



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, August 19, 2014

Lake Lure Municipal Center

ROLL CALL

Present: Thomas M McKay, Chair
Bruce Barrett (left after Agenda Item C discussion)
Charlie Ellis
David Goins
Ric Thurlby
John Moore, Town Council Liaison

Absent: N/A

Also Present: Shannon Baldwin, Community Development Director
Chris Braund, Town Manager
Don Byers, Byers Environmental
Mike Egan, Board Attorney
Michelle Jolley, Recording Clerk
Vic Knight, Knight Strategies

Chairman McKay called the meeting to order at 9:35 a.m. and Mr. Barrett gave the invocation. The Board members led the Pledge of Allegiance.

APPROVAL OF THE AGENDA

Mr. Ellis made a motion to approve the agenda as presented. Mr. Thurlby seconded and all were in favor.

APPROVAL OF THE MINUTES

Mr. Thurlby made a motion to approve the minutes of the July 8, 2014 regular meeting and July 15, 2015 regular meeting as presented. Mr. Barrett seconded the motion. All voted in favor.

OLD BUSINESS

A. Town Center Small Area Plans Presentations

(1) Main Street Master Plan

Mr. Baldwin pointed out that a Comprehensive Plan was adopted in 2007 and created using Land Design, steering committees, focus groups, and property owners' input. He stated a Phase I Town Center Master Plan and a Comprehensive Transportation Plan followed. He stated the Town Center Small Area Plan is one of the projects that stems directly from the Comprehensive Plan and a follow up to the other plans. He mentioned that Chimney Rock Park has a new entrance planned, according to their Master Plan, and it has been a driver for this project. He stated the Town has engaged Knight Strategies to help with the Town Center Small Area Plan. He mentioned the Town has worked with two different focus groups for the Rocky Broad Gateway Plan and Main Street Master Plan, which makes up two of the three elements of the Town Center Small Area Plan. Mr. Baldwin stated there has been some concern expressed by Lake Lure Properties and Lake Lure Smokehouse that there could be less traffic flow directly in front of their businesses and loss of business as a result of the new entrance to the State Park and NCDOT's plan. He explained to the Board the three phases of NCDOT's plan to address ingress, egress, and traffic flow. He pointed out this is a relocation of US 64/74A, not a bypass.

Mr. Knight conducted a presentation on the Town Center Small Area Plans. He pointed out the walkway and facilities that connect the Town Center to the Marina/Bay area would be more celebrated in the new plan. He stated we want a plan that will work for today's economy and environment. He mentioned DOT is proposing traffic circles in two locations of the Town Center to help alleviate congestion. Mr. Knight pointed out that the plan recommends the area in front of Lake Lure Inn, the Gazebo area, and the pavilion area (connected to the beach) be broken down into three levels and used for different types of special events. He also pointed out the future plan is to turn the existing roadway in front of the beach into a pedestrian plaza to better connect the Town Center to the Beach. He stated there would be bike lanes and parallel parking available. He mentioned that a relocation of the ABC Store is also proposed.

Mr. Knight stated the Urban Land Institute (ULI), a company that studies parking, is requiring more parking than the Town of Lake Lure currently requires for a commercial space, according to statistics. He stated ULI recommends using shared parking with other businesses for additional parking. Brief discussion held on parking. Mr. Knight mentioned we are respecting DOT's guidelines for street cross sections and rights-of-way. Chairman McKay asked Mr. Knight, in his opinion, what would be the first priority to send to Town Council. Mr. Knight stated his opinion would be to concentrate on the Town Center and making Main Street a success to bring in new investment. Mr. Knight also mentioned there is a demand for residential units and stated the plan is proposing patio homes on the southeast side of the Town Center. Mr. Baldwin mentioned the

importance of the Town working to develop a Town Center Master Plan incorporating NCDOT's transportation plan in response to the Chimney Rock Park Master Plan which calls for a new entrance at the Lake Lure Town Center.

Ed Dittmer suggested the overhead power lines be taken down and buried as the plan gets implemented to have a better view around the Town Center. Commissioner Cameron stated he had gotten a quote to do that a couple years back for \$55,000 to bury the lines in front of LaStrada, from Pool Creek to Lake View Grocery. Mr. Baldwin stated the Chimney Rock State Park needs water and sewer and they have discussed possibly purchasing Lago Vista and extending utilities up through Lago Vista and even possibly an entrance to the park. However, he stated that NCDOT studied the Lago Vista entrance proposal and recommended against it because of topography and traffic congestion. In extending the Town's assets to the park for utilities, Mr. Baldwin mentioned that the Town should make sure it secures a win-win agreement.

