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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, February 16, 2010

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:31 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

Bill Bush made a motion to amend the agenda to move CU-2010-001: Conditional Use Permit request for Lake Lure Classical Academy to the first item on the agenda. The agenda was 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 January 19, 2010 meeting. Mr. Bush made a motion to approve the amended minutes of the January 1, 2010 regular meeting, as amended. Mr. Coley seconded the motion and all were in favor.

NEW BUSINESS

(A) CU-2010-001: Conditional Use Permit request for Lake Lure Classical Academy

Mr. Baldwin gave an overview of the process for reviewing commercial projects. The request was reviewed by the Development Review Committee (DRC) on January 26, 2010. Ms. Spicer gave an overview of the application and the results of the DRC meeting. The Lake Lure Classical Academy is requesting a conditional use permit for the temporary school site. The property fronts both Memorial Highway and Harris Road. This site will be utilized while the permanent school is constructed off Island Creek Road, which will take approximately two years. The temporary school site will consist of four modular buildings on a 2.91 acre parcel and a multi-purpose field on a .66 acre parcel. Two of the buildings will house six classrooms and one storage/multi-use room, one building will house seven classrooms and two storage/multi-use rooms, and one building will house the administration offices. The temporary school site will have one, single lane entrance from Memorial Highway and one, single lane entrance from Harris Road. Traffic will exit the property onto Memorial Highway. All of the changes that the DRC requested have been made.

Russ Pitts gave a brief overview of the plans for the Lake Lure Classical Academy. He stated that the site would be temporary for two years until the new permanent school is built. They requested that the CUP be approved for a three year period. Chairman Washburn asked the applicant what the use of the property will be after the school moves to the permanent location. Mr. Pitts stated that the property will have utilities, grading and landscaping and will be a viable property for future use. The school has worked hard to preserve the original stone wall, steps and several old magnolia trees. The Challenge Foundation is leading the work. However, once a charter is approved, the Lake Lure Classical Academy will take over the project. Mr. Pitts indicated that he will continue to be the project manager. Mr. Coley asked if the applicant has worked with neighbors. Mr. Pitts indicated that they have been working with neighbors. The Board discussed the building design. The buildings will be temporary (not more than three years) modular structures. They will have vinyl siding with skirting. The office building will have hardy siding. The buildings will have awnings. Ms. Spicer indicated that the colors and materials can be viewed in the photo in the packet. The Board discussed the relationship of the buildings to the site. Melanie Brethauer, the applicant's engineer gave an overview of the site including the proposed location of the playground and the buildings. The Board discussed the harmony of the buildings and uses with neighborhood character. It was noted that the property had been used as a school in the past. The applicant reiterated that they will address neighbors' concerns to the best extent possible. Mr. Coley asked about the chain link fence noted on the plan. Mr. Brethauer stated that the purpose of the fence is to keep balls from rolling into the parking lot and the road. Ms. Spicer noted that the proposed fence is in compliance with the Zoning Regulations. Mr. Tim Turner noted that the less money spent on the temporary site means more money can be spent on the permanent site. Ms. Spicer noted that the applicant has done their best to retain the natural look and feel of the site, by maintaining buffers, the old magnolia trees and few permanent changes. Mr. Bush asked about proposed signage. Mr. Pitts stated that DOT (Department of Transportation) will install safety signs. In regards to the drop-off and pick up procedures, the school will outline procedures in the handbook. Ms. Brethauer gave an overview of the lighting plan. Tim Turner noted that the lights will be 20 feet above ground, shielded and adjustable.

Mr. Pitts stated that there will likely be secondary uses of the school such as after-school programs and community meeting space.

Regarding the permanent site, Mr. Baldwin stated that the assessment of the landfill is complete. Redevelopment and mitigation are the next steps.

Mr. Coley, noting the temporary nature of the buildings and the commercial design standards, asked what would happen if the leaser of the buildings did not remove the buildings when the lease ends. For example, what if the company that owns the building goes out of business, will the buildings be removed? Mr. Pitts assured the Board that the school will remove the buildings. Ms. Brethauer noted that materials tend to be recycled between the different charter schools. Mr. Baldwin noted that the Board should give some sort of recommendation based on the temporary nature of the buildings.

Paula Jordan made a motion to recommend approval to the Board of Adjustment recognizing that the Challenge Foundation has a history of reusing materials, but still requesting a condition that addresses the temporary nature of the buildings and the use. She also requested that neighborhood character and compatibility be taken into account when use of the site for the school is concluded. Mr. Bush seconded the motion. All were in favor.

