

AMENDED AGENDA

**BREVARD CITY COUNCIL SPECIAL CALLED MEETING
AND
JOINT WORKSHOP OF BREVARD PLANNING BOARD AND
BREVARD CITY COUNCIL**

THURSDAY, DECEMBER 10, 2015 – 5:30 P.M.
CITY COUNCIL CHAMBERS

- A. Welcome
- B. Call to Order Brevard City Council
- C. Certification of Quorum
- D. Approval of Agenda
- E. Approval of Minutes - November 16, 2015 Council Meeting (Page 2)
- F. Public Hearing
 - Sign Ordinance Text Amendment, Menu Reader Boards (Page 16)
- G. New Business
 - Ordinance No. 2015-XX Amending UDO Sign Ordinance, Menu Reader Board (Page 23)
- H. Adjourn City Council Special Called Meeting
- I. Call to Order Brevard Planning Board and Brevard City Council Joint Workshop
- J. Certification of Quorum
- K. Approval of Workshop Agenda
- L. Joint Planning Board and City Council Workshop on Form Base Code
- M. Adjourn Planning Board and City Council Workshop
- N. Call to Order Brevard City Council for two Closed Sessions**
- O. Closed Sessions – Potential Litigation and Economic Development**
- P. Adjourn**

Posted – November 30, 2015
Media, Website & Sunshine List – November 30, 2015
Agenda AMENDED – Tuesday, December 8, 2015
Desiree Perry, City Clerk

**MINUTES
BREVARD CITY COUNCIL
Regular Meeting
November 16, 2015 – 7:00 PM**

The Brevard City Council met in regular session on Monday, November 16, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jimmy Harris presiding.

Present - Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Maurice Jones, Ann Hollingsworth, Wes Dickson and Charlie Landreth.

Staff Present – City Manager and Finance Director Jim Fatland, City Attorney Mike Pratt, Deputy City Clerk Jill Murray, Interim Planning Director Daniel Cobb, Parks and Property Management Director Lynn Goldsmith, Public Works Director David Lutz, Police Chief Phil Harris, Fire Chief Craig Budzinski, Planner Aaron Bland, City Clerk Desiree Perry and Project Development Director Josh Freeman.

Press – Kevin Fuller, Transylvania Times

A. Welcome and Call to Order – Mayor Harris called the meeting to order, welcomed those present and introduced Council members, Manager, Attorney and Deputy Clerk.

B. Invocation – Father Shawn O’Neal from Sacred Heart Catholic Church offered an Invocation.

C. Pledge of Allegiance – Mayor Harris led in the Pledge of Allegiance.

D. Certification of Quorum – The Deputy City Clerk certified a quorum present.

E. Approval of Agenda – Mr. Landreth moved to approve the agenda as presented, seconded by Ms. Hollingsworth. Motion carried unanimously.

F. Approval of Minutes – Mr. Jones mentioned a correction to the October 19th, Item F, the date should be changed to September 21, 2015 instead of 2105.

Mr. Landreth asked if the Minutes were correct at the top of page 7, in regard to the issue of unsafe trees and where it states “when such trees constitute a threat to public property”, what constitutes public property? Mr. Pratt stated that public property means property owned by a governmental entity. Mr. Landreth agreed with Mr. Pratt and they both agreed the minutes read as they should and would stay as they were.

Mr. Landreth asked that page 10 be corrected to state “Mr. Landreth moved that the City initiate a rezoning of the properties along Asheville Highway at the new Davidson River Village Connector Road to Morris Road from GR to CMX.

Ms. Hollingsworth moved, seconded by Mr. Landreth, the October 19, 2105, Minutes be approved with the two noted corrections. Motion carried unanimously.

G. Certificates, Awards and Recognition

Together, Mayor Harris and Public Works Director David Lutz presented the following:

The State of North Carolina Water Pollution Control System Operators Certification Commission – Grade 1 Collections Operator Certificate was presented to Christopher Vann Hall.

The State of North Carolina Water Pollution Control System Operators Certification Commission – Grade 3 Collections Operator Certificate was presented to Nathaniel Wayne Littleton.

The State of North Carolina Water Pollution Control System Operators Certification Commission - Grade 4 Collections Operator Certificate was presented to William A. Dodson.

Cornelius Hunt Dedication- Mayor Harris announced the Cornelius Hunt Building Dedication is scheduled for Tuesday, November 24th, at 11am and invited all to attend. Mr. Hunt was a former City Mayor Pro Tem and Council Member who died while serving in office. He was a fine gentleman and it is fitting the City's new building is being named in honor of him.

