

**MINUTES
BREVARD PLANNING BOARD – SPECIAL CALLED MEETING
JANUARY 26, 2016**

Brevard Planning Board met for a special called meeting, Tuesday, January 26, 2016, at 7:00 PM in Council Chambers of City Hall.

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

Members Absent: Demi Loftis

Staff Present: Daniel Cobb, 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 there was a moment of silent reflection. Board members and staff introduced themselves.

II. Approval of Minutes –

- a. November 17, 2015, F. Porter made a motion to approve with suggested changes, seconded by J. Perkins, unanimously approved with changes.
- b. December 10, 2015, motion to approve by J. Perkins, seconded by Keenan Smith, unanimously approved as written.

III. New Business –

- a. Presentation by Annette Raines, Transylvania County Tax Administrator, Countywide Reappraisal 2016.
- b. Annual Review Sign Chapter 12.9.J

Daniel Cobb presented his staff report, which is attached hereto and labeled, “Exhibit A”. He explained that this section of the UDO is subject to an annual review by the Planning Board.

J. Perkins stated his concerns that people are using the decorative flags as permanent signage.

K. Smith suggested deletion of section 12.6 and using 12.9 for a clearer take away.

C. Strassner suggested any prohibitions be added to 12.9.

K. Thompson ask for explanation of 12.8 which D. Cobb explained stating that this section basically outlines signs allowed without a permit.

K. Jackson asked for regulations for political signage.

D. Cobb explained that signs are allowed 90 days prior to the election or primary and must be removed 10 days after the election. The signs are required to be outside the right of way of city streets. He further explained that the State now allows political signs in the right of way, but that they cannot block sight triangles.

J. Perkins commented that he would like to come back to topic a little more comprehensively.

D. Cobb stated that he would provide a staff report with a summary of Chapter 12 at the next meeting. His intent for tonight was just to open the door for discussion that the review was staff initiated and therefore, there are no deadlines attached to the matter.

K. Jackson stated that the board would look forward to further discussions next month or whenever staff has it put together.

c. Pisgah Forest Small Area Plan- Teresa Buckwalter, Destination by Design and Christy Carter, J.M. Teague Engineering and Planning, presented an update to the board. They explained that their scope is to look at three (3) things: 1. Intersections: Hwy. 280, 276 and 64; Deavor Road where it intersects with Hwy 280 and dogleg at Wilson Road, Ecusta Road and Old Highway 64, to perform traffic counts and come up with solutions to alleviate congestion at these points. 2. Looking at other modes of transportation, pedestrian and bicycle, to make it more mobile. 3. Looking at the character as new commercial development or infill community development comes to the area and that the information will be of help with the form based codes project.

They went over conceptual designs of the 3 intersections in the study and stated that there will be three (3) different options for each intersection presented. They further announced that there will be a public information and input session at a location to be determined on February 25, 2016, one presentation at noon and one at 6-6:30 pm.

They further noted that NCDOT would be involved in the project and that the Davidson River Connector Road would change the area.

K. Jackson asked the time frame of construction of the Davidson River Connector Road.

Daniel Cobb stated that the property is owned by Davidson River Village, so no right of way acquisition is required and that the project is scheduled for construction this summer.

Several items of concern were noted by the board: Contingency for bike traffic; how to handle pedestrian traffic, pedestrian right of way and safety; danger of crossing at the Estatoe bridge, are there similar models in use. Christy Carter stated that there are similar models in use in Winston Salem, Davidson, Hillsborough Street in Raleigh.

IV. Old Business –

a. Short-term rentals

Daniel Cobb, Planning Director, presented his staff report, draft ordinance language, which was drafted by borrowing language that already exists in the ordinance with the intent to allow short term rentals with protection of the general residential neighborhoods. Attached hereto, labeled Exhibit "B".

He gave a brief history and timeline of events to date, stating that City Council feels there is a place for short term rentals in the community, but want to protect the peace, tranquility and community character of residential neighborhoods when allowing them.

