

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
MAY 25, 2021**

Brevard Planning Board met for a regular meeting, Tuesday, May 25, 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
Greg Hunter
Peter Chaveas
John Schommer

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

Others: Josh Hallingse, Eric Caldwell, Transylvania County Economic Alliance

I. Welcome

At 5:34 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, James Carli, Greg Hunter, Peter Chaveas and John Schommer.

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 to approve agenda with revisions removing item f., and adding the election of a new vice chair due to Demi Loftis' resignation from the board, by M. Jenkins, second by P. Chaveas, roll call vote, carried unanimously.

V. Approval of Minutes

a. March 23, 2021

Motion to approve with revisions by J. Carli, second by M. Jenkins, roll call vote carried unanimously, with Peter Chaveas and John Schommer abstaining because they were not present at the meeting.

VII. New Business

a. Consideration of Text Amendment TXT-21-004 – Chapter 3.30 Fences

Kaitland Finkle, Planner presented her staff report a portion of which is included as follows:

Background

This is a Staff initiated text amendment to add language on measuring the height of fences and clarify existing provisions regarding the sight triangle.

Discussion

Fence heights are restricted based on zoning district, location on the property, and proximity to an intersection. However, there is no language regarding how to measure fence height. Additionally, restrictions on visibility within a sight triangle are described but are often difficult for citizens to interpret. Staff believes the proposed changes to the UDO (Attachment A) would provide staff further direction on how to measure height and clarify existing sight triangle provisions by including diagrams. Attachment A and the Consistency Statement are attached hereto and labeled Exhibit “A”.

After a brief discussion and questions, G. Hunter made a motion to approve with changes, striking the second sentence in 3.30 D.1.b, so that it reads as follows: “All other wire fences, including barbed wire or concertina wire, are prohibited” and with reference to the consistency statement, second by M. Jenkins, roll call vote carried unanimously.

b. Consideration of Text Amendment TXT-21-005 – Principal & Accessory Structures

Leigh Huffman, Planner presented her staff report a portion of which follows:

Discussion

The specific changes are listed below along with Staff’s reasoning for proposing the change.

1. **Changes the accessory structure setback requirements for General Industrial (GI) to match the setbacks for principal structures.** This was accidentally not included in the 2018 text amendment that changed the setbacks for principal structures in GI.

2. **Combines accessory and concomitant structures into one section, and moves it from UDO Chapter 3 – Additional Use Standards to UDO Chapter 4 – General Lot and Structure Provisions.**
 - a. Moving the language from Chapter 3 to Chapter 4 is based on the fact that accessory structures are not uses. The intent of Ch. 3 is to specify additional requirements for uses listed as PS or SUP in the Use Matrix. Chapter 4 is intended to regulate the placement of structures.
 - b. The existing accessory structures language is confusing and includes a section on permitted uses for accessory structures. In general, uses should be determined by the use matrix for each district, rather than regulating the use to only occur within an accessory structure.
 - c. Staff added language to allow detached garages and carports to be located in front of the building line.
 - d. Staff has not found any other instance in other Cities’ ordinances that mentions the word “concomitant”. We believe the section on concomitant structures was created to differentiate between accessory structures on lots with single-family and duplex uses and lots with commercial and multi-family uses. The existing language requiring concomitant structures to be a “virtual necessity” makes it difficult to determine when to allow a concomitant structure.
3. **Adds the uses of “Keeping domestic fowl” and “Keeping bees” to the Use Matrix and UDO Ch. 3.** Both chicken coops and bee hives have specific standards and must receive permits based on the language in the City Code, Chapter 14. Including language in the Use Matrix and Chapter 3 will remind Staff in the future to look at the Code for the standards.
4. **Cleans up UDO Sec. 3.14 – Dwelling—Secondary.**
 - a. Includes a reference to the proposed Section 4.8 to clarify that secondary dwelling must comply with the requirements for accessory structures.
 - b. Staff has struggled with determining what “accessory and subordinate” means, and adding “in size” helps clarify the language.
 - c. Many property owners want to convert existing nonconforming garages and accessory structures into secondary dwellings, but are not allowed to because

the structure is not located in the side or rear yard. Staff added language to allow these renovations to occur.

5. **Simplifies language about the number of principal building per lot in UDO Section 4.3.E.** Staff believes the current language to be confusing and redundant.
6. **Deletes the definition of concomitant structure, and splits the definition of accessory structure or use into two separate definitions.**

After discussion motion to approve with the addition of gazebo under exempt structures referencing the Consistency Statement which is attached and labeled Exhibit "B" by G. Hunter, second by J. Carli, roll call vote carried unanimously.

c. Consideration of Text Amendment TXT-21-008 - Parking Standards - General Industrial

Leigh Huffman, Planner presented her staff report a portion of which follows:

Background

Josh Hallingse, on behalf of Transylvania Economic Alliance, is requesting an amendment to *UDO Section 10.3 – Off-street parking requirements* (Attachments A and B). In order to allow businesses in the General Industrial zoning district latitude in parking design without excess parking triggering the more stringent stormwater provisions, the proposed change would add the following language:

For development in General Industrial (GI), excess parking is permitted with no additional stormwater provisions except what is indicated in Chapter 6, Section 6.6 of this ordinance.

