

AGENDA
City of Brevard
Brevard Planning Board
Regular Meeting
Tuesday, January 27, 2015 at 5:30 PM
Council Chambers, City Hall
95 W. Main Street, Brevard NC 28712

- I. Welcome and Introduction of Planning Board Members
- II. Approval of Minutes:
 - A. October 21, 2014
 - B. November 18, 2014
- III. New Business:
 - A. Blue Ridge Community College, Application #14-456 for Proposed Text Amendment to Unified Development Ordinance, Chapter 12.9.B.iii.
 - B. Pisgah Forest Outdoors, LLC, Application #14-507 for Map Amendment/Rezoning of 72 Pisgah Highway; PIN # 8597-45-4982-000.
 - C. Bryson Development, Application #14-508 for Contiguous Annexation of 72 Pisgah Highway; PIN # 8597-45-4982-000.
 - D. Aaron Baker, Agent for Applicant Red Clay, LLC, Application #15-007 for Proposed Amendment to Jennings Industrial Park Planned Development District.
 - E. Proposed Amendments to City of Brevard Unified Development Ordinance.
- III. Old Business: None.
- VI. Other Business:
 - A. Discussion of Meeting Schedule.
- VII. Adjourn.

MINUTES
BREVARD PLANNING BOARD
October 21, 2014

Brevard Planning Board met for a regular meeting on Tuesday, October 21, 2014, at 7:00 PM in Council Chambers of City Hall.

Members Present: Gary Daniel, Chair
Demi Loftis
Katie Thompson
Kimsey Jackson
Jimmy Perkins

Members Absent: Seyl Park

Staff Present: Daniel Cobb, Assistant Planning Director – Long Range Planning
Aaron Bland - Planner
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Gary Daniel, called the meeting to order. The Board members and Staff introduced themselves and there was a moment of silent reflection. G. Daniel, Chair welcomed Jimmy Perkins as a new member to the Board and thanked Norah Davis for her service.

II. Approval of Minutes –

Minutes from the August 19, 2014 meeting, Motion to approve by K. Jackson, seconded by D. Loftis and unanimously approved.

III. New Business –

A. Brief Discussion “Boulevard Concept” –

After a discussion of the boulevard concept by the Board, they requested that Planning Staff provide them with Allison Platt’s presentation and any other information to help them make the decision as to whether or not they would like to pursue recommendations to City Council for changes to the current ordinance. A. Bland did inform the Board that they could have access to Ms. Platt’s presentation on the Transylvania Times website.

The Board had extensive discussion about the permitting process which included discussion of more specific landscaping requirements and the extreme importance of processes moving forward including the necessity for step by step checklists for the review process to ensure that applicants understand expectations and requirements, flowing and measuring the processes, so that customers can be told how long the process will take and to not bring items before the Board before all of the requirements have been submitted and met.

D. Cobb explained to the Board that during City Council's recent workshop the Land Use Chapter was discussed as well as the PDD process. He stated that Council is in consensus that the ordinance is in need of updates to ensure that quality design effectively be obtained through the PDD application process. He said that it was discussed that a professional engineer and landscape architect be required as a part of the design team. He explained that the current ordinance has minimal design standards, but no authority to require better design, except for the PDD process.

He further explained that Council has approved the rewrite of Chapter 5 pertaining to architectural standards but based on discussions this will probably be expanded upon to include general design revisions to the ordinance.

The Board discussed in detail their goals for the future in handling items presented to them and expectations to complete the outcome that represents their vision for the future of the City of Brevard.

The Board requested that D. Cobb provide them with any deadlines in connection with the Brevard Place project.

B. Proposed Text Amendment to Unified Development Ordinance – Chapters 2, 3, 4, 16 and 19.

D. Cobb presented his staff report which is attached hereto and labeled "Exhibit A" and incorporated herein by reference. The amendments recommended are minor changes to correct minor grammatical errors, references and definitions within the Unified Development Ordinance.

K. Jackson moved to accept the Text Amendment to Unified Development Ordinance as presented, seconded by D. Loftis and unanimously passed.

III. Old Business –

G. Daniel, Chair requested that someone replace Norah Davis on the Pedestrian Task Force. Jimmy Perkins stated that he would fill the vacancy.

IV. Other Business –

A. Discussion of Meeting Schedule

There was a discussion on changing the meeting schedule and the Board decided to table until the first of the year.

VI. Adjourn-

There being no further business, K. Jackson made a Motion to adjourn, seconded by K. Thompson, the Board voted unanimously to adjourn at 7:50 PM.

Gary Daniel, Chair

Janice H. Pinson, Board Secretary

MINUTES
BREVARD PLANNING BOARD
November 18, 2014

Brevard Planning Board met for a regular meeting on Tuesday, November 18, 2014, at 7:00 PM in Council Chambers of City Hall.

Members Present: Gary Daniel, Chair
Demi Loftis
Katie Thompson
Kimsey Jackson
Jimmy Perkins
Seyl Park

Staff Present: Daniel Cobb, Assistant Planning Director – Long Range Planning
Aaron Bland - Planner
Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Gary Daniel, called the meeting to order. The Chair called for a moment of silent reflection.

Approval of Minutes –

The Board requested that the Minutes of the October 21, 2014 meeting be revised to reflect their discussion about proposed changes to the permitting process including approval processes, checklists, flowing and measuring the process, so that customers can be told how long the process will take and to not bring items before the Board before all of the requirements have been met.

K. Thompson suggested that the Board take the initiative in the future to state when they would like a summary of a discussion reflected in the minutes.

II. New Business –

A. Proposed Text Amendment to Unified Development Ordinance – Chapter 3 – Drive-Thru Stacking Spaces & Buffering from Residential Uses.

D. Cobb explained to the Board that Aaron Bland would be presenting another Text Amendment in a continued effort to make the Unified Development Ordinance clearer and up to date.

G. Daniel stated that he was on the Board when the Unified Development Ordinance was adopted and that it was meant to be a work in progress and that he is happy to see this happening. K. Jackson agreed that the UDO was meant to be a work in progress knowing that with careful thought and consideration changes would be made as necessary.

D. Cobb responded that he was glad to get the feedback from the Board and that the division of the Planning Department into Long Range Planning and Permitting/ Code Enforcement would hopefully allow more time to focus on updates to the UDO .

A. Bland presented his Staff Report which is labeled "Exhibit A" and incorporated herein by reference. He explained that the current ordinance requires that drive- thru stacking spaces allow for a 100 foot buffer from residential properties. He further explained that currently the only zoning district where drive thru windows are permitted "by-right" is Corridor Mixed Use (CMX) and further, most CMX districts abut General Residential (GR) zoned parcels to the rear.

An analysis of CMX-zoned parcels using GIS revealed that of the 104 CMX-zoned parcels, 58 are affected by the current 100-foot distance requirement in that they are within 100' of a GR zoning district. Also, he further explained that 24.93% of the total square footage of CMX land in the City is unavailable for drive-thru lanes, windows, or equipment.

Reducing the requirement to 50 feet would result in a reduction of the affected portion to 9.97% of all CMX square footage. Reducing this setback requirement will open up additional properties in the CMX zoning district for more types of commercial development.

Staff conducted a brief presentation illustrating the concepts above with examples of existing businesses and properties.

Further, by adding a minimum dimensional standard of (9' X 18') to the stacking spaces required for drive-thru service lanes it would avoid any confusion about the minimum space required for stacking spaces.

The Board had a discussion with Staff about current properties with drive thru stacking spaces and how they would be affected and also a lengthy discussion about noise concerns and the current ordinance.

S. Park made a motion to approve the Text Amendment to Unified Development Ordinance as presented with the addition of a reference to the noise ordinance. Motion was seconded by D. Loftis and unanimously passed.

III. Old Business – None.

IV. Other Business –

A. Discussion of Meeting Schedule.

G. Daniel, Chair, recommended that the Board not hold a December meeting.

K. Thompson moved that the Board agree to Staff's request and move their regularly scheduled meetings to the fourth (4th) Tuesday of each month beginning in January, seconded by K. Jackson and upon vote was passed.

K. Thompson asked Staff when the Board could expect to receive updates on the Planned Development District process and also for deadlines for the Brevard Place project.

D. Cobb explained that based on the current work load that it would probably be spring at the earliest before the Board would see any updates on the PDD process. He further informed the Board that the Bojangles has been approved and that they are just waiting on NCDOT driveway permits to begin construction. The rest of the Brevard Place project is not approved and they will have a five (5) year period in which to complete the build out or they would have to start the permitting process over again. He stated that it is his understanding that the developers of Brevard Place are in the process of redesigning their project.

K. Jackson asked Staff if the Comprehensive Plan is approved what would the impact be on the UDO. D. Cobb explained that the rewriting of Chapter 5 Architectural Standards and Chapter 12 Signs was approved by Council in this year's budget but that based on the recent decision to make changes to the Planned Development District process and the effect it would have on these chapters, the rewrite will need to be postponed.

VI. Adjourn-

There being no further business, J. Perkins made a Motion to adjourn, seconded by K. Jackson, the Board voted unanimously to adjourn at 7:59 PM.

Gary Daniel, Chair

Janice H. Pinson, Board Secretary



The City of
Brevard
North Carolina

PLANNING BOARD STAFF REPORT

January 27, 2015

Title: Ground Signs in Institutional Campus Zoning District
Speaker: Joshua Freeman, Planning Director
From: Joshua Freeman, Planning Director
Prepared by: Joshua Freeman, Planning Director
Approved by: Joshua Freeman, Planning Director

Executive Summary: Planning Board will review and offer recommendations regarding proposed amendments to Brevard City Code, Unified Development Ordinance, Chapter 12. Signs, Subsection 12.9.B.1.iii.

Background: The applicant, Blue Ridge Community College (see applicant materials, attached), proposes to amend Brevard City Code, Unified Development Ordinance (UDO), Chapter 12. Signs, Subsection 12.9.B.1.iii., to expand the maximum allowable ground sign size within Institutional Campus (IC) zoning districts.

Discussion: UDO Subsection 12.9.B.1.iii currently limits the maximum allowable ground sign size within IC zoning districts to 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign.

The applicant proposes to amend Subsection 12.9.B.1.iii to expand the maximum allowable ground sign size within IC zoning districts to 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign. This amendment would make IC ground size standards consistent with Corridor Mixed Use (CMX) zoning districts. Examples of IC zoning districts include Blue Ridge Community College and the City and County sports complexes.

A copy of the official zoning district is attached; IC zoning districts are represented in light gray.

Current Ordinance Language: *"IC district: 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign;"*

Proposed Ordinance Language: *"IC district: 85 square feet in surface area per side of sign up to a maximum of 170 square feet aggregate surface area for the entire sign;"*

Staff / Board Recommendation: The vast majority of signs that could be established after approval of the proposed amendments would occur in areas where the surrounding zoning is

CMX, which already allows 85 square foot ground signs. As such, impact of the proposed amendments from an aesthetic and community character standpoint would be negligible.

Staff recommends approval of the proposed text amendments as presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, April 17, 2015.

Fiscal Impact: None.

Policy Impact: No specific policy exists to inform the proposed text amendment. Policy issues pertain to community character, aesthetics, and the advertisement needs of businesses and institutions within the City of Brevard; the Planning Board should carefully consider these factors in formulating its recommendation to City Council.

Attachments:

Applicant materials
Official Zoning Map

14-456

City Of Brevard, North Carolina
BREVARD PLANNING BOARD

Application for City Code Text Amendment

Text Amendment Case/File Number: # 14-456

APPLICANT

Name Blue Ridge Community College
Address 45 Oak Park Drive
City/State/Zip Code Brevard, NC 28712
Telephone Number 883-2520 Email Address glendama@blurrige.edu

Brevard City Code requested to be amended. List Chapter, Section and Paragraph.

12.9 - B.1.iii.

Applicant shall provide (either below or as an attachment) the current City Code text language followed by the Applicant's proposed text language.

EXISTING CITY CODE TEXT LANGUAGE:

IC district: 24 square feet per side of sign up to a maximum of 48 square feet of aggregate surface area for the entire sign;

PROPOSED CITY CODE TEXT LANGUAGE:

IC district: 85 square feet per side of sign up to a maximum of 170 square feet of aggregate surface area for the entire sign;

Following must be included with Application:

1. Existing City Code Text Language
2. Proposed City Code Text Language
3. Application filing fee - \$ 500

[Signature]
Signature of Applicant

[Signature]
Signature of Agent (if different than Applicant)

11/2/14
Date

11/2/14
Date

Text Amendment Request to be heard by TRC on: _____

Text Amendment Request to be heard by BPB on: _____

Application for City Code Text Amendment Narrative

Blue Ridge Community College

Blue Ridge Community College Transylvania County Campus is located on the Asheville Highway Corridor in Brevard. Most of the businesses on this corridor are zoned CMX. Those businesses are afforded the 85 square foot sign by ordinance. Institutional campuses would benefit from an ordinance consistent with surrounding signs that are equal to the CMX allowances.



-  City of Brevard Regulatory Jurisdiction
- Zoning Districts Effective 2014 May 21**
-  General Industrial
-  Corridor Mixed Use
-  Downtown Mixed Use
-  Neighborhood Mixed Use
-  Residential Mixed Use
-  Institutional Campus
-  General Residential (6)
-  General Residential (4)
-  Special District
-  Manufactured Home Overlay District Effective 2010 April 15
-  Floodway & Zone AE
-  Zone AE

List of Map Amendments

- April 03, 2006, Ordinance 08-06, Effective Date
- May 07, 2007, Ordinance 05-07, French Broad Place
- May 21, 2007, Ordinance 07-07, Gravely
- September 17, 2007, Ordinance 12-07, Cowart / Conley
- October 05, 2007, Ordinance 14-07, Brevard Community Church
- December 03, 2007, Ordinance 20-07, Morris Road
- March 17, 2008, Ordinance 04-08, Bridges
- February 02, 2009, Ordinance 03-09, Davidson River Village
- June 15, 2009, Ordinance 11-09, Brevard Music Center
- June 15, 2009, Ordinance 12-09, Transylvania Regional Hospital
- June 15, 2009, Ordinance 13-09, Broad River Terrace
- July 06, 2009, Ordinance 18-09, Duvall
- May 17, 2010, Ordinance 09-10, ETJ Extension
- January 24, 2011, Ordinance 08-2011, Habitat for Humanity
- March 07, 2011, Ordinance 09-2011, Gardens at English Village
- April 18, 2011, Ordinance 10-2011, Cottages at Brevard
- June 20, 2011, Ordinance 13-2011, The Family Place at Transylvania Court
- February 20, 2012, Ordinance 2012-05, SAFE, Inc.
- March 18, 2013, Ordinance 2013-02, Jennings Industrial Park
- May 20, 2013, Ordinance 2013-05, Brenton
- April 21, 2014, Brevard College PDD
- September 21, 2014, Brevard Place PDD

***Note: The Special Flood Hazard Area is shown for informational purposes only. Please refer to the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM's) for Transylvania County, NC and Incorporated Areas, dated October 2, 2009 for site-specific flood hazard information.**



The City of
Brevard
North Carolina

PLANNING BOARD STAFF REPORT

January 27, 2015

Title: Rezoning 14-508 Salman Pisgah Forest
Speaker: Joshua Freeman, Planning Director
From: Joshua Freeman, Planning Director
Prepared by: Joshua Freeman, Planning Director
Approved by: Joshua Freeman, Planning Director

Executive Summary: Planning Board will review and offer recommendations regarding a proposed change of zoning in Pisgah Forest.

Background: Pisgah Forest Outdoors LLC (hereafter, "applicant") proposes to rezone a portion of the subject parcel from Residential Mixed Use (RMX) to Downtown Mixed Use (DMX). The subject parcel is shown upon the Site Map (attached). See property ownership information within the applicant's information, attached.

A portion of the subject parcel is already zoned DMX (see Current Zoning Map, attached). If approved, the proposed rezoning would expand the total area of the subject parcel that is zoned DMX to 6.61 acres. See the Proposed Zoning Map, attached.

The proposed rezoning is inconsistent with the City of Brevard's adopted Land Use Plan, which recommends that the subject property be developed for low-density residential purposes. See the attached Land Use Plan Excerpt, for more information.

