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# Town of Lake Lure

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

Tuesday, December 15, 2009

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:31 a.m.

### ROLL CALL

**Present:** Dick Washburn, Chairman  
Tony Brodfuhrer  
Bill Bush  
Paula Jordan  
John Moore, Town Council Liaison

**Also Present:** Shannon Baldwin, Community Development Director  
Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary  
Sheila Spicer, Zoning Administrator  
Clint Calhoun, Environmental Management Officer

### APPROVAL OF THE AGENDA

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

### APPROVAL OF THE MINUTES

Mr. Bush made a motion to approve the minutes of the November 17, 2009 regular meeting. Mr. Brodfuhrer seconded the motion and all were in favor.

### NEW BUSINESS

#### (A) Approve 2010 Schedule of Meeting

Mr. Bush made a motion to approve the 2010 Schedule of Meeting. Ms. Jordan seconded the motion and all were in favor.

#### (B) Amendment to the Preliminary Plat for Phase II of the Ridge at Firefly Cove to create Phase II-A and Phase II-B

Ms. Smoyer gave a brief presentation of the history of the Ridge at Firefly Cove, including the approval for the preliminary plat, the final plat for Phase I and the preliminary plat for Phase II. Ms. Smoyer explained that the applicant, Firefly Cove, inc., is requesting an amendment to the approved preliminary plat for Phase II of the Ridge at Firefly Cove Subdivision. The applicant would like to add Phase IIB to the preliminary plat. Phase IIB includes the area that was to be incorporated into neighboring state park. The Developer has indicated that the State Park does not have the money to purchase the property at this time. Instead of transferring the property to the State Park, the Developer has chosen to sell the property to the Carolina Climbers Coalition. The Carolina Climbers Coalition will use the property for public recreation and will not develop it. They have indicated that they intend to sell it to the State Park in the future. Per the plat note, this lot will be restricted to recreational use only and can not be used as a residential lot.

Anthony Love, President of the Carolina Climbers Coalition stated that the proposed purchase of the land is to preserve the land for long-term recreational use. It can be accessed by climbers or hikers. The trail system will not interfere with native and endangered species.

Clint Calhoun, Environmental Management Officer, explained that there could be rare and endangered plant and animal species in the area, specifically the white irisette (a rare plant.) He was confident that the Carolina Climbers Coalition would do what they could to protect the plant and animal species.

**Ms. Jordan made a motion to approve the amendment to the preliminary plat for Phase II of the Ridge at Firefly Cove to create Phase II-A and Phase II-B. Bill Bush seconded the motion. All were in favor.**

#### **(C) Final Plat for Phase II-B of the Ridge at Firefly Cove**

Ms. Smoyer explained that since the preliminary plat has been amended to show this property in a separate phase from the other property, then a final plat can be approved. The subject plat does not affect roads or other infrastructure because the property will be restricted to recreational use and will not be developed. A performance agreement and security are not required because there are no required improvements. The property is currently accessed by trails system and parking lot in the adjacent State Park.

**Mr. Bush made a motion to approve the Final Plat for Phase II-B of the Ridge at Firefly Cove. Mr. Brodfuhrer seconded the motion. All were in favor.**

#### **OLD BUSINESS**

##### **(A) Discuss Security Deposits for Development on Individual Lots**

Mr. Baldwin explained that this issue was discussed at the previous Planning and Zoning Board meeting. The Board had asked staff to research several items. At their request,

staff pulled information from the Rumbling Bold Resort and the Lake Structures Regulations. Ms. Jordan stated that she wanted the Town to establish rules and regulations regarding damage to public infrastructure during construction activity. She also liked the 2 levels of fees collecting by the Rumbling Bald Resort, a non-refundable impact fee and a refundable deposit. Mr. Baldwin explained that public agencies (like the Town) cannot collect impact fees without approval from the general assembly. Mr. Baldwin also explained the AFPO, adequate public facilities ordinance. The primary concern appears to be related to damage to existing streets and stormwater systems. There should be an assessment of the streets and stormwater system prior to issuance of a permit. A developer would then be required to fix all damage prior to the issuance of a Certificate of Occupancy (C.O.). Ms. Spicer stressed that the existing language in the Regulations regarding issuance of a C.O. can be strengthened. The zoning violation procedures can be used when a C.O. is not required. Ms. Jordan and Mr. Brodfuhrer expressed their concern with the repairs holding up over time. Ms. Jordan suggested a letter of credit or some other mechanism to ensure that the repair holds up for one or two years. Mr. Baldwin told the Board that staff would continue to research the issue and report back to the Board.

#### **(B) Discuss Window Sign Evaluation Report**

Staff had received a complaint in regards to a possible window sign violation. The Board discussed this issue at the previous Board meeting. Over 60% of businesses appeared to be out of compliance with the current regulations. At the previous meeting, Ms. Jordan suggested a possible amendment to the regulations that would allow not more than 25% of all windows (rather than 25% of each window). Ms. Spicer indicated that this solution would bring a majority of these signs into compliance with the Regulations. Mr. Brodfuhrer made a motion to allow up to 25% of all windows on any given wall of a business to have window signs. Ms. Spicer stated that draft language for an amendment is included in the packet. The Board further discussed including a definition for window in the Zoning Regulations. Staff would further research a definition of window and report back to the Board.

#### **(C) Review Major Subdivision Report**

The Report will be added as a consent agenda item to every agenda. Ms. Smoyer said that she would provide a more detailed report for one subdivision every month.

#### **OTHER BUSINESS**

Tony Brodfuhrer thanked the Board and Town Staff for their support and work on the Board. The Board thanked Mr. Brodfuhrer for his service and personal sacrifice. Mr. Baldwin stated that he had enjoyed working with Mr. Brodfuhrer. Mr. Washburn asked Town Council to acknowledge Mr. Brodfuhrer's service to the community. Mayor Keith spoke from the audience stating he would make sure Town Council hears the message from the Zoning and Planning Board. Bill Bush seconded the motion and all were in favor.

from the Zoning and Planning Board. Bill Bush seconded the motion and all were in favor.

Mr. Bush asked staff if they knew what is on the agenda for 2010. Mr. Baldwin indicated that they may know more after Town Council's retreat.

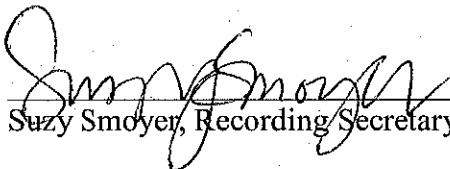
**ADJOURNMENT**

**Mr. Brodfuhrer made a motion seconded by Ms. Jordan to adjourn the meeting. The motion passed unanimously.**

The meeting was adjourned at 10:29 a.m. The next regular meeting is scheduled for Tuesday, January 19, 2009 at 9:30 a.m. at the Lake Lure Municipal Center.

**ATTEST**

  
Richard Washburn, Chairman

  
Suzy Smoyer, Recording Secretary