



**Nashville Town Council
Agenda Meeting**

**Wednesday, August 26, 2020
7:00 PM**

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

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



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

AGENDA REPORT

MEETING DATE: August 26, 2020

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

ISSUE CONSIDERED: Z 2020-03

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

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

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

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

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

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

REVIEWED BY TOWN MANAGER:



**APPLICATION FOR REZONING
TOWN OF NASHVILLE, NORTH CAROLINA**

Date submitted: _____ Case #: 2 2020-03
 (to be completed by Town staff) (to be assigned by Town staff)

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

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

9.47 ACRE TRACT ON WESTERN AVENUE

The address of the property is 608 WESTERN AVENUE. The property is identified by the following map, block, and parcel number 3800.06-29-9776 ~~3800.06-39-2804~~ of the Nash County property ownership map (tax records). The size of the area requested for rezoning contains approximately 9.47 acres. A map of the property/area along with a legal description of the property/area boundaries is attached to this application.

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

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

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

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

APPLICANT (printed name): MICHAEL HURF

Signature of applicant: _____

Mailing Address: 110 TIMBERLAKE DRIVE
YOUNGSVILLE, NC 27596

Phone number(s): 252-714-3710

608 Western Avenue

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

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

Vicinity Map

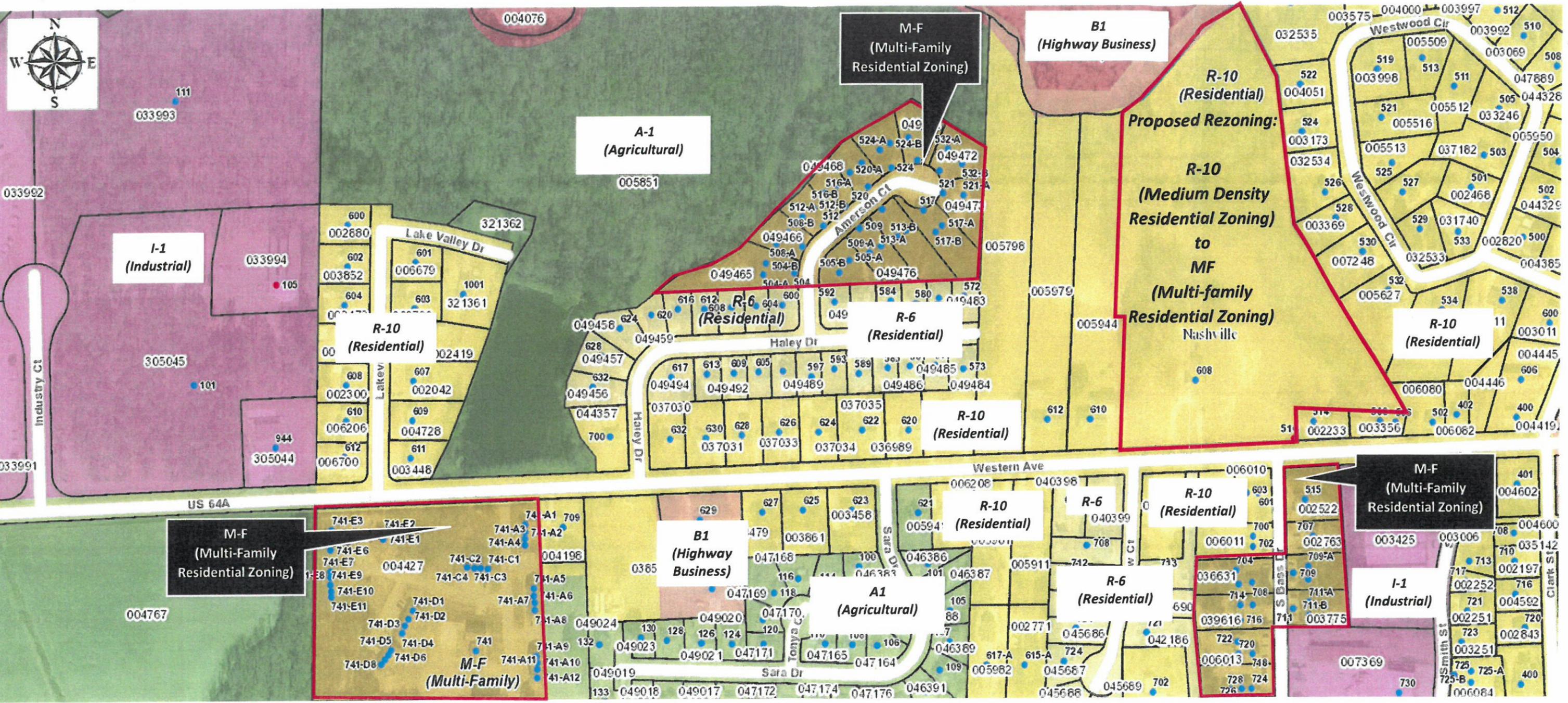
Western Avenue (PARID-019755 / PIN-381015532563)



