

**MINUTES
BREVARD PLANNING BOARD MEETING
APRIL 16, 2019**

Brevard Planning Board met for a regular meeting, Tuesday, April 16, 2019, at 6:00 PM in Council Chambers of City Hall.

Members Present: Jimmy Perkins, Chair
Keenan Smith
John Folger
Molly Jenkins
Stephanie Smith

Members Absent: Demi Loftis, Vice-Chair
Chris Strassner

Staff Present: Daniel Cobb, Planning Director
Aaron Bland, Planner
Paul Ray, Senior Code Enforcement Officer

I. Welcome

At 6:00 PM, Chair, Jimmy Perkins, called the meeting to order.

II. Introduction of Planning Board Members

III. Certification of Quorum

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

IV. Approval of Agenda

K. Smith moved to approve the agenda, seconded by S. Smith, unanimously carried.

V. Approval of Minutes -

a. March 19, 2019 - J. Perkins, Chair requested that on Page 3 that the condition of an easement for the bike path state "along Highway 64" and not "across".

Motion to approve with revision by M. Jenkins, seconded by S. Smith, unanimously carried.

VI. New Business

a. Consideration of Application #REZ-19-002 by Jeremy Bryson for Zoning Map Amendment for property currently split zoned Corridor Mixed Use (CMX) and General

Residential (GR) located on Rosman Highway and Forest Hill Road, PIN # 8585-36-1803-000 to Corridor Mixed Use (CMX).

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

After brief discussion, motion was made to recommend approval and to include Attachment H –Consistency Statement by M. Jenkins, seconded by K. Smith, unanimously carried.

b. Consideration of Application #REZ-19-003 by Dru Bridges for Zoning Map Amendment for property currently zoned General Industrial (GI) located at 300 Whitmire Street, PIN # 8586-43-4203-000 to Residential Mixed Use (RMX).

Aaron Bland, Planner presented his staff report, a portion of which is attached hereto and labeled, Exhibit "B" and directed the board to Attachment E, Staff Proposal. He explained that Staff has recommended additional properties be rezoned because of their non-industrial uses.

After brief discussion, motion was made by M. Jenkins to recommend approval including Consistency Statement, Attachment F, seconded by K. Smith, unanimously carried.

c. Application for Text Amendment #TXT-19-005 by Ross Wagers, Brevard Hotel Group to amend Brevard Place PDD to allow the use of EFIS as exterior finish to the back side of building.

Paul Ray, Senior Code Enforcement Officer presented his staff report which is attached hereto and labeled Exhibit "C".

J. Perkins, Chair stated that he is happy to see a new hotel and totally supports it, but Planned Development Districts are held to a higher architectural standard and the building is located in the main corridor entrance to Brevard.

After discussion, motion was made by M. Jenkins to recommend denial of the request, seconded K. Smith and unanimously carried.

VII. Public Comment-None

VIII. Remarks

Daniel Cobb, Planning Director offered some brief updates on numerous development projects.

X. Adjourn

There being no further business, K. Smith moved to adjourn, seconded by S. Smith, unanimously carried, and the meeting adjourned at 6:54 PM.

Jimmy Perkins, Chair

Daniel Cobb, Planning Director
By: Janice H. Pinson, Board Clerk

STAFF REPORT

Planning Board, Tuesday, April 16, 2019

Title: **REZ-19-002 – Request for Rezoning**

The Board will consider a request of Jeremy Bryson for a zoning map amendment for property located at 325 Rosman Highway.

Speaker: Daniel Cobb, AICP, Planning Director

Prepared by: Daniel Cobb, AICP, Planning Director

Background

February 11, 2019 an application was submitted by Jeremy Bryson requesting a zoning map amendment (rezoning) for his property at 325 Rosman Highway, PIN 8586-36-1803-000. The property is currently split-zoned as General Residential (GR) and Corridor Mixed-Use (CMX). The request before the Board is to rezone the GR portion of the Subject Property to CMX (see Attachment A).

Discussion

The Subject Parcel is approximately nine acres in size and located near the intersection of Rosman Highway and Forest Hills Drive (see Attachment B).

The zoning in the vicinity of the subject property (see Attachment C) is a mixture of GR, CMX, and Neighborhood Mixed-Use (NMX). The proposal from the Applicant is to rezone the entirety of the Subject Parcel to CMX (see Attachment D).

The site is currently utilized for an auto repair shop and storage facility, both of which are allowable uses within the CMX district (see Attachments E and F).

Nearly half of the subject property currently lies within the Special Flood Hazard Area (SFHA), or 100-year floodplain (see Attachment G). Any development within this area will comply with the minimum Federal and City development standards for floodplain development. Including, but not limited to, calculation of a no-rise certification and a statement no-adverse impact, and either elevating future structures above the base flood elevation (BFE) or floodproofing them against the intrusion of floodwaters.

