



AMENDED AGENDA
BREVARD CITY COUNCIL – SPECIAL CALLED MEETING
Tuesday, January 3, 2017 – 7:00 P.M.
City Council Chambers

A. Welcome and Call to Order

B. Certification of Quorum

C. Approval of Agenda

D. Public Hearing

1. Rezoning – Public Hearing to consider the request of John Johnson to rezone property located at 1259 Asheville Highway from GR-General Residential to NMX-Neighborhood Mixed Use3

E. New Business

1. Ordinance – Rezoning of 1259 Asheville Highway from GR to NMX 24
2. Appointment to Brevard Personnel Board 28
3. City Council 2017 Meeting Schedule 32

F. Closed Session

1. **Economic Development: GS § 143-318.11. (a)(3) (4)**

G. Adjourn

To review Agenda materials, go to the City’s website www.cityofbrevard.com. Select “Your Government” tab followed by “Council Agenda Packet” tab. Agenda materials will be posted on Thursday afternoon, December 29th prior to Council’s Tuesday meeting.

Dec. 16, 2016
Forwarded to Media, Sunshine List & Posted
Amended: Dec. 21, 2016
Forwarded to Media, Sunshine List & Posted
D. Perry, City Clerk

Public Hearing(s)

STAFF REPORT

City Council, January 3, 2017

Title: **Johnson Rezoning (#RZ16-000004)**
City Council will hold a public hearing on a rezoning request for a property located on Asheville Highway.

Speaker: Aaron Bland AICP, Planner & Assistant Zoning Administrator

From: Daniel Cobb AICP, Planning Director

Prepared by: Aaron Bland AICP, Planner & Assistant Zoning Administrator

Approved by: Jim Fatland CPFO, City Manager

BACKGROUND: Staff received the application for rezoning on October 27, 2016 from Mr. John Johnson (hereafter, "Applicant") to rezone his property at 1259 Asheville Highway (PIN 8596-09-3864-000) from General Residential 6 (GR-6) to Neighborhood Mixed-Use (NMX).

The subject property is 3.6 acres and set back off of Asheville Highway, behind Egolf Motors and adjacent to Straus Park. See Attachment A "Site Map," Attachment B "Vicinity Map," Attachment C "Current Zoning", and Attachment D "Proposed Zoning" for reference.

The Brevard Planning Board considered this request at their meeting on November 15, 2016. The Board voted to recommend the rezoning, noting inconsistency with the Future Land Use Map, unanimously, with the exception of one member who abstained from voting.

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

Is the request consistent with adopted land use plans?

The proposed rezoning is inconsistent with the Future Land Use Map of the 2002 City of Brevard Land Use Plan (Attachment E), which classifies this property as "Residential – Low Density," which is defined as:

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.

If the Council elects to recommend in favor of the proposed rezoning, then Council must, in its motion, acknowledge this inconsistency 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 subject parcel currently has one single-family detached house on the property. If the subject property is rezoned as proposed, then the single-family home will become a pre-existing nonconforming use. Creating such a nonconformity does have bearing on the potential future use of the property, as new single-family homes are not currently permitted within the NMX district.

However, an existing nonconforming residential use may be enlarged or altered as long as the enlargement or alteration is in compliance with all yard requirements and other regulations of such structures as required in the specific district. Nonconforming structures and uses may not be reestablished if they are discontinued for 180 days or substantially damaged (e.g. fire or natural disaster).

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?

The adjacent zoning districts are CMX along Asheville Highway to the east, GR6 in Straus Park to the north and west, and NMX in the commercial area of Straus Parkway to the south. Allowable uses within the NMX zoning district differ from those uses allowed in GR, as it is a more commercial district. (See Attachment F "Allowable Uses Comparison Table" for a list of uses allowed in each district.) The proposed rezoning would extend the existing NMX, "wrapping" it around the CMX properties and acting as a transitional buffer between the commercial highway corridor and the residential properties in Straus Park.

The parcel's size of 3.59 acres, coupled with the fact that there is existing NMX property adjacent to the south, eliminates concerns of spot zoning.

What is the balance of benefits and detriments to both the Applicant / property owner and the public at large?

Potential benefits of this rezoning as proposed by the applicant include additional allowable residential and commercial uses for this property. The potential detriments of allowing more commercial uses in proximity to the residential Straus Park neighborhood, such as light and noise, are assumed to be mitigated by existing standards in the City's Unified Development Ordinance. For example, if rezoned, the property would be NMX with GR6 as an adjacent district. This would trigger a "Type B Buffer" with new development, which must be a minimum of 20 feet wide and 6 feet in height, in order to screen any non-compatible uses between the districts.

POLICY ANALYSIS: The proposed zoning district of Neighborhood Mixed-Use is defined as:

The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

The subject parcel is situated such that it lies between Corridor Mixed-Use properties along Asheville Highway and General Residential properties within Straus Park. The designation of NMX seems to be an appropriate choice, allowing the NMX parcel to be a transitional district as intended by the above definition.

By acting in the transitional role described above and by allowing a mix of residential uses, the rezoning as proposed addresses the “Livable Communities” element of the City’s comprehensive plan:

GOALS

With a strong sense of community that supports livability for all, Brevard will:

- Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services, and accommodate multiple modes of transportation.
- Enjoy a network of complete neighborhoods that provide for all types of residents.
- Provide the services and amenities that allow residents to live happy, healthy, productive lives.

OBJECTIVE 4.2: Develop a system of “complete neighborhoods” throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

However, the proposed rezoning is inconsistent with the City’s current Land Use Plan and Future Land Use Map, as noted above. North Carolina General Statute 160A-383 requires that the City’s review of the proposed zoning map amendment include a written statement as to the consistency of the amendment with adopted plans and policies of the City. This rezoning is inconsistent with the 2002 Land Use Plan, however, as noted above, it does enforce the policies from the Comprehensive Plan. Staff has prepared a draft consistency statement, which is included as Attachment G, and was included by the Planning Board as the consistency statement for their recommendation.

