

WILSON COUNTY PLANNING BOARD MEETING

Monday, June 15, 2020

7:30 PM



**Board of Commissioners'
Conference Room, 1st Floor
2201 Miller Road South
Wilson, NC 27893**

MEMORANDUM

TO: Planning Board Members

FROM: Mr. Mark Johnson, M.A., AICP, CZO
Development Services Director

SUBJECT: Planning Board Meeting

DATE: May 27, 2020

The Wilson County Planning Board will meet at 7:30 p.m., Monday, June 15, 2020 in the Commissioners' Meeting Room, on the first floor of the Wilson County Government Center located at 2201 Miller Road South, Wilson, North Carolina.

A copy of the agenda, staff reports, and the minutes from the meeting of May 18, 2020 are enclosed.

Please contact Lisa Bisette at 252-399-2847 if you will **not** be able to attend this meeting.

Feel free to contact me with any questions you may have.

WILSON COUNTY PLANNING BOARD

**MONDAY, JUNE 15, 2020 – 7:30 PM
WILSON COUNTY GOVERNMENT CENTER
BOARD OF COMMISSIONERS' MEETING ROOM (FIRST FLOOR)
2201 MILLER ROAD SOUTH
WILSON, NORTH CAROLINA**

AGENDA

1. CALL TO ORDER: Mr. Raeford Flowers, Chair
2. PLEDGE OF ALLEGIANCE
3. PRAYER
4. APPROVAL OF THE MAY 18, 2020 MINUTES (pp 1-16)
5. REZONING
 - **Z 2020-05** – Request submitted by Charles H. Eatmon, Professional Land Surveyor, for property owner, Triune Properties, LLC, to consider the request of rezoning of a lot from AR (Agriculture Residential District – 40,000 sq. ft. minimum lot size) to B-1 (Highway Business District – 10,000 sq. ft. minimum lot size). The property is located on the south side of Dixie Inn Rd (SR 1671) in the Black Creek Township. Wilson County Tax Parcel #3710-11-0276. (pp 17-26)
6. CHAIRMAN'S REPORT
7. DEVELOPMENT SERVICE DIRECTOR'S REPORT
 - Review of G.S. 160-D
8. ADJOURNMENT

WILSON COUNTY PLANNING BOARD MEETING
2201 Miller Road South, Wilson NC 27893
Commissioners' Conference Room – 1st Floor
May 18, 2020

MEMBERS PRESENT: Raeford Flowers, Chair; Doug Mattox, Vice-Chair; Donnie Bass; Rodney Coleman; Charles Farris, Jr (via conference call); Chip Futrell; Eunice Lindsey (via conference call); Linwood Scott, III; Randolph Sessoms

MEMBERS ABSENT: Linwood Vick

OTHERS PRESENT: Mark Johnson, Director of Development Services; Aaron Chalker, Planning and Zoning Enforcement Officer; Lisa Bisette, Secretary; Denise Stinagle, County Manager; Stephen Beaman, County Attorney; Robert Bartlett, Bartlett Engineering & Surveying; Brent Purdum, Triangle Site Design

CALL TO ORDER: Mr. Raeford Flowers, Chair

PLEDGE OF ALLEGIANCE: Mr. Flowers led the Board in the Pledge of Allegiance

PRAYER: Mr. Johnson led the Board in prayer

ROLL CALL: Mr. Johnson requested a roll call be taken due to some Board members attending the meeting via a conference call. Mr. Flowers took roll call.

Mr. Flowers reminded the public that a meeting, and not a hearing, was being held; thus, individuals are allowed to speak at the pleasure of the Board. The Board agreed to allow individuals to speak before the Board.

APPROVAL OF THE MARCH 16, 2020 MINUTES:

Mr. Flowers made a motion to approve the minutes of the March meeting. Mr. Futrell seconded the motion. Motion passed.

VOTE: UNANIMOUS

MAJOR SUBDIVISION PRELIMINARY PLATS:

MS 2020-03 – Request submitted by Steve Oliverio of Bartlett Engineering & Surveying for property owner/developer, Builtwell Construction LLC, to consider approval of a preliminary plat consisting of 13 lots located on the inside southwestern corner of Farmwood Loop (SR 1379), Old Fields Township, Tax Parcel #2783-95-2155.

At this time, Aaron Chalker presented the request for action and the following Staff Report and Staff Comments for MS 2020-03. He asked if there were any questions, and he stated that the staff recommendation is to approve the request.

**STAFF REPORT
MS 2020-03
Preliminary Major Subdivision Plat
May 18, 2020**

To: Planning Board

GENERAL INFORMATION

APPLICANT: Bartlett Engineering & Surveying for property owner/developer Builtwell Construction, LLC.

REQUESTED ACTION: Hold a public meeting, May 18, 2020 at 7:30 p.m. to consider approval of a preliminary plat consisting of 13 lots.

LOCATION: This property is located on the inside of the corner on Farmwood Loop (SR 1379). It is located just to the northeast of the intersection of US-264 and Raleigh Road Pkwy. Wilson County Tax Parcel #2783-95-1130.

PUBLIC NOTIFICATION: Letters mailed to adjoining property owners on May 11, 2020

DESCRIPTION SIZE/LOTS: Total acreage is 13.77. The subdivision consists of 13 lots. Located in the Old Fields Township.

EXISTING LAND USE/ZONING: This property is currently zoned AR (Agriculture/Residential) and is vacant.

STAFF RECOMMENDATION: APPROVAL. See Staff Comments attached.

**STAFF COMMENTS
MS 2020-03
May 18, 2020**

- Zoning is AR (Agriculture/Residential)
- Minimum lot size of 40,000 square feet
- Minimum lot width of 100 feet
- Minimum building setbacks:
 - Front 40'
 - Side 12'

- Rear 30'
- Corner 20'
- Maximum height of dwelling: 35 feet
- Total area of 13.77 acres and 13 lots.
- This property is outside of any FEMA designated flood hazard areas.
- This property is within the Contentnea Watershed IV.
- County water is not available at this property.
- This property is located in the Northwestern Planning Area of Wilson County per the 2025 Comprehensive Plan
 - The Northwestern Planning Area has been identified as the fastest growing area in Wilson County.
- The property is located in a Primary Growth Area per Wilson County Future Land Use/Growth Management Map;
 - Development goals within the Primary Growth Area per 2025 Comprehensive Plan:
 - Protect natural resources
 - Provide for safe and attractive environments – development keeping in character with the existing development
 - Continue to provide and improve parks and recreational resources
 - Encourage Higher Density Development that follows a conservation subdivision scenario where homes are clustered and the surrounding environment is preserved
 - Encourage higher density development for all land uses

Mr. Flowers asked if there were any questions or comments from the Board and if the Board would like to allow the public to speak. The Board agreed to allow speakers.

