AGENDA
BREVARD PLANNING BOARD - REGULAR MEETING
Tuesday, June 25, 2024 - 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. May 28, 2024

VI. Public Comments

VII. New Business

a. Introduction of Pisgah Gateway Mixed Use Zoning District

b. Consideration of Text Amendment TXT-24-006 UDO Chapters 5 & 13 – Underground Wiring

VIII. Unfinished Business

IX. Remarks

X. Adjourn

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Agenda Posted, Website (June 12, 2024)
J. Pinson, 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
MAY 28, 2024
ADMINISTRATIVE CONFERENCE ROOM CITY HALL

Brevard Planning Board met for a regular meeting, Tuesday, May 28, 2024, at 5:30 PM, in Administrative Conference Room at City Hall.

Members Present:	Greg Hunter, Chair Peter Chaveas Molly Jenkins Alan Mercaldo John Schommer James Carli Reid Wood, Vice Chair
Absent:	Peter Chaveas
Staff Present:	Paul Ray, Planning Director Emily Brewer, Senior Planner Aaron Bland, Assistant Planning Director Janice H. Pinson, Board Clerk

I. Welcome

At 5:30 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 of the Board was present.

IV. Approval of Agenda

Motion to approve the agenda by A. Mercaldo, second J. Carli, unanimously carried.

V. Approval of Minutes

Motion to approve the April 23, 2024, minutes by M. Jenkins, second by J, Schommer, unanimously carried.

VI. New Business

a. Jeff Adams, Transylvania County Planning Director, handed out a flyer and announced the kickoff meetings and requested the Board's participation in the development of the Transylvania County 2025 Comprehensive Plan. He outlined the project's schedule. He further explained that there would also be a Housing Study and survey.

b. Architectural Standards Work Session

Emily Brewer, Senior Planner, introduced Plusurbia and explained the purpose of the work session.

Juan Mullerat, Plusurbia explained that he would be giving an overview of each section of the document.
Megan McLaughlin, Plusurbia, explained that she did a deep dive into historical context, and the architectural character of Brevard. She explained her findings and gave examples of the architecture: mountain town, materials available locally that were used in construction, rock, raw wood, etc., development due to the Vanderbilt's influence, county seat and that Brevard became an industrial center.
J. Mullerat continued to explain that the document will be used to convey architectural styles to developers, and that the downtown area is unique, and depending on the area of development recommended materials and architectural styles will be available as a guide for development.
It was explained that 5 character areas were identified with the help of the Planning Department. The graphics are to be used as a guide to lead developers in a favorable direction. The goal being to strengthen existing character.

Discussion included:
1. Great document.
2. Value in having different rhythm with new infill development so as not to create bulk.
3. Keeping materials natural and not using new materials to keep the character consistent.
4. Concerns about photos used that are not examples from Brevard.
5. Probart Street labeled as part of the Rosenwald community – is this correct?
6. Concern about not creating a misconception because NC law will not allow control of architectural standards for single family residential homes.

J. Mullerat said he appreciated the feedback and would look forward to receiving more and would be happy to accept better photographic examples to use as the document is being developed if the board wants to provide them. He explained that they want to provide examples that might be better than what they could find in Brevard.

After further discussion, J. Carli moved to recommend support of a resolution to move forward with development of the document, second by J. Schommer, unanimously carried.

IX. Remarks - None

X. Adjournment

There being no further business, A. Mercaldo made a motion to adjourn seconded by J. Carli, the motion carried unanimously, and the meeting adjourned 7:05 PM.

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Greg Hunter, Chair

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Janice H. Pinson, Board Clerk

DRAFT

STAFF REPORT
Planning Board, Tuesday, June 25, 2024

Title:	Introduction of Pisgah Gateway Mixed Use Zoning District
Speaker:	Paul Ray, Planning Director Aaron Bland, Asst Planning Director Emily Brewer, Senior Planner
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Paul Ray, Planning Director

Background
When the Unified Development Ordinance (UDO) was adopted in 2006, new zoning districts were applied to the city's zoning jurisdiction. In the Pisgah Forest area, specifically the US 64 / US 276/ NC 280 intersection at the entrance to Pisgah National Forest, the Downtown Mixed Use (DMX) zoning district was applied to a majority of the area (see attached current zoning map detail).

