

**MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
NOVEMBER 17, 2020**

Brevard Planning Board met for a regular meeting, Tuesday, November 17, 2020 at 5:30 PM. The meeting was held remotely in accordance with NC General Statute 166A-19.24. Simultaneous live audio and video was made available to the public online at <https://www.facebook.com/brevardplanning/>.

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

Members Absent: John Folger

Staff Present: Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director
Kaitland Finkle, Planner
Leigh Huffman, Planner
Janice H. Pinson, Board Clerk

I. Welcome

At 5:30 PM, Chair Chris Strassner, called the meeting to order.

II. Introduction of Planning Board Members

The Board and Staff introduced themselves. Roll call was taken by the Chair. Present: Chris Strassner, Molly Jenkins, Greg Hunter, James Carli, Demi Loftis and Stephanie Smith.

III. Certification of Quorum

Chair, Chris Strassner confirmed with the Board Clerk that a quorum of the Board was present.

IV. Approval of Agenda

Motion by M. Jenkins to approve the agenda as presented, seconded by J. Carli, roll call vote, carried unanimously.

V. Approval of Minutes

a. October 20, 2020

Motion to approve minutes as written by D. Loftis, second by J. Carli, roll call vote carried unanimously.

VI. New Business

a. TXT-20-014 – Consideration of Text Amendment to UDO Section 4.4 by Bracken Mountain Builders allowing the subdivision of land on a privately maintained street.

A. Bland, Assistant Planning Director presented his staff report. A portion of which follows:

Background

The Planning Department has received an application for a text amendment to allow privately-maintained streets to satisfy the required street frontage for new subdivisions.

Currently the City's Unified Development Ordinance (UDO) Section 4.4 requires that "All subdivisions of land (i.e., parcels, lots, tracts, or other subdivisions of land), including condominium lots, shall directly abut and have direct frontage upon a public street." A "public street" must be built and operational to meet this provision; unopened rights-of-way do not satisfy the requirement.

Discussion

This requirement is intended to ensure safe and reliable access for public services such as garbage pickup and emergency service vehicles such as fire trucks. Concerns for the long-term maintenance of private streets has led the City to keep this requirement for many years, as streets maintained by the City or NCDOT are much less likely to fall into disrepair.

Staff's draft amendment (Attachment B) creates an exception from the frontage on a public road requirement. This exception would apply in the General Residential – 4 (GR4) zoning district, and would allow up to 3 lots to be subdivided off of a private road. The private road must have a paved surface a minimum of 16' wide and be maintained to remain a reasonable means of ingress of egress for emergency vehicles.

Policy Analysis

The 2015 Comprehensive Plan calls for allowing greater utilization of land:

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 Plan does not address private roads but does mention gated communities:

POLICY 4.2.D: Prohibit gated communities to foster community and maintain connectivity between neighborhoods.

Staff recommends approval of the amendment as presented, but requests the Board's recommendation on the number of lots that can be allowed to utilize this newly created exception; Staff's draft sets this limit to 3.

Jacob Dinkins, Bracken Mountain Builders explained that due to the topography of the property it cannot be subdivided and developed if a road cannot be built to access the property as depicted on their site plan. (Exhibit "A"). He further explained that there are other parcels that could benefit from this amendment.

Paul Ray read a statement submitted by Doug Harris requesting that the board consider amending to include the GR8 zoning district. The statement is attached and labeled, Exhibit "B".

The Board voiced various concerns about how the road would be maintained in perpetuity.

The Applicant explained that it would eventually be the responsibility of the homeowners or their association to maintain the street according to restrictive covenants placed on the development. They further requested that the Board consider including the GR8 zoning district in the amendment, because there are other parcels they are considering for development that this would allow them to subdivide and create higher density housing.

After a lengthy discussion and questions, the Board determined that they would need more information before making their recommendation to City Council.

Staff was asked to present an assessment of properties zoned GR4 within the City limits and the ETJ.

Jacob Dinkins explained that they would have loved a decision tonight, but understood the Board's need for more information.

G. Hunter made a motion to table for Staff to survey properties zoned GR4 and GR8 and to obtain a legal opinion on the enforceability of covenants as it pertains to road maintenance, seconded by M. Jenkins, roll call vote carried unanimously to table the matter for further information.

b. January 2021 meeting date discussion.

A poll of the board indicated that January 26th would be the best time to meet. Motion by D. Loftis to meet on January 26, 2021 at 5:30 PM, second by S. Smith, roll call vote carried unanimously.

It was further decided that the board would meet in December for their regular meeting on December 15th.

VII. Old Business

a. TXT-20-012 – Storage of Outdoor Vehicles - Continued

Aaron Bland, Assistant Planning Director requested that the Board give Staff clear guidance of their concerns about the use, and to also consider if they do not think it is a good use. Further stating that this is a staff initiated text amendment and if the board feels it to be an inappropriate use, the matter does not have to move forward.

C. Strassner, Chair said that in his opinion the standards that would apply to storage unit facility should apply to this use.

G. Hunter said that a Type D buffer should apply around the entire facility.

M. Jenkins wondered if the use, if allowed, would prevent more desirable development in the general residential district.

Paul Ray, Planning Director stated that the board could recommend that the use be an accessory use to indoor storage facility in Corridor Mixed Use (CMX) and General Industrial (GI).

Motion to bring back language to allow outdoor vehicle storage as an accessory use to indoor storage in Corridor Mixed Use (CMX) and General Industrial (GI) by M. Jenkins, second by S. Smith, roll call vote carried unanimously.

b. Continuation of 160D- Chapter 16

L. Huffman, Planner presented her restructure of Chapter 16 to better align with G.S. 160D, which includes parts that are optional for local governments and clarifies and cleans up existing language.

After review and discussion it was agreed to make the following recommended changes to 2.3 – Density and dimensional requirements table, Maximum Ground Floor Area Each Principle Structure: NMX 30,000 sq. ft. and CMX 50,000 sq. ft. Staff is to make the changes prior to the next meeting to review 160D.

VIII. Public Comment – None.

IX. Remarks

The Board thanked Leigh and Aaron for all of their hard work.

X. Adjournment

There being no further business, M. Jenkins moved to adjourn, seconded by J. Carli, roll call vote carried unanimously, and the meeting adjourned at 7:53 PM.

Chris Strassner, Chair

Janice H. Pinson, Board Clerk