Mr. Joseph Webb came before the Board and wanted to know the values of the homes to be constructed in the subdivision. Mr. Chalker answered that he did not know and this would be a question for the developer. Mr. Webb then asked for the distance to be from his yard to the adjacent lots. Mr. Johnson answered that the setbacks according to the existing Unified Development Ordinance (UDO) are 12' from the side, 40' from the front, and 30' from the rear. Mr. Webb asked if any easements would be required. Mr. Johnson answered that no easements will be required as existing roads will be used. He indicated that the engineer is present to answer questions of those nature, if necessary.

Ms. Susan Parker approached the Board and asked for the amount of square footage required of the homes to be constructed in the subdivision. Mr. Johnson answered that the UDO does not dictate the size of a home and that this would be a private matter that could be provided for within restrictive covenants or by the developer.

Mr. Robert Bartlett then came before the Board as a representative of the developer and property owner, Builtwell Construction. He had no answer regarding the values and square footage of the homes to be built, but the subdivision layout will meet the requirements of the existing UDO. Mr.

Futrell asked for the zoning district of the surrounding area of the subject property. Mr. Chalker answered the zoning district was AR (Agricultural/Residential). Mr. Mattox asked if the setbacks still apply regardless of the size of the home. Mr. Johnson answered that the setbacks do apply.

Mr. Flowers asked if there were any further questions from the Board. There were none. Mr. Sessoms made the motion to approve. Mr. Scott seconded the motion. Mr. Flowers asked if further discussion was needed. There was none. Motion carried.

VOTE:	<u>For</u>	<u>Against</u>
	Flowers	Futrell
	Mattox	
	Bass	
	Coleman	
	Farris	
	Lindsey	
	Sessoms	
	Scott	

REZONING:

Z 2020-04 – Request submitted by Vanguard Ventures LLC, for property owner, Wendy Fulghum Barnes, to consider the request of rezoning of a lot from AR (Agriculture Residential District – 40,000 sq. ft. minimum lot size) to B-2 (General Business District – 10,000 sq. ft. minimum lot size). The property is located at 8068 NC Hwy 42 W on the northeast side of the intersection with NC 581, in the Spring Hill Township. Wilson County Tax Parcel #2760-53-1362.

At this time, Mr. Chalker presented the request for action and the following Staff Report and Staff Comments for Z 2020-04. He asked if there were any questions, and he stated that the staff recommendation is to approve the request.

**STAFF REPORT
Z 2020-04
Rezoning
May 18, 2020**

To: Planning Board

GENERAL INFORMATION

APPLICANT: Vanguard Ventures, LLC for property owner Wendy Fulghum Barnes

REQUESTED ACTION: Consider the request of rezoning of a lot from AR (Agriculture Residential District – 40,000 sq. ft. minimum lot size) to B-2 (General Business District – 10,000 sq. ft. minimum lot size).

LOCATION: The property is located at 8068 NC Hwy 42 W on the northeast side of the intersection with NC 581, in the Spring Hill Township. Wilson County Tax Parcel number: 2760-53-1362.

PUBLIC NOTIFICATION: Sign placed on property May 11, 2020. Letters mailed to adjoining property owners on May 11, 2020.

DESCRIPTION SIZE/LOTS: Total acreage is 2.84 with approximately 519 ft. of road frontage

EXISTING LAND USE/ZONING: This property is currently zoned AR (Agriculture/Residential – 40,000 sq. ft. minimum lot size).

STAFF RECOMMENDATION: APPROVAL. See Staff Comments attached.

STAFF COMMENTS

Z-2020-04

May 18, 2020

Property Owner: Wendy Fulghum Barnes

- This is a General Use rezoning request, to allow for all uses and special uses that are allowed in the B-2 (General Business) zoning district.
- The B-2 district is established to accommodate smaller scale retail, office and service uses that serve an adjacent or nearby residential or rural/agricultural area. Development within this district is limited to those uses which directly provide necessary goods and services to local residents.
- Dimensional Standards of B-2 Zoning Districts:
 - Minimum Lots size = 10,000 sq. ft.
 - Minimum Lot width = 75 ft.
 - Minimum front setback = 30 ft.
 - Minimum side setback = N/A.
 - Minimum rear setback = 20 ft.
 - Maximum height = 35 ft.
 - Corner Side = 20 ft.
- “Spot Zoning” is the zoning of a relatively small tract of land differently from the surrounding area. “Spot Zoning” could be considered illegal unless the governmental unit establishes a reasonable basis for the spot zone. Factors for determining reasonableness include:
 - a) Size of area and its particular characteristics
 - b) Relation to the Wilson County Growth Plan
 - c) Degree of change in uses allowed
 - d) Relative harm and benefit to owner, neighbors, and the community

- Contract zoning for a specific use is not an issue because this is a General Use rezoning request.
- Surrounding zoning is A-R (Agriculture-Residential). B-1 Zoning is across Hwy 42, where a gas station/convenience store is located.
- This property is located in the Public Water Supply Watershed Area.
- This property is not within a special flood hazard area (SFHA).
- The applicant included on the rezoning plat the following Riparian Buffer Note:
 - “The 50-foot Neuse Riparian Buffer Zone is measured from the top of bank of the ditch or creek. No activity is permitted in Zone 1 (first 30 ft). Limited activity is allowed in Zone 2 (second 20 ft). Owner/developer to consult G.S. 15A NCAC 2B.0259 before any disturbance within the buffer zone or call NCDEQ, Division of Water Quality, Surface Water Protection Section for official determination.”
- Public Water is available at NC Hwy 42.
- The property is located in the Northwestern Planning Area of Wilson County. The Wilson County 2025 Comprehensive Plan identifies this area as the fastest growing area in Wilson County. The Northwestern Planning Area is projected to have a population of 16,500 by year 2020.
- The property is located in a Rural Growth Area per Wilson County Future Land Use/Growth Management Map;
 - Development goals within the Rural Growth Area per 2025 Comprehensive Plan:
 - Protect natural resources
 - Promote residential development that maintains the rural nature of the area that is safe and attractive, meeting the needs of the population.