Policy Analysis

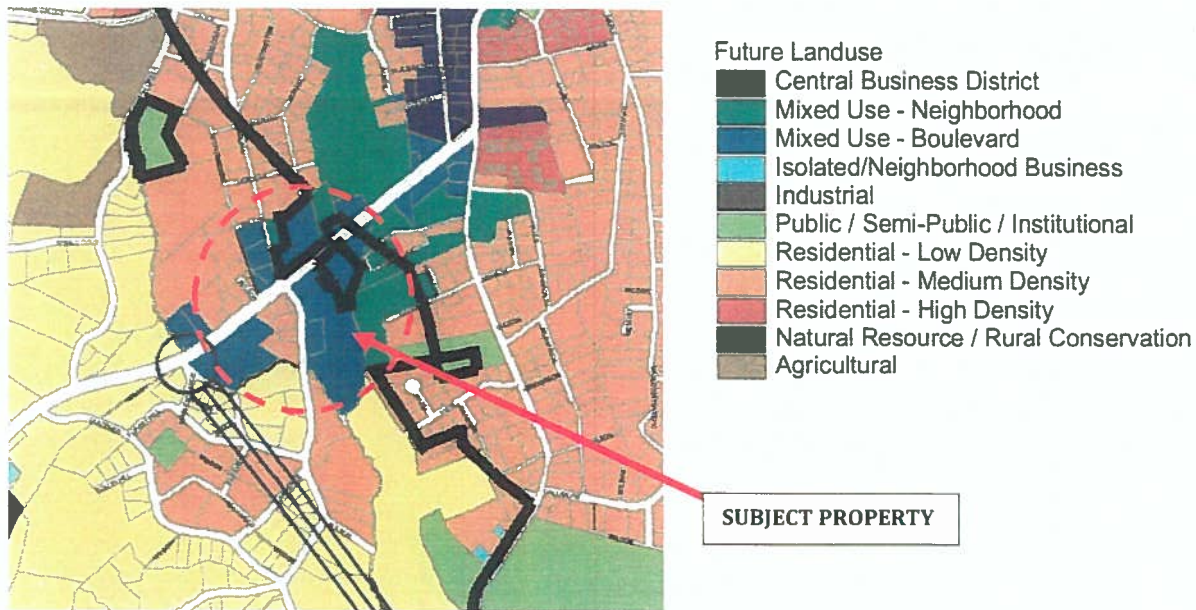
Rezoning the properties as requested to CMX clarifies for both current and future owners, what uses are allowed within the Subject Property. Currently there are no plans for expansion of the auto repair shop or storage facilities. The Board must consider all possible uses within the CMX district when reviewing this request.

The *2015 Comprehensive Plan* discourages development of land within environmentally sensitive areas, specifically within Element 3: Environmental Health.

OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.

The proposed rezoning is **inconsistent** with the *2015 Comprehensive Plan*. The 2002 Comprehensive Land Use Plan designates this intersection as a collection of mixed-use boulevard and high-density residential.



2002 Land Use Plan

The UDO defines the CMX zoning district as follows:

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the city's major thoroughfares. In addition, this district is established to assure the continuation of the natural beauty and green appearance of the major thoroughfares leading into the city, for enhancement of the appearance of newly developed and redeveloped properties, and for the promotion of public safety by limiting the number and location of access points.

Recommendation

Staff recommends approval of the rezoning as requested.

Planning Board's role is to make a recommendation to City Council. The Board has 45 days to do so; if no recommendation is made by Friday, May 31st the Applicant may choose to go to Council without a recommendation by the Board.

The Board's options for recommendations are as follow:

- 1) Grant approval of the rezoning as requested;

- 2) Grant approval of the rezoning with a reduction of the area requested;
- 3) Grant the rezoning to a more restrictive general zoning district(s);
- 4) Deny the application.

In accordance with N.C.G.S. § 160A-382(b), the Planning Board must also submit a statement analyzing the reasonableness of this proposal with regards to existing policies or plans of the City of Brevard.

A Statement of Consistency is included for the Board's review (see Attachment H). In approving or denying this application the Board must reference this statement.

Attachments

- A. Application Materials
- B. Site Map
- C. Vicinity Map
- D. Proposed Zoning Map
- E. Comparison of Uses
- F. Definitions
- G. Special Flood Hazard Area Map
- H. Statement of Consistency

**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
REZ-19-002**

NCGS 160A-383 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the governing board. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

City Council finds the proposed zoning map amendment is **inconsistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan, Element 3: Environmental Health.

OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.

STAFF REPORT

Planning Board, Tuesday, April 16, 2019

Title: **REZ-19-001 – Request for Rezoning**
The Board will consider a request of Dru Bridges for a zoning map amendment at 300 Whitmire Street.

Speaker: Aaron Bland, AICP, Planner & Assistant Zoning Administrator
Prepared by: Aaron Bland, AICP, Planner & Assistant Zoning Administrator
Approved by: Daniel Cobb, AICP, Planning Director

Background

February 15, 2019 an application was submitted by Dru & Wendy Bridges to request a map amendment (rezoning) for their property at 300 Whitmire Street, PIN 8586-43-4203-000 from General Industrial (GI) to Residential Mixed Use (RMX).

The parcel is approximately 0.7 acres in size and though currently zoned General Industrial has residential structures on it, which greatly predate the City's current Unified Development Ordinance (UDO).

Discussion

The requested rezoning would allow more residential uses and limited commercial uses than the current GI district, which chiefly allows manufacturing/wholesale/storage uses (see Attachment B). The uses allowed in RMX could be considered a better mix of uses for this area further down Whitmire Street, and farther away from the more industrial uses along Railroad Avenue.

The Applicant is seeking a rezoning for their property in particular (Attachment D). However, Staff believes that rezoning just this one parcel by itself may open up the possibility of spot zoning concerns. "Spot zoning" is a term for when a small area is zoned in a way that is different from the surrounding area, particularly if the small area is owned by a single entity. North Carolina law permits spot zoning only in limited instances if the local government can establish that the zoning is in the public interest.

Additionally, there are several adjacent and nearby parcels at the intersection of Whitmire and Tinsley Road that are also currently zoned GI and have non-industrial uses such as residential and religious uses. If the Board feels that it makes sense to rezone the subject property, then it is worth considering rezoning these properties as well.

Staff is proposing rezoning multiple properties in addition to the applicant's in order to create a "node" of RMX at the Whitmire/Tinsley intersection (Attachment E). This will act as a transition area from the GI district into the area zoned General Residential to the west along Whitmire Street. It will also alleviate any spot zoning concerns.

Policy Analysis

Rezoning these properties to RMX will eliminate the non-conformity issues these properties have, allowing land owners to invest in updating, remodeling, or rebuilding the non-industrial structures on these properties.

