



Town of Boiling Springs

Board of Planning & Adjustment

Meeting Agenda Packet

January 21, 2020



Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017

Phone 704-434-2357 | Fax 704-434-2358

www.BoilingSpringsNC.net

BOARD OF PLANNING & ADJUSTMENT

MEETING AGENDA

JANUARY 21, 2020

ROUTINE BUSINESS

1. Chairman's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from October 22, 2019 Meeting

REGULAR BUSINESS

4. Rezoning Request | Parcel No. 704 (Hillcrest Street)
5. Text Amendment Request
6. Remarks
7. Adjourn

The Board of Planning and Adjustment desires all citizens have an opportunity to address the Board in an open and productive manner. Individuals not on the agenda but wishing to speak should register with the Clerk prior to the start of the meeting. During the Public Comment portion of the meeting speakers have three (3) minutes unless otherwise approved by the Board. Groups are urged to appoint a spokesperson. If you require additional time, we ask you be placed on the agenda for the next regularly scheduled meeting of the Board. This policy allows the Board members adequate time to familiarize themselves with an issue.



Board of Planning & Adjustment

Meeting Minutes

October 22, 2019

Board Present: Ellen Humphries, Chris Martin, Bill Daves, Buster Bryson, and Pat Hamrick

Staff Present: Town Manager Mr. Shires and Administrative Assistant Shannon Shytle

Others Present: Mayor Bill Ellis, Mike Hardin

Agenda Item I

Call to Order

Chairman Ellen Humphries called the meeting to order at 5:30 p.m.

Agenda Item II

Recognize Citizen's Present & Public Comment

Agenda Item III

Minutes from April 16, 2019 Meeting

Ellen Humphries made the motion to approve the minutes of the September 17, 2019 meeting. Bill Daves seconded the motion and the vote was unanimous.

Agenda Item IV

Review Rezoning Request | 152 N. Main Street

The Town has received a petition for a zoning map amendment (rezoning request) for 152 N. Main Street. The property is owned by Edward Keith Nolan and identified on Cleveland County Parcel No. 1100 containing approximately 0.45 acres. The petitioner, Greg Edney, has requested the zoning be changed from R-15 (Residential District) to B-1 (Business District)

§ 151.067 B-1 BUSINESS DISTRICT

The B-1 Business District is established as a district in which the principal use of land is to provide for general retail and consumer services for the jurisdiction in a central business location.

The Planning Board was asked to make a recommendation to the Town Council in favor of or against the rezoning request.

Mr. Shires made a brief presentation providing an overview of the request.

Staff Recommendation:

Per the Future Land Use Plan Map, the parcel in question is recommended for Commercial/Mixed Use, surrounded by parcels recommended for Medium Density Residential and Institutional to the west, Commercial/Mixed Use to the north and east, and Industrial to the south. Within the Future Land Use Plan, the B-1 Commercial district is identified as an appropriate district for Commercial uses.

According to the Future Land Use Plan, properties along the town's major thoroughfares are recommended for commercial uses, concentrated there to "prevent strip development and negative commercial growth along the thoroughfares" and noting that "managing access and controlling ingress and egress helps address problems with traffic flow and safety." The property's location along the N Main Street corridor leads staff to the opinion that it would be an appropriate site for uses allowed in the B-1 Commercial district.

It is in the opinion of staff that allowing for such commercial development along the corridor and in such proximity to the center of Downtown Boiling Springs is also appropriate. Additionally, the development of US 74, which is very likely to become an interstate, is likely to cause the northern route in and out of downtown

Boiling Springs to become the most heavily traveled, particularly by visitors. Commercial development north of downtown may help attract visitors from the existing highway and future interstate.

Staff finds the proposed rezoning to be consistent with the Future Land Use Plan Map and Future Land Use Plan. In consideration of the aforementioned details of the subject property, staff recommends approval of this map amendment.

Chris Martin made the motion to recommend the Town Council approve this proposed zoning map amendment request from R-15 to B-1. Buster Bryson seconded and the vote was unanimous.

Agenda Item V

Review Rezoning Request | 1410 College Avenue (portion of)

The Town has received a petition for a zoning map amendment (rezoning request) for a portion of 1410 College Avenue. The property is owned by Gardner-Webb University and identified on Cleveland County Tax Map Parcel # Book 42, Page 46 (2.006 acres) and is located in the Town's ETJ. The petitioner, Robin Hamrick of Gardner-Webb University, has requested the zoning be changed from R-20 (Residential District) to B-1 (Business District). The University intends to lease the facility located at 1410 College Avenue to a philanthropic organization that also has a museum exhibit area.