Items to be included on the Plat/Map submission:

- The re-zoning map must indicate the current zoning and the proposed zoning.
- The rezoning map must show all and any easements on the proposed area to be rezoned.
- The rezoning map must indicate surrounding zoning.

Below please find an excerpt from **Section 3.2.1 (F)**, of the Wilson County UDO. These are some elements along with others that you may want to consider as you deliberate your recommendation to the Board of Commissioners:

Zoning Map Amendment Standards

- (1) Whether, and to the extent which, the proposed amendment is consistent with the Wilson County 2025 Comprehensive Plan, and any other relevant plans.
- (2) Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3) Whether, and to the extent which, the proposed amendment is compatible with existing and proposed uses surrounding the land subject to the amendment.

- (4) Whether, and to the extent which, the proposed amendment would result in a logical and orderly pattern of development.
- (5) Whether, and to the extent which, the proposed amendment would encourage premature development in the area subject to the amendment.
- (6) Whether, and to the extent which, the proposed amendment would result in adverse impacts to property values in the area surrounding the land subject to the amendment.
- (7) Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.

Mr. Flowers asked if the Board would like to allow the public to speak. The Board agreed to allow three minutes for each speaker. Mr. Flowers explained that speakers may yield their three minutes to another speaker.

Mr. Flowers called the first speaker, Mr. Franklin Wilson, from the list in the Speaker's Signature Book. Mr. Wilson spoke on behalf of the Buckhorn United Methodist Church, saying the church was opposed to the rezoning of the subject lot. Their issues are traffic congestion, noise, and safety due to the location of their satellite parking lot in relation to the subject property.

Mr. Brent Purdum of Triangle Site Design, the engineer representing the developer and applicant, Vanguard Ventures, responded that the driveway to the subject property has been moved farther north of the church lot to avoid some of the issues. The location of the proposed building on the subject property has also been moved in order to avoid the septic tank on the property. No road improvements are required according to the Department of Transportation. Mr. Bass asked Mr. Purdum to respond to the issue of noise presented by Mr. Wilson. Mr. Purdum answered that there will be landscaping and shrubs around the lot, and the parking spaces will be adjacent to the building and not near the church lot. Mr. Sessoms asked if the parking lot or any pavement would be over the septic system. Mr. Purdum answered it would not. Mr. Scott asked if there would be anything besides curbing to stop people from driving over the septic system. Mr. Purdum answered there would only be a curb.

Mr. Bass reminded everyone that this meeting was to discuss a rezoning request and that this is not a site-specific detail-oriented plan which would be reviewed by a different Board. Mr. Flowers reiterated that the Planning Board's responsibility is not to determine what will go on the property but to determine whether the property should be rezoned for anything that fits the definition of the proposed zoning district; what will be built upon the property is not the Board's decision. Mr. Johnson added that the site plan will be sent to the Planning Division Staff at the time the building permit is issued regardless of the commercial use. The developer will not dictate the degree of vegetation/landscaping on the property as such is determined by the requirements of the UDO.

Mr. Futrell commented that he is looking to hear from the community, and not a professional, that this area needs to be rezoned for commercial use, and that he has heard nothing from the local citizens that has demonstrated a demand for the rezoning of this property. Mr. Purdum replied that his client performs extensive research and review regarding demographics, location, and need; and they have been very successful.

At this time, Mr. Flowers clarified that the three-minute time limit is for the speaker's presentation and does not include the time used for questions and comments from the Board.

The next speaker was Mr. Robert Rountree, who also represented the applicant, Vanguard Venture, with the principals being Mr. George T. Barnes and his parents, George and Susan Barnes. He listed the following public benefits associated with the proposed use: convenient shopping closer to home, a \$1.5 million investment in the county which will increase the tax base, eight (8) permanent new jobs in the area in addition to the temporary jobs being provided for contractors and subcontractors, and the fact that a Wilson-based contractor will be used. Accommodations have been made for the neighbor's septic system, and the Barnes have offered to pay for the church's gravel parking lot and to add shrubs and signage to clearly identify their private property. Mr. Rountree stated that this rezoning will be consistent with other commercial use buildings presently in the area. He understands the sentimental attachment by the community to the existing country store and appreciates their concerns, but there is public benefit associated with this proposal.

Mr. Tim Fulghum, a lifelong resident of the Buckhorn area, came before the Board and presented a petition signed by 462 area residents standing in opposition to the rezoning request. He stated that there are already Dollar General stores in several different locations within ten minutes of the community. The concerns of the petitioners are traffic, the effect on the church, the possibility of an increased crime rate, and the lack of access to his property to reach his septic tank system. Mr. Bass asked Mr. Fulghum if he owned the store across from the site. Mr. Fulghum replied that he did. Mr. Farris asked if anyone had seen the petition. Mr. Flowers answered that the petition had just been presented at the meeting, and he then read the petition aloud. Mr. Futrell made the observation that the developer's business plan should have previously determined the demand for this business; but with so many opposed, who is going to patronize this commercial business?

At this time, Mr. Flowers called the next speaker, Mr. Jimmy Galloway, who yielded his three minutes as speaker to Mr. Tim Fulghum who continued his presentation. Mr. Fulghum reiterated that 462 local residents have signed a petition opposing this rezoning. He said that the area was a rural area, not a commercial area, and that this had been stated by Mr. Chalker during his presentation from the Planning Staff. He stated that the proposed commercial business might provide three jobs and that he is a business owner who has employed people in the community for 28 years. He is not opposed to the type of business proposed but to its location. He mentioned that the engineer previously indicated the entrance to the driveway was at the north end of the lot, but Mr. Fulghum stated the developers do not own the road frontage there and that the road frontage is owned by the Hinnant family; therefore, how can a driveway be placed there when the

developers do not own that land? He stated that this is the second time this rezoning request has been proposed, and it is still opposed by the community.

Ms. Erica Fulghum then came before the Board and stated that the Board must follow the UDO and find the statement of purpose in order to rezone. The property is currently zoned AR (Agricultural/Residential); and the Planning Staff Comments indicate goals to maintain the rural nature of the area, and the local citizens agree. She asked that the Board deny the request as the Board had previously denied this request and that the only thing that had changed since the prior request to the Board is an increase in the size of the subject property.

Ms. Della Davis approached the Board and indicated she had talked to many people in the community who would love to have a store close by which would provide them access to items they may find they need late at night rather than having to drive to other towns to make their purchases. Another store at that location would be very convenient. She goes to Papa Jack's, and she does not want a competition but wants people to have the opportunity to choose. The Chair asked if there were any questions for Ms. Davis. There were none.