Discussion
The application of the downtown-focused DMX district in Pisgah Forest has posed many challenges for business and property owners in that area over the years and many have suggested that the City change the area's zoning to something more appropriate. Given that this area is the gateway into one of the area's biggest draws, Pisgah National Forest, Staff believes that it warrants a unique zoning district. This is a staff-initiated rezoning and text amendment to create such a new district, the Pisgah Gateway Mixed Use (PGX) district.

Attached is the map from the recently adopted Architectural Guidelines showing the Pisgah Forest Gateway "character area." This is the geographic area that Staff is considering applying the new PGX district to; the Board should consider the scope of this area and be prepared to discuss if it is appropriate or if it needs to be modified.

Staff has scheduled public engagement events in July to get comments and feedback from property and business owners in the area. Once the public engagement has been done, Staff will begin drafting the details of the new district and bring to the Planning Board for review.

Policy Analysis
The Building Brevard 2030 Comprehensive Land Use Plan mentions the Pisgah gateway area several times. The most pertinent is Action Step 2.C: "Establish form-based code or overlay for Asheville Highway Corridor and Pisgah Forest area" with a plan reference of LUH-10: "*Establish zoning overlay districts for the Asheville Highway Corridor and Pisgah Forest Area.* The purpose of the overlay districts is to establish stricter standards and to improve multimodal safety and convenience when accessing places for goods, services, housing, and employment through a predictable pattern of development and architectural design. The corridor should accommodate a variety of residential and nonresidential uses

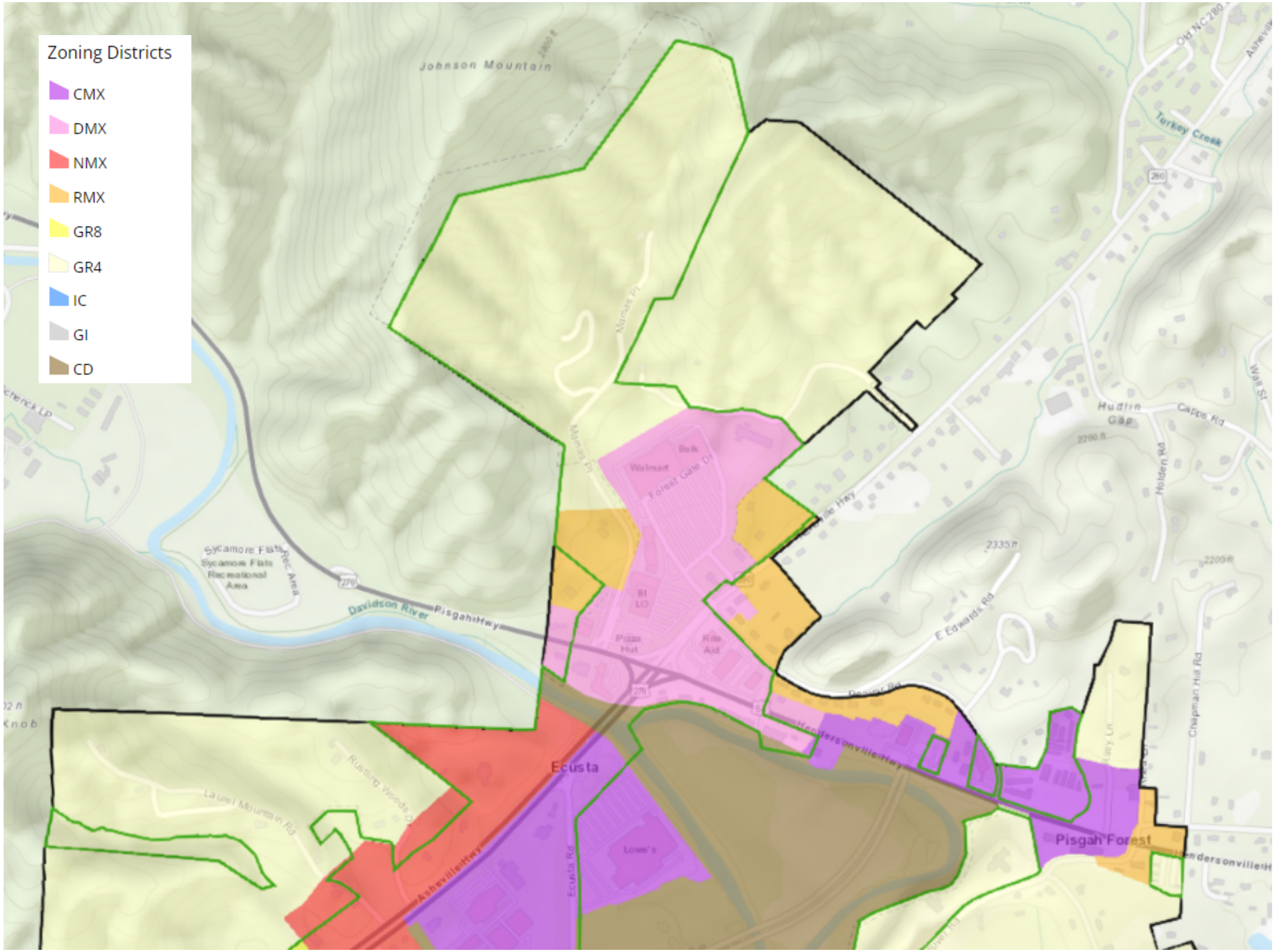
in addition to highway-oriented commercial. The areas are important gateways to the City and the Pisgah National Forest, and aesthetic considerations should be included into overlay district standards. Form-based elements may include building form, site access requirements, parking location or design, block structure, frontage, and public space requirements."

