



## **Minutes of a Special Meeting of the Zoning and Planning Board**

Tuesday, May 15, 2018

Lake Lure Fire Department

**Present:** Thomas M. McKay, Chair  
Bruce Barrett  
Charlie Ellis  
Jonathan Hinkle  
Norman McGlohon

**Absent:** Commissioner Moore, Town Council Liaison

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

The meeting started at 9:36 am. Chairman McKay led the pledge of allegiance.

Bruce Barrett gave the opening prayer beseeching the Almighty to grant wisdom to the Board throughout the deliberations and overall proceeding.

### **ROLL CALL**

Chairman McKay called roll. All present.

### **APPROVAL OF THE AGENDA**

**Charlie Ellis moved the agenda be approved. Norman McGlohon gave the second. All voted in favor.**

### **APPROVAL OF THE MINUTES**

Regarding approval of minutes from the April 17, 2018 Regular Meeting, **Jonathan Hinkle moved the minutes be approved. Charlie Ellis gave the second. All voted in favor**

## OLD BUSINESS

Regarding Old Business, Permitted Uses in Commercial Districts, Shannon Baldwin provided background and context for this project before summarizing his memo included in board member packets. He communicated that the general business districts were studied in seven other towns and compared to Lake Lure's CG District. He described the purpose of general business districts:

- A wide range of commercial activities,
- primarily characterized as retail sales and retail services,
- not dependent upon being centrally located and pedestrian traffic,
- operating out of a single freestanding building,
- on larger lots accessible primarily by automobile,
- complete with off-street parking,
- having frontage on major thoroughfares at convenient points in the area, and
- development that preserves the traffic carrying capacity of the local highways.

Regarding Lake Lure's CG Zoning District, he reviewed the opening intent paragraph, permitted uses by category as well as the prohibition of open storage and outside display of merchandise paragraph at the end.

*Intent. These commercial districts are established as districts in which the principal use of land is for retail sales and services to the consumer. The districts are intended to be located in high traffic areas along major thoroughfares. Because these commercial districts are located on the major thoroughfares of the Town and are subject to public view, which is a matter of important concern for the community, they should provide ample parking, controlled traffic movement and suitable landscaping.*

*Retail Sales: Appliance stores, florist shops, book stores, clothing stores, sporting goods and equipment stores, jewelry stores, hardware stores, grocery stores, video sales and rentals, drug stores, musical instrument sales, but not excluding other similar uses.*

*Retail Services: Restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, financial institutions, indoor game rooms, and indoor exercise physical fitness facilities, but not excluding other similar uses.*

*Residential: Single and multi-family dwellings.*

*Business and Professional Offices: Real estate*

*Educational/Cultural/Religious: Public and private schools, child care centers, art galleries, museums, churches and other similar cultural, civic and government buildings.*

*Governmental/Emergency/Medical Service: Post offices, fire stations, libraries, medical services or clinics, dental services or clinics and other similar uses.*

Transient Accommodations: Hotels, motels, lodges. Residential vacation rentals subject to special requirements contained in §92.042.

Miscellaneous:

*Live-work units*

*Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042.*

*Customary accessory buildings incidental to single and multi-family residential buildings. This district specifically excludes outside display of merchandise for sale or open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; business which sell, rent, or display obscene materials as defined in the town's code of ordinances; tattoo parlors; mobile homes; moveable storage facilities; and manufacturing employing ten or more persons.*

Shannon then reviewed the proposed changes (in **bold** below) in the memo before referencing the ordinance he drafted to enact the proposed amendment.

Retail Sales: **ABC Stores, convenience stores (without gasoline sales), appliance stores, feed and seed stores, antique stores, consignment shops, florist shops, book stores, clothing stores, gift shops, sporting goods and equipment stores, jewelry stores, hardware stores (provided outdoor storage is secured and screened from public view), grocery stores, video sales and rentals, drug stores, outdoor vending machines, musical instrument sales, but not excluding other similar uses.**

Retail Services: **Restaurants, dry cleaning stores, coin laundries, tailoring shops, barber and beauty shops, indoor theaters, bank, financial institutions, funeral home, indoor game rooms, personal care services (nails, tanning, weight loss), health and indoor exercise physical fitness facilities, but not excluding other similar uses.**

Residential: **Single family dwellings and multi-family dwellings. Customary accessory buildings incidental to single and multi-family residential buildings like non-commercial greenhouses, workshops, and private garages.**

Business and Professional Offices: **Real estate, insurance broker, travel agent, stock broker, attorney, physicians and other similar professional offices.**

