



AGENDA
BREVARD PLANNING BOARD – REGULAR MEETING
Tuesday, November 17, 2015 – 7:00 PM
Council Chambers

- I. Welcome and Introduction of Planning Board Members**
- II. Approval of Minutes**
 - a. October 20, 2015
- III. New Business**
 - a. Consideration of Application # TA15-000003 by Charles Edwards for a Text Amendment to Chapter 12.9.G.5 of the Unified Development Ordinance to allow for two (2) primary and one (1) secondary menu reader boards.
 - b. "Short Term Rentals" – Proposed Text Amendments.
- IV. Old Business**
- V. Other Business**
- VI. Adjourn**

**MINUTES
BREVARD PLANNING BOARD – REGULAR MEETING
OCTOBER 20, 2015**

Brevard Planning Board met for a regular meeting on Tuesday, October 20, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson
Katie Thompson
Jimmy Perkins
Frank Porter
Chris Strassner
Keenan Smith

Members Absent: Demi Loftis

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

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. There was a moment of silent meditation.

II. Approval of Minutes –

a. Approval of Minutes of the September 15, 2015 meeting, K. Thompson requested a correction, F. Porter moved to approve the minutes with changes, seconded by J. Perkins, unanimously approved with changes.

K. Thompson requested that when substantial changes are made that they come back to the Board in writing or electronically for their review.

K. Jackson, Chair asked D. Cobb if the request could be accommodated, he responded that it could.

III. New Business –

a. Annexation – Lastinger Properties, LLC, Pilot Cove Campground, Application #AX15-000002 – 113 Mama’s Place, Pisgah Forest, PIN #8597-47-3949-000.

D. Cobb gave a visual presentation indicating the location of the property. He stated that earlier this year a special use permit was obtained to operate a campground on the property, that the property is approximately 65 acres. He stated that the property is requesting a contiguous annexation to receive city services but that they already benefit from city service delivery, an example is that they are already within the City’s fire

jurisdiction. He provided tax revenues, minimum water revenue and stated that the applicant has not yet decided if they will use the City's waste water system or solid waste services but that they would be charged for recycling services, even if they did not use. He reported that the only expense to the City he felt was relevant to report to the board was the estimated annual cost of maintaining the new public water line of approximately \$1,500.00.

D. Cobb instructed the Board that their job was to make a recommendation to Council on the matter, that the City Clerk had investigated the sufficiency of the application and had asked Council to set a public hearing date on the matter.

It was established that the Applicant was not present for this meeting.

K. Jackson, Chair, asked if there were any comments and opened up the matter for discussion.

K. Smith asked D. Cobb if other surrounding properties received City services, such as Walmart.

D. Cobb responded that Walmart and other surrounding properties did receive services. That the property would be an extension of the current City's boundaries and visually showed this to the Board. He further stated that the property was currently in the Extraterritorial Jurisdiction of the City and was subject to zoning.

F. Porter asked if they would be responsible for all of the upfront costs involved in installing water and sewer lines.

D. Cobb explained that they would bear the cost, but that they would dedicate utilities to the City and maintenance would then become the City's responsibility.

K. Thompson requested an explanation of water fees. D. Cobb explained that the revenue analysis was at minimum rates because there was no way to predict, but that water usage would be paid for by the amount that was used.

K. Jackson asked the Board if they wanted to recommend to Council, recommend with changes or deny the application.

J. Perkins moved to approve as presented, seconded by C. Strassner, unanimously carried.

K. Jackson requested that the agenda be amended to move the next item, rezoning to the end of the agenda.

J. Perkins objected because of the interrelation of the rezoning and the text amendment for the highway corridor.

K. Jackson stated he had a very good reason because of his involvement.

K. Thompson asked if K. Jackson would need to recuse himself. K. Jackson responded that he would need to do so.

After this discussion the Board agreed to move the rezoning to the end of the agenda.

c. Text Amendment to Chapter 2, 12 & 19 of Unified Development Ordinance to include:

- i. Murals**
- ii. Decorative/vintage signs**
- iii. Asheville Highway Corridor Overlay Amendment**

A. Bland explained that in reference to the corridor overlay item that it was essentially a cleanup of inconsistencies and the map of the Asheville Highway Corridor Overlay District and thought since Council had already approved item, that it made sense to bring it back before the Planning Board for their review and approval of revisions and that it was now necessary with the addition of the Rosman Highway corridor section to change the name of the corridor overlay district.