The Future Land Use Map shows the majority of this area as a Major Activity Center. The Future Land Use Character Area Table shows NMX and CMX as the appropriate zoning districts, so Staff is recommending using the NMX district's standards as starting point for crafting the new district, with the allowed land uses, dimensional standards like setbacks, and other pertinent elements will be tailored to fit the gateway area's unique needs and challenges. Architectural standards will be codified as a part of the continuation of the Plusurbia project.

Also applicable is LUH-6: "*Encourage rezonings to allow for a mix of uses in Activity Centers.* Allowing different land uses such as commercial and residential in close proximity to each other can help make a city or neighborhood more walkable and lead to reduced numbers of car trips. Major and Minor Activity Centers with both have a mix of land uses, but Major Activity Centers will be more intense with a greater nonresidential footprint."

Action
This item is only being introduced to the Board at this time and no action is requested beyond a general discussion. Based on the Board's discussion and the results of the public engagement, Staff will bring draft ordinance language for the new PGX district at a future meeting. The plan is for the Planning Board to begin reviewing the new district in August with a goal of going to City Council in October.

Attachments:
1. Current Zoning
2. Area Map - Whole City
3. Area Map - Zoomed In


Zoning Districts
CMX
DMX
NMX
RMX
GR8
GR4
IC
GI
CD
Johnson Mountain
Turkey Creek
Hudlin Gap
Capps Rd
Holden Rd
Walmart
Belk
Forest Gate Dr
Sycamore Flats
Sycamore Flats Recreational Area
Rec Area
Davidson River
Pisgah Hwy
BI LO
Pizza Hut
Rite Aid
E Edwards Rd
Denver Rd
Hendersonville Hwy
Ecusta
Ecusta Rd
Lowe's
Pisgah Forest
Chapman Hill Rd
Laurel Mountain Rd
Rustling Woods Dr
Asheville Hwy

