

TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZONING CHANGE REQUEST

REQUESTED ZONE: PRD-7 (Planned Residential Development - 7 units per acre)

PRESENT ZONE: B-6 (Highway Business Park)

APPLICANT: Bartlett Engineering & Surveying, PC

PROPERTY OWNER: Berry Development Group, Inc.

PROPERTY ADDRESS: 4262 Country Club Drive NW (part of Tax Parcel 3703-98-6747)

PROPERTY SIZE: 9.04 acres

GENERAL LOCATION: Right-hand side at the entrance to The Village/Country Club West, some 360 feet past the intersection of Country Club Drive NW with Nash Street N

PRESENT USE OF PROPERTY: Vacant

STAFF RECOMMENDATION: 1) Approval. 2) If you move to approve the request, be sure to preface your motion with the “reasonable” statement below. 3) If you move to deny the request, be sure to preface that motion with the “not reasonable” statement below.

Choose one:

I MOVE THAT THE PROPOSED AMENDMENT IS REASONABLE DUE TO ITS CONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE APPROVED: 6.1/6.6/6.7/6.9/7.5

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: 5.5

BACKGROUND: 1) In Primary Urban Growth Area. 2) Outside city limits. Annexation is usually required to receive City services. 3) In WS3-P Watershed Protected Area. Development must comply with Watershed regulations. 4) Not in a Special Flood Hazard Area (100-year floodplain). 5) Presently, the property is in a Level 1 Highway Development District (HDD). Since the portion of the property

fronting on Nash Street is proposed to remain in the B-6 district, that portion will be divided from the residential portion leaving it in the HDD, but removing the residential portion (given the description of how the HDD is applied). **6)** Part of Wilson County Tax Parcel 3703-98-6747.000 (PIN). **7)** The rezoning would leave a remaining contiguous B-6 area of roughly 3.5 acres; slightly above the minimum 3 acres required for new B-6 districts. **8)** The area proposed for rezoning would be added to an existing, similarly-zoned, and partially-developed PRD-7 area. There would be less commercial intrusion into the residential area than there is with the current configuration. **9)** The only downside: as originally-planned, this commercial area would have met the shopping needs of the residents of this extended subdivision. With those needs going unmet here, greater automobile traffic will be generated in the nearby Nash Street/Airport Boulevard commercial area.

FISCAL IMPACT: **1)** The source of the following information is the “Cost of Land Uses Fiscal Impact Analysis” prepared for the City by the consulting firm TischlerBise and dated February 4, 2008. **2)** The study evaluated six residential land use prototypes on an annual cost-benefit basis: single-family low land value, single-family medium land value, single-family high land value, single-family infill, duplex, and multi-family. **3)** The land use most-closely associated with the subject request is single-family medium land value. **4)** According to the study, single-family medium land value developments produce a net surplus of \$277 per unit.

COORDINATION: Pat Borelli, Chief Planner, (252) 399-2212, pborelli@wilsonnc.org

ATTACHMENTS: **1)** Application. **2)** Survey map. **3)** List of those receiving notice. **4)** Area zoning map.

TO: Planning Board Members

FROM: Planning Staff

**SUBJECT: HIGHWAY DEVELOPMENT DISTRICT
CONDITIONAL USE PERMIT**

NAME: Olive Garden Italian Restaurant

APPLICANT: GMRI, Inc.

PROPERTY OWNER: Heritage Crossing, LLC

PROPERTY ADDRESS: 3401 Raleigh Road Parkway W, Bldg 7

PROPERTY SIZE: 2.27 acres

GENERAL LOCATION: Outparcel B of the Heritage Crossing
Shopping Center along Raleigh Road Parkway, W

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Restaurant

ZONING: B-4

SUBDIVISION: a portion of Heritage Place Lot 23

RECOMMENDATION: Approval with conditions, if approved by TRC prior to Planning Board meeting. Otherwise, continuation until the next Planning Board meeting.

