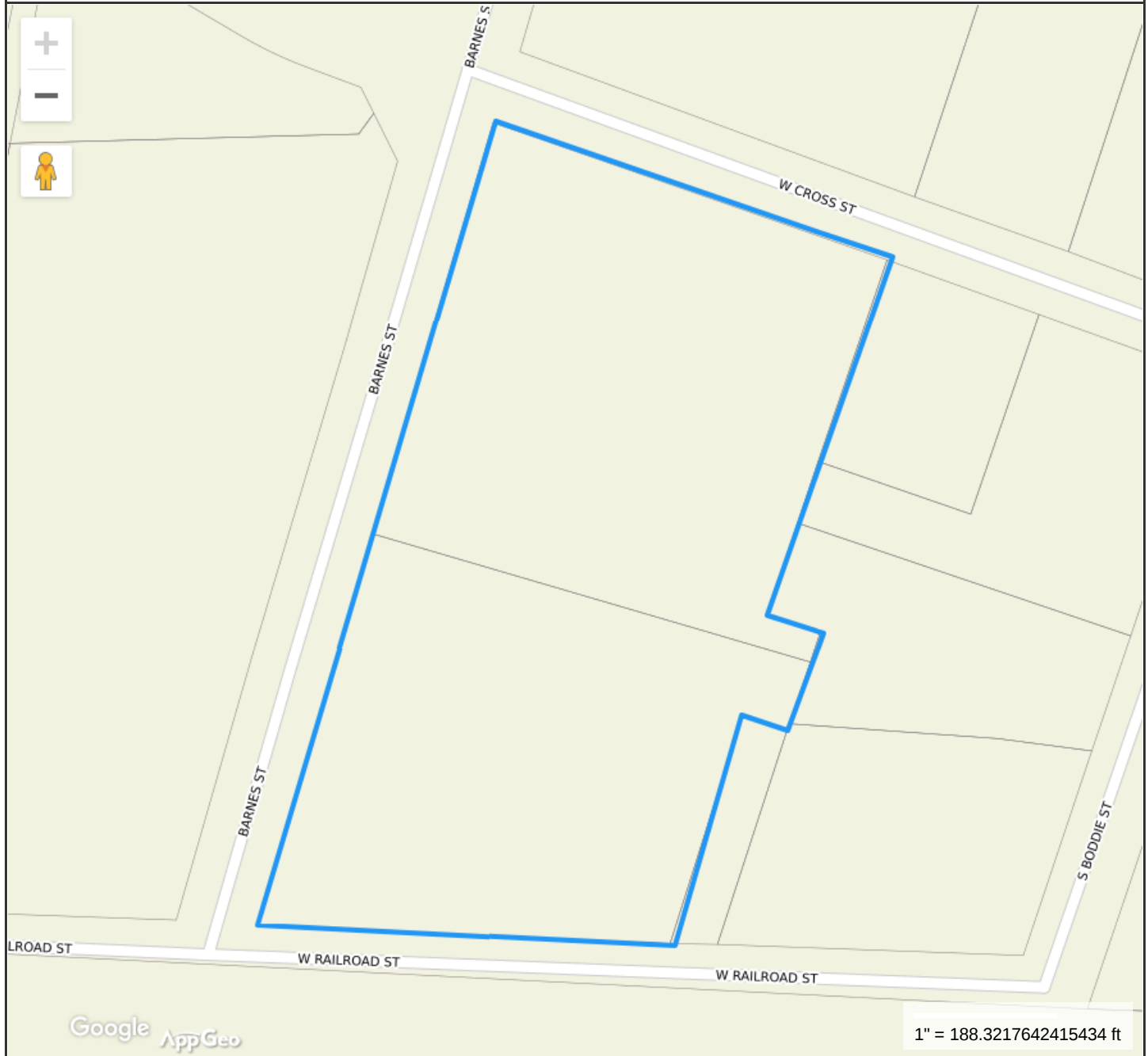
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(252)459-4511

AGENDA REPORT

MEETING DATE:	October 5, 2023
PREPARED BY:	Randy Lansing, Town Manager
ISSUE CONSIDERED:	Downtown and Nashville Junction Social Districts
SUMMARY OF ISSUE:	<p>September 14, 2023 we held a informational meeting social districts at the Town Council meeting chambers. Thirty-eight (38) people attended. Nineteen (19) spoke. Most were against a social district, especially for downtown. They cited their desire to keep and maintain Nashville's downtown family-friendly.</p> <p>The Downtown Nashville Strong Advisory Board discussed social districts at its October 2, 2023 meeting taking into account what was said by those who attended the September 14th informational meeting. The Advisory Board is still recommending the Council pursue establishing a social district for both the Downtown and the Nashville Junction.</p> <p>Attached is a draft ordinance establishing a Downtown social district and the Nashville Junction social district along with boundary maps for both. To begin with the Advisory Board is recommending social district days be Wednesday to Saturday and times 11:AM to 11:00 PM.</p>
MANAGER'S RECOMMENDATION:	to move forward with establishing a social district for Downtown and the Nashville Junction which allows consumption of alcoholic beverages in the districts per NCGS 18B-300.1.
ATTACHMENTS:	<p>Nashville Junction Social District Boundaries</p> <p>Social District Ordinance</p> <p>Downtown Social District Boundaries</p>
REVIEWED BY TOWN MANAGER:	Randy Lansing

Nashville Junction Social District Boundaries



Parcel Search Information

ParID 007378
 Site Address
 Pin 007378



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Nash County, North Carolina makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Ordinance 2023-20

AN ORDINANCE ESTABLISHING A SOCIAL DISTRICT FOR DOWNTOWN AND THE NASHVILLE JUNCTION IN THE TOWN OF NASHVILLE

WHEREAS, 1160A-205.4 and 18B-300.1 define social districts and authorizes local units of government to establish social districts with a duly adopted ordinance, and

WHEREAS, the Town Council of the Town of Nashville desires to establish a social district pursuant to the authority set forth above for Downtown and the Nashville Junction,

NOW, THEREFORE, Be It Ordained by the Town Council of the Town of Nashville, North Carolina as follows:

SECTION 1. New Section. That a new article, Article VI, titled “Social District”, is hereby created and added to Chapter 8 “Businesses and Business Regulations” of the Nashville Code of Ordinances which shall read as follows:

ARTICLE VI. SOCIAL DISTRICT

Sec. 8-200. – Purpose and Intent.

