MINUTES
BREVARD PLANNING BOARD
March 17, 2015

Brevard Planning Board met for a regular meeting on Tuesday, March 17, 2015, at 6:00 PM in Council Chambers of City Hall.

Members Present:	Kimsey Jackson, Vice Chair Demi Loftis Katie Thompson Jimmy Perkins Seyl Park
Staff Present:	Josh Freeman, Planning Director Daniel Cobb, Assistant Planning Director – Long Range Planning Aaron Bland, Long Range Planner Janice H. Pinson, Board Secretary
Others:	Glenda McCarson, Blue Ridge Community College Chase McKelvey, Maurice Jones – Chase Insurance Derek McKissock – Transylvania Times

I. Welcome and Introduction of Planning Board Members -

At 6:00 PM Vice Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. The Chair called for a moment of silent reflection.

II. Approval of Minutes –

Approval of Minutes of the January 27, 2015 meeting, J. Perkins moved for approval as written, seconded by D. Loftis and unanimously approved.

III. New Business –

A. Chapter 3.12.D.6 – Amendment to Clarify Dimension.

A. Bland presented and gave a brief overview stating that these are very minor changes to the UDO to clear up some minor points to make day to day operations less confusing and to make things clearer for the applicant(s).

A. Bland explained that the ordinance requires for a Type A buffer, 10 foot in width, when an accessory structure reaches 500 sq. ft. or larger and lies next to a general residential zoning district with the exemption if the property is an agricultural use or meets a distance requirement. The distance requirement now reads, “not less than 24 feet” and the proposed change would read, “greater than 24’”.

B. Chapter 3.23.E.10.c - Amendment to Mobile Food Vendor Requirements.

A. Bland presented stating that currently the ordinance states that mobile vendors must have a basis of operation such as a restaurant or commissary, the intent is to mirror state health code guidelines but it does not exactly do so and questions from vendors pointing out that they are not the same have prompted this change so that our ordinance will match the State Administrative Code word for word and have even added a reference to the State's code.

A. Bland stated that neither of these amendments changes the spirit or intent of the ordinance, the change is just for clarification.

S. Park ask staff what would happen if the State changed their guidelines and A. Bland responded that the ordinance would remain in effect until amendments were made to update.

D. Loftis posed questions as to whether the changes would change the mobile food vendors means or limit their operations.

Staff replied that it would not change or limit their operations.

Motion to approve D. Loftis, seconded K. Thompson, unanimously approved.

III. Old Business –

A. Blue Ridge Community College, Application #14-456 for Proposed Text Amendment to Unified Development Ordinance, Chapter 12.9.B.iii.

J. Freeman, Planning Director, we are revisiting this matter from a previous meeting. The original application was a request to allow all Institutional Campus (IC) zoned districts the right to have an 85 sq. ft. ground sign.

The Board was concerned about the 85 sq. ft. sign allowance and requested that Staff revisit and bring forth a new zoning overlay district. Staff has prepared recommendations for approval of the Asheville Highway Overlay District which would include the area from Food Lion to Blue Ridge Community College, which is the commercial corridor strip of Brevard.

D. Loftis stated concerns that this is a simple fix but not appropriate in accordance with the City's strategic plan. She further stated that a better approach would be to determine what kind of signs are needed, what they should look like, stating that this is just her individual opinion.

K. Thompson expressed similar concerns and questioned staff about the possibility of placing a moratorium on sign permits for a period of time.

J. Freeman explained that the process had been started to break the sign ordinance down into pieces. He further stated that proposals have been received and staff is in the process of reviewing so that recommendations can be made to the City Manager to hire a firm to rewrite the architectural standards using the form based codes approach which focuses on project and building design, signage, etc. This process would begin with the central business district and then move through the different sections of the city and develop form based codes. Over time this would restructure the entire ordinance.

J. Freeman stated that city council can enact a moratorium on certain types of development projects and that can include any changes to ordinances. He said that there is usually a set time for a moratorium, such as 90 days.

D. Cobb was called upon to answer how long the form based codes process would take and he responded probably nine (9) to twelve (12) months.

