

**MINUTES  
BREVARD PLANNING BOARD REGULAR MEETING  
AUGUST 23, 2022  
CITY COUNCIL CHAMBERS**

Brevard Planning Board met for a regular meeting, Tuesday, August 23, 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  
James Carli

**Others:** Jonathan Rich, Transylvania Times  
Jackson Wine, Applicant  
Roger Holcombe, Applicant  
Railroad Iron, Jacob Liske, Applicant  
Rhett Pace, Platt Architecture – Brevard Music Center

**Staff Present:** Paul Ray, Planning Director  
Emily Brewer, Planner  
Aaron Bland, Assistant Planning Director  
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 with amendment to remove item f. by R. Wood , seconded by M. Jenkins, unanimously carried.



## V. Approval of Minutes

- a. June 28, 2022 – revisions requested to add when M. Jenkins and J. Schommer left the meeting and to add discussion points on irregular lots.

## VI. New Business

- a. Consideration of Request for Contiguous Annexation ANN-22-002 by Jackson Wine for property located on Fisher Road and further identified by PIN# 8586-64-1958-000.

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

### **Background**

On June 15, 2022, Jackson Wine (“Applicant”) submitted a request for voluntary continuous annexation for his property on Fisher Road near Brevard Middle School. The property is located on Fisher Road Lot 7 and is identified by PIN 8586-64-1958-000.

### **Discussion**

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



The property is currently vacant, but the applicant has plans to develop. The applicant has requested a zoning map amendment (rezoning) subdivision. to General Residential – 8 (GR8) to accommodate a greater density of residential housing than that of the current zoning district General Residential – 4 (GR4). Should the rezoning be approved by City Council, the applicant plans to subdivide the property into two lots each with a singlefamily home.

The lot abuts existing City utilities, and the cost of determining the appropriate connection method and physical connections will be borne by the developer of the lot. Public Works has advised that City water and sewer services are available.

### **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.

Jackson Wine explained that he did something similar a year and a half ago. He wants to annex the property, rezone, subdivide and develop the property.

J. Carli stated that he walks his dog down Fisher Road and inquired about the driveway separation requirements.

When asked if there was curb and gutter on Fisher Road, Jackson Wine responded there is not.

Paul Ray explained that when there is no curb and gutter there are no driveway separation requirements.

M. Jenkins made a motion to approve, second by J. Carli, unanimously carried.

b. Consideration of Request for Contiguous Annexation ANN-22-003 by Roger E. Holcombe and Linda H. Petit for property located at 865 Probart Street and further identified by PIN#s 8586-13-6198-000 and 8586-12-3984-001.

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

**Background**

On July 12, 2022, Roger Holcombe ("Applicant") submitted a request for voluntary continuous annexation for his property at 865 Probart Street. The property is located on Probart Street near Andante Lane and is identified by PIN 8586-12-3984-001. See Attachment A for the petition, Attachment B for the preliminary annexation plat submitted, and Attachment C for a site map.

**Discussion**

The bulk of the property is located within the City limits. The applicant wishes to annex the remainder of the property from within the City's ETJ following recent subdivision activity. As the majority of the parcel is already receiving full City services, therefore the financial and service delivery impacts are estimated to be minimal.

The property currently has a single-family home and two accessory structures. The portion of the property that is proposed for annexation does not have any taxable structures. 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. The property already contains the maximum allowable structures, per the ordinance, so there could not be any additional development on the site, unless one or more of the structures is demolished.

The principal structure is already connected to City utilities and no extension or additional connection is requested. In the event utilities are required on this portion of the parcel, the cost of determining the appropriate connection method and physical connections will be borne by the property owner.

After discussion to clarify the property boundaries, J. Carli made a motion to approve, seconded by P. Chaveas, unanimously carried.

c. Consideration of Application for rezoning, REZ-22-008 by Railroad Iron, Inc. for property currently zoned Corridor Mixed Use (CMX), located at 1555 Old Hendersonville Highway, Brevard, NC, identified by PIN# 8596-57-2901-000, to be zoned General Industrial (GI).

Emily Brewer presented her staff report a portion of which follows and made a correction to a typographical error of minimum lot width from 600' to 60'.

### **Background**

On June 1, 2022, an application was submitted by Jacob Liske on behalf of Railroad Iron Inc. ("Applicant") requesting a map amendment (rezoning) of their property. The property is located at 1555 Old Hendersonville Highway, identified by PIN 8596-57-2901-000. The parcel is currently zoned Corridor Mixed-Use. The request is to rezone the property to General Industrial (GI). The property abuts zoning district CMX to the and GI. See Attachment A for the application materials, Attachment B for a comparison of uses between CMX (current) and GI (proposed), and Attachment C for a map of the current zoning.

