



Minutes of the Recessed Meeting of the
Zoning and Planning Board

Tuesday, December 1, 2015

Lake Lure Municipal Center

ROLL CALL

Present:

ZPB Members

Thomas M McKay, Chair
Bruce Barrett
Charlie Ellis
Jonathan Hinkle
Norman McGlohon
John Moore, Town Council Liaison

LAB Members

Mark Helms, Chairman
Bill Ashman, via teleconference
Dan Breneman
Gary Hasenfus
Gary Johnson, via teleconference
Derek Papesh
Joseph Pritchett
Mary Ann Silvey, Town Council Liaison

Absent: N/A

Also Present:

Chris Braund, Town Manager
Shannon Baldwin, Community Development Director
Mark Belissimo, Managing Partner with Lodge on Lake Lure
Jeff Brown, General Manager of Construction for the Lodge
Sharon Decker, Senior VP with Lodge on Lake Lure
Frank Kelsch, architect with Lodge on Lake Lure
Jim Edwards, Balance Works Public Planner
Mike Egan, Board Attorney
Dean Givens, Lake Operations Director
Tony Hennessee, Public Works Director
Clint Calhoun, Environment Management Officer

Ron Morgan, Fire Chief
Molly Oakman, Manager of Community Relations for the Lodge
Dave Odom, Engineer with Lodge on Lake Lure
Sheila Spicer, Zoning Administrator
Andi Calvert, Town Clerk

The meeting reconvened at 9:30 a.m. and Mr. Barrett gave the invocation.

Mr. Ellis made a motion to amend the original meeting agenda to include the recessed meeting agenda. Mr. McGlohon seconded and all voted in favor.

The Board discussed the 2016 meeting dates and Chairman McKay proposed changing the March 15th date to March 22nd.

Mr. McGlohon moved to approve the 2016 meeting schedule as presented with the exception of changing the March 15th date to March 22nd. Mr. Barrett seconded and all voted in favor.

Chairman Helms welcomed the Lake Advisory Board (LAB). The LAB made a motion to approve their agenda as presented.

NEW BUSINESS CONTINUED

Mr. Braund explained that that Zoning and Planning Board (ZPB) and LAB were asked to provide Town Council with a recommendation. The next step would be a special meeting on December 15th for additional comments or feedback from citizens on this project.

A. CRZ-2015002 – A request from Lodge on Lake Lure for a rezoning from R1 to R3CD

Mr. Baldwin provided a brief overview of the review process for CRZ-2015002, a request concerning 2.37 acres to be rezoned from R-1 to R3 CD and an overview of the proposals consistency with the Town's 2007-2027 Comprehensive Plan. He conveyed that the rezoning request to resort residential is on a parcel that has been used for lodging and gathering since the 1930's. He stated that rezoning of the property would allow for more flexibility and would clean up some of the zoning issues that the property had been traditionally faced with. He explained that the Boards were tasked to send a recommendation to the Town Council at the meeting on December 15.

Sharon Decker, Chief Operating Officer with Tryon Equestrian Partners Carolinas Operations, introduced the Tryon Equestrian team and presented their proposal for the Lodge on Lake Lure. Plans were revised based on community feedback. Ms. Decker assured the Boards that they have become very familiar with the Comprehensive Plan. She stated they understand the need to grow the commercial tax base, the need to

diversify the tax base, the need to raise the quality of commercial development, and they understand why there is criteria for commercial development on the lake. She stated they also understand that there was a desire to rezone this property to Resort Residential and they made a commitment to focus on that desire of the Town.

Jim Edwards, Public Planner for Balanced Works and who formerly lead the Isothermal Planning District, presented an overview of his findings around the economic impact of the expansion of the Lodge. He mentioned that the economic impact study was limited to focusing on direct revenues for the Town, due to time constraints. He stated that a number of assumptions were made. He projected an increase in revenue to the Town from ad valorem and utilities at approximately \$30,000 and estimated an increase in occupancy taxes to the TDA of approximately \$35,000. He pointed out that other county revenues would benefit the Lake Lure area as well. He mentioned the anticipated sales generated by this project would be about \$3,000 in terms of the local community.