Commissioner Diane Barrett asked if Hwy 64/74 A in front of the Beach would still be maintained as a state road in case it is ever needed for emergency traffic. Mr. Knight responded "yes" it would still be used primarily for local traffic, however the alignment has changed. Mr. Barrett mentioned he thinks there may still be heavy traffic there, even with a traffic circle. He also mentioned he is concerned with the number of buildings envisioned for the Town Center area blocking views of the lake. Chairman McKay stated he does not feel views will be blocked. He noted that this is a conceptual plan, however today's input is important. Discussion ensued. Mr. Ellis suggested that Mr. Knight include a slide of the original Draper Plan in his presentation to send to Town Council. Mr. Baldwin stated the plan is an expression of the community's values, but would only serve as a guide in a discussion with investors. Mr. Thurlby suggested opening up the view corridor from the Conference Center building to the Beach. Discussion ensued. Mr. Knight stated he would adjust the plan to address the concern.

(2) Rocky Broad Gateway Plan

Mr. Baldwin gave an overview of the Rocky Broad Gateway Plan. He explained Town Council authorized this project and this would create a welcoming entrance to the Town that celebrates the connections between Lake Lure, Chimney Rock Village, and the State Park. He stated we would incorporate input from today's meeting and tweak the Plan where need be to send to Town Council for consideration and adoption at the September meeting.

Mr. Knight conducted a presentation of the RBGP. He stated the Town is trying to get an encroachment agreement from DOT to allow facilities to be installed on a portion of the RBGP within the next 12 months. He stated there is talk of a transportation hub and outdoor concierge service. He mentioned there is also a proposed restaurant/microbrewery, light commercial uses and a tent campground.

Commissioner Cameron stated he would like to see a recommendation to Town Council that all future development, especially commercial, have utilities located underground.

B. Town Center Small Area Plans Discussion & Resolution (Main Street Master Plan and Rocky Broad Gateway Plan)

Mr. Baldwin noted the points he has taken from the meeting regarding the MSMP to send to Town Council are:

- (1) Relocation of 64/74A (not a bypass)
- (2) Bury utility lines in the future as new development takes place
- (3) Link NCDOT's traffic model to Town website so the public can see smooth traffic flow of the Lake Lure Parkway

He mentioned the Board should send a memo from the Chairman to Town Council concerning adoption and Staff to draft a Resolution for the September Town Council meeting. Mr. Goins pointed out he feels it should be made known that the MSMP is for mixed use emphasizing residential uses and not just commercial retail. He stated he did not understand this at first.

Regarding the RBGP, Mr. Knight noted the stone architecture that is currently on the entrance into Chimney Rock Park and the Mediterranean style architecture is incorporated into the RBGP.

Mr. Barrett stated his concerns with the MSMP are with the views of the lake being obstructed with additional commercial buildings and he felt that the rerouting of 64/74A in front of the beach area needs to be revisited. Mr. Ellis agreed stating we need a traffic plan that will alleviate gridlock around the beach and will also help with public safety. Mr. Baldwin stated the Town would use the plan as guidance only and not a hard and fast blueprint. Mr. Barrett suggested adding to the memo to Town Council the list of concerns the Board has. Mr. Baldwin noted the Chair may want to also include in the memo that Stephen Webber mentioned the Veterans Memorial will be relocated and enhanced. Mr. Baldwin stated Staff could draft a memo for the Chair to Town Council and make sure that Council understands this is only for guidance and that investors would be free to propose their values and vision. He also stated the Planning Board's concerns could be mentioned and a solution offered.

Mr. Ellis made a motion to recommend Town Council adopt the Town Center Small Area Plan as submitted, incorporating input from today's Zoning and Planning Board meeting. He then proposed that Staff draft a Resolution of support and forward to Town Council in preparation for their next meeting. Mr. Thurlby seconded the motion and all voted in favor.

C. Discussion on Breweries Report & Amendment

Mr. Baldwin mentioned that a report was sent to Town Council regarding microbreweries. He stated we need to find a way to soften the effects of noise, odor, and

impacts on the Waste Water Treatment Plant (WWTP). He pointed out having a microbrewery can be a large boost to the local economy.

Don Byers, with Byers Environmental and operator of Lake Lure's WWTP, pointed out the first thing that would need to be done would be to conduct a sewer analysis. He explained the WWTP may need pretreatment before it could handle the effects of a large microbrewery, which would be enforced by the Sewer Use Ordinance. He stated the Industrial Treatment Plant can produce discharge to what our sewer system can handle but the Town would have to set an Industrial Pretreatment Standard. Mr. Egan stated with enough pre-treatment, the Town could accommodate for any size brewery, in compliance with the Town's regulations. He explained that he has drafted the Ordinance so that the smaller breweries are permitted uses and the larger ones would be conditional uses. He stated we may want to change the ordinance that breweries would be subject to special requirements and would need to get a Sewer Use Permit first.

Mr. Byers explained the effects of a brewery on the WWTP. He noted that a barrel is 31 gallons of beer. He stated the beer does not go into the sewer but the wash water from clean up is what goes into the sewer system. He mentioned that a two barrel system may only produce 100 gallons of beer, but could potentially produce 500 gallons of wastewater. He pointed out that the Town can set and enforce the limits of how much wastewater can be produced and to what strength.