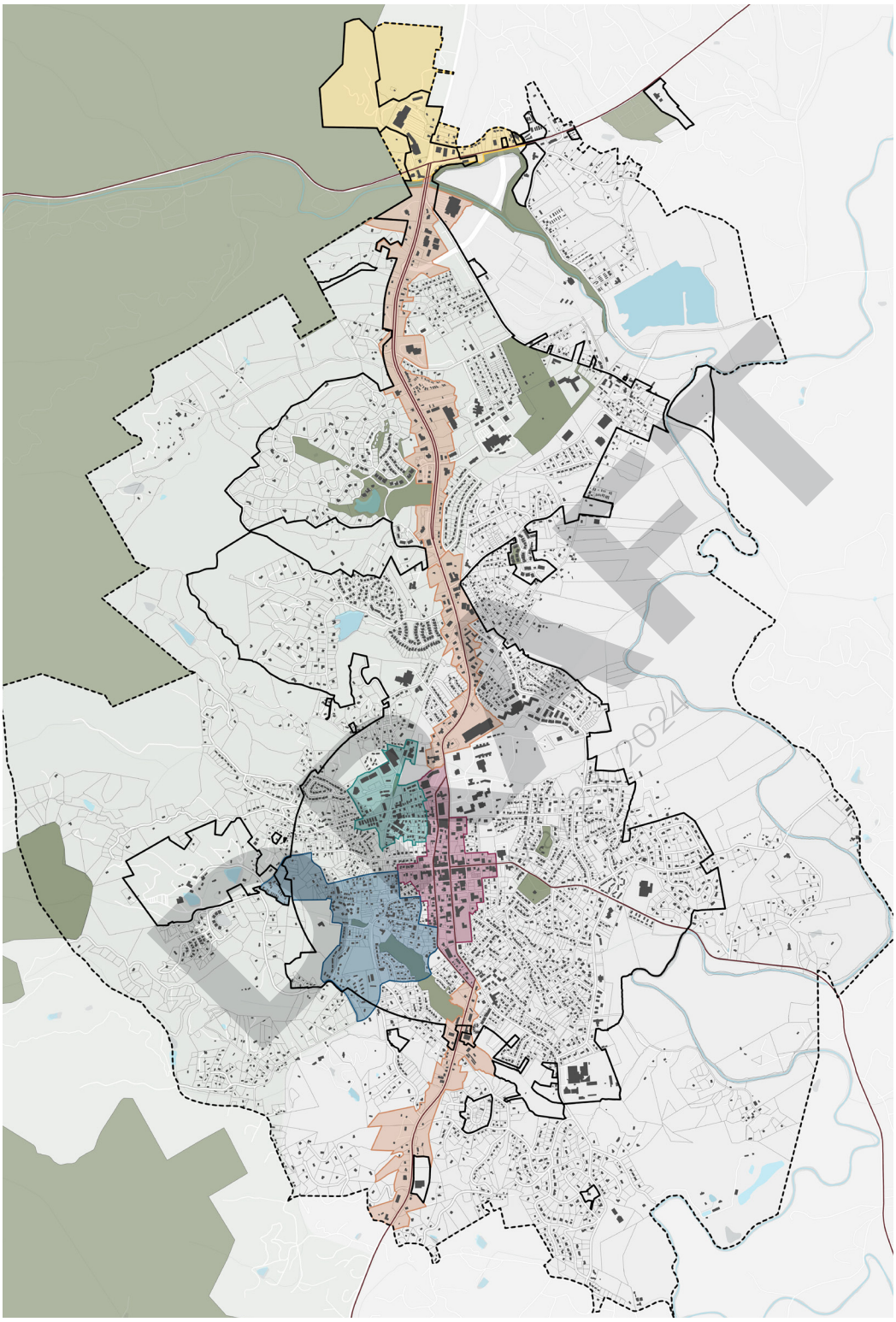


Image 87. Map of the five Character Areas used in this report. Each has distinct challenges and an architectural identity that varies from the citywide approach. Note the differing City Limits and Planning Area boundaries.