Zoning Map : 2 2020 -D3

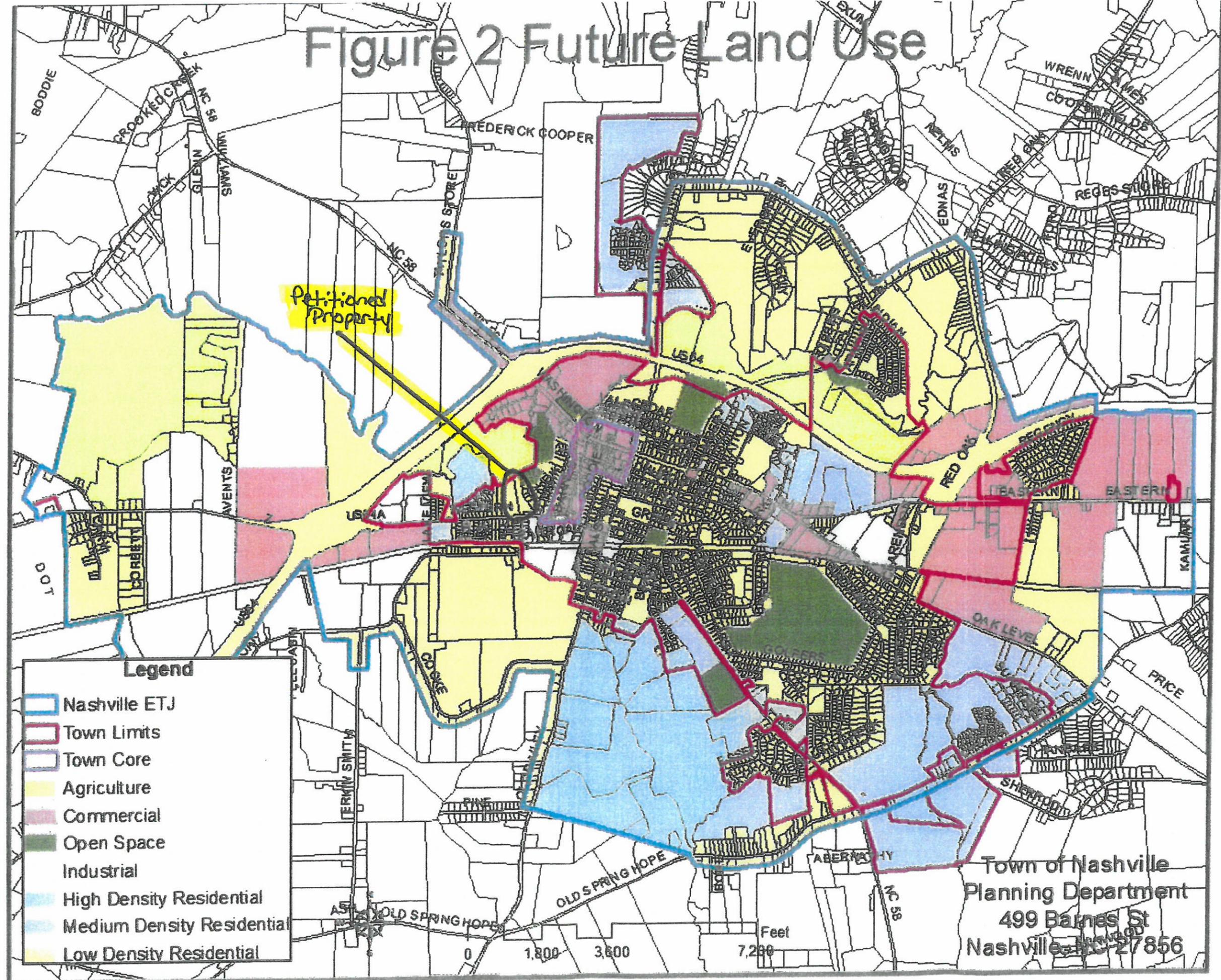
608 Western Avenue (PARID-019755 / PIN-381015532563)

Proposed Rezoning R10 to MF



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

Figure 2 Future Land Use



Sec. 18-112. - Description of districts.

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

(k) *B-2 central business district.*

- (1) The B-2 district is defined as certain land structures that provide personal services, retailing, some high density dwellings, and business services of all kinds for local and regional commerce. The area is located in the central business district of the town where major streets and highways converge.
- (2) The regulations are designed to permit a concentrated development of permitted facilities and to protect the district from overintensive development and congestion.

(l) *I-1 industrial district.* The I-1 district is defined as certain lands so situated as to be suitable for industrial development, usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries excepting those that would be detrimental to adjoining properties. Excluded from this district are those industries which are noxious by their emission of smoke, dust, fumes, glare, noise and vibrations and those industries which deal primarily in hazardous products such as explosives. Selected business uses are also appropriate in this district.

(m) *WS watershed overlay district.*

- (1) The watershed overlay district is established as an overlay district for all general zoning districts for the following purposes:
 - a. Protecting portions of the designated Tar River and the Tar River Reservoir public water supply watershed from activities which could degrade water quality;
 - b. Reducing the volume of nutrients and other chemicals which could enter the water supply by reducing the amount of runoff which any given development will generate;
 - c. Minimizing land disturbances to reduce the amount of sediment entering the river; and
 - d. Providing for natural and engineered methods of managing stormwater.

