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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 19, 2013

Lake Lure Municipal Center

ROLL CALL

Present: Thomas McKay
John Wisniewski
Charlie Ellis
John Moore, Town Council Liaison
Bruce Barrett (joined the meeting at 10:15)
Ric Thurlby

Absent: N/A

Also Present: Shannon Baldwin, Community Development Director
Sheila Spicer, Zoning Administrator
Clint Calhoun, Environmental Management Officer
Andi Calvert, Town Clerk, Recording Secretary

APPROVAL OF THE AGENDA

Tom McKay called the meeting to order at 9:30 a.m. Community Development Director Shannon Baldwin asked that item 4c, "Discussion regarding the Subdivision and Zoning Regulations as they pertain to streets and driveways", be removed from the agenda until Planner Suzy Smoyer is available to address the topic.

Commissioner Moore stated that at the last town council meeting, council asked that the Zoning and Planning Board review the vacation rental operating permit conditional use process.

Mr. Ellis made a motion to approve the agenda as amended, removing the discussion regarding streets and driveways and adding a discussion concerning the vacation rental permitting process as item 4c. Mr. Wisniewski seconded the motion. All were in favor.

APPROVAL OF THE MINUTES

The minutes of the February 19, 2013 regular meeting were unanimously approved upon a motion made by Mr. Thurlby and seconded by Mr. Ellis.

NEW BUSINESS

(A) Review and consider for approval a final subdivision plat for Lago Vista

The board reviewed a final subdivision plat for Lago Vista Subdivision included in their packets.

Jim Jones, engineer representing Lago Vista Subdivision, gave an overview of the project and explained that the following two issues had been brought to his attention:

- a hole in the silt fence
- a dead tree has fallen onto a neighbor's property

Mr. Jones explained that these two problems could be addressed quickly and assured the board that the issues would be taken care of.

Clint Calhoun discussed erosion control and drainage on the property. Mr. Calhoun stated that he will not close out the land disturbance permit until permanent groundcover has been achieved.

Ned Murchinson, representing 1st Troy SPE, LLC, was also present. The board discussed future use of the property. Mr. Murchinson explained that the bank plans to sell the property.

After further discussion, Mr. Ellis confirmed with Ms. Spicer that all administrative requirements for the property have been met and made a motion to approve the final subdivision plat for Lago Vista as submitted. Mr. Wisniewski seconded the motion. The motion was approved unanimously.

(B) Review and consider for approval a preliminary subdivision plat for Lure Ridge

The board reviewed a preliminary subdivision plat for Lure Ridge Subdivision included in their packets.

Landscape architect Hunter Marks, representing Lure Ridge Subdivision, gave an overview of the subdivision, as outlined in the memo to the Zoning and Planning Board.

Ms. Spicer explained that Lure Ridge Subdivision is a conservation subdivision.

Mr. Marks pointed out that there is a 50 foot buffer shown in the presented plat. Mr. Marks and Ms. Spicer explained that the buffer was originally a requirement for the conservation subdivision, but the regulations have been amended so the buffer is only required around a common amenity. Mr. Marks asked the board to remove the 50 ft

buffer surrounding the property from the plat entirely or to at least allow the buffer to be removed from lots 14, 15, and 16, where it would potentially impact house placement.

Mr. Ellis asked who the owner of the open space would be after the sale of the lots. Mr. Marks explained that the open space will eventually be turned over to a homeowners association.

The board discussed road frontage and the potential benefit of facilitating multiple access options to the lots.

Commissioner Mary Ann Silvey, owner of property adjacent to Lure Ridge, explained that there is no longer a connection from Lure Ridge Subdivision to property owned by the Highlands subdivision.

Mr. McKay pointed out that only single family homes were proposed and asked if a duplex would be an option in the future if a demand exists. Ms. Spicer explained that approval of the plat would not affect the zoning of the property.

Mr. McKay asked Mr. Marks what the owners goals are for the property. Mr. Marks stated that their vision is to create a community of smaller single family homes with specific design standards.

After discussion, Mr. Ellis made a motion to approve the preliminary subdivision plat for Lure Ridge Subdivision removing the 50 foot buffer from lots 14, 15, and 16. Mr. Thurlby seconded the motion. The motion was approved unanimously.

(C) Discussion Concerning the Vacation Rental Permitting Process-

Board of Adjustment Chairman Stephen Webber explained that the Board of Adjustment (BOA) has been processing vacation rental operating permit cases for over a year but feels that, with the exception of a couple of cases, the current process may be unnecessary. Mr. Webber stated that the conditional use process used for issuing vacation rental operating permits is the result of a lawsuit and that uses should be defined as either "permitted" or "conditional". Mr. Webber stated that the conditional use standards can be made part of the vacation rental operating permitting process.