R-20 – (current designation of the subject property) - The R-20 Residential District is established as a district in which the principal use of the land is for low density residential or agricultural uses and to provide and protect low density residential areas for those desiring that type of environment. The R-20 district also permits associated public and private facilities typically associated with such districts.

B-1 – (requested designation the subject property) The B-1 Business District is established as a district in which the principal use of land is to provide for general retail and consumer services for the jurisdiction in a central business location.

The Planning Board was asked to make a recommendation to the Town Council in favor of or against the rezoning request.

Mr. Shires made a brief presentation providing an overview of the request.

Staff Recommendation:

According to the Boiling Springs Land Use Plan Map, this newly created lot (Book 42, Page 46) is recommended for commercial use. This commercial node encompasses the intersection of East College Avenue and Patrick Avenue. According to the Land Use Plan, properties along the town's major thoroughfares are recommended as commercial uses, concentrated there to "prevent strip development and negative commercial growth along the thoroughfares" and noting that "managing access and controlling ingress and egress helps address problems with traffic flow and safety." Museums are a permitted use in the B-1 Business District.

Staff finds this rezoning consistent with the adopted Land Use Plan and Land Use Plan Map and recommends approval.

Ellen Humphries made the motion to recommend the Town Council approve this proposed zoning map amendment request from R-15 to B-1. Chris Martin seconded and the vote was unanimous.

Agenda Item 6

Remarks

Adjourn

The meeting was adjourned 5:50 p.m.



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BOARD OF PLANNING & ADJUSTMENT

AGENDA ITEM 4

JANUARY 21, 2020

REZONING REQUEST | PARCEL #704

The Town has received a petition for a zoning map amendment (rezoning request) for Parcel No.704 located on Hillcrest Street. The property is identified on Cleveland County Tax Map BS9-1-37 Parcel #704 (1.72 acres). The petitioner, Austin Stitzel, has requested the zoning be changed from R-15 (Residential District) to R-10 (Residential District). The property owner is Stitzel, Inc. The petitioner plans to pursue opportunities with multi-family dwellings.

§ 151.067 B-1 BUSINESS DISTRICT.

The B-1 Business District is established as a district in which the principal use of land is to provide for general retail and consumer services for the jurisdiction in a central business location. (Ord. 011106.1, passed 11-6-01)

§ 151.064 R-10 RESIDENTIAL DISTRICT.

The R-10 Residential District is a district in which the principal use of land is for medium density, one, two and multi-family dwellings and associated public and private facilities typically associated with such districts. (Ord. 011106.1, passed 11-6-01)

The Board will make a recommendation to the Town Council in favor of or against the rezoning request.

MATERIALS PROVIDED

- Map Amendment Petition
- Staff Report
- Satellite Photo of Area
- Zoning Map of Area

pd ss.
12-23-19
CK# 30799



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ZONING MAP AMENDMENT PETITION

GENERAL INFORMATION

This form is used to request a change to the zoning classification of a particular parcel on the Town's official Zoning Map. This process is often referred to as a rezoning. A consultation with planning and zoning staff is recommended prior to submitting this form.

- \$350 fee required to process Zoning Map Amendment Petitions
- Signature required on Page 2
- Zoning Map Amendments are considered by the Board of Planning & Adjustment and Town Council
- Town will give official Public Notice and hold a Public Hearing

SUBJECT PROPERTY		
Physical Address: Hillcrest Street		
Land Area: 1.72 acres	Parcel No: 704	PIN: 2505665778
Tax Map: BS 9	Blk: 1	Lot: 37
Deed Book: 1783	Page: 1184	

PROPERTY OWNER	
Property Owner(s): Stitzel, Inc.	
Owner Mailing Address: 700 N. Wickham Rd, Melbourne, FL, 32935	
Owner Telephone: 321-254-8454	Owner Email: rstitzel@cfl.rr.com

APPLICANT	
Applicant Name: Austin Stitzel	
Applicant Mailing Address: 416 Old Boiling Springs Rd	
Applicant Telephone: 704-482-5020	Applicant Email: austin@stitzelconstruction.com
Applicant Relation to Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Developer <input checked="" type="checkbox"/> Legal Representative of Owner <input type="checkbox"/> Other	

ZONING MAP AMENDMENT REQUESTED

Current Zoning Classification: R15
Current Classification on Future Land Use Map: _____

REQUESTED CLASSIFICATION ON ZONING MAP: R10

PETITIONER COMMENTS:

Petitioner requests R10 classification to pursue opportunities with multi-family dwellings.
In petitioner's professional opinion, R10 is appropriate due to the proximity to the College Avenue
(Highway 150) traffic corridor and the current R10 zoning directly across Hillcrest Avenue.