Discussion: In considering a change of zoning, the Board should consider the following factors and Staff comments:

Is the request consistent with adopted land use plans? The proposed rezoning is not consistent with the adopted Land Use Plan. If the Planning Board elects to recommend in favor of the proposed rezoning, then the Board must, in its motion, acknowledge this discrepancy and provide a basis for its recommendation.

What is the relationship between the range of proposed uses and existing uses within the vicinity of the Subject Parcel? The range of existing land uses in the vicinity of the proposed rezoning appears to be consistent with the range of allowable uses permitted in the proposed DMX zoning district. Note that a portion of the subject parcel is already zoned DMX.

Is the size of the tract "reasonable" within the context of the proposed zoning district, the configuration of adjacent zoning districts, and surrounding land uses? Allowable uses within the DMX zoning appear to be consistent with adjacent land uses; the size of the proposed DMX zoning district is sufficient to accommodate land uses and forms of development that are typical within DMX zoning; and the proposed rezoning is an expansion of existing DMX zoning upon the subject parcel and surrounding parcels.

What is the balance of benefits and detriments to both the Applicant / property owner and the public at large? The proposed rezoning will introduce uses of land that are consistent with existing land uses within its vicinity; the land within the proposed rezoning appears suitable for land uses and forms of development that are common within DMX zoning; future development upon the subject parcel will enhance the City's tax base; and architectural design requirements that apply to DMX zoning will result future development patterns that are generally consistent with, or an enhancement to, other properties in the vicinity. On the other hand, the proposed rezoning may result in future uses of land that generate traffic, stormwater runoff, and other potentially negative impacts of urban development; these issues are addressed in the City's land development regulations, but are factors that should be given general consideration by the Board.

Staff / Board Recommendation: While the proposed rezoning is inconsistent with the Future Land Use Plan, it is Staff's position that it will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity. Further, it will enhance development potential in a manner that is compatible with surrounding land uses. Further, it is Staff's position that the proposed rezoning is of sufficient size and configuration given the proposed district, and is appropriate in its geographic location, and therefore does not constitute "Spot Zoning." Finally, it is Staff's position that any potentially negative impacts of future urban development upon the subject parcel, which would derive from the proposed rezoning, are sufficiently addressed in the City's current development regulations and review procedures.

Staff recommends approval of the proposed rezoning as presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, April 17, 2015.

Fiscal Impact: Future development within the subject parcel, which would derive from the proposed rezoning, will generate new sales and property tax revenues for the City and County, but will also require the expanded delivery of urban services. Precise financial costs and benefits cannot be identified at this time.

Policy Impact: The proposed rezoning is not consistent with the adopted Land Use Plan. If the Planning Board elects to recommend in favor of the proposed rezoning, then the Board must, in its motion, acknowledge this discrepancy and provide a basis for its recommendation. Refer to Staff comments within the "Discussion" and "Staff / Board Recommendation" sections of this staff report for assistance.

Attachments:

Applicant materials
Site Map
Vicinity Map
Current Zoning Map
Proposed Zoning Map
Future Land Use Plan Excerpt
Allowable Uses Comparison Table

#14.507

REQUEST FOR REZONING
City of Brevard, North Carolina

RECEIVED
12/29/14

Name, Address & Telephone Number of Applicant:

Pisgah Forest Outdoors LLC Attn: Sam Selman
49 Pisgah Hwy Pisgah Forest, NC 28768
828 384 0303

Name, Address & Telephone Number of Property Owner (if different than applicant):

Bryson Development and MGT LTD P
P.O. Box 703 Pisgah Forest, NC 28768
828 877 3527

Location of Property:

72 Pisgah Hwy - Adjoining the west boundary line of Bilo
Shopping center and East boundary of Dollys.

PIN: 8597-45-4982-000

Present Zoning Classification: DMX & RMX

Request Property Be Rezoned To See Exhibit A; Tract D District.

Proposed Use of the Property: Bike shop and Tavern (NO FOOD)

Existing Use of Adjacent Properties:

North RMX
West RMX
Sam Selman

South DMX
East DMX
12/23/14

Signature of Applicant

Date

Planning Department to receive the following prior to placement on BPB agenda:

- Completed Application
- Survey of Property _____ Site Plan (optional)
- Metes and Bounds Description of Property
- List of Property Owners' names & addresses within 200' of subject property.
- Review Fee Paid - Receipt # 303340, Date Paid 12/29/14 #500.00

Request to be heard by BPB on: _____

Planning Board's Recommendation: _____ Approve _____ Deny

City Council Action: _____ Approve _____ Deny
Ordinance Number _____ Effective Date _____

REQUEST FOR REZONING
City of Brevard, North Carolina

Name, Address & Telephone Number of Applicant:

Pisgah Forest Outdoors LLC
49 Pisgah Hwy
Pisgah Forest NC 28768 (828) 384-0302

Name, Address & Telephone Number of Property Owner (if different than applicant):

Bryson Development MGT LTD
Nancy Hughes, P.O. Box 703, Pisgah Forest NC 28768
(828) 877-3527

Location of Property:

Hwy 276 ; Tract D Hwy 276 - close to entrance
of Pisgah National Forest

PIN: ~~8597-45-4982-000~~ 8597-45-4982-000 Present Zoning Classification: Rmx, DMX

Request Property Be Rezoned To See Exhibit A; Tract D District.

Proposed Use of the Property: Bike Shop; Tavern

Existing Use of Adjacent Properties:

North Rmx South DMX
West Rmx East DMX

Nancy Hughes with P. Bryson 12-23-14
Signature of Applicant Date

Planning Department to receive the following prior to placement on BPB agenda:

- Completed Application
- Survey of Property Site Plan (optional)
- Metes and Bounds Description of Property
- List of Property Owners' names & addresses within 200' of subject property.
- Review Fee Paid - Receipt # _____, Date Paid _____

Request to be heard by BPB on: _____

Planning Board's Recommendation: _____ Approve _____ Deny

City Council Action: _____ Approve _____ Deny
Ordinance Number _____ Effective Date _____

L E G A L D E S C R I P T I O N
FOR A ZONING CHANGE

Being all of a portion of the unidentified tract of property as shown on Plat File 4, Slide 223 and surrounding "Tract C" being hereinafter described and identified as a portion of "Tract D" as recorded in Document Book 210, Page 125, both tracts being subdivided out of a larger parcel as recorded in Deed Book 104, page 101 and further being determined that the following described tract of land is being designated for a change in zoning classification. Beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry

THENCE South 20 degrees 36 minutes 22 seconds West for a distance of 50.35 feet to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a distance of 181.70 feet to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

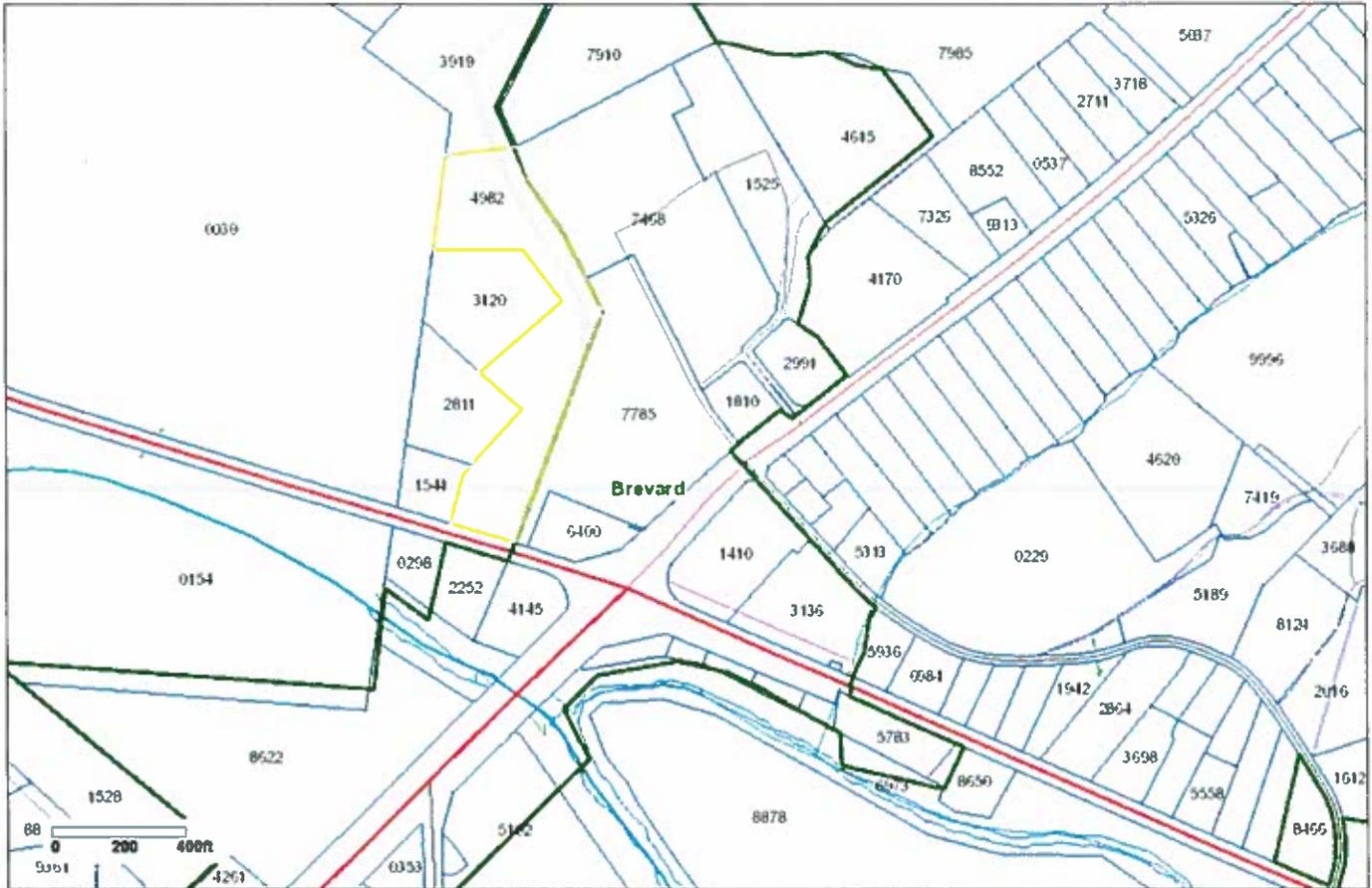
THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE a new line South 69 degrees 23 minutes 38 seconds East for a distance of 129.95 feet to a calculated point in the line of the Forest Gate Shopping Center as shown on Plat file 4, Slide 410;

THENCE with the line of the Forest Gate Shopping Center South 20 degrees 36 minutes 22 seconds West for a distance of 371.19 feet to a 5/8 inch found rebar the point and place of beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.94 acres more or less.



Transylvania County, NC

Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

Parcels

PIN: 8597-45-4982-000
Owner Name: BRYSON DEVELOPMENT & MGT LTD P
Owner Address: PO BOX 703
City: PISGAH FOREST
State: NC
Zip: 28768

Deed Book: 00210
Deed Page: 0125
Sale Date: 200312
Acres: 6.178

Waterfront: N
Land Area: 6.24
Land Units: AC
TWSP: 02
Sale Inst: OD
Sale Imp: V

Land Value: 748800
Assessed Value: 4080
ACCOUNT_NO: 70017260
Legal Address: HWY 276

Attributes at point: N: 575972, E: 894421

Fire Districts Fire District: FR02	Voting Tabulation Districts (VTD) Name: Pisgah Forest	Precincts Description: PF_PISGAH FOREST
Brevard Zoning District: Residential Mixed Use		

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.aandassoc.com>



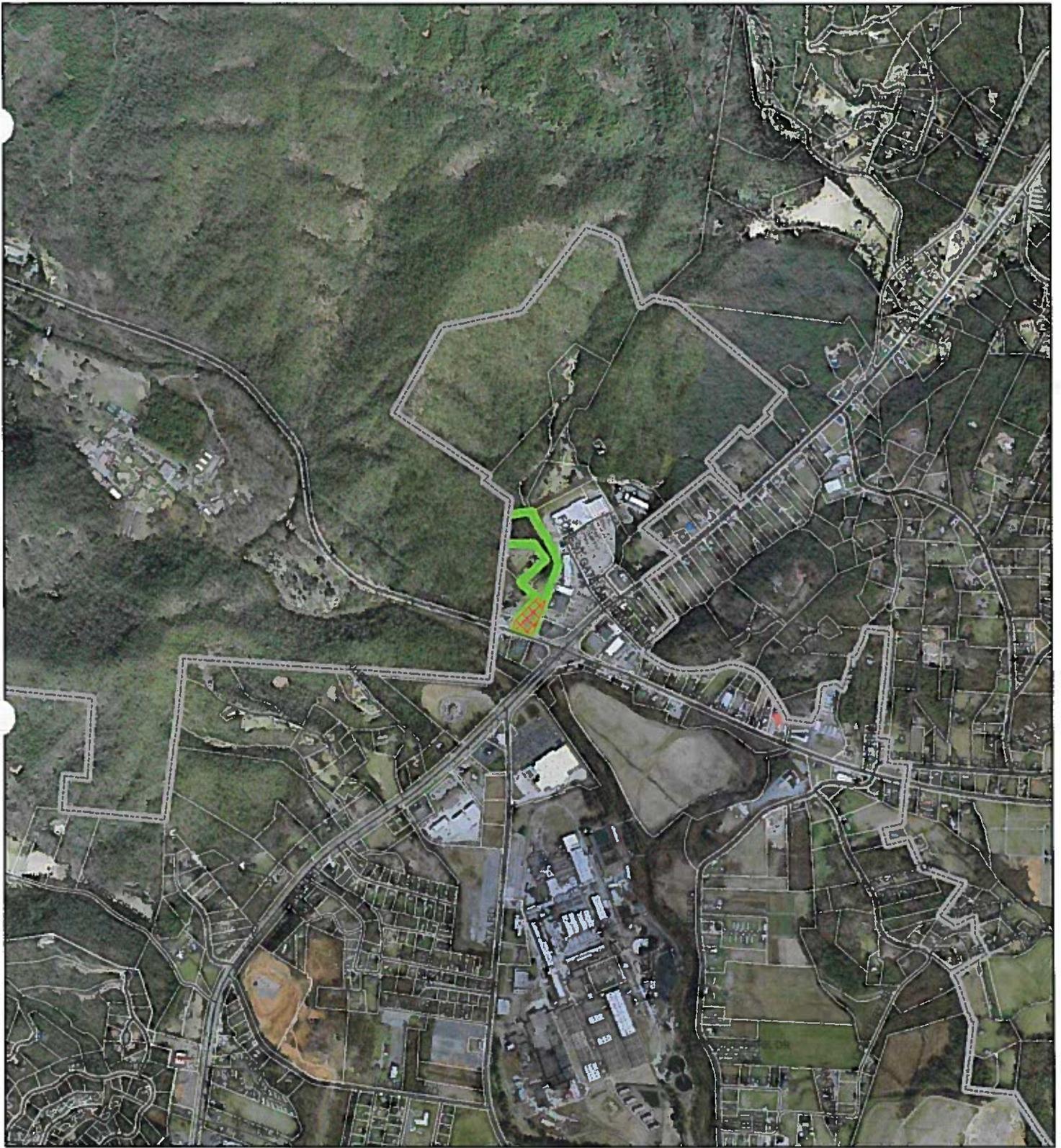
Legend

-  Area of Proposed Rezoning
-  Subject Parcel
-  City of Brevard Regulatory Jurisdiction
-  Parcels
-  Streets

SITE MAP



1 in = 150 ft



Legend

-  Area of Proposed Rezoning
-  Subject Parcel
-  City of Brevard Regulatory Jurisdiction
-  Parcels
-  Streets

VICINITY MAP



1 in = 0.25 miles



CURRENT ZONING MAP

Legend

-  Subject Parcel
-  City of Brevard Regulatory Jurisdiction
-  Parcels
-  Streets

Zoning Districts

- | | | |
|--|--|---|
|  General Industrial |  Neighborhood Mixed Use |  General Residential (6) |
|  Corridor Mixed Use |  Residential Mixed Use |  General Residential (4) |
|  Downtown Mixed Use |  Institutional Campus |  Special District |

