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Town of Lake Lure

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Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, May 17, 2011

Lake Lure Municipal Center

Paula Jordan called the meeting to order at 9:32 AM

ROLL CALL

Present: Paula Jordan, Vice-Chair
John Wisniewski
Donnie Samarotto
Chris Corr
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

Vice-Chair Paula Jordan took a moment to recognize with gratitude Dick Washburn for many years of service. They will miss him on the Zoning and Planning Board.

APPROVAL OF THE AGENDA

The agenda was approved upon a motion made by Mr. Corr and seconded by Mr. Wisniewski.

APPROVAL OF THE MINUTES

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

OLD BUSINESS

(A) Amendment to the Zoning Regulations to allow Conditional Zoning

Mike Egan presented the Board with a draft amendment to the Zoning Regulations that would authorize the use of conditional zoning. Mike Egan explained that conditional zoning is a new tool in North Carolina that pairs a site specific development plan with a rezoning. He went over the benefits of conditional zoning. He explained that it is a

voluntary process. Conditional zoning can limit the uses from a general zoning district and can modify development standards. Mr. Egan gave an example of a conditional zoning district in Waynesville, in which he drafted the conditional zoning regulations. Mr. Corr asked what the legal test is to determine if it is contract zoning versus conditional zoning. Mr. Egan explained that once you incorporate conditional zoning into your regulations, then contract zoning is no longer relevant. Ex-parte communication is allowed because it is not a quasi-judicial process. Ms. Jordan suggested adding language to the "Environmental Survey" section that requires identification of areas of historic significance. Ms. Spicer referred to similar language in Section 92.207 of the Zoning Regulations. Mike Egan gave an overview of the review process. Ms. Smoyer reviewed a flow chart that outlines the conditional zoning review process and the various responsibilities. Mr. Corr asked what would happen if a developer wanted to rescind a completed or partially completed project. Mr. Egan said that Town Council would have to approve significant changes to an existing conditional zoning district. Ms. Smoyer suggested requiring recordation of an approved conditional zoning district to give future property owners notice of the zoning district.

Mr. Egan gave a summary of potential changes to the draft ordinance:

1. Amend definition of general development plan to strike reference to PUD.
2. Reference "historically significant areas" in the environmental survey section.
3. Change "Technical Review Committee" to "Development Review Committee"
4. On page 10, 2. (F), incorporate language to address aggregation and piecemeal development.
5. Change Planning Board to Zoning and Planning Board
6. Look at potential to record conditional zoning districts

Mr. Wisniewski suggested that there are a lot of steps to this process. Mr. Egan explained that this is a voluntary process and that applicants can opt for the standard rezoning and conditional use process.

Ms. Jordan suggested that the Board review the revised draft at the June meeting.

CONSENT AGENDA

Mr. Baldwin and Ms. Smoyer gave a brief update on active subdivisions in Lake Lure.

QUESTION AND ANSWER SESSION WITH APPLICANTS FOR THE ZONING AND PLANNING BOARD

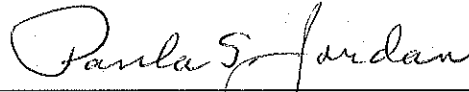
Ms. Jordan welcomed three candidates for the open seat on the Zoning and Planning Board. She asked each of them to introduce themselves. Mr. Bruce Barrett introduced himself to the Board. He has extensive experience in the environmental engineering field. He is retired. Rick Thurlby introduced himself. He has 21 years experience as an architect. Mr. Vic Knight introduced himself. He is a landscape architect and a local

business owner. The Board asked the three candidates various questions. The Mayor noted that all three candidates appeared highly qualified and that the Town may have an unfulfilled need for an economic development committee. He hopes that some of the candidates would consider such a committee if they are not appointed to the Zoning and Planning Board. Mary Ann Silvy echoed the Mayor's comments noted the overwhelming value that the three candidates could bring to the Town.

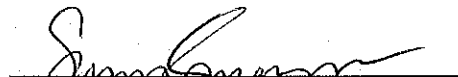
ADJOURNMENT

Paula Jordan adjourned the meeting at 11:17 a.m. while reading aloud a statement in Dick Washburn's letter of resignation, "May the people who have gone before us always appreciate what we've done."

ATTEST



Paula Jordan, Vice-Chair



Suzy Smoyer, Recording Secretary