



# **Town of Boiling Springs**

## **Board of Planning & Adjustment**

**Meeting Agenda Packet**

**June 16, 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

JUNE 16, 2020

#### ROUTINE BUSINESS

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

#### REGULAR BUSINESS

4. Oath of Office
5. Text Amendment Request | Schedule of Area, Yard, and Height Requirements
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.*



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**Board of Planning & Adjustment  
Meeting Minutes  
April 21, 2020  
Meeting held via GoTo Meeting due to COVID-19**

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**Board present via remote participation:** Ellen Humphries, J.T. Scruggs, Wayne Johnson, Alan McWhirter, Bill Daves, and Buster Bryson.

**Staff present on site:** Town Manager Mr. Shires, Town Clerk Kim Greene. Those present wore face masks and followed the rules of social distancing.

**Staff present via remote participation:** Shannon Shytle, Sarah Kopkin.

**Others Present:** Tyler Watts via remote participation. See GoTo Meeting Attendee List.

**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 January 21, 2020 Meeting**

J.T. Scruggs made the motion to approve the minutes of the January 21, 2020 meeting. Ellen Humphries seconded the motion and the vote was unanimous.

**Agenda Item IV**

**Text Amendment Request | Schedule of Area, Yard, and Height Requirement**

Chairman Johnson stated the Board will make an advisory decision on these amendments which will be considered by the Town Council on May 5, 2020. The Town 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 regarding minimum lot area square feet. **(WITHDRAWN)** Amendment #1 of the petition was withdrawn by the Town Manager, with approval from the petitioner Adam Smith, prior to the April 21, 2020 Planning Board meeting. The Planning Board agreed.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification regarding square feet per dwelling unit.

Alan McWhirter made the motion to recommend the Town Council deny Text Amendment #1 and approve Text Amendment #2 Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-15TH Zoning Classification regarding square feet per dwelling unit. J.T. Scruggs seconded and the vote was unanimous.

Tyler Watts left the meeting at 5:38 pm.

**Agenda Item V**

**Site Plan / Zoning Permit Approval | O'Reilly Auto Parts**

The Town received a Zoning Permit Application for parcels 1100, 1101, and 63732 for the construction of an O'Reilly Auto Parts store. Town Code requires Planning Board site plan approval for non-residential developments of 5,000 square feet or more of gross floor area. Mr. Shires stated the properties were rezoned to B-1. O'Reilly's obtained a driveway permit from DOT and submitted an erosion plan. Mr. Shires and Mr. Gibert reviewed the site plan and did not find any deficiencies. The Board discussed the project asking about

the lighting plan and sidewalks. The project will also have a 7-foot planting strip located between the road and the proposed sidewalk.

J.T. Scruggs made the motion to approve the Site Plan for O'Reilly Auto Parts store as presented. Alan McWhirter seconded and the vote was unanimous.

#### **Agenda Item VI**

##### **Preliminary Plat Approval | James Lovelace Road**

Mr. Shires reported Town Code defines subdivisions which involve more than five lots as a Major Subdivision. Major Subdivisions require Preliminary Plat approval by the Planning Board and Final Plat approval by the Town Council. The Town received a Preliminary Plat for the subdivision of parcels 2174 and 2176 located along James Lovelace Road in the Town's ETJ. Mr. Shires reported the subdivision is in agreement with all regulations of the Code of Ordinances and recommends Preliminary Plat approval.

Ellen Humphries made the motion to approve the Preliminary Plat for a subdivision on James Lovelace Road parcels 2174 and 2176. Bill Daves seconded and the vote was unanimous.

#### **Agenda Item VII**

##### **Remarks**

#### **Agenda Item VIII**

##### **Adjourn**

J.T. Scruggs made the motion to adjourn the meeting at 5:49 p.m. Alan McWhirter seconded and the vote was unanimous.

DRAFT



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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 4

**JUNE 16, 2020**

#### OATH OF OFFICE

Bill Daves, Chris Martin, and Seth Phillips were reappointed to the Planning Board by the Town Council at the June 2, 2020 meeting.

#### MATERIALS PROVIDED



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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 5

JUNE 16, 2020

#### TEXT AMENDMENT REQUEST | 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-10 Zoning Classification regarding single family units.
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-10 Zoning Classification regarding two-family units.
3. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-10 Zoning Classification regarding multi-family units.

The Board will make an advisory decision on these amendments which will be considered by the Town Council on June 30, 2020.

#### MATERIALS PROVIDED

- Zoning Text Amendment Petition
- Staff Report

Received 6/2/2020  
Pd. w/ check # 31570  
EBC



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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: Hillcrest Street		
Land Area: 1.72	Parcel No: 704	PIN: 2505665778
Tax Map:	Blk: 1	Lot: 37
Deed Book: 1783	Page: 1184	

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

APPLICANT	
Applicant Name: Austin Stitzel	
Applicant Mailing Address: 916 Old Boiling Springs Road, Shelby, NC 28152	
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 TEXT AMENDMENT REQUESTED

REQUESTED TEXT AMENDMENT:

151.074 Schedule of Area, Yard, and Height Requirements

	R-10	Min Lot Area	Sq. Ft. per Unit	Lot Width	Front Setback	Side Setback	Rear setback	Max Height
SFD	Existing	19,000	19,000	80	30	15	25	35
	Proposed	6,250	—	50	10 min. 30 max	5	20	35
TFD	Existing	20,000	10,000	80	30	15	25	35
	Proposed	12,500	—	70	10 min 35 max	5	20	35
MFD	Existing	20,000 for 1st Unit	6500 per unit after 1st Unit	80	30	15	25	35
	Proposed	12,500 for 1st Unit	3500 " "	100	25	25	30	35

PETITIONER COMMENTS:

10 min.  
30 max.

