

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 19, 2006

SUBJECT: Blue Ridge Community College Variance Application

ATTACHMENTS: Zoning Administrator recommendations
Planning Board recommendations
Variance Application
Draft LDC requirements (Attachment 1)

SUMMARY OF REQUEST:

Blue Ridge Community College is applying to construct a 79,050 square foot Technology Education and Development Center (TEDC). The proposed location is the corner of College Drive and East Campus Drive. This project will require a Special Use Permit (SP-06-03) and a variance (V-06-04) for reduced parking. (Special Use Application request is under separate cover)

COUNTY MANAGER'S RECOMMENDATION/ACTION REQUIRED:

Recommend approval of V-06-04.



Henderson County, North Carolina Development & Enforcement Department - Zoning Administration

To: Henderson County Board of Commissioners
From: Natalie J Berry, Zoning Administrator *NJB*
Date: May 4, 2006
Re: Review of Variance Application V-06-04 Application by Blue Ridge Community College

The Development and Enforcement Department/Zoning Administration reviewed the application for a Variance V-06-04 by Blue Ridge Community College for compliance with the technical requirements stated in the Henderson County Zoning Ordinance. This application is for the construction of a 79,050 Square Foot Technology Education and Development Center (TEDC) and placement of electronic sign at corner of Airport Road and College Drive. The proposed location site will be on the corner of College Drive and East Campus Drive.

A variance is being requested from the Board of Commissioners to allow for a reduction in parking requirements. The applicant proposes 20 spaces in the narrative but on the development plan does not show any additional parking spaces. The zoning ordinance requires 395 spaces to be provided for this one building to be constructed.

Parking

Off-Street Parking – The Henderson County Zoning Ordinance requires 1 parking space for every 200 SF of gross floor space of public buildings.

Applicant has stated in the narrative that they plan on proposing 20 parking spaces. The plans do not show any parking designated. The applicant has filed an application for a variance from this requirement. (79,000 SF/200 SF = 395 additional spaces required)

Zoning Administrator would like to point out that the Current Zoning Ordinance does not address College Campus parking. The closest current parking requirement that must be applied is the public buildings. The Zoning Administrator does not have the ability to adjust the parking so the applicant must request a variance to the requirements. If we apply the proposed LDC, the College has adequate parking on site for the proposed building. (Attachment 1 & B.) Zoning Administrator recommends approval with current parking on site and the additional 20 parking spaces proposed. The additional parking should address the handicap parking requirements.

HENDERSON COUNTY
Planning Department

101 East Allen Street • Hendersonville, NC 28792
Phone 828-697-4819 • Fax 828-697-4533

Memorandum

TO: Henderson County Board of Commissioners

FROM: Henderson County Planning Staff

DATE: May 17, 2006

**SUBJECT: Planning Board and Planning Staff recommendations on a Variance
Application #V-06-04 as related to Special Use Permit Application #SP-06-03,
Blue Ridge Community College, Applicant**

Planning Board Recommendation:

On April 18, 2006, the Henderson County Planning Board reviewed an application for a variance from the Henderson County Zoning Ordinance on parking requirements for a proposed new building (the Technology Education and Development Center) as part of a special use permit application #SP-06-03 to construct the proposed building. After reviewing the application and hearing from the applicant's agent and County Staff, the Planning Board voted (8 to 0) to send a favorable recommendation to the Board of Commissioners on the variance request specifically noting that it does not recommend any further parking requirements other than the twenty spaces requested by the applicant to be applied to the special use permit (Refer to the Attached April 18, 2006 Excerpt of Planning Board Minutes Draft).

Planning Staff Recommendation:

Based upon Staff's review of the variance request, Staff feels that the parking standards may be too stringent for a campus of this size. If the applicant can provide information to the Board to ensure that sufficient parking is available at all times, a reduction in the required parking standards may be justified and Staff would support approval of the variance request. It should be noted that Staff is concerned that the variance would dramatically decrease the number of required parking spaces from 395 spaces to 20 spaces. Staff also agrees that the additional proposed parking spaces and alternative-parking areas/lots should be noted on the plans.

HENDERSON COUNTY ZONING

ITEMS TO ACCOMPANY APPLICATION TO THE HENDERSON COUNTY ZONING BOARD OF ADJUSTMENT FOR A

VARIANCE

- Completed application form (typed or printed)
- Site plan of property showing existing structures, natural features (i.e. streams, ponds, etc.) proposed building or addition and indicating distance from such to the centerline of street and to the side and rear lot lines, as applicable. Show placement of well & septic system and drain field if applicable and distances from structures.

