



CITY OF WILSON

City Council Agenda Session

Agenda Item # : _____
City Council Meeting: _____

TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZONING CHANGE REQUEST (Project #10-270)

REQUESTED ZONE: O&R-1 (Office and Residential - Urban)

PRESENT ZONES: O&R-1 (Office and Residential - Urban) & RA-6 (Multi-Family Residential)

APPLICANT: Wilson Youth United, Inc.

PROPERTY OWNERS: Tabernacle Baptist Church & Johnny Ray Corbett

PROPERTY ADDRESSES: 910 Tarboro Street, 105, 107, 109, 111, & 115 Parkview Street, 909 & 911 Park Avenue, and 106 Forrest Road

PROPERTY SIZE: 5 acres

GENERAL LOCATION: Most of the block occupied by Tabernacle Baptist Church

PRESENT USE OF PROPERTY: Church, accessory buildings, two houses, parking lots

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: 1.2/2.1/2.2/2.5/6.3/32.1

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: (cite ... we found none)

BACKGROUND: 1) In Core Service Area. **2)** Inside city limits. **3)** Not in Watershed. **4)** Not in a Special Flood Hazard Area (100-year floodplain). **5)** Not in any overlay district. **6)** Future Land Use Map indicates “institutional” uses for these properties. **7)** Includes the following properties:
(see table on next page)

PIN #	OWNER	PROPERTY ADDRESS
3711-89-1477.000	TABERNACLE BAPTIST CHURCH	105 PARKVIEW STREET
3711-89-1573.000	TABERNACLE BAPTIST CHURCH	107 PARKVIEW STREET
3711-89-1578.000	Johnny Ray CORBETT	109 PARKVIEW STREET
3711-89-1674.000	TABERNACLE BAPTIST CHURCH	115 PARKVIEW STREET
3711-89-1764.000	TABERNACLE BAPTIST CHURCH	111 PARKVIEW STREET
3711-79-9613.000	TABERNACLE BAPTIST CHURCH	106 FORREST ROAD
3711-89-0451.000	TABERNACLE BAPTIST CHURCH	910 TARBORO STREET
3711-89-0804.000	TABERNACLE BAPTIST CHURCH	909 PARK AVENUE
3711-89-0854.000	TABERNACLE BAPTIST CHURCH	911 PARK AVENUE

8) Although there are nine parcels here, they effectively function as three: a large church complex and two small single-family houses. The main church building is presently the only part in the O&R-1 zone. **9)** Although not stated on the application, one would anticipate that the applicant, Wilson Youth United, Inc., would operate a youth center similar to the Boys & Girls Club. While such a use is one of the more intense uses permitted in an O&R-1 district, so too are churches, the use on the site, which is a use also permitted in residential districts. **10)** The uses remaining on the block not included in this request are two small single-family houses and a quadruplex apartment building. **11)** With Policy 5.2 in mind, note that additional street frontage buffering along Park Avenue and Parkview Street would help the new use fit more appropriately into the neighborhood. **12)** This is probably one of the better sites this use could pick to locate.

FISCAL IMPACT: **1)** A “Cost of Land Uses Fiscal Impact Analysis” was prepared for the City by the consulting firm TischlerBise in February, 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 rezoning 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.”

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

ATTACHMENTS: **1)** Application. **2)** Area zoning map. **3)** List of those receiving notice. **4)** Future Land Use Map (area excerpt). **5)** Comp Plan analysis (applicable policies). **6)** Aerial photo.

PROJECT # 10-00000270



CITY OF WILSON

City Council Agenda Session

Agenda Item # : _____
City Council Meeting: _____

TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZONING CHANGE REQUEST (Project #10-271)

REQUESTED ZONE: B-4A (Neighborhood Service)

PRESENT ZONE: I-1 (Industrial I)

APPLICANT: Herring-Sutton & Associates, PA

PROPERTY OWNERS: David W. Woodard & Romaine Bailey Peters

PROPERTY ADDRESSES: 1801 Firestone Parkway & 1721 Herring Avenue

PROPERTY SIZE: 4.85 acres

GENERAL LOCATION: NW corner of intersection of Firestone Pkwy & Herring Ave

PRESENT USE OF PROPERTY: Two communications towers

STAFF RECOMMENDATION: **1)** Approval ... but see “Background” #s 9 & 10. **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: 1.2/2.1/2.2/6.3/7.7/32.1

