

ORDINANCE NO. 2021-07

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD TO REZONE PROPERTIES IN
THE VICINITY OF 523 SOUTH BROAD STREET**

WHEREAS, the City of Brevard has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare;

WHEREAS, in response to an application for rezoning filed by LLR Holdings, LLC, for the property described as PIN 8585-48-3488-000 to be rezoned from Residential Mixed Use (RMX) and General Residential (GR8)(a split zoned parcel), to Downtown Mixed Use (DMX), the City of Brevard Planning Board considered that application (REZ-20-0030) on January 26, 2021, and unanimously recommended approval;

WHEREAS, a public hearing was opened on February 15, 2021, and was held open for three days following, in consideration of the rezoning request of property owner LLR Holdings, LLC, to rezone the applicant's property (located at 523 South Broad Street) in combination with the rezoning request of Planning Department Staff to rezone an additional 63 parcels located in the vicinity of 523 South Broad Street;

WHEREAS, contiguous property owners to the east of the applicant's property expressed concern about and objected to the rezoning of the applicant's property (but not the other 63 parcels) for a number of reasons, including:

- It would leave no meaningful separation between the Downtown Mixed Use (DMX) and General Residential 8 (GR8) zoned properties adjoining, and would compromise the integrity of that residential area.
- It would allow for a much larger developed commercial use of the property which would compromise the ecosystem of the small creek which runs along the eastern boundary of the subject property.
- Such a larger commercial use would increase light pollution, noise and traffic, and would be detrimental to the aesthetics and safety of the area.

WHEREAS, the applicant's parcel has been split zoned, with the westernmost 200 feet zoned Residential Mixed Use (RMX) and the portion to the east zoned General Residential 8 (GR8), the same as the residential area to the east;

WHEREAS, Council finds the points made by the contiguous property owners to be true and meritorious, and finds that continuing to utilize a split zoning scheme as to the applicant's parcel in order to offer some separation and protection to that residential area to the east is reasonable and appropriate;

WHEREAS, the property of Britaela, LLC, to the immediate south of the LLR Holdings, LLC, property; and the properties within the Shepard Square Condominium complex to the immediate south of the Britaela, LLC, property, are appropriate candidates for a change of zoning to Neighborhood Mixed Use (NMX).

WHEREAS, June Baggaly, the owner of the property at the corner of Country Club Road and Hays Street (PIN 8585-47-2919-000) has asked that there be no zoning change as to it, for reason that it appears that such property will be a single family residence for the foreseeable future, and Council finds that the present GR8 zoning designation is appropriate;

WHEREAS, in accordance with North Carolina General Statute 160D-604, Brevard City Council finds that the rezoning contained within this Ordinance is consistent with the following polices and goals of the City of Brevard:

1. *2015 Comprehensive Plan*
 - a. OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.
 - i. POLICY 2.1.B: Collaborate with partner organizations and developers to financially support the City's goals for infill development and redevelopment.
 - b. OBJECTIVE 4.2: Develop a system of "complete neighborhoods" throughout Brevard.
 - i. POLICY 4.1.A: Modify zoning to increase allowable densities and the mixing of uses in appropriate areas.

2. *2002 Land Use Plan:*
 - a. The Future Land Use Map recommends use of the LLR Holdings, LLC, property with the PIN 8585-48-3488-000 to be central business district.
 - b. The Future Land Use Map Recommends the use of the properties with the PINs 8585-48-2384-000 and 8585-48-4135-000 through 8585-48-4135-460 to be high density residential;

WHEREAS, the Brevard Planning Board has determined that the application for rezoning all of these properties is consistent with the City's 2002 Land Use Plan and elements of the 2015 Comprehensive Plan; and Council finds that this Ordinance is also consistent therewith; and

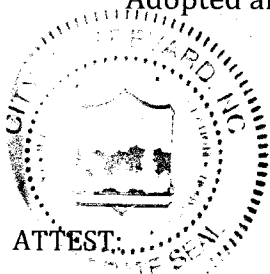
WHEREAS, Council finds that the size of the parcels and the proposed uses are reasonable and appropriate within the context of both the previous and new zoning districts and the prevalence of uses in the vicinity of the properties which are hereby rezoned.

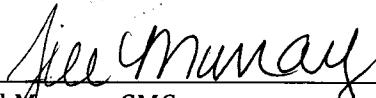
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. The Official Zoning Map of the City of Brevard is hereby amended as described in Exhibit A attached hereto.

Section 2. This Ordinance shall become effective upon its adoption and approval.

Adopted and Approved this the 22nd day of February, 2021.






Jill Murray, CMC
City Clerk



Jimmy Harris
Mayor

APPROVED AS TO FORM:



Michael K. Pratt
City Attorney

EXHIBIT A

The Official Zoning Map of the City of Brevard is hereby amended as follows:

1. The property described as PIN 8585-48-3488-000 is hereby partially (split zoned) rezoned as follows: The zoning district dividing line begins at the common corner of the southern boundary of the subject property, the property of Britaela, LLC (PIN 8585-48-2384-000) and the property of Sandra Hosey (PIN 8585-48-5378-000); and runs thence North 5 deg. East through the subject property to a point in the common line of the northern boundary of the subject property and the southern boundary of the property of Christopher Weiner (PIN 8585-48-3632-000). The portion of the subject property to the east of said line shall remain zoned General Residential 8 (GR8). The portion of the subject property to the west of said line is hereby designated as Downtown Mixed Use (DMX).

2. The property of Britaela, LLC (PIN 8585-48-2384-000) is hereby rezoned as Neighborhood Mixed Use (NMX).

3. The properties within the Shepard Square Condominium complex, which are described in the table below, are hereby rezoned as Neighborhood Mixed Use (NMX):

<i>Owner Name</i>	<i>PIN</i>	<i>Address</i>
Shepherd Square POA	8585-48-4135-000	Shepherd Square-Common Area
Larry F & Elizabeth T Canady	8585-48-4135-401	37 Shepard Square, Unit 1003
James L & Peggy Hackler	8585-48-4135-402	37 Shepard Square, Unit 1004
Taylor Neiman & Robert F Harwell	8585-48-4135-403	37 Shepard Square, Unit 101
James & Lisa Arnett	8585-48-4135-404	37 Shepard Square, Unit 102
Maizul Cobeo	8585-48-4135-405	37 Shepard Square, Unit 103
Roger P Ahwah	8585-48-4135-406	37 Shepard Square, Unit 104
Cody Ashe	8585-48-4135-407	63 Shepard Square, Unit 903
Patricia D Pierce	8585-48-4135-408	63 Shepard Square, Unit 904
Anna Brooklyn Baxley	8585-48-4135-409	63 Shepard Square, Unit 201
Maureen Bruce	8585-48-4135-410	63 Shepard Square, Unit 202
The Neiman Group Inc	8585-48-4135-411	63 Shepard Square, Unit 203
Britaela LLC	8585-48-4135-412	63 Shepard Square, Unit 203
Jamie L Atkinson & Kristin Rosato	8585-48-4135-413	71 Shepard Square, Unit 205
David G & Anna S Hewett	8585-48-4135-414	71 Shepard Square, Unit 206
Camp Loretta	8585-48-4135-415	71 Shepard Square, Unit 301
Margaret Eller	8585-48-4135-416	71 Shepard Square, Unit 302
Gene H & Liselotte E C Oyler	8585-48-4135-417	71 Shepard Square, Unit 303
Dawson & Harold Hogsed	8585-48-4135-418	71 Shepard Square, Unit 304
Kevin C & Kerry K Betts	8585-48-4135-419	71 Shepard Square, Unit 305
Angela Lynn Mascaro & Juan Carlos Mascaro Acevedo	8585-48-4135-420	71 Shepard Square, Unit 306
Mark E & Susan H Robinson	8585-48-4135-421	75 Shepard Square, Unit 401
Jeanne M Smith Trustee	8585-48-4135-422	75 Shepard Square, Unit 402
Brigitta H Bradley	8585-48-4135-423	75 Shepard Square, Unit 307
Donald H Barton	8585-48-4135-424	75 Shepard Square, Unit 308
David C & Sheila J Herminghuysen	8585-48-4135-425	75 Shepard Square, Unit 405
Morgan and Brown Inc	8585-48-4135-426	75 Shepard Square, Unit 406
Gilbert G & Tressa Garner	8585-48-4135-427	75 Shepard Square, Unit 403
Jeffrey Trufant	8585-48-4135-428	75 Shepard Square, Unit 404
Mary Lisa Patty	8585-48-4135-429	99 Shepard Square, Unit 803
Christopher & Deborah Bracken	8585-48-4135-430	99 Shepard Square, Unit 804
Rhiannon Matson	8585-48-4135-431	99 Shepard Square, Unit 501
John & Conniw A S Dorner	8585-48-4135-432	99 Shepard Square, Unit 502