(a) Pursuant to the provisions of North Carolina General Statute 160A-205.4 and 18B-300.1, a social district may be created within the Town, and the Town creates and designates the Downtown social district and the Nashville Junction social district as shown on the maps dated October 2, 2023. The maps are available in the Office of the Town Clerk, and attached hereto as Exhibit A and Exhibit B. Signage and/or markings shall be posted clearly delineating the boundaries of the Downtown social district and the Nashville Junction social district.

(b) The Downtown social district and the Nashville Junction social district shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statute 160A-205.4 and Chapter 18B-300.1.

(c) Any person who violates this Article, and any person who aids, abets, encourages, assists in, or contributes to such violation, shall be guilty of a misdemeanor punishable in accordance with G.S. 14-4.

Sec. 8-201. Definitions.

(a) “Social district” means and refers to a defined area in which a citizen may consume alcoholic beverages sold by an ABC permittee. This term does not include the permittee's licensed premises or an extended area allowed under North Carolina General Statute 18B-904(h).

(b) “Permittee” means and refers to a person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under NCGS 8B-200:

- i. An on-premises malt beverage permit issued pursuant to G.S. 18B 1001(1).
- ii. An on-premises unfortified wine permit issued pursuant to G.S. 18B 1001(3).
- iii. An on-premises fortified wine permit issued pursuant to G.S. 18B 1001(5).
- iv. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
- v. A distillery permit issued pursuant to G.S. 18B-1100(5).

(c) "Person" means and refers to an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.

(d) "Premises" means and refers to a fixed permanent establishment, including all areas inside or outside the permitted establishment, where the permittee has control through a lease, deed, or other legal process.

Sec. 8-202. Application.

(a) The provisions and terms contained in this Article shall be applicable between the hours of 11:00 AM and 11:00 PM, Wednesday through Saturday. At all other times, the provisions and terms contained in this Article are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.

(b) Any alcoholic beverage purchased for consumption in the Downtown social district and the Nashville Junction social district shall (i) only be consumed in the Downtown social district and Nashville Junction social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the Downtown social district and the Nashville Junction social district. A violation of this Section is a misdemeanor.

Sec. 8-203. Requirements for Sale of Alcoholic Beverages.

A permittee located in the Downtown social district and the Nashville Junction social district may sell alcoholic beverages for consumption within the respective social districts in accordance with the following requirements:

(a) The permittee shall only sell and serve alcoholic beverages on its licensed premises.

(b) The permittee shall only sell alcoholic beverages for consumption in the Downtown social district or the Nashville Junction social district in a container that meets all of the following requirements:

(1) The container clearly identifies the permittee from which the alcoholic beverage was purchased.

(2) The container clearly displays a logo or some other mark that is unique to the Downtown social district or the Nashville Junction social district.

(3) The container is not made of glass.

(4) The container displays, in no less than 12-point font, the statement, "Drink Responsibly - Be 21."

(5) The container shall not hold more than 16 fluid ounces.

(c) The permittee shall not allow a person to enter or reenter its licensed premises with an alcoholic beverage not sold by the permittee.

Sec. 8-204. Requirements for Possession and Consumption of Alcoholic Beverages.

The possession and consumption of an alcoholic beverage in the Downtown social district or the Nashville Junction social district is subject to all of the following requirements and those of NCGS 18B-300.1 and 18B-900.:

(a) Only alcoholic beverages purchased from a permittee located in the Downtown social district or Nashville Junction social district may be possessed and consumed.

(b) Alcoholic beverages shall only be in containers meeting the requirements set forth in Sec. 4-8 "Requirements for Sale" of this Article.

(c) Alcoholic beverages shall only be possessed and consumed during the days and

hours set forth in Sec. 8-202 “Application” of this Article.

(d) Nothing in this subdivision shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in NCGS 18B-1010.

(e) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown social district or the Nashville Junction social district.

Sec. 8-205. Severability.

If any section, phrase, sentence, or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in effect from and after its final passage, and approval as required by law.

PASSED, APPROVED, and ADOPTED this 17th day of October 2023.

Attest:

Brenda Brown, Mayor

Louise Bennett, Town Clerk

Downtown Social District Boundaries



Parcel Search Information

ParID 106205
Site Address
Pin 106205



**MAP FOR REFERENCE ONLY
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TOWN OF NASHVILLE

499 S. BARNES STREET

NASHVILLE, NC 27856

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(252)459-4511

AGENDA REPORT

MEETING DATE:	October 5, 2023
PREPARED BY:	Sherry Moss, Planning and Development Director
ISSUE CONSIDERED:	Rezoning Public Hearing and Decision - Two Vacant Lots at Brake & S. 1st Streets
SUMMARY OF ISSUE:	<p>Public Hearing: RZ 2023-02: Arun Dutta is requesting to rezone approximately 0.36 acres located on Brake Street and South 1st Street, Nash County Parcel ID 003296 & 005959; PIN# 3800 0768 7112 & 3800 0768 6157, in the Town of Nashville's jurisdiction, from R-10 (Medium-Density Residential District) to B-1 (General Business District) per Division 9 of the Nashville Zoning Ordinance.</p> <p>The purpose of the rezoning is to allow the opportunity for the property to be used as a retail operation. The subject properties contain vacant lots. The zoning district(s) in the area includes one adjacent B-1 zoning lot, with a land use consisting of a retail store, and R-10 zoning district, with land uses of single-family dwellings. Rezoning the 0.36-acre, 2-lot tract from R-10 to B-1 would allow the property to be utilized as retail but would not be in harmony with the existing surrounding land uses in the area.</p>
MANAGER'S RECOMMENDATION:	to hold the scheduled public hearing on rezoning request RZ 2023-02, and deny the request per the Planning Staff's and Planning Board's recommendation and findings that the request is inconsistent with the Future Land Use Plan and not in harmony with the surrounding residential neighborhood.
ATTACHMENTS:	10 05 2023 TC Agenda Packet
REVIEWED BY TOWN MANAGER:	Randy Lansing



**TOWN OF NASHVILLE
PLANNING DEPARTMENT**
499 S. Barnes Street / Nashville, NC 27856 / 252.459.4511
www.townofnashvilleenc.gov



