



# **Town of Boiling Springs**

## **Board of Planning & Adjustment**

**Meeting Agenda Packet**

**February 18, 2020**



## Town of Boiling Springs

PO Box 1014 | Boiling Springs, NC 28017

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

[www.BoilingSpringsNC.net](http://www.BoilingSpringsNC.net)

## BOARD OF PLANNING & ADJUSTMENT

### MEETING AGENDA

**FEBRUARY 18, 2020**

#### ROUTINE BUSINESS

1. Chairman's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from January 21, 2020 Meeting

#### REGULAR BUSINESS

4. Conditional Use Permit Request | 131-5 E. College Avenue (THE VINTAGE DOG)
5. Remarks
6. 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.*



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# Board of Planning & Adjustment

## Meeting Minutes

### January 21, 2020

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**Board Present:** Alan McWhirter, Ellen Humphries, J.T. Scruggs, Wayne Johnson, Bill Daves, and Buster Bryson.

**Staff Present:** Town Manager Mr. Shires, Town Clerk Kim Greene

**Others Present:** See Sign-in sheet

#### **Agenda Item I**

##### **Call to Order**

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

#### **Agenda Item II**

##### **Recognize Citizen's Present & Public Comment**

#### **Agenda Item III**

##### **Minutes from October 22, 2019 Meeting**

Alan McWhirter made the motion to approve the minutes of the October 22, 2019 meeting. Bill Daves seconded the motion and the vote was unanimous.

#### **Agenda Item IV**

##### **Review Rezoning Request**

The Town received a petition for a zoning map amendment (rezoning request) for Cleveland County Parcel No. 704 located on Hillcrest Street. The property is owned by Stitzel, Inc. and contains approximately 1.72 acres. The petitioner, Austin Stitzel, has requested the zoning be changed from R-15 (Residential District) to R-10 (Residential District).

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 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 question 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.

Chair Johnson recognized the petitioner, Mr. Austin Stitzel, who stated he is planning to pursue multi-family projects. J.T. Scruggs asked if it would be townhomes or apartments. Mr. Stitzel replied that he did not know at this time.

Alan McWhirter inquired if sidewalks would be required. Mr. Shires confirmed that yes, they are required.

After discussion, Mr. Shires reiterated that Mr. Stitzel was not applying for a Conditional Use.

Alan McWhirter made the motion to recommend the Town Council approve this proposed zoning map amendment request from R-15 to R-10. J.T. Scruggs seconded and the vote was unanimous.

#### **Agenda Item V**

##### **Text Amendment Request**

The Town has received a petition for a zoning text amendment. The petitioner, Adam Smith, has requested two (2) amendments to the R-15TH (Townhomes) Zoning Classification. The proposed text amendments were constructed with input from Staff and from the developer/applicant.

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 Planning Board was asked to make a recommendation to the Town Council in favor of or against the zoning text amendment request.

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

##### **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.

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.

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.

J. T. Scruggs inquired about the 25 ft maximum that is recommended to eliminate inadequate parking in the front. Mr. Shires stated it would prevent vehicles hanging over into the sidewalk, but not exclude nor encourage.

The Board discussed the advantages of requiring a Conditional Use Permit for mutli-family uses.

Bill Daves made the motion to recommend the Town Council approve this proposed zoning text amendment request. Ellen Humphries seconded and the vote was unanimous.

**Agenda Item 6**

**Remarks**

**Adjourn**

J. T. Scruggs made the motion to adjourn the meeting at 6:10 p.m. Bill Daves seconded and the vote was unanimous.



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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 4

**FEBRUARY 18, 2020**

#### CONDITIONAL USE PERMIT APPLICATION | 131-5 E. COLLEGE AVENUE (THE VINTAGE DOG)

Call the members of the Board of Adjustment into session. The five members are Chair Wayne Johnson, J.T. Scruggs, Ellen Humphries, Bill Daves, and Pat Hamrick. All other members of the Planning Board serve as alternate members as needed.

The Town has received a petition for a Conditional Use Permit for 131-5 E. College Avenue. The property is identified on Cleveland County Tax Map BS10-2-21&24 Parcel #1077&1080. The property owners are Yun Man and Patsy L. Cheng. The property is zoned B-1 (Business). The petitioners, Chris and Angela Clark, have requested a Conditional Use Permit for the operation of a retail shop with the sale of beer and wine.

#### § 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.

Title XV Land Usage Chapter 151 – Appendix A: Table of Permitted and Conditional Uses										
USE TYPE	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M-1	SR
Bar and Tavern							C			44

#### SUMMARY

The Board of Adjustment is being asked to either approve or deny the submitted Conditional Use Permit Application.

The decision of the Board shall be in the form of an order granting or denying the Conditional Use Permit. The order shall include a summary of the evidence and the findings of fact made by the Board. The conclusions reached by the Board based on the evidence and findings of fact shall be used in granting or denying the application.