The watershed overlay district is intended to be superimposed over the underlying general zoning district, and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

- (2) The watershed overlay district consists of that part of the Tar River Reservoir public water supply watershed designated by the state environmental management commission and located within the town planning jurisdiction that is five miles upstream from and draining to the Tar River Reservoir water intake or to the ridgeline of the watershed, whichever comes first, and that part of the Tar River public water supply watershed designated by the state environmental management commission and located within the town planning jurisdiction that is ten miles upstream and draining to the Tar River water intake or to the ridgeline of the watershed, whichever comes first.
- (3) The boundaries of the area included in the watershed overlay district are delineated on the official zoning map as defined in section 18-87. Land use within the watershed overlay district must comply with all of the requirements of both the underlying general zoning district and the watershed overlay district. Supplementary watershed district standards are delineated in note 15 to the table of permitted uses, section 18-113. The supplementary standards and requirements of note 15 to the table, however, are applicable only to new development activities which require an erosion and sedimentation control plan in accordance with the rules established by the state sedimentation control commission.

TABLE OF PERMITTED USES

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

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

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

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

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

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

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

District	Minimum Lot Size		Minimum Yard Regulations				Maximum Height of Structure In Feet	
	Area in Square Feet	Lot Width	Front Yard Set Back in Feet	Side Yard Set Back in Feet	Side Street Setback in Feet	Rear Yard Depth in Feet		
A-1 Agricultural	30,000 w/o central water & sewer	100	50	15		40	35	
	20,000 w central water	100	50	15		40	35	
	15,000 w central sewer	100	50	15		40	35	
R-30 Residential	30,000	100	30	15		30	35	
R-15 Residential	15,000	100	35	15		25	35	
R-10 Residential	Single Unit	10,000	75	30	12		30	35
	Double Unit	12,000	80	30	12		30	35
R-6M Residential	Single Unit	6,000	60	25	8		20	35
	Double Unit	8,000	80	25	8		20	35
R-6M Manufactured Unit	Residential	4,000	40	Refer to Manufactured Home Parks Special Use Section				
	Manufactured Unit	6,000	50	Refer to Manufactured Home Parks Special Use Section				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
MF 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	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	
	4,000	40	25	10	12.5	10	56	
I-1 Industrial	4,000	40	25	10	12.5	10	56	



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

AGENDA REPORT

MEETING DATE:	August 26, 2020										
PREPARED BY:	Sherry N. Moss, Planning & Development Director										
ISSUE CONSIDERED:	SU 2020-01										
SUMMARY OF ISSUE:	Request for a special use for property located at 608 Western Avenue, for the purpose of constructing more than one multi-family building on a single lot. This parcel contains approximately 9.45 acres and identified by Nash County Tax Parcel Number 380006299776.										
STAFF COMMENTS:	<p>The applicant is requesting a Special Use Permit to allow six three-story, 24-unit apartments to be established on a 9.47-acre lot off Western Avenue.</p> <p>The applicant/owner previously requested a rezoning for the petitioned property from R10 to MF. If approved, the applicant/owner will proceed with the special use process. The petitioned property is surrounded by a mixture of residential land uses including apartments, single family dwellings, and duplexes, with mixed zoning classifications of MF (Multi-Family), R-10 (Medium Density Residential), R6 (High Density Residential), and A-1 (Agricultural), I-1 (Industrial), and B1 (Business) zoning districts. With regards to the Future Land Use Map, the petitioned property is classified as low residential growth. The surrounding areas are classified as low, medium, and high-density residential growth, and agricultural, business, and industrial growth. The proposed use would be in harmony with the residential character of the area.</p> <p>In granting the special use permit, if approved, the Planning Board and the Town Council shall find that the:</p> <ol style="list-style-type: none">The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.The use meets all required conditions and specifications.The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in the general conformity with the plan of development of the Town of Nashville.										
STAFF RECOMMENDATION:	Staff does not make a recommendation on special use permits until after the public hearing.										
ATTACHMENT(S):	<table><tr><td>1. Application</td><td>6. Vicinity Map</td></tr><tr><td>2. Site Plan</td><td>7. Zoning Map</td></tr><tr><td>3. Quasi-judicial Rules</td><td>8. Land Use Map</td></tr><tr><td>4. Table of Uses</td><td>9. Photos of proposed site</td></tr><tr><td>5. §18-114, §18-115.15.16</td><td></td></tr></table>	1. Application	6. Vicinity Map	2. Site Plan	7. Zoning Map	3. Quasi-judicial Rules	8. Land Use Map	4. Table of Uses	9. Photos of proposed site	5. §18-114, §18-115.15.16	
1. Application	6. Vicinity Map										
2. Site Plan	7. Zoning Map										
3. Quasi-judicial Rules	8. Land Use Map										
4. Table of Uses	9. Photos of proposed site										
5. §18-114, §18-115.15.16											
REVIEWED BY TOWN MANAGER:											



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

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

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

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

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

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

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

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

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

The zoning district of the property where the special use is being requested is MF

[For residential uses, indicate the number of dwelling units per acre being proposed (15.2 du/acre).]

