

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

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

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

Scott Doster, Town Council Liaison

Absent: N/A

Staff: Michael Williams, Community Development Director

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

I. ROLL CALL

Board Chair Thomas McKay opened with a prayer and invocation. All members were present.

II. APPROVAL OF THE AGENDA

Community Development Director Michael Williams recommended moving the Lake Lure Flowering Bridge item towards the beginning of the agenda. A motion was made to approve the agenda, with the reorganization of items. Members seconded and all voted in favor.

III. APPROVAL OF THE MINUTES

Mr. Dave Keenan noted to the roll call section should state pledge instead of prayer. Mr. Randy Nelson made a motion to approve the minutes from January 17, 2023 regular Zoning and Planning Board meeting, as amended. Mr. Keenan seconded and all voted in favor.

IV. PUBLIC COMMENT

There were no comments from the public.

V. OLD BUSINESS

A. Board Membership and Elections

Commissioner Scott Doster noted that board elections of chair and vice chair will take place in March and that Mr. Ken Williams had been appointed by Council to join the Board in March as Mr. Thomas McKay will no longer be serving on the board. Commissioner Doster also noted that Mr. Nelson had been re-appointed with a new term beginning in March. Commissioner Doster expressed appreciation for Mr. McKay on behalf of the Town. Director Williams also expressed appreciate for Mr. McKay.

B. Review Proposal to Recommend Text Amendments Regarding Adding Permit Requirement for Lake Structure Demolitions

Director Williams noted that there is currently not a permit for lake structure demolitions. Community Development staff proposed changing Section 6-49 of the Code of Ordinances to include permit requirements for demolitions or installments of lake structures. Director Williams explained this will keep staff more aware and will allow staff to have knowledge of when inspections are needed. Director Williams also cited loose trash as an issue regarding non-permitting lake structure demolitions. Director Williams proposed requiring a written description of plans for demolitions and disposal of structure remnants. Commissioner Doster asked if Director Williams has a deposit number to propose regarding \$250 for a permit and Director Williams noted that it would be the same as a deposit of compliance depending on cost. Director Williams suggested that the board recommend staff's proposed language regarding lake structure demolition permitting to council and to amend the fee schedule accordingly. Chair McKay asked if the proposed clause should include recourse people are not complying and Director Williams answered that those who do not comply will not have their deposit returned and the Town has the right to impose a criminal or civil fines for any damages. Mr. Mac Hillabush asked Director Williams to explain an example of an appropriate plan for demolition and Director Williams explained that the only information materials required besides the permit application will be a description of the demolition and disposal. It was noted that no engineering plans will be required and Mr. Hillabush expressed that he does not want to make the permitting process too complicated or discourage people from obtaining the permit. Mr. Charlie Ellis asked if there is a need to specify partial demolition versus full demolition and Director Williams answered that a partial demolition would typically be in conjunction with re-building. Mr. Ellis asked if this would apply to any lake structure or just structures on Lake Lure and Director Williams answered only lakes owned by the Town.

Mr. Keenan made a motion to recommend an amendment to ordinance text of Section 6-49(a) to add the word "demolished" to the first sentence list of actions requiring a permit; And, to add as clause #14 worded as "In the case of the demolition of a lake structure, the

only information and materials required in addition to the application form shall be a written description of the plan for demolition and disposal of the structure, proof of liability insurance, application fee and the deposit of compliance based upon the cost of the demolition and cleanup. The return of the deposit will be subject to confirmation that the demolition and disposal were completed appropriately and safely without debris left in the lake. Mr. Ellis seconded and all voted in favor.

Mr. Keenan made a motion to recommend an addendum to the Town Fee Schedule to establish a Lake Structure Permit Class 1 Fee at \$250, to include Lake Structure Demolition and Decktop Accessory Structures. Mr. Nelson seconded and all voted in favor.

VI. NEW BUSINESS

A. Review of design standards compliance for plans submitted for Flowering Bridge Education Center and make recommendation to Board of Adjustments for issuance of Special Use Permit for that less than 15,000sf commercial building.

