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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, September 22, 2009

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:30 a.m.

ROLL CALL

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

Also Present: Amos Gilliam, Planner/Subdivision Administrator
Sheila Spicer, Zoning Administrator, Recording Secretary

Absent: Paula Jordan

APPROVAL OF THE AGENDA

The agenda was unanimously approved upon a motion made by Mr. Brodfuhrer and seconded by Mr. Samarotto.

APPROVAL OF THE MINUTES

Mr. Bush made a motion to approve the minutes of the August 18, 2009 regular meeting. Mr. Brodfuhrer seconded the motion and all were in favor.

OLD BUSINESS

(A) Discussion Pertaining to Performance Guarantees

Mr. Gilliam distributed and discussed a chart titled "Guide to Best's Financial Strength Ratings". He stated he chose to recommend a secure rating be required for all bonds accepted by the Town, and this chart illustrates how each rating is assigned by A.M. Best

Company. He then discussed the proposed amendments to the subdivision regulations included in the Board's packet.

Mr. Gilliam pointed out that a deposit of compliance amount of \$5000 is being proposed for all subdivisions to ensure that any damages to Town infrastructures will be corrected by the developer. He stated the \$5000 amount was chosen after research indicated this is consistent with other jurisdictions. Mr. Bush responded he feels this amount is too low due to the fact that potential damages could easily exceed \$5000. After a lengthy discussion, Mr. Egan suggested setting the deposit amount to not exceed \$10,000. This would allow the Development Review Committee to make a recommendation on the amount to be required for each individual subdivision based on the potential impacts. The Zoning & Planning Board could then set the amount during the preliminary plat review and approval. The Board agreed with this suggestion. Commissioner Pitts recommended adding a statement to the subdivision final plat checklist that all damages to public infrastructures have been corrected.

The Board then discussed the proposed regulation that would limit the amount that can be bonded with an individual company to \$100,000. The Board felt this could pose an undue hardship by necessitating multiple bonds from different companies. After a suggestion by Mr. Brodfuhrer, the Board agreed this should only be required for bonds from companies with anything less than an excellent rating. Mr. Gilliam stated he would make the necessary changes to the proposed amendments for the Board to review at their next meeting.

(B) Discuss Amended Regulations Pertaining to Fabric and Metal Structures

Ms. Spicer directed the Board's attention to the proposed ordinance in the board's packet. She stated only one change has been made from the draft discussed at the previous meeting. As requested, a provision has been added regulating fabric structures regardless of size that are visible from any street or the waters of Lake Lure.

Mr. Gilliam pointed out that there are no policies in the 2007-2027 Town of Lake Lure Comprehensive Plan that address fabric structures. Mr. Egan stated the Board could make a determination that the proposed ordinance is neither consistent nor inconsistent with the Comprehensive Plan.

Mr. Bush made a motion to recommend that Town Council adopt the proposed amendments regarding fabric structures and that the proposed ordinance is neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan. Mr. Brodfuhrer seconded the motion and all were in favor.

(C) Review Proposed Amendments to the Sign Regulations Pertaining to Signs in Commercial Subdivisions

Ms. Spicer directed the Board's attention to the proposed ordinance in the board's packet. She stated only one change has been made from the draft discussed at the previous

meeting. The provision that signs in government districts shall be approved by Town Council has been clarified to state this approval can be given during the review of a proposed development or during the review of the individual sign, whichever the case may be.

Mr. Bush made a motion to recommend that Town Council adopt the proposed ordinance regarding commercial subdivision signs and signs in the Government Use district as presented. Mr. Brodfuhrer seconded the motion and all were in favor.

(D)Review Proposed Amendments to the Zoning Regulations Pertaining to Residential Vacation Rentals.

Mr. Egan directed the Board's attention to the draft report and recommendation as well as the proposed ordinance included in their packet. He reported that the proposed ordinance concerning residential vacation rentals has substantially changed from the draft version the Board previously made their recommendation on. He stated the Board has been asked to review the latest draft and make a recommendation to Town Council. He pointed out that Town Council has held three separate workshops since receiving the earlier draft from the Board, and they believe this draft is something the entire Council can agree on. Mr. Egan then outlined the major changes to this draft from the one previously reviewed by the Board.

Mr. Egan mentioned that the preamble on page three of the proposed ordinance references policy LU-1-2.3 of the 2007-2027 Town of Lake Lure Comprehensive Plan in the version that has been recommended for amendment by the Board; however, this amendment to the Comprehensive Plan has not yet been adopted by Town Council. He suggested, if the Board chooses to endorse the proposed ordinance, that the motion be worded to specify that the ordinance is consistent with the Comprehensive Plan as written and as amended as previously proposed. Mr. Egan also mentioned that Ms. Jordan expressed concerns during a telephone conversation prior to the meeting that the reference to "neighboring property" owners in the proposed section 92.042 (C)(3) is too vague. He stated he feels the language is fine but could be amended if the Board feels it is necessary. The consensus of the Board was to leave the phrase as presented.

Mr. Brodfuhrer expressed concerns that there is no substantial difference in the regulating of vacation rentals in the resort residential districts and the strictly residential districts. Mr. Egan responded that, after lengthy discussions, Town Council's decision was to treat them the same other than the occupancy limits.

Mr. Brodfuhrer stated he still feels a formal study of the regulating procedures should be evaluated yearly, not just in 2013 as stated in section seventeen of the proposed ordinance. Mr. Egan reminded that there is nothing prohibiting a study being conducted on an annual basis, but cautioned against requiring it in the ordinance. He suggested, instead of a specific time period, simply requiring studies on an ongoing basis. The Board concurred.

Mr. Brodfuhrer made a motion to adopt the report and recommendation of the Zoning and Planning Board regarding the Residential Vacation Rental Ordinance recommending enactment of the ordinance as amended by modifying section seventeen as per the discussion and with the further clarification that the Board finds the ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan both as it currently exists and as it is proposed to be amended regarding policy LU-1-2.3. Mr. Samarotto seconded the motion and all were in favor.

NEW BUSINESS

(A) Update on Senate Bill 831 Pertaining to Extending Development Approvals (Non-Agenda Item)

Mr. Gilliam pointed out the information in the Board's packet pertaining to Session Law 2009-406, "an act to extend certain government approvals affecting the development of real property within the state" signed by Governor Purdue on August 5, 2009. He also pointed out the chart in his accompanying memo that outlines current projects in town affected by this legislation. Commissioner Pitts stated this could create some risks for the town due to the fact that subsequent amendments to town regulations will not apply to these open projects.

ADJOURNMENT

Mr. Bush made a motion seconded by Mr. Brodfuhrer to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 11:45 a.m. The next regular meeting is scheduled for Tuesday, October 20, 2009 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Richard Washburn, Chairman


Sheila Spicer, Recording Secretary