Mr. Kelsch conducted a presentation on the project. He pointed out that the property was identified as Resort Residential in the Comprehensive Plan. He stated that they have worked to ensure goals are met in specific areas, including:

- Relationship of building to site
- Moving the trash bins to enhance relationship of buildings to area
- Sharing commercial parking spaces
- Breaking up parking areas and screening them from view

Mr. Kelsch presented proposed plans for the offsite parking. He stated that parking was increased substantially; a large turnabout was added near the Lodge for delivery and for turnaround. He then presented a concept of the treehouse, which will serve as an event space for events held at the Lodge. He pointed out that the conference center was reduced from 100 seats down to 44 seats, reducing the footprint of the building. He also pointed out that the existing restaurant was expanded to 100 seats total. He mentioned that the plans call for 20 boat slips; 10 permanent slips and 10 day slips. He stated that all slips fall within the 30' maximum distance of the shoreline.

Mr. Kelsch pointed out that the boathouse dimensions and seating were reduced. He conveyed that the protrusion into the lake was reduced from 52' to 45'. The revised plans reduce the overall size of the boathouse restaurant and brings it closer to the shoreline. He discussed the revised plans for parking and the 25 guest room building.

Mr. Kelsch explained that the project is compatible with the design guidelines in the following ways:

- Section 8.1.1 – Relationship of the building to the site
Buildings will be arranged to be visually interesting (making multiple buildings on the site that relate to each other in interesting ways that break up the overall mass, create interesting areas between buildings, opportunities for gathering spaces, and views to and from the site) The project follows the contours (the

existing lodge sets the precedent in a U-shaped configuration, which is continued with the location of the additional buildings). The project facilitates a sense of community by creating a sense of gathering for the community accessible by car and boat to bring people together in the community.

- Section 8.1.12 – Relationship to the adjoining area
The Lodge provides screening, storage, and trash collection, pathways from the site to the lake. The project is compatible with and compliments the existing architecture. The site will be heavily landscaped. Parking was broken into several different components, as to not be overwhelming on the site. Parking will also be screened with vegetation. Light pollution will be minimized by making sure all lights case downwards. The historic character of the Lodge will be maintained using similar materials, similar rooflines, and similar scale. The Lodge sets a precedent for how large some of the other structures should be. This is why the buildings were broke up into individual buildings to keep the sense of scale down. Columns, brackets, and other architectural features will also be used in keeping with the design themes. Exterior materials will match the existing building, using stone and dark wood.

Mr. Kelsch presented 3 dimensional views of the site. He mentioned that they tried to create a project that presents itself in new ways all the time. He stated the nature and character of the buildings change as you move, creating a visually interesting project for the community. He pointed out that they will keep the character of the original Lodge. He stated that other areas of the project which were not mentioned are all compatible with the Comprehensive Plan.

David Odom, engineer with Odom Engineering, conveyed that the project is currently planned to use public water and sewer. He mentioned that the anticipated demand is 12,000 gallons per day and the Town's water system has a capacity of 42,000 gallons per day; the sewer system has a capacity of over a half million gallons per day. He stated there is a manhole located in front of the property and all the proposed structures would be able to connect directly to that via gravity lines. He explained that the proposed sewer flow will not negatively impact the ability of the waste water treatment plant; there may actually be a slight positive impact on the ability to meet the discharge limits. Currently there is no town water line near the project and Mr. Odom conveyed that they are proposing to obtain an economic development grant to extend an 8" water line to the site which would provide fire protection and potable demand. He stated the existing well would be abandoned. The presence of firefighting capabilities will enhance not only for the project but also for the community. He mentioned they are proposing to enhance the shoulders of Charlotte Drive where geography and right-of-way will allow.

