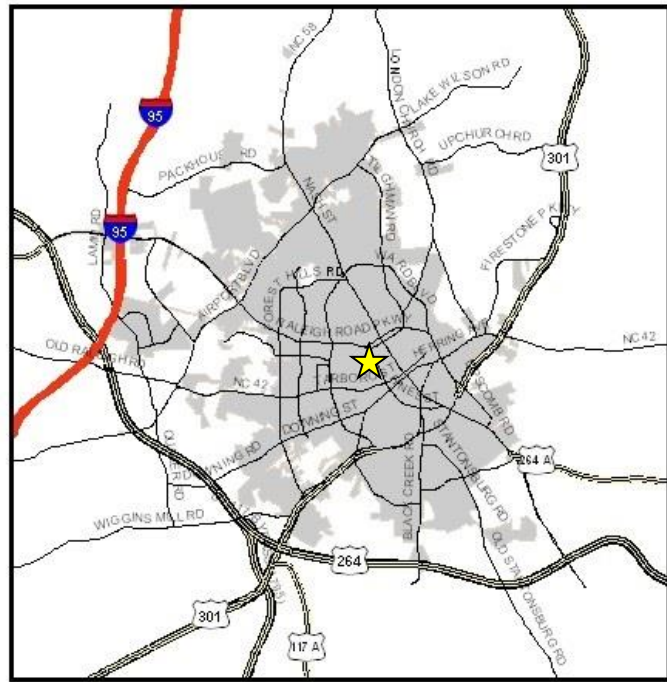




BOARD OF ADJUSTMENT
Development Services
112 Goldsboro Street E, Wilson, NC 27893
PO Box 10, Wilson, NC 27894-0010
(252) 399-2220
www.WilsonNC.org

PROJECT: 23-187
AGENDA ITEM # 1
PIN # 3722-21-2829.000
DATE: June 20, 2023

DESCRIPTION: A request by Bartlett Engineering on behalf of Sam Nassar to allow a Pick-Up/Drop-Off Window with a Special Use Permit under the Automotive Use Type, Drive-Thru/Drive-In/Pick-Up/Drop-Off Facility use category at 307 Nash St, W in a NMX 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.

Photos of Property

Aerial View:



Front Entrance:

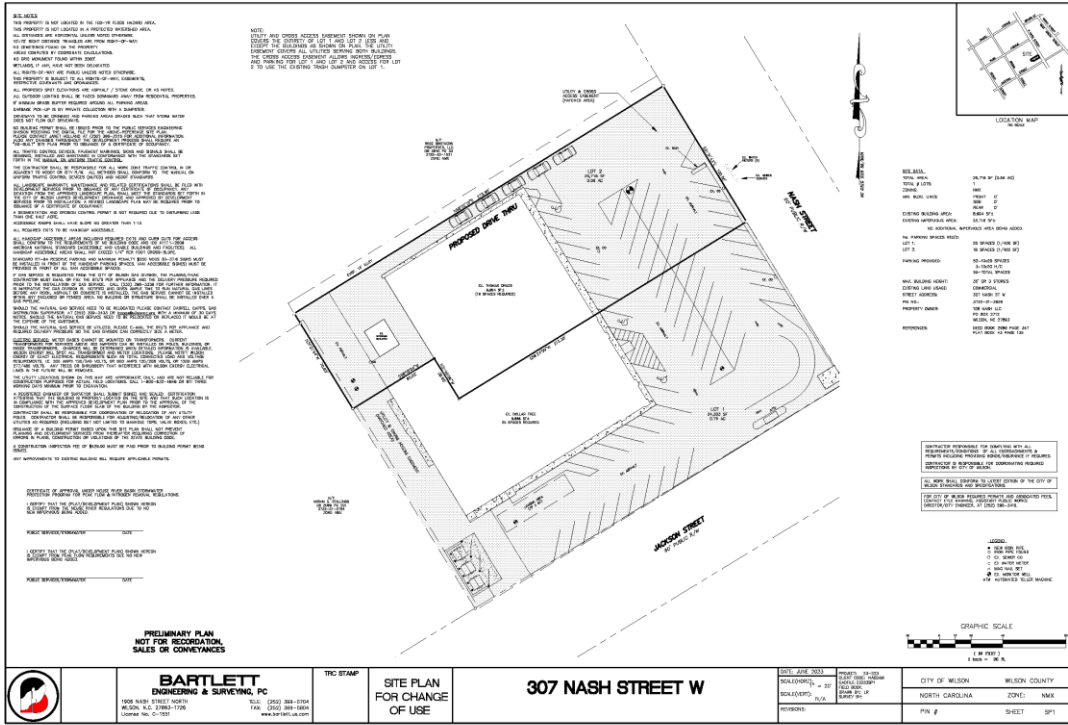


Pick-Up/Drop-Off Window Location:

Board of Adjustment – Special Use Permit
 307 Nash St, W
 June 20, 2023

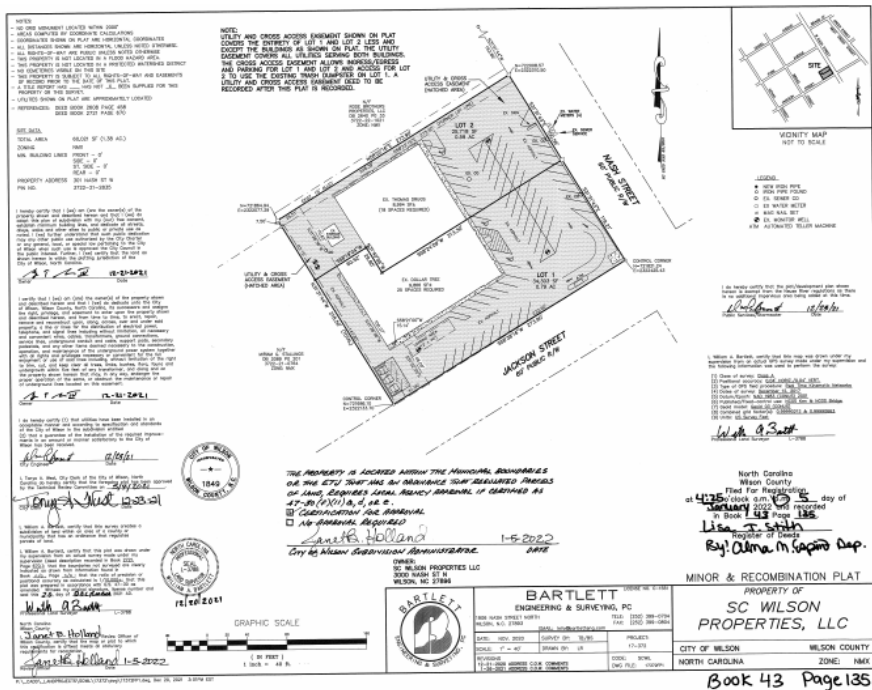


Site Plan:



Board of Adjustment – Special Use Permit
 307 Nash St, W
 June 20, 2023

- FACT 1: The property in question is located at 307 Nash Street, W, Wilson County, North Carolina.
- FACT 2: The property is also known as 3722-21-2829.000 (PIN)
- FACT 3: The property is zoned NMX (Neighborhood Mixed-Use). The surrounding properties are zoned NMX (Neighborhood Mixed-Use).
- FACT 4: The Wilson County Register of Deeds indicates 1958 was the construction year of this building. The parking lot is located in the front yard along Nash Street, as is traditional for this period of time. A Minor and Recombination Plat was recorded in Plat Book 43 Page 135 on January 5, 2022. This plat also includes utility and cross access easements for the entire property with the exception of the structures as shown below.



- FACT 5: A Development Compliance Certificate was issued for The Cloud City Vape on January 11, 2023 to operate a tobacco and vape shop with additional sales similar to those of a convenience store. Customer Service reported utility services for this location began on March 7, 2023.

FACT 6: Section 2.7.3 of the City of Wilson Unified Development Ordinance includes a “Use Table”. The table lists “Drive-Thru/Drive-In/Pick-Up/Drop-Off Facility” subject to a Special Use Permit and subject to the requirements of 3.8.1” as a permitted use in the NMX district.

FACT 7: Chapter 17 of the City of Wilson Unified Development Ordinance defines DRIVE-THRU/DRIVE-IN FACILITY as a primary or accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, etc. Does not include: Automated Teller Machines (ATMs), gas stations or other vehicle services, which are separately defined.