-  Floodway & Zone AE
-  Zone AE
-  Manufactured Home Overlay District



1 in = 200 ft



Legend

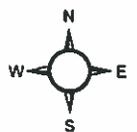
- Proposed DMX Zoning
- Subject Parcel
- City of Brevard Regulatory Jurisdiction
- Parcels
- Streets

Zoning Districts

- General Industrial
- Corridor Mixed Use
- Downtown Mixed Use
- Neighborhood Mixed Use
- Residential Mixed Use
- Institutional Campus
- General Residential (6)
- General Residential (4)
- Special District

PROPOSED ZONING MAP

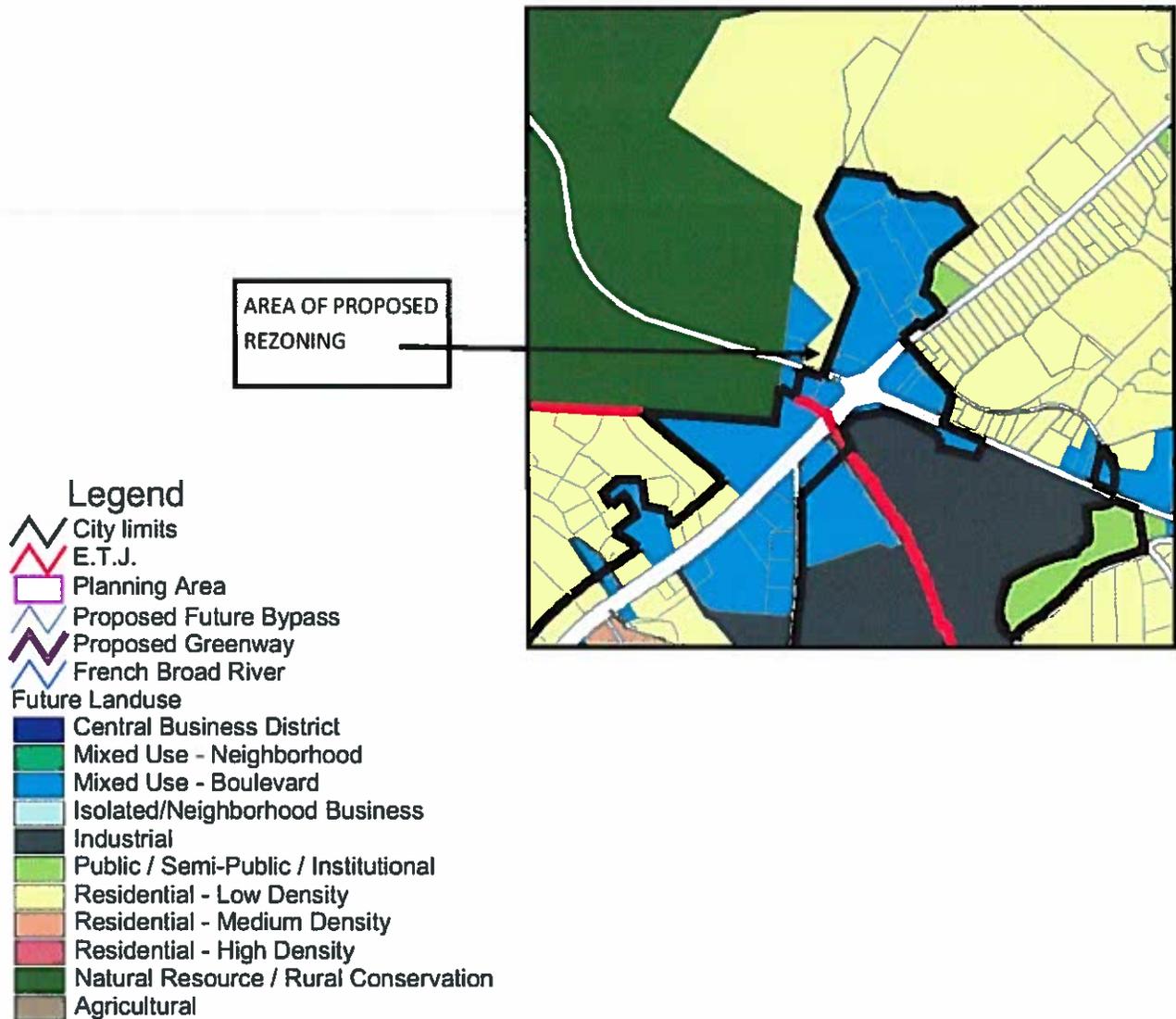
- Floodway & Zone AE
- Zone AE
- Manufactured Home Overlay District



1 in = 200 ft

CITY OF BREVARD LAND USE PLAN (EXCERPT)

ADOPTED AUGUST 19, 2002



RESIDENTIAL - LOW DENSITY

These areas contain mostly one-family dwellings at an average density of not more than three dwelling units per acre and are mostly zoned R-1. Much of this land may not be served by public water and sewer and lot sizes should be adequate for an individual water supply and on-site sewage disposal. Typical lot sizes are 10,000 square feet or more. Agriculture occurs here and should continue to be allowed. Within this category opportunities for traditional, compact, rural commercial/community centers should be allowed to serve the daily needs of the surrounding community. Some of these areas, with their low-density development are prime candidates for conservation easements or the purchase/transfer of development rights to maintain their rural character.

COMPARISON OF ALLOWABLE USES

The following table, which is an excerpt of the use matrix shown in Chapter 2 of the City of Brevard Unified Development Ordinance, provides a comparison of uses permitted in the Residential Mixed Use (RMX) and Downtown Mixed Use (DMX) zoning districts.

1. "P" denotes those uses that are permitted "by right."
2. "—"denotes those uses that are not permitted within the given district.
3. "SUP" denotes those uses that are permitted upon issuance of a special use permit in accordance with the provisions set forth in Chapter 16. Additional standards for certain uses requiring a special use permit are set forth in Chapters 3 and 5 of this ordinance.
4. "PS" denotes those uses that are permitted with additional standards, which are set forth in Chapter 3
5. "GD" denotes those uses may be permitted as a Group Development in accordance with the provisions set forth in Chapter 16
6. "MHD" denotes those uses that are permitted within a Manufactured Housing Overlay District.

BASE DISTRICT	RMX	DMX
Residential		
Dwelling—Single Family (Site-built) ^(a)	P	—
Dwelling—Duplex	P	—
Dwelling—Town Home or Condominium Structure	P	P
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	P	P
Dwelling—Multifamily more than 4 units/bldg	P	P
Dwelling—Secondary	PS	PS
Family Care Home (Less than 6 residents)	P	P
Home Occupation	PS	P

Housing Service for the Elderly	P	P
Live-Work Units	—	
Manufactured Home (single unit) ^(b)	MHD	MHD
Manufactured Home Park	SUP	—
Recreational Vehicle	—	—
Lodging		
Bed and Breakfast Home	PS	PS
Bed and Breakfast Inns	PS	PS
Accessory Rental Cottage/Cabins ^(c)	PS	—
Hotels/Motels/Inns	—	P
Rooming or Boarding House	—	P
Recreational Vehicle Park	—	—
Office/Service		
Animal Services	—	P
Artist Workshop	P	P
ATM	—	P
Banks, Credit Unions, Financial Services	—	P
Business Support Services	SUP	P
Adult/Child Day Care Home (Less than 6)	PS	PS
Adult/Child Day Care Center (6 or more)	PS	PS

Community Service Organization	SUP	P
Drive Thru Service	—	SUP
Equipment Rental	—	—
Funeral Homes	—	PS
Group Care Facility (6 or more residents)	P	P
Government Services	P	P
Kennels	—	—
Medical Services—Clinic, Urgent Care Center	SUP	P
Medical Services—Doctor office	P	P
Post Office	—	P
Professional Services	P	P
Personal Services	P	P
Studio—Art, Dance, Martial Arts, Music	P	P
Vehicle Services—Major Repair/Body Work	—	—
Vehicle Services—Minor Maintenance/Repair ^(d)	—	SUP
Retail/Restaurants		
Accessory Retail	—	—
Alcoholic Beverage Sales Store	—	P
Auto/Mechanical Parts Sales	—	P
Bar/Tavern/Night Club	—	P

Drive-Thru Retail/Restaurants	—	SUP
Gas Station	—	SUP
General Retail	—	P
Restaurant	—	P
Shopping Center—Neighborhood Center	—	GD
Shopping Center—Community Center	—	—
Vehicle/Heavy Equipment Sales—Indoor	—	PS
Vehicle/Heavy Equipment Sales—Outdoor	—	—
Entertainment/Recreation		
Amusements, Indoor	—	P
Amusements, Outdoor	—	SUP
Cultural or Community Facility	P	P
Meeting Facilities	SUP	P
Recreation Facilities, Indoor	SUP	P
Recreation Facilities, Outdoor	P	P
Theater, Movie	—	P
Theater, Live Performance	SUP	P
Manufacturing/Wholesale/Storage		
Inert Debris Storage or Disposal Facilities	—	—
Junkyard	—	—

Laboratory—Medical, Analytical, Research and Development	—	—
Laundry, Dry Cleaning Plant	—	—
Manufacturing, Light	—	—
Manufacturing, Neighborhood	—	P
Manufacturing, Heavy	—	—
Media Production	—	P
Metal Products Fabrication, Machine or Welding Shop	—	SUP
Mini-Warehouses	—	—
Recycling—Small Collection Facility	—	—
Research and Development	—	P
Storage—Outdoor Storage Yard as a Primary Use	—	—
Storage—Warehouse, Indoor Storage	—	—
Wholesaling and Distribution	—	—
Civic/Institutional		
Campground/Artist Colony/Summer Camp	SUP	—
Cemeteries	PS	PS
Colleges/Universities	—	P
Hospital	—	P
Jail	—	SUP
Public Safety Station	SUP	P

Religious Institutions	P	P
Schools—Elementary and Secondary	P	P
Schools—Vocational/Technical	P	P
Infrastructure		
Wireless Telecommunication Facility—Stealth	P	P
Wireless Telecommunication Facility—Tower	—	—
Utilities—Class 1 and 2	P	P
Utilities—Class 3	—	—
Miscellaneous Uses		
Adult Establishment	—	—
Outdoor Firing Range	—	—
Indoor Firing Range	—	SUP
Agriculture	—	—
Parking	P	P
Swimming Pool—Residential Accessory Use	PS	PS
Swimming Pool—Primary Use	SUP	PS
Fences	PS	PS
Human Crematories	—	PS
Temporary Uses and Structures		
Carnivals or Circus	—	—

Farmers Market	—	PS
Religious Meeting	PS	PS
Contractor's Office and Equipment Shed	PS	PS
Seasonal Structures	PS	PS
Satellite Real Estate Sales Office	PS	PS
Special Event	PS	PS
Temporary Vendors	—	PS
Vending Pushcarts	—	PS
Mobile Food Vendors	—	PS



The City of
Brevard
North Carolina

PLANNING BOARD STAFF REPORT

January 27, 2015

Title: Voluntary Contiguous Annexation, Bryson Development & Management Limited Partnership
Speaker: Joshua Freeman, Planning Director
From: Joshua Freeman, Planning Director
Prepared by: Joshua Freeman, Planning Director
Approved by: Joshua Freeman, Planning Director

Executive Summary: Planning Board will review and offer recommendations regarding a proposed voluntary contiguous annexation.

Background: Bryson Development & Management Limited Partnership (property owner) requests voluntary contiguous annexation of the subject properties described herein. Pisgah Forest LLC / Sam Salman is the authorized agent for the property owner. They are collectively referred to as "applicant." See property information in the attached annexation report. See the attached maps of the subject properties.

Discussion: Refer to the attached annexation report for a financial and service impact analysis of the proposed annexation. The financial and service delivery impacts are determined to be negligible at the present time; Future impacts will be dependent upon the form of future development upon the subject properties.

Staff / Board Recommendation: Staff recommends approval of the proposed rezoning as presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the annexation as presented.
2. Recommend approval of the annexation as presented.

In its review, the Planning Board must offer a recommendation on January 27, 2015.

Fiscal Impact: Refer to the attached annexation report for a financial and service impact analysis of the proposed annexation.

Policy Impact: Staff identifies no policy concerns associated with this proposed annexation.

Attachments:

Application Materials
Annexation Report
Subject Property # 01 Map
Subject Property # 02 Map

STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD



PETITION REQUESTING A CONTIGUOUS ANNEXATION
(G.S. 160A-31)

Date: _____

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

(ATTACH A METES AND BOUNDS PROPERTY DESCRIPTION AS "ATTACHMENT A")

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP (include Tax Map PIN) AS "ATTACHMENT B")
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name	Address	Do You Declare Vested Rights Yes or No	Signature
1. _____			
2. _____			
3. _____			
4. <u>Sam Spelman</u>	<u>340 MAPLE ST. Brevard, NC</u>	<u>YES</u>	

Petition should be returned to: City Clerk, City of Brevard
95 West Main St., Brevard, NC 28712

14-508



STATE OF NORTH CAROLINA
COUNTY OF TRANSYLVANIA
CITY OF BREVARD

PETITION REQUESTING A CONTIGUOUS ANNEXATION
(G.S. 160A-31)

Date: 12/23/14

To the City Council of the City of Brevard:

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Brevard.
2. The area to be annexed is contiguous to the City of Brevard and the boundaries of such territory are as follows:

(ATTACH A METES AND BOUNDS PROPERTY DESCRIPTION AS "ATTACHMENT A")

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Brevard. (ATTACH MAP (include Tax Map PIN) AS "ATTACHMENT B")
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

Name	Address	Do You Declare Vested Rights Yes or No	Signature
1. Nancy Hughes	Pisgah Forest, PO Box 703	YES	Nancy Hughes
2. WILLIAM P. BRAYSON, JR.	PISGAH FOREST, P.O. 461	YES	Will P. Brayson
3.			
4.			

Petition should be returned to: City Clerk, City of Brevard
95 West Main St., Brevard, NC 28712

Attachment A

LEGAL DESCRIPTION

Being all of two tracts of property as shown on Plat File 4, Slide 223 and further identified as "Tract C" as recorded in Document Book 481, Page 634 and the remaining unidentified tract to the south of "Tract B" and surrounding "Tract C" to the north and east being hereinafter described and identified as "Tract D" as recorded in Document Book 210, Page 125, both tracts being subdivided out of a larger parcel as recorded in Deed Book 104, page 101 and beginning on a 5/8 inch found rebar, the southwest property corner of Lot 2 of the Forest Gate Shopping Center as recorded in Plat File 4, Slide 410 in the Transylvania County Registry

THENCE South 20 degrees 36 minutes 22 seconds West for a distance of 50.35 feet to an unmarked point in the centerline of U.S. Highway 276;

THENCE North 73 degrees 04 minutes 53 seconds West for a distance of 212.31 feet along the centerline of U.S. Highway 276 to an unmarked point in the centerline of U.S. Highway 276, the southeast corner of Big Inc. as recorded in Document Book 591, Page 491 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the property line of Big Inc, paralleling more or less an existing barbed wire fence North 14 degrees 47 minutes 53 seconds East for a distance of 181.70 feet to a leaning found concrete monument 0.4 feet above grade at the base of a wooden fence post at the angle point of the barbed wire fence;

THENCE following the property line of Big Inc. North 42 degrees 07 minutes 20 seconds East for a distance of 273.48 feet, paralleling more or less the barbed wire fence to a 1 inch found iron pipe 3.0 feet above grade, a corner of Marvin L. Scott and others as recorded in Document Book 107, Page 197 of the Transylvania County Registry and further shown on Plat File 7, Slide 369;

THENCE following the Scott line North 48 degrees 07 minutes 13 seconds West for a distance of 413.65 feet to a 1 3/4 inch found iron pipe 1.1 feet above grade in the line of the U.S. Government Tract V-1 said tract being recorded in Plat File 2, Slide 262;

THENCE with the U.S. Government line North 08 degrees 01 minutes 25 seconds East for a distance of 514.33 feet to a 5/8 inch found rebar 0.5 feet above grade the southwest corner of the Nancy and Howard Hughes property and being identified as Tract B as recorded in Document Book 210, Page 133 and also shown on Plat File 10, Slide 423 as recorded in the Transylvania County Registry;

THENCE following the Hughes line North 82 degrees 15 minutes 03 seconds East for a distance of 222.20 feet to a 5/8 inch found rebar in the centerline of a branch, the common property corner of Hughes and the southwest property corner of Pisgah Trading Post being further identified as Lot 6B of the Forest Gate Shopping Center recorded in Plat File 4, Slide 410 and Plat File 13, Slide 187 as recorded in Deed Book 363, Page 53 and also being the northwest corner of Lot 5 of the Forest Gate Shopping Center and being further identified as the Wal Mart Tract on Plat File 4, Slide 410 and owned by Walmart Real Estate Business Trust as recorded in Document Book 560, Page 344;

THENCE along the line of the Forest Gate Shopping Center as shown on Plat File 4, Slide 410 the following six (6) calls South 23 degrees 10 minutes 52 seconds East for a distance of 123.60 feet to a 5/8 inch found rebar 0.8 feet above grade;

THENCE South 34 degrees 48 minutes 26 seconds East for a distance of 161.11 feet to a 5/8 inch found rebar in a stump 0.6 feet above grade;

THENCE South 27 degrees 51 minutes 32 seconds East for a distance of 280.49 feet to a found concrete monument;

THENCE South 06 degrees 51 minutes 31 seconds East for a distance of 8.35 feet to a found concrete monument;

THENCE South 20 degrees 37 minutes 21 seconds West for a distance of 231.82 feet to a 5/8 inch set rebar 0.3 feet above grade with a plastic identification cap;

THENCE South 20 degrees 36 minutes 22 seconds West for a distance of 522.89 feet to a 5/8 inch found rebar the point and place of beginning

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 9.07 acres more or less.