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the City Council, a copy of which is filed in the office of the Director of Planning & Development Services, stamped "Approved by TRC," and dated received (Date).
2. If any of the conditions affixed hereto or any part affixed hereto shall be held invalid or void, then this permit shall be void and of no effect.
3. No building permits shall be issued until receipt from Ecosystems Enhancement Program (EEP) for Neuse River Off-set fees or an approved mitigation bank has been received by the City of Wilson Public Services.
4. Execution of a Highway Development District (HDD) Conditional Use Permit (CUP) shall be required prior to issuance of any building permits issued by the City of Wilson Development Services.
5. No Building Permit shall be issued prior to the Planning & Development Services receiving the digital file for the above-referenced site plan. Please contact Kevin Medeiros @ (252) 206-5287 or via e-mail at kmediros@wilsonnc.org for additional information. Also any changes throughout the development process shall require an "as-built" site plan prior to issuance of a Certificate of Occupancy.

6. In accordance with the approved Highway Development District Conditional Use Permit for Heritage Crossing Shopping Center approved on August 18, 2005 by the City Council, Outparcels A – E shall be limited to a maximum building area of 20,000 square feet per outparcel.
7. The building shall be in compliance with the Architectural Standards prior to issuance of building permits.
8. A Sedimentation and Erosion Control Permit shall be secured from the Public Services – Stormwater Division prior to any earth disturbing activity. Contact Mike Horan at (252) 296-3434 or via e-mail mhoran@wilsonnc.org.
9. Access to all sites during all phases of construction shall be a minimum of 20 feet of unobstructed width, for both entrance and exit traffic. No building permit shall be issued until the proposed street is installed and layered with at least a gravel surface.
10. A registered engineer or surveyor shall submit signed and sealed certification attesting that the building is properly located on the site and that such location is in compliance with the approved development plan prior to the approval of the construction of the surface floor slab of the building by the building inspector.
11. All Site Improvements shall be inspected prior to issuance of Certificate of Occupancy. Contact the construction inspectors for further information at (252) 399-2195.
12. The existing stormwater control structure (located behind Target) shall be inspected and must be in full compliance prior to issuance of any Certificate of Occupancy.
13. All landscape warranty, maintenance and related certifications shall be filed with Development Services prior to issuance of any Certificate of Occupancy. Any deviation from the approved landscape plan shall meet the standard set forth in Section 12 of the Zoning Ordinance and approved by Development Services prior to installation. A revised landscape plan may be required prior to issuance of Certificate of Occupancy.
14. If gas service will be requested for this development, total Input BTUH, breakdown by equipment in BTUH, and the desired delivery pressure shall be submitted to Gas Division Engineer prior to installation. Contact Amy Williamson at (252) 399-218 or via e-mail at awilliamson@wilsonnc.org.

15. City of Wilson Utilities Department Personnel will spot all transformer and metering locations. Please notify Johnny Myers at (252) 399-2420 of exact requirements such as total connected load and voltage requirements, i.e. 200 amps 120/240 volts, or 600 amps 120/208 volts, or 1200 amps 277/480volts.

16. The Wilson Appearance Commission will be meeting on March 11, 2010. Any conditions regarding the architectural design or landscaping shall be adhered.

Choose one:

THE PROPOSED PLAN IS REASONABLE OR IN THE PUBLIC INTEREST DUE TO ITS CONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES: 1.1, 3.1, 5.2, 9.1

THE PROPOSED PLAN IS NOT REASONABLE AND IN THE PUBLIC INTEREST DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES: 7.6

ISSUE(S): Does the proposed plan meet all the requirements of the Highway Development District (HDD) and the Technical Review Committee?

BACKGROUND: **1)** The property is located within the Primary Urban Growth Area. **2)** The property is located within the city limits. **3)** The property is not located within a flood hazard area. **4)** The property is not located within a watershed protection area. **5)** The parcel is in a Level 2 Highway Development District. Development must meet the requirements of Section 8.38 of the Zoning Ordinance. **6)** The engineer has indicated that no wetlands are present on the property. **7)** On April 21, 2005, August 18, 2005 and November 17, 2005 the City Council approved the original and revisions I & II, respectfully of the shopping center site plan for the property entitled "Heritage Crossing Shopping Center. " **8)** The existing stormwater control structure (behind Target) was originally constructed and approved by Public Services.