The 2015 Comprehensive Plan encourages development of underutilized land and infill development. These are described within Economic Health and Livable Communities Elements:

OBJECTIVE 2.1: As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

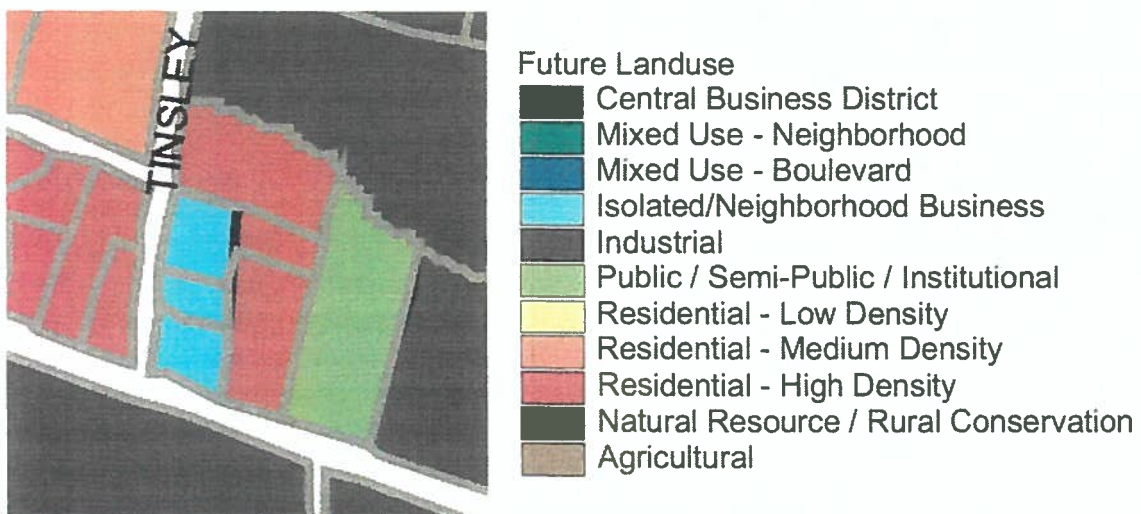
POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

The 2002 Comprehensive Land Use Plan designates this intersection as a mix of residential, neighborhood business, and the subject property is designated public/semi-public/institutional (shown in green below).

It's worth noting that the surrounding area to the north, east, and west that is zoned GI is designated as Industrial in the plan, matching the zoning, but the subject property and the additional properties Staff suggests also rezoning are not identified for Industrial.



The UDO defines the Residential Mixed-Use zoning district as follows:

The Residential Mixed-Use District is intended to provide for areas of higher density residential development in close proximity (within ½—¼ mile) to existing and planned commercial centers such as the Downtown Mixed Use District. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.

Staff feels that creating a node of RMX at this intersection meets the spirit and intent of this definition and the district. This location is approximately within 1/4 of a mile from Downtown Mixed-Use zoning, and 1/10 of a mile from the Lumberyard commercial area.

Recommendation

Staff recommends rezoning several properties in addition to the applicant's parcel to RMX, as shown in Attachment E.

Planning Board's role is to make a recommendation to City Council. The Board has 45 days to do so; if no recommendation is made by Friday, May 31st then the application will be sent to Council without the Board's decision. The Board's options are as follow:

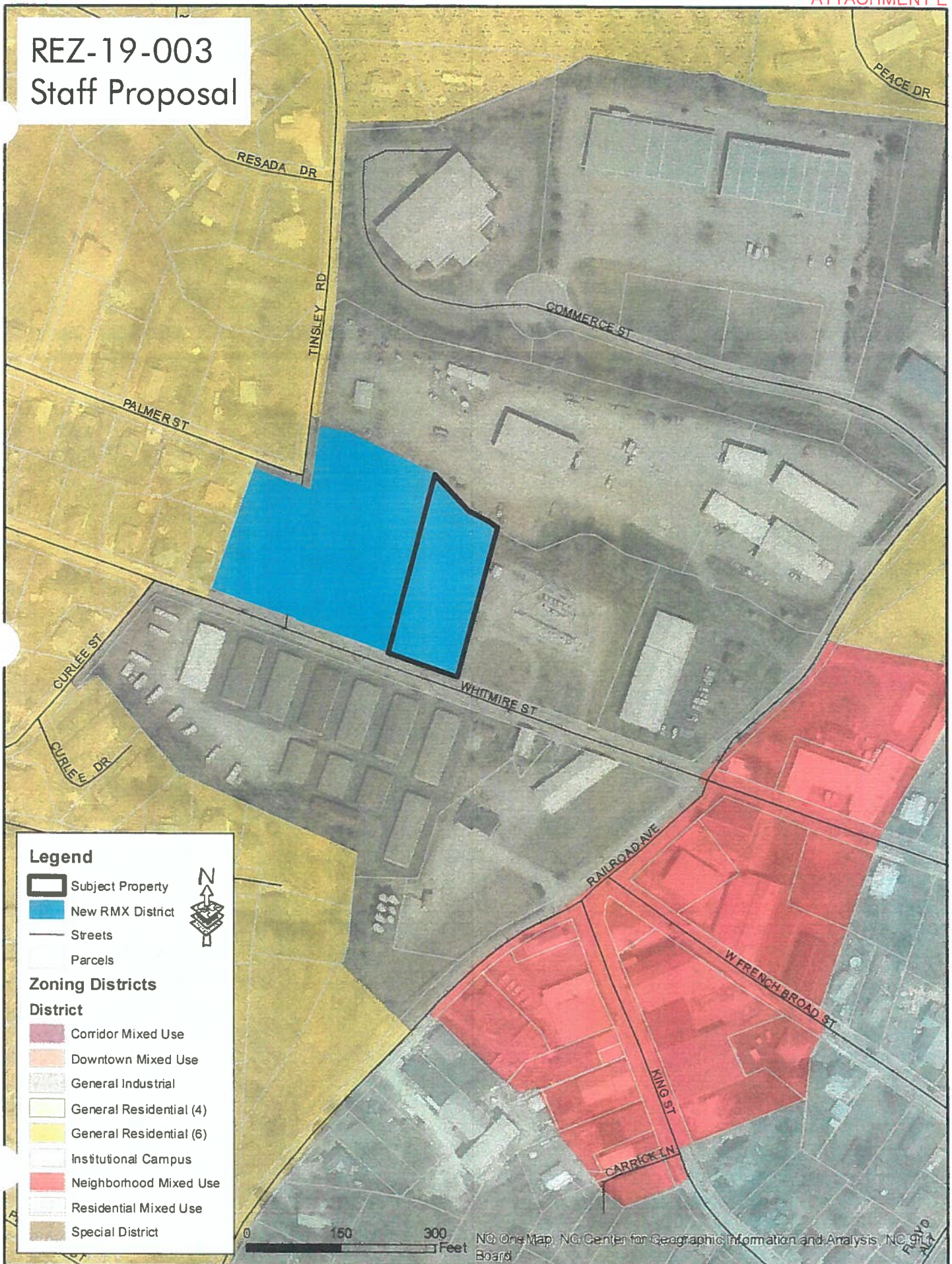
- 1) Recommend approval of the rezoning as requested;
- 2) Recommend approval of the rezoning with a reduction of the area requested;
- 3) Recommend denial of rezoning.

