

**MINUTES
BREVARD PLANNING BOARD MEETING
AUGUST 15, 2017**

Brevard Planning Board met for a regular meeting, Tuesday, August 15, 2017, at 6:00 PM in Council Chambers of City Hall.

Members Present: Jimmy Perkins, Chair
Demi Loftis, Vice Chair
Chris Strassner
Keenan Smith
Donna Ross

Members Absent: Katie Thompson
Frank Porter

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

I. Welcome

At 6:00 PM, Chair, Jimmy Perkins called the meeting to order and welcomed those in attendance.

II. Introduction of Planning Board Members

Board members and Staff introduced themselves.

III. Certification of Quorum

Chair, Jimmy Perkins confirmed with the Board Secretary that a quorum of the board was present.

IV. Approval of Agenda

D. Loftis made a motion to approve the agenda, seconded by C. Strassner, unanimously carried.

V. Approval of Minutes

a. Minutes of the April 18, 2017 meeting, motion to approve by D. Ross, seconded by K. Smith, unanimously carried.

b. Revision of the March 21, 2017 Minutes, C. Strassner moved to table until K. Thompson was present to discuss, seconded by D. Loftis, unanimously carried.

c. Minutes of the June 15, 2017 Joint Meeting, motion to approve by D. Loftis, seconded by K. Smith, unanimously carried.

VI. Public Comment – None.

VII. New Business

a. Consideration of text amendment to remove special use permit requirement for 15 du/acre in NMX and DMX, including change to >10,000 square feet building size.

Daniel Cobb, Planning Director, presented his staff report, attached hereto and labeled, Exhibit "A".

The Board raised serious concerns about long term parking downtown with increased density, because it is currently a problem that needs addressing and will only increase with the allowance of higher density.

Jacob Dinkins, Bracken Mountain Builders, stated that this was a no brainer and a modest request, but would build confidence moving forward with increasing density.

D. Cobb stated that Mr. Dinkins made a good point, the symbolism of approving will show progress. He further stated that there is not a lot of land available, but showed an example of adding a second story to existing one story downtown structures to create higher density.

J. Dinkins stated that logistically this was hard to do, but an excellent idea, further noting that it happens in other cities all the time.

After discussion and questions by the Board, C. Strassner made a motion to approve the text amendment to remove the special use permit requirement for the DMX and NMX zoning districts per Staff's recommendations, seconded by D. Loftis, unanimously carried.

D. Loftis made a motion to consider increasing density in all zoning districts along with consideration to increase long term parking, seconded by K. Smith, and unanimously carried.

VIII. Unfinished Business – None.

IX. Remarks –

D. Cobb updated the board on NC Department of Transportation projects: Wilson Road, Asheville Highway median, Caldwell Street widening, Davidson River Village Connector Road.

He informed the board that the downtown streetlight replacement project would be presented to the Downtown Master Plan Committee next week with the hopes of moving forward with a recommendation.

He further informed the board that the City will be working with the School of Government to identify properties suitable for affordable housing projects, the process is scheduled to take approximately one (1) year to complete. Explaining the Area Median Income that will be used is 80 to 120%.

X. Adjourn –

There being no further business, D. Ross moved to adjourn, seconded by C. Strassner, unanimously carried, and the meeting adjourned at 6:56 PM.



Jimmy Perkins, Chair



Janice H. Pinson, Board Secretary

STAFF REPORT

Planning Board, Tuesday, August 15, 2017

Title: Text Amendment – UDO Chapter 2.3 – Density and Dimensional Requirements

From: Brevard City Council

Prepared by: Daniel Cobb, AICP, Planning Director

Approved by: Daniel Cobb, AICP, Planning Director

Background

On June 19, 2017 Brevard City Council met in regular session to discuss their routine agenda. During the closing remarks portion of the meeting Councilman Charlie Landreth motioned, which was seconded by Gary Daniel and carried unanimously, that Planning Staff and the Planning Board discuss removing the Special Use Permit requirement for residential development in the Downtown Mixed-Use district (DMX) as well as the Neighborhood Mixed-Use (DMX) district.

Discussion

Currently multifamily residential development (e.g. apartments, condominium, townhouses) are allowed in both the DMX and NMX districts. The density by-right in these districts is 10 dwelling units (DU) per acre. If the applicant would like additional density they may seek approval of a Special Use Permit (SUP) from the Board of Adjustment. If granted a SUP could potentially allow for 15du/acre.