STAFF & BOARD RECOMMENDATIONS: While the proposed rezoning is inconsistent with the Future Land Use Plan, Staff believes that the proposed rezoning represents an appropriate application of the NMX zoning district as a transitional area between the Corridor Mixed-Use properties that front Asheville Highway and the General Residential 6 properties of Straus Park, and will result in a rational and consistent pattern of zoning and resulting land uses. Further,

Staff believes that the proposed rezoning does not constitute “Spot Zoning,” due to its geographic location of adjoining an existing Neighborhood Mixed Use district.

Additionally, it is Staff’s position that adequate provisions are in place in the City’s current development regulations and review procedures to mitigate potentially negative impacts of future development upon the subject parcel, which could develop as a result of the proposed rezoning, upon the adjacent single-family residential properties of Straus Park.

The Brevard Planning Board considered this request at their meeting on November 15, 2016. The Board voted to recommend the rezoning, noting inconsistency with the Future Land Use Map, unanimously, with the exception of one member who abstained from voting.

Staff recommends granting the rezoning as proposed, as this will allow the Neighborhood Mixed Use zoning district to act as the transitional district it is intended to be between the commercially-zoned properties that front Asheville Highway and the residential properties in Straus Park.

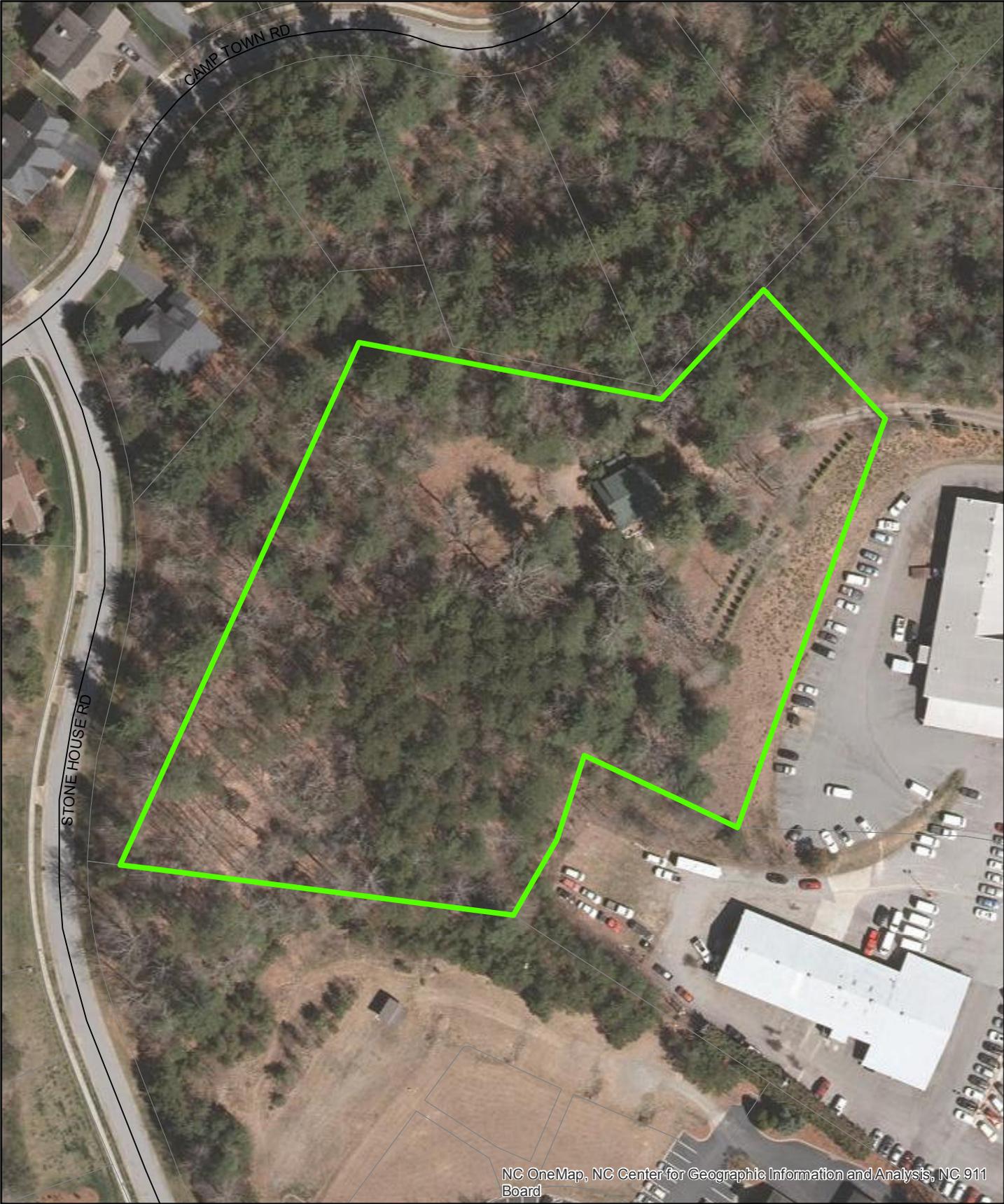
The following courses of action are available to City Council:

1. Grant the rezoning as requested;
2. Grant the rezoning with a reduction in the area requested;
3. Grant the rezoning to a more restrictive general zoning district;
4. Grant the rezoning with a combination of 2) and 3) above; or
5. Deny the application.

FISCAL IMPACT: Minimal; future development upon the subject parcel will require Staff time for review of NMX uses, which are often more complicated than those allowed in GR.