#### MATERIALS PROVIDED

- Conditional Use Permit Application
- Staff Report
- Chapter 151 Appendix B: Special Requirements to the Table of Permitted & Conditional Uses
- Satellite Photo of Area
- Zoning Map of Area



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## CONDITIONAL USE PERMIT APPLICATION

### GENERAL INFORMATION

This form is used to request a Conditional Use Permit within the Town of Boiling Springs. A consultation with planning and zoning staff is recommended prior to submitting this form.

- \$350 fee required to process Conditional Use Permit Applications
- Signatures required on Page 2
- Conditional Use Permits are considered by the Board of Adjustment
- Town will give official Public Notice and hold a Public Hearing
- Additional information required:
  - One (1) copy of the legal description attached to the application.
  - Two (2) copies of a site plan and/or survey, whichever is required, no larger than 24" by 36" and drawn to scale, sealed by a registered engineer, architect, landscape architect, or surveyor licensed to practice in the State of North Carolina that shows the following:
    - All property lines with dimensions.
    - Distances of lot from the nearest intersection (if required by the Zoning Administrator).
    - Existing location(s) of building(s) on lot.
    - Adjoining street(s) with right-of-way and pavement widths.
    - Zoning classification of all adjoining properties including properties on the opposite side of any street, railroad, road, or highway from the subject property.
  - One (1) copy of all adjoining property owner information (name, address, and tax parcel identification number), as shown on the current records of the Cleveland County Tax Assessor's Office, within one hundred feet (100') of any portion of the subject property.
  - One (1) copy or PDF version, at 8.5" x 11", of the site plan and/or survey, adjoining property owner information, and any additional information submitted for the review process.

SUBJECT PROPERTY		
Physical Address: 131-5 East College Ave. Boiling Springs NC 28017		
Land Area:	Parcel No: 1077	PIN: 2505468825
Tax Map:	Blk: 2	Lot: 21
Deed Book: 1271	Page: 731	

PROPERTY OWNER	
Property Owner(s):	CHENG YUN MAN CHENG PATSY L
Owner Mailing Address:	188 North Shore Dr. Cherryville, NC 28021
Owner Telephone: 704-484-9841	Owner Email: yun.cheng@cs.com

APPLICANT	
Applicant Name:	Hal Christopher Clark Angela K Clark The Vintage Dog LLC
Applicant Mailing Address:	102 Leanna Ct. Shelby NC 28152
Applicant Telephone: 704 418-2006	Applicant Email: akkclark@gmail.com
Applicant Relation to Property:	<input type="checkbox"/> Owner <input type="checkbox"/> Developer <input type="checkbox"/> Legal Representative of Owner <input checked="" type="checkbox"/> Other <u>Tenant</u>

CONDITIONAL USE PERMIT REQUESTED

Current Zoning Classification: B1

Current Classification on Future Land Use Map: Commercial

DESCRIPTION OF THE PROPOSED USE / DEVELOPMENT:

The Vintage Dog is a vintage retail and bottle shop. The space at 131-5 E. College Ave will be used for retail and on premise consumption of craft, domestic beer and wine. We will also have prepackaged vintage type snacks. We will display vintage merchandise for sale. Along one wall will be a bar with seating, custom made pub tables and stools. We will have a 6-tap kegerator. We hope to have 40% purchase of retail and 60% on site consumption. We will offer soft drinks, teas, juices & gatorade

FINDINGS INFORMATION (FOR YOUR KNOWLEDGE)

Conditional Use Permit approval require the Board of Adjustment to make certain findings of fact relative to the proposal (listed below). It shall be the responsibility of the applicant to ensure that the proposed use / development meets these findings. Additional information supporting the Conditional Use Application shall be the responsibility of the petitioner.

- The use will not materially endanger the public health or safety, AND
- The use will not substantially injure the value of adjoining or abutting property, AND
- The use will be in harmony with the area in which it is to be located, AND
- The use will be in general conformity with the Future Land Use Plan and any other plans officially adopted by Town Council.

OWNER / APPLICANT SIGNATURES

Owner Signature: [Signature] for Michael Cheng Date: 1-29-2020

Print Name: Ric Francis for Michael Cheng  
Property Mgr

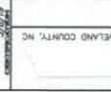
Applicant Signature: [Signature] Date: 1-29-2020

Print Name: Hal Christopher Clark

\*Applications not submitted by or on behalf of the property owner require owner notification in accordance with State Law.