NOTE: Site plan should be clearly legible and reproducible.

- Copy of septic and well permit, if applicable.
- Other documents supporting application, if applicable.
- Photographs (optional)
- Application fee of ~~\$150.00~~ 250⁰⁶

(Shortly after the application for a variance is accepted, staff will take photographs of the site. Please have the corners of the proposed structure and septic system staked so that they may be seen in such photos.)

For more information call 697-4857

Rev. HCPD 10/01

Application No. V-06-04

COUNTY OF HENDERSON
STATE OF NORTH CAROLINA
APPLICATION FOR A VARIANCE

March 10 2006
Month Day Year

Applicant: **Blue Ridge Community College** Phone: 694-1899

Address: 180 West Campus Drive Flat Rock, NC 28731

Property Owner's Name (if different from above): _____

Property Address (if different from above): _____

Parcel ID Number: 95-7894-1074 Zoning District: O&I

Directions to property from Hendersonville: Take Spartanburg Hwy to Airport Rd, turn left then right on College Drive

TO THE ZONING BOARD OF ADJUSTMENT:

I, **Edwin Bell** (owner/agent), hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Zoning Ordinance of Henderson County because I am prohibited from using the parcel of land described in the form "Zoning Permit Application" in a manner shown by the Site Plan and supporting documentation. I request a variance from the following provisions of the ordinance (cite section numbers): **Sec. 200-40**

FACTORS RELEVANT TO THE ISSUANCE OF A VARIANCE:

The Zoning Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, (b) that the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions:

(a) **THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE.** The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

The "no reasonable return" test is not applicable. The subject property, approximately 105 acres of land in an O&I zoning district, has been used as the campus for a public community college since 1973. This is the Applicant's primary use and no other non-educational uses are being considered.

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land.)

The Applicant desires to develop and expand its educational and community facilities in a manner consistent with commonly accepted campus planning. These plans call for clustering classroom buildings in the center of the campus and providing parking at the periphery. This practice naturally benefits the student who may have classes in more than one building and who has only ten minutes to change classes. It would, therefore, be impractical and awkward to design a campus with parking next to each building. It should be noted, however, that the Applicant will provide adequate handicapped parking spaces for the building in accordance with ADA guidelines.

(3) The hardship is not the result of the applicant's own actions.

This test is not applicable. The construction of the first four buildings on the Blue Ridge Community College campus preceded adoption of the County Zoning ordinance. Only the last two buildings built were actually subject to the O&I district rules.

(b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.) **See Attached**

(c) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

This section is not applicable since the Applicant is a publicly supported educational institution. The public interest is further secured through the governance of Blue Ridge Community College. The public safety and welfare interests required by this section are thereby protected.

(Please continue remarks on separate page if necessary.)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Signature of Applicant

10 March 2006
Date

IN THE EVENT THAT ANY DISCREPANCIES EXIST BETWEEN THE CRITERIA OUTLINED ON THIS FORM AND THE ZONING ORDINANCE OF HENDERSON COUNTY, THE ORDINANCE SHALL PREVAIL.

Natalie f Berry
Received By

3-14-2006
Date Received

250⁰⁰
Fee Paid ~~150~~ ~~3-10-6~~
check # 3017193
3017181

3-14-2006
Date

Continuation of Section (b) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Applicant's Response

Section 200-40 of the Henderson County Zoning Ordinance states the required number of off-street parking spaces for various uses such as hospitals, churches, elementary schools, and high schools. The Henderson County Zoning Administrator has determined that, for Special Use Permit Application (SUP 06-01), the Applicant must comply with the requirements for "Public Buildings" which requires "one space for each 200 sq. ft. of gross floor space."

SUP 06-01 is an application for a 79,000 sq. ft. Technology Education and Development Center (TEDC). Upon completion of the technology building, there will be a total of **1,230** off-site parking spaces on the Blue Ridge campus, not counting parking for the maintenance buildings and greenhouse. The Applicant contends that there has always been sufficient parking on campus and that, upon completion of the building, 1,230 parking spaces will be more than sufficient parking for the needs of the college.

The Applicant offers the following statements of fact to support its request.

1. Using the formula for "public buildings" is an unreasonable burden.

The Applicant cannot reasonably comply with this requirement since it implies a building for governmental offices and not a building for an educational institution. The nature of a community college is to offer classes at times convenient to students, usually between the hours of 8 AM and 10 PM, five days per week and occasionally on Saturday. This is vastly different than "public buildings" where parking spaces are filled most of the day, but not in the evenings. Because only 30% of BRCC's Curriculum students are enrolled on a full-time basis, classes are offered typically in four ways: Monday through Friday, Monday/Wednesday/Friday, Monday/Wednesday, and Tuesday/Thursday. Continuing Education students typically take just one class per week and the starting and ending times rarely coincide with the schedules of Curriculum students.