### **Discussion**

The current use, operated by Railroad Iron, falls into the category of "Metal Products Fabrication, Machine, or Welding Shop" in the Unified Development Ordinance's Use Matrix (Section 2.2). This use is permitted by-right in CMX and GI zoning districts. However, the GI zoning district is exempt from architectural standards and has less stringent development standards in other areas of the UDO. The GI zoning district is described by the Unified Development Ordinance as follows:

*General Industrial (GI). This district is primarily for general industrial land uses and a broader variety of operations, including manufacturing, processing, and assembling of parts and products and distribution of products at wholesale or retail. The standards established for general industrial areas are designed to promote sound permanent industrial development.*

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

#### **Requirement CMX GI**

Maximum dwelling unit density 40/acre Not Permitted

Maximum ground floor area for principal structures 50,000 sqft 100,000 sqft

Minimum setbacks for principal structures (front/side/rear) 10/0/10\* 15/10/10\*

Minimum setbacks for accessory structures < 120 sqft (side/rear) 0/0 10/10\*

Minimum setbacks for accessory structures ≥ 120 sqft (side/rear) 0/0 10/10\*

Maximum height by right 50 feet 50

Minimum lot width 0 feet 600 feet

*\*Side and rear setbacks are increased if adjacent to residential district*

It should also be noted that rezoning this property alters the permitted uses for future development (see Attachment B for a comparison of uses in CMX and GI). For example, all residential and lodging uses would no longer be permissible on this site, but most manufacturing/wholesale/storage uses would be permitted by-right instead of requiring a special use permit.

P. Chaveas said that the rezoning makes sense but that the application fails to note that there are adjoining residential properties.

J. Carli asked what the underlying reason was for the request since the use is allowed in both zoning districts.

Jacob Liske, Railroad Iron explained that he is putting an addition on his shop and he wants to side it with tin and the current zoning district will not allow because of architectural standards.

There was Board discussion about how the change could inhibit future development and uses.

Paul Ray, Planning Director explained that the general industrial zoning district has value in job creation uses. That the property was historically a machine shop.

Mr. Liske explained that he wants to use metal siding from a safety standpoint because he is welding in the shop.

M. Jenkins pointed out that the City is limited on general industrial zoned properties and that it makes sense to rezone.

Mr. Liske mentioned that he is surrounded by Builders First Source.

P. Chaveas moved to approve with reference to the consistency statement, second by M. Jenkins, unanimously carried. Consistency Statement is attached hereto and labeled, Exhibit "A".

d. Consideration of Application for rezoning, REZ-22-009 by Jackson Wine for property currently zoned General Residential (GR4), located on Fisher Road, Brevard, NC, identified by PIN# 8586-64-1958-000, to be zoned General Residential (GR8).

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

**Background**

On June 16, 2022, an application was submitted by Jackson Wine ("Applicant") requesting a map amendment (rezoning) of his property. The property is located on Fisher Road Lot 7 near Brevard Middle School, identified by PIN 8586-64-1958-000. The parcel is currently zoned General Residential-4. The request is to rezone to General Residential-8 to accommodate a greater density of residential housing. The property abuts zoning district GR-4 on three sides and GR-8 on the other. See Attachment A for the application materials and Attachment B for a map of the current zoning.

**Discussion**

The General Residential zoning district is described by the Unified Development Ordinance as follows:

*General Residential (GR-4 and GR-8). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Comprehensive Land Use Plan.*

The requested rezoning only changes maximum dwelling unit density and the maximum ground floor area for principal structures. All other standards, including setbacks, maximum height, and allowable uses, are not affected by this rezoning.

**Requirement GR-4 GR-8**

Maximum dwelling unit density 4/acre 8/acre

Maximum ground floor area for principal structures 10,000 SF 8,000 SF

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

Minimum setbacks for accessory structures < 120 square feet  
(side/rear)

3/3 3/3

Minimum setbacks for accessory structures ≥ 120 square feet  
(side/rear)

6/10 6/10

Maximum height by right 35 feet 35 feet

Minimum lot width 30 feet 30 feet

Motion to approve by J. Carli with reference to the consistency statement, second by P. Chaveas, unanimously carried. Consistency Statement is attached hereto and labeled, Exhibit "B"

e. Consideration of Application for rezoning, REZ-22-011 by Ronald D. and Peggy M. White for property currently zoned General Residential (GR4), located at 444 Fisher Road, Brevard, NC, identified by PIN# 8586-65-2129-000, to be zoned General Residential (GR8).

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

**Background**

On June 30, 2022, an application was submitted by Ronald and Peggy White ("Applicant") requesting a map amendment (rezoning) of their property. The property is located at 444 Fisher Road near Brevard Middle School, identified by PIN 8586-65-2129-000. The parcel is currently zoned General Residential-4. The request is to rezone to General Residential-8 to accommodate a greater density of residential housing. The property abuts zoning district GR-4 on three sides and GR-8 on the other. See Attachment A for the application materials and Attachment B for a map of the current zoning.

**Discussion**

The General Residential zoning district is described by the Unified Development Ordinance as follows:

*General Residential (GR-4 and GR-8). The General Residential District is intended for the city's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with this pattern. These districts are*

*differentiated only by the density of the overall development relative to the planning goals of the city as set forth in the Comprehensive Land Use Plan.*

The requested rezoning only changes maximum dwelling unit density and the maximum ground floor area for principal structures. All other standards, including setbacks, maximum height, and allowable uses, are not affected by this rezoning.

