MINUTES
BREVARD PLANNING BOARD – REGULAR MEETING
OCTOBER 20, 2015

Brevard Planning Board met for a regular meeting on Tuesday, October 20, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present:	Kimsey Jackson Katie Thompson Jimmy Perkins Frank Porter Chris Strassner Keenan Smith
Members Absent:	Demi Loftis
Staff Present:	Daniel Cobb, Interim Planning Director Aaron Bland, Long Range Planner Janice H. Pinson, Board Secretary

I. Welcome and Introduction of Planning Board Members -

At 7:00 PM Chair, Kimsey Jackson, called the meeting to order and the Board members introduced themselves. There was a moment of silent meditation.

II. Approval of Minutes –

a. Approval of Minutes of the September 15, 2015 meeting, K. Thompson requested a correction, F. Porter moved to approve the minutes with changes, seconded by J. Perkins, unanimously approved with changes.

K. Thompson requested that when substantial changes are made that they come back to the Board in writing or electronically for their review.

K. Jackson, Chair asked D. Cobb if the request could be accommodated, he responded that it could.

III. New Business –

a. Annexation – Lastinger Properties, LLC, Pilot Cove Campground, Application #AX15-000002 – 113 Mama's Place, Pisgah Forest, PIN #8597-47-3949-000.

D. Cobb gave a visual presentation indicating the location of the property. He stated that earlier this year a special use permit was obtained to operate a campground on the property, that the property is approximately 65 acres. He stated that the property is requesting a contiguous annexation to receive city services but that they already benefit from city service delivery, an example is that they are already within the City's fire jurisdiction. He provided tax revenues, minimum water revenue and stated that the applicant has not yet decided if they will use the City's waste water system or solid waste services but that they would be charged for recycling services, even if they did not use. He reported that the only expense to the City he felt was relevant to report to the board was the estimated annual cost of maintaining the new public water line of approximately $1,500.00.

D. Cobb instructed the Board that their job was to make a recommendation to Council on the matter, that the City Clerk had investigated the sufficiency of the application and had asked Council to set a public hearing date on the matter.

It was established that the Applicant was not present for this meeting.

K. Jackson, Chair, asked if there were any comments and opened up the matter for discussion.

K. Smith asked D. Cobb if other surrounding properties received City services, such as Walmart.

D. Cobb responded that Walmart and other surrounding properties did receive services. That the property would be an extension of the current City's boundaries and visually showed this to the Board. He further stated that the property was currently in the Extraterritorial Jurisdiction of the City and was subject to zoning.

F. Porter asked if they would be responsible for all of the upfront costs involved in installing water and sewer lines.

D. Cobb explained that they would bear the cost, but that they would dedicate utilities to the City and maintenance would then become the City's responsibility.

K. Thompson requested an explanation of water fees. D. Cobb explained that the revenue analysis was at minimum rates because there was no way to predict, but that water usage would be paid for by the amount that was used.

K. Jackson asked the Board if they wanted to recommend to Council, recommend with changes or deny the application.

J. Perkins moved to approve as presented, seconded by C. Strassner, unanimously carried.

K. Jackson requested that the agenda be amended to move the next item, rezoning to the end of the agenda.

J. Perkins objected because of the interrelation of the rezoning and the text amendment for the highway corridor.

K. Jackson stated he had a very good reason because of his involvement.

K. Thompson asked if K. Jackson would need to recuse himself. K. Jackson responded that he would need to do so.

After this discussion the Board agreed to move the rezoning to the end of the agenda.

c. Text Amendment to Chapter 2, 12 & 19 of Unified Development Ordinance to include:

i. Murals
ii. Decorative/vintage signs
iii. Asheville Highway Corridor Overlay Amendment

A. Bland explained that in reference to the corridor overlay item that it was essentially a cleanup of inconsistencies and the map of the Asheville Highway Corridor Overlay District and thought since Council had already approved item, that it made sense to bring it back before the Planning Board for their review and approval of revisions and that it was now necessary with the addition of the Rosman Highway corridor section to change the name of the corridor overlay district.

J. Perkins moved to change the overlay district name to: "Highway 64 Corridor Sign Overlay District", seconded by K. Thompson, unanimously approved.

K. Jackson began the discussion on murals and decorative and vintage signs.

J. Perkins requested staff comments on the evolution of the mural changes and how the 8% logo size came to be the recommendation.

A. Bland explained that the ordinance does not address murals and that the Planning Department does get occasional requests and felt that the ordinance needed to be clear. The advertising logo 8% size was recommended by the City's Consultant, Demetri Baches, but that staff is open for other suggestions.

