AGENDA
City of Brevard
Planning Board
Tuesday – October 19, 2010 – 7:00 PM

City Council Chambers
95 West Main Street
Brevard NC 28712

I. Welcome and Introduction of Planning Board Members

II. Approval of Minutes - September 21, 2010 Meeting

III. New Business

1. **Voluntary Annexation – Broad River Terrace PIN: 8596-15-0653-000 and 8596-15-2496-000**
2. **Voluntary Annexation - NOAH'S A.R.C., Inc. PIN: 8597-42-2117-000**
3. **Voluntary Annexation – Ox Enterprises, LLC. PIN: 8597-40-4138-000**
4. **Right of Way Abandonment – Vicinity of Railroad Avenue and Whitmire Street**
5. **Davidson River Village Masterplan Update**
6. **Amendment to Broad River Terrace Planned Development District – 09-047**

IV. Old Business

V. Closing Remarks

VI. Adjourn

Agenda Posted and faxed to T-Times 10.14.10

Agenda Item # 1: Voluntary Annexation – Broad River Terrace

Synopsis: Broad River Terrace is a Planned Development District, located off Old US Highway 64, which was approved by City Council on June 15, 2009, and which is currently under construction. When complete, the project will consist of 62 residential apartments in 6, multi-story structures. The project is expected to house approximately 142 individuals. At the present time, the project is located within the City's extra-territorial jurisdiction. However, City Council required that the property owner / developer submit to voluntary annexation as a condition of Planned Development District approval. Issues concerning annexation were generally discussed at that time, and annexation was considered feasible and desirable by Staff and Council. However, for the purposes of developing a public record pertaining to the annexation, staff must prepare an analysis and recommendation for Council's consideration. Planning Staff respectfully requests that each department offer comments assessing the impact of the annexation upon the delivery of City services.

This item was reviewed at the October 6, 2010 meeting of the Technical Review Committee and received a unanimous recommendation of approval.

This request for voluntary annexation will appear before City Council in November, 2010. Following a public hearing, Council may act to annex the subject property.

See maps and photos on Attachment A-1 & A-2.

Agenda Item # 2: Voluntary Annexation - NOAH'S A.R.C., Inc.

Synopsis: Noah's A.R.C, a not-for-profit spay and neuter clinic located on Ecusta Road and within the City's extra-territorial jurisdiction, has submitted a request for voluntary annexation. The applicant desires to be connected to the City's sanitary sewer system. City Code requires that properties seeking connection to the City's sanitary sewer system, which are not located within the corporate limits of the City of Brevard at the time of request, submit to voluntary annexation.

This item was reviewed at the October 6, 2010 meeting of the Technical Review Committee and received a unanimous recommendation of approval.

This request for voluntary annexation will appear before City Council in November. Following a public hearing, Council may act to annex the subject property.

See maps and photos on Attachment A-3 & A-4.

Agenda Item # 3: Voluntary Annexation – Ox Enterprises, LLC

Synopsis: Ox Enterprises, LLC, the owner of a duplex rental property located on Ecusta Road and within the City's extra-territorial jurisdiction, has submitted a request for voluntary annexation of such property. The applicant desires to be connected to the City's sanitary sewer system. City Code requires that properties seeking connection to the City's sanitary sewer

system, which are not located within the corporate limits of the City of Brevard at the time of request, submit to voluntary annexation.

This item was reviewed at the October 6, 2010 meeting of the Technical Review Committee and received a unanimous recommendation of approval.

This request for voluntary annexation will appear before City Council in November. Following a public hearing, Council may act to annex the subject property.

See maps and photos on Attachment A-5 & A-6.

Agenda Item # 4: Right of Way Abandonment – Vicinity of Railroad Avenue and Whitmire Street

Synopsis: Henderson Oil Company, owner of a petroleum products distribution along Railroad Avenue, within the City's corporate limits, has submitted a request for abandonment of an existing, public right-of-way within the aforementioned property.

Such right-of-way belongs to the City of Brevard, and right-of-way abandonments must be approved by City Council following a public hearing. At the present time, the public right-of-way is undeveloped and unopened to the public, and is obstructed by three private structures located on the neighboring property. The purpose of the abandonment, as desired by the applicant, is to return the land within the right-of-way to private use and remove the possibility that the City might open the right-of-way for public use.

Staff can find no record or documentation that would shed light upon the history of the right of way, including when and why it came into existence, why it has come to be obstructed by private structures as illustrated in Attachment A, and why the City has never taken action to open the right-of-way for public use.

