



**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD TUESDAY, DECEMBER 22, 2015, 6:00 P.M. AT THE LAKE LURE MUNICIPAL
CENTER**

PRESENT: Mayor Bob Keith
Commissioner John W. Moore
Commissioner Mary Ann Silvey
Commissioner Bob Cameron
Commissioner Stephen M. Webber

Christopher Braund, Town Manager
J. Christopher Callahan, Town Attorney

ABSENT: N/A

CALL TO ORDER

Mayor Bob Keith called the meeting to order at 6:00 p.m.

INVOCATION

Attorney Chris Callahan gave the invocation.

PLEDGE OF ALLEGIANCE

Council members led the pledge of allegiance.

APPROVE THE AGENDA

Commissioner Bob Cameron made a motion to approve the agenda as presented.
Commissioner Stephen Webber seconded the motion and the vote of approval was unanimous.

**PUBLIC HEARING – PROPOSED ORDINANCE NO. 15-12-22 DRAFTED IN
RESPONSE TO PETITION NO. CRZ-2015002, A CONDITIONAL DISTRICT
REZONING REQUEST FROM MARK BELLISSIMO WITH THE LODGE ON LAKE
LURE. THIS REQUEST INVOLVES THE FOLLOWING PROPERTIE:**

<ul style="list-style-type: none">• TAX PIN 1650706 LOCATED AT 361 CHARLOTTE DRIVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT
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Community Development Director Shannon Baldwin read a portion of section 92.019 of the Town's Zoning Regulations concerning conditional zoning districts. Mr. Baldwin stated that Ordinance No. 15-12-22 does not mandate detailed plans; only conceptual plans are required at this time. Further review and approval will take place prior to construction. Mr. Baldwin read information from attorney Mike Egan and an additional attorney concerning spot zoning.

Zoning Administrator Sheila Spicer stated that town council's packet contains a staff report concerning CRZ-2015002 and briefly reviewed the staff report and the conditional zoning district process. Ms. Spicer stated that town council review is the final step in the conditional rezoning process.

Mayor Bob Keith opened the public hearing concerning Proposed Ordinance No. 15-12-22 drafted in response to Petition No. CRZ-2015002 a conditional district rezoning request from Mark Bellissimo with the Lodge on Lake Lure.

Veryle Lynn Cox of 324 Snug Harbor Circle explained that she moved to Lake Lure in 1990 and described the "good heart and good intentions but limited resources" of parties that left projects unfinished throughout the years. Ms. Cox stated that the town now has a chance to say "yes" to a project backed by resources and a proven track record and further stated that businesses will respond to the influx and fresh economy. Ms. Cox urged town council to vote in favor of the proposed zoning changes.

Susie Ellis of 126 North Shore Drive explained that she was initially opposed to the original plans for the Lodge because it was too big and they asked for too many slips, but she now feels the current project is reasonable. As a permanent resident, she feels that the project will provide needed year-round economy and encouraged town council to consider the actions that have already been taken that prove that the Lodge is committed to being a good neighbor.

Rebecca Waite stated that her family has owned property at 167 Sheridan Lane for many years and that they understand the need for economic improvements. However, Ms. Waite pointed out that she feels the town holds "the bag of gold" and the proposed project will be a "lightning rod" for controversy and sets the town up for conflict and litigation. Ms. Waite encouraged more input from citizens and asked that the second restaurant portion of the proposed project be removed. Ms. Waite encouraged council to delay making a decision on the proposed ordinance and look at it with fresh eyes in January.

Page 3- Minutes of the December 22, 2015 Special Council Meeting

Kathryn Proctor of 328 Boys Camp Road stated that she is in the food service business and is surprised to see that the proposed plan doesn't address the over 7000 square feet of serving space and cited parking as an issue. Ms. Proctor argued that the proposed plan greatly exceeds what conditional zoning should be allowed to do.

Janet Walters of 418 Chapel Point Road explained her long family history in Lake Lure and stated that she would like to see the project go forward. Ms. Walters directed her comments at the audience stating that so many people are vocal against the proposed project, it many seem that no one is for it. Ms. Walters further stated the she believes many people are in favor, possibly the silent majority. Ms. Walters had concerns when the project was first presented, but she feels the developer has tried to address most of the concerns.

Linda Turner of 211 Hawks Nest Trail asked to add her support for the Lodge on Lake Lure projects stating the she has seen many developments start and stall out and that she has seen good businesses fail due to Lake Lure's struggle for year-round economy. Ms. Turner stated that she believes the proposed project will help improve the year-round economy in Town and that the developer has been willing to work to address concerns and urged council to approve the proposed ordinance.

