



BOARD OF ADJUSTMENT

Development Services

112 Goldsboro Street E, Wilson, NC 27893

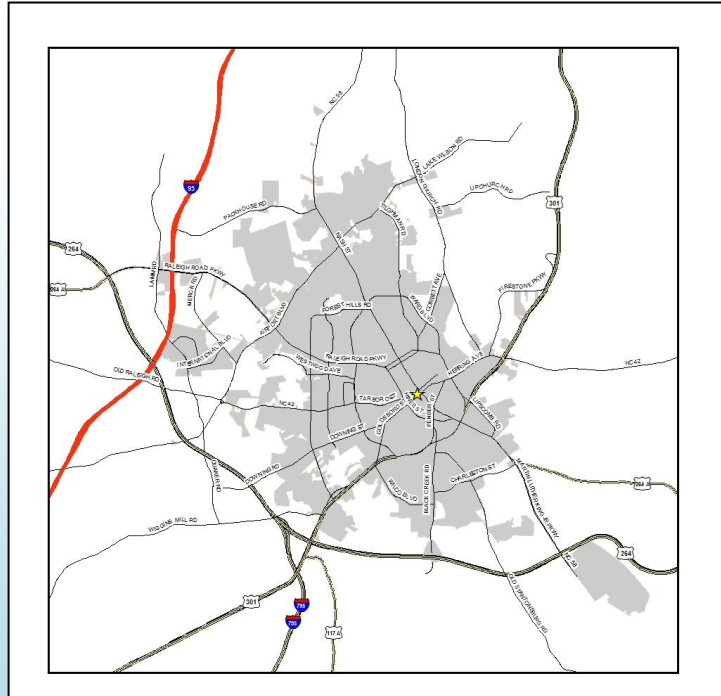
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PROJECT: 22-213
AGENDA ITEM # 2
PIN # 3722-20-5727.000
DATE: June 21, 2022

DESCRIPTION: A request by Barbara White on behalf of The Edge Wilson to allow the applicant to have alcohol sales for a Special Use Permit under the bar/tavern/nightclub use category at 127 Barnes Street, W in a CCMX zone.



STAFF ANALYSIS:

In its review of the request, the City Land Development 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.

Board of Adjustment – Special Use Permit
127 Barnes St, W
July 19, 2022

Photos of Property

Aerial View:



Board of Adjustment – Special Use Permit
127 Barnes St, W
July 19, 2022

Goldsboro Street View:



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Pine Street View:



- FACT 1: The property in question is located at 127 Barnes Street, W, Wilson County, North Carolina.
- FACT 2: The property is also known as 3722-20-5727.000 (PIN)
- FACT 3: The property is zoned CCMX (Center City Mixed-Use). The surrounding properties are zoned CCMX (Center City Mixed-Use).

- FACT 4: The property is located within the Municipal Service District and Downtown Tobacco Warehouse District of the City of Wilson.
- FACT 5: The business owner's operation would continue as an art gallery/studio with the addition of alcohol sales on the premises.
- FACT 6: Wilson Downtown Development Corporation reviewed this request at their June 14, 2022 meeting. The board supports this request as serving adult beverages have been a national trend within the art community for years. The board recommended approval with the conditions as noted throughout this report and within the recommendation section.
- FACT 7: Chapter 17 of the City of Wilson Unified Development Ordinance defines Bar/Tavern/Nightclub as: "A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included."
- FACT 8: Section 2.7.3 of the City of Wilson Unified Development Ordinance includes a "Use Table". The table lists "bar/tavern/nightclub subject to a Special Use Permit and subject to the requirements of 3.5.3" as a permitted use in the CCMX district.
- FACT 9: Section 3.5.3 of the City of Wilson Unified Development Ordinance is entitled "Requirements for particular uses and development types – bar/tavern/nightclub" and lists the requirements as follows:

3.5.3 BAR/TAVERN/NIGHTCLUB

A. Separation Requirement: All new bar/tavern/nightclubs in the GC and HC districts shall be located no closer than 500 feet to any residential district or use, church, school, park or playground, or other existing public or private club.

This property is not in the GC or HC districts, so this requirement does not apply to this request.

