

**MINUTES
BREVARD PLANNING BOARD – REGULAR MEETING
NOVEMBER 17, 2015**

Brevard Planning Board met for a regular meeting on Tuesday, November 17, 2015, at 7:00 PM in Council Chambers of City Hall.

Members Present: Kimsey Jackson
Demi Loftis
Katie Thompson
Jimmy Perkins
Frank Porter
Chris Strassner
Keenan Smith

Staff Present: Daniel Cobb, Interim Planning Director
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 October 20, 2015 meeting, J. Perkins requested a correction, motion to approve as corrected by F. Porter, seconded by D. Loftis, unanimously carried.

III. New Business –

a. Consideration of Application #TA15-000003 by Charles Edwards for a Text Amendment to Chapter 12.9.G.5 of the Unified Development Ordinance to allow for two (2) primary and one (1) secondary menu reader boards.

D. Cobb, presented his staff report which is attached hereto, labeled Exhibit “A” and incorporated herein by reference.

Charles Edwards, Applicant, thanked the board for the opportunity to speak. He stated that he owns several McDonalds restaurants including the one in Brevard. He further stated that it is fairly common to have a second drive thru, it keeps the traffic out of the streets, and out of danger, which applies to the Brevard location. Therefore, he wants to add an additional drive thru lane, which would require the need for an additional menu reader board.

K. Smith asked staff if we currently allow more than one (1) menu board.

D. Cobb responded, no.

J. Perkins stated that it makes sense to say one (1) menu reader board for each order lane.

It was requested that C. Edwards clarify the correct language and he stated that it is called, "order point".

D. Cobb stated that the proposed wording would read each order point shall be allowed one (1) menu reader board, not to exceed a total of two (2) menu reader boards and that he would email rewording to the board.

D. Loftis made a motion to approve as modified by the Planning Board with modifications to be presented in an email to the board for their review, seconded by F. Porter, unanimously carried.

D. Cobb informed Mr. Edwards that because City Council may cancel their regular meeting in December, his application may be heard by Council at the Special Called Joint Meeting of Planning Board and City Council on December 10th, and that this has not been confirmed but that he would be notified.

b. "Short Term Rentals" – Proposed Text Amendments

D. Cobb stated that he would make a brief presentation and that he did have survey results, input session data and information received from other agencies. The board requested that the information be handed out to them.

D. Cobb stated that no ordinance language would be presented, that this meeting was to establish framework for potential amendments. He further informed the board that council does not want to outlaw short term rentals, but does want to protect neighborhoods and allow STRs in certain areas with guidelines.

He then presented the results of the November 5th Public Input Session. The results are attached hereto, labeled Exhibit "B" and incorporated herein by reference.

D. Cobb explained that the only means for collecting occupancy tax is through legislature, that Airbnb automatically collects this tax and the current rate for Transylvania County is 5% and that nearly 100% of the funds collected go to the Tourism Development Authority. By law 2/3 of the tax collected must go to travel and tourism development.

K. Thompson asked if everyone was paying this tax.

D. Cobb responded that this is a good question, and that he did not have the answer to the question right now.

He further explained that there are current ordinances in place that would take care of some of the problems such as on street parking prohibitions, noise, noise ordinances was confirmed with Chief Phil Harris to be 10PM, and that the health department does get involved when there are four (4) or more units.

A memorandum prepared by Chief Phil Harris was distributed to the board which addresses concerns in reference to short term rentals, the memorandum is attached hereto, labeled Exhibit "C" and incorporated herein by reference.

K. Jackson, Chair opened the meeting up for the audience to speak.

Andrea Babin stated that he owns a short term rental that occupancy taxes are collected and paid, that he finds it hard to believe that if you are running a rental as a business that you could hide it from the IRS. That we need to allow STRs, or we are saying no to new business. That he uses short term rentals when he travels because it is a better experience. He read his statement #15 from the survey results: "Local economic stimulus is undisputable. Guest are here to experience Brevard in the most intimate way. They walk eat and shop. We cannot let this go?? I support compliance with existing laws whether that be the collection of taxes, registration requirements or other provisions. However we believe any regulations tend to provide ample tools for addressing the actions of a few bad apples, for example, noise ordinances, neighborhood parking regulations, trash guidelines."

Jim Wright stated that he had no doubt that the short term rental owners present are good business people, but that he is concerned about commercial uses in a residential neighborhood. He cautioned the board to take a very careful look before you start changing the ordinance.

Robert Senecal stated that he had some friends that were of low income that lost their rental home due to the fact that the owner decided to turn it into a short term rental, and that we need to be aware that we are taking available rental homes off the market.

Mary Ernst stated that she felt that a lot was being discussed that had already been discussed at the input session. She questioned what is prompting this change and wanted to know what complaints were driving it. She lives in Hendersonville but owns a short term rental in Brevard.

D. Cobb stated that City Council asked that Planning Staff look into the matter.

Kevin Jones stated that his short term rental is within two (2) blocks of the library and the house was being rented for \$250.00 a month and was in total disrepair. They purchased the property as an investment and to fix up, because it was next door to their residence.

Elda Brown stated that she feels like they are the good guys, promoting Brevard. That she purchased the property next to her and improved the neighborhood, but needs a way to recoup her investment. She requested that if there were going to be new fees that the short term rental property owners be given plenty of notice before they go into effect.

