



Incorporated 1927

# Town of Lake Lure

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

Tuesday, July 20, 2010

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:35 a.m.

### ROLL CALL

**Present:** Dick Washburn, Chairman  
Rick Coley  
Donnie Samarotto  
Bill Bush  
Paula Jordan  
John Moore, Town Council Liaison

**Also Present:** Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary  
Sheila Spicer, Zoning Administrator

### APPROVAL OF THE AGENDA

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

### APPROVAL OF THE MINUTES

The minutes were approved upon a motion made by Mr. Bush and seconded by Rick Coley.

### NEW BUSINESS

- (A) Review CU-2010002 – A Conditional Use Permit Request from Rumbling Bald Resort for an open pavilion, a common amenity, in the R-3 Zoning District

Sheila Spicer gave an overview of the request. The DRC reviewed the request on July 6, 2010. There were no recommended changes to the plans. Mr. Coley asked if the colors on the plan would be used on the structure. Mr. James Cain (applicant) responded in the affirmative. Mr. Washburn asked if gutters would be installed. Mr.

the colors on the plan would be used on the structure. Mr. James Cain (applicant) responded in the affirmative. Mr. Washburn asked if gutters would be installed. Mr. Cain stated that there would be and that the gutters would discharge four feet from the structure. Clint Calhoun was asked to join the meeting. The Board asked for Mr. Calhoun opinion on the gutter design. He suggested a splash pad or rip rap to dissipate energy as water runs off the roof. The Board asked the applicant if there are any concerns with noise. Mr. Cain stated that they have worked with the Town and will be in compliance with the noise ordinance. Bill Bush made a motion to approve the request. Donnie Samarotto seconded the motion and all were in favor.

- (B) Review RZ-2010001- A Rezoning request from the Town of Lake Lure to rezone approximately 3.3 acres from R-2 General Residential to GU-Government Use. The property consists of the R-2 Zoned portion of tax pin 1608101 and tax pin 1617929

Ms. Smoyer gave an overview of the application. The subject property has historically been used as a residence for the Utilities Director, dam operations and a sub station. The Lake Lure Comprehensive Plan identifies the subject property as government use on the Future Land Use Map. The intent of the Government Use District is to apply to those lands where national, state or local governmental activities are conducted and where governments hold title to such lands. Any lawful governmental activity is permitted in these districts. The rezoning could be considered spot zoning or small area zoning. However, it appears to be a legal spot zoning because it is consistent with the Comprehensive Plan, the property has historically included government uses similar to the uses that could be permitted in the GU District. The size of the area and its particular characteristics (3.4 acres containing the Lake Lure Dam and associated uses/ structures) make the rezoning appropriate. The rezoning will allow the Town to utilize the property for additional public facilities, which can be viewed as a community benefit.

John Moore noted that Town Council has not had the opportunity to discuss the rezoning application. Ms. Spicer gave an overview of how the application came to be. Ms. Smoyer stated that she would amend the application to ensure that it was clear that the application came from the Town Manager's office.

Mr. Bush made a motion to recommend that the Town Council approve the proposed rezoning with the finding that the request is consistent with the Lake Lure Comprehensive Plan, Mr. Bush also wanted the recommendation to note that the request came from the Town Manager's Office. Paula Jordan seconded the motion and all were in favor.

### **Consent Agenda**

The Board reviewed the subdivision report and the subdivision update memo for the LureRidge Subdivision. Rick Coley made a motion to approve the consent agenda. Bill Bush seconded the motion and all were in favor.

## PUBLIC DISCUSSION

There were several members of the public present to discuss a matter that was not on the agenda. Mr. Robert Lawter, who owns Lawter's Produce Stand at 1929 Memorial Highway, expressed his concern that his business is not a permitted use in the R-4 Zoning District. Ms. Spicer explained that Mr. Lawter and Mr. Burgess (also in the audience) have non-conforming uses in the R-4 Zoning District. These uses can continue to exist, but can not expand. Ms. Spicer explained the options available to make their businesses conforming; text amendment or rezoning. The Board generally felt that converting that strip of property along Memorial Highway to commercial would be undesirable. However, they did feel that the produce stands were a desirable use that added to character of the Town. The Board suggested that an application for text amendment would be preferred over a rezoning. It was decided that after Mr. Lawter and Mr. Burgess submit an application, staff would assist with language for a text amendment. Also, Councilman Moore offered to bring the request to Town Council to decide if the council wants to direct staff to work on the amendment (thereby negating the need for an application and fee).

## DISCUSSION ITEM

The Board briefly discussed the Act to Extend the Extensions (House Bill 683). They requested that Mike Egan be present for the next meeting to discuss this issue.

## ADJOURNMENT

**Mr. Bush made a motion seconded by Ms. Jordan to adjourn the meeting. The motion passed unanimously.** The meeting was adjourned at 10:40 a.m. The next regular meeting is scheduled for Tuesday, August 17, 2010 at 9:30 a.m. at the Lake Lure Municipal Center.

## ATTEST

  
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Suzy Smoyer, Recording Secretary

  
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Richard Washburn, Chairman