S. Park stated he felt that simplest solution was the original discussion, 2 months ago that in Institutional Campus (IC) zoned districts, that as long as it was adjacent to the main corridor and not on a secondary road facing residentially zoned properties that it would have very little impact.

J. Freeman presented the Asheville Highway Overlay District to the Board and there was detailed discussion of different scenarios of what properties would be affected by the change and the ordinance as it applies to signage. He explained the overall layout and history of the zoning districts as approved by City Council to date.

D. Loftis, K. Thompson and J. Perkins all expressed concerns about changing the feel of the present commercial corridor as it transcends from neighborhood mixed use (NMX) to the corridor mixed use (CMX) zoning district and to the effect that changes would have to the general residential (GR) zoned properties.

K. Thompson stated that she wanted to be clear about the options stating: 1) Return to the original plan to increase sign size requirements in the institutional campus (IC) district.
2) Narrowing of the proposed corridor (Asheville Highway Overlay District) limiting the availability to intrude into general residential (GR) districts.

J. Freeman explained that the other options would be to deny or to change the boundaries of the proposed corridor district but that a decision was required to me made by March 28th. The board would need to give precise direction to staff to make the revisions or staff could make revisions and a special meeting could be called to review revisions.

K. Jackson, Chair, stated that the decision before the board would be to deny; request to see changes and call a special meeting or to approve changes and let staff proceed to council with changes without review.

J. Perkins noted concerns that the next item on the agenda was a similar conversation and that this indicates that our current ordinance is failing to meet the needs and desperately needs a professional review for revisions.

K. Thompson made a motion that we accept the proposal for an overlay sign district for the Asheville corridor but following different lines than have been presented, which we will specify and to separate the two (2) things for discussion.

K. Jackson stated the motion as approval of the Asheville Corridor Overlay District with modifications. The motion was seconded by J. Perkins.

There were detailed discussions about the width of the overlay district. The motion was amended to include the revisions to the proposed district to limit the band at the outer limits to 40 foot with a portion of the band running with the center line of the road. Amended motion carried unanimously.

Glenda McCarson, thanked the board on behalf of Blue Ridge Community College, stating that the process had been painstaking especially for staff and stated that she now has a new view of what is takes to work in the Planning Department.

B. Proposed Amendments to City of Brevard Unified Development Ordinance.

J. Freeman explained that these amendments were initiated by City Council in a workshop to review ways to streamline processes. Three (3) primary things happened, one of which had already happened, which was to eliminate the Technical Review Committee. 2. The elimination of the Community Appearance Commission from the development review process and the committee supports this decision. This board will be repurposed through direction of council. 3. The Planning Board would be removed largely from final master plan review for planned development districts, only if there were no major modifications. Staff cannot approve major modifications but can proceed on approval of modifications that are consistent with the board's original spirit and intent and can also remand to the board for approval.

J. Freeman went over the requested board modifications and stated that staff recommended approval of the amendments. J. Perkins made motion to approve, seconded by D. Loftis, unanimously approved.

C. Chase McKelvey, Application #15-087, for Proposed Amendment to UDO, Chapter 12.

J. Freeman, Planning Director, explained that Chase McKelvey, owner of Chase Insurance and Tony Duscio (former?) owner of Tony's Deli appeared before City Council on November 17, 2014 during the public participation section of the agenda and asked that City Council provide relief from their situation. City Council provided general direction to Staff to prepare and present amendments to the UDO to satisfy the situation for McKelvey and Duscio and to provide additional flexibility for other, similar group development projects. There were no specifics provided by Council.

J. Freeman then explained to the Board that the current ordinance does not include the structure of ground signs in the measurement requirements but the sign itself, brackets, etc. He stated that the Board is aware of the 85 square foot maximum sign allowance in Corridor Mixed Use (CMX) district and the current signage for Chestnut Square measure 79 square feet, leaving the applicants with not enough space to do anything meaningful. He gave further history that the developer designed the sign as it is, and that was there business choice at the time of construction. He further explained that this was not a city ordinance decision but a private business decision by the developer not to provide a space on their ground sign for each tenant of the shopping center. During the development stages of the project Staff did plead with the developer to allow space for a sign for each tenant but were unsuccessful.