ATTACHMENTS:

- A. Site Map
- B. Vicinity Map
- C. Current Zoning Map
- D. Proposed Zoning Map
- E. Future Land Use Plan Excerpt
- F. Allowable Uses Comparison Table
- G. Consistency Statement
- H. Application Materials



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

-  Streets
-  City Limits
-  Subject Property
-  Parcels

Site Map





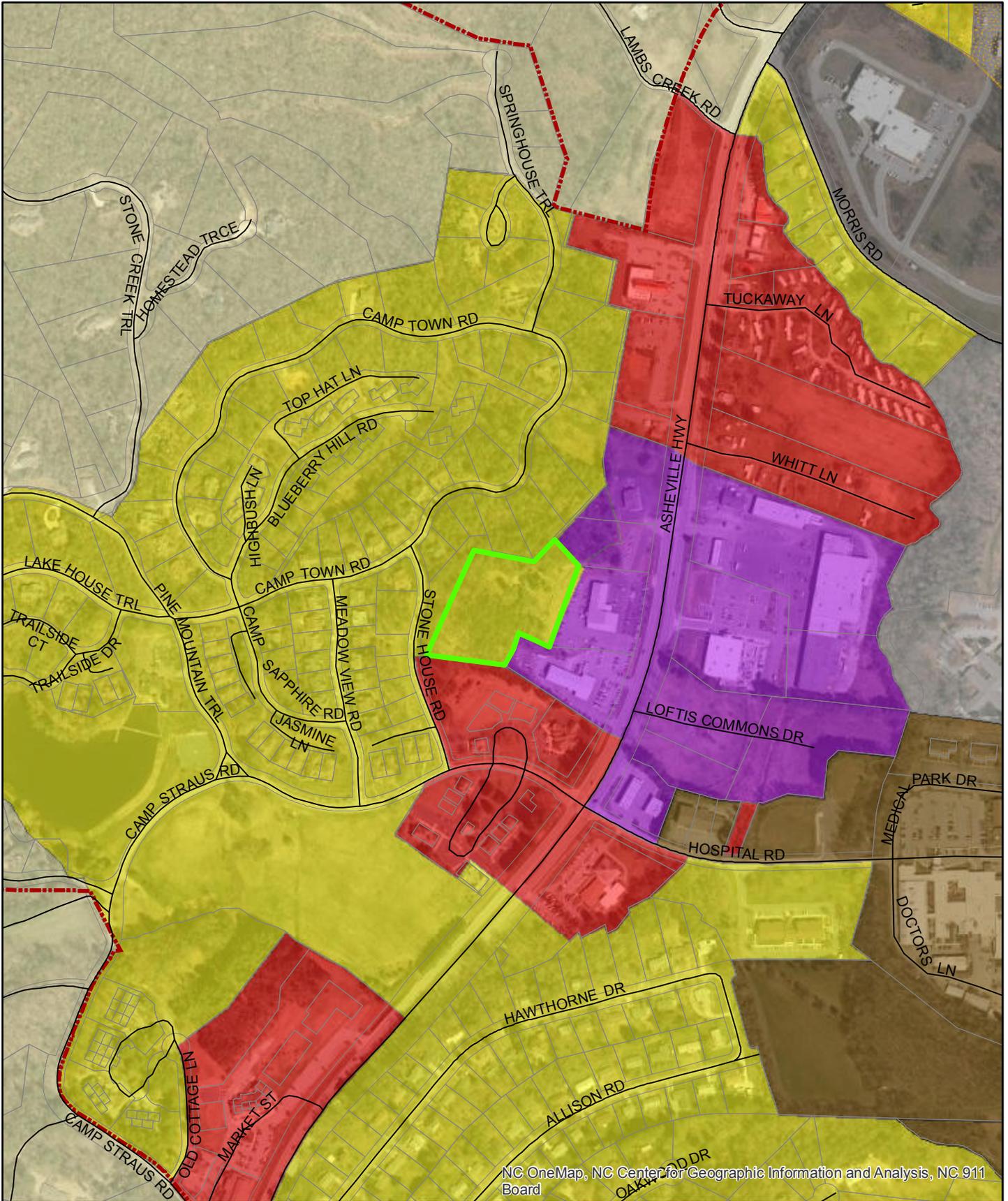
NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

-  Streets
 -  City Limits
 -  Subject Property
 -  Parcels
- Page 8 of 33

Vicinity Map



1 inch = 500 feet



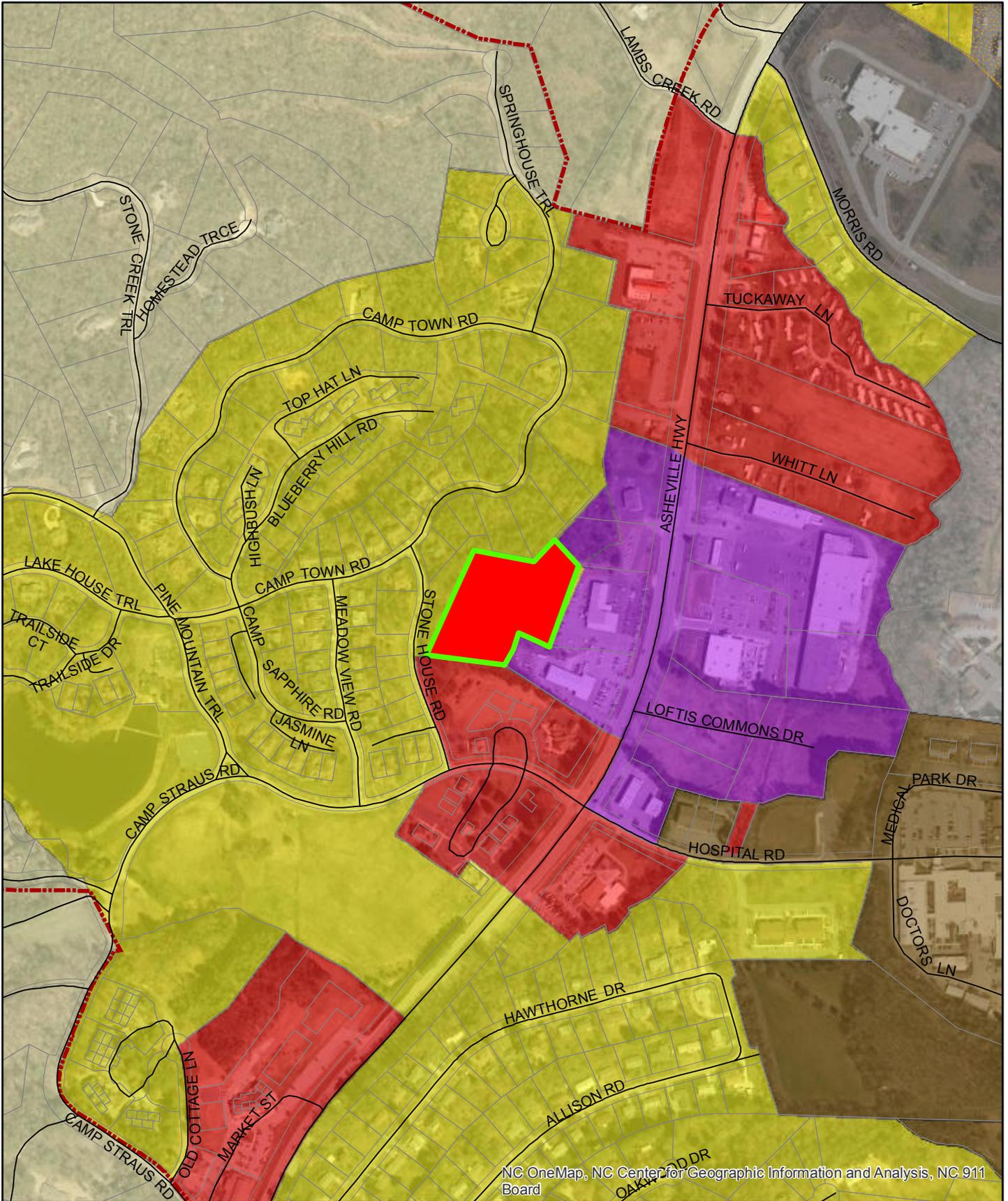
NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