OLD BUSINESS

(A) Review Ordinance Number 10-03-09; Amending §92.005 to modify the definition of residential vacation rental and to provide new definitions for hotels & motels and tourists courts; replacing the use classification of lodge with tourist court; making tourist courts permitted in the R-3 and CG Zoning Districts and conditional uses in the R-4 Zoning District

Mr. Baldwin gave an overview of the proposed amendment. Mike Egan gave an overview of the ordinance in the packet. The ordinance reflects the changes discussed at the January meeting. Ms. Spicer gave a brief overview of the spreadsheet of similar existing uses in the Town of Lake Lure. The Ivivi lodge is the only use in the list that would require a VROP (Vacation Rental Operating Permit). The other uses listed in the spreadsheet would not require VROP's.

Mr. Bush made a motion to recommend approval of the draft ordinance. Paula Jordan seconded the motion. All were in favor.

(B) Review Ordinance Number 10-03-09A; Amending the Zoning Regulations to permit departures from the Design Standards contained within §§92.054 – 92.057 so long as a development substantially complies with the Design Guidelines for New Commercial Construction

Mr. Baldwin gave an overview of the history of the design standards and the design guidelines. In 2005, standards were created for new commercial construction and placed

in the Zoning Regulations as a stop gap measure until design guidelines could be created and used in the commercial review process. In 2008, design guidelines were created and adopted for use in the review process for new commercial construction. Because standards for new commercial construction are still “on the books” in our regulations, the new guidelines are not being fully utilized as originally intended. And, whenever there is a conflict between the regulations and the guidelines, the regulations must still be followed. In order to facilitate a friendly business environment for commercial operations in the Town of Lake Lure, Town Council directed the Zoning and Planning Board to study and recommend amendments to the Zoning Regulations with respect to standards for new commercial construction so that the adopted *Design Guidelines for New Commercial Construction* can be fully utilized to give maximum flexibility to commercial designers while protecting community character.

Ms. Jordan suggested a process that would allow applicants to meet with the Zoning and Planning Board prior to submitting the application. This process would be similar to the process outlined in the in Section 92.046 (A) which outlines the sketch plan conference with the Development Review Committee (DRC). Mr. Baldwin suggested that staff amend the pamphlet that describes the process for obtaining a conditional use permit. The revised pamphlet could inform applicants that they could request a pre-submittal meeting with the Zoning and Planning Board. Mr. Egan recommended that the proposed ordinance be modified to include the Section 92.056 (F) and (G) in their entirety.

Paula Jordan made a motion to recommend approval of the ordinance as amended. Mr. Bush seconded the motion. All were in favor.

(C) Review Ordinance Number 10-03-09B; Amending zoning regulations pertaining to window signs, specifically to allow window signs to occupy up to 25% of the entire building wall window area

Mr. Baldwin gave an overview of the past board meetings when the proposed amendment was discussed. Ms. Spicer noted that most, if not all window signs in the town will be in compliance if the proposed regulations are adopted.

Paula Jordan made a motion to recommend approval of the ordinance as amended. Mr. Bush seconded the motion. All were in favor.

(D) Discuss Security deposits for development on individual lots

Mr. Baldwin explained that the Board has discussed this topic at prior meetings. He gave an overview of the research that staff had done in the past. Mr. Baldwin explained that withholding the Certificate of Occupancy (C.O.) is the best tool that staff has to ensure that any damages to public property during the construction process are repaired. However, not all development requires a C.O. Staff suggested a Pre-construction and post-construction assessment of public property. Mr. Coley noted that some roads are poorly built, and it may be difficult to assign blame. It was noted that the bigger construction projects are more likely to cause damage and that the existing ability to

withhold C.O. would seem to be effective. Ms. Jordan suggested that we strengthen our regulations to include a preliminary and post construction inspection. Ms. Spicer suggested that the General Code could also be strengthened in that regard.

Consent Agenda

Ms. Smoyer asked the Board to review the Subdivision Report and the subdivision update memo for Lake Lure Professional Park. Mr. Baldwin noted that Blue Heron Point will be added to the subdivision log.

ADJOURNMENT

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

The meeting was adjourned at 11:07 a.m. The next regular meeting is scheduled for Tuesday, March 16, 2010 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Richard Washburn, Chairman



Suzy Smoyer, Recording Secretary