The next speaker, Ms. Gail Parrish, yielded her three minutes to Mr. Brent Purdum. Mr. Purdum addressed the issue, that had been previously presented by Mr. Tim Fulghum, of the driveway not being on the property. He stated that the Wilson County GIS shows the subject property is one parcel with the same owner so that the developers are within the boundaries of the property line. Mr. Purdum also brought up the question of spot-zoning and read its definition. He indicated spot-zoning may apply to this situation and that an attorney should review this. Mr. Purdum stated that this rezoning request matches the type of zoning already at the intersection.

Ms. Wendy Barnes, the property owner, then came before the Board. She stated that this property has always been used for the operation of businesses such as a school, sewing factory, flea market, used appliance store, etc. There have never been any complaints before from the store or the church about businesses operating on that corner. She only wants fairness as there are businesses all along the roads in the area. Mr. Futrell asked the Planning Board staff at what point this lot was rezoned to AR since it was previously used for business. Mr. Johnson stated that establishment of zoning districts were not initiated in Wilson County until 1978, and most property was initially zoned AR (Agricultural Residential). He stated that the subject property could have been labeled as an existing non-conforming use; but once the building for commercial use was demolished, the use would be null and void unless a business was reestablished within 180 days of the demolition. It seems this lot was not again used for business purposes within 180 days of demolition of the previous building. Mr. Futrell asked Mr. Johnson how many years he had been employed by Wilson County and if this property had always been zoned AR during his tenure. Mr. Johnson responded that he had been with the County since 2007 and that he remembers the property always being zoned AR and never being rezoned since he has been here. He offered to research the answer but suggested the property owner would probably know the answer.

Mr. Flowers asked if there were any further questions from the Board. There were none. He then asked the Board to entertain a motion. Mr. Bass made the motion to approve the rezoning request.

Ms. Lindsey seconded the motion. Mr. Flowers asked if there was further discussion. Mr. Mattox commented that this deal has been a mess since the school was torn down, with the issues of the septic system, the drainage field, and the petition in opposition, and that he was not comfortable agreeing to approval and that he was going to vote no. Motion failed 6 to 2 with 1 abstention.

VOTE:	<u>For</u>	<u>Against</u>	<u>Abstained</u>
	Bass	Coleman	Farris
	Lindsey	Flowers	
		Futrell	
		Mattox	
		Scott	
		Sessoms	

Mr. Flowers asked for another motion. Mr. Scott then made a motion to deny the rezoning request. Mr. Futrell seconded the motion. Mr. Flowers asked if there was any further discussion. There was none. Motion carried 6 to 2 with 1 abstention.

VOTE:	<u>For</u>	<u>Against</u>	<u>Abstained</u>
	Coleman	Bass	Farris
	Flowers	Lindsey	
	Futrell		
	Mattox		
	Scott		
	Sessoms		

ORDINANCE AMENDMENT:

OA 2019-03 – Consider an amendment to Table 7-2 and Section 7.3.3 of the Unified Development Ordinance (UDO).

At this time, Mr. Chalker presented the request for action and the following Staff Report and Staff Comments for OA 2019-03. He asked if there were any questions, and he stated that the staff recommendation is to approve the request.

**STAFF REPORT
OA 2019-03
Ordinance Amendment
May 18, 2020**

To: Planning Board

GENERAL INFORMATION

APPLICANT: Wilson County Development Services Department

REQUESTED ACTION: Consider an amendment to Table 7-2 and Section 7.3.3 of the Unified Development Ordinance (UDO)

PUBLIC NOTIFICATION: N/A

COMMENTS: Request to amend Wilson County Unified Development Ordinance by adding “Residential Accessory Use/Structure (water/sewer) to Table 7-2 and adding 7.3.3(P).

NOTES: The proposed change would allow residential accessory structures to have a full bath consisting of toilet, sink and tub/shower; along with electric utility connection.

STAFF RECOMMENDATION: APPROVAL. See Staff Comments Attached

STAFF COMMENTS

OA 2019-03

May 18, 2020

Planning staff has drafted the following proposed text amendment for your consideration:

- I. Amend Table 7-2 Table of Permitted Accessory Structures and Uses
 1. Add under the heading Accessory Use Type “Residential Accessory Use/Structure (water/sewer)”.
 2. Add the letter “P” under the following Zoning Districts; AR, R-30, R30MH, R 20, R-20MH, R-15, R-15MH and R-10
 3. Add in under the heading “Special Requirements” along the newly created “Residential Accessory Use/Structure (water/sewer)” row 7.3.3(P).
 4. Adjust letter headings of the remaining “Accessory Use” categories in order to maintain alphabetical order.

- II. Below please find specific standard related to regulating residential accessory structures with water and electrical connections in Wilson County zoning jurisdiction. In making these recommendations Staff attempted to address the following issues;
 1. Maximum size of accessory structures.
 2. Rather or not HVAC Systems should be allowed in accessory structures.
 3. What type of plumbing fixture will be allowed?
 4. If “Residential Accessory structures should be allowed in mobile home parks.
 5. Rather or not there should be more than one residential accessory structure with water/sewer connections.

It is the recommendation of Planning Staff that the following specific standards be considered by the Board for adoption.

7.3.3(P) A residential accessory structure may have both electrical and sewer connections within the following guidelines:

7. Must meet all applicable requirements of Section 7.3.2(B) as well as Section 8.3 of the Wilson County UDO.
 - a. Section 7.3.2(B)(3) reads as follows, “Be subordinate in area, extent, and purpose to the principal use or structure”
 - (1) It is staff opinion that “subordinate in area” means that the accessory structure can be no larger than the principal structure.
 - b. Section 8.3 regulates the location, height, setbacks, maximum size as related to lot area.
8. Only one residential accessory structure on a lot may have electrical and water/sewer connections.
9. Water/sewer connection is allowed for one full bath only, consisting of a toilet, sink and shower/bathtub.
 - a. Staff believes that plumbing fixtures beyond one full bath may result in the structure being used for purposes not permitted under codes.
10. HVAC systems are not allowed in a residential accessory structure.
 - a. Staff believe that allowing central air in an accessory structure would increase the possibility that these units may be used for purposes that are not incidental and customarily associated with residential use. Allowing HVAC system in these structures would make “use prohibitions” related to these structures almost unenforceable.
11. Residential accessory structure (water/sewer) shall not be used as a dwelling.
 - a. Staff believes although it is clear in the Table of Permitted Uses, that an accessory dwelling requires a Special Use Permit, staff believes that this language being in this section will give the property owner access to this information without referring to another section in the UDO.
12. Residential accessory structures (water/sewer) shall not be allowed as an accessory to individual mobile home spaces within a mobile home park.
 - a. Staff believes that because mobile home parks consist of spaces as opposed to legal lots of record that each mobile home space should not be permitted to have an accessory structure with water and sewer connections.