In accordance with N.C.G.S. § 160A-382(b), the Planning Board must also submit a statement analyzing the reasonableness of this proposal with regards to existing policies or plans of the City of Brevard. A Statement of Consistency is included for the Board's review (see Attachment F). In approving or denying this application the Board must reference this statement.

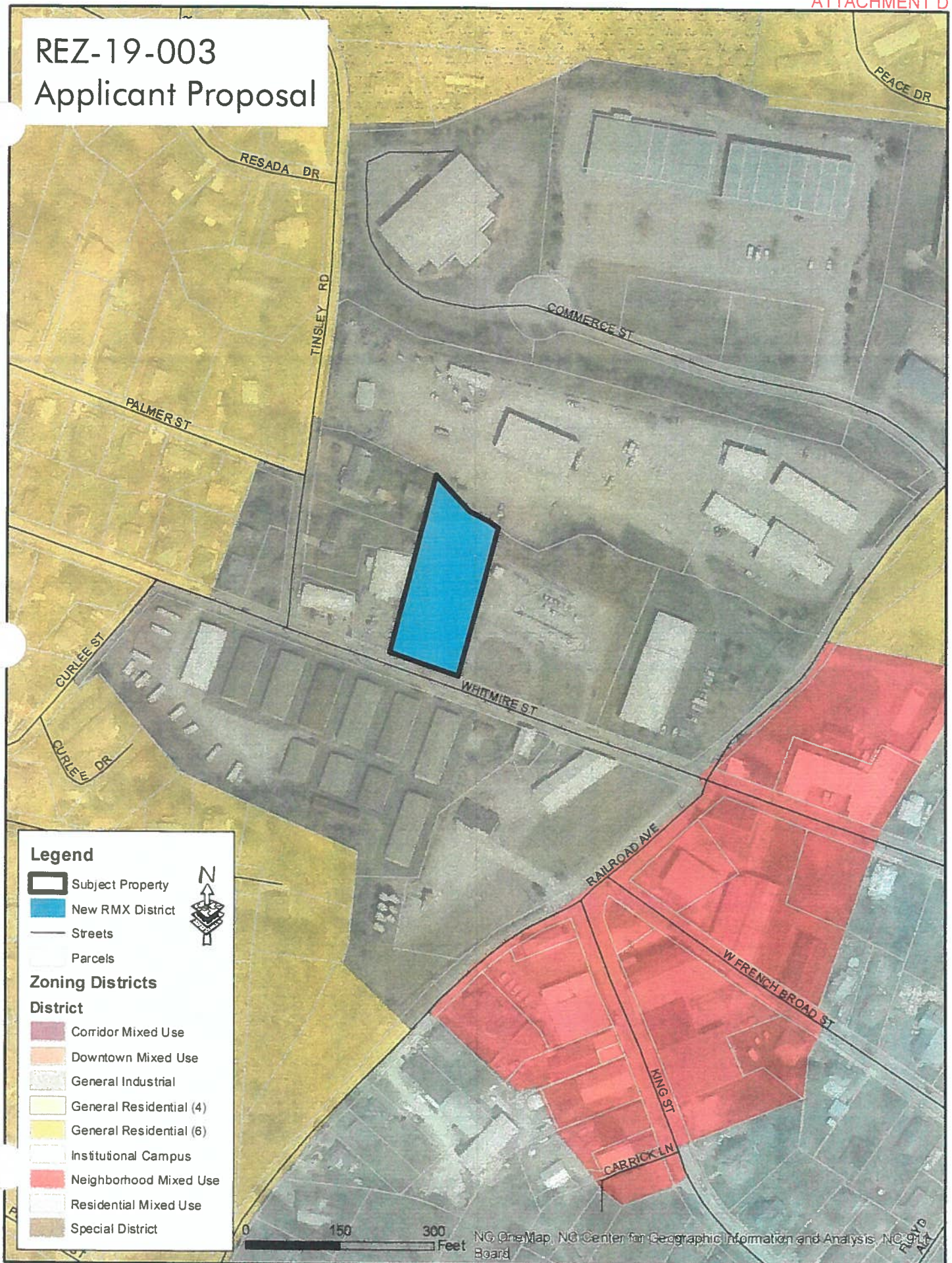
Attachments

- A. Application Materials
- B. Comparison of Uses
- C. Current Zoning Map
- D. Applicant Proposal Map
- E. Staff's Proposal Map
- F. Statement of Consistency

REZ-19-003 Staff Proposal



REZ-19-003 Applicant Proposal



**COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
REZ-19-003**

NCGS 160A-383 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan prior to consideration by the governing board. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

The Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

2015 Comprehensive Plan, Element 2: Economic Health:

OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

OBJECTIVE 4.1: Increased efficiency of land uses to help stabilize and grow the City's tax base.

