

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MAY 24, 2022
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, May 24, 2022, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Greg Hunter, Chair
Reid Wood, Vice Chair
Molly Jenkins
John Schommer
Peter Chaveas

Absent: James Carli

Others: Jonathan Rich, Transylvania Times
Sara Champion, Realtor for Nancy Richards, RS Rover

Staff Present: Paul Ray, Planning Director
Emily Brewer, 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 P. Chaveas, seconded by R. Wood, unanimously carried.

V. Approval of Minutes

a. April 26, 2022

Motion to approve as written by J. Schommer, second by M. Jenkins, carried unanimously.

VI. New Business.

a. Consideration of Application for Rezoning #REZ-22-004 submitted by Nancy Richards of RS Rover, LLC request is to rezone property currently zoned General Residential (GR) to Residential Mixed Use (RMX), the property is located at 195 Oakdale Street, Brevard within the City of Brevard's jurisdiction and further identified by PIN # 8586-30-5334-000.

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

Background

On March 25, 2022, an application was submitted by Nancy Richards of RS Rover, LLC ("Applicant") requesting a map amendment (rezoning) of her property. The property is located at 195 Oakdale Street, identified by PIN 8586-30-5334-000. The parcel is currently zoned General Residential-8). The request is to rezone to Residential Mixed Use (RMX), so the space can be converted to a home studio and teaching space for artists/musicians. The property abuts zoning district GR-8 on three sides and RMX on the other. The parcel zoned RMX is owned by the Transylvania Christian Ministry doing business as Sharing House. See Attachment A for the application materials, Attachment B for a comparison of uses between GR-8 and RMX, Attachment C for a map of the current zoning.

Discussion

The RMX zoning district is described by the Unified Development Ordinance as follows: *The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within ½-¼ mile) to existing and planned commercial centers such as the Downtown Mixed-Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.*

Below is a comparison of density and dimensional requirements of the existing and proposed districts:

Requirement GR8 RMX

Maximum dwelling unit density 8/acre 15/acre

Maximum ground floor area for principal structures 5,000 sqft 25,000 sqft

Minimum setbacks for principal structures (front/side/rear) 15/6/25 10/6/25

Minimum setbacks for accessory structures < 120 square feet

(side/rear)

3/3 0/0

Minimum setbacks for accessory structures ≥ 120 square feet

(side/rear)

6/10 3/3

Maximum height by right 35 feet 35 feet

Minimum lot width 30 feet 30 feet

As stated in the description, the RMX zoning district would be most applicable for the applicant's desired use of a live/work space. Per Section 2.2 Subsection F, live-work units

are permitted if the nonresidential use is permissible in the use matrix. The use of "Studio – Art, Dance, Martial Arts, Music" is permitted in RMX but is not permitted in GR-8. It is important to note that rezoning this property opens up additional uses for future development (see Attachment B for a comparison of uses in GR and RMX).

Policy Analysis

The 2015 Comprehensive Plan encourages greater utilization of land where appropriate and encourages a system of "complete neighborhoods" which includes access to mixed-use properties and cultural assets:

OBJECTIVE 1.2: *Identify areas within the City but outside of downtown that may be improved to support festivals and other types of cultural events.*

OBJECTIVE 2.1: *Expanded tax base. 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.*

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

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.*

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.*

The 2002 Future Land Use Map designates the Applicant's property as "Residential – High Density." These are defined as:

RESIDENTIAL – HIGH DENSITY

These are areas of land containing one and two-family dwellings, accessory dwelling units, as well as multi-family structures at an average density of six or more units per acre. These lands must be served by public water and sewer systems. The Future Land Use Map shows High Density Residential areas concentrated primarily around the Central Business District with additional concentrations within Straus Park. Additional areas suitable for high density residential development are: (1) vacant parcels within the Rosenwald neighborhood; and (2) the area east of Grandview Road on the east side of Brevard and extending into the ETJ. These areas are shown on the Future Land Use Map. If sewer service was extended out US64 south, towards Rosman, that area would be suitable for higher density residential and commercial development. Other parcels within the city limits and ETJ that have access to water and sewer and adequate road facilities could be considered for high density residential development.

