STAFF REPORT
City Council, Monday, February 19, 2024

Title:	Additional Proposed Rezoning / Expansion of Downtown Development Overlay District
Speaker:	Aaron Bland, Asst Planning Director
Prepared by:	Aaron Bland, Asst Planning Director
Approved by:	Paul Ray, Planning Director, Wilson Hooper, City Manager

Background
During Council's discussion before adopting an expansion of the Downtown Development Overlay District (DDOD) at their November 6, 2023 meeting, Council expressed interest in expanding the DDOD further than Staff's proposal and instructed Staff to initiate another map amendment to do just that. This is that second map amendment that would expand the DDOD a second time.

The Planning Board discussed this at their December 12, 2023 meeting. After some discussion they made the recommendation that the DDOD be further expanded into their previous areas (shown in the attached map in yellow hatching) and the portion of Council's areas (shown in red hatching) to the west of Caldwell Street. This recommendation is outlined in blue on the attached map.

To summarize, the attached map shows the new current DDOD in green hatch, the Board's original proposed additional expansion areas in yellow hatch, Council's proposed additional expansion areas in red hatch, and the Board's new recommendation outlined in blue.

Council held a public hearing regarding this proposal on February 5, 2024.

Discussion
One project that is now underway that had not yet been initiated when the first DDOD expansion went before the Board is the rewrite of Chapter 5 of the UDO, which includes all the City's architectural standards. Part of the scope of this rewrite will include adding specific architectural requirements and standards to the DDOD to act as a form-based code for the downtown area.Staff believes expanding the DDOD too far beyond the downtown city center could be problematic when adding these standards and recommends careful consideration of further expansion to the DDOD until these new standards are in place.

One question raised by Council at the public hearing was the number of structures in the proposed expansion area that are already compliant with the build-to line requirement of the DDOD. Of the 27 buildings that face Caldwell, Broad, or Morgan Streets in the red or yellow areas on the attached map, approximately 8 of them meet the current build-to line of 12 feet. However, several of those that do not meet are within 15-20 feet.

The Transylvania County Board of Commissioners discussed the potential for the DDOD to be applied to the County-owned parcels between South Broad Street and Gaston Street, and have submitted the attached letter stating their comments for Council's consideration.

Policy Analysis
The 2030 Building Brevard plan Land Use & Housing recommendation LUH-7 recommends enacting build-to lines in areas outside of the current (former) DDOD.

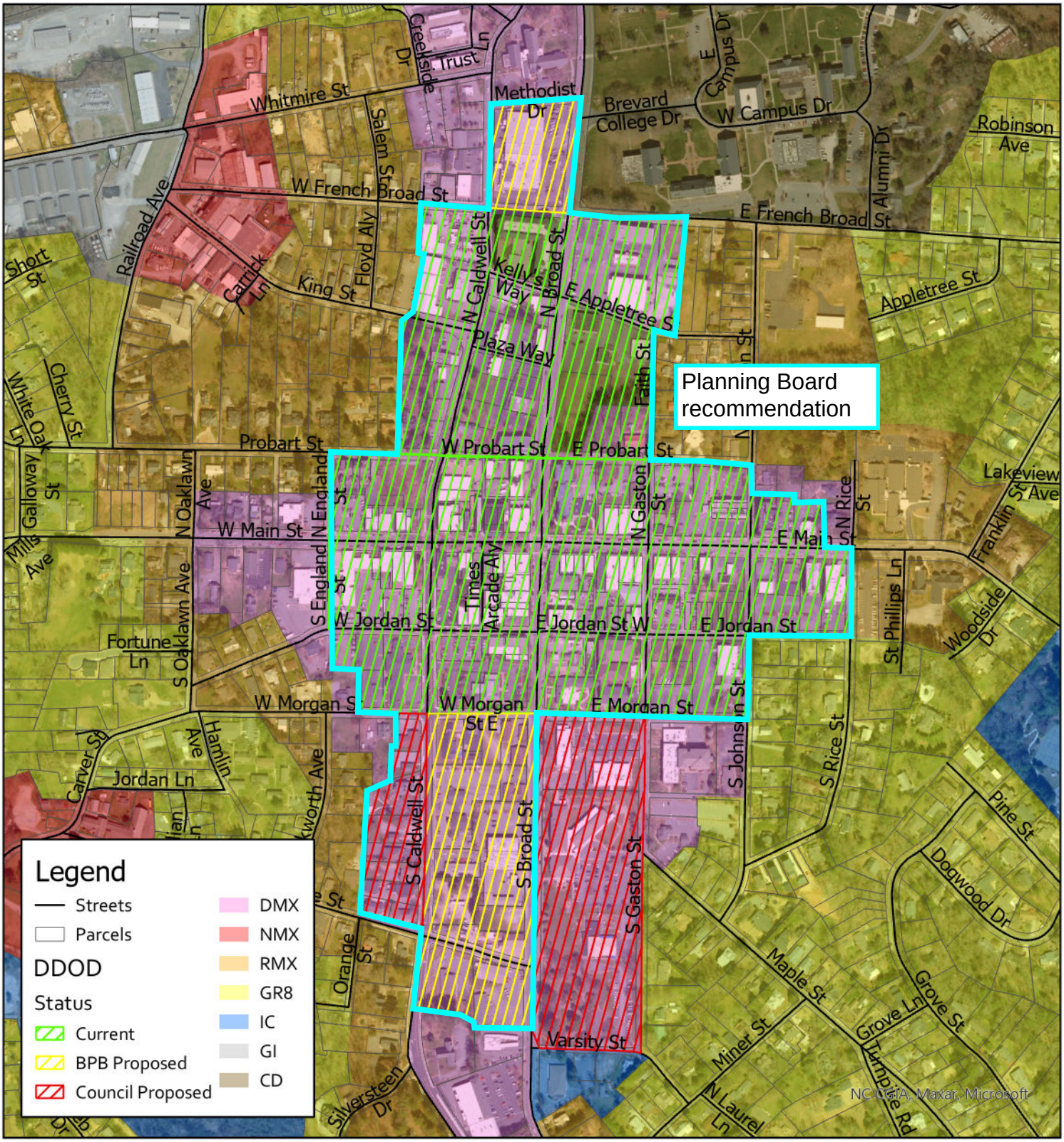
In accordance with NCGS 160D-604 and 160D-605, the Planning Board forwards the attached statement of consistency and reasonableness.