- Streets
- City Limits
- Subject Property
- Parcels
- 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 Districts
- MHD

Current Zoning



1 inch = 500 feet



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

- Streets
- City Limits
- Subject Property
- Proposed NMX
- Parcels
- MHD
- General Residential (6)
- General Residential (4)
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- Corridor Mixed Use
- Downtown Mixed Use
- Neighborhood Mixed Use
- Residential Mixed Use
- Institutional Campus
- Special Districts

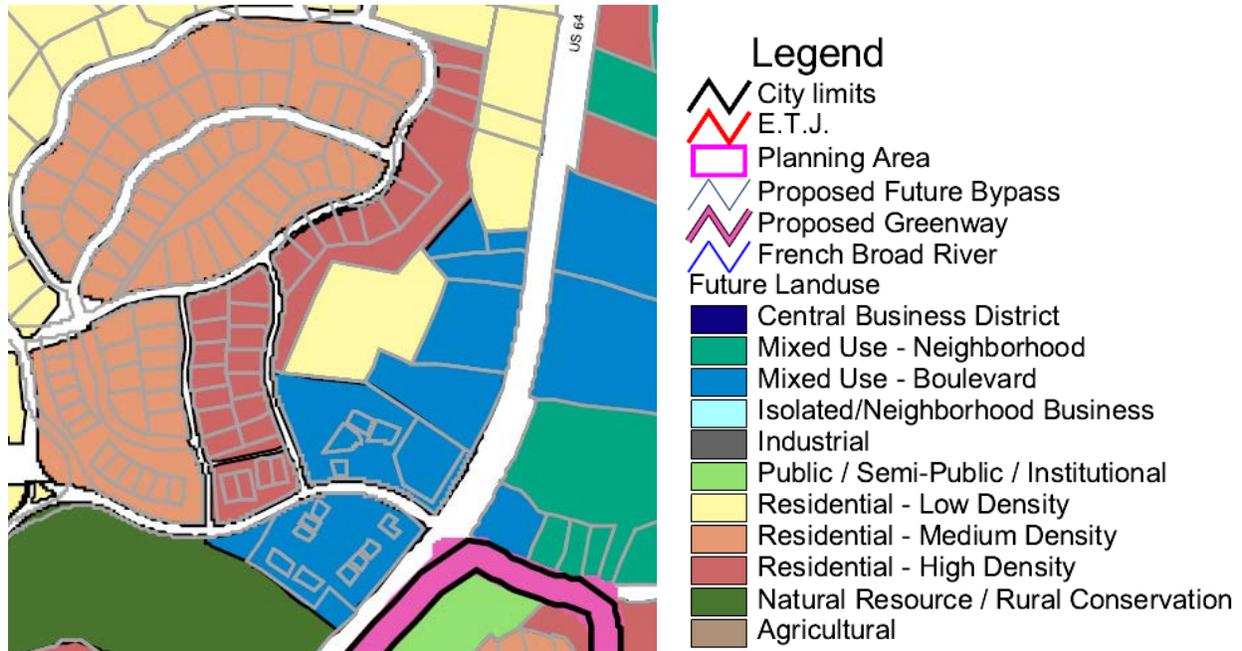
Proposed Zoning



1 inch = 500 feet

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 Brevard Unified Development Ordinance, provides a comparison of uses permitted in the General Residential (GR) and Corridor Mixed-Use (CMX) districts.

2.2. - Use categories and tables of permitted uses.

- C. Use matrix. The following matrix sets forth the manner by which certain uses may be permitted within the various districts set forth above.
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	GR	NMX
Residential		
Dwelling—Single Family (Site-built) ^(a)	P	—
Dwelling—Duplex	P	P
Dwelling—Town Home or Condominium Structure	GD	P
Dwelling—Multifamily 3—4 units/bldg, not including Condominium Buildings or multiple structures	SUP	P
Dwelling—Multifamily more than 4 units/bldg	—	P
Dwelling—Secondary	PS	PS
Family Care Home (Less than 6 residents)	P	P
Home Occupation	PS	P
Housing Service for the Elderly	SUP	P
Live-Work Units	P	P

Manufactured Home (single unit) ^(b)	MHD	MHD
Manufactured Home Park	SUP	—
Recreational Vehicle	—	—
Lodging		
Bed and Breakfast Home	PS	PS
Bed and Breakfast Inns	SUP	PS
Accessory Rental Cottage/Cabins ^(c)	PS	PS
Hotels/Motels/Inns	—	—
Rooming or Boarding House	—	P
Recreational Vehicle Park	—	—
Office/Service		
Animal Services	—	P
Artist Workshop	—	P
ATM	—	P
Banks, Credit Unions, Financial Services	—	P
Business Support Services	—	P
Adult/Child Day Care Home (Less than 6)	PS	PS
Adult/Child Day Care Center (6 or more)	—	PS
Community Service Organization	—	P
Drive Thru Service	—	SUP
Equipment Rental	—	—
Funeral Homes	—	PS
Group Care Facility (6 or more residents)	—	P

