



Minutes of the Regular Meeting of the  
Zoning and Planning Board

Tuesday, July 16, 2013

Lake Lure Municipal Center

**ROLL CALL**

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

**Absent:** John Wisniewski

**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**

Community Development Director Shannon Baldwin pointed out the agenda that is being proposed by staff is also included in the packet. He noted the item being recommended to add to the agenda is highlighted in yellow.

**Mr. Ellis made a motion to adopt the additional item of new business to the agenda and approve the agenda, as amended. Mr. Thurlby seconded the motion. All were in favor.**

**APPROVAL OF THE MINUTES**

**The minutes of the June 18, 2013 regular meeting were unanimously approved upon a motion made by Mr. Thurlby and seconded by Mr. Barrett.**

**OLD BUSINESS**

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

Mr. Webber expressed to the Board that he does not support the idea of not sending notification to adjoining property owners and allowing them to testify. He feels it is important to hear their concerns.

Mr. Webber pointed out that Mr. Egan has changed wording on his current draft in paragraph (C) (2) and (J). He went over Mr. Egan's final draft and explained that he feels it is imperative the previous language in (C) (2) and (J), which is marked out and highlighted in yellow, be left in the amendment.

Mr. Egan gave an overview of his final draft and the revisions he made. He stated the Board has three apparent options. These options are to recommend enactment of the proposed final draft, use the draft created on May 5, 2013 which is a hybrid approach, or leave as a conditional use permitting process. Mr. Egan explained the three options and the legality of each approach.

Chairman McKay asked Ms. Spicer if she had encountered problems in the past with the conditional use permitting process. Ms. Spicer answered there was a lot of labor involved with that process but there were no major issues. She mentioned the new draft will be easily enforced and she feels comfortable with enforcing it.

Lengthy discussion ensued.

Patricia Maringer, member of the BOA, addressed the Board and stated she does not agree with taking the authority away from the Board and leaving the burden on staff. She also stated Mr. Egan's proposed draft does not cover all issues, such as public safety. Mr. Egan explained the Town would be covered by doctrine of sovereign immunity. Discussion followed.

Mr. Barrett posed the question to Ms. Spicer about how many parking spaces are allowed for a vacation rental with a maximum occupancy of twelve people, according to the proposed regulations. Ms. Spicer stated, in her interpretation of the proposed regulations, only one 9 x 18 off-street designated parking area is required for a vacation rental, regardless of how many people are there. Discussion was held.

Mr. Baldwin stated, if the Board approves of Mr. Egan's final draft, an ordinance can be drafted and brought back to next month's Zoning & Planning meeting for final review. The Board will then need to recommend approval of the proposed ordinance to Town Council. Council will make the final decision to either continue using the conditional use permitting process or to use the July 15, 2013 revision.

Discussion ensued regarding permitting processes and notice to property owners. Mr. Baldwin explained that neighbors will only be notified as part of the condition use permitting process but would not be notified if the permitted use process is used. Mr. Baldwin recommended a memo be created to bring to the August, 12, 2013 Zoning and Planning meeting, which would outline the permitting processes and notification to property owners. Mr. Egan stated he would make additional changes to the conditional use permitting process to bring back to the August Zoning and Planning meeting as well.

## NEW BUSINESS

### **(A) Discussion regarding creating a process to facilitate a more business friendly environment in Lake Lure per Town.**

Mr. Baldwin presented an overview of the recommendations Town Council made to have the Board look over regarding business operations. He mentioned he spoke with the Department of Commerce to see if they could assign someone on their staff to assist the Town. He recognized Ginny Faust with the Department of Commerce in Asheville. He noted Ms. Foust is present just to listen regarding how the Town wants to become more business friendly and to see how the Department of Commerce would be able to serve the Town. Tommy Hartzog, with the Chamber of Commerce, was also present at the meeting.

Mr. Moore mentioned, "What I've heard a lot of before becoming a commissioner and certainly since is a lot of complaints from businesses and restaurant owners, builders, engineers, and architects that thought our regulations were two things: One, they are overly restrictive and in some cases overlapped; Two, it's not a user friendly process to come through and get permits needed to build or do something." He stated permit fees are something that he would like to Board to look at. He noted, "For instance, Werner Maringer came to us and explained to us about all the permits and expenses he had to go through just to repair a dock." Ms. Maringer corrected that it was to build a dock. Mr. Moore continued, "Permit fees are one thing I think we would want to look at. I see restaurants being a separate issue because they have concerns about signs right now. This is their biggest issue. Some have expressed the need to have a small sandwich board sign to show pedestrians what their special is that day. This would be a purely temporary type sign that is positioned in front of the business by the travel way. I sense a lot of frustration by a lot of these folks. They do not feel like people are listening to them for whatever reason. Each will come with their own issue and not see the whole of the matter, but they leave with a negative impression about how they can better operate their business or improve their property. A thought was that we should be able to get restaurant owners together and go over the regulations with staff in a very informal manner to identify suggestions. Then, we can bring that before the Zoning and Planning Board. We should do the same thing with engineers, architects, and builders kind of as a group. Recently an engineer was asked to make some improvements to a building close to the city limits. His question was, is it in the Town of Lake Lure? If it is, I'm not coming! So, I think being proactive with this and getting folks, Tommy, like yourself together, and folks with experience with the building part who can pull all the pieces together. One builder said something to me that really troubled me. He said he was afraid to get involved because he thought that if he came back to the Town to get a permit it would have a negative effect on him. I know that's not true but somewhere in the past he's had an experience that made him think that. Again, we need to be proactive and reach out and embrace the folks who want to do business in our community or improve their business in our community. Everyone knows we have enough empty buildings around here. To the extent the Town can encourage people to be entrepreneurs, to feel like we are welcoming them rather than pushing them away and we should take some steps in that direction."