STAFF REPORT

Rezoning Case:	RZ2023-02
Report By:	Sherry N. Moss, Planning Director
Hearing Dates: Planning Board – September 26, 2023/ Town Council – October 3, 2023	

ADDRESS OF THE REZONING PROPOSAL:

Brake Street & S. First Street

PROPERTY OWNER:

Arun Dutta
1055 Evening Shade Avenue
Rolesville, NC 27571

APPLICANT:

Same

ANALYSIS OF THE REZONING REQUEST:

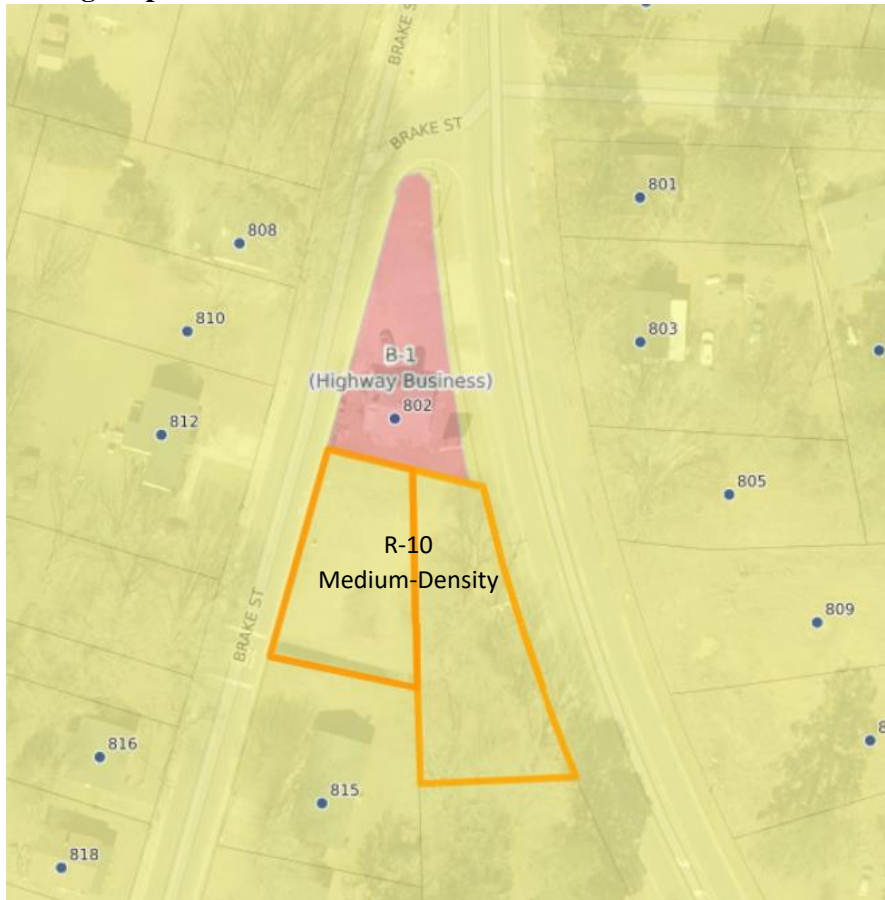
RZ 2023-02: Arun Dutta is requesting to rezone approximately 0.36 acres located on Brake and S. First Street, Nash County Parcel ID 003296 & 005959; PIN# 3800 0768 7112 & 3800 0768 6157, in the Town of Nashville’s jurisdiction, from R-10 (Medium-Density Residential District) to B-1 (Highway Business District) per Division 9 of the Nashville Zoning Ordinance. The purpose of the rezoning is to allow the opportunity for the property to be used as a retail operation. The subject properties contain vacant lots. The zoning district(s) in the area includes one adjacent B-1 zoning lot, with a land use consisting of a retail store, and R-10 zoning district, with land uses of single-family dwellings. Rezoning the 0.36-acre, 2-lot tract from R-10 to B-1 would allow the property to be utilized as retail but would not be in harmony with the existing surrounding land uses in the area.

ZONING & LAND USE:

North	South	East	West
Adjacent/Nearby Zoning Designation			
B-1	R-10	R-10	R-10
Adjacent/Nearby Land Uses			
Retail	Residential	Residential	Residential
Nashville Zoning Code			
<p>Existing Zoning: R-10: 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.</p>			
<p>Proposed Zoning: B-1: 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.</p>			
2021 Nashville Comp Plan			
<p>Existing Medium Density Residential: Residential uses including single-family/manufactured home subdivisions, duplexes, townhomes, and limited multi-family development including apartments and condominiums. Parks, places of worship, and schools or institutional uses of similar scale or context shall be allowed.</p>			
<p>Proposed Neighborhood Services: The neighborhood services land use classification includes commercial, office, and institutional services that are primarily located and designed to serve the Town’s citizens. Where such development has an established pattern, other lands that represent a logical extension of neighborhood services use are also included. The type of classification is generally situated away from highway interchanges and functions as a buffer between highway services or industrial uses with residential uses.</p>			










Below is a comparison of the zoning map and the future land use map of the subject properties. The existing zoning map shows the zoning district of the subject property as residential. Whereas the existing future land use map classifies the subject property as medium-density residential. However, if the subject property is rezoned to business, it will be contiguous with the adjacent business zoning district of the zoning map, but inconsistent with the future land use map.

Zoning Map



Future Land Use Map



- Future Land Use**
-  Agriculture
 -  Neighborhood Services
 -  Highway Services
 -  Town Center
 -  Industrial
 -  Low Density Residential
 -  Medium Density Residential
 -  High Density Residential
 -  Open Space

Section 18-109: Table of Permitted Uses

	A-1	R-30	R-15	R-10	R-6M	R-6	R-4	MF	O-I	B-1	B-2	I-1	Requirements
Retail business, but not car sales, otherwise listed										X	X	X	See note 1

Photos of Subject & Nearby Properties – Rezoning signs were posted on properties on 9/14/2023.



Google Earth Pro Photo



The Planning Board is asked to review the rezoning request and make a recommendation to the Town Council.