SUMMARY: **1)** This request is under review by the Technical Review Committee (TRC) as of February 24, 2010. **2)** Execution of a Highway Development District (HDD) Conditional Use Permit (CUP) shall be required prior to issuance of building permits. **3)** The building shall be in compliance with the Architectural Standards prior to issuance of building permits. **4)** The landscaping shall be installed in accordance with Section 12 of the Zoning Ordinance prior to issuance of any Certificate of Occupancy for the development. **5)** The existing stormwater control structure (behind Target) shall be inspected

and found to be in full compliance for compliance prior to issuance of any Certificate of Occupancy.

FISCAL OR OTHER IMPACT: **1)** The source of the following information is the “Cost of Land Uses Fiscal Impact Analysis” prepared for the City by the consulting firm TischlerBise and dated February 4, 2008. **2)** The study evaluated five nonresidential land use prototypes on an **annual cost-benefit** basis: big box retail, community-based shopping center, office, industrial, and hotel. **3)** The land use most-closely associated with the subject plan is “office.” **4)** According to the study, the Office prototype produces a **net surplus** of **\$28 per 1,000 square feet** and **“can be considered fiscally neutral.”** It further states, “the Office prototype has the **highest assessed value** but produces a marginal surplus due to relatively **high costs particularly for police**. Police costs are based on actual calls for service data to specific land uses.”

STORMWATER IMPACT: A portion of this property is located within the WS4-P watershed district and this site is subject to the Neuse Nitrogen Stormwater Program regulations. The stormwater control structure that this site will utilize is already installed and accepted by the City of Wilson. Prior to this site receiving the certificate of occupancy, the stormwater control structure must be in full compliance.

COORDINATION: Janet Holland, AICP, Assistant Director, (252) 399-2215, jholland@wilsonnc.org

ATTACHMENTS: **1)** Zoning Map **2)** Site Plan **3)** Architectural Building Elevations

SUBJECT: Request by GMRI, Inc. for a Highway Development District Conditional Use Permit entitled "Olive Garden Italian Restaurant". The property is located on 2.27 acres, located at 3401 Raleigh Road Parkway, W Building 7, in a B-4 zone.

ACREAGE: 2.27 acres

SURROUNDING LAND USES AND ZONING:

NORTH: BB&T Branch Bank (B-4A)
SOUTH: Heritage Crossing Shopping Center (B-4)
EAST: Heritage Crossing Shopping Center (B-4)
WEST: Heritage Crossing Shopping Center (B-4)

POLICIES PERTAINING TO THIS REQUEST:

SUPPORTING:

Policy 1.1: The community's pro-growth/pro-active economic development approach supports new and expanding industries and businesses that help:

- a) Diversify the local economy,
- b) Increase employment, preferably by training and/or utilizing a more highly-skilled labor force,
- c) Increase area residents' incomes,
- d) Equitably distribute development throughout the community, and/or
- e) Encourage small business start-ups, expansions and spin-offs.

Policy 3.1: Water and sewer services should be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Urban Growth Area should receive first priority for the provision or enhancement of water and sewer services.

Policy 5.2: Regional or major commercial centers should be located adjacent to freeways, major thoroughfares and/or mass transit routes and should contain or be near existing or planned concentrations of employment and housing.

Policy 9.1: Major roadway entrances into Wilson are measures of community image and quality, and their significance should be recognized through landscape, signage and other visual improvements. The City should work jointly with State DOT, private property owners, and developers to improve the appearance and design of major street rights-of-way and adjacent corridors through improved landscaping, sign control and building design.

OPPOSING:

Policy 7.6: "Leap frog" development in which properties within the Primary Urban Growth Area are bypassed and new, scattered, urban-type development occurs in isolation and/or small clusters within the Secondary or Rural Growth Areas should be avoided.

TO: PLANNING BOARD MEMBERS

FROM: PLANNING STAFF

SUBJECT: PRELIMINARY SUBDIVISION – CLUSTER DEVELOPMENT

NAME: Batts Farm II

APPLICANT: Herring-Sutton & Associates, P.A.

