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Town of Lake Lure

P. O. Box 255 • Lake Lure, NC 28746-0255 • 828/625-9983 • FAX 828/625-8371

Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, November 17, 2009

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:34 a.m.

ROLL CALL

Present: Dick Washburn, Chairman
Tony Brodfuhrer
Bill Bush
Paula Jordan
Donnie Samarotto
Linda Turner, Town Council Liaison

Also Present: Shannon Baldwin, Community Development Director
Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary
Sheila Spicer, Zoning Administrator

APPROVAL OF THE AGENDA

The agenda was unanimously approved upon a motion made by Mr. Bush and seconded by Mr. Brodfuhrer.

APPROVAL OF THE MINUTES

Mr. Brodfuhrer made a motion to approve the minutes of the October 20, 2009 regular meeting. Mr. Samarotto seconded the motion and all were in favor.

NEW BUSINESS

(A) Introduction of New Staff

Mr. Baldwin introduced the new Planner/ Subdivision Administrator, Suzy Smoyer. The Board welcomed Ms. Smoyer to the Town of Lake Lure.

(B) Amendments to the Zoning Regulations Requiring Security Deposits for Development on Individual Lots

Mr. Baldwin explained that there has been concern regarding impacts to public infrastructure during construction on individual lots. Ms. Spicer gave a summary of research that she has performed. She made an inquiry on the North Carolina Planning List Serve to find out if other communities require security deposits for development on individual lots. She did not get many responses. The most common way to address this issue is to withhold the Certificate of Occupancy (C.O.) until all damages have been repaired. Withholding the C.O. is a powerful tool because it prevents occupancy of the structure. However, there are instances where withholding the C.O. will not be as effective. For example, smaller structures such as a retaining wall or walkways do not require a C.O. There are existing regulations in the town codes that could offer additional protection when town property is damaged. Ms. Spicer explained how the Town currently uses security deposits for lake structures and preliminary plats.

Mr. Brodfuhrer expressed concern for the long term impact to public infrastructure as a result of the damage.

Mr. Baldwin suggested an objective assessment of the conditions of infrastructure before construction starts. There should be someone to monitor quality control for construction or repair of damaged infrastructure. Ms. Spicer suggested that the Zoning Regulations be enhanced to included language to ensure that damaged infrastructure is repaired prior to issuance of a certificate of occupancy. The Board was supportive of this concept and supportive of requiring security deposits for damages to infrastructures (specifically roads.) Staff agreed to look into the issue in more detail and come back to the Planning Board with additional concepts and ideas. Specifically, staff agreed to further research the following items:

- Check on Rumbling Bald Resort's process
- Need assessment of site prior to start of project
- Need to assess repairs to ensure they will hold up
- Check with Clint for any requirements in Land Disturbance Regulations pertaining to damage of town infrastructure
- Look at tree protection process for ideas

OLD BUSINESS

(A) Implementation Procedures for the Residential Vacation Rental Regulations

Mr. Baldwin briefly explained the implementation procedures for the Residential Vacation Rental Regulations. Post card mailers will be sent out in the coming weeks. The mailer will have a link to the website. Application forms have been developed. The regulations will go into effect on January 1, 2010. There is a one-time fee of \$250.00. Staff believes that there will be 130 or more applications. Sheila Spicer is the contact person at Town Hall. Ms. Spicer explained the process. After an application is submitted, a joint inspection (with the Fire Chief) will be performed, and then a permit can be issued. Board members asked Ms. Spicer how we would keep track of changes if there is not a renewal process. Ms. Spicer indicated that a Certificate of Zoning

Compliance is required when a property owner changes the use from vacation rental back to single-family. The Board expressed their appreciation to staff for their hard work on these regulations.

NON-AGENDA ITEM

(A)Zoning Regulations Pertaining to Window Signs

Mr. Baldwin explained that staff had received a complaint in regards to a possible window sign violation. After an investigation, staff found that the issue was broader than one business. Over 60% of businesses appeared to be out of compliance with the current regulations. Ms. Jordan suggested a possible amendment to the regulations that would allow not more than 25% of all windows (rather than 25% of one window). It appeared that this solution would bring a majority of these signs into compliance with the Regulations. Staff indicated that they would explore this approach and report back.

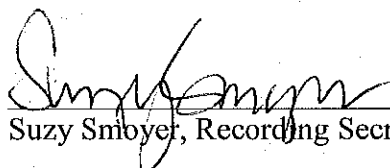
ADJOURNMENT

Mr. Brodfuhrer made a motion seconded by Ms. Jordan to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 10:35 a.m. The next regular meeting is scheduled for Tuesday, December 15, 2009 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Richard Washburn, Chairman


Suzy Smoyer, Recording Secretary