B. CRZ-2015002 Lake Advisory Board's Review, Deliberation, and Recommendation

Ms. Decker introduced Molly Oakman, manager of community relations and former resident of Lake Lure. She also introduced Jeff Brown, general manager for all of the project construction and who also manages the growth and development of the Tryon

Equestrian Center. Ms. Decker explained that local business and engagement for the lakeside restaurant is needed. She stated the restaurant is accessible to those on the lake who are principally local residents and they are exploring ways to have some type of special consideration for restaurant patrons that are local residents.

Mr. Pritchett reviewed changes that have been made to the plans after they were originally submitted. He made a suggestion that boats not be moored parallel to the shoreline because of damage that could be caused to the boats due to wake. He asked that the Lodge consider moving the two boat slips against the boathouse to the other side so they are not parallel to the shoreline. He also suggested the Lodge build a clear path at the 75' line to keep non-motorized boats from pulling out into the center of the lake.

Mr. Hasenfus had concerns regarding noise and times of operation for bands, etc. Ms. Decker responded that part of the reason for the change in the number of seating on the water and in the restaurant was due to noise concerns addressed at a previous meeting. She added that larger events would be held in the restaurant and would be self-contained. There will be a deck area going down to the lake, but the larger events would be up on top. The decking availability would be limited where the restaurant is located to create an inside eating area over the water, to help contain noise. Any outside seating would be included in the maximum capacity of 100 seats. Mr. Johnson expressed dissatisfaction with the project and stated that we need to abide by the code. Mr. Ashman spoke his approval of the project and felt that the presenters did a good job working with the Town.

The Lake Advisory Board and staff engaged in discussion with the Lodge representatives regarding the project.

Mr. Papesh moved that the Lake Advisory Board recommends to the Town Council and Marine Commission the approval of the re-zoning request as presented by the Lodge on Lake Lure. The LAB has evaluated the various lake structures and uses proposed and finds that they would provide benefits to the Lake Lure community and are not in conflict with the lake management and boating management goals of the 2007-2027 Comprehensive Plan. We further find that concerns with health, safety, and quality of life relative to the lake structures have been satisfactorily addressed. The Town's design standards for lake structures do not differentiate between residential and commercial uses, but we feel that a commercial restaurant in this location can appropriately exceed the current dimensional standards.

We support the council's approval of either a marina facility (or cluster mooring) and a boathouse on this property, a prospect that will require a text amendment to the lake structures regulations. Our board will supply proposed language for this amendment. Mr. Ashman seconded the motion.

A discussion ensued on the amount of seating available (100).

After a recommendation of Mr. Papesh, it was the consensus of the Board that the topic of requiring a lease for a commercial operation over the lake be discussed at a later date

and should include all lake structures (not just the one specifically related to the proposed project).

After discussion, the motion carried with a vote of 5 to 1 (Mr. Johnson opposed).

C. CRZ-2015002 Zoning & Planning Board's Review, Deliberation, and Recommendation

The Zoning and Planning Board and staff engaged in discussion with the Lodge representatives regarding the project.

Mr. Egan gave a brief explanation of the suggested motion. He also gave a brief report on spot zoning, when it is allowed, and when it is not. Mr. Ellis stated the proposal and application is consistent with the Comprehensive Plan. The Comprehensive Plan specifically spelled out that this property was to be rezoned at some point in the future as resort residential. He mentioned the applicant has asked for a conditional district rezoning to being restricted to only what has been spelled out in the application.

Mr. Barrett asked about the parking calculations and expressed concerns in regards to adequate parking. Mr. Kelsch explained that the calculation used for the required numbers were based on the language listed in the Zoning Regulations. The assumed calculation was based on their anticipated assumptions of the overall facility. Ms. Spicer clarified that the Zoning Regulations state one space per three seats. Mr. Barrett asked if the boathouse restaurant could be relocated along the west side of the property, south of the kitchen, keeping the restaurant on land to reduce elevation on top of the boathouse so as to not block views of the neighbors. Mr. Kelsch conveyed that if the restaurant were pushed back it would actually have to be raised to be able to access from the land side, making the structure taller than what is currently proposed. Mr. Barrett spoke his approval of the conference center.