OWNER/APPLICANT SIGNATURES

Owner Signature: Robert E. Stitzel Pres. Date: 12/23/19
Print Name: Robert E. Stitzel

Applicant Signature: Austin Stitzel Date: 12/23/19
Print Name: Austin Stitzel

*Petitions not made by or on behalf of the property owner require owner notification in accordance with state law.



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STAFF REPORT

To: Boiling Springs Planning and Adjustment Board
From: Lucas A. Shires, MUD, PLA – Town Manager

Date: January 17, 2020
Meeting: January 21, 2020

SUBJECT PROPERTY

Owner(s):	Stitzel, Inc.	Applicant:	Austin Stitzel
Location:	Hillcrest Street	Parcel Number:	704
Acreage:	1.72 Acres +/-		
Present Zoning:	R-15		
Requested Zoning:	R-10		
Surrounding Zoning:	North: R-15	East: R-10/B-1	South: B-1 West: R-15/B-1
Utilities:	Water: Yes	Sewer: Yes	Floodplain: No
Access:	Hillcrest Street		

ANALYSIS

The subject property is located along Hillcrest Street just north of the multi-tenant commercial building housing Papa John’s Pizza and Maxwell Pool, Inc. It is currently wooded and undeveloped.

R-15 - The R-15 Residential District is established as a district in which the principal use of land is for medium density residential uses and associated public and private facilities typically associated with such districts.

R-10 - The R-10 Residential District is a district in which the principal use of land is for medium density, one, two, and multifamily dwellings and associated public and private facilities typically associated with such districts.

STAFF COMMENTS

Per the Land Use Plan, the parcel in question is recommended for Medium-Density Residential, surrounded by other parcels recommended for Medium-Density Residential and in close proximity to parcels recommended for High-Density Residential and Commercial. Medium-Density Residential includes single-family detached residential units on individual lots at a density of no more than three (3) dwelling units per acre. These areas should be concentrated around the downtown core, in close proximity to community facilities, and served by water and sewer. High-Density Residential includes residential units at a maximum density of between six (6) and seven (7) units per acre. This classification includes a mixture of single-family attached and detached residential units, townhomes, residence halls, condominiums, and retirement housing. These areas should be served by water and sewer and in close proximity to community facilities.

The parcel in questions is also located within a recommended Business Corridor per the Land Use Plan. The purpose of the business corridor is to preserve and enhance the quality and the protection of thoroughfares along College Avenue and Main Street as a means to provide visibility of and access to businesses in the Town. The idea

behind the Business Corridor is to require development and redevelopment to be aesthetically consistent, receptive to development pressures and re-zonings, and relative to the area's traffic. Following current design guidelines will accomplish this idea. The corridor would also provide pedestrian and vehicular connections from parcel to parcel. Uses along the corridor would include more intense than single-family development such as commercial, wholesale, office and public/institutional, and light industrial as well. Multi-family uses along the corridor are acceptable but should be designed to integrate with the surrounding neighborhood.

The parcel's proximity to the College Avenue corridor and designation on the Future Land Use Map leads staff to the opinion that it would be an appropriate site for uses allowed in the R-10 Residential District. It is in the opinion of staff that allowing for higher-density residential development so close to a major corridor and Downtown Boiling Springs is appropriate.