Logan and Sonora Hartzog stated that they were raised in Lake Lure and that they love and have a vested interest in the town. Mr. Hartzog stated that they felt that the public should hear what their father wrote to council in support of the Lodge on behalf of the chamber of commerce. Mr. Hartzog read the letter encouraging approval of the project describing it as a benefit to the community.

Woody Turner of 211 Hawks Nest Trail read an email that he sent to the mayor, town manager and chamber representatives in support of the Lodge on Lake Lure project describing the project as beneficial to Lake Lure and the community for the following reasons: it will grow economy and create jobs, it will promote future tourism and potentially increase permanent residents, it will expand demand for cultural and recreational events and bring gradual demographic change vital to sustaining year-round residents and it will build a business relationship with Tryon Equestrian Center and it's customers. Mr. Turner pointed out that, based on recent changes the developers have made to the plans, they seem committed to accommodating concerns. Mr. Turner complimented the way the process has been conducted over the past months.

Kathy Boff of 238 Snug Harbor Circle stated that she came to support the request of the Lodge on Lake Lure pointing out that the Lodge has been in the same location since the 1930's and has been a commercial property since that time. Ms. Boff stated that she has heard complaints that the business will only provide service jobs but, as far as she can tell, these types of jobs are the only ones here. Ms. Boff stated that another opportunity like the one presented may not come to Lake Lure and encouraged council not to let it slip away, stating that change is inevitable.

Page 4- Minutes of the December 22, 2015 Special Council Meeting

Kara Misenheimer of 466 Charlotte Drive stated that, as a property owner on Charlotte Drive, she is strongly against the project describing the scale of the project as out of balance for the community. Ms. Misenheimer stated that the level of nonresident activity will be inescapable for residents and the zoning restrictions that are in place to protect homes in the area will not be in place if the request is granted. Ms. Misenheimer noted that noise and light concerns will be hard to control and that the project places commercial development in a residential area, which she believes is inconsistent with the town's comprehensive plan.

Steve Eisenbrown of 456 Holmes Road delivered a protest petition signed by 188 people from Lake Lure opposing the conditional rezoning petition and showed a large poster map identifying the locations of those opposed who signed the protest. Mr. Eisenbrown stated that they are not against the development of the Lodge property and respect the Tryon Equestrian Partners, but properties across from the project have legal involvement to try to get the facts on the table and determine what is an appropriate amount of development for the site. Mr. Eisenbrown stated that he would like work out a plan that works for that all and cited problems with the secondary restaurant as the primary concerns along with noise, traffic and the number of boat slips requested. Mr. Eisenbrown urged council to explore further options to find options that work for all three constituencies (the Town, the Lodge, and concerned residents).

Craig Justus of 456 Holmes Road asked how many people in the audience live in a residential area and in an R-1 zoned area and asked who would be upset if Larkin's or the Lake Lure Inn were moving into their neighborhood with restrictions being waived. Mr. Justus stated that the proposed project is a comparable situation. Mr. Justus stated that his clients have a lot of concerns and asked council to allow them 30 days to work with the developer's representatives to come up with a mediated resolution. Mr. Justus said that if council approves the ordinance, they have 60 days to appeal and urged council not to make the decision, but instead allow more time. Mr. Justus asked council to study what they are charged to consider (public safety, public health, and property values). Mr. Justus provided council member copies of letters on behalf of his clients.

Amy Massey, representing Kimley Horne and Associates Inc., stated that she is a professional engineer in North Carolina and that, at the request of Van Winkle Law Firm, Kinley Horne has performed a review of the potential traffic impacts associated with the proposed expansion of the Lodge on Lake Lure relative to the proposed conditional district rezoning. They reviewed the general development plan, the report from town staff with embedded NCDOT comments, the preliminary traffic impact assessment for the Lodge on Lake Lure report from J.M. Teague Engineering and Planning and based on their review they concur with NCDOT and J.M. Teague Engineering and Planning that site distance needs to be improved to meet national standard. While this is an existing condition, addition traffic will create additional exposure. Ms. Massey presented additional recommendations including a potential turning lane. Council members were provided a complete copy of Kimley Horne's recommendations for the road.

Mark Morris, a real estate agent in Asheville and owner of a home in Lake Lure, presented results of an impact study stating that he was hired by Van Winkle Law Firm to do an

Page 5- Minutes of the December 22, 2015 Special Council Meeting

analysis of properties in the area of the Lodge to estimate before and after values for the properties (current values of the properties versus values with the proposed improvements at the Lodge). Mr. Morris reviewed portions of his report and stated that there is a potential negative and detrimental impact for properties in close proximity to the Lodge that would suffer in value negatively from 3-10%.

