

BANNER ELK PLANNING BOARD MEETING
TUESDAY, NOVEMBER 02, 2020
MINUTES

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

Others Participating: Matt 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 November 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 October 2020 Minutes

Penny VonCanon motioned to approve the minutes for the October 2020 meeting as submitted. Meredith Olan 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 – Matt Bagley – Grandfather View Mini Golf

Chairman Owen began by asking about the section of property that Mr. Bagley has told the Board he was planning on purchasing from the neighboring property. Mr. Bagley said this was not going to happen, that he would have to work with what he has. Mr. Bagley told the Board that this would leave him working with 10,000sf instead of 18,000sf. Meredith Olan asked if Mr. Bagley thought he could still get in 18 holes. Mr. Bagley said he had sent out a late e-mail and was working towards that goal, there would just be less “elbow room”. Penny VonCanon asked if the participants could socially distance themselves from one another. Mr. Bagley said he hoped the virus would be a distant memory by the time he opens.

Aaron Barlow asked about the new location of the dumpster and if this would present a problem with people coming out of the car wash. Mr. Bagley said he did not believe it would cause a

problem and that Republic Services has already approved the new location of the dumpster. There was concern expressed by several board members about the number of parking spaces and if they would be sufficient for the proposed use. Aaron Barlow said he had some concern for foot traffic as well. Matt Bagley said he intends to make a gravel walkway behind the parking spaces in the back that would lead around to the kiosk. Meredith Olan asked how many of the parking spaces would be for employees. Mr. Bagley said he figured 1.5 for employees.

Meredith Olan asked Mr. Bagley to explain the landscaping plan. Mr. Bagley told the Board that he intends to leave the large trees in the back of the property and add additional landscaping for some buffering and beautification. Cheryl Buchanan told the Board that there is an existing culvert on the property that will need some explaining. Mr. Bagley said he had thought about incorporating it into some type of feature. Ray Knowles said he had looked at it and it looked like a large hole and would be worried about children getting hurt there. Ms. Buchanan said she thought the best course of action was to have an engineer look at it and see how best to mitigate the water that comes out of the end of the pipe. Ms. Buchanan also asked if Mr. Bagley has given any more thought to the contours on the property and how that will affect the proposed course. Mr. Bagley said he had some course specialists coming to work out the contours and map out the course with that being taken into consideration.

Aaron Barlow asked about foot traffic in the side setback. Ms. Buchanan said she thought this would be fine, that Mr. Bagley has told her that he plans to put a fence along the side property line, as well as in the front, to protect the neighbors from a lot of foot traffic and to keep players on his property. The fencing will have some landscaping as well. Penny VonCanon asked Joel Owen about the use of hemlocks. Joel Owen said they were making a comeback and that nurseries were using them a lot more. Joel Owen asked about the total square footage of signage. Ms. Buchanan told his as long as both signs stayed within the 48sf limit, that should be ok. Meredith Olan commented that she liked the proposed lighting fixtures.

Aaron Barlow stated that he was concern with how tight the proposed project was on the property and questioned if there would be enough space to make it work properly. Mr. Barlow said he would like to see what the course designers come up with before he votes on the project. Matt Bagley said he would know a lot more once the course designers do the topo map and calculate the impervious surface. Ms. Buchanan cautioned Mr. Bagley that if there are unknown variables like this, the BOA would not pass his project. Ms. Buchanan told the Board and the applicant that one of the items that the Board votes on is if the application is complete. If they do not pass the project due to this, Mr. Bagley would have to wait six (6) months before he could reapply. Ms. Buchanan suggested Mr. Bagley not appear before the BOA until he is sure if the course will work on the property and he has a definite plan for parking and how he plans to work with the culvert on the property. Aaron Barlow said he was also unsure about the culvert and how that will be handled. Mr. Bagley said he had considered using some fencing and shrubbery to camouflage the culvert. Matt Bagley said he had thought about asking the Town for a recommendation on what to do with this problem. Ms. Buchanan said she would recommend that he hire someone professionally. Mr. Bagley asked for a recommendation. Manager Rick Owen said the Town could give him a list of consultants the town had worked with in the past; but could not recommend one consultant over another.

Allen Bolick asked where the water from the culvert comes from and where it goes. Mr. Bagley said it comes from across the road and once it exits the culvert, it runs out on the ground. Manager Rick Owen said he had met with the neighbors who had previously complained that the water coming out of the culvert was flooding their property. Mr. Owen told them they would need to

mitigate the water runoff, which they later did and that this issue is between property owners, that the Town did not divert the water onto the property and is therefore not responsible to mitigate it. Ray Knowles said he was concerned as to whether there is enough space to fit the 18 holes Mr. Bagley wants and is the project is feasible for that property. Mr. Bagley said he could not ensure it until after the topo is done. Aaron Barlow, Ray Knowles and Joel Owen said they were in favor of waiting until the topo is done before voting. Penny VonCanon said she understands that some courses hold competitions and asked if this course would participate in that type of thing. Mr. Bagley said he did not believe so. Meredith Olan said nine (9) holes are not as popular as 18 holes and wanted to remind Mr. Bagley that he needed to keep the course as natural as possible, that a “Myrtle Beach” look would not be popular in Banner Elk. Joel Owen agreed with Meredith Olan and said he would like to see a better rendering before he decides.

Aaron Barlow asked if Mr. Bagley has considered ADA (American Disabilities Act) compliance for the restrooms and access to and from the course. Mr. Bagley said he thought the Town would be able to guide him in that. Ms. Buchanan said it would be the Avery County Health Department and the Avery County Inspections that would hold the true guide to that consideration. Aaron Barlow asked if the gravel walkways would be ADA complaint. Joel Owen also suggested that Mr. Bagley might want to consider walkways that are made like a boardwalk. Matt Bagley said that Chandler Concrete makes a pervious concrete. Ms. Buchanan had previously suggested that Mr. Bagley also speak to Dave McManus who sells a lot of hardscape materials and may have a suggestion that will fit within his budget range. Aaron Barlow asked Mr. Bagley what type of timeframe he was aiming for. Mr. Bagley said he would like to course to be open by Memorial Day in 2021 and that he thought the course could be built in 4 to 6 weeks. With that input the Board agreed that Mr. Bagley should come back to the Board once he has the topo map done and a definitive course laid out along with plans for the culvert area.

Ordinance Revision Review – 160D and the Zoning Ordinance

Ms. Buchanan said this is a requirement of legislation made in the beginning of 2020. The NC State Legislature had been working for about five (5) years to combine 153A, which regulates County Government, and 160A, which regulates Municipalities, and combine them into 160D. The sunset date to reorganize our ordinance is January 2021. Ms. Buchanan made the necessary changes and has had it reviewed by Town Attorney Four Eggers. Ms. Buchanan also mentioned that she had added definitions for agricultural use, livestock, poultry and bonafide farms, amended the Table of Uses for this use and added a section to the Special Use Section for Agricultural Uses.

Ms. Buchanan said she had also reviewed the proposed changes offered by Penny VonCanon and Meredith Olan. Ray Knowles motioned to request a public hearing by Town Council on the proposed changes to the Zoning Ordinance consistent with the requirements of the North Carolina State Legislature. Seconded by Aaron Barlow. 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.

With no further business, Meredith Olan motioned to adjourn and a second by Allen Bolick. Everyone agreed and the meeting came to an end at 7:22 pm.

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