B. Minimum Net Floor Area: All bar/tavern/nightclubs shall have a minimum net floor area of 1,200 square feet.

*The subject property meets the requirement as follows:
Total building floor area of 4,050 square feet as per the Wilson
County Tax Administration website. The 1st floor art gallery is 2,000
square feet and where the Special Use Permit for the sale of beer
and wine will be limited.*

C. Hours of Operation: In issuing a Special Use Permit for this use,
the board shall consider the surroundings and restrict the hours of
operation of the business if they deem it warranted.

*The Board may restrict the hours of operation if they deem it
warranted. An option is included with condition #10.*

FACT 10: The Fire Department recommends approval subject to the
following:

The property is located within the Primary Fire District within the
City and shall meet the district standards, any NC Fire Prevention
Code requirements and have an approved fire inspection prior to
commencing operation.

FACT 11: The Neighborhood Improvement Enforcement Coordinator
recommends approval subject to the following:

Must follow all applicable local, state, and federal laws, rules, and
ordinances.

FACT 12: Construction Standards recommends approval subject to the
following:

Must remain compliant with the NC State Building Code for the
building and patio.

FACT 13: Section 15.10.2E of the Unified Development Ordinance: pertaining
to the issuance of Special Use Permits, reads as follows:

1. That the proposed special use conforms to the character of
the neighborhood, considering the location, type and height
of buildings or structures and the type and extent of
landscaping on the site;

*This request conforms to the character of the neighborhood
and with the direction of the Wilson Downtown Development
Corporation.*

2. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads;

This request should not impact negatively on traffic congestion on the public roads. There is public parking on Barnes Street, Parking Lot #19 (formerly Centre Brick Parking Lot) and a public parking lot adjacent to the rear of the property at 210 Barnes Street (Parking Lot #7).

3. That adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use;

Adequate utilities are available for the proposed use.

4. That the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas;

This request should not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. Any creation of such items would require meeting state and federal standards or requirements.

5. That the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the land development district; and

This request will not impede the orderly development and improvement of surrounding property for uses permitted within the CCMX (Center City Mixed-Use) as a building has been renovated in Historic Downtown Wilson as an art gallery.

6. That the establishment, maintenance and/or operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare.

This request, if operated as described, should not be detrimental to or endanger the public health, safety or

general welfare of the property owners, residents and visitors to the City of Wilson.

7. That the establishment will be operated in compliance with all local, state and federal laws and will not become a nuisance by creating criminal activity or public disturbance.

The request, if operated as described, should be compliant with all laws and not become a nuisance to the downtown area. Conditions in the Recommendations Section should assist in monitoring the operation of this proposed business.

PROCEDURE: The Board must proceed in accordance with Section 15.10 as quoted in Fact 13 (motion-second-and vote).

RECOMMENDATION: Staff recommends the Board proceed as follows:

- **Move that Facts 1-13 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 Unified Development Ordinance.

- **Move to grant the Special Use Permit subject to the following conditions: (motion-second-and vote). *Indicate whether to include Condition #10.***
 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 the sale of beer & wine, in association with the bar/tavern/nightclub use subordinate to the art gallery, ONLY.
4. All required building permits, inspections and a fire inspection will be obtained prior to the expansion of the business to include the sale of beer and wine.
5. Any pattern of recurring incidents of violence, illegal, or nuisance activity, which results in at least two incidents over 3 days, or more than 9 events over 90 days, to the City of Wilson Police Department or the City of Wilson Nuisance Department, shall be grounds to schedule a hearing with the Board of Adjustment for a warning to revoke or revocation of the Special Use Permit. In addition, if there is a serious violent crime such as rape, homicide, or serious assault, shall be potential grounds to schedule a hearing with the Board of Adjustment for a warning to revoke or revocation of the Special Use Permit. The Special Use Permit hearing shall be for revocation of the Special Use Permit or placing additional amendments to the Conditions of Approval. Upon Revocation, the business shall immediately be closed.
6. After closing each night, the on-site manager shall pick-up, dispose of properly, and clean-up outside areas within 50 feet of the building. This includes the trash, refuse, or other evidence of public drunkenness.
7. A City of Wilson privilege license as related to the alcohol permits will be maintained at all times.
8. All exterior lighting shall be directed downward to prohibit fugitive light from leaving the leased area/building. All lighting shall be extinguished, (except for the light necessary for security lights) within 30 minutes of the close of business.
9. The Special Use Permit will expire on July 16, 2024. The applicant should submit an application to renew the Special Use Permit by May 21, 2024.

Operational Conditions:

10. The business will close no later than ____ daily.