

**MINUTES
BREVARD PLANNING BOARD
April 12, 2010**

Special Called Meeting

The Brevard Planning Board met in special session on Monday, April 12, 2010 at 7:00 PM in the Council Chambers of City Hall.

Members Present: Karla Atkinson, Chairperson
 Rick Lasater, Vice Chairman
 Paul Welch
 Gary Daniel
 Katie Baer
 Seyl Park

Members Absent: Kimsey Jackson

Staff Present: Josh Freeman, Planning Director
 Daniel Cobb, Planner & Assistant Zoning Administrator
 Shana Huggins, Acting Board Secretary

Others Present: Stewart Stepp, AIA – Representing Claudia Hilton
 Walter Hill, ETJ Zoning Subcommittee Member

Chairperson Atkinson called the meeting to order. A quorum was present and there was a moment of silent meditation.

Purpose of Special Called Meeting – Purpose of the meeting is to consider recommendations regarding zoning in the newly created Extra-Territorial Jurisdiction (ETJ). Planning Board is to review and discuss proposed amendments to the Official Zoning Map in the newly expanded ETJ in order to formulate their best thoughts and make recommendations to send on to City Council.

Chairperson Atkinson made it clear that she wanted the record to note that prior to this meeting there were public input sessions offered on two separate occasions (April 7th and 8th) for the residents affected by the expanded ETJ. Letters were sent out in advance to property owners and the meetings were advertised, yet not one person showed up at either meeting.

Chairperson Atkinson turned the meeting over to J. Freeman to present his Staff report. J. Freeman first thanked the subcommittee, as well as Walt Hill, for all of their time and hard work put into developing these zoning recommendations.

J. Freeman presented his staff report dated April 11, 2010, consisting of two (2) pages. (Staff report is on file in the Planning Department). Effective March 15, 2010,

Brevard City Council adopted the most recent expansion of the City's ETJ. By statute, the City officially has until May 14, 2010 (60 days) to develop and adopt amendments to the Official Zoning Map. Proposed in the report are Staff's recommendations regarding zoning within the newly expanded ETJ. These recommendations were formulated with considerable assistance of a subcommittee of the Planning Board that included Chairperson Atkinson, Vice Chairman Lasater, and Seyl Park, as well as Walt Hill.

Using a projected map, J. Freeman highlighted and discussed eight different areas within the new ETJ and recommended zoning districts for each of those areas. He briefly explained the zoning category chosen for each area and the reasoning behind the recommendation to zone it as such (these initial recommendations can be found on pages 1 and 2 of the Staff report on file in the Planning Department). J. Freeman also answered various general questions from Board members regarding specific zoning categories and reasoning behind the recommendations.

Board members discussed at length: The recommendation to zone the area described in the staff report as "the rifle range at the former Ecusta plant site," also known as the settling basin area (remainder of minutes will refer to this area as "settling basin area") as General Residential 4 (GR-4). There was much concern expressed from Planning Board members that given the nature and historic use of that property they would not feel comfortable zoning the settling basin area as a residential district. J. Freeman concurred and described the reasoning behind Staff's recommendation to zone the area GR-4 as a "placeholder" in relationship to the future of Davidson River Village. He explained that from a planning perspective, zoning the area either GR-4 or General Industrial (G-I) would be appropriate for the settling basin area.

All Planning Board members present agreed that due to the economic potential of the property and the probable unhealthy state of the land, it would be better and safer to zone the settling basin area property as General Industrial instead of General Residential. Chairperson Atkinson recommended changing the proposed zoning of the settling basin area from GR-4 to G-I.

Chairperson Atkinson asked J. Freeman in terms of Corridor Mixed Use (CMX) properties located on Deavor Road, what the highest level of development that could go along the corridor at the back of those houses would be.