Mr. Coleman confirmed that there could be a full bath in an accessory structure and then asked if a kitchen sink would be allowed. Mr. Johnson answered no. Mr. Coleman stated that the Planning Staff seems to keep looking at this issue as a matter of enforcement of the ordinance to prevent someone from residing in an accessory structure. He asked the Planning Staff if this issue is currently a problem in the County. Mr. Johnson said yes. Mr. Futrell commented that if we can allow a sink, who is to say that people cannot install a kitchen sink or one the size of a kitchen sink. Mr. Coleman believes that then people will simply build their accessory structures as they like but without approval from the County. He asked if this is what the Planning Staff is dealing with now. Mr. Johnson responded that the Planning Staff is limited to one zoning enforcement officer so every accessory building cannot be inspected. Mr. Scott stated that he was opposed to having two (2) residences on the same lot but also opposed to a person not having the ability to

install air conditioning and other options in an accessory structure. He believes the proposed changes will end up punishing honest people simply because a few people may violate the ordinance.

Mr. Flowers asked the Board for any specific recommendations or changes. Mr. Scott recommended allowing an HVAC system in an accessory structure. He asked that if a person has a workshop and a pool house, is he going to be limited to a full bath in only one of the structures? Mr. Johnson answered yes. Mr. Scott asked if an accessory dwelling requires a Special Use Permit. Mr. Johnson replied that currently an accessory dwelling such as a pool house requires a Special Use Permit according to the existing UDO. Mr. Scott asked that if a pool house has a bathroom, shower, living area, etc., why couldn't the same be installed in a garage? Mr. Johnson stated that he wrote the proposed text amendments along with the rationale of why the Planning Staff is proposing what they are proposing. His job is to propose ordinances, and these ordinances are approved, denied, or amended at the pleasure of the Board. The Board determines whether the ordinances are adequate or reflect the values of Wilson County, and they can adopt any ordinance as long as it is not in conflict with any other provision of the UDO. Mr. Johnson stated that in his proposed text amendments, he has responded to every concern brought up by the Board in the past and offered his opinions, including the issue of HVAC systems and whether accessory structures can be placed in mobile home parks.

Mr. Farris commented that he believed the Board had already come to a consensus in favor of HVAC systems in an accessory structure, but he has no problem with the remaining items. Mr. Johnson stated that there had been no prior consensus or vote on this issue, but Ms. Bissette could refer to the minutes to determine if a vote had been taken. Mr. Flowers stated he is sure there was no vote or consensus as such and that the Board had been unable to resolve that issue at the time.

Mr. Flowers suggested that the Board read each item to approve, revise, or deny, with the Board voting on each item individually. Mr. Flowers then instructed the Board to begin with Item 7 and to discuss any thoughts or to propose revisions. Mr. Futrell asked the Chair to entertain a motion to approve each item as it was reviewed and to vote on the wording so the Planning Staff has a clear directive from the Board. Mr. Flowers clarified that this is the intention.

Mr. Futrell made the motion to approve Item 7 under Section 7.3.3 as written. Mr. Farris seconded the motion. Motion approved.

VOTE: UNANIMOUS

The Board reviewed Item 8.

Mr. Coleman asked for clarification on Item 8 and confirmed the proposal stated that if a person has two accessory structures, only one of them can have electrical and water connections. Mr. Johnson answered that is correct. Mr. Coleman stated he is against this. Mr. Flowers asked if anyone wanted to make a proposal to revise this Item. Mr. Scott thinks more than one accessory

structure should be allowed to have electrical and water. Mr. Flowers asked Mr. Scott to clarify what he meant by “more than one.” Mr. Scott confirmed he meant *two*.

Mr. Scott made the motion to change the word *one* to *two* in Item 8. Mr. Coleman seconded the motion. Motion approved.

VOTE: UNANIMOUS

The Board reviewed Item 9.

Mr. Johnson asked the Chair to read aloud this ordinance as it currently exists: “Water/sewer connection is allowed for one full bath only, consisting of a toilet, sink and shower/bathtub.” Mr. Scott commented that if the wording in Item 8 was changed from *one* to *two*, then Item 9 should also be changed so as not to be in conflict. Mr. Flowers asked if there was a motion regarding Item 9. Mr. Futrell asked for clarification, asking if the text was meant to be interpreted as “one full bath per accessory structure” and not as “two full baths in one building.” Mr. Flowers asked for wording suggestions. Mr. Johnson said that he will change the wording so that one full bath will be allowed *per* accessory structure.

Mr. Sessoms made the motion to add the words *per accessory structure*. Mr. Bass seconded the motion. Mr. Flowers asked if there was any further discussion. Mr. Farris said he did not understand what the motion was. Mr. Flowers read aloud and clarified the motion made. Motion approved.

VOTE: UNANIMOUS

The Board reviewed Item 10.

Mr. Flowers read aloud the existing ordinance: “HVAC systems are not allowed in a residential accessory structure.” Mr. Johnson recommended the word *not* be stricken from the text. Mr. Scott made the motion to approve. Mr. Mattox seconded the motion. Mr. Flowers asked if there was further discussion. There was none. Motion approved.

VOTE: UNANIMOUS

The Board reviewed Item 11.

Mr. Flowers read aloud the ordinance as proposed by the Planning Staff: “Residential accessory structure (water/sewer) shall not be used as a dwelling.” Mr. Scott made the motion to approve as written. Mr. Sessoms seconded the motion. Mr. Flowers asked if there was further discussion. There was none. Motion approved.

VOTE: UNANIMOUS

The Board reviewed Item 12.

Mr. Flowers read aloud the proposed text amendment: "Residential accessory structures (water/sewer) shall not be allowed as an accessory to individual mobile home spaces within a mobile home park." Mr. Mattox made the motion to approve as written. Mr. Flowers seconded the motion. Mr. Flowers asked if there was any further discussion. There was none. Motion approved.

