



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

**TUESDAY, DECEMBER 19, 2023
9:30 A.M.**

Present: Randall Nelson, Chair
Mac Hillabush
Dave Keenan

Scott Doster, Town Council Liaison

Absent: Charlie Ellis, Vice Chair
Ken Williams

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

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

I. ROLL CALL

The Board opened with the pledge of allegiance. Roll call was completed as listed above.

II. APPROVAL OF THE AGENDA

Mr. Dave Keenan made a motion to approve the agenda, as presented. Mr. Mac Hillabush seconded and all voted in favor.

III. APPROVAL OF THE MINUTES

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

IV. PUBLIC COMMENT

There were no comments from the public.

V. **OLD BUSINESS**

Chair Nelson asked Director Williams to explain the outcome of Council's vote on allowing chickens. Director Williams explained that Council voted to allow residents to own up to four hens, no free-ranging, and within specified buffers from the lake, property lines, and residencies. It was noted that the Town Clerk will send out the updated ordinances for animals. Director Williams added that those who own chickens will require to register their chickens through an annual registration fee.

Director Williams mentioned that the Zoning and Planning Board's recommendations regarding alcohol had been adopted by Council.

VI. **NEW BUSINESS**

- A. ***Review plans for a new commercial building at 1804 Memorial Highway to be used as cabinetmaker workshop. Zoning and Planning will review in regard to Town architectural design standards and make recommendation for Board of Adjustment to consider in the Special Use Permit approval determination.***

It was detailed that the property that Marathon Builders was previously located was purchased by a new owner who would like add an additional commercial building that will be used as a cabinetmaker workshop. The new owner explained that they would like a simple building with two overhead doors and three additional entrance doors. It was noted that the existing building has sewer, but the new building would have to connect to the existing line. Director Williams noted that the Board must review and determine if the architectural design standards are met for the proposed new building. The new owner provided drawings of what the building would look like. It was noted that the building will have wood composite smart siding and the colors would match those of the existing building.

Chair Nelson asked staff's opinion. Director Williams answered that staff has reviewed the plans and it is their opinion that the design standards would be met for commercial building under 1500 sq. ft. Director Williams noted that the building is proposed as an accessory for a cabinet making business and will act as a work shop.

Chair Nelson asked what the proposed distance is between the existing building and new building. Director Williams answered about 60 ft. and noted that the new building would be within the same footprint of the fence that the previous owner had installed. Mr. Hillabush asked if all setbacks will be met and Director Williams said yes.

The owner had no other comments.

It was detailed that the property zoned Commercial General.

Chair Nelson asked about screening requirements. Director Williams stated that there are screening requirements, but they will be addressed by the Board of Adjustment (BOA). Director Williams added that there is a requirement for an 8 ft. high buffer for a commercial

building that is located next to a residential building, but it has been noted that the residential neighbor does not want a buffer in place. Specialist Carpenter reiterated that the BOA will determine the buffer requirements. Chair Nelson agreed that the Zoning and Planning Board is limited to architectural review and that the BOA would address other elements.

Director Williams noted that the ordinances require one driveway with a 15-30 ft. maximum width and that the owner has been in contact with the NCDOT to meet all of their requirements.

Chair Nelson asked about parking and Director Williams detailed the proposed parking plan which will meet requirements.

Board members expressed no issue with architectural design.

Mr. Keenan made a motion to recommend that the Board of Adjustment approve the special use permit application based on the architectural design standards being met. Mr. Hillabush seconded and all voted in favor.

B. Review §36-61(f) and §36-70 regarding apparent discrepancy in side and rear yard setbacks requirement. Make a recommendation for text correction or amendment.

Director Williams noted that an oversight issue had been identified that was established prior to current staff. Director Williams added that R4 zoning is the only residential district that calls out that specific setbacks should be no less than 15 ft. in depth for rear yards and no less than 12 ft. in depth for side yards, but the chart within the Section 36-70 lists R4 as having the same side and rear yard setbacks as all other residential districts. Staff recommended modifying the table in Sec. 36-70 to reflect that the setbacks for R4 are no less than 15 ft. in depth for rear yards and no less than 12 ft. in depth for side yards. Director Williams expressed that staff concluded that the decision for different setbacks in R4 districts must have been made for a specific reason, which is why they are recommending the amendment of the table rather than the text for R4. It was discussed that this type of discrepancy creates an issue for administration. Board members and staff discussed that the likely reason for the different setback in R4 is because R4 includes both residencies and offices. Board members agreed with staff's recommendation to amend the table.

Mr. Keenan made a motion to amend the table in Section 36-70 to specify that R-4 (F) setbacks be no less than 15 ft. in depth for rear yards and no less than 12 ft. in depth for side yards, as recommended by staff. Mr. Hillabush seconded and all voted in favor.

C. Approve 2024 Zoning and Planning Board Meeting Calendar

It was discussed that the Board will continue to meet on the third Tuesday of each month.

Mr. Keenan made a motion to adopt the 2024 Zoning and Planning Board Schedule, as presented. Mr. Hillabush seconded. All voted in favor. The 2024 Zoning and Planning Board Schedule was adopted as follows:

**2024 ZONING & PLANNING BOARD
REGULAR MEETING SCHEDULE**

January 16	9:30 A.M.	Municipal Center
February 20	9:30 A.M.	Municipal Center
March 19	9:30 A.M.	Municipal Center
April 16	9:30 A.M.	Municipal Center
May 21	9:30 A.M.	Municipal Center
June 18	9:30 A.M.	Municipal Center
July 16	9:30 A.M.	Municipal Center
August 20	9:30 A.M.	Municipal Center
September 17	9:30 A.M.	Municipal Center
October 15	9:30 A.M.	Municipal Center
November 19	9:30 A.M.	Municipal Center
December 17	9:30 A.M.	Municipal Center

VII. DECEMBER DEPARTMENT REPORT

Board members reviewed the December Department Report that was available in the meeting packet.

Director Williams provided updates on the Lake Lure Flowering Bridge Education Center and the cell tower.

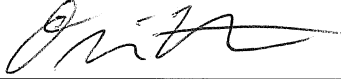
Chair Nelson asked about details regarding vacation rentals. Director Williams detailed that there is a recorded 551 vacation rentals in the Town and that Community Development Administrative Support Specialist Kimberly Martin is in the process of ensuring that the list of vacation rentals is accurate. Chair Nelson asked how Town staff enforces the vacation rental permit process and Director Williams answered that staff communicates with vacation rental owners. It was noted that the Town Attorney communicates with staff regarding vacation rental litigation outcomes throughout the state. Specialist Carpenter added that staff addresses many issues associated with vacation rentals through the nuisance ordinances.

Director Williams detailed that the Town is no longer on provisional status with Erosion and Sedimentation Control and that staff has made positive changes and learned good information throughout the process of working with Erosion and Sedimentation Control.

VIII. ADJOURN

Mr. Keenan made a motion to adjourn the meeting. Mr. Hillabush seconded and all voted in favor. The meeting was adjourned at 10:17 a.m.

ATTEST



Olivia Stewman, Town Clerk



Randall Nelson, Board Chair