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

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

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

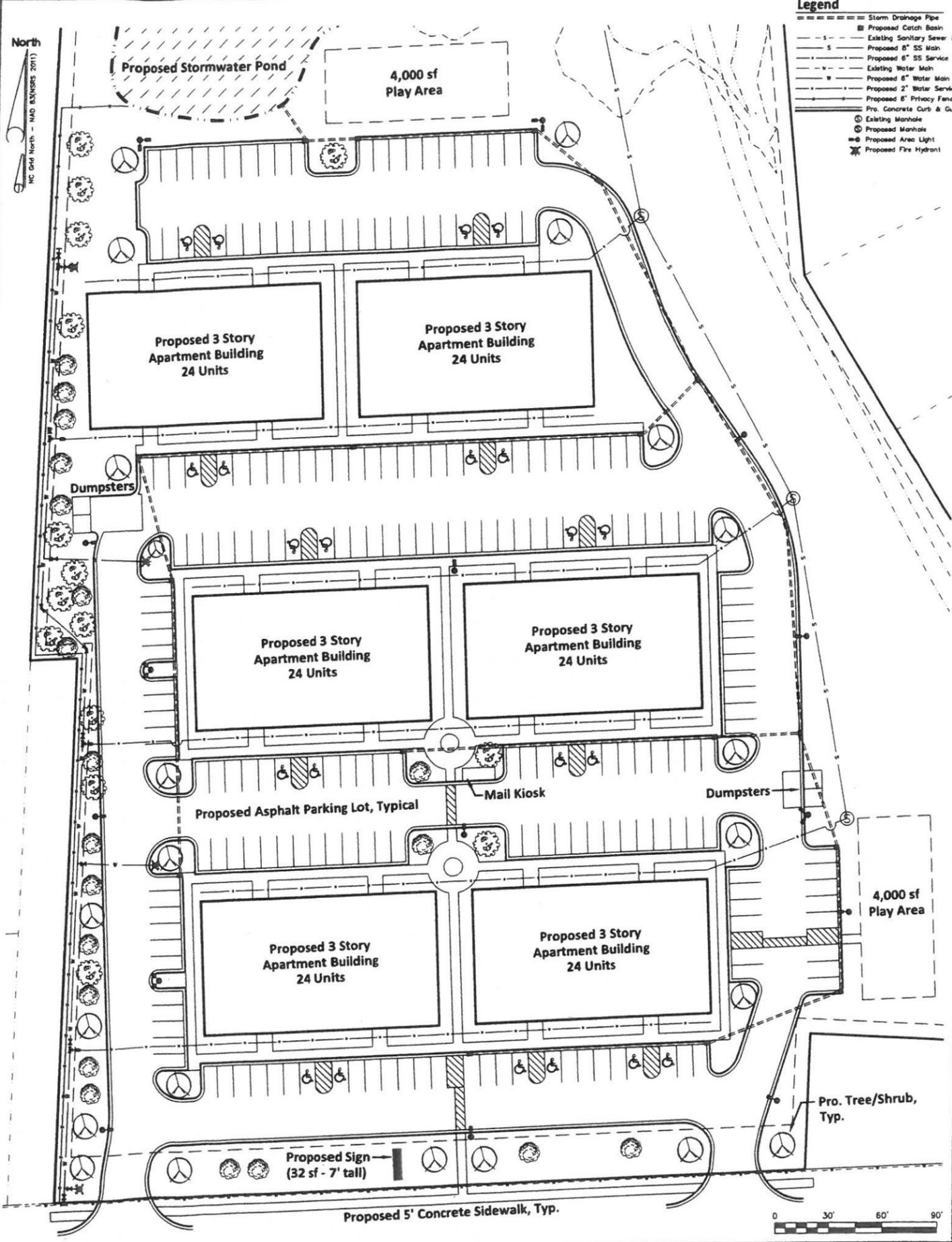
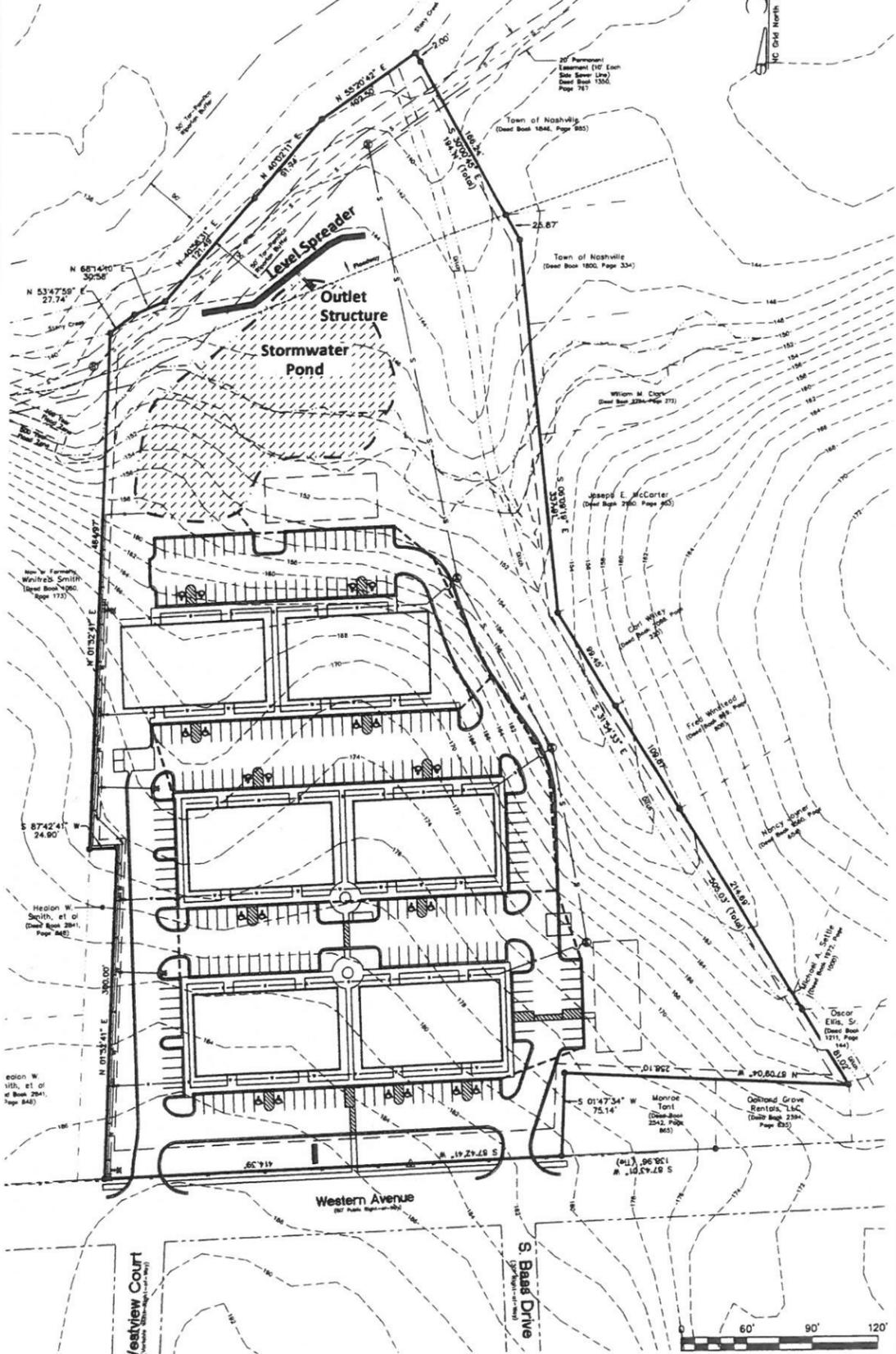
I certify that all information furnished in this application is accurate to the best of my knowledge. In addition, I give the Town permission to visit the property where this special use is being requested, prior to action by the Town Council.

