

STAFF FINDINGS  
February 16, 2010

AGENDA ITEM # 1  
PROJECT #09-00000536

A request by Faith Focused Development Center for a Special Use Permit to operate a Day Treatment Center at 3195 Airport Boulevard, NW Suite A in a B-4 zone.

APPROVED BY ASSISTANT DIRECTOR

STAFF ANALYSIS: In its review of the request, the City Planning Staff made the following “findings of fact” and suggests that the Board, likewise, include these among any specific “findings of fact” that they make regarding this case. Any such “findings of fact” should be made by separate motion(s) and vote(s) prior to any motion and vote to grant or deny the permit.

FACT 1: The property in question is located at 3195 Airport Blvd NW Suite A in Wilson County, North Carolina.

FACT 2: The property is also known as 3703-92-0043.000 (PIN).

FACT 3: The property is zoned B-4, the “intermediate business” district. The surrounding properties are zoned as follows:

- |       |                                     |
|-------|-------------------------------------|
| NORTH | - Commercial (B-4)                  |
| SOUTH | - Single-Family Residences (RA-8S)  |
| EAST  | - Single-Family Residences (RA-12S) |
| WEST  | - Vacant Parcel (A-1)               |

FACT 4: There is no listing for a child and adolescent day treatment facility in the Zoning Ordinance. Therefore, staff placed them in the closest appropriate zoning classification, which is social service organization. This is also the same classification as Hope Station (homeless shelter located at 309 Goldsboro Street, E).

FACT 5: Section 8.2.A of the City of Wilson Zoning Ordinance includes a “Table of Permitted Uses” for business districts. That table lists a “social service organization, subject to a special use permit, as a

use permitted in the B-4 zone. There are no special requirements for social service organizations.

FACT 6: The proposed use is a Day Treatment Facility. The State of North Carolina define this as “a structured treatment service program that builds on the strengths and addresses the identified functional problems associated with the complex conditions of each individual child or adolescent and family. These interventions are designed to support symptom reduction and/or sustain symptom stability at lowest possible levels, increase the individual’s ability to cope and relate to others, support and sustain recovery, and enhance the child’s capacity to function in an inclusive setting or to be maintained in community based services. It is available for children 3 to 17 years of age (20 or younger for those eligible for Medicaid). Please see attached documentation from the Division of Medical Assistance - Enhanced Mental Health and Substance Abuse Services entitled Child and Adolescent Day Treatment (MH/SA): Medicaid Billable Service for further information about the program.

FACT 7: The Land Development Coordinator recommends approval of the request.

FACT 8: The Fire Department recommends approval, subject to the following:

1. Must comply with the NC Fire Prevention Code and have an inspection prior to operation of the business.

FACT 9: Construction Standards recommends approval.

FACT 10: Section 7.B of the Zoning Ordinance, pertaining to the issuance of special use permits, reads as follows:

1. Subject to paragraph 2, below, the Board of Adjustment shall issue the requested permit unless it concludes, based on the facts found and information submitted at the hearing, that:
  - (a) the requested permit is not in its jurisdiction according to the Table of Permitted Uses (Section 8.2.A.), or
  - (b) the application is incomplete, or
  - (c) if completed as proposed in the application, the development will not comply with one or more requirements of the Zoning Ordinance (not including those the applicant is not required to comply with).

In granting such a permit, the Board of Adjustment shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the requirements of this ordinance.

2. Even if the Board of Adjustment finds that the application complies with all other provisions of this ordinance, it may still deny the permit if it concludes, based on the facts found and information submitted at the hearing, that if completed as proposed, the development, more probably than not:
  - (a) will materially endanger the public health or safety, or
  - (b) will substantially injure the value of adjoining or abutting property, or
  - (c) will not be in harmony with the area in which it is to be located, or
  - (d) will not be in general conformity with the Wilson Growth Plan, thoroughfare plan, or other plan officially adopted by the City Council.

PROCEDURE: The Board must proceed in accordance with Section 7.B as quoted in FACT 10.

