

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -



The Lake Advisory Board held their regular monthly meeting at the Town of Lake Lure Municipal Center on Monday, the 2nd day of November, 2015 at 3:30 p.m.

### **Attendees:**

Mark Helms (chairperson)  
Joe Pritchett  
Dan Breneman  
Gary Johnson (by phone)  
Gary Hasenfus  
Bill Ashman  
Derek Papesh  
Mary Ann Silvey (council liaison)  
Dean Givens, Dir. Lake Ops.  
Clint Calhoun, Environment Mgmt. Officer  
Chris Braund (Town Manager)

### **Non-Attending Members:**

### **Call to Order:**

- Chairperson Mark Helms called the meeting to order at 3:30 p.m.

### **Approval of the minutes:**

Made a motion to approve the minutes October 5, 2015 regular meeting as amended changing the word “recourse” to “resource” on page three of the draft minutes

### **Public Forum:**

No one requested to speak during public forum. Chairman Mark Helms agreed to allow brief public comment concerning agenda items later in the meeting.

### **Individual Meeting Reports and Actions:**

**Lake Operations Department** – Dean Givens reviewed the department’s report that was sent to board members by email prior to the meeting.

# **Town of Lake Lure - Lake Advisory Board**

## **- Minutes of Regular Monthly Meeting -**

**Town Council / Marine Commission Liaison Report – Commissioner Mary Ann silvey encouraged the board members to study the “Law of Lake Lure”** take to time consider that lake being held in trust from the people of the town.

### **Fishery & Ecosystem – Gary Hasenfus reported:**

- Mr. Hasenfus stated that the upcoming lake study is still scheduled for May of 2016. Mr. Hasenfus also reminded the board that the Christmas reefs (fish habitats) will be done again this year.

### **Lake Structures – Gary Johnson:**

- Mr. Johnson stated that he had been in an email conversation with Clint Calhoun and Stephen Webber concerning the lake structure regulation, but that proposed changes who likely not be presented until a later date (after the first of 2016)

### **Emergency Preparedness & Response – Dan Breneman:**

- Mr. Breneman reported that he and the Lake Operations department have been looking into two companies to see about a beam to catch debris.

### **Dredging & Watershed Stabilization – Joe Pritchett:**

- Mr. Pritchett stated that the Town is stilling awaiting a final permit, but that dredging should begin soon.

### **Water Quality – Bill Ashman reported:**

- No Report

### **Regulations & Law Enforcement – Derek Papesh reported:**

- No Report

### **Other Business**

### **Consider Recommendation of a Proposed Marina Project at Firefly Cove –**

Clint Calhoun distributed copies of his memo outlining a request from Firefly Cove requesting a re-classification of their lake structure as a marina, adjacent to the common area lot by Firefly Cove POA and Lot 25, also owned by Firefly Cove. Mr. Calhoun provided the board with the following information:

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

- As part of this request Firefly Cove POA would like to increase the number of permanent moorings from 3 permanent moorings per lot to 5 per lot, based on the fact that Lot 25 and the Common Area Lot have a combined shoreline footage of 200 feet. This would bring the total number of permanent moorings to 10. Proposed moorings will be constructed slips. To break this down further for clarification, here's what Firefly Cove currently has and what they have potential for:
  - Existing lake structure: allows 3 permanent moorings per lot (two lots would make 6 slips permissible).
  - Cluster mooring designation (not requested): allows 3 permanent moorings per 100 feet of shoreline (two lots with 100 feet would make 6 slips permissible).
  - Marina designation: allows 5 permanent moorings per 100 feet of shoreline (two lots with 100 feet of shoreline would make 10 slips permissible).
- Under Section 94.14 (B), "Marinas must meet the following standards:
  1. Shall only be installed adjacent to upland lot(s) zoned for commercial or resort use.
  2. The same requirements shall apply to marinas as do all other lake structures except individual slips or moorings shall not be enclosed or covered. Canopies attached to or installed above boat lifts are considered roofs and are prohibited in marinas.
  3. Such facilities may not have more than five permanent or temporary moorings for each 100 feet of shoreline that is owned by the applicant. The lakefront property that is used in the formula for determining the number of moorings must be contiguous with the site of the proposed marina.
  4. The shoreline must be free of any other lake structures that could be used specifically for the purpose of mooring boats. This does not include seawalls, boardwalks, docks, or gazebos that are used for access, protection from direct sun and rain, and as collection areas for users of the facility. Such structures must meet the following standards:
    - a. Shall not have any tie-up points or cleats that would allow a boat to be moored, thereby changing the structures' function.
    - b. Shall not exceed a height of 15 feet above the shoreline elevation of 990 feet MSL.
    - c. Shall not exceed 1200 square feet.
    - d. Shall be completely open on all sides.
  5. Existing private docks or boathouses must be removed prior to construction of a marina and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) that are associated with a marina.
  6. All moorings shall be classified as permanent or temporary, numbered, and with signage that is viewable from the lake which indicates classification and number of each mooring.
  7. These limitations shall not apply to any marina owned by the Town.