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

Site Data
 Total Area: 9.47 acres
 Total # of Units: 144 units
 Max. Density
 Allowable: 161 units
 Parking Required: 216 (1.5/unit)
 Parking Provided: 225

Tentative Development Schedule

Council Approval	08/2020
Detailed Construction Plans Completed	12/2020
Plan Approval/Permits Issued	06/2021
Commence Construction	08/2021
Complete Construction	08/2023



Legend

- Storm Drainage Pipe
- ▣ Proposed Catch Basin
- Existing Sanitary Sewer Line
- Proposed 6" SS Main
- Proposed 6" SS Service
- Existing Water Main
- Proposed 6" Water Main
- Proposed 2" Water Service
- Proposed 6" Privacy Fence
- Pro. Concrete Curb & Gutter
- ⊙ Existing Manhole
- ⊙ Proposed Manhole
- ⊙ Proposed Area Light
- ⊙ Proposed Fire Hydrant

MGA
 Mack Gay Associates, P.A.
 Engineering • Surveying • Planning
 1467 Thomas A. Bell Pkwy., Rocky Mount, NC 27854 • Firm License: C-048P
 Phone: 252-446-2017 • Fax: 252-446-2713 • www.mackgay.com

Number	Date	Description	Revisions
1	7-15-2020	Added sign, fence, landscape buffer and schedule	SM
2	7-21-2020	Added sign dimensions	SM

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

Preliminary Drawing
 Not for Construction
 Horiz. Scale: varies
 Vertical Scale: n/a
 Date: June 24, 2020
 Project No.: P200089
 Drawn by: SMB/MDT
 Checked by: SMB/MDT
 Sheet: 1 of 2

SU: 2020-01



1 PERSPECTIVE 1
A9.8 NOT TO SCALE



2 PERSPECTIVE 2
A9.8 NOT TO SCALE

MCRD
MORELLI CLIFARD RESIDENTIAL & COMMERCIAL DRAFTING
301 South Church Street, Suite 280
Rocky Mount, North Carolina 27804
252.210.9395

KINDELL HEIGHTS
24 UNIT BUILDING
NASHVILLE NORTH CAROLINA

RENDERINGS

All work and services are subject to the terms and conditions of the contract. These drawings are prepared for the project of the client and are not to be used for any other project without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings. The client is responsible for providing accurate information and for obtaining all necessary permits and approvals. The architect is not responsible for any construction or other work not shown on these drawings.

#	DATE	REVISION

FOR REVIEW ONLY

RENDERINGS

DRAWN BY: MCRD	REVIEWED BY: JWM
JOB NO.:	ISSUE DATE:
20-14	29APR2020

A9.8

PRINTING DATE: 4/29/2020

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

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

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

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

PROCEDURE FOR THE HEARING

The procedure for hearing this case is as follows:

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

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

RULES FOR PUBLIC HEARING SPEAKERS

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

QUASI-JUDICIAL REQUIREMENTS FOR VOTING

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

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

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

Choices:

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

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

(a) *Objectives and purposes.*

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

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

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

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

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

council.

