

Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, January 13, 2015

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Charlie Ellis
David Goins
Jonathan Hinkle
John Moore, Town Council Liaison

Absent: Bruce Barrett

Also Present: Shannon Baldwin, Community Development Director
Michelle Jolley, Recording Clerk
Vic Knight, Knight Strategies
Sheila Spicer, Zoning Administrator

Chairman McKay called the meeting to order at 9:36 a.m. and Commissioner Moore gave the invocation. The Board members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mr. Baldwin added agenda item 4.5, Selection of Officers: Chairman & Vice Chairman

Mr. Ellis made a motion to approve the agenda as amended. Mr. Goins seconded the motion and all voted in favor.

APPROVAL OF THE MINUTES

Mr. Goins made a motion to approve the minutes of the November 18, 2014 regular meeting as presented. Mr. Ellis seconded the motion. All voted in favor.

SELECTION OF OFFICERS: CHAIRMAN & VICE-CHAIRMAN

Mr. Ellis nominated Chairman McKay to continue as Chairman. Chairman McKay nominated Mr. Ellis to serve as Vice Chairman.

Mr. Goins made a motion to accept the nominations. Mr. Hinkle seconded and all members voted in favor.

OLD BUSINESS

A. NC 9 Small Area Plan Final Presentation: Discussion & Recommendations

Mr. Baldwin gave a brief opening presentation regarding the NC 9 Small Area Plan. He stated the last time this plan was presented to the Planning Board there was recommendation for approval, if two small additions were made to the plan. He pointed out that growth has taken place in the NC 9 area, including the opening of Ingles in 2006, MAHEC opening in 2014, and he stated that grading has started at the site for the new school. He mentioned there have been a few meetings held with Polk County to discuss utilities. He stated that Polk County has chosen not to connect to the Town of Lake Lure's water system for the Sunnyview School, but is bringing water in from a different direction. He stated that the Town has solicited input from the public and from steering committees and used that input to create the NC SAP. He mentioned that what Vic Knight has brought before the Board is recommendation for approval.

Mr. Knight conducted a final presentation on the NC SAP. He pointed out two graphical provisions have been made to the plan as requested. In regards to future water needs and growth to the NC 9 area he pointed out that the infrastructure in place now is sufficient, at a capacity standpoint. He stated the growth in traffic will be substantial, from 2,000 trips a day to 16,000 trips a day. Mr. Knight stated it is his understanding that Polk County is fully supportive of the Town of Lake Lure's SAP plan. Discussion ensued regarding utilities and mooring in the NC 9 corridor.

Mayor Keith pointed out the lack of utilities at the golf course and stated that if utilities were expanded there, it could be a potential area for school use. Chairman McKay conveyed that there is a citizen committee established to discuss the Town's assets. Mr. Ellis mentioned the possibility that the golf course be split for different uses, such as a recreational use as well as additional ground for school use. The Board had no recommendations.

Mr. Ellis made a motion to recommend the NC 9 SAP as submitted to Town Council for consideration. Mr. Goins seconded the motion. All voted in favor.

B. Non-Conformities and Setbacks: Discussion & Recommendations

Ms. Spicer gave the Board two handouts: *Protecting Trout Waters of North Carolina* and *Trout Buffer Waiver Supplemental Information* from NCDENR. Mr. Baldwin conveyed that what is being proposed is that the Town align their setbacks with the setbacks the

State mandates, which would change the 35' setback to a 25' setback. He stated that some issues were brought forward at the last Board of Adjustment meeting and pointed out that Mr. Calhoun would address those issues. Mr. Webber explained some issues related to existing setbacks, non-conforming buildings, and a current demand for variances. Refer to Mr. Webber's memo included in the packet.

Mr. Calhoun conducted a presentation on buffer zones. (The PowerPoint presentation is attached.) He explained the importance of buffer zones and stated they are required by the NC General Statutes and NC Administrative Code. He also stated that buffer zones are protected by the State. He pointed out the waters of Lake Lure do support trout; however, the Town no longer stocks trout in the lake. He mentioned that Lake Lure has adopted a local sediment control program to protect the buffer zones. He explained that when the Town adopted the local program, it gave the ability to adopt more strict standards when necessary.