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

- Based on previous review and comments from the Lake Advisory Board (LAB), it was determined that the request did not meet the criteria of 94.14 (B)(1) because the upland lots are not zoned for commercial or resort use. These lots are partially zoned R-3 but along the lake shore are zoned R-1.
- Firefly Cove POA, in order to remedy the upland zoning issue is pursuing a conditional rezoning to R-3 CD. This would place self-imposed restrictions on the lakefront lots that would maintain the residential aspects of R-1 while allowing certain resort uses that would be found in R-3, in this case a marina. A recommendation for approval of this application must be conditioned on Firefly Cove POA receiving approval of their rezoning request.
- The number of requested moorings meets the requirement of 94.14(B)(3).
- The gazebo that is constructed meets the requirements of 94.14(B) (4) and will remain in place as a collection area for users of the facility.
- A recommendation for approval of this application must be conditioned on Firefly Cove POA attaching numbers and signage designating moorings as permanent or temporary.
- No commercial activities will be occurring at this marina (sale of bait, fuel, lubricants, repair of boats, etc.). All slips will be rented by the POA to the residents of Firefly Cove.
- The application has been evaluated against the Lake Capacity Model and does not show that the addition of 4 additional moorings in Firefly Cove will have any impact on the lake's carrying capacity. The model only addresses commercial boats which are restricted to 30% of the overall lake carrying capacity. All permitted boats that will use Firefly Cove's marina will be residents of Firefly Cove who will be purchasing annual resident boat permits. The model places a maximum of 1,000 annual resident boat permits model which has not been met.
- There is no evidence to suggest that a marina at Firefly Cove will have any adverse impacts to navigation and boating safety. Firefly Cove is a reasonably isolated cove whose traffic is mostly residents of Firefly Cove and Lake Lure Tours. As it is now, Firefly Cove residents are parking their boats parallel to the existing boardwalk. The addition of perpendicular slips will certainly make boat parking easier for residents and thus safer as boats can pull straight in and out of slips as opposed to trying to park boats parallel to the boardwalk with the risk of hitting other parked boats. Firefly Cove's location and shape is practical and ideal for a marina-type structure.

Mr. Calhoun stated that based on review of the regulations, the request by Firefly Cove POA for a marina is considered as reasonable and complies with the Lake Structure Regulations. The LAB has previously reviewed the proposed slip expansion and voted unanimously to support it, subject to the change in zoning and that a recommendation to Town Council for approval must be contingent on the conditional rezoning of the associated upland lots.

After discussion Bill Ashman made a motion to recommend approval of the request submitted by Firefly Cove. Dan Breneman seconded the motion. Joe Pritchett asked to be recused from voting on the topic. The board unanimous voted in favor of the motion.