The most appropriate future land use would be Mixed Use-Neighborhood. This rezoning is inconsistent with the 2002 Land Use Plan, but the policy analysis for the 2015 Comprehensive Plan shows that it aligns with the Plan's policies and priorities.

Recommendation

Staff recommends approval of the rezoning as requested. Planning Board's role is to make a recommendation to City Council. The Board has 30 days to do so; if no recommendation is made by Thursday, June 23, 2022, then the application will be sent to Council without the

Board's decision.

Sara Champion, Real Estate Agent for Nancy Richards, RS Rover, LLC stated that the property would be renovated and used as a live work unit.

After a brief discussion, M. Jenkins made a motion to approve with reference to the Consistency Statement that is attached hereto and labeled, Exhibit "A", second by P. Chaveas, unanimously carried.

b. Brevard Pedestrian + Bicycle Plan Discussion

Emily Brewer, Planner introduced Heather Maloney with Alta Planning and Design and she led the Board through a presentation of the draft Pedestrian and Bicycle Plan. The Board was given a link to give their feedback after reviewing the information presented to them.

There was discussion on how important a dedicated funding stream would be in implementing and maintaining the plan, so as not to rely on grant funding.

Ms. Maloney said that communities can do it without a dedicated funding stream but that it is very helpful to have that dedicated funding and is the most effective way.

There was discussion of no mention of good enforcement of speed limits which is a significant threat to a safe bikeable and walkable environment.

Ms. Maloney stated that this can be added in and that the Board is encouraged to use the link to give their feedback.

Ms. Maloney explained that the final report would include estimated construction costs, based on NCDOT's estimate tool which is based on 2019 dollars and that it was a planning level cost estimate and not extremely detailed. She further explained that a detailed feasibility study would be required in some areas.

When asked, she responded that the plan does not include bicycle parking locations but does include parking area recommendations.

c. Consideration of Text Amendment TXT-21-019- Flag Lots

Emily Brewer, Planner presented her staff report.

There was discussion and recommendations made by the Board. The Board requested more graphics to help them better understand.

Chair Greg Hunter moved to table the discussion, second by M. Jenkins, unanimously carried.

J. Schommer requested that the matter be continued and not tabled.

d. Consideration of Text Amendment TXT-22-003 – Prohibited Signs.

Emily Brewer, Planner presented her staff report.

After a brief discussion, M. Jenkins moved to approve with reference to the Consistency Statement, which is attached hereto and labeled, Exhibit “B”, second by J. Schommer, unanimously carried.

e. Consideration of Text Amendment TXT-22-004 Missing Middle Housing

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

Background

This is a Staff-initiated text amendment that allows triplexes and quadraplexes in General Residential, increase the allowable floor area for principal structures and clarify the architectural standards for the “House” building type. The proposed text amendment is included as Attachment A.

Discussion

“Missing Middle Housing” is the range of house-scale multi-unit buildings. These residential buildings increase the variety of housing at different levels of affordability. These dwelling units can be developed as for rent or for sale.

Staff proposes changes to the Unified Development Ordinance that addresses these challenges and generates opportunities for increased density in General Residential that is appropriate in scale, consistent in character, and feasible. The specific changes are listed below along with Staff’s reasoning for proposing the change.

1. **Adds Multifamily with 3-4 Units as a Permitted Use in General Residential (UDO Section 2.2)**
 - a. Currently, triplexes and quadraplexes are only permitted in the General Residential zoning district with a Special Use Permit (SUP). The SUP requires Board of Adjustment approval, which may add months to the project and potentially become prohibitive in development. By including this use as permitted by-right, this would provide increased density that is appropriate with neighborhood character.