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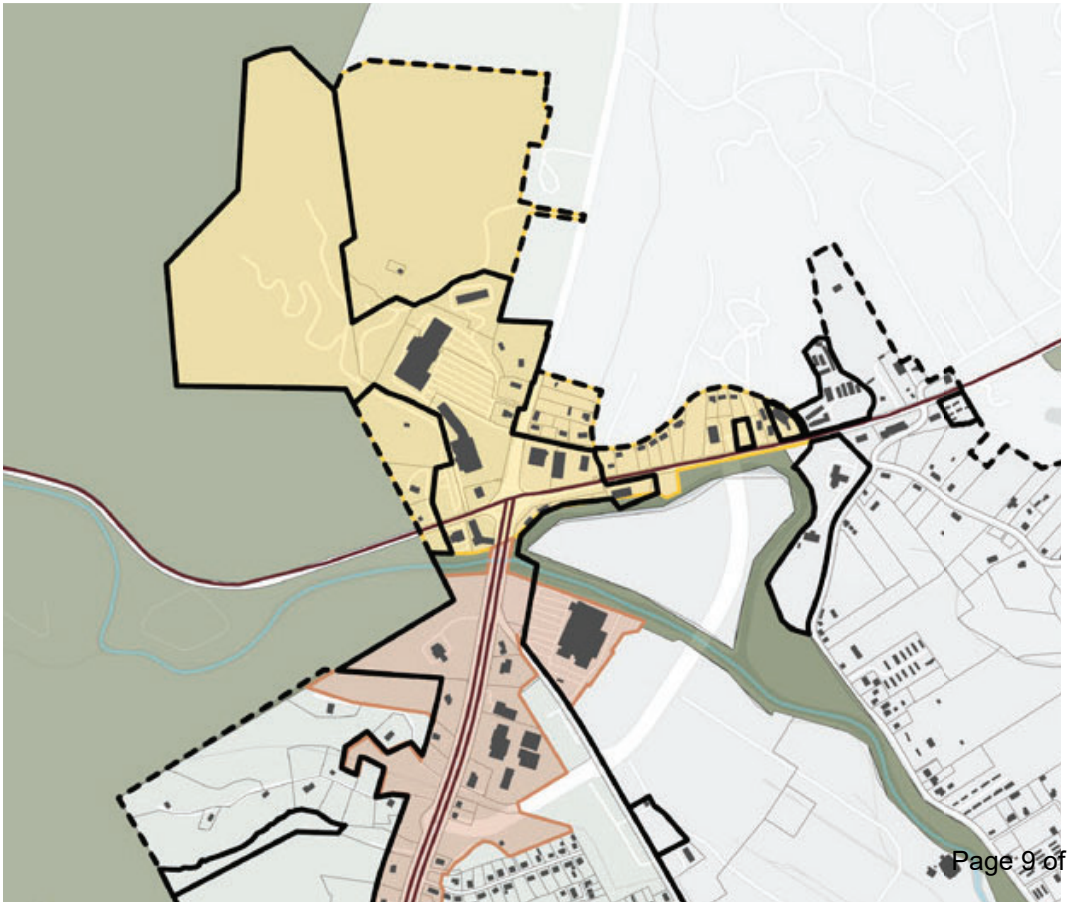


STAFF REPORT
Planning Board, Tuesday, June 25, 2024

Title:	Consideration of Text Amendment TXT-24-006 UDO Chapters 5 & 13 – Underground Wiring
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Paul Ray, Planning Director

Background
The City's Unified Development Ordinance (UDO) includes a requirement for new utility lines (e.g. power and phone lines) to be underground for new development within the city limits; it is optional in the ETJ. This is mentioned in two chapters, Chapter 5 - Building Types & Architectural Standards and Chapter 13 - Infrastructure Improvement Requirements.

Discussion
This requirement is not clearly detailed in either of the two chapters in which it appears. This is a staff-initiated text amendment to clarify the intent and specific requirements. The new language will be located in Chapter 13, with the single line related to underground wiring in Chapter 5 removed to avoid confusion. The new language makes it more clear that underground wiring must begin where the new lines leave the street right-of-way, an existing easement, or an existing pole.

The Board might also consider if they would like to recommend changing the Table of Required Public Improvements (UDO Section 13.2) to make underground wiring required in the ETJ as it is inside the city limits.

Policy Analysis
Protecting utility connections helps further Goal 8 of the Building Brevard Comprehensive Land Use Plan: "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city," as underground lines are less susceptible to damage from weather events or other damaging incidents such as car crashes.

Action
The Planning Board shall make one of the following recommendations to City Council with regard to a petition to amend the text of a development regulation:

1. Adoption of the amendment as written;
2. Adoption of the amendment as revised by the BPB; or
3. Rejection of the amendment.