POLICY 4.1.A: Evaluate and amend development ordinances to facilitate infill development on vacant and under-developed parcels, as well as revitalization of developed parcels.

The 2002 City of Brevard Land Use Plan, Future Land Use Map recommends use of these properties for a mix of uses, and not industrial.

STAFF REPORT

Planning Board, Tuesday, April 16, 2019

Title: **Text Amendment – Brevard Place Planned Development District.**
Planning Board will hear a request for an intermediate modification to the Brevard Place Planned Development District.

Speaker: Paul C. Ray, CZO, Senior Code Enforcement Officer
Prepared by: Paul C. Ray, CZO, Senior Code Enforcement Officer
Approved by: Daniel Cobb, AICP, Planning Director

Background

In 2018, the Brevard Partners Planned Development District was approved via Ordinance 2018-14. The Final Master Plan includes a four-story hotel clad in brick and stone exterior siding (see Attachment B). The request before the Board is to change the hotel's rear and front-center, elevations from brick to an Exterior Insulation Finishing System (EIFS) (see Attachment C). This requested change is for the purpose of reducing cost to the Hotel developer.

Discussion

Modifications to Final Masterplans fall into one of three categories; minor, intermediate, or major. These categories are defined below:

Minor Modifications, have a negligible impact on an approved master plan. Examples include, but are not limited to changing the size and shape of approved landscaping buffers and species of plants, minor alterations to the number of parking spaces, altering lot size and shape through subdivision of land or recombination of parcels within the District, change of use not resulting in a significant increase in intensity and minor adjustments to the number of signs or the dimensional standards within the District. Minor modifications are reviewed, and may be approved, by the Planning Director.

Intermediate Modifications, have a more substantial impact but do not completely change the application. Examples include increasing the number of buildings within the District or making changes to their design or roof pitch which do not meet the design criteria established in this District, decreasing setbacks from adjoining property not within the District by more than 20%. These changes are reviewed by the Planning Board without a public hearing.

Major Modifications, have substantial impacts to an approved master plan. Examples include but are not limited to substantially changing the intensity or mix of proposed uses or increasing the amount of traffic generated by a development, major building modifications to height, bulk or mass which do not meet the architectural standards established in this District and do not meet the building types and architectural standards outlined in Chapter 5 of the Unified Development Ordinance, increasing the size of the District. Major modifications may only be

authorized by means of a new conditional zoning ordinance as provided for in Chapter 16 of the Unified Development Ordinance.

The Developer of the hotel would like to alter the architectural design of the building from what was approved in the PDD. The developer is requesting to substitute EIFS, on the rear elevation, for what was originally thin brick. Similarly, the developer would like to add EFIS to the center of the front elevation.

Pursuant to the City's Building Architectural Standards, in Chapter 5 of the Unified Development Ordinance

Facade requirements shall apply to all facades that face a public or private street, and to facades that are oriented so as to be visible from a public or private street. Exterior walls shall be clad in clapboard, stone, stucco, cementitious fiber board, brick, or marble. Decorative concrete masonry units (CMU), exterior insulation finishing systems (EIFS) and/or vinyl siding may be used as a primary element only on facades not facing public streets and may be used as a secondary element on other walls *[emphasis added]*

EIFS may be used as an accent material only on building facades visible from the street.

The building's façade finishes are visible from Old Hendersonville Highway, and therefore the use of EIFS as a primary element does not comply with the City's architectural standards, making this request a major modification to the PDD.

Policy Analysis

The proposed request does not comply with the City of Brevard's Architectural Standards. As a PDD it is within the City's purview to grant a text amendment to the List of Conditions (see Attachment D).

Recommendation

The Board's role is to approve, deny, or approve with changes the requested architectural modification.

The Board has the following action options:

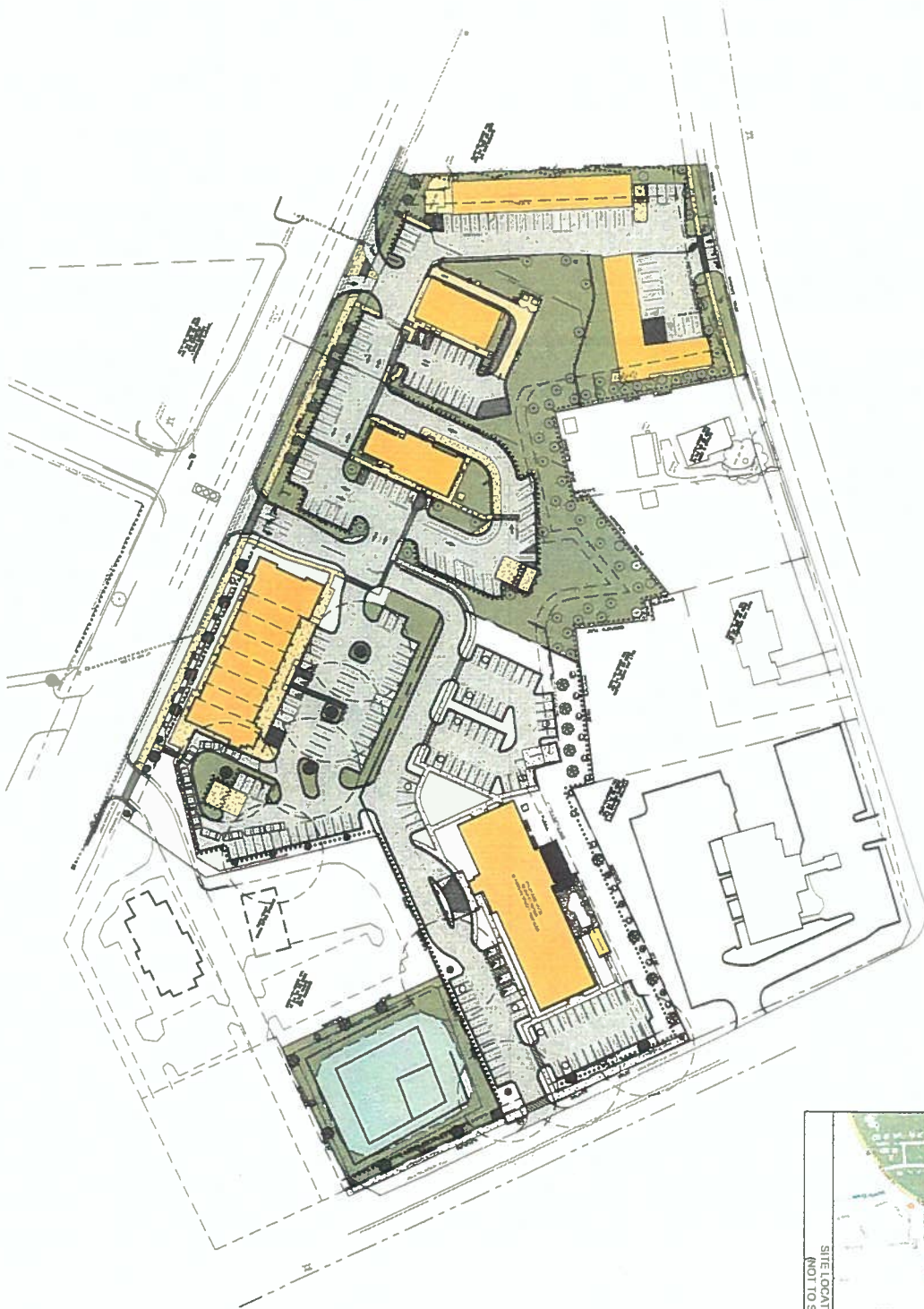
1. Approve the amendment as written;
2. Approve the request with modifications;
3. Deny the request;
4. Continue for no more than 30 days for additional consideration