Mr. Byers explained about the strength of the content of wastewater that goes into the sewer system. He noted it is not the volume of discharge but the strength that has the greatest impact on sewer systems. He pointed out his main concern was that high strength discharge would go into the sewer system and the WWTP to be out of compliance. He noted pretreatment is most likely necessary to drastically reduce the strength (BOD5 components) of the discharge from these uses. He stated the Industrial Pretreatment Permit will monitor the strength and be based on the limits the Town sets. If more breweries are added, the Town would have to revisit the Head Works Analysis to see how much more wastewater the Town's WWTP can handle. The Town's treatment facility is an anomaly requiring unusual means/methods to treat sewerage and is a challenge to operate. It needs serious attention if it is to remain viable in the future. Another alternative is to build the greenline to Spindale/Rutherfordton. He stated there are enforcement actions that can be taken if rules are violated. If someone is running a brewery that has not been permitted, he mentioned the WWTP would be able to detect it. Our treatment facility is currently operating under a special agreement with NC DENR since vast amounts of lake water has been removed from the system.

Mr. Braund felt that the Town should be proactive in making sure we are not having to react to staff overload. He mentioned it is important to know what permits the Town may need and staff time needed to work through those issues. Mr. Byers stated the Town would need to begin by getting a Head Works Analysis.

Mr. Ellis asked if the Town has the ability to require a flow meter and Mr. Byers answered yes. He stated a separate meter would be monitored and installed. Mr. Ellis

asked if the Town could restrict usage only to Town utility customers, excluding someone on a well. Mr. Egan responded that the Town could make this a special requirement. Mr. Braund noted there is a base rate and these rates could be changed for someone with a brewery. Mr. Baldwin mentioned his main concern is keeping the Town in compliance with the State regulations. Mr. Braund felt that all size breweries should be considered as we work on an amendment; however a large brewery is not likely.

Mr. Baldwin stated the measures necessary to stay in compliance are to adopt a sewer ordinance establishing a review of these types of uses by Town sewer system staff, adopt Zoning Regulations requiring review by Town sewer system staff for all these types of uses, adopt the Zoning Regulations only after the sewer ordinance has been adopted, and monitor and enforce provision in both regulations. Discussion ensued.

Mr. Egan stated he would have a new draft for the Planning Board review in advance of the September 16th Planning Board meeting. The Town Council is set to review/adopt a new sewer ordinance at their September 9th Town Council meeting. If Town Council adopts the sewer ordinance, the Planning Board can complete its work and have a recommended ordinance for Council for a hearing October 14th and adoption.

Mr. Baldwin introduced Marc Fretwell and stated he is interested in opening a brewery. Mr. Fretwell explained his interest is opening a light nano-brewery to see if the market will sustain this type of business in Lake Lure. He pointed out if his business grew, he would never want to go larger than a 10 barrel system. He mentioned he would only be open in the evening hours of the weekend and minimal hours otherwise. He stated he is only interested in opening a bar/tap room but would sell on and off site.

Mr. Ellis asked if someone were to request a brewery today, how would the Town deal with the absence of the ordinance. Mr. Egan advised that Staff wait to allow until the amendment has passed. He stated the amendment could pass as early as the October Town Council meeting.

Mr. Ellis made the recommendation to not take any action until the sewer ordinance is in effect. The Board agreed.

D. Discussion of NC 9 SAP & Appointment of Steering Committee Member

Mr. Baldwin explained the Town Council has passed the Resolution to appoint a Steering Committee. He stated that Chairman McKay automatically becomes Chairman for the Steering Committee but one more person is needed. Chairman McKay noted he would not be at the meeting on October 13th and Mr. Ellis noted he would not be available for the two meetings in September.

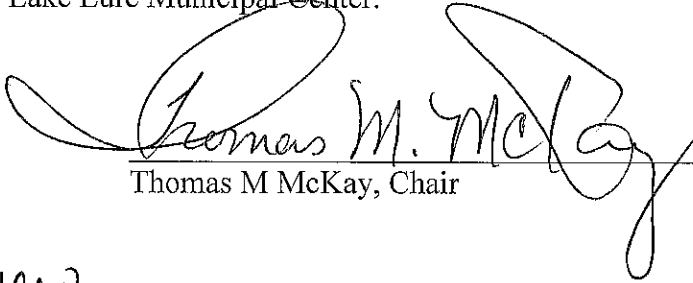
Chairman McKay requested to appoint Mr. Barrett for the meeting on September 8th and 22nd. He appointed Mr. Ellis for the October 13th and November 3rd meetings. All voted in favor.

NEW BUSINESS

None

Upon a motion by Mr. Thurlby and seconded by Mr. Ellis, the meeting was adjourned at 12:30 p.m. The next regular meeting is scheduled for Tuesday, September 16, 2014 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Clerk