

Town of Lake Lure

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Incorporated 1927

Minutes of the Regular Meeting of the Zoning and Planning Board

Tuesday, June 18, 2013

Lake Lure Municipal Center

ROLL CALL

Present: Thomas McKay, Chair
Bruce Barrett
Charlie Ellis
Ric Thurlby
John Wisniewski
John Moore, Town Council Liaison

Also Present: Shannon Baldwin, Community Development Director
Sheila Spicer, Zoning Administrator
Stephen Webber, BOA Chairman
Mike Egan, Town Attorney
Michelle Jolley, Recording Clerk

Chairman McKay called the meeting to order at 9:30 a.m. and gave the invocation.

APPROVAL OF THE AGENDA

Mr. Ellis made a motion to approve the agenda. Mr. Wisniewski seconded the motion. All were in favor.

APPROVAL OF THE MINUTES

The minutes of the May 14, 2013 regular meeting were unanimously approved upon a motion made by Mr. Ellis and seconded by Mr. Thurlby.

OLD BUSINESS

(A) Consider Amendments to the Zoning Regulations Pertaining to Residential Vacation Rentals

Mr. Baldwin gave a brief overview on three different approaches that could be taken for the Residential Vacation Rental permitting process.

Mr. Egan noted that, he made specific changes to Mr. Webber's 4th draft of the proposed amendments to create the 5th draft included in the Board's packet.

Ms. Spicer outlined some of the concerns she has with the 5th draft. She stated the current draft allows one update to a vacation rental operating permit (VROP) at no cost, while all subsequent updates will be charged a fee. Ms. Spicer expressed concern about monitoring which permits have already had one free update; she asked that there either be no fee for updates or a fee for all updates.

Due to the fact that the current draft proposes that the designated parking area must be contained within the boundaries of the property, Ms. Spicer pointed out that many properties in Town have parking areas that are located in the street right-of-way adjacent to the travel-way. She distributed a copy of a property survey of an upcoming VROP request as an example. After discussion, the Board concurred that cases such as that should be decided by the Board of Adjustment as either a variance request or appeal.

Ms. Spicer stated she spoke with Susan Robinson, Director of Rutherford County Environmental Health, about existing system permits for property owners with onsite septic systems that do not have access to the septic permit issued for the system. She reported Ms. Robinson stated an existing system permit is used for property owners that want to replace either a destroyed structure or replace a mobile home. She further stated that this type of permit is only granted for a maximum of two bedrooms since the Health Department inspectors are unable to determine if the existing system is designed to accommodate more bedrooms than that. Ms. Robinson advised that the existing system permit would not be a viable option for applicant's seeking VROP approval. After discussion, the Board agreed that property owners with on site septic that do not have a copy of the septic permit for the system still have the option of hiring a licensed septic inspector for verification on the number of bedrooms the system is designed for.

Chairman McKay requested that Mr. Egan create a 6th and final draft for the next meeting based on the information that was discussed.

NEW BUSINESS

(A) CU-2013001, A Conditional Use Permit Request from Dr. Donald Adams for a Dental Office in the CG-Commercial General Zoning District and

(B) CU-2013002, A Conditional Use Permit Request from Mountain Area Health Education Center (MAHEC) for a Medical Office in the CG-Commercial General Zoning District

Due to the fact that the two properties are adjacent to each other and will be developed concurrently, the Board discussed both requests simultaneously.

Mr. Baldwin gave an extensive presentation about the Comprehensive Plan, uses of land, and community survey results. He also emphasized the community's need for professional medical service. Discussion ensued.

Ms. Spicer presented the requests to the Board. She stated she received the final road names proposed for the roads accessing the medical park. She stated Community Drive as shown on the site plan in the Board's packet is the final name, while Drive B shown on the plan is proposed as either Nesbitt Ridge, Lakeview Ridge, or Healthcare Lane. She noted staff does not recommend using Lakeview Ridge since there is already a Lakeview Road in Lake Lure. There will be a final review of these road names at next month's Board of Adjustment (BOA) meeting.

