

**MINUTES
BREVARD PLANNING BOARD MEETING
SEPTEMBER 19, 2017**

Brevard Planning Board met for a regular meeting, Tuesday, September 19, 2017, at 6:00 PM in Council Chambers of City Hall.

Members Present: Jimmy Perkins, Chair
Chris Strassner
Katie Thompson
Frank Porter
Donna Ross

Members Absent: Demi Loftis, Vice Chair
Keenan Smith

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner
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 and there was a moment of silent reflection.

III. Certification of Quorum

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

IV. Approval of Agenda

K. Thompson made a motion to approve the agenda, seconded by F. Porter, unanimously carried.

V. Approval of Minutes

a. Minutes of the August 15, 2017 meeting, motion to approve by D. Ross, seconded by C. Strassner, unanimously carried.

b. Revision of the March 21, 2017 minutes, K. Thompson requested that the board consider her request to amend the minutes to include her comments within the body of the minutes and not as an attachment.

Chair, J. Perkins explained that they were allowed to amend the minutes.

K. Thompson made a motion to include her verbiage within the March 21, 2017 minutes, seconded by C. Strassner, unanimously carried.

VI. Public Comment – None.

VII. New Business

a. Contiguous Annexation request of Don J. Brown and Jerry R. Brown, Co-Trustees, for annexation of 1.63 acres located on Ecusta Road within the City's Extraterritorial Jurisdiction, PIN # 8596-59-0493-000.

A. Bland, Planner, presented his staff report, a portion of which is included as follows:

Discussion

The financial and service delivery impacts are determined to be minimal. General Fund revenues for the City by means of property tax revenue will be minor. Refer to the attached annexation report for the full financial and service impact analysis.

Policy Analysis

Voluntary, contiguous annexations are governed by North Carolina General Statute §160A-31 which authorizes cities to annex any area contiguous to its borders on receipt of a petition signed by all the owners of real property within the area proposed for annexation. The subject property qualifies for annexation under this statute.

The applicant has expressed interest in building several residential dwelling units on the property, possibly the maximum that would be allowed by the zoning ordinance. Annexation will make both city water and sewer service to support these dwellings available to the property utilizing existing water and sewer infrastructure. This is harmonious with an emphasis of the City's Comprehensive Plan (adopted November 2015) to encourage the development of vacant or underutilized land in order to increase the City's tax base with a limited impact on the cost of providing services by utilizing infrastructure already in place.

Staff Recommendation

Staff recommends approval of the proposed annexation.

After a brief discussion and questions, motion to approve staff recommendation by K. Thompson, seconded by F. Porter, unanimously carried.

b. Text amendment to allow dog training facilities within downtown mixed-use zoning districts. (UDO Chapter 19.3 – Definitions).

D. Cobb, Planning Director, presented his staff report, a portion of which is included as follows:

Background

In August of this year Staff was approached by a resident interested in opening an indoor dog training facility. Currently this is not an allowable use per the use table in Chapter 2 of the Unified development Ordinance. This proposal is to amend the definition of *animal services* to include indoor training. This would make indoor training uses allowed in the same districts in which other animal services are already permitted.

Discussion

In 2013 a zoning permit was erroneously issued for Pure Pets to relocate to 210 South Broad Street. Included in the site plan for this permit was a small area in the back of the store for training. Upon further review of this permit and the applicable standards in Chapter 2, the training component of this operation should not have been approved at the time.

Pure Pets has been in operation since in its current location (210 South Broad). The City has not received any complaints regarding this business. A former employee of Pure Pets is interested in opening a new facility dedicated exclusively to indoor obedience and agility training. During her property search it was discovered the downtown mixed use zoning district does not allow kennels. Kennels are currently the only use category that allows training.

It is Staff's opinion that an exclusive indoor training facility has no more impact on a neighborhood than a veterinary clinic, thus should be allowed in the same zoning districts.

Recommendation

Staff recommends approval of the amendments as presented.

J. Perkins, Chair, stated that the amendment felt consistent with our town, dog friendly.

F. Porter made a motion to recommend as presented, seconded by C. Strassner.

K. Thompson pointed out that the definition for kennel only allowed for outdoor training.

D. Cobb stated that this was a good point, and after discussion with the board, D. Cobb determined that it would be best to amend the kennel definition to include indoor and outdoor training.