VOTE: UNANIMOUS

Mr. Flowers asked if there was further business. Mr. Johnson stated that he will type the changes to the text that was approved by the Board and send them to the Board of Commissioners for review. He will also email them to the Planning Board. Mr. Futrell mentioned that the Commissioners have the right to reword what the Planning Board has approved.

Mr. Coleman then brought up to the Board that in 2000 when his father was a Board member, the Planning Board had a training session for new members in which it was presented that "Planning Boards are advocates of the general public. Our unique role is to represent the general public interest as we make the regulations regarding public policy that will affect the future development of the community and not in the interest of a specific group's point of view." He stated that just because something is allowed by the UDO does not mean the Board should automatically recommend approval. Mr. Futrell agreed that the Planning Board should not be used as a rubber stamp. Mr. Coleman suggested that new Planning Board members need training.

Mr. Flowers then asked Mr. Johnson how the Planning Board meetings could be made Public Hearings. Mr. Flowers stated that he does not understand why at the meetings, the Board would not allow the public to speak. The Board chooses to allow it, but they could decide not to do it as well. He realizes the option works, but if the Board chose not to allow the public to speak, he sees no point in having the Planning Board meet. Disallowing the public to speak is within the Board's right, but it is not in the interest of the public. He then asked Mr. Johnson what would need to be done to make the Planning Board meetings as stated Public Hearings rather than having to declare them Public Hearings. Mr. Johnson answered that he does not know the answer as he has never been asked this of a planning board. He assumed that we would be required to follow the same guidelines in the NC General Statutes to make it a Public Hearing with public notices in the newspaper and other requirements. If such an ordinance is in the UDO, there will be legal requirements, and the change could increase the fees of permit applications by as much as double the cost. Also as a result, *two* Public Hearings would then be held since the Board of Commissioners is required by law to conduct a Public Hearing. He will have Mr. Chalker research this proposal and see what it would entail and present it to the Planning Board.

Mr. Coleman asked how public notices are being handled. Mr. Johnson explained the requirements per NC General Statutes. Again Mr. Flowers stated that he does not feel comfortable conducting this kind of meeting and not allowing the public to speak. Mr. Johnson addressed Mr. Beaman, the County attorney, and suggested that the Planning Board adopt a policy to allow the public to speak instead of a law or ordinance. He stated that the Board has

already set a precedent of allowing the public to speak, and he again promoted this change to occur as a policy. Mr. Flowers requested the Planning Staff determine how to make the meetings a standard Public Hearing.

Mr. Sessoms asked to refer back to Item 2 of the Staff Comments for Z 2020-04 which refers to Section 3.2.1(F). Zoning Amendment Standards of the Wilson County UDO which states: "Whether, and to the extent which, the proposed amendment addresses a demonstrated community need." Mr. Sessoms stated that the Board ascertains community needs by listening to people. He does not feel that he had enough information until he heard from the public and read their petition. Mr. Coleman thinks allowing the public to speak is good for the general public.

CHAIRMAN'S REPORT

Mr. Flowers had no report.

DEVELOPMENT SERVICE DIRECTOR'S REPORT

Mr. Johnson stated that the Board should have received an email with the NC GS 160D outline. Mr. Chalker informed the Board that the State has pushed the deadline of the mandate to August 1, 2021, and there is now additional time to make amendments. Ms. Bissette will email the Board an outline of the new requirements of this statute and the corresponding text amendments to the UDO which have been drafted by Mr. Johnson. Mr. Johnson stated that we have no choice but to follow the new General Statute requirements of Chapter 160D. Ms. Bissette stated that she and Mr. Chalker are currently working on this table and are nearly completed. Mr. Johnson gave an abbreviated list of the new requirements of the General Statute. Mr. Coleman asked if Mr. Beaman, the County Attorney, will be reviewing the amendments as well. Mr. Beaman indicated he has a copy of the proposed amendments for review.

Mr. Flowers returned to the comments that Mr. Coleman had made previously concerning training for new Board members. Mr. Flowers suggested that a policy be made to have any new member attend an orientation prior to their first meeting. The Board agreed. He stated that a Board member should know their responsibilities and what to expect. Mr. Flowers asked if there was any further business. There was none.

ADJOURNMENT

Mr. Flowers adjourned the meeting.

STAFF REPORT
Z 2020-05
Rezoning
June 15, 2020

To: Planning Board

GENERAL INFORMATION

APPLICANT: Charles H. Eatmon, Professional Land Surveyor, for property owner, Triune Properties, LLC

REQUESTED ACTION: Consider the request for rezoning of a lot from AR (Agriculture Residential District – 40,000 sq. ft. minimum lot size) to B-1 (Highway Business District – 10,000 sq. ft. minimum lot size).

LOCATION: The property is located on the south side of Dixie Inn Rd (SR 1671) in the Black Creek Township. Wilson County Tax Parcel #3710-11-0276.

PUBLIC NOTIFICATION: Sign placed on property June 1, 2020. Letters mailed to adjoining property owners on June 1, 2020.

DESCRIPTION SIZE/LOTS: Total acreage is 3.70 with approximately 462 ft. of road frontage

EXISTING LAND USE/ZONING: This property is currently zoned AR (Agriculture Residential) and is vacant.

STAFF RECOMMENDATION: APPROVAL. See Staff Comments attached.

STAFF COMMENTS
Z 2020-05
June 15, 2020

Property owners: Triune Properties, LLC

This is a General Use Rezoning Request to allow for all uses and special uses that are allowed in the B-1 (Highway Business) zoning district.

- The B-1 district is established to accommodate commercial development that serves regional customers in locations that are served by primary roadways.

- Dimensional Standards of B-1 Zoning Districts:
 - Minimum Lots size = 10,000 sq. ft.
 - Minimum Lot width = 75 ft.
 - Minimum front setback = 30 ft.
 - Minimum side setback = N/A.
 - Minimum rear setback = 20 ft.
 - Maximum height = 35 ft.
 - Corner Side = 20 ft.

- “Spot Zoning” is the zoning of a relatively small tract of land differently from the surrounding area. “Spot Zoning” could be considered illegal unless the governmental unit established a reasonable basis for the spot zone. Factors for determining reasonableness include:
 - Size of area and its particular characteristics
 - Relation to the Wilson County Growth Plan
 - Degree of change in uses allowed
 - Relative harm and benefit to owner, neighbors, and the community

- Contract zoning for a specific use is not an issue because this is a General Use Rezoning Request.
- Surrounding zoning is B-1 (Highway Business District) and AR (Agriculture Residential)
- This property is not located in a County Watershed area.
- This property is not within a special flood hazard area.
- County water is not available at this property.
- This property is located in the Southern Planning Area of Wilson County per the 2025 Comprehensive Plan
- Located in the Primary Growth Area per Wilson County Future Land Use/Growth Management Map
 - Development goals within the Primary Growth Area per 2025 Comprehensive Plan:
 - Protect natural resources
 - Provide for safe and attractive environments – development keeping in character with the existing development.
 - Continue to provide and improve parks and recreational resource
 - Encourage Higher Density Development that follows a conservation subdivision scenario where homes are clustered and the surrounding environment is preserved.
 - Encourage higher density development for all land uses.