Director Williams explained that the Lake Lure Flowering Bridge (LLFB) had been working on building an education center. Director Williams expanded that there are ongoing processes with parking and planning for the education center. Director Williams provided the board with a memo regarding design standards and cited it for the audience. Director Williams also cited an ordinance that states that the Zoning and Planning Board may determine if certain considerations are appropriate or impact appearance. Director Williams detailed zoning properties of the flowering bridge. Director Williams noted that there is no permitted use for this specific type of building, but the board must determine what permitted use fits the best. It was noted that any commercial building must be reviewed for a special use permit and include construction design standards. Mr. Nelson asked if that applies to all commercial buildings and Director Williams answered yes. Director Williams noted that any considerations that the Board feels impact appearance or if there are any concerns, they can be added to a recommendation made by the board. Director Williams provided the Board with design standards for commercial buildings. Director Williams cited Section 36-109 of the Code of Ordinances. Board members reviewed information in the packet dispersed by Director Williams and Director Williams displayed various photos of buildings in the Town.

Mr. Ellis asked if signage must be addressed in the special use permit requests and if the LLFB would have to make an additional request for a sign. Ms. Marta Summerville, LLFB Education Center Committee representative, explained that there would be a mural-based sign and Mr. Ellis suggested that any text on the mural would be governed by the sign ordinance. Director Williams noted that Mr. Ellis' suggestion should be a part of a recommendation. Ms. Summerville explained that the LLFB have discussed signs, but have not determined any specifics regarding off-building signage. Mr. Ellis cited the sign ordinance for painted walls and recommended that it be

included in the requested submittal from the LLFB. Director Williams agreed and recommended putting it in recommendation with language such as, “determine that when it is applied, that the mural be reviewed and be approved based on the design standard.”

Mr. Nelson noted that when the LLFB presents the design, it may be approved by staff and may not be required to come back to the Board for approval. Director Williams agreed but stated that he has the administrative right to take it back to the board.

Mr. Nelson pointed out that if a proposed sign on the side of a building meets the standards of the sign ordinance, the zoning and planning board cannot deny it and Director Williams agreed. Chair McKay asked if there are plans to improve the sign ordinance and Director Williams said yes. Mr. Ellis cited Section 36-109(a) (1) and noted that it would be helpful if the submittal included a proposed sign under elevation. Mr. Ellis also noted there is a limited amount of wall face that may need to be reviewed and determined. Mrs. Kathy Tanner, LLFB representative, explained that the LLFB had not designed the sign/mural yet. Mr. Ellis asked where the sign would be located and Mrs. Tanner answered that would have to be at a future date. Director Williams explained where the mural would be placed on the building and Mrs. Tanner expanded that the mural is planned for the back of the building that would face Boys Camp Road. Mrs. Tanner noted that the education center task force needs to hold additional discussions. Mr. Hillabush expressed that based on his perception, the sign at that location would not be seen because it is far off of the road and recommended a separate sign off of the side of the road that can be seen and meets sign ordinance standards. Board discussed the mural and sign logistics.

Commissioner Doster recommended sole review of the architectural building. Mr. Nelson suggested recommending approval for the site plan and architecture. Mr. Ellis asked about setbacks and if the board is involved with the review of setbacks. Mr. Ellis recalled three other instances in which the Zoning and Planning Board had recommended approval of a similar situation which included detailed site plans. Director Williams suggested that the Board avoid approving the site plan, but make a recommendation to the Board of Adjustment.

Director Williams explained the proposed parking. Mr. Ellis noted that Zoning and Planning can approve special uses, but the Board of Adjustment should be approving any variances. Mr. Ellis expressed concerns with site that because it may require variances. Director Williams recommended adding concerns to the Board’s recommendation. Chair McKay asked how to verbalize the concerns and Director Williams suggested adding verbiage regarding concerns with parking issues and future signage that the Board stresses should be dealt with by a special use permit from the Board of Adjustment. Mr. Nelson asked who would go on-record for approving the site plans and Director Williams answered the Board of Adjustment, but suggested that the Zoning and Planning Board make recommendations.