**Requirement GR-4 GR-8**

Maximum dwelling unit density 4/acre 8/acre

Maximum ground floor area for principal structures 10,000 SF 8,000 SF

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

Minimum setbacks for accessory structures < 120 square feet  
(side/rear)

3/3 3/3

Minimum setbacks for accessory structures ≥ 120 square feet  
(side/rear)

6/10 6/10

Maximum height by right 35 feet 35 feet

Minimum lot width 30 feet 30 feet

Motion to approve by M. Jenkins with reference to the consistency statement, second by J. Schommer, unanimously carried. Consistency Statement attached hereto and labeled, Exhibit "C".

f. Consideration of Application for rezoning, REZ-22-010 by Native Spirits, LLC, Shawn Hamilton, Agent for Lillian Finkl Heirs for property currently zoned Corridor Mixed Use (CMX) and Neighborhood Mixed Use (NMX) located at New Hendersonville Highway and Deavor Road, identified by PIN#s 8597-64-2864-000 and 8597-64-1942-000, to be zoned Corridor Mixed Use (CMX). APPLICATION WITHDRAWN.

g. Consideration of Intermediate Modification to Brevard Music Center Master Plan PDD Ord# 2017-23 to add a new cabin for College Age Students.

Reid Wood recused herself because she works for Platt Architecture who is overseeing the project.

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

**Approved by:** Paul Ray, CZO, Planning Director

**Background**

In 2017 the Brevard Music Center Planned Development District and final master plan was approved by City Council via Ordinance No. 2017-23 (see Attachment A), thereby amending the PDD as originally adopted in 2009.

The final master plan has several areas marked as "Potential Future Development Zones" which the PDD list of conditions stipulates are reviewed and approved by the Planning Board as an intermediate modification. The PDD ordinance goes on to say that "in approving development within future development zones, the Planning Board may attach

fair and reasonable conditions directly related to the standards of the ordinance.”  
The request before the Board is an addition of one new cabin and the formalization of two existing parking areas within one of the future development zones on Quartet Lane, which already has four cabins located along it.

**Discussion**

Modifications to final masterplans for PDD’s fall into one of three categories; minor, intermediate, or major. These categories are defined below:

**Minor modifications** have a negligible impact on an approved preliminary master plan. Examples include changing the spacing or species of approved landscaping plants, altering lot sizes by a few square feet, or amending utility plans. Minor modifications are reviewed, and may be approved, by the planning director.

**Intermediate modifications** have a more substantial impact but do not completely change the application. Examples include changes in building design, residential lot configurations, or commercial driveway locations. These changes are reviewed by the Planning Board without a public hearing.

**Major modifications** have substantial impacts to an approved preliminary master plan. Examples include changing the intensity or mix of proposed uses or significantly increasing the amount of traffic generated by a development. Major modifications may only be authorized by means of a new conditional zoning ordinance as provided for in this chapter.

Motion to approve by J. Schommer, second by J. Carli, unanimously carried.

**VIII. Public Comment – None.**

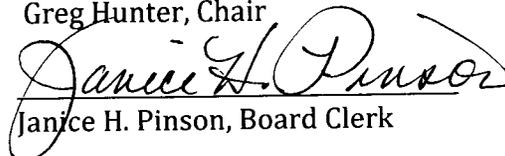
**IX. Remarks – None.**

**X. Adjournment**

There being no further business, G. Hunter moved to adjourn, seconded by R. Wood, carried unanimously, and the meeting adjourned at 6:13 PM.



Greg Hunter, Chair



Janice H. Pinson, Board Clerk

**EXHIBIT "A"**

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH  
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD  
REZ-22-008**

*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 2015 Comprehensive Plan:

2015 Comprehensive Plan

**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.*

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 2002 Future Land Use Map:

2002 Future Land Use Map

The Future Land Use Map recommends a future use of *Mixed-Use Boulevard* the subject parcel, but the proposed use aligns with the future use described as *Industrial*.

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*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 General Industrial zoning district is the most logical and appropriate base district for the proposed use of “metal products fabrication, machine, or welding shop.”
- The Plan is consistent with the policies goals, objectives and policies outlined in the 2015 Comprehensive Plan.

**EXHIBIT "B"**

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH  
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD  
REZ-22-009**

*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 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 – Medium Density* the subject parcel.

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*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 General Residential-8 zoning district is a logical and appropriate zoning district for a predominately residential community.
- The Plan is consistent with the policies goals, objectives and policies outlined in the 2015 Comprehensive Plan and the 2002 Future Land Use Plan.

**EXHIBIT "C"**

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH  
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD  
REZ-22-011**

*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 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 – Medium Density* the subject parcel.

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*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 General Residential-8 zoning district is a logical and appropriate zoning district for a predominately residential community.
- The Plan is consistent with the policies goals, objectives and policies outlined in the 2015 Comprehensive Plan and the 2002 Future Land Use Plan.

