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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, October 20, 2009

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:33 a.m.

ROLL CALL

Present: Dick Washburn, Chairman
Tony Brodfuhrer
Bill Bush
Paula Jordan
Donnie Samarotto
Russ Pitts, Council Liaison
Linda Turner, Town Council Commissioner

Also Present: Shannon Baldwin, Community Development Director
Sheila Spicer, Zoning Administrator, Recording Secretary

APPROVAL OF THE AGENDA

Mr. Baldwin asked that the agenda be amended to add discussion of an amendment to the 2007-2027 Town of Lake Lure Comprehensive Plan. Ms. Jordan also asked for the addition of discussion on amendments to Appendix B of the Zoning Regulations. Both items were added to item 5 New Business of the agenda.

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

APPROVAL OF THE MINUTES

Ms. Jordan pointed out that the motion on page 3 of the minutes of the September 22, 2009 meeting incorrectly states the motion was for the ordinance regarding fabric structures. This should be amended to state the motion was for the ordinance pertaining to the sign regulations.

Mr. Brodfuhrer made a motion to approve the minutes of the September 22, 2009 regular meeting as amended. Mr. Bush seconded the motion and all were in favor.

OLD BUSINESS

(A) Discussion Pertaining to Performance Guarantees

Mr. Baldwin attention to the suggested amendments included in the Board's packet. He pointed out that this is the culmination of extensive work the Board has done on this project. He stated the yellow highlighted areas are amendments already approved by the Board, while the green highlighted areas are those amendments discussed at the previous meeting. Ms. Jordan pointed out one clerical error in the last sentence under part one; the word "that" should be changed to "than".

Mr. Brodfuhrer reported he read a newspaper article that indicated rating companies may receive monetary compensation from the companies they are rating. He questioned the reliability of these ratings and suggested requiring references along with the performance bond. The Board agreed and asked that the phrase "along with supporting references relative to our region" be added to the proposed amendments in the first sentence of section 91.18 (C) (1).

Mr. Brodfuhrer made a motion to recommend to Town Council approval of the proposed amendments to the Subdivision Regulations pertaining to performance guarantees as amended along with the finding that the amendments are neither consistent nor inconsistent with the 2007-2027 Town of Lake Lure Comprehensive Plan. Ms. Jordan seconded the motion and all were in favor.

Commissioner Pitts reported that Town Council has asked for the Board to work on amendments to the Zoning Regulations to add protections from damage to town infrastructures during the development of individual lots. The Board agreed that protections are need, and Chairman Washburn asked Mr. Baldwin to work on suggested language for the Board to review at a later date. Mr. Brodfuhrer asked Mr. Baldwin to consider options for repairs made (for example road repairs) that do not hold up to normal traffic. Mr. Pitts also asked that consideration be given to scenarios that completely close down infrastructure, such as making a road impassable.

NEW BUSINESS

(A) Discuss Amendments to the 2007-2027 Town of Lake Lure Comprehensive Plan

Mr. Baldwin reminded the Board that ordinance 09-10-13C was passed amending the Zoning Regulations to add standards for residential vacation rentals. This ordinance expressed council's desire that, should future studies indicate the objectives of regulatory controls are not being achieved, additional steps should be taken to further regulate vacation rentals in specific districts and, if necessary, prohibit and amortize them in those same districts. Mr. Baldwin handed out a memo and proposed resolution amending the

Comprehensive Plan to make policy LU-1-2.3 consistent with the findings in ordinance 09-10-13C.

Mr. Bush made a motion seconded by Ms. Jordan to recommend approval to Town Council of resolution number 09-11-10. The motion passed unanimously.

OLD BUSINESS

(B) Discuss Implementation Procedures for the Residential Vacation Rental Regulations

The Board reviewed the chart included in their packet outlining tasks necessary for the implementation of the residential vacation rental regulations as well as proposed timelines for the completion of these tasks. Mr. Brodfuhrer stated he feels rentals managed by Rumbling Bald Resort should be charged a reduced rate for permits due to the fact that they have onsite security. He also reminded that the stakeholders committee recommended sending a letter to all property owners in Lake Lure apprising them of the new regulations and requirements. Mr. Baldwin responded the benefits and costs of sending out a mass mailing of that magnitude would need to be weighed carefully. He suggested sending a postcard instead that would direct attention to where more information can be found. There was a brief discussion on the different options for notifying the public about the new requirements. (Commissioner Pitts left at 10:05. Commissioner Turner replaced Commissioner Pitts as council liaison for the remainder of the meeting place.)

Mr. Baldwin pointed out there is limited time to prepare the materials needed for implementation due to the fact that the plan is to have the materials reviewed by Town Council at their November 10, 2009 meeting. He also mentioned the difficulty involved due to the fact that Amos Gilliam is no longer working for the Town, which has left the Community Development Department short staffed. Mr. Brodfuhrer suggested giving the subcommittee that previously worked on this project the opportunity to review the materials prior to forwarding them to Town Council.

NEW BUSINESS

(B) Review Information Regarding Lee Powers and Lake Lure History

Chairman Washburn reported he was questioned by a friend several weeks ago about the role Lee Powers held in the establishment of Lake Lure as a town. At that time, Chairman Washburn remembered information provided to him by Lee Powers prior to his death. He feels this information should be made a part of the record of town history. He directed the Board's attention to the information included in their packet.

Ms. Jordan stated she feels information on the town's history should be collected and suggested posting an article in the town newsletter asking for any information the public may have. She also suggested the town create a Town History notebook that includes the

information presented today as well as any additional information collected. Ms. Jordan volunteered to lead this project and be responsible for the notebook. **She made a formal motion to initiate this project.** Mr. Bush suggested contacting Todd Morse for any information he may have. Blaine Cox, a member of the audience, also suggested contacting the Moore family for additional information. **Mr. Brodfuhrer seconded Ms. Jordan's motion and all were in favor.** Mr. Baldwin stated he will report these plans to the Town Manager and Town Council.

Mr. Baldwin reported he and Amos Gilliam recently attended the annual conference of the North Carolina Chapter of the American Planning Association. He stated Chairman Washburn was awarded the 2009 Marvin Collins award for appointed officials during the annual awards banquet at the conference. The Board congratulated Chairman Washburn for winning this award.

(C) Discuss Amendments to Appendix B of the Zoning Regulations

Ms. Jordan reminded the Board that the appendix in the Subdivision Regulations that includes the forest coverage table and the significant tree density and canopy coverage requirements was amended in June of 2008. She stated these same changes needed to be made in the Zoning Regulations, as well, but it was something that was overlooked at the time. She pointed out that the proposed changes included in the Board's packet will make Appendix B in the Zoning Regulations consistent with the appendix in the Subdivision Regulations. There was a brief discussion on what constitutes a qualified licensed professional as well as the aerial survey canopy coverage.

Mr. Bush made a motion to recommend approval to Town Council of the amendments to Appendix B of the Zoning Regulations. Mr. Brodfuhrer seconded the motion and all were in favor.

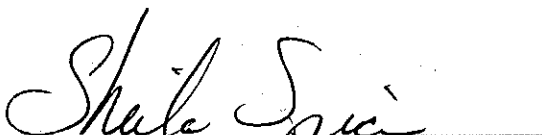
ADJOURNMENT

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

The meeting was adjourned at 11:00 a.m. The next regular meeting is scheduled for Tuesday, November 17, 2009 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Richard Washburn, Chairman


Sheila Spicer, Recording Secretary