



Town of Lake Lure

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Incorporated 1927

Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, December 18, 2012

Lake Lure Municipal Center

ROLL CALL

Present: Paula Jordan
Ric Thurlby
John Wisniewski
John Moore, Town Council Liaison

Absent: Bruce Barrett
Thomas McKay

Also Present: Suzy Smoyer, Planner/ Subdivision Administrator, Recording Secretary
Sheila Spicer, Zoning Administrator
Clint Calhoun, Environmental Management Officer
Mike Egan, Community Development Attorney

APPROVAL OF THE AGENDA

Paula Jordan called the meeting to order at 9:39 a.m. Mr. Wisniewski made a motion to approve the agenda. Mr. Thurlby seconded the motion. All were in favor.

APPROVAL OF THE MINUTES

The minutes of the September 18, 2012 regular meeting were approved upon a motion made by Mr. Wisniewski and seconded by Mr. Thurlby.

APPROVAL OF THE 2013 ZONING AND PLANNING BOARD MEETING SCHEDULE

The 2013 Meeting Schedule was approved upon a motion by Mr. Thurlby and seconded by Mr. Wisniewski.

NEW BUSINESS

(A) Request for an Extension of the Lago Vista Preliminary Plat

Suzy Smoyer gave an overview of the Lago Vista Subdivision, as outlined in the memo to the Zoning and Planning Board. The Lago Vista Preliminary Plat was approved on March 18, 2008, and consists of 27 lots ranging in size from 14,000 to 24,000 square feet. The Developer has proposed a public water system and a private sewer system (that connects to the Town's sewer system). The subdivision was approved prior to the adoption of the Mountain Hillside Regulations, and therefore did not have to comply with steep slope standards that would be applicable to any subdivision approved today. There have been a number of issues with the project including, but not limited to:

- Insufficient water pressure, which is being addressed by a waterline extension connecting the subdivision to a higher pressure line.
- Violation of the Erosion Control Permit resulting in civil penalties as well as a landslide that changed the overall layout of the land, resulting in steep fill slopes in the location of building sites. Attempted corrective measures have included placement of drainage features (not on the approved preliminary plat) through previously approved building sites/ lots.
- Two changes in ownership since approval in March of 2008.
- Installation of water system that does not meet town standards (use of copper material that the town does not have the ability to maintain.) The developer has proposed a solution to this issue that could be addressed through a condition of approval.

The Board asked Clint Calhoun to give an overview of the erosion control issues. He went over the history of the project, noting that he can't close out the erosion permit control permit until ground cover is established. Chair Paula Jordan asked if the recent work addresses these issues. Mr. Calhoun indicated that the site has been stabilized in some places but not others.

Jim Jones, developer's engineer, gave an overview of the project and additional history related to the property ownership. There was discussion regarding the erosion control issues on the property. The Board was provided with copies of communication between the developer's engineer and town staff. The Developer indicated that he could submit a complete application by December 31, 2012 (current expiration of the preliminary plat.) He also indicated that he could have all of the remaining work complete by December 31, 2012, with the exception of ground cover. The Board discussed various options with staff and the Community Development Department Attorney, Mike Egan. It suggested that the Board not grant an extension to the preliminary plat, with the expectation that the

developer submit a complete application for a final plat and complete all remaining improvements (with the exception of ground coverage) by December 31st. The Zoning and Planning Board will consider the final plat application at the regular January or February meeting. The Board can approve the final plat with a condition that ground cover is established by a certain date. The final plat would not be signed until such condition is met. If it is not met then the plat would expire. The Board provided a short recess to allow the developer time to determine if their contractors could complete the work prior to December 31, 2012. The Board decided to consider the next item while the developer considered this option.

(B) Development Review for Lake Lure and the Blue Ridge Foothills Welcome Center

The Rutherford County Tourism Development Authority (TDA) is leasing the former Visitor's Center/Youth Center building to operate the Lake Lure & the Blue Ridge Foothills Welcome Center. The TDA is proposing renovations to the existing building and grounds. The property is located in the GU Government Use zoning district and is owned by the Town of Lake Lure. Section 92.039 of the Town of Lake Lure Zoning Regulations specifies that development criteria in the GU district are as determined by Town Council. To assist Town Council in determining the appropriate development criteria for this project, staff has recommended Development Review Committee (DRC) and Zoning and Planning Board (ZPB) review of the plans to allow recommendations to be made.

