



TOWN OF LAKE LURE *Community Development Department*

STAFF REPORT

SUBJECT: CRZ-2015002 Lodge on Lake Lure Conditional District Rezoning

APPLICANT: Lodge on Lake Lure

OWNER: Lake Lure Lodge LLC

REQUEST

CRZ-2015002 is a conditional district rezoning application involving 2.37 acres of lakefront property located on Charlotte Drive. The request is to rezone the property from R-1 Residential to R-3CD Resort Residential Conditional District.

PROJECT DESCRIPTION:

Address:

361 Charlotte Drive (Tax PIN 1650706)

General Location:

At the intersection of Charlotte Drive, Stormridge Drive, and Lakeridge Drive

Existing Zoning:

R-1 Residential

Future Land Use Map Designation:

Resort Residential

Existing Use:

17 room lodge with private dining club


















Adjacent Zoning Districts:

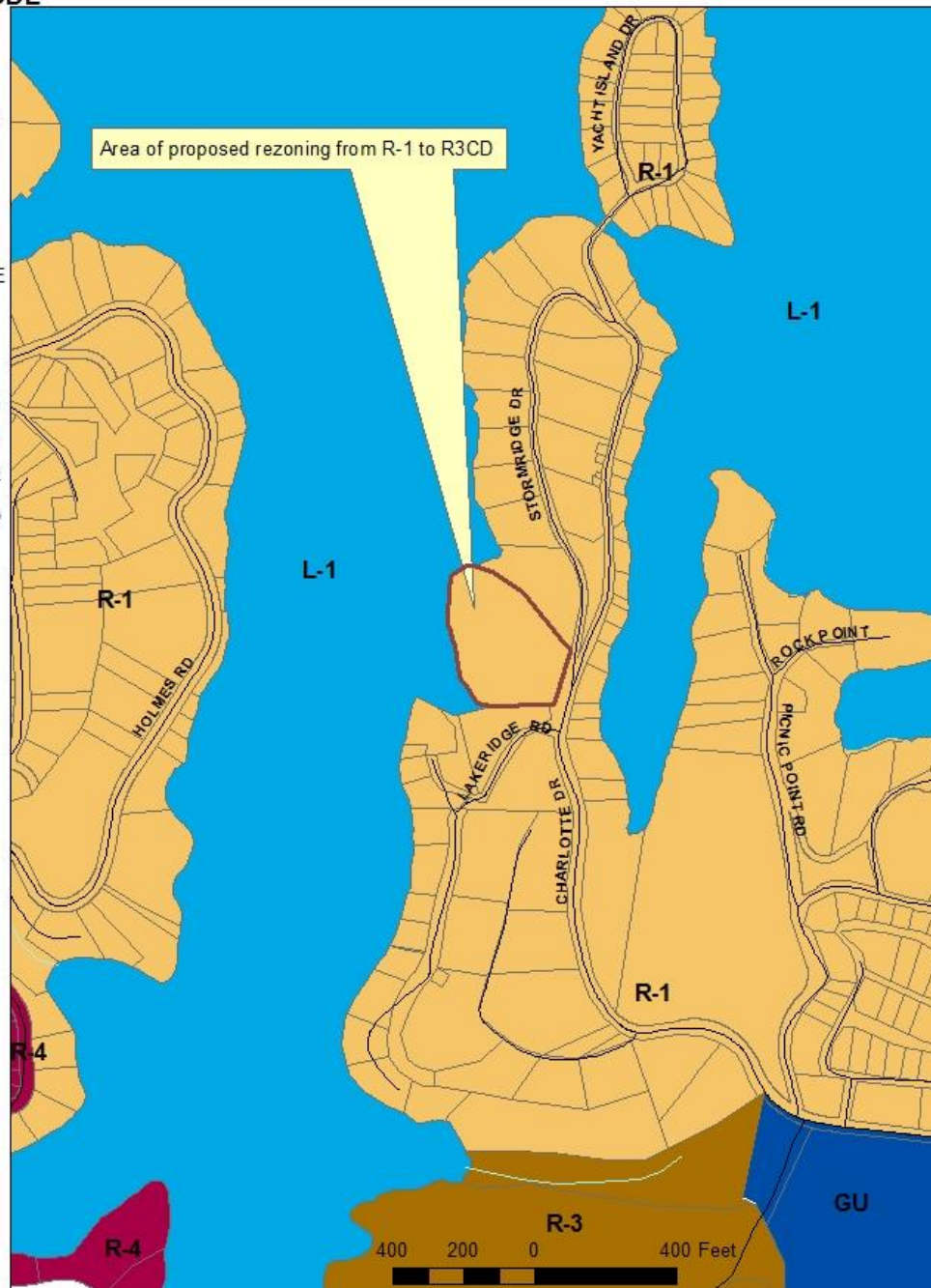
East:	R-1 Residential
West:	L-1 Lake
North:	R-1 Residential
South:	R-1 Residential

Legend

Zoning_Districts

ZONE_CODE

	CG
	CN
	CSC
	CTC
	GU
	L-1
	LAKE
	M-1
	R-1
	R-1A
	R-1B
	R-1C
	R-1D
	R-2
	R-3
	R-4
	S-1



SUMMARY

The owner of the Lodge on Lake Lure wishes to make extensive improvements to the property which includes expanding the lodge to 40 rooms, converting the private dining club to a restaurant, and adding a new restaurant over the boathouse. The expansion of the lodge consists of the construction of a new 25 guest room building in the location of an existing structure that currently has 5 guest rooms, the construction of a new 5 guest room building, and the construction of a new

conference facility. There are also planned expansions of the existing lake structures consisting of new boat slips for permanent and temporary mooring as well as a new boathouse and deck area over the water. The property is currently zoned R-1 Residential, and lodges and restaurants are not a permitted or conditional use in the R-1 district. Therefore, the existing lodge is a non-conforming use and can't be expanded per the Lake Lure Zoning Regulations. Restaurants are also not a permitted or conditional use in the R-1 district. Rezoning the property to R-3CD will allow the proposed expansion of the existing lodge as well as allow restaurants on the property. No other uses from the list of permitted and conditional uses in the R-3 zoning district are being requested.

The proposed additional boat slips will require approval as a cluster mooring facility or a marina. There are currently three boat slips in the existing boathouse; the plans propose an additional 15 slips with 8 of them to be used as permanent slips and 10 of them to be used as temporary mooring for day use. Cluster moorings and marinas are currently only allowed adjacent to an upland lot zoned commercial or R-3 per the Town of Lake Lure Lake Structures Regulations; therefore, rezoning the property to R-3CD will allow approval of a cluster mooring facility or a marina if all other criteria is addressed.

OVERVIEW OF CONDITIONAL ZONING DISTRICTS

Conditional districts are districts with conditions voluntarily added by the applicant and approved in a legislative procedure by Town Council. Conditional districts provide for orderly and flexible development under the general policies of the Zoning Regulations without the constraints of some of the required standards for traditional, by-right development. Conditional districts may be associated with any land development district and are designated by adding the suffix "CD" to the land development district with which they are associated.

A conditional district classification can only be considered upon the request of the property owner(s), and can only include uses otherwise allowed in the zoning district with which it is associated. Specific development standards of the traditional zoning district may be varied by Town Council during the approval of a conditional district. Furthermore, the applicant may place additional requirements or standards onto the property or ask that certain uses identified in the associated district be limited or prohibited in the conditional district. If a development standard or other Town regulation is not addressed in the rezoning request, then it is understood that the current standards apply to the conditional district the same as it would apply to a traditional zoning district.

DEVELOPMENT CRITERIA COMPLIANCE

The following aspects of the proposal do not meet current development standards.

- The proposed 25 guest room structure exceeds the maximum height requirements of the Zoning Regulations.
- The proposed new lakefront restaurant does not meet the front lake yard setback.
- The new storage building is located in the front lake yard setback.
- The proposed number of on-site parking spaces does not meet the parking requirements of the Zoning Regulations.
- The proposed new boathouse exceeds the maximum width requirements of the Lake Structures Regulations.
- The proposed new boathouse exceeds the maximum distance structures can be extended into the lake.
- Boathouses are currently not allowed in conjunction with a cluster mooring facility.

Town Council has the option to vary the development criteria of the regulations for the above noted items during the conditional district rezoning process with the exception of allowing a boathouse in conjunction with a cluster mooring facility. That request would require a text amendment.

TOWN OF LAKE LURE 2007-2027 COMPREHENSIVE PLAN

The subject property is zoned R-1. The future land use map located in Section 12 (Land Use and Growth Management) of the 2007-2027 Comprehensive Plan designates the property as resort residential. The request is being made for Conditional District R-3 Resort Residential. Therefore, the application is consistent with the future land use map in the 2007-2027 Comprehensive Plan.

DEVELOPMENT REVIEW COMMITTEE KEY POINTS

The meeting was held October 15, 2015. In attendance for the applicant were Sharon Decker with Tryon International Equestrian Center, Frank Kelsch with Homesmith Architecture, and David Odom with Odom Engineering. Comments and recommendations made by Town staff are noted below.

Chris Braund, Town Manager (*Comments provided in writing prior to the meeting*)

Lake Items (reviewed by the Lake Advisory Board)

- Permanent (overnight) mooring for 15 boats proposed: 3 of these are for the use of the Lodge, which isn't of much concern. Another 12 will be used how? By off-lake residents? By those affiliated with TIEC? There is great sensitivity to how many boats we can add to the lake without impacting the level of crowding and quality of life. In particular, there has been concern for what we've termed the "funnel effect", where an off-lake real estate development would utilize a lakefront lot as an access point for boats, "funneling" a great many off-lake boaters onto the lake. This is not prohibited, but our regulations require a careful review of any of these multi-boat moorings to see if they are compatible with the overall goals of lake management, with the immediate surroundings, with our economic development goals, etc. Coming up with a list of pros and cons of your proposal would be good (pros include added boat permit sales) Policy question: does the town want to support and encourage the construction of more multi-boat, private moorings...or would it be better to encourage the purchase and development of lakefront lots as private residences (recognizing that each 100-foot lot can have up to 3 boat moorings)? *Should this issue become problematic, you may be able to reduce the concern by reducing the number of permanent slips requested.*

Existing precedents:

- Rumbling Bald Marina: >100 slips, all used by local property owners in Rumbling Bald Resort
- Lake Lure Village Resort: >50 slips, all used by local property owners in the Resort
- Dam Marina: >25 slips, rented first-come first serve, no residency requirements (private operation)
- Washburn (Town) Marina: >80 slips, rented first-come first serve, no residency requirements (all revenues go to the Town)

- Boathouse plus multiple moorings: our regulations provide for properties to establish greater than 3 overnight boat moorings by being classified as either a Cluster Mooring (maximum of 3 slips for every 100 feet of shoreline) or a Marina (maximum of 5 slips for every 100 feet of shoreline). One of the provisions is that these high-density mooring structure may not also have a boathouse. Resorts that wish to have additional overnight boat moorings must forego having a boathouse. A boathouse with 3 overnight slips and an unlimited number of day-use, visitor slips is permissible.
- 2-level Boathouse: our boathouse design standards are written to support residential boathouse structures, as that's all we've had for decades. You're proposing a new class of commercial boathouse for which we have no standards. We could approve this as part of the conditional district re-zoning, and then develop a new set of standards for commercial boathouses. Currently, the maximum height for a boathouse is 15 feet (without a rooftop deck). With a covered deck on the roof of a boathouse, the maximum height is 25 feet. So a second-story restaurant that is over 25' high would be higher than any other boathouse structure on the lake—but that might be acceptable given its use and location. Also, the restaurant portion would need to be kept out of the floodplain, which is 10 feet above full pond (990'). Essential structures or equipment lower than this would need to be built to be flood proof.
- Beach extending into the lake: if this is suspended in the manner of a dock or boardwalk, then it is likely to generate less concern than an extension of the shoreline (through boulders or seawall and backfill. The Council could approve an expansion of the shoreline, but it hasn't done so very often. The merits of this project might be persuasive. A suspended beach is really just a unique form of a lake structure and should be OK provided it is engineered to sufficiently support the load and handle drainage. Details: would there be a direct interface between the sand and the lake? (this could be problematic for DENR). If suspended, would there be any railing? How would the Lodge handle swimming? (Allowed anywhere? In a roped area? Not allowed?)
- Commercial Boats: any boats (motorized or non-motorized, including paddleboards) used in conjunction with the business (Lodge or TIEC) must be approved by the Town. We have a pretty tight regulatory program that limits the number and type of commercial boating operations on the lake. The Lodge already has some boats approved in this program. Just be aware that new ones would need to be evaluated and approval isn't guaranteed. This could include scenic tours, waterski/wakeboard trips, boat rentals.
- Benefit to the Community: when asking for a relaxation of standards or a special dispensation because of the merits of the project, articulate how this will positive impact the community (and not negatively impact). What are the benefits to the Town or the citizens? Direct revenues, indirect economic activity, quality of life, additional services? Will this project achieve or contribute to any of the goals and objectives in our 2007-2027 Comprehensive Plan?

Land-based items (reviewed by the Zoning & Planning Board)

- Extension of Town Water Line: this provides numerous strategic and operational benefits to the Town, but also a requirement that any structures within 200 feet of the line must become a water customer of the town (with minimum monthly billings). This may be viewed as unwelcome by some.

- Sign at Memorial Highway: the sign for the Lodge is an off-premise business sign, which is generally prohibited in our zoning regulations. It exists as an exception: it is a town-owned, directional sign on town property providing information to the general public. There are size restrictions with this classification of sign. If the Lodge were to desire something larger, it would need a variance or an amendment to our regulations.
- Traffic: how will the added traffic on Charlotte Drive be handled when the number of rooms is doubled?

Shannon Baldwin, Community Development Director:

- The request is not only consistent with the future land use map but with numerous other elements identified in the Comprehensive Plan via applicant's narrative. Therefore, the proposal is consistent with the 2007-2027 Comprehensive Plan in more than one way.
- Further details are needed on
 - a solution for meeting parking demands, or further justification should be included for allowing a reduction in required parking
 - the number of vehicle trips generated on Charlotte Drive and potential impacts, or further justification should be included explaining how increased traffic will not negatively impact the neighborhood, existing streets, or impede emergency access
 - the intersection of Charlotte Drive and US 64/74A regarding sight distances and safe ingress/egress
 - proposed schedule and plans for extending the Town's water system to the property: proposed route, estimated costs, potential partners, etc.
- He will work with the applicant regarding consistency with applicable elements of the Design Guidelines for New Commercial Construction.

Thomas McKay, Zoning & Planning Board Chair:

- Further details are needed on ingress and egress to the property and any potential impacts additional traffic may have on surrounding roads and neighboring property owners.

Joe Pritchett, Lake Advisory Board:

- Suggested researching possible contingency plans to ensure local residents have access to the restaurants during times that the lodge is in use for large private events.

Andy Greenway, Police Lieutenant:

- Requested additional details on plans for ingress and egress to the property.

Clint Calhoun, Environmental Management Officer:

- The Lodge on Lake Lure property has 508 feet of shoreline which would allow up to 15 permanent moorings (3 permanent moorings per 100 feet of shoreline. The Lodge is asking for 12 permanent and 21 temporary for a total of 33 moorings. There are no limitations in the regulations for number of temporary moorings associated with cluster moorings, but the regulations do state that "for areas with upland lots zoned and utilized for commercial purposes, only temporary moorings shall be allowed. A maximum of three craft owned by

the operators of the commercial establishment may be permanently moored at the establishment's cluster mooring facility.

- The proposed plans will require an amendment to the existing trout buffer waiver from the Division of Land Quality.
- Existing Land Disturbance Permit will be closed out for the work that has been done thus far. A new Land Disturbance Permit will be required for all new aspects of the project.
- Any construction in the floodplain will require flood-proofing certifications and/or elevation certificates.
- None of the proposed structures meet the regulatory requirements concerning length, width, and projection into the lake. Amend the narrative included with the application to address justification for the proposed deviations from the development criteria of the Lake Structures Regulations relative to maximum structure width, height, and projection into the lake.
 - The proposed boathouse will project into the lake 54 feet. The maximum allowed in the regulations is 30 feet.
 - The width of boathouse covered area is approximately 80 feet. The maximum allowed is 45 feet.
 - The maximum height for a lake structure is 15 feet with an additional 10 feet granted for decktop accessory structures for a total of 25 feet. The proposed structure has a second story that is totally enclosed and does not meet the standards for rooftop decks and decktop accessory structures. The total height of the proposed boathouse would be 31 feet, 8 inches.
 - The proposed cluster mooring facility will project approximately 120 feet into the lake. The maximum allowed for any lake structure without a variance or approval from Council (in the case of a cluster mooring) is 30 feet.
 - The requested beach would be a suspended structure constructed like a dock but filled with sand. We have no regulations that regulate the shape or size of docks other than that they must not exceed the 30 foot projection limits. The proposed beach meets that requirement. It does not however meet the definition of a dock which is a structure constructed for the purpose of loading, unloading, and mooring of boats. It also looks like the beach structure may be in the 15 foot setback based on the property line projection which is not clearly shown on the drawings.
- Where cluster mooring facilities are allowed, the regulations very clearly state that the lakefront property that is owned by the applicant must be free of any lake structures other than seawalls or boardwalks, and any existing private docks or boathouses must be removed prior to construction of a cluster mooring facility and no private docks or boathouses can be applied for or constructed adjacent to the upland lot(s) for which a cluster mooring facility has been approved. As such, a text amendment to the Lake Structure Regulations would be required in order to allow the boathouse/restaurant dining area.

Tony Hennessee, Public Works Director:

- Expressed concern that Charlotte Drive may not currently be wide enough to accommodate the additional traffic created by the proposed expansion.

Linda Ward, Customer Service Supervisor:

- Assured that she is available to answer any questions that may arise about sewer and water service and billing.

Ron Morgan, Fire Chief:

- The North Carolina Fire Code has specific requirements concerning emergency access to commercial structures. These requirements include:
 - a minimum of 20ft fire lane and room to turn an apparatus
 - location of fire hydrants in reference to fire lane access
 - access to all sides of the ground floor of a building with fire apparatus such that any portion of the exterior ground floor can be accessed with 150ft of hose line
- A water source will be needed for the required sprinkler system. The plan does show a proposed water line, but it was not addressed who would be installing this line.
- Assured that he will be available to work with the applicant on ensuring compliance with these requirements during planning and permitting of the construction phase of the project.

Sheila Spicer, Zoning Administrator:

- Amend the narrative included with the application to address justification for the proposed deviations from the development criteria of the Zoning Regulations relative to the front lake yard setback and maximum building height.
- Recommended including a view-shed impact illustration from neighboring properties.
- Elevation drawings are required for the proposed detached kitchen portion of the boathouse restaurant.
- Elevation drawings are required for the gazebo shown on the existing conditions survey. This and the storage building should also be included on the general development plan and included as part of the conditional district rezoning request due to the fact that construction permits are not in place as these structures are currently shown.
- Amend the narrative to address whether the new commercial construction will substantially comply with the Design Guidelines or with the commercial building standards of the Zoning Regulations.
- Recommended a traffic impact study to ensure adequate parking and ingress and egress.
- Noted that construction will require Level 2 Mountain & Hillside Development review.

Significant discussion took place regarding the current prohibition in the Lake Structures Regulations on boathouses in conjunction with a cluster mooring facility. It was noted that amendments to the Lake Structures Regulations require a recommendation from the Lake Advisory Board (LAB) prior to approval by Town Council. In order to get a recommendation to Town Council in time for the conditional district rezoning request, the LAB must begin reviewing any proposed amendments at their next regularly scheduled meeting. Mayor Keith, who was present at the meeting, stated he would poll the other Town Council members after the Development Review Committee meeting to see if they would agree to commission the LAB to begin reviewing a proposed amendment at their next regular meeting. Mr. Calhoun was directed to work with Mr. Kelsch on preparing a proposed amendment that would address the prohibition against boathouses with a cluster mooring facility.

Revised plans were received on October 26, 2015 that showed a new on-site parking area with driveway and a new off-site parking area. The following comments regarding these revised plans were sent to the applicant on October 29, 2015.

- The “off-site parking plan” prepared by Odom Engineering and dated 10/17/15 shows a proposed parking area on property currently identified as Tax PIN 1642938 and Tax PIN

1642939. Both parcels are zoned R-1 Residential. This property fronts on Charlotte Drive, Wandering Lane, and Pleasant Circle and is located approximately 1,700 feet along Charlotte Drive from the driveway to the Lodge on Lake Lure.

- §92.103 of the Town of Lake Lure Zoning Regulations contains specific parking requirements for all uses in Lake Lure. Subsection (B) states that parking associated with a use may be located on a separate parcel so long as it is within 400 feet of the main entrance to the principal use. Subsection (C) states that required parking may only extend up to 120 feet into a residential district, must be adjacent to the property in the commercial district for which it provides the required parking space, and must have its only access to or must front on the same street as the principal use. Town Council has the authority to waive these requirements with the conditional district rezoning if a specific request is made. The narrative associated with the conditional district rezoning application should be amended to request these additional variations from the standards of the regulations.
- There are 70 proposed spaces shown on the off-site parking plan. This constitutes a large parking area per §92.059 of the Zoning Regulations. Subsections (B), (C), and (D) have requirements for large parking areas. Alternatively, the Design Guidelines for New Commercial Construction has design criteria for parking areas. Staff recommends that, should Town Council approve the proposed parking plan, that compliance with the design criteria for parking lots in the §92.059 of the Zoning Regulations or the criteria in the Design Guidelines for New Commercial Construction be made a condition of approval.
- The proposed new parking area shown on the same parcel as the Lodge on Lake Lure is located on a steep slope. It is assumed that the construction of the parking area would require a significant structure such as a retaining wall or a raised parking deck in order to create an area level enough for parking. It should also be noted that a new driveway is also shown for accessing this parking area. The Zoning Regulations specifies in §92.206(L)(5) that the maximum grade for a driveway less than 300 feet in length is 25%. Retaining walls are often used constructed in steep slope environments to reduce the grade of driveways. Staff is unable to provide comments or recommendations due to the fact that no plans or details on the driveway and parking area construction have been submitted for review.

Staff asked the North Carolina Department of Transportation (NCDOT) to review the proposed project and provide input on possible impacts to street traffic. Sean Humphries, Police Chief, Ron Morgan, Fire Chief, and Sheila Spicer, Zoning Administrator, met with NCDOT Assistant District Engineer Matt Evans and NCDOT Engineering Technician James Evans on November 2, 2015. The NCDOT officials offered the following suggestions but emphasized that they are recommendations only, and there may be more or different options available to address any possible concerns.

- An official Traffic Impact Analysis (TIA) needs to be done for Charlotte Drive, including where it intersects with Memorial Highway, Storm Ridge Drive and Lakeridge Drive. At the very least, a mini TIA could be done to individually assess key areas.
- A TIA would help determine if a turn lane is justified on Memorial Highway. The 2014 annual daily traffic count near the intersection of Charlotte Drive and Memorial Highway was 2,200. A turn lane may be required if the TIA reveals that the annual daily traffic count would increase to 4,000 as a result of the proposed development.
- Charlotte Drive is currently about 15 feet wide from Memorial Highway to the entrance to the Lodge; beyond the entrance it narrows to approximately 13 feet wide. It needs to be widened to a minimum of 18 feet, but preferably 20 feet, since it is a collector street; striping should also be added. Significant widening of Charlotte Drive at the entrance to

the Lodge would probably be necessary due to the current narrow width and the houses across from the entrance that use the street for partial on-street parking.

- The site distance looking east when pulling out of Charlotte Drive onto Memorial Highway is about 200 feet now at best, which involves looking through two signs and around one tree. The site distance should be increased to 325 feet or more by moving the Lodge sign further away from the highway, removing any vegetation in the line of sight, and possibly shaving back the embankment. The NCDOT can also move the existing golf crossing sign to a new location. This recommendation is something that should be done regardless of the new development.
- In order to eliminate confusion with the multiple access points near the entrance to the Lodge, it was suggested that the intersection of Charlotte Drive and Storm Ridge Drive could be changed so that Storm Ridge Drive is a defined turn off of Charlotte Drive. This new entrance to Storm Ridge Drive could be slightly north of the current intersection. Any new intersection should be at an angle between 75 and 90 degrees. It was pointed out that turning Storm Ridge Drive to a one-way street had been mentioned. The NCDOT officials confirmed that, due to the narrowness of the street, confining it to one-way traffic would be better than what currently exists.
- The point where the Lodge's proposed new lower parking area intersects with Storm Ridge Drive should be reduced to an approximately 20 feet wide opening (the minimum allowed for emergency vehicle access) and used as an exit only instead of an entrance and exit. This exit should be at an angle as close to 90 degrees with Storm Ridge Drive as possible. A thru-lane from the existing upper parking area was suggested as the entrance to the new lower parking area along Storm Ridge Drive, and this new loop could also be designated as the emergency vehicle turn-around since it will be difficult to construct a turn-around in the existing parking area.

NEIGHBORHOOD COMPATIBILITY MEETING

The neighborhood compatibility meeting was held on Monday, October 26, 2015. Frank Kelsch, Architect, David Odom, Engineer, and Sharon Decker, Senior Vice President with Tryon International Equestrian Center were present for the applicant. The following concerns were raised:

- The proposed architectural style is not in keeping with the neighborhood character. The applicant stated the drawings submitted are schematic designs only and assured that no architectural changes are proposed for the existing main lodge. They also pointed out that landscaping is very important to them and will match the existing landscaping.
- The building mass will exceed the residential nature of the area.
- The proposed number of boat slips is not in compliance with the regulations and not warranted for the nature of the proposed uses.
- The projection of the proposed lake structures into the lake will impede boat traffic and cause a safety hazards to skiers. The applicant referenced the plans and stated the projection into the lake is in keeping with the line of the land projecting to the south and the north. They also agreed to provide a map showing the areas that will be affected by the extension of a no wake zone around the proposed new structures.
- Noise generated by the proposed uses will negatively impact neighboring property owners and those across the cove.
- The existing streets around the property are too narrow to accommodate an increase in traffic.

- Additional lighting on the property will negatively impact neighboring property owners. The applicant assured that all new lighting will be down-directional lighting and offered to provide a lighting coverage map to show any resultant light levels beyond the boundaries of the property.
- The increased boat traffic generated will exceed the lake's carrying capacity.
- Adequate provisions are needed to control odor from the proposed uses of the property, including plans for proper garbage collection.
- An advisory committee, made up of neighboring property owners, was requested to work with the applicant on issues that may impact the neighborhood.
- The proposed restaurant over the boathouse would be on Town property; will the Town and its citizens benefit financially from the commercial use of the lake property? The applicant stated that property taxes will increase if the property is developed as proposed and stated they are willing to pay whatever fees are customary and/or relevant.
- The proposed elevated beach structure that projects into the lake is not necessary.

The applicant assured those present that all of the concerns mentioned would be taken into consideration. They stated they will be reviewing the plans further with the Lake Advisory Board on November 2, 2015. Town staff also continues to review the plans as changes are made in response to concerns that have been raised.

LAKE ADVISORY BOARD RECOMMENDATION

The Lake Advisory Board reviewed this request on October 5, 2015 and again on November 2, 2015. The following report was generated by the Board:

RE: Recommendations on the Lodge on Lake Lure Conditional District Re-Zoning Request

The Lake Advisory Board has the responsibility to consider and make recommendations to Town Council & Marine Commission on these questions (among others):

1. Requests for commercial use of a lake structure
2. Requests for cluster mooring or marina status
3. Changes to lake structures and lake use regulations

When considering these questions, our board evaluates these characteristics and impacts as rationale for their recommendations:

- Safety
- Boating traffic
- Boating density
- Site-specific operational issues
- Quality of life for lake residents and visitors
- Enhancing amenities/attractions/services on the lake
- Economic development (strengthening businesses and employment)
- Supporting/enhancing property values
- Objectives in the 2007-2027 Comprehensive Plan (Lake and Boating Management)

In our board's October meeting, we heard and discussed a presentation from the Lodge's project team on their vision for new lake structures along their 508-foot shoreline. In our November meeting, the team again presented their plans to an audience of around 50 citizens, several of whom

asked questions or expressed concerns. Concerns that were expressed related to operations on land (ingress/egress, parking, noise) were not addressed by our board. Last week, there was a similar session held—a neighborhood compatibility meeting—and later this month the Zoning & Planning Board will discuss the land-based characteristics of the application.

Our Board reviewed the report of staff concerning areas of the application that could not be approved within the lake structures regulations and would require Town Council's approval as a condition of the re-zoning. Our board discussed eight items and each board member was polled for their recommendation. Six board members were present in person or by phone; the chairman facilitated and did not vote. The votes are summarized in a table at the end of this memo.

1. **Adding a Commercial Restaurant:** the proposal envisions a new restaurant, open to the public and accessible by boat with plenty of temporary moorings.

All 6 board members expressed support for this proposal.

2. **Restaurant Over the Water:** the restaurant would be the first of its kind on the lake—built entirely over the town-owned lake bed as the second story of a boat house. Points discussed:

- A boathouse restaurant could become another iconic, attractive feature of Lake Lure and an added point of differentiation from other lakes and tourist towns.
- Would or could more be built like this? A re-zoning of the Lodge property does not create a legal precedent that would automatically confer the same privilege to any other property owner, but it is reasonable to expect that other proposals may emerge from commercial or resort properties around the lake. The Town Council would evaluate each on their own circumstances and merit.
- Does it introduce any extraordinary health or safety risks to the lake or the sewer system? Substantial foundation work would be required to support the structure. All commercial restaurants in town are required to have a grease interceptor system in place that protects our sewer collection pipes and treatment plant.
- There must be a separation between any structures over the water and any on land (although covered walkways connecting them are permissible).

5 board members expressed support for this proposal; 1 was opposed

3. **Lease of the Town Property:** The board considered the suggestion that the Town should be compensated for allowing a commercial restaurant to operate on town property. This could take the form of a concession/lease agreement that would increase the public benefit of the restaurant by providing supplemental funding for lake operations (e.g. dredging, fishery and environment management, law enforcement).
- Should all commercial, revenue-generating operations on the lake be subject to similar lease agreements? Slip rentals at marinas (Dam Marina, Rumbling Bald Resort, Firefly Cove)? All tour boat operations? Boat rentals? Water ski services? Fishing guides? Services boats?

- Boat houses are included in property valuations and generate ad valorem taxes to the Town and County. The proposed restaurant would add to the tax base. Floating docks at marinas might not be included in property valuations.
- Town Council needs to provide direction on where lease agreements are necessary and appropriate to generate revenues.

The board was split on this question: 3 were in favor, 3 opposed

4. **Restaurant Dimensions/Capacity:** The proposed 136-seat restaurant board is larger than our regulations allow in the following ways:
 - Projection into the lake: 54 feet (maximum is 30)
 - Height: 31 feet 8 inches (max is 25: 15 for boathouse+10 for accessory structure)
 - Width: 80 feet (maximum is 45)

This would clearly be larger than any other boathouse on the lake. It was suggested that perhaps our design standards should differentiate between residential and commercial lake structures, allowing larger facilities for commercial uses. This could be done either through an update of the regulations or on a case-by-case basis (conditional approvals) for commercial lake structures.

4 board members were supportive of the boathouse dimensions as proposed; 2 were opposed and would like to see a reduction in size/scale/mass.

5. **Cluster Mooring w/15 Permanent Slips:** The Lodge is requesting classification as a cluster mooring, which would permit them to have up to 15 permanent (overnight) boat mooring slips based on their 508 feet of shoreline. Regardless of the classification, there is no restriction on the number of temporary slips that can be used by restaurant patrons (these are essentially just tie-up points with cleats).
 - Who would use these slips and for how often? Would these be only used by Lodge guests that tow boats to Lake Lure and stay for a few days or weeks? How many of these are likely?
 - Unless classified as a marina, the slips could NOT be leased to off-lake, out-of-area boat owners with annual permits. The application is for a cluster mooring classification, not a marina.

4 board members were supportive of the a cluster mooring with the number of slips requested; 2 were opposed and would like to see a reduction in the number of permanent slips requested/granted.

6. **Projection of Boat Docks Into the Lake:** The proposed floating docks extend 125 feet from the shoreline into the Tryon Bay arm of the lake.
 - The regulations allow for a maximum extension of 30 feet, but two existing marinas have floating docks that extend more than 100 feet from shoreline (Washburn Marina, Rumbling Bald Marina). They are both located in large coves.
 - South of the Lodge, there is a projection of land on Lake Ridge / Lost Cove Drive. The Lodge shoreline curves eastward, forming a slight cove between the upper

portion of the property and the projection off of Lake Ridge. If you were to draw a straight shoreline from Camp Lurecrest to the point on Lake Ridge to the point on the Lodge property, this cove creates added space (in the no-wake zone) of between 5 and 150 feet of no-wake zone. The proposal situates much of the dock facilities in this slight cove, helping to reduce the actual projection of the docks into the boating channel of Tryon Bay.

- No-wake buoys are typically placed 25-50 feet beyond the farthest extension of floating docks at the judgment of the Lake Operations Director based on traffic patterns.
- The Tryon Bay channel between the Lodge (existing boathouse) and the point off of Lake Ridge Drive is narrow and concerns were raised about this being a choke point for boat traffic. It ranges from 550 to 630 feet between east and west shorelines at these two points (not counting the further extension of the lake in the small cove mentioned above).
- It was suggested that more of the shoreline be used for head-in boat docking (similar to the area between the dam and the dam marina).

5 board members were opposed to the plan and indicated that the dock plans need to be re-configured to reduce the projections from the shoreline; 1 was supportive of the plan as proposed

7. **Boat House Existing With A Cluster Mooring:** The lake structure regulations prohibit the existence of a boat house structure if a cluster mooring is approved. Because of this prohibition, the Town Council cannot permit this as part of a conditional district re-zoning. But, if the lake structure regulations were amended, it could be permissible to have a boat house on the same property as a higher-density mooring facility.

- The Lake Advisory Board is working on a separate recommendation for a text amendment, as the purpose and public benefit of this restriction is in question.

5 board members were supportive of the proposal and an amendment that allows a boat house along with a cluster mooring facility; 1 was opposed.

8. **Platform Beach:** The proposal includes a platform beach, essentially a dock covered with sand to be used as an access point for swimmers, kayakers, paddleboards, etc. The structure fits into the dimensional limits and setbacks of a lake structure. Points discussed:

- Would approval of this structure stimulate other proposals to build the same around the lake (at commercial or residential properties)? Would that be a problem or pose any threat to the lake?
- We have the precedent of a number of beaches at commercial and residential properties around the lake.

5 board members were supportive of the proposal; 1 was opposed.

SUMMARY OF RECOMMENDATIONS
(in declining order of support)

Plan Feature	Support	Oppose
1. New Restaurant	6	0
2. Restaurant Over Water	5	1
7. Boat House + Cluster Mooring	5	1
8. Platform Beach	5	1
4. Restaurant Dimensions/Capacity	4	2
5. Cluster Mooring w/15 slips	4	2
3. Lease of Town Property (lake)	3	3
6. Projection of Docks	1	5

The lake-related aspects of the Lodge proposal are generally supported by members of our board, who expressed the positive impact of a major investment and enhancement of a treasured and historic property on the lake. We heard and take seriously the concerns of citizens relative to protecting life, property, the environment, quality of life and quaint charm of Lake Lure. Aspects of the size and scale of the vision clearly raise anxieties within the community and the board and we hope to see that revised plans will address and minimize the concerns. Our board meets again in December and will have an opportunity to review any revised plans.

Respectfully Submitted,

Lake Advisory Board
Mark Helms
Bill Ashman
Dan Breneman
Gary Hasenfus
Gary Johnson
Derek Papesh
Joe Pritchett

The Lake Advisory Board reviewed this revised plans on December 1, 2015 and generated the following report:

TO: Lake Lure Town Council

FROM: Mark Helms, Chairman
Lake Advisory Board

DATE: December 1, 2015

RE: Recommendations on the Lodge on Lake Lure Conditional District Re-Zoning Request

In our board's October and November meetings, we heard and discussed a presentation from the Lodge's project team on their vision for new lake structures along their 508-foot shoreline. In a joint meeting today with the Zoning & Planning Board, we again discussed the project,

particularly the revised plans that addressed a number of concerns raised earlier. Our board discussed these aspects:

1. Boathouse Restaurant Over Lake (incl. dimensions and projection)
2. Marina/Cluster Mooring with a total of 20 slips
3. Marina/Cluster Mooring and Boathouse Together
4. Lease of the town property for a commercial boathouse

The lake-related aspects of the Lodge proposal are generally supported by members of our board, who expressed the positive impact of a major investment and enhancement of a treasured and historic property on the lake. We heard and take seriously the concerns of citizens relative to protecting life, property, the environment, quality of life and quaint charm of Lake Lure. There was not a consensus among our board for any recommendation regarding the leasing of town property under the lake structure.

The following motion was made by Derek Papesh and seconded by Bill Ashman:

I move that the Lake Advisory Board recommends to the Town Council and Marine Commission the approval of the re-zoning request as presented by the Lodge on Lake Lure. The LAB has evaluated the various lake structures and uses proposed and finds that they would provide benefits to the Lake Lure community and are not in conflict with the lake management and boating management goals of the 2007-2027 Comprehensive Plan. We further find that concerns with health, safety, and quality of life relative to the lake structures have been satisfactorily addressed. The Town's design standards for lake structures do not differentiate between residential and commercial uses, but we feel that a commercial restaurant in this location can appropriately exceed the current dimensional standards.

We support the council's approval of both a marina facility (or cluster mooring) and a boathouse on this property, a prospect that will require a text amendment to the lake structures regulations. Our board will supply proposed language for this amendment.

The motion passed with a 5 to 1 vote (as chairman, Mark followed LAB tradition and only votes in the case of a tie).

Respectfully Submitted,

Lake Advisory Board

Mark Helms
Bill Ashman
Dan Breneman
Gary Hasenfus
Gary Johnson

ZONING & PLANNING BOARD RECOMMENDATION

The Zoning & Planning Board reviewed this request on November 17, 2015 and December 1, 2015. Per §92.019(B)(5) of the Town of Lake Lure Zoning Regulations, the Board reviewed the application for consistency with the 2007-2027 Town of Lake Lure Comprehensive Plan, other applicable plans, and with the Zoning Regulations. The Board also evaluated whether the proposed

conditional district zoning is designed to promote the public health, safety, and welfare. During both meetings the Board evaluated revisions to the plans that had been made by the applicant in response to recommendations from Town officials and the community.

After extensive review and discussion, the Zoning & Planning Board unanimously approved 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 Conditional District on property situated at 361 Charlotte Drive and currently zoned R-1, I move the Board to make the following findings:

- 1. The proposed amendment is consistent with the 2007-2027 Comprehensive Plan.**
- 2. The Zoning & Planning Board incorporates the recommendations of the Lake Advisory Board from their meeting of December 1, 2015.**

I further move the Board to recommend to Town Council that it enact the ordinance creating the Lodge on Lake Lure Conditional District subject to its review of North Carolina DOT recommendations outlined in the Development Committee Review minutes of October 15, 2015.

Finally, prior to obtaining a certificate of zoning compliance for any buildings, the applicant shall submit plans to the Zoning and Planning Board demonstrating that construction will either comply with the design standards for commercial buildings or substantially comply with the Design Guidelines for New Commercial Construction.

TOWN COUNCIL DECISION

Currently scheduled for the December 15, 2015 and December 22, 2015 special Town Council meetings. Town Council will hold a public hearing on the application and then vote whether or not to approve the request. Town Council may attach mutually agreed upon, reasonable, and appropriate conditions that address conformance of the development and use of the site to the Zoning Regulations and officially adopted plans.