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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, April 19, 2011

Lake Lure Municipal Center

Chairman Washburn called the meeting to order at 9:30 a.m.

ROLL CALL

Present: Dick Washburn, Chairman
Paula Jordan
John Wisniewski
Donnie Samarotto
John Moore, Town Council Liaison

Also Present: Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary
Shannon Baldwin, Community Development Director
Sheila Spicer, Zoning Administrator
Mike Egan, Community Development Department Attorney

APPROVAL OF THE AGENDA

Mr. Baldwin asked to amend the agenda to add a discussion of the sign regulations. The amended agenda was approved upon a motion made by Mr. Wisniewski and seconded by Mr. Samarotto.

APPROVAL OF THE MINUTES

The minutes were approved upon a motion made by Ms. Jordan and seconded by Mr. Wisniewski.

NEW BUSINESS

(A) Discuss Amendment to the Zoning Regulations to Allow Conditional Zoning

Mr. Baldwin informed the Board that Town Council has directed staff and the Zoning and Planning Board to review a potential amendment to the Zoning Regulations to allow conditional zoning in Lake Lure. Mr. Egan gave an overview of conditional zoning

which is a tool for the development process that marries a rezoning to development plan. This process is a voluntary process that provides flexibility. The developer can package his proposal and present it to the community. Ex-parte communication is allowed. The process is not quasi-judicial, and only requires a majority vote by Town Council. Conditional zoning creates a companion zoning district to an existing general use district. However, the conditional zoning district can further limit the uses allowed in the companion zoning district. The standards can be varied in a conditional zoning district. Mr. Egan gave an example of how conditional use zoning was used at an Ingles grocery store in Waynesville, NC. Mr. Baldwin expressed the frustration staff has with the standard rezoning process because staff and the developer can not discuss the specific development with the Zoning and Planning Board or Town Council. Early discussion, ex-parte communication and a neighborhood compatibility meeting provide transparency to the community. Ms. Smoyer suggested that conditional zoning can also be a tool to further goals of the Comprehensive Plan. Mr. Blain Cox expressed his concern that conditional zoning could provide an opportunity for applicants to bypass the Board of Adjustment. The Board suggested having staffs from towns with conditional zoning speak to the Board about their experience with conditional zoning. The Board requested that staff and Mike Egan bring a draft ordinance to the Board for discussion.

(B) Discuss Amendment to the Subdivision Regulations to Change Definition of Major and Minor Subdivisions

Ms. Smoyer gave a brief overview of the proposed amendment. The Town Council directed the Zoning and Planning Board to review and make a recommendation on a proposed amendment to the Subdivision Regulations to address a gap in the definition of major and minor subdivisions. The following types of subdivisions will not fit into either definition:

1. Subdivisions of land greater than five acres resulting in less than five lots
2. Subdivision of land less than five acres into five or more lots (no new infrastructure)

Paula Jordan made a motion to recommend the following change to the current definition to Town Council, noting that the amendment would be neither consistent nor inconsistent with the Comprehensive Plan.

Major Subdivision: Any subdivision of a tract of land ~~greater than five acres in area~~ into more than five lots, or any subdivision requiring the extension of public utilities and/or development or dedication of new streets.

Minor Subdivision: Any subdivision of a tract of land ~~of five acres or less in area~~ into five or fewer lots and involving no new public or private streets or roads, right-of-way dedication, easements, or utility extensions.

Mr. Samarotto seconded the motion. All were in favor.

(C) Discuss Amendment to Sign Regulations as they relate to the Lake Lure Arcade Building

Mr. Baldwin gave an overview of the request to review the sign regulations as they apply to the Lake Lure Arcade Building. TD Bank is considering moving in the location of Carolina First Bank. They would like to have the same type of signage. However, the signage is non-conforming. Dick Washburn noted that the Board has spent a significant amount of time on the sign regulations. Ms. Jordan noted that the Town should maintain a sense of place. Ms. Spicer gave a detailed history of the sign regulations as they apply to this building as well as variances that have been approved for signs on this building. After significant discussion, Mr. Egan read the following proposed amendment to paragraph (C)(2) of §92.161 of the Zoning Regulations

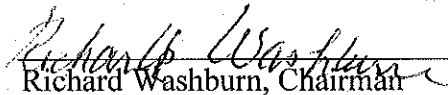
- (2) All nonconforming signs shall be maintained in accordance §92.159 but shall not be:
 - (1) Changed or replaced with another nonconforming sign except that ~~copy~~ may be changed on an existing sign may be replaced to reflect a change in business identification so long as the replacement sign is in the same general location and the size of the replacement sign face does not exceed that of the existing sign;

Paula Jordan made a motion to recommend approval of the proposed amendment to the sign regulations, noting that the amendment is neither consistent nor inconsistent with the Comprehensive Plan. Mr. Samarotto seconded the motion. All were in favor.

ADJOURNMENT

Mr. Wisniewski made a motion seconded by Ms. Jordan to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 11:50 a.m. The next regular meeting is scheduled for Tuesday, May 17, 2011 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Richard Washburn, Chairman


Suzy Smoyer, Recording Secretary