JOB NUMBER: 19007

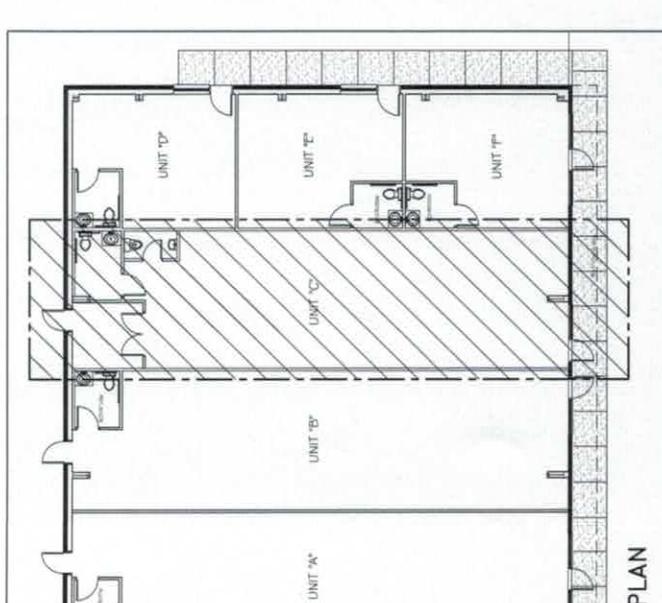
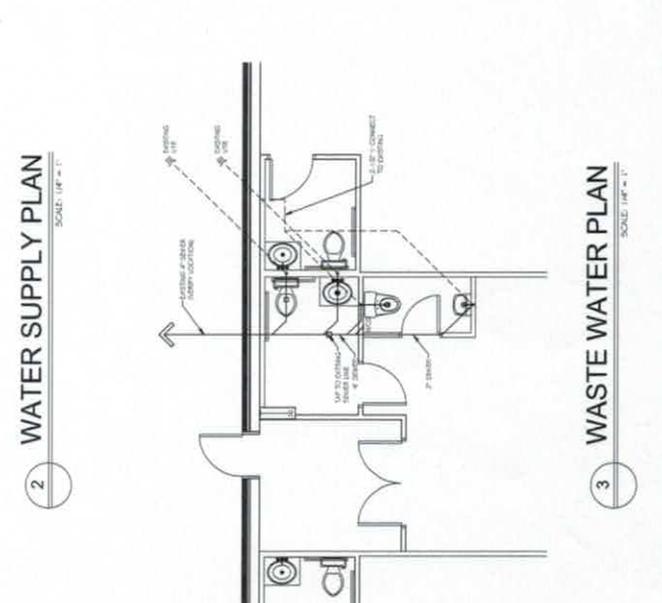
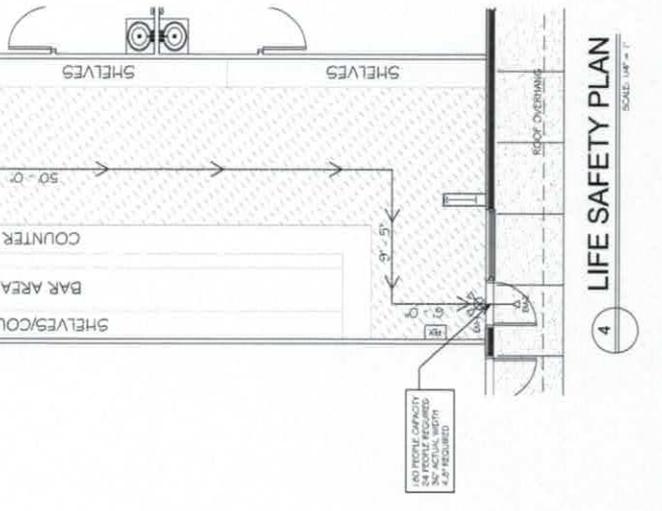
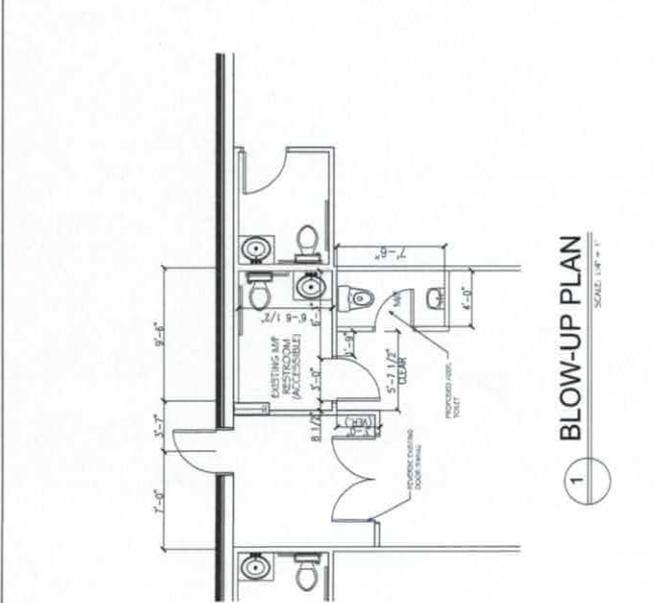
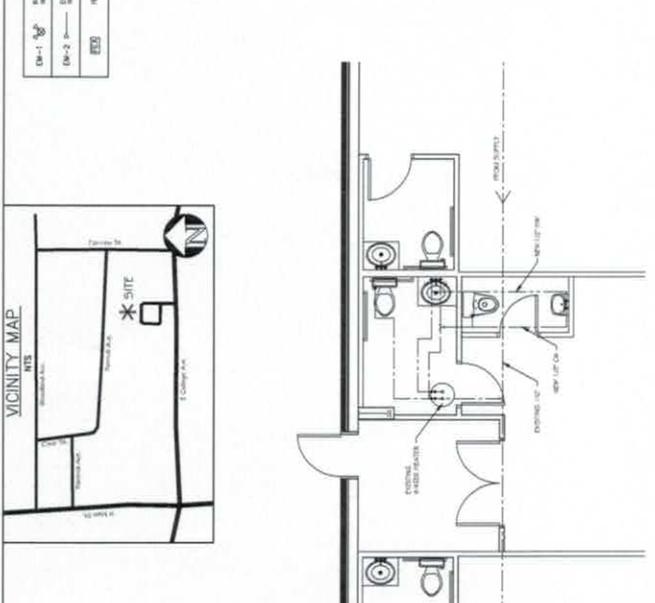
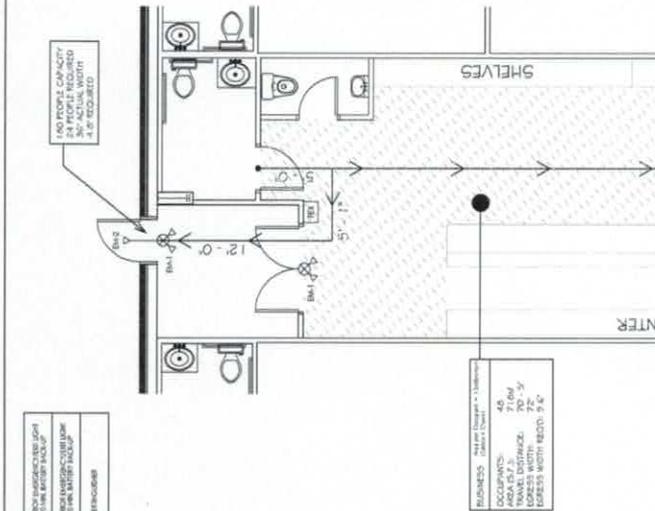
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2		
3		
4		
5		
6		