F. Porter withdrew his motion.

F. Porter moved to approve with the amended definition of kennel to include indoor and outdoor training, C. Strassner seconded, unanimously carried.

c. Consideration of amendment to Ordinance No. 11-09 – Brevard Music Center Planned Development District.

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

Keith Arbogast, Brevard Music Center, explained that they are a private campus and feel the need to distinguish between the public and private areas for the safety of their students. He stated that they are more than willing to come back and add infrastructure, as required, when they make major enhancements to the campus.

D. Cobb explained that acquiring additional property is considered a major modification that would require an amendment to the existing Planned Development District and approval by Council.

Matt Fusco, Land Planning & Design, PLLC, spoke on behalf of the Brevard Music Center, explaining the revised master plan for the music center, the acquisition of additional properties and the addition of a couple of new structures. He further explained that there is a need to either repair or replace facilities on the campus.

He further explained that the Brevard Music Center allowed an easement to the City of Brevard when they were in the process of developing Bracken Preserve and additionally worked with the City to allow more parking area for Bracken Preserve.

When asked if the easements were legal; D. Cobb explained that the City went through a condemnation process to acquire a lot during the development of Bracken Preserve; that the Brevard Music Center did grant an easement to access Bracken Preserve, and that Pinnacle Road is a state road.

Keith Arbogast explained plans to build housing for college age students and 2 or 3 faculty staff units. He further explained that Mountain Sun School which uses their facility has 60 to 80 students and is a good fit for them.

J. Perkins explained the Board's recommendation options, as included in the staff report.

C. Strassner moved to approve the request as presented, seconded by K. Thompson, and unanimously carried.

d. Text amendment to increase maximum allowable residential densities within the City's corporate limits.

D. Cobb presented his staff report as follows:

Background

During the Board's last meeting in August, a recommendation to City Council was made to remove the Special Use Permit requirement for residential developments in the downtown and neighborhood mixed-use zoning districts. This recommendation also increased the allowable density in these districts to 15 dwelling units per acre "by-right."

Discussion

During discussions regarding removing the SUP requirement Staff suggested the Board consider increasing density overall in the City. As land is a valuable resource within the City's developable limits, it is paramount that what land is developed, is developed to its highest potential.

Staff will present examples of higher-density development and what changes to Brevard's ordinance would be required to allow for such density. Specific amendments will be presented at a later date.

Recommendation

No action required at this time.

A. Bland gave a presentation as to density requirements in different developments within the City's jurisdiction.

After discussion, it was generally agreed that the removal of maximum density would be the best solution, because the market will determine the necessary density and this will continually change, and that retail ground floor with residential above makes sense for the downtown area.

J. Perkins asked if Council had any comments or recommendations on parking.

D. Cobb said that they did not, except that it was discussed that if you need parking to make your project successful, then you need to provide parking.

J. Perkins further stated that parking and density go hand in hand.

D. Cobb agreed that it does need to be discussed.

A. Bland stated that staff had heard enough information to move forward.

K. Thompson commented that if the density requirements are removed, conditions would need to in place and staff will need to provide values for the board to review.

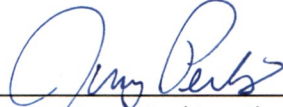
D. Cobb explained that staff is working with the School of Government on an affordable housing project that should be completed this fall and that it will help steer conditions.

VIII. Unfinished Business – None.

IX. Remarks – None.

X. Adjourn –

There being no further business, C. Strassner moved to adjourn, seconded by F. Porter, unanimously carried, and the meeting adjourned at 7:15 PM.



Jimmy Perkins, Chair



Janice H. Pinson, Board Secretary

STAFF REPORT

Planning Board, Tuesday, September 19, 2017

Title: Planned Development District Revision – Ordinance Number 11-09 – Brevard Music Center

From: Daniel Cobb, AICP, Planning Director

Prepared by: Daniel Cobb, AICP, Planning Director

Approved by: Daniel Cobb, AICP, Planning Director

Background

Brevard Music Center has submitted an application and revised masterplan for consideration. Many of the conditions included in the original approving ordinance and list of conditions have been completed. With the completion of these conditions and the acquisition of several neighboring parcels the Music Center has requested to update their plan.

Discussion

Ordinance Number 11-09 was adopted on June 15, 2009 by a majority vote of City Council. The bulk of the proposed updates in this version of the plan reflect the additional properties that have been acquired. These acquisitions have also allowed further review of developable land area, which is reflected on the plan. There are no significant changes to the overall development proposed.

