

BANNER ELK PLANNING BOARD MEETING
MONDAY MAY 2, 2022
MINUTES

Members Present: Joel Owen, Melinda Eggers, and Penny VonCanon

Staff Present and Participating: Town Manager Rick Owen, Zoning Administrator Riley Pudney

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 May 2022 was conducted via in person and Zoom audio and video. Chairman Joel Owen called the meeting to order at 6:00 pm; noting that Jackie Lecka and Aaron Barlow were absent, and all other members were present. A quorum was established, the Pledge of Allegiance was conducted, and the meeting was called to order.

Consideration of April 2022 Minutes

Chairman Joel Owen asked the Board to look at the April minutes and see if any adjustments need to be made. Penny VonCanon asked for an update on Jim Frye's racetrack equipment and if it had been removed yet. Chairman Joel Owen stated that he believed everything besides the green carpet was removed from the lot. Penny believed the green carpet had been removed and agreed to check on it later that evening. It was noted the wood tracks and ramps were still present on the side. With no further comment Chairman Joel Owen motioned to approve the minutes and was seconded by Melinda Eggers. The vote was:

Melinda Eggers-Yea

Joel Owen-Yea

Penny VonCanon-Yea. The motion carried with a 3 to 0 vote in favor.

New Business

Special Use Permit- Axe House

Chairman Joel Owen asked Garret Stonesifer to expand more on the project going into High Country Square. Mr. Stonesifer explained to the Board that he plans on having an Axe Throwing event space that will be open Thursday-Sunday. His goal is to have a business where people can come in during the off season or on rainy days and provide a family friendly space. The youngest age to throw will be 10 years old. He will have 75-minute sessions for individuals to book throwing lanes and will only allow individuals to have no more than two beers while throwing. The targets will be projected, and the lanes will be screened with 12-gauge chain link fence. He also informed the Board that nothing will be attached to the walls, and there will be no noise issue between his business and Levi's barbershop.

Mr. Stonesifer explained that he has complete insurance coverage for ages 10 and up, and the insurance is involved in the two-drink limit as well. He explained to the Board that there will be no food prepared on the site but will have preprepared food available. He plans on applying for an ABC permit to sell beer only. His targets will be built toff site and will be ingrained wood, which allows for the axe to stick better. Penny Voncanon wanted clarification on whether he already has a beer license or not. Mr. Stonesifer said he did not, that he does not yet have a lease and cannot apply until he has a lease. He did

mention that the alcohol permit will be in his father's name since he has a North Carolina address and license. Manager Rick Owen mentioned to Mr. Stonesifer to double check with the ABC permit to make sure he does not have to be a private bar similar to the Blind Elk to serve beer since he is not going to be considered a restaurant. Mr. Stonesifer said he will look into the matter and see what he would have to do to comply. Chairman Joel Owen said he was excited for the space and hoped it would bring people into town. Mr. Stonesifer believed that being across from the hotel and restaurants, that he will have plenty of repeat customers. With no further questions, the Board recommended that he clarify what is needed by the ABC board to serve beer before the BOA meeting. Penny VonCanon made a favorable recommendation which was seconded by Melinda Eggers.

The vote was:

Melinda Eggers-Yea

Joel Owen-Yea

Penny VonCanon-Yea. The motion carried with a 3 to 0 vote in favor.

Chairman Joel Owen moved the Blind Elk agenda item up since Mr. Accetturo was not present and The Blind Elk was.

Special Use Permit Modification-The Blind Elk

Chairman Joel Owen requested for Mr. Silver to expand on his request to modify his Special Use Permit. Mr. Silver explained to the Board that his current permit did not allow for the sale of liquor, which he has the ABC permits to do so. He explained that because of how the Town adopted their alcohol ordinance, he cannot be considered a "bar" and sell liquor even if he has the State's license to do so. He explained that the permits to become a private bar allows for him to sell beer and liquor and he had to pay an additional \$1,000 for this license. He is requesting that he be allowed to sell liquor to help recoup the cost of having this permit.

Chairman Joel Owen asked Mr. Silver what he is selling, and Mr. Silver explained that it was a costly (\$9-\$10) sidecar shot that was bought in conjunction with a beer, wine, or seltzer. He does not plan on having a full bar and only will be offering the sidecar shots and/or very limited drinks. Chairman Joel Owen reminded him that his sales pitch was that he was not going to be a bar and did not want to sell liquor. He asked Mr. Silver if he absolutely had to sell liquor based on his current situation. Mr. Silver responded that he did not have to but wanted to recoup the \$1,000 in extra permitting. Penny VonCanon asked if there was a limit on the number of sidecars that would be sold to a patron. Mr. Silver stated that there is no limit, however the sidecar can only be bought after the purchase of another drink, such as a beer. She is concerned that it would allow for people to become inebriated quicker and will change the atmosphere of the business. Mr. Silver explained that he had been selling the sidecars since the beginning of the year and has not had any issues.

Chairman Joel Owen believed that The Blind Elk should have applied to be a bar in the beginning because that is technically what they are considered. The Board discussed why it was not called a bar, and the conversation included the negative connotation of a "bar" and whether it felt like it fit the Town. Manager Owen believed that there was a difference in a restaurant bar such as Sorrento's and a standalone bar, like Blind Elk would be considered. Melinda Eggers asked if it was on their menu board.

He answered that it is not, that the only advertisement for it is on a chalkboard in the corner of the restaurant. With no further comments or questions, Melinda Eggers motioned to recommend the modification to the Board with a second by Penny VonCanon. The vote was:

Melinda Eggers-Yea

Joel Owen-Yea

Penny VonCanon-Yea. The motion carried with a 3 to 0 vote in favor.

Special Use Permit-Tiki Taco Angelo Accetturo

Zoning Administrator Riley Pudney informed the Board of Angelo's new project to open a restaurant at 163 Shawneehaw. He is planning on having seating and bathrooms inside and a food truck outside that will provide and serve the food. The building will have a kitchen dry-fitted into it for when they want to move the food inside. She told the Board that any questions that go beyond what is stated on the application may not be answered since the applicant is not present. Chairman Joel Owen asked whether there was enough parking for the restaurant. Both Manager Rick Owen and Zoning Administrator Riley Pudney agreed that they believed there was not enough public parking either at the school or on the street. Chairman Joel Owen questioned the impervious surface with the addition of the gravel in the back of the building. Chairman Joel Owen and Manager Rick Owen agreed that the applicant needs to calculate the number of spaces he has for the restaurant and the amount of impervious surface for the project. The Board believes there are a lot of unknowns and unanswered questions regarding the application and the safety of adding a food truck with no parking on the main road in Town. The Board also had concerns about the food truck and having it parked there 24 hours a day. Also, the concern with their garbage being on another parcel. Chairman Joel Owen believes there is issue with them piggy backing off of other property uses, such as parking and garbage.

Without the applicant present and their questions unanswered, the Board does not move to make any recommendations to the Board.

Arbor Day Celebration

Zoning Administrator Riley Pudney asked the Board to think of a few weekends in June or July to hold an Arbor Day celebration since the Town is a member of Tree City USA. She asks for them to come to the next meeting with one or two weekends that they are available and begin to plan the celebration. The idea is to plant a tree or shrubs in the park or in a fitting location and have the public attend.

Planning Board Update

Zoning Administrator Riley Pudney provided a handout to the Board on past and upcoming projects. The report contained information on Town Council decisions and Board of Adjustment meetings. There is also information regarding an update to the Mobile food truck ordinance to allow for the food trucks to remain on site if they are operating on the premise of an existing restaurant. Zoning Administrator Riley Pudney told the Board to come to her with any questions or additions they would like to see for next month's report. Manager Rick Owen also gave the Board an update on the Historic Banner Elk School site plan and asked for their input on the landscaping. The Board also discussed the update on the rezoning of the fire department parcel and what was going to happen with the old station.

Land Use Update with Phil Trew

Phil Trew provided the Board with an update on the Land Use Plan. Tonight, he reviewed the results of the survey. He informed the Board that there were over 200 responses which is considered a good turnout. He told the Board that the big priority issues were traffic, parking, and walkability. He also began crafting recommendations for the plan. One recommendation was defining the viewshed area and ordinance to make it more applicable.

Due to the length of the meeting, the Board and Phil decided to stop for the night and hold a special meeting on Wednesday, May 11th, 2022, at 5:00 p.m. to finish discussing the Land Use Plan recommendations.

Chairman Joel Owen motioned to adjourn the meeting with a second by Melinda Eggers. The meeting was adjourned at 8:55 p.m. The special meeting will be held on the 11th.

Respectfully Submitted,

Riley Pudney, Zoning Administrator