14-508

received
12/29/14

Request For Rezoning
&
Petition Requesting A Contiguous Annexation
Cover Letter
Property Pin # 8597-45-4982-000 &

Notes :

1. Pisgah Forest Outdoors LLC – Sam Salman is the authorized agent for applicant.
2. Applicant is requesting a waiver in formalities for a public hearing

X 
Bryson Development and MGT, LTD P

-ANNEXATION REPORT-
Bryson Development & Management Limited Partnership
US Highway 276 / Pisgah Highway

Date: January 27, 2015

Property Description:

PIN: 8597-45-4982-000
Owner: BRYSON DEVELOPMENT & MGT LTD P
PO BOX 703
PISGAH FOREST NC 28768

Deed Book: 00210
Page: 0125

PIN: 8597-46-3120-000
Owner: BRYSON WILLIAM P JR &
HUGHES NANCY B
PO BOX 461
PISGAH FOREST NC 28768

Deed Book: 00481
Page: 0634

Background:

Bryson Development & Management Limited Partnership (property owner) requests voluntary contiguous annexation of the subject properties described herein. Pisgah Forest LLC / Sam Salman is the authorized agent for the property owner. They are collectively referred to as "applicant."

Governing Statutes:

Voluntary annexations are governed by North Carolina General Statute 160A-31. The subject property qualifies for annexation under NCGS 160A-31.

Service Delivery Impact Analysis:

Administration / Finance / Human Resources:

Future development upon the subject properties will be connected to City water and waste water. This will result in additional meter reading and billing duties for the Finance Department. Impact is deemed to be negligible.

Law Enforcement Services:

The proposed annexation will bring the subject properties within the law enforcement jurisdiction of the Brevard Police Department. At the present time, this will result in no measurable impact. Future impacts will be dependent upon the form of future development upon the subject properties.

Fire Services:

The proposed annexation will have no immediate impact upon the Fire Department as the subject parcel is already within the Fire Department's service area. Future impacts will be dependent upon the form of future development upon the subject properties.

Solid Waste Collection & Recycling:

The proposed annexation will result in no additional solid waste collection points or revenues at the present time. Future impacts will be dependent upon the form of future development upon the subject properties.

Street & Sidewalk Maintenance:

NA.

Street Lighting:

NA.

Water Production & Distribution

Waste Water Collections and Treatment:

The proposed annexation will result in no immediate water / wastewater service delivery impacts. Future impacts will be dependent upon the form of future development upon the subject properties.

Buildings & Grounds / Parks & Recreation Services:

NA.

Planning Services:

Future impacts will be dependent upon the form of future development upon the subject properties.

Financial Summary:

REVENUE SOURCE	ANNUAL FISCAL IMPACT / REVENUE
Estimated Future Tax Revenues	\$4,844.69125 (combined)
Water Collections	To be determined
Sewer Collections	To be determined
Garbage Collections & Disposal	To be determined
Recycling Collections	To be determined
Powell Bill Revenues	\$0
Total Estimated Annual General Fund Revenues	\$965.46 (3)
Total Estimated Annual Utility Fund Revenues	To be determined

- (1) Based upon a tax rate of \$0.4325.
- (2) Based on \$12.74/month minimum water charge, \$12.74/month sewer charge
- (3) General Fund estimates do not include miscellaneous revenue streams that could be impacted by the proposed annexation, such as Utility Franchise Taxes and etc.
- (4) Utility Fund estimates do not include one-time impact fees.

SERVICE AREA	ANNUAL FISCAL IMPACT / EXPENDITURE
Administration / Finance / Human Resources	Fiscal impacts will be dependent upon the form of future development upon the subject properties.
Law Enforcement	
Fire Protection	
Solid Waste & Recycling	
Street & Sidewalk Maintenance	
Street Lighting	
Water Distribution	
Wastewater Collection	
Water Plant	
Wastewater Plant	
Buildings & Grounds / Parks & Recreation	
Planning / Zoning / Code Enforcement	
Total	

(1) Materials only.

Vested Rights:

Subject parcel # 01 is current zoned Residential Mixed Use. No changes are proposed. Subject parcel # 02 is currently zoned Downtown Mixed Use and Residential Mixed Use. Applicant has separately proposed an expansion of the existing Downtown Mixed Use. The proposed annexation will have no impact upon current land uses or zoning entitlements that may exist upon either of the subject properties.

Other Concerns:

None.

Planning Board Recommendation:

To be determined.

Staff Recommendation:

Staff recommends approval of the proposed annexation as submitted.





Transylvania County, NC

Disclaimer: The information contained on this page is taken from aerial mapping, tax mapping, and public records and is NOT to be construed or used as a survey or 'legal description'. Only a licensed professional land surveyor can legally determine precise locations, elevations, length and direction of a line, and areas.

Parcels

PN: 0597-46-3120-000	Deed Book: 00481	Waterfront: N	Land Value: 221400
Owner Name: BRYSON WILLIAM P JR &	Deed Page: 0634	Land Area: 2.46	Assessed Value: 321850
Owner Name 2: HUGHES NANCY B	Sale Date: 200812	Land Units: AC	Building Value: 95120
Owner Address: PO BOX 461	Acres: 2.456	TWSP: 02	XFOB_VALUE: 5330
City: PISGAH FOREST		Sale Inst: WD	ACCOUNT_NO: 70264710
State: NC		Sale Imp: I	Legal Address: TR C HWY 276
Zip: 28768			

Attributes at point: N: 576073, E: 894343

Fire Districts Fire District: FR02	Voting Tabulation Districts (VTD) Name: Pisgah Forest	Precincts Description: PF_PISGAH FOREST
Brevard Zoning District: Residential Mixed Use		

<http://www.webgis.net> Anderson & Associates, Inc. <http://www.andassoc.com>



Transylvania County, NC

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Parcels

PIN: 8597-45-4882-000
Owner Name: BRYSON DEVELOPMENT & MGT LTD P
Owner Address: PO BOX 703
City: PISGAH FOREST
State: NC
Zip: 28768

Deed Book: 00210
Deed Page: 0125
Sale Date: 200312
Acres: 6.178

Waterfront: N
Land Area: 6.24
Land Units: AC
TWSP: 02
Sale Inst: OD
Sale Imp: V

Land Value: 746800
Assessed Value: 4080
ACCOUNT_NO: 70017260
Legal Address: HWY 278

Attributes at point: N: 575972, E: 894421

Fire Districts Fire District: FR02	Voting Tabulation Districts (VTD) Name: Pisgah Forest	Precincts Description: PF_PISGAH FOREST
Brevard Zoning District: Residential Mixed Use		

<http://www.web03a.net> Anderson & Associates, Inc. <http://www.andassoci.com>



The City of Brevard North Carolina

PLANNING BOARD STAFF REPORT

January 27, 2015

Title: Jennings Industrial Park Development District
Speaker: Daniel Cobb, AICP, CFM, CZO
From: Daniel Cobb, AICP, CFM, CZO
Prepared By: Daniel Cobb, AICP, CFM, CZO
Approved By: Joshua Freeman, AICP CFM

Executive Summary: Planning Board will consider an amendment to the Jennings Industrial Park Planned Development District – PDD - 13-112, to increase size of secondary ground signs allowed upon property owned by Oskar Blues, located within the Jennings Industrial Park Planned Development District (hereafter “District”).

Background: The City of Brevard Unified Development Ordinance, Chapter 2, Section 2.1.E authorizes the establishment of Planned Development Districts. A planned development district is a rezoning in which the developer and the City negotiate site-specific development standards for the project in question. These standards are codified in a stand-alone ordinance that applies to the property, in perpetuity. Additionally, Chapter 16, Section 16.8.E.4 establishes standards and procedures to amend such districts. This particular amendment is considered a *Major Modification* and will be reviewed by both the Planning Board and City Council.

In 2013, property owners of Jennings Industrial Park submitted a request to establish a Planned Development District off Old US Highway 64 and along Mountain Industrial Drive. The properties in question are located along Mountain Industrial Drive and Old US Highway 64, and are known and identified by the following property identification numbers (PIN) and deed references, the Oskar Blues property is shown below in **bold text**:

- Transylvania Vocational Services, 8596-48-3055-000, Deed Book 00213 Page 0460
- Transylvania Vocational Services, 8596-47-5642-000, Deed Book 00418 Page 0444
- **BNJ Investments LLC, 8596-47-1344-000, Deed Book 00595 Page 0063**

- Richard G. Jennings, III, 8596-37-5808-000, Deed Book 00402 Page 0401
- Red Clay LLC (aka Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694

Aaron Baker, Agent for Red Clay, LLC (Oskar Blues) has submitted an application to amend the existing Planned Development District (PDD 13-112, hereafter "District") to increase size of secondary ground signs allowed upon property owned by Oskar Blues. This request is specific to their property located at 342 Mountain Industrial Drive and does not affect or increase allowances for other properties within the District. The primary purpose of the original PDD was to allow for additional signage, not otherwise allowed by standard ordinance language.

Discussion: While this additional sign represents a *major modification*, as defined by the Unified Development Ordinance, it does not represent a change in the nature of the use of the structure.

Staff offers the following comments:

1. In 2013 City Council established the Jennings Planned Development District to grant approval of a signage master plan. Attachments A and B represent the previously approved plan.
2. With the approval of the District in 2013 Oskar Blues was granted the ability to construct one ground sign on site; such sign was approved up to 40 square feet and 8 feet above adjacent grade. This request is to increase those dimensions up to 240 square feet and 46 feet above adjacent grade.
3. The sign will be part of a spent grain silo, to be installed at a later date. See attachment D for a drawing of the silo, including the sign.
4. The silo will stand approximately 46 feet tall (the brewery building stands 28 feet high).
5. This request is specific to the Oskar Blues property (PIN 8596-37-7910-000).
6. The largest ground sign currently permitted in the Unified Development Ordinance is 85 square feet and up to 25 feet in height above adjacent grade.
7. Approval of this request will replace the previously adopted site-specific Planned Development District ordinance with updated text (attached, new text shown in blue underline). The proposed amendment will replace that ordinance language to reflect the additional ground sign allowance as described above. Approval of this request has bearing only upon the Oskar Blues property; it will not affect the other properties mentioned above. Should other property owners wish to install additional signage (or

increase allowable size), expand their facilities, or make other *major modifications* to their site they would need to apply for an amendment to the PDD just as Oskar Blues has done with this request.

Staff Recommendation: See Policy Analysis, below. Staff offers no specific recommendation and respectfully differs to the Planning Board for guidance on this matter.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, April 17, 2015.

Fiscal Impact: This proposal presents no financial obligation to the City. If approved all fabrication, installation, and maintenance costs shall be borne by the applicant.

Policy Impact: There is no existing City policy guidance through which to evaluate the proposed PDD amendment. Staff recommends that the Planning Board and City Council give consideration to the following issues:

- Consider the impact of the proposed amendment upon community character and aesthetics.
- Given the degree of deviation between the proposed amendment and signage allowances granted to other businesses within the City's jurisdiction, consider issues of consistency and equity.

ORDINANCE NO. 2015-____
AN ORDINANCE AMENDING
THE JENNINGS INDUSTRIAL PARK
PLANNED DEVELOPMENT DISTRICT

WHEREAS, the City of Brevard has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this Ordinance is consistent with the City's 2002 Land Use Plan and other official plans; and

WHEREAS, the City of Brevard Planning Board has reviewed the proposed ordinance and [INSERT LANGUAGE AFTER JAN 27] by City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BREVARD, WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, HEREBY ORDAINS THE FOLLOWING.

Section One. Upon petition of the property owners of Jennings Industrial Park (hereafter, "Jennings"), the Jennings Industrial Park Planned Development District (hereafter, "District") is hereby amended as set forth herein.

Section Two. The zoning classification of that certain real property identified on Transylvania County tax maps by the following PIN number and deed book / page number, is hereby zoned as the Jennings Industrial Park Planned Development District (hereafter, "District"), said zoning district being further depicted in Exhibit C, attached hereto and made a part hereof:

Transylvania Vocational Services, 8596-48-3055-000, Deed Book 00213 Page 0460
Transylvania Vocational Services, 8596-47-5642-000, Deed Book 00418 Page 0444
BNJ Investments LLC, 8596-47-1344-000, Deed Book 00595 Page 0063
Richard G. Jennings, III, 8596-37-5808-000, Deed Book 00402 Page 0401
Red Clay LLC (AKA Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694

Section Two. The District is a conditional zoning district established pursuant to the Unified Development Ordinance of the City of Brevard by means of authority granted by the North Carolina General Statutes.

Section Three. Future development and use of lands situated within the District, and the processing of applications to develop and use such lands, shall comply with all applicable provisions of Brevard City Code, the conditions, which are more particularly set forth herein, and the final master plan entitled "Jennings Industrial Park Signage Master Plan", which is attached to this

ordinance as Exhibit A, B, and C and incorporated herein. This Ordinance and its exhibits shall run with the land and shall be binding on Jennings, its heirs and assigns.

Section Four. Conditions.

a. — Except as set forth in Section 4.b, below, development within the District shall comply with all applicable provisions of Brevard City Code, including but not limited to,

1. City of Brevard Unified Development Ordinance, general provisions and provisions specifically applicable to properties within General Industrial Zoning Districts
2. Chapter 62. Streets, Sidewalks, and Other Public Ways
3. Chapter 70. Utilities

b. The following ground and wall signage may be permitted within the District:

1. Primary Ground Sign:

i. One, Primary Ground Sign may be installed at the intersection of Old US Highway 64 and Mountain Industrial Drive.

ii. The Primary Ground Sign may be installed with the permission of the property owner; such permission to be conveyed by means of a stand-alone parcel of land, which shall be conveyed to an association of all property owners within the District, or by means of a lease agreement between such property owner and all other property owners within the District.

iii. The Primary Ground Sign shall contain one panel for each property owner or tenant within the industrial park, and the maximum allowable surface area of the sign face shall be equally distributed among the individual sign panels.

iv. Maximum square footage of sign face: The Primary Ground Sign face, including all individual panels, shall not exceed 140 square feet in size. Individual panels shall not exceed 8' in width nor 3 feet in height.

v. Maximum height: The Primary Ground Sign shall not exceed 20 feet in height above adjacent grade as determined by the Administrator.

vi. Setbacks: The Primary Ground Sign shall be set back a minimum of 10 feet from all property lines and rights-of-way lines.

