



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, November 17, 2015

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Bruce Barrett
Charlie Ellis
Jonathan Hinkle
Norman McGlohon
John Moore, Town Council Liaison

Absent: N/A

Also Present: Shannon Baldwin, Community Development Director
Andi Calvert, Town Clerk
Mark Belissimo, Managing Partner with Lodge on Lake Lure
Sharon Decker, Senior VP with Lodge on Lake Lure
Mike Egan, Board Attorney
Dean Givens, Lake Operations Director
Tony Hennessee, Public Works Director
Frank Kelsh, architect with Lodge on Lake Lure
Ron Morgan, Fire Chief
Dave Odom, engineer with Lodge on Lake Lure
Sheila Spicer, Zoning Administrator

The meeting started at 9:30 a.m. Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Ellis made a motion to approve the agenda as presented. Mr. Barrett seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. McGlohon made a motion to approve the minutes of the October 20, 2015 regular meeting as presented. Mr. Ellis seconded the motion. All voted in favor.

WELCOME REMARKS

Chairman McKay opened the meeting and Mr. Braund gave a welcome.

NEW BUSINESS

A. CRZ-2015002 – A request from Lodge on Lake Lure for a rezoning from R1 to R3CD

Mr. Baldwin gave a brief overview of the review process for CRZ-2015002, a request concerning 2.37 acres to be rezoned from R-1 to R3 CD, starting with a pre-application conference on April 30th, a Development Review Committee on October 15th, a Neighborhood Compatibility Meeting on October 26th, and Lake Advisory Board review on October 5th and November 2nd. He assured those present that any recommendation made today as well as the letters and emails received from the public to date would be packaged and sent to Council in time for their December 8th meeting. The Town regulations require that the public hearing be held within 35 days of the date the Zoning & Planning Board recommendation is issued. Ms. Spicer presented more detail on the process as outlined in the Zoning Regulations. Mike Egan briefed the Board on the Conditional District Rezoning process in North Carolina. The Lodge on Lake Lure team was introduced and then made a presentation. Plans were presented and new information was given from what had been included in the Board's packet. After the applicant, Zoning & Planning Board, and staff engaged in dialogue regarding the project, the general public was allowed to speak. Below are the primary items addressed/discussed during this meeting.

2007 – 2027 Comprehensive Plan

Consistency with the Plan: The current site is made up of commercial uses (lodge, restaurant, outdoor space, parking, etc.) in a residential neighborhood. The project plans represent an expansion of the existing commercial uses along with the addition of the conference center and a second restaurant. The Future Land Use Map and other key elements of the Comprehensive Plan were mentioned. Elements of the Comprehensive Plan relative to economic development, utility expansion, community services and facilities, and land use and growth management were also discussed. The Board felt the submittal complies with Future Land Use Map and other specific provisions in the Plan cited in the applicant's report and seemed to agree that the request is consistent with the Comprehensive Plan.

Architectural Review Guidelines

Consistency with the Guidelines: The applicant asserted that the submittal largely complies with the Guidelines in terms of site layout (location of proposed improvements) building design, relationship of buildings to site (building placement), materials and colors on land. The location of the restaurant over the water was still debated and contentious. In general, the Board seemed to agree.

Neighborhood Compatibility

Compatibility: The applicant presented that the new commercial buildings proposed on land are largely in harmony with existing commercial buildings, the existing commercial buildings have been part of the neighborhood since the 1930's, and improvements on the land are largely compatible with the neighborhood. In general, the Board seemed to agree.

Lake Structures - Mooring Facilities: The new design of the cluster mooring facility appears to be more in line with what the citizens are asking for. The design of the cluster mooring facility has a projection into the lake that is significantly less than what was previously proposed and appears to be more in line with the regulations. In general, Planning Board seemed to agree.

Lake Structures - Restaurant: The Planning Board recognized that the restaurant (now being reduced from 130 seats to 100 seats) over the lake is still a contentious issue in the community. The regulations state that where a cluster mooring/marina facility is constructed, all existing structures must be removed and no new structures may be constructed other than the cluster mooring facility itself. A text amendment would be required to allow a dock or a boathouse/restaurant in conjunction with a cluster mooring facility. The Lake Advisory Board had been made aware of this and will be considering this as the project moves forward.