PROPERTY OWNER: Deanhardt & Davis, Inc.

GENERAL LOCATION: the proposed 2700 Block of Buckingham Road, NW, south of Stedman Drive and north of Nottingham Drive, and the proposed cul-de-sac of the eastern terminus of Barkley Drive (2700 Block)

ZONING: RA-8S (Single-Family Residential)

NUMBER OF LOTS PROPOSED: 18 [16 Single-Family Residential Lots, 1 Open Space Lot, and 1 Open Space/BMP Lot]

RECOMMENDATIONS: Approval with conditions, condition #1 is met prior to City Council meeting scheduled for March 18, 2010.

1. A HEC RAS for the floodplain between Stedman and Nottingham Drives shall be provided for the existing verses proposed conditions on-site to the Public Services – Stormwater Division with sufficient time to review prior to the City Council meeting. Please contact Bryan Spell or Daryl Norris for additional information.
2. A variance from Appendix C Section 9(f)(3) regarding the lots lines not at substantially right angles to the street right of way for Lots 4 & 6.
3. A variance from Section 3.31.5.c regarding reducing the lot width from 55 feet (25% reduction due to cluster) to 20.3 feet for an open space lot (Lot 1) .
4. Open Space shall be conveyed to a homeowners association. Submit the homeowner's association documents and deed of conveyance to Planning & Development Services for review. Upon completion of the review, the documents shall be recorded with the Wilson County Register of Deeds prior to the first final plat. A recorded copy shall be returned to Planning & Development Services.
5. No building permits shall be issued until receipt from Ecosystems Enhancement Program (EEP) for Neuse River Off-set fees or an approved mitigation bank has been received by the City of Wilson Public Services.

6. No Building Permit shall be issued prior to the Planning & Development Services receiving the digital file for the above-referenced site plan. Please contact Kevin Medeiros @ (252) 206-5287 or via e-mail at kmedeiros@wilsonnc.org for additional information. Also any changes throughout the development process shall require an “as-built” site plan prior to issuance of a Certificate of Occupancy.
 7. If gas service will be requested for this development, contact Amy Williamson at (252) 399-218 or via e-mail at awilliamson@wilsonnc.org.
 8. City of Wilson Utilities Department Personnel will spot all transformer and metering locations. Please notify Johnny Myers at (252) 399–2420 of exact requirements such as total connected load and voltage requirements, i.e. 200 amps 120/240 volts, or 600 amps 120/208 volts, or 1200 amps 277/480volts.
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ISSUES: **1)** Does this request comply with the Subdivision Regulations? **2)** A variance from Appendix C Section 9(f)(3) regarding the lots lines not at substantially right angles to the street right of way for Lots 4 & 6. **3)** A variance from Section 3.31.5.c regarding reducing the lot width from 55 feet (25% reduction due to cluster) to 20.3 feet for an open space lot (Lot 1) .

BACKGROUND: **1)** This request was approved with conditions by the Technical Review Committee (TRC) as of February 24, 2010. **2)** The property is located in the Primary Urban Growth Area. **3)** A portion of the property is located in a flood hazard area. The development shall follow the flood development guidelines. **4)** There are wetlands on the site as indicated by the engineer. However, the engineer indicates no wetlands areas shall be disturbed. **5)** The property is not located within the city limits. Annexation shall be required. **6)** The property is not located within a watershed district.

SUMMARY: **1)** This request has been approved by the Technical Review Committee as of February 24, 2010. **2)** Vested Rights have not been requested by the applicant. **3)** Due to sidewalk requirement in all new subdivisions, the sidewalks are indicated on the plan. Staff will be reviewing the requirements to determine if a fee-in-lieu option should be considered within the ordinance. The developer shall financially secure the construction of the sidewalks with the infrastructure improvements until a decision is determined regarding this issue.