The College recently conducted a study of its weekday classroom use, including both Curriculum and Continuing Education programs, and found that 45.8% of the classrooms are occupied during the day (9 AM to 3 PM) and 23.7% of the classrooms are used during the evenings (5 PM to 10 PM), with the balance being unused classroom time. Our records indicate that peak day classes are at 10 AM and peak evening use is at 6 PM.

Response Item No. 1, Continued

Another consideration is that, often, students do not report directly to classes on campus, but instead report to clinical sites, such as is the case for nursing students. Many students take public transportation to get to the campus and many more are dropped off and picked up. Finally, more and more students are taking “hybrid” online courses; and this reduces the time they spend on campus. In summary, the Zoning Ordinance does not offer an off-street parking requirement that fits the unique operations of a community college.

2. Using a pure “square-foot” formula for a community college does not properly reflect parking needs.

The nature of the buildings at Blue Ridge is such that using a pure square-foot formula would be an unreasonable burden. For example, the Spearman Building has 66,070 gross square feet of floor area, yet it contains only 7 classrooms. The rest of the building contains large shops and labs. The existing 121 parking spaces designated for applied technology students and faculty are more than adequate, but under a strict application of the Zoning Ordinance, the college would have had to add 209 more spaces.

3. The existing parking adjacent to the Technology Education and Development Building is adequate.

The students, faculty, and staff who use the new Technology Building will be able to park in the presently underutilized 144-space parking lot in front of the Killian Building. The Killian Building has only one small classroom. During the day it is used mostly by Library or Book Store patrons. The construction of a new building will only relocate the classrooms on campus and will not, in itself, create new parking needs that cannot be absorbed elsewhere on campus.

4. The Applicant requests that until the County Zoning Ordinance is amended, a variance be granted to apply a 50% factor of existing and proposed parking for SUP 06-01 and any future applications under the Blue Ridge Community College Master Plan.

In other words, the Applicant is accepting the parking standard based on “gross floor area” for all the educational buildings on campus, but is asking for a variance from “one space per 200 sq. ft.” to “one space per 400 sq. ft.” This would allow the College to continue with building plans for all future projects shown on the Master Plan without revisiting the parking standard issue. Attached is a schedule showing the sufficiency of parking upon applying the proposed factor.

5. The variance will not compromise the character of the neighborhood.

The Applicant contends that the request preserves the spirit of the Zoning Ordinance, and, if the variance is granted, the proposed construction of the Technology Building will not substantially detract from the character of the neighborhood; but will make better use of existing resources, reduce stormwater runoff from unneeded parking lots, and be more esthetically enhancing to the general public.

Blue Ridge Community College
Technology Education Development Center

Proposed Building Features

Classrooms and Advanced Technology Labs

- 4 Classrooms (traditional)
- 7 Lecture labs
- Open computer lab
- Internet technology lab
- Digital media lab
- Network hardware lab
- Virtual office lab
- Multi-purpose industrial training lab
- Broadband technology & virtual reality training lab

Media Projection and Training

- Television studio w/master control room
- Audio control room and studio

Distance Learning / Multimedia Classrooms

- Videoconference room
- Tiered lecture hall
- Distance learning lab (general purpose)
- Distance learning "wet" lab (science)

Support

- 26 Faculty & staff offices
- 3 Conference rooms
- Help Desk* support room

Multi-purpose Conference and Exhibit Hall

- 1000 seat, 15,000 sq. ft. multi-purpose facility

TEDC Building Area

| Component | Gross Area |
|---------------------------------|-----------------------|
| 1st floor | 20,820 sq. ft. |
| 2nd floor | 18,500 sq. ft. |
| 3rd floor | 17,000 sq. ft. |
| Sub total | 56,320 sq. ft. |
| Connector to multi-purpose wing | 1,500 sq. ft. |
| Multi-purpose wing | 22,730 sq. ft. |
| Grand Total - Building | 80,550 sq. ft. |

BRCC Flat Rock Campus

Parking Survey

| Building | Year Built | Gross Area (sq. ft) Including Expansions | Regular Parking Spaces | Handi-capped Spaces | Total Existing Parking Spaces |
|---|-------------------|---|-------------------------------|----------------------------|--------------------------------------|
| Classroom Buildings | | | | | |
| Patton Building | 1973 | 35,320 | 559 | 5 | 564 |
| General Studies Building | 1973 | 11,707 | 0 | 0 | 0 |
| Arts & Sciences Building | 1975 | 16,800 | 13 | 0 | 13 |
| Continuing Education Build | 1977 | 19,849 | 2 | 3 | 5 |
| Industrial Skills Building | 1982 | 18,637 | 78 | 3 | 81 |
| Plumbing Building | 1986 | 3,200 | 20 | 0 | 20 |
| Killian Building | 1988 | 31,500 | 138 | 6 | 144 |
| Spearman Building | 1990 | 66,070 | 118 | 3 | 121 |
| Sink Building | 1993 | 63,100 | 253 | 9 | 262 |
| Total Existing | | 266,183 | 1,181 | 29 | 1,210 |
| Technology Building | 2007 | 73,000 | 15 | 5 | 20 |
| Total Upon Completion of Technology Building | | 339,183 | 1,196 | 34 | 1,230 |
| Non-classroom Buildings | | | | | |
| Maintenance Building | 1974 | 6,400 | 13 | N/A | N/A |
| Groundskeeping Building | 1984 | 3,200 | 11 | N/A | N/A |
| Bullington Greenhouse | 1995 | 3,600 | 10 | N/A | N/A |
| Ball Field | 2002 | 0 | 41 | N/A | N/A |

Survey conducted by BRCC staff, January 17, 2006 and February 21, 2006

| Table A-7.3. Recommended Parking | |
|---|--|
| Use Type | Minimum Number of Parking Spaces (PS) per Number of Unit Type |
| | Activity Area |
| Park | By Function OR 1 Space per 500 sq. ft. in Activity Area |
| Physical Fitness Center | 1 Space per Each 200 sq. ft. of Gross Floor Area |
| Recreational Vehicle Park/Campground | 1 Space per Each Patron Recreational Vehicle Camp Site PLUS 1 Space per Each 2 Employees |
| Riding Stables | 1 Space per Each 2 Stalls |
| Shooting Range, Indoor | 1 Space per Each Cage, Tee or Firing Point |
| Shooting Range, Outdoor (Government Owned and Operated) | 1 Space per Each Cage, Tee or Firing Point |
| Sporting and Recreational Camp | 1 Space per 3 Campers PLUS 1 Space per Each 2 Employees |
| Sports Instructional School | 1 Space per Each 200 sq. ft. of Gross Floor Area |
| Swim and Tennis Club | 1 Space PLUS 3 Spaces per 100 sq. ft. in Water/Deck Space PLUS 1 Space per Table/Court |
| Educational and Institutional Uses | |
| Ambulance Services | 1 Space per Employee on Largest Shift |
| Cemetery/Mausoleum/Columbarium (excluding crematoriums) | 1 Space per Each 2 Employees |
| Child Care Facility | 1 Space per Each Employee PLUS 4 Spaces per Off-Street Drop-Off and Pick-Up |
| Club/Lodge | 2 Spaces per 500 sq. ft. in Gross Floor Area for patron use |
| College and University | The Greater of: 1 Space per Each 4 Students PLUS 1 Space per Each Employee PLUS 1 Space per Each Vehicle Used in Operation OR 1 Space per Each 4 Seats in Auditoriums, Arenas, Stadiums and Similar Facilities Regularly Utilized by the General Public for Special Events |
| Community Club | 2 Spaces per 500 sq. ft. in Gross Floor Area for member use |
| Correctional Facilities | 1 Space per Each 6 Inmates PLUS 2 Spaces per Each 3 Employees on Largest Shift PLUS 1 Space per Each Vehicle Used in Operation |
| Fire and Rescue Station | 1 Space per Employee on Largest Shift |
| Funeral Home or Crematorium | 5 Spaces PLUS 1 Space per Each 4 Seats in the Principal Assembly Room |
| Government Offices | 1 Space per Each 200 sq. ft. of Gross Floor Area |
| Homeless Shelter | 1 Space per 4 Beds PLUS 1 Space per Each 2 Employees |
| Hospital | 1 Space per Each 4 Beds PLUS 1 Space per Employee on Largest Shift |
| Museum, Library, Archive | 1 Space per Each 450 sq. ft. of Gross Floor Area per Public Use PLUS 2 Spaces per Each 3 Employees on Largest Shift |
| Places of Assembly, Large | 1 Space per Each 4 Persons (Based on Design Capacity) |