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

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

SU 2020-01 + SU 2020-02

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.

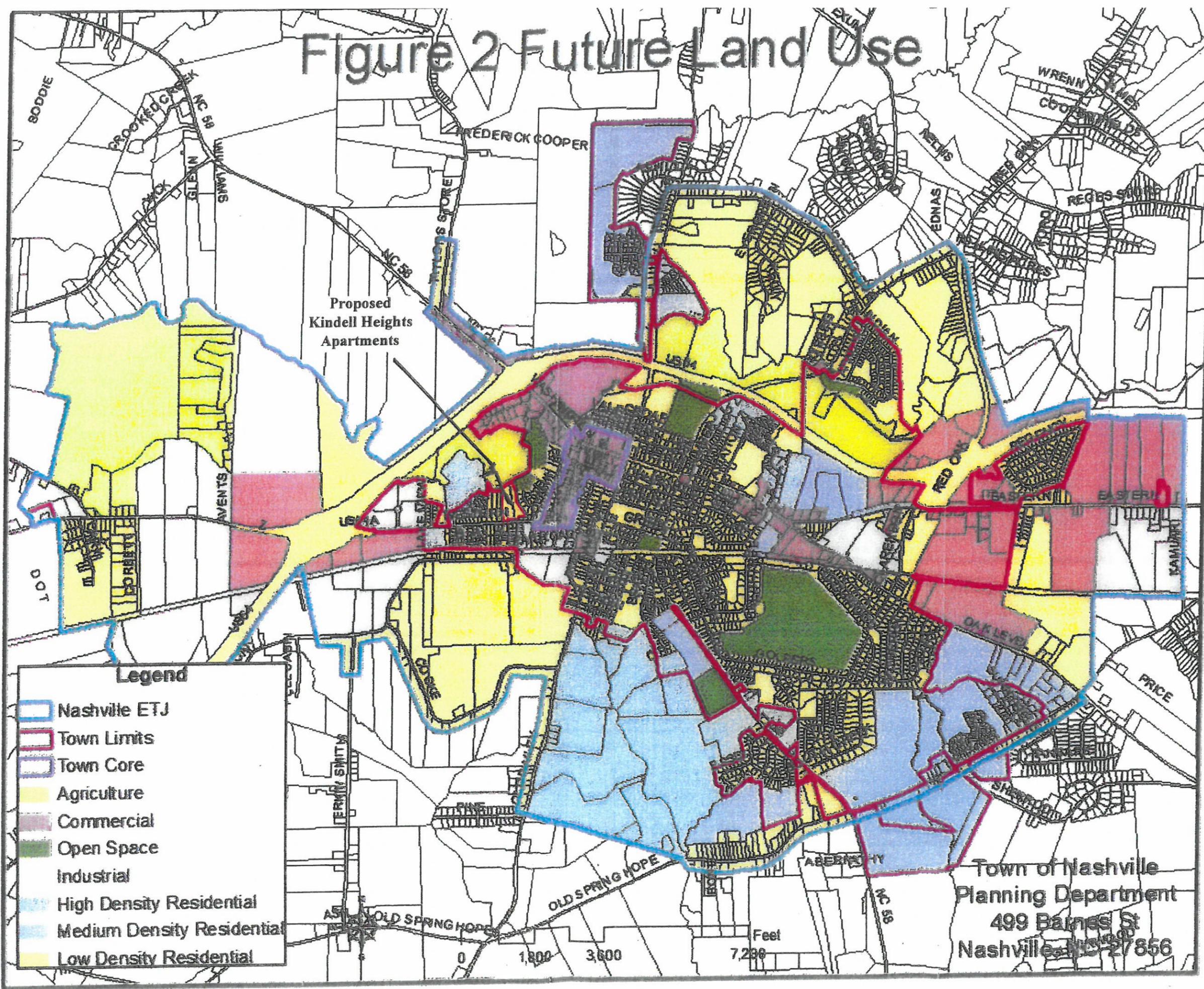
6. Other details:
 - i. Proposed provision for storm drainage and sanitary sewage, approved by the town, including both natural and manmade features.
 - ii. Size and proposed location of any signs to be visible from a public right-of-way.
 - iii. Proposed solid waste storage facilities.
 - iv. Proposed 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.