J. Perkins moved to change the overlay district name to: "Highway 64 Corridor Sign Overlay District", seconded by K. Thompson, unanimously approved.

K. Jackson began the discussion on murals and decorative and vintage signs.

J. Perkins requested staff comments on the evolution of the mural changes and how the 8% logo size came to be the recommendation.

A. Bland explained that the ordinance does not address murals and that the Planning Department does get occasional requests and felt that the ordinance needed to be clear. The advertising logo 8% size was recommended by the City's Consultant, Demetri Baches, but that staff is open for other suggestions.

J. Perkins commented that this is a good effort but that it was still a bit muddy, but he did not know how he would improve on what has been presented.

K. Jackson, Chair called for a motion to approve the Highway 64 Corridor District as written, motion to approve by F. Porter, seconded by K. Thompson, unanimously carried.

- d. Airbnb's**
 - i. Background presentation**
 - ii. Discussion**

A. Bland presented his staff report on short term rentals, which is attached hereto, labeled Exhibit "A" and incorporated herein by reference. He gave an overview to the Board of his presentation to City Council that was given on September 21, 2015, which was a result of their request for information on short term rentals. He further stated that Council's biggest concerns seemed to be number of occupants allowed, that short term rentals be well regulated, and the preservation of neighborhoods.

A. Bland said that Council has requested that the Planning Board formulate a recommendation to them regarding new or modified ordinance language to address short term rentals.

K. Jackson opened up the matter for the Board's discussion. He further asked if there have been complaints and what was driving the complaints.

A. Bland stated there have been a few complaints about noise, parking, using residential properties for commercial use.

K. Thompson voiced a concern about protecting the community's housing and especially work force level housing, as well as, the impact short term rentals will have on the housing stock. Noting also the increase this might have on rental prices. She stated that she would need some help to think about these issues.

F. Porter asked for a show of hands as to how many board members have stayed in short term rentals, and there was a large show of hands. He stated he would like to see information that did not squash short term rentals with taxes, inspections, standards, etc. but something that could regulate them and that would be acceptable for Council to approve, that would address the issues. He further stated that he liked the idea of staff investigating surrounding towns and how they handle the matter.

K. Jackson asked if there were any other comments.

Jim Wright, 89 Canvasback Court, in attendance in the audience, requested to speak. He stated that he lives in the Extraterritorial Jurisdiction of the City and that his neighbor is running a de-facto motel in his neighborhood. He warned the board that the rules need to be in place, so as not to do more harm to the residential neighborhoods in our town. He mentioned parking issues. He thanked the board for hearing his concerns.

K. Jackson asked the board if they wanted to direct staff to put together frame work for their review at their next meeting in November.

D. Cobb, Interim Planning Director, stated that the City does have existing regulations to handle parking, on street parking, noise and trash.

K. Thompson stated that we need to keep in mind the loss of community and stable neighbors to share living environment with and for neighborhoods not to have to constantly be trying to keep the heart of the community in tack by monitoring their neighbors.

D. Cobb stated that he completely agreed but needed to point out that there are current regulations in place to monitor the current complaints mentioned. He further said that it might be that the current regulations being enforced would take care of the matter without anything further.

F. Porter said that he would like for Staff to come back to the Board with a clear definition for short- term rentals.

A. Bland shared that he and D. Cobb have already had discussions with the Chamber and TDA in reference to short term rentals. He shared that the Planning Department is going to be holding a Public Input Session on November 5th from 4-6PM and that an online survey has been made available as another avenue for input. He further explained that a summary of the input session would be available to them at the next Planning Board meeting in November.

