



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, June 20, 2017

Lake Lure Municipal Center

ROLL CALL

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

Absent: N/A

Also Present: Shannon Baldwin, Community Development Director
Brad Burton, Code Enforcement Coordinator
Michelle Jolley, Recording Secretary

The meeting started at 9:32 a.m. Chairman McKay led the pledge of allegiance and Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Ellis made a motion to approve the agenda as presented. Mr. McGlohon seconded the motion. All voted in favor.

APPROVAL OF THE MINUTES

Mr. Barrett mentioned that Commissioner Moore did not give the invocation at the May 9th meeting as he was not present.

Mr. Barrett made a motion to approve the minutes of the May 9, 2017 special meeting as amended. Mr. Hinkle seconded. All voted in favor.

OLD BUSINESS

None

NEW BUSINESS

- A. Review of CU-2017003: Non-Customary Accessory Use. The Lake Lure Village Resort wishes to add additional outside storage to their existing storage area and seek additional approval for the expansion of future covered parking areas.**

Mr. Burton provided an overview. The memo included in the packet stated:

Lake Lure Village Resort, through Steve A. Norrie, property director, has made application with the Board of Adjustment to expand a pre-existing outdoor boat and small vehicle storage area located on property owned by the Lake Lure Village property owner's association. Such use has been categorized and interpreted as a "non-customary accessory use," requiring the granting of a Conditional Use Permit by the Board of Adjustment in the R3 zoning district.

The applicant is requesting a phased development effort, with the initial expansion areas denoted as 1, 2, and 3 respectively on their plans, to entail the placement of landscape fabric with ¾" gravel atop to provide the additional storage opportunities. It is assumed each individual space will be denoted by a curb stop or similar with the resident's respective number designated thereon. No structures are proposed in this first phase.

Eventually, and as resident interest develops, covered storage areas are proposed atop these spaces. Mr. Norrie refers to these structures as "pole barns." The illustration as provided with the application indicates a uniform, prefabricated, and assembled on-site design for these structures. The applicant desires consideration and approval of these structures in the context of "future development" and requests that entitlement for their future construction during the hearing, should the Conditional Use Permit be granted.

Staff's only concern with such entitlement would be the current configuration of the parcels where this expansion effort is proposed. As merely placing geo fabric on the ground and covering with rock is not deemed to be a structure, the proposed areas (#1, #2, #3) are of no consequence in terms of compliance with setback requirements. However, the placing of structures on these locations as denoted in the plans provided, will not comply with the setback requirements for the district.

This situation can easily be resolved by having a surveyor recombine parcels 0218405 and 1627580, respectively. Staff would respectfully request, if the Conditional Use Permit is granted with the entitlement of the future development of the enclosed structures, that a condition of the permit be before any structures can be erected, the parcels as described above are recombined pursuant to the requirements of NCGS § 47-30 and recorded with the Rutherford County Register prior to construction. Further, the unnamed cul-de-sac as currently appearing on parcel 1627580 should be abandoned and removed from the recombination plat."

This request was sent to the Development Review Committee for review on June 9, 2017th. Comments from that meeting were included in the packet.

Mr. Burton conveyed to the Board that three gravel pads are being proposed for boat trailer storage for the Lake Lure Village Resort (LLVR). He noted the LLVR's bylaws prohibit storage of boats and trailers on personal property. He explained there would need to be some change or recombination to the two parcels in order to meet guidelines.

Mr. Norrie explained that LLVR does not allow boat trailer storage on individual lots. He stated the Resort is growing and there is a need for storage. He noted they would like the units to be earth tone colors and blend in with the surroundings. He stated explained that they are not technically car ports; however, he attached pictures of carports in the packet to give an idea of what they would look like. He mentioned they would be working near a creek; however, the creek is inactive.

Mr. Baldwin read from 92.046(b)(2) of the regulations. He pointed out that there may be buffer requirements, but stated he would have to defer to Clint Calhoun. He felt the Board may consider requiring some type of buffering on the Old Sand Branch Road side of the property. Mr. Norrie mentioned they plan to place trees there. He pointed out that this is a community request and mentioned there have been no resistance from neighboring property owners. He stated they will not be putting up signs or lights.