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

### **Consider Recommendation of a Lake Structures Request for the Lodge on Lake Lure –**

Environmental Management Officer Clint Calhoun and Town Manager Chris Braund reviewed the staff report CRZ-2015002, a conditional district rezoning application involving 2.37 acres of lakefront property located on Charlotte Drive. The request is to rezone the property from R-1 Residential to R-3CD Resort Residential Conditional District.

Mark Belissimo, Sharon Decker, and Frank Kelsh representing the Lodge on Lake Lure presented plans and gave an overview of the request.

Residents expressed concerns about the impact of the proposed plan several of whom asked questions or expressed concerns. Concerns that were expressed related to operations on land (ingress/egress, parking, noise).

Board members discussed the following eight items and each board member was polled for their recommendation. (Mr. Helms facilitated and did not vote)

1. **Adding a Commercial Restaurant:** the proposal envisions a new restaurant, open to the public and accessible by boat with plenty of temporary moorings.

All 6 board members expressed support for this proposal.

2. **Restaurant Over the Water:** the restaurant would be the first of its kind on the lake—built entirely over the town-owned lake bed as the second story of a boat house. Points discussed:
  - A boathouse restaurant could become another iconic, attractive feature of Lake Lure and an added point of differentiation from other lakes and tourist towns.
  - Would or could more be built like this? A re-zoning of the Lodge property does not create a legal precedent that would automatically confer the same privilege to any other property owner, but it is reasonable to expect that other proposals may emerge from commercial or resort properties around the lake. The Town Council would evaluate each on their own circumstances and merit.
  - Does it introduce any extraordinary health or safety risks to the lake or the sewer system? Substantial foundation work would be required to support the structure. All commercial restaurants in town are required to have a grease interceptor system in place that protects our sewer collection pipes and treatment plant.
  - There must be a separation between any structures over the water and any on land (although covered walkways connecting them are permissible).

5 board members expressed support for this proposal; 1 was opposed

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

3. **Lease of the Town Property:** The board considered the suggestion that the Town should be compensated for allowing a commercial restaurant to operate on town property. This could take the form of a concession/lease agreement that would increase the public benefit of the restaurant by providing supplemental funding for lake operations (e.g. dredging, fishery and environment management, law enforcement).

- Should all commercial, revenue-generating operations on the lake be subject to similar lease agreements? Slip rentals at marinas (Dam Marina, Rumbling Bald Resort, Firefly Cove)? All tour boat operations? Boat rentals? Water ski services? Fishing guides? Services boats?
- Boat houses are included in property valuations and generate ad valorem taxes to the Town and County. The proposed restaurant would add to the tax base. Floating docks at marinas might not be included in property valuations.
- Town Council needs to provide direction on where lease agreements are necessary and appropriate to generate revenues.

The board was split on this question: 3 were in favor, 3 opposed

4. **Restaurant Dimensions/Capacity:** The proposed 136-seat restaurant board is larger than our regulations allow in the following ways:
- Projection into the lake: 54 feet (maximum is 30)
  - Height: 31 feet 8 inches (max is 25: 15 for boathouse+10 for accessory structure)
  - Width: 80 feet (maximum is 45)

This would clearly be larger than any other boathouse on the lake. It was suggested that perhaps our design standards should differentiate between residential and commercial lake structures, allowing larger facilities for commercial uses. This could be done either through an update of the regulations or on a case-by-case basis (conditional approvals) for commercial lake structures.

4 board members were supportive of the boathouse dimensions as proposed; 2 were opposed and would like to see a reduction in size/scale/mass.

5. **Cluster Mooring w/15 Permanent Slips:** The Lodge is requesting classification as a cluster mooring, which would permit them to have up to 15 permanent (overnight) boat mooring slips based on their 508 feet of shoreline. Regardless of the classification, there is no restriction on the number of temporary slips that can be used by restaurant patrons (these are essentially just tie-up points with cleats).

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

- Who would use these slips and for how often? Would these be only used by Lodge guests that tow boats to Lake Lure and stay for a few days or weeks? How many of these are likely?
- Unless classified as a marina, the slips could NOT be leased to off-lake, out-of-area boat owners with annual permits. The application is for a cluster mooring classification, not a marina.