USE. At Stitzel

Met with Town Manager on 5/14/2020

OWNER/APPLICANT SIGNATURES

Owner Signature: Robert E Stitzel Pres Date: 6/2/20  
 Print Name: Robert E Stitzel

Applicant Signature: Austin Stitzel Date: 6/1/2020  
 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:** Sarah Kopkin, MPA - Planning and Zoning Consultant

**Date:** June 12, 2020  
**Meeting:** June 16, 2020

### SUBJECT PROPERTY\*

<b>Owner(s):</b>	Stitzel, Inc.	<b>Applicant:</b>	Austin Stitzel
<b>Location:</b>	Hillcrest Street	<b>Parcel Number:</b>	704
<b>Acreage:</b>	1.72 Acres +/-	<b>Present Zoning:</b>	R-10

**\*ALL PROPERTIES ZONED R-10 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. 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. The following proposed text amendments were constructed with input from Staff and from the developer/applicant.

There are three (3) proposed zoning text amendments:

1. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-10 Zoning Classification regarding single family units: Minimum Lot Area Square Feet, Square Feet per Dwelling Unit, Lot Width at the Building Setback Line, Front Setback, Side Setback, and Rear Setback
2. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-10 Zoning Classification regarding two-family units: Minimum Lot Area Square Feet, Square Feet per Dwelling Unit, Lot Width at the Building Setback Line, Front Setback, Side Setback, and Rear Setback
3. Amending 151.074 Schedule of Area, Yard, and Height Requirements for the R-10 Zoning Classification regarding multi-family units: Minimum Lot Area Square Feet, Square Feet per Dwelling Unit, Lot Width at the Building Setback Line, Front Setback, Side Setback, and Rear Setback

### PROPOSED TEXT AMENDMENTS

#### Proposed Text Amendment #1

*Currently, the minimum lot area square feet for single family units allowed in the R-10 Residential District is 10,000 square feet, the square feet per dwelling unit is 10,000, the minimum lot width at the building setback line is 80 feet in a single-family unit, the front setback is 30 feet, the side setback is 15 feet, and the rear setback is 25 feet.*

The recommended text amendments for the R-10 single family units are:

- Minimum Lot Area Square Feet: 6,250
- Square Feet per Dwelling Unit: 0
- Lot Width-Feet: 50
- Front Setback-Feet: 10 minimum and 30 maximum
- Side Setback-Feet: 5
- Rear Setback-Feet: 20

**Proposed Text Amendment #2:**

*Currently, the minimum lot area square feet for two-family units allowed in the R-10 Residential District is 20,000 square feet, the square feet per dwelling unit is 10,000, the minimum lot width at the building setback line is 80 feet in a two-family unit, the front setback is 30 feet, the side setback is 15 feet, and the rear setback is 25 feet.*

The recommended text amendments for the R-10 two-family units are:

- Minimum Lot Area Square Feet: 12,500
- Square Feet per Dwelling Unit: 0
- Lot Width-Feet: 70
- Front Setback-Feet: 10 minimum and 30 maximum
- Side Setback-Feet: 5
- Rear Setback-Feet: 20

**Proposed Text Amendment #3:**

*Currently, the minimum lot area square feet for multi-family units allowed in the R-10 Residential District is 20,000 square feet for the first unit, the square feet per dwelling unit is 6,500 for each additional unit, the minimum lot width at the building setback line is 80 feet, the front setback is 30 feet, the side setback is 15 feet, and the rear setback is 25 feet.*

The recommended text amendments for the R-10 multi-family units are:

- Minimum Lot Area Square Feet: 12,500 for 1<sup>st</sup> unit
- Square Feet per Dwelling Unit: 3,500 per unit after 1<sup>st</sup> unit
- Lot Width-Feet: 100
- Front Setback-Feet: 10 minimum and 30 maximum
- Side Setback-Feet: 25
- Rear Setback-Feet: 30

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

**STAFF COMMENTS**

By allowing smaller minimum lot areas in the R-10 zoning district, the Town will allow a higher density neighborhood that supports the creation of strong downtown core and prevents sprawl. These changes would allow for the development of more housing units and options for residents in Boiling Springs.

Per the Land Use Plan (Goal 5: To ensure a variety of safe and quality housing options in Town, Objective 1: Increase housing types and options for residents), Staff finds the proposed zoning text amendments consistent with the Land Use Plan. In consideration of the details, Staff recommends approval of these zoning text amendments.

**SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS – PROPOSED AMMENDMENTS**

<b>District</b>	<b>Minimum Lot Area -- Square Feet (d)</b>	<b>Square Feet per Dwelling Unit (d)</b>	<b>Lot Width at the Building Setback Line -- Feet (See Lot Width Definition)</b>	<b>Front Setback -- Feet</b>	<b>Side Setback -- Feet (a)</b>	<b>Rear Setback -- Feet</b>	<b>Maximum Height -- Feet</b>
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	20 each unit	10 Minimum 25 Maximum	15	25	35
R-10							
Single-family	<del>10,000</del> 6,250	<del>10,000</del>	<del>80</del> 50	<del>30</del> 10 min. 30 max.	<del>15</del> 5	<del>25</del> 20	35
Two-family	<del>20,000</del> 12,500	<del>10,000</del>	<del>80</del> 70	<del>30</del> 10 min. 30 max.	<del>15</del> 5	<del>25</del> 20	35
Multi-family	<del>20,000</del> 12,500 for first unit	<del>6,500</del> 3,500 for each additional unit after first unit	<del>80</del> 100	<del>30</del> 10 min. 30 max.	<del>15</del> 25	<del>25</del> 30	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.



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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 6

JUNE 16, 2020

### REMARKS