



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

**TUESDAY, JUNE 20, 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:

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. All Board members were present.

II. APPROVAL OF THE AGENDA

Mr. David 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. Charlie Ellis made a motion to approve the minutes from the May 16, 2023 regular Zoning and Planning Board meeting, as presented. Mr. Keenan seconded and all voted in favor.

IV. PUBLIC COMMENT

There were no comments from the public.

V. OLD BUSINESS

A. *Summary of board member opinions regarding 5/16/23 review of local ordinances relating to bars, taverns, nightclubs and alcohol sales for on-premises uses. Relating to Comprehensive Plan land use recommendations.*

Community Development Director Williams recalled the discussion at the May meeting regarding ABC rules and bars, taverns, etc. Director Williams noted that there had been an increase of activity in Lake Lure with businesses in the bar category which is why it was brought to the Town's attention that the associated ordinances need to be updated. Director Williams requested direction in regard to proceeding with revisions to the ordinances.

Director Williams noted that he had spoken to the owner of Grey Hawk who will have food along with alcohol sales, but the owner is currently facing problems with finding a contractor to complete the kitchen to serve food and would like to open without food sales, but the current ordinances do not allow for the sell of alcohol without the sale of food.

Board members discussed the differences between bars, restaurants, microbreweries, and other categories.

Mr. Ellis questioned if food truck sales count towards the total percentage of food sales and Director Williams answered that it does not as stands in the current ordinances. Mr. Ellis asked if we could amend the ordinance to count food trucks towards sell of food. Board held further discussions.

Board members discussed the differences between on premise and off-premise sales of alcohol. Mr. Ellis noted that there were inconsistencies in regard to off-premise sales in the Commercial General district.

Mr. Ellis expressed that it would be helpful to eliminate the existing mention of bars, nightclubs, and taverns and allow for the sale of alcohol in certain districts while eliminating inconsistencies. Director Williams asked what commercial districts should be included in the sale of alcohol and whether or not a special use permit should be required. Mr. Ellis questioned why a special use permit would be required when it is not required for businesses that sell both food and alcohol. Mr. Ellis recommended that the Town regulate the sale of alcohol in parallel with state. Other Board members agreed.

Director Williams agreed to draft recommended ordinance amendments based on comments provided to him by the board. It was noted that conforming to the state

language is a good start place for language. Mr. Hillabush expressed that he is in support for permitting bars as a special use for those who wish to sell alcohol without selling food. Board members noted that the Town needs to define bars in the ordinances using the state's definition and allow bars certain districts through special use permitting. It was noted that the Town Clerk will contact the ABC Commission to determine whether or not food truck sales can count towards percentage of food sales.

VI. NEW BUSINESS

A. *Review of ABC store's "ABC logo" as an exempt from regulations "sign of government body" (Section 36-333. Signs exempt for regulations.) If favorable review from Zoning and Planning Board, Board may make recommendation to Town Council to approve the 3 letter logo as an exempt sign.*

Director Williams noted that the ABC Store is currently out of compliance with their signs, as they have more than the permitted amount. Director Williams explained that governmental signs are eligible for exemption from sign regulations under the existing ordinance with the Board's review and approval from Town Council. Director Williams displayed photos of the signs. Chair Nelson expressed that he believes that the ABC Board is considered a governmental entity and their signs could be considered a governmental. Director Williams suggested recommending the allowance of the signs to Town Council. Chair Nelson disagreed and noted that he does not believe that they should have three signs. Mr. Ellis noted that the former store had two signs and that the only difference is that there is now an overhead sign. It was noted that non-conformity cannot be transferred. Board discussed the signs. Mr. Ellis expressed that the Board had reviewed the signs and Town Council should now make the decision as to whether or not the ABC Store signage is exempt under governmental sign exemptions. Director Williams explained that he will present the signs to Council.

B. *Begin Sign Ordinance Review for Revision/Update Proposal.*

Director Williams asked that the Board begin assessing appropriate terms for the Town's sign ordinances. Chair Nelson expressed that the existing ordinance is well thought out, but noted that he did not see any regulations about content. Director Williams explained that regulating content is restricted by the Supreme Court. Chair Nelson noted that he has heard a lot of criticism about the Japan House sign, but the Town does not currently have a way to regulate the sign. Director Williams noted that he spends a good amount of time on illegal signage. Mr. Ellis recommended gathering visuals of signs within the Town in order to better understand what might be appropriate. Mr. Ellis noted the differences between sign ordinances for different commercial districts. Commissioner Doster recommended that the Board review the sign ordinances line-by-line and note comments. Chair Nelson questioned if the board is addressing sign ordinances because they are overly restrictive, not restrictive enough, or if there are inconsistencies. Mr. Keenan expressed issues with inconsistencies. Director Williams agreed and noted that it is his hopes that the Board determine what regulations fit the specific wants and needs of Lake Lure. Mr.

Hillabush noted that in Chimney Rock Village the types of materials used for signs are restricted. Mr. Hillabush expressed that there is a level of value in uniformity and consistency of signs in certain areas of the Town. Chair Nelson noted that signs regulations could be separated by districts. Board members discussed inflatable signs. It was noted that this topic will be revisited after further review from the Board.

VII. JUNE DEPARTMENT REPORT

Director Williams advised that the June Department Report was available in the meeting packet.

VIII. ADJOURN

Mr. Hillabush made a motion to adjourn the meeting. Mr. Keenan seconded and all voted in favor. The meeting was adjourned at 11:44 a.m.

ATTEST



Olivia Stewman, Town Clerk



Randall Nelson, Board Chair