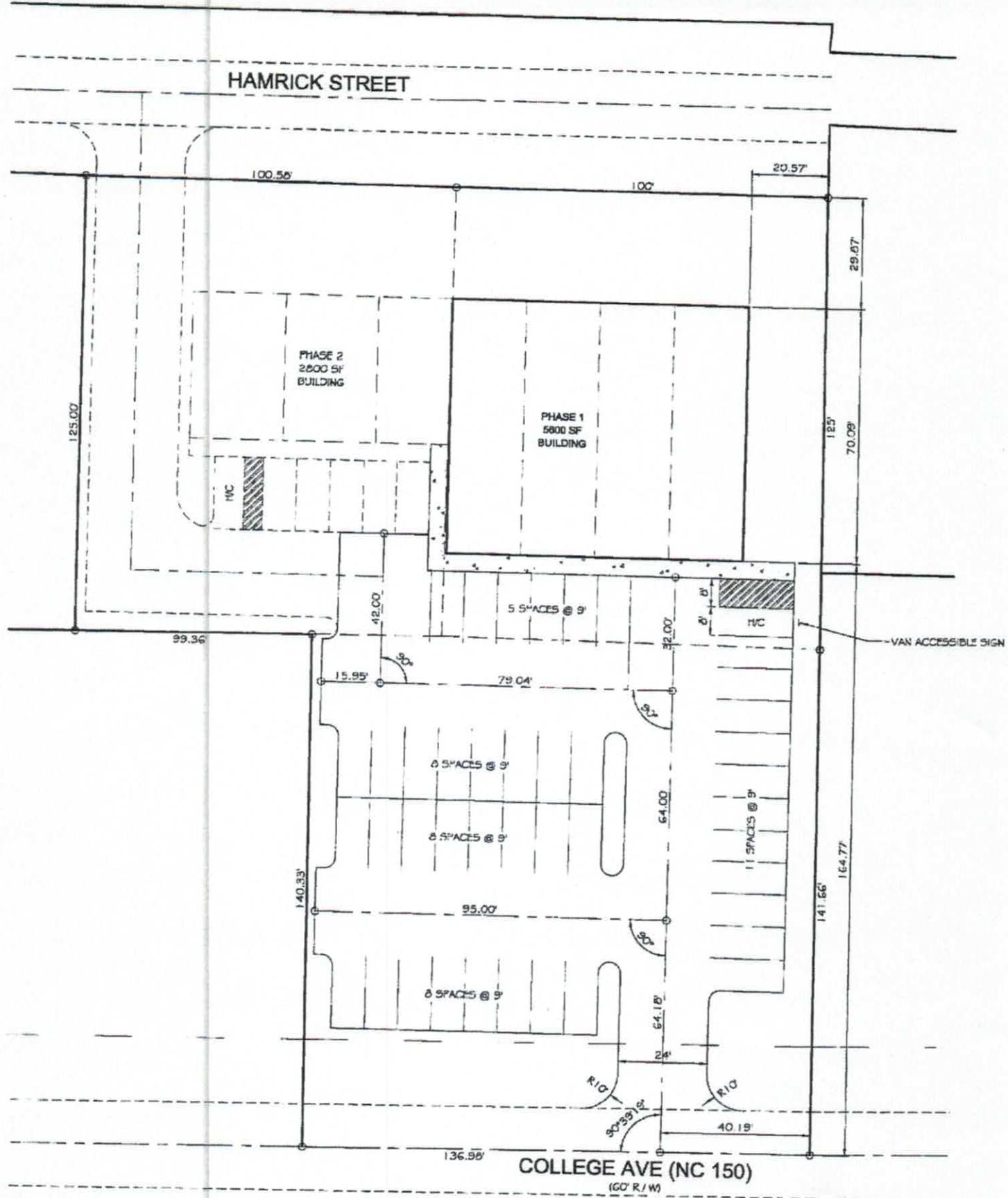


PLANS FOR  
TOWN OF BOWLING SPRINGS  
CLEVELAND COUNTY, NC

**Odom Engineering, Inc.**  
10000  
10000  
10000

SCALE: N.T.S.  
DATE: 03/20/19  
DRAWN BY: ESM  
CHECKED BY: LMC  
PROJECT MGR: LMC  
SHEET: 2 OF 2





**SITE PLAN**  
 SCALE : 1" = 20'

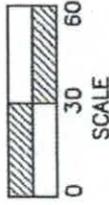
I, J. LEE GRAGG, CERTIFY THAT THIS IS  
A SURVEY OF EXISTING PARCELS OF LAND.

**HAMRICK STREET**  
45-FT. PUBLIC R/W

I, J. LEE GRAGG, CERTIFY THAT THIS PLAT WAS  
SURVEYED UNDER MY SUPERVISION FROM AN ACTUAL  
SURVEY MADE UNDER MY SUPERVISION. THAT THE  
BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED  
OR DRAWN FROM THE ORIGINAL RECORDS IN PLAT BOOK  
SEE REF. THAT THE RATIO OF PRECISION WAS  
CALCULATED IS 1:1,000.00 THAT IS 1:500.00 AS AMENDED.  
PREPARED IN ACCORDANCE WITH G.S. 17-30 AS AMENDED.  
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER,  
AND SEAL THIS 27 DAY OF AUGUST, A.D., 2004.

I, \_\_\_\_\_, REVIEW OFFICER OF CLEVELAND COUNTY  
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS  
CERTIFICATION IS AFFIXED, MEETS ALL STATUTORY  
REQUIREMENTS FOR RECORDING.