Mr. Hillabush asked if Director Williams wants the Board to see if the design fits

based on the other design photos shown and Director Williams answered yes and expressed that he does not think the proposed design strays outside of the comprehensive plan. Mr. Hillabush noted that the LLFB design does not look like another building in the town, but there is not a lot of uniformity in Town. Mr. Hillabush also expressed that he likes the design. Director Williams noted that it is not about making all buildings look alike, but rather determining if there are conformities with what existing buildings. Mr. Ellis cited the alternative design ordinance and expressed concern with the ordinance, but noted that there are two standards allowed and anything else is considered alternative. Commissioner Doster noted that that the proposed building fit the mountain aesthetic and specified colors detailed in the ordinances. Director Williams agreed.

Mr. Ellis asked if the rear elevation of 36 ft. long wall faces the road, because standards would not be met if it was facing Boys Camp Road. Mr. Hillabush expressed that he does not think that it faces Boys Camp Road.

Chair McKay asked if anyone had a recommendation to approve the proposal or suggested motion. Director Williams suggested the Board motion to recommend the support of the design that has been offered with consideration for concerns including blank face on the back wall, parking, future signage, and setbacks. Mr. Nelson asked if the proposed building is consistent with the Morse Park Plan and Commissioner Doster expressed that he does not think that it would be inconsistent with the plan. Mr. Nelson asked if there is another proposed use for the site and it was answered that there is not. Board member discussed their task and relation to adhering to the Master Plan.

Mr. Nelson made a motion to approve the design of the LLFB education center based on the specifics identified in the packet document titled “2023” (Attachment A) and the elevations submitted in packets. Mr. Hillabush seconded. Mr. Keenan suggested adding expression of concerns to Board of Adjustment for parking and state requirements, that signage be reviewed and applied for if necessary, and that the mural on the back wall be addressed. Mr. Keenan also expressed that he believes that it implies with the intents of the comprehensive land use plan.

Mr. Nelson made a motion to recommend the design standards for the LLFB education center based on the specifications outlined and identified as year 2023 (Attachment A) and the elevations submitted in the packets with considerations for concerns regarding parking and state requirements, signage review and necessary applications, addressing the mural on the back wall be, and compliance with the comprehensive land use plan. Mr. Ellis seconded. All voted in favor.

B. Review existing Town ordinance provisions regarding penalties for implementing development work without required permits (as follow-up to 1/17/23 tabled staff request for recommendation of a permit fee penalty).

Director Williams explained that he is re-deferring this subject because he is working with the Town Attorney on additional details. Director Williams expanded that there are

issues with people implementing development without obtaining a permit and that one deterrent discussed was adding a double permit fee. Director Williams noted that there are some details in the ordinance that are built in with civil and criminal citations and that he wanted the board to be aware that when the ordinance was written there were certain remedies written for citations and fees. Director Williams stated that he is working with the Town Attorney and wanted to update the board. Director Williams noted that he will present a proposal to the Board at a later date. Mr. Nelson noted that he had spoken with two contractors about the double fees who both expressed that the double fees may not be an impactful deterrent. Director Williams expressed that input is appreciated.

VII. FEBRUARY DEPARTMENT REPORT

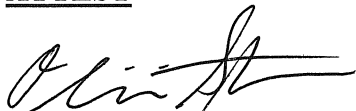
Director Williams provided the board with the monthly report. Mr. McKay asked for update on cell tower and Director Williams answered that the project is making progress, the state agreed to allow it but asked for the tower builder to provide certain information including a historical document that will be on the Lake Lure Flowering Bridge website. Director Williams expanded that when the state requirements are satisfied, which will likely happen in the next couple of months, the next step is for the Town to approve the permit. Director Williams reported that he had spoken with AT&T and they are still on-board with the project. Commissioner Doster noted that a few meetings ago, there was discussion regarding a builder forum and that the Town still plans to hold one in the spring and suggested that a member of the board attend the meeting. Commissioner Doster expanded that the purpose of the forum is to allow contractors to provide input regarding ordinances and for the staff to communicate requirements. Board members expressed support. Chair McKay recommended that realtors also have conversations with staff in the future.

Chair McKay expressed appreciate for the Board and his time on the Board. Board members thanked McKay.

VIII. ADJOURN

Mr. Ellis made a motion to adjourn the meeting. Mr. Nelson seconded and all voted in favor. The meeting was adjourned at 11:14 a.m.

ATTEST



Olivia Stewman, Town Clerk



Randy Nelson, Board Vice Chair