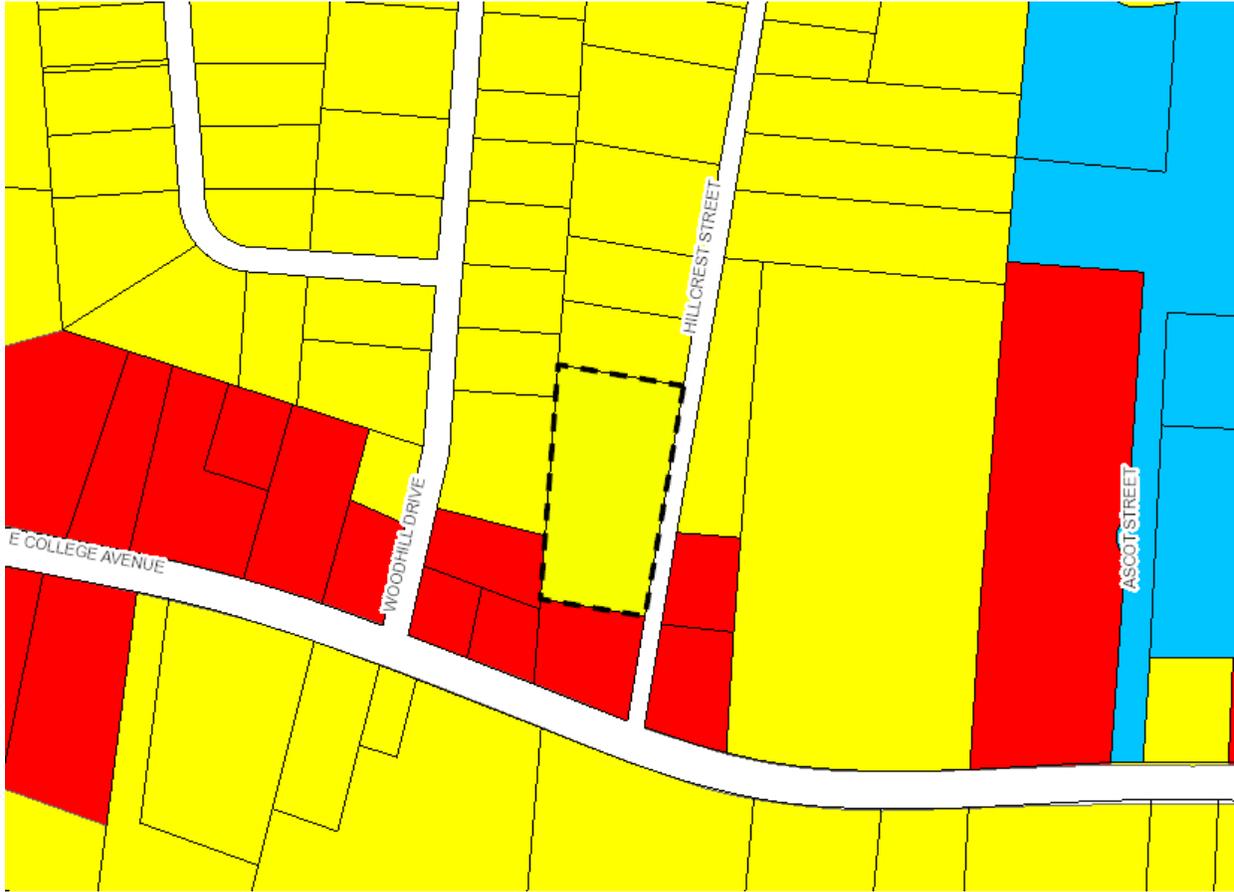
Staff finds the proposed zoning map amendment consistent with the 2009 Land Use Plan and the Future Land Use Map. In consideration of the aforementioned details of the subject parcel, Staff recommends approval of this zoning map amendment from R-15 Residential to R-10 Residential.

Site Aerial



Source: Cleveland County, NC WebGIS

Zoning Map



Source: Cleveland County, NC WebGIS



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BOARD OF PLANNING & ADJUSTMENT

AGENDA ITEM 5
JANUARY 21, 2020

TEXT AMENDMENT | SECTION 151.074 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS

The Town has received a petition for the following zoning text amendments:

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

The Board will make an advisory decision on these amendments which will be considered by the Town Council on February 4, 2020.

MATERIALS PROVIDED

- Zoning Text Amendment Petition
- Staff Report
- Text Amendment Ordinance TA20200204.01

pl. cash
1-6-2020
SS.



Town of Boiling Springs

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ZONING TEXT AMENDMENT PETITION

GENERAL INFORMATION

This form is used to request a text amendment to the Town's Code of Ordinances. A consultation with planning and zoning staff is recommended prior to submitting this form.