Upon making its recommendation, the Planning Board should consider the following factors:

1. Is the proposal in accordance with the Land Use Plan and sound planning principles.
2. Is there is convincing demonstration that all uses permitted under the proposed district classification or proposed text amendment would be in the general public interest and not merely in the interest of an individual or small group.
3. Is there is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
4. Is there is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

FINDINGS OF FACT AND ORDER

1. Arun Dutta is the applicant requesting to rezone a total of 0.36 acres at the above said location.
2. The rezoning application was received on 9/7/2023.
3. Public Hearing Notice Letters were mailed out to approximately 77 property owners within a 500-foot radius on 9/13/2023.
4. Public hearing notice was posted on the Town’s website on 9/14/2023.
5. The rezoning sign was posted on the property on 9/14/2023 and photos were taken.
6. The legal notice was advertised in the Nashville Graphic on September 14, 2023, and September 21, 2023 for the September 25th Planning Board Meeting and September 21, 2023 and September 28, 2023 for the October 5th Town Council Meeting.
7. The subject properties are NOT located within a floodplain.
8. The subject properties are NOT located within the NCDEQ Water Supply Watershed.
9. The Planning Board’s recommendation of this item will go before the Town Council’s regular meeting on Thursday, October 5, 2023. At that time, another public hearing will be conducted, and a final decision is anticipated to be made.

ATTACHMENTS

1. Application
2. Metes and Bounds Description
3. Site Plan
4. Property Owner’s Aerial Map
5. Property Owner’s List (within 500’ feet or within a set community of area sought to be rezoned)
6. Dimensional Requirements
7. Consistency Statement
8. Planning Board Recommendation



TOWN OF NASHVILLE PLANNING DEPARTMENT

499 S. Barnes Street
Nashville, NC 27856
252.459.4511 Phone / 252.459.8926 Fax
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REZONING APPLICATION

FOR ADMINISTRATIVE USE ONLY

Case #	Date Submitted	Fee Paid	Planning Board Date	Town Council Date
R22023-02	9/7/2023	\$200	9/26/2023	10/3/2023

PROPERTY INFORMATION

Property Address: 5 FIRST ST & BRAKE ST Acreage of Property: 0.21 + 0.15 = 0.36
 ParID: 3800076871124 ³⁸⁰⁰⁰⁷⁶⁸⁶¹⁵⁷ PIN: 003296 & 005959
 Existing Zoning: R-10 Existing Land Use: Vacant Land
 Proposed Zoning: B-1 Proposed Land Use: Retail
 Current Future Land Use Map Designation: Medium-Density Residential
 Proposed Future Land Use Map Designation: Neighborhood Services

APPLICANT INFORMATION

Applicant: ARUN DUTTA
 Mailing Address: 1055 EVENING SHADE AVE
 City: ROLESVILLE State: NC Zip Code: 27571
 Phone: 919-798-5985 Fax: _____
 Email: ARUNDATTA157@ROCKETMAIL.COM

PROPERTY OWNER INFORMATION

Property Owner: ARUN DUTTA
 Mailing Address: 1055 EVENING SHADE AVE
 City: ROLESVILLE State: NC Zip Code: 27571
 Phone: 919-798-5985 Fax: _____
 Email: ARUN DATTA157@ROCKETMAIL.COM

REQUIRED ATTACHMENTS

- Metes and bounds description attached
- Scaled site plan/sketch of property/area attached
- Property Owner's List (within 500' feet or within a set community of area sought to be rezoned)



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REZONING APPLICATION

STATEMENT OF JUSTIFICATION

1. Describe how the rezoning request is consistent with the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable. _____

There is a Commercial Store next to my Lots.

2. Explain how the rezoning request will update the existing ordinance if there is any inconsistency with the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable. _____

once approval of Rezoning is complete will meet all required formalities.

3. Explain why the rezoning request would be appropriate, beneficial, and in the general public interest of the area sought to be rezoned. _____

AREA IS SURROUNDED BY LARGE NUMBER OF HOUSES AND THERE IS ONLY ONE COMMERCIAL ADJOINING TO MY LOT. PUBLIC NEED MORE COMMERCIAL FOR THERE DAILY NEEDS.

4. Explain whether the rezoning request would adversely affect adjoining property owners and alter the character of the area. _____

NOT GOING TO EFFECT, ON THE ONE SIDE THERE IS ALREADY COMMERCIAL and ON OTHER TWO SIDES IS ROAD.

5. Briefly explain the accessibility and impact of adequate public facilities, services, fire and safety, infrastructure, parks and recreation, stormwater drainage, and topography, etc., that is currently available at the subject property. _____

ALL Public utilities are available in the Area.



**TOWN OF NASHVILLE
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Nashville, NC 27856
252.459.4511 Phone / 252.459.8926 Fax
www.townofnashville.com

REZONING APPLICATION

APPLICATION AFFIDAVIT

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

APPLICANT (Print Name): ARUN DUTTA

Signature of Applicant: Arun Dutta Date 9/5/2023

PROPERTY OWNER (Print Name): ARUN DUTTA

Signature of Property Owner: Arun Dutta Date 9/5/2023

RZ2023-02 – METES AND BOUNDS DESCRIPTION

PARID: 003296

Known as S. First Street, Nashville, Nash County, North Carolina, and being more particularly described as follows:

Beginning at an iron stake, a corner of Lots Nos. 1 and 2 in the center line of highway No. 58; thence N. 76° 14' W. 118.1 feet along the line of Lot No. 2 to an iron stake in the eastern boundary line of Lots 1 and 2; thence N. 5° E. 163 feet to an iron stake; thence S. 68° 4' E. 67.6 feet to the center line of highway No. 58; thence along the aforesaid highway S. 12° 21' E. 112.3 feet; S. 18° 3' E. 57.3 feet to the point of beginning, the same being a part of Lot No. 2 of the J. B. Battle Home Tract. And being the identical property described in Book 1225, Page 831, Nash County Registry.

