MINUTES
BREVARD PLANNING BOARD
May 26th, 2026
COUNCIL CHAMBERS CITY HALL

The Brevard Planning Board met for a regular meeting Tuesday, May 26th, 2026, at 5:30 PM in the Council Chambers at City Hall.

Members' Present:	Greg Hunter, Chair Karen Darity Reid Wood Jerry Yunker Alan Mercaldo
Members' Absent:	Michael Hinds Peter Chaveas
Staff Present:	Emily Brewer, Senior Planner Aaron Bland, Assistant Planning Director Vith Gass, Board Clerk

I. Welcome

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

II. Introduction of Planning Board Members

The Board introduced themselves.

III. Certification of Quorum

G. Hunter 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. M. Hinds seconded, unanimously carried.

V. Approval of Minutes

J. Yunker motioned to approve the April minutes. G. Hunter, second, passed unanimously.

VI. Public Comments

None.

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VII. Unfinished Business

None.

VIII. New Business

a. TXT-26-0001 Sight Triangle

Introduction of a staff-initiated text amendment by Planning Director A. Bland to eliminate conflicting sight distance regulations between the UDO (variable 20'/30' triangles) and the Code of Ordinances (10’ x 70’ triangle). The amendment corrects poorly scaled UDO graphics and completely replaces Section 9.5 to provide a single, streamlined standard.

A. Bland presented her staff report, a portion of which follows:

> **Background:** This is a staff-initiated text amendment to both the Unified Development Ordinance (UDO) and the Code of Ordinances to clarify and unify the requirements for what are known as "sight triangles." A sight triangle is defined as "The area that establishes a clear line of sight for a waiting vehicle to see oncoming traffic and make turning movements into or out of a street or driveway connection safely or for traffic to see entering or waiting vehicles."
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> Currently, the UDO and Code language about sight triangles do not match, creating confusion for both property owners and City staff. Additionally, the graphics are inconsistent and not to scale, creating further confusion. These amendments look to clear up these issues and create more nuanced sight triangle requirements that are a better fit for Brevard.
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> **Discussion:** Regulating sight triangles keeps intersections and driveways safe by ensuring road users can see each other. Clear sightlines allow drivers to judge gaps and avoid conflicts, reducing crash risks. Without consistent standards, landscaping, fences, or parked cars can block visibility and cause collisions. Maintaining these zones provides a predictable, enforceable standard that protects the public and ensures safe access.
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> A key aspect of this amendment is differentiating between two types of sight triangles: one for street intersections and another for driveways. These two areas are regulated differently because they function distinctively regarding traffic conflicts and driver decision-making.
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> Driveways are minor access points where stopped drivers must judge gaps in moving traffic. Merging safely from a standstill requires longer, directional sight lines to allow

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for proper acceleration. For this reason, driveway sight triangles are long, narrow, and must be maintained by the adjacent property owner. Staff research shows that standard driveway triangles in North Carolina are asymmetrical, typically measuring 10 to 15 feet down the driveway and 50 to 70 feet along the main road.

Two street intersections are shared public spaces where traffic is predictable and controlled by signs, signals, or design elements that lower speeds. Because approaching drivers expect cross traffic and slow down, visibility needs are balanced across both streets. This allows for smaller, symmetrical sight triangles. Staff research shows that municipalities across North Carolina typically use symmetrical intersection triangles ranging from 20'x20' to 35'x35'.

Proposed Amendments: Staff proposes modifying the driveway sight triangle from 10'x70' to 15'x50' for connections to public streets. This change ensures exiting drivers have sufficient distance to view oncoming traffic. It also allows motorists on the main road to see the full profile of an approaching vehicle before it enters the roadway.

Staff propose a baseline 25'x25' intersection sight triangle, increasing to 35'x35' on roads with speed limits of 40 MPH or higher. This shifts our framework from right-of-way width to a speed-based standard. Speed directly dictates the time and distance a driver needs to perceive a hazard, react, and stop safely. Basing regulations on posted speeds better reflects actual driving conditions, expected travel velocities, and real-world road risks rather than just physical geometry.

All sight triangles must maintain a clear visibility zone between 2.5 and 10 feet above the adjacent road grade. This standard allows for low-lying landscaping or open fencing that preserves through visibility. Essential public infrastructure—such as fire hydrants, streetlights, and traffic control devices—is explicitly exempted from this requirement.

While NCDOT retains approval authority for driveway sight distances along state roadways, a new provision grants staff the power to require larger sight triangles based on risk. This extra distance applies to streets with high traffic volumes, documented crash histories, or when recommended by a traffic engineer. Finally, updated graphics will be introduced across both documents to ensure visual consistency with the rest of the UDO.

Following the delivery of the staff report, A. Bland concluded his presentation and opened the floor to answer any questions from the Board.

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J. Yunker asked if existing national or state standards, such as NHTSA guidelines, could be adopted directly. A. Bland explained that while DOT sight distance standards exist, their footprints span hundreds of feet and are too massive for practical municipal or neighborhood enforcement.

A. Mercaldo clarified if sight triangles are measured from the outer right-of-way boundary rather than the road centerline. A. Bland confirmed that measuring from the right-of-way line is standard municipal practice. A. Mercaldo suggested that a centerline approach might reduce public ambiguity regarding property lines. However, A. Bland and E. Brewer noted that right-of-way lines are legally fixed boundaries already consistently used by the town to calculate setbacks and administer other zoning rules.

A. Mercaldo asked if sight triangle dimensions should vary based on the type of traffic control, such as stop signs, traffic signals, or yield signs. A. Bland responded that benchmarking showed other municipalities do not make this distinction. He explained that signaled intersections generally have wider rights-of-way that naturally provide adequate visibility. Consequently, visibility obstructions are a more critical issue on smaller streets with stop signs, especially given the town's dense vegetation and irregular intersection angles.

A. Mercaldo used the intersection of U.S. Route 276 and Park Road to illustrate a local, sharp-angled intersection with restricted right-hand visibility. He asked how the new rules apply to such locations and if passing the amendment would trigger mass retroactive enforcement notices ordering residents to clear mature trees. A. Bland clarified that the UDO is a proactive tool governing new construction, development, and redevelopment. Existing visibility hazards on established properties will not face proactive municipal sweeps; instead, they will continue to be handled retroactively via the town's standard, complaint-based nuisance code.

G. Hunter asked how the new rules affect Brevard's historic stone walls at intersections, corner lots, and driveways that may encroach into sight triangles. Town Manager E. Brewer noted that staff must evaluate the vertical clearance of such structures to determine their visibility impact. Planning Director A. Bland clarified that the amendment only applies to new development, redevelopment, driveway expansion, or newly modified landscaping and signage. Existing historic features will be grandfathered and remain unaffected unless a specific structure causes a severe traffic safety hazard.

R. Wood inquired whether the vertical clearance and landscaping requirements apply to private driveways, noting that new landscaping could create temporary compliance issues.

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They pointed out that as new trees grow, their limbs or diameter might temporarily obstruct clearance before the trees reach full height. A. Bland clarified that the nuisance section explicitly covers street intersections, driveways, and sharp horizontal curves. Consequently, the city will enforce clear sightlines anywhere road curvature necessitates them, even outside standard intersections.

A. Bland noted that enforcing these regulations requires a balancing act, as it may result in residents having to remove favored landscaping from their private property. They emphasized that this section of the code is strictly complaint-based. G. Hunter agreed, adding that enforcement is primarily driven by specific traffic safety concerns or incidents rather than proactive monitoring.

G. Hunter raised a technical question regarding properties with challenging topography, inquiring if a new development would be forced to grade down a steep bank to meet sightline requirements. A. Bland clarified that the staff's preference is to mitigate visibility issues by adjusting the driveway's location rather than requiring site grading. E. Brewer concurred, noting that if site constraints prevent relocation, the developer could seek relief through a Board of Adjustment variance, as unique topography constitutes a legitimate regulatory hardship.

A. Bland demonstrated that low-lying landscaping features like short bends, small shrubs, and rocks are permissible within a 25-by-25-foot sight triangle, using a photo taken from a 25-foot setback. The demonstration served as a visual example of the proposed 25-by-25-foot standard, noting the current requirement is a 20-by-20-foot area.

E. Brewer explained that field assessments showed sight triangles must fit a full vehicle length so drivers can spot decelerating traffic well in advance. A. Bland emphasized that at intersections with uncontrolled cross-traffic, clear, bidirectional sightlines are vital for both approaching and stopping motorists to anticipate one another.

G. Hunter made a motion to approve the sight triangle cleanup as presented, referencing the consistency statement on page 28. The motion was seconded by K. Darity and passed unanimously.

b. TXT-26-0005 Stormwater Revisions

E. Brewer delivered the staff report. An excerpt of the presentation follows:

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Background Brevard is located within the French Broad River Basin, near the river's headwaters, and experiences some of the highest rainfall totals in North Carolina due to its position along the eastern escarpment of the Blue Ridge Mountains. Effective stormwater management is essential for mitigating the environmental impacts of development. As land is cleared and replaced with roads, rooftops, and other impervious surfaces, the natural ability of soil and vegetation to absorb rainfall is lost. This leads to increased runoff volumes and higher flow speeds, which can quickly overwhelm drainage systems, damage properties, cause infrastructure failures, erode streambanks, deteriorate water quality, and reduce groundwater storage. Without proper stormwater controls, debris, sediment, trash, and other pollutants are washed into neighboring properties and nearby waterways. By requiring thoughtful stormwater design, communities can reduce peak flows, slow down runoff, and preserve more natural hydrologic functions even as development expands.

Discussion: Section 6.6 of the City of Brevard Unified Development Ordinance manages stormwater to mitigate flood risks, limit impervious surface expansion, and filter pollutants. While targeting major residential and non-residential projects, the policy currently exempts small developments, agriculture, and the Heart of Brevard MSD, with planned amendments aimed at refining these exemptions to enhance environmental outcomes. Read the full policy text at City of Brevard Unified Development Ordinance.

Proposed Amendments: The proposed amendments transition stormwater regulations from a unit-count trigger to an area-based standard measured by built-upon area and land disturbance. This approach reflects actual hydrologic impact, ensuring that regulatory oversight is proportional to the runoff a project generates. For instance, a single-family home with substantial impervious coverage can produce more runoff than a compact multifamily structure. Furthermore, the updated standards remove exemptions for steep slope developments, requiring stormwater controls for all hillside projects regardless of scale to mitigate increased runoff velocity, erosion, and landslide risks characteristic of Brevard's topography.

The amendments also include general design standards to encourage stormwater volume reduction prior to detention measures, including minimizing *built-upon area by clustering buildings, reducing road widths and parking areas, and using permeable materials and releasing stormwater runoff as sheet flow through vegetated areas. The stormwater treatment requirements remain the same with two notable exceptions:*

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- The existing ordinance includes a requirement to remove 85% of the total suspended solids (TSS) from the first inch of any rain event. This requirement is outdated and cannot be accomplished with all of the stormwater control measures. Instead, the amendment requires that the first inch of a rain event is to be treated in accordance with the North Carolina Minimum Design Criteria.
- The new ordinance regulations include an incentive for projects to use low-impact development (LID) techniques. LID are stormwater control measures that are designed to mimic natural hydrology (e.g., stormwater wetlands, bioretention cells, infiltration systems, permeable pavement, green roofs, Silva cells). Instead of designing for the two- and ten-year storm event, they will be allowed to control for the five-year storm. City staff were advised that designing LID at the size necessary for the 10-year storm is not feasible and recommended this size. Staff believe that this will encourage developers to utilize LID techniques instead. Volume estimates are included below.

Point Precipitation Frequency Estimates at 95 W Main Street (inches)

	2-Year	*5-Year*	*10-Year*
24-hour Event	*4.64*	*5.70*	*6.54*

The amendments also include clarification of the maintenance requirements and ongoing monitoring requirements, including inspection report documentation and recorded maintenance agreements.

Following the staff report, E. Brewer directed the board to the consistency statement in their packet, reminding them of their duty to provide a recommendation to the City Council. Acknowledging the complexity of the materials, Brewer invited questions from the board members.

G. Hunter asked if the North Carolina Minimum Design Criteria (MDC) is applied uniformly statewide. E. Brewer confirmed that the highly technical standards are set by the NCDEQ, adding that the NCDEQ Stormwater Design Manual serves as an illustrative, thoroughly vetted companion guide to the state regulations.

A. Mercaldo asked if landscaping a one-acre parcel qualifies as a redevelopment project. E. Brewer clarified that redevelopment focuses on altering or expanding existing buildings,

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noting that while landscaping alone is excluded, installing or modifying driveways does qualify as a redevelopment activity.

E. Brewer clarified that both new development and redevelopment will be regulated based on total land disturbance and new built-upon area, noting that land disturbance fundamentally alters site hydrology. She explained that the 20,000-square-foot threshold captures high-impact residential projects that currently escape regulation under the unit-count standard. Additionally, she justified removing the blanket exemption for the Heart of Brevard MSD; downtown projects exceeding 20,000 square feet must now include stormwater controls, closing a loophole that previously exempted high-impact developments like the local townhomes and the City Camper project.

R. Wood asked what triggers the fee-in-lieu option. E. Brewer clarified that it is strictly an absolute last resort for sites where compliance is physically impossible. Unlike the legacy ordinance, any request will undergo a rigorous multi-agency review by the Technical Review Committee and the Board of Adjustment, ensuring it is not treated as an automatic choice for developers.

J. Yunker questioned the connection between total suspended solids (TSS) removal and runoff volumes under Section 3(A), expressing concern that matching two-year and ten-year pre- and post-development peak runoff rates would burden developers with installing on-site rainfall and flow gauges. E. Brewer clarified that these metrics are industry-standard data points universally utilized by stormwater engineers to calculate hydrological impacts, rather than requiring developers to conduct independent empirical field measurements.

J. Yunker inquired about the Low Impact Development (LID) credit outlined in Section D(4). E. Brewer explained that the credit incentives Low Impact Development (LID) by replacing the 10-year storm design standard with a more feasible 5-year standard for approved systems. E. Brewer noted that systems must meet strict NCDEQ Stormwater Design Manual specifications—such as bioretention, stormwater wetlands, permeable pavement, green roofs, Silva Cells, and Filters systems—to close a gap that historically discouraged LID submissions.

J. Yunker noted that residential developments disturbing over an acre require professional engineering plans, introducing compliance costs, while E. Brewer explained that this area-based trigger closes loopholes, allowing developers to evade stormwater regulations by lowering unit counts. Brewer affirmed the ordinance places the financial burden of constructing and maintaining infrastructure on the party creating the environmental impact.

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G. Hunter asked for clarification on whether commercial plant nurseries would qualify under the proposed agricultural exemption. A. Bland clarified that the exemption applies strictly to bona fide agricultural production, noting that multi-use properties—such as a farm operating a bed-and-breakfast—must still comply with stormwater regulations for their non-agricultural components.

G. Hunter specified that agriculture should be defined as producing an agricultural product, rather than operating a retail facility. To ensure clarity for applicants, G. Hunter requested that the ordinance definitions section explicitly include a definition for agricultural purposes or directly reference the governing North Carolina General Statute. E. Brewer agreed to insert the appropriate state-statute reference into the definitions section.

J. Yunker noted that Section 5(B) permits off-site stormwater control measures but requires the arrangement to be memorialized on the deeds of all affected properties. E. Brewer explained that this addresses a major weakness in the current ordinance regarding long-term maintenance accountability. Brewer stated that recording a discoverable Operations and Maintenance (O&M) agreement with the Register of Deeds ensures the obligations legally bind all future property owners and successors.

E. Brewer noted the city can mandate a stormwater inspection report if a violation is suspected or if redevelopment is proposed. Citing the Brevard College dining hall project as an example, Brewer explained that developers linking new projects to existing systems must prove those systems function properly and have adequate capacity. This authority allows the city to evaluate site infrastructure, mandate repairs, and mitigate new impervious footprints, with the governing rules integrated into the broader UDO enforcement chapter.

A. Mercaldo asked if a property owner paving an existing 300-by-15-foot gravel driveway on a multi-acre parcel would trigger stormwater requirements under the current ordinance. E. Brewer clarified that the existing code's one-acre land disturbance threshold applies strictly to non-residential projects, exempting single-family residential properties.

R. Wood asked how residential property owners would learn of their obligations. E. Brewer, noted requirements are identified during the mandatory driveway permit process, with unpermitted work addressed via educational notices rather than punitive action. Brewer added that integrating Low Impact Development (LID) provisions is vital for these smaller sites, offering manageable compliance alternatives that avoid the need for unfeasible, large-scale detention basins.

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G. Hunter inquired whether alternative driveway materials—specifically structural plastic "Geocells" filled with gravel—would be classified as an impervious surface under the new guidelines.

E. Brewer clarified that alternative grid materials qualify as pervious if they satisfy the state manual's strict depth, gravel size, and grid dimension requirements. Brewer added that the ordinance's specific definitions for impervious surfaces—including slatted decks and pools—align exactly with North Carolina statutory definitions.

J. Yunker requested clarification regarding the "Reserved" notation for Sections 17-13 at the end of the text. E. Brewer explained that the existing section regarding stormwater management system concept plans is being deleted to consolidate all stormwater regulations into a single, centralized location. Brewer clarified that designating the section as "Reserved" is a standard housekeeping measure that preserves those code numbers for future codification needs.

E. Brewer noted that amending the ordinance has been a long-term staff priority to close a loophole where developers artificially reduced unit counts to avoid stormwater rules. Brewer explained that the old standard created a regulatory inequity, subjecting compact affordable housing—like the Habitat for Humanity project on Curly Lane—to strict mandates while exempting massive single-family estates with identical footprints. Transitioning to an area-based standard ensures an equitable, easier-to-administer system.

E. Brewer emphasized that the amendment is a multi-year effort vetted through double-digit sessions with engineering consultants. A. Bland noted staff met with the primary consultant at least eight times. To validate the text, staff also engaged an independent, third-party engineer familiar with the city's code. Brewer concluded that the draft thoroughly balances conflicting feedback, modernizing outdated rules for developers while addressing community concerns over Brevard's high annual rainfall and localized flooding.

A. Mercaldo offered a differing perspective on equity, noting that while the change impacts developers of larger complexes, it also subjects residential homeowners with large properties to new regulatory requirements. He argued that placing these new compliance burdens on individual residential property owners represents a different definition of an equitable framework.

G. Hunter asked the board how they wished to proceed with the proposal, inquiring if members needed additional time to review the materials or if there were further questions. R. Wood added that the board could also consider making formal recommendations or proposing specific alterations to the text at that time.

A. Mercaldo opposed extending the ordinance to single-family homes, arguing it exceeds the traditional scope of stormwater rules. Citing professional experience near the French Broad River, he noted that while homeowners naturally manage runoff, forcing individual residents to file formal compliance plans constitutes a regulatory overreach, despite the staff's clear intent.

E. Brewer explained that the 20,000-square-foot threshold was vetted against local commercial projects, capturing large footprints like the Pisgah Health Foundation building while excluding projects with no new impervious area, such as Hendersonville Pediatrics. She noted the threshold aligns with regional standards, especially compared to stricter 5,000-square-foot limits in towns like Black Mountain. A. Bland added that it would be highly unusual for a residential project to trigger this standard, giving the extreme example of an unpaved driveway a quarter mile long choosing to pave.

G. Hunter inquired about the Fair Haven Meadows project, asking if its scale would place it close to the proposed 20,000-square-foot threshold.

G. Hunter noted that a project like Fair Haven Meadows serves as a strong example of how a developer could utilize permeable paving instead of traditional asphalt to qualify for the five-year storm event credit. E. Brewer agreed, clarifying that any applicant can implement porous materials as an effective strategy to lower their overall calculated built-upon area, describing it as an excellent on-site design solution. G. Hunter concurred.

R. Wood made a motion to approve the new stormwater amendment as written, in reference to the consistency statement, with the addition of the agricultural definition reference. G. Hunter seconded the motion. The motion passed in a 3-to-2 vote, with A. Mercaldo and J. Yunker voting in opposition.

c. <u>REZ-26-0003 – Hendersonville Hwy, Pisgah Forest</u>

Presenting the staff report, A. Bland clarified that this is not a typical PGX rezoning. The parcels were originally split-zoned due to an existing house on the rear-left of the property. Although the applicant initially accepted partial corridor mixed-use zoning, recent lot line adjustments have isolated the house onto its own parcel. The remaining land has been consolidated into a single large lot. The applicant now requests a uniform PGX designation for the entire consolidated tract, which fully aligns with the specific recommendations of the land use plan.

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Background: In November of 2025 the Board discussed and recommended favorably the rezoning of multiple parcels to the new Pisgah Gateway Mixed-Use zoning district (PGX). City Council enacted the rezoning on January 5, 2026. The Board and Council both indicated a desire for Staff to continue soliciting property owners to voluntarily rezone to PGX. Since that time, Staff have continued to reach out to property owners in the area.

Discussion: The applicant, Jason Shepherd of Looking Glass Realty on behalf of property owner Patricia Wrinkle, has applied to rezone the remainder of a newly recombined parcel to the PGX district. Approximately half of the parcel was rezoned to PGX previously under previous ownership. Since then, the new owners have moved property lines to create one larger undeveloped parcel and one small parcel with the existing house. The request is to rezone the entirety of the larger parcel to PGX, eliminating the previously enacted split zoning.

Policy Analysis*:* Due to the limitations on city-initiated downzoning's found in Session Law 2024-57, the City can only move forward with applying the PGX district with explicit consent from property owners. The PGX district is supported by LUH-10 of the Building Brevard 2030 Comprehensive Land Use Plan. This rezoning is also consistent with the Future Land Use Map as these parcels are within the Pisgah Gateway character area.

Following the presentation of the staff report, A. Bland clarified that the requested Pisgah Gateway Mixed Use (PGX) classification complies with the city's 2030 Comprehensive Land Use Plan and Future Land Use Map, noting that the subject properties are situated entirely within the designated Pisgah Gateway Character Area. He also added that the planning department intends to continue identifying and contacting local property owners who qualify for the PGx district to bring forward additional rezoning proposals in the coming months.

G. Hunter inquired whether the house across Denver Road would remain RMX. A. Bland responded in the affirmative, explaining that Denver Road serves as the ETJ boundary. He noted that despite a minor, irregular unzone parcel configuration across the street, the house will maintain its RMX designation.

A. Mercaldo asked what criteria the city uses to review property line adjustments and lot combinations. A. Bland responded that these requests are evaluated under local subdivision standards. He clarified that the review ensures basic regulatory compliance, verifying that new lot lines do not breach setbacks or frontage requirements.

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J. Yunker asked if the site would need to be raised for future commercial development, noting that the plat shows much of the large parcel below the base flood elevation. A. Bland responded that the developer must meet all floodplain ordinance requirements. E. Brewer clarified that the bulk of the site has already been filled to two feet above the base flood elevation. A. Bland pointed out that the current flood line follows the retaining wall, cutting across the front ditch and the rear of the property. E. Brewer added that the map amendment process is entirely managed by FEMA, and the city just receives the final documentation.

K. Darity asked how this change benefits the one-story residence. A. Bland explained that because the applicant owns both tracts, separating them allows the home to remain a legal, conforming use. Meanwhile, the owner wants the remaining large parcel zoned entirely PGX for simplicity and commercial use, leveraging its access to Highway 64 and Denver Road. E. Brewer added that the subdivision is already complete, leaving only the rezoning for the board's consideration.

A. Mercaldo noted that the rezoning moves these parcels in the exact direction the board has long desired. E. Brewer agreed, stating she is excited to see a brand-new development in the Pisgah Gateway Mixed-Use district and Pisgah character area. She added that this project will serve as an excellent opportunity to apply the town's architectural standards.

R. Wood made a motion to approve the rezoning request. J. Yunker seconded the motion, and it carried unanimously.

IX. Final Remarks

None.

X. Adjournment

The meeting concluded following a motion to adjourn from G. Hunter, which was seconded by R. Wood. The board voted unanimously to end the session, and the meeting officially adjourned at 6:43 PM.

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Greg Hunter, Chair

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Edievith Gass, Board Clerk

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