Government Services	—	P
Kennels	—	SUP
Medical Services—Clinic, Urgent Care Center	—	SUP
Medical Services—Doctor office	—	P
Post Office	—	P
Professional Services	SUP	P
Personal Services	—	P
Studio—Art, Dance, Martial Arts, Music	—	P
Vehicle Services—Major Repair/Body Work	—	—
Vehicle Services—Minor Maintenance/Repair ^(d)	—	SUP
Retail/Restaurants		
Accessory Retail	—	—
Alcoholic Beverage Sales Store	—	SUP
Auto / Mechanical Parts Sales	—	—
Bar/Tavern/Night Club	—	SUP
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 - Outdoor	—	—
Vehicle/Heavy Equipment Sales - Indoor	—	PS

Entertainment/Recreation		
Amusements, Indoor	—	SUP
Amusements, Outdoor	—	SUP
Cultural or Community Facility	SUP	P
Meeting Facilities	—	P
Recreation Facilities, Indoor	SUP	SUP
Recreation Facilities, Outdoor	SUP	P
Theater, Movie	—	—
Theater, Live Performance	—	SUP
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	—	—
Storage—Outdoor Storage Yard as a Primary Use	—	—

Storage—Warehouse, Indoor Storage	—	—
Wholesaling and Distribution	—	—
Civic/Institutional		
Campground/Artist Colony/Summer Camp	SUP	SUP
Cemeteries	PS	PS
Colleges/Universities	—	SUP
Hospital	—	—
Jail	—	SUP
Public Safety Station	SUP	P
Religious Institutions	SUP	P
Schools—Elementary and Secondary	SUP	P
Schools—Vocational/Technical	SUP	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	—	—
Agriculture	P	—
Parking	PS	P

Swimming Pool—Residential Accessory Use	PS	PS
Swimming Pool—Primary Use	—	SUP
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	—	—
Mobile Food Vendors	—	PS

(a) Within NMX, DMX, and CMX districts, single family structures are permitted only as town homes or multi-family structures; on the second or higher floor of any structure where the ground floor is used for non-residential purposes; or as part of a group development, or conditional district, in which event they shall not be subject to the foregoing limitation.

(b) Manufactured homes are permitted with standards in the Manufactured Home Overlay District.

(c) Accessory rental cottage/cabins are permitted with standards in association with approved bed and breakfasts.

(d) Vehicle services are permitted within institutional campuses only for the purposes of maintaining vehicles associated with the operation of the campus and for instructional classes. For example, a college may operate a maintenance shop for the campus fleet, as well as, for instructional classes. Other vehicle service operations shall not be permitted within institutional campuses.

(e) Non-residential uses within a live-work unit must be listed within Chapter 2, Section 2.2 (C. Use Matrix) as a permissible use within the district in which the live-work unit is proposed. and such non-residential use must be approved by means of the appropriate permitting process. Non-residential

enterprises and residential units within any live-work unit that is located within a General Residential District shall have a common tenant. In districts where residential building types are not permitted, live-work units may be permitted within pre-existing non-conforming residential structures.

STATEMENT OF REASONABLENESS & CONSISTENCY WITH CITY POLICIES AND PLANS

NCGS 160A-383 requires that the City's review of the proposed zoning map amendment include a written statement analyzing the reasonableness and the consistency of the conditional rezoning with adopted plans and policies of the City. The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan:

Livable Communities Element:

GOALS

With a strong sense of community that supports livability for all, Brevard will:

- Foster efficient land use, support a mix of housing types, increase efficiency of public utilities and services, and accommodate multiple modes of transportation.
- Enjoy a network of complete neighborhoods that provide for all types of residents.
- Provide the services and amenities that allow residents to live happy, healthy, productive lives.

OBJECTIVE 4.2: Develop a system of “complete neighborhoods” throughout Brevard. (This is a multi-faceted objective that will rely on objectives and policies from other elements as well.)

POLICY 4.2.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

NCGS 160A-383 requires that the City's review of the proposed zoning map amendment include a written statement analyzing the reasonableness and the consistency of the conditional rezoning with adopted plans and policies of the City. The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

The *2002 City of Brevard Land Use Plan, Future Land Use Map* recommends use of this property for Residential – Low Density.

The Plan text contains the following language describing the Residential – Low Density land use category:

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.

APPLICATION FOR REZONING

ATTACHMENT H
RZ16-000004

City of Brevard, North Carolina

Please provide the following information:

Applicant Name, Address & Telephone Number:

John Johnson, mgr partner
JKJSCJ LLC
850 ABIEERDEN LN Pisgan Forest NC 2876
(828) 324-8142

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

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

DAVID NEUMANN
The Neumann Law Firm
828-884-6570

Location of Property:

1259 Asheville Hwy

PIN: 8596-09-3864-000 Present Zoning Classification: GRL

Request Property Be Rezoned To NMX District.

Existing Use of Adjacent Properties:

North Residential South Residential
West Residential East Commercial

[Signature] Date 10/27/16
Signature of Applicant
[Signature] mgr partner Date 10/27/16
Signature of Property Owner

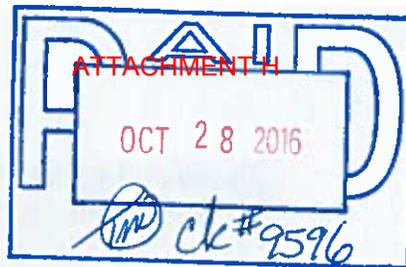
By my signature I confirm my support for this rezoning application. I authorize the aforesaid Applicant & / or Agent to represent me for the purposes of this rezoning. I authorize City of Brevard Personnel to enter my property (which is described herein) to conduct site inspections, post legal notifications, and perform other tasks necessitated by this application. I attest that I have read and understand the City of Brevard Rezoning Procedures set forth in Chapter 16 of the City of Brevard Unified Development Ordinance.

