

MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MARCH 23, 2021

Brevard Planning Board met for a regular meeting, Tuesday, March 23, 2021 at 5:30 PM. The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at <https://www.facebook.com/brevardplanning/>.

Members Present: Chris Strassner, Chair
James Carli
Molly Jenkins
Stephanie Smith
Greg Hunter

Members Absent: Demi Loftis, Vice Chair

Staff Present: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Kaitland Finkle, Planner
Janice H. Pinson, Board Clerk

Others: Tore Borhaug, Lift Holdings, LLC
Michael Goforth, PE, High Country Engineering, Agent for Lamb Creek Land Company, LLC
Barthell Joseph, Applicant, Lamb Creek Land Company, LLC
Richard Ellison, Rabun Architects, City Camper, LLC

I. Welcome

At 5:30 PM, Chris Strassner, Chair, called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves. Roll call was taken by the Chair. Present: Chris Strassner, Molly Jenkins, Stephanie Smith, James Carli, Greg Hunter.

III. Certification of Quorum

Chair, Chris Strassner confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion by J. Carli, seconded by M. Jenkins to approve the agenda as presented, roll call vote, carried unanimously.

V. Approval of Minutes

a. February 23, 2021

Motion to approve the minutes as written by M. Jenkins, second by J. Carli, roll call vote carried unanimously.

VII. New Business

a. Consideration of Application for Text Amendment TXT-21-002 by Lift Holdings, LLC for an Intermediate Modification to Planned Development District.

Aaron Bland, Assistant Planning Director presented his staff report explaining that the modification requested is for the site plan to eliminate confusion moving forward by indicating the setback requirements on all lots.

The site plan is attached hereto and labeled, Exhibit "A".

C. Strassner, Chair clarified that there was no significant change to the original approval.

A. Bland stated that the Planning Director determined it to be an intermediate change only because of the larger scale of the project. Restating that the change was only to label each lot with the required setbacks so there would be no confusion at the time of permit application review for development.

Motion to approve as presented referencing Consistency Statement by M. Jenkins, second by S. Smith, roll call vote carried unanimously. (Consistency Statement attached and labeled, Exhibit "B")

b. Consideration of Application for rezoning, REZ-20-004 by High Country Engineering, Michael R. Goforth, PE, Agent for Lamb Creek Land Company, LLC for property currently zoned Mountain Industrial Drive Planned Development District located at Mountain Industrial Drive, PIN# 8596-37-5808-000 for their Final Master Plan.

Kaitland Finkle, Planner presented her staff report. She explained that the conditions listed were just for permitting purposes, simply points of clarification for Staff to work with Applicant as they move forward with the development.

G. Hunter voiced his concerns that the storage container areas encroach into the railroad right of way, and the effects it might have on the future development of the Ecusta Trail.

Barthell Joseph explained that they had met with Conserving Carolina about the route of the Ecusta Trail, and that the trail plans to utilize the existing Cherry Street Greenway and therefore the storage container areas will not encroach into their plans for future development of the trail.

K. Finkle, Planner responded to concerns about off-site vegetation being allowed to count toward buffer requirements. She explained that the Developer would be required to meet the UDO requirements for a Type B buffer.

There were further questions regarding stormwater that were addressed by Michael Goforth, PE.

G. Hunter questioned why there were only 2 no-rise certifications included in the flood study and that the site plan shows 4 pads.

Michael Goforth, PE explained that the 2 pads for storage containers are outside the floodplain, and therefore do not require no rise certifications.

There were additional questions and discussion about hydrographs.

G. Hunter made a motion to approve with conditions as stated, second by J. Carli, roll call vote carried unanimously. (Staff Comments/Conditions Attached and Labeled Exhibit "C").

c. Consideration of Application for rezoning, REZ-21-002 by City Camper, LLC for property currently zoned Downtown Mixed Use (DMX) located off North Broad and East Appletree Streets, PIN #s 8586-515355-000; 8586-51-6590-000 and 8586-51-7374-000 to be rezoned to a Conditional Zoning District.

Kaitland Finkle, Planner presented her staff report. A portion of which follows:

Background

On January 28, 2021 an application was submitted by City Camper, LLC (Attachment A), for a conditional rezoning and *Preliminary* Master Plan approval for a hotel development within the block bound by East Probart St., North Broad St., East Appletree St., and North Gaston (Faith) St.. Properties are owned by the City of Brevard and located at 168 North Broad St. and 50 East Appletree St., Brevard, NC 28712. The parcels are identified as the following PINS: 8586-51-5355-000, 8586-51-6590-000, and 8586-51-7374-000.