J. Freeman gave the five (5) reasonable options available to Council to satisfy the McKelvey/Duscio request as follows:

1) Option 1: Amend UDO Section 12.9.B.1.ii to increase the maximum allowable size of ground signs in CMX zoning districts. Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This approach would apply to all CMX zoning as shown on the attached map, not just the ground sign at Chestnut Square.

2) Option 2: Amend 12.11.A to allow larger ground signs in group development projects. Again, Staff estimates that, in order to satisfy the McKelvy / Duscio request, the maximum allowable sign size would need to increase from 85 square feet to 110 square feet. This, also, would apply to all group developments as shown on the attached map.

3) Option 3: Option 1 and Option 2 could be blended to limit the larger sign allowance to group developments within CMX.

4) Option 4: Use Option 2, but limit the geographic applicability to group developments within the Asheville Highway Sign Overlay District, the establishment of which was proposed by Staff in response to Planning Board concerns associated with the Blue Ridge Community College text amendment.

5) Option 5: Do nothing.

Ed Buckley requested to address the Board stating that in addition to the applicants before you there are two (2) other unoccupied spaces in the shopping center and when those spaces are filled if you only allow the 85 square feet option, it is only a temporary solution, you will be dealing with this matter all over again and this is not business friendly.

J. Freeman pointed out to K. Jackson, Chair, that if the Board is going to engage in public dialogue they need to be fair to everyone.

Maurice Jones introduced himself as first a member of City Council and stated that Council realizes there are things in the UDO that need to be addressed and those are forthcoming. He stated that he was an independent agent at Chase Insurance and proceeded to state that the major issue is that the measurements of the current sign were incorrect.

J. Freeman explained to the Board that the disagreement as to the measurements was not brought up because it is a separate issue and is a Board of Adjustment matter, not a matter for this Board to resolve and that a formal application had not been submitted. He further stated that he was trying to resolve the most efficient way that he could and that a Board of Adjustment hearing would slow the process. He requested that his scenarios be presented and given a fair shake to come to a faster resolution.

Maurice Jones stated that he wanted to put his City Council hat back on and stated that he appreciates the hard work of the Planning Department. Putting his businessman hat back on, he had been dealing with this situation for 8 months and that Staff had been dealing with it for over a year.

K. Jackson, Chair, ask how many locations are there total that would need a sign. Maurice Jones responded that 4 additional signs, for a total of six (6) were needed.

There was further discussion of adding additional signs and how to accommodate all of the businesses in the development.

D. Loftis made a motion to table and give Staff time to review the ordinance and come up with reasonable changes that can be made to allow for flexibility in interpretation, seconded by S. Park, unanimously approved.

S. Park, wanted to address the comment as to business friendly. He stated that he did not see a lot that had been done to be over prohibited or restrictive for the businesses in our area and that this sign is the perfect example of allowing developers to do whatever they want without thought and I further that people might look at this and say well this is business friendly allowing developers to do what they want. So I think that whatever decision Planning Board or City Council end up making it is not a question of business friendly but of what is best for the businesses and what is best for the community.

K. Thompson asked questions about the possibility of placing a moratorium on sign permits until form based codes were in place so that they could make a better educated decision.

J. Freeman said he would prepare a primer on moratoriums for the Board and also try to get a sense of a timeline on form based codes and present to the Board.

IV. Other Business – Election of Chair

K. Jackson requested nominations for Chair, D. Loftis nominated Kimsey Jackson, seconded by J. Perkins, unanimously approved.

K. Thompson nominated Demi Loftis for the position of Vice Chair, seconded by S. Park, unanimously approved.

K. Thompson requested more notification of applicants that City Council is considering for positions on the Planning Board and more notification, if available, of knowledge if a board member is resigning or their term is expiring.

J. Freeman stated that we would provide the roster for the board in their next agenda packets.

J. Freeman thanked the Board for the great job that they are doing and for their service.

VI. Adjourn-

There being no further business, S. Park made a motion to adjourn, seconded by J. Perkins, the Board unanimously voted to adjourn at 8:58 PM.

____
R. Kimsey Jackson, Vice Chair

____
Janice H. Pinson, Board Secretary