

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MARCH 28, 2023
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, March 28, 2023, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Greg Hunter, Chair
Reid Wood, Vice Chair
Peter Chaveas
James Carli
Molly Jenkins
Alan Mercaldo

Absent: John Schommer

Staff Present: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Emily Brewer, Senior Planner
Janice H. Pinson, Board Clerk

I. Welcome

At 5:30 PM, Greg Hunter, Chair called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

Chair Greg Hunter confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion to approve agenda J. Carli, second P. Chaveas, unanimously carried.

V. Approval of Minutes

Motion to approve February 28, 2023, minutes as presented by P. Chaveas, second J. Carli, unanimously carried.

VI. New Business

a. Consideration of Request for Contiguous Annexation ANN-23-001 by David and Catherine Nielsen for property located at 31 York Circle and further identified by PIN# 8596-26-2338-000.

Aaron Bland, Assistant Planning Director, presented his staff report a portion of which follows:

Background

On January 24, 2023, David and Catherine Nielsen (“Applicant”) submitted a request for voluntary continuous annexation for their property at 31 York Circle. The subject property is located off of Osborne Road and is identified by PIN 8596-26-2338-000. See Attachment 1 for the petition materials, Attachment 2 for the preliminary annexation plat submitted, and Attachment 3 for a site map.

Discussion

The subject property is located within the City’s Extra-Territorial Jurisdiction (ETJ) adjacent to the corporate limits and is zoned General Residential – 8 (GR8). The Applicant wishes to annex the entirety of the property. The financial and service delivery impacts are estimated to be minimal; see Attachment 4 for full financial impact details.

There are currently two structures on the property, one historic cabin built in 1905, approximately 600 square feet in size, and a larger barn/woodworking shop space. The Applicant has indicated their intention to build a new primary single-family house and convert the cabin to an accessory dwelling unit (ADU). Per Brevard’s Unified Development Ordinance, properties in General Residential are limited to one principal structure (i.e., the single-family home) and up to two accessory structures, one of which may be an accessory dwelling unit, thus the Applicant’s stated plans for the property are allowed by the UDO.

The existing cabin structure is already connected to City water, upon annexation it is assumed it will also be connected to City sewer. Additionally, the new principal house will require new connections as well. The cost of determining the appropriate connection method and physical connections will be borne by the property owner.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute.

After a brief discussion, M. Jenkins made a motion to recommend annexation to Council, second by R. Wood, unanimously carried.

b. Consideration of TXT-23-002 Land Use Matrix

Emily Brewer, Senior Planner, presented her staff report a portion of which follows:

Background On December 5, 2022, City Council adopted Ordinance 2022-76 amending the land use matrix, standards and definitions. This amendment clarified, consolidated, and added new use definitions and standards in logical groupings to improve the usability and efficiency of the UDO. Since then, Staff has been using the ordinance and found some items that can be refined. City ordinances are not meant to be static, but living documents that change as the City does. These revisions, included in Attachment A, will continue clarifying the land uses and regulations.

Discussion The proposed text amendments along with Staff's reasoning for the changes is as follows:

- **Shelters:** Despite being considered a residential use in our ordinance, shelters are not permitted in residential districts. However, there are existing shelters that are in residential settings, such as the Haven located in the Residential Mixed-Use (RMX) zoning district, that are compatible with the surrounding areas. This amendment makes shelters allowed with a Special Use Permit in General Residential (GR) and permitted with standards in RMX.
- **Live-Work Units and Mixed-Use Residential Unit:** The definition of live-work units was refined in last year's text amendment to say: "*a residential building type that consists of both a residential use and a non-residential use...*" Since then, Staff has determined that another land use is required to account for non-residential building types (e.g., mixed-use buildings). Staff has added a definition and standards for "Mixed-Use Residential Unit" that mirrors that of the live-work unit. The permissions for this new household living type align with the zoning districts where "Mixed-Use Buildings" are allowed under Section 5.6 of the UDO.
- **Mobile Food Vendor Site:** Mobile food vendors (or food trucks) are currently in our UDO as a temporary use that would only be permitted for 90 days at a time, after which they would be required to vacate and not be established for a period of 45 Page 23 of 125 days. However, the City does not regulate food trucks (they have to secure permits from the Transylvania County Health Department), but it does regulate the food truck *site*. The site has requirements for setbacks and separation distances. The site is permanently established, but according to our use standards the vendor would need to vacate. The solution proposed by Staff is to remove "Mobile Food Vendors" from the temporary uses section and incorporate the standards as a new non-residential accessory use: *Mobile Food Vendor Site*.