Mr. Calhoun discussed the rules for buffer zones and land disturbance. He explained that maintenance which results in a change in the natural cover or topography and that may cause or contribute to sedimentation is considered a disturbance. He pointed out that trimming of limbs or cutting of hazardous trees to protect an existing use is allowed and if a tree falls into the buffer, it can be removed as long as minimal disturbance occurs (10% or less). He stated that repairs to existing structures (i.e. septic systems) are allowed within the trout buffer without a variance. Mr. Calhoun discussed the process for submitting a trout waiver. He pointed out that waivers cannot be issued at a local level. He stated that it is not easy to remove the trout classification for Lake Lure and he went over the steps involved in re-classification. He mentioned as long as Lake Lure maintains high water quality, there is no danger that the State could come in and make a change to the trout classification.

Mr. Calhoun explained that when construction occurs on lakefront lots, the current setback is very important due to the steepness of lakefront lots and the room needed to grade a home site. He stated that the buffer zone is the last line of defense from upland erosion caused by land disturbance. He pointed out that the number of variances could increase if the 35' setback is changed to 25'. Discussion ensued. Mr. Calhoun explained that reducing the lakefront setback from 35 to 25 feet creates an extra level of review in permitting, requires additional surveys and staking and additional onsite inspection prior to issuance of land disturbance permits, allows construction closer to the lake which means there is a greater change of construction being pushed into the regulatory flood zone, may result in additional expense for property owners, and SFHA requirements also apply to additions to homes. He conveyed that phosphorous numbers in Lake Lure's water samples have been increasing, which causes him some concern.

Mr. Webber responded that he was advocating reduction in the setback but stated that he would like to leave the setback as it is, after being educated by Mr. Calhoun's presentation. Mr. Goins felt that when the Town reduces the lake every three years, it destroys vegetation and the feeding areas and he feels it is counterproductive. Discussion ensued. Commissioner Silvey pointed out that there are reasons that the lake is reduced

eight feet, one including repairs on the dam which is 100 years old. Further discussion ensued.

Mr. Baldwin stated the bottom line is that the ordinance concerning non-conformities and setbacks for residential districts would decrease the number of variances and give lot owners more flexibility. He stated the provisions would allow extensions of existing overhang and allow expansions to go up and down to a building. He also stated the provisions to this ordinance gives flexibility to move a house around to a more optimal place to reduce costs. Discussion ensued.

Chairman McKay asked Ms. Spicer the definition of a primary street. Ms. Spicer stated the primary streets are spelled out in the regulations and those streets are Memorial Hwy (US 64/74A), Hwy 9, Boys Camp Road, Buffalo Shoals Road, and Buffalo Creek Road. Mr. Baldwin stated that Boys Camp Road was once a state street but the Town requested to have it as a town street instead back in the 1980's. He mentioned that we consider all state streets as primary and other streets as secondary.

Mr. Baldwin referred to the memo included in the packet regarding foundations surveys and stated there is a provision to reduce the setback line to 5'. He stated the memo included in the packet is going before the Town Council at their meeting this evening.

Mr. Goins made a motion to accept the ordinance as proposed, allowing the lake setback to remain at 35', adding a provision that boundary surveys are not required unless you are 5' from the setback as opposed to 10'. Mr. Ellis seconded and all voted in favor.

NEW BUSINESS

Mr. Baldwin briefly pointed out items in the memo included in the packet that Town Council will discuss at their meeting this evening.

PLANNING PROJECTS UPDATE

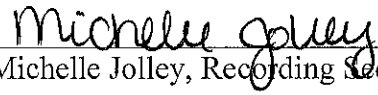
Mr. Baldwin conveyed that Commissioner Barrett has asked that the Board look over areas for agricultural uses within Town limits and list the issues that need to be addressed.

Upon a motion by Mr. Ellis and seconded by Mr. Hinkle, the meeting was adjourned at 12:06 p.m. The next regular meeting is scheduled for Tuesday, February 17, 2015 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Charlie Ellis, Vice Chairman



Michelle Jolley, Recording Secretary