Karen Knaub of 347 Lakeview Road stated that she is opposed to the proposed plan, but that she can accept it if it is truly the wishes of the majority of the community, but she has still not seen the proof that the majority of citizens are in favor of the project. Ms. Knaub urged the elected officials to vote with the majority of the people and questioned why all commissioners were not invited to all meetings concerning the project from the beginning. Ms. Knaub feels the project is too grand for the location and that it will take away from the throwback feel of the town.

Nancy Anderson of 199 Storm Ridge stated that she owns lots three doors up from the Lodge and was not invited to the neighborhood compatibility meeting. Ms. Anderson expressed concerns for her neighborhood stating that she feels like the quality of life at Lake Lure for her and her neighbors is at risk. Ms. Anderson further stated that she knew the Lodge was in the area when she purchased property, but trusted the town to protect the residential area. Ms. Anderson stated that she can't imagine why the developer who purchased the Lodge property would expect to be given the major variances required for the proposed project. Ms. Anderson informed council that minor variances are understandable, but many fear the plan, as it is, will compromise what many love about Lake Lure and asked council to seek an outcome in the interest of all. Ms. Anderson suggested that the developer make further adaptations to their plan instead of asking Lake Lure to adapt for them.

Molly Oakman of 321 North Shore Drive, employee of Tryon Resort, stated that Tryon Equestrian center has allowed her a great career opportunity without leaving her home town and, as a result, her paycheck is put back into the local economy. Ms. Oakman further stated that the jobs created by the proposed Lodge project will have an impact on the community. Ms. Oakman pointed out that Charlotte Drive has needed improvements for years and Mr. Bellissimo has offered to assist the town in funding the improvements and asked council to consider that record of the applicant at Tryon International Equestrian Center and urged council to consider the opportunity for economic development for the community and the people who live here.

David Forrester of 269 Charlotte Drive (and owner of lots surrounding the parcel), explained that he and his wife are very involved and committed to the area and that the concern they have is what they feel is a significant decline in the economy of the county. Mr. Forrester explained that he thinks it is imperative that we make progress and that jobs are the next thing that has to happen in order to advance. Mr. Forrester believes the project has the potential to be beneficial and improve the community. While he understands that some neighbors have concerns, he believes most of them have been addressed and he believes that impacts of the project on the community will be positive.

Page 6- Minutes of the December 22, 2015 Special Council Meeting

Jim Proctor of 328 Boys Camp Road stated that he has talked to the mayor, commissioners, the town manager, and a spokesperson for the developer and sent information as to why he believes the proposed project does not comply with comprehensive plan. Mr. Proctor further stated that if the developer is honestly sure he will develop a good project, he should have no problems with taking the second restaurant temporarily off the table to allow the community to see how the project looks. Mr. Proctor further stated that if council is concerned about negative impacts of the project to the town, they will take the second restaurant off the table. Mr. Proctor concluded by stating that he hopes council will put the town first when making their decision.

Pat Buede of 2153 Memorial Highway urged council to look at the town comprehensive plan in section 10.0 regarding establishing buffers and asked that the second restaurant be removed from the proposed plan. Ms. Buede stated that she wants tax dollars going to the town, not to law suits and she believes the request goes beyond what a conditional zoning variance should be allowed to do and that approval of the project will polarize the town and set us up for potential unnecessary litigation and stifle further economic growth. Ms. Buede fears that if the project is approved that town may lose "specialness". Ms. Buede also fears that once the town opens the door to conditional zoning they will lose the ability to say "no" to other developers that purchase properties on the lake and request restaurants with no setbacks. Ms. Buede stated that today we have peace and quiet and asked council to at least take the second restaurant off the shore line.

Sue McClinton of 301 Holmes Road stated that they have improved their 1940s lake house and turned it into year round home while spending time and energy to preserve it while following the regulations. Ms. McClinton stated that during a family reunion they stayed at the Lodge and the sound of construction was unpleasant. Ms. McClinton expressed concerns about sound because sound carries across the lake. Ms. McClinton also had questions about price point of the rooms at the Lodge and the attire required for the proposed restaurants.

Wynn Hardy 218 Asa Gray Drive stated that the discussion of improvements to the Lodge property brings to mind conversation with friends speaking of Lake Lure and reflecting that the fond memories related to the Lodge property (that was then vacant and in disrepair). Mr. Hardy discussed the lack of year-round employment in town and vacant properties. Mr. Hardy stated that while some people have a different vision for the property than what is proposed, he hopes that town council isn't swayed by outrageous comments and individuals who roll out threats of lawsuits.

Donald Farrell of 2844 Buffalo Creek Road asked council to look at section 11.0 of the town's comprehensive plan that cites commercial lake front development as a concern and stated that the proposed development will change views from the lake and surrounding properties and urged council to at least take the second restaurant off the plans stating that the plan goes far beyond what the conditional zoning district should be allowed to do and sets the town up for unnecessary litigation and may stifle future development. Mr. Farrell stated that the plans

Page 7- Minutes of the December 22, 2015 Special Council Meeting

proposed a lot for the property size and the street can't handle the traffic associated with the proposed project.

Ed Dittmer of 1136 Memorial Highway asked to raise a few issues that have been brought up, stating that in a recent survey to update the town comprehensive plan the results showed overwhelmingly that residents wanted more lakeside restaurants in 2015. Mr. Dittmer stated that he has lived in a residential area near Larkin's Restaurant for almost 20 years and doesn't understand noise or light concerns. Mr. Dittmer stated that he hopes that council will take into account that so much has been done bring life to the community year round and that the town we needs economic development and good paying jobs. Mr. Dittmer stated that he has talked with people who think the proposed plan is a great and asked council to move the town forward.

Kaye Liebel of 166 Yacht Island Drive stated that last summer the only way to get to Yacht Island was Charlotte Drive and described it as a "zoo" due to a little construction. Ms. Liebel stated that she knows change is inevitable, but it does not have to be negative change citing the memories and peace as things she loves about the lake. Ms. Liebel said that if we have the option to control change that it should be so that it is not a negative change. Ms. Liebel urged council to preserve the quiet in Lake Lure so that her grandchildren may be able to enjoy the peace the she does now in Lake Lure.

Sharon Decker, senior vice president for strategic initiatives for Tryon Equestrian Center, thanked the town for the process and the long negotiation that helped bring about an optimal plan. Stating that have presented the project no less than nine times in public and that she had never seen a process so public and thanked the town because she believes that their team now comes with a better project for the community. Ms. Decker asked that council vote on the ordinance tonight since she feels they have a project that all parties can be proud of and asked that council support their efforts to invest in the community.

Mayor Keith recessed the meeting briefly and reconvened.

CONSIDER ADOPTION OF ORDINANCE NO. 15-12-22 DRAFTED IN RESPONSE TO PETITION NO. CRZ-2015002, A CONDITIONAL DISTRICT REZONING REQUEST FROM MARK BELLISSIMO WITH THE LODGE ON LAKE LURE. THIS REQUEST INVOLVES THE FOLLOWING PROPERTIES:

- **TAX PIN 1650706 LOCATED AT 361 CHARLOTTE DRIVE – REZONE THE ENTIRE PARCEL FROM R-1 RESIDENTIAL TO R-3CD RESORT RESIDENTIAL CONDITIONAL DISTRICT**

Page 8- Minutes of the December 22, 2015 Special Council Meeting

Public notices were duly published in the Daily Courier newspaper.

Commissioner Stephen Webber made the following motion:

With regard to the petition of Mr. Mark Bellissimo, Lake Lure Lodge, LLC, to amend the Zoning Map of the Town of Lake Lure and create the Lodge on Lake Lure R-3CD Conditional District on property situated at 361 Charlotte Drive and currently zoned R-1, I move the Board to make the following findings:

- 1) On balance, the proposed amendment is consistent with the 2007-2027 Comprehensive Plan for the following reasons:

_____ Policy LU-1-1.1 of the Comprehensive Plan reads, “Create zoning districts or modify existing zoning districts to accommodate uses as indicated in the Comprehensive Plan.” The land which is the subject of this petition to create an R-3CD Resort Residential Conditional District is classified as Resort Residential on the Future Land Use Map (Figure 8) contained in Chapter 11 of the Comprehensive Plan. Resort Residential equates to R-3 per Table 11.3, Comprehensive Plan.

_____ The proposed uses align with other specific sections of the Comprehensive Plan cited in the applicant’s project narrative, and referenced in the Zoning & Planning Board Meeting, regarding Economic Development, Utility Infrastructure, and Community Services and Facilities. The Zoning & Planning Board also finds the proposed amendment consistent with the Comprehensive Plan and recommends approval.

- 2) The proposed amendment to the Zoning Map is reasonable and in the public interest for the following reasons:

_____ The uses proposed for this development are “hotel / motel / lodge, with supporting facilities.” The property has been put to the same use for many years and has coexisted in harmony with the surrounding residential properties.

_____ The proposed redevelopment has been designed to maintain the historic character of the lodge which has long been an asset to the neighborhood and the community.

_____ The conceptual plans are generally consistent with the visual manual entitled “Town of Lake Lure Design Guidelines for New Commercial Construction.”

Page 9- Minutes of the December 22, 2015 Special Council Meeting

- _____ The project will have a positive impact on the local economy by broadening the range of visitors frequenting Lake Lure, creating jobs, and building the commercial tax base.
- _____ The project will enhance infrastructure by providing a new public 8" water distribution line while increasing water and sewer revenues to the town.
- _____ The applicant will make improvements to Charlotte Drive, a town street, based on a preliminary Traffic Impact Analysis, and as outlined in the List of Standards and Conditions.
- _____ The applicant has acquired additional property to be dedicated to offsite parking to alleviate traffic impacts on Charlotte Drive and will manage deliveries so that impacts are minimal.
- _____ The applicant has committed to using down lighting which will ensure that light will not leave the property. In addition, the applicant 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.
- _____ The town's noise regulations currently in place are sufficient in ensuring noise will not become an issue with this redevelopment project.
- _____ The Lake Advisory Board has deliberated and offered recommendations regarding lake structures and uses to the Town Council and Marine Commission.
- _____ The applicant 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.

Commissioner Webber further moved that Town Council enact Ordinance 15-12-22 together with List of Standards and Conditions (and the general development plan) referenced therein, thereby creating the Lodge on Lake Lure R-3 Conditional District. Commissioner Bob Cameron seconded the motion.

Commissioner Stephen Webber asked that under parking in A2 and A3 of the ordinance that the words "as an accessory use" be added at the beginning. Council members agreed to the change.

Commissioner Webber also suggested that at the end of building height section that the word "and only if site conditions do require it" be added. Commissioner Webber stated that it was his understanding that the 4 foot buffer is only if the site conditions require it and that he

Page 10- Minutes of the December 22, 2015 Special Council Meeting

wants it understood that the buffer is only allowed if necessary. After discussion, it was the consensus of the board the additional statement is not necessary.

Commissioner Bob Cameron thanked staff for all their hard work on the project and thanked the public for their comments. Commissioner Cameron stated that the Lodge was a commercial property and that it is one of properties 17 that were suggested to be changes to R-3 and that the others were changed. Commissioner Cameron stated that as council it is their responsibility to look out for the entire community and that they have all worked hard to represent all citizens. Both advisory boards and the chamber have said it will be good for the community and the applicant is very qualified and that he supports the project.

Commissioner John Moore stated that this has been one of the toughest decisions in his six years on town council and that he believes the comprehensive plan can be interpreted to be for or against the proposed project. Commissioner Moore stated that council has received new information tonight that they need to analyze and suggest that council not make a decision tonight to allow Mr. Eisenbrown and the developer to come up with a compromise and recommend that council postpone the decision for up to 30 days.

Commissioner Mary Ann Silvey stated that the conditional district rezoning was a new concept for her and she had concerns, but that the conditional rezoning is not a “blank check”. Commissioner Silvey still has concerns about the setbacks from the lake, but in spite of her concerns she feels comfortable voting and having further discussion throughout the process.

Commissioner Webber asked the developer if he feels it will be beneficial to postpone consideration of the proposed ordinance. Mr. Bellissimo stated that he does not feel like a delay would be beneficial.

Commissioner John Moore made a motion to defer the decision. There was no second to the motion.

Commissioner Stephen Webber, Commissioner Mary Ann Silvey and Commissioner Bob Cameron voted in favor of the original motion to adopt Ordinance No. 15-12-22. Commissioner John Moore opposed. With a vote of three to one, the motion passed adopting Ordinance No. 15-12-22.

Mayor Bob Keith read a portion of a letter he prepared in case he had to break a tie and stated that he would have voted in favor of approving the ordinance.

ORDINANCE NO. 15-12-22 AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF LAKE LURE; CREATING THE LODGE ON LAKE LURE CONDITIONAL DISTRICT

Page 11- Minutes of the December 22, 2015 Special Council Meeting

WHEREAS, the Town of Lake Lure has the authority, pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, Mark Bellissimo (Petitioner) has applied to have certain lakefront property he owns (the Property) rezoned from R-1 Residential to R-3CD Resort Residential Conditional District; and

WHEREAS, the Property has been used historically for the purposes requested in Petitioner's application, to wit: lodging, dining and lake access; and

WHEREAS, Petitioner has voluntarily requested that the list of uses permitted in the Lodge on Lake Lure Conditional District be limited to those noted on the General Plan of Development for the project as well as on the List of Standards and Conditions, both of which documents are attached to, and made a part of, this Ordinance; and

WHEREAS, Petitioner agrees that redevelopment of the existing lodge will be consistent with the General Plan of Development and List of Standards and Conditions; and

WHEREAS, Town Council finds that this amendment is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan which classifies this property as Resort Residential; and

WHEREAS, the Lake Lure Zoning & Planning Board has reviewed the petition, has found it to be consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan and to be reasonable and in the public interest; and

WHEREAS, the Lake Lure Zoning & Planning Board recommends enactment of an ordinance rezoning the subject property to R-3CD as proposed in this ordinance; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 22nd day of December, 2015, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, PURSUANT TO A LEGISLATIVE DECISION-MAKING PROCESS, THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN A SPECIAL MEETING AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, DOES HEREBY ORDAIN THE FOLLOWING:

SECTION ONE. This ordinance is enacted pursuant to the grant of authority contained in Section 160A-381 of the North Carolina General Statutes.

Page 12- Minutes of the December 22, 2015 Special Council Meeting

SECTION TWO. Upon petition of Mr. Mark Bellissimo, the Zoning Map of the Town of Lake Lure is hereby amended to create the Lodge on Lake Lure Conditional District as more particularly set forth herein.

SECTION THREE. The zoning classification of that certain real property described in the petition for rezoning, which is attached hereto and made a part hereof, is hereby changed from R-1 to R-3CD. Said property is also identified as the lot located at 361 Charlotte Drive (Rutherford County Tax PIN 1650706).

SECTION FOUR. The Lodge on Lake Lure Conditional District is a conditional zoning district established pursuant to the Zoning Regulations of the Town of Lake Lure by means of authority granted by the North Carolina General Statutes. The only uses permitted within this district are those noted on the List of Standards and Conditions, which is attached hereto and incorporated herein as Exhibit A.

SECTION FIVE. Future development of lands situated within the Lodge on Lake Lure Conditional District, and the processing of applications to develop and use such lands, shall comply with the aforementioned List of Standards and Conditions and with the General Development Plan for the Lodge on Lake Lure, which is attached hereto and incorporated herein as Exhibit B.

SECTION SIX. As noted in Exhibit A, the Zoning Regulations of the Town of Lake Lure are hereby adjusted as necessary in order to accommodate development within the Lodge on Lake Lure Conditional District, as depicted on Exhibit B.

SECTION SEVEN. Enactment of this Ordinance constitutes the approval of a site-specific development plan resulting in the establishment of a vested right, pursuant to N.C.G.S. 160A-385.1, to undertake and complete the development and use of the property under the terms and conditions specified herein. Such vested right shall have a term of two years from the date of adoption of this Ordinance.

SECTION EIGHT. This Ordinance only relates to development activities within the Lodge on Lake Lure Conditional District and to Zoning Regulations which apply to such development. It does not authorize development activities within the L-1 Lake Zoning District nor does it modify standards contained in the Town of Lake Lure Lake Structure Regulations.

SECTION NINE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION TEN. This ordinance shall be in full force and effect from and after its enactment.

Enacted this 22nd day of December, 2015.

Page 13- Minutes of the December 22, 2015 Special Council Meeting

Attorney Chris Callahan suggested that council clarify that the letters presented during public forum are not part of the minutes of the meeting and that the letters are received by the town and that they will be held with the overall records of the meeting with everything else that has been received.

Commissioner Stephen Webber made a motion to approve Mr. Callahan's clarification. Commissioner Mary Ann Silvey seconded the motion and the vote of approval was unanimous.

<p>PUBLIC HEARING – PROPOSED ORDINANCE NO. 15-12-22A: AN ORDINANCE AMENDING SECTION 94.12 OF THE LAKE STRUCTURES REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES</p>

Steve Eisenbrown thanked council for their consideration of comments and for their professionalism. Mr. Eisenbrown stated that he has concerns about changing rules that have been in place for decades and doesn't understand why they can't be followed.

Craig Justus questioned the need to change rules that have been in place for decades and explained that developers won't know what the rules are until council sets them on a case by case basis if the proposed ordinance is adopted and asked, "What is the point of having rules if they aren't followed."

Attorney Chris Callahan explained that these regulations, as they are now, have not been in place for decades (as described in the public comments). Mr. Callahan stated that back in the 1990s the lake structure regulations were different and that they were made policy for years (because it gave the town more flexibility) and further explained it was later suggested in the Law of Lake Lure that there may be a time when the town may want to consider a special grant as the owner of the lake.

Town Manager Chris Braund stated that in the Lake Structure Regulations Section 94.12 Town Council approval is required for commercial Lake Structures, but it provides no guidelines and since commercial lake structures have to come before council anyway, town council has the authority to establish rules as it see appropriate.

Commissioner Stephen Webber pointed out that the paragraph that council is considering amending was adopted August 14, 2007.

Barbara Marsh Searcy of 201 Havnaers Point Circle stated that she has likely eaten at the Lodge more than anyone in the room and that she is not against making Lodge on Lake Lure more beautiful but expressed concerns about the large amount of traffic related to the request

Page 14- Minutes of the December 22, 2015 Special Council Meeting

submitted by the Lodge on Lake Lure. Ms. Searcy also express dissatisfaction with relocation of the town's ABC store.

Jim Proctor of 328 Boys Camp Road asked if the public hearing was only for the proposed change to the Lake Structure Regulations or for the multiple variances the Lodge on Lake Lure has requested and stated that in the past the town has always had a public hearing when significant changes were made to the Lake Structure Regulations. Mr. Proctor read the following portion of town's comprehensive plan section 11.0: "additional commercial development on the lakefront would detract from Lake Lure's beauty and potentially could decrease the environmental quality of the lake. Of those surveyed, 83.6% cited the need to limit commercial development on the lakefront." Mr. Proctor stated that the developer wants more slips than are allowed and asked council members if they are going to allow this developer to do things that others are not allowed to do.

Commissioner Bob Cameron made a motion to close the public hearing. Commissioner Stephen Webber seconded the motion and the vote of approval was unanimous.

Commission Mary Ann Silvey stated that this was a public hearing on changing the ordinances, in response to Mr. Proctor's question, asked if council will also be having a public hearing concerning the Lodge's applying for the Lake Structure. Town Manager Chris Braund stated that there is no requirement for public hearing for the request for a commercial lake structure, but that it has been discussed throughout the Lodge's project presentations.

<p>CONSIDER ADOPTION OF ORDINANCE NO. 15-12-22A: AN ORDINANCE AMENDING SECTION 94.12 OF THE LAKE STRUCTURES REGULATIONS OF THE TOWN OF LAKE LURE CONCERNING COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES</p>
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Public notices were duly published in the Daily Courier newspaper.

Commissioner Stephen Webber made a motion to adopt Ordinance No. 15-12-22A: An Ordinance Amending Section 94.12 of the Lake Structures Regulations of the Town of Lake Lure concerning commercial and multi-dwelling use lake structures be adopted as amended with the word "regular" being changed to "special" in the ordinance where it states "now therefore be it ordained in regular session" and removing of the last sentence of the paragraph that states "The Town shall assess all commercial and multi-dwelling lake structure owners an annual commercial use fee based on the type of commercial use." Commissioner Bob Cameron seconded the motion.

Page 15- Minutes of the December 22, 2015 Special Council Meeting

Commissioner Bob Cameron, Commissioner Stephen Webber and Commissioner John Moore votes in favor of the motion Commissioner Mary Ann Silvey abstained. The motion carried.

Commissioner Mary Ann Silvey questioned why the proposed sentence was removed. Commissioner Stephen Webber explained that he originally proposed the addition of the sentence, but later decided placement of the sentence was not appropriate in this ordinance because the action suggested was not a function of the ordinance.

ORDINANCE NUMBER 15-12-22A

AN ORDINANCE AMENDING SECTION 94.12, COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES, OF THE LAKE STRUCTURE REGULATIONS OF THE TOWN OF LAKE LURE

WHEREAS, the Town of Lake Lure Lake Advisory Board has recommended modifications to Chapter 94, concerning the Lake Structure Regulations of the Town of Lake Lure; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 22nd day of December, 2015, upon the question of amending the Lake Structure Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN SPECIAL SESSION AND WITH A MAJORITY OF TOWN COUNCIL VOTING IN THE AFFIRMATIVE.

SECTION ONE. Section 94.12 of the Lake Structure Regulations of the Town of Lake Lure is hereby amended as follows:

§94.12 COMMERCIAL AND MULTI-DWELLING USE LAKE STRUCTURES

The Lake Structure Administrator and the Lake Advisory ~~Committee~~ Board shall review each lake structure permit application for any new or existing structure that is to be built or converted for commercial or multi- dwelling use. The application review will confirm that the proposed facility conforms to these regulations, evaluate its impact on the lake's carrying capacity, and determine that the location will not be adverse to navigation and boating safety or to any nearby residential area with single family dwellings. A recommendation based on this review will then be submitted to Town Council. The Town Council shall approve or deny the request after examining the report. Specific design standards, restrictions, and/or prohibitions may be varied by a special grant from Town Council if specifically requested by the petitioner as part of a commercial lake structure application and if the special grant is found to secure general welfare and the best overall interest of the public and the municipality. Town Council may also apply specific conditions upon commercial lake structures as Council deems necessary.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK-THROUGH~~]

Page 16- Minutes of the December 22, 2015 Special Council Meeting

SECTION TWO. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION THREE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

SECTION FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 22th day of December, 2015.

CONSIDER APPROVAL OF COMMERCIAL LAKE STRUCTURES FOR THE LODGE ON LAKE LURE

Town manager Chris Braund outlined a request from the Lodge on Lake Lure asking for approval of a commercial Lake Structure.

Commissioner Stephen Webber explained that he feels it would be appropriate to grant a restricted marina status since there are some portions of the marina definition that will not apply.

Commissioner Mary Ann Silvey asked what distinguishes the need for marina status. Environmental Management Officer Clint Calhoun stated that it is necessary since the proposed will be a commercial operation.

Commissioner Bob Cameron suggested that the Lake Advisory Board be asked to establish an official definition for “restricted marina”.

Commissioner Stephen Webber made a motion to approve the marina as a restricted marina with 8 permanent slips and 10 temporary slips that cannot be rented to the general public and no selling of gas, no commercial tour operation and no boat slip rentals are allowed at the restricted marina.

Mr. Bellissimo and Ms. Decker explained that Lodge guests may use boats owned by the Lodge for a charge.

Page 17- Minutes of the December 22, 2015 Special Council Meeting

Town Manager Chris Braund explained that the town has a commercial boat licensing process that balances all of the boating on the lake, citing as at Rumbling Bald resort as a similar operation.

Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous. Council agreed to add the language in the motion to the proposed special grant.

Commissioner Stephen Webber made a motion to approve the request for special grant with additions as previously stated. Commissioner Bob Cameron seconded the motion and the vote of approval was unanimous.

LODGE ON LAKE LURE REQUEST FOR SPECIAL GRANT TO MODIFY DESIGN STANDARDS

1. Definitions. Within this Request for Special Grant to Modify Design Standards the following terms shall have the meanings articulated:

- a. "Project" refers to proposed lake structures associated with the Lodge on Lake Lure R3 Conditional District, as depicted on the General Development Plan for the District.
- b. "General Development Plan" refers to the documents submitted by Lake Lure Lodge, LLC as part of the R3 Conditional District, entitled "The Lodge on Lake Lure General Development Plan".
- c. "LSR" refers to the Town of Lake Lure Lake Structure Regulations.

2. Future Development. Future development of the Project shall comply with the General Development Plan, a copy of which is attached hereto and incorporated herein by reference, and with the requested Special Grant to Modify Design Standards.

3. Development Standards. Development standards which are not modified by the General Development Plan or the requested Special Grant to Modify Standards shall be those contained in the LSR. As provided in §94.12, the LSR are varied to the extent they conflict with the General Development Plan and the requested Special Grant to Modify Design Standards. As indicated on the General Development Plan and the accompanying conceptual building elevations, the modified design standards include, but are not limited to, the following:

- a. The boathouse shall be allowed to exceed the projection into the lake of

Page 18- Minutes of the December 22, 2015 Special Council Meeting

30ft as set forth in §94.05(B) of the LSR. The maximum allowable projection shall be 35ft.

b. The boathouse shall be allowed to exceed the maximum structure width of 45ft as set forth in §94.05(N) of the LSR. The maximum allowable width shall be 50ft.

c. The boathouse, along with the adjacent lake deck, shall be allowed to be built in conjunction with restricted marina status (no gas ~~sell~~s sales, no commercial tour operation and no boat slip rentals are allowed) of the boat slips as opposed to the requirement that a marina must be free of any other lake structures as set forth in §94.14(B)(4) of the LSR.

ADJOURN THE MEETING

With no further items of discussion, Commissioner Bob Cameron made a motion to adjourn the meeting. Commissioner Mary Silvey seconded the motion and the vote of approval was unanimous.

ATTEST:

Andrea H. Calvert

Mayor Bob Keith