



# **Town of Boiling Springs**

## **Board of Planning & Adjustment**

**Meeting Agenda Packet**

**July 21, 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

JULY 21, 2020

#### ROUTINE BUSINESS

1. Chairman's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from June 16, 2020 Meeting

#### REGULAR BUSINESS

4. Oath of Office
5. Rezoning Request | Parcel No. 49318 (Hamilton Road)
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  
June 16, 2020**

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**Board Present:** Chris Martin, J.T. Scruggs, Wayne Johnson, Alan McWhirter, Ellen Humphries (via teleconference)

**Staff Present:** Town Manager Mr. Shires, Town Clerk Kim Greene, Administrative Assistant Shannon Shytle

**Others Present:**

**Agenda Item I**

**Call to Order**

Chairman Johnson called the meeting to order at 5:31 p.m.

**Agenda Item II**

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

**Agenda Item III**

**Minutes from April 21, 2020 Meeting**

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

**Agenda Item IV**

**Oath of Office**

The Town Clerk administered the oath of office to Chris Martin. The term will end June 30, 2023.

**Agenda Item V**

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

The Town has received a petition for a zoning text amendment. The petitioner, Austin Stitzel, has requested three zoning text amendments to the Schedule of Area, Yard, and Height Requirements. 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-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.

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

**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 1st unit
- Square Feet per Dwelling Unit: 3,500 per unit after 1st unit
- Lot Width-Feet: 100
- Front Setback-Feet: 10 minimum and 30 maximum
- Side Setback-Feet: 25
- Rear Setback-Feet: 30

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.

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

Chairman Johnson stated townhomes are technically single-family dwellings. Mr. Shires agreed and recommended townhomes be added to the R-10 Zoning District.

Chairman Johnson suggested the Board have a retreat to discuss plans for future development in the Town. Although the pandemic has slowed down the Zoning Ordinance re-write, the Town is still receiving applications for development.

R-10							
Single-family	10,000 6,250	10,000 6,250	80 50	30 10 min. 30 max.	15 5	25 20	35
Two-family	20,000 12,500	10,000 12,500	80 70	30 10 min. 30 max.	15 5	25 20	35
Townhouses 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
Multi-family	20,000 12,500 for first unit	6,500 3,500 for each additional unit after first unit	80 100	30 10 min. 30 max.	15 25	25 30	35

J.T. Scruggs made the motion to recommend the Town Council approve this proposed zoning text amendment as presented with the additional clarification for townhouses as listed above. Chris Martin seconded the motion and the vote was unanimous.

#### **Agenda Item VI**

##### **Remarks**

Mr. Shires reported the following:

- The Planning Department budget line item is up due to development.
- A 49-unit townhome project is being planned for property on McBrayer Homestead Road.
- The Cruize Thru convenience store on N. Main Street is scheduled to open this week.
- A carwash project has been approved to go in beside the Cruize Thru.
- A new restaurant will be built on N. Main Street.
- A new restaurant will be going into a vacant building on E. College Avenue.
- The Vintgate Dog on E. College Avenue is ready to open. They are waiting on state COVID-19 orders.
- Ingles plans to renovate the Boiling Springs store in 2023.

Chris Martin inquired about the old cabin that was located on N. Main Street. It was removed by a Councilman while the property was being cleared for the new restaurant.

Sarah Kopkin, the IPDC Planning and Zoning Consultant, has been working on code enforcement issues.

The COVID-19 Pandemic has slowed the progress of the Downtown Master Plan and the Zoning Ordinance re-write.

A branding meeting will be held in July. Pope Marketing & Events will present two options.

#### **Agenda Item VII**

##### **Adjourn**

J.T. Scruggs made the motion to adjourn the meeting at 5:55 p.m. Chris Martin seconded the motion and the vote was unanimous.



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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 4

**JULY 16, 2020**

#### OATH OF OFFICE

Bill Daves 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

**JULY 21, 2020**

#### REZONING REQUEST | PARCEL 49318

The Town has received a petition for a zoning map amendment (rezoning request) for Parcel No. 49318 located on Hamilton Road in the Town's ETJ. The property is identified on Cleveland County Tax Map BS1175-1-327U, Parcel No. 49318 (approximately 15 acres). The petitioner, Stitzel Construction, has requested the zoning be changed from R-20 (Residential District) to R-15 (Residential District). The property owners are Clifford and Mary Etta Hamrick. Petitioner plans to construct single-family homes.

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.