The scope of the proposed change and the current zoning can be seen in Attachment C. The DMX zoning district has a "by right" threshold which only allows Principal Structures to have a Maximum Ground Floor Area of 25,000 square feet. The applicant is requesting a Maximum Ground Floor Area of 45,000 square feet which triggered the requirement for a conditional rezoning.

The Planning Staff hosted a virtual Neighborhood Compatibility Meeting on Thursday March 18, 2021. The Applicant and Staff described the project proposal and answered questions from the 12 attendees as well as addressed comments submitted in advance of the meeting (Attachment F). Questions and comments were in regards to the following:

- Vehicular ingress/egress
- Pedestrian access
- Building frontage
- Street improvements
- Stormwater/flooding
- Landscaping/buffers
- Building height
- Service deliveries
- Road closures
- Construction hours

Discussion

The conditional zoning classification is intended to provide an effective means for the city to manage the impacts of large-scale developments or developments in sensitive contexts and to provide developers with the ability for creative design approaches. Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. In this regard, conditional zoning affords 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 in accordance with the requirements of this section. The developer and the City negotiate the site-specific development standards for the project. These standards are codified in a stand-alone ordinance which applies to the subject property in perpetuity. Applications for a conditional rezoning may seek exceptions to a variety of development requirements including density, building types, architectural standards, open space, landscaping, parking, and signs.

In this case, the Applicant is seeking specific deviations from the standard development regulations from the base zoning district of DMX while also offering a number of assurances. The list of conditions proposed by the Applicant can be seen as Attachment D and the list of conditions proposed by Staff can be seen as Attachment E. Note that *Asterisks* mark the differences in conditions.

The application before the Board for the conditional rezoning includes a *Preliminary* Master Plan (Attachment B). As a *Preliminary* Master Plan, the Applicant is not required to show exactly how each development requirement will be met, such as stormwater management, open space, parking, etc. However, there should be general designs included

to demonstrate the development is feasible given the standard development requirements and site constraints. If the conditional rezoning is approved with a *Preliminary Master Plan*, the Applicant must submit a *Final Master Plan* at a future date that is required to satisfy all elements of the UDO unless excepted as a condition of the enacting ordinance.

Policy Analysis

2015 Comprehensive Plan

The proposed project meets several objectives and policy goals as follows:

OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.

OBJECTIVE 3.2: Reduction of the City's carbon and ecological footprint.

POLICY 3.2.C: Continue requiring landscaping in new development projects.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

POLICY 4.1.G: Modify development ordinances and regulations to incorporate design standards and guidelines that respect existing community character while allowing greater residential density and intensity of nonresidential development within mixed use zoning areas.

POLICY 4.1.I: Evaluate the City of Brevard's current design review process to streamline procedures; clarify roles, responsibilities, and authorities of the various review boards; and improve the overall quality of new development.

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.

POLICY 4.2.C: Invest in new sidewalk construction and existing sidewalk repair within neighborhoods.

OBJECTIVE 4.3: Creation of new opportunities for citizens and visitors to experience recreation and nature.

POLICY 4.3.G: Create small parks within neighborhoods that provide all citizens opportunities to connect with and experience the natural world.

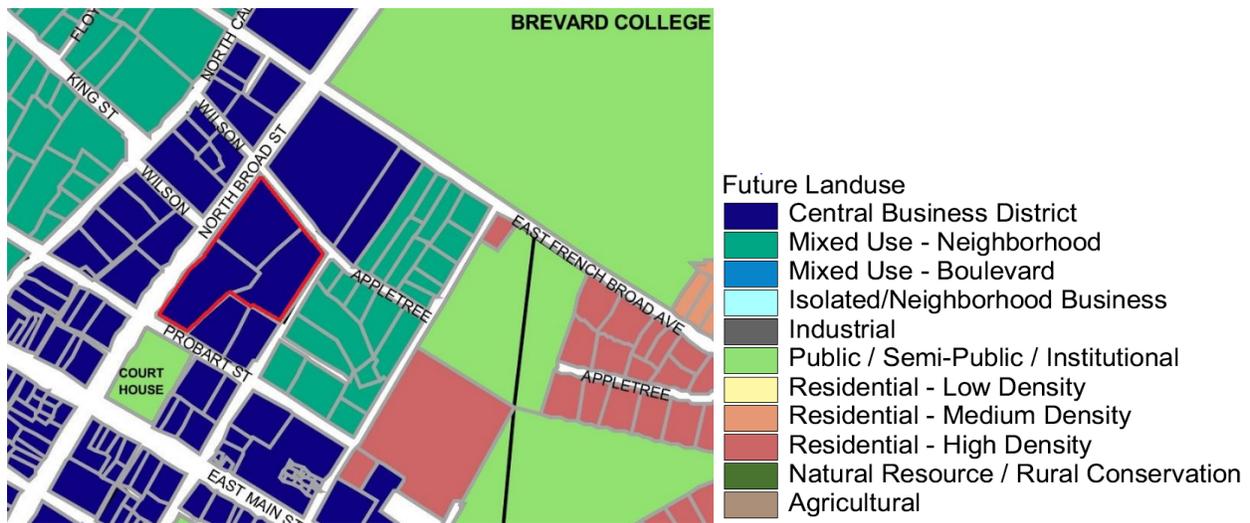
OBJECTIVE 4.4: Enhanced connections, relationships, and collaborations between the City and its citizens and community organizations.