4 board members were supportive of the a cluster mooring with the number of slips requested; 2 were opposed and would like to see a reduction in the number of permanent slips requested/granted.

6. **Projection of Boat Docks Into the Lake:** The proposed floating docks extend 125 feet from the shoreline into the Tryon Bay arm of the lake.

- The regulations allow for a maximum extension of 30 feet, but two existing marinas have floating docks that extend more than 100 feet from shoreline (Washburn Marina, Rumbling Bald Marina). They are both located in large coves.
- South of the Lodge, there is a projection of land on Lake Ridge / Lost Cove Drive. The Lodge shoreline curves eastward, forming a slight cove between the upper portion of the property and the projection off of Lake Ridge. If you were to draw a straight shoreline from Camp Lurecrest to the point on Lake Ridge to the point on the Lodge property, this cove creates added space (in the no-wake zone) of between 5 and 150 feet of no-wake zone. The proposal situates much of the dock facilities in this slight cove, helping to reduce the actual projection of the docks into the boating channel of Tryon Bay.
- No-wake buoys are typically placed 25-50 feet beyond the farthest extension of floating docks at the judgment of the Lake Operations Director based on traffic patterns.
- The Tryon Bay channel between the Lodge (existing boathouse) and the point off of Lake Ridge Drive is narrow and concerns were raised about this being a choke point for boat traffic. It ranges from 550 to 630 feet between east and west shorelines at these two points (not counting the further extension of the lake in the small cove mentioned above).
- It was suggested that more of the shoreline be used for head-in boat docking (similar to the area between the dam and the dam marina).

5 board members were opposed to the plan and indicated that the dock plans need to be re-configured to reduce the projections from the shoreline; 1 was supportive of the plan as proposed

# Town of Lake Lure - Lake Advisory Board

## - Minutes of Regular Monthly Meeting -

7. **Boat House Existing With A Cluster Mooring:** The lake structure regulations prohibit the existence of a boat house structure if a cluster mooring is approved. Because of this prohibition, the Town Council cannot permit this as part of a conditional district re-zoning. But, if the lake structure regulations were amended, it could be permissible to have a boat house on the same property as a higher-density mooring facility.

- The Lake Advisory Board is working on a separate recommendation for a text amendment, as the purpose and public benefit of this restriction is in question.

5 board members were supportive of the proposal and an amendment that allows a boat house along with a cluster mooring facility; 1 was opposed.

8. **Platform Beach:** The proposal includes a platform beach, essentially a dock covered with sand to be used as an access point for swimmers, kayakers, paddleboards, etc. The structure fits into the dimensional limits and setbacks of a lake structure. Points discussed:

- Would approval of this structure stimulate other proposals to build the same around the lake (at commercial or residential properties)? Would that be a problem or pose any threat to the lake?
- We have the precedent of a number of beaches at commercial and residential properties around the lake.

5 board members were supportive of the proposal; 1 was opposed.

### SUMMARY OF RECOMMENDATIONS (in declining order of support)

Plan Feature	Support	Oppose
1. New Restaurant	6	0
2. Restaurant Over Water	5	1
7. Boat House + Cluster Mooring	5	1
8. Platform Beach	5	1
1. Restaurant Dimensions/Capacity	4	2
2. Cluster Mooring w/15 slips	4	2
3. Lease of Town Property (lake)	3	3
6. Projection of Docks	1	5



## Town of Lake Lure - Lake Advisory Board

### - Minutes of Regular Monthly Meeting -

The lake-related aspects of the Lodge proposal were generally supported by members of the board, who expressed the positive impact of a major investment and enhancement of a treasured and historic property on the lake.

**Adjournment:** Gary Hasenfus made a motion to adjourn the meeting Bill Ashman seconded the motion and the vote of approval was unanimous.

---

Andrea H. Calvert, Town Clerk

**Town of Lake Lure - Lake Advisory Board**  
**- Minutes of Regular Monthly Meeting -**