Items to be included on the Plat/Map submission:

- The rezoning map must indicate the current zoning and the proposed zoning.
- The rezoning map must indicate surrounding zoning.
- The rezoning map must show all and any easements on the proposed area to be rezoned.

Below please find an excerpt from Section **3.2.1 (F)** of the Wilson County UDO. These are some elements along with others that you may want to consider as you deliberate your recommendation to the Board of Commissioners.

Zoning Map Amendment Standards

- (1)** Whether, and to the extent which, the proposed amendment is consistent with the Wilson County 2025 Comprehensive Plan, and any other relevant plans.
- (2)** Whether, and to the extent which, the proposed amendment addresses a demonstrated community need.
- (3)** Whether, and to the extent which, the proposed amendment is compatible with existing and proposed uses surrounding the land subject to the amendment.
- (4)** Whether, and to the extent which, the proposed amendment would result in a logical and orderly pattern of development.
- (5)** Whether, and to the extent which, the proposed amendment would encourage premature development in the area subject to the amendment.
- (6)** Whether, and to the extent which, the proposed amendment would result in adverse impacts to property values in the area surrounding the land subject to the amendment.
- (7)** Whether, and to the extent which, the proposed amendment would result in significantly adverse impacts on the natural environment.



PETITION REQUESTING AMENDMENT OF THE OFFICIAL ZONING MAP OF WILSON COUNTY, NORTH CAROLINA

Applicant's Name: Triune Properties, L.L.C.
Date: May 21, 2020 Total Fee Submitted: \$ 500.00

I (We), the undersigned, do hereby submit this Petition to amend the Official Zoning Map of Wilson County as herein requested:

1. GENERAL PROPERTY INFORMATION

The property is located on the South side of Dixie Inn Road having State Road # 1671 in the Black Creek Township of Wilson County. The physical address is and it is identified as Wilson County tax Parcel Identification Number 3710 - 11 - 0276 of (PARENT) the tax maps. The property has a frontage of 462.29 feet and contains 3.70 acres.

List all other Wilson County tax Parcel Identification Numbers in which this rezoning application encompasses below:

Two sets of blank lines for listing other parcel identification numbers.

2. REQUEST TYPE

I hereby request the following:

General Use Rezoning Request

It is requested that the foregoing property be rezoned from AR district to B-1 district to allow for all permitted uses and to apply for all special uses as outlined in the Wilson County Unified Development Ordinance.

3. SUBSTANTIATING YOUR REQUEST

Briefly describe your reason for petitioning for the rezoning. Cite any necessary or appropriate facts to support the petition. Be sure to also note in which ways this request is consistent with various goals and objectives outlined in the Wilson Growth Plan.

Proposed use will be consistent with zoning classification
Zoning on adjacent properties are B-1 and will conform with Wilson County Growth Plan

4. CERTIFICATION

I (We) hereby certify that the information furnished in this application is accurate to the best of my (our) knowledge. **Petitions must be signed by the property owner(s) or their duly authorized agent or attorney.** Please attach an additional sheet if necessary.

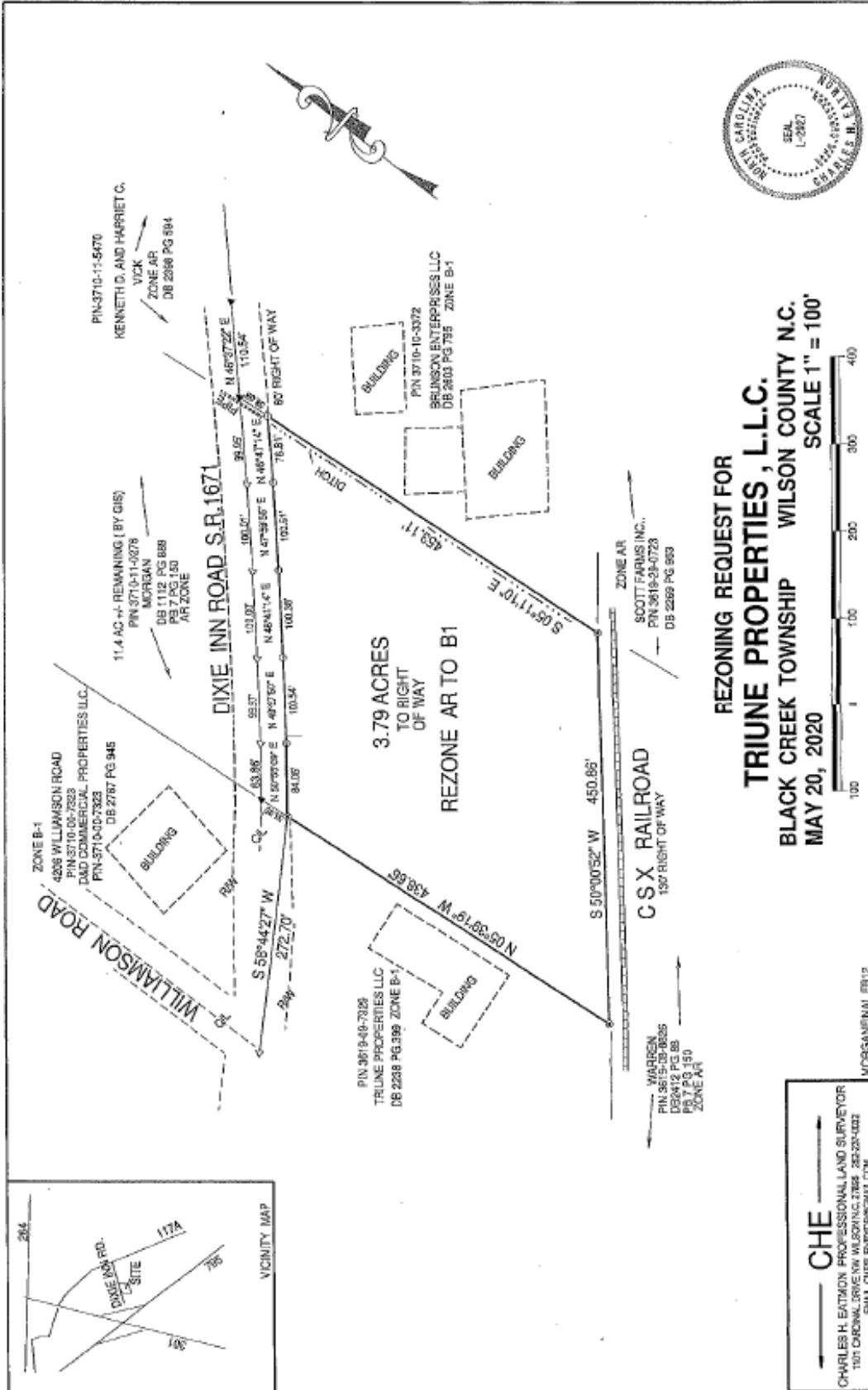
Property Owner: Triune Properties LLC Phone Number: (252) 237-3399
Signature: *Dennis Cial* Extension: _____
Mailing Address: 4189 Dixie Inn Rd
Wilson NC 27893