The following documents must be submitted along with this application:

- _____ Review Fee (\$500.) (Receipt # _____, Date Paid _____)
- _____ Survey of Property
- _____ Metes and Bounds Description of Property
- _____ List of Property Owners' names & addresses within 200' of subject property.
- _____ Narrative describing the purpose of the rezoning.

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

- Sketch Plan Review Date _____
- Application Submittal 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 _____



CITY OF BREVARD

STATEMENT OF FEES

CUSTOMER INFORMATION

Customer name: John Johnson Telephone: 828-329-8142
 Contractor name: _____ Telephone: _____
 Development Permit Number _____
 Location (911 Property Address): 1259 Asheville Hwy - rezoning
 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	<u>500.⁰⁰</u>	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	<u>500.⁰⁰</u>	Receipt Number: <u>362910</u>	Date: <u>10/31/16</u>

*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): _____

New Business

ORDINANCE NO. 2017-____

**AN ORDINANCE AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF BREVARD
BY REZONING PROPERTY OWNED BY JOHN JOHNSON TO
NEIGHBORHOOD MIXED USE ZONING DISTRICT**

WHEREAS, a public hearing was conducted on January 3, 2017, upon a request from John Johnson, to rezone property located at 1259 Asheville Highway, from a General Residential (GR-6) zoning district to Neighborhood Mixed Use District (NMX); and,

WHEREAS, the property proposed for rezoning is known by Transylvania PIN No. 8596-09-3864-000, described in Deed Book 451, Page 439 and owned by John K. and Sharon C. Johnson; and,

WHEREAS, the rezoning request was considered by the Brevard Planning Board at their November 15, 2016, meeting and recommend Council approval of the rezoning request; and

WHEREAS, the City Council of the City of Brevard finds that the proposed rezoning is inconsistent with the City of Brevard Land Use Plan Future Land Use Map, but finds that the proposed rezoning will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity; that the proposed rezoning will enhance development potential in a manner that is compatible with surrounding land uses; that the proposed rezoning is of sufficient size and configuration given the proposed district and is appropriate in terms of its geographic location; and that the proposed rezoning does not constitute "Spot Zoning;" and,

WHEREAS, the City Council of the City of Brevard, after hearing all persons wishing to comment on the rezoning, desires to approve the request and amend the City's Official Zoning Map accordingly.

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

Section 1. In accordance with N.C.G.S 160A-364, as amended and Brevard City Code, the Official Zoning Map of the City of Brevard is hereby amended to rezone the property described herein from a General Residential (GR-6) zoning district to Neighborhood Mixed Use District (NMX).

Section 2. The Neighborhood Mixed Use Zoning District, which is established by this Ordinance, is depicted upon Exhibit A to this Ordinance, which is attached hereto and incorporated herein by reference.

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved upon first reading this the _____ day of January, 2017.

Jimmy Harris
Mayor

ATTEST:

Desiree D. Perry, CMC, NCCMC
City Clerk

Ordinance No. 2017-_____

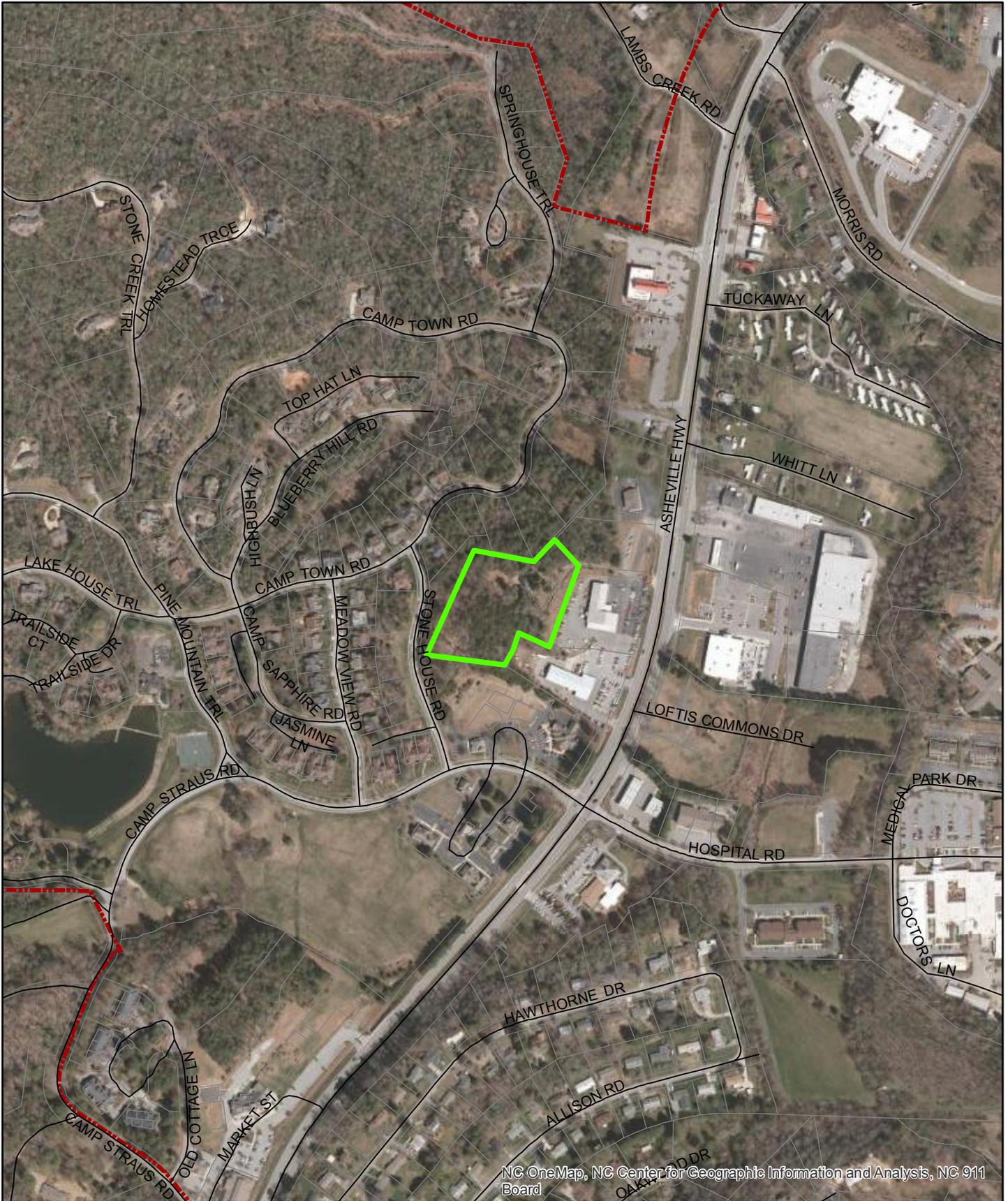
Date of Adoption

Page 2 of 4

APPROVED AS TO FORM:

Michael K. Pratt
City Attorney

EXHIBIT "A"



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

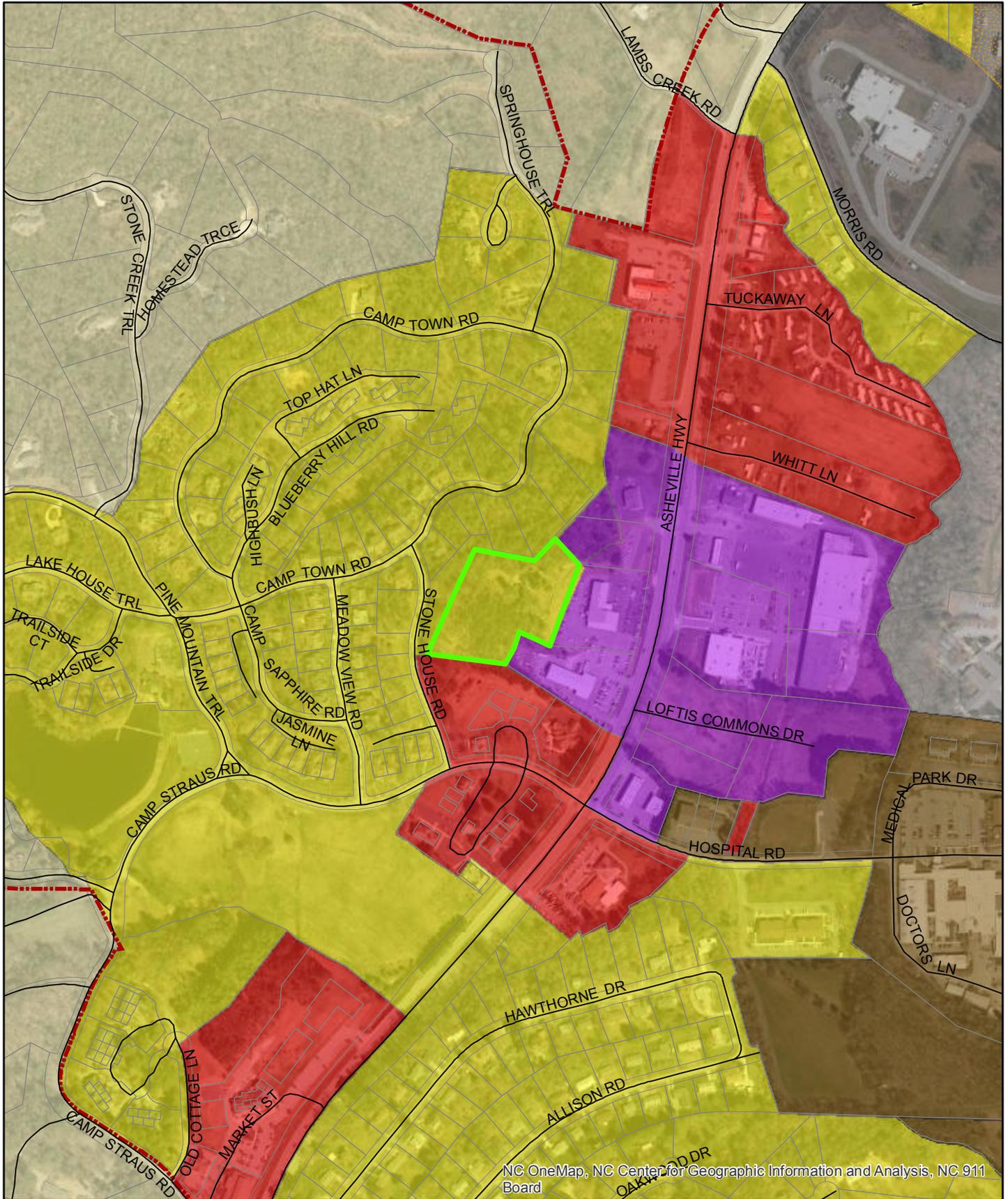
- Streets
 - City Limits
 - ▭ Subject Property
 - ▭ Parcels
- Page 26 of 33

Vicinity Map



1 inch = 500 feet

EXHIBIT "A"



NC OneMap, NC Center for Geographic Information and Analysis, NC 911 Board

- Streets
- City Limits
- Subject Property
- Parcels
- 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 Districts
- MHD

Current Zoning



1 inch = 500 feet

STAFF REPORT

City Council, January 3, 2017, Meeting

Title: **Board Appointments – Brevard Personnel Board**
Council will consider making an appointment to the Board of Adjustment to fill one vacancy.

Date: December 21, 2016

Prepared by: Desiree Perry, City Clerk
Approved by: Jim Fatland, City Manager/Finance Director

Background / Discussion: Vacancies exist on the Personnel Board. Two applications have been received. It is staff’s recommendation Council consider appointing both to serve on the Board, and that one be appointed to serve as a regular member and the other to serve as an alternate member.

There are two applications on file for appointment consideration. On December 19, 2016, Ms. Carol Dillingham submitted an application for appointment consideration. On December 20, 2016, Mr. Donald Owen submitted an application for appointment consideration.

