



Incorporated 1927

# Town of Lake Lure

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## Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, January 20, 2009

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:35 a.m. and welcomed new member Donnie Samarotto. Mr. Samarotto was sworn in prior to the meeting.

### ROLL CALL

**Present:** Dick Washburn, Chairman  
Tony Brodfuhrer  
Bill Bush  
Paula Jordan  
Donnie Samarotto  
Russ Pitts, Council Liaison

**Also Present:** Shannon Baldwin, Community Development Director  
Clint Calhoun, Environmental Management Officer  
Mike Egan, Legal Counsel  
Amos Gilliam, Planner/Subdivision Administrator  
Sheila Spicer, Community Development Technician, Recording Secretary

### APPROVAL OF THE AGENDA

**Mr. Brodfuhrer made a motion to approve the agenda. Ms. Jordan seconded the motion and all were in favor.**

### APPROVAL OF THE MINUTES

The board members pointed out several typographical errors in the minutes of the December 16, 2008 meeting and asked that they be corrected.

**Mr. Brodfuhrer made a motion to approve the minutes of the December 16, 2008 meeting as amended. Ms. Jordan seconded the motion and all were in favor.**

## **NEW BUSINESS**

### **(A) Election of Officers**

**Mr. Bush moved that Chairman Washburn continue serving as chairman and Mr. Brodfuhrer continue to serve as vice-chairman. Ms. Jordan seconded the motion and all were in favor.**

### **(B) Approve 2009 Schedule of Meetings**

**Mr. Bush made a motion seconded by Mr. Samarotto that the 2009 schedule of meetings be approved as presented in the Board's packet. The motion passed unanimously.**

### **(C) Review of Bylaws**

Chairman Washburn stated Town Council direction has historically been required prior to all new projects being considered by the Board. He pointed out that section 10-1 of the current bylaws seems to preclude this requirement and asked if the requirement should be added to the bylaws. Mr. Egan responded he feels this should be covered in the Board's enabling ordinance, not the bylaws. Commissioner Pitts mentioned that the Board will want to have the ability to recommend and discuss projects without first receiving Town Council permission. Mr. Baldwin stated the Community Development Department staff will review the bylaws with regards to this issue and make a recommendation at a later date.

**Ms. Jordan made a motion seconded by Mr. Brodfuhrer to delay the vote to readopt the bylaws until section 10-1 can be reworded. The motion passed unanimously.**

### **(D) Review and Approve the Preliminary Plat for Highlands of Lake Lure Phase IV**

Mr. Gilliam read the following into the record,

"The applicant, Highlands of Lake Lure, is requesting preliminary approval for Phase IV of the Highlands of Lake Lure Subdivision. The proposed preliminary plans identify 15 new residential lots that range in size from 1.5 acres to 2.37 acres in size. The property is zoned R-1A, which has a minimum lot size of 2 acres. The project area exceeds 20 acres, and therefore must comply with the conservation design standards in the Subdivision Ordinance. However, as application was made prior to the adoption of the Mountain and Hillside Development Ordinance, this project is not subject to the subdivision standards found in that portion of the ordinance."

Mr. Brodfuhrer asked if this development is required to utilize conservation design. Mr. Gilliam responded that, since the original preliminary plat has expired, conservation subdivision design is required. However, he again stated the Mountain and Hillside Development provisions will not apply. Commissioner Pitts reminded that each

individual lot will be required to comply with the Mountain and Hillside Development provisions once those lots are sold. Mr. Gilliam assured the Board that the preliminary plat meets the requirements of the regulations that were in place at the time the application and preliminary plat were received.

Mr. Brodfuhrer pointed out that the open space in the development is not accessible to all lots and stated he feels this defeats the purpose of requiring open space. Mr. Baldwin mentioned that open space is not only for human enjoyment but is for the good of the ecosystem, as well. David Odom, the project engineer, stated the open space can be accessed from Tryon Bay Circle. Ms. Jordan pointed out that the location of the open space also protects the view from Tryon Bay. Commissioner Pitts stated it will also protect Tryon Bay from any potential erosion. Mr. Odom reminded the Board that the construction of the infrastructure has already been completed with the exception of paving the roads.

Mr. Brodfuhrer questioned the fact that the last fire hydrant is located along a private drive and not at the cul-de-sac. Mr. Odom responded that this was due to the fact that the last four lots had been combined into two larger lots, thereby shortening the road. He pointed out that the town has a right-of-way easement to the water lines. He stated he will also add a note to the final plat that all hydrants will remain accessible.

**Mr. Bush moved to approve the preliminary plat for the Highlands of Lake Lure Phase IV as presented. Mr. Brodfuhrer seconded the motion and all were in favor.**

**(E) Consider a Request to Extend the Preliminary Plat for Laurel Mountain Estates Subdivision**

Mr. Gilliam read the following memo,

“I have received a request for a second extension of the preliminary plat for Laurel Mountain Estates. The developer is requesting a one year extension to his approval, due to unfavorable market conditions. The last phase of this development was approved January 16, 2007. A one year extension would set the new deadline for a final plat approval at January 20, 2010.”

**Mr. Brodfuhrer moved to extend the preliminary plat approval for Laurel Mountain Estates Subdivision until January 20, 2010. Ms. Jordan seconded and all were in favor.**

**(F) Consider a Request to Extend the Preliminary Plat for Overlook Subdivision**

Mr. Gilliam read the following memo,

“I have received a request for a second extension of the preliminary plat for The Overlook Village. The developer is requesting a one year extension to his approval, due to delays relating to the Property Owner’s Association. This development was originally

approved on Feb. 20, 2007. A one year extension would set the new deadline for completion at Feb. 20, 2010.”

Mr. Brodfuhrer asked for clarification on the delays with the Property Owners Association (POA). Charles Ellis, owner of the property, stated this development can't join the POA until a lawsuit between Rumbling Bald Resort and Wyndham Resorts is final. He stated the downturn in the market is also delaying the project. Mr. Ellis recommended the Board consider granting preliminary plat approvals for a two year period for all future developments as it is very difficult to complete a project in one year.

**Mr. Brodfuhrer made a motion seconded by Ms. Jordan to extend the preliminary plat approval for Overlook Subdivision until February 20, 2010. The motion passed unanimously.**

### **OLD BUSINESS**

#### **(A) Update on the Single Family Dwelling-Vacation Rental Policy Implementation Plan**

Mr. Brodfuhrer reported the workgroup committee has been meeting on a regular basis and Dr. Cooper has presented a report on the status of the single family dwelling-vacation rentals (SFD-VRs) progress to Town Council. He stated the committee has agreed on standards for permitting SFD-VRs and for licensing property managers. Town staff had an opportunity to critique these standards on January 14, 2009 and these standards will now be sent to Mr. Egan to draft into regulations. Mr. Brodfuhrer stated the goal is to have regulations ready to send to Town Council in March of this year.

Ms. Jordan stated the committee wants to hold a special meeting with the Board and Dr. Cooper on January 27, 2009 at 9:30 a.m. to bring the Board up to date on the proposed standards for SFD-VRs. A brief discussion followed on the timeline for implementation and the effects on rentals already under contract.

Mr. Baldwin pointed out that Mr. Egan will not be asked to draft regulations until after the standards are reviewed by the Board, as agreed upon by the workgroup committee

Mr. Brodfuhrer mentioned the workgroup committee has discussed requiring that some of the conduct criteria being proposed apply to all properties, not just SFD-VRs.

Mr. Baldwin handed out a copy of the latest standards and criteria for SFD-VRs and asked that the Board review them prior to the meeting on January 27, 2009.

### **COMMENTS**

Mr. Baldwin reminded the Board that a workshop on the Mountain and Hillside Development regulations would be held later in the day. He mentioned the purpose of the workshop is to educate the public about the regulations and to hear any concerns the

public may have about the regulations. Commissioner Pitts reminded he would like to have all questions answered and also wants to show that the Town is trying to go above and beyond what is required when regulations are adopted.

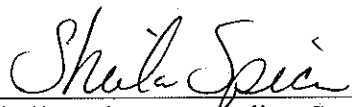
**ADJOURNMENT**

**Ms. Jordan made a motion seconded by Mr. Brodfuhrer to recess the meeting until January 27, 2009 at 9:30 at the Lake Lure Municipal Center. The motion passed unanimously.**

The meeting was recessed at 10:30 a.m. The meeting will reconvene at 9:30 a.m. on January 27, 2009.

**ATTEST**

  
Richard Washburn, Chairman

  
Sheila Spicer, Recording Secretary