For information purposes:

S. First Street, Nashville, NC 27856

Parcel ID: 003296

PARID: 005959

Known as Brake Street, Nashville, Nash County, North Carolina, and being more particularly described as follows:

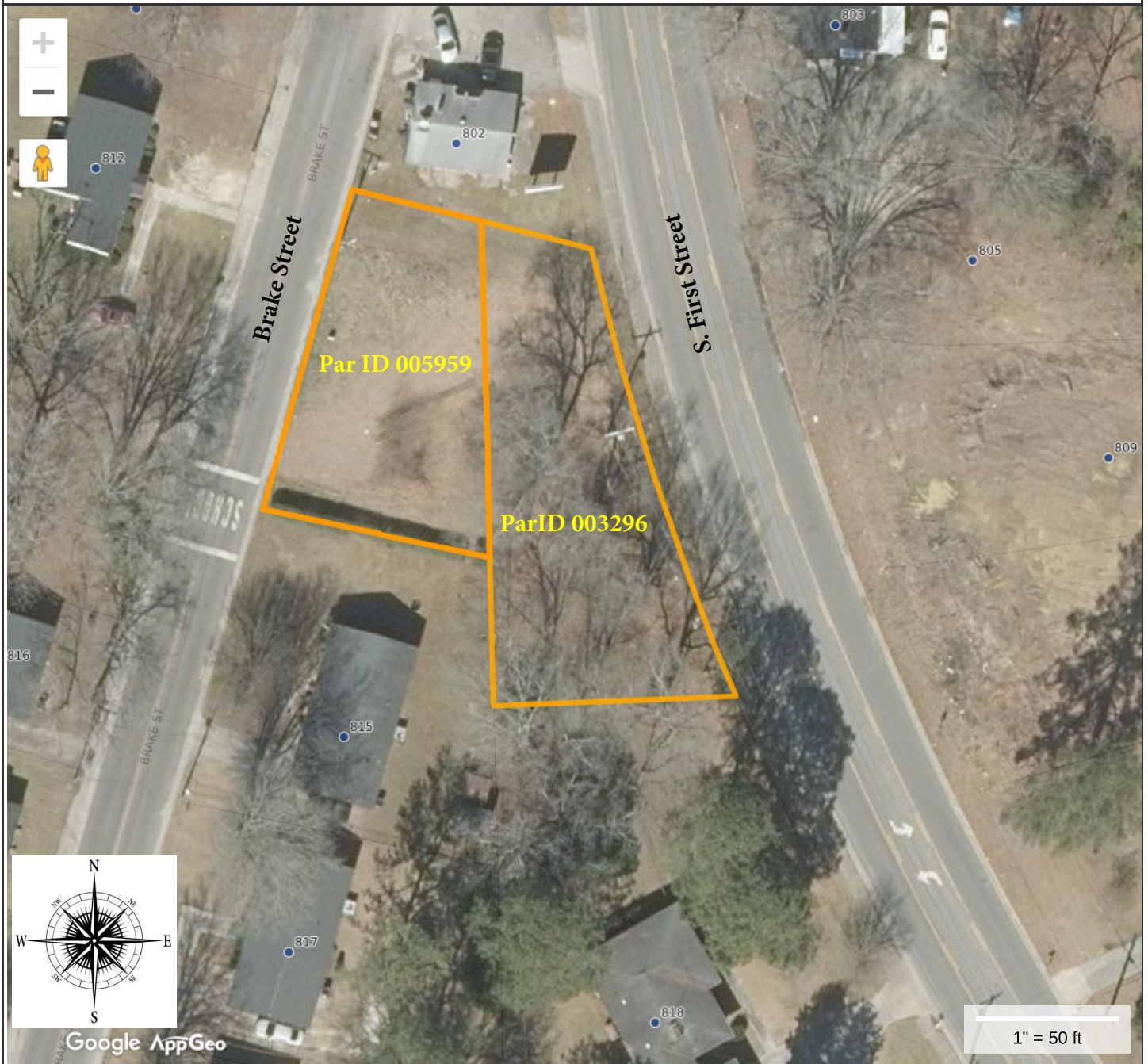
Beginning at an iron stake on the Eastern right of way of First Street, a new corner for Missouri Ward; thence along a new line for Missouri Ward S. 67° 25' E. 44.2 feet to an iron stake in the line of Mary Jane Taybron; thence along the line of Mary Jane Taybron, J. N. Battle and David Ghist S. 5° 11' W. 894.95 feet to an iron stake, a new corner for Missouri Ward; thence along a new line for Missouri Ward N. 77° 20' W. 318.7 feet to an iron stake on the Eastern right of way of First Street; thence along the Eastern right of way of First Street N. 22° 43' E. 908.9 feet to an iron stake on the Eastern right of way of First Street, the point of BEGINNING, containing 3.72 acres according to survey and plat of O. Harold Wester, R. L. S.

For information purposes only:

Brake Street, Nashville, NC 27856

Parcel ID: 005959

Brake Street - 005959 & S. First Street - 003296



Parcel Search Information

ParID 005959
 Site Address
 Pin 005959

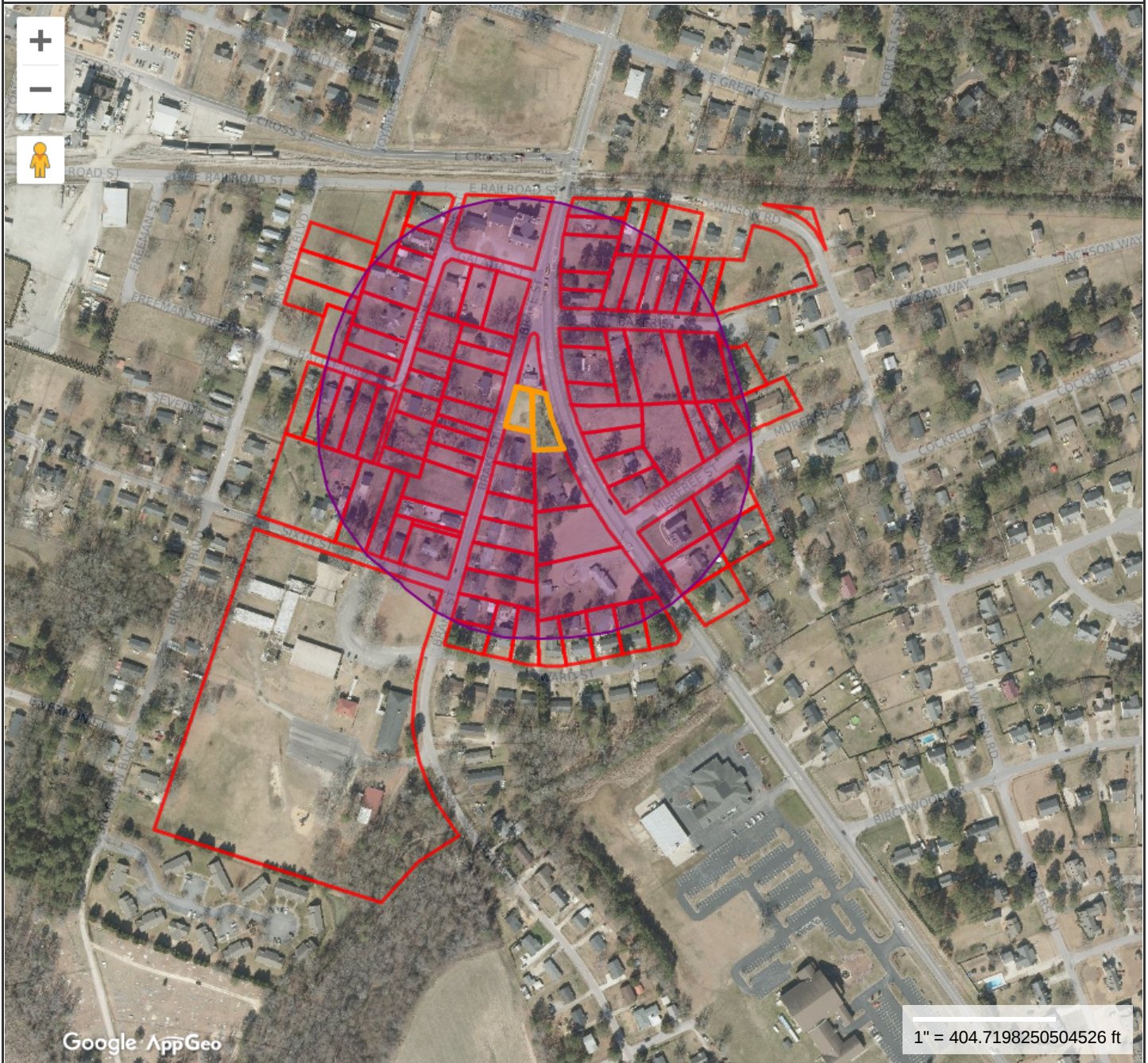


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Nash County, North Carolina makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

RZ2023-02 - Brake & S. First Street - Property Owners w/in 500'



Parcel Search Information

ParID 005959
 Site Address
 Pin 005959



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

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RZ2023-02 - BRAKE & S. FIRST STREET - PROPERTY OWNERS WITHIN 500'						
ParID	Site Address	Pin	Owner 1	Mailing Address 1	Mailing City State Zip	
001690	910 S FIRST ST	380007678732	GHOST BERNETTA LACHELLE & DAVID D II	107 QUEEN ANNE AVE	NASHVILLE NC 27856	
002046	313 BATTLE DR	380007682114	ALSTON ERNEST JR HEIRS	1713 SCARBOROUGH RD	HIGH POINT NC 27265	
002057	407 OLD WILSON RD	380007689696	ALSTON WILLIAM	PO BOX 494	NASHVILLE NC 27856	
002120	BAKER ST	380007689562	ARRINGTON HENRY PATTIE	1536 N ALDEN ST	PHILADELPHIA PA 19131	
002142	711 S FIRST ST	380007688418	ARRINGTON ONSLOK	346 A LAFAYETTE	BROOKLYN NY 11238	
002178	805 S FIRST ST	380007688242	AVENT HENRY	5511 WHIPPOORWILL ST	DURHAM NC 27704-	
002180	MURFREE ST	380007781174	EVANS RICKY	516 MURFREE ST	NASHVILLE NC 27856	
002198	812 ROSE ST	380007683556	BREWER ALPHEUS	812 ROSE ST	NASHVILLE NC 27856	
002269	416 WARD ST	380007770620	BROWN MORRIS LISSIE T	416 WARD ST	NASHVILLE NC 27856	
002289	416 BAKER ST	380007781551	BASKERVILLE EMMA D	91 BUNKER HILL	NEW CASTLE DE 19720	
002423	320 GALATIA ST	380007686606	GALATIA CHURCH		NASHVILLE NC 27856	
002467	327 GALATIA ST	380007685428	GAYLOR FELICIA D	327 GALATIA ST	NASHVILLE NC 27856	
002523	825 BRAKE ST	380007675790	WILLIAMS TONA C RICHARDSON	108 ROCKWATER CT	ROCKY MOUNT NC 27803	
002542	818 S FIRST ST	380007677948	BATTLE MURIEL N	818 S FIRST ST	NASHVILLE NC 27856	
002543	S FIRST ST	380007677885	BATTLE MURIEL N	818 S FIRST ST	NASHVILLE NC 27856	
002545	ROSE ST REAR	380007683150	BURNETTE WILLIAM H CHRISTINE	1308 1/2 DELAFIELD PL NW	WASHINGTON DC 20011	
002546	406 WARD ST	380007677546	CHAVIS ARLIN TERESA ET AL	6658 RED OAK RD	BATTLEBORO NC 27809	
002553	315 BATTLE DR	380007682162	SANDOVAL WILVER HERNANDEZ & ELIZABETH	315 BATTLE DR	NASHVILLE NC 27856	
002560	BAKER ST	380007689502	GALATIA A M E CHURCH	320 GALATIA AVE	NASHVILLE NC 27856-	
002619	820 BRAKE ST	380007684050	HARRISON FRANK ET AL	310 E SIXTH ST	NASHVILLE NC 27856	
002623	407 BAKER ST	380007689229	BODDIE-HAGGINS ROBIN & TERRI B CLARK	3076 COLEY RD	ROCKY MOUNT NC 27804	
002789	310 SIXTH ST	380007670986	HARRISON TOLIE B	310 SIXTH ST	NASHVILLE NC 27856-	
002813	915 S FIRST ST	380007771697	MOORE DENNIS E HEIRS	PO BOX 1112	SPRING HOPE NC 27882	
002824	SIXTH ST	380007672991	BRODDIE GEORGE HEIRS	314 SIXTH ST	NASHVILLE NC 27856	
002856	900 KATES LN	380007772863	BRYANT LILLIAN H	906 KATE LN	NASHVILLE NC 27856	
002864	819 S FIRST ST	380007679989	RICHARDSON MARY O	10 REGENCY SQ	NEWPORT NEWS VA 23601-2542	
002866	516 MURFREE ST	380007781133	EVANS EVELLA S	516 MURFREE ST	NASHVILLE NC 27856-	
002881	BAKER ST	380007780370	BULLUCK ROSA IRIS	1358 28TH ST	NEWPORT NEWS VA 23607	
002892	818 ROSE ST	380007683500	YARBOROUGH TURNER YVONNE	818 ROSE ST	NASHVILLE NC 27856	
002904	402 WARD ST	380007676518	STEPHENSON ERNESTINE H JOE C	402 WARD ST	NASHVILLE NC 27856	
002907	815 BRAKE ST	380007686048	BUNTING CHRISTINE T	PO BOX 614	NASHVILLE NC 27856	
002926	818 BRAKE ST	380007684065	BURNETTE WILLIAM H CHRISTINE	1308 1/2 DELAFIELD PL NW	WASHINGTON DC 20011	
002991	412 WARD ST	380007678588	JONES STEPHEN G & ERIC JONES	PO BOX 776	NASHVILLE NC 27856	
003316	810 ROSE ST	380007683672	STOKES NANCY C	810 ROSE ST	NASHVILLE NC 27856-	
003340	BRAKE ST	380007685107	COOPER ROXANNA HEIRS	917 E NASH ST	MAIL RETURNED MR 00000	
003381	913 S FIRST ST	380007771746	OSTERHOUDT MARCUS CHET RHONDA	6244 WATERS EDGE DR	ROCKY MOUNT NC 27804	
003428	803 S FIRST ST	380007688320	COTTON FREEMAN & DOROTHY A	5638 LEON RD	NASHVILLE NC 27856	
003494	784 OLD WILSON RD	380007780665	PATHWAY EAST LLC	PO BOX 813	NASHVILLE NC 27856	
003499	307 BATTLE DR	380007680270	DAVIS AUGUSTA L TABRON	307 BATTLE DR	NASHVILLE NC 27856	
003500	816 BRAKE ST	380007684180	HULTZMAN DIANE M	6701 OAK RIDGE DR	RALEIGH NC 27612	
003528	804 OLD WILSON RD	380007782574	LEDBETTER & LEDBETTER LLC ET AL	1401 BURCHCREST DR	GARNER NC 27529	
003555	821 BRAKE ST	380007676824	LEONARD HERMAN BERTHA	2204 N OLD CARRIAGE RD	ROCKY MOUNT NC 27804	