Scott Petersen and Gene Oyler	8585-48-4135-433	99 Shepard Square, Unit 503
Miguel A & Holly Rouse Rodriguez	8585-48-4135-434	99 Shepard Square, Unit 504
Barbara A Meyer	8585-48-4135-435	99 Shepard Square, Unit 505
Robert & Elizabeth Cantrell	8585-48-4135-436	99 Shepard Square, Unit 506
Ronald W Rutherford	8585-48-4135-437	111 Shepard Square, Unit 703
Kyle Sivore & James Shane Worley	8585-48-4135-438	111 Shepard Square, Unit 704
Gary Whitmire	8585-48-4135-439	111 Shepard Square, Unit 601
Janet Walker	8585-48-4135-440	111 Shepard Square, Unit 602
Veronic M Ohare	8585-48-4135-441	111 Shepard Square, Unit 603
Douglas William & Lori Jean Capp	8585-48-4135-442	111 Shepard Square, Unit 604
Linda H Hawkins	8585-48-4135-443	111 Shepard Square, Unit 605
Mary Shanklin & Chris Testerman	8585-48-4135-444	111 Shepard Square, Unit 606
Claire P Cope	8585-48-4135-445	104 Shepard Square, Unit 507
William J Cathey	8585-48-4135-446	104 Shepard Square, Unit 508
Ann K Dixon	8585-48-4135-447	104 Shepard Square, Unit 701
Joan G Bush Trustee	8585-48-4135-448	104 Shepard Square, Unit 702
Lois McCall Dodson	8585-48-4135-449	90 Shepard Square, Unit 408
Janice Cantrell Adkins Trustee	8585-48-4135-450	90 Shepard Square
The Neiman Group Inc	8585-48-4135-451	90 Shepard Square, Unit 801
Laura Jane Patch	8585-48-4135-452	90 Shepard Square, Unit 802
Susan B Sasser & Nancy E Richards	8585-48-4135-453	46 Shepard Square, Unit 105
RS Rover LLC	8585-48-4135-454	46 Shepard Square, Unit 106
RS Rover LLC	8585-48-4135-455	46 Shepard Square, Unit 901
RS Rover LLC	8585-48-4135-456	46 Shepard Square, Unit 902
Reid Hilton Hayes	8585-48-4135-457	30 Shepard Square
Maple Hill Rentals LLC	8585-48-4135-458	30 Shepard Square
Maple Hill Rentals LLC	8585-48-4135-459	30 Shepard Square, Unit 1001
Maple Hill Rentals LLC	8585-48-4135-460	30 Shepard Square, Unit 1002

4. The property of June Baggarly (PIN 8585-47-2919-000) is not rezoned, and shall remain zoned as General Residential 8 (GR8).

5. A portion of the Official Zoning Map showing the adopted zoning map amendment is attached as Exhibit B.

Rezoning Request REZ-20-003: LLR Holdings, LLC dba The Sunset Motel
 Map of City Council's Approved Rezoning

EXHIBIT A



0 50 100 200 300 400 Feet

1 inch = 198 feet

This map was prepared by the City of Brevard Planning Department, February 2021.

Disclaimer: The information contained on this page is NOT to be construed or used as a survey or legal description. Map information is intended to be accurate, but accuracy is not guaranteed.