J. Perkins commented that this is a good effort but that it was still a bit muddy, but he did not know how he would improve on what has been presented.

K. Jackson, Chair called for a motion to approve the Highway 64 Corridor District as written, motion to approve by F. Porter, seconded by K. Thompson, unanimously carried.

d. Airbnb's
i. Background presentation
ii. Discussion

A. Bland presented his staff report on short term rentals, which is attached hereto, labeled Exhibit "A" and incorporated herein by reference. He gave an overview to the Board of his presentation to City Council that was given on September 21, 2015, which was a result of their request for information on short term rentals. He further stated that Council's biggest concerns seemed to be number of occupants allowed, that short term rentals be well regulated, and the preservation of neighborhoods.

A. Bland said that Council has requested that the Planning Board formulate a recommendation to them regarding new or modified ordinance language to address short term rentals.

K. Jackson opened up the matter for the Board's discussion. He further asked if there have been complaints and what was driving the complaints.

A. Bland stated there have been a few complaints about noise, parking, using residential properties for commercial use.

K. Thompson voiced a concern about protecting the community's housing and especially work force level housing, as well as, the impact short term rentals will have on the housing stock. Noting also the increase this might have on rental prices. She stated that she would need some help to think about these issues.

F. Porter asked for a show of hands as to how many board members have stayed in short term rentals, and there was a large show of hands. He stated he would like to see information that did not squash short term rentals with taxes, inspections, standards, etc. but something that could regulate them and that would be acceptable for Council to approve, that would address the issues. He further stated that he liked the idea of staff investigating surrounding towns and how they handle the matter.

K. Jackson asked if there were any other comments.

Jim Wright, 89 Canvasback Court, in attendance in the audience, requested to speak. He stated that he lives in the Extraterritorial Jurisdiction of the City and that his neighbor is running a de-facto motel in his neighborhood. He warned the board that the rules need to be in place, so as not to do more harm to the residential neighborhoods in our town. He mentioned parking issues. He thanked the board for hearing his concerns.

K. Jackson asked the board if they wanted to direct staff to put together frame work for their review at their next meeting in November.

D. Cobb, Interim Planning Director, stated that the City does have existing regulations to handle parking, on street parking, noise and trash.

K. Thompson stated that we need to keep in mind the loss of community and stable neighbors to share living environment with and for neighborhoods not to have to constantly be trying to keep the heart of the community in tack by monitoring their neighbors.

D. Cobb stated that he completely agreed but needed to point out that there are current regulations in place to monitor the current complaints mentioned. He further said that it might be that the current regulations being enforced would take care of the matter without anything further.

F. Porter said that he would like for Staff to come back to the Board with a clear definition for short- term rentals.

A. Bland shared that he and D. Cobb have already had discussions with the Chamber and TDA in reference to short term rentals. He shared that the Planning Department is going to be holding a Public Input Session on November 5th from 4-6PM and that an online survey has been made available as another avenue for input. He further explained that a summary of the input session would be available to them at the next Planning Board meeting in November.

K. Jackson, Chair stated that he felt that regulations should be in place but not too hard, that he agrees that there needs to be a clear definition.

K. Smith asked if the Heart of Brevard is concerned about taking business away from the hotel industry.

A. Bland answered, not really. He then summarized the consensus of the board to be not to squash the market but that regulations are necessary.

K. Jackson, Chair, called for a five (5) minute recess.

The meeting was called back to order and Kimsey Jackson stated that due to the fact that he owns property adjacent to the property to be discussed for rezoning that he needed to recuse himself from this matter.

K. Thompson moved to recuse, K. Jackson, seconded by F. Porter, unanimously carried.

J. Perkins moved for Frank Porter to chair temporarily in K. Jackson's absence, seconded by K. Thompson, unanimously carried.

III. New Business

b. Rezoning – Martin Bawden, Application #RZ15-000003 for Lot No. 1-A, 545 Rosman Highway, PIN #8585-16-8412-000.

D. Cobb presented his staff report which is attached hereto, labeled Exhibit "B" and incorporated herein by reference. He stated that there are attachments showing the requested property for rezoning as the applicant presented in his application, and also staff's recommendation, which includes the road right of way, so as not to spot zone and to be consistent with the proposed rezoning. He gave a visual presentation of the location of the property and explained the request for the rezoning application.

He further explained that the rezoning would be inconsistent with the current Land Use Plan of 2002 and that if the board voted to approve, that it would need to be noted, but that it was nothing illegal or wrong but would need to be noted.

He informed the Board that if the rezoning to Corridor Mixed Use (CMX) was approved that it would open up the property to additional uses as indicated in the use matrix provided in his staff report and would also allow different building standards, as well as, an 85 square foot sign.