Policy Analysis Effective land use is an essential function of city planning and zoning. The proposed text amendment is consistent with the following elements of *Building Brevard 2030* Comprehensive Land Use Plan: Goals

GOAL 1: *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*

GOAL 2: *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*

GOAL 7: *Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*

Recommendations

LUH-4: *Identify areas across the City that are best positioned to accommodate future growth.*

LUH-9: *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*

EDIR-3: *Encourage building and site upgrades Downtown and in other key commercial areas.*

After discussion the Board recommended a change to the language for Mobile Food Vendor Site to state that the waste receptacle(s) be adequate to handle the waste produced by the operations.

M. Jenkins recommended approval of the use matrix revisions with the additional language about waste receptacles with reference to the Consistency Statement which is attached hereto and labeled, Exhibit "A", second by P. Chaveas, unanimously carried.

c. Continuation of TXT-22-006 Steep Slopes

Emily Brewer, Senior Planner, presented her staff report with revisions made based on the last meeting discussion.

After review, discussion, and correction of some errors to language and lettering the Board asked that more revisions be made and that the matter be brought back before them at their next meeting.

The Board unanimously agreed that the perpendicular option for building height and bulk be used but with a change to the building height to 35 or 40 feet. R. Wood requested the option to look at the matter and give Staff feedback on her professional determination.

Also agreed upon was that stronger language should be created for retaining walls with a possible maximum height of 7', over 5' required to be engineered and that depending on height the requirement that walls be stepped back.

Matters the board would like to focus on in the future that were determined not to be part of the steep slope ordinance.

Upland bogs protection.

VII. Public Comment –

J. Carli recommended that when the Comprehensive Land Use Plan is finalized by Staff that the Planning Board receive a copy and that each member pick out items that are important to them for discussion and make recommendations to Council.

VIII. Remarks –

G. Hunter, Chair recommended that the board get together on a social basis and get to know each other better. He said when John Schommer was present, he will revisit the idea.

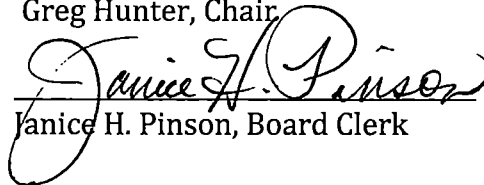
Paul Ray cautioned the board that they could not discuss board topics as a group and stated that he would run it by Mack McKeller, City Attorney, as to his thoughts on the matter.

X. Adjournment

There being no further business, R. Wood moved to adjourn, seconded by M. Jenkins, carried unanimously, and the meeting adjourned 7:10 PM.



Greg Hunter, Chair



Janice H. Pinson, Board Clerk

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS**

NCGS 160D-604 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the Governing Board. The Planning Board shall provide a written recommendation to the Governing Board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Governing Board.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning text amendment is **consistent** with the following elements of the City's adopted plans and policies:

Building Brevard 2030 Comprehensive Land Use Plan Goals

GOAL 1: *Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.*

GOAL 2: *Encourage a development pattern that respects Brevard's sense of place and prioritizes livable communities.*

GOAL 7: *Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.*

Building Brevard 2030 Comprehensive Land Use Plan Actions

LUH-4: *Identify areas across the City that are best positioned to accommodate future growth.*

LUH-9: *Evaluate and amend development ordinances to facilitate infill development on vacant and underdeveloped parcels, as well as revitalization of developed parcels.*

EDIR-3: *Encourage building and site upgrades Downtown and in other key commercial areas.*