- \$260 fee required to process Zoning Text Amendment Petitions
- Signature required on Page 2
- Zoning Text Amendments are considered by the Board of Planning & Adjustment and Town Council
- Town will give official Public Notice and hold a Public Hearing

SUBJECT PROPERTY (if applicable)		
Physical Address: 717 McBrayer Homestead Rd		
Land Area: 6.37 Acres	Parcel No: 60328	PIN: 2506422760
Tax Map: 1175	Blk: 1	Lot: 662
Deed Book: 1666	Page: 2137	

PROPERTY OWNER (if applicable)	
Property Owner(s): Tiltman Commercial Properties LLC	
Owner Mailing Address:	
Owner Telephone:	Owner Email:

APPLICANT	
Applicant Name: Adam Smith	
Applicant Mailing Address: PO Box 855 Boiling Springs, NC 28017	
Applicant Telephone: 704-473-9805	Applicant Email: adammentley.smith@gmail.com
Applicant Relation to Property: <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Developer <input type="checkbox"/> Legal Representative of Owner <input type="checkbox"/> Other	

ZONING TEXT AMENDMENT REQUESTED

REQUESTED TEXT AMENDMENT:

~~151.074 Schedule of Area Yard, and Height Requirements~~

R-15 TH Front Setback -- Feet

Existing: 30'

Proposed: Min. 10', Maximum 25' (if parking provided in front)

R-15 TH Lot Width at the Building Setback Line -- Feet

Existing: 40' each unit

Proposed: 20' each unit

PETITIONER COMMENTS:

Consultation with Town Manager held on January 2nd to discuss

OWNER/APPLICANT SIGNATURES

Owner Signature: Eddie Tillmar Date: 1-2-20

Print Name: Eddie Tillmar

Applicant Signature: AS Date: 1-2-20

Print Name: Adam Smith

*Petitions not made by or on behalf of the property owner require owner notification in accordance with state law.



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STAFF REPORT

To: Boiling Springs Planning and Adjustment Board
From: Lucas A. Shires, MUD, PLA – Town Manager

Date: January 17, 2020
Meeting: January 21, 2020

SUBJECT PROPERTY*

Owner(s):	Tillman Commercial Properties, LLC	Applicant:	Adam Smith
Location:	717 McBrayer Homestead Road	Parcel Number:	60328
Acreage:	6.37 Acres +/-	Present Zoning:	R-15TH

***ALL PROPERTIES ZONED R-15TH WITHIN THE TOWN’S ZONING JURISDICTION WILL BE SUBJECT TO THE ZONING TEXT AMENDMENTS IF APPROVED BY TOWN COUNCIL.**

ANALYSIS

Town of Boiling Springs is experiencing moderate residential growth, working on a Land Use Ordinance overhaul, working on a Downtown Master Plan + Corridor Study, and working on various efforts to achieve respectful growth and meet evolving development trends. In an effort to promote good urban design and planning principles, correct discrepancies in the current ordinances, and offer a wider variety of housing types, Staff will be proposing various zoning text amendments in the next year. The following proposed text amendments were constructed with input from Staff and from the developer/applicant.

There are two (2) proposed zoning text amendments:

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

RECOMMENDED TEXT AMENDMENTS

Proposed Text Amendment 1

Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to front setbacks.

Currently, the front setback for all uses allowed in the R15TH Residential District is thirty (30) feet. This setback creates three (3) potential contradictions to quality development. First, this setback forces structures to be set too far off of streets creating a very suburban development pattern that compromises the “street edge” and sense of place. Second, this setback creates an unnecessary burden to developers in regards to utilities forcing them to install excess footage to each unit. Third, this setback encourages parking in front of residential typologies, typically served from the rear (townhouses). While parking in front is acceptable, it should not be encouraged.

A more appropriate setback structure for townhomes would be a ten (10) feet minimum and a twenty-five (25) feet maximum. A ten (10) feet minimum setback allows for a more urban style of development with units being accessed from the rear (rear-loaded units). A twenty-five (25) feet maximum setback eliminates units from being placed too far

off the road, but does allow for a front-loaded product type. A front-loaded townhome would include a driveway and/or garage/parking in front. Twenty-five (25) feet is recommended to eliminate inadequate parking dimensions/driveway lengths in the front which could result in vehicles hanging over into the sidewalk(s). If a front setback greater than ten (10) feet, but less than twenty (20) feet is proposed, no parking and/or driveways would be allowed in front of the townhomes.

Proposed Text Amendment 2:

Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification in regards to lot widths at the building setback line.

Currently, the lot width for all uses allowed in the R15TH Residential District is forty (40) feet. This lot width creates one (1) potential contradiction to quality development patterns and one (1) contradiction to other ordinances. First, this lot width is inconsistent with typical townhome dimensions. On average, townhomes range from sixteen (16) feet to thirty-five (35) feet in width. Second, per Special Requirement 9: Residential Group Development (A) No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangement shall exceed a length of one-hundred and fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment. At the current lot width of forty (40) feet, this would be interpreted as no more than three (3) attached single-family dwellings could be built in a row at a total length of one-hundred and twenty (120) feet. This is neither cost effective nor meets the spirit of the ordinance in Staff's opinion.