Staff recommends denial of this request. Prior to the creation of the PDD significant public input was gathered and a public hearing conducted. The community expects a building finished with brick and EFIS is not in character with the neighborhood.

Attachments

- A. Final Master Plan

- B. Approved Building Elevations
- C. Proposed Architectural Change
- D. List of Conditions



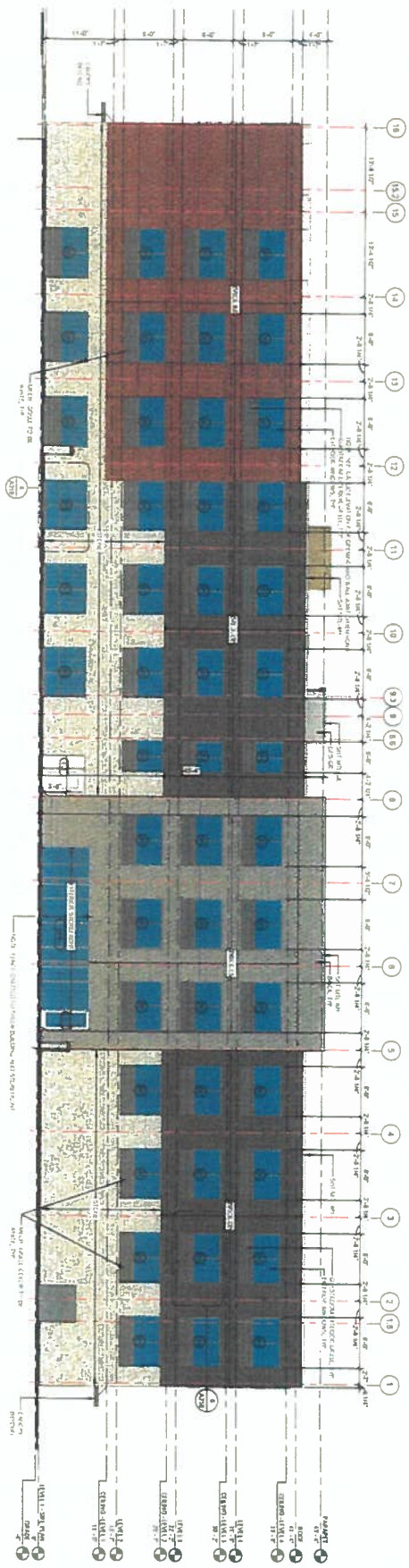
PROJECT MANAGER	DWG
DESIGNED BY	DATE
CHECKED BY	DATE
DATE	1-1-00
PROJECT NO.	20100001
PLAT DATE	6/27/18
SHEET	MP