Action
Council's options when considering a zoning map amendment are as follows:

1. Grant the zoning map amendment as requested;
2. Grant the zoning map amendment with a reduction in the area requested;
3. Grant the zoning map amendment to a more restrictive general zoning district;
4. Grant the zoning map amendment with a combination of 2 and 3 above;
5. Deny the application;
6. Send the application back to the Planning Board for further study and consideration; or
7. Call for additional legislative hearings on petitions brought before them.

Attachments:
1. Map
2. County BOC Letter
3. Consistency Statement
4. Enacting Ordinance

REZ-23-005 - Downtown Development Overlay District Second Expansion Proposal



N

Feet

0 250 500

1 inch = 500 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.

BOARD OF COMMISSIONERS
Jason Chappell, Chair
Jake Dalton, Vice-Chairman
Emmett Casciato
Larry Chapman
Teresa McCall

TRANSYLVANIA COUNTY
NORTH CAROLINA

COUNTY MANAGER
Jaime Laughter
828-884-3100
Fax 828-884-3119

101 South Broad Street
Brevard, NC 28712

February 13, 2024

City of Brevard
95 West Main Street
Brevard, NC 28712

To Whom It May Concern:

On February 12, 2024, the Transylvania County Board of Commissioners reviewed the City of Brevard's rezoning proposal #REZ-23-005. The Board of Commissioners owns property that has been considered in one of the options shown on the map provided by the City of Brevard Planning Department as part of the rezoning notification. The property is bound by E Morgan Street, S Gaston Street, Varsity Street and S Broad Street. After consideration of the proposal, Commissioners would like to object to any proposal that would include additional county-owned property being included in the City's Downtown Development Overlay District at this time.

The Commissioners are concerned with how the maximum setback requirements may impact expansion of the County's government campus in downtown Brevard in the future. Space is already limited, and further restrictions may inhibit the County's ability to expand thus impacting the services we are able to provide to the citizens. There is not currently a Master Plan of the County Government Campus so it is difficult to gauge the exact degree of impact.

The Library Foundation Board is already fundraising for an expansion of the Library's Amphitheatre which could be impacted by the new zoning requirements depending on the application of the rule as an example. In the context of a changing and rapidly growing county, being able to accommodate the associated new demands and requirements is critical for local government facilities.

The Board of Commissioners requests the Brevard City Council consider their wishes and not include additional county-owned property into the City's Downtown Development Overlay District at this time.

Sincerely,

Jaime Laughter, AICP, ICMA-CM
Transylvania County Manager

Cc: Board of Commissioners
File

STATEMENT OF CONSISTENCY AND REASONABLENESS WITH ADOPTED PLANS AND POLICIES OF THE CITY OF BREVARD
REZ-23-005

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 – 7*:* Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.

- Areas in the greater City Center area (areas outside of the current DDOD) should also have defined maximum allowable setbacks and/or build-to lines.

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 interested and **reasonable** due to the following factors:

- The expansion of the Downtown Development Overlay District will help to ensure that as downtown is redeveloped and expands the design of the built environment will maintain a pedestrian-oriented character.
- The Plan is consistent with the above element of the Comprehensive Land Use Plan.

ORDINANCE NO. 2024-____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BREVARD TO EXPAND THE DOWNTOWN DEVELOPMENT OVERLAY DISTRICT

WHEREAS, the Downtown Development Overlay District was created on February 17, 2020 by Ordinance 2020-04 and expanded on November 6, 2023 by Ordinance 2023-55; and,

WHEREAS, the City of Brevard Planning Board considered this proposed map amendment on December 12, 2023; and,

WHEREAS, a public hearing was conducted February 5, 2024, in consideration of this proposed map amendment; and,

WHEREAS, in accordance with North Carolina General Statute 160D-605, Brevard City Council finds the following:

1) The proposed zoning map amendment is **consistent** with the following elements of the City's adopted plans and policies:

   Building Brevard 2030 Recommendations

   Recommendation Land Use & Housing – 7: Consider the development of a form-based code for Downtown that supports a human-scaled, pedestrian-friendly environment.

2) The proposed zoning map amendment is in the public interest and reasonable due to the following factors:

   - The expansion of the Downtown Development Overlay District will help to ensure that as downtown is redeveloped and expands the design of the built environment will maintain a pedestrian-oriented character.
   - The Plan is consistent with the above element of the Comprehensive Land

   and,

WHEREAS, the City of Brevard, after hearing all persons wishing to comment on this request, desires to approve said proposal.

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

Section 1. The Official Zoning Map of the City of Brevard is hereby amended as depicted herein on Exhibit A which is attached hereto and incorporated by reference.

Section 2. The Planning Director is hereby authorized and directed to modify the City's Official Zoning Map and the Future Land Use Map consistent with this Ordinance.

Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of February 2024.

_____

Maureen Copelof,
Mayor

ATTEST:

_____
Denise Hodsdon, CMC
City Clerk

APPROVED AS TO FORM:

_____
Mack McKeller
City Attorney