



**MINUTES OF THE REGULAR MEETING OF THE TOWN
OF LAKE LURE ZONING AND PLANNING BOARD**

TUESDAY, MAY 16, 2023
9:30 A.M.

Present: Randall Nelson, Chair
Charlie Ellis, Vice Chair
Dave Keenan
Mac Hillabush

Scott Doster, Town Council Liaison

Absent: Ken Williams

Staff: Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist
Kimberly Martin, Community Development Administrative Support Specialist

The meeting was called to order at 9:30 a.m.

I. ROLL CALL

The Board opened with the pledge of allegiance. Mr. Ken Williams was absent.

II. APPROVAL OF THE AGENDA

Mr. Charlie Ellis made a motion to approve the agenda, as presented. Mr. David Keenan seconded and all voted in favor.

III. APPROVAL OF THE MINUTES

Mr. Keenan made a motion to approve the minutes from the April 18, 2023 regular Zoning and Planning Board meeting, as presented. Mr. Ellis seconded and all voted in favor.

IV. PUBLIC COMMENT

1) Laura Doster, Hickory Nut Gorge Chamber re: bars, taverns, nightclubs and alcohol sales for on-premises consumption uses

Mrs. Doster thanked the board and discussed the jurisdiction of Lake Lure's ABC Ordinances. Mrs. Doster shared state ABC rules and it was noted that the Town ordinances are stricter. Mrs. Doster recommended re-writing the Town's ABC ordinances to act more compatibly with local businesses. Mrs. Doster explained that state regulations had changed from allowing alcohol sales with 30% food sales and 37 seats to but now allowing with 100% alcohol sales and 10 seats. Mrs. Doster added that the Town's ordinance has not been updated in accordance with the state's regulations. It was noted that Code of Ordinances section 36-65 details that in the commercial shopping center district, special use permits are required for bars, taverns, etc. It was also noted that as the Town ordinances stand, any bar must be located in the commercial shopping center district which is essentially only the Ingles plaza, and may not be established in the Town's center or commercial general district. Mrs. Doster explained that there are a couple of new local restaurants that are not ready to sell food at this time, but would like to open and start serving alcohol and cannot due to the Town's ordinances. Board members questioned the legalities of food trucks serving alcohol and Mrs. Doster noted that it may be state regulated and she will advise with her contact with the state ABC Commission. Mrs. Doster recommended that bars and taverns be authorized in the commercial general district and noted that the Chamber would be happy to help make this happen.

There were no further comments from the public.

V. OLD BUSINESS

A. *Report on status of April 18 Z&P recommendation to Town Council (5/9 mtg.)*

Community Development Director Michael Williams reported that the Board's recommendations made last month in regard to minor lake structure repairs and double fees were both approved by Town Council and are now in effect. Director Williams expressed that he had received positive feedback for the ordinances and that he is optimistic that the ordinances will be helpful to the Town.

Mr. Ellis asked if painting a lake structure would require a minor lake structure repairs permit and Director Williams answered no. Mr. Ellis asked how to differentiate between repairs versus alterations of lake structures. Director Williams reviewed what items do not require permitting and noted that there is a cost limit that acts as the differentiator between repairs versus alterations. Mr. Ellis Charlie recommended ensuring that people are aware of this by sending the information via mail or e-blast. Chair Nelson noted that communication was discussed last month and recommended sending information to the Lake Front Property Owners' Association. Director Williams agreed that communication is crucial.

VI. NEW BUSINESS

A. *Review of local ordinances relating to bars, taverns, nightclubs and alcohol sales for on-premises uses.*

Director Williams reviewed the existing ordinance for bars, taverns, nightclubs, and alcohol sales for on-premises uses. The Board discussed. Chair Nelson noted that the Town could either allow these items as a permitted use in commercial general district or through a special use permit in in the commercial general district. Mr. Ellis asked if the special use would go to the Board of Adjustment (BOA) for approval and Director Williams answered yes. Chair Nelson noted that alcohol sells out of food trucks should be discussed as well and Mr. Hillabush expressed that he does not think that alcohol can be served at a food truck.