H. Public Hearing(s)

H-1. Voluntary Contiguous Annexation Petition, Lastinger Properties, LLC. Public hearing was properly noticed and advertised on November 2, 2015.

Mayor Harris opened the public hearing at 7:24 P.M.

Mr. Cobb described that Lastinger Properties is also known as Pilot Cove Campground. It is approximately 65 acres behind Walmart. The purpose of the Contiguous Annexation is because when the construction is complete, the applicants would like access to city water and sewer and on September 1st they submitted a Petition for Voluntary Contiguous Annexation and we've gone through the proper steps and the Planning Board has recommended approval of the annexation as presented. The applicants were on hand to answer any questions.

Mr. Jones asked in regards to solid waste collection, I see they plan to have their own removal? At any time, can they request from the City to change that? Mr. Lutz explained that they would have to build a road to City standards to hold the trucks and Mr. Cobb added that it would be there responsibility for repairs and such.

Public Hearing Public Participation –

Mr. Lane Lastinger explained that they are putting in a campground with 46 high-end cabins with fixtures comparable to what you'd find at the Hampton Inn. We've also been approved for 50 campsites that will range, most will have power, and some will be primitive. We will also have bathhouses. It is a heavily sloped area so RV's will likely not be allowed.

Mr. Landreth asked what the head count would be when they are fully built out, with the possibility of 6 people per cabin (46 cabins) and up to perhaps 3 people per tent (50) tents, you could do the math for that. That's what we're thinking and to accommodate that amount of people, we think it's in our best interest to be a part of the City and have access to the utilities that the City can provide and that's why we submitted our application. Staff recommends Council take action to approve the annexation as presented.

H-2. Proposed UDO Text Amendments, Sign Ordinance: Corridor Overlay District, Murals and Vintage Signs

Mayor Harris opened the public hearing at 7:31 P.M.

Mr. Cobb referred to his staff report (on file) and explained that earlier in the year Council approved the Asheville Highway sign overlay district which provided for uniform signs along Asheville Highway beginning approximately at the Community College running to approximately Ingles and that crosses a number of difference zoning districts, it made sense to allow uniform sign size and it made sense to expand that to Rosman Highway and that's mostly what this is replicating the same philosophy on

the Rosman Highway beginning just south of where Caldwell and Broad come back together heading west on Highway 64. Also there is one clarification on the original sign overlay district where there were a couple of mapping inconsistencies that we want to straighten out and the other thing that we're recommending is that we rename it from the Asheville Highway Overlay District to the Highway 64 Overlay District because it does go beyond Asheville Highway.

Murals and Vintage Signs - Currently there is no clear distinction between what the administrator may consider art and what may be considered a sign. The standard practice has been to consider an image or painting as art (thus not subject to wall sign requirements) if it is purely decoration or embellishment of a structure or façade and not related to the use of the building.

The intent is to allow businesses to include murals on their buildings without the issuance of a sign permit. However, if a business would like to include their logo in al, they may do so as long as the logo is less the 8% of the murals total surface area.

The intent is similar with vintage signs, allowing establishments to decorate their building without directly advertising their business. Businesses and property owners have requested in the past to hang old service station and Coca-Cola signs on their buildings imply to break up and dress up large expanses of blank walls. According the definition, currently any sign is considered a sign for permitting purposes.

Ms. Hollingsworth asked if it is a mural, a non-sign mural, a vintage sign, not depicting the business, does the applicant have to submit paperwork? Mr. Cobb replied that people ask but they just explain what they want to do and then the zoning compliance letter is essentially saying that we acknowledge what you're going to do and there won't be a fee for it and we actually see what they're proposing.

Mr. Landreth asked if the revised ordinance brings into compliance any non-compliant conditions. Mr. Bland added that only one item came to mind in that the Beethoven Lives mural at one point had the Brevard Music Center logo on it but the way the logo was sized would not comply with the 8%.

H-3. Rezoning Request, Bawden Property (portion of) on Rosman Highway at 545 Rosman Highway (U.S. 64)-Lot No. 1-A, Brevard, NC 28712; PIN #: 8585-16-8412-000 from GR4 to CMX.

Mr. Cobb explained that Mr. Bawden purchased the property and has commercial plans for it and what he was planning to do was not allowed in the GR District and the next logical step was to look into rezoning. Meanwhile the current property is GR4 going into CMX and that's a big difference, however it is an extension of CMX which exists right next door. The original request was for a small portion of the property Mr. Bawden owns but because the property was separated by the GR Zoning District, we recommended to him and presented and advertised appropriately and notified all the neighbors that we would expand that zoning request to include that right of way so the CMX zoning district is continuous throughout that corridor and there's no break between residential and the proposed corridor district. We recommend approval of the proposal on page 88 and if approved as presented, the new map will reflect the new districts shown on page 90. The Planning Board has recommended approval.

