



Minutes of the Regular Meeting of the
Zoning and Planning Board

Tuesday, August 15, 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: Michelle Jolley, Recording Secretary

Also Present: Shannon Baldwin, Community Development Director
Brad Burton, Code Enforcement Coordinator

The meeting started at 9:30 a.m. Chairman McKay led the pledge of allegiance and Mr. Barrett gave the invocation.

APPROVAL OF THE AGENDA

Mr. Baldwin suggested that he would like to have a general discussion of all five items under 'New Business' and then return back to the first item under 'New Business' to discuss details. This will allow Mr. Burton to join the discussion at the appropriate time. He explained these items were directed to the Board by Town Council. Chairman McKay suggested the Board review the ordinances and bring up any items they feel should be looked into.

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

APPROVAL OF THE MINUTES

Mr. Ellis mentioned that Mr. Barrett gave the invocation, not Commissioner Moore.

Mr. Hinkle made a motion to approve the minutes of the July 18, 2017 regular meeting as amended. Mr. McGlohon seconded and all voted in favor.

OLD BUSINESS

None

NEW BUSINESS

A. Discuss and Study the Definitions of “Structure” and “Retaining Wall” to see if Changes need to be made

Mr. Hinkle read the definition of structure and Mr. Baldwin read the definition of retaining wall as defined in the regulations. Commissioner Webber explained that Michael Gray had a variance case based on the definition of structure. He originally built a retaining wall and then covered the top with concrete creating a permanent structure. A retaining wall would not have required a variance, but a structure did. He asked that the Board review the definitions of structure and retaining wall. Mr. Burton spoke at length as to the Gray case, and drew diagrams for the Board, and explained how he made his determination that the Gray structure, as defined by the zoning regulations. Mr. Burton read the definition of a building per 2012 NC Building Code. He also read the definition of a building and structure from the Town’s zoning regulations, which states:

“Building: Any structure constructed for the shelter, or enclosure of persons, animals, or property of any kind, including but not limited to sheds, carports, guest cottages, and other outbuildings, and also including any extension or extrusion of the structure such as balconies, decks, porches, roof overhangs, and foundations. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structure, with or without a roof, shall not be deemed to make them one building.”

“Structure: A combination of materials to form a permanent construction for use, occupancy or ornamentation whether installed on, above or below the surface of the land or water.”

The definition of retaining wall includes structure in it. Mr. Ellis felt that some clarity could be made by capitalizing “Structure” in the definitions, as it is a defined term. Mr. Hinkle felt that “permanent” should be a defined term in the regulations. Commissioner Webber stated that a retaining wall does not require a permit to be built into the setbacks. Burton was directly queried by Mr. Barrett as to whether or not he felt the definition, as it is currently in the zoning regulations is sufficient. Burton stated, “Yes” that he felt it was quite sufficient and well-written; and, was probably a better definition than others he had employed while working as a zoning administrator in other jurisdictions. The Board appeared to accept this statement and no further action was taken as to this matter.

B. Discuss Permitted Uses in Commercial Districts

Mr. Ellis felt the list of permitted uses in commercial districts could be broadened to include more. He mentioned food trucks are not currently allowed. He suggested staff help identify

commercial districts in benchmark communities, such as Town of Blowing Rock, Town of Black Mountain, City of Saluda, Town of Banner Elk, Town of Tryon, Town of Columbus, and Town of Rutherfordton, and compare the permitted uses in those communities to ours. Mr. Baldwin stated the Town of Lake Lure certainly needs to grow the commercial side of the tax base. Mr. Baldwin stated he and Mr. Burton would begin pulling information from some of these jurisdictions for review.

C. Discuss Size of For Sale Signs on Commercial Property

Mr. Ellis stated most places would allow the use of small, 4'x8', "for sale" or "for lease" signs. The standard is usually a sheet of plywood. He also stated some distinction could be made between existing developed property and land being developed for residential use. Mr. Baldwin stated he would bring back a simple ordinance for the board to review and recommend to Town Council.

D. Discuss Provisions Related to Tree Removal on Individual Lots

Section 92.999 deals with trees. Mr. McGlohon noted that anything over four inches in diameter, no matter what species, cannot be cut. Mr. Baldwin stated maybe the provisions regarding tree protection and tree removal need thorough review. Mr. McGlohon mentioned the rules do not currently allow trees to be taken down to improve landscaping. Mr. Ellis felt that a property owner should be allowed to take down a tree on their own private property. Mr. Baldwin stated maybe the provisions are overly strict, however there are specific provisions that allow for trees to be removed for specific reasons. He recommended a special meeting with Clint Calhoun to discuss the tree regulations and the Board agreed.

E. Discussion of Down-lighting for Commercial Properties

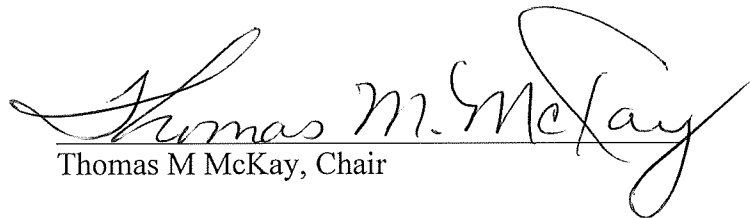
Mr. Baldwin explained that some lights on commercial properties are spilling light over into the night sky according to the Utilities Board, which takes away from the dark night sky. Town Council requested the Zoning and Planning Board study the issue and bring back recommendations. Mr. Ellis stated he believed that Duke Energy is required to comply with any town ordinances. He felt that old mercury vapor lights could be replaced with newer LED's. He suggested the Town offer an incentive to commercial users to make a change consistent with what the Town would like on down-lighting. Mr. Baldwin stated staff would check with Duke Energy to see if they are required to comply with local/town standards and would also look at existing town provisions relative to lighting standards. Mr. Barrett suggested staff get with Bob Cameron about his ideas relative to down lighting and lighting standards for commercial properties. Mr. Baldwin stated he would interview Mr. Cameron and make a list of the concerns relative to commercial properties and down lighting and then report back to the Zoning and Planning Board with his findings.


PLANNING PROJECTS UPDATE

Before the update, Mr. Baldwin stated there were a few amendment ideas proposed by Stephen Webber in 2015 and not all were taken up by the Zoning and Planning Board. Mr. Baldwin stated that Mr. Webber's suggestions were submitted around the time the Lodge on Lake Lure application was submitted and the items may very well have been lost in the flurry of activities that followed the Lodge on Lake Lure application. Mr. Baldwin stated he would be bringing these back to the Planning Board for review. Mr. Baldwin provided an update to the Board using the monthly report in the Planning Board's packet. After the update he stated the department had been working on grants for the town over the years. He stated he would be working on a grand total of all the grants received over the last ten years or so as a "for your information" item.

Upon a motion by Mr. Ellis and was unanimous, the meeting was adjourned at 11:15 a.m. The next regular meeting is scheduled for Tuesday, September 19, 2017 at 9:30 a.m. at the Lake Lure Municipal Center.

ATTEST


Thomas M McKay, Chair


Michelle Jolley, Recording Secretary