

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

TUESDAY, MARCH 21, 2023
9:30 A.M.

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

Scott Doster, Town Council Liaison

Absent: N/A

Staff: Michael Williams, Community Development Director
Richard Carpenter, Development and Environmental Review Specialist

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

I. ROLL CALL

The Board opened with a prayer and invocation. All members were present.

II. APPROVAL OF THE AGENDA

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

III. APPROVAL OF THE MINUTES

Mr. Keenan made a motion to approve the minutes from February 21, 2023 regular Zoning and Planning Board meeting, as presented. Mr. Nelson seconded and all voted in favor.

IV. PUBLIC COMMENT

There were no comments from the public.

V. **OLD BUSINESS**

A. ***Board Membership and Elections***

Mr. Ellis made a motion to elect Randy Nelson to serve as the Zoning and Planning Board Chair. Mr. Keenan seconded and all voted in favor.

Mr. Keenan made a motion to elect Charlie Ellis to serve as the Zoning and Planning Board Vice Chair. Mr. Nelson seconded and all voted in favor.

VI. **NEW BUSINESS**

A. ***Review of design standards compliance for plans submitted for Commercial Accessory Storage Building for the Hickory Nut Gorge Outreach and to make recommendation to Board of Adjustments regarding the issuance of a Special Use Permit for that less than 15,000sf commercial building.***

Community Development Director Michael Williams explained that the ABC Store is moving out of the existing location to the Strip Plaza vacant spaces where the Hickory Nut Gorge Outreach used to be located. Director Williams further explained that the property owner has requested to construct a storage structure and a review of design standards is required for a recommendation to the Board of Adjustment to allow a special use permit. Director Williams reviewed the application, noted that it is commercial general zoning, and reiterated that the owner is requesting a special use permit for a storage building. It was noted that the structure would not endanger public safety or public health. Director Williams reviewed the comprehensive plan and the site plan.

Chair Nelson asked about the reviews from government entities and Director Williams answered that the police chief, fire chief, fire Marshall, and the County building department had reviewed and the only concern was space.

Mr. Ellis noted that he does not see any issues, but questioned why a special use permit is required because he does not view this as a new building, but as an insularly use to an existing building. Chair Nelson agreed with Mr. Ellis and asked why it is not treated as an accessory building. Director Williams stated that it requires a special use permit based on interpretation because regulations infer that if a structure exceed 12 ft. it requires a permit per the state. Mr. Ellis expressed the possibility of recommending ordinance language regarding a size limit for accessory structures, such as this. Chair Nelson questioned whether or not the structure could be placed behind the existing building and Director Williams explained that the applicant had expressed that there is not sufficient room to place it behind the building.

Board members discussed. It was noted that the Board is strictly looking at architectural review and that the Board of Adjustment will determine any site plan issues.

Director Williams noted that setbacks would be in compliance.

Chair Nelson asked if it would be visible from the street and Director Williams said yes and that it is allowed to be visible from the street because it will not be metal.

Chair Nelson asked if staff has a recommendation and Director Williams expressed that he thinks that the structure would comply with design standards.

Chair Nelson noted that most storage units are placed behind a building and expressed that he would like to hear the applicant address why it was not. Chair Nelson also noted that this may set a precedence and the Board needs to maintain consistency. The applicant explained that they initially began with the idea to move the existing 15x27 planter and place the structure there, but when the application was filled out Community Development determined that could not be done without merging two adjacent properties and the applicant thought that the best option was to put it on the requested location because it would meet all setback requirements and the planter could remain in place. The applicant expanded that placing the structure behind the buildings would not work because the dumpsters are behind the building and there is not an alternative location for the dumpsters that is not an eyesore. It was also noted that there is a fire lane behind the buildings. The applicant detailed that the structure would be wood and would be painted similar to the other two buildings, with the entrance door would be facing the street. Mr. Ellis noted that if this were an addition to the building, it could be done without review if it were less than 1,000 sq. ft.

Board members discussed future consideration for text amendment for cases such as this. Mr. Hillabush asked for clarity as to why the structure requires a special use permit and Director Williams explained that the Town Code requires that all new commercial buildings require a special use permit, even the storage unit. Mr. Ellis reviewed architected elements of a principle building, but noted that this is not the principal building. Mr. Hillabush recommended that staff present the Board with a recommended text amendment better addressing cases such as this. Mr. Hillabush expressed no issues regarding the zoning and planning of the requested structure.

Mr. Ellis made a motion to recommend to the Board of Adjustment that the application complies with ordinances regarding design standards. Mr. Hillabush seconded and all voted in favor.

Director Williams asked for confirmation that the Board would like a text amendment recommendation for accessory type structures on commercial properties. It was confirmed. Mr. Ellis recommended adding a square footage limit, but noted that building expansions may be handled differently. Board members agreed.

Board members discussed issues with many cumbersome ordinances.

VII. MARCH DEPARTMENT REPORT

Director Williams presented Community Development's March report. It was noted that


the cell tower is making progress even though the State Historic Preservation Office (SHPO) had created some red tape, but it is being addressed by the AT&T consulting company. Director Williams added that staff had a meeting with both entities and there is a draft for the information being requested by SHPO and SHPO has directed that the Town does not have to wait to proceed in the process and that once the final draft is received, the construction process can begin. Director Williams expressed that he thinks that there will at least be ground breaking for the project this year.

Commissioner Doster explained that there have been updates to the Statutory and Advisory Board Handbook and Board members were provided with a copy. Commissioner Doster noted that the Board should keep end of year reports in mind.

VIII. ADJOURN

Mr. Keenan made a motion to adjourn the meeting. Mr. Hillabush seconded and all voted in favor. The meeting was adjourned at 10:31 a.m.

ATTEST



Olivia Stewman, Town Clerk



Randy Nelson, Board Chair