Mr. Webber further stated that Ms. Spicer is a very a competent Zoning Administrator and that he feels Ms. Spicer could issue vacation rental operating permits. Mr. Webber suggested streamlining the process since the conditional use process creates a larger workload for town staff.

Mr. Webber pointed out that the BOA did recognize the following possible downsides to streamlining the process:

- 1) Potentially bringing up the division in the community concerning vacation rentals again.

2) The conditional use process requires notification of the surrounding homeowners and giving them an opportunity to weigh in is beneficial. This process could be written into the administrative review and approval process.

3) The town will have different zoning administrators in the future. If action is taken the standards must be clearly enforceable.

Mr. Baldwin explained that the town's Zoning Administrator Sheila Spicer is very good and is known for being fair, impartial and firm, but she relies upon very clear standards to do her job, so the process standards need to be very clear.

Mr. Baldwin further explained that based on the town's market assessment, we have a strong potential for future residential vacation rental growth. Town officials should make sure that we have clear standards for approval. Mr. Baldwin asked Ms. Spicer how comfortable she feels applying those standards.

Ms. Spicer explained that when she was reviewing and approving vacation rental operating permits, there were standards (particularly on homes that were on septic) that have been removed. The BOA cannot issue permits unless they find that there are adequate septic or sewer facilities for the use that is proposed. The current application requirements do not require the applicant to submit septic verification for a vacation rental operating permit, so Ms. Spicer stated that would have to be added as a requirement if the Town feels it should be required and the approval process is amended.

Mr. Webber stated that during the initial vacation rental operating permit debate, he testified that the conditional use permit process was the appropriate way to handle permitting, but the BOA couldn't handle the initial workload. Now that the BOA has been reviewing vacation rental operating permits as a conditional use, he feels that the BOA rarely needs to be actively involved with issuing vacation rental operating permits.

Mr. Ellis asked what the recourse for an adjoining property owner would be if the Zoning Administrator makes an error in granting a permit. Ms. Spicer explained that anyone with standing (such as a neighbor) can appeal the Zoning Administrator's decision.

Commissioner Moore asked if it would be legally possible to have the Zoning Administrator review the permits and send cases to the BOA if they are questionable or if an adjoining property owner has an issue. Mr. Moore explained that the Zoning Administrator's guidelines should be "cut and dried" with no grey area and provide a process by which an abutting neighbor who has concerns about a new RVR application could have the BOA hear the case and add appropriate conditions if they see fit.

Mr. Webber stated that he feels there is a way to write the vacation rental regulations to allow the process described by Commissioner Moore. Mr. Webber offer to prepare proposed regulations for the zoning and planning board to consider.

Ms. Spicer agreed to give her opinion on whether the proposed ordinance text can be effectively enforced.

Mr. Thurlby recommended that Mr. Webber's proposed draft be reviewed it with the rest of the BOA once it is created.

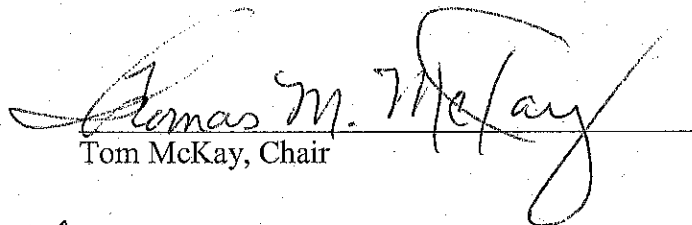
Blaine Cox, resident of 324 Snug Harbor Circle, stated that he feels the current process is an appropriate way to have more people involved in looking at issues instead of giving complete discretion to one person.

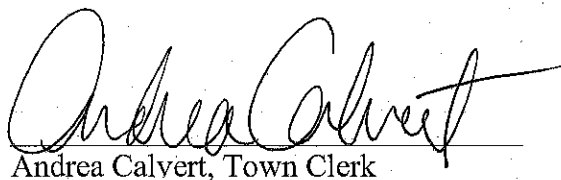
After further discussion, Mr. Webber agreed to prepare a proposed regulation concerning vacation rental operating permit procedures to be reviewed by the Zoning and Planning Board at their next meeting.

ADJOURNMENT

Upon a motion by John Wisniewski and seconded by Ric Thurlby, the meeting was adjourned at 11:30 a.m. The next regular meeting is scheduled for Tuesday, April 16, 2013 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Tom McKay, Chair


Andrea Calvert, Town Clerk