FACT 8: Section 3.8.1 of the City of Wilson Unified Development Ordinance is entitled “**DRIVE-THRU/DRIVE-IN/PICK-UP/DROP-OFF FACILITY [NC, GC, HC, ICD, LI, HI, RMX, NMX, IMX, CCMX]**“ was updated in 2015 to include Pick-Up/Drop-Off provisions and lists the requirements as follows:

3.8.1 DRIVE-THRU/DRIVE-IN/PICK-UP/DROP-OFF FACILITY [NC, GC, HC, ICD, LI, HI, RMX, NMX, IMX, CCMX]

A. Drive-Thru/Drive-In Facility Locations:

1. **NC Districts:** Such facilities shall be limited to designated parking space(s) for picking up carryout orders only. Such parking areas shall be subject to the requirements in Chapter 9.
2. **NMX, IMX, CCMX Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities shall be located and accessed only in the third layer of a lot as defined in Section 9.3. In addition, such facilities shall not be located on any portion of the building facing a street frontage.
3. **GC, HC, LI, HI Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities located along any street frontage or on any portion of the building facing a street frontage must be buffered

from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 8.7.2.

The property owner is not requesting a Drive-Thru/Drive-In Facility for the business.

B. Pick-Up/Drop-Off Facility Locations:

1. **ICD, RMX, NMX, IMX, CCMX Districts:** Vehicle queuing/stacking areas shall be located and accessed only in the third layer of a lot as defined in Section 9.3. In addition, such facilities shall not be located on any portion of the building facing a street frontage.

A site plan has been submitted to the Technical Review Committee (TRC) and is currently under review (see Page 3). It shows stacking for 5 vehicles that encroaches into the front parking lot that is a one-way traffic pattern.

2. **GC, HC, LI, HI Districts:** Vehicle queuing/stacking areas located along any street frontage or on any portion of the building facing a street frontage must be buffered from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 8.7.2.

Not applicable to the NMX zoning district.

C. Pick-Up/Drop-Off Facility Additional Requirements:

1. Menu boards, speakers or audible sound systems, additional lighting, and signage are prohibited.
2. A minimum of a Type B buffer, in accordance with Section 8.7.2, shall be adjacent to any residentially zoned property.
3. A canopy may be permitted over the pick-up/drop-off window or door.

- D. Circulation for all facilities:** Vehicle queuing/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any public sidewalk or bicycle facility. Stacking shall be shown as five (5) vehicular spaces.

The site plan will indicate or note the requirements of both C and D above.

FACT 9: The Fire Department recommends approval subject to the following:

Must be compliant with the requirements of the National Fire Code.

FACT 10: The Neighborhood Improvement Enforcement Coordinator recommends approval subject to the following:

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

FACT 11: Construction Standards recommends approval subject to the following:

Must be compliant with the requirements of the current NC State Building Code.

FACT 12: 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 as a Pick-Up/Drop-Off window, as this site was previously a Dry Cleaners with a Pick-Up/Drop-Off window. Also Thomas Drug located at 309 Nash Street W received a Special Use Permit for a similar facility on September 20, 2016.

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 as the business is set back

with a parking lot in front and the minimum stacking of 5 spaces will be within the property.

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 local, 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 NMX (Neighborhood Mixed-Use). The Thomas Drug and Dollar Tree should continue to operate at their current levels of service.

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 12 (motion-second-and vote).

RECOMMENDATION: Staff recommends the Board proceed as follows:

- **Move that Facts 1-12 in the staff findings be adopted as “findings of fact” of the Board (motion-second-and vote).**
- **Move to Conclude (motion-second-and vote) :**
 1. that the requested permit is within the jurisdiction of the Board to issue;
 2. that the application is complete; and
 3. that, if 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).**
 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 Pick-up/Drop-off Facility use, ONLY. The General Commercial store may continue on site as long as it meets the requirements of Section 3.5.4 of the City of Wilson’s Unified Development Ordinance.
 4. All signs shall comply with Section 11 of the Unified Development Ordinance and acquire a sign permit. Please contact Land Development for additional information at (252)399-2220 or LandDev@WilsonNC.org.

5. An approved site plan by the City of Wilson's Technical Review Committee shall be required with the installation of any site improvements prior to the Pick-Up/Drop-Off Facility being open to the public.
6. All required building and trade permits, inspections and a fire inspection shall be obtained prior to the opening of the Pick-Up/Drop-Off Facility.
7. 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.
8. The permit will expire on Tuesday, June 17, 2025. The applicant must submit an application to Land Development Services by Tuesday, May 20, 2025.