This project was originally approved as a planned development district (or conditional rezoning). The City's ordinance allows for modifications to these districts in one of three ways; minor, intermediate, and major modifications. The threshold for each of these is described below.

Minor modifications – Minor modifications have a negligible impact on an approved preliminary master plan. Examples include changing the spacing or species of approved landscaping plants, altering lot sizes by a few square feet, or amending utility plans. Minor modifications are reviewed, and may be approved, by the planning director.

Intermediate modifications – Intermediate modifications have a more substantial impact but do not completely change the application. Examples include changes in building design, residential lot configurations, or commercial driveway locations. These changes are reviewed by the Planning Board without a public hearing.

Major modifications – Major modifications have substantial impacts to an approved preliminary master plan. Examples include changing the intensity or mix of proposed uses or significantly increasing the amount of traffic generated by a development. Major modifications may only be authorized by means of a new conditional zoning ordinance.

As stated above, the proposed changes are not significant in the sense of development intensities, however in order to include the recently acquired properties a new ordinance must be approved.

A proposed zoning map, list of conditions, statement of consistency, and the revised masterplan are included for review.

Recommendation

The Planning Board has a maximum of 45 days from the date it first meets to make a recommendation regarding this request. The Board may continue this request for up to two months provided the reason for the continuance is stated in the motion to continue.

The Board may make one of the following recommendations with regard to this request:

1. Grant the rezoning as requested
2. Grant the rezoning with a reduction of the area requested
3. Grant the rezoning to a more restrictive general zoning district or districts
4. Deny the application

Staff recommends approval of the request as presented.

Attachments

- A. Proposed Zoning Map
- B. List of Conditions
- C. Statement of Consistency
- D. Masterplan

Brevard Musc Center Planned Development District

Parcels

Zoning

District

- Corridor Mixed Use
- Downtown Mixed Use
- General Industrial
- General Residential (4)
- General Residential (6)
- Institutional Campus
- Neighborhood Mixed Use
- Residential Mixed Use
- Special District

**BREVARD MUSIC CENTER PLANNED DEVELOPMENT DISTRICT:
LIST OF CONDITIONS**

1. **Definitions.** Within this List of Conditions, the following terms shall have the meanings articulated:
 - a. "District" refers to the Brevard Music Center Planned Development District, as depicted on the Preliminary Master Plan as defined below and shown on Exhibit A, which is created by the ordinance to which this List is attached.
 - b. "Final Master Plan" refers to the documents submitted by Brevard Music Center as part of the Planned Development District, which are attached hereto as Exhibit D and incorporated by reference.
 - c. "UDO" refers to the City of Brevard Unified Development Ordinance in effect as of September, 2017.

2. **Future Development.**
 - a. ***Compliance With Final Master Plan.*** Future development within the Brevard Music Center Planned Development District shall comply with the Final Master Plan, a copy of which is attached hereto and incorporated herein by reference, and with this List of Conditions. Only those uses enumerated as uses in the District, including but not limited to height, bulk, mass, intensity of use, etc. shall be authorized by the City Planning Director as the approving authority. Modifications to the Final Master Plan shall be considered in accordance with Chapter 16, Section 16.8 of the UDO.
 - b. ***Review of Development Proposals Within Future Development Zones.*** The Planning Board shall review applications for development within areas designated as "Future Development Zones" on the final master plan. Such development shall be considered as an intermediate modification to the final master plan and reviewed in accordance with the procedures set forth in Chapter 16, Section 16.8 of the UDO. In approving development within future development zones, the Planning Board may attach fair and reasonable conditions directly related to the standards in the ordinance creating the District or the UDO, or to protect the public health, safety and welfare; provided, however, Brevard Music Center shall not be required to waive a vested right as a condition of final master plan approval. Except as provided in this List of Conditions or as shown on the

Board to deny approval of a final master plan in accordance with Section 16.8.E.6 of the UDO. Brevard Music Center is also entitled to a hearing before City Council upon a finding by the Planning Board that a final master plan constitutes a “major modification”. Hearings on these matters shall be heard by City Council in accordance with Section 16.8.E of the UDO and shall be considered under quasi-judicial procedures. The burden of proof of producing evidence to support compliance with the development specifications of the District and of the UDO shall rest with Brevard Music Center.