Vicinity Map

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



Figure 2 Future Land Use



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





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

AGENDA REPORT

MEETING DATE:	August 26, 2020										
PREPARED BY:	Sherry N. Moss, Planning & Development Director										
ISSUE CONSIDERED:	SU 2020-02										
SUMMARY OF ISSUE:	Request for a special use for property located off E. Old Spring Hope Road, Zoning District M-F (Multifamily Residential) for the purpose of establishing more than one multi-family building on a single lot. This parcel contains approximately 12.62 acres and identified by Nash County Tax Parcel Number 381015532563.										
STAFF COMMENTS:	<p>The applicant is requesting a Special Use Permit to allow more than one duplex to be established on a 12.62-acre lot off E. Old Spring Hope Road. The Multifamily Residential zoning district allows multifamily (more than one building per lot) with a special use permit. The sketch plan submitted shows eight duplexes (16-units), with future expansion of more units.</p> <p>The petitioned property is surrounded by a mixture of single family dwellings and duplexes, with mixed zoning classifications of MF (Multi-Family), R-10 (Medium Density Residential), R6 (High Density Residential), and A-1 (Agricultural) zoning districts. With regards to the Future Land Use Map, the petitioned property is classified as medium residential growth. The surrounding areas are classified as high density, medium density, and agricultural growth. The proposed use would be in harmony with the residential character of the area.</p> <p>In granting the special use permit, if approved, the Planning Board and the Town Council shall find that the:</p> <ol style="list-style-type: none">The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.The use meets all required conditions and specifications.The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.The location and character of the use if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in the general conformity with the plan of development of the Town of Nashville.										
STAFF RECOMMENDATION:	Staff does not make a recommendation on special use permits until after the public hearing.										
ATTACHMENT(S):	<table><tr><td>1. Application</td><td>6. Vicinity Map</td></tr><tr><td>2. Site Plan</td><td>7. Zoning Map</td></tr><tr><td>3. Quasi-judicial Rules</td><td>8. Land Use Map</td></tr><tr><td>4. Table of Uses</td><td>9. Photos of proposed site</td></tr><tr><td>5. §18-114, §18-115.15.16</td><td></td></tr></table>	1. Application	6. Vicinity Map	2. Site Plan	7. Zoning Map	3. Quasi-judicial Rules	8. Land Use Map	4. Table of Uses	9. Photos of proposed site	5. §18-114, §18-115.15.16	
1. Application	6. Vicinity Map										
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3. Quasi-judicial Rules	8. Land Use Map										
4. Table of Uses	9. Photos of proposed site										
5. §18-114, §18-115.15.16											
REVIEWED BY TOWN MANAGER:											



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

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

Case #: SU9020-02
(To be assigned by Town staff)

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

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

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

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

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

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

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

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

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

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

SEE ATTACHED

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

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

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.

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- 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.
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 - B. Use meets all required conditions and specifications.
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 - D. Location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Town.

QUASI-JUDICIAL REQUIREMENTS FOR VOTING

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

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

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

Choices:

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

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

(a) *Objectives and purposes.*

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

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

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

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

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

council.

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

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

SU 2020-01 + SU 2020-02

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

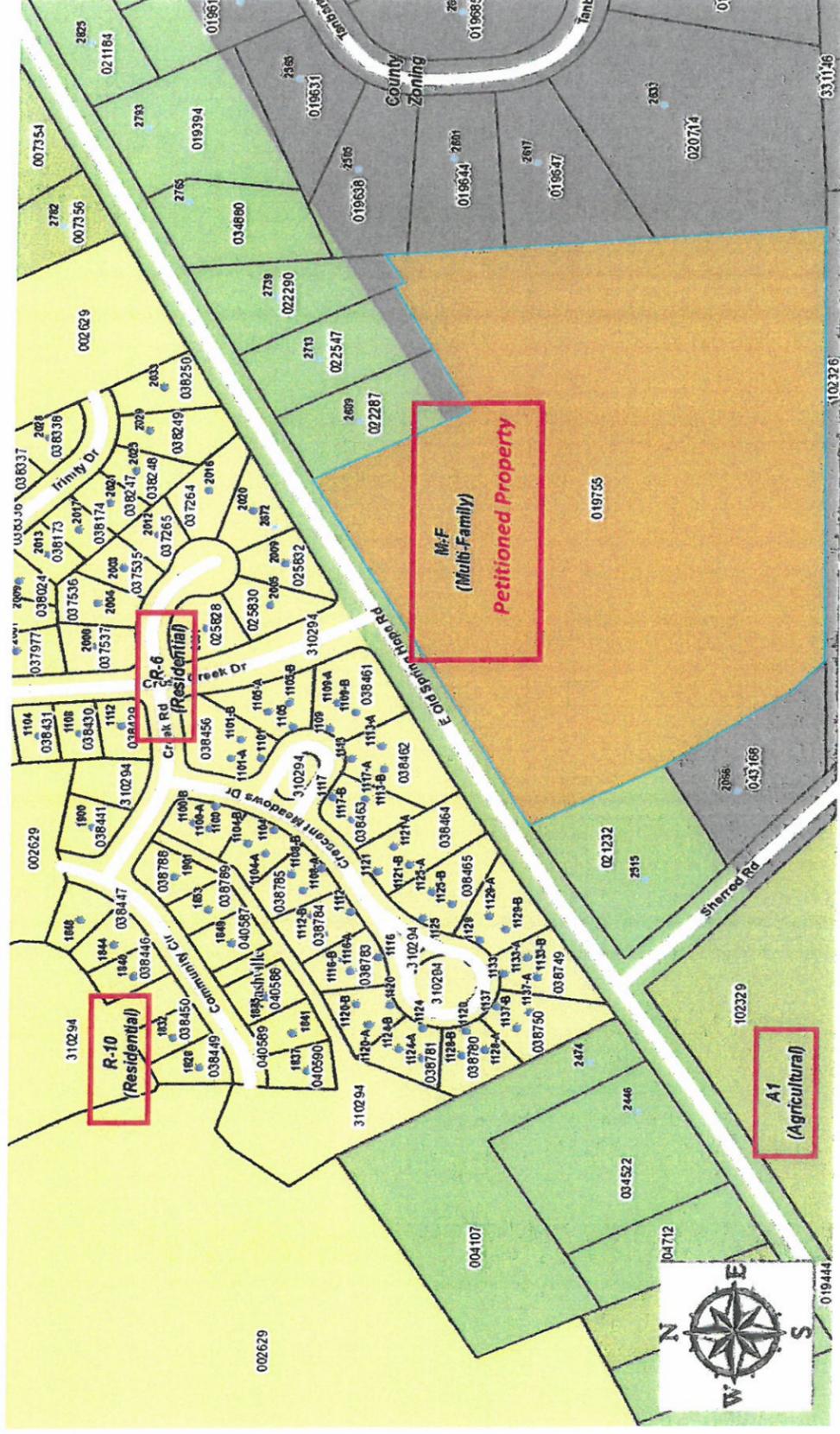
Regulations for special uses shall be as set forth in this section:

(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.

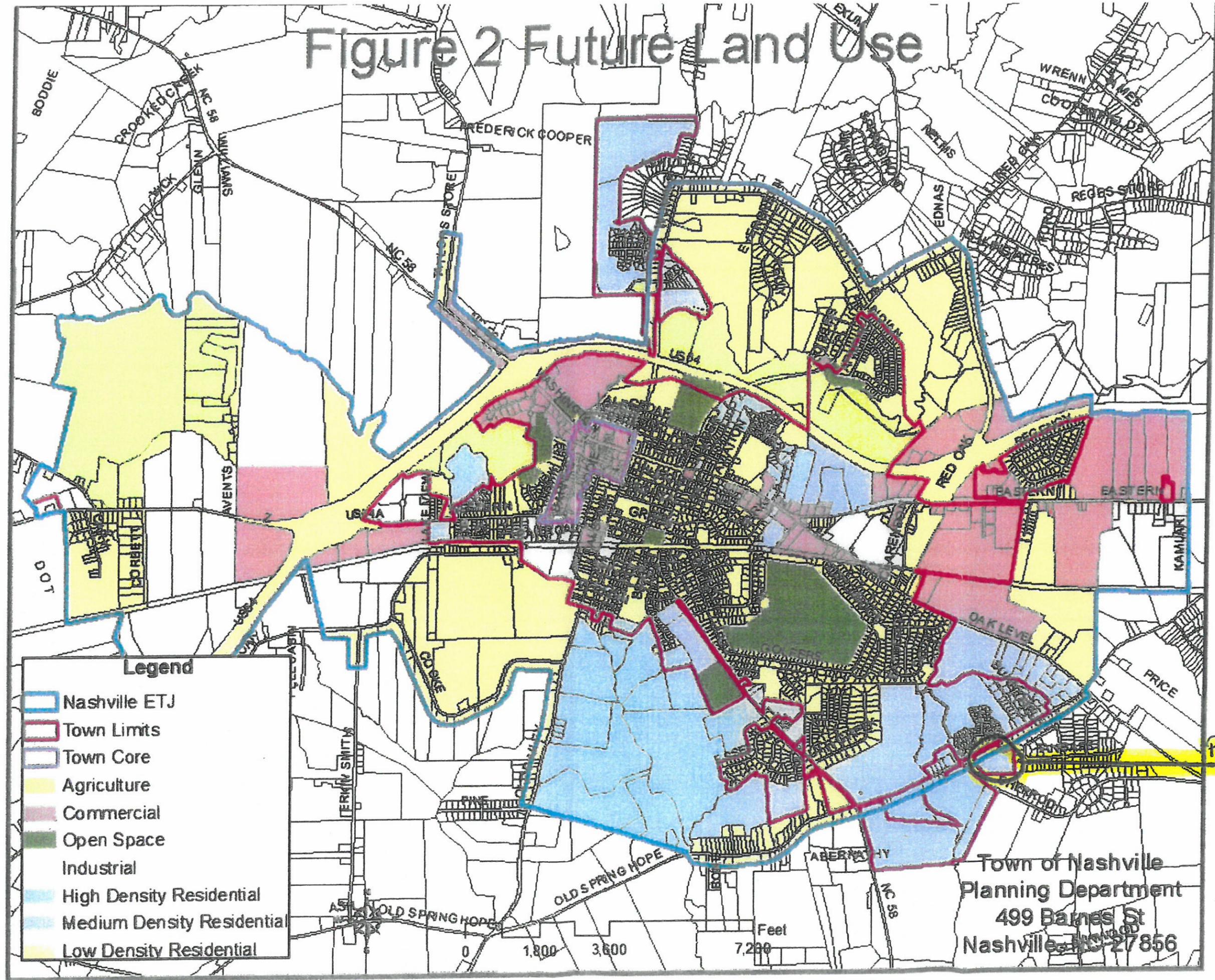
(27) Planned unit developments, commercial.

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.



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

Figure 2 Future Land Use



Legend

- Nashville ETJ
- Town Limits
- Town Core
- Agriculture
- Commercial
- Open Space
- Industrial
- High Density Residential
- Medium Density Residential
- Low Density Residential

Town of Nashville
 Planning Department
 499 Barnes St
 Nashville, NC 27856

Petitioned Property

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