FISCAL OR OTHER IMPACT: The source of the following information is the “Cost of Land Uses Fiscal Impact Analysis” prepared for the City by TischlerBise and dated February 4, 2008. **1)** The study evaluated six residential land use prototypes on an annual cost-benefit basis: low, mid and high value single-family dwellings, duplexes and multi-family – rentals, and single-family in-fill.

2) The land use most-closely associated with Lots 2-17 of the subject project could be “low, mid or high value single-family residential.” 3) According to the study, “the low value single-family residential” projects generate a **net deficit** to the City at \$275 per housing unit. Because of the average cost approach utilized in a Cost of Land Use fiscal analysis, average household size and vehicle trip generation rates drive the overwhelming majority of costs for the residential prototypes. As a result, the lower density single family prototypes generate greater costs than the higher density duplex and apartment prototypes. 4) Because of the average cost approach utilized in a Cost of Land Use fiscal analysis, average household size and vehicle trip generation rates drive the overwhelming majority of costs for the residential prototypes. As a result, the lower density single family prototypes generate greater costs than other residential prototypes.

STORMWATER IMPACT: This subdivision will be required to install a stormwater retention pond as part of the development. This pond has been designed to reduce the stormwater peak flow runoff 10% in storms up to a 10 year storm event (*a storm event that will return on an average of every 10 years*). The Stormwater Division has required that a flood study be conducted due to existing flooding conditions that have occurred in the vicinity of the proposed development and due to the fact that this development will result in fill material being placed in the floodplain resulting in a choking point of the flood plain. The flood study is required to be submitted to the Engineering Division with ample time to review prior to being presented to City Council.

COORDINATION: Janet B. Holland, Assistant Director, (252) 399-2215, jholland@wilsonnc.org

ATTACHMENTS: 1) Zoning Map 2) Preliminary Plan 3) Variance Requests 4) Aerial Photo

Project No. 09-0000526

SUBJECT: Request by Herring-Sutton & Associates, P.A. for consideration of a preliminary subdivision entitled "Batts Farm II." The property is located in the proposed 2700 Block of Buckingham Road, NW, south of Stedman Drive and north of Nottingham Drive, and the proposed cul-de-sac of the eastern terminus of Barkley Drive (2700 Block), in a RA-8S zone.

ACREAGE: 5.305 ACRES

SURROUNDING LAND USES AND ZONING:

NORTH: Single-Family Residential (RA-8S & RA-8)
SOUTH: Single-Family Residential (RA-8S)
EAST: Single-Family Residential (RA-8S & RA-12S)
WEST: Single-Family Residential (RA-12S)

POLICIES PERTAINING TO THIS REQUEST:

SUPPORTING:

Policy 3.1: Water and sewer services should be concentrated within the limits of a geographically defined Urban Growth Area. The Primary Urban Growth Area should receive first priority for the provision or enhancement of water and sewer services.

Policy 6.1: The protection and rehabilitation of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the area's image as an attractive, highly livable community.

Policy 6.3: Efforts to reduce through traffic in existing neighborhoods and prevent through traffic in new residential areas shall be encouraged.

Policy 6.5: The continued viability of single-family homes as a major housing source shall be encouraged.

Policy 7.6: "Leap frog" development in which properties within the Primary Urban Growth Area are bypassed and new, scattered, urban-type development occurs in isolation and/or small clusters within the Secondary or Rural Growth Areas should be avoided.

Policy 8.3: Provision of open space and recreational facilities shall be encouraged in private developments and through intergovernmental and public/private partnerships.

COULD OPPOSE:

Policy 6.3: Efforts to reduce through traffic in existing neighborhoods and prevent through traffic in new residential areas shall be encouraged.

Policy 7.4: Natural environments, including forests, surface waters, wet lands, floodplains, and stream corridors, are recognized as valuable environmental resources that serve as integral parts of the area's existing and potential open space, natural, and wildlife habitat areas and conservation is encouraged. Note: Also, see Environmental Policies 10.2.

Policy 10.2: Development activities in the 100-year floodplain or near lakes and streams shall be carefully controlled. If development must occur, low intensity uses such as open space, recreation and adequately buffered agricultural activities shall be preferred. **Note:** Also, see *Growth Area Development* policy 7.4.