J. Freeman explained that there are six existing properties that currently have single-family residential structures on them and have been there for quite some time. The provisions allowed for Downtown Mixed Use (DMX) and Corridor Mixed Use (CMX) zoning districts makes those residential structures non-conforming, and in the long term as those structures are torn down, should the area be zoned DMX or CMX, they would have to be replaced by something other than single-family residential structures. Residential structures such as multi-family and commercial mixed use would be allowed, but not single-family structures. J. Freeman went on to say that the only district of a non-residential nature that would apply and that would be the least intrusive in terms of conflicting with residential uses would be Residential Mixed Use (RMX). He also said

that given this location, which is potentially a fairly intensive commercial corridor, RMX would limit commercial potential, but would best protect residential potential while giving some additional flexibility. J. Freeman stated that he expected to hear from some of those property owners along Deavor Road at the advertised meetings but never heard anything from anyone at all. No one showed up at the public meetings so staff can't determine how those property owners feel. From Staff's perspective however, he said that some combination of DMX or CMX is the best fit from the long term perspective along that corridor.

R. Lasater asked if the Deavor Road area is rezoned to CMX if there is any remedy available to those property owners so that they can rebuild their single family dwelling should their home burn down.

J. Freeman replied: No, the only remedy theoretically that might be available would be a variance, but general statutes prohibit the granting of a use variance – so there is no remedy

R. Lasater questioned if the area could be rezoned back to a residential district.

J. Freeman said yes, they could apply for rezoning, and it would be spot zoning if it were just one property. He made reference to Ms. Claudia Hilton's property along similar lines and said that under current zoning, her property is a landlocked property that is zoned by itself. The Planning Department has discouraged her in the past from submitting a rezoning application because it would probably fall into the spot zoning category. He said that this is the right time for Ms. Hilton to get involved because the City is looking at the entire corridor right now.

J. Freeman stated that it is important to look at what is currently in place along the corridor. While single-family residential uses are put in jeopardy by CMX zoning, by the same token, there are four retail uses along this corridor which CMX is probably the best district for. There is such a variety of uses in this area right now that there is not really one good fit for the entire corridor J. Freeman stated. He said however, it is important to keep consistency throughout the area.

Chairperson Atkinson clarified what has been done by the proposed zoning districts as a gradual increase in intensity from the outward lying, less dense areas inwards towards the core of town. J. Freeman concurred.

Chairperson Atkinson asked Board members if they had any further questions for Staff. There were none, so Chairperson Atkinson opened the floor to anyone in the audience who would like the opportunity to make comments.

Mr. Stewart Stepp, AIA of Hendersonville, who resides in Connestee, came forward as a representative of Ms. Claudia Hilton of Pisgah Center Self Storage who owns property located at 495 New Hendersonville Hwy, Pisgah Forest. Ms. Hilton had submitted a letter which was included in the Planning Board packet to describe her

interest and concern in the current zoning matter (letter is on file in the Planning Dept). Mr. Stepp commented that Staff has been very helpful for he and his client, Claudia Hilton. He stated that Staff had suggested that he and Ms. Hilton attend this meeting instead of the public ETJ meetings held April 7th and 8th because Ms. Hilton's property is an island property already in the City limits and not part of the ETJ. Staff felt it might be confusing for them to be at the ETJ meetings. Mr. Stepp, on behalf of Claudia Hilton, wanted to reinforce the proposed zoning of Ms Hilton's property to CMX, which has been recommended by staff.

Chairperson Atkinson asked if the Planning Board had any other questions for Staff related to the proposed recommendations for the newly expanded ETJ. She reiterated again that the Board recommends changing Staff's proposal to zone the settling basin area from General Residential 4 (GR-4) to General Industrial (G-I). There were no other changes or adjustments recommended by the Planning Board for the proposed zoning map.

Motion: P. Welch moved the Board accept the proposed zoning map for the new ETJ area with the one recommended change before sending the amended zoning map on to City Council. The recommended revision is as follows:

- a) Change the proposed zoning for the settling basin area of the old Ecusta plant site (labeled number 96 on the provided map) from General Residential 4 (GR-4) to General Industrial (G-I).

Motion was seconded by R. Lasater

Discussion on the Motion: None.

Vote on the Motion:

Aye: P. Welch, S. Park, K. Baer, G. Daniel, R. Lasater and Chairperson Atkinson

Nay: None

Motion carried unanimously

J. Freeman stated that the next public hearing on the matter will be at the May 3rd City Council meeting at 7 PM in Council Chambers. At that point, it will be the last opportunity for any members of the public to speak up on the issue

Other Business: None

There being no further business before the Board, a Motion was made and seconded to adjourn. Meeting was adjourned at 7:39 PM.

Karla Atkinson, Chair

Shana Huggins, Acting Secretary