The DMX district should be the most developed area in town. City services are in place, infrastructure is present, and walking to services is possible. From the core of town densities typically reduce as one travels further and further from downtown.

From a developers point of view a "by-right" development is typically preferred. This means that as long as the development plans meet the standards spelled out in the ordinance, they are entitled to their permit. This is a far more predictable process for a developer, as they know going into the project what the expectations and development standards are and how long it will take to complete a review (approximately one month).

An SUP in comparison is slightly more complicated. From the developer's point of view it is a slower process with very unpredictable outcomes. Once an application is submitted the applicant is subject to the Board's review and a somewhat subjective set of criteria for approval. These standards are meant to protect the neighborhood and public but because they are not clearly defined, it is impossible for them to know how likely or unlikely approval will be. In addition to the subjective criteria written in the ordinance the Board of Adjustment may also attach "fair and reasonable" conditions to the development. Another variable outside of the applicant's control.

The standards for an SUP are included as Attachment B. The specific standards for issuance are highlighted in blue.

In addition to the slower review time (typically two – three months) there is the possibility of not having a quorum present for a meeting. In this case, through no fault of the applicant, without a quorum their project is delayed by a month.

The intent of this amendment is not to lessen protections for neighborhoods, rather, it is to allow for higher density development and greater predictability for those wishing to undertake such an endeavor.

Recommendation

Staff is in favor of this proposed amendment and recommends the Planning Board approve the amendments as presented.

Due to the specific motion made by City Council and the advertising requirements associated with the Board's schedule other districts are not under consideration at this time. However, Staff feels that increasing the density in other zoning districts also makes sense and respectfully requests the Board consider this at a later meeting, perhaps in September.

Attachments

- A. Proposed Amendments
- B. SUP Standards

2.3. - Density and dimensional requirements.

District	Minimum Lot Size/Project Area	Maximum Project Area By Right	Maximum Dwelling Unit (DU) Density	Maximum Ground Floor Area Each Principle Structure	Principal Structure Ground Floor Area With SUP (See 2.3(A) and 2, below)
GR4	None	20 acres	4 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR6	None	20 acres	6 du/ac	4,000 sq. ft.	>4,000 sq. ft.
GR 10 CD	None	20 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
RMX	None	10 acres	10 du/ac, 15 SUP	4,000 sq. ft.	>4,000 sq. ft.
RMX CD	None	10 acres	10 du/ac	4,000 sq. ft.	>4,000 sq. ft.
NMX	None	10 acres	10 15 du/ac, 15 SUP	10,000 sq. ft.	>10,000 sq. ft.
NMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
DMX	None	10 acres	10 15 du/ac, 15 SUP	10,000 sq. ft.	>10,000 sq. ft.
DMX CD	None	10 acres	10 du/ac	10,000 sq. ft.	>10,000 sq. ft.
CMX	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
CMX CD	None	10 acres	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.
IC	None	None	15 du/ac	20,000 sq. ft.	>20,000 sq. ft.

GI	None	None	DU Not Permitted	50,000 sq. ft.	>50,000 sq. ft.
GI CD	None	None	DU Not Permitted	20,000 sq. ft.	>20,000 sq. ft.

16.11. - Special use permits.

- A. *Purpose.* Special uses are generally compatible with the land uses permitted by right in a zoning district but require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
- B. *General requirements.*
1. Only those uses enumerated as special uses in a zoning district, including, but not limited to, hours of operation, height, bulk, mass, intensity of use, etc., shall be authorized by the BOA.
 2. The evaluation and approval of the special use permit shall be based upon the sworn testimony and evidence presented at the hearing relevant to the following findings of fact:
 - (a) The use meets all requirements and specifications of the ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
 - (b) The proposed use or structure will, if developed according to the plan submitted and approved, be visually and functionally compatible to the surrounding area; and
 - (c) The proposed use or structure will not be injurious to the public health, safety, and welfare, and will not be detrimental to the value of adjoining property and associated uses.
 3. In approving an application for a special use permit, the BOA may attach fair and reasonable conditions which support the required findings of fact. The BOA may not require the landowner to waive a vested right as a condition of the special use permit approval. The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings shall rest entirely with the applicant or landowner.