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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, March 16, 2010

Lake Lure Municipal Center

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

ROLL CALL

Present: Dick Washburn, Chairman
Rick Coley
Donnie Samarotto
Paula Jordan
Linda Turner, Town Council Liaison

Absent: Bill Bush

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

APPROVAL OF THE AGENDA

The agenda was approved upon a motion made by Ms. Jordan and seconded by Mr. Samarotto.

APPROVAL OF THE MINUTES

Ms. Jordan made a motion to approve the minutes of the February 16, 2010 regular meeting, as amended. Mr. Coley seconded the motion and all were in favor.

OLD BUSINESS

(A) Review ordinance to modify the definition of residential vacation rental and to provide new definitions for hotels & motels and tourists courts; replacing the use classification of lodge with tourist court; making tourist courts permitted in the R-3 and CG Zoning Districts and conditional uses in the R-4 Zoning District

Mr. Baldwin explained the history of the proposed amendment. He apologized for the oversight by staff in which a previous version of the proposed amendment was included in the February Planning and Zoning Board packet. The most recent version of the ordinance adds tourist courts as a permitted use in the R-3 and CG Zoning Districts and as a conditional use in the R-4 Zoning District.

Ms. Jordan expressed her concerns with the term tourist court because it carries a negative connotation. She believes that the term lodge carries the sense of added value. Ms. Jordan presented the following draft language to the Board:

1. Reinstate 'lodge' as a type of vacation rental facility, defined as "A building or a group of attached or detached buildings, typically located in a mountainous or other natural or wilderness area, and containing individual living or sleeping units occupied singularly for hire as temporary abiding places by travelers. Additionally a lodge provides a range of amenities and services for patrons' enjoyment of the scenic beauty and/or recreational offerings of the area in which it is situated. Common dining facilities are also generally provided on the premises; cooking facilities may or may not be provided within the rental units. This term does not include any other types of vacation rentals which are otherwise defined herein.
2. Add to the definition of tourists courts' that the term does not include lodges.
3. Allow lodges a permitted uses in R3 and R4.
4. Make tourist courts conditional uses in R3 and R4

A discussion pursued. Mike Egan and Rick Coley expressed that the term tourist court does not have a negative connotation to them. Mr. Coley believes the definition proposed by staff takes out the subjectivity. There was a discussion regarding the ability for staff to enforce the definition proposed by Ms. Jordan. It was suggested that the Board consider the replacing the term tourist court with lodge but keeping the definition as proposed by staff. The Board suggested that a lodge may not have the ability for parking directly outside the individual unit. The Board agreed to strike that language from the definition.

Mr. Washburn suggested that the regulations be amended so that all new commercial uses outlined in 92.030 are conditional uses even if it is not new construction. It was noted that this proposed change appeared to belong in a different ordinance and should be discussed at a different meeting and under Town Council's direction.

Paula Jordan made a motion to recommend the enactment of the proposed ordinance but striking tourist court and replacing with lodge and further striking the following language from the definition of lodge "with garage attached or parking spaces conveniently located to each unit." Rick Coley seconded the motion and all were in favor.

Mr. Washburn made a motion to note the Board's desire to potentially amend Section 92.030 to ensure that special attention and care is given when converting

residential to commercial in the R-3 Zoning District. Rick Coley seconded and all were in favor.

(B) Review Zoning Regulations and General Code to strengthen the permit and inspection process with respect to potential damage to public infrastructure and establish a mechanism to ensure repair.

Mr. Baldwin gave a brief history of this topic which was discussed during the November and December 2009 meetings and the February 2010 meeting of the Zoning and Planning Board. Ms. Smoyer gave an overview of language that staff has drafted to strengthen the Zoning Regulations as they apply to damage of public infrastructure. Ms. Smoyer also reviewed the flow chart that outlines the process for a pre-construction and post-construction inspection. Mr. Coley expressed concerns with the ability to assess the condition of the infrastructure prior to construction. As an example, he noted that some roads are poorly built without good base compaction. As a result that could easily be damaged based on poor quality. He suggested an impact fee as an alternative. Mr. Baldwin stated that the proposed ordinance provides for a pre-construction inspection process. It was suggested that the contractor be present and involved in the pre-construction process. Mike Egan recommended a change to the proposed amendment requiring the zoning administrator to make the determination in consultation with the Public Works Director if the damage resulted from the construction process. This change would provide the applicant due process by being able to appeal the decision to the Board of Adjustment.

Mr. Coley made a motion to recommend approval of the proposed ordinance with the change suggested by Mr. Egan and provided that the contractor is present at the pre-construction meeting and signs the damage assessment form during the inspection. Ms. Jordan seconded the motion and all were in favor.

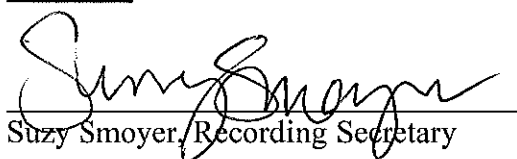
Consent Agenda

The Board reviewed the Subdivision Report and the subdivision update memo for Blue Heron Point.

ADJOURNMENT

Ms. Jordan made a motion seconded by Mr. Samarotto to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 10:57 a.m. The next regular meeting is scheduled for Tuesday, April 20, 2010 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Suzy Smoyer, Recording Secretary


Richard Washburn, Chairman