K. Jackson, Chair stated that he felt that regulations should be in place but not too hard, that he agrees that there needs to be a clear definition.

K. Smith asked if the Heart of Brevard is concerned about taking business away from the hotel industry.

A. Bland answered, not really. He then summarized the consensus of the board to be not to squash the market but that regulations are necessary.

K. Jackson, Chair, called for a five (5) minute recess.

The meeting was called back to order and Kimsey Jackson stated that due to the fact that he owns property adjacent to the property to be discussed for rezoning that he needed to recuse himself from this matter.

K. Thompson moved to recuse, K. Jackson, seconded by F. Porter, unanimously carried.

J. Perkins moved for Frank Porter to chair temporarily in K. Jackson's absence, seconded by K. Thompson, unanimously carried.

III. New Business

b. Rezoning – Martin Bawden, Application #RZ15-000003 for Lot No. 1-A, 545 Rosman Highway, PIN #8585-16-8412-000.

D. Cobb presented his staff report which is attached hereto, labeled Exhibit "B" and incorporated herein by reference. He stated that there are attachments showing the requested property for rezoning as the applicant presented in his application, and also staff's recommendation, which includes the road right of way, so as not to spot zone and to be consistent with the proposed rezoning. He gave a visual presentation of the location of the property and explained the request for the rezoning application.

He further explained that the rezoning would be inconsistent with the current Land Use Plan of 2002 and that if the board voted to approve, that it would need to be noted, but that it was nothing illegal or wrong but would need to be noted.

He informed the Board that if the rezoning to Corridor Mixed Use (CMX) was approved that it would open up the property to additional uses as indicated in the use matrix provided in his staff report and would also allow different building standards, as well as, an 85 square foot sign.

Martin Bawden, Applicant, introduced himself. He explained that he is the owner of a fly fishing company named, Flyman Fishing Co. and that he manufactures tails and flies and distributes his

products all over the country. He stated that it is a quiet business, with not many visitors and that he has outgrown his current location on South Caldwell Street. He purchased the property to construct an 1800 square foot building to use for his business operations.

J. Perkins stated that he is familiar with Mr. Bawden's business and that it is very low impact, but that it would not matter in this instance because, if the rezoning is approved the uses could vary for this property. He further said that he felt the Applicant's needs could be met without rezoning the property to Corridor Mixed Use (CMX) but maybe consider Neighborhood Mixed Use (NMU) but questioned if this might be considered spot zoning.

D. Cobb stated that unfortunately, the only way to know if this would be considered spot zoning would be when the matter goes to court, and that he felt the property needed to be zoned consistently with the surrounding properties, an example being, the property next door, which is a stone yard is zoned CMX.

K. Thompson said she was interested in knowing what is right next door to the property, because of the plots that are in place and what the plans are for that property.

Kimsey Jackson asked to speak and was allowed to do so. He stated that he owned the property until approximately 60 days ago, and that he understood that there was going to be one building constructed and that a room would be used for the business. He stated that had he known that there was going to be more than one building on the property and that the request for rezoning would be applied for, that he would not have sold the property. He further shared that he is in opposition of the rezoning because the property is zoned residential and that there are 3 houses that are in close proximity.

F. Porter asked who owned the right of way to the roads on the adjoining property and was told by Mr. Jackson that they were dedicated to the County.

F. Porter asked if anyone else wanted to speak.

Martin Bawden asked to speak, stating that the impact his business would have on the residences would be minimal, noting that the property is already surrounded by commercial businesses and that the portion of the property next to the residences would remain zoned General Residential (GR4).

D. Cobb, Planning Director, again showed the proposed rezoning boundaries and maps of the division of the property, indicating which part would be zoned CMX and the portion that would remain GR4.

Martin Bawden stated that the only portion of the property he wanted to rezone was along the highway.