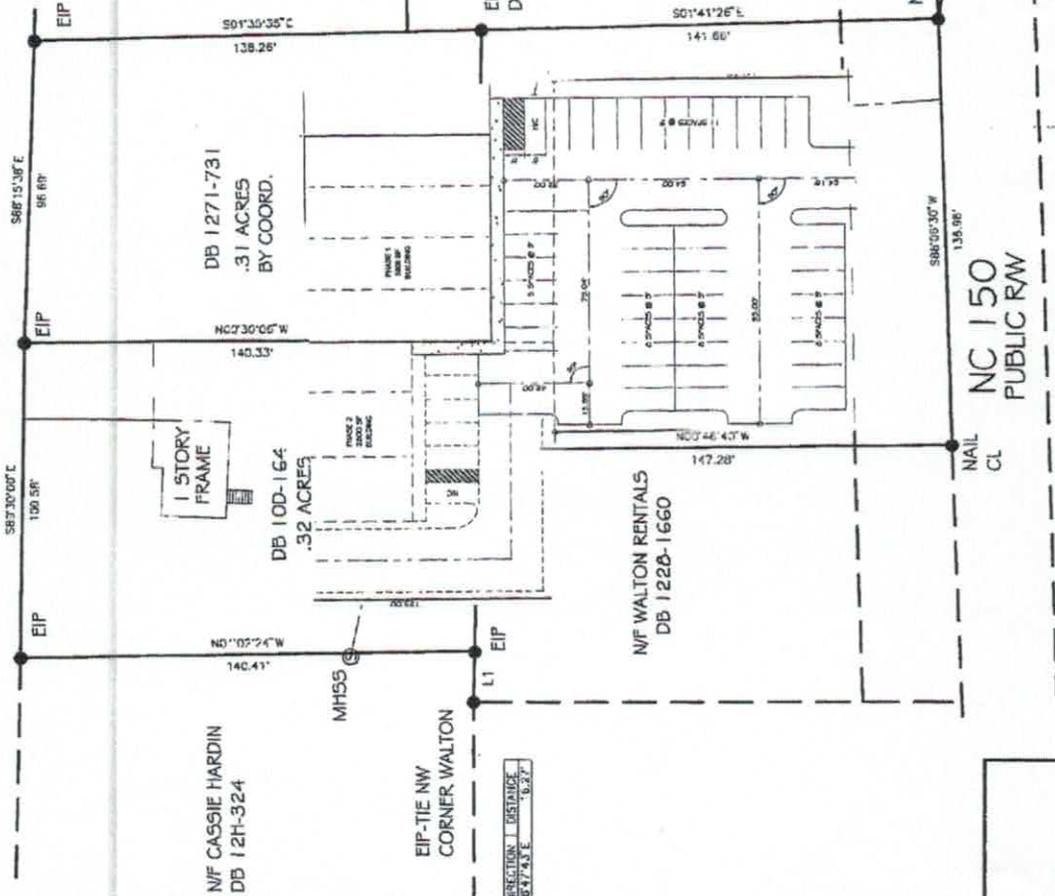
REVIEW OFFICER  
DATE



DEED NORTH  
DB 100-164

TIE- NCGS  
HILLCREST

S80°25'43"E  
2226.96'



N/F MADGE JONES  
17X-140

N/F BETTY COCHRAN  
DB 16F-843

N/F CASSIE HARDIN  
DB 12H-324

EIP-TIE NW  
CORNER WALTON

N/F WALTON RENTALS  
DB 122B-1660

NC 150  
PUBLIC R/W

**LEGEND**

- EXISTING IRON PIN
- NEW IRON PIN
- PROPERTY LINE
- - - LINE NOT SURVEYED

**J. LEE GRAGG**  
CIVIL ENGINEERING AND  
LAND SURVEYING  
PO BOX 368  
MORGANTON, NC 28680  
828-438-8847

DATE 8-27-04  
SCALE 1"=30'  
TOWNSHIP NUMBER 2  
COUNTY CLEVELAND  
STATE NC

REFERENCES  
DB 1271-731  
DB 122B-1660  
DB 100-164

SURVEY FOR:  
YUN M. & PATSY L.  
