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# Town of Lake Lure

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

Tuesday, January 19, 2010

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:37 a.m.

### ROLL CALL

**Present:** Dick Washburn, Chairman  
Rick Coley  
Donnie Samarotto  
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  
Mike Egan, Community Development Attorney

### APPROVAL OF THE AGENDA

**The agenda was unanimously approved upon a motion made by Mr. Bush and seconded by Ms. Jordan.**

### APPROVAL OF THE MINUTES

**Ms. Jordan requested amendments to the draft minutes for the December 15, 2009 meeting. Ms. Jordan made a motion to approve the minutes of the December 15, 2010 regular meeting, as amended. Mr. Bush seconded the motion and all were in favor.**

### NEW BUSINESS

**(A) Election of Officers**

**Mr. Bush moved that Chairman Washburn continue serving as. Ms. Jordan seconded the motion and all were in favor.**

**Mr. Samarotto moved that Mr. Bush serve as vice-chairman. Ms. Jordan seconded the motion, and all were in favor.**

**(B) Review of Bylaws**

Paula Jordan made a motion that the Board make a recommendation to Town Council that all appointed members of Town boards be notified, in writing, one month prior to the term expiring. Bill Bush seconded the motion and all were in favor. Bill Bush asked if abstaining from a motion resulted in an affirmative motion. There seemed to be consensus that an abstained vote resulted in an affirmative vote. However, Mike Egan indicated that he would report back with an answer.

**(C) Review Ordinance 09-10-13C in light of existing Hospitality Commercial Uses and Make Recommendations to Town Council**

Mr. Baldwin gave an overview of this request. Council directed the Board to look at the regulations and disentangle the hospitality commercial uses from the residential vacation rental (RVR) regulations. John Moore expressed his concern that if we exclude some single-family residences and not others then we may make the RVR regulations unenforceable. Sheila Spicer reviewed each of the hospitality uses listed in the matrix (included in the packet).

Mike Egan explained that the proposed amendment is intended to clarify the intent of the RVR regulations. He reviewed the proposed amendments, which included definitions for hotel/ motel and tourist courts. The amendment to the RVR regulations would exclude hotel/ motel and tourist courts from the definition of RVR. He also suggested additional provisions that would require onsite management for hotel/ motels and tourist courts. Mike Egan and Shannon Baldwin also suggested that such uses should be on contiguous properties with continuity, an onsite manager, common amenities and acting as one enterprise. The use would dictate what type of permit would be applicable. There was also discussion related to the yearly inspection process association with these types of commercial uses versus the one-time inspection associated with an RVR.

There was a brief discussion related to creation of non-conforming uses. In other words, by defining tourist court, would the hotel/ motels and tourist courts in existence prior to the adoption of the definition/ regulations become non-conforming? Would they require permits even though they have been in existence prior to the adoption of the definition/ regulations?

Jim Proctor expressed to the Board that the primary difference between these commercial uses and RVRs is that the commercial uses have never been owner-occupied. The commercial uses were intended for transient rentals for tourists only. John Moore stated

that the ordinance states that RVR's are commercial uses. This is a delicate maze and the Town needs to do it right the first time or the ordinance will be in jeopardy.

Sheila Spicer indicated that she is processing approximately 10 permits per week. The Town will not pursue enforcement measures while the Board is still considering the amendment.

Bill Bush suggested reconvening the meeting in two weeks to give Board Members additional time to review and consider the proposed amendments.

**(D) Review Design Standards for Commercial Structures & Make Recommendations to Town Council**

Mr. Baldwin explained that the standards were a stop gap measure that was to be used until the design guidelines were developed. The design guidelines, used during the conditional use review process allow maximum flexibility. Paula Jordan gave a general overview of the guidelines as they apply to different areas of town. Sheila Spicer described the design review process for new commercial construction. Mike Egan indicated that, as a lawyer, he does not favor guidelines. There was a discussion regarding giving developers the option of clear standards or the use of guidelines and a review board. Mr. Baldwin suggested minimum standards, while giving the Board of Adjustment to ability to waive standards in light of good design. Ms. Jordan suggested that the board allow businesses to bring to them sketch plans of proposed commercial building designs for early review and discussion much as the Development Review Committee reviews proposed developments at an early stage. This would save commercial builders the expense of full project design of ideas not represented in the Design Guidelines. Board comments on these discussions could then be forwarded to the BOA together with formal Z&P recommendations of the completed project proposal. The Board suggested that staff and the attorney further review the regulations to discuss at the next meeting.

**Consent Agenda**

Ms. Smoyer asked the Board to review the Subdivision Report and the subdivision update memo for Lago Vista. Mr. Bush asked if the Lake Lure Professional Park subdivision included future residential as indicated in the report. Ms. Smoyer said that she would review the Lake Lure Professional Park file and report back next month. Paula Jordan make a motion to approve the consent agenda. Donnie Samarotto seconded the motion and all were in favor.

**RECESS**

Mr. Bush made a motion seconded by Mr. Samarotto to recess the meeting until February 2, 2010 at 9:00 am at the regular meeting location, the Lake Lure Municipal Center.

**ATTEST**

  
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Richard Washburn, Chairman

  
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Suzy Smoyer, Recording Secretary