Public Health

Water: The application maintains that the Town's water system has ample water supply per a report received by Brown Engineering via email. Excess Capacity is 42,000 GPD. Applicant assured that they will be responsible for installing an 8" waterline to the project with an estimated cost of \$300,000. They feel funding by grant approvals will not be a problem and will take approximately 3 months. Insurance premiums for some property owners in the area would probably drop due to the extension of the waterline. In general, the Board seemed to agree.

Sewer: The applicant reported that the Town's sewer system has ample capacity to treat sewerage from the project per Brown Engineering. Capacity is 1.0 MGD; Average Day Demand is 200,000 MGD in the winter and 350,000 MGD in the summer. An existing manhole onsite will be used. The applicant assured the use will have no impact on the Town's NPDES permit. In general, the Board seemed to agree.

Public Safety

Ingress & Egress: Staff reported that Charlotte Drive needs improvements to the road shoulders as well as at the intersection with US 64/74A to increase the sight distance. Striping of Charlotte Drive is also needed. The applicant agreed to make improvements to the road shoulders. Staff also felt delivery trucks (size and frequency) and added traffic may cause safety issues if Charlotte Drive is not improved.

- Applicant feels that widening Charlotte Drive will increase vehicle speeds traveling the road.
- Applicant also feels onsite storage for restaurants could reduce delivery frequencies.
- Applicant also feels like the food company would work with them regarding size of delivery trucks, frequency of their trips, and loading/unloading requirements because of the volumes purchased for the Equestrian Center.
- Applicant also feels low-speed vehicles could be used to shuttle food items from another site if onsite delivery does not work.

Staff recommended traffic control signs on the property as vehicles leave the Lodge and enter into Charlotte Drive.

Some of those present felt the current level of pedestrian safety needs to be maintained on Charlotte Drive. Currently persons in the neighborhood walk and run on Charlotte Drive. A walkway may need to be installed on Charlotte Drive to ensure safety for pedestrians.

Staff maintains that a traffic impact analysis (TIA) is needed as also recommended by NCDOT.

Parking: Off-site parking in a residential district is proposed in addition to parking onsite. The town currently has standards for off-site parking. The off-site parking exceeds the maximum distance from the use currently allowed by the Zoning Regulations. Town Council is authorized to relax current zoning standards for off-site parking in a residential district during the conditional district rezoning process.

Lake Use: The applicant presented that lake safety has been assured by the new changes to the plans presented at meeting. Therefore, lake safety will not be degraded based on the new plans. The Board seemed to agree. (See Neighborhood Compatibility, Lake Structures – Mooring Facilities).

Public Welfare (Protection of Property Values, Economic Development, Financial Contributions, etc.)

Protection of Property Values: A checklist presented by staff outlined the items below for the Board to consider that can impact property values. It recommended that some sort of analysis should be conducted and presented addressing potential impacts of the project on property values.

- Light: The applicant reported that down lighting will be used and light will not leave the property. They agreed to submit at the time of permitting for construction a lighting plan that demonstrates compliance with current commercial lighting standards in the Zoning Regulations. A retrofit lighting plan and installation may need to be executed to resolve light trespass and glare issues.
- Noise: It was pointed out that the Town has noise regulations in place. A few audience members spoke about noise. Some of those who spoke felt noise would be a problem while others felt like the characterization of loud noise is overblown. One person making the latter comment lives across the lake from Larkin's and reported that they have not experienced any negative impacts from the operation of the restaurant nor Camp Lurecrest, which is also directly across the lake from them.
- Odor: The applicant proposes to move the dumpster location to minimize the impact and visual aspects to surrounding properties.
- Landscaping: The applicant assured they will plant mature trees to break up parking areas as well as maintain a vegetative buffer to screen the off-site parking area from the surrounding properties.
- Traffic: (See Public Safety, Ingress & Egress)

Economic Development: Some of those present felt like the additional benefits to the town should be quantified in terms of property tax revenues, number of jobs created, and revenues from any other sources generated for the town by the development.