K. Jackson stated that the board would follow council's procedures, if you wish to speak you must sign in and you will be limited to three (3) minutes.

The public participation sign in sheet is attached hereto and labeled, Exhibit "C".

William Christie read a prepared statement to the board which is attached hereto, labeled Exhibit "D".

Richard Fallis, President of the Waterford Property Owners Association, stated that the property owners were mostly retired and that they were very concerned for their quality of life. He said that they feel that most, if not all of the short term rental property owners are responsible people but that the point he needed to make was that this is the fastest growing part of the hospitality business according to the Wall Street Journal. His group feels it very important to bring on the regulations, but also to keep a very watchful eye on how fast this is growing. We do not want to see this damage Brevard and what attracted us all to move here.

K. Smith asked if there were restrictive covenants in place that could manage the situation, especially the parking problems.

Mr. Fallis stated that they thought so, but legally it had been difficult to enforce, and that nothing is in place for the parking situation.

K. Jackson asked if the roads in Waterford were public or private.

Mr. Fallis stated that they were private.

K. Jackson asked if they had attempted to regulate what happens on their streets.

Mr. Fallis said not to his knowledge and deferred the question to his predecessor, Mr. Christie, he stated that they tried but encountered legally opposition by the operator in their community.

Mr. Fallis stated that the property owners have a problem with the operation in their community.

K. Jackson requested comments from any other Waterford property owners: Ms. Bliss commented that her concerns are the same as those that had already been expressed.

Elda Brown, stated that she and her husband own a short term rental on Maple Street. She read an article from the Transylvania Times and stated that they were the entrepreneurs that the board should be fostering economic development and that they should have the right to take advantage of this tourism economic opportunity. She stated that after the last meeting she felt very hopeful after the discussion. She stated that she believes that the use should be permitted with standards and not have to go through the special use permit process to regulate. To start with the permitted with standards process and if that does not work, then to pursue the special use permit process. She pleaded for the board not to put the undue burden on them to go through the special use permit process. She stated not to make this so difficult that the "little guy" cannot participate.

J. Perkins stated that he had never gone through the special use permit process and did not realize that it was so oppressive.

D. Cobb was ask to enlighten the board on the special use permitting process, which he explained.

Kevin Jones, Maple Street, stated he was reviewing the staff report for the first time and that it states that the process would generate extra application fees received by the City. He stated that he did not mind paying the \$200.00 fee but suggested that the fee be charged and that short term rental owners not be kicked back to the Board of Adjustment. He stated that last time there was discussion about simplicity, saying that here are the rules and we follow the rules, pay the fee and we have to verify that we have been good every year.

Susan Andresen stated that she lives at Waterford Place, and that she and her neighbors are concerned about maintaining the character of their neighborhood. The parking is of the most concern, this is the main street and if you have two (2) additional parking spaces at ten (10) houses within a block, in her mind this will change the character of the neighborhood. She answered the question as to where parking takes place now and it is mostly garage parking for the residences. The existing business now has the two (2) front additional parking spaces but also is using the two (2) community parking spaces at the bottom of the hill. Therefore, residents cannot use these spaces because they are always occupied. She stated her concerns for the future of the community as this type of business grows. She further asked if the proposed parking would be behind the businesses or just off street.

D. Cobb responded just off street was the proposed parking requirement. He went on to explain that the special use permit process looks at each case individually and that the permitted with standards would not do so. He explained the permitting processes further.

Wendy Hawkins, Waterford Place, spoke to her concerns about density and what will happen if you get an application for four (4) short term rentals within a block, would this be allowed.

D. Cobb, stated that it was not talked about in the ordinance language but that it is something that we do have in our visual, separation requirements. He further explained that what has been presented in staff's opinion covers everything, but that there are some other considerations that have been listed. He stated that the way things stand right now there are no limits on density and it is something that should be considered.

F. Porter stated that the permitting process would regulate the density of short term rentals, noting that it is an annual permit.