Mr. Landreth asked if there is anything against more than one zoning on one parcel and Mr. Cobb added that there is not.

Public Hearing Public Participation -

Mr. Bawden then introduced himself and his company, Flyman Fishing Company, and briefly explained that he has a fly-fishing company that is not a retailer, they are manufacturers of fly fishing materials and flies and sell them under different brands to other fly fishing shops all over the country. His intention is to grow the business and

contribute to the City of Brevard. He further explained that he needs somewhere to grow, about 1800 square feet which would be purely for offices and some storage area and that is it. The lot location is currently zoned residential due to its physical location which is naturally more conducive to being part of the CMX. It's right on Highway 64 which is a main transportation corridor. There are two automotive businesses and an outside storage area that's being used by a grading company and to the east is a pretty large stone yard. To the west side of the property is a neighbor, so that's a residential zone but not really a residential area. Currently the entrance to the property is not a residential thoroughfare or access road to those residential areas so anyone who is accessing those residential areas comes in from a completely opposite direction. Currently there's one neighbor that would use the same access road directly from the highway and she's around the corner and out of sight of our property. Those were the main things I wanted to bring forward.

Mr. Jones asked with the Highway 64 sign overlay on this piece of property if Council approves, would sit just shy of the overlay according to the map and Mr. Cobb said yes.

Mr. Hallingsly, the Director of the Transylvania Economic Alliance, wanted to comment that he has had the opportunity to know Mr. Bawden for a few months and see the property and he believes its part of what our economic alliances is targeted at the type of business we are interested to bring into Transylvania County. We did a target market analysis that identified 6 business clusters that we're interested in growing in this area and I think Mr. Bawden's business overlaps two of those, creative services, businesses that do something unique and professional in nature, and also the manufacturing and design of outdoor related services and goods. I'm thrilled that he's looked at Brevard as a place of business and has gotten to a point of expanding it. I think this property is a reasonable use of CMX and I would encourage you to allow the rezoning and move forward.

Mr. Jackson spoke that up until 4 months ago he owned the property and now owns the house adjacent to it. He explained and shared photos and showed maps of 4 other homes on the property. When he sold the property he asked Mr. Bawden what the use would be and he was told that one room would be used for manufacturing and he had no objection to that. He stated that if he had known this, he would not have sold the property but he can't control that now. Mr. Jackson does oppose it. That road that sticks out to Highway 64 is a dedicated road to the subdivision. I ask that you not approve it.

Mayor Harris asked Mr. Cobb if the property has access to Highway 64. Mr. Cobb stated that the zoning district is connected to highway 64. Mr. Jackson handed out a map (Exhibit A). He said the entrance is a public dedicated road. The Mayor confirmed that anyone that owned the property would have public access to the property. Mr. Bawden also provided 3 photos of the area. (Exhibit B)

Mr. Pratt asked Mr. Cobb to explain the reason for rezoning of the public road as it is unusual. Mr. Cobb responded by saying that had we presented the rezoning as originally requested, you would have CMX separated by residential and then back to CMX use again so it made sense to avoid spot zoning and connect those two districts. We did property research on that right of way and I spoke with the State and they don't have any record of ownership of it so it's public in the sense that other folks use it but not public in the sense that it's under ownership by the City or the State so we've noticed all of those adjoining property owners that we wanted to connect those two districts.

Mr. Bawden wanted one more opportunity to speak and stated that he is surprised by Mr. Jackson's objections to the rezoning. He presented a copy of the listing of property (Exhibit C) and the land was described as suitable commercial use so now that the property is sold and I'm looking for it to be rezoned, he's objecting. Mr. Jackson responded once more that he told Mr. Bawden that the property was zoned GR4 so he should have been well aware of that when he bought the property.

Public Hearing Closed – There being no further questions or comments, Mayor Harris closed the hearing at 8:08 P.M.

I. Public Participation

Ms. Pat Petit, 17 Grove Circle, Brevard, NC 28712, expressed her concerns with short terms rentals and their negative impact on neighborhoods. She spoke with Aaron Bland in the Planning Department about it and also took the survey online. She then emailed Aaron Bland her comments (Exhibit D).

Mr. Kevin Jones, 135 Maple Street, wanted to offer an opposing viewpoint on short term rentals. He explained that he has dropped a fair amount of money making a 4 bedroom house into a structure that almost weekly he still gets comments on about how great it looks. They tried to do a long term rental and had to evict their third renter. 127 Maple Street was a slum house and the landlord did not do any work on it. There were sections of the floor that you could not walk on and long term leakage on the roof. We bought it and fixed it up and we live next door and we have short term rentals all the time and some for three months. Everyone has shown a lot more concern for the neighborhood than our long term rentals.