As a general rule, it is Planning Staff's position that rights-of-way, once held, be maintained for the current or future benefit of the public, in perpetuity. Council should carefully consider the future impacts of granting abandonment requests, and make certain that granting abandonment for the present benefit of a private property owner will not have a detrimental effect upon the City's ability to serve the public in the future.

This request for abandonment will be considered by Council in November, 2010. Following a public hearing, Council may act to approve or reject the request. Should Council choose to grant the request, Planning Staff would recommend that Council utilize this request as an opportunity to acquire additional right-of-way along Railroad Avenue, for use in the establishment of the next phase of the City's Bike / Hike Path, as well as for the establishment of the "West Loop Internal Bypass".

This item was reviewed at the October 6, 2010 meeting of the Technical Review Committee and received a recommendation of approval from the majority of Committee members present but received one vote in dissent.

See maps and photos on Attachment A-7.

Agenda Item # 5: Davidson River Village Master Plan Update

Synopsis: On February 02, 2009, City Council approved the Davidson River Village Planned Development District (DRPDD). Such approval, and associated site-specific development ordinance, governs the redevelopment of the former Ecusta Paper Mill plant site. The DRPDD covered all properties owned by the developer, Davidson River Village, LLC, with regard to maximum land use allocations and intensities, but only set forth a specific development vision on the plant site, leaving other properties surrounding the plant, such as the island landfill and aerial settling basin (ASB), for future discussion and approval.

Davidson River Village, LLC has submitted a request to amend the DRVPDD to include a specific land use vision for those properties that were previously not included, primarily the island landfill and the ASB. That vision is shown on Attachments B, entitled the "DRV Amendment Submittal Package".

With respect to maximum land use allocations and intensities, Council authorized the development of a mixed use development containing up to 1,000 dwelling units, 250,000 square feet of lodging & resort space, and 1,000,000 square feet of commercial / industrial space. The proposed amendment to the DRVPDD maintains compliance with those limitations.

It should also be noted that, at the time of approval of the DRVPDD, Council also imposed a number of conditions designed to mitigate the impact of the project upon the surrounding community and the taxpayers at large. Certain conditions were specifically intended to address the service delivery concerns of staff; they include:

- Payment of applicable water and wastewater impact fees.
- Payment for the cost of the installation of sewer screens at the City's wastewater treatment plant (up to $250,000).
- Purchase of solid waste vehicles (up to $150,000).
- Contribution of funds for the Pisgah Forest Fire Station (up to $2.9 million).
- Contribution of monies for the purchase of law enforcement vehicles (up to $400,429).

It is assumed that these conditions are sufficient to address service delivery demands associated with development proposed within the developer's proposed amendment to the DRVPDD. However, while bearing in mind that the proposed amendment is conceptual in nature, proposed water and wastewater line extensions, pump stations, and line sizes as illustrated therein should be carefully examined.

It should be reiterated that the proposed amendment does not exceed previously approved, maximum development intensities; it merely solidifies the developer's desires and intentions on the newly added sites. As such, Staff should limit its deliberations to considerations such as the form / design of proposed land uses, recreation, open space, utilities, and transportation. Maximum land use intensities and service delivery conditions as summarized above are "set in stone" at the present time.

This request for amendment to the DRVPDD will be considered by Council in December, 2010 or January, 2011. Following a public hearing, Council may act to reject, approve, or approve the proposed amendment with conditions. Planning Staff respectfully requests the TRC's thoughts, discussion and eventual recommendation.

This item was reviewed at the October 6, 2010 meeting of the Technical Review Committee and received a unanimous recommendation of approval.

See maps and photos on Attachment B.

Agenda Item # 6: Amendment to Broad River Terrace Planned Development District

Synopsis: On June 15, 2009 City Council approved the Broad River Terrace Planned Development District. Such approval, and associated site-specific development ordinance, governs the development of a previously vacant property located on Old Hendersonville Highway (PIN: 8596-15-0653-000). The planned development district covers the entirety of the property which is owned by the developer, Fitch Development Group.

Fitch Development Group has requested an amendment to their plans to change the layout of the community building which is currently designed to house a community room, office, laundry facilities, a lounge, and a small patio. The proposed changes replace the lounge area with a fitness facility, add a computer room, and change the location and size of the patio. Such a change in building design is considered an intermediate modification to the masterplan as defined in chapter 16.8.E.b of the Unified Development Ordinance.

> (b) *Intermediate Modifications.* 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.

Staff recommends approval of the requested amendment.

See floor and site plans on Attachment C.