Discussion

UDO Section 6.6 – Stormwater run-off provisions requires all new non-residential or mixed use

development that disturbs more than one acre of land, or will have an impervious surface area more than 50 percent of the total acreage of the site, be required to control for the stormwater run-off generated by a two-year and 10-year, 24-hour rain event. The excess parking provisions of Sec. 10.3.B require developments that exceed the maximum parking allowed to also control for the stormwater run-off generated by a 25-year, 24-hour rain event. The intent of this language is to discourage large surface parking lots.

Excess parking is defined as "additional parking that exceeds ten percent of the required minimum parking ratios." The minimum parking ratio for industrial, manufacturing and warehousing uses is 0.25 parking spaces for every 1,000 sq ft of building area. The parking ratio is intentionally low since manufacturing buildings tend to be relatively large, but have a lower parking demand. Staff conducted a quick analysis of buildings located within the GI zoning district, which is the preferred district for this use. The table demonstrates the number of parking spaces allowed for uses like manufacturing and warehousing before

parking becomes “excessive,” according to the ordinance, triggering higher stormwater controls, i.e., 25-year storm event. This text amendment would not modify the parking ratio, but would allow developments in GI to exceed the minimum parking ratio and continue controlling for the two-year and 10-year storms.

	Square Feet	Minimum Required Parking	Excess Parking Reached at:
Minimum Square Feet	866.33	0 spaces	1 space
Maximum Square Feet	80,106.38	20 spaces	22 spaces
Average Square Feet	10,990.33	3 spaces	4 spaces

Josh Hallingse and Eric Caldwell spoke to their reasons for no maximum parking to incentivize industrial development.

After a lengthy discussion, the Board agreed that Staff could create language, and move forward with presentation to Council. Motion by J. Carli to recommend creation of language of 1 parking space per 500 square feet in the general industrial zoning district, beyond which would trigger stormwater management requirements, referencing the consistency statement which is attached hereto and labeled, Exhibit “C”, second by M. Jenkins, roll call vote carried unanimously.

d. Consideration of Text Amendment TXT-21-009 – Landscaping Buffer 8.4.D.3.i

Kaitland Finkle presented her staff report a portion of which follows:

Background

Tore Borhaug, is requesting an amendment to the City’s Unified Development Ordinance (UDO) Sec. 8.4.D. *Required buffer yards* (Attachment A). This additional buffer requirement has become a frequent inquiry of the Planning Department in the last few months.

Discussion

Instead of requiring buffer yards based on the number of new lots created at the time of subdivision, staff and the applicant have collaborated to draft an amendment that relies on uses listed in the table of permitted uses (Attachment B).

Policy Analysis

The Livable Communities Element of the 2015 Comprehensive Plan emphasizes that the City should modify ordinances to increase the “efficiency of land uses to help stabilize and grow the City’s tax base”.

Motion to approve as presented by J. Carli, referencing the Consistency Statement which is attached and labeled, Exhibit “D”, second by P. Chaveas, roll call vote carried unanimously.

e. Consideration of Request for Contiguous Annexation ANN-21-001 by Ronald D. and Peggy M. White for property located on Fisher Road and further identified by PIN# 8586-65-2129-000.

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

Background

Ronald and Peggy White, property owners, referred to as “Applicants,” have submitted a request (Attachment A) for voluntary contiguous annexation of a vacant property located on Fisher Road, identified by PIN 8586-65-2129-000.

Discussion

Given that the property is currently within the City’s ETJ and in close proximity to parcels already receiving full City services, the financial and service delivery impacts are estimated to be manageable.

Given the General Residential zoning district and the size of the parcel, it is assumed that the owner intends to develop the property with a single-family home. The lot is a few hundred feet from the nearest City utilities, and the cost of determining the appropriate connection method and physical connections will be borne by the developer of the lot. Development of the parcel and the resulting utility connections would result in small increases to the City’s general fund and utility fund revenues. Refer to the attached annexation report (Attachment B) for a full financial and service delivery impact analysis.

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.

Staff Recommendation

Staff recommends approval of the proposed annexation. The Planning Board’s responsibility is to formulate a recommendation to Brevard City Council. The Board’s options are to recommend approval or denial of the annexation as presented.

Annexation Report is attached hereto and labeled, Exhibit “E”.

After a brief discussion motion to approve by M. Jenkins, second by J. Carli, roll call vote carried unanimously.

f. Election Vice Chair

J. Carli nominated G. Hunter, he accepted the nomination. Roll call vote carried unanimously.

VIII. Public Comment

None.

IX. Remarks

J. Carli requested that the board consider a future discussion on short term rentals.

Paul Ray, Planning Director, said that the Blue Zones Project is working on the matter and Staff will wait for direction from Council.

Aaron Bland, Assistant Planning Director, said that the City is in the process of updating the bike and pedestrian plan. That the Board should expect to receive surveys for their input over the summer, and the hope is to have a final plan by the end of the year.

M. Jenkins asked when the Board would be seeing something on the Downtown Master Plan.

Paul Ray stated that Council would be reviewing the plan at their June 14th budget work session meeting.

The Board approved the cancellation of their July meeting, and agreed to begin to meet in person beginning with their June 22, 2021 meeting. Paul Ray stated that he would try to bring them something on the Downtown Master Plan at their June 22nd meeting.

X. Adjournment

There being no further business, M. Jenkins moved to adjourn, seconded by J. Carli, roll call vote carried unanimously, and the meeting adjourned at 7:32 PM.

Chris Strassner, Chair

Janice H. Pinson, Board Clerk