Mr. Ellis pointed out that boats are already being stored in a nonconforming structure on the property neighboring this one. He asked if that use would continue after the proposed structures are up. Mr. Norrie stated yes, everything would remain as it is now. He stated he is seeking approval on the same application for future structures. Mr. Ellis did not feel enough information was provided to approve future structures. Mr. Norrie mentioned they would submit an application for a permit before the structures go in and they would meet all building requirements at that time. Mr. Ellis did not feel the Board would need to approve future buildings, since they are not commercial structures. He noted the application for future structures is incomplete and stated the proposed structures are for trailer storage, not boat storage. Mr. Norrie noted the application calls for open storage for boats, trailers, etc. He noted the Resort's bylaws states that what is stored must be road-worthy. Mr. Ellis felt the language in the application should mirror the LLVR's covenants.

Mr. Baldwin mentioned that plans, to scale, are lacking showing a site plan and buffers. Mr. Ellis asked Mr. Norrie if there was a pressing need to attend the next BOA meeting. Mr. Norrie stated they are in desperate need of additional storage. He stated that boats and trailers are being parked on properties, which is not allowed by their covenants.

Mr. Hinkle asked if the non-conforming building on the neighboring property would be taken down once the new structures are in and Mr. Norrie stated no. Mr. Baldwin stated the use is allowed and needed, but stated the Board needs a site plan and building elevations, to-scale. Mr. Burton added that a location of the tributaries are needed as well before a future recommendation could be made. Mr. Baldwin and Mr. Ellis felt that each phase could require administrative review and approval before proceeding. Mr. Norrie stated that the plans for the structures are not

exactly known at this time. Mr. Ellis conveyed to Mr. Norrie that if it would not be critical to proceed to BOA for approval this month, he could come back next month with more information. Mr. Norrie labeled the carport plan he provided as a "Concept Plan."

Mr. Baldwin stated he would have discussion with Mr. Burton regarding future boat storage for other areas in town and bring back to the Board at a future time. Mr. Burton pointed out that a site plan to-scale, location of pad and structure sites in accordance to tributaries, and boundary lines and buffers related to Old Sand Branch Road would be needed before proceeding to the BOA seeking entitlement for non-commercial structures. Mr. Norrie explained that there is an urgency because the lake will be drawn down again at the end of the year.

Mr. Baldwin felt the Board has what they need and would not make a recommendation today, but would recommend to the BOA that Mr. Norrie provide the items this Board discussed to the BOA next week.

A motion was made and seconded by Mr. Hinkle that the applicant create the plans requested and submit to the BOA for review.

B. FP-2017001: Larry Bragg, project manager and officer of Evergreen Horizons, Inc., is requesting to amend the final plat of the Lure Ridge Subdivision (now known as "Sunset Reserve at Lure Ridge") by removing the 50' buffer requirement for Lot #25.

Mr. Hinkle disclosed that he is purchasing a piece of property from Mr. Bragg and is currently under contract, but did not feel it would create a conflict of interest. However, being that there was still a quorum without Mr. Hinkle's vote, Mr. Baldwin suggested Mr. Hinkle recuse himself from the vote.

Mr. Hinkle requested to recuse himself from the vote, but not the discussion. Mr. Ellis seconded and all voted in favor.

Mr. Burton provided an overview. The memo included in the packet stated:

"Evergreen Horizons, Inc. purchased the former Lure Ridge subdivision earlier this year and are the current owners of Lot 25 in the subdivision, now known as "Sunset Reserve on Lake Lure" located in the Town of Lake Lure. Mr. Larry Bragg, Project Manager and Officer, respectfully requests a change to the buffer requirements as denoted on the recorded final plat for Lot #25. This lot is part of a Conservation Subdivision, and pursuant to §91.45 of the Town's Subdivision Ordinance, the common open space amenities are subject to a 50-foot buffer area. Per the applicant, this buffer significantly impacts the building and septic disposal areas of this lot (25). The applicant seeks to eliminate the buffer on Lot 25 only, and will keep the remaining buffers, as originally approved, throughout the community. Evergreen Horizons, Inc. takes the position that the removal of this Buffer will not impact the open space areas, or adversely affect the enjoyment of our neighbors.