Personnel Board Members	Term Expires
Morris L. Davis	Nov. 2018
Roger Shiley	Nov. 2019
Vacant	Nov. 2019
Nancy Dowdy, Alt.	Nov. 2019
Vacant, Alt.	Nov. 2018

Fiscal Impact: None

Staff Recommendation: Staff requests Council to consider appointing one of the two applicants to serve as a regular member, and consider appointment of the other to serve as an alternate member.

BREVARD PERSONNEL BOARD - ACTIVE

- *Personnel Board was re-established and Council appointed members on November 21, 2016.*
- *Three Regular and Two Alternate Members*
- *All members are appointed by City Council.*
- *Staggered three year terms.*
- *Maximum two consecutive term limits.*
- *Members are to be City residents; one member may reside in ETJ.*
- *Brevard Personnel Policy established the Board and describes duties.*
- *Meet on an as-needed basis. Meetings will be held in Admin. Conference Room.*
- *Orientation Meeting scheduled for: Friday, December 2, 2016*

** CITY APPOINTED **

Members	Address	Phone	Email	Appointed	Term Expires	Comments
Morris L. Davis	363 Probart Street Brevard, NC 28712	883-3568 H	marceldavis@comporium.net	11/21/2016	Nov-2018	
Roger Shiley	118 Grove Street Brevard, NC 28712	885-2409 H	clockstore@comporium.net	11/21/2016	Nov-2019	
Vacant					Nov-2019	
Nancy Dowdy Alternate Member	517 Park Avenue Brevard, NC 28712	883-9336 H	gulfgal98@yahoo.com	11/21/2016	Nov-2019	
Vacant Alternate Member					Nov-2018	
Kelly Craig HR Director	95 West Main Street Brevard, NC 28712	885-5608 W	kelly.craig@cityofbrevard.com	HR Director	Permanent	

Updated 12/21/2016 D Perry



received
12-19-16

CITY OF BREVARD

Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- Community Appearance Commission • City Council Downtown Master Plan Committee
- City Council Parks, Trails and Recreation Committee • City Council Public Works & Utilities Committee
- Personnel Board • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: Personnel Board
* List only one per Appointment Application form.

Date 12/19/16

Name Carol Dillingham

Home Address 33 W Laurel CD Brevard

Phone (home) 577-7812 (work) 884-3151 x 2

Occupation part-time Library Asst. E-Mail caroldillingham@yahoo.com

May you be contacted at work? yes Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

2 yrs college, served on Bd of Directors HOB, committee for Focus 2020, Bd of Adj, Rtd Cross volunteer - 20 yrs medical, dental fields prior to library position

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

In addition to working over 40 years, I've always been able to listen to people and really hear them.
*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Carol Dillingham
Signature of Applicant

Please return this application to: City of Brevard Attn: Desiree D. Perry, City Clerk
95 W Main Street, Brevard, NC 28712
Phone: 828-885-5614 - Fax: 828-883-2853 - Email: dperry@cityofbrevard.com



received
12-30-2016

CITY OF BREVARD Board/Committee Appointment Application

The City Council invites all citizens of the City to participate in governmental decisions by serving as a member on an advisory board or committee. Boards and committees include:

- ABC Board of Directors • Board of Adjustment • Brevard Housing Authority Board of Directors
- Community Appearance Commission • City Council Downtown Master Plan Committee
- City Council Parks, Trails and Recreation Committee • City Council Public Works & Utilities Committee
- Personnel Board • Planning and Zoning Board • Terrell Scruggs Scholarship Committee
- Western Carolina Community Action Board

Name of Board or Committee Interested In: Personnel Board
* List only one per Appointment Application form.

Date 12-20-16

Name Donald Owen

Home Address 891 Neely Rd., Brevard, NC. 28712

Phone (home) 828-884-4571 (work) _____

Occupation Retired E-Mail dodo2@Comporium.net

May you be contacted at work? _____ Do you live within the corporate City Limits? yes

Please list other appointed positions you presently hold in Brevard or Transylvania County Government:

N/A

Educational background, special qualifications (i.e., civic memberships, related work experience, etc.). (Use back of sheet if additional space is needed.)

Retired Public Works Director

Based on your qualifications and experiences, briefly describe why your services on this board/committee would be beneficial to the City of Brevard:

I know + understand City policy

*Please note: Upon appointment to a board/committee, the information contained in this application becomes a matter of public record per North Carolina General Statutes 132-1 and may be published or released. Your application will be kept on file for a period of two years and then destroyed. You may reapply after that time period.

Donald Owen
Signature of Applicant

Please return this application to: City of Brevard Attn: Desiree D. Perry, City Clerk
95 W Main Street, Brevard, NC 28712
Phone: 828-885-5614 - Fax: 828-883-2853 - Email: dperry@cityofbrevard.com



Brevard City Council 2017 Meeting Schedule

Day / Date	Time	Type	Location
Tuesday, January 3, 2017	7:00 PM	Special Called Meeting	Council Chambers
Tuesday, January 17, 2017	7:00 PM	Regular Meeting	Council Chambers
Thurs. & Fri., Jan. 26 & 27, 2017	8:30 AM	Annual Retreat	TC Library Rogow Room
Monday, February 20, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, March 20, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, April 17, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, May 15, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, May 22, 2017	5:30 PM	Budget Work Session #1	Council Chambers
Monday, June 5, 2017 <i>(If Needed)</i>	5:30 PM	Budget Work Session #2	Council Chambers
Monday, June 12, 2017 <i>(If Needed)</i>	5:30 PM	Budget Work Session #3	Council Chambers
Monday, June 19, 2017	7:00 PM	Regular Meeting	Council Chambers
<i>No Meetings Are Scheduled For July</i>			
Monday, August 21, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, September 18, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, October 16, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, November 20, 2017	7:00 PM	Regular Meeting	Council Chambers
Monday, December 4, 2017	7:00 PM	Organizational Meeting	Council Chambers
Monday, December 18, 2017	7:00 PM	Regular Meeting	Council Chambers

Adopted:

Distribution: Posted on Website, Bulletin Board & Emailed to City Departments –

AMENDED: (When amended, schedule is re-posted and placed upon City website as amended.)

Closed Session(s)

North Carolina General Statute 143-318.11 Closed Sessions.

(a) Permitted Purposes. – It is the Policy of the State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required.