J. Special Presentation(s) - None

K. Consent Agenda and Information - Consent Agenda items are considered routine and are enacted by one motion. Mayor Harris read aloud the items listed, and asked if Council desired to remove an item for discussion, or, to add an item(s) to the Consent Agenda. Mayor suggested New Business Items M-1, M-2, M-4, M-5, M-6 and M8 be added to the Consent Agenda.

Mr. Landreth moved, seconded by Mr. Morrow, New Business Items M-1, M-2, M-4, M-5, M-6 and M-8 be added to the Consent Agenda. Motion carried unanimously.

The following Consent Agenda items were approved:

K-1. Staff Reports:

- a. Public Works Department, September 2015
- b. Police Department, 3rd Quarter Report
- c. Finance Report for month ended October 31, 2015

K-2. Correspondence (*No Action. Offered as information only.*)

- a. Oscar Blues Expansion Article
- b. Public Works & Utility Staff
- c. Association of State Floodplain Managers News
- d. Twilight Tour, Saturday, December 5th, Special Event Notification

K-3. (M-1) Ordinance No. 2015-31 for Annexation of Lastinger Properties, LLC.

Insert Ordinance No. 2015-31

K-4. (M-2) Ordinance No. 2015-32 Amending UDO Signs, Corridor Overlay District

Insert Ordinance No. 2015-32

K-5. (M-4) Davidson River Connector Road: Resolution No. 2015-27 Endorsing A Sidewalk Along Davidson River Connector Road and a Municipal Agreement with NCDOT

Insert Resolution No. 2015-27

K-6. (M-5) Staff Report and Request to Authorize Application for FEMA Firefighters Assistance Grant

The grant request is in the amount of \$500,000 to replace firefighter self-contained breathing apparatus (SCBA) and air compressor. The City's match of \$25,000 will come from the Fire Department Special Revenue Fund Balance.

K-7. (M-6) Staff Report and Ordinance No. 33 Declaring A Road Closure for Twilight Tour

Insert Ordinance No. 2015-33

K-8. (M-8) Board and Committee Appointments:

a. Fireman Relief Fund – Meredith Baldrige, Expires Jan 2017

b. Council Downtown Master Plan Committee –

Melanie Spreen – Permanent HOB

L. Unfinished Business

L-1. Resolution Adopting the 2015 Comprehensive Plan

Council requested the following changes:

Pg. 179, under Partner Organizations, the Allison Deaver House should read Transylvania County Historical Society. Also, add Transylvania County Library.

P. 188, under Policy Objective 4.3.D, Construct additional trails within Bracken Preserve under the Master Plan.

Pg. 190, in the sentence “and without sufficient capacity to handle future demand”, add the word “planned” in front of demand.

Pg. 192, under Policy Objective 5.3, change the word “anticipated” to “planned” future growth. Under Policy 5.3.D, omit it.

Ms. Hollingsworth motioned, seconded by Mr. Dickson that with the above changes, the 2015 Comprehensive Plan was adopted and motion carried unanimously.

M. New Business

M-3. Ordinance No. 34 Rezoning Bawden property (portion of) from GR to CMX

Mr. Landreth made a motion to support the Ordinance, seconded by Mr. Dickson. Motion carried unanimously.

Insert Ordinance No. 2015-34

M-7. Sewer Infrastructure Rehabilitation Projects

- a. Resolution to accept loan offer from NCDENR for Kings Creek Project Phase III
- b. Resolution to accept loan offer from NCDENR for Neely Road FM/PS EQ Tank
- c. Authorize advertisement for construction bids for Kings Creek Phase II

d. Authorize advertisement for construction bids for Neely Road FM/PS/EQ Tank

Mr. Morrow moved that item 7 be approved as presented, seconded by Mr. Landreth. Motion carried unanimously.

Insert Resolutions No. 2015-29 and No. 2015-30

N. Remarks By Officials / Future Agenda Considerations

Mayor Harris shared that our organizational meeting is coming up on December 3rd at 5:30pm, introducing Gary Daniel and thanking Wes Dickson for his service.

Mayor also talked about the upcoming Twilight Tour and there's a component in the parade this year to bring canned goods and there will be a float carrying them in for The Sharing House and The Bread of Life.

The last item was about signage and election campaign signs. He believes our Ordinance says 90 days before an election and wants it changed to 60 or 45 days and the bond is \$500 and he would like it reduced to \$250. He would like to discuss this at a future time.