F. Porter questioned the setback requirements and how a building would be able to fit on the proposed property, once it was subdivided.

D. Cobb explained the setback requirements for CMX and GR4 in detail.

Martin Bawden stated that the property is an acre and that there is plenty of room to accommodate his plans.

C. Strassner asked if the next commercial development to the south is the grocery. It was pointed out that before the grocery there is another business. He stated that his biggest concern is why change, and if you are changing, to change in a way that makes the most sense.

D. Cobb said that this is correct, but that the property mentioned is not zoned CMX.

Caleb Welborn asked to speak. He stated that he is employed by Mr. Bawden, that he is a Brevard College graduate and is in charge of marketing and other duties for the business. He stated that he believes that the business will fit well into the row of existing businesses along this corridor and noted that Brevard is trying to grow business.

K. Thompson voiced her concerns about the permitted uses if the property is rezoned to Corridor Mixed Use. Noting concerns that an indoor firing range could be an allowed use near a residential neighborhood, and further concerns about some unsightly businesses being allowed there too.

Josh Hallingse, Director of Transylvania Economic Alliance, asked to speak. He stated that Flyman Fisherman is an appropriate business for this area, according to a target market analysis performed by his organization. The way the property lies does fit with surrounding properties and that you would not access the property from a residential neighborhood. He encouraged the board not to consider the worst case scenario and from an economic standpoint he asked the board to approve the rezoning.

J. Perkins spoke to the fact that given the topography you are past that property before you see it and that it does lend itself to higher impact uses. He further stated that what Josh Hallingse had to say is valuable and that this is the type of business that we are trying to attract to this area.

K. Smith said that he thinks that this is the right type of business for Brevard and that it makes sense for this area.

F. Porter requested a recommended motion to approve, J. Perkins made a motion to approve according to Staff's mapped recommendations (including right of way), further acknowledging that the approval is inconsistent with the city's current Land Use Plan and the basis for the decision being that it will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity, and will enhance development potential in a manner that is compatible with surrounding land uses. Motion seconded by K. Smith and unanimously carried.

IV. Old Business – None.

V. Other Business – None.

VI. Adjourn-

K. Jackson, Chair, reestablished his position as Chair and there being no further business requested a motion to adjourn, F. Portion made motion to adjourn, seconded by C. Strassner, unanimously carried.

Kimsey Jackson, Chair

Janice H. Pinson, Board Secretary



The City of Brevard North Carolina

NEW BUSINESS STAFF REPORT

November 17, 2015

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATION: Staff believes existing regulations that allows for two lanes but only a single menu board sign lack continuity and recommends approval of the text amendment as presented in Attachment C.

The Planning Board's responsibility is to formulate a recommendation to Brevard City Council. The Board shall make one of the following recommendations with regard to a petition to amend the text of this ordinance:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by the Board; or
3. Rejection of the amendment.

In its review, the Board may request additional information from Staff, and may take up to 45 days to formulate a recommendation to City Council, meaning that the Board must forward a recommendation on or before Thursday, December 31, 2015.

FISCAL IMPACT: N/A

ATTACHMENTS:

- A. Text Amendment application
- B. Applicant's proposed amendment text
- C. Staff-recommended amendment text



CITY of BREVARD

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

Planning Department
(828) 885-5630

-APPLICATION FOR TEXT AMENDMENT-

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

APPLICANT CONTACT:

Name: Charles Edwards
 Telephone: 928-697-4337
 Email: chuck @ cedwardsgroup.com
 Address: 337 N. MAIN ST
HENDERSVILLE NC 28792
 Signature: [Handwritten Signature]
 Date: 12/21/15

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

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

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

12.9.6.5 - "MENU BOARD: EACH DRIVE THRU RESTAURANT SHALL
BE ALLOWED (1) MENU BOARD. MENUBOARDS SHALL NOT BE GREATER THAN 12
3/4" IN SIZE OR SEVEN FEET IN LENGTH