North Carolina General Statutes also require that the Planning Board submit a written statement of consistency with adopted City plans and policies. A statement of consistency is included for the Board's Review.

Attachments:

1. Chapter 5 Proposed Amendment
2. Chapter 13 Proposed Amendment
3. Consistency Statement

5.4. General building design requirements.

Unless otherwise noted, the following standards apply to all buildings:

A. *Architectural style:* The building design standards of this chapter intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (e.g., Colonial, Victorian, Classical Revival) the details shall be consistent with that style unless the local architectural vernacular of Brevard provides an alternate precedent for a detail.

B. *Frontage:* All buildings in the Downtown Development Overlay District, regardless of building type, shall be oriented towards the street so that the frontage line is the same as the front building line.

C. *Termination of vistas:* Important street vistas, such as along city gateways and primary pedestrian streets, should terminate in a focal point such as a building or other architectural or natural feature.

D. *Compatibility:* Adjacent buildings should relate in similarity of scale, height, architectural style, and/or configuration.

E. *Proportions:* Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.

FIGURE 5.4A: EXAMPLE OF PROPORTIONAL FACADE ELEMENTS



F. *Wall materials:* When two or more materials are used on a façade, the heavier material (e.g., brick) should be placed below the lighter material (e.g., siding) to give a sense of support and grounding.

G. ~~*Underground wiring:* To reduce the visual impact of overhead wiring, utility services shall be located underground.~~

H. *Type of construction:* Manufactured, mobile, and metal units are prohibited, except as may be allowed in CHAPTER 3 for a temporary office or classrooms, site management, or storage uses during construction projects.

I. *Roof pitch:* Roofs with pitches less than 3:12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six inches from the building face or with a gutter.

FIGURE 5.4B: EXAMPLE OF PITCHED ROOFS WITH EAVES



J. *Public art:* Public art, such as statues, fountains, and other works of art are encouraged and may be placed in any required front setback area as well as in other appropriate areas.

K. *Façade treatment:*

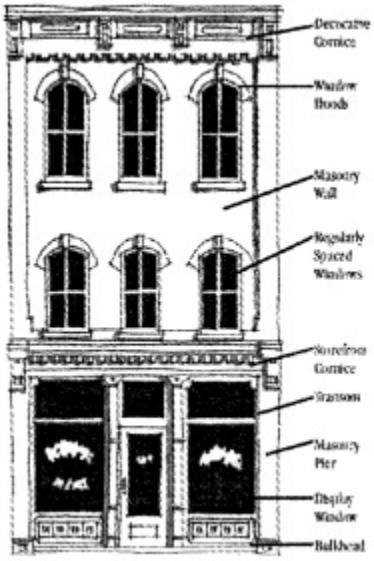
1. Architectural elements such as windows, doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details, shall be used on all facades facing public rights-of-way.

FIGURE 5.4C: EXAMPLE OF STOREFRONT WITH WINDOWS AND DOORS ALONG STREET FRONTAGE



2. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to:
   a. Add architectural interest and variety; relieve the visual effect of a single, long wall;
   b. Subdivide the wall into human size proportions. Similarly, roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
3. The ground level of buildings shall offer pedestrian interest along sidewalks and paths. This may be accomplished by means of windows, entrances, and architectural details. Incidental signage on buildings (in accordance with CHAPTER 12), awnings, and ornamentation is encouraged.

FIGURE 5.4D: EXAMPLE OF MULTISTORY BUILDING WITH PEDESTRIAN-ORIENTED GROUND LEVEL



(Ord. No. 2023-61, § 1(Exh. A), 12-18-23)

13.4. General infrastructure design requirements.

A. *Connection to city sewer system required.*

1. All developed property within the city limits and located within 300 feet of a city sewer line shall be connected therewith, and the property owner shall be charged the prescribed tap fee and system development fee for all such connections. Such connection shall be made in accordance with the provisions of this article within 90 days after the date of official notice to connect.
2. Improved property served by wells and annexed by the city shall be connected to the city sewer systems within five years of the effective date of annexation; provided, however, that no connection to the sewer system shall be permitted without also connecting to the city's water system.
3. New development within the city limits shall, in all cases, connect to a city sewer line. Sewer line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City sewer is not required but may be permitted for new development within the city's extraterritorial jurisdiction. The owner of any property within the city's extraterritorial jurisdiction who requests connection to the city sewer system shall request voluntary annexation into the City of Brevard. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the county health officer.
5. Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