Mr. Morrow had no comments.

Mr. Landreth had no comments.

Mr. Jones wanted to thank Mr. Lutz in Public Works and Emory Owen and Dennis Richardson for doing an amazing job and just wanted to give them his appreciation for the job they're doing.

Ms. Hollingsworth had no comments.

Mr. Dickson had no comments.

The Mayor then added that it was Mr. Dickson birthday today and everyone wished him a happy birthday.

O. Closed Session – Mayor Harris asked the City Attorney if it would be appropriate for Council to hold closed sessions to discuss matters of potential litigation, City Attorney advised pursuant to **GS § 143-318.11. (a)(3)** it would be appropriate to convene.

Closed Session - At 9:25p.m. Mr. Landreth moved, seconded by Mr. Jones, Council go into closed session to discuss a potential litigation matter. Motion carried unanimously. Authorized to remain with Council and the Attorney were the Manager and Finance Director, Deputy City Clerk, Director and Project Development Director. (A brief break was taken to allow Council Chambers to be cleared.)

Council Returned to Regular Session – At 9:45 p.m. Council resumed the meeting in regular session. No official action was taken in closed session and the Minutes of the closed session are authorized to be sealed.

P. Adjourn – There being no further business, Mr. Jones moved, seconded by Mr. Dickson, the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 9:45 P.M.

