



AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, May 27, 2025 - 5:30 PM
City Council Chambers

I. Welcome

II. Introduction of Board Members

III. Certification of Quorum

IV. Approval of Agenda

V. Approval of Minutes

- a. Draft Minutes - 04.22.2025

VI. Public Comments

VII. New Business

- a. Reconsideration of REZ-24-001 - Pisgah Gateway Mixed-Use Zoning District

VIII. Unfinished Business

IX. Remarks

X. Adjourn

Agenda Posted, Website May 20th, 2025
M. Baker, Clerk to the Board

To review Agenda materials, go to the City's website www.cityofbrevard.com. Select "Your Government" tab followed by "Agenda Packet" tab. Agenda packet materials are posted on Friday afternoon prior to the meeting.

MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
April 22, 2025
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, April 22nd, 2025, at 5:30 PM, in Council Chambers at City Hall.

Members Present: Greg Hunter, Chair
Reid Wood, Vice Chair
Peter Chaveas
Alan Mercaldo
Karen Darity

Members Absent: James Carli
Molly Jenkins

Staff Present: Aaron Bland, Assistant Planning Director
Stephanie Holland, Planner
Madalin Baker, Board Clerk

I. Welcome

At 5:31 PM, Greg Hunter, Chair, called the meeting to order.

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

G. Hunter, Chair, confirmed with the Board Clerk that a quorum from the Board was present.

IV. Approval of Agenda

A. Mercaldo made a motion to approve the agenda as written. R. Wood seconded, unanimously carried.

V. Approval of Minutes

Motion to approve March 25th, 2025, minutes by P. Chaveas, seconded by R. Wood, unanimously carried.

VI. Public Comments – None

VII. New Business

a. Consideration of REZ-25-002: Inn at Brevard Conditional Zoning District

Aaron Bland, Assistant Planning Director, presented his staff report, a portion of which follows:

Background The Planning Department has received an application for a rezoning district for the Inn at Brevard property, located at 315 East Main Street, PIN 8586-60-6150-000. The property is currently zoned Residential Mixed Use (RMX), and the request is for a Conditional Zoning District (CZD) with a base of RMX.

Discussion The Inn at Brevard has several elements of its operation that are pre-existing, nonconforming to the current requirements of the City of Brevard Unified Development Ordinance (UDO). The most impactful of these is that overnight accommodations are not allowed in the RMX zoning district; bed and breakfast is an allowed land use, but the Inn's operations do not fit that definition. There are other nonconforming site elements as well such as the unpaved parking lot, landscaping elements, and the parking on the Franklin Street frontage of the property. Staff will discuss these nonconformities in detail at the meeting. Because of these nonconformities, the unique and historic nature of the use/property (the main inn building is a designated local historical landmark), and the applicant's desire to add some additional uses such as a pottery studio, a conditional zoning district is an appropriate tool to ensure zoning compliance for continued use of the site as an inn done so in a way that ensures compatibility and harmony with surrounding properties. This request was sent to the City's Technical Review Committee. At the time of writing this staff report, about half the members had responded. The Fire Department and Water Treatment Plant had no comments. The Wastewater Treatment Plant did suggest two requirements: that the grease trap in the commercial kitchen be evaluated to ensure it is the proper size, and that the pottery studio install a clay sink trap.

Policy Analysis Staff believe that allowing the continued operation of the Inn at Brevard as a boutique inn, in a way that is compatible and not detrimental to surrounding properties, supports the following aspects of the Building Brevard Comprehensive Land Use Plan:

- Goal 7: Support economic vitality and grow the tax base, cultivate local businesses, and attract sustainable industry.

- LUH- 18: Collaborate with neighborhoods to explore opportunities for zoning overlays, historic preservation, adaptive reuse, infill projects, special events, and other neighborhood-specific activities.
- LUH-20: Encourage the creation of well-designed complete and cohesive neighborhoods.

This property is located in the Traditional Neighborhood character area in the Future Land Use Map, for which RMX is an applicable zoning district.

Action The Planning Board shall make one of the following recommendations to the City Council with regard to a petition for a conditional zoning district:

- Grant the creation of the district as requested;
- Grant the creation of the district with a reduction of the area requested;
- Grant the creation of the district with recommended conditions;
- Continued BPB consideration of the application in order to receive further information; or
- Deny the application.

Two key areas the Board should consider are: the allowed land uses and the parking on Franklin Street. The attached recommended table of allowed uses began with the existing RMX allowed uses as a starting point, and added several "by-right" land uses as requested by the Applicant, while eliminating some allowed but unneeded land uses as a trade-off. The Franklin Street parking area is a potential safety concern and Staff welcomes the Board's thoughts on if and how that parking should be allowed to remain.

During his Staff Report, A. Bland mentioned that the owners also seem interested in utilizing a portion of the Inn as a music instruction studio. P. Chaveas asked about sound proofing for the potential music studio, and A. Bland responded the noise would not be significantly obstructive. G. Hunter mentioned requiring more buffer on the side of the site plan with the largest parking lot. The board asked questions regarding the ownership of the alley adjacent to the lot, and A. Bland shared that the ownership is not known, but functionally and historically the Inn has used it as their land. The board discussed the driveway entrance encroaching over into that alley land that isn't technically theirs as a complicating factor. A. Bland also mentioned that the Review Committee folks from the water treatment side had recommended a grease trap installed for the proposed restaurant in the Inn, and a clay trap for the plumbing in the ceramics studio also included in the proposed new plans for the Inn. The Board looked favorably upon each of those suggestions. P. Offen again

expressed his concerns over noise in the neighborhood should possible events held run late into the night.

P. Chaveas made a motion to grant the Conditional Zoning District with the following conditions:

1. That a clay trap and grease trap are installed in their appropriate locations, in accordance with the recommendations from the Wastewater Treatment plant, and

2. That a 10-foot landscaping buffer be installed along the South property line, beginning where possible accounting for the existing driveway.

A. Mercaldo seconded the motion, and it passed unanimously.

VIII. Remarks - None

IX. Adjournment

There being no further business, R. Wood made a motion to adjourn seconded by P. Chaveas, the motion carried unanimously, and the meeting adjourned at 6:12 PM.

Greg Hunter, Chair

Madalin Baker, Board Clerk

STAFF REPORT
Planning Board, Tuesday, May 27, 2025

Title: Reconsideration of REZ-24-001 - Pisgah Gateway Mixed-Use Zoning District

Speaker: Paul Ray, Planning Director
Aaron Bland, Asst Planning Director

Prepared by: Aaron Bland, Asst Planning Director

Approved by: Paul Ray, Planning Director

Background

In June and September of 2024 the Board discussed rezoning much of the area around the major US 64 / US 276 / NC 280 intersection at the entrance to Pisgah National Forest to a newly-created base zoning district called the Pisgah Gateway Mixed Use District, or PGX for short. The Board forwarded a favorable recommendation to City Council, who enacted the rezoning on November 18, 2024.

Following this action, the North Carolina General Assembly adopted SL 2024-57 via a veto override, a provision of which pertaining to "downzonings" retroactively invalidated the enactment of PGX. In February of 2025, Council re-adopted the text amendments of the Unified Development Ordinance that created the PGX district and all of its zoning regulations, but did not apply the new district to any parcels of land. This is a staff-initiated rezoning that would (re)apply the PGX district to the same geographic area as it was previously.

Discussion

At their April 7, 2025 meeting, City Council amended the UDO to create a definition for "residential zoning district" which was previously undefined by the UDO or by state statute. This is a critical definition for the administration of the downzoning part of SL 2024-57 as the limitations imposed by that law do not apply "in a residential zoning district." In the absence of the statutes defining this key term, the City Council created one for the purposes of Brevard's zoning enforcement and administration. The definition adopted is "any zoning district that permits residential land uses" (see Attachment 1). In practice, this means that all of Brevard's base zoning districts, with the exception of General Industrial, are now considered "residential zoning districts," including PGX. This allows for the re-adoption of a zoning map amendment to apply the PGX district. Staff is proposing to rezone the same area that was previously discussed and recommended by the Board last year (Attachment 2).

Policy Analysis

The creation of a new zoning district in this area is supported by LUH-10 of the *Building Brevard 2030 Comprehensive Land Use Plan*. LUH-10 recommends an overlay district but Staff believes that a new base district is a more appropriate method.

Action

The Board shall make one of the following recommendations. Along with any recommendation to City Council, the Board must also submit a statement of consistency and reasonableness; Staff has included the same statement that was previously approved by the Board (Attachment 3).

- Grant the zoning map amendment as requested
- Grant the zoning map amendment with a change of the area requested (if change to be larger, a second meeting must be held)
- Grant the zoning map amendment to a more restrictive general zoning district or districts
- Deny the application.

Attachments:

1. Ord 2025-13 Amending the UDO to Codify New Definitions in Response to Session Law 2024-57
2. Proposed PGX Map
3. Consistency and Reasonableness Statement

ORDINANCE NO. 2025-13

**AN ORDINANCE AMENDING CITY OF BREVARD UNIFIED DEVELOPMENT
ORDINANCE CHAPTER 19 – DEFINITIONS TO CODIFY NEW DEFINITIONS**

WHEREAS, the 2030 Comprehensive Land Use Plan emphasizes new architectural standards with focus areas that aim to preserve high quality design and improve on other areas of the built environment; and

WHEREAS, on December 11, 2024, the North Carolina General Assembly enacted Session Law 2024-57 via a veto override which included a provision that amended the definition of “down-zoning” in a manner that dramatically alters the authority for local governments to amend local zoning ordinances; and,

WHEREAS, the North Carolina General Statutes lack definitions of critical terms necessary for the interpretation and application of SL 2024-57, leaving the process for enactment of zoning ordinance amendments unclear; and,

WHEREAS, in order to implement updated architectural standards, the City must establish these definitions in the Unified Development Ordinance in order to comply with SL 2024-57; and,

WHEREAS, the City Council of the City of Brevard finds that the proposed amendment is consistent with the following elements of the City of Brevard Comprehensive Land Use Plan *Building Brevard 2030*:

- **Goal 2:** Expand housing opportunities for all residents while preserving the character of Brevard and its neighborhoods.
 - **Goal 3:** Encourage a development pattern that respects Brevard’s sense of place and prioritizes livable communities.
 - **LUH-7:** Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian environment.
 - **LUH-10:** Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest area with form-based elements.
 - **EDIR-3:** Encourage building and site upgrades Downtown and in other key commercial areas;
- and,

WHEREAS, a public hearing was conducted on Monday, March 17, 2025, by the Brevard City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. Brevard City Code, Unified Development Ordinance is hereby amended as depicted in Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. As to any conflict between this Ordinance and any parts of existing ordinances, the provisions of this Ordinance shall control.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall be in full force and in effect from and after the date of its adoption and approval.

Adopted and approved this the 7th day of April 2025.



Maureen Copelof
Maureen Copelof
Mayor

ATTEST:

Denise Hodsdon
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

Mack McKeller
Mack McKeller
City Attorney

EXHIBIT A

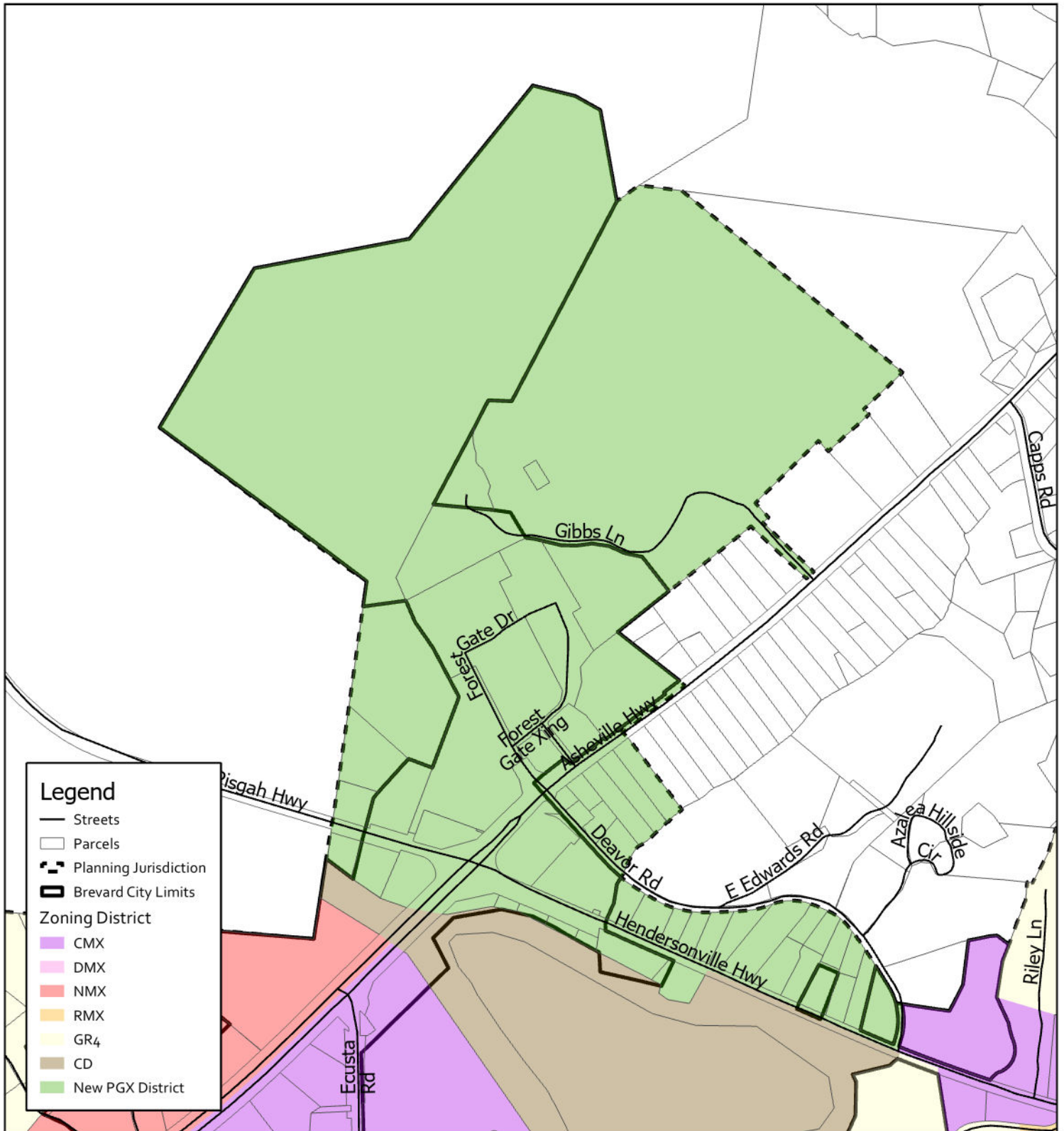
19.3. Definitions.

New Construction: Any newly constructed building or structure. This definition shall also apply to existing buildings that are altered in the following ways:

- Additions to existing structures that equal or exceed 66% of the gross floor area of the existing structure;
- Substantial improvements to existing structure that equal or exceed 66% of the value of the existing structure and require the issuance of at least two trade permits from the Transylvania County Building and Inspections Department.

Residential Zoning District: Any zoning district that permits residential land uses.

REZ-24-001 - Establishment of the Pisgah Gateway Mixed Use District (PGX)



0 350 700 Feet
1 inch = 700 feet

This map was prepared by the City of Brevard Planning Department.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is believed to be accurate, but accuracy is not guaranteed.

**STATEMENT OF CONSISTENCY AND REASONABLENESS WITH
ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-24-001 AND TXT-24-008**

NCGS 160D-604 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 Brevard Planning 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:

Comprehensive Land Use Plan

Recommendation Land Use & Housing – 10: Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.

NCGS 160D-605 requires the Governing Board to approve a statement analyzing the reasonableness of a proposed rezoning. The statement of reasonableness and the statement of consistency may be approved as a single statement.

The Brevard Planning Board forwards this recommendation to City Council with a finding that the proposed zoning map amendment is in the public interest and **reasonable** due to the following factors:

- The location of the proposed zoning district is centered around the entrance to the Pisgah National Forest.
- The size of the proposed rezoning diminishes any spot zoning concerns.
- There is a strong relationship between the currently allowed uses and the allowed uses of the proposed new district.
- The new district benefits landowners by replacing an inappropriate downtown-focused district with a more context-sensitive district.
- Conditions at the US64/US276/NC280 intersection will be changing due to the NCODT R-5799 intersection improvement project.
- It is in the public interest to create a more context-sensitive zoning district for this area as it is one of the primary gateways to our community, heavily trafficked by residents and visitors alike.
- The rezoning is consistent with the above element of the Comprehensive Land Use Plan.