CHENG  
PROPERTY ADDRESS  
124 HAMRICK STREET  
BOILING SPRINGS, NC

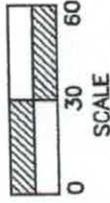


I, J. LEE GRAGG, CERTIFY THAT THIS IS A SURVEY OF EXISTING PARCELS OF LAND.

J. LEE GRAGG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT BOOK SEE REF. THAT THE RATIO OF PRECISION WAS CALCULATED IS 1:100,000. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 17-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 27 DAY OF AUGUST, A.D., 2004.

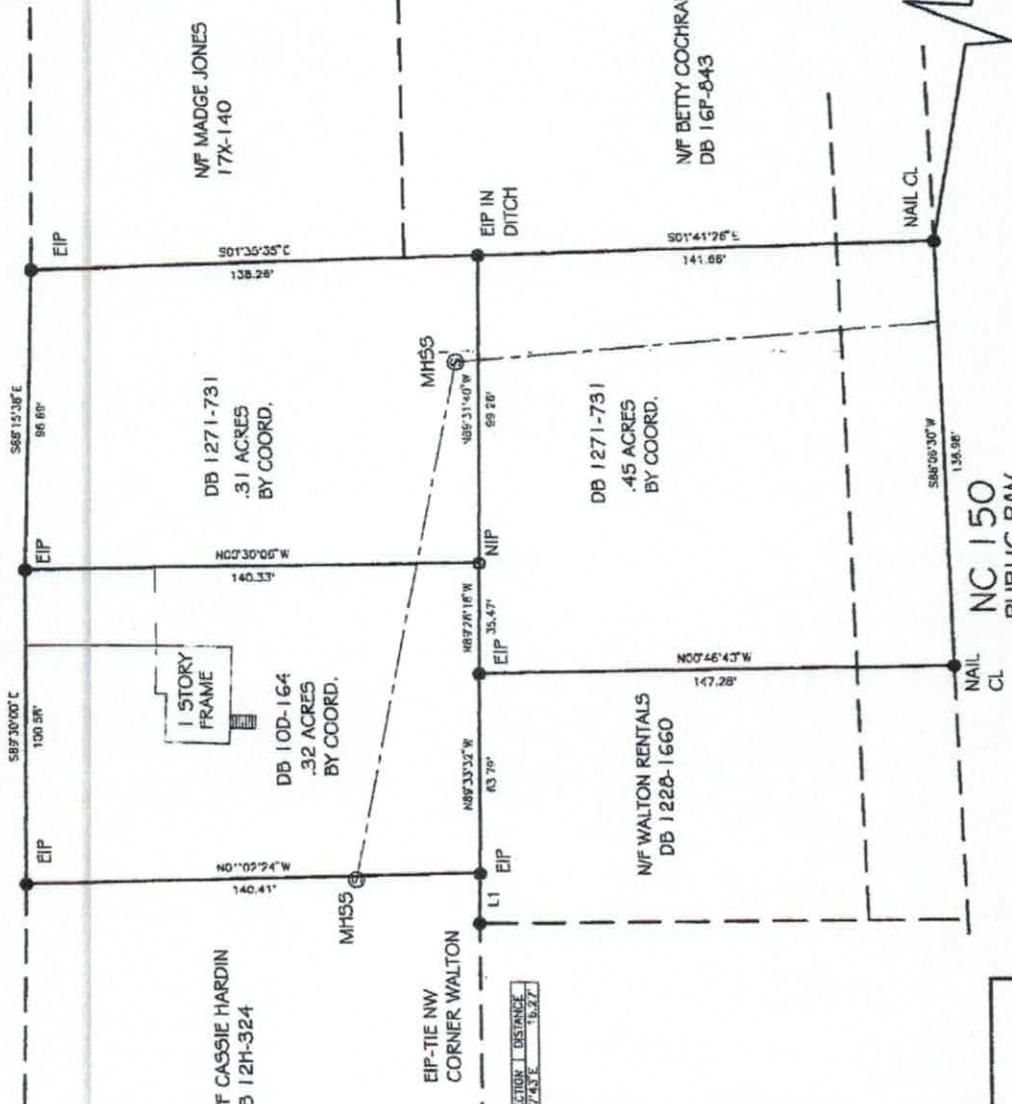
I, REVIEW OFFICER OF CLEVELAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED, MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER  
DATE