3. Land Use.

- a. ***Allowable Land Uses.*** Land uses may be permitted according to the following table:

Allowable Land Uses
Dwelling-Single Family (Site-built)
Dwelling-Duplex
Dwelling-Multifamily 3-4 units/bldg, not including Condominium Buildings or multiple structures
Dwelling-Secondary
Bed and Breakfast Home
Bed and Breakfast Inns
Accessory Rental cottage / cabins
Artist Workshop
Adult / Child Day Care Home (Less than 6)
Adult / Child Day Care Center (6 or more)
Community Service Organization
Medical Services - Clinic, Urgent Care Center
Professional Services
Personal Services
Studio – Art, dance, martial arts, music
General retail consistent with the mission of Brevard Music Center and approved special events
Restaurant
Cultural or Community Facility
Meeting Facilities
Recreation Facilities, Indoor
Recreation Facilities, Outdoor
Theater, Live Performance
Media production
Metal products fabrication, machine or welding shop
Recycling - Small collection facility
Campground/Artist Colony/Summer Camp

Fences
Religious Meeting
Contractor's Office and Equipment Shed
Seasonal Structures
Special events

- b. ***Dimensional Requirements.*** Structures within the Project Area shall be designed and constructed in a manner that is generally consistent with structures as shown on the Final Master Plan with respect to location, area, height, bulk, and mass. The Administrator shall refer to the normal requirements for institutional campuses in situations where dimensional requirements cannot be derived from the Final Master Plan.

4. **Public Infrastructure.**

- a. All future water and wastewater line extensions within the District shall comply with applicable standards of the North Carolina Department of Environment and Natural Resources and Brevard City Code.
- b. Brevard Music Center shall construct a pedestrian sidewalk and pathway system within the District, from the intersection of Probart Street and Andante Lane within 10 years of the adoption of this ordinance.
- c. All public streets built within the Music Center property after the date of adoption of this ordinance shall be built to City of Brevard street standards. The Public Services Director is authorized to consider alternative designs for private streets within the District when such streets are not intended for dedication to the City of Brevard. Such alternative designs may address environmental considerations such as low impact design, sustainable stormwater management, and may be designed to complement the current character of the District. Such alternative designs shall meet the spirit and intent of the City's normal street design requirements and shall not compromise vehicle or pedestrian safety, public service delivery, and emergency services access.
- d. All future subdivision of land within the District shall be exempt from the public road frontage requirement.

5. **Environmental Protection, Architectural & Lighting Requirements.**

- a. The Administrator shall be approving authority with regard to the architectural design of structures proposed upon the Final Master Plan. The Administrator may refer any structure to the Planning Board for

that such system has the capacity to provide compliant stormwater management for future development as proposed upon the Final Master Plan without further improvement.

6. **Public Safety.**

- a. Brevard Music Center shall install 50-key Knox Boxes at the Administration Building and place therein, keys for all locked structures within the campus. The Administrator shall verify that this requirement has been satisfied prior to the issuance of final zoning approval and certificate of occupancy for the first structure permitted after the effective date of this ordinance.
- b. Brevard Music Center shall continue to work with the North Carolina Forest Service to maintain North Carolina Firewise standards.

7. **Maintenance of Infrastructure, Open Space & Recreation Space, Stormwater Systems.** Except for infrastructure dedicated to the City of Brevard, Brevard Music Center shall be responsible for maintaining all infrastructure, recreation space, open space, and stormwater systems in compliance with all applicable requirements of City Code and this Ordinance, and in a manner that is consistent with the Final Master Plan.

8. **Access by Representatives of the City.** Brevard Music Center shall provide the City with satisfactory assurance that representatives of the City shall have access to the District property so that the City may monitor and, if necessary, enforce compliance all applicable requirements of City Code, Ordinance, and the Final Master Plan.

**PLANNING BOARD RECOMMENDATION AND
STATEMENT OF CONSISTENCY WITH CITY
POLICIES AND PLANS:
BREVARD MUSIC CENTER PLANNED
DEVELOPMENT DISTRICT**

NCGS 160A-383 requires that the City's review of proposed zoning amendments include a written statement from the Planning Board to the City Council that analyzes the reasonableness and the consistency of the amendments 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 1: Arts & Culture

Objective 1.3: Increased participation and patronage of existing arts and culture activity centers and events.

Policy 1.3.B: Develop a walking and cycling connection between downtown and Brevard Music Center.