Utility Revenues Contributions: The applicant estimated an increase of \$20,000 per year in water & sewer revenues to the Town.

Standards and Requirements

The height of the new 25- room guest building exceeds the maximum allowed by the Zoning Regulations; Town Council has the authority to vary this standard during the conditional district rezoning process. The applicant pointed out that the current proposal, which blends in with the existing structures, will be more aesthetically pleasing than a structure that meets the height requirements.

The storage building and lakeside kitchen shown on the General Development Plan does not meet the required setbacks; Town Council has the authority to vary this standard during the conditional district rezoning process.

The proposed off-site parking area does not meet the requirements outlined in the Zoning Regulations for allowable distance from the primary use, nor is located adjacent to a commercial district; Town Council has the authority to vary this standard during the conditional district rezoning process.

Additional Issues and Concerns

The following additional issues and concerns were raised:

- Ensuring sufficient parking for both restaurants on days where most patrons come by car due to weather.
- Zoning changes or amendments may be needed for proposed uses at the satellite parking lot. A storage building at the off-site parking area is not currently allowed by the Zoning Regulations. The Zoning Administrator is researching whether or not boat trailer storage at that location would be allowed under current regulations. The applicant needs to communicate with the Zoning Administrator to discuss the requirements in the Zoning Regulations for off-site parking.

The following audience members requested to speak during the meeting:

Steve Eisenbrown, owner of several residences on Holmes Road directly across from the proposed project, stated that he was pleased to see the applicant's recent changes on the proposed docks, but that the scale of the project is still too large, and he feels it will change the neighborhood structure. Mr. Eisenbrown expressed concerns about giving the applicant the opportunity to build a commercial project in a residential area and explained that he does not believe the proposed project will increase quality of life in Lake Lure. He stated that he has not seen any quantification of the economic development impact of the proposed project other than increased tax revenue.

Ed Dittmer, 1136 Memorial Highway, stated that he does feel that noise related to the proposed project will be an issue. He pointed out that prior to the construction of Larkins on the Lake there were similar concerns about noise, but it has not been a problem.

David Dahle, 223 Storm Ridge Drive, stated that he believes additional lodging at the Lodge on Lake Lure and a 100-seat restaurant would create a lot of additional traffic in the area and he feels that the road is a real danger. He stated he would like to see safety measurements put in place. Mr. Dahle believes that the amount of traffic associated with the proposed project will take away the area's residential appearance.

Martha Jones, 146 Yacht Island Drive, stated that Charlotte Drive is also used by residents as a sidewalk for exercise, walking, etc. and that the proposed project would create safety concerns.

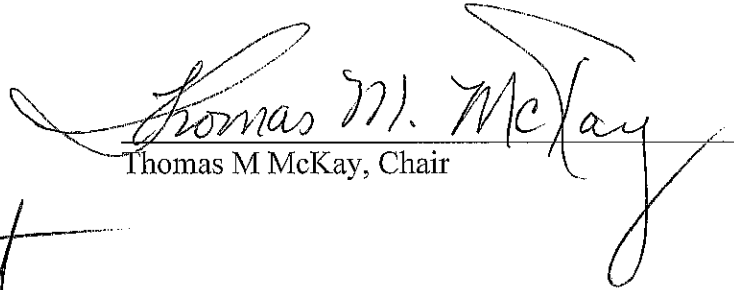
Jim Keene, 123 Gentle Winds Lane, expressed his concerns regarding traffic and the safety on Charlotte Drive during the summer months. He mentioned combining the two proposed restaurants (the new and the existing one) to allow the restaurant to be over the land instead of the lake. Ms. Decker stated the different dining experiences are still being looked into.

Barbara Marsh Searcy, 201 Havnaers Point Circle, mentioned she grew up in the Grove Park area and that a board member's reference to the proposed Lodge project as similar to the expansion of the Grove Park area is invalid.

The Planning Board requested that the Lake Advisory Board be invited to meet jointly with them to deliberate regarding lake related matters and the proposed project. The Planning Board recessed the meeting until December 1, 2015 at 9:30 at the Lake Lure Town Hall.

ATTEST


Andi Calvert, Town Clerk


Thomas M McKay, Chair