DEED NORTH  
DB 100-164

HAMRICK STREET  
45-FT. PUBLIC RW



TIE- NCGS  
HILLCREST

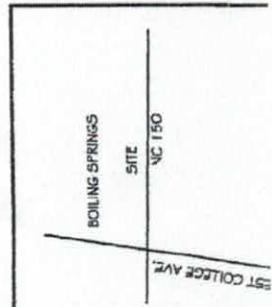
DATE 8-27-04		REFERENCES
SCALE 1"=30'		DB 1271-731
TOWNSHIP NUMBER 2		DB 1228-1660
COUNTY CLEVELAND		DB 100-164

J. LEE GRAGG  
CIVIL ENGINEERING AND  
LAND SURVEYING  
PO BOX 368  
MORGANTON, NC 28680  
828-438-8847

SURVEY FOR:  
YUN M. & PATSY L.  
CHENG

PROPERTY ADDRESS  
124 HAMRICK STREET

LEGEND  
● EXISTING IRON PIN  
○ NEW IRON PIN  
--- PROPERTY LINE  
- - - LINE NOT SURVEYED



LINE	DIRECTION	DISTANCE
11	S88°47'49"E	13.87



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## STAFF REPORT

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

**Date:** February 14, 2020  
**Meeting:** February 18, 2020

### SUBJECT PROPERTY

<b>Owner(s):</b>	Yun Man & Patsy L Cheng	<b>Applicant:</b>	Chris and Angie Clark
<b>Location:</b>	131-5 East College Avenue	<b>Parcel Number:</b>	1077
<b>Present Zoning:</b>	B-1		
<b>Surrounding Zoning:</b>	North: R-10	East: R-10/B-1	South: B-1    West: B-1
<b>Utilities:</b>	Water: Yes	Sewer: Yes	Floodplain: No
<b>Access:</b>	East College Avenue		

### ANALYSIS

The subject property at 131-5 East College Avenue is in the Town of Boiling Springs corporate limits and has a current zoning classification of B-1. The property is located along East College Avenue near the intersection of East College Avenue and Fairview Street. A multi-tenant building and associated parking lot occupies the lot.

**B-1** - 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.

**Bar and Tavern:** An establishment primarily engaged in selling and serving alcoholic beverages and providing entertainment for patrons.

### STAFF COMMENTS

The petitioners are asking for a Conditional Use Permit to allow the operation of a retail shop with the sale of beer and wine on the property. There will be a bar along one wall with seating, custom made pub tables and stools. Bars and taverns are subject to the issuance of a Conditional Use Permit and the following requirements of SR 44.

#### SR 44 Bar and Tavern

- (a) Bars and taverns shall be permitted only when requested as a Conditional Use within the B-1 District and accompanied by an approved Conditional Use Permit.
- (b) No such establishment shall be located within 50 feet of any other bar or tavern. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the existing establishment.
- (c) No such establishment shall be located within 150 feet of a church, elementary or secondary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the subject property to the nearest point of the lot line or property, whether such district or use is located within Town jurisdiction or not.

- (d) The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- (e) A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences. Materiality and final design are subject to the approval of the Board of Adjustment.
- (f) Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.

In granting a Conditional Use Permit the Board shall make the following affirmative findings:

- 1) The use requested is among those listed as an eligible Conditional Use in the district in which the subject property is located;
- 2) That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- 3) That the Conditional Use meets all required conditions and specifications; and that satisfactory provision and arrangement has been made for at least the following, where applicable.
  - a) Satisfactory ingress and egress to property and proposed structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control.
  - b) Provision of off-street parking and loading areas where required, with particular attention to the items in subsection (a) above, and the economic, noise, glare and odor effects of the conditional use on adjoining properties in the area.
  - c) Adequate and proper utilities, with reference to locations, availability and compatibility.
  - d) Buffering, with reference to type, location and dimensions.
  - e) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.
  - f) Playgrounds, open spaces, yards, landscaping, access ways, pedestrian ways, with reference to location, size and suitability.
  - g) Buildings and structures, with reference to location, size and use.
  - h) Hours of operation, with particular reference to protecting and maintaining the character of the neighborhood.
- 4) That the Conditional Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
- 5) That the location and character of the Conditional Use if developed according to the plan as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town and its environs.