A more appropriate minimum lot width for townhomes would be twenty (20) feet.

Attached to this report is the proposed amendment to the Schedule of Area, Yard, and Height Requirements as it would appear in the Ordinance.

Please note there is an additional note (e) added to the schedule to clarify parking requirements. Item (e) was solely written and informed by Staff.

(e) No parking and/or driveways shall be permitted in any front setback that is less than twenty (20) feet in townhouse developments. In these situations, parking and/or driveways shall be located in the rear of the lot behind the principal structure.

STAFF COMMENTS

Per the Land Use Plan (Goal 5: To ensure a variety of safe and quality housing option in Town, Objective 1: Increase housing types and options for residents), Staff finds the proposed zoning text amendments consistent with the Land Use Plan. Furthermore, these amendments will correct discrepancies and poorly written/uninformed regulations that currently exist in the ordinances. These amendments do not increase nor decrease allowable densities, but do offer greater flexibility to development types. In consideration of the aforementioned details of the subject parcel, Staff recommends approval of these zoning text amendments.

ORDINANCE #TA20200204.01
AMENDING CHAPTER 151.074: SCHEDULE OF AREA, YARD AND HEIGHT
REQUIREMENTS OF THE TOWN OF BOILING SPRINGS CODE OF ORDINANCES

BE IT ORDAINED by the Town Council of the Town of Boiling Springs, North Carolina assembled in Regular Session this 4th day of February, 2020,

Part 1. The Town of Boiling Springs Code of Ordinances Chapter 151.074 Schedule of Area, Yard, and Height Requirements is amended to allow a more appropriate setback structure and a more appropriate minimum lot width for townhomes and is hereby amended to read as follows:

[See Table on Page 2]

SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

District	Minimum Lot Area -- Square Feet (d)	Square Feet per Dwelling Unit (d)	Lot Width at the Building Setback Line -- Feet (See Lot Width Definition)	Front Setback -- Feet	Side Setback -- Feet (a)	Rear Setback -- Feet	Maximum Height -- Feet
R-20 Single-family	21,780	21,780	100	40	20	30	35
R-15 Single-family	15,000	15,000	50	30	15	25	35
R-15TH Single-family Attached 2 or more units	15,000 first 2 units	7,500 each additional unit after first 2 units	40 <u>20</u> each unit	30 <u>10 Minimum</u> <u>25 Maximum</u>	15	25	35
R-10							
Single-family	10,000	10,000	80	30	15	25	35
Two-family	20,000	10,000	80	30	15	25	35
Multi-family	20,000 for first unit	6,500 for each additional unit after first unit	80	30	15	25	35
I-1	20,000	N/A	100	40	20	30	35
O&CS	N/A	N/A	N/A	20	20	30	35
B-1	N/A	N/A	N/A	20	(b)	(c)	35
B-2	N/A	N/A	N/A	20	20	30	35
M-1	N/A	N/A	N/A	50	25	25	35

- (a) Corner lots in all districts add five feet to each side. The side setback does not apply to units that are permitted to be attached.
- (b) No side yard is required in the B-1 District except where adjoining an R-20, R-15, R-15TH or R-10 District, in which case a rear yard of 20 feet shall be required.
- (c) No rear yard is required in the B-1 District except where adjoining an R-20, R-15, R-15TH or R-10 District, in which case a side yard of 20 feet shall be required.
- (d) The lot sizes required for the various districts in this section were drawn upon the assumption that adequate water supply and sewage disposal systems are available to this and every lot. The lack of adequate systems for one or both facilities may require larger lot areas, or in some instances, because of Health Department standards, may not permit development as intended.
- (e) No parking and/or driveways shall be permitted in any front setback that is less than twenty (20) feet in townhouse developments. In these situations, parking and/or driveways shall be located in the rear of the lot behind the principal structure.

Part 2. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Boiling Springs, North Carolina.

ADOPTED this the 4th day of February, 2020.

Bill Ellis, Mayor

ATTEST:

Kim Greene, Town Clerk



Town of Boiling Springs

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BOARD OF PLANNING & ADJUSTMENT

AGENDA ITEM 6
JANUARY 21, 2020

REMARKS