Mary Ann Silvey, Town Commissioner, mentioned, "I will just add to that. Werner came to Town Council. He was someone who was on the Board of Adjustment and very much interested in the Town. When he wanted to construct this simple dock it was like twelve or fifteen hundred dollars worth of materials. The permits cost more than the materials to build the dock. The permits were two thousand or twenty-five hundred dollars. I checked into that after he brought it to our attention. Some of it had to do with state and federal regulations of construction over water. It had to be engineered. Some of this we have no control over. However, I think a study of this will bring some of this out into the open. Now we have a better understanding of how that could have happened."

Mr. Moore suggested, "I think we want to see if we can accomplish today, to ask Shannon to assemble three committees: restaurant owners, retail, and construction professionals. All three should be represented, not large, but small committees. Give each the charge of coming up with their recommendations regarding what ordinances they see as problematic or being an impediment to businesses realizing the whole time the ordinances are there for a purpose. We have to maintain the beautiful scenery in the community we have here. Let's see what they come up with. I think it should be directed by the groups themselves with the support of staff and/or Department of Commerce to supplement and help them, but I think they should find a leader in each committee to take the ball and run with it. We want to get as much input as we can. The only reason we would place any restrictions on the numbers would be because of the functionality. We need a group that can effectively get it done. The bigger the committee, the more time it will take. We really want to see the thing move along not languish."

Mr. Baldwin stated, "We may want to consider previous models we've already used. The market study was successful. The town center master plan was successful. Town Council appointed a steering committee. It was very inclusive. We ensured no one was left out of the discussion. It has to be organized. We need a framework. I think having a neutral facilitator is important. Time and time again we're showing that brings success, when you have a third party who gives guidance, provides facilitation, and doesn't have a stake in the process. That's where I think community assistance could help us with that. The only cost we would have is paying for their mileage. I think the key is ensuring that everyone is asked and given a chance to participate. Some folks would rather come to a meeting and some folks would rather fill out a survey. We may want to think about having/developing a survey that's sent to all the business owners. I believe it will be important to say we (Zoning and Planning Board and Council) send every business a survey with questions about specific issues, but also a survey with general open ended questions too." Mr. Moore added, "I do think a survey needs to be part of it. Town staff can come up with questions but ultimately the committees themselves should sign off on the questions in the survey. The committees can add to or edit the questions. We can let the committee and staff work on a survey."

Mr. Baldwin asked, "What kind of timeframe are we looking at? I realize the sooner the better is what we may be after but what kind of timeframe are you guys envisioning realizing the scope will have an impact of the completion date?" Mr. Moore answered, "We didn't discuss that, but we agreed this is something that needs to be done. I don't know that we need to put any kind of constraint on it. Let's get the group together and let them tell us how much time they need. We can address that then."

Tommy Hartzog, member of the Chamber, stated, "I would encourage you to collaborate with Chimney Rock Village because they joined us in the study. We need to be compatible. The fonts, color palate, branding, and marketing are the same as ours. We need to underscore the need to work with Chimney Rock. It's ok to have rules and regulations but it's how we say it. The way we say things sends a message to our visitors. Subliminally, it says something about us to our visitors. It's important that we say the right things the right way on our signs. How can Lake Lure, while maintaining their standards of regulations, encourage the growth of business. That is why we are sitting here today."

Mr. Ellis stated, "While we can't dictate to Chimney Rock what their rules and ordinances should be, I do think it would be helpful to compare and contrast ours versus theirs. If I am a new real estate broker representing a new restaurant coming to the area, I tend to think I would encourage my client to go to Chimney Rock for a variety of reasons. If the Village has created an environment, intentionally or not, that is more conducive to bringing in business compared to what we have, we might be able to learn something from our neighbors up the Gorge. Even though we consider ourselves one community, and on many levels we are, we are competing. The average person coming through the Gorge doesn't pay attention to where the town boundaries are. Perhaps we should develop standards that are appropriate for the area...ordinances that are consistent if not exactly the same. I do not know the first thing about the Village's regulations. It would be helpful to compare and contrast our regulations with Chimney Rock Village's. We need to pull together a chart that shows us how we compare to Chimney Rock relative to different kinds of signs. I've seen places where businesses are allowed to have movable copy. Now, you might only have one per property, maybe not one per business, but one that could be used by the business in a rotating fashion. Moveable copy, little sandwich board signs, are we going to encourage that or prohibit that? If we have folks in the Gorge doing it one way and we are doing it another, we may be encouraging folks to look elsewhere rather than Lake Lure. Perhaps we need to be working together with them more. I would like to encourage the group, committee, or process to involve folks from Chimney Rock, because the Chamber supports the entire area."