Concurrent to the renovation project, the Town will be making improvements to the existing sewer line leading from the building to the manhole. This line has experienced problems in the past, so the Town feels upgrading the sewer line will prevent any future issues.

The property and structure are located in the floodplain, so renovations to the building are limited to less than 50% of the value of the structure; otherwise, the entire structure would have to be brought into compliance with the current floodplain development standards. The TDA has a limited budget for this project, so they have made every effort to ensure the renovations to the building do not reach 50% of its value. They have been working with Clint Calhoun, Environmental Management Officer, to ensure compliance with the Town of Lake Lure Flood Damage Prevention Regulations.

The DRC reviewed the proposed renovations on December 11, 2012 and made various recommendations; the minutes to that meeting are included in the packet. The Board reviewed the plans reviewed by the DRC, as well as the plans revised by the TDA as a result of those recommendations.

Vic Knight, a representative for the Visitor's Center, gave an overview of the project, indicating that they have had three public meetings to review the project. He gave an overview of Phase 1 and Phase 2 of the project. There was a short discussion regarding various building code requirements. The applicant indicated that they have had a walk-

through with the Building Inspector and that they are working through the issues. The Board expressed concern with the drinking fountain, doors and plumbing fixtures, as it relates to the occupancy of the building. The Board recommended approval of the application noting that the building code issues would need to be addressed (specifically the drinking fountain, doors and plumbing fixtures.) Chair Paula Jordan requested a five minute recess.

RETURN FROM RECESS: Request for an Extension of the Lago Vista Preliminary Plat

Chair Paula Jordan called the meeting back to order at 11:52 am. The Developer's Engineer Jim Jones confirmed that they would be able to complete all remaining improvements (with the exception of ground cover) and submit a complete final plat application by December 31, 2012. There was a brief discussion regarding the concerns outlined by staff in the memo to the Zoning and Planning Board. Staff is concerned with the final grade and topographic changes that have occurred on the site since the approval of the preliminary plat, specifically steep fill slopes and the location of drainage features. Specific concerns are as follows:

- Lot 19 and Lot 20 have drainage pipes going through the middle of the building site that were not on the approved preliminary plat.
- Lots 19 through 23 now have a drainage ditch going through the middle of each building site. These lots also have steep fill slopes that were not part of the originally approved preliminary plat.
- Although presented on the preliminary plat, staff is concerned about the individual driveways serving Lots 7, 8 and 9. The amount of disturbance associated in constructing these driveways will likely be significant (as evident in the construction of the shared driveway constructed for 10, 11 and 12). As such, staff would like to ensure that driveways can be constructed to town standards and that adequate easements are provided for construction activities.

Mr. Jones indicated that some of the drainage features were temporary. After a short discussion, he indicated that the temporary improvements would be removed prior to the December 31, 2012. All drainage easement would be provided on the final plat for any permanent drainage features. If necessary, some of the lots may be combined to avoid drainage features/ easements. The Engineer also agreed to submit a report from a licensed geotechnical engineer verifying the stability of the slopes, in relation to the development proposed on the final plat (number of lots and proposed structures as outlined on the approved preliminary plat or revised final plat). They will also submit plans for construction of driveways (on south side of road) to clearly show site disturbance associated with driveway construction and outlines construction easements for said lots and/ or combines such lots.

Ric Thurlby indicated that in light of the Developer's commitment, an extension to the preliminary plat is not necessary, and made a motion for denial of the request for a preliminary plat extension. Mr. Wisniewski seconded the motion and all were in favor.

ADJOURNMENT

Upon a motion by John Wisniewski and seconded by Ric Thurlby, the meeting was adjourned at 12:00 a.m. The next regular meeting is scheduled for Tuesday, January 15, 2012 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST

Paula Jordan, Chair

Suzy Smoyer, Recording Secretary