RECOMMENDATION: Staff recommends you proceed as follows:

- Move that Facts 1-10 in the staff findings be adopted as “findings of fact” of the Board (*motion-second-and vote*).
- Move to conclude:
  1. that the requested permit is within the jurisdiction of the Board to issue;
  2. that the application is complete; and
  3. that, if completed as proposed in the application and in compliance with the recommended conditions, the development will comply with the requirements of the Zoning Ordinance.
- Move to grant the Special Use Permit subject to the following conditions:

1. The applicant and operator of the establishment shall fully comply with all of the requirements of the order together with any other applicable state or local rules, ordinances, laws and regulations of whatever nature.
2. If any of the conditions affixed to the permit or any part thereof shall be held invalid or void, then the permit shall become void and of no effect.
3. The Special Use Permit is granted for a child and adolescent day treatment facility, ONLY.
4. The applicant must comply with the NC Fire Prevention Code and an inspection prior to operation of the business.

STAFF FINDINGS

February 16, 2010

AGENDA ITEM # 2  
PROJECT # 10-00000020

A request by Jessie L. Adams for a Variance from Section 5.5 of the Zoning Ordinance to allow the applicant to operate at church that will not meet the parking requirements (25 parking spaces are required, the applicant is requesting no spaces) at 214 Walnut Street, W. in a RA-6 zone.

APPROVED BY ASSISTANT DIRECTOR

STAFF ANALYSIS: In its review of the request, the City Planning Staff made the following “findings of fact” and suggests that the Board, likewise, include these among any specific “findings of fact” that they make regarding this case. Any such “findings of fact” should be made by separate motion(s) and vote(s) prior to any motion and vote to grant or deny the permit.

FACT 1: The property in question is located at 214 Walnut Street, W. in Wilson County, North Carolina.

FACT 2: The property is also known as 3722-00-5402.000 (PIN).

FACT 3: The property is zoned RA-6, a multi-family residential district. The surrounding properties are zoned as follows:

NORTH	- Industrial (I-1)
SOUTH	- Multi-family Residential (RA_6)
EAST	- Single-family Residential (RA-6)
WEST	- Industrial (I-1)
	-

FACT 4: Section 5.5 of the City of Wilson Zoning Ordinance includes the parking requirements for church. The number of parking spaces required for a church is one (1) space per four (4) seats in the sanctuary. The applicant has stated that he would like to have 100 seats in the sanctuary. This would require 25 parking spaces.

Note: The final determination of required spaces has not been made at the time of the writing of these findings. Staff will determine the final number of spaces after the architect has submitted the building plans to Construction Standards for review and they have determined an occupancy load.

FACT 5: On December 1, 2009, the applicant purchased the property. On January 5, 2010, the applicant meet with the Technical Review Committee to discuss what was needed to convert the existing warehouse space into a church. He was informed that a Variance would be need for the parking. The applicant applied for the Variance on January 19, 2010.

FACT 6: The applicant has stated that he has made arrangements for parking with the owner of the property at 113 Spruce Street, W. As of the date of the writing of these findings, staff has not seen any documentation of this agreement. This property is 260 feet from the applicant's property.

FACT 7: Section 5.2 of the Zoning Ordinance states that "the required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays." Therefore, based on the 25 spaces required (see FACT 4), 12 spaces could be assigned to another lot. This would still required 13 spaces to be located on the applicant's lot.

FACT 8: Section 20.11(c) lists the conditions necessary for the granting of a Variance.

RECOMMENDATION: This request does not meet all the requirements listed in Section 20.11(c) as being necessary for the granting of a Variance. Therefore, staff cannot recommend approval of this request. If the Board decides to grant the Variance, staff would recommend that the following conditions:

1. The applicant and operator of the establishment shall fully comply with all of the requirements of the Order together with any other applicable state or local rules, ordinances, laws and regulations of whatever nature.
2. If any of the conditions affixed to the permit or any part thereof shall be held invalid or void, then the permit shall become void and of no effect.
3. That the applicant install one handicapped space and access aisle on site.