Mr. Ellis noted that the bars, taverns, nightclubs, and alcohol sales for on-premises uses are not defined under 36-5 for zoning definitions. Mr. Ellis expressed that the first objective should be to define these. It was noted that other factors include in discussion are hours of operation, music, etc. Director Williams reviewed state definitions for these items. Director William pointed out that any place with prepared food is considered a restaurant. Development and Environmental Review Specialist Richard Carpenter noted that a tavern is moot point due to the recent state changes. Mrs. Doster noted that ABC Commission has changed a few details. Mr. Ellis mentioned the need to match the state's requirements. Chair Nelson expressed need for clarity for state definitions prior to moving forward with any changes to the Town ordinances.

Chair Nelson recommended that permitting these establishments as special use might be beneficial so each situation can be reviewed and assessed individually.

It was explained that the Zoning and Planning Board would approve any design standards for these establishments and the BOA would approve special use permits. Board members discussed responsibilities.

Mr. Ellis expressed that applicants should understand clear criteria and others agreed.

Chair Nelson summarized that the Board is interested in accommodating the request to amendment ordinances in regard to bars, taverns, nightclubs, and alcohol sales for on premise uses. Mr. Hillabush expressed that the Board should determine if special use permits should be involved and whether or not these establishments will be allowed in districts outside of commercial shopping center and commercial general. Chair Nelson noted that the Town can be stricter than the state or reform definitions to match the state definitions. Director Williams noted that a general definition is a bit less restrictive. Director Williams also advised to keep in mind all of the various types of commercial districts.

Board members discussed the need for a review process for establishing the sale of

alcohol. Board members concluded that the Board can facilitate clear guidelines and provide clear criteria for BOA to look at when making a decision in regard to these establishments, if a special use permit is utilized. Board members expressed support for the use of special use permits for these establishments. It was recommended that the Town define bars and restaurants and omit taverns and other moot definitions.

Chair Nelson reiterated that the Board would like to see bars, taverns, nightclubs, and sale of alcohol for on premise uses defined in the zoning ordinance. Chair Nelson added that the definitions should be in-line with state definitions. Chair Nelson also noted that the Board would like to establish the allowance of these establishments in the commercial general district subject to special use permit. It was noted that the Board should define what the conditions for special use permits would be.

Mr. Ellis added the need to look at all of the commercial districts and recommended getting input from Rumbling Bald. Chair Nelson recommended looking at commercial general and commercial town center. Mr. Ellis recommended mirroring allowing these establishments where breweries, brewpubs, and wineries are permitted.

Director Williams agreed to craft some recommendations for the Board to review at the next monthly meeting.

B. Review of Future Land Use Maps (2007-2027) for the Town.

The board reviewed the land use map and discussed. Mr. Ellis noted that this was created to act as a possible land use guider in the future. Chair Nelson mentioned the final concept map. It was noted that it is required by the state that the Town have one and a new one will need to be adopted by 2027. Director Williams expressed that the board should consider the land use maps and final concept map when making decisions. Board members expressed the need for official zoning maps to be available at meetings.

VII. MAY DEPARTMENT REPORT

Director Williams presented Community Development's May report.

Town staff and Board members discussed the Department's recent audit and sediment and erosion control guidance. Specialist Carpenter noted that he can increase fines for those violating sediment and erosion control guidance. Commissioner Doster recommended banning continued offenders from working in the Town and Director Williams stated that he will discuss this with Town Attorney William Morgan. Special Carpenter noted that state has a statute that allows the town to deny permits based on applicants, but the Town has never done that. Board members discussed measures that can be taken to fix issues in regard to sediment and control violations.

Director Williams reported that the cell tower company is working to obtain building permits and will be constructing the tower during the first quarter of 2024 because of the

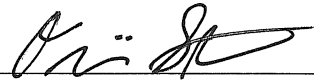
AT&T budgeting timeline.

Commissioner Doster mentioned that ABC Store had moved and that there have been questions from them regarding the sign ordinances. Commissioner Doster expressed that the current sign ordinances are convoluted and asked Director Williams to present the board with recommended amendments to the sign ordinance. Director Williams recommended that the board review and familiarize themselves with the sign ordinance.

VIII. ADJOURN

Mr. Ellis made a motion to adjourn the meeting. Mr. Keenan seconded and all voted in favor. The meeting was adjourned at 11:30 a.m.

ATTEST



Olivia Stewman, Town Clerk



Randall Nelson, Board Chair