Educational/Cultural/Religious: **Public and private schools, child care centers, art galleries, museums, churches and other similar cultural, civic and government buildings.**

Recreation/Amusement/Entertainment: **Movie theaters (indoors), bowling alleys, skateboard parks, swimming pools, parks and playgrounds and associated uses.**

Governmental/Emergency/Medical Service: **Post offices, fire stations, libraries, medical services or clinics, dental services or clinics, police station, fire station, rescue squad, and other similar uses. Public utilities and support facilities.**

Transient Accommodations: Hotels, motels, lodges, inns, bed and breakfast establishments.  
Residential vacation rentals subject to special requirements contained in §92.042.

Animal Services: Animal hospital, veterinary clinic and taxidermy.

Miscellaneous:

**Temporary structure used in conjunction with the construction of a permanent building.**

*Live-work units*

*Brewpubs, micro-breweries, micro-distilleries, micro-wineries, and nano-breweries subject to special requirements contained in §92.042.*

Conditional Uses (add)

**Carwash**

**Food Truck (when associated with an existing business located in the Town of Lake Lure)**

**Theater (indoor)**

*This district specifically excludes outside display of merchandise for sale or **unscreened** open storage of vehicles, motorized equipment, wrecked vehicles, inoperable vehicles, discarded tires, auto parts, and machinery and construction equipment; boat storage facilities; business which sell, rent, or display obscene materials as defined in the town's code of ordinances; tattoo parlors; mobile homes; moveable storage facilities; and manufacturing employing ten or more persons.*

A lengthy discussion ensued regarding various instances in the community where various types of items are being stored and merchandise displayed. Board consensus was we needed to grow the commercial tax base by encouraging investment where possible but still maintaining a beautiful community. The Board felt like affording business more flexibility relative to storing goods out-of-the-building would be positive if properly screened. Mr. Burton stated that there is an apparent precedent in allowing out-of-doors as long as it remains in the building envelope as "building" is defined per the regulations [see Section 92.101(D)(1)]. A restaurant serving food outside the building would not considered a violation of the regulations. He gave a few examples of where merchandise is being displayed but within the envelope of the building. A few examples were given relative to storage taking place inconsistent with the intent of the regulations. Boat storage, storage of construction equipment and building materials were discussed. Food Truck operations were discussed at length. The Board chose to table adding this use at this present time, however it felt like the use should be revisited after further study.

After considerable discussion, careful consideration and minor modifications to the proposed ordinance (No. 18-06-12), Charlie Ellis made the following motion:

**I move the Zoning and Planning Board recommend Ordinance Number 18-06-12, as amended, to Town Council for review and approval. I further move the Planning Board finds Ordinance Number 18-06-12 consistent with the 2007-2027 Comprehensive Plan in that it enhances and clarifies the uses allowed in the CG Zoning District. Norman McGlohon gave a second. All voted in favor.**

### **NEW BUSINESS**

Regarding New Business.....

#### **Lighting**

Brad read his memo and explained the purpose for the materials he provided. Major points of the discussion centered on:

- Adding contemporary language
- LED conversions may provide opportunity
- Ingles was cited as an example where lighting is less than desirable as well as landscaping
- Items that trigger compliance were briefly discussed

Brad will draft an ordinance amending the regulations based on the discussion and bring back to the Zoning and Planning Board for review and recommendation before sending it to Town Council for a public hearing.

#### **Communication Towers**

Brad read his memo and explained the purpose for the materials he provided. Major points of the discussion centered on:

- The current regulations were last amended in 2003 and is not contemporary with the new federal and state statutes.
- Setbacks are too stringent at present
- Need to comply with federal and state standards
- Keep as conditional use
- Communication infrastructure is critical to a community
- Staff to review subdivision regulations to see if utility or non-buildable lots can be created.

Brad will draft an ordinance amending the regulations based on the discussion and bring back to the Zoning and Planning Board for review and recommendation before sending it to Town Council for a public hearing.

### **PLANNING PROJECTS UPDATE**

Regarding the Monthly Report – March 2018 item on the agenda, the following projects were discussed between the Board and Shannon Baldwin per Chairman McKay's request:

- TDA Wayfinding Signs

**Chairman McKay called for adjournment at the appropriate time. Jonathan Hinkle move the meeting adjourn. Charlie Ellis made the second. All voted in favor.** The meeting adjourned at 11:45 am.

**ATTEST**



Thomas M McKay, Chair



Shannon Baldwin, Recording Secretary