STAKEOUT PLAN
**PROPOSED
 HOLIDAY INN EXPRESS
 HOTEL**
 OLD US HIGHWAY 64
 BREVARD, NORTH CAROLINA

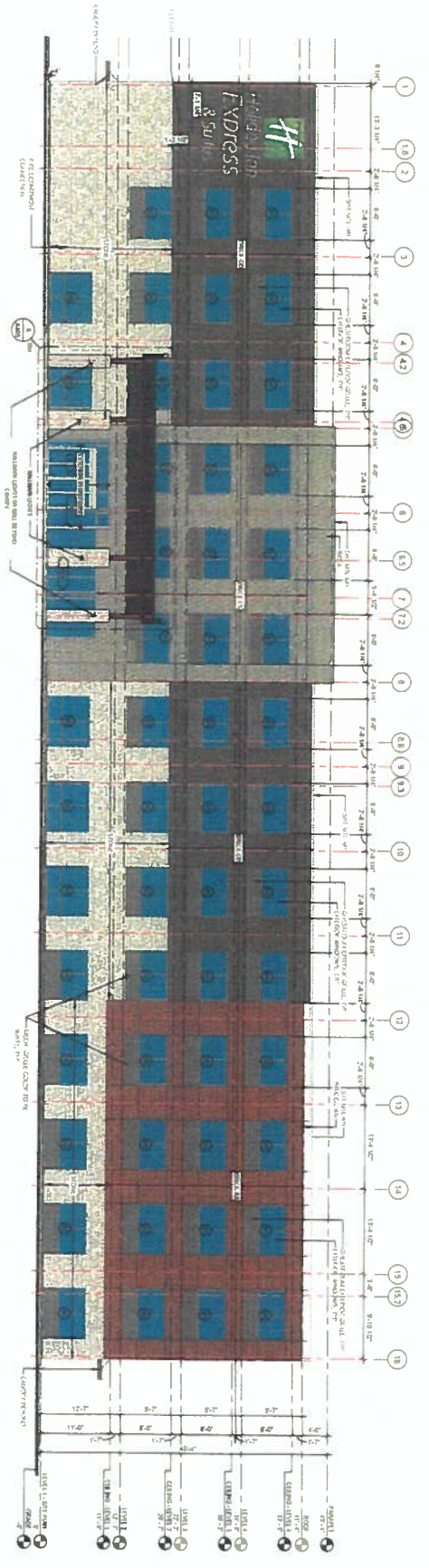


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REV.	DATE	BY	REVISION
A	10/20/18	MP	ISSUED TO CITY FOR REVIEW AND APPROVAL
B	11/01/18	MP	ISSUED TO WORKED FOR REVIEW AND APPROVAL
C	01/01/19	MP	ISSUED TO WORKED FOR REVIEW AND APPROVAL
D	01/01/19	MP	ISSUED TO WORKED FOR REVIEW AND APPROVAL
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Z	01/01/19	MP	ISSUED TO WORKED FOR REVIEW AND APPROVAL



1 EXTERIOR ELEVATION, REAR



1 EXTERIOR ELEVATION, FRONT

mussman ARCHITECTS

24 Thayer Street, Suite 301 Greenville, SC 29615
 864-232-1111 • Fax: 864-232-1112 • Email: info@mussmanarchitects.com



HOLIDAY INN EXPRESS

BREVARD, INC.



PROJECT: BREVARD, INC.
 HND DATE: 01/11/2011
 BY: [Signature]

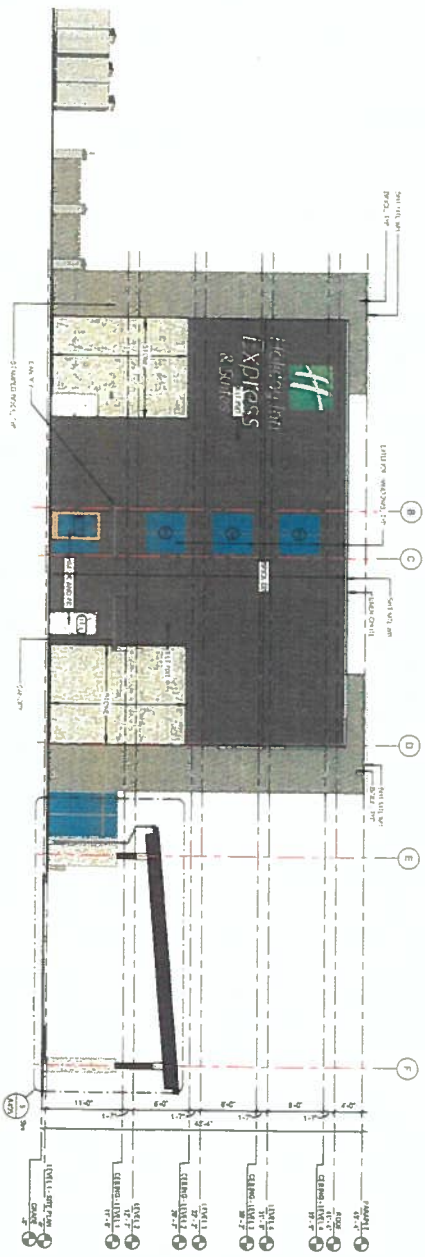
EXTERIOR ELEVATIONS

A200

DATE: 01/11/2011
 PROJECT: BREVARD, INC.
 01/11/2011

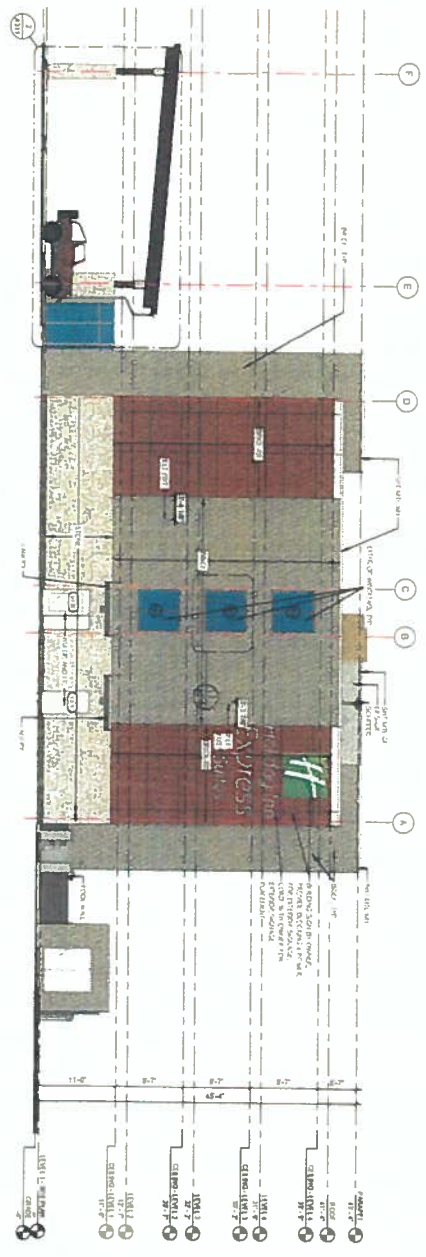
1
1/4" = 1'-0"

EXTERIOR LEFT ELEVATION



1
1/4" = 1'-0"

EXTERIOR RIGHT ELEVATION



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HOLIDAY INN EXPRESS

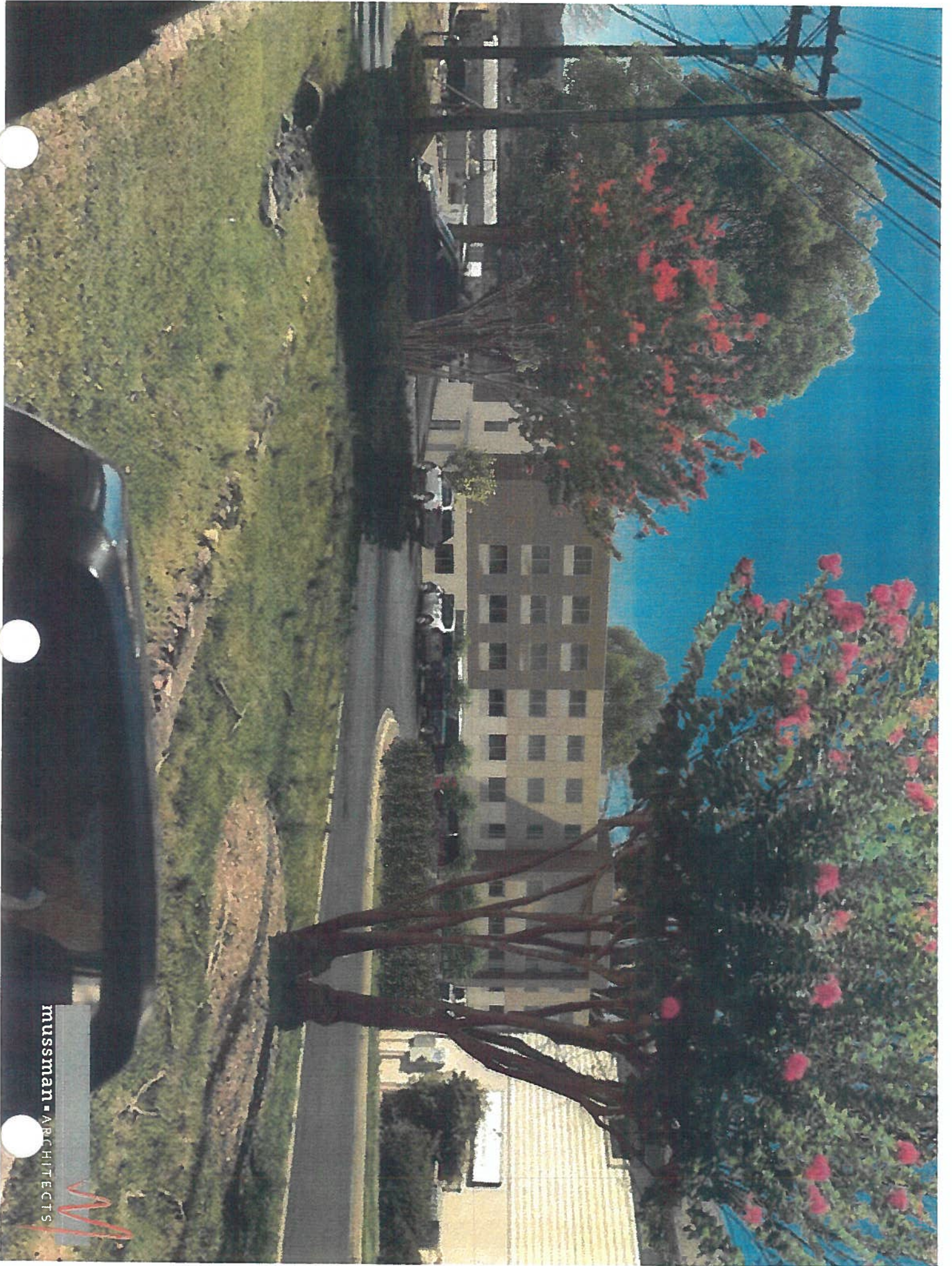
DMV/AND, INC.



PROJECT:
NO. DATE LOCATION
A201 01/10/2013

EXTERIOR ELEVATIONS

A201



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- a. Landscape, parking lot and travel lane lighting shall comply with the dark skies requirements of the UDO. Low-level landscape lighting, bollards, and other non-intrusive types are required.
 - b. Ground and wall sign dimensions, designs and locations are permitted as shown upon the Final Master Plan. All other signage not depicted therein or not described in the list of conditions are subject to the routine requirements of Chapter 12 of the UDO.
 - c. One ground sign may be permitted at each development entrance
 - c.1 No part of any ground sign shall be closer than 50 feet to any part of another ground sign within the same development, excluding small directional signs for proper traffic circulation.
 - c.2 Wall signs for Phase 2 may be permitted as shown on
 - c.3 All other signs not part of the final master plan for Phase 1 shall be subject to the sign standards for PDD's and group developments as described
 - d. Architectural standards for buildings shall comply with the Final Master Plan and specific language in this list of conditions. Where not specifically referenced, the standards for building types and architectural standards shall comply with Chapter 5 of the Unified Development Ordinance.
 - d.1 Commercial building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block ~~and EIFS-type stucco~~ may be used on building walls as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the
7. Parking.
- a. Parking is approved as shown upon the Final Master Plan for Phase 2. Modifications to these standards may be approved subject to the procedures outlined in Chapter 16 of the UDO. The total number of parking spaces to be required shall be generally consistent with this Final Master Plan.
8. Recreational Open
- a. Brevard Partners shall provide a minimum of 3,968 square feet of dedicated recreational open space, as generally depicted upon the Final master plan under Phase 1.
 - b. Brevard Partners is not required to dedicate such space for public use, and may reserve such space for exclusive use by the residents of this