Mr. Moore added, "The more I think about it, the more I think we need one committee and three or four sub-committees. I don't know about the mechanics... that might be a question for our facilitator. On the other hand, how it's structured really doesn't matter as long as it is efficient. As one council member, I'm less concerned about structure and more about it being meaningful and people giving us their input. We need recommendations to help us get to the root of what we're looking for."

Ms. Faust mentioned, "I consulted with one of my colleagues [Sherry Adams] before I came to the meeting. She shared with me a brochure from Downtown Waxhaw. They have outlined the [business permitting] process on one piece of paper regarding 'what you need to do.' It's an outlined overview. So, I'm sharing this with you." Ms. Faust noted she emailed Mr. Baldwin a digital version so he can share it with whoever is interested. Ms. Faust mentioned she thinks that having a better understanding of the permitting process is a good place to start. She stated we do not even need to form a committee to do this. Ms. Faust continued, "You can create a brochure, or whatever seems appropriate. I will need to consult with my boss to see how much we can be involved. We certainly would love to be helpful."

Mr. Barrett noted one issue that needs to be addressed is the off-season. He explained he Town seems to shut down before Memorial Day and after Labor Day. He suggested activities be created which will bring people here year-round. Discussion held.

Mr. Baldwin noted that Council's charge was fairly specific. He stated, "Look at sign regulations and while you have folks together, let's ask folks what their thoughts are."

Chairman McKay added, "There are businesses out there that are spending money on signs, for example, but people don't see the signage. There's a difference between signs meant to communicate to motorists versus pedestrians."

Mr. Moore agreed that we should proceed with the sign project.

Mr. Baldwin suggested the first step we need to take a look at is the regulations, discuss with businesses what they feel we need to address relative to sign regulations, and work on the broader issues later. Chairman McKay stated, "This sends a message to the business community that we're at work. The business community needs to hear that the Town is working with the Chamber to improve the business climate." Mr. Baldwin emphasized we should keep the scope narrow for now and information should be funneled through the Chamber to the Zoning and Planning Board. In response, Mr. Hartzog added, "Keeping the scope narrow is good, but any good insurance agent goes back to the client once a year to address the policy and do a review. Lake Lure needs to do this regarding our regulations and ask customers if there are things we need to do."

Ms. Silvey explained, "Getting to work on the sign project in an orderly fashion would keep it from being bogged down, but there's a need for broader issues to be looked at. Present ordinances are a knee-jerk reaction to sudden, rapid growth. Move forward with the signs but identify issues that we want to address later. There's a perception that Lake Lure is too regulated. That ought to be moderated a little bit. Small projects are difficult to get through the process." Mr. Barrett noted Lake Lure has a bad reputation and people do not want to work here. Ms. Silvey continued, "The Mayor has worked hard and opened doors. Perhaps other towns can help us understand what the issues are." Mr. Moore mentioned he thinks the reputation clean up will happen when the professionals (architects, engineers, and contractors) help us clean up our reputation as we work through this.

Mr. Thurlby stated, "I make a recommendation that we move forward with the sign study and form committees to look at the different issues with the Chamber of Commerce."

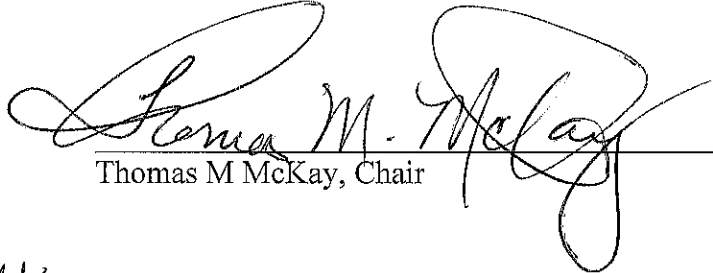
Mr. Barrett asked, "I thought we were going to ask the Chamber through our friend Tommy to gather a group of his members to review and evaluate the impact of sign ordinances and other issues that's impeding businesses? Let the Chamber take the lead on this and get support from staff and/or members from this Board as need be." Mr. Hartzog added he believes, "The proper channel would be for Shannon or the Chairman to communicate to the Chamber through Wyn, the Chamber's President. This is what was discussed today. He needs to be the recipient of this request so it can be discussed by the Board. The message of accessibility and eagerness to communicate regarding these matters are so very important."

Mr. Barrett made a motion for Chairman McKay to draft a memo to the Chamber of Commerce about everything mentioned previously. Mr. Thurlby seconded.

**ADJOURNMENT**

Upon a motion by Mr. Barrett and seconded by Mr. Thurlby, the meeting was adjourned at 12:11 a.m. The next regular meeting is scheduled for Tuesday, August 20, 2013 at 9:30 a.m. at the Lake Lure Municipal Center.

**ATTEST**

  
Thomas M McKay, Chair

  
Michelle Jolley, Recording Clerk