In granting a Conditional Use Permit, the Board may impose reasonable and appropriate conditions upon such permit as it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Conditional Use Permit, otherwise the permit shall be denied. Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board, as provided for in this subchapter.

**Staff finds that all of the aforementioned items have been satisfied, that the use is in conformity with the Land Use Plan, and finds no reasonable and appropriate condition that should be imposed when granting approval of the Conditional Use Permit.**

Title XV Land Usage Chapter 151 – Appendix A: Table of Permitted and Conditional Uses										
USE TYPE	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M-1	SR
Bar and Tavern							C			44

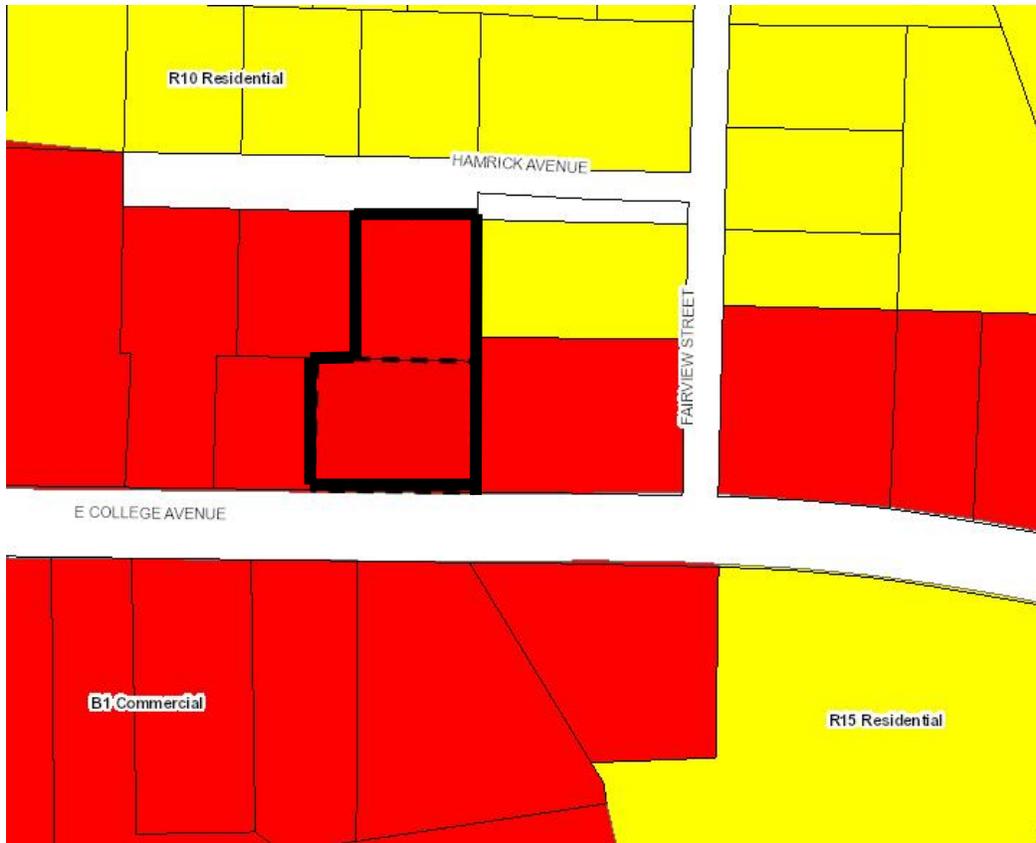
Title XV Land Usage Chapter 151 – Appendix B: Special Requirements to the Table of Permitted and Conditional Use
<b>SR 44 Bar and Tavern</b>
<p><b>A.</b> Bars and Taverns shall be permitted only when requested as a Conditional Use within the B-1 District and accompanied by an approved Conditional Use Permit.</p> <p><b>B.</b> No such establishment shall be located within 50 feet of any other Bar or Tavern. The distance shall be measured in a straight line from the zoning lot to the proposed establishment line to the nearest point of the lot line for the existing establishment.</p> <p><b>C.</b> No such establishment shall be located within 150 feet of a church, elementary or secondary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the subject property to the nearest point of the lot line or property, whether such district or use is located within town jurisdiction or not.</p> <p><b>D.</b> The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.</p> <p><b>E.</b> A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences. Materiality and final design are subject to the approval of the Board of Adjustment.</p> <p><b>F.</b> Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.</p>

# Aerial Map



Source: Cleveland County, NC WebGis

# Zoning Map



Source: Cleveland County, NC WebGIS



## Town of Boiling Springs

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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 5

**FEBRUARY 18, 2020**

### REMARKS