Property Owner: _____ Phone Number: _____
Signature: _____ Extension: _____
Mailing Address: _____

Agent/Attorney: Charles Eatmon Phone Number: (252) 237-0032
Signature: *Charles Eatmon* Extension: _____
Mailing Address: 1101 Cardinal Drive
Wilson N.C. 27896

OFFICE USE ONLY	
Petition Received on:	<u>5-21-2020</u> by <u>Aaron Chalker</u>
Case Number Assigned:	<u>2 2020-05</u>
Total Fees Collected:	<u>\$ 500.00</u> paid by <u>Triune Properties</u>





Property of

James A. Morgan and Elaine S. Morgan

Beginning at a point on the southerly right of way of State Road # 1671 (Dixie Inn Road), said point located N58° 44' 27" E, 272.70' from the intersection of the centerlines of Williamson Road and Dixie Inn Road. Thence from said point of beginning with and along said right of way N50° 55' 09" E 84.05' to a point, Thence, continuing N49° 27' 50" E 100.54', N48°41' 14" E 100.38', N 47°59'56" E 100.51', and N 46°47'14" E 76.81' to a point in a ditch; cornering, thence along the Brunson westerly property line S 05° 11' 10"E 453.11' to a point on the northerly right of way of the C S X Railroad, cornering; thence with and along said right of way S 50° 00' 52" W 450.86' to a point, the southeastern corner of Triune properties, cornering. Thence with and along the Triune property N 05°39'19" W 438.66' to the point of beginning and containing 3.79 acres.



A handwritten signature in cursive, appearing to read "Charles H. Morgan", is written over a circular notary seal. The seal contains the text "NOTARY PUBLIC" at the top, "STATE OF MISSISSIPPI" around the inner edge, and "CHARLES H. MORGAN" at the bottom.

Doc ID: 008804120002 Type: CRP
Recorded: 05/07/2020 at 10:54:01 AM
Fee Amt: \$78.00 Page 1 of 2
Revenue Tax: \$50.00
Wilson, NC
Lisa J. Stith Register of Deeds
BK 2832 PG 890-891

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 50.00

Parcel Identifier No. 3710-11-0276.000 Verified by _____ County on the _____ day of _____, 20____
By: _____

MailBox to: Susan K Ellis, PLLC, 4005 Nash St NW, Wilson, NC 27896

This instrument was prepared by: Susan K Ellis, PLLC, 4005 Nash St NW, Wilson, NC 27896

Brief description for the Index: LOT 3.79 ac, Dixie Inn Rd.

THIS DEED made this 7th day of May, 2020, by and between

GRANTOR	GRANTEE
James Alfred Morgan and wife, Elaine Smith Morgan 555 Kingold Blvd Snow Hill, NC 27580-1406	Triane Properties, LLC 4189 Dixie Inn Rd Wilson, NC 27893

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of _____, Black Creek Township, _____ Wilson County, North Carolina and more particularly described as follows:

BEING that certain property, consisting of 3.79 acres (to RAW), as more particularly shown on that certain survey map entitled "Final Plat Property of James A. Morgan and Elaine S. Morgan," dated March 11, 2020, prepared by Charles H. Eatmon, Surveyor, and recorded at Plat Book 42, Page 142, Wilson County Registry.
This being a portion of the property denominated as the SECOND TRACT in that certain deed dated July 17, 1975 from Pattie T. Morgan, Widow, to James A. Morgan and wife, Elaine S. Morgan, recorded at Book 1112, Page 889, Wilson County Registry.
Part of PIN: 3710-11-0276.000

This certifies that these are no delinquent ad valorem real estate taxes, which the Wilson County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number: 3710110276.000

This is not a certification that this Wilson County Parcel Identification Number matches the Deed description.

RANDY A. FARWORTH ALP Date/Time 5/7/20 10:41 AM
Tax Collector Clerk

BOOK 2832 PAGE 891

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1112 page 889. All or a portion of the property herein conveyed includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 42 page 142.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Restrictions, easements, rights of way and permits of record, if any.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: (Entity Name) James Alfred Morgan (SEAL) Print/Type Name: James Alfred Morgan
By: Elaine Smith Morgan (SEAL) Print/Type Name: Elaine Smith Morgan
By: (SEAL) Print/Type Name:
By: (SEAL) Print/Type Name:

State of North Carolina - County or City of Wilson
I, the undersigned Notary Public of the County or City of Wilson and State aforesaid, certify that James Alfred Morgan spouse Elaine Smith Morgan personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 7th day of May, 2020.

My Commission Expires: 5-15-2024 (Affix Seal) SUSAN R. ELLIS NOTARY PUBLIC Wilson County North Carolina My Commission Expires May 15, 2024 Susan R. Ellis Notary Public

State of - County or City of
I, the undersigned Notary Public of the County or City of and State aforesaid, certify that personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this day of 20.

My Commission Expires: (Affix Seal) SUSAN R. ELLIS NOTARY PUBLIC Wilson County North Carolina My Commission Expires May 15, 2024 Notary Public

State of - County or City of
I, the undersigned Notary Public of the County or City of and State aforesaid, certify that he is the of a North Carolina or corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this day of 20.

My Commission Expires: (Affix Seal) Notary Public Notary's Printed or Typed Name