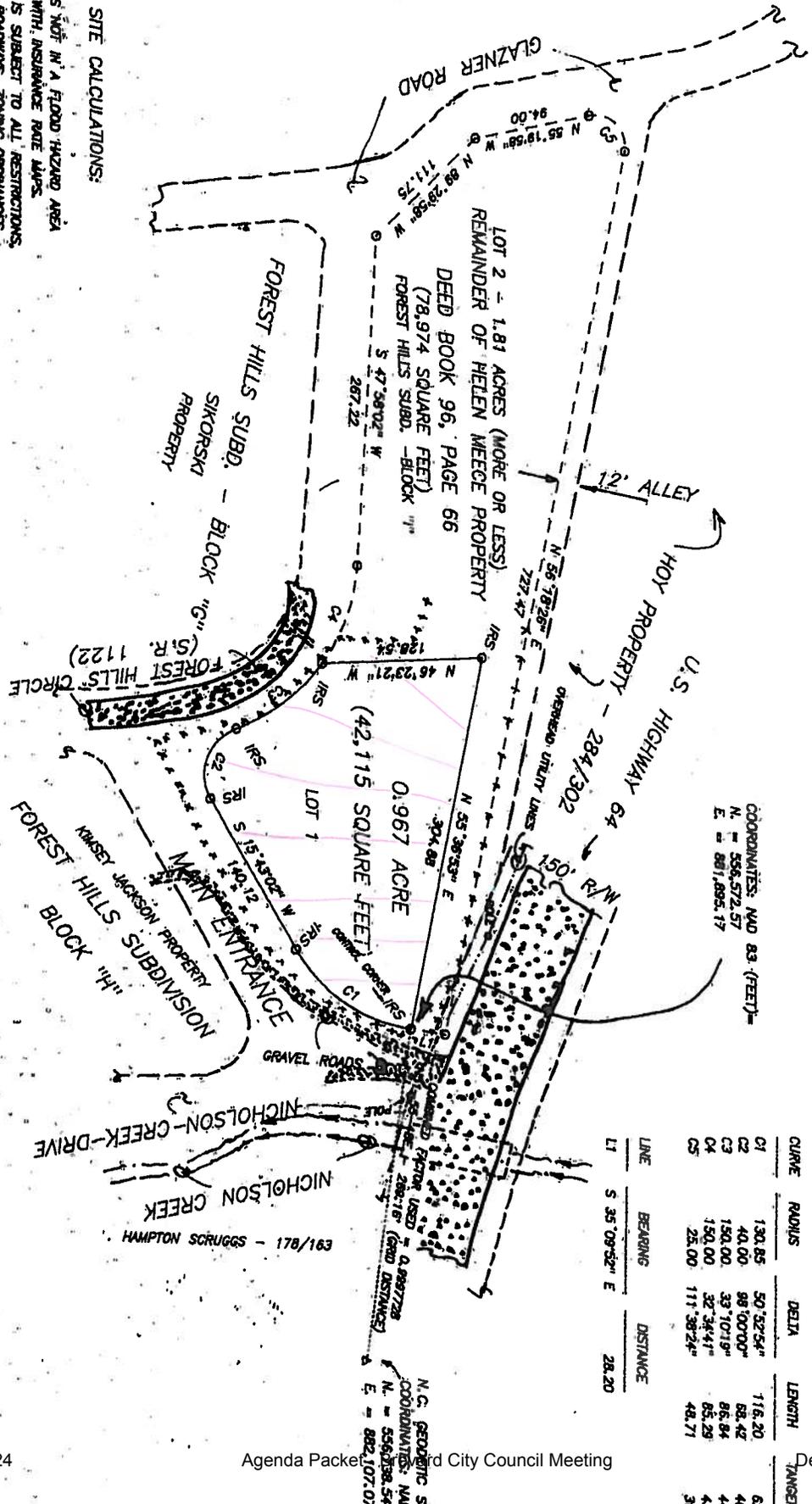
Jimmy Harris
Mayor

Jill Murray
Deputy City Clerk

Minutes Approved: _____

7-144

NOTES AND SITE CALCULATIONS:
 THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA IN ACCORDANCE WITH INSURANCE RATE MAPS. THIS PROPERTY IS SUBJECT TO ALL RESTRICTIONS, SETBACK LINES, ROWWAYS, ZONING ORDINANCES, EASEMENTS AND RIGHTS-OF-WAY APPEARING ON THE PROPERTY AND/OR OF RECORD.
 ACREAGE IN TOTAL TRACT = 2.78 ACRES (1-)
 TOTAL NUMBER OF LOTS = 2
 LINEAR FEET IN STREETS - (NO NEW STREETS)
 CURRENT ZONING = R-1
SETBACK LINES:
 FRONT SETBACK = 35'
 SIDELINE SETBACK = 12'
 REAR SETBACK = 25'



Certificate of Ownership and Dedication

I, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

Certificate of the Approval of the Installation and Construction of Streets, Utilities, and Other Required Improvements

I, HEREBY CERTIFY (1) THAT STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN AN ACCEPTABLE MANNER AND ACCORDING TO CITY SPECIFICATIONS AND STANDARDS IN THE SUBDIVISION ENTITLED "HELEN WEECE SUBDIVISION" OR (2) THAT A GUARANTEE OF THE INSTALLATION OF THE REQUIRED IMPROVEMENTS IN AN AMOUNT OR MANNER SATISFACTORY TO THE CITY OF BREWSTER HAS BEEN RECEIVED.







Jill Murray

From: Aaron Bland
Sent: Wednesday, December 02, 2015 3:54 PM
To: Jill Murray
Subject: FW: STR Survey comments

From: Patricia Pettit [mailto:doodlepat@aol.com]
Sent: Monday, November 16, 2015 5:15 PM
To: Aaron Bland <Aaron.Bland@cityofbrevard.com>
Subject: STR Survey comments

Owners of homes in residential zones who rent their property for less than 30 days DO NOT CARE what happens to the neighborhood. They are physically and emotionally removed and could care less about the safety, noise, traffic and parking problems created by transients. They only care about the high revenue it creates for themselves.

Do these owners report their income to the State of N.C. and the IRS? Do they abide by any health standards? Do they inspect their beds for bed bugs after each guest checks out? Do they wash every plate, utensil, pot and pan between each guests visit? Do they have Handicapped accessibility. Do they have smoke alarms and carbon monoxide detectors in the rooms and hallways? Do they inform their homeowners insurance company to increase their liability and fire policy? But, they DO take money out of the pockets of local motels and restaurants.

We have recently seen a motel demolished where Bojangles is now located. WHY? Too high of a vacancy factor. We have seen a restaurant close its doors after 40 years. VRBO, etc. are the reason motels/restaurants do not make enough money to remain in business.

How can we attract new business and employees to our area when we have a shortage of good quality long term rentals due to the abundance of daily and weekly rentals popping up in our City every day. I own 3 homes in the City, in Residential zones. When I purchased the property a motel was not being run next door. If it were, I would have purchased elsewhere. I lived in Brevard in 1974-76 and returned in 2005 because it had so many great memories and was still a great place to live. I CARE about Brevard. I do not want to see Short Term Rentals ruin it.

Brevard is a desirable place to live, raise a family, retire. The City Council and the Planning Commission are elected/hired to be sure Brevard remains a great place to live. If restrictions are not made to eliminate short term rentals (less than 30 days) in the City limits, our property values will go down and we will no longer be a desirable to live. Our clean, small town atmosphere attracts famous actors like Steve Martin. I don't think he would appreciate the home next to him being rented by the day, do you? If our neighbor, the City of Asheville, and other popular cities across the United States have already seen the need to establish restrictions against short term rentals, then Brevard also needs to implement such a restriction. We don't need to wait until it becomes an emergency. We can stop home owners who rent for less than 30 days before it becomes uncontrollable. These Short Term Rental owners will still be able to rent there homes to Long term Tenants.