POLICY 4.4.C: Promote a politically empowered and engaged community by educating citizens regarding the mission, objectives, and capacities of the City of Brevard.

POLICY 4.4.D: Empower Brevard’s citizens to play an active and constructive role in community decision-making through public outreach and citizen engagement, small area planning processes, and strategic relationships with neighborhood organizations.

2002 Comprehensive Land Use Plan

The Future Land Use Map designates these parcels as Central Business District.



Kaitland Finkle, Planner explained that the main reason for the request is that the DMX zoning district restricts the building ground floor to 25,000 square feet and the hotel wants a 45,000 square feet ground floor. She further explained that the preliminary site plan is conceptual, and just meets the requirements of a preliminary master plan.

Richard Ellison, Rabun Architects introduced himself as the representative for City Camper.

Kaitland Finkle went through the exceptions with the Board.

In response to the question of height of the building. Mr. Ellison discussed the 40 foot range in topography on site. He explained that they are not sure where the entrance will be, but that they do not plan for the height to be any higher than 50 feet. That they do not want to obstruct the view of the historic courthouse, and have placed this as a self-imposed restriction.

There was a lengthy discussion over the height and how to measure. The board asked what the state building code required. The answer was 70 feet.

It was suggested that Applicant be restricted to no higher than the state building code height of 70 feet.

Mr. Ellison explained that in the DMX zoning district they could build right up to the right of way, but that because the courthouse is a landmark they want to set the building back so as not to block the view.

Staff discussed UDO Chapter 5.18.B, Reference Elevation.

There was discussion about concerns about stormwater, curb and gutter in that the developer would improve one side of the street, and that the City would need to make sure the opposite side was also improved to protect neighboring properties.

Open space was discussed as outlined in UDO Chapter 7.6.

C. Strassner, Chair reminded the Board that the matter before them was only the rezoning, that the developer would have to comply with the ordinance requirements for development and that the Board would have an opportunity to review their master plan at a later date.

Mr. Ellison explained that he had made the design team for the project aware of the 90 foot wide right of way on Broad Street for future downtown streetscape development.

Parking requirements were discussed and will meet the UDO requirements.

There was a discussion on steep slopes due to the topography of the parcels. Mr. Ellison explained that they would like to build on the Probart Street side of the property.

Paul Ray, Planning Director stated that he felt the steep slope on the parcel would be a pretty small area, and is not even sure it would exceed 25%.

G. Hunter asked about the exception that the Developer has 2 years to start once approved.

K. Finkle responded that this time line is pulled from the Development Agreement.

C. Strassner, Chair asked if all exceptions had been addressed. K. Finkle responded that they had.

The Board wanted to make sure that Staff recommended to Council that Appletree Street improvements, and the neighbors' concerns be addressed by adding curb and gutter to control stormwater runoff on both sides of Appletree Street.

K. Finkle responded to parking concerns by explaining that the Developer will need to meet the required 120 spaces in their final master plan, but that during the review for development Staff can reduce the number of spaces if they feel it necessary.

Motion to approve with Staff Recommended Conditions (Attachment "E") with the revision to #7. Steep Slope Area Requirements - to add that no development will be allowed in the 25% steep slope area, and with reference to the Consistency Statement (Exhibit "D"), seconded by J. Carli, roll call vote carried unanimously.

VIII. Public Comment

Mr. Gash made several comments on Facebook. Kaitland Finkle read a few of them, and determined it would be best to respond to him directly by email.

IX. Remarks

James Carli would like to roll out Brevard as Bee City USA.

Stephanie Smith was thanked for her service to the board. She tendered her resignation because she is moving out of the City's jurisdiction.

X. Adjournment

There being no further business, S. Smith moved to adjourn, seconded by G. Hunter, roll call vote carried unanimously, and the meeting adjourned at 7:08 PM.

Chris Strassner, Chair

Janice H. Pinson, Board Clerk