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: 2.5

BACKGROUND: **1)** In Primary Service Area. **2)** Inside city limits. **3)** Not in Watershed.
4) Not in a Special Flood Hazard Area (100-year floodplain). **5)** Not in any overlay district.
6) Future Land Use Map indicates “mixed-use office/employment” uses for these properties.
7) Wilson County Tax parcels 3732-04-8749.000 and 3732-04-8978.000 (PINs). **8)** These properties are currently vacant-looking with two slender radio towers. The site backs up to a Wilson Housing Authority

public housing project. **9)** The site appears to be ripe for a convenience mart, hence the request for B-4A zoning. Such a facility would certainly be a benefit to the fairly large number of people working at the various industries and at the City Operations Center in the area, but would probably add a disruptive factor to the lives of the WHA project residents by creating round-the-clock intrusions of noise and light. **10)** In accordance with Comprehensive Plan Policy 5.2, it would be preferable to mitigate the adverse conditions B-4A uses would likely create for the adjoining residential area with additional setback, buffering, location (such as no accessory buildings, paved parking, or dumpsters in the setback area along the common property lines with the residential area), and lighting restrictions than to approve an unconditioned rezoning, although the Comprehensive Plan policies and Future Land Use Map appear to lean toward approval, regardless.

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 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 rezoning is “community-based shopping center.” **4)** According to the study, “the Community Shopping Center generates the largest net deficits to the City at \$319 per 1,000 square feet of floor area. The magnitude of the net deficit generated by this retail land use is primarily due to the high operating costs for service for police and fire. The police operating expenditures account for 68% of the total costs (operating and capital).” **5)** Consider that **the current zoning category** (industrial) produces the **highest net surplus** (as opposed to the highest net *deficits* generated by the proposed zoning category) of the uses analyzed in the study.

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

ATTACHMENTS: **1)** Application. **2)** Survey. **3)** Area zoning map. **4)** List of those receiving notice. **5)** Future Land Use Map (area excerpt). **6)** Comp Plan analysis (applicable policies). **7)** Aerial photo.



CITY OF WILSON

City Council Agenda Session

Agenda Item # : _____
City Council Meeting: _____

TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZONING CHANGE REQUEST (Project #10-283)

REQUESTED ZONE: B-4 (Intermediate Business)

PRESENT ZONE: RA-8S (Single-Family Residential)

APPLICANT: Bartlett Engineering & Surveying, P.C.

PROPERTY OWNERS: JOBE Properties, LLC

PROPERTY ADDRESSES: TBA

PROPERTY SIZE: 2.51 acres

GENERAL LOCATION: South side of NC HWY 42 W some 350 feet west of Maple Leaf Lane, and directly across the highway from John W. Jones Elementary School

PRESENT USE OF PROPERTY: Vacant farm land

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: 1.2/1.3/2.2/8.1/32.1

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: 2.1/2.5/2.7/6.5/7.6

BACKGROUND: **1)** In Primary Service Area. **2)** Outside city limits. Annexation is usually required to receive City services. **3)** In WS4-P Watershed Protected Area. Development must comply with Watershed regulations. **4)** Not in a Special Flood Hazard Area (100-year floodplain). **5)** In Level 1 Highway Development District. Development must comply with Section 8.38 of the Zoning Ordinance. **6)** Future Land Use Map indicates “cluster residential” uses for these properties.

7) Wilson County Tax parcels 3701-18-4872.000 and 3701-28-1525.000 (PINs). **8)** This property **was** zoned B-4 as part of a 21.58-acre rezoning in May 2004 (File #1015A). At the time, staff gave the opinion that the amount of land being rezoned to B-4 was excessive given the amount of undeveloped B-4 zoning on the west side of town. In August 2004, this property was rezoned to RA-8S at the property owner's request (File #1031). **9)** Since the 2004 zoning actions, some of the then-undeveloped B-4 sites have been developed, but that has resulted in increasing the amount of vacated and unused buildings in areas zoned B-4. **10)** This request has a number of similarities to the B-4 request of a few months ago across Airport Boulevard from Wilson Christian School. The staff was concerned about creating an "attractive nuisance" across a busy road from the school. The difference here is that there is **already** a large B-4 area across from the school ... **an area that was so-zoned prior to the school being built.** The applicant says the additional land is necessary to develop a shopping center here, so the question becomes: do you want to add a little more land to an existing, large B-4 area to facilitate construction of a shopping center across from a public school, one that may have the domino effect of creating additional vacant commercial buildings in other areas? ... keeping in mind that **denying the rezoning might not stop the project**, or a similar one, anyway. **11)** Since this B-4 area is in the Highway Development District (in its present configuration), a conditional use permit will be required to develop it, giving the developer and the City a chance to mitigate potential problems and/or conflicts.