Please read the zoning code for the Residential districts and decide if you are willing to re-zone all of the residential zones into Motel/commercial zoning!

i will appear at all the City Council meetings and the Planning Commission meetings until something is done to eliminate Short Tern Rentals. Please pretend you have a home located next door to your house that is run as a Short Terms Rental (Motel), and then make your decision.

Please attach this email to the survey that I completed on line.

Thank you, Pat Pettit

NEW BUSINESS STAFF REPORT

December 10, 2015

TITLE: Drive-Thru Menu Reader Signs Text Amendment
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Aaron N. Bland AICP, Planner & Asst. Zoning Administrator

EXECUTIVE SUMMARY: City Council will hear an application to amend the City’s Unified Development Ordinance (UDO) concerning the number of drive-thru menu reader board signs allowed.

BACKGROUND: The Planning Department was approached in late September by a sign company working with the local McDonalds franchise on reconfiguring the current drive-thru to a double drive-thru, in which one queuing lane splits to two ordering stations and then merges back to a single lane before approaching the service windows. Such a change would require each ordering station to have its own menu reader board.

The UDO currently limits the number of menu reader boards to one, per Section 12.9.G.5, which reads as follows: *“Menu reader board: Each drive-through restaurant establishment shall be allowed one menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.”* When informed of this, the applicant applied for a text amendment to increase the number of allowable menu reader board signs.

The Planning Department received the application on October 22, 2015; it is included as Attachment A.

DISCUSSION: The applicant’s proposed amendment (included as Attachment B) to Section 12.9.G.5 reads: *“Each drive-through restaurant establishment shall be allowed two primary menu reader boards and one secondary reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.”*

It is Staff’s opinion that there should be a distinction between “primary” and “secondary” reader boards. Without differentiating between the two, the proposed amendment would amount to three menu reader board signs, all of which could be up to 32 square feet in size. With this in mind, Staff proposes allowing two “primary” menu signs up to 32 square feet, and one “secondary” up to 8 square feet in size. The intent is to allow the two primary signs to service the two lanes at the ordering stations, while the secondary sign can be placed before the split such that it will be visible to all vehicles. (Staff’s proposed amendment is included as Attachment C.)

In order to be as thorough as possible, Staff also recommends creating a definition of “menu reader board” in Chapter 19 of the UDO. This proposed definition is also included in Attachment C.

POLICY ANALYSIS: The UDO currently allows for drive-thrus to have multiple lanes; Section 3.11.M states that drive-thrus *“shall be limited to a maximum of two service lanes and one additional lane for an automated teller machine (ATM).”* Therefore a drive-thru restaurant currently could have a dividing system of two ordering lanes,

but these would have to share a single menu reader board. Permitting two lanes but only one menu reader board does not allow practical use of the second lane.

STAFF RECOMMENDATION: Planning Board met on November 17, 2015 and unanimously recommended approval of the amendment with slight modifications, which are reflected in Attachment C. Staff believes existing regulations that allows for two lanes but only a single menu board sign lack continuity and recommends approval of the text amendment as revised by the Planning Board which is included as Attachment C (Option 2 below).

City Council's options area as follows:

1. Adoption of the amendment as written (applicant version);
2. Adoption of the amendment as revised by the Planning Board; or
3. Rejection of the amendment.

In lieu of the foregoing, City Council may decide to send the application back to the Planning Board for further study and consideration.

FISCAL IMPACT: N/A

ATTACHMENTS:

- A. Text Amendment application
- B. Applicant's proposed amendment text
- C. Staff-recommended amendment text (as modified by the Planning Board)



CITY of BREVARD

The mission of the City of Brevard is to promote a high quality of life, support economic prosperity, and cultivate community while honoring its heritage and culture.

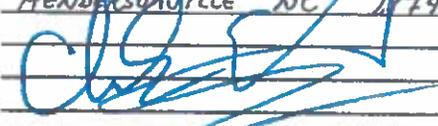
Planning Department
(828) 885-5630

-APPLICATION FOR TEXT AMENDMENT-

This application form shall be submitted with all requests for amendment to Brevard City Code. Completed applications and a \$200 application fee may be submitted to the City of Brevard Planning Department, 95 West Main Street, Brevard NC 28712.