B. *Connection to city water system required.*

1. All developed property within the city limits shall be connected therewith and the property owner shall be charged the prescribed tap fee and system development fee for all such connections.
2. Improved property served by wells and annexed by the city shall be connected to the city water system, if within 300 feet, within five years of the effective date of annexation.
3. New development within the city limits shall, in all cases, connect to a city water line. Water line improvements required for new development are the sole responsibility of the developer. The installation of improvements beyond the development boundary which are required for service to the development will be provided by the developer.
4. City water is not required but may be permitted for new development within the city's extraterritorial jurisdiction. Proposed development that will not connect to the city sewer system must contain adequate area for the installation of approved wells and must be approved in writing by the county health officer.
5. Any development served by the city water system shall install fire hydrants in accordance with city standards. Fire hydrant spacing and placement shall be determined by the public works director in consultation with the fire marshall. For any development within the city's ETJ without a fire suppression rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system, the type and the location of which is to be determined by the fire marshal. A road and easement to the water source providing permanent all-

weather access to the water source that is adequate for fire-fighting equipment shall be constructed and dedicated to the city, if applicable.

C. *Sewer and water connections and infrastructure.* Sewer and water connections and infrastructure shall occur in accordance with CHAPTER 70 of Brevard City Code and the City of Brevard *Standard Design and Specifications Manual for Public Improvements*, and any necessary conditions of the public works director.

D. *Utility easements.*

1. Sewer, water, storm water, and other utility easements shall be required within all new development (including developments within the ETJ for which no public sewer or water is proposed), and may be required within existing developments undergoing improvements at the discretion of the administrator.
2. The precise location and width of easements shall be determined by the administrator. However, unless otherwise specified, underground utilities should be located in alleys and lanes. If no alley or lane is provided, then a five-foot (minimum) utility easement shall be provided behind the sidewalk located within either the right-of-way or a public utility easement. Utility easements centered on rear or side lot lines shall be provided where deemed necessary by the approving authority and shall be at least 30 feet in width.
3. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as may be adequate for the purpose of drainage.
4. Lakes, ponds, creeks, and similar areas within a subdivision will not be accepted for maintenance by the city except as provided for in CHAPTER 6.
5. Easements shall be accurately depicted upon all plats and plans, and dedicated to the city by means of a plat of dedication in accordance with procedures established by the administrator.
6. No structure shall be placed upon any easement. Fences and other impermanent obstructions may be permitted by the administrator in consultation with the public works director.

E. *Sewer and water.* Sewer and water shall be installed by the developer and dedicated to the city prior to the approval of any final subdivision plat or development plan unless a performance guarantee is provided to the administrator in accordance with city Code, this ordinance, and procedures established by the administrator. Sewer and water infrastructure shall be installed by the developer and dedicated to the city prior to the issuance of any Certificates of Occupancy for any building within that phase or along that line, as applicable to the particular development.

F. *Underground wiring.* New lateral connections of wired utilities (e.g. power, phone, cable, internet, etc.) shall be underground beginning where leaving the ROW, an existing easement, or existing pole located outside a ROW or easement.

(Ord. No. 2014-25, § 04(Exh. D), 12-15-14; Ord. No. 2020-23 , § 1(Exh. A), 10-19-20; Ord. No. 2022-25, § 1(Exh. A), 5-16-22; Ord. No. 2023-15, § 1(Exh. A), 4-17-23)

COMMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
AND ANY OTHER OFFICIALLY ADOPTED APPLICABLE PLANS
TXT-24-006

NCGS 160D-605 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:

Building Brevard Comprehensive Land Use Plan:

Goal 8: "Plan for efficient, equitable, and resilient infrastructure and services that maintain and improve quality of life throughout the city."