Martin Bawden, Applicant, introduced himself. He explained that he is the owner of a fly fishing company named, Flyman Fishing Co. and that he manufactures tails and flies and distributes his products all over the country. He stated that it is a quiet business, with not many visitors and that he has outgrown his current location on South Caldwell Street. He purchased the property to construct an 1800 square foot building to use for his business operations.

J. Perkins stated that he is familiar with Mr. Bawden's business and that it is very low impact, but that it would not matter in this instance because, if the rezoning is approved the uses could vary for this property. He further said that he felt the Applicant's needs could be met without rezoning the property to Corridor Mixed Use (CMX) but maybe consider Neighborhood Mixed Use (NMX) but questioned if this might be considered spot zoning.

D. Cobb stated that unfortunately, the only way to know if this would be considered spot zoning would be when the matter goes to court, and that he felt the property needed to be zoned consistently with the surrounding properties, an example being, the property next door, which is a stone yard is zoned CMX.

K. Thompson said she was interested in knowing what is right next door to the property, because of the plots that are in place and what the plans are for that property.

Kimsey Jackson asked to speak and was allowed to do so. He stated that he owned the property until approximately 60 days ago, and that he understood that there was going to be one building constructed and that a room would be used for the business. He stated that had he known that there was going to be more than one building on the property and that the request for rezoning would be applied for, that he would not have sold the property. He further shared that he is in opposition of the rezoning because the property is zoned residential and that there are 3 houses that are in close proximity.

F. Porter asked who owned the right of way to the roads on the adjoining property and was told by Mr. Jackson that they were dedicated to the County.

F. Porter asked if anyone else wanted to speak.

Martin Bawden asked to speak, stating that the impact his business would have on the residences would be minimal, noting that the property is already surrounded by commercial businesses and that the portion of the property next to the residences would remain zoned General Residential (GR4).

D. Cobb, Planning Director, again showed the proposed rezoning boundaries and maps of the division of the property, indicating which part would be zoned CMX and the portion that would remain GR4.

Martin Bawden stated that the only portion of the property he wanted to rezone was along the highway.

F. Porter questioned the setback requirements and how a building would be able to fit on the proposed property, once it was subdivided.

D. Cobb explained the setback requirements for CMX and GR4 in detail.

Martin Bawden stated that the property is an acre and that there is plenty of room to accommodate his plans.

C. Strassner asked if the next commercial development to the south is the grocery. It was pointed out that before the grocery there is another business. He stated that his biggest concern is why change, and if you are changing, to change in a way that makes the most sense.

D. Cobb said that this is correct, but that the property mentioned is not zoned CMX.

Caleb Welborn asked to speak. He stated that he is employed by Mr. Bawden, that he is a Brevard College graduate and is in charge of marketing and other duties for the business. He stated that he believes that the business will fit well into the row of existing businesses along this corridor and noted that Brevard is trying to grow business.

K. Thompson voiced her concerns about the permitted uses if the property is rezoned to Corridor Mixed Use. Noting concerns that an indoor firing range could be an allowed use near a residential neighborhood, and further concerns about some unsightly businesses being allowed there too.

Josh Hallingse, Director of Transylvania Economic Alliance, asked to speak. He stated that Flyman Fisherman is an appropriate business for this area, according to a target market analysis performed by his organization. The way the property lies does fit with surrounding properties and that you would not access the property from a residential neighborhood. He encouraged the board not to consider the worst case scenario and from an economic standpoint he asked the board to approve the rezoning.

J. Perkins spoke to the fact that given the topography you are past that property before you see it and that it does not lend itself to higher impact uses. He further stated that what Josh Hallingse had to say is valuable and that this is the type of business that we are trying to attract to this area.

K. Smith said that he thinks that this is the right type of business for Brevard and that it makes sense for this area.

F. Porter requested a recommended motion to approve, J. Perkins made a motion to approve according to Staff's mapped recommendations (including right of way), further acknowledging that the approval is inconsistent with the city's current Land Use Plan and the basis for the decision being that it will result in a more rational and consistent pattern of land uses upon the subject parcel and its immediate vicinity, and will enhance development potential in a manner that is compatible with surrounding land uses. Motion seconded by K. Smith and unanimously carried.

IV. Old Business – None.

V. Other Business – None**.**

VI. Adjourn-

K. Jackson, Chair, reestablished his position as Chair and there being no further business requested a motion to adjourn, F. Portion made motion to adjourn, seconded by C. Strassner, unanimously carried.

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Richard K. Jackson, Chair

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Janice H. Pinson, Board Secretary