Ms. Decker conveyed that by having the restaurant space upstairs a little larger, it would allow it to function as a conference area as well in the winter months. Mr. Barrett expressed his agreement with a conference center in town. Ms. Decker stated that improving the quality commercially would help to grow the interest in real estate in the region and especially in Lake Lure. She stated they are focusing on much larger markets for corporate conferences. She mentioned that they are currently considering closing in the covered arena at the Equestrian Center for year-round events to bring more traffic into the area and also more jobs.

Mr. Barrett recommended that Charlotte Drive be widened to allow room for emergency personnel and also suggested a pedestrian walkway. There was significant discussion regarding increased traffic and improvements along Charlotte Drive. Mr. Odom pointed out that the water line would be buried along the shoulder of the road. Mr. Hinkle suggested that improvements to the road also be incorporated into the grant when applying for the new water lines, since that would create some damage to the roads when being installed. Mr. Odom mentioned that widening the road is a different function and it

would not make sense to do simultaneously with the water lines. He stated there are a few locations along the road in which the geography does not allow for improving the shoulders. He felt the most important aspect would be to widen the shoulders. He felt that if the road were widened, there would be an increase in speed. Chairman McKay mentioned his biggest concern is ingress and egress of Charlotte Drive and he mentioned that an impact study has not been done. Ms. Decker stated a traffic impact analysis performed in the winter would not be beneficial and requested that it not be made a condition in moving forward. She stated they would like to start construction this winter. She assured the Board they would continue to work with the neighbors and mentioned that safety is a priority.

Mr. Ellis asked for an update on the four phases of the project and when they would occur. Ms. Decker replied the current phase 1 plans are to expand the existing restaurant, construct the parking areas, and possibly demolish the existing building that houses the additional rooms. She stated they would start phase 1 this winter; they do not plan to do construction in the spring. Mr. Kelsch added that they will get as much done as possible with as little impact on the neighbors as possible. Mr. Ellis suggested having a traffic impact study done in-between the construction phases. He felt that adding the 25 rooms would create the largest impact. Mr. Egan conveyed that a traffic impact study would be possible and stated a condition could be imposed that the applicant make any improvements suggested by the traffic impact study. Mr. Belissimo assured the Board that they would commit to making any improvements the Board suggests. Further discussion ensued.

Ms. Spicer read the following into the record of the reconvened meeting of the Planning Board on December 1, 2015 wherein CRZ-20155002 was being reviewed:

Staff asked the North Carolina Department of Transportation (NCDOT) to review the proposed project and provide input on possible impacts to street traffic. Sean Humphries, Police Chief, Ron Morgan, Fire Chief, and Sheila Spicer, Zoning Administrator, met with NCDOT Assistant District Engineer Matt Evans and NCDOT Engineering Technician James Evans on November 2, 2015. The NCDOT officials offered the following suggestions but emphasized that they are recommendations only, and there may be more or different options available to address any possible concerns.

- An official Traffic Impact Analysis (TIA) needs to be done for Charlotte Drive, including where it intersects with Memorial Highway, Storm Ridge Drive and Lake Ridge Drive. At the very least, a mini TIA could be done to individually assess key areas
- A TIA would help determine if a turn lane is justified on Memorial Highway. The 2014 annual daily traffic count near the intersection of Charlotte Drive and Memorial Highway was 2,200. A turn lane may be required if the TIA reveals that the annual daily traffic count would increase to 4,000 as a result of the proposed development