2. Secondary Ground Signs:

i. One Secondary Ground Sign may be permitted upon each parcel of land within the District. A total of five, Secondary Ground Signs may be permitted within the District.

ii. Maximum square footage of sign face: Secondary Ground Sign faces, including all individual panels, shall not exceed 40 square feet in size, except for property owned by Red Clay LLC (aka Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694, which is permitted up to 240 square feet.

iii. Maximum height: Secondary Ground Signs shall not exceed 8 feet in height above adjacent grade as determined by the Administrator, except for property owned by Red Clay LLC (aka Oskar Blues), 8596-37-7910-000, Deed Book 00621 Page 0694, which is permitted up to 46 feet in height above adjacent grade.

vi. Setbacks: Secondary Ground Sign shall be set back a minimum of 10 feet from all property lines and rights-of-way lines.

3. Public Wayfinding Signs:

i. Two, Wayfinding Ground Signs may be permitted within the District.

ii. Wayfinding Ground Signs shall be owned and maintained by the City of Brevard, and may be installed upon private property by permission of the property owner, or within the public right-of-way of Mountain Industrial Drive, subject to the standards and practices of the *Manual of Uniform Traffic Control Devices*.

iii. Wayfinding Ground Signs shall be designed in such a way as to be generally consistent with the design of the City's "Wayfinding and Graphic Communications System."

iv. Maximum square footage of sign face: Wayfinding Ground Sign faces, including all individual panels, shall not exceed 16 square feet in size.

v. Maximum height: Wayfinding Ground Signs shall not exceed 8 feet in height above adjacent grade as determined by the Administrator.

vi. Location: Wayfinding Ground Signs shall be located in a manner that is generally consistent with locations as show upon Exhibit B to this Ordinance.

4. Wall Signage:

i. One Wall Sign may be permitted for each business within the District. In such cases where the structure containing a business fronts upon both Old US Highway 64 and Mountain Industrial Drive, such business is permitted a second wall sign.

ii. A business within the District may place wall signs upon any exterior wall of the structure containing the business. However, in no case shall a wall contain more than one sign per business.

iii. Maximum square footage of sign face: Wall Sign faces shall not 50 square feet in size.

c. The Planning Director, or designee thereof (hereafter, " Administrator") may approve minor modifications to the final master plan as shown upon Exhibits A and B; provided, however, that in no case shall Administrator approve modifications that would exceed the dimensional requirements as set forth in Section 5.B, above. Major modifications to the master plan shall be considered as a new Planned Development District proposal in accordance with the procedures set forth in Chapters 2 and 16 of the Unified Development Ordinance.

d. Jennings shall seek and secure zoning site plan approval from the Administrator prior to commencing development activity within the District.

e. Jennings shall render all applicable fees to the Administrator prior to receiving final zoning approval for any structure from the City of Brevard, and prior to receiving a Certificate of Occupancy for any structure from Transylvania County.

Section Five. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map consistent with this Ordinance.

Section Six. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Section Seven. All ordinances or portions thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section Eight. This ordinance shall be in full force and effect from and after the date of adoption.

Adopted this the # Day of MONTH, 2015.

Jimmy Harris
Mayor

ATTEST:

Desiree Perry
City Clerk

Approved as to form:

Michael K. Pratt
City Attorney

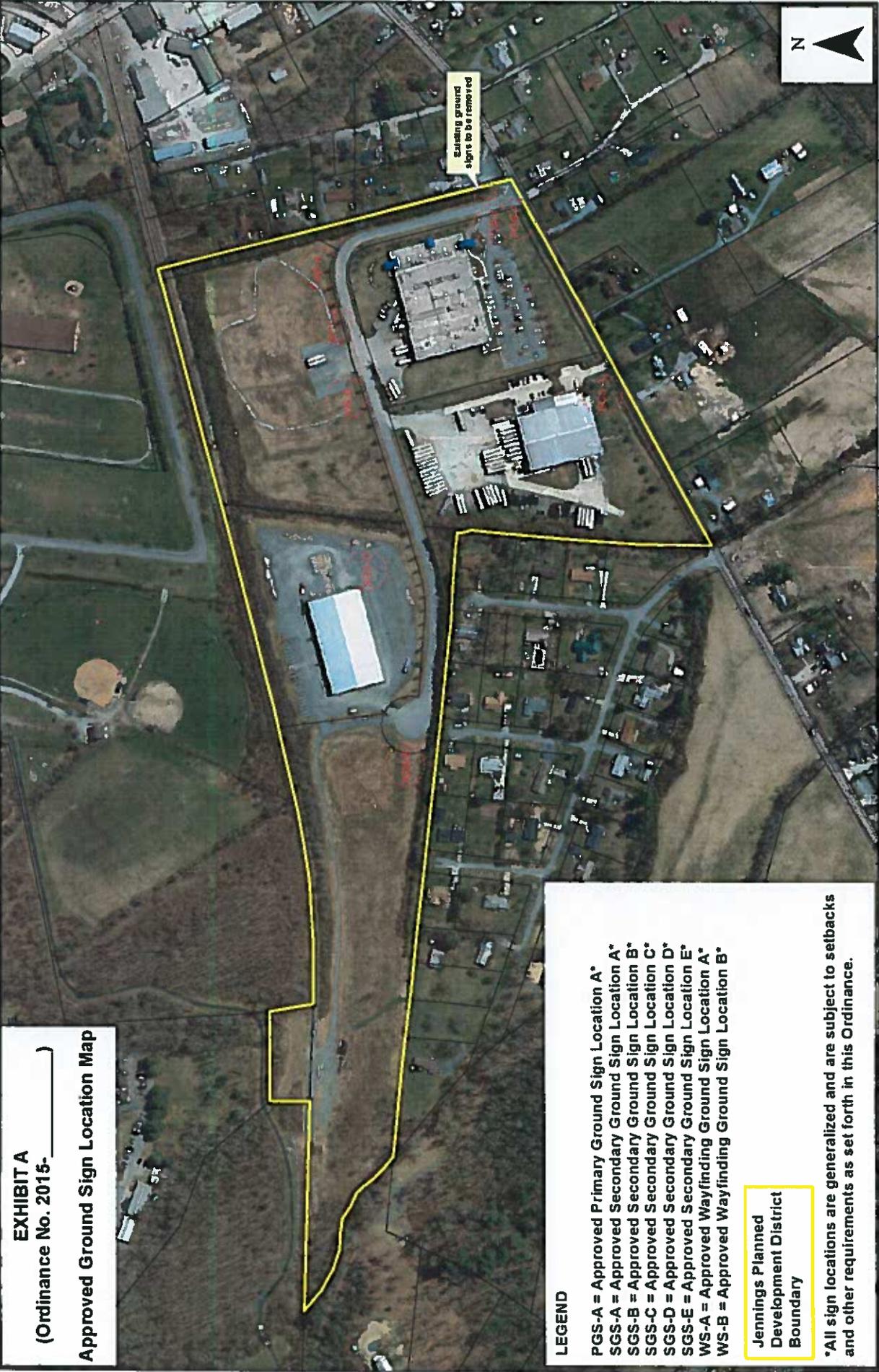


EXHIBIT A
(Ordinance No. 2015-_____)
Approved Ground Sign Location Map

LEGEND

- PGS-A = Approved Primary Ground Sign Location A***
- SGS-A = Approved Secondary Ground Sign Location A***
- SGS-B = Approved Secondary Ground Sign Location B***
- SGS-C = Approved Secondary Ground Sign Location C***
- SGS-D = Approved Secondary Ground Sign Location D***
- SGS-E = Approved Secondary Ground Sign Location E***
- WS-A = Approved Wayfinding Ground Sign Location A***
- WS-B = Approved Wayfinding Ground Sign Location B***

Jennings Planned Development District Boundary

***All sign locations are generalized and are subject to setbacks and other requirements as set forth in this Ordinance.**

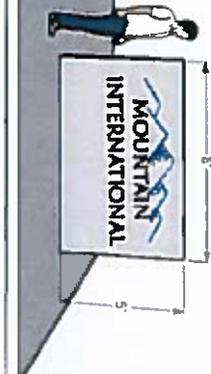
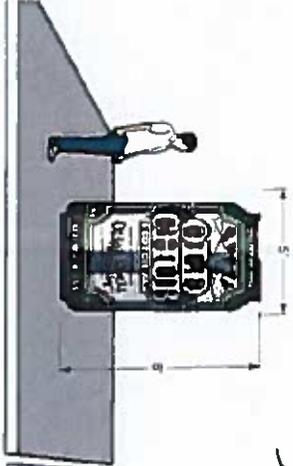
EXHIBIT B
(Ordinance No. 2015

JENNINGS INDUSTRIAL PARK SIGNAGE MASTER PLAN



PRIMARY GROUND SIGN
A concept design for Primary Ground Sign PGS-A is shown, left. The Primary Ground Sign shall meet the following dimensional standards:

- Height: 20' or less
- Size: 140 square feet or less



SECONDARY GROUND SIGNS
Concept designs for signs SGS-A, B and D are shown, left. Secondary ground signs meet the following dimensional standards:

- Height: 8' or less

WAYFINDING SIGNS

Concept designs for Wayfinding signs WS-A and WS-B are shown, right. Wayfinding signs meet the following dimensional standards:

- Height: 8' or less
- Size: 16 square feet or less
- Maximum Number of Panels: 4
- Panel Dimensions:

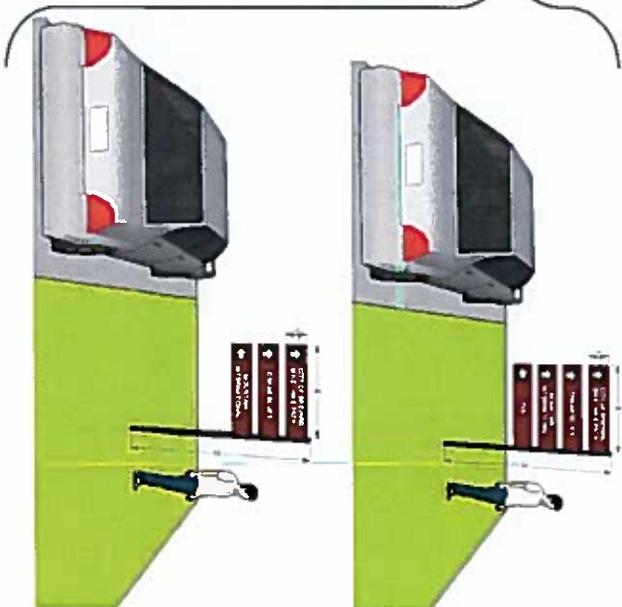
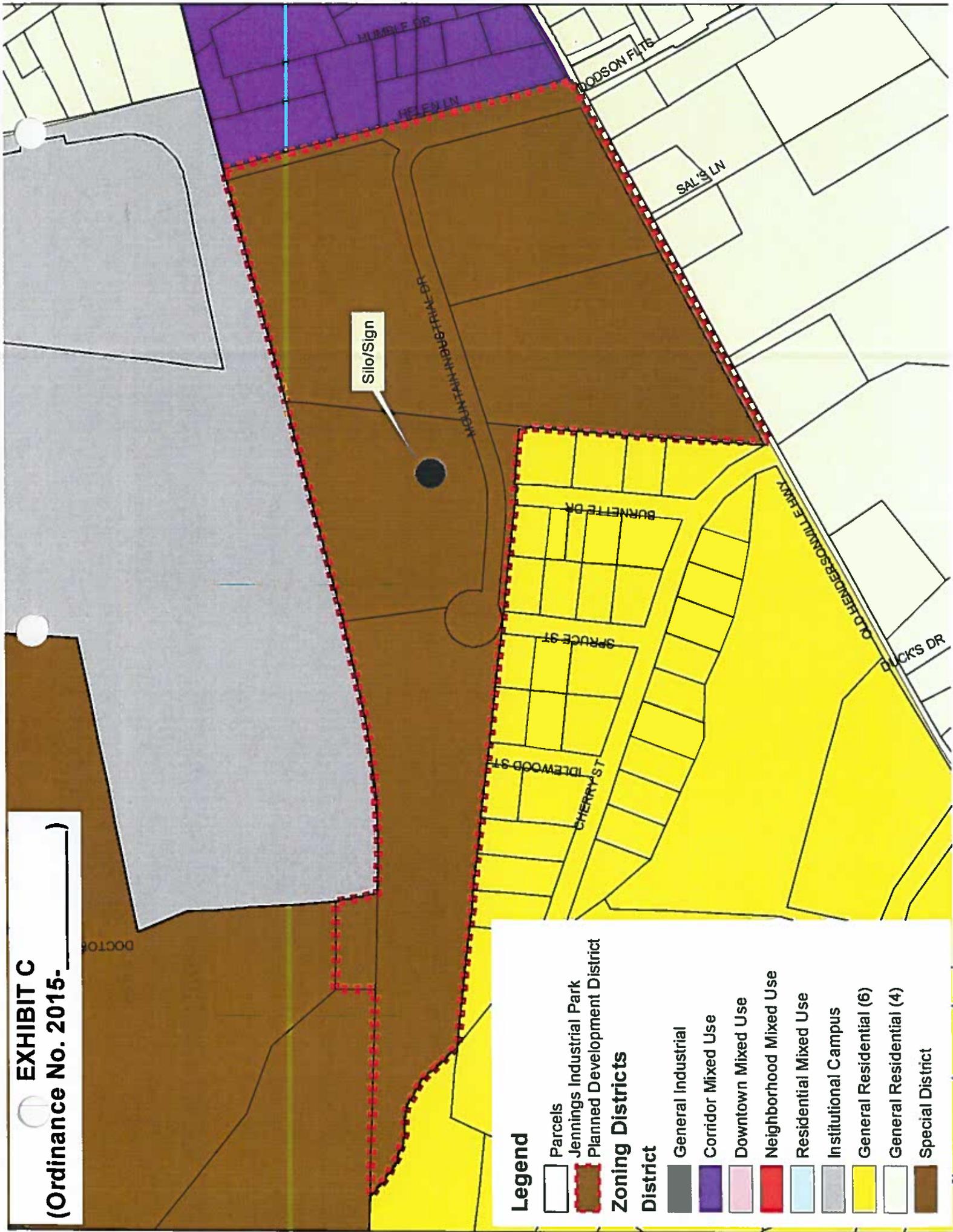


EXHIBIT C

(Ordinance No. 2015-_____)



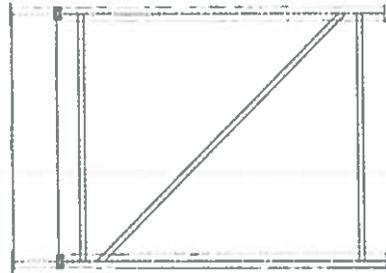
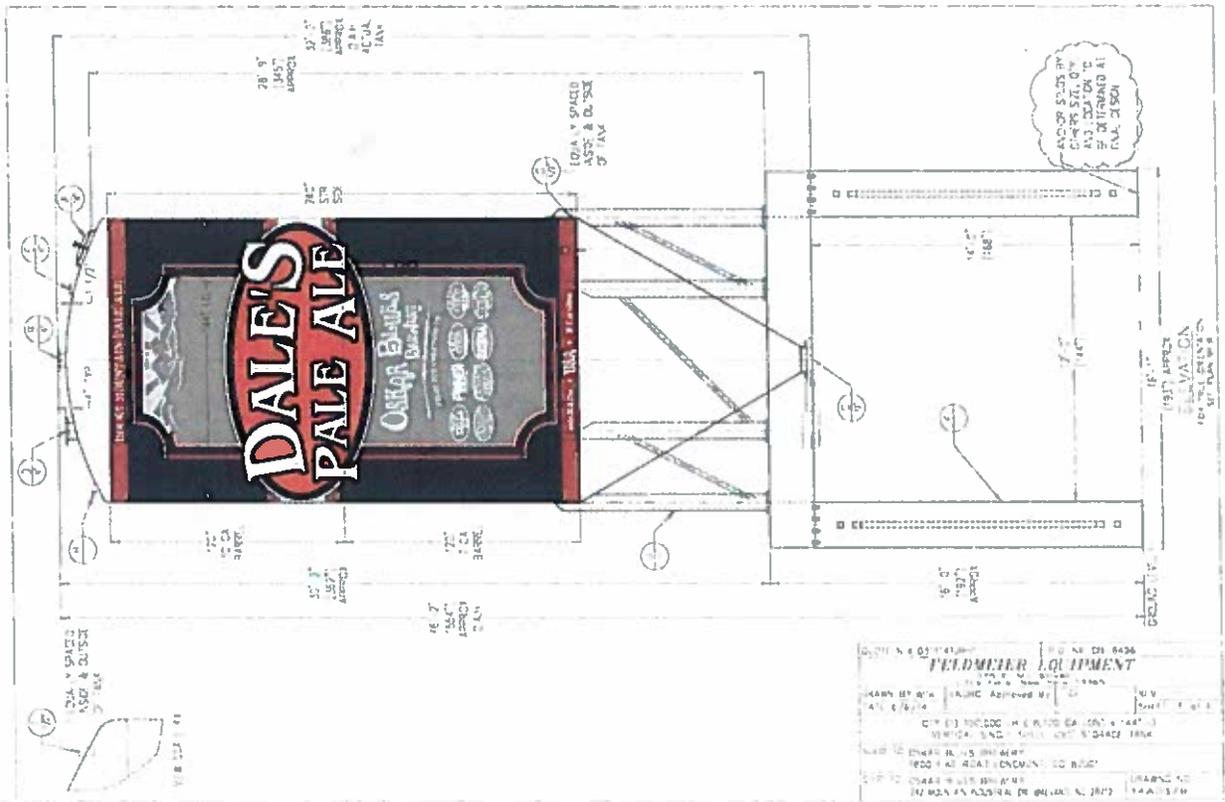
Legend