APPLICANT CONTACT:

Name: Charles Edwards
 Telephone: 828-697-4337
 Email: chuck @ cedwardsgroup.com
 Address: 337 N. MAIN ST.
HENDERSONVILLE NC 28792

Signature: 
 Date: 12/21/15

APPLICANT'S AGENT CONTACT (By my signature, above, I hereby authorize the following individual(s) to represent me in this proposed amendment to Brevard City Code.):

Name: JEREMY NORRIS
 Telephone: 704-664-4389
 Email: JNORRIS @ thesignature.com
 Address: PO Box 702
Mooresville NC 28115

BREVARD CITY CODE SECTION PROPOSED FOR AMENDMENT (Insert applicable Brevard City Code references):

12.9.6.5 - "MENU READER BOARD: EACH DRIVE THRU RESTAURANT SHALL
BE ALLOWED (1) MENU READER BOARD. MENUBOARDS SHALL NOT BE GREATER THAN 32
31. FT. IN SIZE OR SEVEN FEET IN HEIGHT

JUSTIFICATION FOR AMENDMENT (State the reason for the text amendment here or in attached document. Reference existing City policy support for the proposed amendment. Attach any external data to support proposed amendment):

The code allows drive thru restaurants to be allowed (2) lanes for
drive thru traffic. A text amendment is necessary to allow the
restaurant to add menuboards to make reasonable use of the
second lane.

Opening a second lane with no menuboard would cause delays in customer experience, impacting traffic flow. Allowing additional menuboards will eliminate confusion, delays and back log of traffic

AMENDMENT TEXT (Insert proposed amendment text here or in attached document):

Attached

2012.10

**City of Brevard NC
Planning Department
95 W Main St
Brevard, NC 28712**

RE: Text Amendment

In reference to the application for a text amendment by Charles Edwards

The existing text in the zoning ordinance 12.9.G.5 reads *“Menu reader board: Each drive-through restaurant establishment shall be allowed one menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.”*

The proposed amendment would read *“Menu reader board: Each drive-through restaurant establishment shall be allowed two primary menu reader boards and one secondary menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.”*

Applicant's Proposed Amended Language

Chapter 12.9.G.5 – Signs Allowed with Permits – Wall Signs

Menu reader board: Each drive-through restaurant establishment shall be allowed ~~one menu reader board~~ two primary menu reader boards and one secondary menu reader board. Menu reader boards shall not be greater than 32 square feet in area or seven feet in height.

Staff's Proposed Amended Language (as modified by the Planning Board)

Chapter 12.9.G.5 – Signs Allowed with Permits – Wall Signs

Menu reader board: Each drive-through restaurant establishment shall be allowed ~~one menu reader board~~ one primary menu reader board per order point, not to exceed two, and one secondary menu reader board. Primary ~~M~~ menu reader boards shall not be greater than 32 square feet in area or seven feet in height; secondary menu reader boards shall not be greater than 8 square feet in area or seven feet in height.

Chapter 19.3 – Definitions

Menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on-site that may include an audible speaker and microphone integral to the sign.

ORDINANCE NO. 2015-_____

**AN ORDINANCE AMENDING THE CITY OF BREVARD
UNIFIED DEVELOPMENT ORDINANCE TO ESTABLISH
A DEFINITION FOR AND AMEND THE NUMBER OF
ALLOWABLE DRIVE-THRU MENU READER BOARD SIGNS**

WHEREAS, the City of Brevard Planning Board and Planning Department Staff have recommended that Brevard City Code, Unified Development Ordinance, Chapters 12 and 19, be amended to add a definition to increase clarity and modify the number of allowable drive-thru menu reader board signs; and,

WHEREAS, a public hearing was conducted on Thursday, December 10, 2015, by Brevard City Council, and, after hearing all persons wishing to comment, and upon review and consideration of the proposed amendments, it is the desire of the City Council of the City of Brevard that Brevard City Code, Unified Development Ordinance, be amended as outlined below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 01. Brevard City Code, Unified Development Ordinance, Chapter 12, Section 12.9.G.5 is hereby amended and shall read as follows:

Menu reader board: Each drive-through restaurant establishment shall be allowed one primary menu reader board per order point, not to exceed two, and one secondary menu reader board. Primary menu reader boards shall not be greater than 32 square feet in area or seven feet in height; secondary menu reader boards shall not be greater than 8 square feet in area or seven feet in height.

SECTION 02. Brevard City Code, Unified Development Ordinance, Chapter 19, is hereby amended to include a new definition as follows:

Menu reader board: A one-sided sign that displays a menu and pricing for food and beverage services available on-site that may include an audible speaker and microphone integral to the sign.

SECTION 03. As to any conflict between this Ordinance and any parts of existing Ordinances, the provisions of this Ordinance shall control.

SECTION 04. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 05. The enactment of this Ordinance shall in no way affect the running of any Amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION 06. This Ordinance shall be in full force and effect from and after the date of its adoption.

Adopted and approved this the _____ day of December, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney