

**MINUTES
BREVARD CITY COUNCIL
Work Session
October 6, 2014 – 5:30 PM**

The Brevard City Council met on Monday, October 6, 2014, starting at 5:00 p.m. with a light dinner. The scheduled work session started at 5:30 p.m. in City Council Chambers with Mayor Jimmy Harris presiding.

Present: Mayor Jimmy Harris, Mayor Pro Tem Mac Morrow, Council Members Charlie Landreth, Wes Dickson, Maurice Jones and Ann Hollingsworth.

Staff: City Manager Joe Moore, City Clerk Desiree Perry, Planning Director Josh Freeman, Assistant Director of Long Range Planning Daniel Cobb, Planner & Assistant Zoning Administrator Aaron Bland, Fire Chief Craig Budzinski, Director of Utilities and City Engineer Jay Johnston, PE, and HR Director Christine Caldwell.

Others: Facilitator Angela P. Owen, TBL Leadership Partners

Press: Derek McKissock, Transylvania Times

A. Welcome - Mayor Harris called the meeting to order and welcomed those present to the regular scheduled work session.

B. Quorum – City Clerk certified a quorum present.

C. Agenda - Mr. Landreth moved, seconded by Mr. Jones, the Agenda be approved as presented. Motion carried unanimously.

D. New Business

D-1. Settlement Agreement with the North Carolina Environmental Management Commission

Mr. Johnston advised Council in June 2014, as a result of repeated violations of our wastewater discharge permit (NC0060534), the State fined the City \$9,090 and required the City to write a Corrective Action Plan. He has written and submitted a Corrective Action Plan and has requested mitigation of the fines. The elements of the Corrective Action Plan include:

- (1) Place Oskar Blues Brewing under an Industrial User Pretreatment Permit (IUP).
- (2) Perform an Engineering Study to evaluate wastewater treatment alternatives.
- (3) Continue to apply Best Practices and innovative thinking to manage discharge levels.

NCDENR proposed that the City enter a Settlement Agreement with the NC Environmental Management Commission. Agreement outlines measures and schedules to rectify the continued violations and reduces the fine from \$9,090 to \$4,840, and, recognizes the many proactive actions taken by the City over the past 18 months. The Settlement Agreement incorporates the actions listed in the Corrective Action Plan along with the following: (a) Manage the City's pretreatment program (and Sewer Use Ordinance) to ensure Oskar Blues Brewer is discharging to the collection system per the terms of its Industrial User Pretreatment Permit; and, (b) Provide monthly progress reports to NCDENR.

Entering into a Settlement Agreement provides a reduction of the fine and commits the City to a course of action to rectify the situation, and, gives NCDENR assurance the City will solve the problem and return to compliance. Following the actions and schedule of the Settlement Agreement will result in a compliant wastewater plant operation.

Motion – Mr. Morrow moved, seconded by Ms. Hollingsworth, Council approve the Settlement Agreement with the NC Environmental Commission and to designate the City Manager as signatory to the Settlement Agreement. Motion carried unanimously.

E. Special Presentation

E-1. Comprehensive Plan Land Use Goals and Planned Development District Process Review.

Mr. Moore shared as development trends come closer to Brevard, Council will be challenged in their Land Use Plan Development goals, specifically with the Comprehensive Development Plan. Important that Council be dialed in with the Plan, its process and execution. Staff, with the assistance of Facilitator Angela Owen, will lead in the discussion. A hard copy of the power-point slides were provided to the Council Members. (Exhibit A)

Planner Aaron Bland presented the discussion outline, an overview of the City's 2002 Land Use Goals, and 2014 Land Use Goals, providing a brief overview of what the City has on the books now and what is in progress within the Comprehensive Plan document. (See slides, Exhibit A)

Mr. Moore offered in order to dial in with tangible examples, staff will occasionally use Brevard Place, our City's most recent development proposal, as an example.

Council reviewed and discussed with Mr. Freeman and Planning staff components of both the City's 2002 Land Use Plan and the Draft Comprehensive Plan, such as community character, connectivity, landscaping, architectural design and pedestrian safety, to name a few. Reviewed the different permitting processes available to an owner/developer and their differences: Permit by Right; Permit by Special USE Permit; and Permit by Planned Development District (rezoning). Planned Development District (PDD) provides some flexibility and allows for some standards to be negotiated, provided that in exchange the developer offers to the community an exceptional high quality development.

Land Use Principals and Goals Discussion Question: The principles in the 2002 Land Use Plan and as drafted in the 2014 Comprehensive Plan, are they going in the direction Council desires?

1. Agree with principals but feel City needs to be clearer about them.
2. Mixed Use and Mixed Use Boulevard – They need to be better defined.
3. Performance Measures – City should provide to a developer performance measures; important both parties understand what is expected in a PDD project. Perhaps consider a type of scorecard.
4. Checklist for developer; score “exceptional” quality of development.
5. More specific design guidelines are needed.
6. Open space needs to be functional, less concerned over its size. Emphasize and encourage connectivity to green spaces/public parks when possible.
7. One of the Plans goal is to have corridor (boulevard) to evolve in time to become more like “downtown” with structures closer to the road, parking to side and rear, unique architecture, etc.
 - a. One questioned the reality of the corridor evolving to look and feel like the downtown district.
 - b. Another added making the most of space includes encouraging multi-level buildings being built close to one another; however, the value of one's ability to have a sense of openness and to view the mountains, Brevard's woods and water, are of importance too.
8. Plan is to achieve the City's vision; downtown is the best example in our community.
9. Functioning walkability within a project or development, to adjoining business/commercial areas, neighborhoods, and to the community are important and can (and should be) designed into projects.
10. Design can define the approach into a community; corridor appearance matters.

11. Design features and “being pretty” nice; however, functionality is most important. Desire attractive projects that are also marketable and profitable for the owner/developer.
12. Parking Spaces. Some questioned position of “no parking in front” for new and re-develop projects. Agreed they don’t want a “sea of asphalt” in front of a business, but, not opposed to having some parking in front of businesses.

~~At 7:12 Mayor Harris called for a 10 minute break. ~~

Planned Development District Application and Process – Mr. Cobb described the PDD Application process. Using Brevard Place as an example, he provided the timeline from when the developer first met with staff, followed by the developer’s Application and Plan submittal received about seven months later, which is common for such a development. Described the timeline to review the Plans (and amendments to the plans) by staff, Neighborhood Compatibility meeting, Technical Review Committee, Community Appearance Committee and Planning Board. Timeline is largely set by an applicant. Once submittal is received, the applicant can choose to make changes thus holding off additional review, as was the case with Brevard Place review.

Planned Development District Process Discussion Question: What are the things that you (Council) feel must be addressed and what things are up for negotiation?

Council members and staff discussed at length the various aspects of a development project and concluded the following are:

Up For Negotiation

1. Density and Dimensions
2. Additional Uses
3. Building Types and Architectural
4. Design
5. Open Space
6. Landscaping
7. Parking Standards
8. Signs
9. Tree Protection (Stands alone; to be separate from landscaping.)
10. Connectivity
 - a. Discussion included importance of having performance measurements or minimum standards for all of the above. Examples: (1) Landscaping is to be provided. How much or some particulars to the landscaping could be negotiated, provided, minimum standards are met. (2) If adjacent or close to bike/hike path, a strong pedestrian circulation to be required. (3) We say “connectivity”, but we don’t say how – what does one do to meet connectivity?
 - b. Performance standards could also be a sort of menu that provides any given development of a certain size must provide “X” and must be functional.
 - c. Developer to be made aware upfront of process and timeline.
 - d. Combine the CAC with the TRC.
 - e. Flexibility does not mean “doing whatever you want”.

Must Address – Agreed the below four are “gateway requirements” to have an Application accepted:

1. Lot and Structure Provisions
2. Environmental (stormwater, slopes, etc.)
3. Lighting
4. Infrastructure Requirements

Execution Questions

1. Timing – What happens when deadlines are not met?

- a. Communication between staff and Council throughout process is needed. Nothing is to happen if an applicant misses a deadline; roll to next regular meeting, and, provide communication to Council.
 - b. Proactive communication from Mayor to developer to make sure everything is on track; in form of a letter.
 - c. Clarification of expectations of process upfront.
 - d. When things are not going well, word spread in community is “City is slowing down the process” when in fact that is not likely the case. Council asked staff keep them “in the loop” on a development process. If an applicant misses a deadline, share with Council; if applicant is on track, share this with Council as well.
 - e. Consider adding a component onto the City’s website that will show project management milestones.
2. Do we need to beef up any submittal requirements?
- a. Yes. Landscape architect and engineer to be on design team.
 - b. Owner/Developer to be required to explain cultural relevancy of their project with their submittal. More robust narrative on Application.
 - i. These are the things we (the City) have taken time to Plan, how is your (owner/developer) development in support of the Plan(s)?
 - c. Must meet all but “connectivity” on the Must Address list in order to move forward. Once done, timeline for the rest to be provided.
 - d. Performance Measures / Expectations. Exchange list of items required, items agreed upon, and list to be signed by both parties (City / Developer).
 - e. Provide list of local and regional planning documents to developer. Offer, “In addition, these are things we would like you (developer) to be aware of and that may be of assistance to you.” (West Loop, Floodway Maps and information, City limit maps/road maps, Water and Sewer, Transportation Plan, etc.)
 - f. Access Management – Questioned how the City can leverage and say to NCDOT what we as a City and in keeping with our long-range Plans do and do not want. Example: Surprised to learn we could not say “no” to a traffic signal light at Brevard Place, when our traffic consultants advised we have too many traffic lights in that area already.
 - g. Should City consider adding an “earnest money” requirement? If so, \$2,500 was suggested.
3. Public hearing separate from vote?
- a. No, keep as is. Council desires opportunity to either choose to vote on a matter on Public Hearing night; recognize they have the ability to table if they believe it is warranted. Regular meetings are held once a month and do not want the process itself to delay action (or the project) for an additional month.
4. When / how does Council engage?
- a. Council desires to be brought into the process by being made aware of an Application and Plan submittal earlier than at Public Hearing.
5. Flexibility vs Speed
- a. It is not a “flexibility vs speed” equation, but rather it’s a question of is the proposed project of “exceptional developmental quality”?
 - b. Submit with an Application why they are requesting to follow the PDD process rather than choosing to follow a “development by right”.
 - c. Submit an “exchange report” – In exchange for “X”, we are going to give you “X”. Describe land use attributes that will further the City’s goals.

Easel Pad Notes – Planning staff members captured and noted upon easel pads Council comments and directions offered during the work session to compile and provide a summary to Council at next work session. (Exhibit B)

Planning and Code Enforcement Department Structure Changes – Mr. Freeman shared the Planning Department has been restructured. There is now a division for long-range planning, and, a division for permitting and day-to-day operations and Code Enforcement. With the restructuring Daniel Cobb has been promoted to Assistant Director of Long Range Planning. Assistant Planning Director Brad Burton oversees Special Event and other permitting as well as Code Enforcement.

Mr. Moore added with the intentional restructuring, it is important to recognize we are now weaker on code enforcement. Talked about benefits of co-location in past and may revisit discussion in future.

F. Adjourn – There being no further discussion, Mr. Morrow moved, seconded by Ms. Hollingsworth, the meeting be adjourned. Motion carried and the meeting adjourned at 9:47 p.m.

s/_____
Jimmy Harris
Mayor

s/_____
Desiree D. Perry, CMC, NCCMC
City Clerk

Minutes Approved: November 17, 2014

Land Use Goals Work Session

October 6, 2014

Discussion Outline

- Land Use Goals
 - In Place: 2002 Land Use Plan
 - Draft: 2014 Comprehensive Plan
 - Land use goals to achieve the vision
- Planned Development District Process
 - Basis for PDD process
 - Process & timeline
 - What is up for negotiation?
- Do we need to change the principles?
- Do we need to change the process?
- Do we need to change the execution of the process?

2002 Land Use Goals

2002 Land Use Plan

2002 Land Use Plan Goals: Economic Development

- Promote managed economic growth
- Preserve natural environment
- Diversify tax base
- Encourage economic development in downtown

2002 Land Use Plan Goals: Natural Resources

- Maintain water and air quality
- Manage floodplains
- Efficient use of land
- Protect sensitive areas (steep slope, riparian zones)
- Protect open space



2002 Land Use Plan Goals: Community Character

- Preserve traditional, rural character
- Protect small town atmosphere
- Safe, accessible, Inviting downtown
- Physically appealing, distinct community character, respect heritage

2002 Land Use Plan Goals: Transportation

- Minimize traffic accidents
- Network of paths and sidewalks to school, work, and play



2002 Land Use Plan Goals: Culture & Recreation

- Safe places for social interaction
- Bike / hike path
- Network of greenways and parks



2002 Land Use Plan Goals: Housing

- Affordable housing
- High density
- In-fill
- Mixed-uses
- Add infrastructure



2014 Land Use Goals

2014 Draft Comprehensive Plan

2014 Draft Comp Plan Goals: Walkability



- Connections between people and destinations: neighborhoods, schools, businesses, and natural areas
- Sidewalks & multi-use paths for non-automotive transportation
- Safe pedestrian environment
 - Refuge/separation from cars; crosswalks; visibility
- Chapter 9: Street connectivity
- Chapter 13: Pedestrian and bicycle infrastructure requirements

2014 Draft Comp Plan Goals: Human-Scaled Development



- Densest areas should be developed in a way that creates a walkable city with vibrant commercial centers
- New development should be aesthetically pleasing and sensitive to the surrounding built environment
- Encourage density & walkability
- Chapter 5: Architectural standards
- Chapter 9: Parking standards
- Chapter 16: Conditional Zoning

2014 Draft Comp Plan Goals: Infill Development

- Infill development upon vacant and under-developed parcels
- Preserves green space
- Highest possible use of land
- Consistent city-scape
- Expand tax base within current City boundaries
- Chapter 2: Allowable density
- Chapter 5: Architectural standards



2014 Draft Comp Plan Goals: Natural Resource Protection

- Protect floodplains, steep slopes, riparian areas, etc.
- Maintain recreation/open space dedication requirements
- Views
- Health & safety
- Environmental quality
- Chapter 6: Environmental protection
- City Code Chapter 34: Flood Damage
- City Code Chapter 38: Health & Sanitation



2014 Draft Comp Plan Goals: Small-Town Charm

- Maintain, define, and capitalize on what makes Brevard an attractive place to live
- Balance robust City services and amenities with feel of a small mountain town
- Uniqueness
- Chapter 5: Architectural standards
- Chapter 6: Environmental protection
- Chapter 10: Parking standards



2014 Draft Comp Plan Goals: Proactive Economic Development

- A more active role in economic development for the City
- Mixed-use zoning to allow for broad range of uses in key activity areas
- Diversify economic tax base and realize new development opportunities within the City
- Appeal to those who can work from anywhere and choose their location based on quality of life



From 2002 to 2014

2002: Mixed Use – Boulevard

This Plan recommends that the City embark on a new way of looking at street design and the transport of people, goods and services along its existing major roads, specifically Asheville Highway to the north and Broad St/Rosman Highway to the south. A mixed-use boulevard is envisioned with: more transportation choices; better access management; more efficient use of land; landscaping; improved appearance; and design standards which encourage buildings to be close to the street, with parking to the side or rear. Development should be encouraged toward "nodes," typically at main intersections while leaving some green/undeveloped areas. Standard strip commercial centers should be discouraged.

From 2002 to 2014

2014: Mixed Use Boulevard

It is the City's intention that, through the redevelopment process, the urban form in the MUB evolve from a suburban strip development to a denser, more compact, form of development that maximizes development potential while being aesthetically pleasing, pedestrian-oriented...this evolution will take generations to achieve...land uses in the MUB will exhibit the following:

From 2002 to 2014

2014: Mixed Use Boulevard

- Discreet development projects will be connected by commercial service streets oriented parallel to boulevards
 - Improve traffic flow through access management with reductions to curb cuts and primary entrance corridors
 - By 2030 lands in the MUB will have transitioned, in look and in feel, to a pattern of land uses that are similar to the CBD.
- Enhance the character of development through: landscape buffers; extensive on-site landscaping; perimeter buffers between adjacent, residential land uses; buildings oriented to the street; parking to the side or rear; architectural standards that de-emphasize corporate architecture in favor of local character
 - Support other forms of transportation through: sidewalk requirements and inclusion of motorcycle and bicycle facilities within new development

An Explorer's Guide: Blue Ridge and Smoky Mountains by Jim Hargan

"Leaving the national forest, US 276 immediately turns and follows four-lane US 64 to Brevard, temporarily losing its charm but picking up a wide array of roadside services as partial compensation. After 3.4 miles of this the highway reaches the middle of Brevard, turns and becomes Main Street through Brevard's handsome old downtown."

An Explorer's Guide: Blue Ridge and Smoky Mountains by Jim Hargan

"This small mountain town of 6,800 people, the seat of Transylvania County, sits on a hillside by the French Broad River, 20 miles west of Hendersonville via US 64. The main approach to town on US 64 doesn't do it justice, passing through several miles of sprawling industry and commercial development before diving in and out of the town's center. However, leave the main highway to explore the traditional center of town, and you will find a perfectly preserved red-brick downtown filled with interesting shops, galleries, and cafes, surrounded by well-kept old neighborhoods with lovely little parks and plenty of trees. Brevard gains a surprising level of cultural sophistication from its small Methodist liberal arts college (Brevard College), and its first-rate summer program for aspiring young professional musicians, the Brevard Music Center."

Achieving the Vision

- Brevard is a safe, friendly, family-oriented city with **small town charm**, outdoor recreation, and arts & culture that bring investment opportunities, **environmental consciousness**, and economic **diversity**.
- Leverage cultural heritage/hub, outdoor opportunities, and connectedness of community to foster economic development and **enhanced quality of life**.
- Brevard is **uniquely** positioned geographically and by reason of our diverse citizenry to promote the natural, cultural, and historic **assets unique to this city**.

Discussion

- Do we need to change the principles?

Planned Development District Process

Outline

- Permitting
- Basis for Planned Development District
- What is up for negotiation?
- PDD Process & Timeline

Permitting

- By Right – PS, Group Development
- Special Use Permit
- Planned Development District

Permitting

- By Right
 - Permitted with Standards
 - Group Developments
 - Quickest, most predictable
 - Least flexibility
- **Administrative**

Permitting

- SUP
 - Findings of Fact
 - Sworn Testimony
 - Limited flexibility
- **Quasi-Judicial**

Permitting

- PDD
 - Rezoning
 - Maximum flexibility
 - Maximum public engagement
 - Exchange time for flexibility
 - Achieve goals, not standards
- **Legislative**

Basis for PDD Process

“...Innovative design and layout that would not otherwise be permitted under this ordinance because of the strict application of zoning district or general development standards...”

Overall land use and policy goals must still be met

Basis for PDD Process (cont.)

*"...Planned developments are expected to deliver exceptional quality community designs that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. **Planned development districts shall not be used as a means of circumventing the city's adopted land development regulations for routine developments...**"*

Efficiency vs. Equity

"...Efficiency and engagement are not mutually exclusive considerations, but sometimes one or the other will take precedence..."

Owens, D. (2013, October 24). Choosing the Right Development Review Process: Factors to Consider

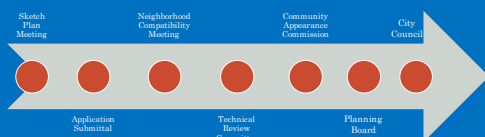
What is up for negotiation?

- Flexibility
- Density and Dimensions
- Additional Uses
- Building types and Architectural Design
- Open Space
- Tree Protection and Landscaping
- Parking Standards
- Signs

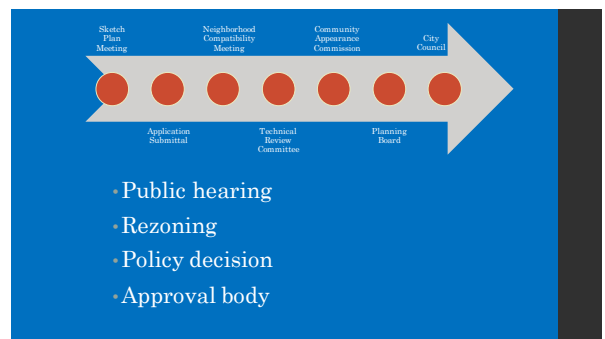
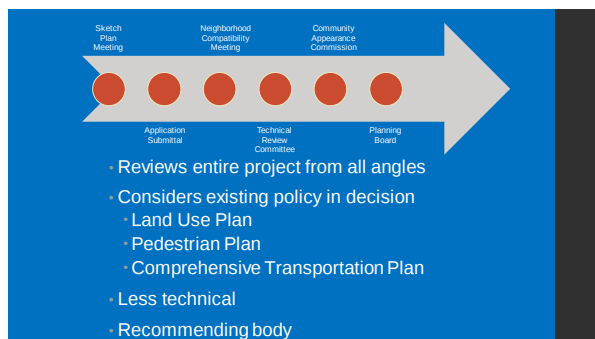
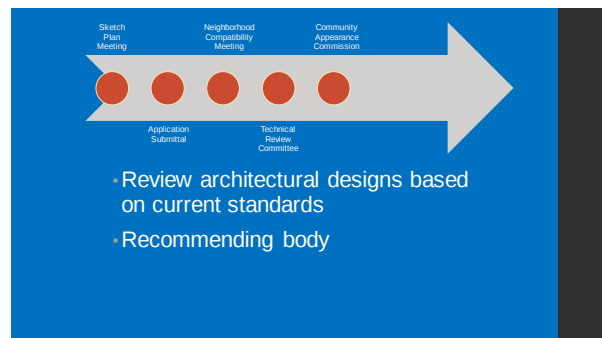
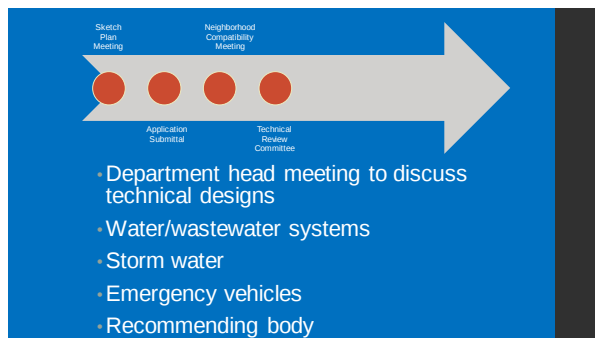
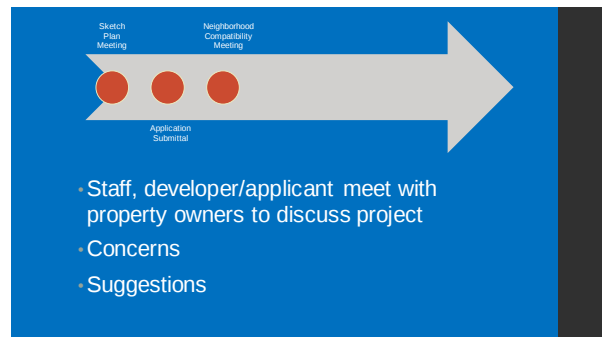
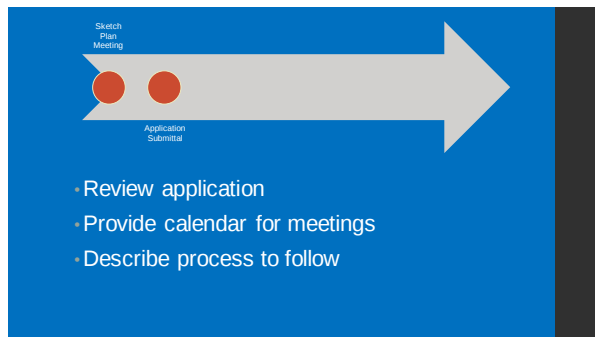
What is up for negotiation? (cont.)

- Must Address
 - Lot and Structure provisions
 - Environmental (storm water, steep slopes)
 - Connectivity
 - Lighting
 - Infrastructure requirements

Process & Timeline



- Initial meeting between Staff, developer, and design professional or applicant
- Feasibility of project
- Key issues to consider





Efficiency vs. Equity

“...Efficiency and engagement are not mutually exclusive considerations, but sometimes one or the other will take precedence...”

Owens, D. (2013, October 24). Choosing the Right Development Review Process: Factors to Consider

MINUTES – BREVARD CITY COUNCIL – OCTOBER 6, 2014 WORK SESSION

EXHIBIT B

Land Use Principles Discussion

Land Use Principles (prompt sheet)

- Are our principles correct?
- Does anything need to change?
- Process
 - o What should be up for negotiation?
 - o Should anything currently negotiable become non-negotiable?
 - o Should anything currently on-negotiable become more prescriptive?
 - o Should performance measures be developed for any negotiable elements?

Land Use Principles (discussion sheets)

- CL: Agree w/ principles but be more clear about them. EG: mixed use...define better
- AH/CL: Not looking for housing in every project but need to be more efficient w/ land
- AH:
 - o Character, human scale, safety, ped., ok
 - o But re: MU, need to state more clearly where we want it
 - o Density...needs to work w/ all players...Wendy's a problem...
 - o Difference between text book & real world...people need to see where they park
 - o Open space not have to be huge, only functional...nooks
- WD:
 - o Connectivity/ped. Friendly... try to be more specific where possible.
 - o Parking location/building location: own it or let it go
 - o Open space...depends on context...emphasize connectivity to green spaces/public parks
 - o Define mixed use better
- JH: not sure entire city needs to look like downtown
- AH: Author focused on aesthetics
- CL: also about functionality
- JH: Not see walkability being applicable in all places... e.g. crossing Asheville Highway
- WD/CL: Walkability can be designed into projects
- CL: Design can define the approach into community...asphalt not the desirable defining feature; corridor appearance matters
- AH: Functionality important, pretty not only factor; Must be marketable/profitable also; 2nd floors not selling, Glad project Hville example
- MJ: See corridor different from downtown re: buildings close together/good arch can be found elsewhere; mountains masked by buildings not desirable

Negotiable?

LU Goals (for Brevard Place example)

- Distinct Character (architecture)
- Connectivity Pedestrian
 Vehicular
- Safety Pedestrian
 Vehicular
- Pedestrian-friendly
- Mixed Use
- Density/Maximum & Efficient Use of Space
- Human Scale
- Open Space/Re. Space

Planned Development District Process Discussion

Up For Negotiation

- Density & Dimensions
- Additional Uses
- Building Types & Architectural
- Design
- Open Space
- ~~Tree Protection~~ & Landscaping
- Parking Standards

- Signs
- *Tree Protection (stands alone)*
- *Connectivity (moved from Must Address)*

Must Address

- Lot & Structure Provisions
- Environmental (stormwater, slopes, etc.)
- ~~Connectivity~~
- Lighting
- Infrastructure Requirements
- *These 4 are the “Gateway Requirements” to have application accepted*

PDD Process

- Tree protection – could be more locally-specific w/o being too prescriptive; good example of something that could be performance-based
- Listed “must address” look good
- Open space: keep negotiable w/ performance standards
- Score “exceptional” quality of development
- Design: more specific design guidelines
- Performance-measures to reduce gray areas for all negotiable items
- Context-specific standards
- Provide timeline and checklist early to developer
- Consider combining CAC & TRC to save time
- Connectivity → what circumstances would require very robust connectivity (moving it more to “must address” list)
- Both lists equally important
- “Must address” list has legislative backing, “Up for Negotiation” is more subjective aspects
- Connectivity move to negotiation list

Execution (prompt questions)

- Timing...what happens when deadlines are not met?
- Do we need to beef up any submittal requirements?
- Public hearing separate from vote?
- When/how does Council engage?
- Flexibility vs. speed
- Departmental structure

Execution

1. Timing
 - a. Communication b/w staff & Council throughout
 - b. Applicant misses: rolls to next meeting w/ communication to Council
 - c. Proactive communication from CM & Mayor to developer to make sure everything is on track
 - d. Clarification of expectations of process upfront (letter?)
2. Requirements to Enter PDD Process
 - a. Landscape architect and engineer on design team
 - b. Explain cultural relevancy of the project
 - c. More robust narrative on application. Why Brevard? Etc...
 - d. Have to meet all but connectivity on “Must Address” list to move forwards with a timeline for the rest
 - e. Exchange list agreed and signed
 - f. Provide list of local and regional planning documents to developer
3. Vote:
 - a. Keep same as is, maintaining possibility of vote same meeting as public hearing
 - i. Don’t want to delay project for a month
4. Council Engages
 - a. Proactive outreach from Mayor
 - i. “Welcome Wagon” and expectations
 - b. Council updated by Manager, back in process at Public Hearing
5. Speed:
 - a. It’s not a speed vs. flexibility, but a quality vs. speed equation