MINUTES
BREVARD PLANNING BOARD REGULAR MEETING
May 27th, 2025
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, May 27th, 2025, at 5:30 PM, in the Council Chambers at City Hall.

Members Present: Greg Hunter, Chair
Reid Wood, Vice Chair
Karen Darity
Molly Jenkins
Alan Mercaldo
James Carli

Members Absent: Peter Chaveas

Staff Present: Madalin Baker, Board Clerk
Paul Ray, Planning Director
Aaron Bland, Assistant Planning Director

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 from the Board was present.

IV. Approval of Agenda

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

V. Approval of Minutes

Motion to approve April 22nd, 2025, minutes by A. Mercaldo, seconded by R. Wood, unanimously carried.

VI. Public Comments

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Four members of the public signed up to speak in the meeting. Each made separate comments regarding the proposed Burl Haven development, a by-right development under review by Planning staff.

Jessie Draper, resident of Caden Lane, spoke about the proposed Burl Haven development, expressing his opposition to the project. He mentioned the development is not in line with the goals of the 2030 Comprehensive Land Use Plan (CLUP). He mentioned frequently seeing wildlife in the area.

Ron Young, also a resident of Caden Lane, spoke saying he was concerned that the proposed development is incongruent with the steep slope portion of the UDO. He also stated the developer is planning on "clear-cutting and bulldozing flat" the land in the proposed development, calling it a "travesty."

Laura Rain Tree, a Caden Lane resident, spoke next. She expressed concern with the amount of traffic the proposed new development would bring to the neighborhood. She expressed frustration with the possibility that she would be sharing her back property line with 10 residential units. She stated a need for a "cultural shift" within the City planning department.

Dale Nash expressed concern over loss of nature and habitat with the proposed development.

VII. New Business

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

Aaron Bland, Assistant Planning Director, gave a brief staff report, a portion of which follows:

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.

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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". 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.

Following the Staff report, the Board discussed. J. Carli expressed his support and intention to vote to approve the rezoning as is. A. Mercaldo noted his previous concern regarding extending the rezoning to some residential manufactured home properties around Deavor Road. G. hunter asked about the possibility of split zoning for those parcels, which A. Bland shared Council was presented with the option to split zone or not, and opted for the rezoning without any split zoned parcels in their previous decisions. G. Hunter asked for clarity on why split zoning is discouraged, and A. Bland said it can create confusion for the property owner throughout the permitting process. A. Mercaldo requested clarity on what the parcels in the proposed map area are currently zoned, and A. Bland pulled up the current zoning map. J. Carli reminded the Board of the intentions of a land use plan generally, acting as goal setting for development 20 and 30 years down the line, not for immediate daily impact—he noted residential residents in the proposed map area would likely not be affected.

J. Carli moved to accept the rezoning as proposed, with reference to the consistency statement: 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.

M. Jenkins seconded the motion. G. Hunter and A. Mercaldo voted no. M. Jenkins, R. Wood, K. Darity, and J. Carli voted yes. The motion passed.

VIII. Remarks

G. Hunter asked staff for insight into the development discussed in Public Comment. Paul Ray, Planning Director, clarified the development is a by-right project and will not be brought to the Planning Board to review. He said the permitting will move forward as the

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development is in accordance with the UDO. Nothing has been permitted yet. He clarified that the CLUP and FLUM are not Codified Ordinances but merely tools to use for future planning. He also reminded the Board of recent changes in State law prohibiting downzoning. M. Jenkins asked about steep slope concerns, which P. Ray shared the proposed land to be developed is under the 25% parcel slope average, and therefore within the UDO's guidelines.

G. Hunter then addressed the public, saying their concerns are not in the purview of the Planning Board's duties. He encouraged the folks in attendance to be in touch with Planning staff, and press City Council members to further amend the UDO in accordance with CLUP goals. G. Hunter thanked attendees for attending and sharing their thoughts.

J. Carli noted the Planning Board and City Council have been making amendments consistent with the CLUP over time, but that such discussions must be very technical and specific, typically not very high-profile items. He expressed the impact of the State legislature's limiting on local municipalities' power to downzone, recommending the concerned residents contact their State representatives with their concerns as well.

G. Hunter asked the Board for any further remarks. J. Carli thanked the Board and Staff for allowing him to serve on the Planning Board for many years. He announced he would be resigning from his seat following the conclusion of the meeting. He expressed his enjoyment during his time serving on the committee. Board members shared their thanks and support.

K. Darity asked about the intersection of Railroad Ave. and Probart, mentioning limited space and visibility and a piece of rebar sticking out of the side of the road posing a potential threat to drivers. P. Ray shared that engineers are currently developing plans to reconstruct the intersection.

IX. Adjournment

There being no further business, G. Hunter made a motion to adjourn seconded by J. Carli, the motion carried unanimously, and the meeting adjourned at 6:10 PM.

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Greg Hunter, Chair

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Madalin Baker, Board Clerk

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