Dr. Adams, owner of the property located on NC Hwy 9 between Ingles and Memorial Hwy., reported to the Board that he is requesting a conditional use permit to construct a dental clinic on his property. His property is located in the CG-Commercial General zoning district, which allows dental offices as a permitted use. Discussion was held, and the Board had no further questions for Dr. Adams.

Ron Fagan, MAHEC Facilities Director and project manager, discussed wanting a conditional use permit to construct a medical clinic on his property, located in the CG-Commercial General zoning district, which allows medical services as a permitted use. There was a discussion held and no further questions were asked.

The site preparation for both properties will be conducted as one grading project, and construction for both structures is planned to occur simultaneously. The Development Review Committee (DRC) reviewed these applications at their meeting on May 28, 2013. Ms. Spicer reported that of the concerns raised by Jeffrey Brown, Clint Calhoun, and Ron Morgan have been addressed.

Marni Graves, architect for Dr. Adams, was also present at the meeting and introduced herself to the Board.

Tim Turner, with WNC Professional Engineers & Surveyors, presented how WNC plans to develop the site for both facilities.

Melanie Breathauer, engineer for WNC, was also present at the meeting. She discussed storm water and how WNC plans to control runoff from storms. She mentioned that storm water will be rerouted around the medical facility and will flow into grass ditches which will in turn clean the storm water of debris.

Mr. Thurlby asked where the mechanical equipment will go for the medical facility. Ms. Graves stated it will go in a small screened in area located near the parking lot.

Mr. Wisniewski asked if the soil had been tested. Mr. Turner advised that a geotechnical engineer has tested the soil.

Ms. Spicer, in regards to a question Chairman McKay posed about lighting, talked about the lighting plan for the medical facility. She noted that the lighting plans are included in the packet.

Discussion was held on the Town of Lake Lure's Design Guidelines for New Commercial Construction. Chairman McKay added that he likes the design of the structures as proposed. Ms. Spicer noted that both facilities fall within the small scale commercial guidelines and that the development as proposed is in substantial accordance with the recommendations of the guidelines.

The Board had no further questions.

Mr. Barrett made a motion that the Zoning & Planning Board finds the plans and application for both CU-2013001 and CU-2013002 are in substantial compliance with the Town of Lake Lure Design Guidelines for New Commercial Construction, and therefore meets the requirements for commercial buildings in Sections 92.054 through 92.056 of the Zoning Regulations. Mr. Ellis seconded the motion and all were in favor.

Mr. Barrett wanted to assure that any changes made to the plans be brought to the BOA and Ms. Spicer stated this is a requirement. Mr. Ellis wanted to know the timeframe for construction after approval, and Ms. Spicer mentioned the plans state construction would start as soon as all required permits have been issued.

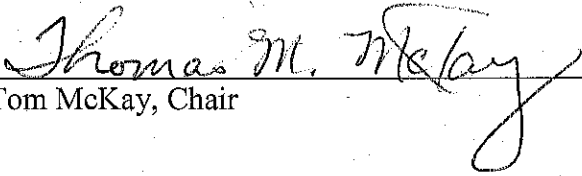
Mr. Moore explained that at the Town Council meeting on June 11, 2013, a motion was passed to direct the Board to meet with restaurant owners and other business owners to look at revisions to Town regulations that might be necessary to make their businesses easier to operate. He stated he would also like to send a survey to get feedback from architects, engineers, and general contractors to improve the town's permitting process. Mr. Moore mentioned he would like to see a group, hopefully the Chamber of Commerce, which would come up with their own list of suggestions for the town concerning what could make local investment more attractive and their businesses more profitable.

Mary Ann Silvey, Lake Lure Commissioner, expressed a concern she had with permitting costs. She suggested the Board look at and consider the costs required for zoning permits issued by the town.

ADJOURNMENT

Upon a motion by Mr. Barrett and seconded by Mr. Thurlby, the meeting was adjourned at 11:53 a.m. The next regular meeting is scheduled for Tuesday, July 16, 2013 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST



Tom McKay, Chair



Michelle Jolley, Recording Clerk