RZ2023-02 - BRAKE & S. FIRST STREET - PROPERTY OWNERS WITHIN 500' - Page 2						
ParID	Site Address	Pin	Owner 1	Mailing Address 1	Mailing City	State Zip
003636	314 SIXTH ST	380007672923	HARRISON FRANK G	314 SIXTH ST	NASHVILLE NC	27856
003672	410 WARD ST	380007678517	LYNCH JAMES L & ANGELA DAWN	410 WARD ST	NASHVILLE NC	27856
003675	404 WARD ST	380007676577	WIGGINS AUBREY T	1059 SPRINGFIELD RD	ROCKY MOUNT NC	27801
003796	819 BRAKE ST	380007676931	MARSH EDDIE C & GRACIE	PO BOX 1096	NASHVILLE NC	27856
003836	414 WARD ST	380007679559	ARRINGTON BESSIE	414 WARD ST	NASHVILLE NC	27856
003984	518 MURFREE ST	380007782126	WIGGINS NIKEISHA JOYNER	5211 DEAL DR	OXON HILL MD	20745
004022	802 S FIRST ST	380007686278	SALEM FAMILY LLC	4220 DEWFIELD DR N	WILSON NC	27896
004041	808 BRAKE ST	380007685356	DAUGHTRIDGE PROPERTIES LLC	919 EASTERN AVE	NASHVILLE NC	27856
004045	810 BRAKE ST	380007685342	POP HOMES - RDU LLC	117 CHRISTOPHER DR	CLAYTON NC	27520
004046	819 ROSE ST	380007684325	POP HOMES - RDU LLC	117 CHRISTOPHER DR	CLAYTON NC	27520
004300	417 BAKER ST	380007781340	COTTON FREEMAN & DOROTHY A	5638 LEON RD	NASHVILLE NC	27856
004339	405 E RAILROAD ST	380007689647	F2E HOLDINGS LLC	3661 SUNSET AVE, #218	ROCKY MOUNT NC	27804
004369	823 BRAKE ST	380007676708	KATALA INDUSTRIES LLC	108 TURTLE ROCK CT	ROCKY MOUNT NC	27803
004417	323 SIXTH ST	380011671228	NASH RY MT BOARD OF EDUCATION	930 EASTERN AVE	NASHVILLE NC	27856
004606	315 E RAILROAD ST	380007684700	PARKER LORENZA & ETHELYNE	315 E RAILROAD ST	NASHVILLE NC	27856
004892	321 GALATIA ST	380007684550	DEANS ROBERT LEE ANNA W	923 BRAKE ST	NASHVILLE NC	27856-
004893	BRAKE ST	380007684184	POWELL REATHA HEIRS	PO BOX 1025	ROXBORO NC	27573
005335	822 BRAKE ST	380007674921	RICHARDSON DEIRDRE ANN	822 BRAKE ST	NASHVILLE NC	27856
005349	328 SIXTH ST	380007673893	RICHARDSON OLIVIA	328 SIXTH ST	MAIL RETURNED MR	00000
005404	817 BRAKE ST	380007676929	NORFLEET BERNARD V	4640 MATTHEWS RD	WILSON NC	27893
005468	414 BAKER ST	380007781501	BATTLE LONEITA C	414 BAKER ST	NASHVILLE NC	27856
005472	BAKER ST	380007780562	BATTLE LONEITA C	414 BAKER ST	NASHVILLE NC	27856
005475	S FIRST ST	380007688539	GALATIA M E CHURCH IN TRUST	320 GALATIA AVE	NASHVILLE NC	27856-
005477	BAKER ST	380007780512	BATTLE LONEITA C	414 BAKER ST	NASHVILLE NC	27856
005550	829 BRAKE ST	380007675634	ROGERS JAMES R TRUSTEE	5014 NC 48	BATTLEBORO NC	27809
005727	524 E MURFREE ST	380007783242	SESSOMS JAMES EDWARD	524 E MURFREE ST	NASHVILLE NC	27856
006061	419 BAKER ST	380007782340	HALL DIANE S JEAN B STOKES	419 BAKER ST	NASHVILLE NC	27856-
006241	831 BRAKE ST	380007675517	ROGERS BRENDA G	831 BRAKE ST	NASHVILLE NC	27856-
006243	411 BAKER ST	380007689299	BODDIE-HAGGINS ROBIN & TERRIB CLARK	3076 COLEY RD	ROCKY MOUNT NC	27804
006656	825 ROSE ST	380007683178	MEDINA EVELYN M	825 S ROSE ST	NASHVILLE NC	27856
006885	311 BATTLE DR	380007681177	EDWARDS SANDRA WHITAKER	2583 US 64A	NASHVILLE NC	27856
006912	823 ROSE ST	380007683294	WHITE EVELLA A	823 ROSE ST	NASHVILLE NC	27856
007026	911 S FIRST ST	380007770895	WIGGINS OSCAR P II	911 S FIRST ST	NASHVILLE NC	27856
007029	709 S FIRST ST	380007688522	WIGGINS SIDNEY LORENZA JR & JANET	17542 TOBERMORY PL	LEESBURG VA	20175
007043	GALATIA ST	380007686406	SCOTT DANICE K	104 WEE LOCH DR	CARY NC	27511-
007045	ROSE ST	380007684209	SCOTT DANICE K	104 WEE LOCH DR	CARY NC	27511-
007046	ROSE ST REAR	380007683033	SCOTT DANICE K	104 WEE LOCH DR	CARY NC	27511-
007052	812 BRAKE ST	380007685225	CLINTON WILLIAM R JANET S	812 S BRAKE ST	NASHVILLE NC	27856-1406
007095	513 MURFREE ST	380007772923	WILLIAMS FOHLIETTE ET AL	1005 DEVONHURST CT	APEX NC	27502
007140	309 BATTLE DR	380007681128	PLUMMER CRYSTAL	665 E 181ST ST APT 4G	BRONX NY	10457
007159	324 SIXTH ST	380007673811	GRIMES JOHN E	6987 N NC 58	NASHVILLE NC	27856
007170	801 S FIRST ST	380007688327	WILLIAMS JOHN K JR TRUSTEE	524 N HALIFAX RD	ROCKY MOUNT NC	27804