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 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 rezoning is "community-based shopping center." **4)** According to the study, "the Community Shopping Center generates the largest net deficits to the City at \$319 per 1,000 square feet of floor area. The magnitude of the net deficit generated by this retail land use is primarily due to the high operating costs for service for police and fire. The police operating expenditures account for 68% of the total costs (operating and capital)."

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

ATTACHMENTS: **1)** Application. **2)** Survey. **3)** List of those receiving notice. **4)** Area zoning map. **5)** Future Land Use Map (area excerpt). **6)** Comp Plan analysis (applicable policies).

PROJECT # 10-00000283



CITY OF WILSON
City Council Agenda Session

Agenda Item # : _____
City Council Meeting: _____

TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZONING CHANGE REQUEST (Project #10-291)

REQUESTED ZONE: O-3 (Office)
PRESENT ZONE: RA-8S (Single-Family Residential)
APPLICANT: Bartlett Engineering & Surveying, P.C.
PROPERTY OWNERS: JOBE Properties, LLC
PROPERTY ADDRESSES: TBA
PROPERTY SIZE: 1.56 acres
GENERAL LOCATION: South side of NC HWY 42 W some 125 feet west of Maple Leaf Lane, adjoining Cedar Ridge Subdivision – Section 1, and directly across the highway from John W. Jones Elementary School
PRESENT USE OF PROPERTY: Vacant farm land

STAFF RECOMMENDATION: 1) Approval ... but see "Background" #9. 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: 1.2/1.3/2.2/2.5/8.1/32.1

I MOVE THAT THE PROPOSED AMENDMENT IS NOT REASONABLE DUE TO ITS INCONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICIES AND THAT IT BE DENIED: 2.1/2.7/7.6

BACKGROUND: 1) In Primary Service Area. 2) Outside city limits. Annexation is usually required to receive City services. 3) In WS4-P Watershed Protected Area. Development must comply with Watershed regulations. 4) Not in a Special Flood Hazard Area (100-year floodplain). 5) In Level 1 Highway

Development District. Development must comply with Section 8.38 of the Zoning Ordinance. **6)** Future Land Use Map indicates “cluster residential” uses for these properties. **7)** Wilson County Tax parcels 3701-18-4872.000 and 3701-28-1525.000 (PINs). **8)** This property was zoned RA-8S as part of a 14+-acre rezoning in May 2004 (File #1015A). **9)** This request has a number of similarities to the O-3 request of a few months ago across Airport Boulevard from Wilson Christian School. The school and neighboring community were concerned about the fact that restaurants and a few other uses were a permitted in the O-3 district and that those uses were not desirable in such close proximity to the school and neighborhood (in their opinion). A rezoning to O-3(CD) was eventually approved with the following restrictions:

- permitted uses identical to O-3 district, **less and except** the uses of apothecary, eating establishments, restaurants, private clubs, tanning salons, and tattoo parlors;
- property line buffers required along lines of residential adjacency ... consisting of a 2.5 to 3-foot-high landscape berm a minimum of twenty (20) feet wide, the buffer had to include a 4-foot-high, black, iron decorative fence atop the berm, the buffer area had to include plantings equivalent to a Type “B” landscape buffer, and the fencing and berm could not substitute for any required plantings; and
- the architecture had to be of a residential style, and buildings could not exceed 1.5 stories in height.

10) This O-3 area is in the Highway Development District, but a conditional use permit is **not** required for development in office districts.

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 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 rezoning 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.”

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

ATTACHMENTS: **1)** Application. **2)** Survey. **3)** List of those receiving notice. **4)** Area zoning map. **5)** Future Land Use Map (area excerpt). **6)** Comp Plan analysis (applicable policies).

PROJECT # 10-00000291



CITY OF WILSON

City Council Agenda Session

Agenda Item # : _____
City Council Meeting: _____

TO: Planning Board

FROM: Planning Staff

SUBJECT: ZONING ORDINANCE TEXT CHANGE REQUEST (Project #10-295)

APPLICANTS: Planning staff and Stormwater staff

SECTIONS: 8.35.5.H

PURPOSE: To revise the Special Flood Hazard Conservation Areas (which prohibit new development, fill, or structures) to eliminate a six-year-old exemption applying to previously platted and recorded (prior to mid-2004) lots

STAFF RECOMMENDATION: 1) Approval. 2) If you move to approve the request, be sure to preface your motion with the following statement:

I MOVE THAT THE PROPOSED AMENDMENT IS REASONABLE DUE TO ITS CONSISTENCY WITH THE FOLLOWING COMPREHENSIVE PLAN POLICY AND THAT IT BE APPROVED: 7.2

3) If you move to deny the request, be sure to preface that motion with a statement of similar, or otherwise appropriate, construction detailing why the amendment is not reasonable and why it should be denied.

