



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, June 16, 2015

Lake Lure Municipal Center

ROLL CALL

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

Absent: David Goins

Also Present: Shannon Baldwin, Community Development Director
Mike Egan, Board Attorney
Michelle Jolley, Recording Clerk
Ron Morgan, Fire Chief
Sheila Spicer, Zoning Administrator

Chairman McKay called the meeting to order at 9:33 a.m. and gave the invocation. The Board members led the Pledge of Allegiance.

Chairman McKay announced that Mr. Goins resigned his position on the ZPB.

APPROVAL OF THE AGENDA

The Board approved the agenda as presented.

APPROVAL OF THE MINUTES

Mr. Barrett pointed out that Mr. Hinkle made the motion to approve the April minutes at last month's meeting, not Mr. Ellis.

Mr. Barrett made a motion to approve the minutes of the May 19, 2015 regular meeting as amended. Mr. Ellis seconded the motion. All voted in favor.

OLD BUSINESS

A. Discussion on Draft Camping and Campgrounds Ordinance

Mr. Baldwin read over the memo included in the packet. He stated he spoke with a few mountain bikers and climbers who expressed the need for a place to tent camp and buy local craft beer. Mr. Egan noted that the draft included in the packet was one he pulled from an ordinance from the Town of Black Mountain and added it may need some tweaking. He spoke of the campground approval process. He explained it would need to go through a CUP process which would give the Town maximum control. He mentioned that a CU Permit will require a simple majority ruling and no longer a super majority ruling. The General Assembly revised this statute in 2013.

Chairman McKay asked Mr. Baldwin what viable options there are on locations for tent campgrounds. Mr. Baldwin responded that there are two possible sites that quickly come to mind; 1) property across the street from the Town Municipal Center. He stated this property already has some infrastructure; 2) property across the river which was identified in the Gateway Masterplan. He stated that some of this is the Beio property and Moore property, and part is in Chimney Rock. He noted that a lot of this area is in the floodplain, which would be a nice use for a campground. He read over the email received from Clark Poole, Director of Rutherford County Chamber of Commerce, regarding RV Campgrounds. Blaine Cox conveyed that there was once an RV park at the Willowbrook property which had a swimming pool. Ms. Spicer noted that property is currently zoned as CG. Mr. Baldwin added that the Morse Park property, located in the floodplain, has worked nicely in the past for tent camping.

Mr. Baldwin suggested ZPB look over the ordinance, decide whether it is consistent or inconsistent with the Comprehensive Plan, and make a recommendation to Town Council. He conveyed that it is consistent with recreation outdoor use elements of the Comprehensive Plan.

Mr. Ellis asked Ms. Spicer if the regulations as drafted allow the previous uses on those properties. Ms. Spicer stated she has no way of knowing without finding out what they previously were. Mr. Baldwin stated any new campground uses would now need to go through the CUP process.

Ms. Spicer stated, in regards to density, there are two different densities; one for RV and one for tent campgrounds. She mentioned that she had asked Mr. Egan if the two types of uses could be mixed and he stated he did not believe so. Ms. Spicer felt it would boil down to how the BOA interprets those sites in regards to the density requirements. Mr. Baldwin reiterated that the ordinance in the packet is a variation of one that Black Mountain has in place. He mentioned staff could call Black Mountain and ask what type of densities they require. Chairman McKay felt that the campground ordinance needs to be business friendly. He stated the property across the street could be cleaned up and made readily available for tent camping. Mr. Baldwin stated he's asking that ZPB tweak

and adjust the ordinance and send this ordinance to Town Council for consideration. He noted there was a provision placed in the ordinance that the Fire Marshal review the fire prevention and protection of any campgrounds.

Mr. Ellis did not feel there should be a lower tent per acre ratio established for tents. Chairman McKay stated the ordinance reflects camping on private property and not state or public property. Therefore, he felt this is why there is a set ratio of how many tents are allowed. Mr. Ellis asked if KOA standards would be something the Town would deem as desirable. Mr. Baldwin stated KOA standards are widely recognized. He mentioned the Town exceeds the KOA standards by only one site per acre.

Mr. Baldwin mentioned there is no rush on this ordinance and stated the Planning Board was commissioned by Council per feedback the Town received. Mr. Ellis felt that the density should be consistent for RV's and tents not exceed 15 sites per acre.

Mr. Ellis made a motion that Zoning & Planning Board finds this ordinance consistent with the Comprehensive Plan and approved as drafted with the revision that all density be consistent to not exceed 15 sites per acre. Mr. Hinkle seconded the motion.

B. Discussion on Agricultural Uses Presentation and Community Meeting

Mr. Baldwin reminded everyone that at the last meeting a date was set for August 20th at 6:00 p.m. for a public meeting. He reiterated that names of those who attended would be taken and a steering committee appointed by Town Council to generate a report for Planning Board to use in creating an ordinance. Town Council would consider both in the end.

Mr. Barrett felt that there are items governed by the police department in the ordinance that should not be enforced by police, such as the personal use of chickens. Mr. Baldwin stated we want to ask the public what uses they would like to have that are currently not allowed. Then, he stated, we can start the process to amend the regulations to permit folks to exercise agricultural uses. He explained that if changes were made to the regulations now, the Board would need to set some parameters before going to the public. Chairman McKay pointed out that this would be presented to the public, sharing with them how the Board feels on some of the regulations, and ask for input on how the public feels. From there he stated the Board can develop an ordinance based on what the public wants.

Mr. Ellis asked why the zoning department does not have authority over the animal provisions. Ms. Spicer answered the Town Code lists the animal provisions under jurisdiction of law enforcement. She stated it isn't considered use of the land; it is considered something that could potentially be a safety hazard. She mentioned this is why chickens have been lumped into this provision. Mr. Egan felt that most of the nuisance ordinances are police power ordinances that have been that way for years and have never been modified, except for the noise ordinance. Mr. Barrett felt that animals used for agricultural uses should be enforced by the zoning department. Discussion ensued.

Mr. Ellis stated the slides have a mixed set of documents within and felt that some of these slides meant for Planning Board discussion purposes should not be distributed. Mr. Baldwin pointed out that the slides are talking points used at the meeting and would not be distributed to the public in advance. Mr. Barrett asked if the Police Department would be present at the meeting and Mr. Baldwin replied they would be invited to attend, and could attend. Mr. Baldwin mentioned the Board could make recommendations to Town Council to update ordinances specifically what staff enforces which provisions. He stated if the public did not recommend any changes, this Board could still recommend changes to the ordinance. Discussion held.

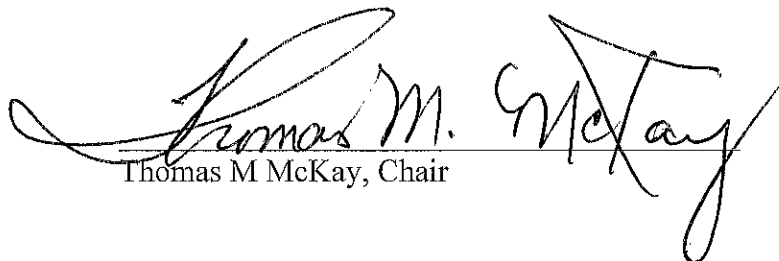
PLANNING PROJECTS UPDATE

Mr. Baldwin updated the Board on the walkway from Lake Lure to CRV, and the school. He explained that the Town cannot apply for the grant to clean up the firing range property for school use, since the Town is the cause. He stated the school or the county would have to apply for those funds. He mentioned that the Town has not given the property to the school; it is still town property. He then updated the Board on Buffalo Creek Park.

Mr. Ellis stated the Board ranked projects on priority in the past and thought it would be helpful to have those projects listed in the report for the Board to see and receive any updates.

Upon a motion by Mr. Barrett and seconded by Mr. Ellis, the meeting was adjourned at 11:10 a.m. The next regular meeting is scheduled for Tuesday, July 21, 2015 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Secretary