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

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

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

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

Attached

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

RE: Text Amendment

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

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

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

Applicant's Proposed Amended Language

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

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

Staff's Proposed Amended Language

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

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

Chapter 19.3 – Definitions

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



The City of
Brevard
North Carolina

NEW BUSINESS STAFF REPORT

November 17, 2015

TITLE: Short-Term Rentals
SPEAKER: Daniel P. Cobb AICP, Planning Director
PREPARED BY: Aaron N. Bland AICP, Planner & Asst. Zoning Administrator

EXECUTIVE SUMMARY: Planning Board will continue their discussion regarding text amendments for short-term rentals. Staff will present a summary of the public input process and a framework for potential amendments.

BACKGROUND: At the Board's meeting on October 20, 2015 Staff presented an overview of short-term rentals. The Board responded that there was a need to amend the City's Unified Development Ordinance (UDO) to address short-term rentals and requested Staff create a "framework" of new language for the Board to consider.

DISCUSSION: Since the Board's last meeting, Staff has utilized two methods to engage the public and receive comments and opinions on this issue: an online survey and a formal public input session.

The online survey (included as Attachment A and available at www.cityofbrevard.com/STRsurvey) has been live since October 19th on the City's website and will remain active until Friday, November 20th. As of November 10th at approximately 9:00am, the survey had received 173 responses.

The public input session was held on Thursday, November 5, 2015, and consisted of a brief presentation by Staff at 4:00pm and 5:00pm, with time for questions and discussion following each. Approximately 40 people attended with most participating in the discussions. An overview of the input received will be presented to the Board.

Staff took the input from the survey and input session, as well as the comments heard from both Planning Board and City Council on this issue and created a basic framework of possible amendments to the UDO in order for it to better address short-term rentals.

POLICY ANALYSIS: The framework being presented by Staff has several key aspects:

- Amending existing lodging definitions to clarify what uses fall into which categories.
- Creating two new lodging use categories:
 - "Homestay" category for those renting a spare room or part of a home that they live in.
 - "Short-Term Rental House" category for renting an entire house.
 - Requires special use permit in residential districts

- Creating basic minimum standards for both new short-term rental categories such as off-street parking, signage, and maximum occupancy requirements.
- Requiring a registration process that includes contact information for a local person in responsible charge of the property if any issues arise.
- Exception for incidental rentals if the total rental period is under a certain number of days per year.

Staff will present this framework in greater detail at the meeting.

STAFF RECOMMENDATION: Staff feels that the framework provided represents an approach that will allow for short-term rentals to operate in the City while achieving the goals of City Council and Planning Board by ensuring each establishment is compatible with their individual surroundings. Specific text amendments are not being offered at this time; Staff is requesting feedback and further discussion on the details of the presented ordinance framework.

FISCAL IMPACT: Requiring short-term rentals to receive a special use permit from the Board of Adjustment and/or zoning site plan approval from the Planning Department will result in the collection of additional application fees received by the City. The application fee for a special use permit is \$200. The fee for a zoning permit is currently \$50, however a permit fee specific to short-term rental applications could be established at a different value.

ATTACHMENTS:

- A. Online survey

Online Survey

Do you reside or own property in the City of Brevard or its ETJ? *

- Yes
- No

Do you currently, or are you considering, operating a short-term rental in the City? *

- Yes
- No

What values do you see in allowing short-term rentals? Select all that apply.

- Providing additional income
- We need more lodging in our area
- Travelers like alternative lodging options
- None
- Other

If other, please specify.

What do you see as potential issues of STRs?

- Noise
- Traffic
- Parking
- Safety
- Loss of long-term housing rentals for residents
- Commercial uses in residential neighborhoods
- Other

If other, please specify.

Where do you believe short-term rentals should be allowed?

- Nowhere (ban them city-wide)
- All districts (no prohibitions)
- All districts except for residential
- Commercial districts only

Please provide any additional comments or concerns.