It should be noted that the Zoning and Planning Board, during the preliminary plat review, moved to remove this same 50' buffer area for lots 14, 15, and 16 for similar reasons on 03/13/2013 (see the bottom of page two and top of page three in the minutes of that meeting-as attached). This recommendation carried forward to the current as-recorded final plat, with the buffer removed for these lots.

Specifically as to Lot #25: The 50' buffering of a ten-foot in width strip of open space (conceivably a future walking trail or similar) along the southern and western boundaries of this parcel is considered by staff to be an onerous application of the ordinance requirements (§91.45) as to this particular location and would also recommend that the Board consider its removal."

This request was sent to the Development Review Committee for review on June 9, 2017 and no comments or concerns were received.

Mr. Bragg noted that the property has sold and the buyer was made aware this would be going before the ZPB. Mr. Burton noted the ordinance requires a buffering of common amenities located in the central area of the development. He pointed out that for whatever reason during the development, the amenities were removed leaving a 10' walking trail, which triggered a buffering requirement.

Mr. Bragg stated he is asking for a waiver of the buffer on this lot only. The other lots are on steep slopes and he has no plans to come back before the Board to remove buffers anywhere else. He stated the buffer is impacting the building site. He noted a mylar survey was provided.

Mr. Ellis moved the 50' buffer be removed for lot 25 of the Lure Ridge Subdivision Phase 2 and replace with the conditions shown on the foundations survey dated June 26, 2017. Mr. Barrett seconded. All members, excluding Mr. Hinkle, voted in favor.

PLANNING PROJECTS UPDATE

Mr. Baldwin provided an update. He stated that TOLL/CRV connector did not get funded from the Appalachian Region Commission; another project was funded instead. He stated the Comprehensive Plan update was completed. The charging station has been ordered and was funded by Duke Energy and the TDA; \$7,500 was granted and no charge to the Town.

Mr. Burton noted that Lucy Hodge, Duck Cove Properties, missed the June 15th appeal window. He stated the next step would be to start a civil penalty process with the Town Attorney on June 30th.

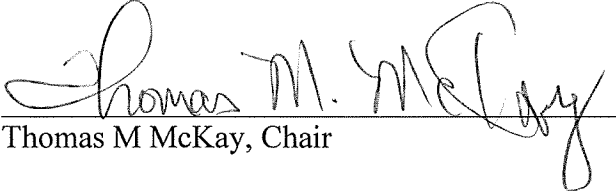
Mr. Baldwin mentioned that bids have been requested for the ABC Store walkway. The process was started for an encroachment agreement with NCDOT. The walkway has been flagged by DOT and now waiting for bids and encroachment agreement to build walkway from Jack London Court up to Hickory Nut Gorge parking lot, as Phase 1 of the project. There are two additional phases after that. He noted that Town Council adopted Old Sand Branch Road as a town road and adopted the name.


Mr. Baldwin stated that Parks & Recreation would like to find a designer to help design a masterplan for Morse Park, emphasizing on a location for public restrooms. There may also be a need to redevelop the tennis courts. Proposals have been asked from a professional designer and facilitator to have something finalized by next week for a recommendation. The result would be a masterplan for Morse Park. He also stated that Suzy Smoyer has resigned from her position with the Town as the GIS and grant Coordinator. She was the subdivision administrator and assisted with town projects. Brad Burton is now the subdivision administrator and GIS Coordinator.

Commissioner Webber conveyed that Council reviewed the fee schedule on land use and noted the citation penalties were not broken down in regards to severity of violation. Currently there is a minimal amount of \$40 for a first offense, after written notice, without regard to severity. Commissioner Webber also pointed out the fee schedule does not explain that the fees double for each subsequent day. Mr. Baldwin stated they would look over the regulations on the fee schedule and come back at a later time.

Upon a motion by Mr. Barrett and seconded by Mr. Hinkle, the meeting was adjourned at 11:17 a.m. The next regular meeting is scheduled for Tuesday, July 18, 2017 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Secretary