

**MINUTES
BREVARD PLANNING BOARD
October 18, 2016**

Brevard Planning Board met for a regular meeting, Tuesday, October 18, 2016, at 6:00 PM in Council Chambers of City Hall.

Members Present: Demi Loftis, Vice Chair
Jimmy Perkins
Chris Strassner
Keenan Smith
Frank Porter
Katie Thompson

Members Absent: Kimsey Jackson, Chair

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner
Janice H. Pinson, Board Secretary

Others: Bill Christie, 8 Pintail Court
Kevin Jones, 135 Maple Street
Jan Kuba, 273 W. Main Street
Daniel Trusler, 266 West Probart

I. Welcome and Introduction of Planning Board Members -

At 6:00 PM, Vice Chair, Demi Loftis called the meeting to order and there was a moment of silent reflection. The board and staff introduced themselves.

II. Approval of Minutes –

a. Minutes of August 16, 2016, motion to approve by J. Perkins, seconded by F. Porter, unanimously carried.

III. New Business-

a. Bicycle Friendly Community Discussion

A. Bland presented his staff report and a slideshow presentation explaining the program, which is attached hereto and labeled Exhibit "A".

He explained to the Board that there would be some actions that they would need to approve and forward to Council in the process and asked how active they wanted to be on the project.

The Board responded with their approval to pursue with the following suggestions:

1. Make it a joint project with the County if possible.
2. Look at parking standards and consider changes for bike racks to replace required parking spaces.
3. Amend the Traffic Schedule to support cycling.
4. Include current bike businesses, cycling clubs and school organizations in the process.
5. Consider involving churches and other businesses when looking for locations for bike racks for parking.
6. Include a unique feature at the gateway to Brevard (Hwy 276/64 intersection) connecting the forest gate to the city. Ex: glow in the dark bike paths.
7. Examine the small area plans that are in the process of being developed, Railroad Avenue and Pisgah Forest Small Area Plans to incorporate the expansion of bike use in them while they are in the development process.
8. Police Officers on bikes.

A. Bland explained that Brevard Police Department supports police on bikes, but that there is training involved and that they travel in pairs. Brevard Police Department lost one of the trained officers and he feels sure they will implement again when they have another trained officer on staff.

A. Bland proposed a more interactive meeting to discuss in more detail with maps to study and mark on if the Board wished to do so.

The Board unanimously is in support of pursuing the matter further.

IV. Old Business

a. Short Term Rentals

A. Bland presented his staff report which is attached hereto and labeled Exhibit "B". He explained that Council had reviewed the Board's recommendations at several meetings and that at their September meeting, Mike Pratt, City Attorney, presented them with North Carolina General Statute (NCGS)(160A-424(c) which was revised July 28, 2016 which prohibits local governments from requiring permits for rental property. Below is an excerpt from this law:

"In no event may a city do any of the following: (i) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the city to lease or rent residential real property or to register rental property with the city, except for those individual rental units that have either more than four verified violations in a rolling 12-month period or two or more verified violations in a rolling 30-day period..."

A. Bland went over the new changes to the UDO amendments to the previously recommended amendments of the Planning Board.

The Board had a discussion regarding UDO Chapter 10.5.g.2 exemptions to restrictions on parking in the front yard setback areas for short term rentals.

The Board heard from the following:

Bill Christie, 8 Pintail Court, presented the board with a written statement which is attached hereto and labeled, Exhibit "C". He requested that the proposed language on line 113 be amended to read: "except those used for Short-Term Rental uses and those which are subject to..."

Kevin Jones, 135 Maple Street, stated that Bill Christie encompassed most of what he wanted to say, but that the matter had been bounced from Planning Board to City Council and now back to Planning Board and that he recommended the Board kick it back to City Council.

Jan Kuba, 273 West Main Street, stated that she is a short-term rental owner and feels that short-term rentals should not have exceptions, but should be treated as any other residential property. She stated that she felt the rules should apply across the board.

The Board explained that they are not opposed to short-term rentals and realize the great service they provide to the City, but that the board has to consider the worst case scenarios that STR's could create in residential neighborhoods, and try to provide protection for these neighborhoods.

Daniel Trusler, 266 West Probart, spoke to the bicycle friendly community discussion stating that he has biked with his daughter to school for the past twelve (12) years and that Brevard is a really bad place to bike. He further stated that if you want kids to bike to school you need to make it safer for them to do so.

D. Trusler said that he had presented short-term rental tax revenues to City Council and that the numbers were huge. He stated that he owns short-term rentals and that they all have parking in the front and to try to change this would destroy the neighborhood appearance. He also stated that there is nothing to prohibit changes being made to the ordinance in the future if problems arise related to STR's.

Of particular concern, expressed by several board members was that of parking for guests using STR, and the confusing language in the current UDO concerning residential parking in general.

A. Bland explained parking in the front yard setback, and that there are no proposed changes from the current ordinance.

After further discussion, F. Porter made a motion to approve staff recommended language with the following consistency statement:

NCGS 160A-383 requires that the City's review of the proposed zoning amendment include a written statement analyzing the reasonableness and the consistency of the amendment with any adopted plans and policies of the City. The Brevard Planning Board finds that the

proposed zoning amendment is **consistent** with the City of Brevard 2015 Comprehensive Plan as demonstrated by excerpt included below:

2015 Comprehensive Plan – Element 2: Economic Health

The objectives and policies in this element aim to further existing efforts to foster entrepreneurship, retain and attract employers, remain an attractive retirement and tourism destination, and support and strengthen existing businesses. To continue to provide the public services necessary to achieve these goals, the City's tax revenues need to keep pace with increasing costs of providing those services.

The amendments as proposed are intended to promote the public health, safety, and general welfare of the City of Brevard. Further, these ordinances intend to preserve and protect the long-established, traditional single-family neighborhoods within the City while allowing those desiring to operate short-term rentals to do so without detriment to those neighborhoods. Short-Term Rentals are lodging uses, as they are typically rented for less than 30 days.

Seconded by K. Smith, unanimously carried.

b. Annual Work Plan

D. Cobb presented a draft of a work plan for the Board. After discussion the Board determined that they would like to focus on the following:

1. Review of the Comprehensive Plan as approved by City Council and use as a guide for their annual work plan.
2. Bicycle Friendly Community as a special project – with outreach to the community to come to a meeting to identify needs and issues. Recommending to Council the formation of an Advisory Committee of a variety of board members and citizens for this committee.
3. Review Form Based Codes with a focus on how it coincides with the Comprehensive Plan.

V. Other Business

J. Perkins asked what the City's responsibility was in the West Loop project.

D. Cobb explained the West Loop project and stated that the City is gathering input so that they can present the City's preferred route for the West Loop to North Carolina Department of Transportation. He stated that the West Loop information and comment form can be found on the City's website.

VI. Adjourn –

There being no further business, J. Perkins moved to adjourn, seconded by K. Thompson, unanimously carried and the meeting adjourned at 7:57 PM.

Demetria B. Loftis, Vice Chair

Janice H. Pinson, Board Secretary