- Charlotte Drive is currently about 15 feet wide from Memorial Highway to the entrance to the Lodge; beyond the entrance it narrows to approximately 13 feet wide. It needs to be widened to a minimum of 18 feet, but preferably 20 feet, since it is a collector street; striping should also be added. Significant widening of Charlotte Drive at the entrance to the Lodge would probably be necessary due to the current narrow width and the houses across from the entrance that use the street for partial on-street parking.
- The site distance looking east when pulling out of Charlotte Drive onto Memorial Highway is about 200 feet now at best, which involves looking through two signs and around one tree. The site distance should be increased to 325 feet or more by moving the Lodge sign further away from the highway, removing any vegetation in the line of sight, and possibly shaving back the embankment. The NCDOT can also move the existing golf crossing sign to a new location. This recommendation is something that should be done regardless of the new development.
- In order to eliminate confusion with the multiple access points near the entrance to the Lodge, it was suggested that the intersection of Charlotte Drive and Storm Ridge Drive could be changed so that Storm Ridge Drive is a defined turn off of Charlotte Drive. This new entrance to Storm Ridge Drive could be slightly north of the current intersection. Any new intersection should be at an angle between 75 and 90 degrees. It was pointed out that turning Storm Ridge Drive to a one-way street had been mentioned. The NCDOT officials confirmed that, due to the narrowness of the street, confining it to one-way traffic would be better than what currently exists.
- The point where the Lodge's proposed new lower parking area intersects with Storm Ridge Drive should be reduced to an approximately 20 feet wide opening (the minimum allowed for emergency vehicle access) and used as an exit only instead of an entrance and exit. This exit should be at an angle as close to 90 degrees with Storm Ridge Drive as possible. A thru-lane from the existing upper parking area was suggested as the entrance to the new lower parking area along Storm Ridge Drive, and this new loop could also be designated as the emergency vehicle turn-around since it will be difficult to construct a turn-around in the existing parking area.

Chairman McKay suggested a recommendation be referred to Town Council. Mr. McGlohon asked if the request is for a cluster mooring larger than what the regulations allow or for marina status. Mr. Braund explained that a marina would more effectively encompass the proposal and Town Council may apply any conditions or restrictions they feel are needed. Commissioner Moore mentioned that he has received a great deal of feedback and stated the majority of the neighboring community have concerns with too much being done with one piece of property. He stated the neighborhood has concerns with a restaurant over the lake and with the

number of boat slips for permanent parking. He asked that ZPB make a recommendation that the restaurant be over land to avoid controversy. He also felt that a traffic impact analysis would be critical before the request is approved.

Mr. Egan pointed out that the ordinance the Board would be making a recommendation on does not address lake structures; it only addresses the upper portion of the project.

Commissioner Moore conveyed that General Statute requires Town Council hear this request within 35 days of a recommendation of the ZPB, but stated that a decision does not have to be made by then. He mentioned he would like the Town Council to come up with a unanimous proposal before the next hearing on December 15th. Mr. Ellis pointed out that the timeframe of the meetings regarding this project have been exactly in accordance with the ordinance.

The general public provided their comments.

Chief Morgan mentioned the Lake Lure Fire Department has received very few calls to the Lodge over the years and he does not anticipate that to change or a need for change in regards to regulations, equipment, and manpower. Chief Humphries also did not anticipate any changes to staff, etc. in regards to the Lodge.

With regard to the petition of Mr. Mark Belissimo, Lake Lure Lodge, LLC, to amend the Zoning Map of the Town of Lake Lure and create the Lodge on Lake Lure Conditional District on property situated at 361 Charlotte Drive and currently zoned R-1, Mr. Ellis moved the Board to make the following findings:

- 1. The proposed amendment is consistent with the 2007-2027 Comprehensive Plan.**
- 2. The Zoning & Planning Board incorporates the recommendations of the Lake Advisory Board from their meeting of December 1, 2015.**

He further moved the Board to recommend to Town Council that it enact the ordinance creating the Lodge on Lake Lure Conditional District subject to its review of North Carolina DOT recommendations outlined in the Development Committee Review minutes of October 15, 2015. Finally, prior to obtaining a certificate of zoning compliance for any buildings, the applicant shall submit plans to the Zoning and Planning Board demonstrating that construction will either comply with the design standards for commercial buildings or substantially comply with the Design Guidelines for New Commercial Construction. Mr. Barrett seconded and all voted in favor.

Citizens were allowed to speak.

Mr. Barrett made a motion to adjourn the meeting. Mr. Hinkle seconded and all voted in favor. The next meeting will be held December 15, 2015.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Secretary