



Town of Boiling Springs

Board of Planning & Adjustment

Meeting Agenda Packet

August 20, 2019



Town of Boiling Springs

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BOARD OF PLANNING & ADJUSTMENT

MEETING AGENDA

AUGUST 20, 2019

ROUTINE BUSINESS

1. Chairman's Call to Order
2. Recognize Citizen's Present & Public Comment
3. Minutes from July 16, 2019 Meeting

The Chair will administer Oath for Re-appointed Members Pat Hamrick and Alan McWhirter.

REGULAR BUSINESS

4. Ordinance Assessment Update
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.



Board of Planning & Adjustment

Meeting Minutes

July 16, 2019

Board Present: Ellen Humphries, J.T. Scruggs, Chairman Johnson, Bill Daves, Buster Bryson, Seth Phillips

Staff Present: Town Manager Mr. Shires, Town Clerk Kim Greene, Planning and Zoning Consultant Ben Farmer, Administrative Assistant Shannon Shytle

Others Present: Gail Seay, LaSandra Pearson

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 April 16, 2019 Meeting

J.T. Scruggs made the motion to approve the minutes of the April 16, 2019 meeting. Ellen Humphries seconded the motion and the vote was unanimous.

The Town Clerk administered the oath of office to Chairman Johnson. The term will end June 30, 2022.

Agenda Item IV

Review Rezoning Request | Gordon Avenue (Parcel #42982)

The Town has received a petition for a zoning map amendment (rezoning request) for Parcel #1134 on Gordon Avenue. The property is identified on Cleveland County Tax Map BS11-1-27 (0.44 acres). The petitioners, Denis and Celeste Thurman, have requested the zoning be changed from R-15 (Residential District) to R-10 (Residential District)

§ 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.

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

Planning and Zoning Consultant Ben Farmer made a brief presentation providing an overview of the request.

Staff Recommendation:

Per the Land Use Plan, the parcel in question is recommended for commercial use, surrounded by other parcels recommended for commercial use to the south, east, and west and properties recommended for medium density residential to the north. 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." The subject property was likely mapped as recommended commercial because of its proximity to the Main Street thoroughfare. Because this property is not actually accessed through the Main Street thoroughfare and is across from and adjacent to occupied homes, it is in the opinion of staff that a commercial use would not be appropriate. The property's proximity to the Main Street corridor does, however, lead staff to the opinion that it would be an

appropriate site for uses allowed in the R-10 district. It is in the opinion of staff that allowing for such higher-density residential development so close to a major corridor and Downtown Boiling Springs is appropriate. Staff finds the proposed rezoning is inconsistent with the Future Land Use Map, but consistent with the Future Land Use Plan as a guiding document. In consideration of the aforementioned details of the subject property, staff recommends approval of this map amendment.

Chairman Johnson opened the issue up for public comment.

LaSandra Pearson of 119 Gordon Avenue addressed the Board. Ms. Pearson spoke in opposition of the rezoning stating the change would not be in harmony with their neighborhood which is made up of single-family homes. She feels the request would be spot zoning. Ms. Pearson stated the property could be successfully used by the property owners if developed as a single-family detached home.

Chairman Johnson recognized Gail Seay of 124 Gordon Avenue. Ms. Seay spoke in opposition of the rezoning. She stated the property in question is adjacent to a vacant lot beside her property. She fears if their neighborhood is opened up to a duplex, there is a possibility of more being constructed. Duplexes are not what they want for Gordon Avenue.

Chairman Johnson opened the issue up for discussion with the Board.

J.T. Scruggs inquired about a rezoning request last year from this area that was denied. He also questioned this property being designated for commercial use on the Future Land Use Plan. Mr. Farmer stated the property was most likely recommended as commercial use due to its proximity to North Main Street.

Ellen Humphries stated there are two sets of duplexes on either side of the road at the entrance of North Main Street/Gordon Avenue.

Chairman Johnson reported there are not many areas in Town where you can build anything other than single-family detached homes.

Mr. Shires reported this would likely not be considered spot zoning since it is a residential use. He explained that the primary difference between R-15 and R-10 is that R-10 allows for a smaller lot with one duplex (two units). Mr. Shires reminded the Board that the zoning goes with the property if sold.

J.T. Scruggs asked if the duplex could be built in the R-15 District. Mr. Farmer replied that the R-15 District only allows single-family detached homes.

Bill Daves said he did not have a problem with the request. Buster Bryson agreed stating it is also adjacent to commercial property.

Chairman Johnson recognized LaSandra Pearson. She asked if there is any property on Gordon Avenue zoned commercial. Chairman Johnson stated no, but the FLUM recommended the lots located toward Ingles be zoned commercial use in the future. Ms. Pearson stated she wants to protect the integrity of the neighborhood and feels that a duplex would take it out of harmony.

Chairman Johnson stated the Town is currently working to update the Zoning Ordinance.

Ellen Humphries asked if the lot was large enough to build a house. Mr. Shires confirmed that it is large enough. Mr. Shires also reminded the Board that the FLUM is a flexible living document.

J.T. Scruggs made the motion to recommend the Town Council not approve the proposed zoning map amendment from R-15 to R-10. Mr. Scruggs stated he made the motion based on what they do not know. Seth Phillips seconded the motion. After discussion, all others voted in the negative. The motion failed 2 to 4.

Chairman Johnson stated he would like to have a guide on development in Town. The Board agreed. They would also like to see anything other than single-family detached homes be made conditional use. J.T. Scruggs stated he would change his vote if they could defer this rezoning pending a text amendment change.

Buster Bryson made the motion to recommend the Town Council approve this proposed zoning map amendment request from R-15 to R-10. Ellen Humphries seconded the motion. Seth Phillips and J.T. Scruggs voted in the negative. Chairman Johnson did not vote in favor of or against the rezoning. He stated he understood that not voting resulted in an in favor of vote. All others voted in the affirmative. The motion passed 4 to 2.

Adjourn

Seth Phillips made the motion to adjourn the meeting at 6:28 p.m. Ellen Humphries seconded the motion and all were in favor.

DRAFT



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BOARD OF PLANNING & ADJUSTMENT

AGENDA ITEM 4

AUGUST 20, 2019

BOARD TRAINING WORKSHOP

Vagn Hansen from Benchmark Planning will give an update on the ordinance assessment.

MATERIALS PROVIDED

- Land Use Ordinance Assessment (included under separate cover)