K. Thompson stated that she is very much concerned about the density, separation requirements. She gave some information about research she had done on short term rentals in different areas. After doing some research she shared concerns about how to protect against corporate intrusion into neighborhoods. She said that there is a need for further discussion on this subject and it needs to be thought thru before decisions are made. Stating that we do not want to change the character of our town and neighborhoods.

C. Strassner stated that enforcement is an issue, that there is no planning rule that can be put in place that would guarantee enforcement. Stating you have to trust in people and your neighborhoods. Make a phone call to the Planning Department to inquire as to whether a permit exists. He stated that because of the way they are operated, it is hard to determine how many are in existence.

A. Bland, Planner, stated that his research revealed that there are approximately 50 listings on VRBO and AirBnB within the City and ETJ.

K. Jackson, Chair asked if the planning board had any more questions.

C. Strassner stated that he felt like they asked staff for a framework to work with and that they have now been provided with the framework requested. Density is an issue but it is unlikely that it will be an issue and that four (4) short term rentals would be in the same neighborhood.

F. Porter stated that his biggest concern is that the signage be allowed in a residential district.

J. Perkins stated that he felt there had been great conversation, that there had been opposing viewpoints and not a single thing said that was not completely valid. He further stated that he believes that not a single board member wants the process to be difficult. That he feels we all have the vision of a vibrant town and of bringing people to our town. That the short term rentals fulfill a need, our town is desperately lacking in accommodations. That planning does require regulations and some folks do not like regulations but sometimes it is necessary. Stating that this is a very healthy conversation.

There was a question as to how the regulation of 2 bedrooms, 2 people per bedroom plus 2 was derived upon and the concern that this would require more parking.

D. Cobb explained that it is the standard used by other jurisdictions and it seemed logical because just because there are 2 bedrooms does not mean that only two (2) people will share a bedroom. It also allows some flexibility because you cannot regulate every situation.

D. Cobb explained that because the request was Council initiated that there are no time constraints on the board to make a decision.

F. Porter stated he wanted to discuss in detail the special use permit process, his thoughts are to drop that process to make it less complicated and that he felt there would still be protection.

K. Jackson asked D. Cobb to put up the additional items for the board to view and decide which they wanted to pursue for further discussion:

1. separation requirements – sense of scale of separation requirements? Limit by parcel? yes.
2. minimum size – no.
3. location – zoning district – effected by form based codes? yes.
4. total number of units – no.
5. minimum or maximum number of nights – no.
6. notifications – SUP permit would have the requirement of notifying neighbors and the process would notify neighbors, allow them to come to a meeting to discuss. Would the board want to make the notification process required on the permitted with standards? Who would be responsible for the notification, most efficient to let staff handle – yes.
7. affordable housing rentals, restrictions exist, limited but not enforced. yes.

K. Thompson a comment was made previously that a part of the fee be used to help create affordable housing, at some point we need to look into this option. We also need to look at the details of the application.

K. Jackson suggested that parking requirements and any signage be included on the application form.

K. Jackson asked if the board wanted to take action tonight and they decided to table the matter until their next meeting.

K. Thompson stated she wanted to discuss the special use permit versus the permitted with standards process. Also, in her research, some jurisdictions require proof of insurance and evidence of occupancy tax on their applications.

A. Bland stated that if an applicant is not yet permitted it would be hard to include the occupancy tax requirement.

F. Porter stated that it could be included on the renewal permit application.

D. Cobb stated that the application could have language that states they agree to pay the occupancy tax.

V. Other Business –

a. Election of Officers

Kimsey Jackson was unanimously elected Chair and Demi Loftis was unanimously elected as Vice Chair.

b. Meeting Schedule

The board discussed the results of their survey and elected to leave their meeting time as it currently is, the 3rd Tuesday of each month at 7:00 PM, to try to limit their meetings to no more than 3 hours, the majority prefers their packets digitally but Kimsey Jackson and Keenan Smith prefer a paper copy as well.

VI. Adjourn –

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

Richard K. Jackson, Chair

Janice H. Pinson, Board Secretary