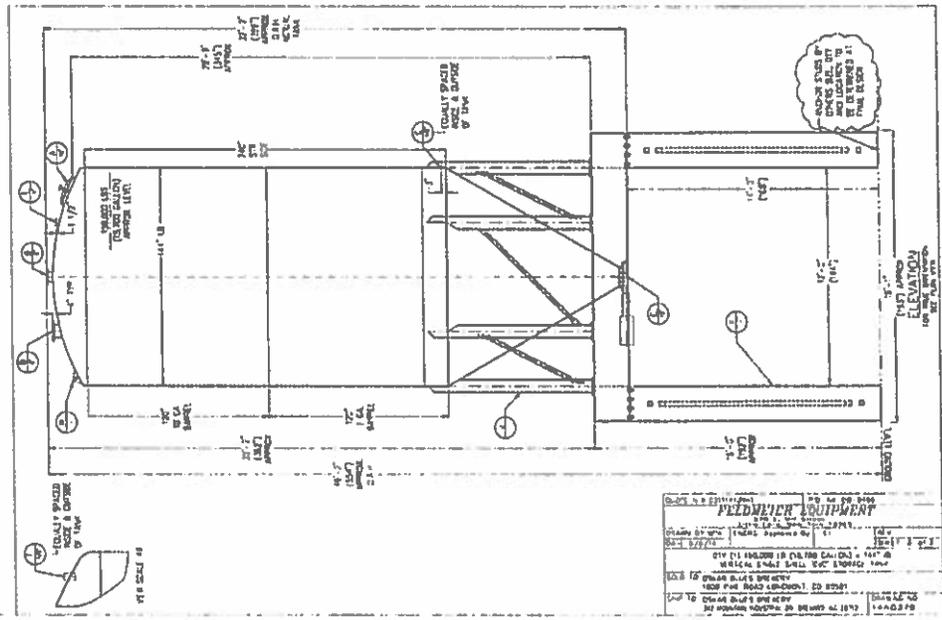
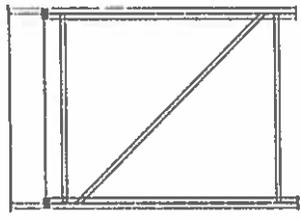
- Parcels
- Jennings Industrial Park Planned Development District

Zoning Districts

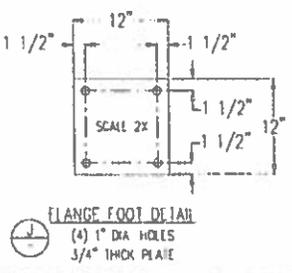
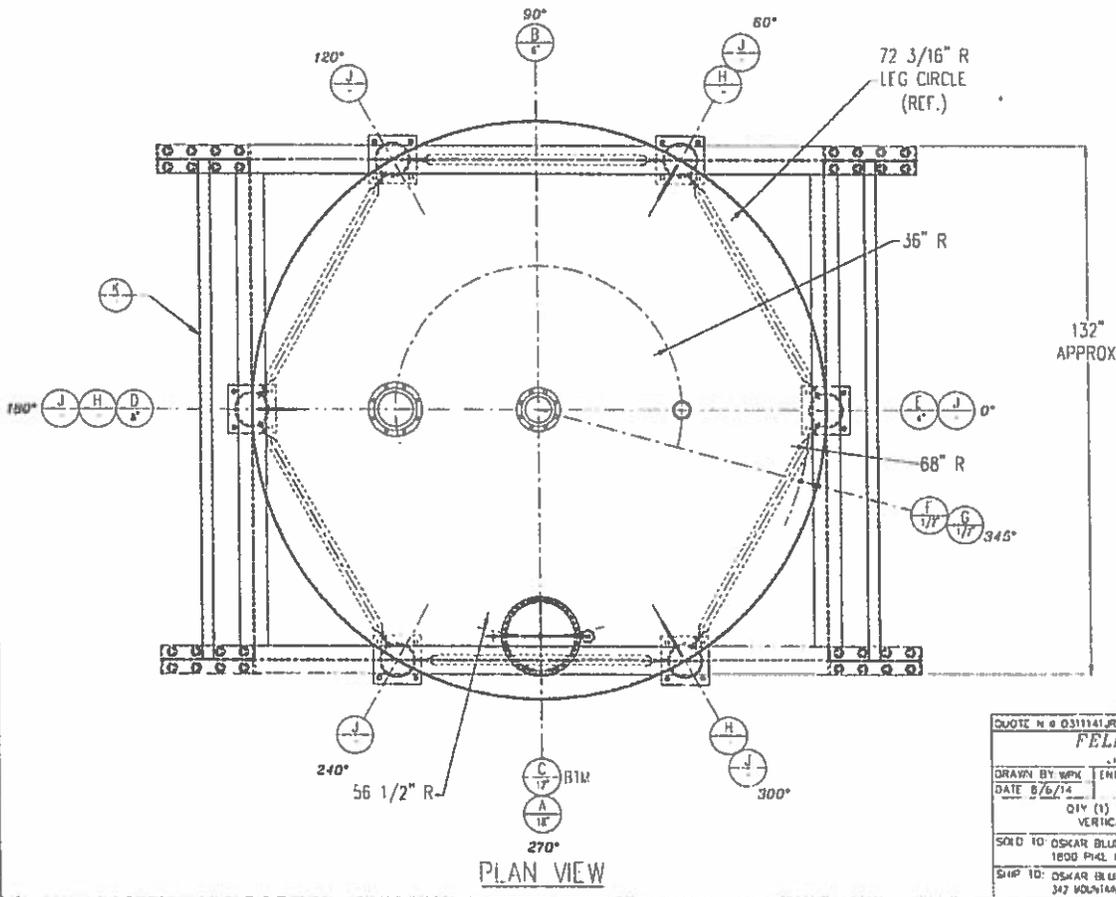
- General Industrial
- Corridor Mixed Use
- Downtown Mixed Use
- Neighborhood Mixed Use
- Residential Mixed Use
- Institutional Campus
- General Residential (6)
- General Residential (4)
- Special District

EXHIBIT D (Ordinance No. 2015-_____)





PILDMAN EQUIPMENT
 CITY OF HANOVER IS (PILDMAN EQUIPMENT) - 1947
 MEDICAL EQUIPMENT CO. INC. HANOVER, N.H.
 1000 PINE ROAD (HANOVER), NH 03041
 DESIGNED BY: [signature]
 DATE: 11/17/73
 BY: [signature]
 1440279



QUOTE N # 0311141/2/11	P.O. No. 08-8498
FELDMETER EQUIPMENT	
<small>D.P. Co. Inc. Direct 11110 Folsom, New York 13388</small>	
DRAWN BY WPK	ENGRG Approved By: D
DATE 8/6/14	REV
DIM (1) 150,000 LB (18,700 GALLON) x 144" ID VERTICAL SAGIT SHELL "CVC" STORAGE TANK	
SEND TO OSKAR BLUES BREWERY 1600 PINE ROAD LONGMONT, CO 80501	
SHIP TO: OSKAR BLUES BREWERY 347 MOUNTAIN INDUSTRIAL DR BREVARD, NC 28712	DRAWING NO 14 AD 370

PLAN VIEW



ORDER NO. 0511171811 P.O. NO. 08-0496
FELDMIEER EQUIPMENT
 275 E. Hill Street
 Lima, Ohio 44026
 DRAWING BY: [] ENGINEER APPROVED BY: []
 DATE: 6/8/14 SHEET: 1 OF 3
 QTY (1) 15000 LB (18,000 GALLON) * 144" O
 VERTICAL SHELL SHELL CMC STORAGE TANK
 SOLD TO: OSKAR BRUES BREWERY
 1800 PAUL ROAD LONGMONT, CO 80501
 SHIP TO: OSKAR BRUES BREWERY
 242 W. MAIN AVENUE DR BREWERY, CO 80117
 DRAWING NO. 1440379

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
2	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
3	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
4	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
5	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
6	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
7	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
8	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
9	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
10	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00

1 ALL PRODUCT CONTACT MATERIAL TO BE 304 STAINLESS STEEL UNLESS NOTED OTHERWISE
 2 ALL INTERNAL FINISH TO BE SMOOTHED WORKMANLY OR WELDED
 3 ALL CARBON STEEL TO BE PAINTED WITH RUST PROTECTIVE PAINT AND PAINTED WITH CUSTOMER SPECIFIED COLOR

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
2	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
3	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
4	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
5	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
6	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
7	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
8	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
9	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
10	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
2	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
3	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
4	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
5	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
6	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
7	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
8	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
9	INTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00
10	EXTERNAL FINISH SPECIFICATION	1	EA	100.00	100.00

DESIGN DATA

#15-007

APPLICATION FOR PLANNED DEVELOPMENT DISTRICT
City of Brevard, North Carolina

Planned Development Districts (PDD) are established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. PDD's afford a degree of certainty in land use decisions not possible when rezoning to a base district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans.

Please provide the following information:

Applicant Name, Address & Telephone Number:

Arnon Baker (828) 553-9648
342 Mountain Industrial Dr.
Brevard, NC 28712

Property Owner Name, Address & Telephone Number (if different than applicant):

Red Clay LLC (303) 776-1914
P.O. Box 948
Longmont, CO 80501

Agent Name, Address & Telephone Number (if different than applicant):

Location of Property:

342 Mountain Industrial Dr.
Brevard, NC 28712

PIN: 8596-37-7910-000

Present Zoning Classification: _____

Request Property Be Rezoned To _____ District.

Existing Use of Adjacent Properties:

North _____ South _____

West _____ East _____

Arnon Baker _____ 12/5/14
Signature of Applicant Date

[Signature] _____ 12/10/14
Signature of Property Owner Date

By my signature I confirm my support for this planned development overlay district application. I authorize the aforesaid Applicant & / or Agent to represent me for the purposes of this application. I authorize City of Brevard Personnel to enter my property (which is described herein) to conduct site inspections, post legal notifications, and perform other tasks necessitated by this application. I attest that I have read and understand the City of Brevard rezoning procedures and submittal requirements as described herein and / or set forth in the City of Brevard Unified Development Ordinance.

3. Lighting Plan in accordance with Section 17.10
 4. Architectural Plans in accordance with Section 17.11
 5. Traffic Impact Analysis (if required) in accordance with Section 17.12
 6. Floodplain Development Information (if required) in accordance with Section 17.13
 7. Storm water Management Concept Plan in accordance with Section 17.14
 8. Utility Concept Plan
- M. The following statement shall be placed upon all final master plan documents, as applicable:
- "Areas delineated upon this plat or plan as a protection area or Special Flood Hazard Areas is subject to limitations upon development as set forth Chapter 6 of the City of Brevard Unified Development Ordinance, and any development, disturbance, or encroachment is prohibited except in accordance therewith."
- N. In addition to the above required information, the following additional information may be required by the Administrator, the BPB , or the City Council on a discretionary site-specific basis:
- O. Environmental Impact Statement, pursuant to Article 113A of the North Carolina General Statutes, if: the development exceeds 2 acres in area, and; if the BPB deems it necessary due to the nature of the land or peculiarities in the proposed design.
- P. Development Permit and Certification application with supporting documentation as required by the Flood Hazard Prevention requirements of Chapter 6 of this Ordinance.

Please note that PDOD applications are subject to the procedural requirements for rezonings (see attached).
Please note that other plans and documents may be required at the discretion of the Administrator.

Review schedule (Planning Staff to complete and provide copy to Applicant):

Sketch Plan Review Date	_____
Application Submittal Date	_____
Community Appearance Commission Date	_____
Technical Review Committee Date	_____
Planning Board Date	_____
Planning Board Recommendation	_____
Public Hearing Advertisement Dates	_____
Property Posting Date	_____
City Council Public Hearing Date	_____
Ordinance Number _____ Effective Date _____	
Notification Provided to Tax Assessor	_____
Zoning Map Updated	_____

Narrative of proposal

Oskar Blues Brewery is installing a spent grain silo in 2015 to the south-east corner of our building located at 342 Mountain Industrial Dr. in Brevard, NC (as indicated on the attached map). To aid our retail customers and contractors (including truck drivers) in identifying where our building is located, we request the ability to paint this silo with the logo of our flagship brand, Dale's Pale Ale (seen in the attached schematics). We believe the impact of this sign project to be minimal to the surrounding community given the existing landscaping between our building and the Cherry St. neighborhood.

CITY OF BREVARD

STATEMENT OF FEES

CUSTOMER INFORMATION

Customer name: Oskar Blues Red Clay, LLC Telephone: _____
 Contractor name: Avron Baker Telephone: 553-9648
 Development Permit Number: 15-007
 Location (911 Property Address): 342 Mtn. Ind. Dr.
 Billing address: _____
 Tax ID or Fed. #: _____

FEES

Category	Fee	Account Code	By
Business License		10-1260-0300	
Utility Account Deposit		30-2360-0200	
Water Tap Fee		30-3730-0100	
Sewer Tap Fee		30-3730-0200	
Water Impact Fee ¹		35-3730-0100	
Sewer Impact Fee ¹		35-3730-0200	
Zoning Permit ^{Amended PDD}	520. ⁰⁰	10-3350-0200	
Stormwater Fee-In-Lieu		35-1010-0480	
Parking Fee-In-Lieu		10-3350-0600	
Sidewalk Fee-In-Lieu		35-1010-0460	
Sign Permit Fee		10-3350-0200	
Miscellaneous Bonds		10-2010-1000	
Other (Describe)			
Total Fee ²	520. ⁰⁰	Receipt Number: 303577	Date: 1/6/19

*Note to Planning Staff: Knox Box fees should be collected separately and forwarded to the vendor.

Please bring this form with you to the Water Dept to pay fees and we will be happy to give you a receipt for necessary permits.

Day meter to be set (if applicable): _____



The City of
Brevard
North Carolina

PLANNING BOARD STAFF REPORT

January 27, 2015

Title: Planning Board, Community Appearance Commission, Technical Review
Commission Roles in Development Review Process

Speaker: Joshua Freeman, Planning Director

From: Joshua Freeman, Planning Director

Prepared by: Joshua Freeman, Planning Director

Approved by: Joshua Freeman, Planning Director

Executive Summary: Planning Board will review and offer recommendations proposed amendments to various chapters of the Unified Development Ordinance pertaining to the respective roles of the Planning Board, Community Appearance Commission, and Technical Review Commission in the development review process.

Background: The proposed text amendments are presented by Staff, upon direction of the City Manager, as a means of expediting certain development applications.

Discussion:

1. Previously approved text amendments eliminated the Technical Review Committee ("TRC"); a number of the proposed amendments are to remove references to the TRC, which were overlooked in those prior amendments.
2. Proposed amendments would remove the Community Appearance Commission ("CAC") from involvement in the development review process. The CAC was established in the 1990's to serve as a "Tree Commission," which advises the City Horticulturalist on urban forestry issues (as required by the City's participation in the National Arbor Day Foundation), and to manage the City's public sculpture program. The CAC continues serving in these roles to this day. In 2006, City Council adopted the Unified Development Ordinance ("UDO"), which contains the City's zoning regulations. The UDO contains Chapter 05, Architectural Design. The architectural design of new commercial buildings are generally approved by Staff, but the CAC was assigned an advisory role. This advisory role has limited value under the current structure of UDO Chapter 05; architectural design standards are prescriptive, meaning that they are not flexible or negotiable. Therefore, Staff has no authority to act upon recommendations from the CAC that might exceed the prescriptive standards of Chapter 05. It is Staff's position that this structure does not make efficient use of the CAC's time and skill set, and adds time to the development review process without adding meaningful value to development outcomes.

3. Proposed amendments would remove the Planning Board from the review of final master plan in Planned Development Districts ("PDD"). City Council has directed Staff to identify and present modifications to the PDD process that will expedite the review timeline. The Planning Board plays a critically important role in reviewing PDD proposals; the board's role is to be the "the eyes, ears and voice of the general public", as well as advocates for implementation of City policy and sound planning principles in the context of major development projects. This role is most relevant in the review of PDD projects prior to their approval by City Council. Once Council has issued its approval, the review of final master plans become a ministerial task to ensure that the developer has complied with all ordinance requirements and conditions of approval. The proposed amendments would place this ministerial responsibility with Staff, while preserving the Planning Board's role in the policy development process leading to a City Council to approve, deny, or approve a PDD project with conditions.

Staff / Board Recommendation: Staff recommends approval of the proposed text amendments as presented.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board's options are as follows:

1. Recommend denial of the proposed text amendments as presented.
2. Recommend approval of the proposed text amendments as presented.
3. Recommend approval of the proposed text amendments, with recommended modifications.

In its review, the Planning Board may request additional information from Staff, and may take up to 60 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Friday, April 17, 2015.

Fiscal Impact: None.

Policy Impact: It is Staff's position that the proposed amendments will expedite the development review process without negatively impacting the City's ability to implement or advance adopted plans, policies and regulations.

Attachments:

Proposed amendments to the UDO.

1 12.9.A.2.i

2 12.9. - Signs allowed with permits.

3 A. *Signs allowed in GR districts:* The following types of signs shall be allowed in all of the residential
4 districts subject to the accompanying restrictions and the issuance of a sign permit:

5 2. *Ground signs at neighborhood entrances:* Distinct neighborhoods, residential subdivisions,
6 residential group developments, residential planned development districts, and
7 manufactured home parks are permitted one ground sign at each entrance.

8 i. Such communities may include those older existing communities that may not have
9 been permitted as unified projects (e.g., "Welcome to the Rosenwald Community",
10 "Maple Street Community"). However, such signs shall be of a uniform design to be
11 approved by the city. ~~Designs and locations shall be approved by the administrator in~~
12 ~~consultation with the public works director and the community appearance commission.~~

Commented [JF1]: Language unnecessary. All signs are approved by the administrator.

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33 15.1, first paragraph

34 15.1.C

35 15.1. - Boards and commissions established.

36 The following boards and commissions are hereby established:

37 • Brevard Planning Board (BPB).

38 • Board of Adjustment (BOA).

39 ~~• Community Appearance Commission (CAC).~~

40 ~~C. Community appearance commission.~~

41 ~~1. Authority and responsibility. The community appearance commission (hereinafter CAC) shall~~
42 ~~have the following duties and responsibilities:~~

43 ~~a. Upon request of the administrator or the technical review committee, to review and~~
44 ~~submit recommendations regarding the schematic design of any individual building and~~
45 ~~the landscaping plan of any project that is under consideration as part of a Category I~~
46 ~~Development Application. All Category II Development Applications shall be reviewed~~
47 ~~by the community appearance commission.~~

48 ~~b. To review and submit recommendations to the administrator regarding the schematic~~
49 ~~design of any individual building and the landscaping plan of any project that is under~~
50 ~~consideration as part of a Category I or III Land Development Application.~~

51 ~~c. Give advice to property owners concerning the treatment of the historical and visual~~
52 ~~characteristics of their properties.~~

53 ~~d. Propose changes in this ordinance, and recommend new ordinances dealing with the~~
54 ~~visual appearance of the city.~~

55 ~~e. Undertake programs of research, information, education, or analysis relating to any~~
56 ~~matters under its purview.~~

57 ~~2. Membership and terms of office.~~

58 ~~a. In accordance with G.S. 160A-451-456, and G.S. 160A-400, the appearance~~
59 ~~commission shall consist of a total of seven members. Representation shall be provided~~
60 ~~for the extrajurisdiction by appointing at least one resident therefrom.~~

61 ~~b. Representatives from within the city limits shall be appointed by the city council.~~
62 ~~Representatives from the ETJ area shall be appointed by the Transylvania County~~
63 ~~Board of Commissioners.~~

64 ~~c. Where possible, the city council shall appoint to a majority of the commission those~~
65 ~~residents who have had special training or experience in a design field, such as~~
66 ~~architecture, landscape architecture, horticulture, planning, or a closely related field.~~

67 ~~d. The term of office shall be three years, although initial appointments shall be made for~~
68 ~~one, two and three years so the terms may be staggered. Vacancies occurring for~~
69 ~~reasons other than expiration of terms shall be filled as they occur for the period of the~~
70 ~~unexpired term.~~

71 ~~e. The community appearance commission shall elect the commission chair and vice chair~~
72 ~~from among its members. They shall each serve a one-year term.~~

73

74

Commented [JF2]: CAC is disbanded as a board under the City's development regulations. A resolution will be enacted by Council that re-establishes the CAC as a tree art commission.

75 16.5.E is hereby amended to read as follows.

76 16.5. - Review procedure in general.

77 E. Outline of review procedures:

Review Procedure (In descending order)	Permit Category Type		
	I	II	III
The applicant must schedule a pre-application meeting with administrator and submit sketch plan (Chapter 17)	✓	✓	✓
Upon determination of sketch plan completeness and general conformity with this ordinance, the administrator shall authorize the Applicant to submit Master Plan/Environmental Survey/Traffic Impact Analysis/Preliminary Plat (Chapter 17) and other documentation as required by administrator	✓	✓	✓
The administrator may require neighborhood compatibility meeting for any project	✓	✓	✓
The administrator shall forward application to Community Appearance Commission as appropriate	✓	✓	✓
The administrator shall forward application to other federal, state, local entities for review as appropriate	—	✓	✓
The administrator shall forward application to the TRC for recommendation/action as appropriate	—	✓	✓
The administrator shall forward application to BPB/BOA for recommendation/action as appropriate	—	—	✓
The administrator shall forward application to city council for action as appropriate	—	—	✓
The Approving Authority shall table, approve, approve with conditions, or deny master plan/preliminary plat as appropriate	✓	✓	✓

Commented [JF3]: CAC removed from development review process.

Upon approval of Master Plan by approving authority the administrator shall authorize the applicant to submit Construction Documents/Final Plats (Chapter 17) and other documentation as required by administrator	✓	✓	✓
Administrator shall require evidence of approval of any other permit required by any other Federal, State, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of Engineers permits, etc.)	✓	✓	✓
The administrator shall review construction documents and approve, approve with conditions, or deny	✓	✓	✓
Administrator may issue land development permit as appropriate	✓	✓	✓

78

79 16.5. G.1 through 3 are hereby repealed

80 G. Schedule for review: Unless otherwise specified herein, the timeframe for land development
81 application review shall be as follows:

82 ~~1. Community appearance commission (CAC).~~

83 ~~2. The CAC shall review the following application types for conformance with Chapter 5 of this
84 ordinance, and shall recommend other conditions it deems appropriate in order to protect and
85 enhance property values and the character of the community:~~

86 ~~(a) Multi family dwelling units (more than two dwelling units);~~

87 ~~(b) All commercial, industrial, or mixed-use development except home occupations;~~

88 ~~(c) All applications for Special Use Permit, Conditional Zoning District, or Planned Development
89 for which new structures are proposed.~~

90 ~~3. The CAC will submit a recommendation regarding any land development application to the
91 administrator within 15 days of the meeting at which it first considers such application.~~

92

93 Section 16.7.C.7.b is hereby amended to read as follows:

94 16.7. - Text amendments and rezonings (map amendments).

95 C. Review procedure:

96 7. The following additional procedures apply to applications requesting creation of a conditional
97 zoning district or a planned development district:

98 b. The administrator may require that the application be circulated to ~~the community
99 appearance commission as well as other~~ relevant city, county, and state agencies and
100 officials for comment(s) as to the proposed development's conformance to all applicable
101 standards and requirements and whether approval is recommended.

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103

Commented [JF4]: CAC removed from development review process.

104 Section 16.7.F.4 is hereby amended as follows:

Commented [JF5]: CAC / TRC removed from development review process.

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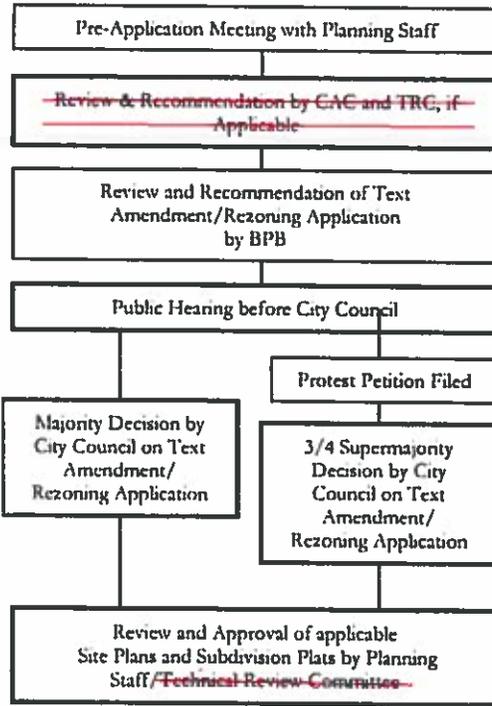
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120 Sections 16.8.C.2 and 7 are hereby amended to read as follows:

121 16.8. - Conditional zoning

Commented [JF6]: CAC / TRC removed from development review process.

122 C. *Application procedure.* When applying for conditional zoning, the owner shall specify the nature of the
123 proposed development and shall propose conditions to ensure compatibility with the surrounding uses
124 and consistency with adopted plans. Applications for conditional zoning shall be processed,
125 considered, and voted upon using the same procedures and subject to the same requirements as
126 those established in this article for zoning map and zoning text amendments, except as provided
127 below:

128 ~~1. The application shall include a master plan or preliminary master plan, as well as any other~~
129 ~~documentation deemed necessary by the administrator in order to provide city council with a~~
130 ~~complete and accurate description of the proposed development.~~

131 1.2. The application and supporting materials shall be submitted to the administrator and reviewed by
132 the administrator, planning board, and city council as set forth below community appearance
133 commission, and technical review committee in accordance with the procedures set forth above
134 for Category II Land Development Permits. The application shall include a master plan or
135 preliminary master plan, as well as any other documentation deemed necessary by the

136 administrator in order to provide city council with a complete and accurate description of the
137 proposed development.

138 ~~3. The recommendations and comments of the technical review committee shall be reported to the~~
139 ~~planning board. In addition, the administrator shall evaluate conditional zoning applications on~~
140 ~~the basis of the criteria for Special Use Permits as set forth in this chapter, and shall submit said~~
141 ~~report at the public hearings on said applications.~~

142 24. Following review by the administrator, ~~technical review committee~~ the planning board shall
143 consider the application and take one of the following steps: recommend approval of the
144 application, including recommending conditions for the zoning; recommend denial of the
145 application; or continue the consideration of the application in order to receive further information.

146 35. Upon receipt of the recommendations from the planning board, the city council shall hold a public
147 hearing on the application for conditional zoning. Notice of the public hearing shall be provided
148 as the same is required for a public hearing for rezoning property as set forth in this chapter.

149 46. The city council's consideration of an application for conditional zoning is legislative in nature, and
150 the council may consider any relevant information in its deliberations ~~including the criteria for~~
151 ~~issuing Special Use Permits as set forth in this chapter.~~ Consideration shall be given to adopted
152 land use plans for the area, small area plans, corridor plans, transportation plans, and other land
153 use policy documents, and to surrounding land uses. The council may adopt or not adopt an
154 enacting ordinance for a conditional zoning or planned development district, or may continue its
155 consideration of the application as necessary or appropriate.

156 57. During the adoption of a conditional zoning or planned development district, specific conditions
157 may be proposed by the applicant, city council, planning board, ~~technical review committee,~~
158 ~~community appearance commission, or~~ administrator, but only those conditions mutually
159 approved by city council and the applicant may be incorporated into the zoning regulations and
160 permit requirements. Conditions and site-specific standards imposed in a conditional use or
161 planned development district shall be limited to those that address the conformance of the
162 development and use of the site to city ordinances, an officially adopted comprehensive or other
163 plan and those that address the impacts reasonably expected to be generated by the
164 development or use of the site.

165 68. Specific findings of the city council are not required for action on an application for conditional
166 zoning. However, a statement analyzing the reasonableness of the proposed rezoning shall be
167 prepared for each conditional zoning.

168 79. Upon adoption of an enacting ordinance establishing a conditional zoning or planned
169 development district the official zoning map of the City of Brevard shall be amended to add the
170 district. The administrator shall maintain a book or file of enacting ordinances, and each enacting
171 ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance
172 invalid.

173 840. The conditional zoning ordinance adopted as provided herein shall be perpetually binding upon
174 the affected property unless subsequently changed or amended as provided for in this chapter.

175 944. Conditional zoning ordinances are legislative in nature, and judicial review of conditional zoning
176 ordinances shall be as provided by law for zoning ordinances.

177 D. *Special requirements for conditional zoning districts.* In addition to all other applicable regulations, the
178 following special requirements shall apply to conditional zoning districts.

179 1. All standards and requirements of the corresponding base district shall be met, except to the
180 extent that conditions imposed by the conditional zoning are more restrictive than the base district
181 standards.

182 2. Minor modifications to the approved conditional zoning district requirements may be approved by
183 the administrator. The minor modifications authorized herein are intended to provide relief where
184 conditions established by enacting ordinance of the conditional zoning district create a hardship
185 based upon a unique physical attribute of the property itself or some other factor unique to the

186 property which was not known at the time of adoption of the enacting ordinance and which has
187 subsequently rendered the property difficult or impossible to use due to the condition(s) imposed
188 by the zoning. The permit holder shall bear the burden of proof to secure the modification(s). Such
189 modifications shall be limited to the following:

- 190 (a) A deviation of up to ten percent or 24 inches, whichever is greater, from the approved
191 setback.
- 192 (b) A reduction of up to 25 percent in the number of parking spaces.
- 193 (c) Any other minor modification in accordance with the limitations and procedures prescribed
194 in this ordinance, unless an enacting ordinance of a conditional zoning district adopted
195 pursuant to this section specifies otherwise.

196 Any other modifications must be approved by the city council as an amendment to the enacting
197 ordinance of the conditional zoning district, ~~and shall be referred to the planning board or technical~~
198 ~~review committee as appropriate.~~ The administrator shall in every case have the discretion to
199 decline to exercise the power to approve or deny modifications as provided for herein, and may
200 require the applicant to seek an amendment to the conditional zoning ordinance.

201 E. *Special requirements for planned development districts.* In addition to all other applicable regulations,
202 the following special requirements shall apply to planned development districts.

203 1. *Preliminary master plan.* Where the scale of a proposed planned development is such that it
204 makes the submittal of a final master plan impractical, the planning director may allow the
205 applicant to submit a preliminary master plan in lieu of a final master plan. The preliminary
206 master plan shall address all of the applicable parameters specified in Section 17.5 for master
207 plans but may do so in a more conceptual manner. City Council may approve the preliminary
208 master plan in lieu of a final master plan provided that the PD ordinance sets forth specific
209 requirements to be satisfied by a master plan and subsequent site plans, construction
210 documents, and subdivision plats.

211 2. *Final master plan.* ~~Unless a final master plan was approved at the time of creation of a planned~~
212 ~~development district, then the applicant shall submit a final master plan for development, or any~~
213 ~~phase thereof, within the timeframe specified in the ordinance establishing the planned~~
214 ~~development district, which timeframe shall not exceed five years. The administrator shall grant~~
215 ~~final master plan approval for the development or a phase thereof, as applicable, upon~~
216 ~~determining that the final master plan is complete and complies with the ordinance creating the~~
217 ~~PD district, including all conditions attached thereto, and with the approved preliminary master~~
218 ~~plan, and with all applicable regulations.~~

219 ~~Unless a final master plan was approved at the time of creation of a planned development~~
220 ~~district, then within one year of the enactment of the ordinance creating the district, or such~~
221 ~~other period, not to exceed five years, specified in said ordinance, the applicant shall submit a~~
222 ~~final master plan for the development, or any phase thereof, meeting the requirements of~~
223 ~~Section 17.5, below. The provisions contained herein relating to submittal of final master plans~~
224 ~~may be modified by means of a development agreement between the developer and the City of~~
225 ~~Brevard.~~

226 ~~(a) Upon receipt of a final master plan the planning director shall review it for completeness and~~
227 ~~for compliance with the conditions and standards imposed in the ordinance creating the PD~~
228 ~~district. If the planning director determines that the plan is complete and does not constitute~~
229 ~~a major modification of the ordinance creating the PD district, including all conditions~~
230 ~~attached thereto and the approved preliminary master plan, he or she shall forward it to the~~
231 ~~technical review committee for its review and recommendations.~~

232 ~~(b) The planning director shall then forward the recommendations of the TRC to the planning~~
233 ~~board for its consideration. If the planning board determines that the final master plan~~
234 ~~complies with the ordinance creating the PD district, including all conditions attached thereto,~~

Commented [JF7]: Cleanup of language directing timeframe for submittal of final master plan after approval of preliminary master plan.

Commented [JF8]: Planning Board is removed from the review process for final master plans of planned development districts.

235 and with the approved preliminary master plan, and with all applicable regulations, it shall
236 grant final master plan approval for the development or a phase thereof, as applicable.

237 3. *Construction document requirements.* Construction documents meeting the requirements of
238 Section 17.6 shall be submitted within one year of the date of final master plan approval.

239 4. *Modifications.* No major modifications of any conditions imposed as part of the ordinance creating
240 the PD district ~~may be authorized except by means of enactment of a new ordinance following~~
241 ~~the procedures specified in Section 16.8.C, establishing a new PD district. No major~~
242 ~~modifications, or~~ of an approved preliminary master plan, may be authorized except by means of
243 enactment of a new ordinance, following the procedures specified in Section 16.8.C, establishing
244 a new PD district. Modifications of approved preliminary master plans are major unless
245 determined to be minor or intermediate pursuant to this paragraph. The ordinance creating the
246 PD district may specify the circumstances for determining whether a proposed change is
247 intermediate or major, which provisions shall control over any contrary provision in the Unified
248 Development Ordinance.

249 (a) *Minor modifications.* Minor modifications have a negligible impact on an approved
250 preliminary master plan. Examples include changing the spacing or species of approved
251 landscaping plants, altering lot sizes by a few square feet, or amending utility plans. Minor
252 modifications are reviewed, and may be approved, by the ~~planning director~~ administrator.

253 (b) *Intermediate modifications.* Intermediate modifications have a more substantial impact but
254 do not completely change the application. Examples include changes in building design,
255 residential lot configurations, or commercial driveway locations. These changes are
256 reviewed by the Planning Board without a public hearing.

257 (c) *Major modifications.* Major modifications have substantial impacts to an approved
258 preliminary master plan. Examples include changing the intensity or mix of proposed uses
259 or significantly increasing the amount of traffic generated by a development. Major
260 modifications may only be authorized by means of a new ~~conditional-zoning~~ ordinance as
261 provided for in this chapter.

262 5. *Major modification determination.* If a master plan or other plan of development is submitted for
263 a PD district, the ~~planning director~~ administrator shall determine whether such plan of
264 development is consistent with the ordinance creating the PD district, including the preliminary
265 master plan for such district. If such master plan or other plan of development is not consistent,
266 the ~~planning director~~ administrator shall determine whether any modifications contained therein
267 are minor, intermediate or major. The ~~planning director~~ administrator, in his or her discretion, may
268 refer this determination to the planning board. If the ~~planning director~~ administrator or the planning
269 board, as the case may be, determines any modification is major, the ~~planning director~~
270 administrator shall notify the applicant in writing of such determination.

271 6. *Appeals of decisions relating to modifications.*

272 (a) Decisions of the ~~planning director~~ administrator. A decision of the ~~planning director~~
273 administrator, whether it relates to a decision regarding a minor modification or a
274 determination of major modification, may be appealed to the ~~planning board~~ zoning board of
275 adjustment.

276 (b) Decisions of the planning board. A decision of the planning board ~~whether it relates to a~~
277 ~~decision regarding an intermediate modification, a decision determining a modification is~~
278 ~~major, or an appeal of a decision of the planning director,~~ may be appealed to city council.

279 (c) Notice of appeal. Appeals shall be perfected by filing them in writing with the ~~planning director~~
280 administrator within 30 days of receipt of the decision being appealed.

281 (d) Hearing on appeal. Unless a longer period of time is agreed to by the applicant, hearings on
282 an appeal shall be held within 30 days of receipt of the notice of appeal.

283 7. *Issuance of permits.* Demolition permits may be issued based upon an approved preliminary
284 master plan. However, no permit shall be issued for the construction, remodel, or rehabilitation of

Commented [JF9]: Planning Board retains authority to review / approve / deny intermediate modifications proposed in final master plans.

285 any structure within the area of a PD district, nor shall any structure be approved within the area
286 of a PD district, until a master plan has been approved by the approving authority and,
287 subsequently, site plans, construction documents, and / or subdivision plats, as applicable, have
288 been approved by the administrator. No subdivision of land within a PD district shall be permitted
289 prior to final master plan approval unless the ordinance creating the district provides otherwise.

290

291 Section 16 9.B is hereby amended to read as follows:

292 ~~16.9. - Vested rights.~~

Commented [JF10]: Vested rights review procedure narrative is cleaned up; TRC is removed from process.

293 B. *Review procedure:*

294 ~~1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan along~~
295 ~~with an environmental survey to the administrator for a non-binding review. Upon determination~~
296 ~~of completeness and general conformity with this ordinance, the administrator shall authorize the~~
297 ~~applicant to submit the master plan as defined in Chapter 17 for formal review.~~

298 ~~2. The administrator shall review and make comment on the master plan. When the administrator~~
299 ~~determines that the application is complete and complies with the ordinance it shall be~~
300 ~~preliminarily approved. If the master plan is denied, the reasons for denial shall be stated in writing~~
301 ~~and the applicant may resubmit the development for further review.~~

302 ~~3. Following approval of the master plan by the administrator, the applicant shall submit the master~~
303 ~~plan, construction documents, and all other documents as required by Chapter 17 for review by~~
304 ~~the TRC. The administrator shall require evidence of approval of any other permit required by any~~
305 ~~other federal, state, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of~~
306 ~~Engineers permits, and etc.).~~

307 ~~4. When the administrator determines that the application is complete and complies with this~~
308 ~~ordinance, the administrator shall transmit submitted application materials along with any~~
309 ~~recommendations to the TRC, as well as to the community appearance commission and other~~
310 ~~applicable review entities as appropriate. The administrator may require that the application be~~
311 ~~circulated to other relevant city, county, and state agencies and officials for comment(s) as to the~~
312 ~~proposed development's conformance to all applicable standards and requirements and whether~~
313 ~~approval is recommended.~~

314 ~~5. The community appearance commission and other agencies and officials shall transmit any~~
315 ~~recommendations to the TRC prior to the next regularly scheduled meeting of the TRC.~~

316 ~~6. The TRC shall review and make comment on the application. The TRC may require a Traffic~~
317 ~~Impact Study, and Environmental Impact Statement, and any other additional information as~~
318 ~~necessary to properly consider the application.~~

319 ~~7. The TRC shall, within 30 days of receipt of all necessary application materials and additional~~
320 ~~information, take action to recommend approval, approval with conditions, or deny the application.~~

321 ~~8. Following action by the TRC, the administrator shall transmit the application to the BPB for a~~
322 ~~recommendation. The BPB shall, within 30 days of receipt of all necessary application materials~~
323 ~~and additional information, take action to recommend approval, approval with conditions, or deny~~
324 ~~the application.~~

325 1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan to the
326 administrator for a non-binding review. Upon determination of completeness and general
327 conformity with this ordinance, the administrator shall authorize the applicant to submit the master
328 plan as defined in Chapter 17 for formal review.

329 2. The administrator may require a Traffic Impact Study, and Environmental Impact Statement, and
330 any other additional information as necessary to properly consider the application.

- 331 3. The administrator may require evidence of approval of other permits required by other federal,
 332 state, or local agency (i.e. NCDOT permits, NCDENR permits, Army Corps of Engineers permits,
 333 and etc.).
- 334 4. The administrator may require that the application be circulated to other relevant city, county, and
 335 state agencies and officials for comment(s) as to the proposed development's conformance to all
 336 applicable standards and requirements and whether approval is recommended.
- 337 5. The administrator shall review and make comment on the master plan. When the administrator
 338 determines that the application is complete and complies with the ordinance it shall be
 339 preliminarily approved. If the master plan is denied, the reasons for denial shall be stated in writing
 340 and the applicant may resubmit the development for further review.
- 341 6. Following preliminary approval of the master plan by the administrator, the administrator shall
 342 transmit the application to the BPB for a recommendation. The BPB shall, within 30 days of receipt
 343 of all necessary application materials and additional information, take action to recommend
 344 approval, approval with conditions, or deny the application.
- 345 7. Upon receipt of a recommendation from the BPB, the administrator shall transmit the application
 346 to City Council for review as set forth in subsection C, below.

347
 348 Section 16.9.C.1 is hereby amended to read as follows:

349 C. *City council action:*

- 350 1. The city council shall determine whether or not to grant or establish a vested right after the review
 351 and consideration of the application **by TRC and the BPB** in accordance with the aforementioned
 352 procedures.

353
 354 Section 16.11.C is hereby amended to read as follows:

355 16.11. - Special use permits.

356 C. *Review procedure.*

- 357 ~~1. The applicant shall request a meeting as required per chapter 17 and submit a sketch plan along~~
 358 ~~with an environmental survey to the administrator for a non-binding review.~~
- 359 ~~2. Upon determination of completeness and general conformity with this ordinance, the~~
 360 ~~administrator shall authorize the applicant to submit the master plan as defined in chapter 17 for~~
 361 ~~formal review. Depending upon the nature of the application, additional construction documents~~
 362 ~~such as building elevations may be necessary. Such master plan shall be submitted at least 60~~
 363 ~~days prior to the TRC meeting at which it will first be reviewed.~~
- 364 ~~3. The administrator shall review and make comment on the master plan. When the administrator~~
 365 ~~determines that the application is complete and complies with the ordinance, it shall be accepted.~~
 366 ~~If the master plan is denied, the reasons for denial shall be stated in writing, and the applicant~~
 367 ~~may resubmit the development for further review.~~
- 368 ~~4. When the administrator determines that the application is complete and complies with this~~
 369 ~~ordinance, the administrator shall transmit submitted application materials along with any~~
 370 ~~recommendations to the TRC, as well as to the community appearance commission and other~~
 371 ~~applicable review entities as appropriate. The administrator may require that the application be~~
 372 ~~circulated to other relevant city, county, and state agencies and officials for comment(s) as to the~~
 373 ~~proposed development's conformance to all applicable standards and requirements and whether~~
 374 ~~approval is recommended.~~
- 375 ~~5. The community appearance commission and other agencies and officials shall transmit any~~
 376 ~~recommendations to the TRC prior to the next regularly scheduled meeting of the TRC.~~

Commented [JF11]: Special Use Permit review procedu
 narrative is cleaned up; CAC / TRC is removed from proces

377 ~~6. The TRC shall, within 30 days of receipt of all necessary application materials and additional~~
378 ~~information, take action to recommend approval, approval with conditions, or denial of the~~
379 ~~application.~~

380 ~~7. Following action by the TRC, the administrator shall transmit the application to the BOA for action.~~

381 1. The applicant shall request a meeting as required per Chapter 17 and submit a sketch plan to the
382 administrator for a non-binding review. Upon determination of completeness and general
383 conformity with this ordinance, the administrator shall authorize the applicant to submit the master
384 plan as defined in Chapter 17 for formal review.

385 2. The administrator may require a Traffic Impact Study, Environmental Impact Statement,
386 architectural elevations, and any other additional information as necessary to properly consider
387 the application.

388 3. The administrator may require that the application be circulated to other relevant city, county, and
389 state agencies and officials for comment(s) as to the proposed development's conformance to all
390 applicable standards and requirements and whether approval is recommended.

391 4. The administrator shall review and make comment on the master plan. When the administrator
392 determines that the application is complete and complies with the ordinance, the administrator
393 shall transmit the application to the BOA for action.

394 5.8. In addition to the notice requirements contained in subsection 16 10 B, above, the administrator
395 shall provide additional notice of the hearing date, time, and location in accordance with the
396 following:

397 (a) A notice shall be published in a newspaper having general circulation in the city once a week,
398 for two successive weeks, the first notice to be published not less than ten days nor more
399 than 25 days prior to the date established for the hearing.

400 (b) A prominent sign shall be posted on the subject property or properties beginning not less
401 than ten days nor more than 25 days prior to the date established for the hearing. Such
402 notice shall state the date, time, and location of the public hearing, and a phone number to
403 contact during business hours for additional information. The sign shall remain until after the
404 BOA has rendered its final decision.

405 ~~6.9.~~ The processing of a special use permit shall be conducted by the BOA. During the public hearing,
406 all parties presenting testimony and evidence shall be duly sworn.

407 ~~7.4.9.~~ The BOA may require a traffic impact study, an environmental impact statement, and any other
408 additional information as necessary to properly consider the application.

409 ~~8.14.~~ The BOA may attach reasonable and appropriate conditions on the location, nature, and extent
410 of the proposed use.

411 ~~9.12.~~ Following approval of the master plan by the BOA, the applicant shall submit to the administrator
412 all construction documents, and all other documents specified by chapter 17 for project approval
413 and administration. The administrator shall require evidence of approval of any other permit
414 required by any other federal, state, or local agency (i.e., NCDOT permits, NCDENR permits,
415 Army Corps of Engineers permits, etc.)

416

417 Section 16.15.B.3 is hereby amended to read as follows:

418 16.15. - Architectural exceptions.

419 B. ~~Procedure:~~

420 3. Upon satisfaction of all other required review procedures of this chapter, the administrator shall
421 forward the request to the BOA along with a recommendation ~~from the CAC.~~

Commented [JF12]: CAC is removed from Architectural Exception review process.

422 Subsection 17.2.8 is hereby amended to read as follows:

423 17.2. - Establishment of land development permit and development plan.

424 B. The submission of a complete land development permit application and accompanying development
425 plans in accordance with this chapter is necessary prior to the scheduling of any review by the
426 administrator, Brevard Planning Board (hereafter, "BPB"), Brevard Board of Adjustment (hereafter,
427 "BOA"), ~~Community Appearance Commission (hereafter, "CAC")~~, or city council., and prior to the
428 issuance of an approved land development permit. The number of copies of plans and plats required
429 by this chapter shall be determined by the administrator. The administrator may require that copies of
430 final plans and plats be provided in digital format. The administrator shall have the authority to deny
431 and return any submitted land development permit application and associated development plans
432 upon a determination that such submitted items are insufficient or do not demonstrate compliance with
433 the requirements of this ordinance. The administrator shall not forward submitted applications to any
434 higher reviewing entity until submitted materials satisfy the requirements of this ordinance, except
435 when specific and permissible deviations from this ordinance are requested (i.e., dimensional variance,
436 or deviations common to a planned development).

Commented [JF13]: CAC is removed from the development review process.