

BANNER ELK PLANNING BOARD MEETING  
TUESDAY, OCTOBER 05, 2020  
MINUTES

Members Participating to the Zoom Meeting: Aaron Barlow, Allen Bolick, Ray Knowles, Meredith Olan, Joel Owen, Penny VonCanon

Others Participating: Jim Frye, Matt and Penelope Bagley

Staff Participating: Zoning Administrator Cheryl Buchanan, Town Manager Rick Owen

Due to the Covid-19 Pandemic and the restrictions placed on the State of North Carolina in conducting public meetings, the Planning Board meeting for October 2020 was conducted via Zoom audio and video. Chairman Joel Owen called the zoom meeting to order at 6:02 pm; noting that Aaron Barlow, Allen Bolick, Ray Knowles, Meredith Olan, Joel Owen and Penny VonCanon were present for audio and video. A quorum was present, and the meeting was called to order.

**Consideration of the September 2020 Minutes**

Allen Bolick motioned to approve the minutes for the September 2020 meeting as submitted. Ray Knowles seconded the motion. The vote was:

Aaron Barlow – Yea  
Allen Bolick – Yea  
Ray Knowles – Yea  
Meredith Olan – Yea  
Joel Owen – Yea  
Penny VonCanon – Yea

The vote was unanimous, and the motion carried.

**Old Business**

None

**New Business**

**Special Use Permit Request – Jim Frye – Trax R/C Park**

Zoning Administrator Cheryl Buchanan was asked to review the request for a Radio-Controlled Racing Park on parcel 1859-1424-8299 located in the Extraterritorial Zoning Jurisdiction zoned C-2 along the Beech Mountain Parkway (see attached review). Since the use is not specifically identified in the Table of Uses, the request requires a special use permit. The property is owned by Dean Eisenberg and is being leased by Jim Frye. The property has been vacant for some time. Jim Frye was connected via zoom to speak to the request. The property consists of 1.930 acres and is flanked by residential properties on all sides. The SUP request is for radio-controlled vehicle racing tracks as well as other recreational ventures.

On the plans submitted by Mr. Frye, he shows 10 parking spaces. Meredith Olan asked if 10 spaces would be enough and what plans did Mr. Frye have if additional parking is needed. Mr. Frye told the Board that he would like to have that problem and he would willing solve it should it arise. Joel Owen commented that parking issues are a problem for the business not the Board. Mr. Frye said there was space to expand on the property and asked what the Board thought the magic number might be, 15 or 20? Ray Knowles said he thought the number would be determined by how many it might take to make it profitable. Mr. Frye said he thought he could achieve 25 parking spaces separate from the employee parking if needed. Ms. Buchanan said that she had included a topo map to illustrate that the property is fairly level and Mr. Frye said that he could move the trailer beside the building and make space for more parking. Joel Owen said 20 spaces would be workable and that Mr. Frye should plan for a good turn out now.

Ray Knowles asked if the cars would be electric or gas powered. Mr. Frye said he was looking at renting electric cars as the gas-powered ones make a lot more noise. Mr. Knowles said his brother-in-law is into those and they are very noisy, stating that his concern is for the neighbors. Mr. Frye said that this was also a concern for him as well. Mr. Knowles then asked if drones would be allowed as a use on the property and Mr. Frye replied that he had no interest in those, they carry legal issues and are easily damaged. Mr. Frye said that his major concentration would be with the "rock crawler" trucks, they move slower and are less likely to be damaged. This track would be woven in and around the stream and he has checked with the Division of Water Quality. According to Mr. Frye, DWQ told him that as long as he wasn't impacting the waterway, they would have no problem with his plan.

Aaron Barlow asked about the track in the middle of the parking lot and what it would be made of. Mr. Frye said it would be like astro turf over some constructed jumps and turns. Penny VonCanon asked about the road frontage of the property and the possibility that small kids could get in the road. Mr. Frye said there is a ditch at the front of the property that should deter the kids from going into the road. Mrs. VonCanon asked if a fence might be appropriate. Mr. Frye asked what type of fence the Board was looking for. Ms. Buchanan said her only concern with that would be if it blocked the line of sight from getting in the road. Ms. Buchanan said it was not a written requirement in the ordinance and she could not enforce it. Joel Owen said if it was a condition of the approval, could she enforce it then. Ms. Buchanan said she would run that by the Town Attorney and that the Board would need to make the condition a reasonable request. Meredith Olan said she was concerned that small kids would also have to cross driving areas to get to the tracks and this could potentially be a safety issue. Joel Owen asked if the track could be moved up closer to the building and use the road frontage as parking. Mr. Frye said he would like to keep the activities for the smaller kids closer to the building and that idea might work, that he had no problem moving the track.

Aaron Barlow asked about the mining operation and what it would look like. Mr. Frye said he had Sugar Creek in mind when he was thinking about including this activity. Mr. Frye said his first concentration was on the car and truck tracks and the mining and would like to be open by Spring when visitors start coming back into town. Ms. Frye told the Board that the building has two (2) bathrooms to serve the public and that he was thinking of adding prepackaged food; but would not be preparing food on site. Mr. Frye said that he had spoken with Lee Clark from the Avery County Health Department and that he felt that the bathrooms and sale of prepackaged food would be alright on this site. Mr. Frye said some other ideas he has for the property would be a small-scale construction site and a possible metal detecting area where he would plant metals in the ground to see if the kids could find them. Ray Knowles said he thought this was a sound business venture but would like to see some scaled drawings. Joel Owen agreed and asked if My Frye could have

those ready before the Board of Adjustment meeting on the 19<sup>th</sup>. Mr. Frye said he thought he could do that along with some elevation drawings of the mining operation to give the Board an idea of what it would look like.

Joel Owen asked if there were other concerns besides the number of parking spaces, fencing along the front of the property and scale drawings of the activities on the property. Aaron Barlow motioned to recommend approval to the BOA with a closer look at parking expansion, possible fencing along the road frontage, and a rendering to scale of the activities on the site including elevation drawings of the mining operation. Seconded by Meredith Olan. The vote was:

Aaron Barlow – Yea

Allen Bolick – Yea

Ray Knowles – Yea

Meredith Olan – Yea

Joel Owen – Yea

Penny VonCanon – Yea

The vote was unanimous, and the motion carried.

### **Initial Site Plan Input – Grandfather View Mini Golf**

Ms. Buchanan introduce Matt and Penelope Bagley as the owners of the Banner Elk Car Wash. Mr. and Mrs. Bagley are wanting to add a miniature golf course to the remaining portion of their land to the right of the car wash. Ms. Buchanan told the Board that the property contains .830 acres and that Mr. Bagley is working with adjoining property owners Jeff and Kayla Davis about purchasing some land to add to his parcel in order to give the course some “elbow” room, adding an approximate .225 acres giving a total of approximately 1.055 acres. He is also planning to add some more to the building of the car wash for restroom facilities and a small kiosk for admission. Ms. Buchanan told the Board that Mr. Bagley is aiming for 18 holes and made the Board aware that there is a small flood plain area at the rear of the property. Mr. Bagley said he would like to be able to put some of the holes in the setbacks at the front of the property and asked if this was permissible. Ms. Buchanan said she would check with the Town’s Attorney and give the Board his answers when he responds.

Mr. Bagley opened his presentation with some fun facts about miniature golf and its history. Mr. Bagley said he and his family were avid miniature golfers and he felt that the area needed more recreational opportunities, and this would be a benefit to the community. Mr. Bagley said the course would be ADA accessible and to help maintain the correct amount of pervious surface, he planned to use pervious pavers in his design. Joel Owen said he thought the plan was feasible. Meredith Olan expressed concern about some of the parking spaces being across from the entrance of the car wash and was worried about mixing pedestrian centric and car centric traffic. Mr. Bagley offered to add a speed bump at the entrance or perhaps a panic strip crosswalk or signage to help differentiate between the two. Meredith Olan asked if Mr. Bagley has thought about what he would do if he had overflow parking problems. Mr. Bagley said it would be a challenge and that he could potentially use the property next door on weekends with an agreement from the Davis’.

Mr. Bagley said he would like to install a white picket fence along the road frontage with mesh wire to keep balls from being hit into traffic by smaller kids. Mr. Bagley’s plans show 10 to 16 parking spaces available and plans to keep the course open until 10 pm at night. Mr. Bagley said he would be mindful of using the proper lighting fixtures. Meredith Olan said she would like to see the lights go out after hours.

Joel Owen said he was out of battery and would have to exit the meeting now; but felt like the Board had covered all the concerns and Mr. Bagley has an idea of what the Board expects when he is ready to make his official submittal next month.

Aaron Barlow asked if the spray from the car wash a problem for those who could be trying to use the golf course on a windy day. Mr. Bagley said he doubted it would travel that far. Allen Bolick said he was also concerned with kids crossing traffic from the car wash area to get to the miniature golf course. Penny VonCanon agreed and said signage could help keep them within the grounds of the course until they were ready to go to the car. Meredith Olan reiterated that they should plan for phased parking and the safety of the pedestrian traffic. Aaron Barlow agreed and asked Mr. Bagley how he will handle it if both uses were busy at the same time. Meredith Olan said that Mr. Bagley could offer reservation options and that she liked the look of nature he is offering. Penny VonCanon recapped the concerns of the Board with the amount of impervious surface, parking issues and putting the course in the setback.

With no further business, Meredith Olan motioned to adjourn and a second by Aaron Barlow. Everyone agreed and the meeting came to an end at 7:43 pm.

Respectfully submitted,  
Cheryl Buchanan, Zoning Administrator, Town of Banner Elk