



Board of Planning & Adjustment
Regular Meeting Agenda
February 16, 2016
5:30 PM – Town Hall

- Call to Order
- Approval of Minutes
January 19, 2016 Minutes
- Public Comment
Public may address the Board about any policy matter
- Consider Rezoning Requests
GWU has requested several parcels be rezoned from residential to I-1
- Review Staff Memorandum
- Other Business
- Adjourn



Planning Board

Meeting Minutes
January 19, 2016

Present

Lynn Sarratt, Jim Blalock, Josh Beason, John Cannon, Pat Hamrick, Ellen Humphries, Buster Bryson, J.T. Scruggs, and Cliff Wilson. Staff members present: Town Manager Tom Hart and Town Clerk Kimberly Greene.

Others Present

Rodney and Jane Nolen, Wayne Johnson

Call to Order

Swear in New Board Member

Cliff Wilson was sworn in by the Town Clerk. Welcome to the Board.

Approval of Minutes

J.T. Scruggs made a motion to approve the minutes of the October 20, 2015 meeting. Buster Bryson seconded the motion and all were in favor.

Public Comment

Consider Rezoning Requests

Mr. Hart reported Gardner-Webb University petitioned to have 14 parcels they own be rezoned from residential to institutional. The Board expressed concern that some of the parcels contain houses for faculty members. After discussion, the Board agreed to table this item. They requested Mr. Hart research if this use should be treated as a use normally associated with universities or whether a residential zoning designation would be more appropriate.

Review Staff Memorandum

Staff is asking for feedback prior to recommending several amendments to the Zoning Code related to Accessory Uses and Structures.

Mr. Hart reported he receives many zoning calls regarding accessory buildings. He reviewed several areas of concern in the Zoning Code.

- No Guidance on Guest Houses

The Zoning Code provides no guidance on guest houses, pool houses, in-law suites, or similar uses.

- Size Restrictions

Section 151.030 restricts accessory uses on residential parcels to 50% the footprint of the principal use.

- Home Occupations

The zoning code currently states that home occupations must be entirely contained within the principal dwelling.

- Temporary Family Health Care Structures

A state law was passed in 2014 allowing residents to erect a temporary structure in order to house and care for a sick or disabled family member.

- Expansion vs Accessory Structure

The zoning code does not draw a clear line between an accessory structure verses expansion.

Mr. Hart reported he would bring these issues back to the Board with specific recommendations.

Other Business

Adjourn

Jim Blalock made the motion to adjourn the meeting at 6:08 p.m. J.T. Scruggs seconded and the vote was unanimous.

Staff Notes

GWU Rezoning Requests

GWU requested at the January 19, 2016 Board of Planning and Adjustment meeting that the following parcels be rezoned as indicated below. The Planning Board requested the staff further investigate various issues surrounding the rezoning requests and tabled the item until the February meeting.

<u>Request #</u>	<u>Location</u>	<u>Parcel Number</u>	<u>Current Zoning</u>	<u>Requested Zoning</u>
1	221 West College Avenue	1425	R10	I1
2	110 Spring Street	72028	R10	I1
3	Spring Street	1422	R10	I1
4	Cantrell Street	1420	R10	I1
5	Cantrell Street	1419	R10	I1
6	207 West College Avenue	1414	R10	I1
7	108 Cantrell Street	2948	R10	I1
8	213 West College Avenue	1430	R10	I1
9	107 Spring Street	1428	R10	I1
10	215 West College Avenue	1431	R10	I1
11	146 Memorial Drive	1360	R15	I1
12	144 Memorial Drive	2983	R15	I1
13	130 Memorial Drive	1381	R15	I1
14	126 Memorial Drive	1364	R15	I1

Board members can access the detailed information of each request by referencing their agenda packet from January or going online to www.BoilingSpringsNC.net/projects. If the requests need to be discussed separately please refer to request numbers assigned above. The order of requests matches the public notice and order of the information in the packet.

The Town Council opened the official public hearing on the rezoning requests at their February meeting and recesses the public hearing until their March 1, 2016 meeting. The Board will make advisory recommendation(s) to the Board of Commissioners on the submitted rezoning requests.

Review Staff Memorandum

No specific Zoning Code amendments have been prepared; any further discussion on the memorandum from the January 19 meeting is welcome.

Appoint Planning Board Vice-Chair and Board of Adjustment Members

The Board needs to appoint a Vice-Chair to act in the Chair's absence. The Board also needs to fill seats on the Board of Adjustment (BOA). The Board of Adjustment is the body that meets to hold quasi-judicial hearings, primarily granting variances, conditional uses, and appeals on decisions made by the Zoning Administrator. The Zoning Code states that the Chair and Vice-Chair of the Planning Board will serve as permanent members of the BOA and the Chair shall appoint three additional members from the remaining members of the Board. The Code requires two (2) regular members of the BOA be residents of the ETJ. A copy of the Planning Board Roster is included in this packet.



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TOWN OF BOILING SPRINGS

After further review, staff recommend to the Board of Planning and Adjustment that university activity which houses employees, staff, students, visitors, etc. in a single family residence format in an area contiguous to the main campus, be allowed in the Institutional zoning district.

This recommendation is based on several considerations.

- There are or have been various residential densities, formats, and arrangements on campus that do not require rezoning to a residential designation including dormitories, suites, and a President's residence.
- The Institutional designation is among the most intense use districts in the Town's Zoning Code and use as a single family residence is clearly less intense and less impactful than many uses allowed in the institutional district. By allowing the denser zoning designation it logically follows that other less intense use of the property would be acceptable. For example: under the Zoning Code almost all uses allowed in O&S districts are allowed in the denser B1 districts but not vice versa.
- GWU's use of property is incredibly diverse and often identical to uses that would otherwise require business, office, or residential zoning. For example: GWU's administrative offices are not zoned O&S, on campus restaurants are not zoned B1, the campus radio station is not zoned B1, dormitories are not zoned R10. Making these distinctions does not further the goals or intent of the Zoning Code.
- All requested parcels are identified for institutional use on the Future Land Use Map (FLUM) or are adjacent to parcels identified for such use.
- Other municipalities with small private universities are addressing this similarly.
- The County Tax Office indicated that zoning designation will not impact whether a property is tax exempt.
- While GWU's stated goal is to comply with whatever designation the Town deems appropriate, their preference is that the parcels be designated institutional to allow flexibility in future use of the property.
- All of the properties will meet the setback requirements of the Institutional zoning district.