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

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

Received *WGL*  
Pd. Check # 31604



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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: <i>Hamilton Road</i>		
Land Area: <i>15 acres</i>	Parcel No: <i>49318</i>	PIN: <i>2506288640</i>
Tax Map: <i>1175</i>	Blk: <i>1</i>	Lot: <i>3274</i>
Deed Book: <i>19E</i>	Page: <i>349</i>	

### PROPERTY OWNER

Property Owner(s): <i>Clifford and Mary Etta Hamrick</i>	
Owner Mailing Address: <i>PO Box 1686 Boiling Springs NC 28017</i>	
Owner Telephone: <i>704-472-2974</i>	Owner Email: <i>N/A</i>

### APPLICANT

Applicant Name: <i>Stitzel Construction</i>	
Applicant Mailing Address: <i>916 Old Boiling Springs Rd Shelby NC 28152</i>	
Applicant Telephone: <i>704-482-5020</i>	Applicant Email: <i>austin@stitzelconstruction.com</i>
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 MAP AMENDMENT REQUESTED

Current Zoning Classification: R-20  
Current Classification on Future Land Use Map: \_\_\_\_\_

REQUESTED CLASSIFICATION ON ZONING MAP: R-15

PETITIONER COMMENTS:

Met with Town Manager on 6/9/2020  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OWNER/APPLICANT SIGNATURES

Owner Signature: C. E. Hamrick, Jr. Date: 06/19/20

Print Name: C. E. Hamrick, Jr.

Applicant Signature: Austin Stitzel Date: 6/19/2020

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:** July 15, 2020  
**Meeting:** July 21, 2020

### SUBJECT PROPERTY

<b>Owner(s):</b>	Clifford and Mary Etta Hamrick	<b>Applicant:</b>	Stitzel Construction
<b>Location:</b>	Hamilton Road	<b>Parcel Number:</b>	49318 (portion of)
<b>Acreage:</b>	15 Acres +/-	<b>Present Zoning:</b>	R-20
<b>Surrounding Zoning:</b>	R-20	<b>Requested Zoning:</b>	R-15
<b>Utilities:</b>	Septic and Cleveland County Water	<b>Access:</b>	Whitaker Road

### ANALYSIS

The subject property is located on Hamilton Road in the Town of Boiling Springs ETJ. The property is an approximately 15-acre portion of parcel #49318 (46 total acres). The property is currently vacant and undeveloped.

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.

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

### STAFF COMMENTS

The Hamilton Road property is currently undeveloped and located in the Town of Boiling Springs ETJ zone. The property's sewer system would be septic and water is available from Cleveland County water.

Per the 2009 Future Land Use Map, the parcel in question is designated as Low-Density Residential. The property is surrounded by other parcels recommended for Low-Density Residential, but is located near parcels recommended for Medium-Density Residential. Low-Density Residential includes single-family detached residential units on individual lots at a density of no more than one (1) and one-half (1.5) dwellings per acre. These areas are envisioned on the outskirts of town and areas in the northern and eastern portion of ETJ. 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, near community facilities, and served by water and sewer.

#### NOTE:

*During discussions with the Town Manager, the applicant declined the opportunity to annex the property into the Town's corporate city limits, partly due to the requirement to construct sidewalks and curbing along any residential building that is built properties in town limits. The Town may waive the requirement to build sidewalks and curbing if certain other conditions are met for properties within the ETJ.*

#### **151.45 Sidewalks Required**

- A. The dedication of public right-of-way or easement and construction of sidewalks, and curbs, at the developer's expense shall be required along all public street frontages for all new construction and for renovations and expansions to existing structures which fall into the following categories:
- a. All new multi-family residential developments with more than 4 units, subdivisions, and all non-residential development;
  - b. All renovations, additions, or expansions to existing multi-family residential structures with more than 4 units and all non-residential structures of which the total cost, not including the addition of sidewalks, exceeds 50% of the structure's tax value or the gross floor area is increased by more than 50%;
  - c. All changes in use in which a parcel is changed from a residential use with 4 or less tenants to a more intense use.
- B. The Town may waive the requirements in Section 151.045(A) if:
- a. The development is not located inside the Town limits, in which case right of way or easements must be dedicated for a future sidewalk;
  - b. The Zoning Administrator determines that the construction of a sidewalk is not feasible or would be difficult because of features unique to a particular development;
  - c. The developer dedicates public right-of-way or easements for a future sidewalk and pays a fee in lieu determined by the Board of Commissioners;
  - d. The developer dedicates public right-of-way or easements and the State or Town has existing, actionable, and funded plans to construct sidewalks at the proposed location in the next 12 months.

It is in the opinion of staff that this proposed R-15 lot, considering its size and proximity to other R-15 zoned properties (end of Hamilton Road), is in harmony with the surrounding area. Staff finds the proposed zoning map amendment consistent with the 2009 Land Use Plan, but inconsistent with the 2009 Future Land Use Map. In consideration of the details of the subject parcel, Staff recommends approval of this zoning map amendment from R-20 Residential to R-15 Residential.

# Aerial Map



Source: Cleveland County, NC WebGIS





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## BOARD OF PLANNING & ADJUSTMENT

### AGENDA ITEM 6

JULY 21, 2020

#### REMARKS