2. **Increase Maximum Ground Floor Area of Principal Structures (UDO Section 2.3):**

- a. In order to create density that adheres to the architectural standards and height restrictions in General Residential and Residential Mixed Use (both 35 feet to the building eaves), the ground floor area will need to be increased to accommodate side-by-side duplexes, triplexes and quadraplexes. The proposed amendment will increase the maximum ground floor area to 8,000 SF from the existing regulation of 5,000 SF.

3. Clarification of “House” Building Type and Additional Architectural Standards(UDO Section 5.9)

- a. Currently, this typology is referred to as “Single Family Structure (House).” *North Carolina Residential Code for One- and Two-Family Dwellings* prohibits the regulation of building design elements for buildings with single-family and duplex residential uses. The revisions will clarify that single-family and duplexes are not covered in this chapter and emphasizes that of triplexes and quadraplexes.
- b. The architectural requirements in the current UDO section includes usable porches on the front or side of the home, allowable building materials and façade elements, and allowable roofing materials and pitch. Additional requirements will be included to ensure these buildings are compatible with surrounding buildings and single-family homes.
- c. Architectural standards that are not appropriate, such as the requirement that garage bays not be visible from the street or that the entrance must be raised 18 inches from the ground, are removed.

4. Inclusion of “House” Building Type in Neighborhood Mixed Use Zoning District (UDO Section 5.6)

- a. The “House” building typology is permitted in General Residential and Residential Mixed Use. The text change will include Neighborhood Mixed Use to align with the “neighborhood” typology. Specifically, this will allow the option for triplexes and quadraplexes to utilize the “house” typology instead of being limited to the “apartment” and “townhome” typologies.

Policy Analysis

The 2015 Comprehensive Plan calls for allowing greater utilization of land:

OBJECTIVE 2.1: Expanded tax base. 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

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

Recommendation

In their May 10, 2022, meeting, the Housing Trust Fund provided a favorable recommendation for the text amendment. The comes after the Housing Trust Fund instructed Staff to examine a variety of tools for the City to promote Affordable/Workforce Housing. The discussion has taken place over the past few months with an emphasis on promoting "Missing Middle" housing.

After a brief discussion, P. Chaveas moved to approve with reference to the Consistency Statement which is attached and labeled, Exhibit "C", second by J. Schommer, unanimously carried.

VIII. Public Comment – None.

IX. Remarks –

G. Hunter thanked Staff for their hard work on flag lots.

X. Adjournment

There being no further business, R. Wood moved to adjourn, seconded by J. Schommer, carried unanimously, and the meeting adjourned at 7:38 PM.

Greg Hunter

Greg Hunter, Chair

Janice H. Pinson

Janice H. Pinson, Board Clerk

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-21-007**

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 map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan

OBJECTIVE 1.2: *Identify areas within the City but outside of downtown that may be improved to support festivals and other types of cultural events.*

OBJECTIVE 2.1: *Expanded tax base. 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.*

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

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.*

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.*

2002 Future Land Use Map

The Future Land Use Map recommends a future use of *Residential – High Density* the subject parcel, but the proposed use aligns with the future use described as *Mixed Use – Neighborhood*.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the City's adopted 2015 Comprehensive Plan and policies, but inconsistent with the City's adopted 2002 Future Land Use Map.

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interested and **reasonable** due to the following factors:

- As defined in the City of Brevard Unified Development Ordinance, the Residential Mixed Use zoning district is the most logical and appropriate base zoning district for live-work space adjacent to General Residential.
- The Plan is consistent with the policies goals, objectives and policies outlined in the 2015 Comprehensive Plan.

**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:

2002 Land Use Plan

Goal 3.1: *Preserve traditional, rural character along corridor.*

- *Remove unnecessary public signs and reduce sign clutter*

Goal 3.3: *Goal 3.3: Maintain existing and future thoroughfares that are efficient, attractive and safe.*

Goal 3.9: *A physically appealing location with a distinctive community character and a respect for its heritage.*

2015 Comprehensive Plan Update

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.*

**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:

2015 Comprehensive Plan

Element 2: Economic Health

OBJECTIVE 2.1: Expanded tax base. 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

Element 4: Livable Communities

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.

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.