K. Jackson, Chair, asked Chief Harris if there had been complaints about short term rentals.

Chief Harris stated not until recently and that they have received a couple of noise and parking complaints. He stated that it is not about making money but about keeping our town and our citizens safe from being victimized. He urged the public to call the Police Department if they have problems so that they can be corrected.

Pat Pettit, a realtor for 42 years, stated that she owns three (3) properties in Brevard, two (2) of which are long term rentals and one (1) that is her home. She stated that she opposes short term rentals because she lived through it in another state. She stated that long term renters get involved in the community, but short term renters are here and gone. She cautioned that we need to look at this as a future thing, not as it is now.

Susie Wells, stated that this is a job and that when their property is rented they are on call 24 hours a day. She further stated that she embraces the people that visit Brevard.

Jack Alderman stated that he lives next door to a short term rental and that people are coming to Brevard and spending money, riding bikes, walking, enjoying our town. He observes that someone comes to clean the house after each visitor. That he feels there is a way to work this out. That he trust the board to have the wisdom to figure it out. He further stated that he would prefer to have stable neighbors that my kids could play with, but that they have had fun over the summer playing with the children of guests.

Travis Buchanan stated that he owns a home in a cul-de-sac on Hazel Court and that parking was an issue for his family when they were living in the house. That he feels that some of the complaints are heavily embellished. That they are renting the house as a short term rental to pay the mortgage, that he would love to sell it, but cannot get his money out of it at this point in the market. He stated that he lives and works in this town and that the City needs to change with the times. He stated that bikers who visit like the option of short term rentals instead of motel rooms because they can store their bikes, etc. He stated that he lives only 15 minutes away from the property.

Cory Gaffney stated that we needed to look at who we are as a community and that he feels like Brevard attracts a calmer crowd. That people are not coming to Brevard to party. He stated he owns a short term rental on Carolina Avenue and the house is an asset to the neighborhood.

Daniel Tressler, owner of Red House Inn and four (4) vacation rentals in town, stated that they have been renting short term rentals for approximately 5 years and that his businesses complement each other. He stated that Brevard has to embrace this change. He shared that Airbnb just started collecting taxes and that with VRBO you can do whatever you want. His thoughts are that people that come here to ride bikes, etc. have to have a lot of disposable income and are not likely to be high school partiers and reminding everyone that we are a tourist town and that a lot of older people visit here.

K. Jackson, Chair called for a five (5) minute recess at 8:25 PM.

K. Jackson called the meeting back to order at 8:34 PM.

K. Jackson asked if anyone else wished to speak, no one responded.

D. Cobb thanked everyone for coming out and stated that he knows that this is a slow process, but that is how local government runs. He then continued with the presentation of his staff report and outlined staff's recommendations. Staff Report is attached hereto and labeled, Exhibit "D", as well as, pages 22 and 23 of the presentation.

D. Loftis asked if sufficient off street parking addresses parking in the front yard.

D. Cobb responded that single family dwellings are exempt from parking standards.

D. Loftis asked that D. Cobb check into this item.

There were questions from the audience about what would be involved in obtaining a special use permit. D. Cobb explained the application and Board of Adjustment procedures and processes, further explaining that the board is a quasi-judicial board and that each application is considered on a case by case basis and that the board is supposed to consider only the facts.

K. Thompson stated that the discussion had reached a point of concern to her about the requirement to obtain a special use permit, in that the purpose, as she understood it, is to be compatible with the surrounding area, but there is no definition so that everyone will understand the expectations.

D. Tressler stated he thought that the category "permitted with standards" and outlining standards would be a better approach than a special use permit requirement.

K. Thompson stated that she values the sense of community, that she lives on Maple Street and recognizes and appreciates the improvements that have been made there, and that she has no concerns about current density, but feels the issue is the critical mass of people coming and going without roots to the neighborhood.

C. Strassner stated that these are ideas at this point and that he felt things were trying to get too specific, when at this point, the board is just trying to form the framework to legislate. Police and Fire need to know that the property is a business, and a registration requirement is necessary for this to happen.

Some other suggestions were to limit the number of special use permits per year. Also to possibly limit the number of days per year a property can be rented as a STR.

F. Porter stated that it needs to be kept simple and not to make it too regulated and complicated.

There was discussion as to next steps and it was decided that the regular December meeting would be cancelled and that staff would prepare regulations, standards and definitions, including exploration of alternatives to the use of the special use permit as the process for establishing standards, to present to the board at their January meeting and that staff will also look at the standards for Bed and Breakfast home and make sure that there is clarification between them and short term rentals that make sense, so as not to overcomplicate procedures.

F. Porter requested that D. Cobb research occupancy limits of 2 per room +2, as noted in his presentation.

K. Jackson asked if there were any more comments from the board. There were none.

D. Cobb stated that all of the information that had been presented would be placed on the website for public viewing the next day.

IV. Old Business – None.

V. Other Business –

Joint meeting of Planning Board and City Council will be held on December 10, 2015 at 5:30 PM was announced by Chair, K. Jackson.

VI. Adjourn –

There being no further business, K. Thompson moved to adjourn, seconded by D. Loftis, unanimously carried.

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary