

**MINUTES
BREVARD PLANNING BOARD SPECIAL CALLED MEETING
THURSDAY, JUNE 25, 2020**

Brevard Planning Board met for a special called meeting, Thursday, June 25, 2020 at 5:30 PM in Council Chambers of City Hall.

Members Present: Jimmy Perkins, Chair
Demi Loftis, Vice Chair
Chris Strassner
Molly Jenkins
Greg Hunter
Stephanie Smith

Absent: John Folger

Staff Present: Paul Ray, Planning Director
Kaitland Finkle, Planner
Janice H. Pinson, Board Clerk

Others: Tore Borhaug, Applicant
Mark Augspurger, S&ME
Davis Whitfield-Cargile, Attorney for Deerlake POA
John Brown, President, Deerlake POA

I. Welcome

At 5:30 PM, Chair, Jimmy Perkins, called the meeting to order.

II. Introduction of Planning Board Members

The Board and Staff introduced themselves.

III. Certification of Quorum

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

IV. Approval of Agenda

Motion by C. Strassner to approve the agenda as presented, seconded by D. Loftis, unanimously carried.

V. Approval of Minutes –

a. June 16, 2020 – Motion to approve as written by C. Strassner, seconded by G. Hunter, unanimously carried.

VI. Old Business

a. Continuation of Consideration of Application #REZ-19-008 by Tore Borhaug for Zoning Map Amendment for property currently zoned General Residential (GR), request that all parcels in their entirety be zoned Planned Development District, properties are located on Deerlake Road, identified by PIN #'s 8586-87-0180-000; 8586-86-1995-000 and 8586-86-4675-000.

Paul Ray, Planning Director stated that the meeting was being streamed live on Facebook because of the limited capacity for attendance due to COVID-19 restrictions.

He presented the staff report giving a history of the application to date. The staff report is attached hereto and labeled, Exhibit "A".

J. Perkins, Chair stated that there had been ample time to hear the concerns of the Deerlake Community about the project. He explained that the board needed to spend time deliberating the matter at this meeting but that if Attorney Whitfield-Cargile or Mr. Brown had any new information to present that the board would be glad to hear from them.

Attorney Whitfield-Cargile stated that the Deerlake Community supports the project but that they would like for the board to recommend certain conditions be imposed on the project to protect them. He also argued that the Technical Review Committee had since been reinstated by City Council and feels that they should have reviewed the project.

J. Perkins stated that the matter of TRC review had already been brought up and addressed.

Attorney Whitfield-Cargile argued that the board has the flexibility to impose conditions on the project now, but that once approved the City does not have a foot to change things. Explaining further that the Deerlake Community's biggest concerns are stormwater and traffic.

It was explained that stormwater management is a required by the State of NC and the City of Brevard's ordinance. That not only will Mr. Borhaug have to submit engineered calculations for each phase of his project, but that the City will employ engineers to review the submitted calculations for accuracy and compliance. Further, that the Planning Board will address stormwater multiple times when reviewing the project phases.

Attorney Whitfield-Cargile requested that the board consider traffic, because there are very real safety issues for the Deerlake residents.

J. Perkins continued to remind Attorney Whitfield-Cargile that he was repeating matters that the board had already heard for consideration, and asked him to only present new information.

Mr. Mark Augspurger, S&ME, was allowed to speak to the environmental survey performed by him on the property owned by Mr. Borhaug. He stated that Mr. Borhaug had spent money that he did not have to in order to prove his diligence. He explained that the survey was performed on vegetation, wetlands, national historic site qualifications and federally protected habitat and species.

He explained that the survey results identified no environmentally sensitive areas on the site, no jurisdictional waters/wetlands, the only federally threatened and protected species found was the Northern Long-Eared Bat. S&ME only found suitable summer roosting habitat for the Northern Long Eared Bat and they explained that their hibernation areas are protected and that none exist in Transylvania County, and further that no national historic sites exist on the property.

There was discussion about steep slopes, and it was noted that Mr. Borhaug will not be developing on the northern top slope of his property. Again, it was explained that he will be required to comply with steep slope ordinance requirements that are stricter than the state requirements.

M. Jenkins asked if there was any concern about run off damaging Lambo Creek and Deerlake properties.

It was explained that any run off that carries sedimentation would be a violation.

Mr. Augspurger explained that an environmental impact statement was not necessary for this project that this type of survey is for much larger projects for example: nuclear power plant.

S. Smith stated that she appreciated being able to read the report and it gave solid answers and made things very clear.

D. Loftis asked Mr. Borhaug to characterize his proposed development asking if it would look more institutional or more like a village.

Mr. Borhaug stated that he has not completed the design, but more like a village. He compared his project to the Bungalow Way project, with different front elevations. He explained that to be successful he needed to make the project attractive. He said he does not consider the project low income, but reasonably priced and would like to provide housing as follows: 10% for his employees, 15% for teachers, police officers, etc. and 75% for independent living. He explained that he would not use vinyl siding, but hardiplank on the exteriors and that he would not be receiving any public funding for his project.

There was a 10 minute recess and then the meeting was called to order.

There was a discussion on required parking. G. Hunter recommended that there be a condition imposed that no on street parking be allowed.

G. Hunter applauded Mr. Borhaug for tackling the project to provide affordable housing without government assistance.

Sidewalks were discussed and Paul Ray, Planning Director explained that the NCDOT R5800 project would definitely include sidewalks, he explained that the R5800 project was for a roundabout in the vicinity of the project.

There was discussion about the buffer requirement between the project and the Deerlake Community. Setback requirements from the properties in close proximity to the proposed project were also discussed in detail.

Mr. Borhaug agreed to a 25 foot setback for lots 24, 31 & 32. He further agreed to replace any trees in the buffer that should die.

Mr. Brown, President, Deerlake Property Owners, presented the board with a list of concerns and recommendations. He was given five (5) minutes to present. The lists are attached hereto and labeled, Exhibit "B".

Attorney Whitfield-Cargile asked that condition 4.b. be changed from 11.2 du/ac to 8 du/ac for the project area along Independence Blvd. Explaining that he felt 11.2 du/ac could prove problematic for his clients.

G. Hunter made a motion to recommend approval to Council with the following conditions:

1. No on street parking be allowed
2. Lot 24, 31 & 32 be required to maintain a 25' rear setback
3. The evergreen buffer between the project and the Deerlake Community be maintained and that all dying trees be replaced.
4. Staff be allowed the flexibility to modify a reduction in density.
5. Recommended Approval of all conditions listed in Attachment B, "Independent Living at Tore's Home Planned Development District List of Conditions".
6. Reference Consistency Statement, Attachment C.

Seconded by M. Jenkins, unanimously carried.

VII. New Business

a. Comprehensive Land Use Plan – Staff Update

Kaitland Finkle, Planner introduced herself. She presented her staff report explaining that this is a request for the Board's blessing to move forward with a new updated Land Use Plan and Map.

She recommended that another member of the Planning Board be on the committee. D. Loftis stated that she was very interested in serving, but would need to know the meeting schedule.

The board agreed to recommend the title of the document: "Building Brevard 2030 Comprehensive Land Use Plan".

K. Finkle asked for recommendations of members of the community to include on the committee and the following were suggested:

Brevard College
Transylvania Regional Hospital
Brevard Music Center
Board of Education
Blue Ridge Community College

VIII. Public Comment – None

IX. Remarks- None

X. Adjourn

There being no further business, M. Jenkins moved to adjourn, seconded by C. Strassner, motion carried unanimously, and the meeting adjourned at 8:55 PM.

Jimmy Perkins, Chair

Janice H. Pinson, Board Clerk