BACKGROUND: 1) On June 16, 2004, in the wake of Hurricane Floyd in September 1999, the City’s Stormwater Division sponsored a revision to the floodplain ordinance to regulate the half of the “floodway fringe,” or 100-year floodplain as it is sometimes known, closest to the floodway in the same manner as the floodway. An exception was included addressing existing uses. The ordinance also included an amendment to the Stormwater Management Ordinance (Chapter 46 of the City Code) to allow “impervious surface averaging” in floodplain areas to provide a certain degree of compensation for the areas restricted by the companion zoning restriction. (Ordinance O-055-04) **2)** On September-16, 2004, also in the wake of Hurricane Floyd, the flood damage prevention section of the Zoning Ordinance (Section 8.35) was revised at the behest of FEMA and the State of North Carolina. The revision incorporated the previously-adopted section mentioned above, but the terminology changed: the “floodway fringe” became “Special Flood Hazard Areas (SFHA)” and the half of the “floodway fringe”

closest to the floodway became “Special Flood Hazard Conservation Areas (SFHCA).” (Ordinance O-099-04) **3)** Section 8.35.5.H presently reads as follows:

- H. *Special flood hazard conservation areas (SFHCAs)*. The following restrictions shall apply in all SFHCAs in addition to those requirements for all SFHAs:
- (1) *Areas restricted*. There shall be no new development, fill, or structures in the SFHCAs except as otherwise provided herein.
 - (2) *Permitted uses*. Any use permitted in the Floodway shall be permitted in SFHCAs.
 - (3) *Existing uses*. Existing uses rendered nonconforming by the adoption of this section may continue as "nonconforming uses" and shall be regulated as other nonconforming uses and as per the provisions of Section 8.35 except as follows (see also Section 8.35.A(9)):
 - (a) Lots appearing on final subdivision plats recorded prior to the effective date of final approval of Ordinance O-055-04 by the environmental management commission, whether developed or partially developed, may be improved in accordance with the other provisions of this ordinance, however, such uses will be considered "nonconforming uses" and, after initial construction, be subject to all provisions of this section. Foundations and supports for such structures shall be firmly anchored to prevent flotation; and
 - (b) There are no SFHCA restrictions placed on existing single-family residential structures or development, except that they must follow the regulations for building in the SFHAs.
 - (4) *Vested rights*. Property owners that can demonstrate that they have vested rights as of the effective date of final approval of Ordinance O-055-04 by the Environmental Management Commission will not be subject to SFHCA requirements. Vested rights may be based on at least one of the following criteria:
 - (a) Substantial expenditures of resources (time, labor, and money) based on good-faith reliance upon having received a valid local government approval to proceed with the project;
 - (b) Having an outstanding valid building permit in compliance with G.S. 153A-344.1 or G.S. 160A-385.1; or
 - (c) Having an approved site specific or phased development plan in compliance with G.S. 153A-344.1 or G.S. 160A-385.1.

4) There has been a difference of opinion among staff as to what subsection (3)(a) means. In addition, since the maximum term of a “vested right” is five years (according to G.S. 160A-385.1 and Section 11 of the City’s Zoning Ordinance), and since six years has passed since the vested rights portion of this section was adopted, the vested rights portion of this section is no longer relevant. **5)** Staff would like to clarify and simplify this section of the ordinance. The wording proposed reflects the interpretive opinion of the majority. The effect of this wording is to eliminate an exemption applying to previously platted and recorded lots. **6)** This amendment implements **Action 7.2** in the Comprehensive Plan. That item reads as follows:

Action 7.2: Amend the zoning ordinance to further restrict development in flood prone areas, specifically revising the 50% “no build” area standard. Consider development of a program to allow transfers of development density from these areas to areas that are appropriate for development.

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

ATTACHMENT: Proposed ordinance.

COMPREHENSIVE PLAN POLICIES THAT COULD BE INTERPRETED TO SUPPORT THE REQUEST:

Policy 7.2: Environmentally sensitive areas should serve as either natural open spaces or passive/active recreational areas where only low-impact development is permitted.

COMPREHENSIVE PLAN POLICIES THAT COULD BE INTERPRETED TO OPPOSE THE REQUEST:

Staff could find no such policies.