RZ2023-02 - BRAKE & S. FIRST STREET - PROPERTY OWNERS WITHIN 500' - Page 3						
ParID	Site Address	Pin	Owner 1	Mailing Address 1	Mailing City	Mailing State Zip
007184	805 BROOKLYN BLVD	380007681429	STRICKLAND PROPERTIES LLC	5645 MACEDONIA RD	SPRING HOPE NC	27882
007186	828 ROSE ST	380007682340	YOUNG GODFREY DESHON & TENESIA LADAWN	822 S ROSE ST	NASHVILLE NC	27856
007187	820 ROSE ST	380007682471	POCOROBA VINCENT	6026 RIVER LAKE CIR	RALEIGH NC	27604
007192	287 E RAILROAD ST	380007683605	STRICKLAND PROPERTIES LLC	5645 MACEDONIA RD	SPRING HOPE NC	27882
007207	701 S FIRST ST	380007688761	CLMM INC	PO BOX 307	NASHVILLE NC	27856
007209	S FIRST ST	380007688657	CLMM INC	PO BOX 307	NASHVILLE NC	27856
007357	822 ROSE ST	380007682354	YOUNG GODFREY DESHON & TENESIA LADAWN	822 S ROSE ST	NASHVILLE NC	27856
034119	BRAKE ST	380007674837	RICHARDSON DEIRDRE ANN	822 BRAKE ST	NASHVILLE NC	27856
038816	809 BROOKLYN BLVD	380007681438	STRICKLAND PROPERTIES LLC	5645 MACEDONIA RD	SPRING HOPE NC	27882
043531	817 S FIRST ST	380007689035	CHAVIS ARLIN TERESA	6658 RED OAK RD	BATTLEBORO NC	27809
102926	809 S FIRST ST	380007689265	CLMM INC	PO BOX 307	NASHVILLE NC	27856
102927	813 S FIRST ST	380007689189	CLMM INC	PO BOX 307	NASHVILLE NC	27856
102930	512 MURFREE ST	380007781139	CLMM INC	PO BOX 307	NASHVILLE NC	27856
321250	813 BROOKLYN BLVD	380007680389	STRICKLAND PROPERTIES LLC	5645 MACEDONIA RD	SPRING HOPE NC	27882
321252	308 BATTLE DR	380007682437	STRICKLAND PROPERTIES LLC	5645 MACEDONIA RD	SPRING HOPE NC	27882

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
	Double Unit	6,000	40	15	6	7.5	10
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

RZ2023-02 CONSISTENCY STATEMENT: BRAKE STREET & S. FIRST STREET

<p>Option 1 (No Changes to Ordinances or Plans): A statement approving the zoning amendment and describing its consistency with the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.</p>
<p>MOTION & EXPLANATION BY PLANNING BOARD</p>
<p>I move we recommend approval of RZ2022-02 based upon review of, and consistency with, the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable. The request is consistent with the Comprehensive Plan, Code of Ordinances and adopted policies because:</p> <p>A.</p>
<p>B. The action taken is reasonable and in the public interest because:</p>
<p>Option 2 (No Changes to Ordinances or Plans): A statement rejecting the zoning amendment and describing its inconsistency with the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.</p>
<p>MOTION & EXPLANATION BY PLANNING BOARD</p>
<p>I move we recommend disapproval of RZ2022-02 based upon review of, and inconsistency with, the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable. The request is inconsistent with the Nashville Comprehensive Plan, Code of Ordinances and adopted policies because:</p> <p>A.</p>
<p>B. The action taken is reasonable and in the public interest because:</p>
<p>Option 3 (With Changes to Ordinances or Plans): A statement approving the zoning amendment and containing <u>at least all</u> of the following: a) A declaration that the approval is also deemed an amendment to Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application; b) An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community; and c) Why the action was reasonable and in the public interest.</p>
<p>MOTION & EXPLANATION BY PLANNING BOARD</p>
<p>I move we recommend approval of RZ2023-02 as an amendment, due to the inconsistency of the Town of Nashville Comprehensive Plan, Zoning Ordinance, and any other official plan that is applicable because:</p> <p>A.</p>
<p>B. The amendment will update the existing ordinance by:</p>
<p>C. The action taken is reasonable and in the public interest because:</p>

